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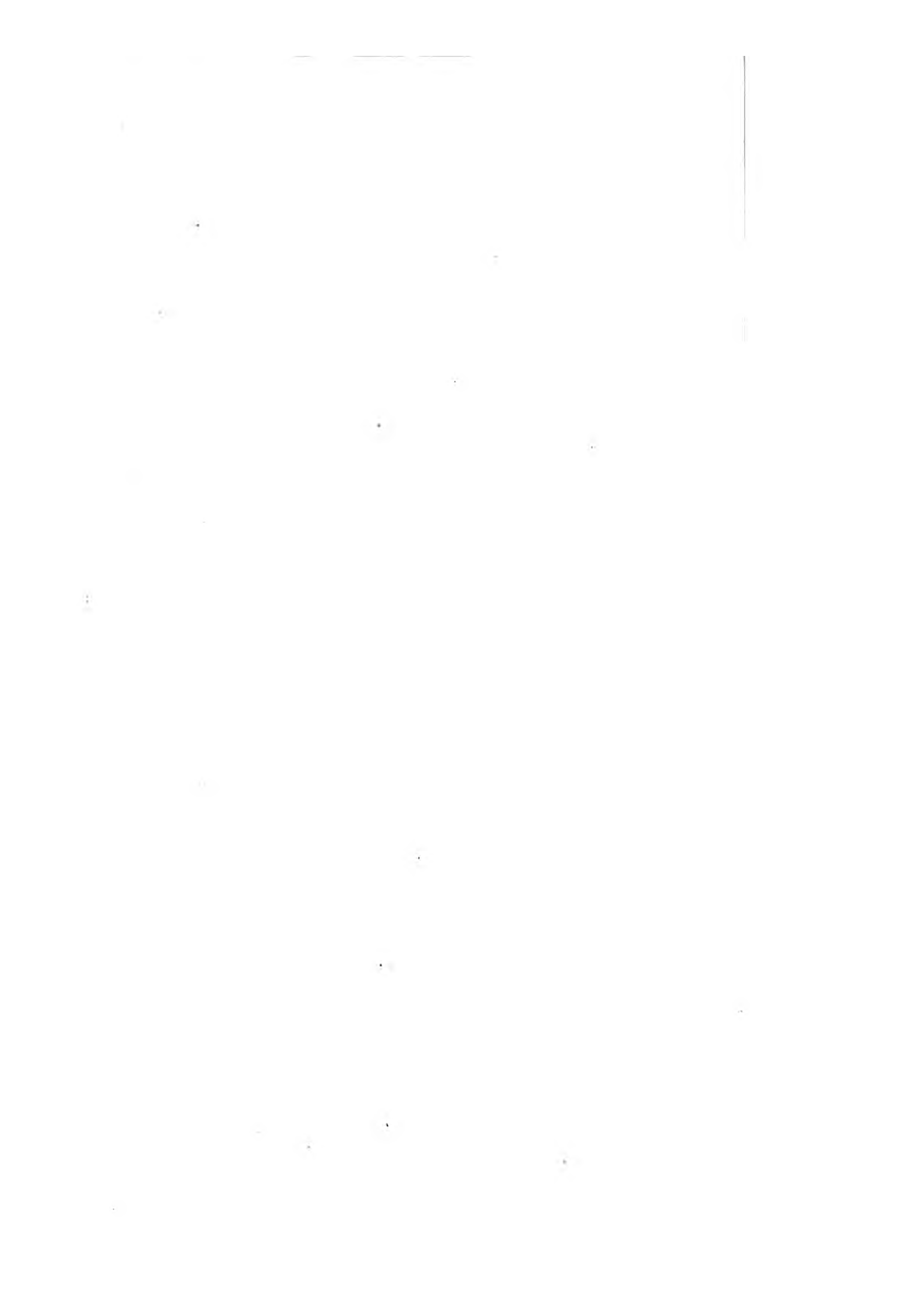
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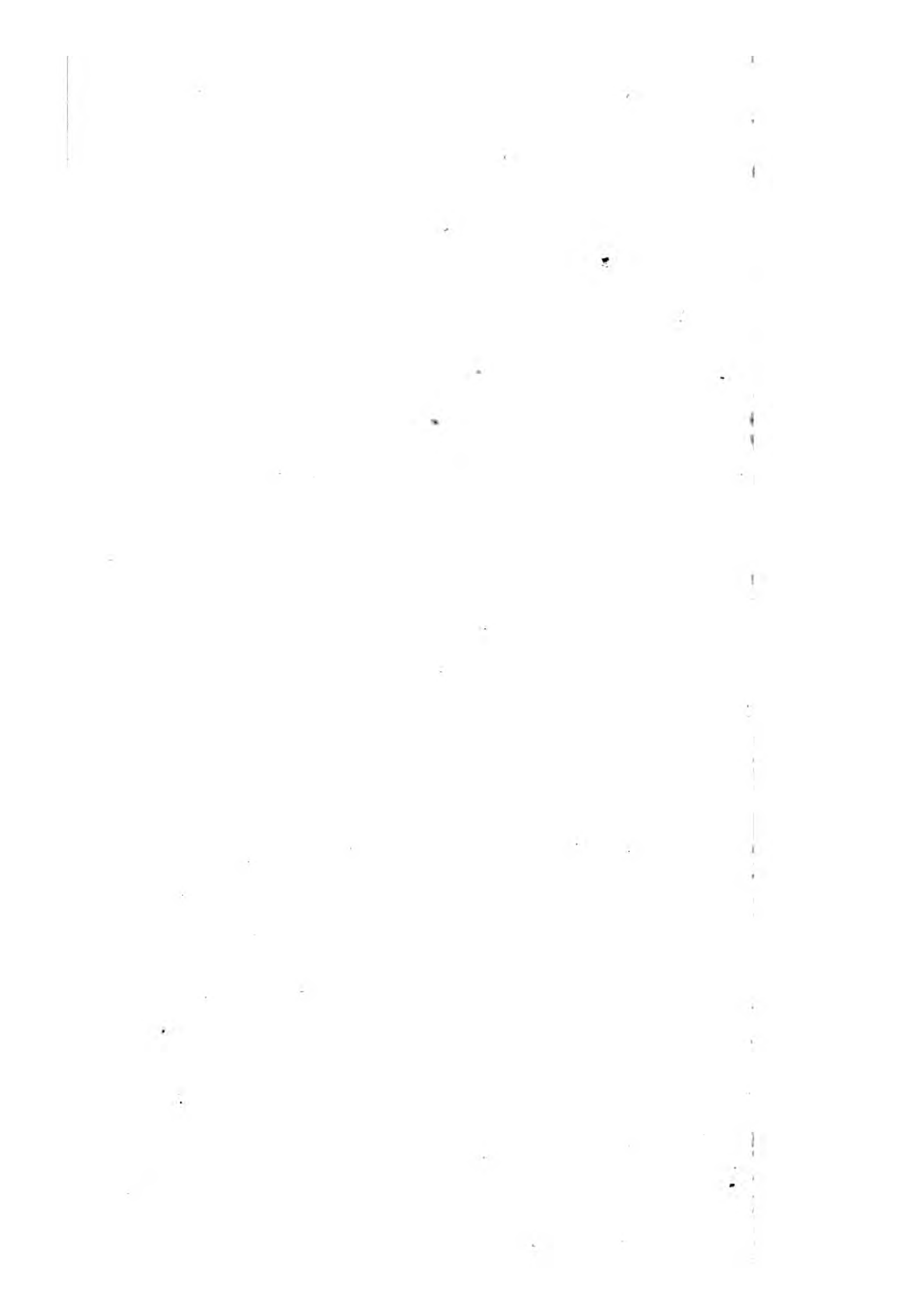
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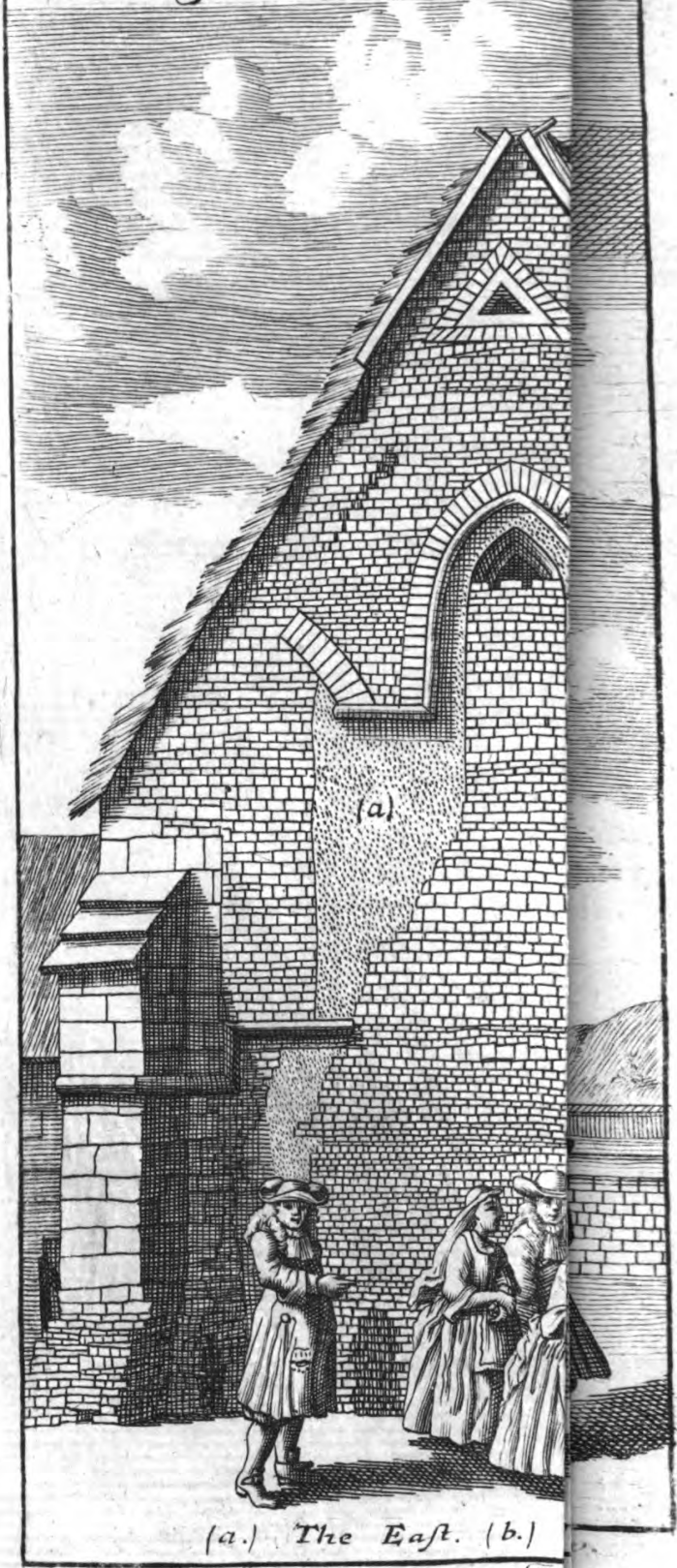
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King EDWARD



(a.) The East. (b.)

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V O L . I .

L O ' N D O N :

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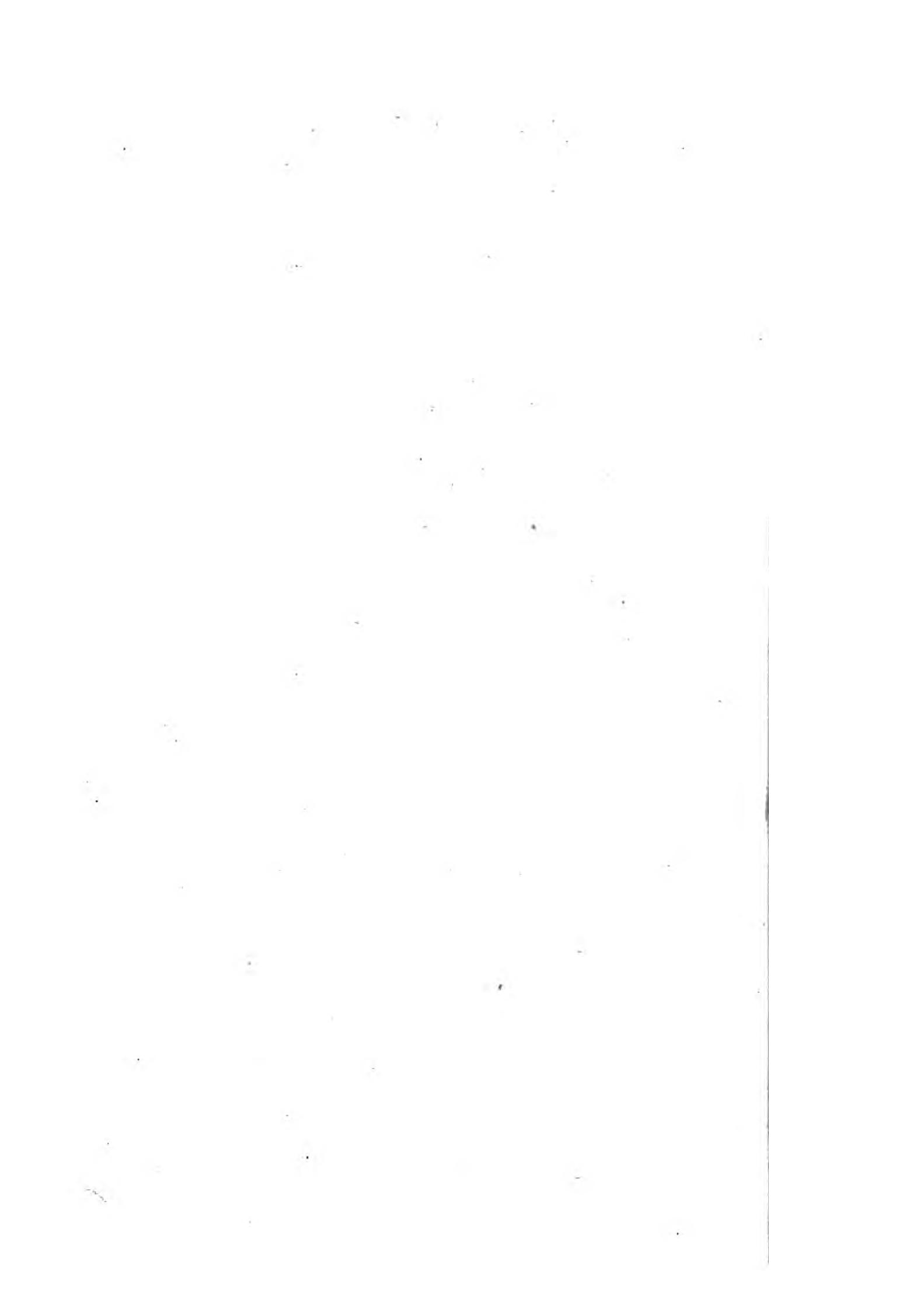
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INTRODUCTION.

THE revival of learning which had made a considerable progress in this kingdom at the death of king Edward the sixth, met with a very severe check from the conduct of his sister and successor queen Mary. The intemperate zeal, which that princess, on her accession to the throne, exerted for the re-establishment of popery, and her violent persecution of the protestants, forced many of her most learned subjects to seek for an asylum in foreign countries; whilst those few who remained at home, dared not any longer continue their literary pursuits, for fear of being either looked upon as heretics, or suspected of disaffection and contriving machinations for the subversion of government.

Happily however the storm which thus overwhelmed the state of letters in England, and strongly threatened its speedy destruction, was unexpectedly dispersed, and ended with the reign of queen Mary. No sooner had Elizabeth, who was herself an excellent scholar,

mounted the throne, than she stood forth the patroness of learning, and removed every obstacle to the literary pursuits of her people. By her the student was constantly encouraged and preferred, and men of sound erudition assiduously sought for, and promoted to the highest offices and preferments in church and state.

At this auspicious period, a set of gentlemen of great abilities, many of them students in the inns of court, applied themselves to the study of the antiquities and history of this kingdom, a taste at that time very prevalent, wisely foreseeing that without a perfect knowledge of those requisites, a thorough understanding of the laws of their native country could not be attained.

For the better carrying on this their laudable purpose, they about the fourteenth year of the reign of queen Elizabeth formed themselves into a college or society under the protection of that great patron of letters Matthew Parker, archbishop of Canterbury, and laid down the necessary rules for their conferences and conduct.

Their method of proceeding appears to have been this: At every meeting two of the body being appointed propositors

INTRODUCTION.

fitors and moderators *, gave out one † or more questions as they thought proper, upon which each member was expected at the subsequent meeting, either to deliver in, a dissertation in writing, or to speak his opinion: and in order thereunto a copy of each question was sent to such members as happened to be absent. The opinions spoken were carefully taken down in writing by the secretary, and, together with the dissertations delivered in, after they had been read and considered, carefully deposited in their archives ‡. This society daily encreasing by an accession of new and learned members, several of whom were persons of high rank and distinguished abilities, they entertained some thoughts of erecting a library, and obtaining for themselves a charter of incorporation, under the stile of *The Academy for the Study of Antiquity and History founded by Queen Elizabeth*. A petition for that purpose, together with reasons for such an establishment, were actually delivered to the queen ||; but this project, for what rea-

* Faustina, E. v.

† Sir Henry Spelman in his preface to the Law Terms tells us, that two questions were proposed at every meeting; but this must be a mistake, for several of the summonses, mention one question only.

‡ Faustina, E. v.

|| See the Petition and Reasons, postea vol. II. p. 324.

sons we are not told, unhappily miscarried. The society however continued in a flourishing condition until the year 1604, when, many of their chief supporters dying, particularly their second great patron archbishop Whitgift, and the jealousy of king James the first suspecting their loyalty and attachment to his government, their meetings were discontinued.

About fourteen years after, some of the old members, together with several of the most eminent lawyers of that time, renewed the assembly of the society: and they having formed some rules for their governance, and resolved not to meddle either with matters of state or religion, proposed two questions to be discussed at their next meeting. But before the time fixed on for that purpose, they received notice that his then majesty took a dislike to the society, he not being informed that they had resolved to decline all matters of state, whereupon their intended meeting was stopt and the society dissolved †.

On this event their papers became dispersed; but fortunately a considerable part of them, together with several of their notes and observations, soon after falling into Mr. Camden's hands, were by him deposited in the Cotton library.

† Preface to Spelman on the Law Terms.

Transcripts of some few of these dissertations were taken by the learned Dr. Thomas Smith in order for publication ; but he dying, they came into the hands of Mr. Thomas Hearne the celebrated antiquary, who in the year 1720 printed them at Oxford in one volume octavo, under the title of *A Collection of Curious Discourses written by eminent Antiquaries upon several Heads in our English Antiquities* *.

The favourable reception which that work met with from the public, and the eagerness wherewith all the copies were immediately bought up, determined him to put out, as soon as his leisure permitted, a new edition of those discourses, with the addition of some others. But his prior engagements to the press unavoidably delayed the execution of so laudable a design, till death put an end to all his learned labours.

The editors have now presumed, not only to execute the intentions of Mr. Hearne, but to go further, and to throw together and offer to the public at one view, a complete collection of all the discourses written, or delivered by the founders of the society of English antiquaries, so far at least as they have been

* They consisted only of the first forty-eight discourses, which are printed in the first volume of this work.

*VIII INTRODUCTION.

able to meet with them, as well such as have been heretofore printed, as those remaining in manuscript, the originals of many of which are at present preserved in the Cottonian and Harleian libraries.

To these they have added, as being intimately connected with the work, a curious tract explaining the manner of judicial proceedings in the court military touching the use and bearing of coats of arms—a defence of the jurisdiction of the earls marshal's court, by Dr. Plot—and Mr. Cooke's treatise on the unlawfulness and wickedness of a Duello. They have also subjoined to the appendix a list of the names of those persons who were members of the college of antiquaries at its primary institution, and authors of any discourses printed in this collection, together with some historical account of them and their works.

To this undertaking the editors have been encouraged and persuaded by many of their learned friends, on whose advice and opinions they have the firmest reliance, and they flatter themselves with the hopes that their present endeavours, and the method they have pursued, will prove acceptable to the public, to whose candour and favour this work is submitted.

CON-

MR. HEARNE'S PREFACE

TO THE FORMER EDITION.

§. I. **A**S I was lately discoursing with some learned friends about our English antiquities, they were pleased, among other things, to complain of the want of some helps that might render the study of them much more easy than it appeared to them, at that time, to be: and they suggested, that it would be proper to put out a book to shew the methods that are to be followed in this study, and to explain the abbreviations or contractions in old marbles, coins, and MSS. They were so candid as to recommend the task to me. But I was too conscious of my own inabilities to engage in an undertaking, which requires a very great capacity and much reading. But though I thought it prudent to wave what I am by no means equal to, yet I cannot but make this general observation with respect to inscriptions, coins, and MSS. that such as have a genius to the study of antiquities will find it much more useful to observe their

Experience
and practice
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helps in ex-
plaining
antiquity.

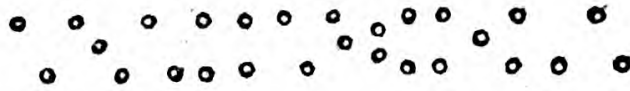
own method, than to be guided altogether by the prescriptions of others. General rules may be laid down about abbreviations and the different ways of writing; but such rules will be found to fail very often, and experience and practice must be the best helps in explaining the most difficult remains of antiquity, without a slavish regard to set rules laid down even by the best masters.

And that even in the opinion of the best antiquaries.

§. 2. Nor is this opinion the result only of fancy. Many noted antiquaries were of the same mind. Hence it is, that we have so many different explications of the very same monuments, whether MSS. stones or coins. And those too supported with excellent learning; so as even all those explications will instruct and inform, as well as divert the reader. I need not mention the different interpretations of the *Fasti Capitolini*; nor the disputes that have happened about the famous Parian Chronicle at Oxford, in one of which Mr. Selden was not a little discomposed, because Mr. Lydiat had shewed a more accurate skill in chronological controversies than himself, as Joseph Scaliger was likewise much moved, upon the very same account of Mr. Lydiat's knowledge. But disputes of this nature prove of most service when they are managed without rancour. Accordingly, we have always seen, that writers of candour have not only obtained

ed univerfal respect, but have had a particular influence upon their readers: Yet warm animadverfions and reflections are certainly fometimes requifite, eſpecially when thoſe of the contrary ſide ſhew ſuch a behaviour, as, perhaps, nothing may reclaim them but ſharp and ſevere returns. For this reaſon another kind of uſage would be uncharitable and unchriſtian. Wiſe men have always thought ſo, and they have, therefore, upon occaſion, afforded no better reception to ſcurrilous and proud writers, who have been ſometimes reclaimed by ſuch methods. But of all the writers that ſhewed a particular art in explaining antiquity, Peireſkius was, certainly, one of the moſt happy. He was both a virtuous and a learned man. And as virtue is far preferable to learning, ſo it gained him a very diſtinguiſhing reſpect, and made his learned remarks the more beneficial to ſuch as were concerned in them. He was known all over the learned world, and his judgment was as univerſally ſought, and when given, it was as much admired and eſteemed. Camden knew of none ſo happy in the unriddling coins. The ſame was attested of him with reſpect likewise to marbles, and other remains of antiquity. Of this his life, excellently well written by Gaſſendus, is ſufficient proof. Were there no other inſtance of his ſagacity, his bare interpreta-

tion of the following marks upon an old Amethyft (mentioned in the faid life *) is an undeniable argument.



This had puzzled all that had feen it. But as foon as he had viewed it, he recollected with himfelf, that the marks were nothing but holes for fmall nails, which had formerly faftened little *laminæ*, that represented fo many Greek letters, placed in a contrary order from that in vogue, fo as to be read thus: ΔΙΟΚΚΟΥΡΙΑΔΟΥ. Which he made very clear, when he drew lines from one hole to another in this manner:

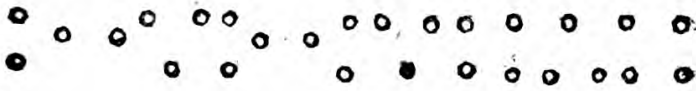


According to his opinion, therefore, this Diofcorides was the famous engraver of Auguftus, and the letters being done backwards (after the custom of engravers when an impreffion is to be made afterwards) and the head of Solon being withall exhibited on the Amethyft, it will fhew, that Auguftus (provided he gave orders, as it is fuppofed he did, for it) ufed it as a feal, and that he was a particular admirer of Solon, and the laws

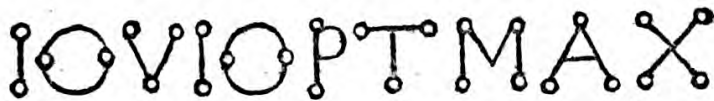
* Pag. 49.

P R E F A C E.

established by him. Nor did Peireskius want authority to countenance his conjecture. He produced the following remains of an ancient monument :



These marks being in an old temple dedicated to Jupiter, he rationally concluded, that they were originally designed for nails, which fixed such letters as signified to whom the temple was really dedicated, a thing frequent in old time, that no body might be ignorant of the respect to be paid at such places. Hereupon he readily explained the figures thus :



He might have strengthened his opinion from other monuments, and might, withall, have made it plain, that the nails also represented a way of making the letters then much in use. For which we have even such forms in old coins, particularly in the Syriack ones, of which I have seen several formerly in the Bodleian library.

§. 3. But now though experience and practice be the best helps for the interpretation of obscure monuments of antiquity, yet at the same time a particular regard ought to be had to

Yet a particular regard ought to be shewed to such as have laid down rules. A much better account might be given by some of our own countrymen of MSS. stones and coins, than hath yet been published by any.

some

some writers, who have laid down rules for unriddling such kind of monuments. Among which we ought to reckon Ursatus, Mabillon and Montfaucon. The two latter have published many curious things from MSS. and have been very conversant in the most dark things of that nature. And the former laid out most part of his time in explaining the hard passages in old stones and coins, as many others besides have done. When Ursatus is consulted, Smetius and Gruter must likewise be considered, there being some things in both that do not occur in Ursatus. Yet after all, it must be noted, that a much better account might still be given of MSS. stones and coins, than hath yet been published by any writers whatsoever, and that too even by some of our own countrymen. We have rare monuments of antiquity, brought from all parts. I do not know of a better collection of Greek MSS. now remaining, for the number of them, than our Baroccian one, many whereof are unpublished, which, nevertheless, certainly deserve the light, and then an opportunity might be taken of explaining several abbreviations and words, not taken notice of by the most diligent searchers into antiquity.

The excellency of the Baroccian collection of Greek MSS. sufficiently known. A noble design of Dr. Langbaine's.

§. 4. There is no occasion to enlarge in the commendation of the said Baroccian collection, because, were there

there no other proof of it, the goodness thereof might be easily learned from Mr. Chilmead's catalogue, as also from divers pieces that have been made publick from it by several very learned men. And here the untimely death of that great scholar Dr. Gerard Langbaine is much to be lamented, who had, with very great industry, surveyed all our Oxford libraries, and had read over, with much accuracy, and a judgment peculiar to himself, this Baroccian treasure, and had extracted much from it (as he had from other MSS.) with a design to print some noble work. This work was to contain divers volumes, and was to consist of many tracts and fragments, both Greek and Latin, and sometimes English, either never before, or, at least very imperfectly printed, as well in sacred as prophane learning, a specimen of which design I have now before me, being a fragment of Josephus, or Caius, or rather Hippolytus's book *περὶ τῆς τὰν πάντων αἰτίας* which though it had been set out before by Hœschelius, and is since reprinted according to his Ed. by Le Moyne, yet what the Dr. hath done is much more perfect, and far surpasseth the performances of those learned editors, and for that reason I have subjoined it to this work *, as I transcribed it many years ago in my collections.

* Appendix, num. IV.

Which might have been finished, if he had been assisted by others. A better provision ought to be made for the clergy.

§. 5. Had Dr. Langbaine had the assistance of others, there is no doubt but that great work, I have mentioned, might have been brought to perfection. But it is a great unhappiness, that learned works in England are, generally, the performances of single persons, which might, otherwise, equal any thing done in France, where, of late years, a society of learned men have set out such exquisite works, as must needs be always admired, which was the more easily effected, when they had a most generous prince to encourage them, who spared no costs to promote all manner of good learning and knowledge. It is certain, that no kingdom hath produced more excellent scholars than our own; though at the same time it is equally certain, that multitudes of them have not been able to exert themselves, because they have not received due rewards. Men of abilities should join together, and large stipends should be settled upon them, that they may unanimously conspire to carry on the interest of learning. It is lamentable to consider what a poor pittance some of the clergy have, who are, otherwise, very grave and learned men. This breeds a contempt, and makes the generality of mankind despise and neglect them. It was therefore a glorious and religious

gious * work of K. James I. who within the space of one year caused churches to be planted through all Scotland, the Highlands, and the borders, worth 30 *l.* a year a peece, with a house and some glebe land belonging to them; which 30 *l.* a year, considering the cheapness of the country, and the modest fashion of ministers living there, was worth double as much, as any where within an 100. miles of London. This was an example to be imitated, and I cannot but wish, that a much better provision were made for the English clergy than we see there is. It is a deplorable case, and what ought to be taken into the most serious consideration, that men of worth and parts should have no more than five marks, or five pounds a year. There are some such places in England. For which reason it happens, that God is often little better known there than among the Indians, the prayers of the common people being more like spells and charms than devotion. An observing man † notes, that the same blindness and ignorance is in divers parts of Wales, which many of that country do both know and lament. And what a zea-

* Sir Benjamin Rudierd his speech in behalf of the clergy, and of parishes miserably destitute of instruction, through want of maintenance. Confirmed by the testimonies of Bishop Jewel, Master Perkins, and Sir H. Spelman. Ox. 1628. 4to. p. 3.

† Sir B. Rudierd loc. cit. p. 1.

lous author tells us of the defects of his own native country is equally remarkable. *Although our country of Lancashire (says * he) is one of the largest shires in this kingdome, yet it hath for the publike worship of God onely thirty-six parish churches within the large circuite of it, as our histories shew, and some parishes forty miles in compasse to my knowledge, whereas some other shires not much larger then one division or hundred of Lancashire, are knowne and recorded to have two or three hundred parish churches in them, and those farre better furnished with meanes for maintenance of an able ministry then ours are: for example the hundred of Fournesse where I was borne, which for spacious compasse of ground is not much lesse then Bedfordshire or Rutlandshire, it hath onely eight parish churches, and seven of those eight are impropriate, and the livings in the hands of lay men, and in some of those parishes, which be forty miles in compasse, there is no more ordinary and set maintenance allowed*

* In p. 16. of a small scarce thing (lent me by my learned and very worthy friend, Thomas Rawlinson, Esq;) intit. *An exhortation to his dearely beloved countrymen, all the natives of the countie of Lancaster, inhabiting in and about the citie of London; tending to perswade and stirre them up to a yearely contribution, for the erecting of lectures, and maintaining of some godly and painfull preachers in such places of that country as have most neede, by reason of ignorance and superstition there abounding: composed by George Walker, Pastor of St. John the Evangelists in Watlingstreet in London. 4to. in 24. pages.*

for

*for the ministry of the word and sacraments,
but ten pounds or twenty nobles yearly.*

§. 6. Now to shew how well our own countrymen have succeeded, when several have engaged together in one and the same work, I need not mention any thing besides the Polyglot bible, which is a most noble work, and far exceeds any Polyglot bible done beyond sea. It was done by many very learned men, the principal whereof was Dr. Walton, afterwards Bishop of Chester. What made it the more admired was, that it was carried on and finished with so much expedition, in a time when the church of England was in a very suffering condition, and men of probity and true learning were persecuted, and forced to abscond and endure the utmost hardships and severities. So that since there are so many excellent scholars in England, and since, when they have joined in any work, nothing hath proved too difficult for them, what an admirable performance must that needs prove, which shall, at any time, be undertaken, and carried on by a society of antiquaries, that shall agree to act, as much as possibly they can, for the honour of this kingdom? Leland and Camden themselves have done wonders. But then their works, how noble soever, will be far outdone by the writings of such a body of men, famous for their

The Polyglot bible a noble instance of what ought to be expected from the joint labours of many of our own countrymen, and that too with respect to our own history and antiquities.

learning and industry, as shall resolve to set out, not only a most complete description of Britain, but a history also of it, extracted from the best materials, and at the same time likewise give us, in several volumes, the original authors they make use of, provided they are worthy the light, and have not been already printed.

Men that carry on such joint labours should have their stated meetings, and write dissertations upon intricate subjects, in the same manner as was done by the Society of Antiquaries in the time of Q. Eliz. and K. James I.

§. 7. Such a society as that I have been speaking of, must consist of men of the most pregnant parts, and they are to discuss the most intricate and obscure points in our English history and antiquities. They should have their stated meetings, and give their opinions, not only by word of mouth, but oftentimes in writing. This method will occasion many short curious discourses, that will be proper to be printed, and put into the hands as well of others, as of the young nobility and gentry, and will, most certainly, be for the honour of this nation, as conducing more than any thing else, that I know of, to the illustration of our history and antiquities. In the time of Q. Elizabeth and K. James I. there was such a society, made up of right learned antiquaries, that used to meet together, and as they undertook great matters, so their performances were answerable to their undertakings; and had they went on, there is no doubt, but by this time
we

we had had a complete account published of the most material things in our history and antiquities.

§. 8. But it being suggested, that the said society (commonly known by the name of *the Society of Antiquaries*) would be prejudicial to certain great and learned bodies, for that reason the members thought fit to break it off. Nor were there wanting very powerful men that proved enemies to them, and, among other things, they were pleased to alledge, that some of the society were persons, not only disaffected to, but really of a quite different persuasion from, the church of England. But notwithstanding the society was thus dissolved, yet great care was taken to preserve many of the little dissertations that had been occasionally written by divers of the members, copies of some of which were at length procured by my late reverend and very learned friend Dr. Thomas Smith, who designed to publish them himself, for the use and service of the young nobility and gentry of England. But his time being imployed on other subjects, upon his death, which happened on the eleventh of May in one thousand seven hundred and ten, (as I have formerly signified *,) about six weeks after the date of the last let-

Notwithstanding the dissolution of that society, yet many of their discourses have been preserved, a collection of some of which is now at last published.

* See Leland's Itin. Vol. III. p. 112. & Vol. V. p. 138.

ter * I received from him, he left this Collection, among other curious papers, to me. As soon as I saw the collection, I could not but very much applaud my learned friend's design, and presently began to think of printing it myself; which, accordingly, I have at last done, being fully persuaded, that it will be beneficial, not only to our young nobility and gentry (for whom it is principally intended) but likewise to persons of greater maturity, since there is abundance of excellent learning throughout, which will be the more entertaining upon account of the brevity made use of by the respective authors.

The names of several of the authors of these discourses wanting. The members of the society used to be summoned when their opinions were desired.

§. 9. It is observable, that several of the discourses in this collection have no names prefixed to them. I cannot therefore tell, at present, who the authors of them were. This omission was occasioned (as I take it) not by the authors themselves, but by those that ought to have registered them. For when conferences were had upon such and such topicks, the members used to be summoned, and their answers were desired either in writing or otherwise; so that the names of those that gave their opinions could not be then unknown, though they might not be transmitted to posterity. Now that what I have

* See this letter at large in the appendix to this work, num. V.

said as to summoning is true, appears from a passage in a MS. in the Ashmolean Museum, which, because it will very much conduce to a *Notitia* of the society, I shall here transcribe at large, as I find it entered in my collections*:

“ Society of Antiquaries.

“ To Mr. Stowe.

“ The place appointed for a conference upon the question followinge,
 “ ys att Mr. Barters house on Frydaye
 “ the ii. of this Nouember, beinge All-
 “ soules day, at ii. of the clocke in that-
 “ ternooone, where your oppinioun in
 “ in wytynges or otherwise is expected.

“ The question is,

“ Of the antiquitie, etimologie, and
 “ priuiledges of parishes in Englande.

“ It ys desyred, that you giue not notice hereof to any, but suche as haue
 “ the like somons.

“ On the back-side Mr. Stowe writes thus
 “ with his own hand,

[“ 630. Honorius Romanus, archbishops
 “ of Cantorbury, devided his province
 “ into parishes, he ordeyned clerks and
 “ prechars, comaunding them that
 “ they should instructe the people, as
 “ well by good lyfe, as by doctryne.

* Vol. LXXXVII. p. 5.

“ 760. Cuthbert, archbyschope of Can-
 “ torbury, procured of the pope, that in
 “ cities and townes there shuld be ap-
 “ poynted Church yards for buriall of
 “ the dead, whose bodyes were used to
 “ be buried abrode, & cet]

“ The place apointed for a conference
 “ upon the question followinge, is Mr. Gar-
 “ ter's howse, upon All Soules day, beinge
 “ Thursday the secound of November 1598. at
 “ one of the clocke in the after noone, where
 “ your opinioun either in writinge or other-
 “ wise is expected upon this question.

“ Of the antiquitie of armes in England.

“ It is desired, that you bringe none other
 “ with you, nor geve any notice unto anye,
 “ but to such as have the like somouns.

“ To Mr. Bowyer.

“ In another leaf, of the same MS. but

“ in a different hand,

“ Anno D^{nae}. “ The names of all those which
 “ Eliz. xli°. “ were somoned att this tyme.

“ *Imprimis* Mr. Garter.

“ *Item* Mr. Doderidge.

“ *Item* Mr. Tate.

“ *Item* Mr. Clarentius.

“ *Item* Mr. Cotton.

“ *Item* Mr. Agard.

“ *Item* Mr. Paton.

“ *Item* Mr. Holland.

“ *Item* Mr. Stowe.

“ *Item*

- “ *Item* Mr. Thynn.
 “ *Item* Mr. Doc. Doyley.
 “ *Item* Mr. Carew.
 “ *Item* Mr. Bowyer.
 “ *Item* Mr. Hennage.
 “ *Item* Mr. Leigh.
 “ *Item* Mr. James Ley.
 “ and I left a summons with Mr. * * Sic.
 “ Carentius for Mr. Erfwicke.

-
- “ not summoned,
 “ Mr. Spilman and
 “ Mr. Broughton,
 “ nor Mr. Lake.
-

“ *per me* Ch. Lailand.”

§. 10. As in this collection there are many valuable remarks about sterling money, so it is to be wished that there had been as good observations to be found in it, about the use of Roman coins, with respect to our own history. But it is likely, that this was a subject passed over by the society, either because the same was sufficiently evident from Mr. Camden's *Britannia*, or else because the Roman coins are rarely mentioned by our old Historians. It is true, indeed, the use of the same is very plain from the *Britannia*, in which there is frequent mention of coins for ascertaining

It were to be wished that some one of the society had given us a discourse of the use of Roman coins, with respect to our own history. A wrong notion, that Roman coins are chiefly to be valued because of their rarity. Notice of a city called Salmonsbury. A Roman town formerly in Berry-Grove, in the Parish of WhiteWaltham in Berks. Not certain that Campden in Gloucestershire was a Roman Town. EELBERI on a coin of K. Edgar. The coins of Constantius Gallus some of the most scarce in all the Roman series. The custom of putting coins in urns, and strewing them under foundations.

the antiquity of many places, in the same manner as the compiler thereof had found it done to his hands by Mr. Leland. And Mr. Camden hath, withal, given us the Figures of such old Roman coins, as belong chiefly to the British history, though the obverse sides are far from being exact, as was long ago noted by Ortelius. But notwithstanding this, had either Sir Robert Cotton, or Mr. Camden himself, or any other member of the society well versed in these affairs, written a short discourse upon this subject, it would have been a more ready way to settle the usefulness of the Roman coins, with regard to our own history, than to leave the persons concerned, to pick it out from a large volume. Nor is it satisfactory to say, in the second place, that there was no occasion for such a discourse, because the Roman coins are seldom mentioned by our old historians. For our history is to be collected from other writers besides our own, namely from the Roman authors themselves, which cannot well be understood without consulting their coins, and that not only as to chronology, but with respect to places. For this reason, particular notice is to be taken where Roman coins are found in Britain. By this means we shall be able to clear the Itinerary tables, and to tell what the modern names are of the
the

the places mentioned in them; at least we shall easily find out the antiquity of many places, it being certain that there have been Roman towns, or vills, or garrisons, where multitudes of Roman coins are discovered, provided such coins are not found all together in urns, but scattered up and down, as we find they are at many places, which, as appears from the very names themselves, were most certainly Roman. A MS. in the Cotton library * mentions a city called *Salmonsbury*. There is a place now called *Salmonsbury Bank*, about a mile from *Burton on the Water* in Gloucestershire. There is not so much as a house there now, I think, but it is very manifest, that there have been large buildings there. If Roman coins should be discovered at it, the antiquity of the place will be carried beyond the Saxon times. In my preface † to the first volume of Leland's Itinerary, I guessed that there had been a Roman town in Berry-Grove, within the parish of White-Waltham near Maidenhead in Berks, and I find my conjecture since confirmed, not only from old tiles and bricks, which I saw there in November 1712. (at which time I discovered the ruins of a building at least 40. yards in length north and south) and are exactly the same

* Under Vespas. B. xxiv.

† §. 5.

with those found at Stunsfield near Woodstock in Oxfordshire, and in Weycock Field (where was a Roman fort) in the parish of Laurence-Waltham in Berks, but from coins that have been ploughed up there. Some of which coins have been thrown away, but one of the bigger brads was lately sent to me by a person whose fidelity in these affairs I can rely upon. He assured me, that it had been found among the old ruins of the buildings on Berry-Grove Hill, and that several besides had been found there. This which was transmitted to me is so very obscure, that I can discover but only one letter upon it, which is an A, and is on the obverse side; but from the head and the distance of the said letter A, I gather, that it is a coin of Claudius, and, I think, it was struck *an. Cb. 43.* when he came into Britain, and got a complete victory, for which a triumph was decreed him the year after. There seems to have been the figure of victory on the reverse, which will agree exactly with my opinion. I never saw one upon this occasion with victory before. A learned friend shewed me lately a coin of Antoninus Pius of the bigger brads, found in a garden in the town of Campden in Gloucestershire. *Johannes Castoreus* or John Beaver calls this place *Campodunum*, and my friend takes it to be Roman; but whereas this is the only coin that he knows
to

to have been found there, I will suspend my opinion until I hear of better evidence. In the mean time I cannot but note, that even Saxon coins do also oftentimes illustrate the antiquities of places, although they should prove to be of no other use upon account of their rudeness. My excellent friend Thomas Rawlinson, Esq; hath a coin of K. Edgar, on the reverse of which is IN EELBERP. There is a place in the parish of White-Waltham before mentioned called *Eelberds* or *Eyllbudds* *, and it is worth inquiry whether it might not be of note in the Saxon times, and whether or no the coin hath not some reference to it? so that it being evident from what hath been said, that one great use of Roman coins, found in Britain, is to discover and clear the antiquity of such and such places, coins, that are otherwise common, will be, in that respect, as much valued, as those which are justly looked upon and esteemed as rare. For which reason particular notice should always be taken where coins are found, and when it is known where they are discovered, they should not, as commonly they are, be rejected because they are not scarce. I wish this had been

* See §. 12. of my letter, containing an account of some antiquities between Windsor and Oxford, printed at the end of the fifth vol. of Leland's Itin.

always

always observed by learned men. We had had then, in all probability, much clearer accounts than are yet made publick of antiquities. It is for want of this observation, that those that have written professedly of coins, have not told us where the coins they publish were found. Both Occo and Medio-barbus indeed tell us in what archives many of their coins were lodged. But it would have been of much greater service to learning, had they told where they were found. This is a defect likewise in the great work of baron Spanheim. But I would not, by any means, be understood by what is here said, to condemn those that have no other view than their scarceness in gathering coins. This view itself deserves very great praise; because many excellent pieces may be picked up, that may be of service to such as know how to turn them to their true and proper use. And here I must recommend to such collectors a particular examination of that vast variety of coins, that we have of Constantius with FEL. TEMP. REPARATIO, and advise, that they would not despise them because of their multitude; because it is probable, that they may find amongst them the coin of another Constantius, besides F. L. Jul. Constantius, (whose coins are not rare) with the very same inscription, and that is of Constantius Gallus, brother of
Julian

Julian the apostate, and cousin-german of the other Constantius. And this recommendation is the more seasonable, because I look upon the coins of this Constantius Gallus, who was beheaded for his wickedness in the 29th year of his age, and the fourth after he had been made Cæsar, to be some of the scarcest in all the Roman series. The difficulty will be in this vast variety to distinguish one from the other, since little or no assistance sometimes will be had from the inscriptions, especially if the letters should not prove very visible. But the face will easily discover to which the coin belongs. Constantius Gallus was much more beautiful than his cousin, and there is a star always before his face, and a globe in his hand. I remember, that a foreign gentleman (who made this study his profession) took a journey to Oxford some years ago, on purpose to examine the cabinets of that university for coins of this Constantius Gallus, well knowing that the words of Savotus *, *Constantii Galli, Constantinae, (Galli uxoris,) Desiderii, Vetraniionis, Nepotiani, & Silvani, nummi cujusvis materiae adeo rari sunt, ut vix quidem reperiantur*, are very true. This also must be said for common coins, that they are as useful in chronology as those that are scarce, especially when found in urns. For the Romans at

* Lelandi Coll. vol. V. p. 280.

their

their ordinary funeral obsequies, when the dead corpse was burnt and consumed, took the ashes thereof, and put them into an urn or earthen pot, with a piece of coin of that emperor under whom they died, and so buried it in the ground. For which reason great notice ought to be taken of the coins found in urns, because they are a certain argument of the time when the persons to whom they belonged deceased, as it is, withall, an argument of the antiquity of any place, when such and such emperors coins are found at it, it being customary with the Romans under the foundation of any building, monument, or piece of work of note, to cast and lay some of their emperors coins in whose time it was made; to signify to posterity, and to preserve (for many ages after) the memory and fame thereof*. So that if there be any chronological notes on the coins (as there are on abundance of the Roman ones) the very year, when either the persons died, or the buildings were erected, may from thence be learned, which alone, I think, a sufficient inducement to engage young gentlemen and others in this study. It is not, therefore, without reason, that in some parts of England they will give more by the acre for land that lies near any old

* Burton's Antiquities of Leicestershire, p. 132.

Roman town, castle, caufeway, or other remarkable eminency, or where other ancient works, either Saxon, Danish, or Norman have been, in hopes of fome lucky chance, (coins and other confiderable antiquities being generally difcovered where there have been fuch works) than they will for land, however otherwife in far better condition, that is remote from any fuch places. I mention the Saxon, Danish, and Norman works, becaufe the fame custom of ftrewing medals or coins under their buildings and publick works was obferved even after the Roman power had quite dwindled. Hence it was, that pope Paul II. caufed great ftore of gold and filver medals ftamped with his effigies, to be laid under the foundations of his buildings *more veterum.*

§. 11. To carry this matter a little farther, the filence of our own old hiftorians about the Roman coins, is fo far from being an argument, why the fociety fhould not write upon this fubject, that it feems to me to be rather a good reafon, why it fhould have been handled by them. For as thofe hiftorians did not thoroughly underftand the ufe of Roman coins, fo they judged it beft to pafs them over. And therefore what was left unexplained by them, fhould have been cleared by thofe that were, in that refpect, better

The filence of our hiftorians about the Roman coins an argument, why the fubject fhould have been handled by the faid fociety.

skilled. Writing and illuminating were in very great perfection among the monks, and it is certain, that they were skilled in many branches of good learning. But then the pure classic authors being generally much neglected among them, they did not take care to make themselves masters of such curious points as particularly relate to the explication of them; one of which points I take the knowledge of the Roman coins to be. Had they been curious this way, I am apt to think we should have had draughts in their illuminated books of many of the Roman coins. But alas! they were so ignorant in this affair, that they could not give directions to our princes to have the common coins done with any manner of elegance. Not only the Saxon and Danish, but even the Norman coins are strangely miserable; nay some of the coins soon after the Norman invasion are much worse than those in the Saxon times. Whereas had ingenious and learned men applied themselves to the study of the Roman coins, they would have used proper methods for preventing this rudeness, which would have conduced much to the credit of our princes.

Mr. Joseph Holland had a very good opportunity offered of doing it, and by that means of writing about many places either quite destroyed, or very much diminished. AD ANSAM not corrupted

§. 12. Mr. Joseph Holland had a very good opportunity of writing his thoughts upon this curious subject, when he mentioned his coins to the society,

society, particularly at that time when he had occasion to signify that he had a coin whereon was *Camuladunum* *. He might, in such a discourse, have easily proved from coins, what he asserted, that there was in old time a much greater number of cities, towns, and villages in Britain than there is at present. From coins it is plain, that in abundance of places were formerly towns where there is not now so much as a single house. It is true, he confirms his assertion from good authority. And I have seen many MSS. which plainly prove the same; though one of the best I ever saw of that kind, is a MS. that belonged formerly to Mr. Lambard, and is now in the Bodleian Library. Had Mr. Holland entered into this subject, he must have written a much larger discourse than that which he hath obliged us with about the antiquity of cities, which, however, is very good, and may give a hint, it is probable, to others to be more copious, especially since so many excellent and very useful discoveries may be made in such a discourse, about places that are either quite destroyed, or at least very much diminished from what they have been. In order to which all other antiquities that are discovered in any parts of Britain must be nicely noted. Mr. Weever had good reason to conclude from an urn, on the cover of which was

in Antoninus. It was a considerable town, and not a single house only.

* See these discourses, vol. I. p. 39.

COCCILLI M. [i. e. *Cocilli Manibus*] that Coggeshall was derived from a Roman Officer called Coccillus; and, without dispute, the Coccill way was likewise called from the same person. He might, indeed, be the chief builder of that place, as likewise of a place called in Antoninus's Itinerary AD ANSAM. Several have conjectured, that AD ANSAM is a corruption in Antoninus. But they do not produce so much as one MS. to confirm their opinion. Mr. Camden thought it to be nothing but a *Terminus* of the colony of *Camulodunum*, from which it is said in Antoninus to be six miles distant, and he believes that there was only one single house or inn at it, with the *Ansa* for a sign, and that from this sign it was denominated. For this reason he imagines, that the dative case is here changed into the accusative. But I humbly beg leave to dissent from this great man. It seems plain to me, that it was a garrison consisting of many houses. Nor is the case at all changed, AD ANSAM, or, as it is in Surita's and Bertius's editions (in one single word) ADANSAM, being the same in all cases, so as *loco* or *oppido*, or some such thing is to be understood. And there are examples for it in antiquity. We have *ad lapidem*, (or *Æττανε*,) *ad murum*, (or *Æτ Falle*,) and other places of that kind in Bede, where we have also *Ατ Τριγονο*, (which is the

the same as *ad duplex vadum*) all very considerable towns, and not single houses or inns only, much the same, to be sure, as Antoninus's *ad ansam*. So that I take such towns to have been the true Σταθμοί or Αλλαγαί of the ancients, being accommodated with all things convenient for all sorts of travellers; and it was at them that the soldiers used to refresh themselves, and change their horses and carriages; from which custom of changing in latter times, even fresh garments were called also Αλλαγαί. It must, however, be allowed, that though this place grew to be eminent and large at last, yet at first it was only one *diversorium* or inn, on which there was the sign of the *Ansa*, by which name, for that reason, the whole station itself was called afterwards; a thing not uncommon even to several other places, both in ancient as well as more modern times.

§. 13. Since therefore coins must be allowed to be of such singular use in history and antiquity, and that even with respect to our own British affairs, it is very laudable in those that make collections of coins, and take care to have them applied to the benefit of the public. It is well known what archbishop Laud and others have done, as well in this, as other parts of learning, for the university of Oxford. The famous Mr.

Such as collect coins deserve great praise; especially if it be with a design to benefit the public. Both the universities have had donors of that kind of antiquities. Dr. Andrew Pern (however traduced by some) was a man of very great merits.

John

John Greaves took great pains in digesting the coins given by the archbishop, who returned him his thanks in a letter * written by his own hand. And when the late consul Ray gave an extraordinary collection of coins to the same famous university (all which I put into order, and made an exact catalogue of them, now lying by me, as I put also their names upon each cell in which they are lodged, to say nothing of the pains I took about the coins that were before in the library, by assisting in the continuation of Mr. Ashmole's catalogue of them, and by inserting with my own hand what had been given since Mr. Ashmole's time by several benefactors, particularly by Mr. Timothy † Nourse (formerly of University College) they not only conferred the degree of doctor in the civil law upon him, but shewed him such other respects, (he being then personally present in the university, on purpose to deliver the coins with his own hands) as plainly proved, that they had a true and just sense of the worth of his present, and of the singular use that it would be of to true learning. I mention consul Ray the rather, because most of the coins he gave are Greek ones, of which there was but a small num-

* See the appendix to this work, num. VI. † See the appendix, num. VII.

ber in the university library before. Nor hath the university of Cambridge wanted benefactors, who have likewise been collectors of coins. But this is a point that I leave to be treated of by some learned hand of that place. I will, however, beg leave to take notice of one, and that is Dr. Andrew Pern, a person of very great merits, notwithstanding he hath been traduced by some, who were much inferior to him on all accounts. As he was a very learned man himself, so he was a most generous promoter of all good literature, and indeed did all that possibly he could for the interest of the public. Among other things, he gave an excellent collection of old coins and medals to the university, being well apprized that a library cannot be said to be well furnished, unless its treasures be made up partly of such venerable remains of antiquity. But I shall forbear enlarging in my own words, since what may be observed of this very worthy man, is already done to my hand in a commemoration sermon, printed above sixty years ago, in which there is the following passage *: “ For which
“ reason, give me leave, as the present occa-
“ sion requires, to mention the name of
“ that noble and free-hearted benefactor,

* Sermon on the yearly commemoration of Dr. Andrew Pern, 1654. By J. Clerk, master of arts, and fellow of Peter-house. *Camb.* 1655. 8vo. pag. 28.

“ both

“ both to this whole university, and espe-
 “ cially to this adjoining college (*Peter-*
 “ *house*) Dr. ANDREW PERN. His bounty
 “ to this college in adding a new foundation
 “ of two fellowships and six scholarships;
 “ in building our library, and furnishing it
 “ with a plentiful variety of choice books;
 “ in establishing a library-keeper's place, and
 “ in many other works of great advantage;
 “ his happy and renowned endeavours for
 “ the honour and prosperity of the univer-
 “ sity in general; for the vindication and
 “ enlargement of their privileges; his be-
 “ quests of a yearly pension to the public li-
 “ brary-keeper, and a box of ancient coins
 “ and medals of great value; but especially
 “ his wise and successful pains in contriving
 “ and procuring that necessary statute of the
 “ 18. of *Queen Eliz.* to turn the third part
 “ of our ancient rents into corn money; to
 “ which both the universities owe their com-
 “ fortable subsistence ever since. His libera-
 “ lity to those places in the country where-
 “ to he had relation, making them provi-
 “ sion for a yearly sermon and distributions
 “ to their poor. These and many other
 “ worthy deeds of his, deserve of us, that
 “ his name should be had in honourable re-
 “ membrance. But especially they should
 “ put us in mind of that gracious hand of
 “ God, that by this and many other the
 “ like

“ like instruments of his goodness, hath
 “ made such public provision for the encou-
 “ ragement of religion and learning, and
 “ hath given us in particular a share in it.”

§. 14. These discourses are rightly called *curious*, there being a great multitude of things in them upon excellent subjects, and all couched in a few words. The several authors were men of a deep reach, and had studied our antiquities with the utmost care and diligence. And yet notwithstanding all their penetration, they could not account for some of the particulars. Mr. Agard observes *, that *Ferling* is no more *than an oxgang, which is called Bovata, about xv. acres.* He submits himself, however, to *the correction of better judgment.* The very name seems to import that it was the 4th part. As therefore, among the Saxons, *ƿeopðling, ƿeopning, or ƿeopð,* was the fourth part (what we call a farthing now) of a *Denarius* or a penny; so *ferlingus terræ* was the fourth part of a bigger quantity of land, and is expounded expressly by some to be 32. acres, which will make it to be about the fourth part of an hide, if we follow the opinion of those who make an hide, to be six score acres, which is just an hundred acres, according to the way of compu-

The authors of these discourses not able to account for some particulars insisted upon by them. *Ferling* a west country word. The copy of an old piece of parchment, in which the word occurs. Fear of destruction made many of our ancestors hide old MSS. underground and in old walls. *Britannia* perhaps derived from *Βεῦρον.*

* Pag. 49.

tation made use of by the Saxons, who reckoned six score to the hundred. But whatever the exact measure or bigness of a ferling was, this seems clear enough to me, that it was a west country word, as even Mr. Agard himself hath noted; and therefore, it may be, the best way to find out the true exposition of it, will be to consult old rentals and other evidences belonging to estates in that country, in which it is probable the word may often occur. And this reminds me of an old piece of parchment that was lent me lately by my friend the Hon. Benedict Leonard Calvert, of Christ Church in Oxford, Esq. It belongs to Somersetshire (for that is the meaning of *Sotes* in the margin) and the word *Ferlingus* is mentioned in it, upon which account I shall here insert a copy of the whole.

Sotes. *Feoda quæ tenentur de domino Johanne Malet Milite, videlicet,*

<i>In Edyngtone</i>	<i>1. Feod.</i>
<i>In Cosynton</i>	<i>dimid. Feod.</i>
<i>In Chanton</i>	<i>dimid. Feod.</i>
<i>In Durburgh</i>	<i>dim. Feod.</i>
<i>In Godenlegb</i>	<i>1. virgat. terræ.</i>
<i>In Dike una carucat. terræ quam Johannes de Louetonten tenuit, quæ continet VIII^m. partem unius Feodi.</i>	

Items

Item Thomas Fichet in Harnbam dim. Feod. & in Purye.

In Padenalre 1. virgat. terræ,
quam Petrus de Grymstede tenet.

Item Richardus Fichet in Parva Suclone dim. Feod. Sotes,

Item Dominus Richardus Pikes in Suclon dim. virgatæ terræ.

Item in Suclon dim. virgatæ terræ,
quam Johannes Aete purie quondam tenuit.

Item in Suclon 1. virgat. terræ,
quam Johannes le Fogbeler quondam tenuit.

Item in Beresforde 1. virgat. terræ.

Item Johannes Michel 1. Ferl. terræ in Suclon.

Item Thomas Lambricht dim. virgat. terræ.

Item Galfridus de Forneaux 1. virgat. terræ.

Item Walterus Faber 1. virgat. terræ,
quam Johannes Doye modo tenet.

Item Reginaldus de Aqua 1. virgat. terræ.

Item Walterus Payn 1. virgat. terræ.

Item Richardus le Tournour 1. virgat. terræ.

Willelmus de Lekefworth 1. Ferl. terræ.

Summa iiii. Feod. & dim. ii. virgat.

& dim. ii. Ferl. terr.

There is no question, but there is a vast number of such parchments in private hands, there having not such a destruction been made of them at the beginning of the Reformation as there were of books and parchments that were illuminated, and had red letters in the front. Such evidences as we are speaking of being without such ornaments, escaped the more easily, and it was providential that they

did so; whilst such as had any decorations were condemned to the flames as erroneous and superstitious, and altogether void of what we call *Solidity*. Red letters and figures were sufficient in those times to entitle the books in which they appeared to be popish or diabolical; and therefore it is no wonder that we find that there was such a great variety destroyed and cut in pieces, and that in many others the figures or images, and the fine flourished or gilt letters are cut out. Some that were aware of this deplorable fate of books took care to have them hid underground, or, at least, in old walls, where lying many years, several of them received much hurt, and were almost quite obliterated either by damps or some other accidents. It is to this caution, as I take it, that we are to attribute the hiding of an old parchment book that Sir Thomas Eliot mentions. **About. xxx. yeres sens, (saith he *) it hapned in Wylshyre, at Juy church, about. ii. myles from Sarisbury, as men dygged to make a foundation, they founde an holow stone couered with an other stone, wherin they founde a booke, hauyng in it little aboue. xx. leaues (as thei saied) of very thicke belime, wherin was some thing writen. But whan**

* Bibliotheca Eliotæ Lond. M. D. LII. voc. *Britania*.

it was shewed to priestes and chanons, which were there, they coulde not reade it. Wherefore after they had tossed it from one to an other (by the meane wherof it was torne) they dyd neglect and cast it aside. Longe after a piece therof hapned to come to my handes, whiche notwithstanding it was all to rent and defaced, I shewed to maister Richard Pace, than chiefe secretary to the kynges most royall maiestee, wherof he exceedingly reioyced. But because it was partly rent, partly defaced and blourred with weate, whiche had fallen on it, he coulde not fynde any one sentence perfect. Not withstanding after longe beholdyng, he shewed me, it seemed that the saied boke conteyned some auncient monument of this yle, and that he perceived this woorde Prytania, to be putte for Britania. Some have been of opinion, that this was a British book, full of curious things, and that it confirms what is observed by severall learned men, about the Britains, calling themselves *Prydians*, by turning the Greek β into a π , the Greeks calling the inhabitants of this isle *Βρεταννεις*. This is an observation passed over by the authors of these discourses, who have notwithstanding divers good notes about Britain, the original of the name whereof they how-
ever

ever differ about. Nor indeed is there any certainty in discoursing about such affairs, the original of nations being very intricate by reason of the want of history. There is one thing, which, upon this occasion, the antiquaries should have observed, and that is our malt liquor, called *Βρύτον* in Athenæus.

* Pag. 447.

Τὸν δὲ κριθίνον οἶνον, (saith he *) καὶ βρύτον τινὲς καλεῖσιν. Which being so, it is humbly offered to the consideration of more judicious persons, whether our *Britannia* might not be denominated from *Βρύτον*, the whole nation being famous for such sort of drink. It is true, Athenæus does not mention the Britains among those that drunk malt drink; and the reason is, because he had not met with any writer that had celebrated them upon that account, whereas the others that he mentions to drink it were put down in his authors. Nor will it seem a wonder, that even those people he speaks of, were not called *Britones* from the said liquor, since it was not their constant and common drink, but was only used by them upon occasion, whereas it was always made use of in Britain, and it was looked upon as peculiar to this island; and other liquors were esteemed as foreign, and not so agreeable to the nature of the country. And I have some reason to think, that those few other people that drunk it abroad, did it only in imitation of the
Britains,

Britains, though we have no records remaining upon which to ground this opinion.

§. 15. It is a generally received notion, that *Ælfred the Great* was the first that divided this kingdom into shires. But then it is strange, that the same should not be mentioned by *Afferius Menevensis*, a coæval writer, who drew up and published his life, which hath been printed more than once. There is nothing about this very material affair in the MSS. made use of by the publishers. It is therefore, likely, that he was the author of a subdivision only. Perhaps he might have the bounds of the counties distinctly entered in some particular book, such a book as *Domesday*. We have had such accounts taken since. Even *William the Conqueror's Domesday book* is nothing else but what was done in imitation of an older one made by order of king *Ælfred*, whose book was called *the Roll of Winton*, and was kept at *Winchester*, which is the reason, as I take it, that some tell * us, that *William the Conqueror's* (which, I believe, took in *K. Ælfred's*) was also kept at *Winchester* in a house named *Domus Dei*. And we know, that in after times the bounds of counties were many times examined, and

K. Ælfred not the first that divided this kingdom into shires. They were more exact in former times than now in noting the bounds of places. The Saxons imitated the Romans in the division of the country. K. Ælfred revived what had been done, for which reason, and for his being author of a subdivision, the division into shires is commonly ascribed to him.

* *Stowe's Annals*, p. 118.

entered in books on purpose to transmit the knowledge thereof the better to posterity. The bounds of Huntingdon and Cambridge shires are very distinctly accounted for in the strange old defaced MS. about Peterborough and Ramsfey abbies, that I lately printed at the end of Thomas Sprott's Chronicle. I wish I could meet with as distinct and exact accounts of other counties in old MSS. Such entries were the more requisite in those times, when they were not expert enough to make maps, and to take draughts in the manner as is done now. Yet I think that, notwithstanding the want of this skill, they were more exact, even then, than now in observing the bounds of counties; in order to which the prefects, or carls of the counties, had their perambulations much in the same manner as was practised with respect to parishes, though not so frequently: and at such times they did not neglect even the quilletts that lay in other counties, though not part of them: just as also the parishioners did not omit to survey also in their perambulations such quilletts as lay within, and were encompassed by, parishes different from their own. And that which made them the more strict in those times about the bounds as well of counties as of parishes, was the rigour of the laws, which not only enjoined them to take such care, but likewise gave them great encouragement
against

against such as presumed to encroach; in so much as there are pecuniary mulcts in the Saxon injunctions, whenever it was found that a freeman had broke either another's door or hedge. And this was as early as the time of king Æthelbirht, among whose laws the *Textus Roffensis* (that most famous monument of antiquity) mentions this: *Uy xman eop brece gecep vi ycell. gebete.* Six shillings, we see, is the penalty, and that was a great sum in those times. But then a penalty was inflicted not only for breaking either a door or hedge, but even for going over a hedge, and that was also pecuniary, as were also other punishments in those days. Hence the same *Textus Roffensis*: *Uy xman eop gegange iv ycell. gebete.* It must, indeed, be confessed, that these hedges meant here were much different from our common ones, being a sort of mounds or fortifications, such as could not be passed without considerable damage and violence to the owners, and used to be made about their *Haies*. But then whatever they were, they plainly shew the exactness of those times, and how ready the superiors were to punish any transgressions that arose from invasion: and there is no question, but the bounds of provinces and parishes were also to be understood in those injunctions that related to territories. So that I should think, that even the *munobyry*,

so much spoke of in the Saxon laws, are also to be referred to this head. Since therefore there was so much caution used about security of right to particular places, methinks it is absurd to suppose, that there was no such division as into shires before the time of K. Ælfred. Nay, what plainly determines against any such supposition, is the very mention of some counties or shires even in Afferius Menevensis, and that in such a manner too as to make the division before Ælfred's Reign. The word *Shire* too occurs in the laws of king Ina. So that I am inclined to think, that as the Romans, when here, had divided the country into particular provinces, so the Saxons afterwards imitated them, and confirmed what they had done, making, however, some alterations, though not a great many. And yet after all, I will allow, that king Ælfred revived all that had been done, and brought every thing to greater perfection than had been done before; for which reason, as well as for his being the author of a subdivision, he hath been commonly taken to be the first that divided this country into Shires.

As he is also called by some the first founder of the university of Oxford, though he only restored it. Stone buildings raised in Oxford by the care of king Ælfred. K. Edward the Confessor's chapel at Islip. The Mynster of

§. 16. Nor will it seem absurd to any, that Ælfred should be looked upon by the generality of mankind, as the first that divided the kingdom into shires, only because he contrived
- a sub-

a subdivision, and renewed what had Affaudunc or Ashdon in Essex. been brought about long before, if it be considered, that he is also taken by many to be the first founder of the university of Oxford, only because he restored it after it had been destroyed by the Danes, there having been an university (and that a flourishing one too) at that place long before. Indeed this great king (who was endued with admirable wisdom, rare memory, grave judgment, and sharp foresight) performed so much for the benefit of this kingdom, as made most look upon him as another Solomon, and to attribute all the glory that future ages afterwards bragged of to his care and conduct. The buildings that had been erected before were nothing in comparison of such as he raised; nor were the laws about bounds of provinces and parishes so duly put in execution. He had such a particular way of enforcing them, as made the several officers that he employed both adore and admire him, and when they applied the methods he prescribed, all things proved effectual. Even the university I have mentioned as it was restored by him, so he wisely ordered, that it should be governed for the honour and credit of the kingdom, and prohibited any to infringe the liberties and privileges of the scholars under the severest penalties. And here too the bounds of the scholars were taken notice of by him,

and as they were to be confined themselves, so none were to hinder them from making a proper use of those spots of ground that were designed for them. This made many envy the scholars happiness; and they were the more keen in shewing their resentments, by reason of the buildings that were now raised in the university, which much exceeded those destroyed by the publick enemy. He brought in artists that could work in stone, and now therefore some stone buildings appeared in Oxford, in lieu of those that were before nothing but wood. But then these stone buildings though fine in those days, yet were nothing equal to what hath been done of that kind since, as may appear from what remains of that age. Nor was there any thing very perfect of that kind among us, after the Romans had deserted us, until the Norman invasion. Edward the Confessor's chapel, a little way northwards from Islip church, was, without doubt, looked upon in the age, in which it was built, as very good. It is, however, but 15. yards in length, and a little above 7. in breadth, (being much such another as those mentioned in the decrees of pope Nicholas, who ordained, that a bigger church should contain in compass 40. paces, a chapel, or lesser church, 30. paces) and though it be in a shattered condition now
(being

(being thatched, and patched, and turned into a barn) yet we may easily guess from a sight of it, what it was in its greatest perfection, and you would hardly think (did not you know the nature of those times) that so great and good a king as Edward the Confessor, and so virtuous, and pious, and beautiful a princess as his queen Edgitha (who in the year 1065. built the church of Wilton of stone, being before of wood *) frequented this place in order to pay their devotions in it. We have not many such remains of antiquity, and for that reason I shall here insert a draught of it, just as I had it taken lately, to which I am likewise the more inclined, because it is probable, that in some few years it may be quite levelled, and not only the figure of it forgot, but the very place also where it stood. I most heartily wish, that equal care had been always taken about draughts of other buildings (particulary sacred ones) that were of more than ordinary note. We might then have had a much better idea of the spirit of our ancestors, than it is possible for us to collect now, either from tradition or written history. But for many years before the Conquest, they were not very capable of transmitting draughts to posterity, that part of useful knowledge being advanced but a little

* Stowe's Annals, p. 97,

way among our countrymen in comparison of what it is now. So that it is to their ignorance, in a great measure, that we owe the want of the figures of many of their noted buildings; among which we ought to reckon the Mynster of Affandune, now Ashdon, in Essex, which was built * of stone and lime by king Cnute in the year 1020, for the souls of those that were slain there in the year 1016, in a most bloody battle between K. Edmund Ironside and himself, in which Edmund Ironside was overcome through the treachery † of Eadric Streona Earl of Mercia, and not long after slain at Oxford ‡, a knife, or, as others || say, a spear or spit, being thrust into his fundament by Eadric's own son (ordered and commanded to do so by his father, though some say * the father did it himself) as he was easing nature; for which, however, Eadric, received no better reward from Cnute (whom he thought by such a piece of villany to have pleased) than to be bound hand and foot, and afterwards to be thrown into the Thames and drowned; though others say § that he was beheaded, and that his head was set upon a

* Leland's Coll. vol. III. p. 85. † Ibid. vol. I. pag. 143. ‡ Ib. vol. I. p. 196. & vol. II. p. 302. || Speed's Chron. p. 372. Ed. Lond. 1632. * Leland's Coll. vol. I. p. 241. § See Dugdale's Baronage, vol. I. p. 8.

pole on the highest gate of London, and his body cast without the walls of the city. Others † tell us, that K. Edmund died a natural death; but I look upon the former to be the more true account. However this be, I am not ignorant, that the Mynster at Affandune is commonly interpreted to be nothing more than a church; but for my own part I am willing to think that it was something besides, *viz.* that there was a religious house there, and a suitable provision made for such as were to celebrate the divine offices in behalf of those that were slain. The Saxon annals call it by no other name than Mynster, which, I think, will confirm my notion, the meaning thereof being a monastery, and not a church only. And on þyrum gearfe (they are the words of the annals, under the year 1020.) *Ƴe cýng [InuƳ] Ƴon to Affandune. Ƴ let tymbrian þær an mýnster of Ƴtane Ƴ lime Ƴon þære manna Ƴaple þe þar of-Ƴlagene þær an. Ƴ ƳieƳ hit hƳ anum pƳeoƳte þeƳ nam þeƳ stigan.* To which may be added, that it appears likewise from Leland, that there was a monastery also here, he reckoning † it among the monasteries built before the conquest. This Ashdon (the church whereof is not so big as the Mynster church was ‡) is three miles

† Chron. Sax. sub an. 1016. Leland's Coll. vol. II. p. 286.
 ‡ Coll. vol. I. p. 25, 26. † *Nunc (ut ferunt) modica*

miles from Saffron Walden, and the remembrance of the field of battle (in which the flower * of the English nobility was lost) is retained to this day †, by certain small hills there remaining, whence have been digged the bones of men, armour, and the water-chains of horse-bridles.

It is very probable, that K. Ælfred built a fort or castle at Oxford. The town ditch of Oxford, which was properly called *Fossa Candida*. Thames street in Oxford not pitched until 1661.

§. 17. The mention of K. Ælfred's procuring artists that could build in stone, and his encouraging such kind of edifices, brings to my mind the forts and castles that were built by him, in room of those that had been destroyed by the Danes, which were made of wood, and therefore not capable of holding out so well against an enemy as those raised by this great king, and such as followed his example. And I am the more willing to touch upon this subject, because it is one of those that are treated of in this collection. Now the chief end of K. Ælfred's pains and charges about castles was, partly for ornament and partly for defence. And though I do not yet find any history for it, yet I am of opinion that some fort was raised by him in Oxford, as well as in other places. For

est ecclesia, presbytero parochiano delegata. Leland's Coll. vol. III. p. 316. * *In bello de Assendane totus fere globus nobilitatis Angl. cæsus est, qui nullo in bello majus unquam vulnus quam ibi acceperunt.* Lel. Coll. vol. II. p. 594. † Speed's Chron. p. 371.

since

since that eminent place met with such disasters from the Danes, and since it is certain, that he was so great a friend to it, and did all that lay in his power for its security, methinks it cannot well be supposed, that he should leave it without a fort. That too which countenances the conjecture is this, that in the old arms of Oxford we have a castle with a large ditch and a bridge, as may appear from an heraldry book in the hands of my very worthy friend Thomas Rawlinson, Esq; which arms I take to have been originally derived from the fort that was erected at Oxford, before the famous castle built by Robert D'Oiley the first, a notable man that came into England with K. William the Conqueror. But then the castle built by D'Oiley was much more considerable than the former, though, I believe, the mote was not broader or wider than it had been, even before the undertaking of D'Oiley. This Oxford castle in old writings is often called by no other name than *Mota*, and I am apt to think, that the fort, that was at Oxford before the time of D'Oiley, had no other name than *Mota*, which was very proper, since it was defended with so very large a ditch. So that I believe D'Oiley did not make a new ditch, but only cleansed the former, and made it more fit for defence of the walls of the town, as well as for security of

the castle, of both which he was founder, or rather restorer *, as he was also founder of the great bridge, called *Grandpont* †, on the south side of Oxford. And yet in Ælfred's time the ditch might be as fit, if not fitter for defence, than when it was renewed by D'Oiley. For though Ælfred's building was of stone, yet it was nothing equal to that of D'Oiley's for strength, the artificers he employed being not so skilful as those that appeared after the Conquest: upon which account there was the more need of a very large and deep ditch. Yet it must be allowed, that one end of so large and deep a ditch was for the sake of the scholars. Had it not been so deep and wide, it would have been more noisome, and consequently have been very prejudicial to the health of the scholars. Being so big, and continual care being taken to keep it clean, the water was very clear, and the stream was pretty swift. For which reason it was properly called *Fossa Candida*, and we are informed that the water drove several mills; among which mills, however, must not be reckoned the water-mill where ‡ Merton College great quadrangle is now, which was not drove by the

* Leland's Itin. vol. II. p. 14.
106. b. Dugd. Baronage, vol. I. 460.
MSS. vol. LXXXVIII. p. 24.

† Mon. Angl. vol. I.
‡ Coll. nostra

water of the town ditch, but by the water that came by a subterraneous * passage or channel from the Cherwell near St. Cross's, now called Holywell Church. But then the contrary is to be observed of the mill at North-gate. For that was drove by the water of the town ditch, some of which ran down Thames-street, which was formerly a deep hollow way, and was not pitched until the year 1661, when the following inscription was fixed in a certain wall, that was made at the same time on the north side of the same street ;

THIS WALL WAS
MADE AND THE WAY
ES PITCHED IN THE
MAYROLDY OF S^R.
SAMPSON WHITE
K^T. ANNO DOM.
1661.

§. 18. There is, moreover, another reason to believe, that a fort or castle was built at Oxford by K. Ælfred, and that is this, that king Offa had built † walls at Oxford (where he fought with the Kentish men) before his days, which I suppose, had also

K. Offa had built walls at Oxford before the time of K. Ælfred. Arms that have castles on them an argument of fortitude. Other uses, besides ornament and military service, designed by the towers on the walls of Oxford. The virtue believed to be in bells. The names of the six bells of Osney.

* *Subterraneus aquæ meatus à Charwell prope ecclesiam S. Crucis usque ad Coll. Merton. Molend. & 2s. acr. prati data Merton Coll. per Jo. de Abingdon, Harington, & Yesley. Sic in Coll. nostr. MSS. jam citat. Vol. LXXXVIII. p. 33.*

† Coll. nostr. MSS. vol. LXXXVIII. p. 24.

some such fortification as might be termed a castle, though built and formed in a different manner from the fortifications that were afterwards erected. Which being so, can we imagine that K. Ælfred would leave Oxford in a weaker condition than it had been left by the said K. Offa, as he certainly would, had he not made provision for its defence both by walls and a castle? It is, therefore, highly probable, that K. Ælfred also, besides a castle, raised walls about Oxford, and that the walls were made the stronger, as well as more beautiful, by certain towers placed at proper distances from each other, in imitation of the old Picts wall built by the Romans, in which there were such bulwarks. So as even the walls themselves represented, as it were, so many castles, for which reason the figures of ancient castles in arms are usually made to resemble the battlements of walls, as may appear from the arms of * Oldcastle and Sampson, which perfectly agree with the figures of the old Roman *Castra* on coins, as well as with such Roman walls as are now extant. Arms with such figures are certainly honourable, as betokening that those, to whom they were first given, were persons of very great fortitude, having scaled and

* MS. of Thomas Rawlinson, Esq; before quoted, p. 1257.

broke through thick and strong walls, and been victorious over a powerful enemy. Nor can any one deny, that wherever castles are seen in arms they denote valour and strength; in the same manner as the pictures of St. George and the dragon signify courage likewise, and are therefore seen in some old halls, particularly in the old hall of Bessels-leigh, or Bleffels-leigh House, near Abbingdon in Berkshire, the martial skill of the Bessills, or Bleffels, being designed by it, as it was by many other monuments, preserved, in Mr. Leland's time *, at that place. The arms therefore of the town of Pontefract are very properly represented by the figure of a very strong and almost impregnable castle, agreeable to the nature of that place, as we find in antiquity. From such kind of arms we may sometimes discover the strength of one castle above another. So Pontefract appears from the arms (for it is now demolished †) and the valuable picture of it in the Ashmolean.

* Leland's Itin. vol. VII. p. 61.

† " Pontefract Castle. An account how it was taken: And how general Rainsborough was surpris'd in his quarters at Doncaster, anno 1648. In a letter to a friend. By captain Tho. Paulden, written upon the occasion of prince Eugene's surprising Monsr. Villeroy at Cremona. In the Savoy, printed by Edward Jones, MDCCIII. 4to. The letter dated March 31. 1702. In 27. pages. It is a very excellent, remarkable paper, the author being one of those engaged in the affairs it treats of. He was 78. years old when he writ
" it

Ashmolean Museum, to have been stronger than even Totness, the Devizes, Exeter, Barnstable, Windsor, Calne, Norwich, and several others, though less strong than Oxford. For the same reason the arms of Chastlet or Chastley have forts, nothing near so considerable as those arms that are denoted by castles. But after all it must be noted, that the towers on the walls of Oxford were added by K. Ælfred, not only for military service, but likewise for other special uses, as they were afterwards also by D'Oiley. Upon this account I meet with, in writings relating to Oxford, a turret on the walls, called *The Maiden Chamber*, being supposed to have been a prison or house of correction for scandalous women: * *le maiden Chambre in turri muri Oxon. & forsan prisona mulierum publicarum*. That prison called formerly *Bochord*, and now *Bocardo*, is thought by several, from the signification of the word †, to have been anciently a library; but I will suspend my own judgment,

“ it. After the castle of Pomfret was surrendered (which was
 “ after the king was beheaded) it was demolished; so that,
 “ now there remains nothing of that magnificent structure,
 “ but some ruins of the great tower, where, the tradition is,
 “ king Richard the II. was murdered.” So in my MSS. Coll. vol. XLVII. p. 33.

* Coll. nostr. MSS. vol. LXXXVIII. p. 12.

† Somners's Saxon dict. in the word *Bochorð*, and Mr. Wood's *Hist. & Antiq. Univ. Oxon.* Vol. I. p. 8.

as to this particular, until I meet with some confirmation. I cannot, however, but think, that K. Ælfred (who *ordained common schools of divers sciences in Oxford* *) instituted a library at Oxford for the use of the common students; and it is not unlikely but it might be by the walls, and either at, or not very far from the same place where the divinity school, and a famous library over it were afterwards erected by several benefactors, and not (as is commonly reckoned) wholly by duke Humphrey, as bishop Godwin † hath well observed, and may be more fully seen in the appendix ‡ to this work. And where such buildings on or at the walls were placed, it is likely they were distinguished by more than ordinary towers and pinnacles, as a sign that they were intended for some other use than the common walls. Withal it is likely, that in some of the towers there were bells, hung there on purpose to give warning when there were hostilities; and there was the greater reason to prevent such dangers, because of the great charge at Oxford that the governors had upon account of those committed to their education. Nor

* “ In the chronicle of Brute of England, in Bibl. Bodl. “ inter Codd. Hatton. at the bottom of the pages of which “ are put many notes by a later hand.” So *in Coll. nostr. MSS.* vol. XLVII. p. 48. † De Præs. p. 248. Ed. Lat. ‡ Num. VIII. IX.

can any one think, that Ælfred was backward in this point of discipline, or that he neglected even bells, when he knew the Pagans were afraid of them, as believing that there was an extraordinary virtue in them. Nor were such bells placed only in some of the common towers of the walls, but in several chapels that were also by the walls, that they might be of use to such as were obliged, by virtue of their office, to reside at the walls. But that which made bells the more terrible to the pagans was that they had generally, such names given them as carried awe with them, and whereas several losses had often happened to such as spoiled churches and chapels, and frequently also to those that did injury to consecrated bells, (which were formerly, as well as since, oftentimes, though very unjustly, claimed by the prevailing enemy, upon surrender of towns, as their own *) they were easily induced to believe, that there was a very great power in bells, a thing which was likewise believed even after our whole island became Christian. Whence it is, that many stories are reported of the six famous bells of Olney, whose names were † Douce, Clement, Austin, Hautecter (or Hautcleri) Gabriel and John.

* See the appendix to this work, num. X.
 † See the appendix to this work, num. XI.

† See the

§. 19. The learned Dr. Thomas Smith, in his life of Sir Robert Cotton, hath given us a list of some of the members of the society of antiquaries; to which others might be added, as Mr. Bowyer, Mr. Cliffe, Mr. Walter Cope, Mr. Erdwicke, Mr. Savel of the Middle Temple, Mr. Strangeman, and Mr. Wifeman. But I despair of getting a perfect catalogue of those eminent and excellent men, several of their names having been industriously concealed since the dissolution of the society. I look upon it also to be as impossible to procure all the dissertations that were drawn up by them. There were certainly a great many besides those that Dr. Smith collected. But then these having not come to my hands, I will leave it to the possessors of them (whoever they may be) to account for them. Yet I cannot but here take notice, that one of the most assiduous of those antiquaries was Mr. Tate. For though there be only one discourse of his in this collection, yet he seems to have written many more. For my friend John Anstis, Esq; a truly learned antiquary and herald, hath lent me a 4to MS. written by Mr. Tate's own hand, in which there are abundance of collections relating to many heads in our antiquities. It is true, they are only bare

The publisher despairs of getting a perfect list of all the members of the society of antiquaries. It is as difficult also to procure all the dissertations drawn up by them. The great diligence of Mr. Francis Tate. An account of collections made by him upon several curious subjects in a MS. in the hands of John Anstis, Esq;

collections, and put into no methodical order. However, since an unusual industry appears in gathering the passages together, and since they are upon such curious subjects, I cannot but think that he methodized some, if not all of them, and afterwards offered accurate discourses to the society at their meetings, whatever fate they may have suffered since. But a better judgment will be made of Mr. Tate's diligence in these affairs from a list of the heads in Mr. Anstis's MS. Upon which account I shall here annex it.

- I. *Of the antiquity of Seals, &c.*
- II. *Of what antiquity the name of dux or duke is in England, and what is the estate thereof? 27. Nov. 1590. The same question was again proposed 25. No. 1598.*
- III. *What is the antiquity and exposition of the word Sterlingorum or Sterling? 27. Novembris 1590.*
- IV. *Of the antiquity of marquisses in England, the manner of their creation and signification of their name. 11. Febr. 1590.*
- V. *Of earls and their antiquity here in England.*
- VI. *Of the original of sealing here in England with arms or otherwise. 23. Junii 33. Eliz. 1591.*
- VII. *Of the antiquity of viscounts here in England, their manner of creation, and other matter*

matter concerning viscounts. 23. Junii 33. Eliz.

VIII. *Of the antiquity, dignity, and privileges of barons here in England, and signification of the name.* 25. Novembris 34. Eliz. 1591.

IX. *Of the antiquity and diversity of tenures here in England.* 25. die Novemb. 1591. 34. Eliz.

X. *Of the antiquity and diversity of knights.* 6. Maii 1592.

XI. *Of the antiquity, dignity, and privileges of serjeants at the law.* 12. Febr. 1593. The collections upon this head are contained in two pages. Then follows this title, *The antiquity of serjeants at arms.* But there is not so much as a word observed about it, only four pages are left blank to contain collections.

XII. *Of the signification and etymology of the name of Esquier, and of the antiquity and privilege of them.* 11. Maii 1594.

XIII. *The antiquity, etymology, and privileges of the gentility of England.* 19. Junii 1594.

XIV. *Of the etymo'ogy, original, erection, and jurisdiction of county palatines in England.* 27. Novembris, 37. Eliz. 1594.

XV. *Of the etymology and antiquity of honours and mannors.* 27. Novemb. 1594. After the collections upon this head, follows

this title, *Which is the most antient court for the ministring of justice universally within the realm.* 29. Maii 1595. Four blank pages are left for collections, but there is not a word written about it.

XVI. *The antiquity and privileges of sanctuary within the realm.*

XVII. *Of the antiquity of arms here in England.* 2. Nov. Mich. 40. Eliz. 1598.

XVIII. *Of the etymology, antiquity, and privileges of cities in England, and what shall be called a city.* 9. Febr. 1598. 41. Eliz.

XIX. *The etymology, antiquity, dignity, and privileges of castles here in England.* 16. Maii 1599. 41. Eliz.

XX. *Of the etymology, antiquity, and privileges of towns in England.* 23. Junii Trin. 41. Eliz. 1599.

XXI. *Of the antiquity, etymology, and privileges of parishes in England.* 2. Nov. 41. Eliz. 1599.

XXII. *Of the antiquity, etymology, and variety of dimensions of land in England.* 23. No. 1599.

XXIII. *Of the antiquity, services, and duties appertaining to a knight's fee.* 9. Febr. 1599. 42. Eliz.

XXIV. *Of the antiquity, variety, and ceremonies of funerals in England.* 30. Aprilis 1600. 42. Eliz.

XXV.

XXV. *Of the antiquity and variety of tombs and monuments in England, of persons deceased.* 7. Junii 1600.

XXVI. *The antiquity and selected variety of epitaphs.* 3. Novembris 1600. M. 41. Eliz.

XXVII. *Of the antiquity and selected variety of mots under arms, and the reason thereof.* 28. No. 43. Eliz. 1600.

XXVIII. *The antiquity, use, and ceremonies of lawful combats in England.* 13. Febr. 1600. 43. Eliz. Memorand. by reason of the troubles stirred by the earl of Essex, this day of meeting held not, but a new day appointed the next Term 22. Maii 1601. 43. Eliz.

§. 20. These are all noble subjects, and Mr. Tate consulted the best books in order to write the more accurately about them. As he was a

Mr. Tate very well versed in Domesday book. His explication of the abbreviated words in that book. An edition of all Domesday is much desired.

great lawyer as well as antiquary, *vir multi-jugæ eruditionis & vetustatis peritissimus*, saith Mr. Selden in his preface to Hengham, and of exquisite skill in the Saxon language, so he frequently cites the ancient laws, year books, and records; but then what occurs in this volume being only collections, as I have hinted above, I have judged it more proper to suppress than to publish them, though at the same time it must be allowed, that they will be of extraordinary use to such as shall engage

engage hereafter to write upon any one of them. Among other books of antiquity, that Mr. Tate was well versed in, must not be forgotten that noted one, commonly called *Domesday Book*, this he perused over and over, and extracted many things from it; and to render it the more intelligible to others, he explained the abbreviated words in it. Copies of this explication are in many hands, and I have entered one in my own collections *, which I shall subjoin in this place, as a thing altogether agreeable to my present design. Besides which explication, he wrote likewise another thing relating to Domesday, which supplied the defects of the former, and that was, *Expositio verborum difficiliorum in lib. de Domesday*. But this is a subject that I leave to be discoursed of by those, that have an opportunity of inspecting and perusing this most venerable monument of antiquity, which I have often wished were printed entirely, there being no survey of any other country whatsoever equal to it. The ancient Roman Itineraries have been always valued, and that deservedly; yet they are trifles in comparison of this most admirable survey, done with such an exactness, and so much diligence, as would be hardly credible, were it not certain, that the Normans were resolved

* Vol. LXXXVIII. p. 54.

Verba abbreviata in libro de DOMESDAY

Acra.	qdo. quando.
B ^r . Berguica.	Qd. quod.
bord. Bordarii	q ^z . quarentena.
cap. Carucata.	pr. pratum.
e. est.	pr. pre.
ee. else.	pr. runt.
7. &c. et.	punc. runcinus.
g ^o . ergo.	S. loca.
h. hic hæc hoc.	Scus. sanctus.
hundredum.	S. sed.
halla capitalis.	scanziu, escambium
t. haula domus	Et. tunc.
Manerii.	T.R.E. tempore regis
hb. habebat.	Edw. [Confess.]
ll. 2000.	E. u. d. tantum
lz. longitudine.	dem.
lat. latitudo.	Eam. tamen.
t. vel.	villi. villam
M. manerium.	u. v. vero.
m. modo.	v. virgata.
nc. nunc.	XXX triginta.
n. non.	R. Regis.
N. ut.	
Ou. oves.	
Qdo. quando Qdo.	

MB. sculp

[Faint, illegible text, possibly bleed-through from the reverse side of the page]

to make the best use of their conquest, and to secure every inch of ground to themselves. There are accounts of some whole counties printed from this book, and they are very good specimens of the intire work, and cannot but make those that are in love with our antiquities, the more earnestly to desire all of it. But, it may be, there are private considerations which may hinder an edition, as indeed it too often happens, that the publick interest of learning suffers by reason of private concerns.

§. 121. We learn from the foregoing list, that Mr. Tate collected materials about combats. Which when I first saw, I expected several

The ancients had certain games to exercise their courage. Tournaments the same with the ancient *Pyrhica*. *Troja* and *Pyrhica* not different.

particulars about tournaments. But I was very much disappointed. Nor hath the collector, on that occasion, had recourse to the Greek and Roman authors. I have said many things about tournaments in my preface to *Guilielmus Neubrigensis*, which I will not repeat here. I will, however, take this opportunity of remarking, that although the ancients had devises and engines to throw darts and javelins to annoy their enemies a far off, yet they had no guns (for what some pretend to prove from Philostratus is no more than fiction) but fought it out, man to man, with down right blows, joining feet to foot and hand to hand: and

among them also, they had * fundry sorts of publick exercifes and games for wagers, especially these five: wrestling; hurling a coyte, who could hurl it farthest or highest; running or leaping; combating with leathern bags having plummets hanging at the ends thereof; barriers and tournaments on horse-back; all which are mentioned by Homer, as well as by Virgil and Pausanias. To which the Romans afterwards added another, which was, fighting with ships on the water. This was exhibited and kept in a solemn manner, especially in the reign of Augustus Cæsar, the better to preserve the remembrance of his noble victory at *Actium*, and the shew thereof was on the river Tyber. These exercifes were to promote courage and military discipline. This was the end likewise of the *Ταυροκαθάβια*. Afterwards another kind of warlike exercise on horseback was added, namely the *Pyr-rhica* †, which others termed *Troy*, and it was accustomed to be openly shewed in the usual field of exercise, called *Campus Martius*. This was no other than what our ancestors called properly Tournaments, which

* See Lamb. Danæus's treatise touching dice-play and prophane gaming, translated by Tho. Newton, Lond. 1586. 8°. in the last leaf of the signature E. for it is not paged. † Pol. Virgil. de inv. Rer. l. II. c. 13.

word some * will have to be originally *Trojamenta*. There was no absurdity in the word Troy. That people was so famous, that others thought it great honour to be derived from them. There was likewise an emulation among brave men to equal them in their military acts. Hence the names of the brave heroes of those times have been made use of to distinguish men of courage. Nay and the very form of the city of Troy was thought to have a peculiar virtue in it, in so much, that even the common Shepherds pretend to keep it up in the common Fields. But however this be, there can be no doubt, I think, that the exercise called *Troy* was so named from that place. Virgil † is express authority :

*Hunc morem cursus, atq; hæc certamina primus
Ascanius longam muris cum cingeret Albam
Rettulit : & priscos docuit celebrare Latinos.*

And presently after,

Trojaque nunc pueri Trojanum dicitur agmen.

I am very sensible, that some make *Troja* and *Pyrrhica* to be different games, so that, according to them, *Pyrrhica* was exercised on foot. But Servius was of a quite different

* Hospinianæ de origine Fæstor, p. 152. Tig. 1592. fol.
† Æn. l. V.

opinion, and he cites Suetonius to confirm it. *Ut ait Sueton. Tranquillus, ludus ipse, quem vulgo Pyrrhicam appellant, Troja vocatur, cujus originem expressit in lib. de puerorum lufibus.* He could not have produced a better authority than Suetonius, who in his work *de puerorum lufibus* (which is now lost) had treated expressly and fully about this subject, and I do not question, but he had touched upon it likewise in his *Historia ludicra*, the first book whereof is mentioned by Aulus Gellius *, and, perhaps, what Suidas calls † *Περὶ τῶν παρ' ἑλλήσι παιδιῶν βιβλίον α'*, was only part of it. Suetonius seems also to have said something upon the same subject in his work, *Περὶ τῶν παρὰ Ῥωμαίοις θεωριῶν καὶ ἀγώνων*, and in that *Περὶ Ῥώμης καὶ τῶν ἐν αὐτῇ νομίμων καὶ ἠῶν*, of both which there is mention in Suidas, who, withal, speaks of a book of his written against Didymus about proper names, and the several sorts of cloaths, shoes, and other habiliments. *Ἀντιλέγει δὲ τῷ Διδύμῳ περὶ ὀνομάτων κυρίων, καὶ ἰδεῶν ἰσθημάτων, καὶ ὑποδημάτων, καὶ τῶν ἄλλων, οἷς τις ἀμφιέννυται.* And, it may be, this last was the same with what Servius calls ‡ *de genere vestium*. But though Suidas gives us Greek titles,

* L. IX. c. 7.
Æneid.

† Voc.

‡ In VIII.

yet it must not be thence inferred, that Suetonius writ in that language; it being customary with him to do so when he speaks of other Roman writers. Nor was it usual with the Greek authors, to give Latin titles, however writ in that language. I am apt to think, that in the work where the habits were treated of, express notice was taken of the habits of the youth that used to exercise in the *Troja* or *Pyrrhica*, the captain of which, who used to be the son either of an emperor or senator, was stiled *Princeps juventutis*, a title which frequently occurs on the Imperial coins.

§. 22. Mr. Tate was versed, not only in our English antiquities, but in those likewise which are purely British, for which reason he held a correspondence with Mr. Jones, a gentleman of admirable knowledge in that part of learning, and was also a very eminent lawyer, and wrote a book of laws. It was to this person that Mr. Tate communicated his thoughts, and when he had any questions to be solved about the British affairs, he always applied to him, and he as often received ready and pertinent answers. The most material of those questions and answers are now remaining. And, for better satisfaction to the reader, I have published them, from a transcript communicated

Mr. Tate skilled in the British antiquities. His acquaintance with Mr. Jones, a man of excellent learning. This work is indebted to the learned Mr. Bridges. Two discourses in it from the publisher's own collections.

cated to me by my learned friend John Bridges, Esq; at the end of Dr. Smith's collection, which concludes with Mr. Camden's discourse about Barons. After these questions and answers I have added, from my own collections, Mr. Thynne's and Sir John Dodderidge's discourses about heralds, both which I find to agree with the copies that are preserved in Mr. Ashmole's *Museum*.

The Publisher's care
not to vary
from his
MSS.

§. 23. I have nothing more to say at present, but to forwarn the reader to take notice, that I have all along followed the MSS. I have made use of. So that whenever there appears any defect or error, whether in the orthography or the sentence, he must remember, that the same occurs also in the MSS. it being a principle with me not to alter MSS. even where better and more proper readings are very plain and obvious. For I have often known, that that hath proved to be the true reading which hath been rejected. *Zeta* for *Dieta* appears in MSS. Velferus shews that it is a very good one. So we have *Zabulus* for *Diabolus* in old writings; and such as illustrate the ecclesiastical authors shew, that it is no corruption. That *Parifius* occurs in all cases is proved by Brian Twyne. There are many instances of the same nature. I would not, however, from hence have it believed, that

that I am for defending corruptions. I am only for fidelity. I would therefore retain *INCENSA BATAVORUM CLASSA* in representing the inscription on a famous medal of Lewis the XIVth. though *CLASSI* be the true word.

Edmund-Hall Oxon.

March 26. 1720.

F R E E A C T

that I am for defending corporations. I am
 only for faculty. I would therefore retain
 INCIPIA BATAVORUM CLASSA in regard
 to the inscription on a famous medal of
 Lewis the XIVth though it may be the
 true word.

Wm. Lawton
 1771

A
C O L L E C T I O N
O F
C U R I O U S D I S C O U R S E S.

N^o I.

The Antiquity of the Laws of this Island.

By W. HAKEWILL.

THE antiquity of laws may be considered, either in respect of the ancient grounds, from whence they have been derived, or from the long time, during which they have been used within the same state or kingdom, of which the question is put. In both which respects, although perhaps the laws of this island may justly be compared with any other in the Christian world, as first in regard of their long continuance within this land, but especially for that they agree with the written law of God, the law of primary reason, and the old laws of Greece (of all laws humane the most ancient) in very many points, and those also, wherein they differ from the laws of other nations; yet because the meaning of the question in hand

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doth

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doth (as I conceive it) more properly bind me to say my opinion touching their continuance within this Island, bending myself only thereunto, I will purposely omit that other point of their derivation. And herein I will labour rather to find out the simple and plain truth, than seek to maintain any opinion heretofore conceived touching their very great antiquity; howsoever perhaps it may pretend more honor to our nation. Fortescue, Chancellour of England, in the dayes of H. 6. in his treatise in praise of the laws of England, touching this matter hath these words: *Regnum Angliæ primo per Britannos inhabitatum est, deinde per Romanos regulatum, iterumque per Britannos, ac deinde per Saxones possessum, qui nomen ejus ex Britannia in Anglia mutaverunt; ex tunc per Dacos idem regnum parumper dominatum est, & iterum per Saxones, sed finaliter per Normannos, quorum propago regnum illud obtinet in prasenti. Et in omnibus nationum harum & Regum eorum temporibus regnum illud iisdem, quibus jam regitur, consuetudinibus continue regulatum est.* For which opinion of his, because I see no other proof than *ipse dixit*, though indeed the authority of the writer be great, and the opinion such, as for the honor of our laws I could willingly embrace; yet there being (as I conceive it) many and those sound reasons, which prove the contrarie, I may justly suppose, that the great affection, which he bore to the profession, which had brought him to so high a place in the common wealth, might move him in honor thereof to say more than his best learning could otherwise inable him to maintain. His authority, or perhaps the same motive hath drawn some late writers also to publish the same opinion, the which for my part I do not see any way maintainable, but am rather of opinion, that the laws of the Brittaines were utterly extinct by the Romans; their laws again by the Saxons; and lastly, theirs by the Danes and Normans much altered. And first touching the Romans, who were the first, that conquered the ancient inhabitants of this island: considering, that it was their use alwayes to alter the laws of those nations which they subdued, as even at this day may appear

Laws of this Island.

pear in France, Spain, Germany, and many other nations, and that in nothing more than this they placed the honor and safety of their conquests, it is very likely, that they also took the like course in this island, which they did in their other provinces; and indeed more reason had they so to do here, than perhaps any where else in the whole Empire, as being a province so farr remote, and a people even by nature disobedient. To this may be added, that they trained up some of the British kings and many of their noblemen even in the city of Rome itself, which they did for no other purpose, than to instruct them in their laws and civilitie. Besides these probabilities, (which yet are of force enough against a bare affirmation only of the contrary) there wanteth not also authority, which may prove the same; for even by the best authors and writers of the history of those times it is reported, that Vespasian coming hither in person, as lieutenant to Claudius, after the great victorie which he had obtained against Arviragus in the North parts, for the better assurance of his loyalty in time to come, and the more absolute subjection of the Britains for ever after, abrogated their ancient laws, and established those of the empire in their place. To this may be added the sending hither of the great Lawyer Papinian, only to reform the laws here; appointing in every severall province a Roman judge to do justice accordingly. Neither is it a small argument hereof, that in part of this island itself, namely in Scotland, much of the civil law is even at this day in practice; the bringing of which among them can be assigned to no other time or persons, than to the old Romans, when they ruled this island. In proof whereof the Scottish chronicles do report, that Julius Cæsar built a judgement-hall in those parts near the city of Camelon, the ruines whereof remain at this day, and are called *Julius Hoffe*, or *Julius Hall*. If then in the space of forty or fifty years, during which time and no longer the Roman government continued in that country, being also alwayes rebellious, and for that cause so soon forsaken by them, the Romans did so alter the laws there, that even to this day many of

the laws, which they then established, do yet remain; it is more than probable, that they holding this part of the island above 400 years, and that in reasonable good peace, did also alter the laws here; especially considering, how easily this course, of so great consequence unto them, was to be continued, which by Vespasian, as before is said, was begun perhaps with much difficultie and resistance.

The next, that succeeded the Romans in conquest, were the Saxons, by whom so absolute and victorious a conquest was made of this land, as the like (I believe) in any history is scarce read of. For they did not only expell or drive into corners of the land the ancient inhabitants, planting themselves in their seats, and that not by small colonies, but as it were by whole nations of people; a point even in great conquests rarely heard of: but they altered also the religion, they razed out the old names of cities, towns, rivers, and whole countries, imposing new of their own invention; nay, the language itself they not only altered, but utterly abolished; and for a perfect consummation of their conquest they did at last also change the name of the whole island itself: than which, if there were no other argument proving the same, this methinks might very much persuade, that those great conquerors altered also the old laws, and established their own; than which as nothing is more of conquerors desired, and more usually put in practice; so indeed is there nothing of more honor and security in ages to come, if once it may be thoroughly performed; which how easy it was for the Saxons to bring to pass, when all the old inhabitants were either slain, fled out of the land, or run into the corners thereof, any man may judge; nay, except those among the Saxons, which bore rule over the rest, would have enforced upon their own country-men the execution of a law strange unto them, the law of the Brittaines their vanquishd enemies, than which nothing is more unlikely, it must needs follow, that the laws of the old Brittaines did altogether cease in England amongst the Saxons; for that amongst them there were no other than Saxons, by whom the old British laws
might

might have been executed. Of which the absolute ceasing of the British tongue here in England, and that in so short a space, if there were no other argument, is proof infallible. But with this that hath been said, when we consider the long and prosperous reign, which the Saxons had in this island, the continual enmity between them and the Britaines, and lastly their divided government requiring other laws, than those which were convenient for the entire monarchy; methinks, little doubt should be made, but that the British laws were by them altered and their own brought in their place. To conclude this point; there are divers of the laws of the Saxon Kings extant among us at this day in their original tongue; there are also extant the British laws collected and confirmed by Howel Dah, or Howel the *good*, who ruled in Wales about A. 914. These laws being compared, the one with the other, do in the fundamental points so mainly differ, as scarce the laws of two nations in the world differ more. Neither is it of small moment to this purpose, that the customes of little Britaine, whether many of the old Britaines fled, do also so much differ from the Saxon laws, and yet in so many points agree with those of Howel Dah; so as notwithstanding any opinion to the contrary, I make no doubt, but the Roman law, whereof without doubt much remained to the time of the Saxons, but much mingled with the British, as also the British law itself, were by the Saxons as utterly abolished, as if none such had ever been planted. And this absolute and almost admirable conquest of the Saxons, altering and turning all things upside down in this kingdom, is (as I conceive) the true and only reason, why less of the civil Law remaineth in this kingdom than in any other of the Roman Provinces at this day. For in all other nations of Europe the Roman bondage was cast off, either by revolt of the ancient inhabitants, who had lived long under the Roman laws, and had by time approved them, or by invasion of some foreign nation, though perhaps as great enemies to the Roman government, as were the Saxons, yet not so wastefull and destroying, or perhaps in their conquests

quests not so powerfull or fortunate as they. For only in this nation through the cruelty of the conquerors none of the inhabitants were left to be mingled with them, who might have been able to have preserved so much, as the fundamental points of the British or Roman laws. Now as touching the Danes, though by reason, that their dominion within this island lasted but a very short space, they could not so much alter the laws of the Saxons, as before their time the Romans and Saxons had done the laws, which they found in this land, at the time of their several conquests; yet surely they also did much alter the Saxon laws, and brought into this land many of the laws of Denmark in their place, which even at this day remain amongst us. That so they did, besides many probabilities thereof, may appear by the difference, which we find by comparison between the laws of Canutus the Dane, and of the Saxon kings before him; as also by that, which by the consent of so many good and ancient Authors is reported of Edward the Confessor; namely, that he collected those laws of his, so much commended, amongst others, out of the Dane law: which without doubt he would not have done, being the aw of his mortal enemies, and a badge of their conquest, had not the Dane law been before his dayes planted in the realme, and received also of the people. But that which most moveth me to think, that the Danes made a great alteration of our laws here, is the great agreement of our present common laws with the laws and customes of the Normans at this day; who, though they were called by a different or more general name of *Normans* or *Northmen*, and not by the more particular name of *Danes*, as were those which conquered England; yet did they, as all the writers of their history affirm, issue out of one and the same country, and were as much *Danes* as they. They also came out of Denmark to their several conquests of England and Normandy, within 3. or 4. years, the one of the other: namely, about the year of Christ 800; where having lived under one and the same law, and being therein bred and brought up, they did in their

their several conquests establish the same; and this is the true reason, as I conceive it, of the great affinity of our laws with the customs of Normandy; in confirmation of which, the agreement of our common law with the laws of Denmark in fundamental points, wherein it differeth from the laws of all the world else, is also a great persuasion, namely in descents of inheritance and tryals of rights. For that the inheritance in Denmark was to the eldest, as in England, it may appear by the testimonie of Walsingham in his *Ypodigma Neustriae*, where he not only affirmeth the same, but alledgeth also the reason of the law herein in these words; *Mos erat in Dacia, cum repleta esset terra hominibus, ut sancita lege per Reges illius terrae, cogerentur minores de propriis sedibus emigrare. Quae gens idcirco multiplicabatur nimium, quia luxui excessive dedita multis mulieribus jungebatur. Nam pater adultos filios cunctos a se pellebat, praeter unum, quem heredem sui juris relinquebat.* And indeed this manner of sole inheritance is with great good reason still upheld rather in these North parts, than in the more Southern countries of the world; where by reason their women are not fruitful as here, the inheritance is not divided into so many small parts, as here it would be, if the law of equal partition did prevail. Now as touching the trial also of rights in Denmark agreeable to that of England by 12. men, Olaus Magnus hath these words, ch. 21. *Expurgatio in iudicio duodecim legalium hominum per Gothos in Italia degentes vetusto tempore observabatur, & hodierno die in Gothicis regnis observatur.* That the same form of trial and many other points also of our present laws, as our Tenures, wardships, dower, of the third part, fines, and the like, were used here in England before the Conquest by the Normans, the proofes are very many, the which also shall little need; considering, that all the writers agree, that Henry the first did again restore the laws of Edward the Confessor, which by his father the Conqueror and by his brother before him had been somewhat altered, and that the same doth also appear by his letters patents thereof, which are by Matthew of Paris recorded

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recorded in his history. So as I am of opinion, (wherein nevertheless I do always submit mee to better judgement) that the British laws were altered by the Romans; theirs by the Saxons; and theirs again much altered by the Danes, which mingled with some points of the Saxon law, and fewer of the Norman law, is the common law now in use.

N^o II.

Of the Antiquity of the laws of England.

MR. Attorney General in his third report hath made a very learned discourse of the antiquity of the laws of England, wherein he maketh mention of British laws, amongst the which some were called *Statuta municipalia*, and the others *leges judicariæ*; which is as much as to say, the *statute lawes*, and *the common laws*. But of those laws at this day I think there remaineth few or none, except they were preserved among the Britons, that fled into Wales: for the Saxons having made a full conquest, did alter as well the laws as the language; and in the beginning were a nation very rude and barbarous, as appeareth by their coynes, which I have ready to be shewed. For although they had the Roman coyn for a pattern, yet it seemeth, they regarded not any former precedents; but only such as were devised by themselves; and so do I think, they did of their laws; but after, when they became civil, they ordained many very good laws, whereof Mr. Lambert, that learned antiquary, hath caused a book to be printed, translated out of Saxon into Latin; but many of them, in my opinion, are very difficult to be understood; as among the laws of King Athelstone it is set down, that if any man shall kill another, he shall pay the whole value
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of his life, and the king's life is valued at 30000. thrimfes; an archbishop is valued at 15000. thrimfes; a bishop or a senator at 8000. thrimfes; and so forth for every degree; and every thrimfe was a coyne of the value of 3th. And there also is set down, that King H. 1. did value the life of any citizen of London at v^{lib}. by his letters patents under the great seal; but in what order or unto whom this should be paid, it doth not there appear.

Also their ordinary laws are obscurely set down; for I have brought a peice of a charter of king Cenulfus, where it is said, *si malus homo tribus vicibus in peccatis suis deprehensus fuerit, ad regale vicum restituatur ad puniend.* but what the punishment should be, it doth not appear.

Also they made leases for three lives in those dayes, but somewhat differing in the terms from ours at this day; for I have a Saxon charter, whereby there is granted *terram quatuor manentium pro diebus trium hominum*, which was for three lives, as the use is at this day. The manner of their livery of seisin did in some cases differ from the use in our time; for I have a deed, whereby lands were given unto the priory of Cuic in Devon, whereunto there are many witnesses; but in the end there are these words, *& videntibus istis testibus, posui super altare sancti Andreae de Cuic per unum cultellum.* And Mr. Stow hath set down, that in the beginning of William the Conqueror's reign, farms and mannors were given by words without writing; only by delivery of the sword of the lord, or his head peice, by a bow or an arrow, and such like.

Also for the manner of out-lawries in those dayes; if any man had broken the peace of the Church violently, he was in the jurisdiction of the bishops to have justice; but if the party fled from it, the king by the words of his own mouth shall out-law him; and if after he may be found, he shall be delivered unto the King alive, or else his head, if he defend himself; for he beareth the head of a wolfe.

In the book of Domesday there is mention made of trial by Peers; the words are these, *Willielmus de Percy advocat Pares suos in testimonium, quod vivente Will Imo Mallet &*

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viccomitatum tenente in Everwick, ipse fuit seifitus de Bodetun, & eam tenuit : and thus much for this time shall suffice.

Nº III.

Of Sterling Money,

By Sir THOMAS LAKE.

1590.

WHENCE the name of *Sterling* money came, there be three common opinions.

1. Some have said, that it took name of *Sterling* castle in Scotland, and that K. E. I. after he had entered into Scotland so farr, for a memory of his victories there, caused a coin to be made, which he called *Sterling*.

2. Another opinion is, that it was so called, because it had the figure of a starr printed on it, or else of the figure of a bird, called a *Sterling*; and say withall that the bird about the crofs in the ancient arms of England were *Sterlings*.

3. A third, that it taketh denomination of *Esterling*, and was a standard used by the *Esterlings* trading in this realm, and received; or of *Esterlings*, that were the workmen of it.

The first hath little probability; for that by some records it may appear, that there is mention made of the penny sterling in the time of K. John.

For the second, touching the print of the starr or of the birds, I never saw any so coyned; besides that it hath alwayes been the custom to imprint upon coin the image of the prince.

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The third in my opinion hath a great deal more of probability; as first that in all ancient writers it is called and written *Esterling*, and likewise the French and other strangers, that make mention of that kind of money, do call it *Esterlin*.

The denomination of the weights, and their parts is of the Saxon or Easterling tongue, as pound, shilling, penny, and farthing; which are so called in their language to this day.

Further in the red book composed in the time of K. R. 2. are contained words, that do very much fortifie this opinion, which are these; *Moneta vero fertur aieta fuisse à nomine artificis, sicut sterlingi Angliæ à nominibus opificum nomina contraxerunt.*

Lastly, wheresoever there is mention made of it in ancient histories, written in the Latin tongue, or in foreign languages, it is spoken allways in the plural number, as *Denarii sterlingorum*; which argueth, that either it was so called of the nation *Esterlingi*, that first used it; or of *Esterlings*, that were the first workmen that coined it.

Now for the antiquity of it, and how long it hath been in use in England, I can say nothing by record; but by conjecture I take it to have been a very ancient coyne, and of long and known use; because our English histories and also forreign do make mention of it, as of an old and known coyn; for in the red book it is called *the ancient Sterling*; and the statute of weights and measures, which was written in the time of Edward the first, provideth the composition of them upon the Sterling penny, as a thing certain and known.

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IT appeareth in the book of Domeſday, that the payments into the Exchequer were in theſe ſeveral ſorts; viz *LX. lib.* or any other ſuch ſum of pounds, *ad pondus ſive cum pondere*, or *ad numerum*, or *ad arſuram*; or elſe ſo many *libras blancas de viginti in ord.*, or ſo many pounds *denariorum de viginti in ord.*, or elſe *candidorum nummorum de viginti in ord.*; but there is no mention made of *Sterlingorum* or *ad penſum*. The black book of the Exchequer, which was written the . . . H. 2. mentioneth that after the conqueſt the king was not paid out of his lands in gold or ſilver, but only in victuals for the maintenance of his houſe, ſaving that for the wages of ſouldiers and other neceſſaries; and out of cities and caſtles, which uſed no huſbandry, he was paid in money numbred; and this continued by all the time of William the Conqueror untill the time of H. 1. that upon petition of the common people, the victuals were taxed, and payment made in money *ad ſcalam*: and after that it was ordered to be made, *non ſolum ad ſcalam*, but *ad penſum*; and laſtly by a Biſhop of Salisbury the payment *ad arſuram* was deviſed, which was *per combuſtionem*, and ſpecial *militēs monetarii* appointed for the doing thereof.

Nota quorſdam comitatus à tempore Regis Henrici licite potuiſſe cujuſcunque monetæ denariorum ſolutionem offerre, dummodo argentei eſſent, & ponderi legitimo non obſtarent; quia ſolum monetarios ex antiqua inſtitutione non habentes, unumquemque ſibi denarium perquirebant; quales ſunt Northumberland & Cumberland; ſic autem ſuſcepti denar . . . licet ex firma eſſent; ſeorſim tamen ab aliis cum quibuſdam ſignis appoſitis mittebant; reliqui verò comitatus ſolos uſuales & inſtantis monetæ legitimos denarios tam de firmis quam de placitis afferebant. At poſtquam rex illuſtris (cujus laus eſt
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in rebus magnis excellentior) sub monarchia sua per universum regnum unum pondus & unam monetam instituit, omnis comitatus una legis necessitate teneri & generalis commercii solutione cœpit obligari. Omnes itaque idem moneta genus, quomodocunque teneant, solvunt; sed tamen exactionis, quæ de combustione provenit, jacturam omnes non sustineant.

Nº V.

Of Sterling Money.

By FRANCIS THYNN.

THERE hath been diverse opinions touching this word *Sterling*, whereof it took its name. Some say, that it took its name of the city of *Sterling* in Scotland, when Edward the first, as my memory at this time serveth, had conquered the land; but that cannot be; for the town, which is now called *Sterling*, had not then that name; for it was then called *Striveling*, as all the Scottish histories do prove. Others say, that it had its name, for that there was a starr printed thereon, and so called *Sterling*: and some say it was called *Esterling* of this word *Sterle*, the bird so called in upland, as shall after appear by the opinion of Belleforest; which I will here sett down in English, where he showeth, that the same was not a peculiar coin to England, but to al other nations, that were in the warrs of the holy land in the time of K. Richard 1. Now Belleforest's words, translated out of French, are these, in his *Cosmography*, where he treateth of the holy warr: *The city of Damiata, where the Christian merchants did use to dwell, fell into the hands of the old possessors, and at the departing out of the men, every one payed to the Soldane, who was there with his forces, one esterlin; not for that*
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he cared for the money, but to the end, that it should not seem, that the Christians had not carried there free in his town without paying him tribute; and it was found that he had received 700000. of such pieces. And for so much as diverse talk of those Esterlinges or Esterlins, and think, that it was simply the money of England, it is to be known, that this piece of money was common to all the Christians going into the East; and there they named it so, because on the one side, it had a Starle, to signifie the multitude of our men passing into the holy land to occupy the same, as thick as the Starles do the vines in the time of the vintage. And there be some, that say, that this money hath a starr on the one side, where we ordinarily sett the cross; as who should say, that this multitude was governed by a starr supernaturally. And the English men having retained the use thereof, or rather the name, have made divers believe, that the same was the money of their country; but be it as it will, it was the money of the East, and it may be, that king Richard, being himself king of Jerusalem, gave also that coin to his subjects. Thus saith Belleforest: Wherein he hath committed great errors, as I take it; first, in saying it had his name of the bird *Starle*; 2^{ly}, that it was named of the starr; and 3^{ly}, that the Englishmen challenge more to themselves than due, in saying it was their proper coyn. For the first matter, it could not be called of the *Starle*; for then it must have been *moneta Sturnorum* (for *Sturnus* is Latin for the Stare or *Starle*) and not *moneta Esterlingorum*. 2^{ly}, It took not its name of the starr; for then it should have been called *Moneta Stellarum*, and not *Esterlingorum*; and thirdly, it was proper, as I take it, to the English, because of the Esterlings, that came hither to refine the silver, whereof it was made; which it sheweth we had no skill of, before that they came hither, and it was called *Moneta Esterlingorum* of those people, called the *Esterlinges*, and so was much more accounted of than any other coyn, even for the purity of the substance thereof; as appeareth by the words of Matthew Paris in the time of Henry the third, where
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he hath these words in *an. Dom. 1247. Anno 31. H. 3. fol. 710.* in the impression of Tigury, *Eodem tempore Moneta Esterlingorum propter sui materiam desiderabilem detestabili circumfione cœpit deteriorari, & corrumpi per illos falsarios monetarum, quos tonsores appellamus.* Where naming *moneta Esterlingorum*, the money of the *Esterlinges*, he plainly sheweth, it was the money made by those country people; and mentioning *propter desiderabilem materiam*, what other thing can he mean, than the excellency and purity of the silver, which was desired of all men? so that in this point the judgement of Belleforest (who for malice seeketh to defraud the glory of the English) is not to be received for the reasons before recited, and for many other things, which I could say against these words. True it is, that I have seen an old *Angel* made in the time of Edward the third, (which some suppose to be of those *Angels*, which it is said Reymund Lulley caused to be coined in the Tower) which had a great starr in the top of the mast of the ship for a difference from other *Angels*; but yet the same was never named the *Sterling Angel*, because that it had a starr thereon.

N° VI.

Of Sterling Money.

By Mr. JAMES LEY.

THE common and received opinion concerning the antiquity and signification of *Sterling* hath been, that king Edward the first having obtained the castle of Striveling (which they corruptly call Sterling) did erect a mint there, and first coined the money, which of the name of the place is said to be called *Sterling*. The cause of the embracing of this conceit hath been the error of the old

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old book, called the English Chronicles, and thence that the approbation thereof by the writers of the last great English Chronicle. The untruth of this censure appeareth manifestly by considering the time, and place, and other circumstances. For it is undoubted, that the Sterling was known and used in England long before the time of K. Edward the first; for I find in a record in the Exchequer of the time of K. Richard the first, intituled, *Effoin de tempore Regis Richardi An. 10.* that a fine was levied in Norfolk by the Abbot of St. Peter *super Dinam*, unto William de monte Canesi, whereby the same William did grant to the Abbot *quadraginta solidos sterlingorum in puram & perpetuam Eleemosynam percipiendos annuatim, &c.* Likewise Ranulphus Glanvil in his book—*lib. 7. cap. 10.* writeth, that a fine was levied *in anno 33. Regis Henrici* (which is King Henry the 2^d.) in which mention is made, that the

of the fine did give to the
centum solidos sterlingorum: and to him that observeth the scarcity of silver and of all rich metal in Scotland, the baseness of the town, the unfittness of the situation thereof for that purpose, being a place remote, the great difference between *Striveling* and *Estirling*, the word *Esterlingorum*, to import a denomination of persons, and not of the place, the unlikelyhood, that the King of England would honor a town and kingdome, which was only feudal, and deprive his own renowned realm of that title and privilege, which was then, and hath ever thence continued universal among his own subjects; that he would coin money in a foreign realm, appointed to be currant within his own dominion, it may easily be condemned as a fable and fantasie. Another opinion is, that the word *sterlingorum* is derived of a *stare* or *martlet*; of which opinion is Lynwood *lib. 3. de testamentis*: cap. *Item quia locorum*, whose words are as followeth; *Sterlingorum nomen erat, &c.* Of the like opinion is Polydore Virgil *lib. 16. Anglica histor. 304.* who writeth, as followeth: *Interea in consilio post multa ex republica, &c*; whose opinions do not bear any great shew: for the Armes of any king of
England

England before the Conquest was not *fiars*, but martlets, which are birds differing both in name and nature. It is likewise very true, that there was an ancient coin, called *Sterlingus* or *denarius Sterlingus*: yet although it may be, that some one manner of silver coin might happily be known by that name, and for that cause; yet the general name of *Sterlingorum*, which is now in question, and which is proper to a special kind of alloy of currant metals, hath another etymology and original. First, therefore, as the realm of England hath furnished the Eastern parts with the provision of clothes and wool, so have those parts requited us with great quantity of pure silver, which hath been found in great abundance in diverse parts of Germany, where the mines thereof are; which might be a just cause that the bringers over thereof might well give the denomination unto the proportion and alloy thereof; for being called *moneta Esterlingorum*, it importeth the addition to concern the persons of men under the money of the Esterlings; for *Est*, *Ast*, and *Ost* do signify a rising or ascending, whereby we call that quarter, *est*, where the sun riseth: and *astig* in English Saxon is to ascend and mount; and we call *Est* or *Ost* the place in the house, where the smoke ariseth; and in some manors *antiquum austrum* or *ostrum* is that, where a fixed chimney or flew anciently hath been; and the word *ester*, is that which we call estwards; and *ling* is a diminutive, as fondling, changeling, stripling, and such like; and may signify breed and generation, and for proof thereof I refer myself to Albertus Crantzius *lib. 14. Wandalia, fol. 323.*

But as for the guess of *stella*, surely if that had been the case thereof, it would rather have been called *moneta stellarum*, or *moneta stellata*, than *Esterlingorum*; and so of *sturnus*, it should rather have been *moneta sturnorum*: but the truth is, that it signifieth the alloy; for in the constitutions of Simon Mepham Archbishop of Canterbury, which are expounded by Lynwood, it is thus written; *statuimus quod* &c. by which appeareth, that the money was called shillings, and the addition *sterlingorum*. It appear-

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eth also by a Statute in an. 25. E. 3. cap. 13. that it is enacted, *in hæc verba*, that the money of gold and silver, which now remaineth, shall not be impaired in weight nor in alloy, but as soon as a good way may be found, that the same be put in ancient state, as in the Sterling. It also appeareth, that the same was brought hither by merchants strangers: for the statute of 27. E. 3. cap. 14. saith, none shall carry any old sterling, but only the new coin, except merchant strangers, that bring to the realm any money and employ part, they may carry the rest. Also the Statute of *articuli super Chartam an. 28. E. 1. cap. 20.* doth prohibit, that none shall gild or cause to be gilded no manner of vessel, jewel, or any other thing of gold or silver, except it be of the very best alloy, and silver of the sterling-alloy or of better, at the pleasure of him to whom the gold belongeth; and that none gild worse silver than sterling. Also the statute of an. 33. Ed. 3. cap. 7. is that goldsmiths shall make all manner of vessel and other work of silver well and lawfully of the alloy of good Sterling; and so to conclude, how unlikely soever it is, that this temperature of metal doth take its name of *stella*; yet in this there is consent, that as the stars are a light and comfort to those, that are in darkness of the night, so this metal doth minister relief to such as fall into the shade of adversity; but in this they dissent, that those send their light indifferently to all, the other vouchsafeth his brightness but to few.

N^o VII.

Of what Antiquity Shires were in England.

By Mr. AGARD.

Pafchæ 33. Eliz. 1591.

IT is easily to be perceived by the reading of our old English histories, that this land hath been divided into sundry kingdoms, the one invading the other, as they found strength and opportunity: in which kingdoms every king had his chief city or place of abode: whereof sundry examples might be recited, which I omit, because I will contain myself within the lists of our order.

After that being subdued by some one more strong than the rest, as I suppose, by King Alured; for I find by a register book of Chertsey Abbey, written in King John's time, as I think, because he ended his history at that time, that the same king wrote himself, *Tocius Insulae Britannicae Basileus*, and that he divided this land into *Centuriatas*.

Now in the 33. chap. of the Black-book is contained thus: *Hida à primitiva institutione ex centum acris constat; Hundredus vero ex Hidarum aliquot centenariis, set non determinatur. Quidam enim ex pluribus, quidam ex paucioribus hidis constat: hinc hundredum in veteribus Regum Anglicorum privilegiis Centuriatam nominari frequenter invenies; Comitatus autem eadem lege ex hundredis constant; hoc est, quidam ex pluribus, quidam ex paucioribus, secundum quod divisa est terra per viros discretos &c.*

Whereby it appeareth, that *Centuriata* is and was taken of old for an hundred; and that sundry hundreds make a shire. So that he dividing the land first into hundreds, did afterwards appoint what number of hundreds should belong to every shire; and then appointed the same shire to be called by the name of the chief town of that circuit

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or province ; as you see they be called at this day ; except a few, which were called by the name of the people there dwelling, having relation to the Romans, who from Rome called *Cisalpini* and *Transalpini*, so from London *Estfex*, *i. e.* Est Saxons, *Middlefex*, *Westfex*, *Chent*, *Surregiani* *vel* *Suthreg*, *Northfolk* and *Sudfolk* ; names brought in by the Saxons. And herein this nation hath imitated the course mentioned in the Bible ; for even from the creation of the world and multiplication thereof every people knew their own territories. Josua likewise divided the land of promise into Tribes. The Psalms say in the 49. *And they call their lands by their names.*

Therefore all old antiquity divided the world into parts, as *Asia*, *Africa*, *Europa* ; and parts into provinces ; provinces into regions or kingdoms ; regions into places or territories ; territories into fields ; fields into hundreds ; hundreds into hides or plough lands ; plough lands into severed or common fields called *climata* ; climates into days works of tillage ; days works into poles or perches, paces, degrees, cubits, feet, handfulls, ounces, and inches ; such was their great diligence. And because kings found by experience, that *ubi nullus ordo, ibi sempiternus error*, or, as some say, *horror* ; to prevent that inconvenience in government, as the Black-book saith in the 32. chap. *ut quilibet jure suo contentus, alienum non usurpet impune.* Kings, I say, thought good to divide that great log or huge mass of a commonwealth into particular governments, giving authority to sundry persons in every government, to guide their charge, thereby following the advice of Jethro, Moses' father-in-law, given to Moses in the wilderness. The same manner used Fergus king of Scots, who reigned there, when Coilus reigned in Britain ; of whom it is written, that he divided his land into provinces, and caused his nobles to cast lots for the same, and called every country by the name of his governor. And K. H. 2. imitated the like in sending yearly his justices itinerant through the land to execute justice in every shire.

So as to conclude, I think that king Alured was the first that caused shires to be called by their names, because he divided the land into hundreds; and shires consist upon divers hundreds; and that which other nations call Province we call Shire; and that is the right name in Latin; for so doth Witlesey, the Monk of Peterborough, call it in the 37 leaf of his book, saying, *in provincia Lincolnia non sunt Hida terra, sicut in aliis provinciis; sed pro hidis sunt carucaia terra, & tantum continent, quantum Hida &c.*

N^o VIII.

Of what Antiquity Shires were in England.

By Mr. THYNN.

THERE is no doubt, but that this land was severed into sundry parts in the time of the Britons, of the Romans, and of the Saxons. Of the Britons, I plainly confess, I can say little; for the Romans somewhat I can say, but as it were beholding the sun darkened with a cloud: for the Saxons somewhat more I can say, as beholding their estate in the sun-setting, which yet lendeth light unto us. Now that the Britons had these several parts of the land distinguished one from another by especial names, appeareth by Cæsar; for *Kantium* was one part, and the *Trinobantes* another; and in reading of many other ancient writers, as Tacitus, Dion Cassius, Suetonius, Vopiscus, Eutropius, and others, I find the people inhabiting this land to have had sundry names, and therefore say, that every sort of these people had a several portion of the realm set out by limits, whereby they knew, how far their territories stretched. Of these kind of people some were called *Selgovæ, Damnonii, Gadeni, Coritani, Ovadeni, Regni, Silures, Cornavi, Vacomagi, Venicontes, Devani, Elgovi, Brigantes, Ordovici, Trinobantes, Cante-clauni,*

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claudi, Icenii, Dobuni, Cantii, and many other names, which I pass over, because they be needless to be spoken, since I cannot as yet appoint them their true places, other than such as Mr. Camden hath given them possession of; which yet is not of every of those several people, which ancient authors name in this land. All which people were so divided by the Britons before the coming of the Romans, as I think, and that these are only Latin names given unto them by the Romans before the self division of the realm by the Romans; for they made another division, reducing the former divided places into fewer provinces; for at the first, as saith Dion, it was divided by the Romans into *Britannia magna & parva*; then into *Britannia superior* and *inferior*; after it was divided into three parts, as appeareth by Sextus Rufus, which were, *maxima Caesariensis*, *Britannia prima*, and *Britannia secunda*; but the succeeding Romans not satisfied with these former divisions, divided it into 5. parts, which were, *Britannia prima, secunda, maxima Caesariensis, Valentia*, and *Flavia Caesariensis*; but because Mr. Camden hath somewhat spoken hereof, I will say no more. Wherefore to leave them, and to come to matter of further opening of our question, we say, that the Saxons, obtaining the realm after the Romans, divided the same into VII. several kingdoms, which being after united into one Monarchy, was governed by Alfred king of England, who, beginning his reign as some have, in the year of Christ 871, or, as others have, 872. divided the land into shires; for he (either imitating, as Mr. Camden hath, the Germans, who, as Tacitus saith, *jura per pagos & vicos reddebant*, or following, as Mr. Lamberd hath, the counsel of Jethro the father-in-law of Moses, who divided the people of Israel into *Tribunos, centuriones, quinquagenarios, & decanos, qui judicarent plebem in omni tempore*, as it is in Exod. 18. chap.) did divide the whole realm into shires or shares, into hundreds, lathes, tithings, and such like, the better to restrain the fury of the invading Danes, and the abuse of the spoiling subjects, cloaking themselves with the name and shadow of the Danes, there-
by

by taking an occasion to waste and consume their own country. The proof whereof, because I will speak nothing of myself, I will lay down *verbatim* out of such authors as I have seen; first shewing, that this word *shire* or *share* being mere Saxon, and yet to this day retained with us, importeth as much, as a certain proportion or part of the land; that being deduced of the Saxon word *scýren*, which signifieth to cut or divide. This shire being in Latin, of diverse authors, diversely termed; of some it is called *Comitatus*; of others *pagus*, *ager*, and *territorium* with an addition of the name of the shire, as *pagus Huntendunensis*, *ager Cantianus*, *territorium Glovernense*. Of other old writers it is called after the form of the Romans, *Provincia*; as appeareth by Florentius Wigorniensis and William of Malmesbury. And Asserius Menevensis living in the time of king Alfred, and writing his history, calleth this shire *paga*: for he saith *anno Domini 849.* was king Alfred born in *villa regia, quæ dicitur Wanatinge, in illa paga quæ nominatur Barockshire*; and of others this county is named *Satrapia*. Now the authorities for the division of the shires by Alfred (which was about the 20. year of his reign *in anno Domini 892,* as some will) are these. First, Ingulfus writeth in this manner, *Rex Alfredus in sui regni negotiis providendis solertissimus erat. Exemplo namque Danorum colore etiam, quidam indigenarum latrocinii ac rapinis intendere cœperunt, quos cupiens Rex compescere, & de hujusmodi excessibus cohiberi, totius Angliæ pagos & provincias in Comitatus primus omnium commutavit; comitatus in Centurias, id est, hundredas; & in decimas, id est, Tithingas divisit, ut omnis indigena ligatus in aliqua centuria vel decima existeret; & si quis suspectus de aliquo latrocinio per suam centuriam vel decuriam vel condemnatus vel invadiatus pœnam incurreret vel vitaret. Præfectos vero provinciarum, qui antea vice-domini vocabantur, in duo officia divisit; id est, in Judices, quos nunc Justiciarios vocamus; & in vice-comites, qui adhuc idem nomen retinent. Horum cura & industria tanta pax in brevi per totam terram effloruit, ut si piator quantamcunque summam pecuniæ in campis & publicis*
compitis

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compitis vespere dimisisset, mane vel post mensem rediens integre & intactam indubium inveniret. Thus much Ingulfus; after whom succeedeth William of Malmesbury, more liberally treating thereof, whose words, although they be somewhat long, I shall not grieve to recite. *Qua occasione* (saith he) *barbarorum etiam indigenæ in rapinis anhelaverunt, adeo ut nulli tutus comitatus esset sine armorum præfidiis.* Centurias, quas hundreds, & decimas, quas Tithings vocavit, instituit Aluredus, ut omnis Anglus regaliter duntaxat vivens haberet & centuriam & decimam. Quod si quis delicti alicujus insimularetur, statim ex centuria & decima exhiberet, qui eum vadaretur; qui vero istiusmodi vadem non reperiret, severitatem horreret; si quis vero reus ante vadationem vel post transfugeret, omnes ex centuria & decima regis multam incurrerent: hoc commento pacem infudit provinciæ, ut per publicos aggeres, ubi semitæ per quadrivium finduntur, armillas aureas jubeat suspendi, qui viantium aviditatem riderent, dum non esset, qui eas abriperet. Whereunto consenteth Matthew Westminster, attributing the same to the year of Christ 892, whose words, because they be almost all one with William of Malmesbury, I will forbear to recite, lest I might trouble you with needless repetition of one thing. But of this division of the shires by Alfred, I much muse, there is nothing spoken by Asserius Menevensis, who being Chaplain to the said King, and of purpose writing his life, doth not yet touch one word thereof. Then after this, in the time of the Danes, which possessed the government of England some xxx. years, king Cnute, after he had obtained the whole kingdom by the death of Edmond Ironside, divided the realm, as saith Ranulphus Higdon, Monk of Chester, in his *Polychronicon*, into four parts, by which partition he assigned West-Saxony to himself; the Eastangles to Turkillus; Mercia to Edricus de Streonia, and Northumberland to Hiricius. But to leave that and to come to our former division, and therein to shew, into how many parts the realm was divided; I will not refuse to follow that learned antiquary Mr. Camden, sufficiently treating thereof

in

in his eloquent Britannia. These shires at the first were divided into the number of 32. Mr. Harrison in his description of Britain, printed with Hollingshed's chronicle, doth, unless my memory fail me, affirm that the land was at the first divided into 38. shires; but I rather embrace the first number: and that by the warrant of William of Malmesbury, who writeth, that in the year of Christ 1016. in the reign of Ethelred, there were no more but 32. shires: but when William the Conqueror taxed the realm, *Polychronicon* saith, there were 36: and the book of *Domesday* nameth but 34: for Duresme, Lancaster, Northumberland, Westmerland, and Cumberland are not counted in that number, because they were in subjection to the Scots; and many other shires were either free from taxation, or else comprehended under the name of Yorkshire. Whereupon the said Ranulfus Higden in his *Polychronicon*, written in the time of Ric. 2. hath in one especial chapter of the shires of England, this much in English. There be in England 32. shires: but if the country of Northumberland be divided into vi. shires, which is Yorkeshire, Duramshire, Northumberland, Carleolshire, Applebyshire, and Lancaster, then be in England 36. without Cornwall, &c. Moreover I find, there hath been in Lancashire 5. little shires, as hath *Eulogium*, which were Westderbia, Salfordia, Lelandia, Blackorneshire, and *territorium de* Lancaster; and so likewise there was Richmondshire in Yorkshire, and many such other shires, which now go under the name of other shires. Moreover the book, belonging to St. Edmondsbury, dividing the realm, doth in more ample sort set down the shires, expressing, how many hides of land be contained in divers of them: the words of which book be these. *Triginta duæ sбирæ sunt in Anglia, exceptis Northumberland, Leones, Westmerland, Cumberland; Cornubia in qua continentur 7. sбирæ, exceptis Wallia, Scotia, & Insula de Wight. In his 32. sбирis, tres leges constitutæ sunt, una West Saxonlage, alia Denelage, tertia Merchenlage. Ad Westenlage novem sбирæ pertinebant, scil. Kent, Suffex, Surrey, Berksbire, Wilt-*
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Shire, in quibus continentur 1900. hidæ, Southamptonsbire, Somerset, Dorset, Devonshire. Ad Danelege pertinent 15. shira, Everwick, Nottingham, Derby, Leicester, Lincoln, Northampton, Bedford, Buckingham, Hertforde, Essex, Middlesex, Norfolk, Suffolk, Cantabridge, Stamford. Ad Merchienlege pertinent 8. shira, Gloucester, in qua sunt 1300. hidæ; Worcestershire, in qua sunt 1200. hidæ; Herefordshire, in qua sunt 1200. hidæ; Warwick, in qua sunt 1200. hidæ; Oxenford, in qua sunt 1400. hidæ; Chester, in qua sunt 1200. hidæ; Stanford, in qua sunt 5. hidæ.

Then Henry the 2. about the 22. of his reign in the year 1176, at Northampton, when he appointed the justices itinerant to pass over England to decide matters of law in the country, and to ease the people of that trouble, continually following the court, made a new division of the realm, if it may be properly called a division, and not rather an allotment of the shires long before divided, to the several circuits of the said justices in this sort; which is, that Hugh de Cresceye, Walter Fitz-Roberts, and Robert Mansel were deputed into Norfolk, Suffolk, Cambridge-shire, Buckinghamshire, Essex, and Hertford; Hugh de Gundevile, William Fitz-Rafe, and William Basset were appointed to Lincolnshire, Northamptonshire, Derbyshire, Staffordshire, Warwickshire, Nottinghamshire, Leicestershire; Robert Fitz-Bernard, Richard Gifford, and Roger Fitz-Remfrey were appointed to Kent, Suffex, Barkshire, and Oxfordshire; William Fitz-Stephen, Bertram de Verdone, and Thurstane Fitz-Simon were ordained to Herefordshire, Gloucestershire, Worcestershire, and Shropshire; Ralfe Fitz-Stephen, William Ruffe, and Gilbert Pipard were put in charge with Wiltshire, Dorsetshire, Sumerfetshire, Devonshire, and Cornwall; Robert Wallensis, Ranulfe de Glanvile, and Robert Pykenet were appointed to Yorkshire, Richmondshire, Lancafter, Copeland, Westmerland, Northumberland, and Cumberland. These being almost the same Circuits, which the justices have at this day. All which divisions of the realm and of the shires, although they have been divers at divers times, as appear-

eth

th by these Authors; yet altogether, as they are now at this instant, I suppose, do contain the number of xxxix. shires, to which K. Henry the VIII. hath joined 13. other shires within the principality of Wales, when he united the same unto England, and made it in all points subject to our form of government.

N^o IX.

Of the Time, when England was first divided into Shires, and the Reason of such Division.

By Mr. TALBOT.

THE old word for *Shire* is a Saxon word, and written *scyre*, which, some say, signifieth to divide or part asunder; but I suppose it taketh his beginning of clear or plain; as *Scyreborne*, a clear water; *Scyrewuode*, a clear wood, where no underwoods grow; *Scyreland*, a plain country, where no woods grow, but apt for tillage and habitation of men. In the beginning the country was divided into *wood-land* and *scyre-land*. The *wood-land* remained desert for the deer, (which since is called Forest) exempt of ancient time from parishes and paying of tithes. The *scyre-land* remained for habitation of men and tillage, and was bound to pay tithes, whereby it may be gathered, that *wood-land* and *scyre-land* be contraries. The division of England into *shires* is said to be done by K. Alfred; which was very hard for him to do; seeing the kingdoms of Mercia and Northumberland were not under his obedience, but governed by their own kings; which kingdoms contain the one half of England; besides that the Danes so troubled this land in his days; that he and his

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nobility were forced to flie into a marish and defolate place to avoid their cruelties; which place taketh his name thereof, and is called to this day *Eðelneye* or *Ethelneig*, id est, *insula nobilium*. Besides that, I do not read the word *scyre* in that sense, (but *pagus* or *provincia*) until the year of our Lord 1001: whereas *Alfricus*, archbishop of *Canterbury*, in his testament hath these words, and ane *sciper* he *geuþe þam folce to Lent 7 oþres to wiltune scire*: At which time and after I find mention made both of *scyre* and *scyrefen*.

Nº X.

Of the same.

By Mr. BRAUGHTON.

IN libro de Chertsey *De schiris*.

Rex Aluredus, licet inter arma leges fileant, inter fremitus armorum leges tulit, & Centurias, quas hundred dicunt, & decimas, quas Tyethingas vocant, instituit.

Leges Edwardi Regis Senioris.

Ic wille þæt elc *gereþ* hæbbe *gemot* a *ymb* *reoper* *wucan* 7 *geþon* þæt ælc man *yþ* *folcnihter* *þiþe*. 7 ælc *yþnek* hebbe *enþe*:.

Nº XI.

Nº XI.

Of the Time when England was first divided
into Shires.

By Mr. JAMES LEY.

THE word *fbire* is an ancient Saxon word, derived of *rcpan*, which is to cut, sheer, or to divide; and the aspiration [*fb*] hath been brought in by the Normans, as in diverse other the like words may be exemplified; for of the ancient Saxon word *rcilling*, they have formed the modernal word *shilling*; of *rcéal*, *shall*; of *cild*, *child*; of *ic*, *ich*; of *enghyc*, *english*; of *pwlyc*, *welsh*; and such like. I am not of their mind, which think, that *fbire* doth signify the plain and champion, and so make difference between *fbyregerese* and *woodgerese*; for the contrary of that doth appear by the forest of Shirewood, which being compounded of *fbyre* and *wood*, is no champion, but a forest or wood; and so all coppice woods in the west countries are called *Sheer-woods*, which I think in Latin is all one with *sylva cadua*; so termed because those woods are usually felled and cut; or else, because they are incoppiced, fenced, shared, cut off, or divided from other places, to the end the springs might be preserved. In like sort there is a town in the north part of the county of Wilts called *Sharestoun*, which took that name, either, because the town is the uttermost bound of the county of Wilts, and the *fbare-town*, *fbire-town*, or town of *division* between the same and the county of Gloucester; or else of a certain stone, not far from thence, which is said to be a bound or division between the three counties of Wilts, Gloucester, and Somersetsshire. And so also, when any thing is parted or divided into equal portions, we say in common speech *fbare* and *fbare like*; and the

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the crop or first cutting of grafs is called the *fbare*, and the implement wherewith the plowman divideth the land, is termed a *fbare*, and, to conclude, the very instrument of cutting of cloth is called a pair of *fbears*.

Concerning the first division of shires in this land, I find in Ingulphus Croylandensis, that the first distinction of *fbires* was made by king Alfred; although I for my part can easily yield to those, who think, that the use of shires was long before; for Matthew of Westminster * sheweth, that king Offa reigned in 23. shires, which he reciteth by name; and yet afterward he saith †, *Alfredus legem tulit, centurias, quas hundredas, & decimas, quas tithingas appellat, instituit, & vadationem &c.* So that I am of opinion, that the shires respecting their names, circuit, and quantity, were long before king Alfred reigned; but regarding the subdivisions into tithings, the government of them by distinct law-days or views of Franckpledge, which he calleth *vadationem* or finding of pledges, they were first formed by king Alfred.

Concerning the first constitution of shires, I have observed two kinds of principal causes; the one sort, the causes, why they were divided; the other sort are, why they were in such sort divided. As touching the former sort, it doth appear in the report of *An. XII. H. VII.* by the opinion of Fineux, who was then chief justice of the King's Bench, that there were three causes; the first was for the ease of the people, in respect that all justice being at that time immediately in the Crown, the same was administered only at that place, where the king was personally present; which upon the increase of people growing troublesome, it was therefore ordained, that every shire or county should have justice exercised within itself, and that the county-court, being holden monthly, should decide the pleas between party and party; and the sheriffs turn being holden half-yearly should intermeddle with causes criminal, which

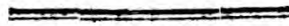
* Matt. Westm. p. 288.

† Vide pag. 545.

were between the king and the subject. The second, for the more easy conservation of the peace, and ready execution of the law, by reason, that every sheriff having the charge only of one county, and being resident in the same, might with the greater facility suppress all tumult, and with the more conformity execute all process. The third, for the readier defence against foreign invasions; neither was it so easy for one man to make collection of all the people of the realm into one place, as it was for every shire to make their particular assemblies in their own countries. And to these three reasons I may add a fourth; which is in respect of the better taxation and collection of all such rents, aids, revenues, and profits, as were due and payable unto the king. And as concerning the causes why the same shires were divided in such sort as they are, these things are to be noted: first, that most of the shires in England, and especially such as by nature and situation were apt for the same, do consist of two kinds of soil, the one low, moist, or fertile, the other hilly, dry, or barren. Devon hath the middle and north part barren, and the South Hams fertile. Somersetshire hath the high country dry and hilly, and the marshes and moors fat and moist. Dorsetshire hath a great part hard and dry, and another part, called *Blackmore*, moist and fruitful. Wilts is divided into Southwilts, which is all downs, plains, and champion, and into Northwilts, containing the vale and being very fertile. Berkshire hath the hill country and the vale of Whitehorse. Oxfordshire hath the Chiltern and the vale. Buckinghamshire the woodlands and the vale of Aylesbury. Nottinghamshire, the northwest part thereof the forest of Shirewood, dry and sandy, and the south part the vale of Bever and pleasant river of Trent. So hath Derbyshire the Peak country, and the rich vales of Skarfdale and Glossopedale. Gloucestershire hath Cottswold hills and the vale country, where the river of Severn runneth. Lincolnshire hath the plain and sandy countries, and the fens and plashes: and in such sort are the most part of the shires in England. Besides, I observe that although in
many

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many places the shires are separated by famous and notorious bounds, as rivers, hills, highways, and such like; yet sometimes there are certain quillets, lying within the limits of one shire, which nevertheless are parcel of another; the reason whereof I conceive to be, for that the same quillets are parcel of the possession of some nobleman, bishop, or Abbey, who had some great seigniory in that county, whereof the same quillet is accounted parcel; as for example, the counties of Devon and Cornwall are divided with the river of Samer, but yet a certain quillet lying on the hither side of the river, is parcel of the Earldom-land, and therefore it is a member of the county of Cornwall; so also a certain parcel of land lying within the county of Berks, called Twyford, is parcel of the county of Wilts, which is at the least 20 miles distant from the same. The reason whereof also is, in respect, that it was parcel of the inheritance of the abbey of Ambresbury, the site and chiefest possessions whereof are in the county of Wilts.



N^o XII.

Of the Antiquity of Terms for the Administration of Justice in England.

By JOSEPH HOLLAND.

2^o. Nov^r. 1601.

HOLLINGSBED in his chronicle doth shew, that William the Conqueror did alter the manner of our trials at the common law, and brought in the trials by twelve men; and ordained the court of Chancery to be above the common law; so likewise he ordained the terms for the determining of matters in law to be kept but four times

times in the year, according as is used at this day. And in the time of Henry 3. there sat 6. judges on the bench, and the chief justice was an earl; for proof whereof I have an antient charter made in that time of a conveyance of lands, in *plena curia apud Londonias coram Justiciariis Domini Regis de Banco; his testibus, Willelmo Comite Arundel, and six judges* with him, which are particularly named in the said charter.

Also the circuits were likewise used for the determining of causes in every severall shire, and the judges were called *Justicarii Itinerantes*, and justices of assize, according as it is observed at this day.

N° XIII.

Of the Antiquity and Etymology of Terms
and Times for Administration of Justice
in England.

By FR. THYNNE.

THIS word *Term*, in Latin *Terminus*, had its original from the end or limits, terms, or bounds of lands, which among the Romans were termed *Termini*; who therefore made a law, that *qui terminum exarasset, ipse & boves duo sacri fierent*. Which bounds they did also signify by the name of *Columna* or *Columella*: whereupon the bounds of many nations are yet called *Pillars*; as in Spain the pillars of Hercules note the cape or utmost part thereof; and the bounds of Armenia were by the Roman emperors, as appeareth in the Roman histories, named *Columnas Armeniae*; whereunto agreeth Servius upon Virgil, noting the bounds of Egypt to be signified by the *Pillars* of Egypt.

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Over these bounds and limits there was a God, called *Terminus*, appointed by Numa Pompilius, second king of Rome; who first erected a temple to this new God, and placed the same next to *Jupiter Optimus maximus* in the capitol.

To this *Terminus*, as hath Alexander ab Alexandro *lib. 2. dierum genialium cap. 22. sacrum festis terminalibus in agris, sexto ab urbe miliario, sub patenti cœlo fieri solebat.* At which time no living creature was offered unto him, because they held him the god and keeper *pacis & quietis*; and for that cause thought it a deep offence to have any slaughtered sacrifice done unto him. The solemnities of which feasts and sacrifices were named *Terminalia*, having the month February consecrated to him: as hath S. Augustin in the 7th book and 7th chap. *de civitate Dei.* That month, as hath *la Mere des histories cap. 29.* being named *Februarius* of the purgation of souls, which the Romans used therein; for they believed that the souls of their deceased Ancestors did hover and wander in the air and infected the same; for which they used a certain kind of purgation, supposing by that means the souls returned to their sepultures, which purgation was called *februatio* of the Roman God *Februus*, otherwise *Pluto*, to whom they consecrated the month February; for as they dedicated the month January to the supernal Gods, so they consecrated February to the infernal gods, as hath Natales Comes. All which I have written to deduce this word *Term* from the God *Terminus*, and that it is taken for limits or bounds.

But you will say, what affinity hath this proud *Terminus*, God of limits or bounds (his motto being *cedo nulli*) with our word *Term*, for matter of law? First, I answer, *Terminus*, like unto *Janus*, was called the God of Peace, because all limits, which have their name of *lites*, or contentions, might be kept in peace and quiet in this peaceful government of *Terminus*; that word is of kind to the Term of law, which is the time wherein peace must be used, and a peaceful end made between contending persons. Secondly, as this *Terminus* is a bound or limit of place, so it is a
bound

bound or limit of time, in that the month and time, wherein the god was worshipped, was called *Terminus*. Thirdly, that as these sacrifices were among the Romans called *Terminalia*, so were they the same *Terminalia* also by them taken for limitation of time, when those sacrifices were performed, and also by Varro set down to be the last day of the year, including the end and limits of the year.

Now having shewed, that this word *Terminalia* amongst the Romans, being deduced from *Terminus*, was a limitation of time; we will prove that amongst us here also, that this our word *Terminus* or *Term* hath been taken for a period of time as well as for bounds and limits or ends of things; and so by consequence that it implieth among us a limitation of time, wherein causes shall be determined, and not the determination of the cause itself. That *Terminus* (a word used by Glanvil) is a limitation of time, is proved, in that our law calleth it a term of years, when we let land for certain number of years; so is it for terms of life, limiting and bounding the life and years: and the modern and ancient Lessors did in reservation of rent use *quatuor anni terminos*. In which, as this word *Term* can have no affinity with the land letten for years or life, and therefore must needs signify the number of years; so shall it not signify the cause determined, but the time.

In spea king of things done presently at that instant of time; Walsingham calleth those actions *instantis termini*, saying, *in anno Domini 1387 & 10 R. 2. Paraverunt se ad sulcandum liquentes campos Dominus Richardus, comes Arundel, & Dominus Comes Mowbray, Comes Nottingham: quorum primus constitutus est Admirallus instantis termini.*

Terminus then signifying amongst the Romans and us a limitation of time, seemeth to give the same signification to our word and question. And that our *Term* is nothing but a time limited and bounden for to minister law therein, to the end that every man might know the time limited certain to follow their suits, and then is not called the term of determining and ending of causes, as some Civilians and others will have it, for so it should rather after the Latin

be called the Fine than the Term, as is the levied fine of land, which hath that denomination, because of the end made of that contention for the land; for *finis finem litibus imponit*.

That this our Term is taken for a limited time, appeareth by Glanvil, who in divers writs, wherein he doth set down the time and day that the party should appear before the justicers, doth in place thereof in the writ say, *Quod sit coram me vel Justiciis meis ad illum terminum recogniturus*.

The Terms themselves, and the days of the returns of the Terms, have their names of limited times, as Michaelmas Term beginneth in *Octabis* of St. Michael; Hilary, Easter, and Trinity Terms, all having their names, beginning of and from and after those feasts and times. In like sort the peremptory days in court being a time fixed, is in Latin, but especially by the Civilians, called *Terminus peremptorius*; whereby it appeareth, that in all matters of law both civil, and canon, and pontifical, the days and times belonging thereto are called *Termini* or *Terms*, as bounding the determination of the law to certain days and times of the year, as is yet continued in the spiritual as well as in temporal courts, being appointed at such times, as all men might with most ease and less hurt repair to the place of law to plead and end their contentions.

These Terms being now but four in number, as Michaelmas, Hilary, Easter, and Trinity Terms, having divers returns, seem to me in the reign of H. 2. and of K. John, and of H. 3. to have been either longer, or that there hath been some other term more than these four. For I find in ancient writs, and in records of the Tower, the return of writs at certain other days than are now bounden or limited; for I have seen records of writs returnable after Bartholomew tide. Glanvile mentioneth a return at Westminster *Octabis clausæ paschæ: & rot. finium* 7. *Johannis mem. 5.* hath a return *in crastino Octabis clausæ paschæ*, which proveth Easter term to have been one seven-night before it now beginneth; for we have now no re-
turn

turn thereof before *Quindena paschæ*, which in times past was the same return, which was called a *clausæ paschæ in quindecim dies*. In the same roll of king John mem. 10. is the return of *Craftino Hillarii*, which is a sevensnight before our term, whose first return is now in *Octabis Hilarii*, which proveth that Term also to be one sevensnight longer than it now is.

In like sort, as they had other certain and settled returns, that we now have not, and also the same certain returns, which we now have; so had they many more other returns, which we now have not: for in *Rot. finium 6. Johannis*, there is a fine given *pro habendo quodam præcipe de custodia terræ &c. heredis Walteri Bisett versus Robertum de Fregose & Sibillam uxorem ejus coram Domino Rege die Veneris proxime post festum S. Michaëlis*. Which *coram Rege* without any other adjunct, as I take it, is to be the King's Bench; for in many places *coram Rege* is so to be taken, when *coram Rege & concilio* is often taken for the Chancery, but mostly for the Star Chamber, the genuinal court of the king and his council; though all other courts be rightly the king's courts; and in *Rotulo finium 8. H. 3. m. 5.* the land of Rose of Chesterton being seized into the king's hands, she was to appear *coram Hugone de Burgo Justiciario & Baronibus de Scaccario, die dominica proxima post Octabis sanctæ Trinitatis*. Where, by the way of *parergon*, we may note, the ancient chief justice of England had his place and voice in the Exchequer. Lastly, as antiquity used returns in other forms than we now do; so had they the same returns which we now have, but by other names: as the return of *Octabis Trinitatis* is that return, which in *Rot. finium 7. Joh. mem. 13.* is called *à die Pentecostes in quindecim dies*: and the return of *Craftino Animarum* is in *Rot. finium of 4. H. 3.* set down by the name *à die sancti Michaëlis in quinque septimanas*, answerable to our now returns, which followeth *mensè Michaëlis*.

Upon all which I conclude first, that the name of our Term had not his denomination *de causis terminandis* or *determinandis*, (as some Civilians and others think) but of the
limited

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limited time, wherein causes are to be determined. Next, that our Terms either were more in times past, or these Terms longer. Thirdly, that our now returns are not so many nor altogether the same, as were in times past. And lastly, that the returns of Terms altered with the time wherein the Term was changed or abridged; which, for this time I suppose, was in the reign of K. H. 3. being done (if conjectures may support my assertion, for as yet I have no record to warrant it) by reason of the continual wars between the king and his barons, whereby they were forced to shorten their Terms to follow the wars; for, *dum vigent arma, silent leges, & in armorum strepitu nulla civilis justitia.* And so I pray you to take in good part this weak and sickly discourse of a sick person.

Nº XIV.

For the Antiquity of Cities in England.

By JOSEPH HOLLAND.

3. Jun. 1598.

THE first city of name in England is Totnes in Devon, for that by opinion of writers Brute landed there, and within that town is a great stone, as London stone, whereon the report is, that Brute reposed himself, when he first landed there. It is at this day governed by a mayor and bailiffs.

Hollingshed is of opinion that there were greater store of cities, towns, and villages in old time than there are at this day: and he doth vouch Ranulf Munk of Chester, who telleth of a general survey made 4. W. C. and that there were to the number of 52000. towns, and 45002. parishes; but by the assertions of such as write in our time concerning that matter you shall not find above 17000. towns and

villages in the whole; which is but little more than a fourth part of the aforesaid number.

It appeareth by the records belonging to the cathedral church of St. Peter in Exon, that the bishops see for Devon was first at Kirton, and from thence after removed into Excester; which Kirton is but a little village at this day, and hath but one church.

I have divers antiquities in coin stamped at several towns in England, the ancientest whereof is a British piece of gold, whereon is *Camuladunum*, which Hollingshed taketh to be Colchester, but Mr. Camden taketh it to be Malden in Essex, the town where the King's mint was kept. In the days of king Æthelstane there is mention that there should be a mint for coins in Canterbury, Rochester, London, Winton, in the street of Lewes, in the street of Hastings, Chichester, Hampton, and diverse others.

N° XV.

Dimensions of the Land of England.

By JOSEPH HOLLAND.

20 Nov. An. Dom. 1599.

FOR the manner of measuring of land in old time I find it to be set down in other terms than is used at this day, as by an ancient charter made by king Edward the elder before the conquest doth appear, by which charter he did grant unto the abbot of Hide by Winchester certain lands by the name of so many hides, a copy of which charter I have here set down as well for the stile of the kings then used, as also for the bounding of the lands therein contained.

Edwardus Rex excellentissimus, cognomento senior, principisque victoriosissimus, magnifici Regis Alfredi filius anno Domini

Domini 901. à Pleimundo Cantuar. Archiepiscopo in Regem solemnissime coronatus, paterni voti non segnus executor, ad Dei laudem & honorem, & ad sancti Grimbaldi reverentiam & amorem, monasterium novum nuncupatum, infra biennium in urbe Winton regaliter fundavit; dedit enim utramque villam de Stratton, Popham, Drayton, Mucheldever cum suo hundredo & Ecclesiam cum centum sex hidis.

In the book of domesday I find mention of hides, ploughlands and knight's fees, and these were the terms used in bounding of land at that time, but since the conquest, and from the time of K. H. the second, the usual measuring of lands hath been by acres, as doth appear by a charter made about that time by William de Vernon, Earl of Devon, whereby he gave lands unto the abbot of Quarry by the name of so many acres, which is according to the ordinary measuring of lands at this time.

For at this day 5. yards and half make a perch, and 40. perches in length and 4. in breadth make an acre, an hundred acres make a hide, and 8. hides make a knight's fee.

Nº XVI.

Of the Dimensions of the Land of Englaud.

By Sir JOHN DODDERIDGE.

AS *discreta quantitas* beginneth *ab unitate*, which multiplied doth make a number; so *continua quantitas* beginneth from the least admeasurement, which I find to be the inch, which is the length of 3. barley corns, taken out of the midst of the ear, or of the grains of barley dry and round. 12. inches make a foot; 3. feet make a yard; 5. yards and a half make a perch; and forty perches in length and four in breadth make an acre.

The inch.

The foot.

The yard.

The perch.

The

The composition of yards, perches, and acres.

There was made in 31. E. 1. a treatise of the contents of the acre; that when it contained 10. perches in length, it should contain in breadth 16. perches, and when 11. perches in length, then shall it be in breadth 14. perches demy, q^r, one foot, and so after that rate: and when it was 45. perches in length then should it be 3. and a half in breadth. The ordinance of measures 31. E. 1.

The acre.

The acre in Latin is called *Jugerum*, so called *quod uno Boun jugo per diem exarari potest*. Alciatus in legem Mille passus de verb. significatione. It is defined thus by the lawyers to be *mensura agrestis, quæ est in longitudinem pedum 240. in latitudinem 120. Glossæ vocant arvipendium.* *Arvipendium.* vide Varr. lib. de re rustica cap. 10.

The Romans had a tallage upon every acre, hereof called *Jugatio*, spoken of in many places of the civil law, as lib. 10. Cod. leg. 1. *De quibus muneribus vel præstationibus.* Eodem libro de susceptoribus, Leg. 10. Eodem libro de indulgentiis, Leg. 4. &c. and in many other places.

The word acre is merely Dutch and favoereth of the old Saxon. The signification thereof is *Ager* or *Arvum*, and *Ackerkenn* is *agellus*, and *Ackaren* is *arare* or *exarare*. Duffeus in Etymologico Teutonico.

The Acre of land (notwithstanding the former quantity prescribed) is not in every place in this land of like quantity; for the Cornish acre is said to contain a carew of land. 6. E. 3. 283. and in the commentary of Mr. Plowden the Cornish acre is said to contain an hundred other acres. Com. Throg. & Tracy 154.

The fourth part of an acre in some places is called a yard land, and half an acre is a selion, 9. E. 3. 479. A *Virgata terra* is half of a rood of land, for so they seem to expound it. And these are not of one measure. For Bracton speaking hereof in his writ *de morte antecessoris*, saith that there are two measures, *larga & stricta mensuratio* 269. §. 2.

Yard land
q. acre. Selion demi
acre. *Virgata terra* 15
acres 20.
24. 30.

And of a virge of land a fine may be levied 41. E. 3. f. fines 40. A writ of right may be brought 5. H. 3. f. droit

66. but of another precipe it is doubted 13. E. 3. f. fine
67.

Roda terra
30. acres.

A rood of land containeth 20, 24, 30. acres, and of this also a precipe may be brought for the certainty thereof, 3. E. 3. f. breef 740. 6. E. 3. 291.

Bovatater-
ra 10 acres.

Bovata terra or an oxgang of land containeth in some countries 10. acres, and thereof also a precipe lieth. And it is always understood of land in Gaynery, 13. E. 3. f. breef 241.

Carucata
terra.

Carucata terra may contain a house, a mill, a toft, and divers parcels of land of divers kinds, T. E. 1. f. breef 8. m. and it seemeth in quantity to be so much as a plough land, viz. a tenement, whereupon a man may keep a plough for husbandry, with all necessaries and incidents thereunto, derived from the word *caruca*, which signifieth a plow, and *carucata* a plough or wainload, but the precise certainty doth differ in divers places and countries 35. H. 6. 29. per Prifot. It seemeth by *Prifot* in the same place that a carow should be so much land as a plough shall plough in one year.

A hide land is *tanta terra portio, quanta unico per annum arari poterit aratro*, as it seemeth by Gervasius Tilburienfis and Matthew Paris to consist of an hundred acres; so it seemeth to import a competent tenement for a man to keep husbandry upon. Lambert's Saxon laws in expositione vocabulorum. * *William Benvallus tenet in Ravenstherp &c. Ogerus Britto tenet in*

In 4. E. 2. f. avowry 200. a virge of land is said to consist of 80. acres, and 20. of these verges are said to make a knight's fee, viz. 1600. acres. But this is also different and uncertain, according to the tenure as it was first reserved, 12. Ed. 2. f. breef.

* Leicest. in lib. domesday.

N^o XVII.

Dimensions of the Land of England.

By Mr. AGARD.

24. Novr. 1599.

ALTHOUGH I must confes that in this proposition I have more travelled than in any of the former, for that it concerneth me more to understand the right thereof, especially in that sundry have resorted to me thereabouts to know whether I have in my custody any records that avouch the same in certainty; yet so it fareth with me, that in perusing as well those abbreviations I have noted out of Domesday and other records since that time, as also those notes I have quoted out of ancient registers and books which have fallen into my hands within these xxx. years, I have found the diversity of measurement so variable and different in every country, shire, and places in the realm, as I was in a mammering whether it were proper for me to write or not; for finding all things full of doubtfulness, and that I could not by any means reduce the question into any certainty, I should but make a shipman's hose thereof, and therefore meant to leave it untouched by me. And yet, lest I should be deemed one that should begin to break order, I thought good to put myself to the censure of your wise judgments, rather than by silence to draw upon me your harder conceits in that behalf, and therefore I say to this question of the

{ Antiquity,
Etymology, and } of dimensions of
Variety } lands in England.

For Antiquity.

I do think that our nation drawing first our original from the Trojans, that is, from the Trojians as some write, could not but bring from thence the same order which was observed in those countries of measuring their lands, as ap-

peareth by Dido in Virgil, who was the founder of Carthage, and coming thither by sea bought of the prince of that country so much ground, as she could compass with an hide, to build a city for herself and her subjects; which being granted, she caused the same to be cut into small shreds, and so compassed a mighty deal of land more than was expected; so our forefathers, as it should seem, did collop out the countries they dwelt in in like sort: but you will say, when? To this I say, in every province and in every kingdom of England, whereof as appeareth by histories, by some to be VII. but especially by most writers *v. scil.* Westsaxons contains VIII. shires, 1. kingdom. 2. Eastsaxons 6. shires, 2. kingdoms. Northumberland from Humber to Scotland, 1. kingdom, and the kingdom of Mercia 15. shires, 1. kingdom. There were weights and measures of land according as it pleased the prince; for it is a principle in Canutus's laws, that it belongeth to the prince only to appoint weights and measures, *mensuras & pondera diligenter dirigamus*. Yet the certainty of measuring of lands came not in until the realm was under the tribute to the Danes, which was, as Walter Witlesey, the monk of Peterborough, writeth, in the 30. year of king Æthelred, *qui misit nuncios Danis, dicens quod vellet iis tributum dare, ut à rapinis desisterent, illi consenserunt, & dabatur iis tributum, quod est 36. millia librarum argenti*: for the levying whereof the realm was admeasured, and the money levied *per hidas*, as appeareth by sundry ancient registers, which I have seen, whereof I will mention what I find in the book of Dunstaple, that there are in the realm 32. shires, in which were three kind of laws exercised; that is, Westsex law, to which belonged 9. shires, in which were fourscore thousand eight hundred hides of land. The second Dane law, to which belonged 18. shires, 3200. hides; and Merch law, to which belonged 8. shires, in which are 11800. hides. Which all paid the Danegelde according to their hides, as Domesday affirmeth, *at manerium de T. se defend. pro 8. hidis*. And so in infinite places also, *antequam terra hidata fuit*, by which it appeareth

peareth that lands were first measured by hides. The etymology whereof I think was drawn from Dido's act before spoken of, for, you shall not find that word in any other language than ours, neither French, Latin, Italian, &c. Neither in the book of Domestday shall you find that word *Hida* in all shires; but in some shires, as in Kent, *Solin* and *Solins*.

In Lincolnshire *Carucata*, only.

And so in divers shires likewise *Carucata* only. And because there are mentioned divers names of measuring land in the same book, I will recite some as near as I can :

<i>Solin.</i>	<i>Jugum.</i>	
<i>Hida.</i>	<i>Virgata.</i>	
	<i>Ferlingata</i>	}
<i>Carucata.</i>	&	
	<i>Ferlinges.</i>	

Of all these I will say somewhat according as I find in ancient books and records.

But before I enter into that, it shall not be amiss to qualify one doubt which may arise in this measurement, that is, by what number of tale of acres land was measured, for there was before the conquest *Anglicus numerus* which

xx. xx,

was vi. to the C. and the Norman number which was v. to the C. As Domestday sheweth *in civitate Lincolnia*, *Hic numerus CC, Anglico numero CCXL.* so that when the realm was divided into hides I take it for certain that it was

xx.

by vi. to the hundred. Now to the words, and first for *solin*, take Domestday itself, which saith thus :

In communi terra Sancti Martini sunt cccc. acrae & dimidium, quae fiunt 2. solins & dimidium. Now this word *dimidium* first named must have relation to half an hundred, and not to half an acre, for in all the whole book there is not named half an acre. And then I take it that a *solin* of ground after English account containeth 216. acres; if after Norman tale then nine score acres. And to this agreeth somewhat near a note taken out of a ledger book, which

Dimensions of the

which the bishop of Norwich Doctor Redman hath in these words. *Item Abbas dicit quod in libro vocato Domesdei Sancti Edwardi apud Westminster sic habetur, Abbas Sancti Augustini tenet manerium de Langeport, ibi est unum Solin & unum Jugum &c. Et ulterius, Idem Abbas dicit quod secundum interpretationem antiquorum terminorum unum Solin continet CC. acras.* This is as much as I can learn any where for this solin. Domesdei VII. *Solins terræ est XVII. Car. pro uno Solin & dimidio se defend. & sic in infinitum.*

Hida.

The Black-book containeth these words in chap. *penultimo lib. 1. Hida à primitiva institutione ex centum acris constat,* which in mine opinion is ^{xx.} VI. acres, because the next word *carucata* induceth me to think so, by

Carucata.

an ancient writer before named, which is Wittlesey, who hath these words fol. 37. *in provincia Lincolnia non sunt Hida, sicut in aliis provinciis, set pro hidis sunt Carucata terrarum, & non minus valent quam hida.*

Again, an ancient writer called Henry Knighton, a chronicler of Leicester, who wrote in H. Vth's time, and in the custody of a gentleman in Leicester named Mr. John Hunt, hath these words, agreeing with the former fol. 37. *Johannes Rex solemniter denunciatus &c. & statim cepit tributum per totam Angliam, videlicet de qualibet Hida, i. e. Carucata terra, IIIth. & redit in Normanniam.*

Also in a note entered in an ancient record in the treasury before a declaration made of the knights fees belonging to the bishop of Lincoln, are these words, *Nota, quod Carucata terra continet in se C. acras: & septem bovata faciunt Carucata, & qualibet bovata continet 15. acras.* So as I think in those shires in Domesday where no hides are named but *Carucata*, there the *Carucata* containeth as much as
Hida,

^{xx.}
Hida, and that to be vi. acres. But where there is *hida* named, and then saith thus, *Dorsote Bixi miles E. tenuit Odetun pro XII. hidis. terra est XVI. car. de ea sunt in dominio 4. Carucata*; in this and like places I take it, that *Carucata* is to be referred to a plough land, which is about threescore acres. And thus is mentioned in Domestday for my better proof in Yorkshire, under titulo Rex in Eificevult, *sunt ad geldum XII. Carucata terra, quas VII. Caruca possunt arare. In civitate Eborac. Turchil 2. Car. terra, possunt arare 2. Caruca.*

And yet further for the better proof that a hide of land

was both reputed before the conquest and since ^{xx}vi. acres, I find mentioned in a book intituled *Restauratio Ecclesie de Ely* (which Mr. Cotton lent me, and now Mr. Cop hath) these two places worth the noting. In the ix. leaf are these words. *Et non invenerunt de terra quæ mulieris jure fuisset, nisi unam hidam per sexies xx. acras, & super hidam 24. acras.* Item in cap. 13. *In Wilberham emit Abbas ab Alfuino & uxore ejus, duas hidas duodecies xx. acras, & totum hundredum uniuscujusque emptionis fuit in testimonium.* This was before the conquest. Now since the conquest, *inter placita de juribus & assisis coram Johanne de vallibus & aliis justiciariis itinerantibus apud Cant. an. XIV. E. 1. termino Trinitatis, mensuratio communæ pasturæ in Hokinton, Ita quod Warimus de insula & alii non habeant in ea plura animalia & pecora quam habere debeant &c. dicunt quod sunt in Hokinton XII. hida terra, quarum qualibet hida continet in se sexies viginti acras terra &c. Et tenens unam hidam terra integræ possit sex boves, duos equos, sex vaccas LXXX. bidentes, & xv. Aucas, & qui minus tenent secundum quantitatem tenen. habent &c. unde Vic. testatur &c.* Thus much, if not too much, for *Hida* and *Carucata terra*.

Roger Arundel in the town called Cary, *Duo taini tenuer. T. R. E. & geldabat pro una hida uno Ferling minus.* Item in Sanford, *Geldabat pro 2. hidis & dimidia virgata terræ & uno Ferling.* So as I take it under correction of better judgment, that a ferling of land is less than a hide, a caruc, and yard-land, and is no more than an oxgang, which is called *Bovata*, about xv. acres.

It followeth now to show how much land belongeth to an acre, and that is set down by statute, and yet there are divers measures in divers places, although the measure is by pole. The table in the star-chamber made in the 12. year of Henry VII. by fundry of the council by commission setteth down, that an acre should be xl. pole in length and 4. pole in breadth : but how many feet the pole should contain it mentioneth not : but this I find in the arrentations of Assartes of Forests made in Henry the 3. and Ed. 1. time, that for forest ground the commissioners did let the land *per perticam 20. pedum.* So have I read of marish grounds measured. But howsoever the measuring of land hath been used before the conquest, it is not amiss to know at what time since the conquest, it began to be ordered how land should be measured to avoid controversies. The first I read of was king Stephen, whom Knighton mine author, in his x. chap. fol. 43. commendeth in this sort. *Stephanus Rex in bonitate & justitia multum floruit, subtilis & versutus, & ordinationibus faciendis artificiosus & de ponderibus & mensuris instituendis & de terra arabili prudens & operosus, & de Carucata, Bovata, Virgata, Percha, Acra, Roda, & dimidio Rodæ, Pede, Pollice, Cubito & Palma &c. de Anfulis, Balancis, & mensuris, metis & bundis terrarum fuit certa mensura posita, sicut usque in præsens tenetur ac etiam de venditionibus, emptionibus.* And for proof of this he voucheth *Cestrens. in lib. 7. cap. 21.*

Next followed Henry 2. of whom saith the Black book, that *unam monetam & unum pondus constituit per totum regnum,* whose actions continued in exercise although they appear not by matter of record until E. 1. time, who more largely expressed the same. And so I pray you accept this

in good part, having omitted fundry notes for confirmation of this, which I had set down, because I would not be excessive tedious, as I fear I have been.

N^o XVIII.

Of the Antiquity, Office, and Privilege of
Heralds in England.

By Mr. LEIGH.

WERE it not that the order of this learned assembly doth forbid me to be always silent, this question having been so judiciously handled by others, and myself unable to say any thing to it, I should, as heretofore, have requested your accustomed favour to have dispensed with me. The few notes that I shall deliver to you I have chiefly out of the epistle of Æneas Sylvius, who searching for the same thing that we are now about, reporteth that there was found in a vestry, in Paul's church in London, an history written 600. years before his time, the author of it being a commentator upon Thucidides, a famous Græcian. The comment saith, that *Heraldi* are the same which were anciently called *Heroës*, men whom the people had in such reverence for their worth, that they esteemed them far superior unto men, little inferior unto their gods; and their virtue in their account was so admirable, that they durst not call them men nor gods, but gave to each of them the title between both *Heroëm*, quasi *semideum*. Dionysius or Bacchus, (that with strong arm first invaded India, and subduing those savage and ravenous people reduced them into civility) was the first institutor of them; and that this may be probable, the ceremony now used of pouring wine upon them that are made Heralds doth induce me to believe. These Harolds doth Roger Wall sometimes a learned herald, call *Herodes*, but upon what ground I know not; but so he useth that word many times in his Latin history of the wars

wars of Henry the 7. wherein himself was a fervitor. Dares Phrygius an ancient historiographer, and a foldier in the wars of Greece and Troy, reporteth that at certain plays of wrestling and other feats of activity done in the court of king Priamus, Paris understanding thereof came into the lists to encounter Hector, whom the herald Ida beholding, and standing by executing his office, not knowing him, nor seeing any marks to describe him by, said unto Priamus : lo here cometh a knight bearing silver and a chief gold, framed by the cunning of nature, for that he was naked, his body being all white, and his head yellow. The ancientest record that I have seen of the name of Heralds in England is that of *pellis exitus*, where, in Easter term in the 12. of Ed. 3. is mentioned the pay to Andrew Windfore *Norrey regi Heraldorum*. For in that time the state of Heralds was in great regard, and they were more ancient than that king's time. For Mr. Gerard Leigh saith, there were heralds and kings at arms in Ed. the 1. time ; and that no man might have to do with arms without their consent ; that they should take diligently the pedigree of all gentlemen, and should make their visitations in their provinces every seventh month. Their privileges were exceeding great, as may be read in that epistle at large ; and for that they were old retired soldiers, they were not only free from service and taxes, presented wherefoever they came, and cloathed at all solemn shews with rich and royal robes, as now with us they are, but they had the chief government of the commonwealth, to minister justice for punishment of malefactors and defence of the innocent. Their office consisted in proclaiming peace and war, and therefore they were called *Fœciales* and *Caduceatores*, answering the Roman *Fœciales* in proclaiming of wars and concluding of peace, being likewise called *Fœciales*, à *fœdere faciendo* and *Caduceatores* of the *caduceus* of Mercury, because they were Messengers of Princes one to another: Such did Julius Cæsar institute, lying before Carthage, as appeareth in the *gesta Romanorum* ; so that they were amongst the Romans well known, though not by the name *Heraldi*.

N° XIX.

Of the Antiquity, Office, and Privilege of
Heralds in England.

By Mr. CAMDEN.

AMONG all civil nations, since civility first entered the world, there have been officers of arms as mediators to negotiate peace and war between princes and countries; the ancient Greeks called them Κήρυκες, by whose mediation solemn covenants with their enemies were made. They were men of especial reputation, and carried for their ensign a *Caduceus*, whereupon they were also called *Caduceatores*, which was a white staff, whereunto were affixed two serpents, male and female, whereunto was added afterwards *Copia-cornu*. The staff was white in token of simple truth, the serpents betokened wisdom; both sexes, as also the *Copia-cornu*, betokened fruitful increase and plenty, the companions of peace. They were sent to redeem captives, to treat of peace, to procure safe-conducts for ambassadors, to require the dead bodies to be buried. Inviolable they were in the greatest rage of war, and reputed men of a divine original, as first descended from Κήρυκος the son of Mercury, of whom they were named Κήρυκες, and hereupon Homer calleth Eumedes Κήρυκα θεῶν. It were needless here to mention their rites in making peace, how they brought two lambs fruts in a bottle of goats skin, golden chargers, and other vessels, &c. as it is noted by Homer.

The Romans likewise had their *Fœciales*, so called à *fide & fœdere faciendis*, first instituted in Italy by Hestus and brought to Rome first by Ancus Martius: their college consisted of twenty. The principal was called *Pater Patratus*, because it was requisite that he should be *Patrimus*, that is, have his father alive, and he himself have children: the second was called *Verbenaceus*, because when the *Fœciales* were sent *clarigatum*, that is to challenge goods taken away

away *clara voce*, he carried the herb *verbena* with flint stones & *vivax è cespite gramen*, as Ovid calleth it, which he received of the Prætor.

Dionysius Halicarnass. recordeth that six especial points were incident to their Office. First, that they should have a care, lest the people of Rome should wage war against any of their confederates. Secondly, that they should challenge and require again goods injuriously taken away by enemies. Thirdly, that they should proclaim war against such as refused to make restitution. Fourthly, that they should take notice of injuries done contrary to covenants. Fifthly, that they should carefully provide that conditions should be faithfully observed. Sixthly, that they should treat and compound peace, and take notice what generals and commanders had done contrary to their oath. When they required restitution, they wore on their head a hood of yarn, and used these words: *Audi Jupiter, audite Fines, audiat Fas, ego sum publicus nuncius populi Romani, juste pieque Legatus venio, verbisque meis fides sit &c.* Likewise when they proclaimed war they did cast into the enemies country a bloody spear burned at the upper end, uttering these words, as Agellius reporteth, *Quod populus Hermundulus, hominesque populi Hermunduli adversus populum Romanum bellum fecere deliquereque; quodque populus Romanus cum populo Hermundulo hominibusque Hermundulis bellum jussit, ob eam rem ego populusque Romanus populo Hermundulo populisque Hermundulis bellum indico facioque.* But this was *stante republica*. Under the Emperors, as I find no mention of the *Fœciales*, yet it seemed they continued: for when Ammianus Marcellinus maketh mention of the siege of Amidas under Julian, he reporteth that a Persian did cast into the Town a bloody lance, *ut moris est nostri*. After the decay of the Roman empire and erection of kingdoms, the heralds of the old Franks carried *virgas consecratas*, when they were employed in messages, that they might not be touched or troubled by any: and this was *juxta ritum Francorum*, as Gregorius Turonensis writeth *libro 7^o capite 32.*

But

But in the time of Carolus Magnus began both the reputation, honour, and name of Heralds, as Æneas Sylvius reporteth, out of an old library book of St. Paul, the author whereof derived their name from *Heros*, but others, to whom most incline, from the German word *Herald*, which signifieth old and ancient master. Yet he which writeth notes upon Willeram, saith that Herald signifieth faithful to the army; and I have found in some Saxon treatise, *Heold*, interpreted *summus Præpositus*. Nevertheless this name is rare or not found in the history of Charles the great, nor in the times ensuing for a long space either by our writers or French writers. The first mention that I remember of them in England, was about the time of K. Ed. 1. For in the statute of arms or weapons, it is ordained that the kings of heralds should wear no armour but their swords pointles; and that they should only have their *Houfes des Armes* and no more, which, as I conceive, are their coats of arms. The name and honour of them was never greater in this realm than in the time of K. Edward the third; in whose time there were kings of arms, heralds, and poursevants by patent, not only peculiar to the king, but to others of the principal nobility: and Froissard writeth that king Edward the third made a poursevant of arms, which brought him speedy tidings of happy success in the battle of Auroye in Brittany, immediately upon the receipt of the news, an herald, giving him the name of Windesore. And at that time were liveries of coats of arms first given unto heralds, with the kings arms embroidered thereon, as the king himself had his robe royal set with lions of gold. In France also, as the said Froissard writeth, at the same time Philip de Valois increased greatly the state royal of France, with justs, turneys, and heralds. As for the privileges of heralds I refer you to the treatise thereof purposely written by Paul bishop of Burgos in Spain.

N^o XX.

Of the Antiquity and Office of *Heralds in England.*

By Mr. WHITLOCK.

28. Nov^r. 1601.

THE name of Herald some have derived from the Saxon word Hereauld, because anciently they were men chosen out of those soldiers, which were *emeritis stipendiis* : and Hereauld is in the Saxon tongue an old soldier or old master, and you may take either word to come of *Herus* or *Heros*.

Heralds were anciently called *Feciales*, of *fides* as some say, *quia fidei publicæ præerant* ; and hence cometh *fædus*. The Greeks call them *ειρηνοδίκας*, and it was called *sacerdotium*. Numa was the author of that college of them ; their office was to treat of all means of peace before there should be any open war. They were as *Legati*, the chief of them *Pater Patratus*.

I see that the order observed in the sending of heralds in messages in the wars was taken from the ancient fashion of the Romans, of whom Dionysius Halicarnassens writeth thus in his second book. When any of the heralds was to be sent on a message to any city *veste augustiore insignisque verendus*, that is, having his coat arms on, &c. went to the city of that nation, which they supposed had done them wrong, and there demanded recompence of the wrong done, or delivery of the parties that had offended, and until they had performed all these ceremonies, and sought by all means of treaty to compose matters quietly, and this had been signified to the senate, they could not denounce war justly.

Livy and A. Gellius describe that the herald at arms, after he had done his message, and made demand of that

which was unjustly withholden, and nothing was answered him, denounced war against them by taking a spear in his hand, and throwing it so far as he could into the territory of the enemy. This is called with us, *giving of defiance*. Another part of the office of a herald was to make leagues with foreign nations, in which many ceremonies were observed, as binding of their heads with verbene and such like herbs.

Pater Patratus was appointed by the herald *ad patrandum jusjurandum*, to take the oath, which was done in the many execrations and vows of performance by calling their Gods to witness, and the last was the herald, having a flint stone in his hand and a swine standing by him, who when he had repeated all, prayed Jupiter to strike the people of Rome as he stroke that swine, if they declined from performance of that which he had professed, and thereupon did he strike the swine so hard as he could with the flint stone.

For the antiquity of heralds when they came first into this realm, I will leave the disclosing of that to those that are of that profession, who know it best, and shall not be prevented by me that am a stranger to it.

Their office in our commonwealth is the very exercise of honor; for it converseth only in cases of honor, in wars or peace; in wars, they are the king's messengers to pass to and fro between enemies without wrong or violation, and this is by the law of nations; for they are the same, which in the ancient nations are called *Legati*, and should pass as privileged persons, without intermeddling further than to declare their message.

5. E. 4. 8. b. 7. E. 4. 22. b. ten pounds the year was granted to garter by the king, and it was intended to be by reason of his office, and determinable on the taking away of his office.

Nº XXI.

Of the Antiquity and Office of * Herald in * Sic: England.

THE office, by opinion of Vigenor and Tillet, is older than the name: the first in his notes upon Livy applyeth Κήρυκες in Homer, which Eustathius deriveth from the verb κηρύσσω, to speak loud or proclaim a Haraut. Tillet agreeth with the former, that the *Fœciales* and these are all one: the affinity of the functions may second this opinion. The etymology of this Roman office suiteth not much this question though it was in last being, at their first subjection of our state, for I find it not used later than by Suetonius in *Gaudio*. But the institution and office may give some ground to this of our time.

The institution Halicarnasseus referreth to Numa. It was a college of 25, one chief ruler or king, called *Pater Patratus*, by Plutarch, chosen by the rest. Pomponius Lætus. The 24. divided into two ranks of ministry, *Fœciales* and *Caduceatores*, this may fit the now distinction of kings, heralds, pursuivants. This society admitted none, saith † Nonnius Marcellinus, but *ex optimis familiis*, be- † Sic. cause they presented the publick faith, and what they concluded was held sacred. Their persons were free in all services without interruption. Suidas. Achilles is made by Homer to call them the *holy messengers of gods and men*. They had by the first institution peculiar garments to their profession, but no Halicarnass. Alexander. The heralds of France used a coat of arms, as we here in England from an ancient institution, as their own discourses affirm. And in Comenius we read, what shift Lewis the French king made to furnish out a counterfeit herald, making a coat of arms of two trumpet banners. E. the 3. I conceive was the first that in this state instituted either herald or their apparel; for before his time I find none in course of our country stories. And what banners

they now are enjoined, it hath in their patent relation to that of E. 3.

Their office is of peace and war under commission of the pretor or staff. For the first they regard that the confederate cities receive no wrong by the Romans. Halicarnasseus, but to admonish the emperor and state in breach of their publick oaths or promise. They are judges or directors in single combats and triumphs. *Servius*. So in France, notes Tillet in his officers of France; and so in England.

They were to order the plays decreed by the people to the gods, until Tiberius gave that employment to the priest of his house. Suetonius.

In wars the *Fœciales* were only imployed. *Servius*. No just war but proclaimed by them. Tully. And that was after fixing a spear in the frontiers in the witness of 3. persons, at the least the president, and other ceremonies Dionysius Halicarnass. setteth down.

In ending war was the sole office of the *Caduceators*, called of Mercuries rod, which they bore as their *Symbolum*; the straight rod noting their justice, the 2. serpents the different persons they should persuade: part of their peaceful ceremonies were herbs, a *Lituus*, and stone taken from the temple of Jupiter Feretrius. Thus much for their office.

The etymology of heralds *Goropius* would borrow from the old German tongue, taking *Her* for *publicus*, and *Alt* for *nuncius*. But the opinion of some Germans rejecting the first letter *H*, so it is printed in all the imperial diets at Mentz, derive it from *Er*, which is *honor*, and *Hault*, *holding*, a preserver or holder of honour. For the better regard Tillet saith that they had assigned them titles of cities and countries, as Normandy, Orleance, &c. and in England, Lancaster, Winfore, York, &c. The reason, saith an old book of this question, is to show the conjunction of holiness, puissance, amity, and authority in them. They were by the French stories in such reverence, that they sate at the king's table

N^o XXII.

Of the Antiquity and Use of Heralds in
England.

By JOSEPH HOLLAND.

28. Nov^r. 1601.

MR. Gerard Leigh doth shew that at the first there were certain knights called *Ancients*, such as had served the wars 20. years at the least, those were made by emperors and kings, the judges of martial acts, and of the laws of arms. And after them succeeded *Herchaughts*, which by interpretation is as much to say as *old Lords*, and were so called for the honour of their service.

This *Herebaught* being apparelled in the coat of arms of his soveraign, the prince himself at his creation taketh a cup all gilt and poureth water and wine upon his head, and putteth about his neck a collar of SS. the one S *ar*. the other S. *sa*. and when his oath is administered, he giveth the same cup that he was created withal unto the herald, who bearing the same in his right hand, maketh a Largefs in the hall of his soveraign.

For the antiquity of the name here in England I find, that Malcolm king of Scots sent a herald unto William the conqueror to treat of a peace, when both armies were in order of battle.

John of Gaunt, duke of Lancaster, married Katharine daughter of Guyon king of arms in the time of K. Edward the 3. And Geffrey Chaucer married her sifter.

King Henry the fifth sent a herald to summon the castle of Mauftrowe in France, and because they within the castle gave opprobrious words unto the king's herald, the king caused a gibbet to be set up before the castle, on the which were hanged twelve prifoners, all gentlemen and friends to the captain of the castle.

Before the battle of Agincourt the French king sent a herald to king H. 5. to know of him what ransom he would give. But after the battle he sent Montjoy king at arms, and four other French heralds, to desire burial for them that were slain in the battle: the king feasted the officers of arms, and granted their requests.

Clarentieux king at arms was sent by king H. 8. to make defiance unto the emperor Charles the 5. but before he did deliver his message he prayed that the privileges belonging to his place might be kept, which was, that he might have a safe conduct to return within the dominions of the king his master. Whereunto the emperor answered, your privileges shall be kept. And while he did deliver his message of defiance, he held his coat of arms upon his left arm; and when he had finished his speeches he did put on his coat of arms, and had the emperor's licence to depart.

The Lord Brabazon of France in the time of K. H. 5. did appeal from the king's sentence unto the sentence of the heralds and officers of arms upon this point, that he having fought with the king body to body in a mine under ground at the town of Melun in France, the king ought not afterwards to put his brother in arms to death for any cause: and so was the opinion of the heralds at that time, otherwise the king would have put him to death, for that he was consenting to the death of the D. of Burgoign. Whereby it appeareth, that the heralds and officers of arms, in those days, were learned and skilful in martial discipline.

N° XXIII.

Of the Authority, Office, and Privileges of
Heralds in England.

By Mr. AGARD.

FOR the antiquity I think in the question before touching arms bearing, was by me in part touched, that before the conquest there was no mention made of heralds in England by means of the continual vexation of wars betwixt the Britons and the Saxons, betwixt the Saxons and the Danes, and the Saxons themselves, except you will take those ancient *Bardi* among the Britons to be instead of heralds, whose exercise was to celebrate the ancient descents of men of worth by rhymes. But sure I am that at the conquest there was no practice of heraldry. For unto them belongeth to be skilful in languages, to be able to deliver messages of love, peace, or to denounce war betwixt prince and prince. But the Conqueror used a Monk for his Messenger to king Harold. And Harold never sent any to William the Conqueror that I can read of.

I remember Ingulfus maketh mention of one earl Withlacius, who calleth king Egbert, and Athelwolf his son, his lords or kings. This Withlacius by his deed confirmeth to Crowland the gift of one oxgang of land in Leithorp, which one Edulphus his messenger gave, called by the name of *Nuncius suus*. So as I leave it to the judgment and censure of the learned, whether he is to be taken for a herald or no.

I suppose the best time and chief rising of them was in Ed. 3. time, even when the garter took his beginning. At which time election was made of learned and discreet persons, to be employed as well for the sending of them abroad with the order to foreign princes, as also for to treat with them for negotiating of leagues and treaties of peace and
confe-

The Authority, Office, and Privileges

confederation. Yea, and of late I have seen a treaty of peace made in K. H. 7^s. time with the king of Denmark, where the chief commissioner was Clarendieux, wherein were set down so wise and learned articles, as that H. 8. son to H. 7. in renewing the league with the king, useth the same words with no addition to the same: which league hath ever since the making continued firm, until of late that the king of Denmark that now is, sought to offer to our merchants some hard measure by new impositions. But the queen's majesty sending the lord Zouch thither with the same leagues exemplified, pacified the matter.

Now I take it that I may very well divide heralds into two forts,

{ *Nuncius,* }
 { *Internuncius.* }

Nuncius I think to be the herald of arms who is apparelled with his coat of armour bearing the arms of the prince, which coat was wont to be called *Tabor*, for so I remember in an action of trespass in H. 4. time, one impleadeth another, *Quare Taboram suam cepit*. And to this coat belongeth reverence, in that if so be, that an herald be sent with this coat upon him, for any man, a subject, commanding him to obedience or appearance, to refuse is deemed treason, *Quia expressam habet Regiæ majestatis imaginem*, as in Tilberienfis is said of the king's seal. And in all rebellions, they be employed with their coat to deliver messages of pardon and proclamations to the rebels; and their coat is a passport: and to hurt or kill any of them in that business, is treason, as was deemed against the rebels of Norwich, who slew Mr. Man, an herald there, coming to them to have proclaimed pardon if they would have accepted it. Neither are any messengers from rebels to be admitted to deliver any messages, before the king's herald have gotten them licence to send: as was lately in K. E. 6. time proved by that worthy earl John of Bedford, who was sent to restrain the rebels in the west: where,
 after

after he had overthrown those of Devonshire, and marching on towards Cornwall, there came in post to him a silly wretch without boots or spurs with hay about his legs from the rebels sent, saying, he was sent by the rebels to my lord with one who, when he came before him, used this speech or the like. *My lord, the commons in Cornwall have sent me to you, to tell you, that they will bid you battle to-morrow on such a hill, if you dare come thither.* The earl answered, *Well said; but have you never a better horse,* said he; *no, indeed,* said the messenger: *then take him and horse him better against yonder wall,* where they pitched two bills, and cast the third over and hanged him, which the poor wretch seeing provided, *Oh!* said he, *it is against the law of arms to hurt ambassadors:* but my lord answered, *Sirrah, no law of arms is to be kept with traitors.*

Now for *Internuncii* I take them to be those which were called Pursuivants, a meaner sort, which now do wear a thing wherein the king's arms are engraven, called a Box: and surely their authority is great and their arms bearing is revered also. But these we see meddle not with arms bearing, but many of them have presumed with harms bearing, whereof they have tasted for their presumption for abusing their authority.

N^o XXIV.

Of the Antiquity and Privileges of the
Houses or Inns of Court, and of
Chancery.

By Mr. AGARD.

Paschæ 33.

I READ not in any ancient writer or record how the same did grow to a head or society at any time before or since the conquest. Before the conquest I am persuaded that lawyers had their chief abode for study in ancient cathedral churches or abbeys, because that I have seen that in fines acknowledged, that the same have been done before bishops, noblemen, and abbots; and after the conquest in K. H. 2. time, and K. R. 1. J. and H. 3. times, fines were acknowledged before abbots, deans, and archdeacons, who were justices itinerant through the realm in circuit for trial of life and death, for trial of titles of land, and for assizes. As for example, Brinkeland, the chronicler of St. Edmond's Bury, saith, *Abbatem Sampsonem fuisse virum prudentem, & Justiciarium errantem in circuitu, & vixit tempore Ranulphi Glanvil Justiciarii Angliæ.* Again, I have seen sundry *finales concordie* taken before the abbot of Peterborough in his circuit of justice itinerant, in sundry shires in H. 3. time. Also Salomon de Roff, archdeacon of Rochester and Magister Thomas de Sodington a priest, were justices itinerant in circuit both for assizes and quō warrantos in Ed. 1. time. So as I suppose that the study of the laws of the land were in the court and religious places, a great space until the making up of the statutes of Runnemeade, *magna charta*, and *de foresta*, for then after *Communia placita non sequantur Curiam nostram*, every courts ministers knew how and where they ought to exercise

exercise their offices and pleadings, which before followed the eschequier being in the king's court, which eschequier is called by an ancient writer, the mother court of all the other courts of record.

These statutes being established, then the king gave authority, yea by parliament, as appeareth by an act in an. 20. E. 1. to the Justices, *quod per eorum discretionem provideant & ordinent certum numerum de quibus con. de melioribus & legalioribus & libentius adliscantibus secundum quod intellexerint quod curia sua & populo de regno melius valere poterit & magis commodum fuerit. Et quod ipsi, quos ad hoc elegerint, Curiam sequantur, & se de negotiis in eadem curia intromittant & alii non. Et videtur Regi & ejus consilio quod septies viginti sufficere poterint. Apponant tamen prefati Justiciarii plures si viderint esse faciend. vel numerum anticipent. Et de aliis remanentibus fiat per discretionem eorundem Justicia, &c.*

Ex Attornatus & Apprenticis Dominus rex injunxit J. de Metingham & sociis suis quod, &c.

So as then in that king's time the law began to be settled in perfect form and due course as it proceedeth now, and by that means did draw students to provide convenient places both for their study and conference.

For their liberties and privileges, I never read of any granted to them or their houses: for having the law in their hands, I doubt not but they could plead for themselves, and say as a judge said (and that rightly) that it is not convenient that a judge should seek his lodging when he cometh to serve the prince and his country.

N^o XXV.

Of the Antiquity of the Houses of Law.

By Mr. THYNNE.

IT is questionless that lawyers, as well such as opened or defended the clients cause, and such as heard and judged the same, had especial places for their abode, as the judges, first in the king's house, and after in other places, and the pleaders, attorneys, and sollicitors in their private inns and lodgings, which I suppose they had in several parts of the city a long time until the 18. of Edward the 3. and in Michel. 29. Ed. 3. they had hostels or inns, for in that year in a *quod ei* to one exception taken, it was answered by Willoughby and Stypwithe, that the same was no exception in that court, although they had often heard the same for an exception amongst the prentices in hostilles or inns, which was, as I take it, one assembled society in one settled place, called the Apprentists hostells. And I have heard, but upon no ground but bare conjectural, that in times past there was an inn of court at Dowgate, called Johnson's Inn, another in Fetterlane, another in Pater-noster-row; which last they prove, because it was the place next to Paul's church, where each lawyer and serjeant heard his clients cause and wrote the same upon his knee: the form of which serjeants so writing is at this day in many places of the Guildhall to be seen, where the serjeants with their hoods upon their heads sit writing upon their knees, and to this day the new created serjeants do observe the same, in memory of the old custom of standing at the pillar in Paul's church; for the new serjeants after the feast ended, good to Paul's in their habit, and there each chufeth a pillar to hear the clients cause, if any come. But of these conjectural things I will no further intreat, but descend to such matter arising out of our question as record or history will warrant.

Wherefore

Wherefore touching the antiquity of houses of law; first, we will shew that they assembled together in one house. Secondly, why those houses were called the Inns of Court, of Chancery, and of Serjeants. Thirdly, when these houses were of greatest number, and where they were placed. And lastly, of the original and antiquity of the same several houses of law at this day. In the treating whereof, if I shall not so fully satisfy you as I desire, and as our learned lawyers can (as being a thing wherein they ought chiefly to have travelled) I crave pardon, desiring you to think rather what I should and would do, than what my poor skill can well do.

Touching the first (having many times mused, that so honourable an assembly did never keep any note of their first meeting, since there was not the meanest society of religious persons but kept a register of their first foundation and society) I say it is out of controversy, that in time the apprentices of the law, being divided into *inferiores apprenticii* and *nobiliores apprenticii*, did in time assemble themselves from their several lodgings into one house, to the end they might be more at hand to confer about their clients causes; but when this assembly should first be, it is hard to know, as will be also the original of those inns of lawyers which we now have. Wherefore I will here leave them in some settled place, although I cannot rightly say, where, and prove the division of the apprentices of the law to be *apprenticii nobiliores*, which are the inns of court-men; and *apprenticii* without any addition, which are those of the inns of chancery: for Walsingham, in shewing that the rebels in 4. R. 2. did spoil the lawyers of the Temple, saith, *etiam locum, qui vocatur Temple-bar, in quo apprenticii juris morabantur nobiliores, diruerunt*. But in the inquisition 18. Ed 3. it appeareth, that Isabel Lady Clifford (as after shall appear here more at large) did let Clifford's Inn (which is but one inn of chancery, and not so noble as an inn of court) with these words of record, that she did let it *apprenticiis de Banco*, without any other addition to them, as being *apprenticii inferiores* in

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respect of *apprenticii nobiliores*; so that of necessity they must among themselves have a kind of academy or university wherein the laws must apart be taught from other sciences, and not in the universities of scholastical learning; because, as saith Fortescue in the 44. chapter of the laws of England, they were taught in other languages than were used in philosophical academies, as in the French and such other Latin as is not known in the universities, which well appeared by Sir Thomas More, which being in France, to cross a proud doctor that would dispute of all things known, did put up this question in law Latin, *utrum averia capta in Withernamium sint irreplegiabilia necne?* whereof the doctor could not understand one word, and so was ashamed of his arrogancy.

For the second point, these houses wherein these lawyers were settled are called the Inns of Court, and of Chancery, and of Serjeants. This last so named, and for none other cause, but for that the judges and serjeants have their residence, lodging, and diet there. But they which are called the Inns of Court have that title, because in the same, such of the gentry and nobility nourished and instructed there, might be able to serve the courts both of justice and the king's palace. Sir John Fortescue (being only chief justice of the bench, and not chancellor of England, as he is untruly called by Molcaster in translating his book of the laws of England, since he was only chancellor to the youngest prince Edward and his mother after he fled with them into France) doth say in his 49. chapter of that book, that the students in the universities of the laws (for so he calleth the houses of court and chancery) did not only study the laws to serve the courts of justice, and profit their country, but did further learn to dance, to sing, to play on instruments on their ferial days, and to study divinity on the festival, using such exercises as they did which were brought up in the king's court. So that these houses being nourisheries or seminaries of the court, took their denomination of the end wherefore they were instituted, and so called the Inns of Court: to every of which

which houses there did in Fortescue's time belong 2. hundred students or thereabouts, whereof many had their men attendant on them. The inns of chancery were so called, as the said Fortescue in the same book writeth, because *Studentes in illis pro eorum parte majori juvenes sunt, originalia & quasi legis elementa addiscentes, qui in illis proficcient ut ipsi maturescunt ad majora hospitia studii illius, quæ hospitia curiæ appellantur, assumuntur.* So as that the greater houses of inns of court were seminaries to the court, so these inns of chancery were seminaries to the inns of Court.

Thirdly, these houses of inns of court were in their height and greatest number in the time of H. 6. For, as the same Fortescue hath, there were then belonging to the laws university 4. inns of court, which are the same now extant, each containing two hundred persons, and 10. inns of chancery, each housing one hundred persons, being more inns of chancery than be at this day, for there is now but eight: which inns of court and chancery were then, as they now be, placed out of the city and noise thereof, in the suburbs of London, according to Fortescue, cap. 48. where he saith, *Situatur etiam studium illud inter locum curiarum illarum & civitatem London.* And a little after, *nec in civitate illa ubi confluentium turba studentium quietem perturbare possit, situm est studium illud, sed seorsim parumper in civitatis illius suburbio & propius curiis prædictis, ut ad eas sine fatigationis incommodo studentes indies ad libitum accedere valeant.* Of which number of ten inns of chancery I cannot think there is any yet remaining for their antiquity, but Clifford's Inn and Clement's Inn, and that the old inns of chancery called Strand Inn and St. George Inn might be some of those ten inns. Of the antiquity of which inns of chancery we will speak hereafter, in the mean time shewing that this placing of the inns of courts and chancery within the city out of the suburbs by Fortescue for quietness sake, as I conceive it, overthroweth the opinion of those, which suppose one inn of court to be at Dowgate, and another in Pater-noster-row, both within the city.

Lastly,

Lastly, we will descend to the inns of court and chancery in our time, which are four inns of court; viz. *Lincoln's Inn*, the 2. *Temples*, inner and middle, and *Grey's Inn*: and 8. inns of chancery, which are *Staple Inn*, *Furnival's Inn*, *Bernard's Inn*, and *Thave's Inn* in Oldborn; *Clifford's Inn* in Fleet-street; *Clement's Inn*, *New Inn*, and *Lion's Inn* without Temple-bar: of whose original we will speak no further than may be confirmed by record and histories, being such warrantable proofs as I have collected.

LINCOLN'S INN situated in New-street, now called Chancery-lane, corruptly for Chancellor's-lane, is composed of the ruins of the Black Friars house of Oldborn, and the house of Ralf Nevil, bishop of Chichester and chancellor of England to H. 3. in whose time he built that house, and died in the year of Christ 1244. & 28. H. 3. of whom and of his goodly palace in Chancery-lane thus writeth Matthew Paris; *Anno sub eodem venerabilis pater Episcopus Ciciſtrenſis Radulphus de Nevilla Cancellarius Angliæ, vir per omnia laudabilis & immota columna in Regis negotiis fidelitatis, Londini in nobili Palatio ſuo, quod à fundamentis non procul à novo Templo conſtruxerat, vitam temporalem terminavit.* Of whose house also there builded, and the lands which he had, thus speaketh the record of *Clausa 11. H. 3. parte 2. m. 7. Rex concessit Radulpho N. Episcopo Ciciſter. Cancellario Placeam illam cum Gardino, quæ fuit Joannis Herlizun, qui terras suas forisfecit in vico illo qui vocatur New-street, ex opposito terræ ejusdem Episcopi in eodem vico.* Of this bishop's house and of the Black Friars did Henry Lacy, the last earl of Lincoln of that name, constable of Chester, and guardian of England, erect a stately house, which, according to the order of most of the other noblemen's houses, was after his title of honor called *Lincoln's Inn*, where he made his most abode, and died in the year 1310. about the 3. or 4. year of E. 2. the pre-eminence thereof still remaining in the bishoprick of Chichester. This house not many years after was made an inn of court, and greatly replenished with students and active gentlemen, which being,

as

as I suppose, the ancientest house of court, as before the Temple, was in following fundry times greatly enlarged and beautified with stately buildings, but especially with the Gate-house, built by Sir Thomas Lovel, treasurer of the household to H. 7. in whose time the same was builded, on which building he placed his own and Lacy's, earl of Lincoln's arms. He also caused the several earls of Lincoln's arms to be cast and wrought in lead upon the tower of that house, which were a lion rampant for Lacy; 7. muscles voided for Quincy; and three wheat-sheaves for Chelster, which three were earles of Lincoln. This house being some time the inheritance of Sulliard, by reason he was descended of the survivors of all the feoffees, to whom the conveyance of this house was made to establish the inheritance thereof in the Society, which bought the fee-simple of it of the bishop of Chicester, in the time of H. 8. he did depart with all his interest and title therein to the company of that house, losing both a singular privilege and benefit unto him whilst he kept it. So that the society of that house are now chief lords thereof. But I will not trouble you much therewith, because there are some of that house, which can speak better of it, wherefore we will come to the Temple.

The NEW TEMPLE builded against the end of Newstreet, was consecrated by Heraclius, patriarch of Jerusalem, in *anno* 1185. in the time of Henry the 2^d. as may appear by the ancient inscription thereof in great Saxon characters over the door going into the Temple church, yet remaining.

This house about the beginning of the reign of Ed. 2. was despoiled of the knights thereof, after that their order was condemned, whereupon this Temple coming to the possession of Ed. 2. he gave the same to Thomas, earl of Lancaster, who rebelling forfeited it again to the king, who after gave it to Adimare de Valence, earl of Pembroke; all which is set down in the king's grant to Valence, Cart. 15. Ed. 2. m. 21. After the death of Valence, the king granted the same to Hugh Spencer the younger during his
life,

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life, after whose beheading it came again to Ed. 3. All which is set down in an inquisition in the Tower in the 1st. of Ed. the 3. in this sort : *Juratores dicunt quod Thomas Comes Lancastriæ tenuit quoddam Messwagium infra Barrum Templi Londoni, quod aliquo tempore fuit Templariorum, quod vocatur novum Templum : de quo prædictus Comes fuit seſitus simul cum aliis rebus ad idem Messwagium pertinentibus ; sed dicunt quod post mortem dicti Comitis, Edwardus tunc Rex Angliæ dedit Messwagium illud ad Adomarum de Valentia ad terminum vitæ suæ, sed postea dedit idem mener. Hugoni de Spencer Juniori, &c. post cujus mortem in manu Domini Regis nunc extitit, & nihil valeat ultra sustentationem domorum.* After, because it was ordered by a council at Vienna held in the year 1324. and about the 19. of Ed. 2. that the lands of the Templars should be bestowed on the hospitals of St. John's of Jerusalem, commonly known by the name of the Knights of Rhodes, Edward the 3^d. granted the Temple to these knights of Rhodes, who, as it appeareth in claus. 18. Ed. 3. were forced to make the bridge thereof. After this (but at what time I certainly know not, although I guess it not much from the 30. year of Ed. 3.) the knights of the Rhodes granted the same to the students of the common laws of England for ten pounds by the year, from which time they have remained there as they yet do. Of the steward of which Temple and lawyers Chaucer speaketh in the Manciples prologue in the prologues of Chaucer, and divers authors mention how the rebels in 4th. of Richard the second spoiled the Temple and burnt the lawyers books ; of the which I will vouch you two authorities, the one of the author of an annual written chronicle in French belonging to the abbey of St. Mary's in York, which lived at that time, and the other is of Walsingham. The abbey book of York saith, *Les Rebels alleront a Temple pour destroier les Tenants del dit Temple & jetterunt les measons a le terre & auegherent toutes les* *que ils fuerunt*
coverture en *& alleront en l'esglesce &*
presteront toutes les livres & rolles de remembrances, que
fuerunt

furunt en leur huches d'ins les temple des apprentices de la ley, & porteront en le haut chemine & les arderunt. Whereunto agreeth Wallinghame in the words before. Here so newhat to turn my pen to a thing not altogether against our question, I have heard some affirm upon the destroying of the Temple by the rebels, that there were no more inns of court at that time, because if there had, they would have been destroyed then, sithence they went about to murder every one that had any small learning, and then mention would have been made of them as well as of the Temple; but this is no good consequence, for the Temple is not there mentioned to have been destroyed only because it was an inn of court, but because it was belonging to the house of St. John of Jerusalem *in Anglia*, for they destroyed it mostly for the malice they bore to Robert Hales, treasurer of England and prior of St. John's, as they did that house also and other manors of the said Prior's in Clerkenwell parish, and so no cause why they should speak of any other inns of court, although there were then many, because they were not destroyed.

When GREY'S INN had original I know not; it was sometimes the manor of Port Pool, being also a prebend of Paul's and now a goodly inn of court, which name was revived to that house at the grand Christmas of the Temple, which then was called *Ferragopontus* and Grey's Inn.

That it was the lord Grey's house many affirm, and I dare not deny it, because I cannot disprove it, since the denomination itself doth allow it to have been belonging to the Greys, but for the antiquity (a thing unknown to the most of that house) as I cannot deliver any thing of certainty, so yet it is most certain that in the time of Henry the 4th. it was one inn of court. For 2. H. 4. barr. 72. you shall find an action of battery brought by the chaplain of Grey's Inn.

Thus much for the inns of court, who have certain honorable ensigns armorial appropriate unto them, as Lincoln's Inn a hand issuing out of a cloud, Grey's Inn a griffin, and the Inner Temple a Pegasus.

The Antiquity of the Houses of Law.

Touching the inns of chancery which now have being (for to speak of *Strand's Inn*, defaced by the duke of Somerset for the building of *Somerset Place*, it is needless) we will begin with *CLIFFORD'S INN*, which in the time of H. 3. was belonging to Malculme de Harley, and after came to the hands of Ed. 1. by reason of certain debts which the said Malculme ought to the king when he was escheter on this side Trent: after which John de Britany, earl of Richmond, held the same at the king's pleasure, and restored it again to the king, whereby Ed. 2. in the third of his reign did grant the same to Robert Clyfford and his heirs for ever; the record whereof being patent 3. Ed. 2. mem. 19. is worth the hearing, although it be somewhat long, and therefore set down in these words: *Rex &c. concessimus, &c. Roberto de Clifford Messwagium illud cum pertinentiis juxta Ecclesiam Sti. Dunstani West in suburbio Londini, quod fuit Malcolmi de Herley, & quod ad manus Domini E. quondam patris nostri devenit ratione quorundam debitorum in quibus idem Malcolmus die quo obiit patri nostro tenebatur, de tempore quo fuit Esceator patris nostri citra Trentam, & quod dilectus & fidelis noster Johannes de Britannia, Comes Richmond, nuper tenuit ad voluntatem nostram, quod etiam in manu nostra existit. Tenend. eidem Roberto & heredibus suis per servitium unius denarii singulis annis nobis & heredibus nostris ad Scaccarium nostrum ad festum Sancti Michaëlis per manus vicecomitis London, qui pro tempore fuerit, inde reddend. in perpetuum. Ita quod si nos vel heredes nostri Messwagium prædictum heredibus prædicti Malculmi ex aliqua causa contingat restituere, ipsum Robertum & heredes suos indemnes conservavimus in hac parte, salvo tamen aliis feodi illius servitiis inde debitis. Dat. 24. Feb.* After the grant of it to Clifford, it continued in the possession of him, his issue, and some widows of that house about 34. years, and then came to the possession of the prentices of the bench, as appeareth by an inquisition dated the 18. of Ed. 3. saying, that *Isabella quæ fuit uxor Roberti Clifford Messwagium cum pertinentiis, quod Robertus Clifford habuit, in parochia Sti. Dunstani West*

West in suburbio London tenuit, & illud dimisit post mortem Domini Roberti Apprenticiis de Banco pro decem libris annuatim &c. So that the same hath been in possession of the lawyers 256. years, being the ancientest inn of chancery or house of law, as I take it.

CLEMENT'S INN was an ancient inn of chancery, of some said to have his name of a brewer called Clement, which sold the same; others as our fellow antiquary Mr. Stow, affirm it to be so called of St. Clement's Church or Clement's well, because it standeth nearest unto them both; which may well stand together, that it might either take the name of the person or of the place. This inn I think to be of great antiquity for an inn of chancery, for that I find a record of M. 19. E. 4. rot. 61. in the book of entries, folio 108. impression 1596. under the title of Misnomer: where one, to shew how he was misnamed of the place, did plead he was of Clement's Inn, with these words, *Et dicit quod ipse tempore impetrationis brevis fuit de hospitio de Clementes Inn in parochia Sti. Clementis Dacorum extra Barrum novi Templi London in Comit. Middlesex, quod quidem hospitium est & tempore ante * impetrationis brevis & diu ante fuit quondam hospitium hominum Curie legis temporalis, nec non hominum consiliariorum ejusdem legis.* Thus far that record, which called it one of the courts of temporal law, and of the men of the councellers thereof, long before the time of this plea. M. 19. E. 4. The inheritance of this house was bought by Sir William Hollyes, grandfather to Sir John Hollyes now living, to whom they pay *14. lib.* rent by year.

* Sic.

NEW INN being daughter of St. George's Inn, took its name of its latter building and new foundation. Of which St. George's Inn Mr. Stow writeth in his Summary of London, that in St. George's lane on the north side remaineth yet one old wall of stone inclosing one piece of ground of Sea-cole-lane, wherein by report some time stood an inn of chancery; which being greatly decayed, the lawyers removed to a common hostery called of the sign, our Ladie's Inn, not far from Clement's Inn, which

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they procured from Sir John Fineux, Lord Chief Justice of England and the King's Bench, and since have held it of the owners by the name of New Inn, paying *vi. lib.* by the year. This, as some hold, should be about the beginning of the reign of H. 7. but I rather think in the time of E. 4. although some will have it latter than any of these dates, which possibly cannot be true, for that in the time of Henry 7. Sir Thomas More was a student in this inn, and so went to Lincoln's Inn: and therefore of necessity it must have been an inn of chancery in H. 7. his reign.

BERNARD'S INN was of latter time an inn of chancery, being first called Motworth's Inn, and belonging to the dean and chapter of Lincoln, as appeareth by a record of 32. H. 6.

FURNIVAL'S INN was sometime the house of the lord Furnival, and in the 6. R. 2. as appeareth by record, was belonging to Sir William Furnival and Thomesine his wife, who had in Oldbourn two Messuages and 13. shops, the right and inheritance of which house was in the memory of our fathers purchased by Lincoln's Inn, to which house it belongeth at this day.

For the rest of the inns of chancery I can say little, both because I pleasure not to favour every fiction and supposat of their original, as for that I have only determined to deliver nothing but notes of record and history.

Touching the inns of the serjeants, the houses which they now have in Fleet-street and Chancery-lane are but of late erection; and although Mr. Serjeant Fleetwood in his table to Ploydon's Commentaries would infer that there was no serjeants inns in time of Henry the VII. because he saith the serjeants and justices assembled at the hostel of the chief justice, yet it is most certain that in the time of Henry the 7th, there was a serjeants inn in Oldbourn over against St. Andrew's church, now called Scrop House, whereof you shall have the record itself, being an inquisition taken at Guildhall in the parish of St. Lawrence in Old Jury in the ward of Cheap in London. 13. Octob. 14. H. 7. *Juratores dicunt, quod Guido Fairefax miles, nuper unus Justitiariorum*

*Iustitiariorum Domini Regis ad placita coram ipso tenenda assignat. fuit sesitus in dominico suo ut de feodo de uno messuagio sive tenemento vocat. Serjeants Inn, situato ex opposito Ecclesie Sti. Andreae Holdborne in civitat. London, cum duobus gardinis, duobus Cottagiis eidem Messuagio adjacentibus: & sic inde sesitus per chartam indentatam datam 8. Febr. 9. H. 7. juratoribus ostensam, dimisit, deliberavit & confirmavit Johanni Scrope militi Domino le Scrope de Boulton & aliis predictum Messuagium &c. ad usum Johannis Scrope heredum & * Assignatoris suorum in perpetuum.* Since * &c. which time the justices and serjeants bestowed themselves in other places where they now be, as in Chancery-lane and Fleet-street: which Serjeant's Inn in Fleet-street belonging by inheritance to Mountague, and the term of interest of the judges and serjeants being determined about some few years past, Mountague quarrelled with the judges and lawyers to remove them from thence, but in the end was forced to grow to composition with them for certain rent, and so they at this day enjoy their estate in as ample manner as they did before, wherewith I end this coarse discourse of the houses of law.

N^o XXVI.

The Question is, Of the Antiquity, Use, and Privilege of Places for Students and Professors of the common Law.

By JOSEPH HOLLAND.

I. Julii. 1601.

THE two Temples, which is now a place for the students of the common law, was first builded by the knights templers, which came into England in the time of king H. the first, as Mr. Stow in his survey of London hath set down; and at first their temple was builded in
Holbourn

Holbourn by Southampton house; but after they left that place and builded a new temple by the river of Thames, this was their chief house, which they builded after the form of the temple near unto the sepulchre of our Lord at Jerufalem.

These templers were at the first so poor as they had but one house to serve two of them, in token whereof they gave in their seal two men riding on one horse, but afterwards they grew so rich and therewithal so proud, that all the templers in England, as also in all other parts of Christendome, were suppressed in the year of our Lord 1308. being the 2. E. 2.

And by a council holden at Vienna their lands were given unto the knights of St. John of Jerufalem; these knights had their chief house in England by West Smithfield, and they in the reign of K. Edw. 3. granted the new Temple for the yearly rent of ten pounds by the year unto the students of the common law of England, in whose possession the same hath ever since remained. These two houses I take to be the ancientest of all the inns of court ordained for the students of the common law.

N° XXVII.

Of the Antiquity, Use, and Privilege of
Places for Students and Professors of the
common Laws of England.

By Mr. WHITLOCK.

I DO not find any evidence for the antiquity of our society of common lawyers in the Temple before Edward the 3's time, in whose reign I suppose that the conveniency of the place caused some of that profession to hire and take lodgings there of the knights of the order of St. John of Jerufalem,

Jerusalem, who granted the same to the students of the common laws for ten pounds the year rent. It may be they had the principality of houses in those places, as the scholars of Oxford had of any houses in Oxon before any secular men, of which there is a notable case in 40. Ed. 3. 17. b.

The most that I find concerning professors of our law, their kind of life, privileges, and degrees of any antiquity, is in Fortescue in his book intituled, *The commendation of the laws of England*. For concerning the state of them as they now are, and be reputed of in the government, I will not speak, because no man here but understandeth it; and, as I suppose, our meetings are to afford one another our knowledge of ancient things, and not to discourse of things present.

Fortescue that lived in H. 6. and E. 4. time, and was chancellor of England, and being of the faction of Lancaster, lived an exile in France, when that family was depressed, writ a small pamphlet of the law of England in that his banishment, wherein he reporteth, that at that time there were four greater inns of court, which were the same that be now, and in them he reckoned to be at that time 200. students in every of them, besides ten smaller houses called inns of chancery, in every of which he esteemed then to be about a 100. students. For the inns of court there are not at this time any more in commons among us, when there are most, than 200. or 10. or 11. score, which is very seldom, and I suppose Fortescue meaneth only those that at that time were as residents and students in those houses at some times or others. So I take it, there is no great difference of the number of students in the inns of court between H. 6. time and this.

He setteth down ten inns of chancery at that time, and a hundred students in every of them; at this day there are but eight, and in none of them so many students, but in many of them fewer. He saith their education in those places at that time was in study of the chiefest points of law in the inns of court, of the grounds and originals of the
law

law in the inns of chancery, in music, in armory, and generally in gentleman-like qualities, as he setteth it down. Their expences, saith he, is yearly twenty marks, and that is the reason he alledgeth why they were the men of the best state and quality that were brought up there by reason of that charge.

Fortescue giveth this reason, why our law is not taught in any university as the civil and canon laws, because it is recorded in three tongues, whereof one only is known in the university, *viz.* Latin, French, and English. In Latin are all our writs original, judicial records of pleas in the king's court, and certain statutes. French, in which we have arguments in court, which fashion is now abrogated, certain statutes, pleas, judgments, and terms of that profession.

He reporteth, that at that time the French used in England by the lawyers was far finer than that then commonly spoken in France, but now it is so barbarous as a Frenchman cannot understand it; which I suppose is long of their refining their language, and not our corrupting theirs, for we may judge of that by the change of our own tongue.

In the same treatise of Mr. Fortescue, we find much written of the degree of a serjeant, which I will speak of as among the privileges of the profession of the common law. He saith, that a serjeant of the law taketh upon him by that dignity both an estate and a degree, and is therefore written A. B. Esquire, serjeant of the law. He setteth down the order of their election in this manner.

That the chief justice of the Common Pleas by consent of all the justices electeth them, and presents them to the lord keeper: the lord keeper by the king's writ of *subpœna* warneth them to be before the king, at a day assigned, to undertake the degree, or to shew reason to the contrary; if at that day they shew no sufficient cause to the contrary, then they have a day prefixt them, and do take a corporal oath to be ready at the time and place to take it, and to give gold according to the custom. They were then by the order of their degree to spend 400. marks in the taking of

of it, and to keep a feast like the coronation for seven days together, and to give gold after this manner, rings of gold of 26th. 8^d. the piece to all archbishops, dukes, the chancellor and treasurer; of 20th. to all earls, the lord privy seal and bishops, the two chief justices and chief baron; of 13th. 4^d. to all lords of parliament, Mr. of the rolls, justices, abbots, prelates, and worshipful knights; of smaller sums to the chamberlains and barons of the exchequer; and to the officers of the king's courts, but especially of the Common Pleas

He noteth further these excellencies of the degree of a serjeant; that they have not the degree of doctor of the municipal law of any kingdom in Christendom but here, that no professors are so great gainers, that they only are made judges, and they only plead in real actions in the Common Pleas.

They must be sixteen years students of the law before they be advanced to that dignity.

Their ensign is a white furred cap, which they must never put off, though they be in the presence of the king.

Of the choice of a judge he writeth thus:

That 20. years time doth but bring a professor of the law to that preferment, whereas now one or two and twenty years doth not bring them to their first reading, whereas they should read twice before they be serjeants.

The king chooseth a serjeant, and by his letters patents maketh him justice, and he is inducted by the lord chancellor; who maketh a publick exhortation to him, and setteth him in a place certain as a prebend is set in his stall in the church, and that place he still keepeth, unless he be removed by the king.

Of other ceremonies and duties of the office of a judge, which are known to all men by their own experience, I will not speak. Thus much I thought fit to deliver, which I have out of the observation of so grave a judge and so expert as Fortescue was in the time he lived.

Of the privilege of the place we live in, I know of no patents or grants, but I suppose that the exemption of the

Of Knights made by Abbots.

ordinary jurisdiction of the Temple, began in the regular knights that lived there, and so continued in the place, as it were in succession, to the students that followed. It is not unknown unto us of many jars that have been between the mayor of London and the Gentlemen there, about the carrying of his sword upright, there, at the serjeants feast; in which controversies there have been many disorders committed, which because they are related in our chronicles I will not speak of them.

 N° XXVIII.

Of the Knights made by the Abbots.

By Sir FRANCIS LEIGH.

THE question is, What knights the abbots made in the time of H. I. or before? For answer of which I think that abbots made two sorts of knights, the one superior, the other inferior, and that those termed *milites*, cannot be taken for common soldiers, but for a degree: for the making of knights by abbots in Ingulphus, before the time of H. I. must needs be intended of some superior order of knights, because they contain very many ceremonies; for in all matters of honour, the greater ceremony the greater honour. And that this making of knights by abbots should be intended of knights of greater dignity and of less, appears by some proofs out of the book of Ely, and the book *de gestis Herewardi*; for Hereward, a nobleman that long encountered William the Conqueror, was knighted by the abbot of Peterborough, and William Rufus, was knighted by Lanfrank A. B. of Canterbury; which knight-hood, had it not been honourable, would not have been accepted of such persons: and the words of the charter of 26. of H. I. that abbots should not make them *nisi in sacra veste*, which I take was their copes, seemed to add the
more

more reputation to the receiver. Besides I think that abbots made other knights a degree inferior to the former, which were always remaining in the house of the abbots, and such as did attend upon other noblemen, as appeareth by many records. In the book of *Reading* their diet, with the manner of their allowance in the abbots houses, is set down, and their place before esquires; so that these *militēs* there made and harboured could not be common soldiers, as I conjecture out of the words of the said charter, where it is said, *nec faciat parvulos milites, sed maturos & discretos*; for vain it were *facere parvulos milites*, who could perform no force of arms. Therefore since every prohibition implieth the former doing of a thing, it seemeth that before, they knighted children to honour them withall, and not for service, by reason of their tenderness of years. Neither can I find that ever there was here any solemnity used in making common soldiers. Moreover upon the words of the charter of H. 1. I imagine that the same liberty to make knights was a dispensation granted by H. 1. because Malmesbury hath in the life of Anselm A. B. of Canterbury, that about the third of H. 1. it was by synod established, *Ne abbates faciant milites*, which synod decreed the same, for that the Normans held those knights by spiritual mean not perfect knights; and yet Hereward holding it the more honourable and more fortunate estate to be so knighted, would, in despite of the Normans (for so are the words of the author) be made knight by the abbot of Ely.

N^o XXIX.

Of Knights made by Abbots.

By Mr. T A T E.

3. Jac. 21. June.

THE foundation of this question being grounded upon the words of K. H. 1. charter to the abbot of Reading, which are obscure, before I entreat thereof it is necessary to explain the hardest words therein, which are, *Terras censuales non ad feodum donet*. In the Red book *de observantiis Scaccarii*, I find the revenues of the crown distinguished into *firmas & census*, the first comprehending the certain revenues, the other casual and uncertain profits, of wood sales and such like; not that the word *census* importeth so in his proper signification, but in that it is opposed to *firma*. The true sense wherein I take it to be here used appeareth in Cassiodor. epist. 52. lib. 1. 3. variar. whose words are *Augusti temporibus orbis Romanus agris divisus censuque descriptus est, ut possessio sua nulli haberetur incerta quam pro tributorum susceperat quantitate solvenda*. These *terra censuales* in our law phrase are lands gildable, hide and gain, that is, not waste grounds but manured lands by no liberty or franchise exempt, but subject to tax, and all payments laid generally upon a town or country for the publick good. The next words *ad feodum dare*, are well interpreted by the Feudists, who say agreeably with our common law, *Feudum est rei immobilis facta pro homagio benevola concessio*. So K. H. 1. doth here prohibit the abbot to alien lands given him, and to create a tenure of himself in soccage, for homage alone maketh not a tenure by knight's service, and such alienations the law of our land and others did always forbid, as appeareth by our writ of *contra formam collationis*, and by *Summa Rosella* in the title of *Feudum*. *Res immobiles Ec-*
clesia,

clerie, saith that book, *de novo non possunt dari in feudum, nam & Pralati hoc jurant; sed res quæ prius erant feudales possunt iterum feudari, si Vassallus propter aliquam causam perdat.*

Nec faciat milites. The coherence of these words with the former make me stay the sentence here. In the former words the king forbade the abbot to create a tenure of himself by homage, which service is full of humility and reverence, but addeth no strength to the abbot by attendance of the homager to defend his lord's person or possessions. Now this clause forbiddeth alienation with reservation of a tenure by knight's service, lest the abbot should have military men at his commandment: for *miles* here is opposed to *rusticus* or *soemannus*, a tenant in socage; and in other writers I find the like opposition or antithesis of *miles* and *paganus*. Juvenal. l. 5. Sat. 16. v. 32.

— *citius falsum producere testem*
Contra paganum possis, quam vera loquentem
Contra fortunam armati, —————

And so the civil law useth the same words l. 19. §. 1. D. de castr. pecul. I will not labour to make further proof now either that tenants by knights service are called *Milites*, because it hath been already handled in the question of knights fees, or that the kings of this realm did anciently raise all their force according to the knights fees held of them mediately or immediately, the same being so well known in this assembly, but pass over to the interpretation of the words that follow in the charter, *nisi in sacra veste Christi, in qua parvulos, &c* The word *Milites* carrying with it a manifold sense, the king taketh occasion upon the former words of restraint, by this exception to enlarge the abbot's power so far, as it was necessary for him to have liberty without prejudice to the realm; as if the king should have said, Though I restrain you from making knights, yet my meaning is not to restrain you from making all kind of knights. The making of secular knights, to defend the realm by service done by themselves in person
or

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or others in their behalf, I will reserve to myself and secular men; but the making of knights to do service to Christ, whether they be clerks or laymen, I leave free to you, so you make none but such as purpose to take upon them the habit of your profession, advising you only to be very sparing in receiving infants into the profession of your order, that are unable to judge themselves how they shall have power to perform their vows.

This I take to be the proper sense of K. H. 1. charter, for manifestation whereof, and to make my entrance into the question, I will speak somewhat of divers sorts of knights or *milites*. All knighthood is either secular or spiritual

Secular knighthood is either with dignity or without dignity. This knighthood without dignity is either predial or personal.

Predial knighthood is a service annexed to certain lands, binding the owner thereof in person, or by some other for him, to defend the realm or some certain place therein, in time of hostility. Of these knights mention is made in the general charter of K. H. 1. in the Red book, *Militibus, qui per loricas terras suas deserviunt, terras dominicarum carucarum suarum quietas ab omnibus gildis & ab omni opere proprio dono meo concedo.*

Personal knighthood without dignity, is a duty imposed upon a man's person, binding him to performance of things incident to his condition, with arms or without arms, and is therefore expressed by the names of *militia armata & togata*. In which respect *militare* is all one with *ministrare*. In this sense the officers in the exchequer of receipt are called *Milites* in the Red book, as *miles argentarius & miles camerariorum*. And so common lawyers may be called *Milites Justitiæ*: of whom Sarrisb. l. 6. c. 1. saith, *neque reipub. militant soli illi, qui galeis thoracisque muniti, in hostes exercent gladios aut tela qualibet, sed & patroni causarum, qui lapsa erigunt, fatigata reparant, nec minus provident humano generi, quam si laborantium vitam, spem, posteror- que armorum presidio ab hostibus tuerentur.*

Armed

Armed knighthood secular and without dignity, is that service which is performed in the camp by such as are inrolled in the captain's or muster-master's list, on horseback or on foot. And from hence sprang the difference of *Equites* and *Milites caligati*; for as Cassinæus saith *Pedestres milites dicuntur, qui habent caligas de corio*.

Knighthood that carrieth with it dignity, is that knighthood which a king, or some other authorized by him, giveth with some ceremony, as putting a chain of gold or collar of SS. about one's neck, or a gold ring upon his finger, girding one with a sword, or strikeing him therewith of purpose to do him honour. Cassinæus Catal. *gloriæ mundi*, parte 9. saith, *in signum dignitatis à Principe cingi debet, & gladius quo cingitur debet esse deauratus—& ista militia collata à Principe confert dignitatem*. But of other knighthoods he saith, *militia nedum est dignitas sed nec nobilitas*. Sarisburiensis l. 6. c. 13. *Recte cingulo decoratur ad militiam quisquis accedit, quia enim expeditum esse ad munia reipublicæ officii sui necessitas exigit, accingi namque solet cui gerenda imminent. Cingulum ergo indicium est laboris, labor honoris meritum, ut liqueat omnibus, quod qui laborem indictum militiæ subire detrectat, honorem gladii in militari cingulo frustra portat*.

Spiritual knighthood is either *virtualis* or *votivalis*. But before I handle the parts of this division, I will briefly prove, that as there is a secular, so there is a spiritual knighthood. Saris. lib. 6. cap. 5. saith, *Lege libros tam Ecclesiasticos, quam mundanos, quibus agitur de re militari, & manifeste invenies duo esse, quæ militem faciunt, electionem scil. & sacramentum. Hæc enim duo communia sunt hiis, qui spiritualem & corporalem militiam exercent*. Peccham's constitutions at Lambeth prove the same: *Sunt nonnulli, quos apparet seculum intendere perpetuo relinquere, & in claustris excubiis velle toto suo tempore Domino militare, qui, prævalente in iis carnali desiderio, seculum repetunt*. And St. Bernard saith, *milites Christi secure præliantur prælio Domini sui, nequaquam metuentes de hostium cæde peccatum, aut de sua nece periculum*.

The

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The first branch of spiritual knights which I said to be virtual, extendeth itself to private persons or to publick. Of the first sort are all good Christians, who must watch over their own weakness, that their souls enemy surprize them not, calling to mind that which Job saith, *militia est vita hominis super terram*; but more especially it concerneth bishops and pastors of the church, who are public persons set over congregations, to fight against all the enemies of faith, and the inventors of heresies and errors; and of this kind of knighthood is spoken in Linwood's Constitutions in the title *de Apostatis*, where also I find the other branch of my division *de militia votivali*: of which ecclesiastical votary knights some are *ordinary*, some *extraordinary*. All that are professed in any abbey, priory, or frier-house, may be called *ordinary* Votary Church Knights. But the *extraordinary*, are such of them only as have vowed by sword or lance, and all knights means to defend Christians.

Now from this our question, what order of knights were made by abbots in the days of king Henry the first, or at any time before, since the conquest, I exclude all secular knights of what kind soever they be: and of spiritual knights I purpose to maintain that they had power to make all ordinary votary knights of Christ, and extraordinary also, but this not without special licence from their supreme ordinary. The first, as a matter clear by dayly experience, I pass over. The other I will prove by examples of other countries; for this question is restrained to time, but not to the limits of this kingdom. To the time, therefore, I will precisely hold myself. It is well known, that the first of August *an. Dom. 1100.* K. H. first began his reign, and that the x. of July the year before, *viz. 1099.* the Christians recovered Jerusalem from the Saracens, which Matthew Paris in his history setteth down at large: after which three religious houses were there built; in all of which there were knights having a dignity rather ecclesiastical than temporal, as Cassinæus saith. The first of this sort took up their habitation in part of the Temple there,
not

not far from Christ's sepulchre, and therefore were called *Templers*, and in armour led pilgrims safely through the Holy Land, whose order began in the 18. year of K. H. 1. by licence of Gelasius the 2^d. In the 20. year of K. H. the first, certain Christians of the Latins built a monastery in the valley of Jehosaphat, which they dedicated to the Virgin Mary, and first entertained there only Latin pilgrims, but after they were called Knights of St. John's of Jerusalem, till about the 2d. year of K. Ed. 2. their principal seat being at Rhodes, they were called Knights of Rhodes. The third sort of knights of Jerusalem were Dutch knights, *Milites Theutonici*, which began by the kind entertainment of Dutchmen by a Dutch knight; and after by the Pope's licence it grew to be a monastery of knights of like nature with the other two. All these three lived under some certain order, as they of St. John's of Jerusalem under the order of St. Augustine, and at first under an abbot, though afterwards their governors had greater names. This gave example to raise a like order of knights at Lisbon in the abbey of Alcobasia called *Milites Calatravenses*, not many years after. But in K. E. 1st's time, I do not read of any such knights made by abbots in any place of England, therefore I will here conclude my speech of foreign knights of order and dignity made by abbots.

It may peradventure be objected, that before the time of K. H. 1. abbots made secular knights that had dignity till it was restrained by the council of London, to which I say, that before and shortly after the conquest, secular knights performed some ceremonies in collegiate or parochial churches, but that they received any degree or dignity thereby I do not read. Sarrisb. lib. 6. cap. 10. saith, *Jam inolevit consuetudo solennis, ut ea ipsa die, qua quisque militari cingulo decoratur, ecclesiam solenniter adeat, gladioque super altare posito & oblato, quasi celebri professione facta, seipsum obsequio altaris devoteat, & gladii, id est, officii sui, jugem Deo spondeat famulatum*; their degree and dignity was not by offering their sword, but by receiving arms of the king. And therefore when a knight was made it is com-

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monly said by chroniclers, that he was *gladio cinctus*, or *armis militaribus honoratus*. So *an. 1086. in hebdomade Pentecostes Rex. W. Conquestor filium suum Henricum apud Westminster armis militaribus honoravit. An. 1087. Robertus, filius W. Conquestoris, in Normanniam reversus Ulfum, Haraldi, quondam Regis Anglorum, filium, Duncanumque, filium Malcolmi Regis Scotorum, à custodia laxatos & armis militaribus honoratos abire permisit.* Hovedun. If time had not straightened me I might have brought in some colour for Thomas of Becket, of whom the *Quadrilog. faith lib. 1. cap. 8. Thomæ Becket Cancellario, fere totius Angliæ sed & vicinorum regnorum Magnates Liberos suos servituros mittebant, quos ipse curiali nutritura & honesta doctrina instituit, & cingulo donatos militiæ ad patres & propinquos cum honore maximo remittebat.* Though the bishop sent them away knights, yet I think the king made them knights. So that I see no cause but I may conclude, that neither abbots, nor other spiritual persons, had ever since the conquest power to make secular knights or regular of any degree or dignity, but such only as should serve within their Cloister.

N° XXX.

Of the Diversity of Names of this Island,

By Mr. CAMDEN.

29. June 1604.

THAT which the poet said of Italy, *sepius & nomen posuit Saturnia tellus*, we may say of this island, which hath as often altered the name. The knowledge of the first name, as of the first inhabitants, is cast so far backward into darkness, that there is no hope for us so late born to discover them. The first inhabitants, as being merely barbarous, never troubled themselves with care to transmit their originals to posterity, neither if they would, could

could they, being without letters, which only can preserve and transfer knowledge; neither if they had letters was it lawful for them to commit any thing to letters. For, as Cæsar saith, the Druids, which were the only wise men among them, held it unlawful *mandare aliquid literis*; and had they committed it unto letters, doubtless it had perished in the revolutions of so many ages passed, and so sundry conversions, and evasions of the state. Whereupon Cæsar, who lived 1600. years since, by diligent enquiry could learn nothing of the ancient and inland inhabitants, but that they were natives of the isle. Tacitus also, which searched into this matter, saith plainly, *Qui mortales Britanniam initio coluerunt, indigenæ an advenæ, ut inter barbaros parum compertum est.* Gildas also and Nennius profess plainly, that they had no understanding of the ancient state of this isle, but *ex transmarina relatione*, or foreign writers. Then can we hope for no light herein, but from foreign writers also, and that not before the year of the world 3830. some 370. years before Christ: for at that time, as Polybius a most grave writer, who then attended upon Scipio, writeth, that the Regions northward from Narbone, "as this is, were utterly unknown, and whatsoever was written or reported of them was but as a dream.

The ancientest memory of this isle is in *Orphei Argonauticis*, but long after the time of Orpheus under the name of Νῆσος πευκήεσσα, that is *The Isle of Pine Trees*, and afterward χέρσον λευκαῖον, *The White Land*. In which sense the author of the book *De Mundo ad Alexandrum*, which is supposed to be Aristotle's, calleth it *Albion*, and our Welchmen call it *Inis Wen*, the White Island, albeit some think the name Albion to be deduced from Albion a giant, and others, from the high situation.

When it was first known to the Greeks, who were the first discoverers of these western parts, they called it *Britannia*, in my conjecture as the country of the *Brits*, that is of the painted people, which was the peculiar note whereby they were distinguished from other nations, as

the Gauls from whom they were descended were so named of their shagged hair, and their country accordingly called *Gallia comata*. While it was under the Romans an old Panegyrist called it *Alter Orbis*, and Aristides Νῆσος μεγάλη, for the greatness thereof, as Catullus, *Insula * cœruli*, for that it was situated in the sea, and *ultima Occidentis Insula*, as the farthest island toward the West, and at that time, of it all the adjacent islands were called by the Latins *Britannia*, *Britannica*, and by the Greeks *Britannides*.

When the English came hither and possessed themselves of the land, the name of Britain was worn out by little and little, and preserved only by the learned in books, and they called themselves (as nations first took up names and count their denominations from the nations) Engla þeoð, Anglcynn, Englecynn, Englisc-mon, and the Latin writers *Gens Anglorum*, for you shall never find in Bede, or any of other nations this word *Anglia*, but he intituled his book, *Historia Gentis Anglorum*, which name was common to them all, notwithstanding they were subdivided into Mercians, West-sax, Est-Engle, &c. until the time of Egbert, who is reported, being lord and monarch of all, to have imposed the name of Engla-lond upon all by proclamation; yet I have not observed that name, but Engle-ric and Engla-cynne -ric, that is, the kingdom of the English; for many years after Egbert, until the time of Knut, in which time the name of Anglia and England began to be in frequent use, taken from the people, which came out of a part of Jutland, where they left the name of Angloen, and not of Queen Angela, nor the gigantic Angul, brother to Danus, nor of *Angulus orbis*, which was but a poetical allusion; as neither the people *Angli* were so called of their angelic faces, nor that they were good anglers, as Gorgopius ridiculously deriveth them.

This only I can add moreover, when the name *Britannia* was discontinued in common use, and among writers, that Boniface or Winefrid, our own countrymen, called it *Saxonia transmarina*, having no other name to notify this

his native country in his epistle to pope Zacharias, about the year 742. which name he forged, for that the English Saxons had now planted themselves some two hundred years before.

Nº XXXI.

Of the Diversity of the Names of this Island.

By JOSEPH HOLLAND.

FORASMUCH as it resteth uncertain, when and by whom this island was first inhabited, and that our authors do vary therein, I will begin with the most common received opinion, which is, that Samoths the sixth son of Japheth, one of the sons of Noah, was the original beginner. He came into this land about 52. years after the flood, and he called it Samothea, in which name it continued until Albion the son of Neptune, who descended of Cham, entered the same, and changed the name of *Samothea* into *Albion*. Some authors do affirm that it was called Albion *ab albis rupibus*, of the white chalky cliffs in the east and south parts of this land; some others will have it come of the Greek word *olbion*, which signifieth *felix*, a happy country to dwell in; some of Albina, Dioclesian's daughter, which is held to be fabulous. It continued in the name of Albion 608. years, until Brute's arrival here, who conquered this land, and changed the name thereof from Albion into Bretayn or Brutayn, which name hath been diversly expounded, according unto sundry mens opinions and expositions, as *Britania*, *Brutania*, *Bridania*, *Pritania*, *Prid cain*, and divers others; but were it not that the name of Brute is rejected by divers men of good judgment, I could be persuaded, that it might most truly be called Brutayn of Brute. But forasmuch as in the histories of Italy there is a large pedigree set down, whereiq

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wherein they derive themselves from the Trojans and from Æneas, setting down his genealogy both for Italy and France, but make no mention of Brute, and that some of the authors do say, that *totus processus de Bruto illo est magis poeticus, quam historicus*, for my own part, I will leave it to be decided by men of better judgment than myself.

This name was after changed in the time of the Saxons and called England, of certain men that inhabited a part of Germany. These people drove the Britains into Wales and Cornwall, and other places of refuge, and Egbert K. of the West-saxons became sole Monarch of the whole land, and called the same England in remembrance of that part of Germany whereof he was; wherein the *Angeli* or *Angels* inhabited. Notwithstanding that king Egbert did first begin to alter the name of Britain, yet it was not fully changed in divers descents after him, for I have a Saxon charter made by king Edgar, which was the first king in descent from Egbert, and he writeth his stile in the beginning of his charter, *Ego Eadgar totius Albionis Basileus*, &c. and in the end of the same charter, *Rex totius Britannia prefatam donationem cum sigillo Sanctae crucis confirmavi*; in which charter there is mention both of the name of Albion and of Britain. And the same king upon his coin, which I have here to shew, writeth himself *Rex Angliae*. Likewise king Ædelred his son wrote his stile, *Ego Ædelred Angliae nationis ceterarumque gentium triniatim inter ambitum Britannia insulae degentium Regiae dignitatis solio ad tempus Christi mundi redemptoris gratia subthronizatus Basileus An. Dominicae incarnationis*

Nº XXXII.

Of the Diversity of Names of this Island.

By Mr. AGARD.

29. Jun. 1604.

POLLIDOR Virgil, Humphrey Lhuyd and Mr. Camden, in their learned discourses having treated largely of the first original of the name of this island, being called by some *Britannia* (whereof I find not any other to be the author of that before Cæsar) and the ancient *Britones* the Welsh saying the same to be given and derived from the name of Brute, the first inhabiter of this island, grounding the same of the etymology of their own speech, Britton or Pritton, and as the French call one of their people of Britain Minor, *un Britton Britonnant* in scoff, saying he gabbeth out an uncouth language, I shall not need to produce out of these worthy authors, who have gathered so many proofs both out of foreign and home writers, any thing, in that they are so plain to be seen. The like may be said of the second name of this island called Albion, derived from the white rocks, which name also cannot be very ancient, taking some smatch from the Latin; but yet I will not pretermit that excellent and worthy epitheton that K. Edgar in the foundation of the abbey of Ely by his charter doth give to this island of Albion, in these words: *Ego Edgarus Basileus dictæ Insulæ Albionis, subditis nobis sceptris Scotorum, Cumbrorum, Britonum & omnium circum circa Regionum, quiete pace fruens, &c.* By which he knitteth together the whole island being under his government, terming it a most worthy island of all other to be beloved. So as he accounteth the Britons (being Wales) the Scots and the Cumbers (which were the Picts) to be but as territories and members of this island of his called Albion. And now to the third name of this island or realm which is called England, by the Saxons first given,
who

who conquered the same against the Britons, I find that before the coming in of Hengistus, there landed in the north parts of the realm long before, one Aelle with three of his sons, as is mentioned in a book of Ely. *Aelle & ejus tres filii cum tribus navibus in Britanniam venerunt, ibique Britones multos occiderunt & victores extiterunt, & ipse Aelle in provincia illorum regnare cœpit, ad cujus nomen beatus Gregorius cum Angligenas pueros in foro venales inveniret positos, alludens, ait alleluya illis in partibus oportet cantare.* And this was in anno Domini 435. that there he entered. And of this Gregory and of the English Saxons a register of Canterbury maketh mention in these words: *Primus fuit Aelle Rex Australium Saxonum de cujus regione & dominio pueri Romæ venales quos notavit Gregorius, Angli ut angeli vultu nitentes fuerunt; & quia Rex Aelle dicebatur, addidit Gregorius Alleluya in regno ejusdem sonari debere.* And the same author setteth it down the cause, why after the Saxons had subdued the realm, it was rather called England than Saxon-land in these words: *De Anglis vero, hoc est, de illa patria, quæ angulus dicitur & ab eo tempore usque in præsens manere desertus inter provincias Westarum & Saxonum perhibetur, Orientales Angli, Mediterranei, Mercei, tota Northumbrorum progenies, id est, illarum gentium, quæ ad Boream Humbri fluvii habitant, ceterique Anglorum populi sunt orti: & quia major & nobilior fuit populi multitudo Anglorum quam Saxonum vel Wictorum, ideo potius nominatur insula ab Anglis quam à Saxonibus sive Wictis.* So as it seemeth to me by these authors, that the name of England began first rather by this Aelle, than by Egbertus the first monarch, who followed after him many years. But this is certain, that the Saxons did abhor after their conquest to call the island Britain, whether it were upon Gildas writing, who, without flattery of his countrymen Britains, sheweth that the whole country was burdened with tyrants, and produceth Porphyrius for a witness, who calleth it *Fertilis provincia Tyrannorum*; or the desire they had to continue their name of that part of Saxony from whence they came, which name of itself is etymologed

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etimologed thus in an old manuscript. *Sciendum est quod Anglia duobus modis exponitur, ab an, quod est circum, & cleos, quod est gloria; quasi circum circa gloriosa: vel ab en, quod est in, & cleos gloria; quasi intus gloriosa: scilicet quia dicitur, Anglia dat florem, cælo largitur odorem.* And surely that sweet name of England hath been of singular estimation among and above all other nations; inso-much as let an Englishman be in company among people of sundry other nations, you shall have him admired of them all, yea, and both of man and woman more favoured and respected, than any other in the company, as one that carrieth more courteous, friendly, and lovely countenance before all other people, according to Gregorie's words. Yea, and it is not read that William the conqueror ever attempted after his conquest to alter that good name; thinking himself a most happy man to be king over so worthy a kingdom, which he placed in his stile, and preferred before his dukedom of Normandy. Yea, and it is not to be forgotten, that in the place of ranking or setting in order Christian kingdoms, that England is placed before kingdoms of larger territories, as it appeareth in a register book of Rochester, out of which I took this note, written above three hundred years past:

Imperator Romanorum & Rex Almanniæ, Imperator Constantinop. Rex Jerosolymitanus, Rex Francorum, Rex Anglorum, Rex Scotorum, & tunc Reges &c. Castellæ, Legionenses, Arogonienses, Portugallienses, Navarriæ, Siciliae, Norvagiæ, Daciæ, Hungariæ, Bohemiæ, Armeniæ & Cypri.

So as to conclude with the Red book of the Exchequer, *Insula nostra suis contenta bonis, peregrinis non indiget, hanc igitur merito dixere priores, divitiisque sinum, deliciisque Larem.*

No XXXIII.

Of the Diversity of the Names of this Island.

By Mr. OLDWORTH.

29. Jun. 1604.

Names.

SAMOTHEA, *Cumero*, or *Cimbria*, *Albion*, *Britannia*, and *Anglia* or *Angulia* and *Scotia*. Another name rather endeavoured than settled, viz. *Valentia*.

For the two former, viz. *Samothea* and *Cumero* or *Cimbria*, I find a difference, whether of Japheth's sons was the original possessor and prince here, or rather from which of them it should receive peopling and denomination.

1.
Samothea.

Hollingshed beginneth thus with Samothes. Namely, that this island was part of the Celtic kingdom, whereof Dis otherwise Samothes one of the sons of Japheth was the original beginner, and from him called Samothea, viz. for 341. years.

2.
Cumero or
Cymbria.

Mr. John
Clapham.

Mr. Camden Clarencieux, to whom all our nation oweth exceeding much for the light afforded by his travels, rather observeth that Gomer, *in his ultimis Europa finibus originem dedit*. To this accordeth the author of the book called The first book of the history of England, who in the end of the preface thereof nameth himself Philomathes, and voucheth warrant from ancient writers, that the Cimbrians came from Gomer the eldest son of Japheth.

3.
Albion.
Mr. Camden a name
from the
Grecians.

Albion. Whether from the son of Neptune, as some imagine, or whether from *Albi* or *Alpes*, or *ab Albiis* or *ab Albiis Gallis*, or rather *Albion à Gyphseo solo*, and *ab albis rupibus*. Ortelius calleth the whole isle *Albion*. Hollingshed maketh a collection of the continuance of this name 600. years, till the year 1116. before Christ, that Brutus came, and according as he voucheth Pliny, it is not the whole island, but *maxima Britannicarum Insularum*; from *Albina*,

Albina, an imagined daughter of Dioclesian, is not approved.

Brutus many hold to be changer of the name; and yet divers good authors do much doubt of his being here, but of this the best collection as well for variety of reasons of the etymology, as for probability and truth, we must ascribe to the worthy and industrious persons I have before mentioned, whether from Brutus or no, and which Brutus, whether *Romanus Consul filius Silvii*, or *filius Hesticionis*; and if of Brutus, that he took his name of Brotus, *quia matri partu mortifer, quasi Brotos Græce*; and for the name of people or country, thus diversly as followeth from the Grecians. *Prutanea*, Sir Thomas Elliot, a word taken for the common estate, by which the Athenians did term *redditus suos publicos*. To this agreeth the author of the book intituled *Rapta Tatio*, lately published touching *viz.* That the people were Britons, of a word signifying a mart or fair of stuff or wares, of which this whole island, as well Wales and Cornwall as England and Scotland, is in one kind or other replenished; which word marte seemeth to have no less bounds than *civitas*, which signifieth a whole commonwealth, as Aristotle. Also *Prid-cain*, *scil.* of the Welsh *forma canaida*, some from the Danes, *tanqua libera Dania*, Bry for free, *Bridania*, *Freedania*, *Pridania*, *Britbania*, *Bretta* in Spanish from soil or earth, *Prutenia à quadam Germania regione*. *Britona* the nymph, daughter of Mars, seemeth a fiction, or of Brutus or Britus, son of Araxa. *Brithin à quodam potu, quo usi sunt Græci*, is but a slight matter. *A Brutiis Italia* whom the Grecians called Bretions, to which agreeth Tho. Thomasius, that Brutii were a people in Italy above the Lucani, so called of their barbarous and brutish behaviour; divers others, as *à Britone Centauro*, *A Britana ex ejus filia Celtice*. *Britani absque origine* I leave to others.

But I conclude with these two in my poor opinion to be most probable and likeliest, *viz.* with Mr. Camden of *Brith depictum aut coloratum & Tania Regio*, or from the Britains in Armorica out of France, as well for near situa-



tion as also for uniformity in language, religion, and policy between the ancient Gauls and Britons, which is observed in Mr. Clapham's book, and so to be named, rather the land of the people, than the people of the land.

Valencia.

Theodosius in the days of Valentinianus and Valentius emperors, and in their remembrance, endeavoured to call it Valentia, as Marcellinus writeth, but it took no effect.

Anglia.

Ecbert *A. Dom.* 800. made an edict at Winchester to call it Angles-land or Angel-land. He descended of the Angles, one of the six several forts of people that came in with the Saxons, all comprehended under the name of the Saxons, because of Hengist the Saxon, who arrived first of them; and not of any Queen called *Angla*, nor *ab Angulo* a corner.

Nº XXXIV.

The Etymology, Antiquity, and Privilege
of Castles.

By SIR ROBERT COTTON.

THIS question maketh in itself aptly three parts. The first, the etymology of the name with the several *Synonyma*: the second, the antiquity: the third, the privileges. For the first, Isidorus saith, *castrum antiqui dicebant opidum loco altissimo situm, quasi casam altam, à quo Castellum, sive quod castrabatur ibi licentia habitantium, ne passim vagarentur*; and as a difference he setteth this down, that *vici, castella, & pagi sunt quæ nulla dignitate civitatis ornantur, sed vulgari hominum conventu incoluntur, & propter parvitatem suis majoribus civitatibus attribuuntur*. And Sigonius saith that the Romans *opida frequentiores & ampliores hominum conventus esse voluerunt; Castella minores atque angustiores, sed majorum ambitu septos; vicos sine muris*. Laurentius Valla defineth *Castrum* to be
Locus

Locus muris munitus: and Julius Ferettus, that *Castra dicta sunt à castitate, quia ibi omnes caste vivere debent; and arces dicta sunt ab arcendo, quia arcent hostes à longe.* I find this word Castle in Latin divers ways varied, as sometimes it is called *Castrum, Castellum, arx, turris, fossa & maceria, Mota, firmitas, munitio*; of these I find in a charter made between king Stephen and H. 2. five of these mentioned, *Castrum de Wallingford, Castellum de Belencomber, Turris London, mota Oxenford, firmitas Lincolnia, munitio Hamptonia*; the rest as divers of these are usual in all old stories.

For the antiquity of Castle, the second member of our question, it doth divide itself into five branches: in the first, the first erectors of Castles; in the second, the usual places; in the third, the matter wherewith they used in old time to build; the fourth, the forms they observed; the fifth, the end and cause of building.

For the first, we read the first builder to have been the founder of the Tower of Babel, whose height Beda writeth was 1174. paces; and Brifonius by his observation gathereth, that the Persians were the first usual builders of Castles in the world. For our own country, we find that the fort by Holland called *Armamentarium Britannicum*, first builded by Caligula, and after, as by an ancient inscription appeareth, restored by Severus and Antoninus his son, was the first builded in these parts, next whereunto were these inland Castles erected by Didius Gallus, as Tacitus writeth; after this the Bulwarks erected by Severus in the Picts wall, were the certain oldest I find remembered in story. I am persuaded by the opinion of that reverend learned man Antoninus Augustinus, That, that fort-like building stamped upon the coin of Constantine the younger with this inscription, *Providentia Casarum* noteth either the erecting or repairing of some Castle here in England, which Occo calleth only *Ædificium quoddam*. It may likewise not seem unlikely, that as other instructions, so this of fortifying, was borrowed by us here in England from our next bordering neighbours, the ancient *Galli*, who, as appeareth

appeareth by Cæsar, had the skill of it in his time : for in his seventh book he writeth, that Vercingetorix was the first that persuaded and instructed the *Galli* orderly to encamp and fortify themselves.

Touching the places where these Castles were builded, I find neither the valleys nor the hills, nor privilege sanctuary avoided : for Innocentius in his constitution *de immunitate Ecclesiæ* saith, that *tempore necessitatis belli, licitum est hospitari & incastellari in ecclesia* : and in high places, *Perfarum Reges instruere in altum editas arces, & in ascensum arduos c'les emunire*, saith Zenophon. *Romana militia superiorem locum optabat*, saith Ramus in his *de moribus veterum Gallorum*. *Sed Gallorum fuit consuetudo, relictis locis superioribus, ad ripas fluminis castra dimittere & munire, sic Helveti, sic Germani sub monte confederunt*, saith Cæsar.

Of the third, being the matter wherewith the elder ages builded their forts, I observe them to be sometimes earth, sometimes timber, sometimes stone. Of earth, this kind was used much amongst the Romans, as appeareth in this land by many ruins of old towns and castles of those times, where there can be no appearance of any stone work to be discerned, only fortified with a great ditch and a bank inward of an extraordinary height : and Cæsar in his seventh book *de bello Gallico*, maketh a plain difference between the fortifying of stone and earth, where he writeth thus, *ad Gergoviam muro ex grandibus saxis sex pedum facto, deinde ad Alexiam fossa & maceria sex in altitudinem pedum perducta*. In one place Cæsar calleth it a Wall, in the other Ramus understandeth it a heap of earth. Of forts of timber, Herodotus in his ninth book saith, that the Persians fled into their wooden walls, which the Lacedæmonians skilled not to assail, as not having the experience of castles or walled towns amongst them. Vitruvius in his second book describing the castle of Larignum upon the Alps, saith that Cæsar coming to assault it, he found the most resistance made from a tower builded of timber, which assailing by all means possible to burn, he could not prevail,

vail, as being a substance not combustible. Scipio burned the castles of the king of Numidia being made of timber. And Cæsar had much to do to gain the castle or town of Casibelane, which was for the most part strengthened by timber and trees.

For the several forms Vitruvius in his first book saith, that *Turres rotundæ aut polygoniæ sunt faciendæ, quadratas enim machinæ celerius dissipant, quia angulos arietes tundendo frangunt, in rotundationibus (ut cuneos) ad centrum adigendo ledere non possunt.* Another used Severus, who, as Suidas noteth, building the walls of Bizantium made seven Towers à *Thracia porta* to the sea; in the first of which towers, as he saith, *si quis inclamasset aut lapidem conjecisset, cum ipso resonabat, tunc eundem sonum secunda & ceteris omnibus quasi per manus tradebat*: of this form some have dreamed the Piets wall was made here in England.

Touching the use and end of castles, I have noted some builded as monuments, other for peaceable use and ornament, other for defence. For the first Berofus writeth, that Nembrot founded that great tower in the field of Sennar, to the height and highness of mountains in sign and monument, *quod primus in orbe terrarum est populus Babylonius*: and Adrichomius in his *Theatrum terræ sanctæ*, speaking of Tamberlane raising of the city of Damascus, saith, *captæ vero urbis post se trophæum reliquit tres ex calvariis castrorum turres summo ingenio erectas*: and Cromer in his second book of his history of Poland writeth, that Lescus, the first duke there, builded a castle where he found an Eagle-nest, and called it Gnafno, which is the same in the Poland language as a sign of happy fortune, and bore an Eagle in his arms, which is until this day so continued.

For peaceable use and ornament were these towers by the temple of Jerusalem built, upon the top whereof some of the priests used to sound silver trumpets for assembly of the people, which were called *Turres Buccinatorum*; from
whence

whence no doubt were derived our towers or steeples used to the same purpose, their trumpet being changed into our bells. Solomon builded that goodly tower of Libanus to overlook Damascus; some like done by our kings and nobility may we find. For ornament was builded that tower of David in Jerusalem, of which in the song of Solomon is said, *sicut turris David collum tuum quæ ædificata est cum propugnaculis: mille clypei pendent ex ea, omnis armatura fortium.* And Tiraquellus in his 37. chapter of nobility quoteth this for law, *si pauper nobilis habet magnum castrum eversum vel destructum, quod per paupertatem ei reficere non liceat, potest cogi ad condendum, ne civitas hujusmodi ruinis deformetur.*

For defence, we find many builded for resistance of foreign invading enemies, as the many bullwarks raised by Severus in the Picts wall, as Orosius writeth; and divers in the Heptarchy erected upon the frontiers of their neighbouring kings, and many such upon the coast, and aptest havens for landing, have been builded. And for repressing rebels, and sure estating this country under the Roman servitude, it was by Didius Gallus thought meet to build many castles, which he did far within land; which observation till since the conquest was thought expedient, until the kings of England, as H. 2. and his followers, found that these retiring places of safety were the causes of those many revolts of his Barons, whereupon many hundreds of them were rased by commissions, and some by writ to the sheriff; and a law enacted, that none afterward might without especial licence enbattle his house: of this opinion, as Ferettus writeth, was Timolion of Corinth, *qui docuit destrui arces omnes ubi se recondebant tyranni*; and it seemeth that the Poland kings were as suspicious of danger thereby, for Uladislaus and Kasimerus their kings have ordained a law, as appears in their Polish Statutes, that *nullum castrum seu fortalitium regni Poloniae * aliquo Duci vel Principi committatur.* But let this rest as it is, a well argued paradox

* Sic.

among our martialists, for I rest satisfied with that of Horace in his 16th ode, lib. 3.

*Aurum per medios ire satelliteo
Et perumpere amat saxa, potentius
Ictu fulmineo.*

No XXXV.

Of the Antiquity, Etymology, and Privilege
of Towns.

By Sir ROBERT COTTON.

23. Junii. 42.

FOR the first branch of this question, the antiquity of towns, it hath been partly in the other two last of cities and castles discoursed of, neither need there arise any doubt but that we have had here in England, towns as anciently as in most other parts, since in our eldest stories, even at that first discovery by Cæsar, we read him to have found a town of Casibelane, a king of this country. And the like love of society, out of all question, which reformed the rude and elder world in the first inhabited countries from their savage life to dwell together, bred in us at our first possession of this land the like effect, so that we must account our towns antiquity from our first transportation hither, which was, in all likely supposition, when our next neighbour and mother country France was fully impeopled.

For the etymology, we may consider the usual Latin, British, Saxon, and English names for Town, as *Oppidum*, *Burgus*, *vicus*, *villa*, *pagus*, that are used in our country stories or records.

1. *Opidum*, saith Varro, *maximum est adificium ab ope dictum, quod munitur opis gratia.* And Pomponius in de

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verborum significatione saith, *ab ope dicitur, quod ejus rei causa mœnia sunt constituta. Opidum ab oppositione murorum, vel ab opibus recondeendis*, saith Isidorus in his xv. book, and that it doth differ *magnitudine & mœnibus à vico & pago*, yet doth it contain in it *vicus*; for Varro in his fourth book de lingua Latina, saith, *in opido vici à via, quod ex utraque parte viae sunt ædificia*: and Rosinus in his first book and 12. chap. de antiquitatibus saith, that a city and town is divided, *in regiones tanquam in majora membra, in vicos tanquam minora*: so in Rome there was *vicus Loreti majoris* in the XIII. region, *vicus Tiberi* in the XIV. region, *vicus Lanarius* in the third. So London hath in it divers wards or *regiones*, and those wards divers streets or *vici*. I may conjecture that these places with more in the Roman age (*oppidum* being next in dignity and usually taken for any city, Rome excepted) were these that the Saxons called Caster and Castor, and we here in England, now for as many as remain flourishing, term our boroughs of parliament, as Verelamium first, Verlamcester after, and now the Borough of St. Albans. And we use this word *Burgus, Bury, Borough*, being all one, as a common name for a town: as Richborough, Peterbourgh, Edmundbury, Tilbury; even as we do *Tona, Tuna*, and *Town* for most of our English villages, and adjunct for the like *vicus*; which, as I conceive, we term in English *wick*, and Bonwick usually in Domesday: the first being a common addition to many towns in England, as Lowwick, Southwick, Stonwick; and holdeth the same derivation in Holland; for that place which is written in their own tongue *Nortwick*, is in the Latin *Nortovicus*, and hath its etymology, as Isidore saith, *à vicinis habitationibus, vel quod vias habet sine muris*, and in his 15. book, *eo quod sit vice oppidi*; and Brissonius in de verborum significatione saith, that, *vici pro pagis accipiuntur*.

4. *Villa* by Columella in his first book and 6. chapter, is divided into three parts; in *Urbanam, rusticam, fructuariam*. *Urbanam fuisse apparet, quam sibi Dominus, qui urbem incolebat, ædificabat. Rusticam, quam Villico procuratori,*

ratori, instrumentisque rei rusticae. Fructuariam, quæ frugibus condendis parabatur. Scaliger noteth *vila* pro *villa* to be often, because the former times used not to double their consonants. And Hotoman, for the etymology of *villa* in his *Commentaria verborum juris*, noteth; *Rustici viam veam appellant propter vecturas, & vellam non villam quo vehunt.*

5. *Pagi*, Brissonius noteth, were villages usually seated near to springs, from whence the name was taken; and Isidore defineth them to be *apta edificiiis loca inter agros habitantibus*; and they be also called *Conciliabula, à conventu & societate multorum in unum.*

For the privileges, I must leave to the observation of the students in law, only this I find that it was not lawful in former time to build any town or city without the licence of the king, of which Cassiodore, in his 4. book *variarum*, noteth a grant to one Albinus, a Senator, for that purpose, from Theodoricus the Goth. And in the foundation of Croyland the king granteth to the abbot, as Ingulfus noteth, a licence to build a town there. And E. 1. 29. of his reign, directeth his writ to John de Britton, wardor of London, to chuse four sufficient men to devise, ordain, and array a new town for the best profit of the king and his merchants.

Nº XXXVI.

Of Dimension of Land.

By Sir ROBERT COTTON.

THIS word measure is by some defined to be *quicquid pondere, capacitate, longitudine, latitudine, altitudine, animoque finitur.* Two only of these fall fit to our question, *length*, and *breadth*, which is *rectum & planum*; the first being measured only in length, and not

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in breadth, as lines, miles, and such like; the other in length and breadth, as fields, situation of houses, and these like. By the first of these and from the right course of the same, as Postellus saith, the Etruscan soothsayer first divided the world into two equal parts, the one called *dextra, quæ Septentrioni subjacebat*, the other *sinistra, quæ ad meridianum terrarum esset occasum*. Our elders thus dividing the world into parts, parted these into provinces, the provinces into regions, those regions into *territoria*, (so called *à territis fugatisque inde hostibus*) which word Sículus Flaccus useth only for those places the Romans had conquered, and new bestowed and divided. These territories they subdivided into fields, and called them *Quæstorii Agri*, of the questors which were appointed by the people of Rome to sell and divide them, and these usually were parted into *duo centena jugera*, upon which a hundred persons were placed, and was called *Centuria agri divisi & assignati*. These, saith Lampridius, were by Severus the emperor first given in inheritance to the sons of the *emeriti* or *veterani*. The other were *agri occupatorii arcifinales*, called so *ab arcendis hostibus*, and *agri soluti, qui nulla mensura continentur*, but *secundum antiquam observationem*. The other was *ager compascuus*, left out at the first division for the neighbours in common. For the manner of limiting the fields, Frontinus saith, *ante Jovem limites non parebant qui dividerent agros, & ideo positus est limes ut litem decerneret*. They did first, in imitation of that first division of the world, cast them from east to the west, and called that *Duodecimanum*, because it divided the ground into two parts; the other from the south to the north saith Higinus, *quem Cardinem, à mundi cardine nominarunt*. Many other divisions they used, casting them as near as they could to follow the courses of the sun, as the *Linearii* and *Nonarii*: and of the moon, as *Scutellati, temporales*, &c. They bounded their fields sometime with trees, which they called *notatas arbores*; with stakes of wood sometime; and sometime with heaps of stones, which they called *Sorpiones*; but most with *lapides terminales*, which were

were made into divers figures, some were called *Orthogoni*, *Piramides*, *Rhombi*, *semicirculi*, *arcifinii*, *signati* and *semiatati*, and such like; the last being always erected in religion of *Pan*, *Hercules*, or *Geres*. The other, *signatus*, so called, because it had on it some sign or picture significant for the direction of the limits: these stones have been found in some places of this land, and under them great store of ashes and coals; thereupon, saith Siculus Flaccus, is that before they set down any of these meare-stones, they used in the place to make a sacrifice of some beast, and pouring in the blood mingled with wine, frankincense, herbs, honey-combs, having after anointed the same with ointments, and crowned it with garlands, and then placing it *supra callentes reliquias*. In latter time here in England they divided their land into hides, usually taken for sixscore acres, carucate, and acres; and after, for I find none of them mentioned in Domesday, into *virgatas* or *seliones*, being uncertain according to the custom of the country. Our fens are in record measured by *Leuca* & *Quarentena*, and divided with *Curta lana*, by a law made by Canutus, and executed by Earl of the east *Anglorum*, who gave to every fen-bordering town *tantum de marisio quantum de sicca terra*. Thus much in haste.

N^o XXXVII.

Of the antiquity of Motts and Words, with
Arms of Noblemen and Gentlemen of
England.

By Sir ROBERT COTTON.

IF I strait this question to the common acceptance, my discourse must be to you, as the question is to me, slender and strait. But if I take liberty to wrest it, whether the letter will lead me, as to impresses, of which nature arms with their words are, it will grow more tedious than the time, wherein so many must deliver their opinion, will permit. And therefore to fashion the one to the other, and both to my own ignorance, I shall fit the time though not the question. And first, I must intreat you to allow for antiquity of arms, which is the supportation of our mott or word, that all significant portraitures painted in shields were and are accounted arms and *insignia*. The original doubtless whereof, first grew from the Egyptian hieroglyphics; by which means, purposes were delivered by natural characters: as in writing fortitude, they formed a lion; lust, a goat; watchfulness, an owl. Hence men to depicture their virtuous affections used on their shields some of these significant figures, adding no mott nor word at the first, in that so long as the tradition of that natural learning lived in mens practice, it was needless; but after the secret mysteries of those bodies (for so Jovius termeth the painted forms) were worn from their true understanding, to serve only for a distinction of person or families, for so now arms are, they were allured to add thereunto a soul, to that senseless body; for so he intituleth the mott or word; concluding it now necessary that the one must accompany the other under certain limitation, as that the one must not be above three words, the other not charged with many differing signs or colours, which we hold still a
secret

secret of good heraldry. These arms or impresses are either to private persons, or families; the first more ancient, for he that did formerly personate a king, bore in his shield as note of sovereignty some beast or bird royal. So did * Agamemnon at Troy a lion; the like did Fergusius † the Scot, since received by the kings of that country. Cæsar an eagle as emperor, since appropriated to the empire to this day. Amongst all our English kings, Arthur is by Vincentius ‡ said to bear in sign of sanctity and religion, the figure of our lady upon his shield. Cadwalador for his fierceness, a dragon. Divers of our Saxon kings for their devotion, a cross; as St. Edward. And some for their principality and rule, leopards and lions; as our kings since the Norman conquest. But for a word annexed to any impress or arms, I cannot remember any here, before H. 2. who is by some writers observed to bear a sword and olive branch together, wreathed with this word *utrumque*. Such alike in regard of the connexity, though not in like sense, was that Dolphin twisted upon an anchor on Vespasian's coin, with this word, *festina lente*. Richard the first used a mailed arm holding a shivered lance, the word, *Labor viris convenit*. E. 4. his white rose closed in an imperial crown, the word, *rosa sine spina*. E. 6. a sun shining, the word, *idem per diversa*. Queen Mary a sword erected upon an altar, *pro ara & regni custodia*; but more subtle than any of these, was that of the last Scotch queen Mary, who, after her French marriage, stamped a coin where on the one side was the impaled arms of Scotland and France, on the other between two islands and a starry heaven, two crowns imperial, the word *aliamque moratur*. Thus much for impresses personal and not hereditary. For such as follow families, I think they cannot prove very ancient, since Paulus Jovius plainly delivereth, that the first that annexed that note of dignity to a family, was Frederick Barbarossa to his best deserving foldiers, which falleth to be in *anno 1152.* and the 17. of our king Stephen: from

* Pausanias,
cap. 56.

† Boethius,

‡ Vincentius l. 2.

which

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which ground it may seem our kings assumed it near that time, for I find no badge of any family until king John, no not of any of our kings upon their seals before Richard the first; and for any mott or word used to any such arms, I note none before that of Edward 3. *Hony soit qui male pense*, proper only to his order, until Henry the 8. time; from whence as I take it, we borrow those sentences or words which I pass to remember, in regard of their multitude, since they fall fitter to those better students of arms to observe.

N° XXXVIII.

Of the Antiquity of Arms in England.

By Mr. JAMES LEY.

IN considering of English arms, it is not improper to respect three things; first, the diversity of nations that have conquered this kingdom, and the variable usage of arms and tokens by them. Among whom, the Britains being first, were a nation in the beginning and long after, barbarous and ignorant both of arms and military ornaments. For Cæsar testifieth, * that *Britanni pellibus sunt vestiti, omnes vero se luteo inficiunt, quod cæruleum efficit colorem, atque hoc horribiliore sunt in pugna aspectu*. The Romans were the second nation that governed this land, and the first that used any knowledge or exercise of arms, who, mingled with the Britains, tempered the fierceness of their natures, and taught them martial discipline. Neither can I find any occasion to suspect, that arms were borne in this island until the entrance of Julius Cæsar, of which time I may not doubt, but that such martial tokens were regarded, since Cæsar speaking of his first landing here, saith, † *at nostris militibus cunctantibus, maxime propter*

* Cæsar de bell. Gall. lib. 5. fol. 78.
4. f. 67.

† Cæs. de bello Gall. lib.

altitudinem

altitudinem maris, qui decimæ legionis aquilam ferebat (constatus Deos, ut ea res legioni feliciter eveniret) desilite, inquit, milites, nisi vultis aquilam hostibus prodere, &c. Out of which a twofold observation doth proceed, one touching the bearing of arms, in that the Roman aquila or eagle was their ensign: the other concerning the law of arms, that the not seconding the ensign was to betray the same to the enemy. But whereas some do attribute unto the Roman estate the bearing of a shield of azure, and therein the letters S. P. Q. R. in bend argent, whether that were borne for arms, or else an abbreviation of the name of the Roman commonwealth, *Senatus populusque Romanus*, I leave to others to decide. As the Romans advanced their ensign of the eagle as proper to their nation in that age, to the end their legions might thereby be known, so Cæsar himself accustomed to wear an upper garment of a special colour, thereby to be discerned from others. For writing of himself he saith *, *accelerat Cæsar ut prælio interfit, ejus adventu ex colore vestitus cognito, quo insigni in præliis uti consueverat, &c.* Which garment, although being but of one colour, may nevertheless deserve the name of a coat armour. After Cæsar's time, the Christian faith being brought into Britain by Joseph of Arimathea in the time of Lucius, the same nation (as it is by most men admitted) took the cross gules, in a silver field, with a cross of torment, in a camp of mercy; which cross might more aptly be a plain cross, in respect that kingdom received Christianity in a time of the plainness and sincerity of the preaching thereof; and Constantine the Great also used a cross in his standard. But when the regiment of the Romans became quailed, and Aurel Ambros the British king was in the way between life and death, there appeared a star of marvellous greatness and brightness, having only one beam, in which was seen a fiery substance after the similitude of a dragon, which Merlin expounded to signify Uther Pendragon, who, after his brother's death, obtaining the crown in remembrance of that star,

* Cæsar de bello Gall. lib. 7. f. 158.

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*jussit * fabricari duos Dracones ex auro, ad Draconis similitudinem, quem ad radium stellæ inspexerat, qui ut mira arte fabricati fuerunt obtulit unum in Ecclesia primæ sedis Guintoniæ, alterum vero sibi ad ferendum in prælio detinuit, ab illo ergo die vocatus est Uther pen dragon, quod Britannica lingua caput Draconis appellamus; whom in like sort the Saxons called for the same cause *Drak Hered*, and this Dragon was used *pro vexillo per Regem usque hodie*, as saith † Mathew Westmonasteriensis, who lived in the time of K. Edward the first, and this dragon, or not much unlike, is one of the regal supporters at this present. King Arthur the son of Uther forgot not his father's ensign, but in the battle of Lathes-hill wore his helm adorned with a dragon for his crest, as Monumetensis writeth ‡: *Ipse vero Arturus, lorica tanto Rege digna indutus, auream galeam simulachro Draconis insculptam capiti adaptavit, humeris quoque suis clypeum vocabulo priwen, in quo imago Sanctæ Mariæ Dei genetricis impicta ipsam in memoriam ipsius sapissime invocabat*: and in another place he saith, *Ipse (Arthurus) elegit sibi & legioni uni quam sibi adesse affectaverat, locum quendam, quo aureum Draconem infixit, quem pro vexillo habebat, quo vulnerati diffugerent*. By which it is evident, that king Arthur bore for arms in his shield the image of our Lady, and for his crest and in his standard a golden dragon: and when the Britons, oppressed by the Picts, invited the Saxons or ancient Westphalians to their aid, Hengist and Horse being their leaders, acknowledged none other ensigns but *pullum || equinum atrum, quæ fuerunt vetustissima Saxoniarum arma*; not without a manifest allusion unto their name of Westphali, *Valen* or *phalen*, or (as we in English have made it) *foal*, signifying a colt, and *west* importing those that dwelt on the west-side of the river *Visurgis* or *Weser*: which arms their kindred that remained in Germany changed into contrary colours, and their poste-*

* Geff. Mon. lib. 8. c. 14. † Matt. West. p. 180. ‡ Gal.
 Monum. lib. 9. cap. 4. Matt. West. f. 186. || Albertus Crantzins de
 Saxonia.

rity, which encreased in England, forsook, for other different arms, upon their first reducing unto Christianity. For I find that *in bello * apud Beorford in vexillo Aethelbaldi erat aureus Draco*, which is not unlikely to have been borrowed by imitation, or challenged by conquest from the Britons. I cannot well affirm the bearing of arms by them, *qui † supparum, id est, camisiam Dei genetricis (quam Carolus magnus de Hierosolyma veniens, apud Carnuntensem urbem in monasterio ejusdem Virginis posuerat) in editiori comitatus loco pro vexillo statuerunt*. But it is plain, that the golden dragon continued until the time of Edmond Ironside, since it is set down that in the battle between him and Knute the Dane, *Regius ‡ locus fuit inter Draconum & standardum*; which dragon was rather the official ensign than the corporal arms, the same being (after the baptism received and dispersed) a cross patee, gold, in a field of azure, as may appear by the reverse of divers of their coins; and as the same badge of baptism prospered, so in process of time the ends of this cross also flourished, and in conclusion was contented to yield room for four or five martelets in the field, until the Norman acquisition; when as security was subjected to conquest, and English inhabitants gave way to Norman chivalry, so the azure was changed into a sanguinean field, and the cross removed place unto the two lions or leopards, though furiously passant, yet advisedly gardant. The second observation is, that in those elder times, in which ornaments of honour had more reputation than perfection, it oftentimes happened, that the portraiture and figure was more respected than the colour, insomuch that sometimes one thing was used by one man, at several times, in several colours, of which I will only cite two authorities or precedents. It is known to all men, that the eagle fable is and always was the imperial ensign of the Romans, and yet one Lucius Tiberius a Roman captain in a battle against king Arthur, *auream || Aquilam, quam pro vexillo duxerat, jussit in*

* Matt. Westm. p. 273.

† Idem 354.

‡ Idem p. 399.

|| Gal. Monumet. lib. 10. cap. 8.

medio firmiter poni. So that either the colours were not then exactly obſerved, or elſe Geffrey Monmouth is not always to be credited. Cæſar alſo writing of the battle and victory againſt Pompey affirmeth thus, *ſigna militaria ex prælio ad Cæſarem ſunt relata CLXXX. & Aquilæ novem*: which could not be without confuſion, that ſo many eagles ſhould be borne in one camp, but that ſome of them did at leaſt differ in colours from the others; and it were ſtrange that nine legions ſhould ſeverally follow the like number of Aquilas, and yet the colour of them all ſhould be black.

N° XXXIX.

Foreſta.

By JAMES LEE.

THE word *foreſt* is derived of *foris ſtare*, which doth ſignify to ſtand or be abroad, and *foreſtarius* is he that hath the charge of all things that are abroad, and neither domeſtical nor demeān; wherefore *foreſta* in old time did extend unto woods, waſtes, and waters, and did contain not only *vert* and veniſon, but alſo minerals and maritimal revenues. For proof whereof the words of Johannes Tilius * are thus, *Gubernatores & cuſtodes Flandriæ ante Baldwinum, qui à brachio ferreo dictus eſt, erant officiales arbitrio Regum Gallorum mutabiles, &c. tum autem dicebantur foreſtarii, id eſt, ſaltuarii; non quod ipſorum munus agrum tantum ſpectaret, qui tum confertus erat ſylva carbonaria, ſed etiam ad maris cuſtodiam pertinebat; nam vocabulum illud foreſt, præſco ſermone inferioris Germaniæ aque aquas ac ſylvas ſpectabat.* And to this effect the ſame author doth cite divers precedents of charters granted by the kings of France. So that it appeareth by this and divers other authorities, that the governor of Flanders, under the name and title of the Foreſter of Flanders, had the

* Lib. I.

the charge both by land and by sea, and of the general revenues of the same country. Neither is the estate of forests in England unlike unto that in Flanders, inasmuch as the charge and articles which are to be inquired of in the court, called The seat of the justices itinerants of the forest, do not only tend to the preservation of the game, but also extend to see a just survey, and to call a full account of divers kinds of profits, issuing and happening: as the fermes of asserts, purprestures and improvements, the wood and timber called Greenhawgh, herbage for cattle, paynaige for swine, mines of metals and coals, quarries of stones and wrecks upon the sea-coasts. But when forests were first used here in England, for my part I find no certain time of the beginning thereof. Yet, I think, the name of Forest was known in England, though not in such sense as now it is taken: and although, that ever since the conquest (as the readers upon the statutes *de foresta* do hold) it hath been lawful for the king to make any man's land (whom it pleased him) to be forest, yet there are certain rules and circumstances appointed for the doing thereof. For, first, there must issue out of the chancery a writ of perambulation, directed unto certain discreet men, commanding them to call before them XXIIII. knights and principal freeholders, and to cause them, in the presence of the officers of the forest, to walk or perambulate so much ground as they shall think to be fit and convenient for the breeding, feeding, and succouring of the king's deer, and to put the same in writing, and to certify the same under the seals of the same commissioners and jurors into the chancery; after the full execution of which writ, a writ of proclamation is to be sent into that shire to the sheriff thereof, commanding him to proclaim the same to be forest: upon the making of which proclamation, the same ground becometh presently forest, although it be the land of any subject, or of the king. And as there are prescribed circumstances to the making of a forest, so there are set down divers laws and ordinances by the statutes of *Charta de Foresta*, and of *Articuli de Foresta*, and other ordinances,

for the preservation thereof, which, in truth, may be more rightly accounted qualifications of the rigorous laws of William the Conqueror, *qui * proferis homines mutilavit, exheredavit, incarceravit, trucidavit, & si quis cervum vel aprum caperet, oculis privabatur.* Moreover, notwithstanding K. Henry the third by the great charter of forests chap. 3. had granted that all woods, which were made forest by king Richard his uncle, or by K. John his father until his coronation, should be forthwith disforested, unless it were the king's demean wood; yet the same charter took no great effect, but the officers of the forest not only continually grieved the subjects by claiming liberty of forest in their lands, but also king Edward the first in *an. 7.* of his reign, caused several perambulations to be made throughout all England, by which he made forests, as much or more of the subjects lands, than his own demean of the forest amounted unto; but the subjects, finding themselves greatly oppressed thereby, did make earnest suit to the king for redress; who, first, by divers acts confirmed the great charter, and afterwards in *anno 28.* caused a new perambulation to be made by commissioners through all England, by which the greatest part of the subjects lands taken in before, were then clearly left out and freed, and afterwards in consideration of a fifteenth granted unto him by the subjects of the same king in *anno xxix.* confirmed the said last perambulation by act of parliament; which last perambulations and none else, do stand good at this present, as it was ruled in a case before the judges in the King's Bench in Hillary term, *an. xxxiii. Eliz. R.* upon the traverse of an indictment between the servants of Edward Earle of Hertford and the queen's majesty, in behalf of Henry Earl of Pembroke, concerning the bounds of the forest of Groveley in the county of Wilts; as concerning such ground as being taken in by the first perambulation, were afterwards left out by the last, the same be at this day called *Purle*, not of *pur luy*, *id est*, for himself, not of *pur la ley*, *id est*, for the law

* Matt. West. p. 9.

(as men commonly think) nor of *pur le purrail*, i. e. for the poor commoners (as the readers do suppose) but of the word *pur aller*, or *per aller*, which is the French word to walk or perambulate, in respect they were first perambulated and walked, and so retain the name of *terres pur aller*, or perambulated and walked ground, and yet no forest.

N° XL.

Of the Antiquity of the Office of the
Chancellor of England.

By Mr. LEY.

Etymology.

THE name Chancellor is by some said to be derived *à cancellando*, because he may cancel or frustrate such things as are brought to the great seal, and cancel and make vacat of such records as are surrendered or acknowledged to be satisfied; to which opinion I do not assent, because all names of offices are derived of the most ancient, ordinary, and frequent functions thereof; but the chancellor hath longer used rather to make, expedite, and seal writs and patents, and to receive and preserve records, than to stay or to deface them. Others think, that the power judicial whereby he mitigateth the rigour of the common law, and, as it were, includeth the extremities thereof within the limits of a good conscience, hath given that appellation; from which opinion I must differ, since the name of chancellor is much more ancient than that power; for, that causes were usually determined in the higher house of parliament by committees for that purpose, as appeareth by the infinite number of petitions in parliament, filed in bundles and remaining in the parliament, and by a book, which I have seen, containing the same, as also by the scarcity of decrees and bills in chancery in former

Of the Antiquity of the Office of Chancellor.

former ages, and none to be found before the xx. year of H. 6. I rather conjecture, that other courts being publick for the access of all men, and being *quasi in foro* for hearing and ending of civil and criminal causes, the chancery was a more private and sequestered place, and inclosed from the press of people, where the chancellor might sit and observe the sealing of writs ; and as the clergy (as Matthew Westminster writeth) were by pope Felix separated from the people who sat before intermixed, and placed in a place peculiar called The Chancel ; so it is likely, that the chancel had his precinct, of which by derivation he is called *Cancellarius*, which if it had been deduced of the function, would rather have been *Cancellator* than *Cancellarius*.

Antiquity.

The first chancellor that I find was *Dunstanus*, who is said to be *Cancellarius Regius*, who lived in the Saxons time, both in and before the time of K. Edgar.

Authority.

The chancellor hath two powers, the one ministerial, the other judicial : the ministerial, as the making of original writs, commissions, and fixing the seal, and such like. The judicial power is of two sorts ; the first is *poteslas ordinata*, which is the holding of pleas *in scire facias*, writs of privilege, execution of statutes, and such like, in which the order of the common law is observed ; the second, *inordinata*, by which he heareth and determineth according to a certain law, whose matter is the law of nature, and whose form is the law of God.

N^o XLI.*Of Epitaphs.*

By Mr. JAMES LEY.

IN examining of this question concerning Epitaphs, there are many circumstances to be perused, of which if we behold the estate of the person it sheweth unto us, that learning and civility had their beginning in the lesser number of the better sort of people, by whose example and instruction it received an increase in the pursuant age, and in the latter times became more plentiful; and it is likely that epitaphs, whose forms taste of knowledge, and whose matter consisteth of experience, were first appropriated unto kings, commanders, captains, and officers of state, for rare virtues or victories, to which not many could attain; and in process of time the use of such remembrances became communicated to all noble persons, who assumed the same in right of their calling, and not of their desert; and, lastly, all men endeavouring to imitate the best, have by custom made that which was peculiar to some, common unto all. Secondly, respecting the diversities of nations, ignorance in the time of the Britains hath yielded no such memorials, and that, which the wit of the Romans hath yielded, time hath for the most part obliterated. Neither had the Saxons or Danes any such settled nobility, as that they could apply themselves to private tokens, being always in danger of foreign and domestical depopulations, unless I may be licensed to call that an Epitaph, which was found, notifying the place of the burial of Kenelm called the Martyr*:

*In clenc kau bathe Kenelin kynebearne
lith under thozne heaved byreaued.*

* Matt. West. 298. 30.

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Thirdly,

Of Epitaphs.

Thirdly, the language: the British language is scarce known to epitaphs; the Latin most familiar unto them; the Saxon and Danish unfrequented in them; the French not unacquainted; the English conversant with them. Fourthly, the matter which is stone, timber, brass, lead. Fifthly, the place, one sort subterranean, which was either by the Romans according to their custom *sub tumulis*, or else in the beginning of Christianity by the martyrs, for fear of profanation*, *sub cumulis*; another is superterranean, as now the most part are. Sixthly, the time, commonly after the death of the party, sometime in his life-time, and rarely in his life-time with mention that he is living; as that of Robert Hungerford in the church of Hungerford in Berkshire:

**Hi pour monsyre Robert de Hungerford
tant comme el soit en vie pzeza.
Et pour son ame, apres la mort, cink centz
cinquantz jours de pardonn avera.**

Seventhly, the form, some are declaratory, as *hic jacet*, &c. others dedicatory, as *colendissimo*, &c. others petitory, as *orate pro* &c.

Eighthly, the contents material, *viz.* the name and addition, the day and year of the death; accidental, the dwelling place, his children, his virtues and commendation.

* Matt. West. 199. 10.

N^o XLII.

Of Motts.

By Mr. LEY.

WHETHER they are called Motts of the French, because they are short and compendious, and as it were expressed in one word; or else of the Saxon Gemot, because the sentence doth meet or concur with the nature or quality of some thing depicted; or else because they are motives of a thing, in part expressed by word, and in part left unto conceit, I will not dispute; but though neither of these is the original cause or reason, yet the same is accompanied with them all. The antiquity of them is equal with wars and wit; wars to minister matter, and wit to frame it into form; in which there are divers properties commendable. First, in a word to contain a world. Secondly, when thereby a dumb beast, or bird, or dead creature doth, as it were, speak, and bewray his own primary quality. Thirdly, when the simple cannot understand it, and yet the wise cannot but understand it.

N° XLIII.

The Etymology and Original of Barons.

By Mr. CAMDEN.

Transcribed from his *Adversaria* in possession of the
Lord Hatton.

T. S.

Barones.

I HAVE elsewhere said somewhat of *Barones*, therefore if now I be shorter, it may be more pardonable. Divers opinions have been hatched by divers wits, as concerning the etymology. Some deduce *Barones* from the French *Parhommes*, as men of equal authority; others à *belli robore*; the German Civilians from *Bannerheir*, as Lords bearing banners; Alciatus in his *parergis juris* from *Berones*, an ancient people of Spain, which were mercenary foldiers in that time, as the Germans are now. And Isidore, as probably as the other, deriveth them from the Greek word βαρῦς, because they were valorous and of a gravity.

Whatsoever the etymology is, it seemeth to be one of those words, which time (that hath absolute authority in words) hath mollified in signification. For in Tully it seemeth to signify a man of simple and slender conceit, as also in Persius, whose old Scholiast writeth, *Lingua Gallorum Barones vel Varones dicuntur servi militum, qui utique stultissimi sunt, servi videlicet stultorum*. But in the fourth book *de Bello Civili*, they which were of Cassius his guard, are plainly termed *Barones*; and Alciatus cannot be induced to think, that they were any other, than extraordinary foldiers. Nevertheless the old glossary translateth *Baro* by *avne*, a man, and in the laws of the Lombardes, Alamanes, and Ripuarii, *Baro* and *Boro* are used for a man.

When

When this name of *Barones* came first into this isle, I dare not determine. In the Saxon laws I do not remember it. And Alfric the Saxon grammarian, and archbishop of Canterbury, doth not specify it, where he reciteth the names of dignity in that tongue: but instead thereof hath *Lhaford* for *Dominus*.

The Danes then used and do still retain *Thane*, (as Andr. Velleius testifieth;) yet I have read in a fragment of K. Cn. laws: *Collicipium, quod est summa census diversa diversarum atatum, si minoris Vironis, 1. Baronis, 2. libra, si majoris, quatuor.*

Neither have I any pregnant proof, that the name was in any great use at the entry of the Normans; for such as were afterward called *Barones*, were then named *Thani*, and *Valvasores*; which latter name the Normans in my opinion borrowed from the form of government, which Otho the emperor not long before instituted in Italy. For, as Sigonius testifieth, after *Duces*, *Marchiones*, and *Comites*, he placeth, *Valvasores*, and the Civilians, which write de *Feudis*, affirm, *Valvasores majores* to be *Barones*. In the succeeding age after the conquest, the name was most common, but of no great honour; for the citizens of London, the inhabitants of the Cinque ports, were stiled *Barones*; and I have heard, that some earls have written . . . *Omnibus Baronibus & hominibus meis, tam Francis, quam Anglis*. Whereupon I remember, that I have read in the old constitution of France, that 10. barons were under every *Comes*, and 10. *Capitanei* under every baron. Shortly after it grew, higher, and seemed to be a state with jurisdiction in his own territories, as may appear by court *Barones*; and the very multitude of *Barones* doth partly persuade me, that they were but such free lords within themselves, as the Germans call *Freeheren*, especially such as held castles: for then they were answerable to the definition of Baldus * the lawyer, which defineth him a baron, which hath *merum mistumque imperium in aliquo castro concessione Principis*. But since K. Ed-

* Bald. innotuit de Elect.

ward 1. and other K. K. selected some out of the great number, and summoned them to parliaments, they only with other, whom the kings advanced to the state of a barony by creation, were properly accounted barons, and they have been honoured with sundry privileges, where-with if I should intermeddle, (being ignorant of the laws) I might seem a very *Baro* in the most ancient signification.

N° XLIV.

Mr. Tate's Questions about the ancient Britons.

The Cottonian library. Vitellius E. 5. p. 56.

1. **B**Y what names were they called by the Britons, which the Latins call *Druida* and *Druides*?
2. Whether the *Druydes* and *Flamines* were all one, and the difference between them, how *Flamines* were called in British, and their antiquity and habits?
3. What degrees were given to their professors of Learning, where and by whom, and their habits or apparel?
4. Whether the *Barth* had any office in war answering our heralds, their garments and ensigns, and whether they used the *Caduceum*, many fetching the original thereof from the Britons charming of serpents?
5. What judges and lawyers had the Britons that followed the king, and what are *Trianhepcoz Brenbin*, and their use?
6. What judges and lawyers were there resident in the country, their number, what judges were there *per dignitatem terræ*, and what was their duty, and how were they assembled to do the same?
7. It appeareth there were always many kings and princes in this realm before the coming in of the Saxons, were their countries divided in *Talaiths*, as all between Severn and the Sea was after their coming?

8. Was

8. Was there any division into shires before the Saxons coming, and what difference betwixt a *sbire* and *fwydh*? There were anciently with you *maenors*, *commods*, *cantrebhs*, answerable whereto are our manors, tythings, hundreds, and that maketh me to incline that *Swydh* should be like our shire, as *Swyð Caer Bhyrðin*. *Swyð Amwythig*. *Swyð Caer awrangon*, and the general officers of them were called *Swyðogion*, under whom were *maer Gnyhellowe Ringbil*, *Ophiriat*, and *Brawdur tyngwr Swyð*, except all bear the name of *Swiðogion*. I find in an ancient book of Landaff Gluiguis or Glivifus king of Demetia, which of this king is called Gleaguiffig, of whom it is said, *septem pagos rexit*, whereof Glamorgan, now a shire, was one, and *pagus* is used for a shire.

9. Whether the Britons had noblemen bearing the name of *Duces*, *Comites*, *Barones*, and what they were called in British? In the book of Landaff I find it thus written, *Gundeleius rex totam regionem suam Cadoco filio suo commendavit, privilegiumque concessit quatenus à fonte Fennun heri donec ad ingressum fluminis Nadavan pervenitur, omnes reges & Comites, optimates, tribuni atque domestici in cœnobii sui cœmiterio de Lancarvan sepeliantur*. And king Ed. 1. enquiring of the laws of the Britons, demandeth how the Welsh barons did administer justice, and so distinguished them Lords Marchers.

10. What is the signification of the word *Affach*? A statute of king H. sixth saith, some offered to excuse themselves by an *Affach* after the custom of Wales, that is to say, by an oath of 300. men.

11. What officer is he that in the laws of Hoel Da, is called *Distein*, and the signification of the word?

12. What do you think of this place of P. Ramus in his book de moribus veterum Gallorum, *Hæ civitates Brutos suos habebant, & à Cæsare nominantur Senatus Eburonicum, Lerobiorum, Venetorum*; was there any counsels or senates in the British government, and by what name were they called?

N° XLV:

Mr. Jones his Answers to Mr. Tate's Questions.

TO the first I say, that *Druides* or *Druidæ* is a word that is derived from the British word *Drudion*, being the name of certain wise, discreet, learned, and religious persons amongst the Britons.

Drudion is the plural number of this primitive word (*Drud*;) by adding (*ion*) to the singular number you make the plural of it, *secundum formam Britannorum sic*, *Drudion*.

This primitive word (*Drud*) hath many significations, one signification is (*diakwr*) that is a revenger, or one that redresseth wrong, for so the Justicers, which are called *Drudion*, did supply the place of magistrates.

Another interpretation is (*krevlou*) and that signifieth (*cruel*) and *merciless*, for they did execute justice most righteously, and punish offenders most severely. *Drud* signifieth also *glew* and *peid*, that is *valiant* and *hardy*.

Drud also is *dear* and *precious*, *unde venit* (*drudanieth*) which is, *dearth*.

This (*Drudion*) amongst the Britons by their office did determine all kind of matters, as well private as publick, and were Justicers as well in religious matters and controversies, as law matters and controversies for offences of death and title of lands: this did the sacrifices to the heathen gods, and the sacrifices could not be made without them, and they did forbid sacrifices to be done by any man that did not obey their decree and sentence: all the arts, sciences, learning, philosophy, and divinity, that was taught in the land was taught by them, and they taught by memory, and never would that their knowledge and learning should be put in writing, whereby, when they were suppressed by the emperor of Rome in the beginning
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of Christianity, their learning, arts, laws, sacrifices, and governments, were lost and extinguished here in this land, so that I can find no more mention of any of their deeds in our tongue than I have set downe, but that they dwelt in rocks and woods and dark places; and some places in our land had their names from them, and are called after their names to this day; and the island of Mone or Anglice is taken to be one of their chiefest seats in Britain, because it was a solitary island full of wood, so that it was so dark by reason of that wood, and not inhabited of any but themselves, and then the isle of Mone, which is called Anglice, was called (*Ur Ynys Dewyll*) that is *The Dark Island*: and after that the *Drudion* were suppressed, the huge groves, which they favoured and kept a foot, were rooted up, and that ground tilled, then that island did yield such abundance and plenty of corn, that it might sustain and keep all Wales with bread; and therefore there arose then a proverb, and yet is to this day, viz. *Mon Mam Glymbro*, that is, *Mon the Mother of Wales*. Some do term the proverb thus, *Mon Mam Wyuedd*, that is, *Mon the Mother of North Wales*, that is, that Mon was able to nourish and foster upon bread all Wales or North Wales. After that this dark island had cast out for many years such abundance of corn, where the disclosed woods and groves were, it ceased to yield corn, and yielded such plenty of grafs for cattle, that the countrymen left off their great tilling, and turned it to grasing and breeding of cattle, and that did continue amongst them wonderful plentiful, so that it was an admirable thing to be heard, how so little a plat of ground should breed such great number of cattle; and now the inhabitants do till a great part of it, and breed a great number of cattle on the other part.

2. As for the second question, I do refer the exposition of it to those that have written of the Flamins in Latin. **Flamins.** The *Drudion* in Britain, according to their manner and custom, did execute the office and function of the Flamines beyond the sea; and as for their habits I cannot well tell you how nor what manner they were of.

Degrees.

3. To the third question, there were four several kind of degrees that were given to the professors of learning. The first was, *Disgiblysbas*, and that was given him after three years judging in the art of poetry and music, if he by his capacity did deserve it. The second degree was *Disgibldisgybliaidd*, and that was given to the professor of learning after six years studying, if he did deserve it: and the third degree was *Disgiblpenkerddiaidd*, and that was given to the professor of learning after nine years studying, if he did deserve it: and the fourth degree was *Penkerdd*, or *Athro*, and *Athro* is the highest degree of learning amongst us, and in Latin is called *Doctor*. All these degrees were given to men of learning, as well poets as musicians. All these foresaid degrees of learning were given by the king or in his presence in his palace at every three years end, or by a licence from him in some fit place thereunto, upon an open disputation had before the king or his deputy in that behalf, and then they were to have their reward according to their degrees.

Also there were three kinds of poets, the one was *Prududd*, the other was *Teuluror*, the third was *Klerwr*. All these three kinds had three several matters to treat of. The *Prududd* was to treat of lands and praise of princes, nobles, and gentlemen, and had his circuit amongst them. And the *Teuluror* did treat of merry jests, and domestical pastimes and affairs, and had his circuit amongst the countrymen, and his reward according to his calling, and the *Klerwr* did treat of invective and rustical poetry, differing from the *Prududd* and *Teuluror*, and his circuit was amongst the yeomen of the country. As for their habits, they were certain long apparel down to the calf of their legs or somewhat lower, and they had divers kinds of colours in their apparel.

4. To the fourth question, I say the *Bardd* was a herald to record all the acts of the princes and nobles, and to give arms according to the forts. They were also poets, and could prognosticate certain things and gave them out in meters. And further there were three kinds of *Beirdd*, *Privardd*, *Pesvardd*, and *Arroyddvard*. The *Priveirdd* were Merlin Silvester, Merlin Ambrosius, and Talioffin; and
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the reason they were called *Priveirdd* was, because they invented, found out, and taught such philosophy and learning, as was never heard of or read by any men before, and the interpretation of the word *Priveirdd* is prince or first learner or learned man. For this word *Barill* was attributed to all kind of learned men, and professors of learning and propheciers, as *Privardd*, *Pofvardd*, *Arroyddvard*, *bard telyn*, and as they call Merlin Ambrosius by the name of *Bardd Gortheyrn*, that is, Gortheyrn or Vortiger his philosopher or learned man or prophecier; *Bard Telyn* is he that is doctor of the Musicians of the harp, and is the chief harper in the land, having his abode in the king's palace; and note, no man may be called *Privardd*, but he that inventeth such learning and arts or science, as were never taught before.

The second kind of *Bardd* is *Pofvardd*, and those were afterward called *Prydiddion*, for they did but imitate, follow, and teach that which the *Priveirdd* had set forth, and must take their author from one of them. For they themselves are no authors but learners, registers, and teachers of the arts and learning first set forth by the *Priveirdd*. The third kind was *Arroyddvardd*, that is by interpretation an *ensive Bardd* or *learned man*, and indeed is a herald at arms, and his duty was to declare the genealogy and blaze the arms of nobles and princes, and to keep the record of them, and to alter their arms according to their dignities and deserts. These were with the kings and princes in all battles and fights: as for their garments I think they were long garments, such as the *Prydiddion* had, for they challenge the name of *Beirdd*, *ut supra*. Whereas some writers, and, for the most part, all foreign writers that make mention of *Beirdd*, do write, that *Bardd* had his name given him from one *Bardus*, a man's name, that was the first inventor of *Barddonieth*, and some say that he was the fourth king of Britain: I say, that it is a most false, erroneous, and fabulous surmise of foreign writers. For there never was any of that name, that ever was either king or king's son of Britain. But there was a great scholar,

lar, and an inventor of both poetical verses and musical lessons, that was sometimes the king of Britain, and his name was *Blegywryd ap Geisyllt*, and he was the 56. superior king of Great Britain, and died in the 2067. year after the deluge, of whom it is written that he was the famousst musician that ever was in Britain. There is no writer that can shew that *Bardd* had his name from *Bardus*, but that it is a primitive British word which hath the afore-said significations and interpretations: and *Barddometh*, which is the art, function, or profession of the *Bardd*, is used for prophecy and the interpretation of prophecy, and also for all kind of learning amongst us that the *Beirdd* were authors of.

5. As for the fifth question, the king had always a chief judge resident in his court ready to decide all controversies that then happened, and he was called *Egnat llys*. He had some privilege given him by the king's household officers, and therefore he was to determine their causes gratis; and as for the *tri anhibkor brenin*, I think it superfluous to set it here, seeing you have it in my book of laws more perfect than I can remember it at this time. Look for it in the table amongst the *trioedd Kyfraith*, and those are set down in two or three several places of the book, and if you cannot find it there, see in the office of *Egnat llys*, or *Pen teulu*, or *Yffeiriaid llys*, and you shall be sure to find it in some of those places. I do not find in my book of laws that here were any officers for the law that did dwell in the king's palace, but only his *Egnat llys* that was of any name, or bore any great office, for he was one of the *Tri anhebkor brenin*.

Egnat
Comot.

As for the sixth question, I say that there were resident in the country but *Egnat Comot*, that I can understand by the law. But when an assembly met together for the title of lands, then the king in his own person came upon the land, and if the king could not then come, he appointed some deputy for him, and there came with the king his chief judge, and called unto him his *Egnat Komot* or country judge, together with some of his council that did dwell

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in the *Komot* where the lands lay that were in controversy, and the freeholders also of the same place, and there came a priest or prelate, two counsellors, and two *Rhingill* or serjeants, and two champions, one for the plaintiff, and another for the defendant; and when all these were assembled together, the king or his deputy viewed the land, and and then when they had viewed it, they caused a round mount to be cast up, and upon the same was the judgment seat placed, having his back toward the sun or the weather. Some of these mounts were made square, and some round, and both round and square bear the name of *Gorsed de vy dable*, that is, the mount of pleading. Some also have the name of him that was chief judge or deputy to the king in that judicial seat, and it was not lawful to make an assembly any where for title of lands, but upon the lands that were in controversy. These *Gorsedde* are in our country, and many other places to be seen to this day, and will be ever, if they be not taken down by mens hands. They had two sorts of witnesses, the one was *Cwybyddyeid*, and the other *Ambiniogeu*. The *Cwybyddyeid* were such men as were born in the *Komot* where the lands that were in controversy lay, and of their own perfect knowledge did know that it was the defendants right, and *Ambiniogeu* were such men as had their lands mereing on the lands that were in controversy, and hemmed at those lands; and the oath of one of those *Ambiniogeu* otherwise called *Keidweid*, was better than the oath of twain that were but *Cwybyddyeid*. Look in the table of my book of laws for the definition of *Keidweid*, *Ambiniogeu*, and *Cwybyddyeid*, and how the king did try his causes, and that will manifest it more at large. The *Mayer* and the *Kangellowr* had no authority amongst the Britons for any lands but the king's lands, and they were to set it and let it, and to have their circuit amongst the king's tenants, and they did decide all controversies that happened amongst them. *Vide* in the table of my book of laws for the definition of *Mayers* and *Kangellowr*.

7. To the seventh question I say, that there were in this land about 200. superial kings that governed this land successively,

ſucceſſively, and that were of the Britiſh blood, yet notwithstanding there were under them divers other princes that had the names of kings, and did ſerve, obey, and belong to the ſuperial king, as the king of *Alban*, or *Prydyn*, or *Scotland*, the king of *Kymbery* or *Wales*, the king of *Gwynedd* or *Venedotia*, yet notwithstanding, the ſame law and government was uſed in every prince or king's dominion as was in the ſuperial king's proper dominion, unleſs it were that ſome cuſtom or privilege did belong to ſome place of the kingdom more than to another: and every inferior king was to execute the law upon all tranſgreſſors that offended in their dominion.

In the time of *Kaſſibelanros* there aroſe ſome controverſy between the ſuperial king *Kaſwallawne* and *Averwyd* king of London, one of his inferior kings, about a murder committed. The caſe is thus. The ſuperial king keeping his court within the dominion of one of the inferior kings, a controverſy falling between twain within the court, there and then one was ſlain. The queſtion is, whether the murderer ought to be tried by the officers and privilege of the ſuperior king, or of the inferior king? I think that the murder ought to be tried by the law and cuſtom of the inferior king's court, becauſe it is more ſeemly that the ſuperior king's court, which did indure in that country but a week or twain, or ſuch like time, ſhould loſe his privilege there for that time, than the inferior king's court ſhould loſe it for ever. *Vide in libro meo de legibus.* It may ſeem to thoſe that have judgment in hiſtories, that this was the very cauſe that *Averwyd* would not have his kinfman tried by the judges and laws or privilege of *Kaſwallawne*, whoſe court did remain in the dominion of *Averwyd* but a little while; but would have the fellow tried by his judges and his court. There is no mention made of *Talaith* any where amongſt the Britons before the deſtruction of Britain, but that there were in Britain but one ſuperial crown, and *Teleith* or coronets or prince crowns, one for the *Alban*, another for *Wales*, and the third for *Kerniw* or *Cornwale*. There were divers others called

called kings of *Dyved* in South Wales, the kings of *Kredigion*, and such: and yet were called kings, and their countries were divided as you shall see in the next question.

8. To the eighth question I say, that according to the primitive law of this land that *Dysnwal Moel Mvd* made, for before the laws of *Dysnwal Moel Mvd*, the Trojan laws and customs were used in this land, we cannot tell what division of lands they had, nor what officer but the *Drudion*. He divided all this land according to this manner, thus | *Tribud* | *y* | *gronin haid* | or thrice the length of one barley corn, maketh a *Modved*, or inch, 3 | *Modvedd* or inches maketh a *Palf*, or a palm of the hand, 3. *Palf* or palm maketh a *Troedvedd* or foot, 3. feet or *Troedvedd* maketh a *Kam*, or pace, or a stride, 3. *Kam* or strides to the *maid* or leap, 3. *Maid* or leap to the *Grwnn*, that is, the breadth of a but of land, or *tir*, and *mil* of those *tir* maketh *Mil tir*, that is, a thousand *tir* or mile, and that was his measure for length, which hath been used from that time to this day, and yet: and for superficial measuring he made 3. *bud*, *gronin*, *haid*, or barley corn length to the *Modvedd* or inch, 3. *Modvedd* or inch to the *Palf* or hand breadth, 3. *Palf* to the *Troedvedd* or foot, 4. *Troedvedd* or foot to the *Veriav* or the short yoke, 8. *Troedvedd* or foot to the *Neidav*, and 12. *Troedvedd* or foot in the *Gestiliaw*, and 16. *Troedvedd* in the *Hiriav*. A pole or rod so long, that is 16. feet long, is the breadth of an acre of land, and 30. poles or rods of that length, is the length of an *Erw* or acre by the law, and four *Erw* or acre maketh a *Tyddyn* or messuage, and four of that *Tyddyn* or messuage maketh a *Rhandir*, and four of those *Rhandired* maketh a *Gafel* or tenement or hault, and four *Gafel* maketh a *Tref* or township, and four *Tref* or townships maketh a *Maenol* or *Maenor*, and 12. *Maenol* or *Maenor* and *droy dref* | or two townships maketh a *Kwmwd* or *Comot*, and two *Kwmwd* or *Comot* maketh a *Kantref* or *Cantref*,

Hydes.
Modved.
Inch.

Palf, a hand breadth.
Twedvedd, a foot.

Kam, a stride.

Grwnn, a but-breadth.

Miltir, 2
mile.

Erw. Aker. 2. aker or 3.
or 4. according to the
custom of places.

Tyddyn.

Rhandir.

Gafel.

Tref.

Maenol.

Kantref,
hundred

Mr. Jones's Answers to Mr. Tate's Questions:

Cantred, that is, a hundred towns or townships. By this reckoning, every *Tyddyn* containeth 4. *Erw*, every *Rhandir* containeth 16. *Erw*, and every *Gafel* containeth 64. *Erw*, every town or township containeth 256. *Erw* or acres; these *Erws* were fertile arable land, and neither meadow nor pasture nor woods, for there was nothing measured but fertile arable ground, and all others were termed wastes. Every *Maenol* containeth four of these townships, and every *Kwmwt* containeth 50. of these townships, and every *Cantred* 200. of these townships, whereof it hath his name, and all the countries and lords dominions were divided by *Cantrifi*, or *Cantre*, and to every of these *Cantreds*, *Comots*, *Maenors*, *Townes*, and *Gafels*, were given some proper names: *Gwlad* or *Cuntrey* was the dominion of one lord or prince, whether the *Gwlad* were one *Cantred*, or 2, or 3, or 4, or more; so that when I say he is gone from *Gwlad* to *Gwlad*, that is, from country to country, it is meant that he is gone from one lord or prince's dominion to another prince's dominion: as for example, when a man committeth an offence in *Gwynedd* or North Wales, which containeth 20. *Cantreds*, and fleeth or goeth to *Powys*, which is the name of another country and prince's dominion, which containeth 20. other *Cantreds*, he is gone from one country or dominion to another, and the law cannot be executed upon him, for he is gone out of the country.

Teginges is a country, and containeth but one *Cantred*, and *Dyfrun Klwyd* was a country, and did contain but one *Cantred*; and when any did go out of *Tegenges* to *Dyfrun Klwyd*, for to flee from the law, he went out from one country to another, and so every prince or lord's dominion was *Gwlad* or country to that lord or prince. So that *Gwlad* is *Pagus* in my judgment. Sometimes a *Kantred* doth contain 2. *Comots*, sometimes 3, or 4, or 5. as the *Cantrefe* of *Glamorgan* or *Morganwy* containeth 5 *Comots*: After that the Normans had won some parts of the country, as one lord's dominion, they constituted in that same place a Senescall or a Steward, and that was called in
the

the British tongue *Swyddog*, that is, an officer, and the lordship that he was steward of, was called *Swydd* or office, and of these *Swyddev* were made shires; and *Swydd* is an office be it great or small, and *Swyddog* is an officer: likewise of all states, as a sheriff is a *Swyddog*, and his sheriffship or office, and the shire whereof he is sheriff, is called *Swydd*, so that *Swydd* doth contain as well the shire as the office of a sheriff, as *Swydd Annoythig* is the shire or office of the steward, senescall, or sheriff of Salop, &c.

9. As for the ninth question: the greatest and highest degree was *Brenin* or *Teyen*, that is, a king; and next to him was a *Twylog*, that is, a duke; and next to him was a *Jarll*, that is, an earl; and next to him was an *Arglwydd*, that is, a lord; and next to him was a *Barwn*, and that I read least of; and next to that is the *Breir* or *Uchelwr*, which may be called a squire; next to this is a *Gwreange*, that is, a yeoman; and next to that is an *Alltud*, and next to that a *Kaeth*, which is a slave, and that is the meanest amongst these nine several degrees: and these 9. Degrees had 3. several tenures of lands, as *Maerdir*, *Uchelordir*, *Priodordir*. There be also other names and degrees, which be gotten by birth, by office, and by dignity, but they all are contained under the nine aforesaid degrees.

- 1. Brenhin Teyen.
- 2. Twylog.
- 3. Jarll.
- 4. Arglwydd.
- 5. Barwn.
- Ded. d. Saxon strength. Robur belli Bawrn.
- 6. Breir Uchelwr.
- 7. Gwreange.
- 8. Alltud.
- 9. Kaeth.

10. As for the tenth question, I do not find, nor have not read neither to my knowledge in any chronicle, law, history or poetry and dictionary, any such word, but I find in the laws and chronicles, and in many other places this word *Rhaidh* to be used for the oath of 100. men, or 200. men, or 300. or such like number, for to excuse some heinous fact, and the more heinous was the fact the more men must be had in the *Rhaidh* to excuse it, and one must be a chief man to excuse it amongst them, and that is called *Penrhaidh*, as it were the foreman of the jury, and he must be the best, wisest, and discreetest of all the others; and to my remembrance the *Rheidhwyr*, that is, the men of the *Rhaidh*, must be of those that are next of kin, and best

Affach.

known to the supposed offenders to excuse him for the fact.

11. As for the eleventh question, I say, that I find a steward and a controuler to be used for a *distain* in my dictionary. I cannot find any greater definition given it any where, than is given it in my book of laws. *Vide Distain* in the table of my book of laws.

12. To the twelfth question, I say that the Britons had many councils, and had their counsellors scattered in all the lordships of the land, and when any controversy or occasion of council happened in *Swynedd*, the king called his counsellors that had their abode there, for to counsel for matters depending there, together with those that were there of his court or guard; for the king had his chief judge, and certain of his council always in his company, and when the king had any occasion of counsel for matters depending in *Demetia*, or *Powys*, or *Cornwall*, he called those of his council that dwelled in those coasts for to counsel with them, and they went to a certain private house or tower on the top of a hill, or some solitary place of council far distant from any dwelling, and there took their advice unknown to any man but to the counsellors themselves, and if any great alteration or need of counsel were that did pertain to all the land, then the king assisted unto him all his counsellors to some convenient place, for to take their advice, and that happened but very seldom.

Nº XLVI.

A Discourse of the Duty and Office of an Herald of Arms, written by FRANCIS THYNNE, Lancaster Herald, the Third Day of March, Anno 1605.

My very good Lord,

THAT cruel tyrant the unmerciful gout, which triumpheth over all those that are subject to him of what estate soever, taking on him, in that part to be a god, because he respecteth no person, hath so painfully imprisoned me in my bed, mannaled my hands, and fettered my feet to the sheets, that I came not out thereof since I saw your lordship on Christmas Eve. But having by mere force at length shaken off the mannales from my hands, (although I am still tied by the feet) I have now at the last (which I pray God may be the last troubling my hand with the gout) attempted the performance of my promise to your lordship, and do here send you a chaos and confused rhapsody of notes, which your lordship, as an expert alchymist, must sublime and rectify. But though it be plain bigurur or a coat of divers colours, I doubt not but this variety of matter shall in some sort be pleasing to your judgment, as variety of colours are pleasing to the eye. But of this *satis superque*, praying you to pardon my presumptuous follies (if they be follies) which here ensue.

In the height of the Roman government, and pride of their glory, the senator which had consumed his possessions, (whereby he was to maintain the state laid upon him) was removed from the senate, whereof Rosinus *de Antiquitatibus Romæ, lib. 7. cap. 5.* out of Cicero his Epistle *ad Q. Valerium* thus writeth: *Laudatur autem census in Senatore ne splendor amplissimi Ordinis Rei familiaris angustiis obscuratur Ceterum autem angustum Censum Senatorium Sestertiam 200. millia fuisse, eumque ab Augusto ampliatum*

The deconst-
ed Senator
removed.

The Duty and Office of an Herald of Arms.

docent Suetonius & Dio : neque solum si quis Senatorium Censum non haberet, Senator legi non poterat ; sed si postquam electus esset, Censum labefactasset, ordinem amittebat.

Bastards
bearing
Arms.

For the bastards bearing of arms, there is no question, but of what kind soever they be, they cannot by the law of England bear any arms. For no man can inherit things annexed to the blood, but such as are interested in the blood, which bastards are not. For they are not any man's children, but *fili populi, & concepti ex prohibito coitu.* Yet custom following the example of nations, doth by courtesy of the law of arms cast upon them some pre-eminence to be adorned with the ensigns of his reputed father, if he carry his father's name : if not, but that he be invested with his mother's name, (though the world take notice of his reputed father) yet shall he have nothing to do with his arms, unless he assumeth the name of his father, and then shall he bear the arms with a bastard difference, according to his difference of bastardy, whereof there are XII. kinds, as followeth :

1. He that is born of unmarried parties, that never after married.
2. He that is born of a married father, and a woman unmarried.
3. Of a father married, but having no lawful children.
4. Of a married father, but hath children.
5. Of an unmarried father, and a widow.
6. Of an unmarried father, and a married woman.
7. Of a religious man, and an unmarried woman.
8. Of a religious man, and a married woman.
9. Of an unmarried father and his kinswoman, between whom marriage is forbidden by the law.
10. Of a married father and his kinswoman in any degree of consanguinity.
11. He that is begotten of a known woman, and an unknown father.
12. He that is born of unmarried persons, which after marry, being bastards in our law, though not in the civil.

All

All which in bearing of arms, must observe their peculiar differences well known (or at the least, that ought to be well known) to the heralds, although I suppose few or none of us know it. For these are *Arcana Imperii Heraldorum*, and must be kept as secret as the ceremonies of the Eleusine goddess, or *Cabala* of the Jews, the divulging of which and such like matters, with the printed books of arms and armory, (which should be locked within the walls of the heralds office, and not published to the censure of each man) maketh every man as cunning as themselves, and bringeth the heralds place into small credit. For I find (I will only give instance of myself) that I am of less esteem, since I came into that office, than I was before. For I feel the office hath somewhat disgraced me, in so much, that now by the lewd demeanor of some, the name of herald is become odious, and will fall to the ground if your lordship, whose honourable mind and painful endeavour do tie all the heralds to acknowledge them your new framed, or at least revived creatures, do not put to your helping hand, and continue the credit of the office, and of such officers as shall deserve well.

Arms cannot be alienated, as long as any of the family is living; that is, so long as any of the male line hath being. For the males are only of the line and family of agnation, and not the females, being called *sorores, quasi seorsum natae*, and as it were born out of the right way, or lines, so that the *stirps agnationis*, which is the male, is different from *stirps cognationis*, which is the line feminine, as I have hitherto conceived it. And therefore so long as any of the male line is living (for they have all interest in the arms, as they have in the blood) none can sell the arms of his family. For, as Cassanæus saith in his Tractate of arms, *est quoddam jus portare arma spectans unicuique de agnatione & familia, quod non videtur transire extra illam, quum sint Arma inventa ad cognoscendas agnationes, familias, & domus nobilium, sunt nomina ad cognoscendos homines.* And Bartolus addeth, *sicut per testamentum, si esset aliquid relictum (familia) indistincte non nominando personas familia, illud*

The alienating of arms.

illud transfret ad eos de familia gradatim, ita quod non possit per illud alienari: sic Arma alicui familiae data non nominando personas familiae distinctae, ad eos tamen de familia transeant, ita quod non possit alienari: who further writeth, Quod stante aliqua de agnatione, familia, vel domo, habentes aliqua Arma, à tempore cujus initii memoria non extat in contrarium, quod talia Arma non possunt vendi, aut alienari, quocunque titulo in prejudicium illorum de familia, domo aut agnatione.

According to which, it seemeth the law of arms was in England in times past; for that he which had but only daughters, or one daughter to succeed him, might have licence of the king to alien his name or arms to any other for the preservation of the memory of them both, as appeared in the case of the lord Deincourt in the time of Edward the second, whereof the record is thus in the patent rolls 10. E. 2. part 2. mem. 13. *Rex &c. salutem. Sciatis quod quum pro eo quod dilectus &c. fidelis noster Edmundus Deincourt advertibat & conjecturabat, quod Cognomen suum, & ejus arma post mortem suam in persona Isabelle, filiae Edmundi Deincourt heredis ejus apparentis, à memoria delerentur, ac corditer affectavit, quod Cognomen, & Arma sua, post mortem ejus in memoria in posterum haberentur, ad requisitionem predicti Edmundi, & ob grata, & laudabilia servitia, quae bonae memoriae domino Edwardo, quondam Regi Angliae, patri nostro, & nobis impendit, per literas nostras Patentes concessimus, & licentiam dederimus, pro nobis & heredibus nostris, eidem Edmundo, quod ipse de omnibus maneriis &c. quae de nobis tenet in capite feoffare possit quemcunque velit &c.* Out of the preamble of which deed, we gather (as before is said) that, because he had a daughter which could not preserve his memory, that he might alien his name and arms according to the law, because none *de stirpe agnationis* was living to forbid the same. But withal it is gathered, that he could not alien the same without licence of the prince, (who might dispense with the law) * but because the law and custom had permitted

* Sic. Sed but forsan deleri debet.

that women should inherit with us, both lands, honour, name, and arms, and *quod consuetudo dat, homo tollere non potest.*

On this point there be divers opinions repugnant each to other; whereof one is, that of the reverend herald of our age Robert Glover Somersset, who in his book, *de differentiis Armorum*, saith, that she during her own life shall bear her father's coat quartered with her mother's. His words be these: *In hoc casu quo quis Viri nobilis filiam & heredem uxorem duxerit, & ex ea unicam susceperit filiam, Materni census, & hereditatis heredem futuram; & per aliam uxorem genuerit filium paternæ hereditatis heredem, dicta filia heredis prædictæ durante vita sua, tanquam filia legitima & naturalis utriusque parentis, eorum portabit Arma quateriatim seu quadrifarie incorporata, sed liberis ab eo progenitis permittitur tantummodo delatio Armorum hereditarie illis ab eorum Avia descendentibus: sed in contrarium sepe vidimus ab imperitis, nulla ratione propterea facta fulcire valentibus.*

How the daughter, heir to her mother, the first wife, may use her father's arms when her father had a son by the second wife.

But saving correction, I cannot as yet be induced to permit the daughter during her life to bear her father and mother's arms quartered; because quartering denoteth a fettle inheritance of the arms of both these houses in that person that beareth them so quartered; which cannot be in her, because the brother must carry the arms of the father from her. Besides, she in that doth wrong to the heir male, in the father's arms, because it wholly belongeth to him. Wherefore, for my part, I rather incline to the opinion of other; and amongst others to Gerarde Leigh, who in his accidence of armory doth write, that if she will needs carry her father's coat (to shew from whence she is descended) she must carry them in the chief of her arms, as he there setteth down the example. But howsoever, she may bear the coat of her father during her life, either quartered, with her own, as Somersset hath said; or in chief of her own, as Leigh hath; or in canton, as others hold (and that not improbable): yet they all agree, that her

her issue can no way have to do with the arms of the grandfather, but only with the arms of the grandmother: and therefore the lord marquis cannot by any opinion bear the arms of Howard in any whatsoever order, notwithstanding his mother should bear them in any of these three forms.

Heralds.

These men being called by divers names were men of great esteem in former ages, being sometime named, but by some part of their function. But now in this word *Herald* (which signifieth the old lord or master, and is called in Latin, *veteranus*, of his years and experience) are contained all the other names, and functions, which do express some part of his office. For he is called *Fœcialis*, à *fœdere faciendo*, in denouncing wars or making peace; he is called *Nuncius Regis*, because of one part of his office, which is to go on the king's message. So that he which in the Saxons time went on the king's message, was the same that our now herald is, and held the same place of a great person. He is called *Caduceator* of one part of his office, which is to deal in matters of peace, and therefore hath his *Caduceus* or white *Baston* (omitted now, as many other things are in his creation). The difference of which *Fœcialis* and *Caduceator*, is set down by Franciscus Philephus in his epistles in this sort: *Vis scire quid intersit inter Fœciales & Caduceatores; Fœciales eos fuisse apud priscos, qui certò Juris solemnitate Bellum hostibus indicebant, & Caduceatores esse pacis Legatos dictos à Caduceo quem manus gestabat; which Caduceus Apollo gave to Mercury the herald of the gods to bear, when he went on their message. This herald is also called Præco; because he is to denounce his lords proclamation and messages, the praises of valiant men, in peace; and therefore, in blazon of the arms of any, he must blaze them to the honour and praise of the bearer, since Heraldus, as one writeth, est Præco virtutum, non victoriarum hominum. And yet I find the name Heraldus in Latin not ancients than Æneas Sylvius, and no ancients mentioned amongst us than the statute of E. 1. where mention is made,*

The several names of heralds, according to the several parts of their functions, contained in one name herald.

made, *de Roy des heraz*. But I suppose I shall find the officer, though not the name, in the time of Henry the 3^d. if I mistake it not.

What their place, credit, and worth have been in former ages, (when honour was respected more than now) is declared in the honourable ceremonies at their creation. For the same ought to be by the prince only, (or by commission especial from him, for that purpose;) for so had the last duke of Norff. always a warrant from queen Elizabeth, and upon some festival days; the order whereof Gerard Leighe setteth down then in this sort. The prince then asketh the herald whether he be a gentleman of blood, or of a second coat armour. If he be not, the king endueth him with lands or fees, and assigneth to him and to his heirs congruent arms. Then like as the messenger is brought in by the herald of his province, so is the pursuivant brought by the eldest herald, who, at the commandment of the prince, doth all the solemnities, as to return the coat of arms, setting the maunches thereof on the arms of the said pursuivant, and putting about his neck a collar of SSSS. the one S. being *argent*, the other *sable*, and when he is named, the prince himself taketh the cup from the herald, which cup is all gilt, and poureth the water and wine upon the head of the said pursuivant, creating him by the name of our herald: and the king when the oath is ministered, giveth the same cup to the new herald, of whose creation speaketh also Upton. For the kings of heralds the collars ought to be one S. of gold and one other of silver, and so shall your lordship find in all their monuments where they are buried, that their pictures are adorned with such collars, as appeareth also in the funeral obsequies of William Aukflowe Clarencieux, whereof I find this remembered in writing at that time set down.

The creation of an herald. All the heralds must be gentlemen. The heralds must have arms given them, if they have none.

The cup and collar of SSS. for the herald.

“ *Memorandum Anno Domini 1476*. the viiith of May
“ were the funerals of William Aukflow, otherwise called
“ Clarencieux king at arms, whom was right worshipful
“ after his degree; his crown offered by Ireland king at

Ireland king at arms.

Fawlcōn
Herald.
Windfor
herald.

“ arms ; his own coat by Windfor herald ; his collar by
“ Fawlcōn herald, the king’s coat remaining always upon
“ the hearse : and when mass was done, his wife ordained
“ a right worth. dinner, where were all the officers of arms,
“ with their wives, that would come, and divers citizens.”

For the cup there needs no further proof, than the records of the king’s house, where I have seen it set down, although I now remember not in what place, that the herald had his cup given unto him.

Pursuivants
at arms
were made
knights.

In such estimation were the heralds in times past, in the reign of Hen. 5. and Hen. 6. that pursuivants might be created knights; and therefore Upton *de militari officio lib. 1. cap. ii.* writeth; *Et est sciendum, quod nuncii prosecutores possunt esse Milites, & militaribus gaudere insigniis, & deauratis uti Velvet, & aliis pannis aureis indui; non tamen sunt nobiles, & tales vocantur Milites Linguae, quia eorum præcipuus honor est in custodia Linguae.* And how the heralds and pursuivants should wear the arms of their master, is expressed in these four verses :

*Cinctorio Scutum dicas deferre Pedinum,
Sic equitis dignum fert scapula dextera Signum,
Sed humero levo detulit prosecutor ab avo,
Ast Heraldorum stat pectore fons titulorum.*

The heralds
office. He-
ralds are to
make pur-
suivants and
messengers.

Their office is also by Upton *lib. 1. ca. XII^o.* partly declared thus: *Sunt alii Nuntii Viatores qui Heraldum Armorum nuncupantur, quorum officium est minores Nuncios creare, ut superius dictum est; multitudinem populi faciliter numerare; Tractatus inter Principes Matrimoniales & pacis inchoare; diversa regna & Regiones visitare; Militiam honorare, & singulis Actibus Militaribus interesse; desiderare clamores publicos & proclamationes in Torneamentis, & singulis Actibus Militaribus ordinare; fidelem negotiorum relationem inter hostes deferre, & neutri favere parti in Actibus Bellicis, aut in pugna quæ inter duos aliquando nobiles geritur inclusos; sed omnia per superiorem partem, vel partibus mandata, seu à parte, parti fideliter & sine palliatione nunciare, & isti debent portare tunicam Armorum dominorum suorum,*

Every he-
rald is to
wear his
coat armour

suorum, & eisdem indui eodem modo, sicut Domini sui cum in conflictibus fuerint vel Torneamentis, aut aliis periculis bellicis, vel cum per alias Regiones extraneas equitaverint. Item in Conviviis, maritagiis, ac Regum & Reginarum Coronationibus, & Principum, Ducum, & aliorum Magnorum Dominorum solemnitatibus, Dominorum suorum Tunicis uti possunt, & tenentur in Regionibus & Regnis licet extraneis, ad honorem suorum & magnificentiam Dominorum. Some things in this discourse I think worthy to touch.

First, that heralds might create inferior officers; as Lion king of arms of Scotland doth at this day make his inferior officers.

Secondly, that he be at all tournaments, tyltes, &c. And therefore (as I note in other customs) they ought to have whatsoever of their furniture falleth from any of them that torney. But now will not they which newly begin to torney pay their fees, but further bring with them so many pages and servants into the tilt, that they take the heralds fees of whatsoever falleth from their masters, with opprobrious speech to the heralds, against all reason, order, and custom. For why should men serve, if they may not have the due of their service? Next, in this place I observe, that the heralds were and ought to be at all marriages of the nobility, whereunto they are now never called, because they ought to have the garment of the bride. And thus being gelded of their due fees, they cannot maintain the port of their calling; or that the now garter, should equal the garter of H. 5. his time, when garter entertained the emperor Sigismund at his house in Kentish Town. For reparation whereof some have in some sort sought to relieve them: and therefore king Edward 6. did by his letters patents free them of all subsidies, taxes, watches, and other charges of service; and king R. 3. (if my memory deceive me not) gave them *Cold barbarde* house; which I cannot see how, why, or when they parted from it. Queen Mary (I take it) made them, (or at least confirmed them) a corporation by the help, and procurement of your honourable brother the duke of Norff. who also procured them Derby-

in battle, and in journeys.

When heralds are bound to wear their coats of arms.

Observations out of Upton an ancient herald *lib. 1. ca. 12*

The favourable grants of princes to heralds.

Cole harbour.

The Duty and Office of an Herald of Arms.

house, which they hold at this day : and queen Elizabeth gave them privileges, which I have seen imprinted, subscribed, *per privatum Sigillum*. Much more I could say for the heralds, but I shall be too tedious; and therefore desire your lordship once more to look over the plot of the defaults of the heralds office, which I gave before to your lordship, digested into a brief or table.

Fees of heralds in the time of K. R. 2. & E. 4.

If heralds, my good lord, might truly have fees of every one, which gave them fees in times past, they might live in reasonable fort, and keep their estate answerable to their place. But now (whether it be our own default, or the overmuch parsimony of others, or fault of the heavens, since by their revolutions things decay when they have been at the highest, I know not) the heralds are not esteemed, every one withdraweth his favour from them, and denieth the accustomed duties belonging unto them. And therefore hoping your lordship will repair this ruined state of ours, I will set down what belonged unto us in the time of K. R. 2. out of an old written roll which came to my hands.

“ Ces font les droits & largeffes, appurtenants & de
 “ aunciente accustomez aux Roys des Armes, foloune
 “ le ufance en Roilme de Angleterre.

At the coronation of kings, this C. l. fee hath continued, as I have seen the privy seals of H. 7. and Q. Mary.

“ Et primerent quant le Roy est corone, primerent est de auncient accustomez aux Roys de Armes & Heroldes appartient notable & plentereuse Largeffe, come de C. l. & c.

The fee at the king's displaying of his banner.

“ Item, quant le Roy fait primerent lever & despolier ces Banniers sur les changes, appartient aux ditz Royes des Armes & as autres Haroldes, que y fonte presente pur leur droit C. marc.

A fee at the knighting of the king's eldest son.

“ Et quant le service de son fitz est fait Chivaler, 40. marc.

The fee when a prince, duke, marquis, earl, baron, or banneret shall display his banner.

“ Item, semblablement, quant le prince, & un Duc fait lever & desplaiier son Banniers, enprimer fois appartient aux ditz Royes de Ar-

mes

“ mes & Heralx presentes xx. l. Et si c'est un Marquesse,
“ vint markes; S'il est Counte 10. l. S'il est Baron cinque
“ marks d'argent croyns ou 15. nobles; & s'il est un Chi-
“ valer Bachelier qui novelment soit fait Banneret; aux
“ ditz Royes de Armes, & Heraldes presentes appartient
“ pr. leur droit cinque markes ou x. nobles.

“ Item, quant le Roy est novelment espouse, appartient as
“ ditz Royes des Armes & Heraldes presents notable &
“ plenteux Largesse 50. l.

The fee at
the king's
marriage.

“ Pareillement, quant est novelment coronè, appartient
“ aux ditz Royes de Armes, & Heraldes notable Largesse,
“ &c.

“ Item, tous & chescune fois, que le Royne a enfant,
“ & l'enfant peroit aux fantz fonz de Baptisme, & est
“ regenere, appartient auxi a ceux Royes d'Armes, pur
“ eux & les autres Heraldes presens, & devoient aver
“ Largesse notable selonc le tresnoble valeure & plesure de
“ la Royne ou des Messieurs de son conceile: Et ont
“ accustome avoir un fois C. l. autre fois C. markes;
“ autre fois plus ou moine: & pareillement quant est pu-
“ rifie leur appartient Largesse, come dessus.

The fees at
the queen's
childing &
churching.

“ Item, semblablement quant le autres Princesses,
“ Duchesses, Marquesses, & Countesses, & Baroneses ont
“ enfens & parvient aux fantz fontz de Baptisme &
“ sont regenerez, yceulx Royes d'armes & Heraldes douient
“ aver Largesse. Et pareillement, quant elles son purifie,
“ dovient avoir Largesse selonc leur noble valeure, &
“ plesure.

The fees at
the childing
& church-
ing of
princesses
and mar-
quises, &c.

“ Item, toute & chescun fois que le Roy porte Corone
“ & tiente estate Royall; en especiall aux quarter haut
“ feastes; Cest ascavoir Noell, Pasches, Pentecost & toutz
“ Saintz, dovient & appartient a chescun des ditz Royes
“ d'Armes qui seront presentz en la presence du Roy allant
“ a la Messe, a la Chappell, revenant, & auxi toutz temps
“ des diffuer; & si dovient aver Largesse seloncque le
“ tresnoble plesure du Roye.

When the
king wear-
eth his
crown, the
kings of
arms are to
wear their
crowns also.

“ Item, toutz le fois qui un vierge ou Pucelle Princesse,
“ ou file de Duc, Marquesse, Counte, ou Baron este espouse,
“ aux

Fees at the
marriage of
the nobility

“ aux ditz Royes des Armes appartient le Surcoit en quoy
 “ elle avera este espouse, s’ilz sont presentz ; et si non aux
 “ soit dame vesne appartient ou desufditz la Mantel en quoy
 “ elle fera espouse.

Fees at
 combats or
 justs.

“ Item, toutz fois, & quantz fois que champ de Battayle
 “ en Listes soit a oultrance ou autrement est juge enter-
 “ prins & ordonne au deux Champions les joues que les
 “ ditz Champions se presentment ; & que ils sont mis de-
 “ dans le Champe ordonie & estabili pur faire & accomplier
 “ leure faits d’armes, aux ditz Roys des Armes se presens
 “ sont, & si non aux autres Heroldes qui presentz seront, &
 “ devoient aver le garde de secrettz & necessaries, que
 “ ascun fois surmendunt aux ditz Champions, & pur ceo
 “ leure appartient et devoient avoir, ses Pavilions lesquelles
 “ y ceux Champions sont mis, dedans les ditz Listes, Et si
 “ l’un des ditz Champions soit vanqis dedans le ditz
 “ Champe, aux ditz Royes de Armes & Heraldes, que pre-
 “ sente seront, appartient toutz les Harnesse du ditz vanqu
 “ avecque tante l’autre Harnesse que a terre soit chent :
 “ Et en cas que ce ne seroit que Champe au plaisir ou
 “ Justes, appartient aux ditz Heroldes presentz les trape
 “ revers de Chuvills des ditz Champions, avecque toutes
 “ les Lances rompues.

Rebellions.

“ Item, quant il advient, que ascune des Subjectes se
 “ mettons sur le Champe per manner de Rebellions contre
 “ le Majestie Royal & &c. fortifient champes ou
 “ place ou entencione deliverer & donner bataile, & apres
 “ advient, que per appointment, ou pur paoure & orainte,
 “ ou autrement ilz se departient du doit Camp fortifie, ou
 “ sue fuit sans faire ascune Battaile ; aux ditz Royes des
 “ Armes, ou Heroldes qui presens seront, appartient & de-
 “ voient avoir toute les voyis & merisme & toutz les Cha-
 “ rotz Champe, tant pur le fortificacions come autrement.”

New years
 gifts to the
 heralds.

Further at New years tide, all the noblemen and knights
 of the court did give new years gifts to the heralds, and
 out of that liberality the heralds did (and to this day do)
 give most of the officers of the king’s house new years
 gifts, although those new years gifts are not half so much
 to

to us now as they were then, when silver was but iii s. iii. d. and every thing prized under the third patt, that it is now, whereof I here set down one instance in the time of Edward the IIIth. as I find is registered at that time.

Memorandum, That on the year of our Lord 1481. the king our leige lord kept his Christmas at Windsor, and the queen also accompanied with my lord prince, first begotten son of the king: he was prince of Wales, Duke of Cornwall, Counte de Marche et Flinte, et de Pembroke.

Of the King	vi l.
Of the Queen	iii l. vi s. viii d.
Of the Prince	iii l.
Of the duke of York the king's second son	Liii s. iii d.
Of the earl of Lincoln	xx s.
Of the marquis Dorset	xxv s.
Of the earl Rivers	xL s.
Of the lord Stanlye great master of the household	xx s.
Of the lord Hastings lord chamberlain	xL s.
Of the Bp. of Norwich	xiii s. iii d.
Of the Bp. of Chichester	xiii s. iii d.
Of the Bp. of Rochester.	x s.
Of the Lord Souche	xiii s. iii d.
Of the lord Dacres Chamberlain to the queen	xiii s. iii d.
Of the lord Gray,	vi. s. viii d.
Of Sir Edward Widvill knight	xL s.
Of Sir W ^m . Aparre Comptroller of the king's house	xx s.
Of Sir John Elrington Treasurer of the king's house	xx s.

Besides the gifts of many other knights there named, whereof some gave more, and some less, as best liked them.

Besides I find it registered in one other book of heralds then living, that in *anno Domini* 1477, which was about the xviith. of Ed. 4. the king made many knights of the Bath, at the marriage of his son Richard duke of York to Anne

The lord chamberlain is appointed to see the heralds fees be paid. The constable is judge of the officers of arms.

Anne daughter and sole heir to John Mowbray duke of Norff. which, not counselled to their most honour, denied a great part of the duties (of old presidents) given to their officers of arms, and referred them to the lord chamberlain, who well understanding of ancient noble customs, went and shewed it to the king and to the duke of Gloucester constable of England, which is judge of every officer of arms, who went in his own person, and commanded William Griffith, one of the marshalls of the king's hall, to charge every man of the aforesaid company, being under their jurisdiction, to pay their duties to the officers of arms, &c. Thus far that note.

With what troop of horses our ambassadors must be furnished with that go out of England.

Our ancestors were in times past so careful of their honour, and that every man should be furnished according to his degree, that they left not undetermined, with what troops of horses every one should be furnished when he went ambassador: and how every messenger sent from a foreign king into England should be received, as I have noted out of ancient books in this sort.

A duke of the blood royal as near as	
cousin-germane	400. horse.
A duke of the blood royal	300. horse.
A duke	300. horse or more.
An earl of the blood royal	200. horse or more.
An earl	100. horse.
A Baron of great blood	40. or 50. horse.
A baron	30. horse.
A knight for the body	10. or 15. horse.
A bannerett	15. or 20. horse.
A knight	8. or 10. horse.
A squire for the body after his possessions	6. horses.
A squire	3. or 4. horse.
A gentleman	2. horse.

How foreign messengers of every degree must be received.

Likewise if any foreign prince or king do send to our sovereign any messengers; if he be a knight, receive him as a baron; if he be an esquire, receive him as a knight; if he be a yeoman, receive him as an esquire; if he be a groom,

groom, receive him as a yeoman, &c. And so every estate must be received as the degree next above him doth require.

It shall not be unpleasant, I hope, unto your lordship to know what the authority of a king of arms is in his province; and for that cause, I have here set them down.

First, as nigh as he can, he shall take knowledge, and record the arms, crests, and cognizances, and ancient words; as also of the line and descent, or pedigree of every gentleman within his province of what estate or degree soever he be.

Item, he shall enter into all churches, chapels, oratories, castles, houses, or ancient buildings, to take knowledge of their foundations; and of the noble estates buried in them; as also of their arms, and arms of the places, their heads and ancient records

Item, he shall prohibit any gentleman to bear the arms of any other or such as be not true armory, and as he ought according to the law of arms.

He shall prohibit any merchant, or any other to put their names, marks, or devises in escutcheons or shields; which belong and only appertain to gentlemen bearing arms, and to none other.

Item, he shall make diligent search, if any bear arms without authority, or good right; and finding such, although they be true blazon, he shall prohibit them.

The said king of arms in his province hath full power and authority by the king's grant, to give confirmation to all noblemen and gentlemen ignorant of their arms, for the which he ought to have the fee belonging thereto.

He hath authority to give arms and crests to persons of ability deserving well of the prince and commonwealth, by reason of office, authority, wisdom, learning, good manners, and sober government. They to have such grants by patent under the seal of the office of the king of arms, and to pay therefore the fees accustomed.

Item, no gentleman, or other may erect or set up in any church, at funerals, either banners, standards, coats of

The office of a king of arms in his province.

To keep and register the arms and descents.

To register arms and monuments in churches.

To prohibit bearing the arms of another or false armory

To prohibit merchants to put their devises in escutcheons.

Bearing of arms without authority.

Confirmation of arms.

Giving of arms to such as bear office.

None to erect banners or arms

in churches, without the permission of the king of arms.

arms, helms, crests, swords, or any other hatchment, without the licence of the said king of arms of the province, or by allowance or permission of his marshal or deputy: because the arms of the noble estate deceased, the day of his death, the place of his burial, his marriage and issues, ought to be taken and recorded in the office of that king.

Differences of younger houses are to be by the direction of the king of arms.

Further, no gentlemen ought to bear their difference in armory otherwise than the office of armory requireth; and when younger brethren do marry, erect and establish new houses, and accordingly to bear their arms with such distinctions and differences that they may be known from their elder families out of which they are descended, the king of arms of the province is to be consulted withal, and such differences of houses are to be assigned and established by his privity and consent, that so he may advise them to the best, and keep record thereof; otherwise gentlemen may hurt themselves by taking such a difference, as shall prejudice the chief house from whence they are descended.

None to bear the arms of his mother.

The king of arms of the province is to have an especial regard, that no man bear arms by his mother, be she never so good a gentlewoman, or never so great an inheritrix, unless he bear arms also by his father's stock and living, properly belonging to his surname; *Quia apud jus in Angliâ partus non sequitur ventrem.*

Change of arms for such as are unlawful.

Likewise he is to see, that no gentleman descended of a noble race, and bearing arms, do alter or change those arms without his knowledge, allowance, and consent. If any do use the arms of others, or such as they ought not, and will not be restrained, he is under certain pain, and at a certain day, to warn such offenders to appear before the earl marshal of England, or his deputy, before whom the same is to be ordered and restrained.

Arms granted the clergy ought not to descend to their children.

Arms appointed for bishops ought not to descend to their children, for they are not within the compass of the laws of arms, which only taketh notice of bishops as officers of the church, and not as military men or persons to be employed in offices or affairs of laymen, though some of them have been very great soldiers. For both canons and examples

examples do forbid the same, since in temporal actions in time past it was alledged against them. For it was objected to Hubert Walter archbishop of Canterbury, being chief justice and chancellor in the time of king John, that he intermeddled in lay causes, and dealt in blood : as also the same was laid against other clergymen, for having of offices in the exchequer, and the king's house, when some of them were clerks of the kitchen, some treasurer of the household, &c. Yea, so much did our ancestors derogate from the arms of bishops, as that the bishops, which were interested in the arms of their ancestors, might not bear the arms of his house without some notorious difference, not answerable to the difference of other younger brethren ; as did the bishop of Lincoln, Henry Burghershe ; the archbishop of Canterbury, Thomas Arundell ; the archbishop of York, Richard Scroope ; the bishop of Norwich, Henry Spencer ; and many others, who did not bear the common differences of arms of younger sons, but great and notorious differences, as borders, some engrailed, some with mitres, or such like, whereof I can shew your lordship many forms. And that it was not, before the time of Bartolus the lawyer in the government of Charles the fourth, emperor, permitted to gown-men (or, as the French termeth them, of the long robe, for under that name were learned men, clergymen, and scholars comprehended) to bear armories ; or else why should that great lawyer Bartolus argue the matter, whether it were convenient that he should take arms (the peculiar reward and honour of military service in ancient time) or whether he should refuse them at the emperor's hands ? For if it had been then used, that the long robe should have enjoyed the honour of arms, Bartolus would never have doubted thereof. But since it was not then accustomed, he made question whether he should take those arms or not ; but in the end concluded, that the fact of the prince was neither to be disputed nor rejected, and therefore was willing to assume the arms which the emperor had given him.

When the long robe began first to have arms.

The marshal hath power of imprisonment.

Although the marshal in times past was but the constable's deputy, yet was he assistant to the constable in all judgments. For by his advice mostly, and sometime with his, and the rest of the court military, the constable gave sentence. And although in some cases the marshal was to execute the precept of the constable, yet was he also to hear, and in some sort to determine causes, especially in the absence of the constable, which those marshals more often and with more authority exercised since the XIII^o. H. 8. in which Edward Stafford (or Bohun) the last constable of England, was beheaded, since from that time there hath not been any more constables, whereby the marshal hath always after supplied the constable's office, and sentenced all military matters. Then if the marshal do the constable's office, he hath the same privilege the constable had: and if the constable might imprison, then (as I think will be well proved) the marshal may do the same, supplying the constable's office; and by consequence, all such deputy marshal commissioners, as have authority from the prince, to supply the marshal's office, during the interim, or vacancy of an earl marshal.

Moreover, if they should not have authority to imprison, in vain were it then to determine any thing. For if the parties condemned will not obey, and they have no power to compel them thereto (which in the end must be only by imprisonment) in vain it is for them (as I said) to decree any thing; but because their judgment should be established, and the offenders compelled to perform such law, there was allowed to the marshal his prison, which to this day is called *The Marshalsea*, a thing superfluous and mere frivolous, that they shall have a prison, and not commit offenders to it. But that prison was not appointed to them in vain. For which cause it seemeth to me, that the now marshal's deputies have, *jus incarcerandi*. And if any of your lordships should commit one offender to that prison, I would gladly learn, what remedy he hath either by action of false imprisonment, or otherwise, since no man,
I think,

I think, will bail him without your consents, or any other judge by *habeas corpus* enlarge him. And then foolery and needles it were for him to sue an action of false imprisonment against those that shall commit him. And therefore I see not, but that he may remain in prison still upon commandment of the marshal or marshal's deputy, or upon judgment in the marshal's court, which in a book case of XIII^o. H. 4. is said to be all one with the constable's court: which partly also is to be gathered out of another book case in the law books of 37. H. 6. where one brings an action at the common law of assault and menacing. The defendant pleaded that the plaintiff did (* *In-*

The constable and marshal's court are said to be all one.

* Sic.

cutiri in Capite) and that if the plaintiff would charge the defendant with treason, as he did, he said to the plaintiff, that he would defend him by his body during the life of one of them; which was the same menacing. Whereupon it was said, that such action for appealing of treason, or calling traitor, lieth not at the common law. But (to use the words of the book) *gift devant le conestable & mareball, & la sera determine par Ley civile*: whereupon

The constable and marshal have a law by themselves, and the common law is to take notice thereof, that law being the civil law which alloweth and useth imprisonment.

justice Needham, *Le comen Ley prendera conizance de Ley de le Conestable & Marsball; car en appelle de morte est bone Justificacione que le morte, luy appelle de Treasone devant le Conestable & Marsball, par qui ils combateront la, & le defendant vanquisbt le morte al mort; & c'est bone Justificacione al comen Ley: & Ashton & Moyle concesserunt, que comen Ley prendra notice del Ley del Conestable, & Marsball; Tamen Prisott contra; Mes puis ques les trois disont, ut supra; Prisott non negavit*: whereby it appeareth, that all the four justices agreed, that the constable and marshal had a law by themselves; whereof the common law doth take notice, as well as it doth of the ecclesiastical law, being a law of itself from the common.

Then if they have a law by themselves, (and the marshal, as I gather out of these cases, is as far interested therein as the constable, because the common law here in this case, and in all other places, calleth it the constable and

marshal's

Things done out of the realm are to be tried before the marshal.

Upon what occasion escuage is to be paid.

General heralds in divers princes times.

marshal's court, still joining them together as it were in equal power) it must needs follow, that they ought to have means to execute the judgments of that law; which cannot in the end be any other course, but by restraint: and imprisonment being the last coercion that can be used, as we see in the contemners and resisters of the common law, which further affirmeth, that things of war done out of the realm shall be determined by the constable and marshal; where I also observe, that the marshal is always joined with the constable, as I before touched, and as appeareth also in a book case of 48. E. 3. fo. 3. And Stamford in his Pleas of the crown fo. 65. As is also proved in the XIIIth. Hen. 4th. fo. XLIIII. where it is delivered, that a woman shall have an appeal in the constable and marshal's court of the death of her husband slain in Scotland: and Littleton putteth the like case; that if the king make a voyage into Scotland, and Escuage be assessed in parliament, if the lord distrain his tenant that holdeth by knights service of one entire knight's fee, for escuage so assessed, and the tenant plead and aver, that he was with the king in Scotland, by XL. days, it shall be tried by the certificate of the marshal (of the host of the king) in writing under his seal, which shall be sent to the justices. But this marshal of the host is always intended the marshal of England, who is to serve in those wars, which is called the Marshal of the army, as I can upon some study sufficiently prove by record.

I hope your lordship will not be offended that I pester you with rhapsodical things, and therefore presuming of the same, I will set down what heralds I have observed to be in divers princes times, by several names, in which your lordship may behold the flourishing state of that degree, when it is furnished with kings, heralds, and pursuivants of the prince, and heralds and pursuivants of divers noblemen; for they had also heralds and pursuivants, who went with the king's heralds to the chapel before their lords, which attended on the king, of which noblemens heralds, some of them dealt in arms, and gave authority to beat out differences which they bear. Besides, I shall shew therein

therein the first institutions of some heralds, which I think shall not be distasteful to your lordship to read.

In the beginning of Edward the 3^d. Andrew Windfor Norroy. Besides, these heralds of his children; Clarenceaux belonging to the duke of Clarence. Lancafter belonging to the duke of that name, who, when the house of Lancafter obtained the crown, was a king of heralds; which so continued, until the house of York got the garland, and brought him back to an herald.

Gloucester the herald of that duke.

Windfor whom the king created upon this occasion, as hath Bertrande *Argentynne* in his history of Little Britain, *Argentee*. Henr. 5. ca. 46. After the battle of Auraye in the year 1364. which fell in the 38. E. 3. in which Charles le Blois was slain, and John Mountforde (assisted by the king) had the victory through the English, the news thereof was brought to king Edward; whereupon (to use Bertrand's words) *Le Roy de Angleterre estoit a Douuers, qui enſcente le Nouvelle en trois jours, que luy fut portie par un Purscivante d'Armes de Britaigne en voye du Counte* (which was John de Mountforde) *Lequelle le Roye de Angleterre fis son Heralte sous le nosme de Windefor L. &c.* where the matter is set out more at large.

The heralds I read of in records, in other princes times, (although they be not all, and whereof some have now being, and some have not) are these:

First, in the time of king R. 2.

Norrey king of arms.

March herald.

Burdeux herald.

Bardolfe herald, who had power of arms (*virtute officii*) whereof the record of 22. R. 2. saith, *Bardolfe Haraldus Armorum virtute officii concessit Roberto Baynarde, ut liceat sibi & heredibus suis impressionem * fla, & Lambeaux in Scutis Armorum suorum omittere.*

* Sic.

In the time of king Henry the IIIth. were,
Lancafter king of arms.

Percye

The Duty and Office of an Herald of Arms.

Percye herald.

Libarde herald, with many more.

In the time of king Henry the vth. were,

Garter, by him first intituted.

Cadram, herald to the earl of Dorsett.

In the time of king Henry the viith.

Guyen herald.

Suffolke herald.

Mowbray herald, with others.

In the reign of king Edward the fourth the state of the office for heralds stood in this fort, as appeareth by a roll written about the beginning of king Henry the viiith. wherein is shewed both what number of heralds were in that king's reign of Edward the iiiith. and also how they decayed in the time of king Henry the viiith. in this fort.

Garter.

Clarenceaux.

Norrey.

Marche.

Guyen.

Irelande.

} kings.

Windefore.

Lancastre.

Fawcone.

Chester.

} heralds.

Blewmantell.

Rougecroffe.

Calleys.

Barewicke.

Rose-blanche.

} purfuivants.

The duke of Gloucester had,

Gloucester herald.

Blanke-Sanglier, purfuivant.

The duke of Clarence had,

Richemont herald.

Noyre-Tauren, purfuivant.

The duke of Buckingham had,

Hereforde herald.

The earl of Warwick had,

Warwick herald.

The earl of Northumberland had,
Northumberland herald.
Esperaunce pursuivant.

The earl Rivers had,
Rivers pursuivant.

The earl of Worcester had,
Worcester herald.
Marenceu pursuivant.

The lord Mountjoye had,
Charten Blewe pursuivant.

Now the king's grace hath but three kings, garter, Richemond, and Norroy, and one herald, that is, Somersett; Lancafter, York, Windfore, and Falcon be voyde, and all the pursuivants, Rougecrosse, Rouge dragon, Callys, Barwicke, Guynes, Hampnes, Rifebank, Mountorguill, Portcullis, and Rasyne, and no estate hath any but only the lo. marquis, that hath Grobie pursuivant; and the earl of Northumberland, that hath Northumberland herald.

Richemond king of arms in the time of H. 7. being now but an herald of arms.

This was in the time of king Henry the viiith. God save king Henry the viiith. Thus far that roll, shewing the time of king Henry the viiith. Also as that of Edward the ivth. in which it seemeth, that Ulster now king of heralds in Ireland, had then no life, but was called only Ireland.

In the time of king Edward the viith. there were only these officers of arms, as is proved out of the letters patents of that king, wherein he granteth to us to be freed from all subsidies, and other taxes, shewing the honour and immunities we have amongst all nations, emperors, and kings.

- | | | |
|--------------|---|----------|
| Garter. | } | kings. |
| Clarentieux. | | |
| Norroy. | | |
| Carliele. | } | heralds. |
| Windefor. | | |
| Yorke. | | |
| Somersett. | | |
| Chester. | | |
| Richemond. | | |

The Duty and Office of an Herald of Arms.

Portculleys.	}	pursuivants.
Calleys.		
Barwicke.		
Rougedragon.		
Blewmantle.		
Rougecrosse.		
Ryfe bancke.		

In this third year of king James, thus standeth the state of this office of arms, (*viz.*)

Garter.	}	kings, beside Ulster king of Ireland.
Clarenctieux.		
Norroy.		
Yorke.	}	heralds.
Richemonde.		
Somerfett.		
Lancafter.		
Chefter.		
Windfor.	}	pursuivants, and one other pursuivant extraordinary called Portef-mouthe.
Rougedragon.		
Rougecrosse.		
Blewmantle.		
Portecolloys.		

Thus as abruptly concluding, as I have disorderly delivered these things in this hinspot (or, as we corruptly call it, Hochepott) I beseech your lordship to accept them with that good mind, with which you have received other things from me, and so to your Lordship most humbly commending myself, that may with Ovid say,

*Famjam felicior atas terga dedit, tremuloq; gradu
Venit erga senectus ;*

I humbly take my leave, as one wholly devoted to your lordship, and in you to your honourable family, further craving pardon for this gouty scribbling, distilled from the pen guided by a late gouty hand.

Your lordship's in what he may

Clerkenwell Green
3^d. March 1605.
veteri stilo.

FRA. THYNNE,
Lancafter.

Nº XLVII.

A Consideration of the Office and Duty of
the Heralds in England, drawn out of
fundry Observations.

By JOHN DODDRIDGE the King's Solicitor General, at
the Instance of Hen. E. of Northampton, in Aug. 1600.

THE word *Herald* is a Saxon word yet in use among
the Germans, and by Kilianus Duffleus in *Dictionary
suo Teutonico Latino*, interpreted thus; (*Fœcialis, pater
Patratus, internuncius, vel pacis, vel belli ferendi publicus
præco*) derived from the word, *Her, id est, Publicus*, and
the word *Alte*, or, *ould*, *antique*, or, as some deduce it,
senex in Armis. For the word *Her*, or *Heire*, signifieth
also an *Armye*, or *Multitude Armed*.

Their chief and special use anciently was in the Roman
state, where they were of great account. Their duty and
office in that state are fully described by Dionysius Halicar-
nassus, in the second book of his history, and deduced by
him into VII. several heads, or special points. But the
office and use of our heralds may be drawn into these
four.

First, They are messengers by the laws of arms, between
potentates, for matter of honour and arms. And, as
Tully in his second book *de legibus* affirmeth out of an old
Roman law, *Feodorum pacis, belli & Induciarum Oratores
feciales Judices sunt*.

Secondly, They are *Ceremoniarum ministri*, as in the
coronation of kings and queens, in the creation of noble
dignities, of honour in the installations of the honourable
knights, of orders in triumphs, jousts, combats, marriages,
christenings, interments, and funerals, and to attend in all
solemn assemblies of state and honour. And by some of

them ought the proclamations of great matters of state to be promulged.

3. Thirdly, The causes of chivalry and gentility are committed to their care, as in the right of bearing of arms in shields, escutcheons, targets, banners, pennants, coats, and such like; correction of arms in their visitations, and in the observation of pedigrees, and descents of noblemen and gentlemen.
4. Fourthly, They are the prothonotaries, griffiers, and registers of all acts and proceedings in the courts of the constable and marshal of England, or by such as have their authority; and in their books, and records, they ought to preserve to perpetual memory, all facts and notable designments of honour and arms.

The heralds of England have been anciently incorporated by the kings of this realm, and reduced in *Corpus Corporatum & Collegium*, as namely among others in the second year of king Richard the third; also by king Edward the sixth, and queen Mary.

They are divided into three several companies; into kings, whereof there be now three, Garter, Clarencieux, and Norrey: (in times past there have been 1110^r. kings;) heralds, whereof there be now six, York, Richemond, Somersett, Lancaster, Chester, and Windfor; and pursuivants, whereof there now be four, Rouge dragon, Blewemantle, Portcullis, and Rougecrosse. By the charter of king Edward the sixth, made in the third year of his reign, they are discharged and made free of all taxes, charges, and subsidies, granted in parliament.

As touching the kings of arms, Garter is the principal, being also the special officer of the noble order of the garter. For in the book, commonly called the Black Book of the Order of the Garter, I find this ordinance, expressing the place of garter, and what manner of person he ought to be, and what stipend and salary he is to have. He is; *Accedat Rex Armorum unus, qui Garterus Rex Armorum Angliæ vocabitur, quem supremus & Comitones ob dignitatem ordinis virum Generosi sanguinis, honesti nominis insignia gerentem,*

gerentem, infra Regnum Angliæ natum, & ceteris officialibus, qui nobili Coronæ Angliæ subiecti sunt, superiorem esse volunt. Habebit hic à supremo stipendium annuum XL. librarum monetæ legalis Angliæ. Præterea unusquisque seorsum pro sui status honore singulis annis donabit ei Dux 4. libras; Marchio 5. marcas; comes 4. marcas; Baro 40. solidos, & Eques Bachalarius ordinis XXVI. solidos, & VIII. denarios, ut tanto honorificentius ad decus Ordinis vitam agat, & officium administret. Quoties autem Creatio Principis, Ducis, Marchionis, Comitis, Vicecomitis, aut Baronis obtingit, idem Carterus vestes ejus vendicabit, quibus utetur priusquam Togam illius dignitatis, & præclari accipiet.

Vide an^o.
5^o. E. 4.
Brookes
office 5. his
fee but xl.li.

Which former order I find also recited and confirmed by a constitution written in French, made at Windsor in the chapter of the confraternity of the said noble order in the feast of St. George in the year of our Lord 1422. being the first year of king Henry the vith. in these words speaking of king Henry the vth. *Constitua in encreisament de nosme du dit noble order, & pur estre entendant, al service de la dit Compani & de tout gentelesse un Servant de Armes sur tous les Autres Servaunts des Armes le quel per la dignite, de dit order voyle, qui il soit Sovereigne de dance l'office de Armes, sur tous les autres Servaunts des Armes, de Tres-noble Roylme de Engleterre & luy nosme Gertyer Roy des Armes de Angloys & il ouster done un fee all dit officer.*

Vide Stowe
fol. 593.

For the better government of the office of arms there have been from time to time fundry ordinances made, sometime by the lord high constable of England, as by Thomas of Lancaster, duke of Clarence, lord high steward of England, in the time of king Henry the vth. Also of latter time by Thomas duke of Norfolk earl marshal of England; by the which fundry abuses of the said officers were reformed touching fundry of the several heads and points afore said.

The visitations of heralds have always been by commission, and warrant under the privy signet, of which warrants there have been lately many in the office of arms extant to be seen, both of king Henry the vith. and of
king

Arma concessa per regem R. 2.
Johi de Kingston.

king H. VIII. As touching the giving of arms, oftentimes the kings of this realm have given arms themselves to persons, for their worthy deeds, or have approved the arms given by the officers of arms in that behalf, whereof these following are precedents: *Le Roy a tous Ceux Certes Letters veindront Salute Saches qui come une Chivaller Francois a ceo que nous sumus informes ad Challenge une nre Leige John de Kingston, A fayre Certaine faits & points du Armes ouesque le dit Chiualler nous a fine que le dit nre Leige seit le melius honorablement receive ef fayre puisset, & performer les dits faits, & points de Armes luy anouns rescyue in le State de Gentlehome & luy fait Esquyer, & volumus que ile soit comis per Armes & Portera de sere euauant soesta sauoire dargent ou un Chappen de Azure oue sque un plume de striche de Gules & no a tous ceux a queux apertint nous notifiamus per ceux presentes. In testimony de quel chos nous anouns fait nres Letters Pattents de sous nre grande sceace a nre Pallace de Westminster le primer iour de Aoust &c.*

Out of a
book in the
office of
arms a^o. C.
H. 7.

There was one James Parker, a servant in court to king Henry the VIIth. that had accused Hugh Vaughan (one of the gent. ushers of the said king) unto the king of some undutiful words, spoken by him of the said king. Whereupon the person accused challenged combat with his accuser: and because he was not a gentleman of coat armor, Sir John Wriotheslye, then principal king at arms, gave unto the said Hugh Vaughan a coat armor with helm and timber the 14th. of October 1490 anno 6^o. H. 7. Whereupon the said king sent for the said garter, and demanded of him, whether he had made any such patent, or no? who answered, that he had made such arms. Whereupon the king's highness in his most royal person, in open justice, at Richmond, before all his lords, allowed, and admitted the said grants made by garter, and likewise allowed the said Hugh Vaughan to run with the said James Parker, who was at the same time slain by the said Vaughan in the said justs.

Jurisdic^o
Garteri
Principalis

Garter king of arms hath challenged to give arms to men of worthy desert; namely by an ordinance in the book of
the

the order of the garter in these words: *Ad eundem pertinuit Correſſio Armorum, atque inſigniorum, quorumcunque quæ uſurpantur, aut geſtantur injuſte. Autoritas inſuper & poteſtas Arma huiusmodi atque inſignia concedendi talibus, qui per Acta fortia laudabilia virtutesque honores ſtatus & dignitates merebuntur, juxta antiquam conſuetudinem, litterasque pattentes ſuper ea re faciendi &c.*

Regis Ar-
morum.

Alſo Thomas Hallye, alias Norry, was the firſt that got theſe words into his patent, dated XIX. Maii XXVIII. Hen VIIIth. *Litteras Patentes Armorum claris viris donandi &c.*



N^o XLVIII.

OF THE
 ANTIQUITY OF ARMS
 IN ENGLAND.

By Mr. TATE.

2. Novr. 1598.

FOR as much as our historyes doe recorde of five severall conquests of this countrye wherein there have bine maney greate bateles fought, it cannot bee but there were markes and signes used in banners, standerdes, and such like, whereby everye companye might knowe their owne generalles and leaders; amongst the which there is mention that kinge Arthur did change his armes three tymes: the first beinge two dragones indorsed, which were his father's armes; the second 3 crownes, or. Lastly, when hee became a Christian he bare vert a crose argent, on the first quarter our ladye with Christ in hir armes, or; these armes were after him borne by the abbattes of Glastenburye. Although some authores wright doutefully of kinge Arthur, yet our historyes doe agree that his bodey was fownd buried at Glastenbury, in the tyme of kinge Henrye the second, with a Crose of leade whereon was writen his name. And at Winchefer there doth remayne at this daye, a great rownde table, whereon are writen the names of divers knightes, which are taken to bee the knightes of the rounde table instituted by king Arthur. I have a Frenche booke wherein, king Arthur beinge set downe to bee one of the nyne worthyes, there is also printed the arms of his knightes.

Divers ancienne pedegrees do sett downe the armes of the seven kingedomes of the Saxons.

Thuse

Thuse fare I have noted briffely for matter of historye. But since the use of seales came into Englande, it is growne unto a better perfection. And yet I finde greate difference in the arms of St. Edward the Confessor, by reasone there are not any arms to be sene uppon the seales of his charter, whereof I have a coppye. Thus in Westminster church there are graven in stone, a crosse betwene V birdes with legges: and after in the same churche wyndowes, and in Westminster Hall a crosse betwene V marteletes without legges. However in an ancient coin which I have of this king, they are represented as being a crosse betwene fower birds with legges.

The first seale with armes, that I have, is the seale of king Richard the first. For on William the Conquerour's seale and those of other kings from him down to R. 1. there is no arms to be discerned: and I rede that Lucy cheffe justice of England in the tyme of K. H. 2. did reprehend a gentillman for usinge a privat seale of arms, because, as he sayd, it was peculiar unto the kinge and nobilitye. So that untill the tyme of E. 2. onely the kinge and the nobility, did use seales of armes. But after his tyme the use of them grewe to be ordinarye.

The ancientest crest that I have is of Quincye earle of Winchester in the tyme of H. 3.

The ancientest supporters are those of Mortimer earle of March in the tyme of R. 2.

And the ancientest of anye ladyes seale in losenge is that of the duches of Glocester in the tyme of king Richard the second.

N^o XLIX.

Of the Antiquity of Armes in England.

By ANONYMUS.

2. Nov^r. 1598.

ARMES, in their generall signification for ensignes of honor borne in banners and shields, have been as aunciently used in this realme, as in any other. For as necessity, among other nations, bred the use of them in managing of militarye affayres, for order and distinction both of whole companies, and particular persones, that their valour might be therby more conspicuous, so likewise, without doubt, it did among the inhabitants of this ysle, who alwayes have beene as martial as anye other people whatsoever, and consequently as respective of distinction and decency in their services. It may not be pertinent to this purpose, to note here out of the sacred scriptures, that every tribe of the children of Israell pitched under their owne standards, or oute of profane authors, that the Carians, who were the first mercenary soldiers, were also the first that bare marks in their shields; but it is not impertinent to note, that Constantine the Great, who was a native of this ysle, bore in his labarum or standard, a saltier humett transfixed with the character of the Greek letter *Rho*, and which was accounted for his arms. Afterward, as you may see in *Notitia Provinciarum the Britannici* bare in their shield in a carbuncle, a plat partie, per saltier. The *stablesiani* a plate within an annulet, and the *secundani*, an annulett upon a crosse, which were companies serving in this cuntry under the *Comes Britanniarum* in the declination of the Romane empire. For particular persons, as among the Grecians, *Ulysses* bare a dolphin; among the Romans *Julius Cæsar* the head of *Venus*; among the Gauls, *Chixus*, a captaine, a man wayeng gold; among the Spaniards, one mentioned by *Silius*, an hundred snakes; so among the Britannes I only remember the victorious *Arthur*, who bare the *Virgine Marie* in his shield,

shield, as Nennius, who lived 900 years since, recordeth. In the Saxon Heptarchie, I find little noted of armes, albeyt the Germanes, of whom they descended, used shields, as Tacitus sayeth, *Colore fucato*, which I know not whether I may call armes, or no; neyther know I, whether I may referre hither oute of Beda, how Edwin K. of Northumberland had allwayes an ensigne caried before him, in English a tunf, which Vegetius reckoneth among military ensignes, or how K. Oswald had a banneroll of gold and purple sett over his tombe at Beardney; or how Cuthred K. of Westsex bare in his banner a dragon, or, at the battaile of Bureford, as Hoveden noteth; and how the Danes bare in their banner a raven, as Asserius reporteth, omitting the crosse between the martletts in the coyne of K. Edward the Confessor.

Now of arms in the restrict signification, as we define or rather describe them, viz. that arms are ensignes of honor borne in banners, shields, coats for notice and distinction of families, and descendable to the families. Albeyt the Germanes write, that according to this definition, arms beganne to be in use among them in the tyme of Carolus Magnus, yet I have not observed that they were in like use in England in the tyme of the Conquest, or some yeares after. For no armes do appeare in the seales of the first Norman kings; but shortly after the Conquest, the estimation of armes beganne in the expeditions to the Holy Land, and afterwards, by little and little became hereditary, when it was accounted an especial honor to posterity to reteyne those armes, which had been displayed in the Holy Land in that holy service against the professed enemies of Christianitye. To this time do the learned Frenchmen referre the originall of hereditary armes in Fraunce, and in myne opinion, without prejudice to others, we also then receaved the hereditary use of them; which was not fullye established until the time of K. H. the third. For in the instances of the last earles of Chester, the two Quincies, earles of Winchester, and the two Lacies, earles of Lincoln, the arms of the father still varied from those of the son, as every man here knoweth better than myselfe.

N° L.

Of the Antiquity of Arms in England.

By Mr. MICHAEL HENEAGE.

2. Nov. 1598.

TOCHING the antiquitie of armes in England, the recordes, wher I serve, give lyttel lyght, and my selfe therefore cannot say much.

But entering otherwyse into the consideration therof, either by the etimology of the word, or use of the thing, I suppose the same naturally, and originally to depende or apperteyne especially unto forrign and military service in the field; wher men of greatest valew being appointed leaders or commanders of larger or lesser companies attending upon them, and under their direction; commoditye of use, and reason, thought it requisite that every of these leaders should ether in color or impres carye suche difference as might distinguishe and make him known from all other, wherby his folowers might the better be kept from disorder and confusion; which notes or insignes of armes first chosen or allowed unto them for the tyme and use of their service, was afterward retained by them in tyme of peace and at home, as a note and testimony of their place and preferment in tyme of service, before the common sort, and wherby they were reputed as men of more note (that is) more notable, and by contraction of speche more noble than others. Wheruppon, happely as I think, came the word *Nobilis*, being the same as *notabilis*, and hereupon the severall markes and devises, which we call Armes in English, are aptly and usually in Latin called *Insignia nobilitatis*.

Herewithall it may be also thought, that such persons and ther issues retayning the sayd notes of nobilitye, were accustomed and allowed the use of them at all tymes after, in eny tyme of military service. And althoughe they had
not

not their or their ancestors former places in the feild of leaders, yet did they still, needing now no high and open insignes in feild as aforesayd, carry upon ther shelds ther auncient armes and notes of their nobelyte. Whereuppon, as at this day, such persons, ether uppon the causes affore-sayd, or otherwyse, for eny other notable service performed by them to ther country or commonwelthe, are now called *Armigeri*, so were they in old tyme, as apperethe by record, cauled *Scutiferi* in the same sence as we now use *armigeri*. And so do I reade in the records of K. Ed. the 3d. that that said king in a graunt made to Jeffrey Chaucer cauleth hym *Scutifer*.

M. H.

Nº LL.

Of the Antiquity of Arms in England.

By Mr. AGARD.

2. Novr. 1598.

ALTHOUGH this proposition is of such quality as I am altogether ignorant of, as beinge not able to blaze any armes, yet because it is required, that I shoulde bringe somewhat to the buyldinge, I have thought good to aforde that smale matter which I conceyve thereof. I suppose the firste to come chiefly from the Normans, beinge brought in by Edwarde the Confessor; and after more plentyfullye practised by the Conqueror, and the nobles that cam in with him. For I reade in an olde chronycle of the lyves of the dukes of Normandye in Frenche wrytten hande, that William the Conqueror beseiging Dunfront; Geoffrey Martell, duke of Anjowe came to its relief. Whereof William understandinge, sent William le Fytz Osborn, Regnault de Mountgomery, and Guillame le Fytz-cherry, (all which cam into England afterwards with him) to
viewe

Of the Antiquity of Arms in England.

viewe Geoffreyes forces, and to tell him, that on the morrowe the said Geoffrey should finde him keapinge the gates of Dunfront. Which message, when Mountgomerye had delyvered, Geoffreye answered, Tell duke William that to-morrowe I will be at the gate and will enter if I can; and because I would have duke William know me, I will be mounted upon a whyte courser, and will beare my shielde all goulde without a difference. To whom Mountgomerye aunswered, Sir, take no thought for that, for to-morrowe morninge you shall finde duke William mounted heere upon a baye courser, and bearinge his shield all vermelle; and because you shall the better knowe him, he will carye on the ende of his lance a ladyes handcarchef to wipe your face withall.

Now after the Conqueror was entered England, in everye place where himselfe and his nobles buylt eyther theyre castles or theyre abbayes, theye sett forth theyre armes ingraven. Whereas there is not to be seene in anye old buildinges before the Conquest that any armes weere set up. As for example, the neyther parte of Saint Paules, which was Templum Dianæ, and built longe before the Conquest, hathe not anye.

I have perused Domefday, and the pleadings in the Kinge's Bench and Common Pleas in the Reigns of R. 1. king J. H. 3. E. 1. E. 2. E. 3. R. 2. H. 4. H. 5. and in none of all these Kinges tymes is mencyoned anye controverfye betwixt partye and partye for matters of armes. Therefore, as I suppose, those matters weer handled in a peculyer sorte by themselves. And I am the rather induced so to think, for that I finde in a parliament role de anno xxiiij^o. E. 1. in a controverfye betwixte Resey and Fytz Thomas, about approbryous wordes, which Fytz Thomas charged Resey shoulde speake againste the kinge, that the sayd Resey gevinge him the lye and chalenginge the sayd Fytz Thomas, the sayd challenge was returned out of Ireland into the Kinge's Benche by Walter Hayes chyef justyce in Irelande, and so was adjorned from daye to daye bothe in the Common Pleas and Exchequier, and
so

so at length to the parliament. The king geveth judgment in this matter, that there were errors foundrye wayes in the manner of the proceedings, by theis words, *Et non sit usitatum in Regno isto placitare in Curia Regis, Placita de Defamacionibus; aut inter partes aliquas Duellum considerare in placitis in quibus ad Curiam Regiam non pertinet, &c.*

Agayne, *Et in hoc erratum est, quod ijdem Walterus & alij diem Duelli eorum eis assignatum assignarent coram ipso Domino Rege quod similiter fuit omnino contra Legem & consuetudinem Regni, &c.*

And of what great accompte, the same Normans and other Angevyns made of theyre armes of antiquytie appeareth in a role of the pedegre of the howse of earle Warren, which is in the Q. Majesty's threasaurye, wherein it is said that Hamelinus, brother to kinge H. 2^d. after he had maryed Isabell, the daughter and onely heyre of the sayd howse of Warren, *assumpsit arma Uxoris suæ, et arma patris sui dimisit & heredes sui post ipsum*, estevinge yt greater honor to carrye the auntyent armes of his wiffes auncestors, than his fathers, which was a straunger. *Vobis cogentibus feci quod potui.*

ARTHURE AGARD.

N^o LII.

Of the Antiquity of Arms.

By DOCTOR DOYLYE.

IN a question which cannot be proved by authoritie, probabilites and conjectures are to be used.

It is very likely that warrs and weapons are almost coetanea, as the cause befor the effect; one precedent, the other consequent, and so are bellum, et arma.

The

Of the Antiquity of Arms.

The ancient defensive weapons were Parma, Clypeus & Scutum *; these differed in forme, bigness, and antiquity; but all were large, and apt to receive som colour, signature, and difference, wherof cam the name of *Insignia*, and the man most noted for his valour was termed *Insignis*.

Warrs at the first were but rapine, *non Hospes ab Hospite tutus*, which might be properly termed *Bellum Belluinum*, but when civility produced discipline, armes were martialled by discipline.

Then virtue was rewarded with honor, and cowardness with shame, whereuppon the generosity of some spirits desyrous to excell and to be noted, did make their shields, bucklers, or targats, to have some speciall note, whereby they might be *insignes*. I therfore by conjecture conclude that the antiquitie of armes are answerable to the antiquitie of warre: and as warrs were disciplined and martialled, so were armes also noted and registred, and the perfection of the one did produce the perfection of the other.

Nowe therfore when warrs in England first began, especially by the invasion of the Saxons and strangers, then as warrs, so armes wear disciplined.

Armes and seales wear not coetanea by many descents, for there is no mention made of seales befor Edward the Confessor, and then his seale was a cros drawn uppon parchment by his chancelor.

* Scutis protecti corpora longis,

Ense levis nudo Parmag. inglorius alba.

Clypeis ante Romani usi sunt, deinde postquam stipendiarii facti sunt, Scuta pro Clypeis fecere. Livius. 6.

Virg. 8. Æneados.

Virg.

N^o LIII.

Of the Antiquity of the Name of Duke in
England.

By ANONYMOUS.

25th November 1598.

WE have received this worde *duke* from the Frenche, and from the Latine worde *dux*, which derived from *duco*, doth comprise in signification not only guides, but also leaders in warre, as well those of particular companies, as the generall of whole armies. And in no other fence is that passage in Tacitus to be understode, where he says, that the Germans our progenitours *Reges ex nobilitate, duces ex virtute sumunt.*

Under the Roman emperours about the tyme of Ælius Verus, as I gather out of Spartianus, not only leaders in warre, but also governors of marches, and outmost borders, beganne first to be called *Duces*. And in that notable recorde of the Romane Empire, *Notitia Provinciarum*, there are specified 12 *duces*, which had charge of the limits in the west empire, amonge whom *dux Britanniarum* was one. Yet if I should translate, I would not translate *dux Britanniarum*, *duke of Britayne*, for it appeareth oute of Eusebius, where he sheweth how Constantine the Greate invented new degrees of dignities, that *dux* was inferior to *comes*, and the same appeareth also in Cassiodorus.

After the fall of the Romane Empire, this worde *dux* was still retained by the Lombards in Italy for a *governor*, as is manifest by Paulus Diaconus, where he sheweth how after the death of Clephus, diverse *duces* were appointed to govern the territories. That it was then a name of a judiciall office rather than of honor, I gather by the patents, whereby they were made *duces*, the tenor wherof is this taken out of

Of the Antiquity of Dukes in England.

Marculphus, who gathered a book of presidents about the year of Christ 600.

Præcipue régalis in hoc perfecta collaudatur clementia, ut inter universonum populum bonitas & vigilantia requiratur personarum, nec facile cuilibet judicariam convenit comittere dignitatem, nisi prius fides, sive strenuitas videatur probata. Ergo cum & fidem et utilitatem tuam videmur habere compertam, ideo tibi actionem Ducatus Comitatus Patriciatus in Pago illo quem Antecessor tuus usque nunc visus est egisse, tibi agendum, regendumque commissimus, ita semper ut erga regimen nostrum fidem illibatam custodias, &c.

Otho the great about the year 970, as Sigonius observed, to assure himself the better of serviceable men, gave them in feodo, dignitates, which were to be duces, marchiones, comites, capitanei, valuafores, and valuasini; or prædia, mannours, lordshippes, and landes; henceforth they beganne to be hereditary, and patrimoniall in Italie. Also about the same time in Germanie, dutchies and counties were given in Germanye to certaine men and their heirs, with the proprieties and regalities.. For before that time there were no titles of honour amonge the Germanes, but *principes*, and *Sempfrien*, which are thought to have been *Barones*.

As yet the name of *duke* came nott into England, for albeit, we find in Latine historians, that manye *duces* were slayne in the Danish invasion, yet they were not *dukes* but *governors of provinces*. For in the Saxon chronicles wherout the Latine was translated, those are called *Ealdormen* or *Eorles*, which in the Latine are named *Duces*. And although many in that age subscribed their names to Latine charters, with the addition of *dux*, yet I have observed in the book of Worcester, that they which are named in some charters *Duces*, are in other charters of the same yeare called *Principes* and *Comites*. And so we see that William the Conqueror, whom we commonly called
Duke

Duke of Normandy, is in the old Saxon chronicle called *Eorle*, and every where in Malmesbury, Willhelmus *Comes Normaniæ*. And Alan of Britaine, whom all men do call *Duke* of Britainne, which is thought to be the most auncient hereditary dukedome, is in that authentic record Domesday Booke named *Comes Alanus*, and not *Dux*. His successors in their charters stiled themselves sometyms *Duces*, sometimes *Comites*; until Philipp the French king in the year 1297 confirmed to them the title of *Duke of Britaine*. Shortly after, that title of duke was first brought into England by K. Edward the third when he created his eldest sonne *Duke* of Cornwall.

N^o LIV.

Of the Antiquity of Dukes in England.

By JOSEPH HOLLAND.

24th. Nov^r. 1598.

IT appeareth in Gefferey of Monmouth, that in Cesar's tyme there were *dukes*, earles, and barons; and that in order to incourage them to fight against the Britons, he gave them greate guiftes of gold and sylver. And Cesar beinge driven to retyer out of Brytane was the last man himself that entered into his shippes; also in the same booke, Cadur *duke* of Cornwall is mentioned as having had delivered unto him by king Arthur; 600 knightes and 4000 esquiers and others men to fight agaynst the Saxons; and Mr. Stowe in his abridgement sayth, that Constantyne, kinsman of Arthur and sonne of Cadur *duke* of Cornwalle, was ordanyd king of Brytonye.

I have an auncient Saxon charter made by kinge Eadgar, whereunto amongest divers others, there are six *dukes* witneses; their names are Aelfhere *dux* Aelfheah *dux*: Ordgar *dux*: Aepelstan *dux*: Aepelstme *dux*: Brihtnoð

Z 2

dux:

dux: also it is to be noted that in this same charter, the names of the archbishops, bishops, and abbots, are written before those of the *dukes*.

Hollingshed in his chronicle, fo. 235, recordeth that kinge Edgar's second wiffe was called Alfreda; being the daughter of Orgar duke of Devon; by whome hee had yssue Egelthred, that was after kinge of this lande, and is buried in Powles.

Duke Wade reysed warre agaynst Ardulfe king of Northumberland, and there is mention of duke Chorthmond and of duke Aldred (Hollingshed fo. 201.)

But whether it was hereditary, or but *nomen officii* before the conquest, I refer it unto them that are better studied therein then myselfe.

The first duke that I finde sence the Conquest was made by king Edward the thirde xj. regni sui; where hee made of the earledome of Cornwayle a dutchye, and created the blacke prince his eldest sonne prince of Wales, duke of Cornwalle and earle of Chester (Hollingshed, fo. 900.) And I have a ded made by the sayd black prince, wherein his stile is Edward Disne Fitz de Roy Dengleter and de France, prince de Aquitonie et de Cales, duc de Cornwall, counte de Chester, and fegnior de Biscane.

Also I have a letter written by the duke of Buckingham unto the duke of Yeorke in the tyme of king H. 6. the superscription whereof is, To the Heygh and myghty Prince, the Right Worshipful, and with all my harte my intirely beloved brother the Duke of Yeorke.

JOSEPH HOLLAND,

N^o LV.

Of the Antiquity of the Name of Duke in
England.

By ANONYMOUS.

27. Novembris 1590.

THE name of dux, or duke signifying a captayne or leader, cannot be of less antiquity in England then ether civil or forreign warrs, which inforceth men of less knowledge or experience to range themselves, and to march under the conducte of men of gretest marke for their martiall feates; for I take this name rather to importe the office of leading an army, then any note of further dignity then belongeth to a captaine. Therefore in Crosius and Beda, they are called *heperozar*, and sometye *labreopar* or *latreopar*.

The Cronicles speke of many duks in tyme of the Brittons, as Glorio duke of Demetia, Coill duke of Kaercolym or Colchester, Cadwanus duke of Venedotia. The Saxons often subscribed their names to charters by the name of duces, as in the charter of Edgar to Westminster, Alfer, Marchere, Osluc, and six other dukes. The like in divers charters before and after his tyme.

Before the conquest, I suppose no further estate belonged to these dukes and leaders then to earles, for the conducte of the men of eache shire belonged to the earles of the shere, which are commonly called *aldorimen*, that is princes, though the word be derived from *alde* or *olde*, as we now speke for *aldoplicnerre* signifieth authority, and *albepdome*, superiority and primacy; and orphans, that are destitute of succour, are termed *aldopleara*. And feldome in the Saxon cronicles are they termed *heperozar*, for that the name of Alderman implied more then heretoge, or captayne, yet an. dom. 1003. yt is said, that Ælfric, alderman, having the conduct of Wiltshire men against the Danes, detracted the battel fayning

Cron. Sax. ing himself sick, so that his people returned back for þonne se heretoga pacað þonne biþ eall se hepe swið gehandrad, if the captayne fayle, the whole hoste is hyndred. This proveth the name Alderman to comprehend heretoge within yt, considering that both in this and al other places of the Cronicle, such as have the leading of the forces of each there have no other addition, but only aldorþmen. But the Danish captains are called Eorles, as an. 871. Athelwulfe fought with ij. eorles at Englefeld, and slew one of them called Sidroc, but iiij. nights after about Reading, Athelwulfe aldorman was slayne, and fowre nights after that king Aethered and Alfred his brother fought with them at Aefesdune, there the Danes divided their battel in two, Bacgseg and Healsdene lead the one, and their eorles the other: king Aethered fought with the company that the hethen kings lead and slew Bacgseg ealfræd feaht swið þara eorla getruman 7 þær feaht swiðroc eorle ofplegen se ealra 7 ofbeann eorle. This is the first place wherein I read the name of eorle, and long after this I find no Saxons called Eorles. In the charter of Edgar made to the abby of Westminster, dated the xvij. yere of his raigne, an. dom. 974, I find these witnesses, Elfered dux, Ethelwine dux, Britnode dux, Oslac dux, Ethelbardus dux; but the Saxon Cronicle calleth the aldormen, an. dom. 983. Alþere ealþorman forðferde, an. dom. 992. Aþelwine ealþorman gefor, an. 991. Britnode ealþorman far oflegen. Where Aetheiwarde writeth that Herbithus dux a Danis in loco Merse Undarum truncatus fuit. The Saxon Cronicle saith an. dom. 838. Hepebræd ealþorman far oflegen fram heþenum mannum 7 monige menn mid him on mepre-parum. St. Edward v^{to}. Kal. Jan. 1066, made two severall charters of fundry possessions to the abby of Westminster, wherto the same men being witnesses subscribe to the one by the name of Duces, to the other by the name of Comites; viz. to the one thus, Haroldus dux, Edwin^s dux, Leofwinus dux, Gyrðe dux. To the other Haroldus dux, Edwinus comes, Girðe comes, Leofwinus comes, Morkerus comes. Now the Saxon Cronicle calleth them generally eorles and not dukes an. dom. 1064. utlagodon heopa eorla Torwig. And again, com Harold eorla; and an. 1066. the same Cronicle saith, 7 hcom swið feaht Moikepe

Wolkepe eopl and Eadpne eopl. In the charter of Wulphere made to Medha stede now Peterborough, it is said, Ego Wulfere Rex cum Sociis regibus Christi Patribus, ac ducibus, hanc donationē confirmavi, wherto some subscribe by the name of Kings, some by the name of Bishops, and, lastly, divers by the name of Princes: which must needs be referred to these whom the king calleth Duces, for that no other but of these three sorts doe subscribe at all.

So in myne opinion dux, comes, Aldorman, eorle, heretoge, ladleow, are names of like dignity; but dux, heretoge & ladleow implie not so much as comes, alderman, eorle, which are names of offices belonging as well to peace as warre, and that by virtue of this office they were princes.

N^o LVI.

**Of the Etymology, Dignity, and Antiquity
of Dukes.**

By Mr. D O Y L Y.

LES anciennes apanages du Fils du Roys de France portoit titre des *Comptes*, Le Compte d'Anjou, Compte de Poictou, Compte d'Eureux, Compte d'Athois.

En quelques Actes & instruments du Conville & de Tollette en la Subcription se trove;

Adulphus Comes Scautiarum, & Dux Venedarius Comes Scautiarum & Dux. Ella Comes & Dux, Faudilu Comes & Dux.

Les Ducs portent la Courrone a haulte Fleurons. Alciat le Jurisconsult dict que de ceste marque n'en scauroit trover que trois ou 4. come *le Duc* de Milan, de Savoye, & de Burgoigne.

Le Duc ordonnant ses Battailles doit avoir son Cheval couvert des ses armes, & luy aussi; & doit avoir sur son Heaulme de teste, un Chapillet d'or bien riche, en signi-
fiance

fiance qu'il soit *Duc*. Et doit avoir une Banniere & penon: Et doit estre accompagne de 400 Lances, & sa Baniere de autant, & le gens de traict al avenant & avec luy, ses Comtes & ses Barrons; et si il ordonne ses batailles a pied, il doit descendre soubs sa banniere, qui doit estre d'eschelles avecs ses Contes & Barons. Et s'il ordonne sa Bataille a Cheval, il doit faire son debvoir jusques a estre mort ou pris. Car le Roy son Souvairain est tenu de le venger, & a tirer hors de prison. Et pour ce peult mieux advanturer une *Duc* qu'un Roy, en quelque Bataille que se soit.

A *duke* had 4 contes, an earle 4 barons, a baron had 4 castelships, a captain 4 fiefs.

Ordinairement, sur 12 Contes y avoit un *Duc*, come les Lieutenans Generauls des Provinces d' a present Commandent aux Gouverneurs particuliers des Places. Et ce *Duc* commandoit aufdits XII Contes, & a leurs gens du guerre les *Duc*, &c.

N^o LVII.

Of the Etymology, Dignity, and Antiquity of Dukes in England.

By Mr. AGARD.

I HAVE thought good to sett downe the reason that induced me to pres so earnestlye the re-examination of our former conferences, for this cause onely, viz. That it seemeth to me in that there was not in anye of our former propositions anye judyciall or fynall conclusion sett downe; wherby wee might say this is the judgement or right opynyon that is to be gathered out of everye man's speache. So as leavinge each question undecyded, our assemblye might be rather demed a courte of *More speech*, as in old tyme there was such an one at Oxford, than a learned conference. Therefore I wishe this abuse (as I take yt under
your

your better correction and reformacyon) might in our nowe meetings be reformed. And that uppon every poynt, men being heard, the foundest judgements might be thereuppon concluded. But now to this proposition, *Of the Etymology, Dignity, and Antiquity of Dukcs in England.*

I reade in a conclusion made after king Edward the Confessor's lawes, that after the realme was shyred, the same shyres were comytted to the government of some one great person for the keeping of the peace, and which persons were receyved into theyre government in this sorte. The men of worthe of that shyre or provence assembled to meet him at a place appoynted, and so dysmounted from theyre hofes and came with reverence to him; and with theyre weapons, as lances, and such lyke, touched the toppe of his staffe, and so thereby promysed him to be his followers, and to be under his conduct for the preservation of the peace, and gave him that tittle *Dux*, i. e. their *captain* under the prince for the rule of that province. He had authoritye to appoynte under officers in that his place, some over ten townes, which were called *Decanos*, quasi *Caput Decimarum Villarum*, some over hundreds, which weere called *Centenarios*, and some over iij. hundreds called *Tithings*. These great persons weere called *Aldermanni*, non propter senectutem sed propter sapientiam.

Some of these I find called in charters *Dux*, and in some other places *Comes*. As Edward the Confessor in his ratyfication of the foundation an. 1043 of Coventrye, calleth Leofric *venerabilis Dux*, yea and the witnesses to the same as well the same Leofric as Godwin, Harold, Swyard, Sweyne, Tosto, and Randulphus. Most of these are called in other charters but *Comites*, so as in theyre government they weere called *Duces*, and for the king's pleasure called *Comites*.

Kinge Edbald in his charter of land given to St. Austen's of Canterbury, dated an. 618. setteth downe divers witnesses who are neither called *Earls* nor *Dukes*, as Egbar-tus, Erambertus, Suerdus, &c.

King Oswyn lykwise dothe the lyke.

Of the Antiquity and Privileges of Castles.

Yea, and yt appeareth that the east kings had manye kings under them, some called *Kings* and some *Duces*. As king Offa in his charter hathe these witnessess, Eafred *filius regis*, Brordran *dux*, Adelard *princeps*.

King Kenulphus in his charter hathe these witnessess in this order; Edapeard *dux*, then the queene Kinhelm, *dux* Bernhered *prepositus*, Endred *rex*, Tydnulf *dux*, Swiden *comes*; and so *dux*, *comes*, and *prepositus* are intermingled one with another, in so much that they seem to have been of equall authoritye before the Conquest. Since the Conqueste, I finde no *duces* before king Henry the 3^d's time. How they are created I leave to the heralds.

ARTHUR AGARD.

N^o LIX.

Of the Etymology, Antiquity, and Privileges
of Castles in England.

By Mr. AGARD.

9. Feb. 1598.

AS to the Etymology of the name, I will leave that point to be discoursed of at large by those who have trayvailled in readinge authors of other nations and languages, for my own part not differing from such who esteem castles to be no other than forts made by conquerours or their under lieutenants, wherin and whereby their souldiers and followers might be retyred and kept safe from th' incursions of their adversaries.

In regard to the antiquity of castles I thinke the same to have benne from Ceaser's tyme, for twoe causes especially; the one, because those holdes or bates resemble moostly the firste foundation of the capitoll of Rome, as I have seen it descrybed, namely, that the chief tower thereof

was but a circular building, and a court trenched about with an hie dytche and some smale walle thereupon. In many places of this realme where those olde rounde towers weere scytuated in castles, theyre weere mounted higher than the reste of the castle, and had in the same a deep dungeon at lease x. or xij. fathom dcep, and a well of of water. Such high towers were called, yea and yet are called the *Keape*, and in some countreys the *Juillet*. The country people being asked what they mean by *Juillet*, will aunswere *Julius Caesar's Tower*. In 4 places in Englande, I have harde the same. Three of these have beene made with round towers, and the fourth with a tower four square. The first is Tutbury Castle. The seconde the castle in Cambridge, where I, being a scholar there, saw the *Juillet* standing, but it hath been since in my tyme defaced. The third rownde one is yet standinge at Warwycke, and the same, to my remembrance, is mentioned by Ceasar in his Commentaries to have been built by him. None of these three can be easely pearced, I mean the mortar of them, with a pyckeaxe, whereas others of a latter building will easelye be beaten downe. The fourth is in the Tower of London, called by some *the Cradle*, and by others the *Juillet*, id est, *Julius Tower*.

These towers or fortes weere at the first of smale content, and sufficed to hold a small garryzon to keep in awe a whole countreye of unarmed people, and so contynued without enlarginge anye wayes all the time of the Brittons and the Saxons, yea, and of the Danes also. For I read in the historye of Normandy, wrytten in Frenche, that when Sweyne king of Denmark entered this realme againste kinge Alred or Alured, to revenge the night slaughter of the Danes done by the Saxons of Englande, he subdued all before him, because there were no fortes or castles to withstande or stop him. And the reason yelded, is because the fortes of England, for the most part, weer buylte after the Normans possessed the realme. The wordes be these ;

Of the Antiquity and Privileges of Castles.

Suen le Roy des Danoyz ala parmy Angleterre conquerant et ne Luy contredisoit lon nulle chose quil voulsist faire, car lors il n'avoit que pon on nulles fortesses, et les y ont puys fait faire celles qui y sont les Normans quant & depuys quils conquistrent le pays.

So as I am perswaded that as the Saxons found the realme without stronge holdes and so subdued the Britons, in lyke case the Danes expelled and vanquished them.

Lastly, the Normans conquered them all, and everye earle afterwards supplied with large buildinges the same Juillets, which have kepte their names to this day. Yea the same have had this pryvelledge never to be rased, but as it were rather to be preserved, savinge that for want of reparations some of them have decayed.

In the tyme of kinge Stephen, when an accorde was made betwyxt him and the emprefs Maud and her sonne, yt was then ordered (because that the Garbriles that then arose sprange cheiflye uppon the fortes of noblemen newlye builte, and strengthend in so greate a multitude) that there shoulde be rased to the number of xii. and xv. stronge holds. Myne author is a leger book in Mr. Walter Cope's custodye, intituled *Registrum Prioratus de Dunstaple*; and his words are these, 1154. *Concordia facta est inter Regem Stephanum & Ducem Henricum quem Rex arrogavit in Filium & Successorem. Addito quod Munitiones Reges tempore fundata diruerentur, quarum numerus usquam ad undecimum Centum xv. excrevit.*

But now to returne to my Norman historye, which I will confirme by the tesymonye of the mooste aunyent recorde of the lande, which is the book of Domesday. And I will shewe that after the Conqueror had disposed to his nobles theyre shares of his conqueste, the same nobles, with theyre friends and followers, drewe themselves into their stronge holds, and there fortified and kepte theyre garrysons for the keapinge under of the conquered, who much repined againste those usurpers, and privilye murdered them, as they founde occasyon and oportunyte, where-uppon the kinge, W. Conqueror, ordeyned the statute,

intituled

intituled Murdrum. But leaving that matter, I come to the course which these gallant conquerors used in theyre severall governments. They gave to theyre followers, which weere, as their charters are intituled, *Omnibus Baronibus et Hominibus suis, tam Franchigenis quam Anglis, &c.* Frenche, Englishe, &c. all the lands about the same castles, to hold of them by Castle warde, as also by yeldinge, some of them rente, and some of them horses, hownds, victualls, &c. The same course did Edward the first hold in the conquest of Wales. For he bound the borderers of the castles to yeild corn for fouldyers, provender for horses, rent, &c. as appeareth in fundrye Welche accompts, which rents are to this day, contynued in demaunde, and payde. In a late Shropshyre account are these words, *Reddit Wardam or Guardam ad Castrum Salop et Averam vic. Et pro MOTTREE, id est, pro fossato Castrum purgando vel mundando, viij^d.* And so again *Tenementum de nobis per Servicium inveniendi unum Hominem cum Hambergenio ad custodiend. castrum nostrum de Mungum-mery pro XL. dies sumptibus suis propriis tempore Guerre.*

These nobles, I say, built and founded foundry strong holds in the realme, whereof I will mention some as they are set down in Domesday,

Wolvham, rex.	Dorset.
Montague, com. Moriton.	Somerset.
Castellum in villa ibm̄.	Glouc.
Castellum Estrighorell fecit	
Comes Wills, item Berchelay.	
Duddelei.	Wigorn.
Castellum de Cliford W ^s . Comes fecit.	Heref.
Ewias Castellum W ^s . Comes reformavit,	
Pro castello xxviii. domus destructe.	Cant.
Rockinghm̄ wasta fuit quamd, Rex Wills jussit ibi	Northt;
Castellum fieri.	
iiij. Domus vaste propter situm Castrum.	Warw.
Henr. de Ferreres habet Castellum de Totebyrye.	Staff.
Castellum Comitum occupavit lj. Mansuras,	Salop.

Rogierius

Of the Antiquity and Privileges of Castles.

Rogerus Comes construxit Castrum Mongomerie vocatum Mezelberie Et ibi fecit Rainaldus Castellum Luure.

Ebor. In Civitate Eborac. multe Domus destructe propter Castellum et vic. testatur illam domum in Castellum proximo anno post destructionem Castellorum.

Linc. Propter Castellum destructe fuerunt Cl. xvj. mansure et lxxiiij. extra meta Castellum wastate sunt per paupertatem et ignium Ustionem.

Essex. In Hundrē de Rochefort Ragomeia in hoc manerio fecit Swenus suum Castellum.

And so foundry others which nunc prescribere longum est.

The privileges of these castles weer most large. At the begynning they had power of life and death; they kept their hostages therein; they imprisoned and tortured theyre rebels and subjects, *secundum delictum*: they were supplied with all services of necessary provisyons; and at this day some of them holde foundry liberties for the levyng of theyre rents. As at Rochester, if a man fail in the payment of his rent of Castle Garde on St. Andrew's feast, he muste every tyde after until he payeth it dubble the same, so as it will in small time rise ad infinitum. Again, if a man be arrested and taken into some castle, his fees are excessive both by daye and night. At Tutburye Castle in Staffordshire, I have known that when a distresse be taken for any of the queen's debts and put into the castle, the owner must pay the debt before he depart thence, and also pay for everye hoose i. penny, that is for every foote of the beasts, horse or sheep (to my remembrance) a penny at the least. Yea, I have seen one neighbour in mallyce dryve his enemyes cattaile thyther, and the partye who was the owner hath been forced to replevy his said cattaile at that price. But this vyolence, thanks be to God, is, by our long peace, and by the laws of the realme in effect quite abrogated, or else suppressed, which I pray God may still dyminish for the peaceable preservation of our prince and realme, and that the names of these castles

castles be changed from *Nides de Tirannie* to *Indigesta Moles* by their ruins.

I will conclude my discourse with a story long agoe delivered by a worthy man, whom I hardly speake it, and it was this. When Goodyn bishop of Winchester was our ambassador in Fraunce in king H. vijth's tyme, whilst he was sitting in discourse with Frauncys the Frenche kinge at dinner, the kinge recounted to the bishop the multitude of stronge townes, fortes, and castles that were in Fraunce, and nowe sayd the kinge, My lord bishop, I do not hear that you in Englaunde have any fortes or castles. Yes, sayd the bishop to the kinge, wee have two. Which are those sayd the king. Marye, Sir, answered the bishop, Salisbury Plain and New Markett Heath, where if so be any enemye offer to enter our land, we have xl. thousande men at eyther place in a day or two's warninge, to give their enemyes such a welcome, that but few would be able to take to their shippes againe.

Per me ARTHUR AGARD.

N° LX.

The Etymology, Antiquity, and Privileges
of Castles in England.

By ANONYMOUS.

CASTELLUM according to the grammarians is deduced, as a diminutive, from castles, and that from casa, because a castle included in it many small cottages. Desire of security and defence was the originall of castles, which after by abuse, became places of offence to the confining neighbours. Such places of defence, caused by necessity, were as auncient in this country as elsewhere. For that there were castles in Brittainne held out by the Brittons against the invading Romanes, appeareth by this passage of Javenall.

Dirue

Dirue Maurorum attegias, & castra Brigantum; as also by another in Tacitus in Vita Agricolaë.

The Saxons had also their castles, which they called Cester and Caster, and yet the Scots call Loncastell, and Doncastell, those places which we call Lancafter and Doncafter. The places of strength also, which they called Feastnes, and Burgh, were nothing els but castles.

William the Conqueror after his arrivall, to assure himself and bridle the English, built divers castles. But in the turbulent time of king Stephen castles were every where reared by the adverse factions; and as Newbrigenfis saith, *Erant in Anglia quodammodo tot Reges vel potius Tyranni, quot domini Castellorum*, which would have their mints, and prescribe laws to their neighbours: and, as Matthew Paris in *Minori Historiâ* calleth them, were the very nestes of devilles, and dennes of thiefes. Infomuch that after the agreement made between Stephen, and H. the 2^d. 1115. castles in England were razed, which Roger Wendover calleth *Castra Adulterina*, and it was not lawfull afterward to build castle-lyke, unless special licence were obtained of the king, which they called *Licentia Firmandi & Kernellandi*.

Lb. 1.
Cap. 22.

N^o LXI.

Of the Antiquity, Etymology, and Privilege
of Towns.

By JOSEPH HOLLAND.

22. June 1599.

AS the desire of defence against injuries of the aire was the first motive of building cottages and houses, so the naturall desire of mutuall societie was the occasion of joining houses together, and consequently of villages. After, as mischiefe encreased, necessitie of defence against violence

violence was the cause of building castles fortified with walles and trenches. But when they were not sufficient to receive all such as retired unto them for refuge, they beganne for more securitye to build townes well fenced, which the Latines in that fence called *Opida*, ab ope danda. Or according to Varro, lib. 4. de lingua Latina, *Maximum ædificium est opidum, ab ope dictum, quod munitur opis gratia, ubi sint, & quod opus est ad vitam gerendam, ubi habitent tute; vel opida, quod opere munibant mœnia quo munitius esset.*

The townes of the Brittaines were only fenced groves, which they called *Luen*, and *Tref*. But when the Romans came hither, and upon occasions encamped in sondrye places, they began to build within those fortified places; and such encampings of the Romanes was the originall of manye townes in Europe. The learned Germanes think that *Sted*, and *Stadt*, which in their tongue and ours signifieth a towne, are derived a *Stativis Romanorum*.

As for *opidum* and *urbs* among the Romans, both in this country and elsewhere, I see them used indifferently for one and the self same place. And Suetonius calleth *Camalodunum*, which was a colony, and *Verulamium*, which was *Municipium*, onely *præcipua oppida*, as Ammianus Marcellinus calleth London *Vetus Oppidum*.

This word *towne*, now in use, is thought to be a meare English word derived from *tynan* to enclose, and brought in by the English Saxons out of Germany, as were *thorpe*, *ham*, *ster*, &c. And yet I have not observed this termination in any towne of Germany where they inhabited. Neither can I suppose they found it here, as they formed their *Chester*, *Cester*, and *Caster* destorted from the Latine *Castrum*, unlesse we may think the word *town* to be wrested from the old British worde *dun*, which, as Clitipho a Greeke author reporteth, signified *an highe place*. And certainly many places which are highe situated, had their termination in this *dun* or *dunum*, as *Maridunum*, *Camalodunum*, *Cambodunum*, *Sorbiodunum*, *Segodunum*, &c. and hence it may be that we call high places *Downs*. Alfricus

translateth *mons* by *dun*, and also Englished *epidum* a fastnes, and *villa* a towne.

There ys a booke in the Excheaquer called *Nomina Villarum*, made 9. E. 2. of all the villages and towns in England.

Nº LXI.

Of Parishes.

By the Same.

Pomp. Lectus in Constantino.

THE word *parish*, we borrow from the French *paroisse*, that comes from the Latin *parochia*, and this from the Greek *parochos*, which signifieth *presbyter*, and had (as Badius affirmeth) its originall, *ab exhibitione sanctifici cristuli*. Aunciently the portion of land assigned to old souldiers was so called.

But though *parochia* cometh neerer to the letter, yet *parocia* agreeth better with the sense, as designing *accolatum* or *accolarum conventum*. They both with most writers are used promiscuously.

A long time after the Christian religion was planted *, they tokened the bishops diocesses, or circuits subject to religious houses, when as well the idoll temples, turned to Christian churches, as those builded of new by devout people, served only for cathedralls or monasteryes, to which the next inhabitants resorted, for receiving instruction, and exercising Christian rites, or for that purpose, flocked to the monks and clerks, as they travelyed through the countrey. Therefore in old writers you have frequent mention of archbishops, bishops, and monks; as also of preists, clerks, and deacons to assist the bishops, but of parishes, parsons, vicars, incumbents, or curates, none at all.

* Beda, l. 1. cap. 28. 30. l. 3. cap. 7. 22. 26. 28. lib. 4. cap. 5. Pont. virun, fol. 107. Henry Hunt, fo. 185. Galf. Mon. fo. 31. Mat. West.

This

This orderly sorting of Diocesses into parishes was first established at the council of Lateran, but when it took effect heer with us in England, I must not say: Holinshed only noteth that the same began since the conquest, and so leaveth us without any farther light.

These our parishes take their names, either from their head saint, or from the scite, or from the lordship in which they stand, or from the fancy of the first deviser.

N° LXII.

**Of the Antiquity, Variety, and Etimology
of Measuring Land in Cornwayl.**

By ANONYMOUS.

20. Nov^r. 1599.

Antiquity.

THE measuring of Land in Cornwayl should seem to be auncient, because the manner and termes thearof do differ from those in other parts of the realme, for seeing we find not whence it hath been borrowed, wee may the more probably conjecture, that the same was brought in by the Britons at their first inhabitation, and so ever since retayned. Howbeit, the use thearoff in former time was not very great. For within memory of their fathers, who now live, the most part of the countrey lay in common, only some parcells about the villages weer enclosed, and a small quantity in land scores allotted out for tillage.

But when the people began to encrease in number, those more mouthes scarcened the corne, and so consequently enhaunced the price; and the gainfull price drew the inhabitants to enlarge, and (though with extraordinary charges) to extend their tillage into the commons, which for the

Of the Antiquity of measuring Land in Cornwall.

better manurance and safer preserving, they divided, inclosed, and so reduced to be severed.

Through these means those who formerly had great store of corne brought weekly to their marketts out of Devon, did in a short time after, prepare and send yeerly a far larger quantity into other parts beyond the seas.

The making of these enclosures, which they terme *clofes*, drew them to a greater need, use, and knowledge of measuring.

At first every tenement (which they call a *Bargayne*) did ordinarily consist of a plow land, and that of about 60 acres, if the ground wear good, or more if barrayner, but most of these Bargaynes, especially neer the sea side, have sithence been sub-divided into lesser portions, and converted into newer dwellings,

Variety.

The variety consisteth not in itself. For throughout the whole shire the measure of ground is one, but in comparison with other countyes it differeth from them, 12 inches make a foot, 9 foot a staffe, 2 staves a land yard, 160 land yards an English aker, and 30 akers of good sqil a farthing. More is taken in measure, where the ground is meaner in goodnes; 4 farthings goe to a Cornish aker, and 4 such akers to a knight's fee.

Note, That in Cornwayl, the relief for a knight's fee amounteth but unto five marks, and is called *Fee Morton*.

Etymology.

Clofes are derived from the Latin woord *Clausus*. The Cornish men terme them by the English, *parcks*.

Bargayn, of bargayning with the lord of the land, for the taking therof, and that of the French woord *bergaigner*, in Cornish *tre* serveth for that, and a towne and village.

Inche commeth from *uncia*, in Cornish *misne*.

Foot of the Dutch woord *fues*, in Cornish *trouz*. *Staffe* of the Dutch *stab*, in Cornish *lorgh*. For land yard *amplio*, in Cornish *Luce teere*.

Aker,

Aker, of *acker*, in Duch a *feild*, in Cornish *erroow*.

Farthing of the Duch *viert ding*, a fourth part, as in proportion it holdeth, in Cornish *ferthen teere*.

Fee of *feodum*, and that of *fides*,

N° LXIII.

Of the Antiquitye, Etimologie, and Varietie
of Dimentions of Land in England.

DIMENTIONS of land are strictly to be taken for the measure of land according to the quantitye of the ground. They be called by the Latins *Mensura intervalorum*, and differ from *divisiones terrarum*, here in England in this sort.

Divisions, we term those that are distinctions and severances of places, for the better government of them, in a politick respect, as shires, hundreds, lathes, wapentakes, ridings, tithings, and such like, of which I will set downe nothing bycause they are out of this question, and may make a fitt matter of discourse of themselves. Hence in our ordinarie speech, a person is said to be a justice of peace, or officer, in such a *division*.

Dimentions of lands with us are topo- graphical distinc- tions.	}	Indefinite and in- certain, according to the custom of the place, as	}	<i>Hides.</i> <i>Carucate.</i> <i>Carue, or</i> <i>Cartweares.</i> <i>Teemweares.</i> <i>Ploughe land.</i> <i>Oxgang.</i> <i>Yard land.</i> <i>Piddle.</i> <i>Furlong.</i>
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Definite

Definite and certayne, as an	}	Inch.
		Foot.
		Yard.
		Pole.
		Perche.
		Daywork.
		Rood.
		Half acre.
		Acre.
		Flue.
Fathom.		

Of the topographical distinctions that are indefinite.

Hide is taken to be a ploughe land, as much as one might keep a teem on, and land sufficient of arable, hay, and feeding. The use hath been in old time to tax the subjects withe payments and munition for the defence of the realm according to the hide. Thus Etheldred who was king of England; an^o 978. taxed everye 310 hides at a ship, and every 8. hides at an armor for one man, for defence of the realm against the Danes. Yet did the same king leave his crowne and land to Swain, king of Danes, an^o 35. sui regni, anno domini 1012.

Holin: de-
scrip. Brit.
fol. 40. nu.
10.

Hideland is taken for a family; because it is as much land as one family used to live on, and manure.

Thus the Isle of Thanet in Kent, had 600 families or hidelandes, as Beda describeth.

Carrucate, Carue, Cartwear, Teemwear, Plougheland, Oxgange,	}	are divers termes, which have all one signi- fication withe hideland, but are used in divers countries. As in Lincolnshire for hideland, they use carrucate, cartwear, or teemwear, which is as mutche as they may work with one teem of horses or oxen: and in the Northe oxgang is most usual.
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Yard land is a term used in the common fielde countries, as Northampton and Leicester shires, and is much less then a plougheland. For in the best foyles whiche ask most toyle, 3 yard land is but a plough land: in the lighter groundes, 4 or 5 yard go to a plough. They have belonging to them, the pasture or lea grownd, and medow

proportionable to their arable: in some countries they consist of more acres, as 60, or 50. and in other countries of less, as 40, 30, and 20. But generally it is observed, that in the best grownds, as there are fewer yard lands to the ploughe-land, so they though they have fewer acres to the yard land, yet the goodnes recompenseth the number.

Furlong is taken sometime for a greater quantite of land, sometime for a lesser, but is not of any certeyne quantite definite.

Piddell or *Pidella* is used for a little smale close, and as it semethe is so called of *Pes* a diminitive, as understanding it to be a *smale foot* of land.

N^o LXIV.

Of the Antiquity of Ceremonies used at
Funeralls.

By Sir WILLIAM DETHICK, Garter.

9th February 1599.

TOUCHING this proposition for funeralls, I cannot produce any thing unspoken by this learned society. Yet let me crave your patience to saye what I conceive of many histories, and of Moyfes the best wryter of the beginning of the world, and of the creation of mankind. He doth approve how that Adam was made of the dust of the earth, and that when he had transgressed the commandement of the Almighty, God pronounced this dome and judgment upon Adam and his posterity; *thou art dust of earth, and to earth thou shalt returne.* Therefore I thinke it to be the best kynd and manner of sepulture, for all men, after theyre estates and degrees considered, to be honorably and decently put into their graves, and to be covered with earth. It is alledged that Adam before he

was



Of the Antiquity of Funeral Ceremonies.

was put out of Paradise dwelled in Agro Damasceno, and that there Abell was murdered by Cain, and was buried nere Jerufalem or in Hebron, as som report. But omitting the varieties and alterations of those confused people who lived almost 2000 years before the lawe, we must all allowe of the traditions of that great patriarche Abraham, who was descended of Sem, the son of Noah, and of other best records of the Hebrues or Juish nation, who affirme and allow of the ground and place for the funeral of Sarai; which Abraham bought and purchased of the children of Cham, and wherein the issue of Abraham were afterwards entered with great pompe and solemnity. As is written of Jofephe, who caused the corps of his father Jacobe to be so transported sumptuously out of Egipt. We shall not I think forget amongst us to remember the many sumptuous tombes, funeralls, and monuments of the Babylonians, Assiryans, and of other the monarchies in the world. Neither the mausoleum made by Artemisia, nor the counterfeit therof made by the flatterers of Augustus the emperor, at Rome in Campo Martio, nor the miraculous Pyramides at Memphis in Egipt, which were made of brick for the prynces and Pharoohs, by the Jewish peoples labour, and which yet continue the wonder of the world; therefore all these I pass over and come to the piety of ould Tobias remembred for his labour employed in the buriall of dead bodies of men, and for his paynes therin, and how his patience for his blyndeness therby increased the memory of him. The funerals of David and Solomon, as also those of other the kings of the Isralites were performed in all magnificence.

When Christ Jesus came to fulfill the word and worke of our redemption, we find the comly order for the funeralls of the widowe's sone, and of Lazarus: as also how the body of Christ himself was put into a new sepulture.

This may suffice, but yet I would not omitt some of the vanities and varieties of other people and nations, differing from each other in manners as well as in matters of estate, goverment, religion, and policies: I find that antiently

tiently most people have consumed their dead bodies in fire ; though some did eat them, esteeming theyre bellies to be the most precious place for the burial of theyre parents, and so opiniated were they, that they would not be diswaded from it, no less then others could be perswaded thereunto.

Some people used immoderate laughter at the funeral of theyre friends : and on the contrary the Irish nation exceed all others in their howlings and lamentations.

The solempnite used by the Romans in their funeralls, Virgil in the XI book of the *Æneid* speaking of the funeral of Pallas, describeth the most ingeniously and particularly.

Hæc ubi dessevit, tolli miserabile corpus
Imperat, et toto lectos ex agmine mittit
Mille viros

Tunc geminas vestes ostroq. auroq. rigentes
Extulit *Æneas*. *

Multaq. preterea laurentis præmia pugnæ
Aggerat, et longo prædam jubet ordine duci.
Addit equos et tela quibus spoliaverat hostem,
Indutosq. jubet truncos hostilibus armis
Ipsos ferre duces, inimicaq. nomina figi.

Ducitur infælix ævo confectus *Acetes*
Ducunt et *Rutilo* perfusos sanguine currus.
Post bellator equus positus insignibus *Æthon*
It lachrimans.

Hastam alii galeamq. ferunt : nam cætera *Turnus*
Victor habet : tum mesta *Phalanx*, *Teucric*. sequuntur
Tyrheniq. duces, et versis *Arcades* armis.

Postquam omnis longe comitum processerat ordo
Substitit *Æneas* gemituq. hæc addidit alto

Salve æternum mihi, maxime *Palla*.

Æternumq. vale.

* It is reported of *Samuell* the good judge how he died and was buried in *Rhama*. The *Machabees* set up pillars upon theyre tombes, having ships carved on the toppes of the pillars at theyre citty at *Modin*, noting theyre descent from the trybe of *Zabulon*.

Of the Antiquity of Funeral Ceremonies.

It were superfluous to repeat any thing out of Cæsar, Tullie, Livye, Plutarch, or Tacitus, relating to the solemnities of funeralls. It is proved that the ancient Romans interred the bodies of their dead: yet when they had intelligence that the bodies of suche as were slayne in their forreigne warrs were by their enemyes afterwards pulled out of theyre graves, they instituted that law which directed to burn them; for it is said, that before the tyme of Sylla, the dictator, *Nemo in Cornelia domo crematus. Id autem ipse jussit fieri, talionem metuens cum Caji Marii Cadaver erui fecit.* Contrary to that good opinion of the poet; *Pascitur, in viris Livor post fata quiescit.* The Romanes in the burning of their dead bodies did use *varios odores rogo impofuere.* As in the funeral of Sylla, the matrones of Rome brought abundance of spice and oyntements *admirandi pretij.* Antony's invention for the eagle to flye out of the flame at the funerall of Cæsar, was no less famous, then rydiculous. But leaving those Romanes and other histories in this case, let us come to our countrey of Brytaine, where in the tyme of Cæsar, and long before, the Brytanes were not barren of examples in their funeralls. For brevity sake I shall mention only, how honorably that valeant Brytayne Nennius, slain by Cæsar, was carried to his grave, having the sword of Cæsar wherewith he was wounded, and which stuck in his sheild, carried before him.

It is not to be doubted that the ancient kings of this realme and other nobles, have been continually most honourably interred as the tyme and custome did permitt.

Saint Edward the confessor, by whom the fryars and channons of the churches have fructefied, was most sumptuously interred. So also was Syward earle or ruler of Northumberland, of whom it is reported, that being sicke not long before his deathe, he armed him in all his armor and satt up, saying, that a valeant man should die in his armor.

William

William of Normandie, called the Conquerour, was famous in the fabricke of his church for his funeral upon another man's ground and inheritage.

Kinge Henry the third assisted solemply at the funerall of Symon de Montfort in the Abbey at Evesham, although that king was his prisoner.

Edward the 4th. assisted at the conduct of his father's (Richard duk of York) corps translated and brought to the college at Fodringhey.

And king Henry 7th. in the 14th year of his reign, was at the funeral of the lord viscount Wells.

We must not forgett the auntyent manner of the sepulture of kings in this realme, and how they have ben honored and adorned. The corps preciously embalmed, hath been apparelled in royal robes or estate, a crowne and diadeame of pure gould put uppon his head.

Having gloves on his hands, howlding a septer and ball with rings on his fyngers, a coller of gould and precious stones round his neck, and the body girt with a sword, with sandalles on his leggs, and with spurrs of gould. All his atchevements of honor and arms caryed up and offered, and theyre tombe adorned therewith.

How the byshops also and prelats with abbotts mitred have been gloriously interred with rings, crosyers, aubes, myters, &c. I will not trouble you.

In the tyme of king Henry 8. and in the third yeare of his reigne, I find that the Lord William Courteny had his majesty's gracious letters patents to be earle of Devon: but he was not created; neverthelesse the king would that he should be entered as an earle, which was prepared in all forts accustomed. And further that Sir Edmund Carrewe knight was in compleat armor, and coming ryding into the church alighted at the quier, and was conducted by two knights, having his axe in his hand, with the poynt downward, and the heralds going before him. In that sort he was delivered to the bishop, to whom he offered the axe, and then he was conveyed to the revestrie, &c.

Of the Antiquity of Funeral Ceremonies.

Befyds the manyfold examples hereof, it appeareth in the records of the Exchequer, that William de Cufanza recieved of the king's allowance, the charges that he had made for the funeralls of the lord John earle of Cornewall Fratris regis anno 10. Ed. 1.

There is a proclamation of K. Ed. vj. for breaking of ments.

At the fompitous and stately funeralls of the laft Anne duchesse of Somerfet, which were performed by the right honorable Edward earle of Hertford hir executor, anno 1587, there was a portraieture of the fame duchesse made in robes of her estate, with a coronicall to a duchesse, and the fame representation bore under a canopie; and all the other ceremonyes accomplished; and bycause there was no duchesse to assist thereat, the queen's majesty gave her royal consent that the countesse of Hartford his wife should have all honour done to her after that estate during the funerall. As by warrant directed to me under her majesty's hand appears.

And for the late Scott's Queen lykewife all pryncely and royall ceremonies were observed at her obsequies.

The countesses of Rutland and Bedford representing that royall estate with the assembly of noblemen, countesses, baronesses, and ladies attended exprefsly, from and by her majesty's pleasure, and at her highness's expences to the amount of 4000 librar. in the provision of all which, and the ceremonyes pertaining to the fame, on account of my office, I myself had the principall direction.

Excuse me I praye you in what I have rudely remembred or abruptly neglected.

Ultimo Aprilis, } W^m. DETHICK, Garter principall
1600. } kinge of arms.

Nº LXV.

Of the Antiquity of Ceremonies used at
Funerals in England.

By ANONYMOUS,

9. Febꝛ. 1599.

THE ceremonies used in the burials of gentlemen both in this realme and in all Christian kingdomes aymed onely at two special purposes; those wear the profit of the church, and the honor of the deceased. The profit of the church grew by the oblations made at the funeralls, by the heir and frendes of the dead; the honor of the dead grew by the solemnitye and state of the funeral, and by the erecting monuments for the memory of him that was buried, as what armours, swordes, helmets, penons, and such like ensignes of honor appertained to him. So the whole profit of the funeralls was distributed among two kinde of people, the one priestes, who were supposed to have the care of his soul, the other, officers of armes, that were intended to preserve his honor here on yearthe. And we finde that between these people, there used to be a kinde of strife and contention, which of them sholde challenge most to themselves in this solemnitic.

In 9. E. 4. Rot. 14. a bill was) brought in the King's 9. E. 4.
Benche by the ladie Wiche against the parson of a church,
for taking out of the church a coat armour, a sword, and
certein penons, withe the armes of Sir Hughe Wiche her
husband. The parson was apposed by Yelverton, and
sayd that they were oblations, and belonged to him; and
Yelverton sayd that they wear hung there for the honor of
the corps, and not for oblations.

By the canon law there is due to the parishe church of
him that is buried, *Portio Canonica*, and therefore there are
many controversies rayfed in the cannon law between re-
spect of the church profit, and of the honor of the dead,

as

Panor. in
Canones
instituta.

as that which Panormitanus discusseth upon in the title of burials, nu. 3. fol. 133. where the question is, “ if a man “ dye, not disposing where he will be buried, whether he “ shall be challenged by his parishe church, or by the “ church where all his ancestors were buried.” And it is resolved by the great docters, that he shall pay *portionem canonicam* to his parishe church, and be buried with his ancestors, if his heir and frendes will. By which decision, they provide bothe for the honor of the dead, and their owne benefit. Many questions and controversies we finde in the canon law *de oblationibus in celebratione funerum*, by which we may perceive, that manye of the solemnities used in burials, tended to the profit of the church, in making great offeringes, as of morning clothes, money, skutchions, and futche like.

There was never more solemnitye used in funeralls by any nation than by the Romans, which I will describe shortly, leaving the comparison of it with ours, to those gentlemen whose profession it concerneth to speak of our funeralls here in England. Their first ceremonie was *acceptio spiritus ultimi* by his freinds, whiche they did into their own mouthes ; and *occlusio occulorum*, which was done also by his nearest freinds, and they were opened again by them on the herse whereon he was layed to be burned.

Then followed their *conclamations per intervalla* and divers washings of the bodie with warme water, and anoynting of it for seven dayes togeather. They that thus washed it, were called *Pollutores*. Then on the seventh day it was clothed in white, and set upon a bier at the gate of his house, with his face turned therefrom. The doors of the house were ever stuck withe cypress, because that tree being once cut never groweth again. Then were the people called togeather *per publicum praconem*. There went before the funerall musitians, *Tibicines* if he was a mean man, if a great man *Tubicines* ; then the ensignes of his office, as *virgæ*, &c. : then the rewardes given him in war and peace for his desert ; then all the images

images of his ancestors *super lectis*, upon beirs, cloathed in their honorablest attire they might wear: then *liberti*, and then *amici*, *propinqui*, et *liberi*.

The bodie was carred upon the sholders of honorable persons if he were *imperator*, or *consularis*. Paulus *Æmilius* was carried by the ambassadors of Macedonia, Sylla by senators and Vestall virgins, Metellus by three consulars his sons. If he wear a mean man, he was carried by *Vespillones*, officers so called of *Vespere solabant efferre funera hominum infimorum*.

He was carried into the forum, and there commended by an oration. From thence he was carried out of the citie and so burned. And that was the end of their solemnitye.

The solemnities of the greatest princes in Christendom are nothing to be compared with those used in the burials of some citizens of Rome, as in Sylla's, that had 6000 *lectorum*, six thousand beirs, on which were carried the images of his ancestors and his honors.

What is the meaning and purpose of many ceremonies used among us at this day in the funeralls of great men, I will leave to those gentlemen to unfold that are exercised in the profession of honors, as properly appertaining to them. I will not meddle with it, bycause I know I shall speak before true censurers, I have only set down this little you have heard, lest I shoulde be condemned for saying nothing.

N° LXVI.

Of the Antiquity of Ceremonies used at
Funeralls in England.

By Mr. HOLLAND.

30. April 1600.

IFYNDE in Geffery of Monmouth, that Nennius brother of Cassibelan fightinge with Cæsar, Cæsar's sworde did stick soe fast in his targett, that he was not able to drawe it out withall the force he had; and thereupon, helpe comming to the rescue of Nennius, Cæsar left his sworde behinde him, and fled away; but Nennius beinge fore hurte in the heade by Cæsar att that tyme, dyed within xv. dayes after, and was buried at Troynovant, nowe called London, by the Northgate; and att his funerall the sworde that he had won from Cæsar, when he fought with him, was putt upon the toppe of his coffin to honor him withall, and so carried with him unto the place of his burial; the name of this sworde was *crocea mors*. And there was never any that did eskape with lyffe, that was hurte with that sworde.

Belyn sometyme kinge of this lande builded a haven, with a gate over the same, within the city of Troynovant or London, which place is now called Belingate, in the toppe whereof was sett a vessell of brasse, in the which were put the ashes of his bodye; which after his decease was burnt, as the manner of burninge in those dayes did require.

Mr. Stowe in his Survey of London doth shewe that in the yeare 1576 in the Spittel Feeldes without Bishoppegate, manie earthen potts called Urns, were founde full of ashes and of burnt bones of men, to witt, of the Romanes that inhabited here; for it was the custome of the Romans to burne their dead, and to put their ashes in an urne, and burye the same. Very many of these potts had in them
with

with the ashes of the dead, one peece of copper money with the inscription of the emperor then raigninge, whereof myself beinge present att that tyme, and seinge dyvers of the faide potts taken upp, have one antiquitye in copper of Vespasian found in the said urne.

There was also another ceremonye observed in buryeing those that had made profession to fight for the defence of the Holly Land, which was, that they were buried with their legges acrosse.

JOSEPH HOLLAND.

Nº LXVII.

Of the Antiquity of Ceremonies used at
Funerals in England.

By Mr. LEY.

WHEREAS there was an identity of religion and manners among the auncient Gaules and the Britannes, by the consent of auncient historians, we must thinke that they used the same forme of funeralls with them, as they did other matters. Their funeralls, as Cæsar recordeth, were magnificent and sumptuous. All that they esteemed most in their lyfe, were cast into the funerall fire with them, yea their horses and their houndes; and in former tymes, their servaunts and retainers which weer nearest and dearest unto them, would cast themselves into the fire with them; and as Pomponius Mela reporteth, the Druides, their priests, did assure them that they should live again in another world. When they buried or burned their dead bodyes, they would cast into the grave or fier their bookes of acoumptes, bondes, and obligations, that they might recover there debts in that other world.

When the Romanes had reduced Britaine into a province, the Britains conformed themselves to thaire customes,

Of the Antiquity of Funeral Ceremonies.

for *victi semper in victorum mores abeunt*, and therefore noe doubt the Romane funeralls were here in use, and which were so called, a *Funallbus*, because they were solemnis'd by torch light, the day being spent in sacrifices.

When the freinds and kinsmen had received with a kisse the last gasp, and clos'd the eyes, they washed the bodye of the defunct, and after certaine patifes, called him by name. The seventh day they carried him out, cloath'd in his best apparell into the entrance of the house, with his feete towards the street. At the door was set up a Cipress tree bushe, because that kynde of tree, being pruned and cut doth never revive again; as they imagined there was no second lyfe after death.

The people were gathered together by a crier on the buriall daye with these words, *Exequias Marco Lucio, Marci Filio quibus commodum est ire, jam tempus est, ille ex adibus effertur.*

In the proceeding, first went a piper which some tyme played, and some tyme songe the praises of the defunct. Then followed the ensignes of the offices which he had borne. His servants followed with capps, or whit woole upon their heads. Then came the *præfica* weomen hiered to sighe, sob, houle, and weepe. After the corpse, came the kinsmen, freinds, and neighbours of the defunct.

If the person was a man of any high reputation, there was a funerall oration made for him in the principal parts of the city.

When he was brought to the funerall, a finger was cutt off to be reserved for an anniversary remembraunce; and then the body was put into the fier, which was made after the manner of an altur, with pyled billets, and Cypresse braunches set round aboute to alaye the unwholsom smell.

The nearest kinsman turning his face away from the pile, with a tortch kindled the funerall fier. The ashes and bones were gathered, and putt in a vessell called *Urna*, and odoriferous liquors poured uppon them out of glasses, which were buried with the *urna*. Of these wee have
seen

seen some digged upp in the Spittle Feilds with liquors as yeat remaining in them.

This done, the præficæ cried *Illicet*, you maye now departe, and then all which accompaned the course cried with a loude voice, *Vale, vale, vale, nos te ordine, quo natura permisit, sequemur, &c.*

This forme of burning, after the tyme of Antoninus Pius, begane by little and little to be relinquished, and then they begann again to bury the dead alonge the highway sides, and there to erect inscriptions to their memories. In like manner they were not any buriall within the cityes and townes of England, until the tyme of Cuthbert archbishop of Canterburye, about the year of our Lord 740.

In the Saxon's tyme, I observe no speciall forme of buriall, but that the dead were interred in their apparell according to their estate, as the body of Cedwall, kinge of West Sex was founde not longe since at Rome in a garment of cloth of gould; and I have noted in Bede, that a banner of purple and gould was hanged over the tounge of king Oswald in the abbey of Bardenev.

In the Norman tyme, I thinke the dead weare buried in their apparell with ther faces open; for as Symon of Durham noteth, king Henry the second was caried to church in his royal robes, having a croune of gould uppon his head, his gloves on his hands, his ring on his finger, his scepter in his hand, his shoun of cloth of gold, with spures of gold, and his sword by his syde; at which tyme his sonne Richard came, and bloud imediately issued out of the nostrills of the dead king. And it doth appeare by the White Booke in Guildhall, that before the tyme of king Edward the third, at the buriall of Barons, one armed in the armour of the defunct, and mounted uppon a trapped horse should carrye the banner, shield, and helmet of the defunct. About that tyme begane the use of herfes, composed all of wax candles, which they by a Latin name called *Castra doloris*.

N° LXVIII.

Of the Antiquitie of Ceremonies used at
Funeralls in England.

By Mr. ARTHURE AGARD.

30. April 1600.

I WOULDDE willinglie keape silence in this proposition, weere it not that I am taxed there unto by a generall order designed to all, because it is quite besides the quesshyon of my profession, reading, or observation; but yet, what I have in my time noted partely by readinge, and especially, what I have heard thereof, I will aforde to your wise conceiptes, hoopinge you will take in good part whatsoever I shall therein impart.

Yt is agreed by all wryters, that before the Romans entred into this land, the ancient Britons possessed the same: and they used for the mooste parte to burye their dead, some in the grounde, and some above the grounde, coveringe the latter with pyramids of earth, but upon those within the grounde they used to sette pyramids of stone, as is to be seene at Borowghe-brigge to this day, where some pyramids of a great howgeness yet stand, supposed by the inhabytaunts of the countrey to have been pitched there for a remembraunce of some notable persons slaine there at a battell. I myselfe sawe some of these xxxiiij. years agoe, when I was attendinge on Sir Nich. Throkemton, who wayeted on the duke of Richemount, who reported what he had heard xxx. yeares before that tyme to the like effecte.

For them above the grounde buried, I have by tradition heard, that when any notable captayne died in battel or in campe, the souldyers used to take his bodye and to sett him on his feet uprighte, and put his launce or pyke into his hand, and then his fellow souldyers did by travell,
everye

everye man bringe so muche earthe and laye about him, as should cover him and mount up to cover the toppe of his pyke. To that purpose I remember I saw once vj. miles from Cambridge, at a towne, beinge about a myle or twoe from Babram, three of those pyramids of earthe, that in the middest far surmountynge the other twoe. This lordship is belonging to the heyres of Clopton of Clopton in Suffolk, and is called ————. It happened about xvij. yeares past, I was with one Mr. W^m. Clopton at his howse, who toulde me that a tenaunt of his took down the earthe of one of them, and dinged his grounde therewith; and toulde him that he founde a deade man's boune therein, yea, also, that he gave him foundrye olde brasse peeces of coin, but, sayd he, it was toulde me, that my tenaunt founde treasure therein, and so it might be, for he was never poore after that yeare he digged it downe.

A gentleman in Staffordshire, called Stephen Bagott, at a place called Swethoneleye in the Moreland, digged upon foundrye rayfed hills for stonne to inclose his grounds, and founde in the same foundrye urna's, potts, and dishes of earthe, and in potts smale boones and ashes, whereof I saw some nowe about xxxviiij. yeares paste; but that manner I think rather proceeded from the Romans than from the Britons, who weere always carefull to keape theyre auntyent customes in the observations of lawes and course of lyffe. That is to be proved by king Arthure, whose monument was found in king Edward the first's time, in the church-yarde of Glasfenbury, with his wife buried by him. He was layd very deepe into the grounde, put into a hollowe tree, and being taken up, there appeared on his head foundrye woundes which he had receyved. His bodye and that of his wife were bothe again buried in the churche by the king's commaundement at Glastonburye. And as I have read, the same bodyes weere founde and searched for by the king's commaundement, who understoode thereof by a minstrell, or as they tearmed him, one of the bardi, used as heraulds in Wales, who sung a songe thereof before the kinge. So as it seemed the Britons

tons kept it in tradycion amonge them, I mean of the place of king Arthure's buryall. This was after Christyanytye was received into England; and thence appeareth howe everye great king, prince, or lorde, called Alderman, woulde be buried in churches. After fryars cam into Englande, which was not before H. 2's. tyme, it was accompted a very meritorious deed to be buried in a fryar's cowle, called a Fryar's Gowne and Hoode, witness Erasmus in his Colloquium. And now within theis ten years at Evesham, in the breakinge downe of the olde walles of the churche there, the bodye of a man was founde wholle, lapped in a freere's gown, with his hair and face wholle to be seene; but beinge a while in the air, being touched he fell into dust, as I was toulde at Evesham, by a gentleman that sawe the same.

For the variety I leave it to herauldes to discourse, as apperteyning to them, bothe for that and for ceremonies. In the historye of Normandy is expressed the manner of the funerall of kinge Henrye the seconde. That he was clad in in princelye robes, bare faced, a crowne uppon his heade, a scepter in his hand, &c. and so layde uppon the bier and placed under his hearse.

This is also worthy the notinge, that it hath alwayes ben reputed an honor and honest reputation to be buried in Christian buryall; that is, in places designed and sanctified to that use; and for that cause, in some parishes there have beene some patrones, that have reserved to themselves some special places within and without the churche, wherin they would not permitt any other to be buried but their owne kin; and I have known great stirre and futes at law bothe about that, and for pewes in churches, as witness the matter of William the Conquerour. When he cam to be buried, a subject of his denied it to him, untill he was compounded with for the place of sepulture. This is enough as to this matter, except I could speak moore aptlye to the purpose.

N^o LXIX.

Of the Antiquity, Variety, and Ceremonies
of Funerals in England.

By Mr. TATE.

30. April 1600.

SENECA, *de remediis fortuitorum*, seemeth to be of opinion, that the use of burial spronge from necessity, to avoid inconveinences that happened by the sight and smel of dead corpses, most lothsome to the livinge, rather then from a natural instinct and dutifull love to the deceased. This opinion may seeme to be strengthned by this, that neither prophane nor sacred story doth name any, that was buried before Sara: yet I make no doubt, but as men died, they were entered with a most reverent respect to their persons in al ages, and amongst al nations; some publickely with great magnificence and solemnity both men and women, Christians and Infidels, emperors, kinges, princes, captaines, soldiers, and men of warre; others, privately and without pompe, ether for feare of their enemies, or want of welth, or because thei weare malefactorres. In the manner of burial almost every nation had its proper custome, and every singular person had some special difference in his funeral from others. Reverence and comeliness, which at the first were principalli regarded, turning into pompe and superstitious vanity; in so much, as their is no nation wherein laws have not been made to prohibite ill customes crept into funeralls. If I should handle these generall heads particularli with a multitude of words, I should wery yow all, therefore I passe them over and will omit to speak of *funus, humatio, sepultura, iusta, exequiæ*, and whatsoever by the generality may cause prolixity. For in this question, the greatest difficulty I finde, is to use brevity, though nothing be spoken

spoken but of this realme: wherein I am perswaded the Druides, who taught the doctrine of the immortality of the soule, caused a commely enterrement of the dead to be used; the particularities wherof is therefore omitted in authors, because it varied nothing from those of our neighbouring countries. That which Cæsar and Tacitus have noted of this kinde in Germany and France, differ very little from the old custome of the Brittons, as by a strict observation shall be found. Cæsars words, li. 6. de Bello Gallico, are these, *Funera sunt pro cultu Gallorum, magnifica et sumptuosa, omniaque que vivis Corda fuisse arbitrantur, in ignem inferunt, ac paulo supra hanc memoriam, Servi & Clientes quos ab hiis dilectos esse constabat Justis funeribus confectis, una cremebantur.*

Now let us see the accustomed solemnities of funeral obsequies in Englande, both in this age, and in ancient time, and we may very well judge whether they resembled the fashion of the Gauls or noe.

When life beginneth to forsake the bodie, they which are present close the eies and shut the mouth, according to the custome of the Jews, Græcians, and Romanes; as shall after appear.

The soul being seperated from the body, the corps in ancient time was washed amongst the Jewes, Romans, and Christians.

Then is the body laid forth, as thei terme it, upon a floore in some chamber covered with a sheete, and candels set burning over yt on a table day and night, and the body continually attended or watched. Though the custome of burning candels be now growen into difuse, being thought superstitious. Yet Isodore thinketh that funus hath his denomination a funibus accensis, Phinius, li. 16. ca. 38. hath these words, *Stirpi fragiles palustresque quibus detracto Cortice candele luminibus et funeribus serviunt.* There is yet in use amongst us such kinde of candels, which, because they were in former times applied to this kinde of use, do beare the name of Watche Candles. These watches being much abused, it appereth by the provincial

provincial constitutions gathered by Lindewoode, that they were prohibited to be continued in such multitudes, as were wont to assemble together in the night upon such pretence.

Amongst us there is not any sett and determinate time how longe the corps should be kept, but as seemeth best to the friends of the deceased. The custome of the Romans was to keep men unburied seven whole dayes: the Egipcians kept such as were imbalmed by the space of xl. daies; and that is the terme most usual in roial funerals, during which time, many in testimony of exceeding love have not moved themselves from the sight of their deereft friends. The body was thus kept unburied, not only to avoid hasty buriaill of such as might recover, though they seemed for some longe season to ly as deade, but to provide thinges necessary for solemnization of the funeral, and so long time the dead body is said to keepe possession of the house wherin he lieth. For Braçton divideth possessions thus, *alia est civilis, alia corporalis: civilis que animo tantum retinetur, naturalis que tantum corpore. Sed acquirere nemo potest possessionem, nisi animo et corpore, fo. 38.*

The appointed day for the funeral being neere, the body is wrapt up with flowers and herbes in a faire sheet, and and this we call Winding a Corpse. Whether any clothes be tied about his jawes to hold them up, or when, or by whom it is done, I think at this day is little regarded amongst us. After this, the body is put into a coffin of wood or stone, or wrapped in lead, and sometime there is put up with it somethinge which he principally esteemed.

Nennius frater Cassibelani Regis Casurem in casside percussit, sed cum Caesar lethaliter vulneravit, gladius autem Caesaris in clypeo Nennii remansit, cum quo Nennius Labienum Tribunum necavit. Gladius Caesaris, dictus, crucea mors, cum Nennio in sepulchro positus. About 20 years past, as the servants of Mr. Kendal were plowing his grounds at Tompson in Norfolk, they found a vault, and therein a man lying buried, and a booke with beffe on his brest, and in the same were found diverse pieces of brasse

Of the Antiquity of Funeral Ceremonies.

coine; the body and booke being touched fel into dust. About a twelmonthe past, there was the body of a bishop digged up at Rochester, and in his tombe was founde his crosier, staff, and a chalice; and Josephus in the 7 booke Antiq. Judaic. c. 12. saith, that Solomon buried great riches with David his father. Amongst the Romans the like custom was used, till it was prohibited. For Ulpianus saith, *Non oportet ornamenta cum corporibus suis condi*; the coffins, loculi, or sarcophagi, in the Saxons time were commonly of stone or woode; I never read of any to be wrapped in lead before the Conquest, but for the antiquity therof, I wil shew a presentment, which was made Itinere Northt. 13. c. 1. in hundredo de Pokebroke. *Ricardus de Sanwig serviens Emme Uxoris Hugonis de Aston arando terram dn̄e sue in campis de Aston, in loco qui vocatur Cherceforde furlonge, invenit quandam magnā petrā, et fodiebat, et invenit quandam tumbam: et venerunt Ballivi domini Regis simul cum tota patria et asportaverunt tumbam et invenerunt de intus ossa cujusdam hominis involuta in plumbo, et albo pulvere, de qua materia nullus sciebat, et plumbum traditum fuit Ville de Aston.* On the day of the interment the body is brought forth of the chamber, where before it lay, into the hall or great chamber, and there placed till the mourners be reddy and marshalled; but this is not done with any of the observations of the Romans in their *Collocatio*, save only that the body is laied with the face upright, and the feet towards the doare.

The coffin or beare is covered with a sheet, over which lieth a blacke cloth or a blacke velvet covering, round about which are hanged the armes of the party that is dead, and so he is carried towards the grave.

Some say, that the creditors may stay the body of their dettor from burial, til they be fully satisfied thier debt, and the glosse uppon Linwoode alledgeth this to be a lawe in England, but I thinke no man ever heard any such thing practised in Englande. I have read that William the Conqueror's body could not be committed to the ground in Caen in Normandy, till his executors had agreed with one
that

that claimed to be lord of the soile where the church stood, but never of any other interruption of funerals.

The corps is taken up and carried either by poor people chosen out for the purpose, or by the servants of him that is dead. They and the rest of the servants clothed in blacke goe before the corps, his kinsfolke and familiar friends followe after in blacke gownes and hoodes. *Of principal mourners who they must bee, and how many and which of them shall be close whooded, and which not, I leave to them whose larning it properly concerneth.* Then they carry the body the best and most convenient way to the grave, and neither into the market place, nor other streets for ostentation; and if they be barons or men of high degree, they are set under an herse covered with blacke. How to render that worde in Latin, or what the signification thereof is in English, unless it come of *HERE, Dominus, Princeps*, for in Dutch *HERRISH* is that, which belongeth to a lord, and so the very name of an *HERSHE* or *HERSE* should put us in minde, that it is peculiar for lords and great personages. Some cal it *Pyramis*, but it seemeth to be improper; *herfes* never resembling them in fashion.

Tac. Annal.
14. 105.
blade Te-
nats.

I thinke the Saxons (whose worde by the found it should be, altho' I never red such worde in any Saxon author) were authors or deliverers of this ceremony unto us. *Herebaldus* falling from his horse in the field, and lying as if he were dead, though after he were, not without a miracle, recovered. *Beda*, l. 5. c. 6. saith, *tetenderunt ibidem papilionem in quo jaceret*; if any man thinke this was not done as a ceremony belonging to the deade, but as an helpe to preserve him alive, let him read what the same author writeth, l. 4. c. 18. *Cum elevanda essent Ossa Ætheldrede Regine de sepulchro, extento de super papilione, omnis congregatio fratrum psallens circumstabat, &c.* and this is the same, which the Athenians called *tabernaculum*, which they alwaies set up on the daies before the solemnization of the funeral.

Of the Antiquity of Funeral Ceremonies.

The place where herfes are fet and graves made is commonly fuch church, or church yarde as the party deceased fhall appoint. But I think the moft antient ufage was to bury them abroad in the fields *in extremitate agri*, as it is fayd, Gen. xxiii. of the cave which Abraham bought. And that was alfo obferved amongst the Romans, who left *Quatuor Pedum interflitium in agrorum limitibus ad fepe- liendum milites et fucceffores Dominorum*. Thofe which were prohibited Chriftian burial, as all that fuffered as malefactors, were till the ftat. of 17. E. 2. as Polidor Virgil faith, and fuch as dye excommunicated, are, for the moft parte, buried without *the proceffion* as they call it, and that is either without the bounds of the church yarde, which was the circuit of the leffer proceffion, or in the limits and meeres of the parifh, where commonly is an *interflitium*, much like that of the Romans. In thofe meeres are often digged up dead men's bones: and not many years fince, the uttermoft meeres betwixt Newton and Geddington in Northamptonfhire were thus manifefly known and acknowledged. I do not finde that in this realme much regard was had whether burials were within the city, or without, in the church-yard, or elfwhere; Arviragus an. dom. 57. and Lucius an. 201. were buried in the city of Gloucefter, and Molmutius in London in the Temple of peace. But the body of Leir, as Math. of Weftminfter faith, was buried beneath Leicefter towne in a vault under the river of Sore.

Thofe Brittons which Hengift flew, and divers other kinges of this lande, were buried at Stonehenge uppon Salisbury-plaine; and the Romans during there abode here, ufed to bury onely without great cittyes and townes, not within.

Though I have thus brought the dead to their graves, yet before their bodies be committed to the ground, it is to be remembred that in antient tyme, fome were burned, and fome buried and not burnt. But it feemeth to have been a thinge indifferent with us, as well as with the Romans. Fabian 2. pte. c. 31. faith that Belinus body was
burned

burned to ashes, and the same put into a vessel of brasse and placed over Belinsgate. Severus dying at Yorke an. 211. his body was there burned, and the ashes put in a vessell of gold and conveyed to Rome. This burning I think all nations derived from the Jewes, who, as appeareth 1 Sam xxxi. 12. and 13. verses, *Assumpserunt Corpus Saulis et Corpora filiorum ejus a Muro Bethshanis, et redeuntes Jabesbum, combusserunt ea ibi.*—The reason of that extraordinary action, the writers upon that place attribute to this; that their bodies were putrified by hanging, and therefore they burned them, and that they might not be recovered againe by the Philistines, and receive such injury as before. This reason is assigned by the Romans for their burning of the dead. And this moved the Brittons to bury king Arthur's body xvj. foote under grounde, and to lay the grave stone seven feet under grounde, having th' inscription, *Hic jacet inclitus Rex Arthurus.* graven on the inside of a ledden crosse next to the stone, and not to the view. And at Caition in Northamptonshire are divers monuments without name, or scutcheon outward. The ceremonies used in burning require a longe discourse of *Pyra, rogas, bustū acerra, urna, mappa, Asbestina,* and such like; but because many authors have intreated therof, I omit them, and descend to the interring of the corps, wherein, because we pursue the counsel of Toledo, I will recite the same as Joannes Borm^s. Aubamus in his booke *De moribus gentium* reporteth it. *Cadaver totum prius sudario aut cilicio indutum, a sue conditionis viris cantu Toletanum consilium efferrī decrevit, a Sacerdote thure suffitū et aqua benedicta conspersū cum certis imprecationibus Sepulchro imponi resupinū, pedibus ad Orientem, capite ad occidentem solem versis: terra postea obrui sepulchrum in signum Christiani ibi Sepulti lignea Cruce, & circum eā hedera Cupressa aut Laurea insigniri.*

The body being thus interred, the banners and scutchions are hanged and sett upon pillars in the church, and that we borrowed from the Romans.

N^o LXX.Of the Variety and Antiquity of Tombs
and Monuments.

By ANONYMOUS.

7. June 1600.

FROM the beginning there hath been amongst men an especiall regard to shew their love to their deceased freinds and continue their memory to posteritye, which when they could effect by no other means, they invented tombes and monuments, as comforts to the living and memorialls of humaine frailtye; which amongst all civil nations hath been especially respected, only neglected by savage barbarians or some dissolute courtiers, as Mæcenas who was wont to saye,

Non tumulum curo, sepelit natura relictos.

These monuments were called by the Romans in divers respects, *Requitoria, Ossuaria, Cineraria, Domus aterna, Conditoria, Sepulchra, Olla, Archa, Loculus, Monumentum, Tumulus, &c.* as you may see in ould Romane inscriptions, which scoffing Lucian termed cottiges of carcases: the ould Brittons called them ——— but the ould English, *Truhes* and *Tombs*.

While this isle was a province of the Romans, noe doubt but the provincials did use the Romane manner of tombes and monuments; which for the better sorte were stones inscribed, or little pillars erected, along the highway fydes, or little hillocks, or tumuli cast up, as that of Julius Laberius, the Romane capitaine near Chilham in Kent, called by the common people *Julabeus Grave*, and that at Yorke raised for the honor of Severus at his fune-
rall, which as Radulphus Niger reporteth, in his tyme was called *Sivers Hill*. Whether the English Saxons borrowed this word tombe from the Græcians, or tumulus from the
Latines,

Latines, I referr to others. The auncientest monuments of those people, before they received Christianity, were nothing but tumuli, or little hillocks cast up in the open fields, both for them that died naturally, and for others which were slayne. Those they called in that age *Beregen*, as we now call them *Berryer*, wherof there doe appeare a great many in divers parts of England. For as some write, the Northern nations which overflowed the Roman empire, when any man of worth was buried, obliged every souldier to bring his helmet full of earth to raise a hillocke, as a monument for such persons memory. This kinde of monument was usual amongst the Danes, both in England and at home; and such a monument was erected by Harold, king of Denmarke and England, to the honor of his father Jormon aboute the year 964. After Christianity was received, and burials in churches and church yards were allowed, which they called *Lictons*, as the resting place of dead bodies, they made for their monuments stone troughs covered and supported with fowr pillars, as those of Sebba, and Ethelred in the church of S. Paul, which they called then *Trugh*, as troughs; for by that word doth Alfrick in his grammar translate *Mausolæum*, which was the most statly kinde of monument. In that age they only used crosses upon their monuments and no images, which seemed first to be brought in use by the Normans. Since that tyme I observe no speciall note in monuments, but that such noblemen and gentlemen, as did take upon them the crosse to serve against the enemys of the crosse in the Holy Land, which were then called *Cruce Signati*, or croised, were buried for the most parte with their leggs acrosse. And whereas that taking of the crosse ceased about the tyme of king Edward the second, you shall find none afterward buried in that manner with their legges acrosse.

N° LXXI.

Of the Variety and Antiquity of Tombs and Monuments of Persons deceased in Englande.

7. Junij. 1600.

TOMBES and monuments wherof our question in-
treateth, are wordes borrowed of the Romanes, and
impossible to be uttered in natural British, Saxon, or Eng-
lish; which maketh me think that til the Romans invaded
this lande and longe time after, the Brittons and Saxons
made no workes in memory of the dead, but only of earth
and turffe, as did the Germans, of whom Tacitus saith,
Sepulchrum cespes erigit, for that was most agreeable to na-
ture, as Tully, lib. 2. de Legibus saith, *Maxime e natura
est tolli fortunæ discrimen in morte*; and therefore Plato
forbiddeth more stone worke in any grave then may con-
taine the praise of the deceased, in four heroical verses.
In Athens, Demetrius ordained a special magistrate to see
that nothinge should be set upon the heape of erth, but
mensam a square flat stone; *tabellum* an hollow stone, or
columellam a little pillar, not exceeding three cubits high.

Thus did the Roman lawes forbid the garnishing of
monuments with buildings, and hermas, that is ymages,
as Tully in the same place reciteth. Their manner also
was to make turffe graves, for Tac. 1. Annal. saith, *Pri-
mum extruendo tumulo cespitem Caesar posuit, gratissima
munere in defunctos*.

Though the Latins use many words for a grave, as *Se-
pulchrum*, *tumba*, *bustum*, *monumentum*, *cippus*, *tumulus*,
mausoleum, &c. the best word and most antient is *sepul-
chrum*: *tumba* was derived from the Greek *tymbon*, which
Tully taketh to be all one with *bustum*; and Rosinus
thinketh *bustum* is the place where the ashes of such as
were burned were buried, as though it came of *bene ustum*,
Monumentum

Of the Antiquity of Tombs and Monuments,

imitatinge, their's bore the name of *Mausolæa*. All these names signify but two things, that is sumptuous and costly sepulchers and common and ordinary graves: and to expresse this difference in English, we are forced to borrow these wordes, *tombes* and *monuments*, both which words are used in one sence, and betoken rather the garnishing of them, than the very grave itself.

The antiquity of graves and monuments I insist not upon, because I know divers here can better speak thereof, having seen many erected by the Romans, Brittons, and Saxons; but I never viewed any, but only that at Lilborne in my own native country, which is a rounde hill of earth, with two toppes, the one a greate deal higher then the other. Adamnanus saith, the monument made over Christe's sepulchre was rounde.

But the monuments now commonly erected, and so for many hundred years past, are square. If they be of smal charge, they are a flat stone layed even with the erth, others are erected higher then the pavement or erth, and those are more costely buildings then the other, and belong to kings and famous personages, as appeareth by that of Beda, l. 4. c. 30. *Transactis xi. Annis, a sepultura Cuthberti, volentes Featres tolere Offa illius, et in novo recondere loculo, in eodem quidem loco, sed super pavementum digne venerationis gratia locare,* and li. 3. ca. 8. *Farcongatha sepulta in Ecclesia Stephani. Lapis quo monumentum tegebatur, removebatur altius, &c.* These hygh erected Tombes, Caurianus in his Italian discourses upon Tacitus's Annals l. 3. saith, the pope hath ordained shall be made lowe, and the banners taken-downe, which are set up in churches for vaine ostentation, where God only ought to be worshipped.

Sometimes in memory of the deceased, one or more pillars were erected. The first we read of was that set up by Jacob for Rachel in Egipt. Pyramides or obeliskes are ordinary for this ende. Amongst the Lombardes, when any man died, his friends set a post of wood with a dove on the top of it, looking towards the place where the party died, as saith Paul's. *Diaconus de gestis Longobardorum,*

I. 5. c. 34. With us kinge Arthur's tombe at Glastonbury had two pyramides over it.

The ead of monuments concerning posterity, and future ages, it was a necessary law, which Tully saith the Romans had, *Ne quis sepulchrum deleat. Pœnaq. est si quis bustum, aut monumentum, aut columnam violarit, dejecerit, fregerit.* This lawe other nations established with them; and so did king Henry the 1st. with us. For in the 82d. chapter of his lawes, I finde these words, *Qui alium quocunque modo perimit, videat ne Weilref faciat. Weilref dicimus, si quis mortuum resabit armis aut prorsus aliquibds vel tumultatum vel tumultandum; et si quis corpus in terra vel noffo, vel petra, vel Pyramide, vel structura qualibet positum sceleratis infamationibus effodere vel expoliare presumpserit, Wargus habeatur.* The lawes of king Ina and of king Ethelred have it thus: *Walreaf, id est, mortuum referre, est opus nithingi. Si quis hoc negare voluerit faciat hoc cum 48. Thainis, plane nobilibus. palpeaf is nithinger deede.* This the *Leges Longobardorum* Tit. 8. §. 1. forbid under the name of *Rapovorsin*. The *Salicke* lawe differeth little from the first lawes, Tit. 17. §. 1. 3, 4. *Si quis hominem mortuum antequam in terram mittatur furto expoliaverit, &c. Si quis hominem mortuum aut in Noffo, aut in petra que Vasa ex usu Sarcophagi dicuntur super aliū miserit IID. den. qui faciunt Sol. lxij. culpabiles Judicentur.* And in the same *Salik* lawes, Tit. 57. §. 3. *Si quis Aristatonem hoc est staplū super mortuum missum capulaverit, aut mandualem, quod est ea structura sive selave qui est ponticulus, sicut more antiquorum faciendum fuit, &c. Si quis hominem mortuum super alium in naufo vel in Petra miserit, &c. Si quis corpus jam sepultum effoderit aut expoliaverit Wargus sit hoc est, expulsus de eodem pago usq. dum, &c.*

These lawes I set downe in order thereby to enterprete the strange wordes in the lawes of king Henry the first, for they are so disused, that there is scarce any man that knoweth that there are such lawes. The words themselves hardely can be understood, and the reason thereof is this; that deadly feud being ceased, malice provoketh not to dig

Of Epitaphs.

up tombes and graves; and though it should, yet religion doth now restraine it, by reason it is counted sacriledge to violate any thinge in churches or churche-yardes. Covetousness made some to dig up the dead, because ornaments, jewels, or money, were in times past buried with many; but now that custome feasing, no man for desire of gaine is invited to commit this offence, and it now being generally reputed a most vile acte, no man will presume to transgresse these lawes, and every man is a lawe to himself therin.

N° LXXII.

Of Epitaphes.

By Mr. CAMDEN.

3. Novr. 1660.

AMONG all funeral honours, *epitaphes* have alwayes bene most respected, for in them love was shewed to the deceased, memory was continued to posterity, friends were comforted, and the reader put in mind of humane frailty.

The mention of them proceeded from the presage, or foreseeing of immortality implanted in all men naturally, and is referred to the schollers of Linus, who first bewayled theyre master, when he was slayne, in dolefull verse, called of him *Æliuum*, and afterward *Epitaphia*, for that that they were fyrst song at buryals, and after engraved upon the sepulchres. They were also called *Eulogia*, and *Tituli* by the Romans; but by our auncient progenitors in a mere English compounde worde Βυριξ Λεοδ. i. e. *a buryall song*.

Plato made a lawe, that an epitaph should be comprised in four verses; the Lacedemonians reserved this honor only to martiall men and chaste women; the most ancient (especially the Greeke) were written in elegiac verse, after in prose.

Yt

It is not impertinent to note in one worde, that the auncient Romaines, who were for a long tyme lords of this isle, beganne their epitaphes with D. M. for DIIS MANIBUS, or D. M. S. for DIIS MANIBUS SACRUM. *Hic situs est, Hospes*; as speaking to the reader, and have respecte sometye to the reader, sometye to the deade. They would alsoe exquisitlye sett downe the yeares, moneths, and days, with these letters, *vixit A*, for *annos*. *M*. for *menses*, *D*. for *dies*; and if he was a millitarye man, it was exactly noted in what legion he served, with these wordes, *tot stipendia fecit*.

But to come to the English nation, and omitting that of Auguſtine, mentioned by Bede, I will first offer unto you one epitaph, which was written in the porch of St. Auguſtine's in Canterburye, for the seven first archbishops of that see, Auguſtinus, Laurentius, Mellitus, Justus, Honorius, Deus dedit, and Theodorus.

*Septem sunt Anglis primates et protopatres,
Septem Rectores, cælo septemq. triones,
Septem cisternæ vitæ, septemq. lucernæ,
Et septem palmæ regni, septemq. corona,
Septem sunt stellæ, quas hæc tenet area cellæ.*

For Stigandus, archbishop of Canterbury, I have found this most bitter epitaph.

*Hic jacet Herodes Herode ferocior, hujus
Inquinat infernum spiritus, Ossa solum.*

Upon kinge Henry the first, was composed theis in respecte of his peaceable government, and the troubles which ensued under king Stephen, both in England and Normandye.

*Quod modicum præstent, quod opes magnum nihil
extent,*

Rex probat HENRICUS, rex vivens pacis amicus.

Extiterat siquidem præ cunctis ditior idem,

Oxidua genti quos prætulit ordo regendi.

At necis ad pestes, quid gemmæ, pallia, vestes,

Æs varium terræ, quid castra sibi valere?

Vilibus

Of Epitaphs.

Vilibtis hinc æquam dans sortem, pallida nequam,
 Protendendo pedem, mors ejus pulsat ad ædem
 Quo dum dira febris prima sub nocte Decembris
 Mundum nudavit, mundo mala multiplicavit.
 Quippe pater populi, pax et tutela pusilli,
 Dum pius ipse ruit, furit impius, opprimit, urit.
*Anglia lugeat hinc, Normannica gens fleat illinc,
 Occidit Henricus, modo pax, nunc luctus utrique*

Uppon William, sonne of kinge Henrye the firste, and
 heir apparent of this realme, drowned upon the coaste of
 Normandie, I have founde this epitaph.

*Abstulit hunc terræ Matri Maris Unda noverca,
 Proh dolor! occubuit sol anglicus, Anglia plora:
 Quæq. prius fueras gemino radiata nitore,
 Extincto nato vivas contenta parente.*

For his daughter Matild, the empresse, this is most la-
 conicall, and in my opinion could hardly be matched in
 oure age.

*Magna ortu, majorq. viro, sed maxima partu,
 Hic jacet Henrici filia, sponsa, parens.*

For one NONE of Suffolk in the Booke of Buckenham,

*Hic situs est nullus, quia nullo nullior iste,
 Et quia nullus erat, de nullo nil tibi Christe.*

For king Henry the second, I find this.

Rex Henricus eram, mihi plurima regna subegi,
 Multiplicique modo, Duxque Comesque fui.
 Cum fatis ad votum non essent omnia terræ
 Climata, terra modo sufficit octo pedum.
 Qui legis hæc, pensa discrimina mortis et in me
 Humanæ Speculum conditionis habe.

*Sufficit hic tumulus, cui non sufficerat orbis,
 Res brevis ampla mihi, cui fuit ampla brevis.*

But this one verse uppon his death comprised as much
 matter, as many long lynes to the glorye of himself and
 his successor K. Richard the first,

Mira cano, sol occubuit, nox nulla sequuta.

Thomas

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Thomas Beckett archbishoppe of Canterbury had thies epitaphes expressing the cause, the time, and place of his death, made by an especial favorer.

*Pro Christi sponsa, Christi sub tempore, Christi
In templo, Christi verus amator obit.*

*Quinta Dies natalis erat, flos orbis ab orbe
Carpitur, et fructus incipit esse poli.*

*Quis moritur? præsul. cur? pro grege. Qualiter?
ense.*

Quando? natali. Quis locus? ara Dei.

To the glorie of K, Richard Coeur de Lion, I have founde these.

*Hic Richarde jaces, sed Mors si cederit armis,
Victa timore tui, cederet ipsa tuis.*

*Istius in morte perimit formica Leonem,
Pro dolor, in tanto funere mundus obit.*

An English poet imitatinge the epitaphe made on Pompey and his children, whose bodyes were buried in diverse countreys, made these following of the glory of this one kinge divided in three places by his funerall.

*Viscera Carceolum, corpus Fons servat Ebraudi,
Et cor Rothomagum, magne Richarde tuum.
In tria dividitur unus, qui plus fuit uno.
Non uno jaceat gloria tanta loco.*

Yt may be doubted whether Wolgrine the organist was so good a musician as Hugh, archdeacon of Yorke, was a poet, which made this epitaphe for him.

*Te Wolgrine cadente, cadunt vox, organa, cantus,
Et quicquid gratū gratia vocis habet.
Voce, lira, modulis, Syrenes, Orphea, Phœbum,
Unus tres poterat equiperare tribus.
Si tamen illorum non fallit fama locorum,
Quod fueras nobis, hoc eris Elisyis.
Cantor eris, qui cantor eras, hic charus, et illic
Orpheus alter eras, Orpheus alter eris.*

Upon

Of Epitaphs.

Upon one Petre, a religious man of this age, I founde this,

*Petra capit Petri cineres, animam Petra Christus.
Sic sibi divisit utraq. Petra Petrum.*

Among epitaphes, that is conceyted which is in Pawles, where there is only written uppon a stone,

OBLIVIO

Non hominem aspiciam ultra.

This man yet would not willingly have been forgotten, when he adjoyned his armes to continew his memorye. Not unlike to philosophers, which prefixed their names before their treatises of contemning glorye.

Bis Vir, bisq. Senex, bis Doctor, bisq. Sacerdos.

MARGARETA SANDS.

*Digna hæc luce diuturniore
Nisi quod luce meliore digna.*

Upon Pope Lucius by a monk of Bokenham,

*Luca dedit lucem tibi Luci, Pontificatu.
Ostia, Papatu, Roma, Verona mori.
Imo Verona dedit tibi vero vivere, Roma
Exilium, curas Ostia, Luca mori.*

At St. Alban's,

*Hic quidem jacet peccato solvens Debitum, cujus hic
nomen non inscribitur, in vitæ libro sit inscriptum.*

Upon one Margarett Radcliffe, I found these verses,

*Here lies, Lord have mercy upon her!
One of Elizabeth's maydes of honour,
Margaret Radcliffe, fayre and wittie,
She died a mayde, the more's the pittie.*

N° LXXIII.

Of Epitaphs.

By ANONYMOUS.

3^d. Nov^r. 1600.

NEC *nihil, nec nimium*, is a very good rule to be observed in speeches and writings; whether they respect the living or the dead. In the dutiful regard I bear to this assembly; I must set silence aparte, though *nihil*, to say nothinge, were fittest to conceale mine ignorance, and if I speke more, then a little, it will be *Nimium*; time being wholly spent, and choicest matters plentifully set out, in your former discourses of epitaphs, or tombe writings; which the Saxons termed *Burgen-geppre*, if they were prose, or *Burgen-leod*, if they were verse. Against the first parte of this rule, our antient predecessors, the Brittons, transgressed: they addressed monuments (which to this day remaine) without anie character upon them, that might instruct posterity what memorials they were; and yet the forme and fashion of them evidently bewrayeth, to perfect judgments, the intent of the first erectors of them. For huge and great stones were not set up, but ether as braves and tokens of victories atcheved; or warninges of dangerous landing places; or monuments of famous mens burials. The first sort are seldome without inscriptions: yet at Borough-brig in Yorkshire is a trophy void of any character, and consisting of four pyramids placed on a straight line, signefying a purpose to proceed in the course of atchived victories. *Warning stones* differ from tropheyes and sepulchers in their scituation. Both the others have the tops of their stones erected towards heaven; but these bende them towards some harde haven, or rock, thretning, as it were, by their verry position, to make opposition to sea-faring men that shall

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thrust in at those places. The British monuments, made as grateful memories of worthies deceased, are either one single pyramis made of one entire stone; or more conjoined; or several huge stones erected in forme of a gate or house, and then it is a monument of some one great personage there buried. Such a one is at Ailesforde in Kent, where are erected in memory of Catagerne, four huge and harde stones covered with others, termed of the common people *Citescotehouse*.

At Leskarde in Cornewal there is on a hill called *The Wrenches*, a pillar of ix. stones, and not farre from thence ix. other stones, whose uniting make the resemblance of an house.

In the west parte of Denbighshire are divers pillars erected and called *Lapides Druydarū*, yet some of these have a strange character upon them. But where many huge stones are set in a triangle, or orderly disposed in a circle, there are the bodies of many valiant men entered, as at Briscau Wone nere St. Buriens in Cornewal, where are xix. stones pitched in a round, every one twelve foote from the other, and in the center, one greater then the rest set upright. The like monuments are, the *Magifolde* or *Cornedunc* by Montgomery in Caernarvanshire, and the *Rollrichstones* in Oxfordshire, and the *Core-gaur* or *Stonehenge* on Salisbury-plaine: which last is the famous sepulcher of the British nobility slaine by Hengist, and in memory of them erected by the direction of Merlin, at the commandement of Aurelius Ambrosius. It consisteth of aboute 50 huge stones, placed orderly in a rundle, and covered with others, and some pitched upright within the uttermost circle: the bewty wherof is almost perished by the falling downe of some of the toppe stones. I cannot impute these dulle shewes to the dulness of British wits, or barbarousness of that age, knowinge that Cæsar alloweth their Druides to be learned; and many writers affirme, their bardes were good poets; and the fashion of these monuments argue their invention therein to be full of wit. The rounde forme usually observed is an image of perpetuity,

taity, admonishing every beholder, that as the monument is void of ende, so the worthiness of the personages there entombed deserveth endless remembrance. The high pyramides mounting towards the skies bewray a minde in the deceased, aspiring towards heaven.

The triangle is a forme of perfection representing knowledge of the Trinity. The shape of a great gate or house intimateth, that the deceased are recieved into houses by the great gate of death, there perpetually to remaine in happiness. They knewe that letters ingraved in stone are subject to the injury of eating Time, and the defacing of malicious adversaries; and reputed that praise most lively, that lived in the mouths of lerned Men. Their custome therfore was at mariages, funerals, and other solemn feasts, to have bards in lerned verse to sing the praises of worthies deceased, which made Lucan write write thes of them.

*Vos quoq. qui fortes animos belloq. peremptos
Laudibus in longum Vates dimittitis ævum,
Plurima jecuri fuditis carmina Bardi.*

These bards kept so faithful a memory of the place of king Arthur's sepulchre, that though the grave stone lay deepe in the erth, and the place was unknown to others, yet by their directions it was found in the time of king Henry the seconde, with an epitaph therin, which is the antientest that ever I red of, he being buried eleven hundred years past. This is *nimum* of the Brittons; *nihil*, if I could have answered for them with more brevity.

This scribling age, in her babling humour, offendeth against the second parte of the fore remembred rule: there is *nimum* almost in every epitaph.

Men of greatest desert, by the opinion of Plato, as Tully de legibus saith, might have their full commendation in four heroical verses: whatsoever is more is superfluous; but this age trebleth this scanthing in many epitaphs.

Licurgus forbad so much, as the name of any to be engraved on a sepulchre, if he died not in warre. The life of every Christian is a warrefare. He that dieth fighting

valiantly in this spiritual battel, hath his name written in an heavenly booke, and therefore is not to be denied the engraving of it in earthy matter. Yet when Eulogia, praising epitaphs, are bestowed on men of no note in the churche of God, a thing now too ordinary, the shortest epitaph is too much for them.

Some epitaphs are engraven upon the tombe; some fixed to it; some hanged up in tables and not fastened to the tombe. The last are most subject to be lost, but none of them are sure to continue, our own eyes daily beholding the miserable defacing of epitaphs and monuments. Which made some to engrave epitaphs upon the lead, wherein the dead are wrapped, as did Sir William Hatton upon Sir Christopher Hatton his uncle. Some have written epitaphs upon copper plates, and put them into the grave, as William the Conqueror's executors did. Some have placed them on the inside of the grave-stone, and buried that lowe in the earth, as did kinge Arthur's friends.

Though it be lawfull for any man to set an epitaph upon his deceased friend, without the commandement of any magistrate, yet those are most honorable and authentical that have such warrant.

Of this sorte is that, which Bede, l. 5. c. 7. hath registred of Cadwalla. He died at Rome, and by commandement of the bishop of Rome had an epitaph fixed to his tombe. Bishop Cuthbert, not forgetfull of private friends, erected a monument for six famous personages that were dead before him. And so the two pyramides at Glassonbury were erected by the commandement of Sexi; this is the inscription,

Her Sexi solifwer

Wemehest buntomo winwegu

Hate: Wulfrede Eanfleda, &c.

Which I expound thus,

Here

*Here Sexi the blessed man commanded to be made a chest
of corruption, a tomb full of bones
, ,
. Wulfrede. Eanfleda, &c.*

Epitaphs, havinge the allowance of public authority, are authentical proofes of that which they containe; fo are not others, that by the private fancy of friends are engraved.

I have spoken of the antiquity, difference of placing, and distinction of the honour of epitaphs, I should adde some selected by myself, as you have done.

The best I account to be best, and such as have some worde adjoined to them. This of St. Edward's is the antientest that I knowe of this kinde.

*Omnibus insignis virtutū laudibus heros
Sanctus Edwardus Confessor, Rex venerandus
Quinto die Junii moriens super æthera scandit.*

SURSUM CORDA.

King Edwarde the 3d's wife had this epitaph,

Conjux Edwardi jacet hic Philippa Regina

DISCE VIVERE.

In the Temple Church on the grave of Richard Wy, who died 1519. is an ordinary epitaph with this worde,

Ecce quid eris.

N^o LXXIV.Of the Antiquity and selected Variety of
Epitaphs in England.

By ANONYMOUS.

AN epitaph is a monument of the dead ; it is a kind of poem, though not perfect, but as an Italian calls it, a *Mote*, or *Atome* of poetry, *poeticus atomus*. Now as there is not any precise art or imitation required in such compositions, therefore they are not spoke of by Aristotle in his booke of poetry. And yet in this apish age, where so many imitators scribble poems, there are divers who prescribe rules for making epitaphs, allowing of none, except they contain as many parts as a demonstrative oration: such as the praise of the party buried—what a great loss or misse the world hath of him—and there upon a mournfull lamentation—then a comfort to the world—and lastly, an exhortation to immitate his vertues.—All these, say they, must be exprest shortly and clearly. Others will have the name of the defunct, together with his age, estate, deserts, gifts of body and mind, as also the time of his death sett forth ; and so would have it a breif story or description of his life

This forsooth shold be the matter of an epitaph. For the form, they will have it of one peice, and as it were one maine conceit with the parts continued, chayned and depending : besides, it must not be verse, but a kind of metricall prose, seeming so by the strange transposition of the words ; which must likewise taste nothing of the moderne, but be all al' antiche ;

I speake not this, as if I lov'd not antiquities, which were ever venerable ; I reverence them, as I would revere Adam, if he were alive ; but I speak it for honor of our English epitaphes, I mean the auncient epitaphes of England ; which I will mayntayne to be good epitaphes, notwithstanding

withstanding they are not cutt out according to the afore-said measure, but as they are divers, so have they their divers formes; and yet none of them are without an especial grace. The only rule that is observed in them, is that which is required in an epigram, viz. witt and brevity; conformable to the opinion of Plato, who, in his commonwealth, requireth that an epitaph should not consist of above four lines.

As to the antiquitie of epitaphes in this island, I think there were none in the first barbarous times. For though there then were many monuments set up for the dead, as pillars, pyramids, heaps of earth, which ar properly tumuli, and the like, yet were they all without any inscription on them. Such was the case in respect to the stones at Stonehenge, which are monuments of the dead, but without any inscriptions; bycause I think that at that time in which they were set up, the barbarous people had the strength to erect those huge stones, but not the skill to inscribe an epitaph on them. Notwithstanding this I make no doubt, but epitaphs are very auncient, not only bycause the Welch word *argraph*, which signifies an epitaph, or an inscription, is very antient, but also bycause in the year 516, which is now near eleven hundred years past, K. Arthur's epitaph, *Hic jacet sepultus inclytus Rex Arthurius in Insula Avaloniâ* was inscribed on the inside of his leaden coffin. Further, venerable Bede, and others of our auncient writers recite many epitaphs of princes and prelates who flourished long before the conquest.

The next epitaph I know of in point of antiquity is that of St. Augustine the monk, the first archbishop of Canturbury, which was made about the year 560, and placed in the church of Peeter and Paule in that city, viz. *Hic requiescit Dominus Augustinus Doruvernensis Archiepiscopus primus, qui olim huc a beato Gregorio Romanæ urbis Pontifice directus, & a Deo, operatione miraculorum Suffultus, Ædilbertum Regem, ac gentem illius ab idolorum cultu ad Christi fidem perduxit, & completis in pace diebus officii sui,*

Of the Antiquity of Epitaphs in England.

sui, defunctus est septimo Kalendas Junias, eodem Rege regnante.

Shortly after died K. Ethelbert, under whom Augustine flourished, and his epitaph is likewise recorded in elegant riming verse;

*Rex Ethelbertus hic clauditur in polyandro
Fana pians, certe Christo meat absque Mæandro.*

About the year 600. Cedwall, king of the West Saxons, dyed and was buried at Winchester. His epitaph, expressing how he went to Rome to be christened and was named Peter, we are told by Beda, was as followeth.

*Culmen, opes, subolem, pollentia regna, triumphos,
Exuvias, proceres, mœnia, Castra, Lares;
Quæque Patrum virtus, et quæ congesserat ipse
Cædual armipotens, liquit amore Dei,
Ut Petrum, sedemque Petri Rex cerneret Hospes,
Cujus fonte meras sumeret almus aquas,
Splendificumque jubar radianti carperat haustu,
Ex quo vivificus fulgor ubique fuit.
Percipiensque alacer redivivæ præmia vitæ,
Barbaricam rabiem, nomen & inde suum
Conversus convertit ovans, Petrumque vocare
Sergius Antistes jussit, ut ipse pater
Fonte renascentis, quem Christi gratia purgans
Protinus ablatum vexit in arce poli.
Mira fides Regis! clementia maxima Christi,
Cujus consilium nullus adire potest!
Sospes enim veniens supremo ex orbe Britanni,
Per varias gentes, per freta, perque vias,
Urbem Romuleum vidit, templumque verendum
Aspexit, Petri mystica dona gerens.
Candidus inter Oves Christi sociabilis ibit:
Corpore nam tumulum, mente superna tenet.
Commutasse magis Sceptrorum insignia credas,
Quem regnum Christi promeruisse vides.*

The next year after Cedwall's death, Beda reports an epitaph of Theodore Archbishop of Canterbury, not written with so good ink, nor with so good invention as the former.

*Hic sacer in tumba pausat cum Corpore præfull,
Quem nunc Theodorum Lingua pelasga vocat.
Princeps pontificum, fœlix, summusque sacerdos,
Limpida Discipulis Dogmata differuit.
Namque diem nonam decimam September habebat,
Cum Carnis claustra spiritus egreditur.
Alma novæ scandens felix consortia vitæ,
Civibus angelicis junctus in arce poli.*

The next epitaph to those, in point of antiquity, that I meet with, is that of Etheldred, who was king of the West Saxons about the year 870, and lyes buried at Winborne in Dorsetshire.

*In hoc loco quiescit Corpus sancti Etheldredi regis West
Saxonum martyris, qui ann. 872 per manus Dacorum pa-
ganorum occubuit.*

By these it appeares, that epitaphs were usuall before the Conquest; but as most men in those dayes were buried in monasteries, doubtlesse the dissolution of those houses hath destroyed an infinite number of excellent epitaphs made both before and since the Norman invasion.

As I have given you a taste of epitaphs made before the Conquest, and which are far from bad compositions, I shall mention some others which were written since that time, and have been preserved by story, though the churches and tombes that contained them be now destroyed, and which equal the sharpest and wittiest that ever were penned. Such, more especially, were those made in the time of K. Henry the second; for though the epitaph of his dear Rosamond be somewhat monkish and in rhyme, yet it wants not an elegancy and a kind of grace equal to that of K. Ethelbert.

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*Hic jacet in Tumba Rosa mundi, non Rosamunda,
Non redolet, sed olet, qua redolere solet.*

But there are other epitaphs made in his time, which are as pure Latin, of so clear invention, and of so neat a composition, that I wonder how that rude age could produce such: as first that of his mother Maud the empress,

*Ortu magna; viro major, sed maxima partu,
Hic jacet Henrici filia, sponsa, parens.*

It was not long after, when this epitaph for the Earle Marshall was made,

*Sum quem Saturnum sibi sensit Hibernia, Solem
Anglia, Mercurium Normannia, Gallia Martem.*

Of the same time is that, which I have heard was made for Richard Clamvile, a great person in the state, in that age.

*Hic pudor Hippoliti, Paridis gena, sensus Uliſſis,
Æneæ pietas, Hectoris Ira jacet.*

The same age was author of this epitaph upon the death of a worthy king that had a worthy successor,

Mira loquor, sol occubuit, nox nulla secuta est.

I say, and say it confidently, that no age, no countrey in the world can show better epitaphs then those which were made above 400 years since upon princes of this kingdom.

Such epitaphs of our princes that have escaped the rage of fire, are for the most part at Westminster; these have been lately collected and published by Mr. Clariencieux, and therefore I forbear to recite them; but of such as I have heard to remayne in other churches, and which in my judgment are fitt to be noted, I will repeat some few, which were made scatteringly in the ages following:

Of one of K. E. 3's. sones, whose name I remember not, there is this epitaph at Warwick,

Here

Here lies worshipfully interred.

Methinks the word *worshipfully* is a word of great honor, considering the time, though now the general application hath deminisht the signification of it.

In the upper part of the long walk in Powles near the stayers, there is this inscription,

O B L I V I O .

In my conceit an excellent epitaph for the brevity, and for the sense, and disproportion which it seems to carry, in regard the writer said one thing and intended another; for it cannot be thought that he would have the dead man forgotten, since he undoubtedly meant that the word *oblivio* should be his monument.

The epitaph of doctor Caius in his colledge at Cambridge is likewise very sharp, and of much signification, though it be but a word,

F U I C A I U S .

But in this late refined age, there have been many epitaphs of excellent composition, both serious and ridiculous, as

Of a covetous person.

*Conditur in tumulo, gratis qui nil dedit unquam,
Nunc quod gratis perlegis ista, dolet.*

Of a moderate contented person.

*Promus eram, non Condus, opus divesq. videbar
Non capiendo alijs, non cupiendo mihi.*

Of one that died of the stone.

*Calculus exesit mihi viva in corpore renes,
Nunc quoq. defuncti Calculus Ossa premit,
Cum generi humano lapis intra viscera crescat
Quis poterit tumuli non meminisse sui?*

You have some antient epitaphs with a word or motto;

D. M. S. F.
S E X T I F I R M I I . .

H h 2

Vixi

*Of the Antiquity of Epitaphs in England.**Vixi quemadmodum volui. quare mortuus sum, nescio.*

Another,

*VALERIUS MACEDO, animæ dulcissimæ conjugis.
Amici dum vivimus, vivamus.*Is not the epitaph of Rich. 2^d. somewhat like it.*Fuisse felicem Miserrimum.*

Of Sir Phil. Sidney, among many this was very excellent.

*Qui jacet hic, non ille jacet, sed ad Astra volavit,
Ista sequi vellet pars, nisi clauda foret.
Est bene quod partem patriæ Sidnæe relinquis,
Ut neq. totus abis, sic neq. totus obis.*

But another there is of more state and more magniloquence.

*Ecce arēto terræ in tumulo, exiguiq. sepulchri
Visceribus semotæ Exuviæ Sidnæi immensi.
Olim divæ animæ Domus inculpata, sed illā
Cœlum habet et gaudet tanto hospite; gaudet et orbis
Vivente in Natâ effigie; prægnantis amatæ
Conjugis in casto gremio, viget alite famâ
Quod Marte & musis nomen sibi condidit illis.
Namq. olli nequit rapere aut Mars invidus, aut mors,
Vel Juveni, victus fati vicit quoq. fatum,
Et vixit vivitq. Deū genus, et mixtus Dijs;*

Of ridiculous epitaphs, the best that I have noted are these,

*Ho! who lies here?
Heer lies the old earle of Devonshire,
And Maud his wife, that was full deere.
We lived together fifty-five yeare,
What we gave, that we have,
What we spent, that we had,
Thus we count up all our cost,
What we left, that we lost.*

Another

Another of the same kind is at Southampton,

*Ho! who lies here for a groate!
Heer lies old Roger Wilmote.
God sbend his soul from ill,
For he died against his will.*

Another of one Mr. Sands.

*Who would trust to others breath,
Fame deceaves the dead man's trust,
Since our names are lost by death,
Sands I was, but now am dust.*

Another of one Elis, that sett the formes before the
crosse at the sermons.

*O mors crudelis fecisti plurima damna
Dum moriatur Elis, solitus disponere Scamna,
Tam liberalis si posset ut ipsa videre
Dum legitur talis, darat tibi scamna sedere.*

The epitaph of the bellows-maker is in every man's mouth.

*Here lies old Craker, a maker of bellowes,
He was a craftmaster and king of good fellows:
Yet notwithstanding at his hower of death,
He that made bellowes could not make breath.*

These are the best epitaphs that I can remember of our English nation, wherein there is observed no certain rule, but sometimes the autor of the epitaph speakes, and sometimes the person speaks; sometimes they are in prose, sometimes in verse; sometimes shorter, sometimes longer, in the same manner as the Roman epitaphs were made, from whom our criticks would take their precepts.

To make a comparison were an infinite labour; but if we look into antiquity, we shall find a pararell for every epitaph before recited.

N° LXXV.

Of the same.

By Mr. AGARD.

HAVING already treated of monuments in general, it followeth that now we say somewhat of epitaphs, which are a species thereof; for man, having an instincte of divinitye in him, that is, a desyre to atteyne to an everlast- ing contynuanee and remembraunce of his name and worthynesse, hath digged up pytts of foundrye devyses of his owne, how he might as it weere make a perpetuity thereof: some by pillars, as before the flood a pillar was preserved by Noah, whereon was engraven the carecters of astronomy: and wycked Abfolom would needes have a pillar of Fame rayfed, and called by his name. Some by giving theyre name to countries, and others to their howses, as the Psalmiste saythe; yea, fundry persons remarkable for their wickednefs, aspyring to immortal fame, would have monuments rayfed for them. Thus did Semiramis, who wrot on the outsyd of her monument, that who so lacked money should fynd enough therein. Yea, Herostratus was desirous to have his epitaph for burning Diana's temple. Some would have their names made famous by pyramids, some by mountaynes, some by rivers, and some by tragedyes; such was the ambition of Phillip of Macedon, who would have had Euripides to write a tragedye, and given it his name. On this occasion the poet wished that *nihil tragicum* might happen to him. So it seemeth that monuments succeeded from age to age, even from before the flood and after the floude (as Nimrod made Babel) even among all reasonable natyons, from Noah to the Chaldees, Persyans and Egyptyans, and from thence to Greece. For what is Homer's discourse but an epitaph of Ulisses, and other Grecian warriors? What is Virgil's *Æneid*, but as an epitaph of *Æneas*. It is well known that

that the Romans deliyted to propagate theyre names by statues and inscriptyons of theyre valyaunte acts; Scipio had an epitaphe which, to my remembrance, runs thus,

*Devicto Hanibale, captaque Carthagine, et aueto
Imperio, hos cineres marmore Lectus habes.
Cui non Europa, non obstilit Africa quondam.
Respice res hominis quem brevis urna premet.*

From Rome the course thereof came hyther into Englaunde: although I doubt not, but the Trojans used the same here before, as appeareth by soundrye townes, hills, and places, that yet retheyne fragments thereof by theyre names than imposed. But leaving foreign nations, I will return home, whereof I have not red or seene any epitaphe, but since Christyanytye cam into the realme, although manye places and townes, ryvers, and hills, had theyre names imposed before, as Humbre of the Dane there drowned: and Horsey Downe of Horfa, Hengist's brother there slayne. The reasons why so few are extant, I suppose, are three.

First, The foraginge of the Saxons and Danes at soundrye tymes thorough the lande, destroyinge both people, townes, and churches.

The seconde is, that William the Conqueror, by the advice of the earle of Wight, as I remember, caused all abbyes and sacred sanctuaries whereunto the Englishe had retyred, with theyre evidences, treasures, and monuments of books, to be burnt and rased; to the end that no remembrance might be had of English pedegrees, whereby to move suits, or monuments preserved, to instigate any revolt.

The thirde is, what happened almost within our memorye, to wit, the dissolution of our most ancient religious houses, in some of which weere sumptuous monuments, bothe of the founders and of others also, some with epitaphes or inscriptions, and some without.

And yet I sawe at Burton uppon Trent this somer, the monument of Ulricus Spot, father to the earles Algar and Morear,

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Morear, who was founder of that abbeye before the Conqueste, whereon lyeth his figure crosse-legged, armed with his shield, swerde, and spurres, but without any epitaph or inscription. The preservation of this monument I think came by this means. The first lord Paget, who had the same abbaye given him upon the dissolution, removed this monument out of the chauncel, first into an isle, and afterwards into the church. Further in respect to epitaphes the auncyentest I can finde is that of kinge Kenelme, sonne of Kenelphus, who was murdred by the instigation of his sister Quendreda, by some called Heselbert, and hid in a woode, in the county of Stafford, as I find by his epitaph incerted in auncyent manuscrypte of saint Augustine of Canterbury. It is thus,

*In Clenc sub spina jacet in convalle bovina
Vertice privatus Kenelmus fraude necatus.*

To be shorte, there are not to be founde upon grave stones, walls, or glasse of any long antiquitye, any epitaphs but what are to be found best in late printed and old wrytten hand books.

In an olde author called Wyttefley, or monk of Peterborough, who wrote the foundations of that monastery, he setteth downe for the first founders thereof, theyre names in this manner,

Burgi fundator est Peada rex renovatus
Est sibi cognatus. . . . Rex Oswinus auxiliator
Confirmat Wlfer quod erat Burgi
Per sua scripta ratū fieri perfecit Ethelred
Sunt adjutrices Kineburga Kineswitha Sorores
Per quas felices plures Burgus sumpsit honores
Sic multis vitæ celestis vita paratur
Saxulfo Comite qui primo Burgh monachatus.

And because our princes have drawn theyre descent from the noble dukes of Normandy, yt shall not I thinke seeme impertinent that I recyte the epitaph of duke Rollo, who was the first duke of the lyne of the Danes that entered

fred Fraunce, conquered Normandy, and imposed that name on the country, who for his severity in justice against malefactors, and for his uprightness in judgment, was recommended thus, as it is written in the history of Normandy in French in these words, cap. 17. lib. 1. *Par la bonne paix & Justice que Rou le premier Duc de Normandie tint, Advint q la gent apres sa mort au besoigne crioient Ha Rou et parce est il emore coustume en Normandie q l'on crie Ha Rou, Ha Rou,* and thereupon was made this epitaph,

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*Dux Normannorū cunctorū norma bonorum
Rollo ferus, fortis, quem gens Normannica mortis
Invocat articulo, clauditur in tumulo.*

To be englished thus.

*Vaillant duke Rollo stout and fierce,
Layd interred under this herce,
Whom Norman People with frights afraid
And peril of death doe calle for ayde,
Crying, Ha rou, Ha rou, with rueful voice,
And clapping of hands with striking noise.*

It was my happe to see once an abstracte out of the Igyar-book of Barking nonnery in Essex, in a gentleman's hande, now dead, and who shewed me that the abbess beinge accompanied with the bishop of London, the abbot of Stratford, the deane of Paule's, and other great spirituall personnes, went to Ilforde to visit the hospytall there, founded for lepers; and upon occasion of one of the lepers, who was a brother of the house, having brought into his chamber a drab, and sayd she was his sister; and for which crime he was to be disgraced and expelled the house. The manner of his disgradinge was thus, as I remember; he came attyred in his livery, but bare-footed and bare-headed *tena deposita*, that is, without a night-cap, and was set on his knees upon the stayres benethe the altar,

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where he remained during all the time of mass. When mass was ended, the prieste disgraded him of orders, scraped his hands and his crown with a knife, took his booke from him, gave him a boxe on the chiek with the end of his fingers, and then thrust him out of the church, where the officers and people receyved him, and putt him into a carte, crying *Ha rou, Ha rou, Ha rou*, after him. And to this daye in and towards our northern countreys, the people upon a sodden fright of a madde dogge, bull, or bore, or one that stealeth theyre hens, geese, or ducks, or one taken with a drabe, will followe after and crye, *Harou, Harou*, so that it is become a proverbe in shame of a man to saye, he was *harowed*. But this only by the way.

Of all our great conquerors that came in with kinge William the Conqueror, there is not one epitaphe extant to be seene, but all rased, yea, that of king William himselfe is not to be seene, neither that of earle Ferrers, which is in printe, and was made after he was deade: yt is so well knownen to all here, that I will not recyte yt.

The next I finde in any auntyent author mencyoned, is wrytten by the cronacler of Dunstaple, thus,

*Sufficit hic tumulus, cui non suffecerat orbis ;
Res brevis est ampla, cui fuit ampla brevis.*

Kinge H. 2's. epitaphe.

After him, I have thought good to shewe that by the industrie of Edward the firste and his valeswre having overthrowne the prince of Wales, Lewellinus, and made him yelde his homage, yet he breakinge off and rebellinge, the kinge forced him, slew him, and tooke his brother prysoner, and arrayned and executed him as a traytor; but a Welche metrer or versifyer made this epitaphe uppon Lewellyn. As Knighton the historiographer recordeth,

*Hic jacet Anglorum tortor, tutor Venedorum,
Princeps Wallorum Leuelinus, regula morum,
Gemma coevorum, flos regum preteritorum,
Forma futurorum, dux, laus, lex, lux populorum.*

But an Englishman answered him thus.

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*Hic jacet errorum princeps, et preda virorum,
Proditor Anglorum, fax livida, seeta reorum,
Numen Wallorum, trux dux, homicida piorum,
Fex Trojanorum, stirps mendax, causa malorum.*

But as the monuments of the kings, from this king's time are together with their epitaphs, patent and to be seen at Westminster, &c. I shall leave them to receive that fate which all corruptible things doo, and will desire of God to have but that wrytinge imprinted in and upon all our foules, whereof Christe speaketh in the xth chapter of St. Luke's gospel, Rejoice, because your names are wrytten in heaven. *Hic mihi Finis erit Studiorum atque Laborum.*

3. Nov. 1600.

ARTHURE AGARDE.

Nº LXXVI.

Of the same.

By Mr. THYNN.

3. Nov. 1600.

THIS question is so very spacious and dilatible, that it cannot be comprehended within lymyttes: for being a thinge infinite (because yt concerneth particulars which are unfinished) yt may not be restreyned to any one famylie, persone, or estate; and therefore we must speak of yt disorderlye, both in regard to tymes and persons; and that confined to some especial persons only. For to deliver all such epitaphs as I have registred, either from histories, the books of relligious houses, monuments remaining in churches, or such like, would be too tedious to this learned audience. Wherefore since it is bothe nedelesse and frutelesse to produce such choice of epitaphs, I will here but briefly collect some fewe, which are remarkable, partly for their antiquity, partly for their brevitye, partly for their rarenesse, partly for their excellencye, partly to shewe the manner of stile of those ages

in which they were composed, and partly to recreate the mynde with the simplicytie of their inventions. In doing this I shall begin with those which were written in the times of the Saxons, and passing over suche as be printed in Bede, Matthew Paris, Malmſbury, Florentius Wigornienſis, and other printed auctors, I will ſet down ſome few ſuche as I have not yet ſene to come under the preſſe. And for that cauſe will firſt beginne with that of Cadwalader, delivered by Barnardus Andreas Tolofetanus, who wrought a compendious hiſtorye of the reign of king Henry the ſeventh, in whoſe tyme he lyved, with whom he was gretly in favour, and to whom he was poet laureat. That epitaph is thus,

*Hic jacet in Muxo Cadwallo Londonienſis
Angligenis Duko, quem funere ſubdidit enſis.*

Upon Albertus, by ſome called Albetus, king of the Eaſt Angles (being murdered by Offa the Great, whoſe daughter he had marryed) dothe Mathew Paris in the lyves of the abbotts of St. Alban's ſett downe this epitaphe.

*Albertus juvenis fuerat Rex, fortis ad Arma,
Pace pius, pulcher corpore, mente Sagax.*

The Book of Walden hath this epitaph for king Edgar.

Auctor opum, vindex ſclerum, largitor honorum,

Septiger Edgarus regna ſuperna petit.

Hic alter Solomon, legum pater, orbita pacis;

Quod caruit bellis claruit inde magis.

Templa Deo, templis monachos, monachis dedit agros,

Nequitiae lapſum, juſtitiaeque Locum.

Novit enim regno verum perquirere falſo,

Immenſum modico, perpetuumque brevi.

Upon the death of Laurence the eighteenth abbott of Weſtminſter, is this epitaph, alluding the name Laurence to Laureia.

Clauditur hoc tumulo vir quondam clarus in orbe,

Quo praclarus erat hic locus, eſt, et erit.

Pro meritis vitae dedit illi Laureia nomen,

Detur ei vitae Laureia pro meritis.

The book of St. Augustine's furnisheth us with the following epitaph upon the death of Ethelbert, king of Kent, and the first Christian king of the Saxons,

*Rex Ethelbertus hic clauditur in Polyandro
Fana pians, certe Christo meat absque meandro.*

Out of the same book I have also transcribed the epitaph of Deus Dedit archbishop of Canterbury, which is as followeth,

*Alme Deus Dedit cui Sexta vacatio cedit,
Signat hunc Lapidem, Lapidi signatus eidem.
Prodit ab hac Urna virtute salus diuturna
Quæ melioretur ——— quemcunque dolore gravatur.*

But in a book of the abbotts of Westminster, I find this epitaph, which commemorates first Ethelgoda, wife of Sebert or Sigebert king of the East Saxons, who reigned in the year 615; then Hugoline, chamberleyne and treasurer to king Edward the Confessor; thirdly, Edwine abbot of Westminster; and lastly, Sulcardus, the historiographer, who was a monk of Westminster; as it is in the Chapter-house of that abbay, on a plate of lead within the tomb, containing the bodies of those four persons,

*Iste locellus habet bis bina cadavera clausa;
Uxor Seberti prima, tamen minima.
De fracto capitis testa claret Hugolinus,
A Claustro noviter huc translatus erat;
Abbas Edwinus, et Sulcardus Cœnobita.
Sulcardus major est, Deus adsit eis.*

The same book hath also this epitaph on the stone of Vitalis, abbot of Westminster, who died 1082, deducing his name *Vitalis* from the word *vita*.

*A vita nomen qui traxit, morte vocante,
Abbas Vitalis transit, hicque jacet.*

There likewise on the tomb of abbot Gilbert, successor to Vitalis, was the following epitaph,

Hic

Of the Antiquity of Epitaphs in England.

Hic Pater insignis, genus altum, virgo, senexque
 Gisleberte jaces, Lux, via, duxque tuis.
 Mitis eras, justus, prudens, fortis, moderatus,
 Doctus quadrivis, nec minus in trivio.
 Sic tamen ornatus nece sexta luce Decembris
 Spiramen cælo reddis, & Ossa solo.

In the same book we have also the epitaph of Richard Ware, abbot of Westminster and treasurer of England, who made that excellent tessalated pavement before the altar at Westminster, of the stones which he brought with him from Rome.

*Abbas Richardus de Ware, qui requiescit
 Hic, portat Lapides, quos huc portavit ab Urbe.*

Besides the many epitaphs, which I have seen and read in print and otherwise, of the death of Richard the first, this epitaph not printed, containing his greatest actions against the infidells, seemeth to me to equal the best.

*Scribitur hoc tumulo, Rex, aurea laus tua tota:
 Aurea materia conveniente nota.
 Laus tua prima fuit Siculi, Cyprus altera, Dromo
 Tertia, Carvana quarta, Suprema Joppe.
 Suppressi Siculi, Cyprus pessundata, Dromo
 Mersus, Carvana capta, retenta Joppe.*

The epitaph of Sir Robert Knolles, a great captain in the wars of France, written on his tomb in the church of the Carmelites or White Fryars in London, is worth the reading, viz.

*O Roberte Knollis per te sit Francia mollis,
 Ense tuo tollis prædas, dans vulnera collis.*

In the church of Greenwich is this epitaph for Sufanna, the wife of Robert Wisemane, Esq.

First these two verses alone,

*O sic defuncti tumulo maneamus in uno
 Quos semper vivos imperat unus amor.*

Then

Then follow these verses by themselves,

*Quæ pia, quæ prudens, quæ docta, pudica, modesta,
Quæ studiosa Dei, quæ studiosa Viri,
Susanna hic recubat Wisemanna sepulta sepulchro,
Magnus honos Sexus et Cynosura sui.
Nulla marita suo melius placuisse Marita
Visa fuit, melius nec placuisse Deo.
Vive, vale, Susanna vale, tua panditur orbi
Penelopæa Fides, connubialis Amor.
Te tuus excoluit Wisemannus amore Robertus
Cui sine Lite Domus, cui sine labe ———
Tu fruëris Cælo, tu terque quaterque beata,
Putre Cadaver humo, Spiritus ipse pato.*

In the church of Welles is this epitaph of Barkley, bishop of that see, in the verses of which, the number of significant great letters do shew the yere of our Lord, wherein he died.

*SpiritVs erVpto salVVs Gilberte NoVeMbre
CaRCere Tristis in hoc Æthere Barcle Crepat
Annū dant ista salutis. 83 vixi.
Videtis premium.*

In the same church of Welles is the following epitaph.

*Vita quid est? Fumus. Quid ergo? res peritura.
Ergo quid est nostrum? vivimus et morimur.*

Whereunto the dead doth answer,

*Non morimur, Vivo letus, regnoque beatus,
Solutus adest Christus, vita salusque mihi.*

In Gonvile and Caius Colledge in Cambridge, is a goodly monument of stone erected for John Caius doctor of Physick, who augmented that colledge; on which tomb there is nothing sett for an epitaph, but two words,

FUI CAIUS.

Upon

Of the Antiquity of Epitaphs in England.

Upon the death of Savarnus, the first and last bishop of Glasenberye, as appeareth in the history of the bishop of Bath and Welles, is this epitaph,

*Hospes eram mundo per mundum semper ejusdem,
Sic subrema dies sit sibi prima quies.*

In the cathedral church of York is this epitaph of abbot Boothe dean of York.

SOLI DEO HONOR ET GLORIA.
*Ingenio, virtute, fide dare vix locus iste
Vulgi voce parem noverat ante diem.*

ROBERTUS BOTHE DECANUS 1487.

Thus having troubled your patience with my simple collections, leaving multitudes more which might be produced—I sett an end to these questions.

N° LXXVII.

Of the same.

By Sir WILLIAM DETHICK, Garter.

3. Nov. 1600.

THE interpretation of the word epitaphes having been extremely well defined by others, I shall take them to be the inscriptions of writings, or the forms of ensigns, motts, or remembrances engraved or fixed upon sepultures, tombes, or monuments, where the bodies of valiant and most worthy men have been buried. Of these there are infinite forms and portraictures to be observed amongst sundry nations; but those of the Romans have been most noted and known unto us by their ruins, of which there are many particulars still remaining in Rome, furnished with inscriptions conformable to what Virgil briefly noteth,

Et

Et tumulum facile, et Tumulo superaddite Carmen.

With this Martial agreeth in his epigrams.

*Accipe non Phario nutantia pondera Saxo
Quæ Cineri vanus dat ruitura Labor ;
Sed faciles Buxos et opacas Palmitis umbras,
Queque virent Lachrymis humida prata meis.*

It would be superfluous to repeat in this place the several Roman epitaphs dedicated to the fame of their consuls and Cæsars, in their statues, temples, and Collosses, wherein was contained a short description of the fame and honours of the defunct ; since they are to be mett with plentifully in many histories: as also in the works of Franciscus de Albertinis of Florence, who hath made a great collection for Rome and Italy, but was altogether ignorant of the multitude that have been, and are yet extant, in these parts of Britain.

Now the variety and extravagant imitations, which have been used in this and other countryes, for epitaphs, since those Roman forms and examples of honor became known to us, have been much altered and abused, to the infamy and prejudice of some princes in these later ages. For I remember to have seen upon the tombe of a great lady in Brabant these verses, yet very hystorical.

Jacobiaë Bavarix Epitaphium Hagæ Comitiss.

*Infelix mulier quarto variata cubile.
Bis dicor Thalamis destituisse fidem.
Gorcomii cinxi numerofo milite portas
Nec frustra vitrix urbe potita fui.
Patribus opposui vires. Ter mille Britanni,
Me propter, Gelidæ succubuere neci.
Me contra huic patruus tulit bonus arma Philippus
Inque Virum tuli vincula, Bella, Minas,
Ergo resignabam dotalia septra Philippo.
Si non sponte lubens, causa maritus erat.
Mortua jungor Avo. tantum duo Lustra regebam
Nunquã victa malis, mortua jungor Avo.*

Of the Antiquity of Epitaphs in England.

But as for the use and antiquity of epitaphes in England, inscribed on the monuments of such of our great princes as have been held in great reverence and reputation, those monuments have been so shaken and spoyled as it were with their own ruins, that I cannot challenge knowledge of any, but of such as have been of late revived at Westminster, for the princes there buried, and for others in London, by the painfull and pleasant pen of Mr. Stow in his Survey of London and Westminster, wherein sundry epitaphs both serious and ridiculous, written on the tombs of magistrates and men in that city, are remembred. So that I rather recomend the good use and continuance of them, than to dilate further thereon.

Garter Principal King of Arms.

N^o LXXVIII.

Of the same.

By Mr. H O L A N D.

3^d. Nov. 1600.

ABOUT nyne years past, I saw graven in stone upon the outside of the wall of Winwick Church in the county of Lancaster, this epitaph following, written upon the death of Oswald, king of Northumberland, who was slain in battle in the time of the Saxons.

*Hic locus Oswalde quondam placuit tibi valde ;
Northanhymbrorum fueras Rex, nuncque Polorum ;
Regna tenes prato passus Marcelde vocato.*

The epitaph written upon the death of Peter de Courteney, one of the younger sons of Hugh Courteney earl of Devon, who lieth buried by the said earl his father in the cathedrall church of St. Peter's in Exon, comprehends in
four

four verses, whose son he was, and that he was of the king's blood, as also the several offices which he bore.

*Devonie natus Comitibus, Petrusq. vocatus,
Regis cognatus, Camerarius intitulatus,
Calesie gratus Capitaneus, Duxque probatus,
Cælo firmatus, maneat sine fine beatus.*

There is an excellent epitaph in St. Pawle's Church in London, upon the tombe of Ethelred, some time king of this land, which may be a warning unto all men that seek so greedily for worldly wealth, that they respect not shedding of innocent blood.

Hic jacet Ethelredus Anglorum Rex, Filius Edgari Regis, cui in die Consecrationis sue, post impositam Coronam, fertur Sanctus Dunstanus Archiepiscopus dira predixisse, his verbis: Quoniam aspirasti ad regnum per mortem Fratris tui, in cuius Sanguine conspiraverunt Angli, cum ignominiosa matre tua, non deficiet Gladius de domo tua, Seviens in te omnibus diebus vite tue interficiens de Semine tuo quousq. regnum tuum transferatur in regnum alienum, cujus ritum et linguam gens cui præsudet non novit. nec expiabitur nisi longa vindicta peccatum tuum, et peccatum matris tuae, et peccatum virorum qui interfuere consilio illius nequam: Quæ sicut a viro Sancto prædicta, evenerunt; nam Etheldredus variis præliis, per Suanum Danorum regem, filiumque suum Canutum fatigatus et fugatus, ac tandem Londini arcta obsidione conclusus, misere diem obiit anno dominicæ incarnationis MXXVII. postquam annos XXXVI. in magna tribulatione regnasset.

As these epitaphes, which I have shewed, do comprehend great sense in few lines, I will conclude with an epitaph, wherein there is great sense comprehended in one word, and yet that word is written upon a large marble stone at the foot of the great staires, ascending up unto the quire in St. Paul's, to wit,

OBLIVIO.

K k 2

Notwith-

Of the Antiquity of Motts, &c. in England.

Notwithstanding the brevity of this, the writer's meaning was not that the person there buried should be forgotten, because he hath sett his arms at the four corners of the stone, which are significant enough to declare who he was.

JOSEPH HOLLAND.

*Totum terra tegit, qui totus Terra vocatur,
Hollandus jacet hac contumulatus humo.*

N^o LXXIX.

Of the Antiquity, Variety, and Reason of
Motts, with Arms of Noblemen and
Gentlemen in England.

By Mr. AGARDE.

28. Novr. 1600.

I FIND not that any motts were used before the Conqueaste heere in Englande, other than this, that many princes and noblemen had theyre especiall oathes, some swearing by God, and some by saynts, whom they esteemed as their patrons and advocates to God for them, yea, and in whose names they founded and dedicated abbayes and churches, as may be seen in their foundation charters, as in that of Sebert, called Subregulus (Alderman) and who was a man of great state, and founded the abbey of Westminster in the name of St. Peter, his chief patron. So did Edward the Confessor repute Peter his chief patron, in which he was imitated by William the Conqueror, who in a charter of his to Westminster Abbey, calleth him expressly his patron in theis words: *Ne ergo Vacuus appare-rem ante secundum Dei Apostolum Petrum quem perdulem signiferum*

signiferum & defensorem in omnibus necessitatibus & periculis meis senseram, &c.

Wickliffe, in the preface which he made before his translation of the bible, sheweth plainly that such was the ignorance of his tyme; that noblemen, and men of worthe, had chosen to themselves suche bye words and oaths, whereby they would be known, and whereupon they would be more trusted, than if they affirmed any thing in the name of God or the Trinity. He setteth it out “ that the preestes of his tyme, by theyre wicked
“ lyffe, dyd mien lords and prelates exciten strongly to
“ idolatry, for they sweren customably, nedelesly, and
“ often unadvisedly and falsly, by the members of God, and
“ of Christ, and by sayntes; in so muche that eche lord
“ and great prelate commonly maketh to him an idoll of
“ some saynt, whom he worshipping more than God. For
“ commonly they sweren by our lady of Walsingham, St.
“ John of Babilste, St. Edward, St. Thomas of Canter-
“ bury, and such other sayntes: and chargen more this
“ othe, than though they sweren by the Holy Trynytye.
“ And in all this, they honoren more theis saynctes than
“ they honoren the Holye Trynytye.”—And so yt appeareth that many had theyre bye words and bye oaths, by which they would be knowen and remembred manye ages after. William Rufus swore *per Vultum de Luca*. Kinge John by *per pedes Domini*. Abbot Sampson of St. Edmond’s Bury, his gentle othe was, as Bracklond reporteth, *per Os Dei*. The like vile custome hath contynued still even unto our age, as it hath been seene and harde by us all. But whyther am I gonne? Some of this company will perhaps say that I speake besyde the matter, and therefore *sufficit*.—As to motts, I am of that opynyon that they took theyre first beginninge from men’s conceits of there being some speciall vertues in them; or from the etymologie of theyre own names; or from some watch word in the campe, which at this daye is called *The Mott*; or from the watch word to be geven for a sodden enterprise or surprise of a place; or as souldyers will give them to
men

men of worthe; as to the duke of Guyze, after he had benne hurte by a fouldyer on the face in a skirmyshe in the cyvill wars, and so receyved a great skar, was given this, *D'autant plus beau*, such lyke have been of great contynuance in England.

The auntyentteste I know or have read, is that of Trafords or Trafard in Lancashire, whose arms are a labouring man with a flayle in his hand threshinge, and this written mott,

Now thus,

which they say came by this occasion: that he, and other gentlemen, opposing themselves against some Normans, who came to invade them; this Traford dyd them much hurte, and kepte the passages against them. But that at length the Normans having passed the ryver, came sodenly upon him, and then he disguising himselfe, went into his barne, and was threshing when they entered, yet beinge knowen by some of them, and demanded why he so abased himself, answered, *Now thus*.—As to motts taken from the etymologie of the name.—The Caves of Leicestershire have a pretye one, that is a greyhounde runninge, and the wrytten words, *Adsum, Cave*.

As for motts added and subscribed to armes, I suppose the same came up first in Englande, when the order of the garter was instituted, and then every knight brought in his epitheton, some in Latin, some in French, and few or none in Englishe. The motts of the kings of Englaunde were in Frenche, those of the kings of Scotland in Englishe, the princes of Wales in Welch, *Ich Dien*, and for those of other natyons every one used their motts as lyked them beste. Nay some natyons have chosen speccyall motts to distinguish themselves from theyre enemyes in the time of fight. Thus when William the Conqueror fought with the Englishe at Battailefelde, on the onfet the Englyshe cryed, *Holy crosse—God Almighty—Holy crosse—God Almighty*. And the Normans cryed, *Nostre Dame—Dieu ay nouz ade*, oure ladye and God help us. But in theyre
fight

fight the English cryed, *Oucgt—oucgt—out, out.* The Englishe untill of late called always in fight on St. George; the Flemings and Scotts on St. Andrewe; the French on Saint Denys; the Irishe on St. Patricke; and the Veneryans, as they yet do, on St. Marke. Nay so ambityouſ is everye man of perpetuitye to his name and fame, that the vyleſte and cruelleſte, yea baſe, proud, dyſſolute perſons, take yt for glorye to have theyre peculyer epithetes and phraſes added to theyre armes, if they have them; or yet to their acts, be they good or bad. Such a one was Machivel's idol or paterne of his cruel common welthe. I meane Cæſar Borgia, the pope's ſonne, who on his conqueſts of poore townes about Rome, uſed this Mott, *aut Cæſar aut nihil*, and ſo indeed he proved *nihil*; for his father, the pope, dyinge in this his ſonnes height of proſperity, and in the depthe of his deviſes, how he might ryſe from miſchief to miſchief by his cruelltye, ſeinge that he could not be ſupplied with his former holye crowns from Rome, layd him down and for grief dyed. At preſent every poore tranſlator or idle ballet-maker will have his fyne phraſe or mott, as if he weere a magnifie, although at the firſte the ſame was peculyer to honorable and worthy perſons: ſome there are who delyte to be contynued by bye words, as I may calle them, as yt is a ſayinge in my countrey, *Saye and holde*. Another I have harde would ſaye, *Deo gratias* to everye worde, by which means he acquired the name, and was called *Deo gratias*.

As to armes uſed by lawyers, judges, and maſters of the rolles, let thoſe who deſire to behold them repayre to the Rolles Chapel and to Serjeant's Inn wyndowes, and they ſhall ſee every armes with theyre motts, according as the owners of them weere affected, yea, and ſometymes qualeſyed with gifts of nature and wytt.

I have heard it reported from the firſte lorde Northe, by a man of his who was in good favour with him, that he was uſed to ſay, that when he was a young ſtudent in Lyncoln's Inn, now about ſome xxiiij. yeares agoe, that the ſtudents having ordered their hall to be enlarged,
ſuch.

such as on that occasion were benefactors to the house, dyd chose wyndowes wherein they did sett up their armes in painted glafs; and that amongst them was an ancient, one Sulliard, who put up a whyte horse stumbling and subscribed *Hoyst Bayard*, and that one Blackwall made a black well with two bucketts, and theis wordes, *Have well, faye well, and doe well, quoth Blackwell*. One Knifton made a knife thorow a tonne, in allusion to his name. And it is well known that Bolton the Prior of St. Bartholemew's in Smithfeild caused to be set up in all his stonnel worke and weynscote there, a tonne with a bolt past thorough the same for Bolton; and so I ende with myne own *Dieu M' Agarde*.

ARTHURE AGARDE.

Nº LXXX.

Of the same.

By JOSEPH HOLLAND.

28. Novr. 1660.

IN divises of armes, the figure or charge without the mott ys commonly not so significant, nor able of ytselfe to expresse the meaning of the bearer; so that the motte doth add a greater spirit and understandinge thereunto; however, in my opinion, the mott ought to be shorte, and not exceeding three or four wordes at the most.

For example, I have seen a badge belonging unto Trafford of Trafford in Cheshire; which is a man in a party-coullered coat, with a flayle to threshe corne withall, in his hand, under which was wrytten (*now thus*) and which as I have heard was borne upon this occasion; his auncestor havinge intelligence that William the Conqueror had given his landes unto one of his Norman knights, and understandinge what day the knight would come to take possession

sion thereof, he apparelled himself verye meanlie, and was founde by the knight thrasheing in his barne ; whereupon the knight thinking the living foe poore, that yt would not manteyne him like a gentleman, compounded with Trafford for a small matter, and begged a better estate from the kinge.

Levermore of Devonshire bare for his armes, argent, a bunch of flagges or levers, verte, according unto his name *Levermore* ; under which was wrytten (*humilitate resurgam*) alluding unto that fable of Æsop, where it is sayed, that the flaggs, by yealdinge and bowinge themselves with the winde, did recover after the storme was past, when the great oke, being not able to bowe, was many times blown down.

St. Clere of Devonshire beareth for his armes parted *per pale*, or and azure, the sun cōunterchanged of the field ; so that half the sun ys as it were eclipsed with a cloude, with this mott under yt, *Obstantia nubila solvet*, meaning thereby to exprefs that as the sun with his bright shinginge beames dissolveth the cloudes, soe he hoped to vanquish all that should be adverfe unto his shyninge vertues.

I have an auncient Roman coin of Magnentius, which was founde in England near Dorchester ; upon the reverse wherof is drawne a man on horsebacke, with his darte in his hand, and under his horse's feet a poore captyne holdinge up his handes as imploring for mercy, over the which is wrytten, *Gloria Romanorum*, to signifye thereby, in what emperious forte the proude and insolent Romans did triumph over the poor Brittons.

Thus much breefflie concerninge motts, wherein it is to be observed, that they are not heredytary as armes are, for the son is not bounde to bear his father's mott or impress. The kings of this land have altered theirs accordinge to their wills and pleasures, and in our tyme, queene Marye's mott was, *Veritas temporis Filia*, but the queene majestie that now is, useth *Semper eadem*.

JOSEPH HOLLAND.

Fortitudo mea Deus.

N^o LXXXI.

Of the same.

By Mr. CAMDEN.

MOTTs, as we use the worde nowe, for clauses, short, wittie, and conceited, answerable to the disposition of the bearer, or some other respect, are neither auncient, nor have beene aunciently appropriated to armes. As the word, so the devise and use therof hath by the French beene derived unto us from the Italians, when they began to take up impresses, which was in the Neapolitan warres about the yeare 1460. Yet impresses without motts, as bodies withoute foules, were in use aunciently among us; for king Henry the second, grievously molested by the disobedience of his fowre sonnes who entered into actual rebellion against him, caused to be painted in his greate chamber att his palace in Winchester, an eagle with four young chickens, wherof three pecked and scratched him, but the fourth picked at his eyes. This his devise had noe life, because it had noe motte—But his answer gave it life, when he said to one demanding his meaning, that they were his sonnes, which did so peck; him and that John, the youngest, whom he loved best, practised his death most busily.

For wordes appropriated to armes, the most auncient that I have happened uppon, is that of William de Ferrarijs earle of Derby, in the time of king Henry the third, whose shield varie with a border of horse-shoes, had written about it, *Lege, lege.*

Sir Thomas Cavall bearing an horse in his shield writt under yt, *Thomæ credite, cum cernitis ejus equum.*

Like unto this, was that put by the abbot of Ramsfey about the armes of that abbey, being a ram in the sea,

Cujus signa gero, dux gregis est, ut ego.

The victorious Black Prince used sometye one feather, sometye three feathers argent, in a shield sable, in token of his speedye execution in all his services; as the postes in the Romane tymes were Pterophori, and wore feathers to signifie their flying post haste; but others saye, he wonne them at the battle of Poitiers, whereupon he adjoynd thereunto this old English word, *Ich Dien*, i. e. *I serve*, according to that of the apostle, *the heire while he is a child, differeth nothing from a servant.*

King Henry the fifth carried a burning cressett, and used for his word (but not appropriate hereunto) *un sans plus.*

King Henry the eighth at the interview between him and king Francis the first, whereatt also Charles the fift was present, used for his impresse an Englishe archer drawing his arrowe to the head, with this inscription, *Cui adhaereo praest*; which he alsoe used under his armes, when as att that tyme both those mightie princes banding one against the other, wrought him for their owne particular.

To the honor of queene Jane, who died willingly to save her child, king Edward, her armes were sett up with her creast, being a phoenix, with this motte, *Nascatur ut alter.*

Sir Richard Schelley, knight of the Rhodes, used under his armes, wherin he quartered a faulcon by the name of Michelgrove; and alluding to that faulcon, this Spanishe motto, *Fede & Fidalguia*, i. e. *faith and gentlenes*.

Mr. Richard Carew, of Anthony in Cornwall, used under his armes this Italian motto, *Chi verace durera*, which also conteyneth his name anagramatically.

Sir Phillip Sydney relying uppon himself, and not the nobility of his progenitors, used *Vix ea nostra voco*, alluding to that saying of the poet, *Nam genus, & proavos, & quae non fecimus ipsi, vix ea nostra voco.*

WM. CAMDEN.

Pondere non numero.

N^o LXXXII.

Of the fame.

AMONGE all those authors, which write of coates, impresses, emblems, and such lyke symbolical devises, which in my computation are about thirty, there is only one that distinctly toucheth the matter now handled, and that is Jeronimus Ruscellius (not in that great volume he hath sett out of impresses) but, in a treatise sett out together with Paulus Jovius, in which amoung many other arguments of lyke kind, he hath a particular discourse of coates and motts of coates. Cassaneus, in *catalogo gloriae mundi*, having a hundred several conclusions of this argument of armes, hath nothing of motts of coates. Our gentlemen and noblemen of ancient tyme, never thought of them for any thinge, that I can find; they chusing to make shew of honor, rather by their hands then their witts. Our latter gallants, eger in imitation of the French and Italians, have inclyned altogether to impresses, as a more witty kind of devise. This humor hath also possessed our writers on this kind of argument, who have now turned their style for the most part to impresses; so that I cannot see how he shall be able to satisfye the hearers in this discourse, that hath not instructions rather by experience, as our officers of armes have, then by reading, as wee of other professions have. First then, to speake of the antiquity of mottes in England, I suppose they had them, as wee have most of our civil actions, by imitation from other nations, and not by invention amoung ourselves; and therefore yt will be in some sorte, a defying of the antiquity of them among us, yf wee search how ancient they are elsewheare. The first mott I find used among other nations, is that of Agamemnon, generall of the Greekes at the sege of Troy, who bore on his sheild a lyon saliant, with this mott, *αυτος μεν φοβος εστι βεοτων*, to shew his valor, and that he feared none. The
next

next in time, is that of Macabees among the Jews, who being *Liberatores Patriæ*, gave this mott in their ensign to all their famelye, *Men caphe Both iod*, which are the foure letters of the Hebrew alphabet M. C. B. J. by which in the Hebrew tonge was signified that saying of Moyse in the 15th chapter of Exodus, and the 11th verse, which is, *Who is lyke unto thee, O Lord, among the gods?* From this mott the famelye weare called *Macabei*, which name is but a conglutination of those fower letters. Lyke unto this was that mott of Henry the fyfte, after the victory of Agincourt, *Non nobis, Domine.*

The next that I shall cite is that of Vespasian, which though yt weare longe after the other, yet is very ancient, to wit, the figure of a dolphin, with the mott, *Festina lente.* That of the Romans S. P. Q. R. signifying *Senatus populusque Romanus*, wrested by Beda, *Stultus populus quarit Romanos*, was both ensigne and mott yt selfe, and thearefore is not within the cumpas of our argument. That of Constantine the emperor, which were the words *In hoc signo vinces*, placed under the crest, is proper to our discourse, both because yt is a mott under a coate, armes, or ensigne, and was borne by our countryman. As to any motts placed under coats of arms, and used in the tymes of the English kings before the Conquest, or of Normans at their coming in, or for many yeares since the Conquest, wee have but small lyght. And since that tyme this realme hath had continual practyse of armes, both in triumphes at home and in service abroad, in all which our ancestors sett all their glory upon points of valour and activity, and not upon motts and inventions; I will not speak of the mott of the knights of the order, because it apperteyneth not to a coate armes: but I observe, that the times of that institution brought in among our gentlemen more civilitye then before was used, for *Nobilitas in amore latet.* The next mott that I read of after that, is the mott of king H. 5. *Non nobis, Domine*, before spoken of, and which he assumed after the battell of Agincourt. Of late years our countrymen have applied their witts to
effeminate

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effeminate inventions, insomuch that I suppose the mott described by Chaucer in the Prioresse's abbet may very well besee me us; the poet has yt thus,

*Of smale coral about her arme she bare
A paire of bedes, gawded all with greene;
And theare on hung a branch of gold full sheene,
On which theare was wetten a crowned A,
And after that (amor vincit omnia.)*

In this first point of our question, touching the antiquitye under coates, I might take occasion to discusse that, which, as I have read, was proposed by an author of noe smale creditt in this argument, that is, whither motts be ancienter under coates, then under impresses? which question I think will be decided, if wee determine whither coate arms or impresses be ancientest. Mine author concludeth the antiquity for impresses, but I am against him, because I think coate armes are the more antient, and that motts are of equal tyme with them.

Our second point is the variety of these motts, which is proportionable to the diversity of the minds of the bearers; *ut quisquis abundat sensu suo*. Some motts are hereditary; but most of them are given by the devisors, and applied to the conceit of the bearer; some alluding to his name, yet concluding good matter; as that of Godwin, bishop of Bathe and Wells, *Win God, win all*—that of Sir John Jeffray, lord cheefe baron, *Que fra je fra*. That given by Wickham, founder of New Colledge in Oxon, to his coate, and which is a very fitt mott for a place of education, *Manners maketh man*. I have heard of a mott under the coat of a gentleman of this realme, which carying a very good sense with it, was misinterpreted by some, who suspected that the giver was of a humour contrary to his mott; for whereas it was, *Sorte contentus*, they would have it, that it meant or intended, *Content in a fort*. Should I prosecute this parte of our question, touching the variety of motts, in this sort, I might bring upon the stage the devises of those, that either are now living, or
who

who died within the memory of our fathers, which I forbear to doe, lest I should make rash constructions of the secret meanyns of others. This was, as I thinke, the reason, that some of our countrey men writing of this matter of armes, and particularly Mr. John Boswell in his treatise of coates and creasts, do imblasen the coates of manye gentlemen by their names, but without describing any motts, except those of his own invention; in doing of the which he ever applyeth the mott to the creast, and not to the coate. Those which he setteth downe for examples, have an analogie and reference between them and the creast to which they are added, like to that which is between the body and soule of an impresse, as for instance, a clubb with an olive branch wreathed about yt, and this mott underneath, *Pax vi potior*.—I will not at this time be over bold to discourse of the variety of motts, seeing the professors of that art have been so scarce in the argument; but only in the last place touch upon the reason of motts. This, as is apparent by the description of them given by those who are proficient in that science, is a short sentence discovering a secret invention, which description may generally be applyed to impresses or any other such like devises: for the coate or escutcheon was anciently an outward marke or badge whereby you might take notice of the person of the bearer, his name, and family. And therefore all gentlemen of armes did in the field over their armour wear coats whereon their armes were imblasoned; and so wee see them portraicted and imaged on tombes in many places. This I thinke was that garment which the Roman general wore in the warrs, and was called *Paludamentum*. The mott was afterward added to the coate, in order to give some shew of the mind and affection of the bearer. Thus the coate and mott together, described the giver of them, both in body and mynd.—There be certain rules prescribed in the devising of these motts, which I think are not to be exacted in the mottes of coates, but rather of impresses.

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The first is, they must leave a scruple in the mind of the reader to busye or employ his meditation.

The second is, that they may not exceed three wordes, unless yt be *dum, nec, et,* or such like.

Thirdly, that they must be taken out of some famous author.

Fourthly, That they must be neither too obscure, nor too trivial.

And, lastly, that the figure without the mott, and the mott without the figure, are to be deemed as imperfect. These lawes however are not strictly requisit in the chusing of any kind of motts, and more especially not in those under coates, which have the greatest liberty of invention.— Methinks the mott under the coat of Paul Baglione the Italian, though yt be a whole hexamiter, is good enough, had yt not been made subject to a bitter jest of an Italian gentleman, for a worse respect then the length of yt.

His escoucheon was a griphon arg. in a field gules; his mott, *Unguibus et rostro atque alis armatus in hostem.*— But this gentleman being afterwards surprized by the treachery of the pope, his freind brooke this jest of him, *that he might have done himselfe moore good with a paire of winges to have flown out of the snare, then by defending himself with his beake and talons, to be thus taken prisoner.* Having now spoken decisively of the three partes of our question, viz. the antiquity, variety, and reason of mottes under English coates of armes, I will leave the large and ample unfolding of this argument to those gentlemen, who being of the profession of armes, are better able to produce instances and examples of experience to the perfecting of this discourse.

My crest is a falcon rayning herself upward toward the sky from a high tower—My word under it is,

Oculis in solem, alis in Caelum.

N^o LXXXIII.

Of the same.

By Sir WILLIAM DETHICK, Garter.

28th. Nov^r. 1600.

THIS proposition for inquiring into the antiquity of motts and words, as emblems added to the armes and ensignes of the noble and valiant, is highly to be recommended, as it representeth unto us an increase of the demonstration of the courage, valour, and prowesse of martial men.

Herein, first, we have imitated the Egyptians, who used as well to expresse and preserve their clear knowledge in philosophy, as also their famous facts, by the figures or similitude of beasts, birds, and wormes carved and cutt on pillars of stone, some whereof yet remaining at Rome I have myself seen. Next to them the Greeks would, by the means of Cadmus his travells, challenge to themselves the invention of characters and letters, which invention is however rather to be attributed to the Caldeans and Hebrews then to them. After these the Romans learned to perpetuate their names and renowne, by carving and expressing their dignities and offices upon marble and brasse, whereon many tables of their laws, and remembrances of the huge edifices erected by them, are left to posterity, as Ovid remembreth in his verse *de Affilo* in Rome,

Romulus et Saxo locum circundedit alto :

Quilibet huc inquit confuge, tutus eris.

Among thousands which have been discovered, there was about thirty-four years past, but in my time, found in the old capitol, a broken marble whereon these letters were engraved,

Nil esse difficilius quam bene imperare.

Of the Antiquity of Motts, &c. in England.

And apud Turrem Militiæ, near to the palace of Nerva, there was also dug up a marble stone cut with these letters,

Potissima Dos in Principe, Liberalitas et Clementia.

Infinite other motts and incissions in such letters as those tymes produced are likewise to be mett with. Thus on a huge portraicture, like to Hercules, but made for the emperor Comodus, and lately found in the ruins of Rome, was written,

Procul este Prophani.

Fynally, let it be remembred that Cefar, who admired and imitated Marius in his arts, at his third or pontic triumph, assumed this mott, *Veni, vidi, vici.*

But to make no further mention of the use of those triumphs, and of the glory of the state of Rome, I shall just take notice of what was said of St. Augustia, viz, *Quod tria videre voluisse dicitur. Romam triumphantem, Paulum predicantem, et Christum in Carne;* and so hasten to England our natyve country, where both in London and Westminster certain words or motts tending to zeal for religion and godliness, are known to be placed upon the shrines of king Edward the Confessor, and other our kings and princes there buried.

The motts which are intended by the proposition now before us, tend only to the demonstration of honorable impresses for warlike dispositions in valiant princes and men of armes; and these most assuredly have proceeded from the ordinances and observances of warres and battles.—The antient Britons, no doubt, long before the invasion of Cæsar, did use known and proper words for signe of battayle, and for giving encouragement to their soldiers; instances whereof may be found in C. Tacitus, and other Roman historians.

Althoughe I must confess that I have not read much of these motts in any authors of great note, yet I remember that Paulus, Bishop of Nocera, in his writings sayeth, that in the time of the emperor Frederick Barbarossa, the
mott

most distinguished princes had in great esteem the arms of their families, and the impresses which they bore in the wars wherein they were engaged: for that emperor advanced many of those noblemen to estates of dignity and honour, on account of their valiant feats of arms performed in his warrs.

In example wherof, the princes and noblemen of England which had ben famous in those wars, and in those of the Holy Land at that tyme, as also with king Richard the first, and long before, erected the like shields and standards of arms, thereby to be the better known and discerned; and on which they sett out their severall arms and devises, and also replenished the same with motts and writings to express their courage and valour. But yet more abundantly were these kind of motts brought into use, after the example of that most famous and virtuous prince king Edward the third, when he had founded the most noble order of the garter upon that mott, *Hony soyt qui mal y pense*: and when at his entrance in arms into France for recovery of his inheritance, he had taken this mott, *Dieu et mon droit*, i. e. *God and my right*, which mott the most noble kings of England have ever since used and maynteyned.

The use and observance of these motts hath likewise been assumed and taken in many jousts and turneys, and set upon the trappers, caparissons, and devises of the combatants. But these, bycause I would be short in my demonstration, I must omit, as also the infinite motts that have been used and depicted on the standards of noblemen, knights, and men of arms of England, and especially used and practised in the wars against France in the tymes of king Henry the fifth, and of king Henry the sixth, and in later times at Tyrroine, Turney, and Bullen, which standards are now in this age altered, forsaken, and turned all to colours in the field, and the use thereof almost expired, except what we observe at funeralls.

N^o LXXXIV.

Of the same.

By Mr FRANCIS LEIGH.

THE question is of the antiquity, variety, and reason of motts to the armes of noblemen and gentlemen in England, which question falling most properly into the learninge of officers of armes, affordeth me little ability to speake of a matter so farre out of my province, more especially as it is confined to the limits of our country; in experience of which, wee are commonly most ignorant, as having therein lesse help from reading and history, then we have in regard to other countries.

The first part of our question is the antiquity of motts. The which, yf I may digresse so much, as to give old and foreign instances, as that of the letters S. P. Q. R. for *Senatus Populusque Romanus*, placed under the banners of the Romans, and that of Vespasian, *festina lente*, written under a daulphin clasping an anker, I take to be equal in time to coats of arms, as being applied the one to the other; the coat describing the affection of the giver, and the mott, like the soul, giving power, life, and interpretation to that description.

In this our realm, I do not read of any persons very antient, who gave both coats and motts; although this nation bee as famous as any in Europe for martiall actions, and for the valour of our ancestors in the execution of them; and the which they rather shewed in the riches and strength of their armes, then in the acuteness, nimbleness, or fineness of their inventions. For whereas I read of many ancient triumphs, juffs, turnements, and single combats exhibited by our forefathers, even to the particular description of every severall part of armor, both of horse and man, as in the combat between Mowbray and Hereford in K. Richard the second's time; wee never finde any mention of motts or devises of witt used in them. The ancientest story redounding to the honour of coats
of

of arms which wee have in England, is that of prince Arthur, and his knights of the round table; which story, though it be blended with some fables, yt hath so much truth in yt, as to assure us both of such an honorable institution of knighthood being established, and of the proper ensignes belonging to every one of those knights. All which are perfectly in every respect left unto us, but yeat without any motts—By which I gather that in those ancient times, wherin the honor of armes was first professed in this our realm, there was no practise or use of any such witty matters as motts.

The first mott that is memorable with us, is that placed under the shield of St. George, and given at the institution of the order of the garter, which order, as most authors affirm, began upon an amorous occasion; and by which it is probable, that these motts were brought into this kingdom in an age declining from war, and cherishing delights.

Yet, if it be no question, which of many is controverted, that the emperor Constantine the Great was of English parentage, he may be our first instance in this case, who, taking the apparition of a crosse, for a presage of victory, afterwards gave for his arms or ensign the figure of a cross, with this mott, *Hoc signo vinces.*

As to the variety of motts, which is the second part of our question, it is hard to discourse, being therein restrained by their scarcity; yet these differences do I find: some are applied to religion, as that of the kings of England, *Dieu et mon droit*, and that of Sir Thomas Williams, a knight of great reputation in king Henry the seventh's time, *Heb Theu, heb thime, i. e. without God, without all.* Others are applied to the habit of some one especial virtue, as this of our gracious sovereign, *Semper eadem*, and this of an earl in this land, *Basis virtutum Constantia.*

Again, some are applied to a general embracement of virtues, as this of Sir Walter Mildmay, *Virtute, non vi*, and this of Sir Phillip Sidney in his own merit, *Vix ea nostra voco.*

Lastly,

Lastly, the reason and purpose of every mott, in my opinion, is obscurely to give some light of the bearers inward intention.

FRAUNCIſ LEIGH.

N° LXXXV.

Of the ſame.

By Mr. A. HARTWELL.

PERADVENTURE it is expected, that becauſe I was the mover of this queſtion, I ſhould ſpeak more in it than others do. But in trueth the very cauſe that induced me to have this queſtion decyded, was for that I have found very few motts, whereof with all the ſmall witt I had, I could fynde any reaſon: and therefore I was deſirous to be informed from other learned men who are of this ſocietie, of that whereunto I, in myne owne learning, could not attain.

But forasmuch as I am, according to the laudable cuſtom of this company, either to write or ſpeak ſomewhat of the queſtion propounded, I muſt firſt acknowledge my own ignorance therein, and wholly rely myſelf upon the knowledge and obſervation of the gentlemen here preſent, who have had more leiſure to conſider of this poynt, and have obſerved more then I poſſibly could. For my own part, I cannot indeed yield any reaſon why theſe motts are conjoynd with the armes of nobles and gentlemen of England, becauſe the reaſon of their uſing theſe motts (as I take it) was of a ſpecial conceyt and occaſion, particularly known only to the authors thereof themſelves.

As to the antiquity of motts, I read that Judas Mackabæus was the moſt antient among the Jews that carried a mott in his ſtandard, and that of ſuch his mott he had his name. — For he was not called *Mackabæus* of his family or houſe, who were all called *Chafmonai*, as Tremellius, Junius, and Drufius do teſtify; but he was termed
Mackabæus,

Mackabaus, because he carried in his standard, or *vexillum militare*, these four Hebrew letters, *Mem*, *Chaph*, *Beth*, and *Jod*, or M. C. B. and J. whereunto their points being added, which are their vowels, (for others they have none) his mott was *Mackabai*, whereof he took his name. These four letters are the acrostickes or initiall letters of these four wordes in the fifteenth chapter of the book of Exodus, *Mi Chamocha Baalim Jehovah*, which is in Latin *Quis sicut tu Deorum Jehova?* And of these four letters. M. C. B. J. so inscribed upon his standard, *tanquam omen victoriae*, the Jews made one worde (as Rabbi Ben Sheola testifieth) and so called him *Macabai*. Like to the Romans, who, as every man knoweth, did bear in their standard S. P. Q. R. being the acrostickall, or initial letters of *Senatus Populus que Romanus*: although it hath pleased some in another humour to interpret S. P. Q. R. as the Sybilles did, *Serva populum quem redimisti*, and venerable Beda thus, *Stultus Populus querit Romam*; the French, *Si Peu que Rien*; the Italian, *Sono Poltroni Questi Romani*; the Almayne protestant, *Sublato Papa Quietum Regnum*; and the catholiques, *Salus Papa Quies Regni*. It was a good jest, if it be true, that one seeing S. P. Q. R. written in a new pope's chamber, did interpret it thus, *Sancte Pater, quare rides?* whereunto the pope on a sudden returning his answer, according to the letters retrograde, like a good Hebrean, reading the letters backwards, R. Q. P. S. sayd, *Rideo, quia Papa sum*. This manner of acrostick letters is at this day usually observed in our ordinary crucifixes, the banners and standardes of Christianity, whereon are inscribed the four letters J. N. R. J. alluding to the title which Pilate caused to be clapped over our Saviour's head, *Jesus Nazarenus Rex Judaorum*. And the auncient Greek emperours carried likewise in their ensignes four betas, to signify that the emperor was Βασιλῶν Βασιλέων Βασιλεύων Βασιλεύσι, viz. *Rex Regum Regens Reges*, i. e. *King of kings ruling over kings*.

Touching the motts of our English noblemen, whether they have received any example of the same from
the

the Romans in the Britons time, or in the Saxons tyme, or in the Normans tyme, I hope I shall learn that of those learned gentlemen who are to speak to that poynt after me. But I do yet hold opinion, that these motts are derived unto us since the Conquest, because the most parte of motts that are added to our English armes, are meer French; as for example, the mott of the garter, *Honi soit qui mal y pense*, is no auncienter then king Edward the third, the reason whereof is apparent to any— But the other mott, which is commonly conjoynd with the arms of England, viz. *Dieu & mon Droit*, whether it was first used in that king Edward's days, when Jacques de Artwell did advise him to quarter the arms of England and France, I know not; but I rest in good hope, that I shall be resolved therein before this good company be at this tyme dissolved.

The prince of Wales using the mott of *Ich dien*, i. e. *Ego servio*, had great reason for so doing, because so long as the king, his father, lived, he was but a subject.

Other motts of our English nobles and gentlemen are so close and secret, that I am of opinion, that no man knoweth the reason of them, but onely those that first used them. As for example, one writeth *Deformais*, another *Dorefenavant*, a third *a Tousiours mais*, a fourth *Plus que Jamais*, another *Droit and Loyal*, another *Jour de ma vie*; and I will not meddle with him that useth *viderit utilitas*— For I take that to be but some capricious conceit, which he hath appropriated to himself, and whereof I am not to ask a reason.—But whether that, or any other be agreeable, or any way correspondent to the armes whereunto they are applied, I am to expect of the learned gentlemen who are hereafter to speak. Only one mott I do find at Lambeth in the hangings at the upper end of the archbishop's great hall there, where are (as I take it) the arms of the house of Luxemborough and of St. Pol, which house of St. Pol beareth a sun, or, in a field gules, and the mott thereof is *On le verra*, intending (as I construe it) that as the sun cannot be hidden, but at last will be seen.—So
that

that gentleman's honest intent, though it be hidden and concealed for a time, yet in the end it will burst forth and appear as clear as the Sun.—And this I beseech this good company to accept at my hands, because I am appointed to say somewhat to the question, not doubting but that I shall receive good instructions of others in this presence.—Upon whose mouths and judgments I do wholly depend, and whereunto I do humbly submit myself.

ABRAHAM HARTWELL.

*Abrahamus Christum, Joh. 8^o. }
ut Servus Fontem, Psal. 42^o. }*

N^o LXXXVI.

Of the Antiquity, Power, Order, State,
Manner, Persons, and Proceedings of the
High Court of Parliament in England.

By Mr. DODDERIDGE.

THERE is no king in the world, nor any subjects of any king, that have a greater and more binding, and yet a more free council, then this in our parliament in England; whose general acts, since all men must take knowledge of, it may be profitable to every man to understand the dignity, order, and antiquity thereof.

Sovereignty, the highest degree of honour, is imported in the very summons; for the king himself (*jure regio*) as a flower of the crown, hath the absolute power of calling and dissolving it.

Order itself stands represented, when the court is sitting: such is the majesty of the prince, the gravity of the persons, and their state in proceeding. But this being often seen, and so best known, and the other unknown to many that sit, and often see the order of this court; therefore

we will treat principally of the antiquity, nature, power, and jurisdiction of this high court of parliament.

And first of the appellation. The word *parliament*; some derive from peers, à *potiore parte, quasi parium Convantum*, or as others say, *quasi parium lament'*; others, more probably, from the French word *parler*, or that of the Greek *παραλαλῆν*, to treat and confer freely. The French historians say, that this name, in this sense, began at the assembly of the peers of France, *anno Dom. 1200.* but it appeareth to be more ancient with us, then that time: for Ingulphus, who died in the year 1009. saith, *In publico nostro Parlamento*, &c. taking it there for a meeting or chapter of the abbot. Ingelo king of Polonia, in the Polish state, calleth the assembly *Generale Parliamentum*. This may raise a doubt of the former etymologie of it from the French word *parler*. But no doubt the word was brought into this realm by the French monks, and afterwards applied by the statists in the tyme of king Henry the first, to the general council of the kingdom.

But the like assemblies as parliaments are (being much more ancient then the parliament) underwent these names of old times. The Britons called them *Kyfrithin*, because laws were therein made by the English Saxons in their English *Gereduytiss*, a council; sometimes (*Wittena Mota*) a meeting of wise men. Sometimes of the Greek word *Synodos*. The Latine authors of that age call it *Consilium Magnatum, Curie altissima, presentia Regis, Prelatorum, Procerumq. Collegiorum*; as appeareth by the charter of Withlaffias, *anno 833.* and of king Edgar, *anno 966.*

And now to step a *Nomine ad Rem*. Before the time of soveraignty, Nature's law directed men to the love of society, and care to preserve it; and gained free consent even of lawless men, to admit of certain customs as laws, from hence framing matter of form for a commonwealth. But new springing mischiefs standing remediless by the elder customs, caused, for remedy thereof, the calling of yearly councils, the original no doubt of our after parliaments. And it shall appear, that our kingdome, from as grounded authority

authority as any other nation, can prove of old the practise of these great assemblies, then called Counsels, now Parliaments. Those sages the Druides, most proper to this isle, had yearly conventions of their noblest and best people, in a middle consecrated plot of this kingdome; punishing with proscription from their sacrifices whose obeyed not those general designes. Before the Romans arrived in this island, Caustibulan, who before was (*Communi Consilio*) chieftain of the Britaines forces, *Summa enim imperii, Belliq. Administrandi, Communi Consilio, permissa est Caustibulano.* The ancient laws of the Britaines, which (to the honour of our common laws) have their use to this day, were composed in their common counsels: the multitude at that time (as possessed of nothing) had neither voice, nor place; usury, tribute, and greatness having made them servile to their betters. And thus stood the state, till by conquest it was made a province. So before our Britaines learned the laws of their victours, they held their common counsels. Tacitus seemeth to ascribe much to the prosperous proceedings of the Romans against the Britaines, *quod non in Communi Consuluerunt.* After the entry of the Romans, who with their people brought their laws, their counsels were *Comitia*, as parliaments compounded of the three degrees (*Senatores, Equestres, & Plebei*) and termed either *Curiata, Centuriata, or Tributa*; so called, for that the people were divided *per Curias*: in which assembly, *Populus Suffragia tenebat*, distinguished by seats, summoned by the listour, held in the city, had power to consult of peace and war, and to dispose of lesser publique offices. Romulus was founder hereof, and called it *Lex Curiata*, and *Centuriata*; for the nobler people were divided *per Centurias*: for this the counsel fore-sent by edict, *Quis Dies, Comitiiis Centuriatis futurus est*, summoned *per Corniciem*, and assembled in *Campo Martio*, because all in armes. In this were disposed the greater magistracies and affairs: of that Hostilius was the institutor. Tully gloried, in that he was called *Lege Centuriata Tributa*; for in this the people assembled by their tribunes; much

agreeing with that of *Curiata*: and the *leges peculiares* were general, *Jussu populi (regnante Magistratu)* but not in force as laws, until their promulgation: for which cause the country-tribunes repaired to certain faires, where proclamation was made of their new laws; and holding it *aequum ut quisquam non obligaretur ad id quod sine culpa sua, ignorat.* But these freedoms of the people expired and vanished as the empire grew obsolete: and when the state declined, we (as other enfranchised countries) began to give laws unto ourselves. Therefore the Britains told Augustine, *Se non posse absque suorum Consensu & licentia priscis abdicare moribus.* And thus it stood in Britaine until the coming in of the Saxons.

Now that substance and forme of parliamentary assemblies went all along the Saxon age, held during the incursion of the Danes, and was continued by the Conquerour in part: and when the assembly of the three estates formed the parliament (as now we keep it) it shall by clear proof and presidents appear. The story of the Saxons and their laws do shew, that they were of the same minde transplanted hither, as Tacitus saith the Germanes were: *Nec Regibus infinita potestas; de Minoribus Rebus principes consultant, de majoribus omnes: Rex Edwinus,* saith Beda, lib. 2. cap. 13. *quod antequam fidem susciperit, dixit, secum amicis, principibus, & Consiliariis suis collaturum.*

Hist. Estensis, lib. 2.

In a charter of king Etheldred it appeareth, *quod ad synodale Consilium apud Cirenchester universi Optimates simul convenerunt, & Affricum Majestatem rerum affectantem, de hac patria profugum expulerunt.* Bertulphus held a council at Knisbury (*pro Regni Negotiis Congregat'*) to the which the West Saxon king and people sent their legate. Ingulphus hath many places of clear proof; but I will move but one: *In festo nativitatibus beatæ Mariæ, cum universi Magnates Regni, per Regium edictum summoniti tam Archiepiscopi, Episcopi, Abbates, & Clerici, quam totius Regni Proceres, & Optimates London convenerunt, ad tractandum de negotiis publicis totius Regni; consummatis omnibus, Rex Eldredus, coram Universis, Domino Turketillo, Abbati,*

Abbat, Monachisque suis Accersitis, dedit Monasterium de Crowland, &c.

Here you may see the sampler of our parliament.

But to come nearer: when king Ina established his lawes, he saith, *I Ina, king of the West Saxons, have called all my fatherhood, aldermen, and my wisest commons, with the godly men of my kingdom, to consult of great and weighty matters.* Here is represented in king Ina the king's royal person: the fatherhood in those ancient dayes were those whom we call Bishops, and therefore were termed reverend fathers. By aldermen, the nobility is meant: so honorable was the word *alderman* of old times, that onely noblemen were called *Aldermen*. By the wisest commons, is signified the knights and burgeses; and so is the king's writ at this day, *De discretioribus, & majus sufficientibus.* By godly men is meant the convocation-house; for that it onely consisteth of religious men, to consult of great and weighty matters; so is the king's writ at this day, *Pro quibusdam arduis & urgentibus negotiis, nos, Statum & defensionem Regni nostri Angliæ, & Ecclesiæ Anglicanæ Concernentibus.* The like was in king Alfred's dayes, where the king, *sancti Episcopi, & sapientes laici Statuerunt leges;* calling the statute-books *libri synodales;* all their lawes going by way of suffrage general, according to the right of our parliament. Wherefore king Offa having gathered *Consilia sapientum,* and viewing the best lawes of Ina, Alured, and Etheldred, would not publish them until such time, as the text saith, *Ostendenda hæc omnibus sapientibus nostris, & dixerunt omnes placet Custodire ea.*

But howsoever the government being by fundry kings, and they continually attent to warre, the Saxon time held hardly one forme of this great assembly or council; yet in Canutus his dayes, he having conquered all, and reduced that heptarchie into a monarchie, so that he could say, *Sub uno rege, & sub una lege universum Angliæ regnum regetur;* it is plain that he held a parliament, though not then so stiled, but yet truly so to be accompted: and since that it hath all the parts of our parliament, we
might

might rightly call it so. In the preamble to his laws, thus he saith, *Convocato itaque communi procerum comitatu, & episcoporum, abbatum, & ceterorum nobilium, nec non, & cetera nobilitatis sapientiaque totius Angliæ concilio, satagebat communia decreta, ut in quantum humana ratio voluit, stabiliret.* After this, pious king Edward the Confessor, in a charter made to Westminster Abbey, sealed, and signed the same at a parliament; for thus he saith, *Hanc igitur chartam donationis, & libertatis in dedicatione predictæ Ecclesiæ recitare jussi coram Episcopis, abbatibus, comitibus, & omnibus optimatibus Angliæ omnique populo audiente, & vidente.*

But now to come to the Normans time after the Conquest; the two first kings, the Conquerour and his son William Rufus, reigned with their swords in their hands, absolutely of themselves; not admitting the former general assemblies of the states, but permitting onely provincial synods of the clergy, for compounding of the ecclesiastical causes; where nevertheless they sat as presidents; and the Conquerour himself did not challenge to himself so absolute a conquest; but the laws that he made have this title: *Hic intimatur, quod Gulielmus Rex, cum principibus suis Constitutum, &c.* And in giving laws to this nation, *Fecit summoniri per universos Consultatus Angliæ, Anglos nobiles, & sapientes sua lege eruditos, ut eorum & jura, & Consuetudines ab ipsis Archiepiscopis & Episcopis audiret:* and often doth he and his son William call together *Archiepiscopos, Episcopos, Abbates, Comites, Barones, Vicecomites, cum suis Militibus ad Consulendum.* And likewise oftentimes afterwards until the time of Henry first, we find that there was *Conventus Episcoporum, Abbatum, & Procerum Regni, Londini in Palatio Regis.* Wherefore *Polydore Virgil* and *Paladine* are much deceived, if they thought that Henry the first held the first parliament within this realm.

Neither do they seem to be of that opinion, their words being, that *Regis ante tempora Henrici primi, non Consueverunt populi conventum Consultandi causa, nisi pro raro facere.*

facere. Therefore they might hold some, though not so often as did their successors : or agreeing with the manuscript of Canterbury, that the first parliament wherein the commons were called as well as the peeres and nobles, was 16 H. 1. For it is true, that after the Conquest, until this time, the commons were not called ; and so at this time, they will have it first called by the name of a Parliament. Indeed if the policy of the time be noted, that may yeeld some difference : the Conqueror and his son William, being strangers, had no way to make permanent their victory, but by adding other laws, and plucking up the old roots of the families which they found, and to plant them in themselves, as in new grounds : so for that age it was their wisdom to rule, and not to advise with the people. But Henry the first, a new bud of the old stock, being a natural Englishman himself, born at Selby in Lincolnshire ; in love of the English nation, by whom he fought his strength ; the Normans at that time standing at terms of revolt from him, in favour of his brother Robert duke of Normandy, he well understanding the love of his people, called them to those great counsels ; and settling the authority of his court of parliament, so established his throne, that neither Britaine, Dane, nor Saxon, could ever after, to this day, disturbe either him or his posterity from the possession of this land. The making of his laws were by act of parliament : the marriage of his daughter Maud, and the entayling of the crown to her, were done by act of parliament : the accord between Stephen and him was made by parliament ; and consequently all the succeeding kings since, have ever concluded *grandia Regni*, onely in the parliament. Yet all the times since have not kept the said form of the assembling of the three estates : for sometimes the principal of the nobility were onely called ; and they at the end of the parliament were to impart to the other barons, and their country, what was done in the parliament. Afterwards king John ordained that all the barons of England should come in their proper persons to the parliament, being summoned : 20 knights fees, after

Of the Antiquity of Parliaments in England.

20 l. a fee, going to the value of an entire county; 15 knights fees, making an entire baron, by which they fate: but king H. 3. after that he had smarted by the tumultuation of the barons, their multitudes bringing confusion, ordained that those earles and barons onely to whom he directed his writs should come unto the parliament, and none else: and this which Hen. 3. began, his son Edw. 1. the founder of our civil estate, effected, calling the barons, and appointing the knights and burgeses to be elected, and of the barons selected the wisest and such as pleased him, and did omit them and their children which did not equal them and their parents in wisdom and vertue: so held it on, until the time of Edward the third; there being a writ then in use *de Admittendo fide dignas ad Colloquium*. Some also at that time being called, as William earl of Nottingham, to attend upon the king with one hundred and twenty men at armes; Lawrence de Hastings, earl of Pembroke, with fifty men at armes; and William Clinton, earl of Huntington, with sixty men at armes: and so divers others. The calling was with distinction: the bishops and barons *de Negotiis tractaturum, & Consilium impensuri*; the knights and burgeses *ad faciendum & Consentiendum*. Those times had certain ordinances besides estatutes; for whatsoever the lords and commons agreed upon, was presently an ordinance; and whatsoever the king gave his royal assent unto, it then became an estatute: but if after the parliament the king did assent unto any ordinance, it then became an estatute: for the king's answer is no more, but *le Roy le veult, ou le Roy se avifera*: and before the printing of acts was used, they were always engrossed, and sealed with the great seal of England, and proclaimed in every shire: which use was continued from the time of H. 3. until H. 7. his days; and the form was thus: "The king, by the advice of his lords spiritual and temporal, at the special instance of the commons assembled in parliament, hath made and established these ordinances and statutes, to the honour of God, the good of the king and realm." In which words

words you may observe a summary of this great counsel: first, the persons, the three estates. Secondly, the ends for which the parliament was called, (viz.) for the honour of God, &c. Thirdly, the means, by counsel and consent. Each duty of the three degrees is insinuated in these three things (viz.) request of the commons, advise of the lords, and establishment of the king.

The first expressing the suitors; for the royal assent is never prayed by the lords, but by the speaker, the mouth of the commons.

The second distinguishing the house; the king hearing the causes debated onely by the lords.

The third intimating that no bill receiveth life, until the royal assent be given.

So by looking back, it is easie to see the great antiquity of this high court, delivered as you see, from before the Romans; but never so dignified, as since queen Elizabeth's time. Now for the nature of a parliament, it is *consilium*, and it is *curia*; the power of it in matters hereditary and personal; the proceedings of it in causes criminal and civil; the priviledges of it *sedentibus*, & *servientibus*: the offices, officers, and order, we leave to a further discourse: thus much onely touching the antiquity of parliaments in *England*.

Temps Edw. le Confessor le summons doit estre 40. Jours devant le session.

1st. **T**HE summons of the clergy. Archbishops, bishops, abbots, and priours, that hold by a county or a barony, are summoned by writ to come to the parliament, and the king bears the expences of their remaining and abroad; and all the other deanes, arch-deacons, and persons are summoned to appear by two sufficient proctors, which come with a duplicate of their procurations, whereof one part remaineth with the clerk of the parliament, and the other with the proctors.

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2. The summons of the laity, as earls, barons, and their peers, which hold lands and rents to the value of a county, or of a barony (viz.) 20 knights fees, every fee being accompted at 20 *l. per annum*, which make 400 *l.* or 13 knights fee and a half, which makes 400 marks *per annum*: and none of the laity of lesser condition are namely and particularly called by writ, except their presence be necessary for some special and extraordinary cause.

3. Next, the king sends his writs to the Cinque Ports, to chuse barons to answer, alleadge, and do for their baronies, as if all were present; as also a writ under the great seal to the warden: for their expences 20 *s.*

4. Next, the king sendeth his writs to the sheriff of every shire, to chuse two knights of every shire: a mark for their expences.

5. Then the king sends his writs to the cities of London and Yorke, or other cities that are counties, to chuse two grave citizens: and they must also have a mark for their expences.

6. And then the kings writ goeth to the bailiffs of boroughs to chuse two burgeses.

There must be two principal clerks of the parliament, and they must sit in the midst of the justices, to enroll all the pleas and busineses of the parliament; not being clerks to the justices; for there is no justice in England hath any power or jurisdiction in the parliament, but that the king calleth them thither to assist the lords, and to hear and determine petitions; for the two clerks are immediately subject to the king, except the king assigne some of the justices to examine their rolls. These clerks enroll all the judgments given in the parliament; and before the end of the parliament they deliver them over to the treasurer, keeping a transcript or counter-roll to themselves: their wages a mark a day.

Other clerks were assigned by the king to the bishops, and others to the proctours of the clergy; another to the earls and barons; another to the knights; another also to the citizens and burgeses: these set down all doubts and answers.

answers, and are present in their counsels; and being at leisure, they assist the two principal clerks to enroll the acts of parliament.

If a matter of difficulty, either concerning peace or war, be moved in parliament, the king wil enjoyn all the severall degrees or tribes of the parliament, the bishops, the proctours, the barons, &c. to go apart into severall places; and the case is to be delivered to their severall clerks: whereupon they are to debate amongst themselves, and to advise; and if all, or the greatest part do not agree, then the lord steward, the lord constable, and the lord marshal, are to chuse thirty-five out of the number, two bishops, three proctors, two earls, three barons, five knights, five citizens, and five burgessees: and these thirty-five men may chuse twelve, and these may descend to six, and these six to three, and these three to two, and these two to one; and so one person may determine a cause, except the king gain-say it, which he may do during the parliament, otherwise not.

There be three degrees of businessees in the parliament.

1. Wars, or matters touching the king's person, the queen, and the king's children.
2. The publick businessees of the commonwealth.
3. The private and particular matters; yet these are to be handled, as the bills come in, by priority.

The principal cryer of the parliament, the chancellour, treasurer, and barons of the exchequer, shall record the defaults of all those that are summoned.

A sermon before the parliament must be provided by the archbishop in whose diocess it is holden.

Proclamation must be made in the hall, or monastery where it is holden, and in the city or town, that all men by a certain day bring in their petitions, &c.

The chancellor, or the chief justice of England, is to declare the cause of the summons of the parliament.

The king in state ever to be present in the parliament, if he be not sick; if he be sick, to send for twelve persons

of the house to see his person, and to satisfy the house of the cause of his absence.

For the session, the king sits alone. The archbishop of Canterbury on his right hand, Yorke on his left hand; and so every man in his degree: and the lord steward is to see that every man sit amongst his peers.

The ushers of the parliament stand within the door of the house, and the cryer stands without the door; and the king's guard stands a good way without the door to keep tumults and crowds of people from about the door.

All sit except he that speaks, who must stand to speak, that all may hear.

None is to go in or out of the house, but at one door onely.

The king never requires aide but for war, or to make his son a knight, or to marry his daughter; and that in full parliament.

Two knights of the shire are greater then any one earle or baron; and two proctours then any one archbishop or bishop: and the king can hold his parliament without any archbishop, bishop, earle, or baron, with the commons alone: for there was a parliament before there was any barons; but if the commons do not appear, there can be no parliament, though all the great peeres of the realm were present with the king: for the proctours, knights, citizens, and burgeses of the realm, do represent the whole commons of the realm; but the great peeres of the realm are present onely for themselves, and for no others.

The parliament ought not to be dissolved as long as any bill remaineth undiscussed; if it be, the king is perjured: and publick proclamation is to be made in the parliament, and in the palace, that if any have any petition, he ought to come in; and if no answer be made, it is to be intended, that all men are satisfied.

Any man that will, may have a transcript or copie of the acts before they be printed, paying for the same 10 *l.* 5 *s.* (or 10 *l.* 8 *s.* 1 *d.*) And the parliament may be holden

in

in any place where it shall please the king (viz.) at Oxford, at Kennelworth, at Marlborough, at Gloucester, at Acton-Burnel, at Leicester, at the Blackfryers, &c. 14 H. 8.

DODDRIDGE.

N^o LXXXVII.

Of the same.

By ANONYMOUS,

THE most ancient and first parliament that I have read of, is that mentioned in Polydore Virgil to have been held in the reign of H. 1. and in his sixteenth year, which was about the year of our Lord 1116. And this was held at Salisbury (as he saith) where were assembled with the king all the prelates, nobles, and commons, to consult for the publick weale; and (as he thinketh) before that day, the king never called the people to consult and make laws; and he deriveth the name from the French word *parler*. There is an ancient roll in some mens hands which describeth the whole state and order of the parliament; and the title of it is, *De modo tenendi Parliamentum*. And it is further described *Parliamentum Regis Angliæ, & Angles summoneri tenebatur temporibus Regis Edwardi filii Ethelredi, qui modus Recitatus fuit, coram Willielmo Duce Normaniæ Conquestore Rege Angliæ, & per ipsum approbatum*.

By this it should seem that parliaments (as they are described in that roll) were held in the time of Edward the holy, for he was the son of Etheldred; for Edward the elder was the son of Alfred: and this Edward the holy lived about the year 1043. By this it should also seem that the Conqueror held a parliament: in this it is first set down what clergymen were called, which were not onely bishops, but abbots and priors, that held *per Baroniam*: by which I gather that they came not to that place as they were

were spiritual men, but by reason of the temporal honours they enjoy in the commonwealth ; for they have a place in the convocation-house, in respect of their spiritual function, and in that also they are a part in the court of parliament.

We read of a parliament in 35 E. 1. in which were sixteen abbots and eight priors ; but how many of those were of the higher house I dare not define, or rather were of the house in general : for I know it is not clear that there was then a distinction of houses.

The first title is *De Clericis*, the second *Laicis*, the third *De Militibus*, the fourth *De Civibus*, the fifth *De Burgensibus* : all other circumstances of place, times, orders, and such like are recited, which I omit to remember particularly, because I know it is a thing well known to all, and that it differeth from the order of that court now used.

The court of parliament hath a double power ; the one to consult by way of deliberation for the good government of the commonwealth, and so it is *Consilium, non Curia* ; another power it hath as a court, in administration of justice.

The principal purpose of that assembly seemeth to be for consultation ; for the writs are *ad Consultandum & deliberandum* : but being assembled, they may hold plea of causes.

But this difference I find, that in criminal causes, both the upper house and lower house intermedleth therewith, as in attainders onely ; and the spiritual lords do all go out of the house, and give their assents by proxie, 19 E. 4. 6.

But in civil causes, as in writs of error sued there out of the King's Bench, the upper house onely medleth, as is well described in the case 1 Hen. 7. 19, 20. in a writ of error sued by one Flowerdue on a Replevin, wherein judgment was given against him in the King's Bench.

But we have an express authority in the 4 H. 7. 18. That in a criminal cause the commons must assent ; for there the king and lords did attaint one, and nothing was said

said of the commons ; therefore by the opinion of the justices, the act was held void, and the party restored.

The peeres of Scotland were wont to come to our parliament : for in 39 E. 3. 35. in a writ of ravishment de Garde, against Gilbert Umfrevil, he demanded judgment of the writ, because he was earle of Anguish ; and not so named in the writ : Anguish (saith the plaintiff) is out of the realm. Aye, but said the defendant, I am summoned to parliament by that name ; and the writ was abated : this proveth that the peeres of Scotland came to our parliament for justice : but Littleton saith, 20 E. 4. 6. that we shall implead an earle or duke of France by the name of knight onely.

I need not dilate of the nature of the parliament, that it is a body politique, or of what parts and members it consisteth, for that is very well understood of all learned men ; neither of the order of it at this day, for most know that, of their own experience : the priviledges of it are great, and may more safely be discussed what they are without the house, in regard of others, then what they are in the house, for their liberties there.

N° LXXXVIII.

Of the same.

By Mr. A G A R D.

THAT which we in English call parliament, I suppose, and know, to have taken the name from the French, or Norman tongue, sounding upon the word *parle*, or *parler*, to speak or discourse: in Latin I find that it was called before the Conquest by two names, the one called *Synodus*, taken from the Greek, which is used most for the assembly of spiritual men, to treat of Divine causes ; and so was practised when Augustine came to Canterbury, where the king of Kent (called Ethelbert) gathered his

his nobles and people to understand the message and preaching of Augustine; and again it is termed *Consiliatio*, as hereafter I shall set down, and hereafter in that fence, in *anno Dom. 833. Withlafias Dux Wiviorum*, a great lord or peer amongst those of the fens, called *Girrii, Giroii, or Girrogii*, in his charter for the foundation of the abbey of Ramsey, in which he termeth Egberte king, and Ahelwolf his son, to be *Dominos suos*: he dareth his said charter thus, *Datum apud Londini Civitatem ubi omnes Congregati sumus pro Consilio Capiendo contra Danicos piratos littora Angliæ assidue infestantes*: this, Ingulphus mentioneth: so as it appeareth, when any imminent peril drew neer for the hurt of the commonwealth, that then were convened the nobility and wisemen (called in the history of Eli) *Duces, Principes, Satrapæ, Rhetores, & Causidici*; also *Convenerunt Agelinum Aldermanum, & Episcopos, Oswynum, & omnes meliores Concionatores de Com &c.* And the same author sheweth, that Brithnothus, a most noble duke of Northumberland, was called Alderman, *id est senior vel Dux qui synodo magna Constantia restituit Regem Edgarum, & alios Monachos dicens nequaquam se ferre posse, ut Monachi ejicerentur de Regno, qui omnem Religionem tenuerunt, & coluerunt in Regno.*

King Offa, in his charter granted to the abbey of Chertsey, hath these words: *Hanc libertatem, & omnia prædicta, & præfatum Monasterium pertinentia in synodali conventu in loco qui nominatur Æccleate, & testes consistentes concensit, & subscripsit, &c.* in historia Chertsey penes me remanen.

Canutus the Dane, beginning his laws, sheweth plain, that he made the same by the advice and counsel of a parliament; and beginning thus, *Hæc est Consiliatio quam Canutus Rex meditatione vel decreto suorum sapientum consiliatus est cum suis sapientibus apud Wintoniam, &c.* When I observe an old written copie, with a comment thereupon, they are expounded thus, *Consiliatio id est Institutio multorum facta Consilio, Idem Constitutionem pro Institutione, ponit, ut inuit hæc non instituta fuisse suo proprio Arbitrio, sed multorum Consilio.* And the said king Canutus, in the preamble

preamble of his said laws, sheweth, that he decreed his said laws in this manner, *Convocato itaq; Comitum Procerumq; Conventu, ut Episcoporum Abbatum, & cæterorum Nobilium, nec non & cæteris nobilitatis sapientiæq; totius Angliæ Consilio satagebat communi decreto, ut, in quantum humana ratio valuit, ea quæ justa fuerant stabiliret, &c.* And in the said preamble is set down, that before his time, *Synodes*, or assemblies for the commonwealth, were very rare, saving *Ecclesiastica institutiones synodorumq; conventus apud Anglos inusitati adhuc fuerunt* : and the reason, I suppose, was, that before Canutus the realm was governed by sundry kings ; but he having conquered them all, and reduced them into one monarchie, alleadgeth in his preamble, *Sicut sub uno Rege ita & una lege Universum Angliæ Regnum regeretur* : so as I conclude in this point, that before Canutus there were no parliaments in England : the reason I have shewed before, which was the diversity and continual inter-war between the *Heptarchy*, by him reduced to a monarchy.

Since his time, I find that Edward the Confessor, in his charter made to Westminster Abbey, did seal and signe the same at a parliament : for thus he saith, *Hanc igitur donationis, & libertatis chartam in Die dedicationis prædictæ Ecclesiæ recitari jussi coram Episcopis, Abbatibus, Comitibus, & omnibus optimatibus Angliæ, & omni populo audiente, & vidente* : where note these words, *Omnibus optimatibus Angliæ*, and *omni populi audiente & vidente* ; which cannot be but in a general assembly by summons : and that is proved by the number and diversity of the witnesses, being bishops, abbots, knights, chancellors, kings, chaplains, dukes, earles, *Ministri, Milites, &c.*

And William the Conqueror, in his charter of the ratification of the liberties of that church, after he hath subscribed the cross with his name, and besides him a great number of others of the clergy and nobility, instead of *cum multis aliis*, hath these words, *Multis præterea illustrissimis virorum personis, & Regum principibus diversi ordinis omissis qui similiter huic Confirmationi piissimo affectu,*

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testes & fautores fuerunt, Hii etiam illo tempore a Regia potestate e diversis provinciis & urbibus, ad Universalem Synodum pro causis Cujuslibet. Sanctæ Ecclesiæ audiendis & tractandis ad præscriptum celeberrimum Canobium quod Westmonasterium dicitur Convocati, &c.

And in another charter of his to the said abbey are these words, *Anno Incarnationis Dom. 1081. regni etiam prænominati gloriosi Regis Willielmi 1v. Convenientibus in unum cunctis primis primatibus in nativitate. D. N. I C.*

I read not in Rufus time of any parliament.

But it appeareth in the Red Book of the Exchequer, that H. 1. before the constitution, or making of his laws, setteth down, *Quæ Communi Consilio & assensu Baronum Regni Angliæ, &c.* And then proceedeth *Omnes malas consuetudines quibus Regnum Angliæ opprimebatur, inde aufero, quas ex parte suppono, Testibus Archiepiscopis, Episcopis, Baronibus, Comitibus, Vicecomitibus, & optimatibus Regni Angliæ apud Westmonasterium quando Coronatus fui.*

The marriage of his daughter Maud, and the entayling of the crown on her and her heirs, was done by parliament: the accord also between him and Stephen was done by parliament; and so consequently all matters of importance were done and concluded in parliament. And of such force is an act of parliament here in the governance of the state of the realm, that it is deemed as an oracle from heaven, and resteth onely in the kings and queens power to qualifie and mitigate the severity thereof.

And thus much of the antiquity.

I leave to others to discourse of the manner how they that are to treat therein, are to be called; and of their priviledges: and so I end.

AGARDE.

N^o LXXXIX.

Of the same.

By Mr. TATE.

THE diligent observers of the antiquities of this realm do very well know, that acts of parliament are of so high a nature, that they do not onely tie the inheritance of every man, but what is there ordained, every subject of the land is bound to take notice of at his peril; and because no man that should desire to inform himself therein, should be ignorant what was done in parliament, as now we use printing of the acts; so before printing, all the ordinances affirmed by royal assent were recorded, and then published under the great seal of England, with a general preface, and proclaimed in every shire: this you may see continued from the time of H. 3. till about H. 7. his days; and ordinarily the form was thus: the king such a day, and at such a place, as at Westminster, the 20 day of April, in the second year of the reign of king H. 6. by the advice of his lords spiritual and temporal, and at the special instance and request of the commons assembled in parliament, hath made and established these ordinances, acts, and statutes, to the honour of God, the good of the king and realm, in form following; and then sets forth every act in particular chapters.

Here you may see the persons assembled, the end of their meeting, and the means to make it effectual: the persons which meet at the parliament are the three estates of the realm; first, the king; secondly, the nobles spiritual and temporal; thirdly, the commons of the land. The end of the meeting is to do something to God's glory, the king's good, and the benefit of the whole land: and the means to effect the same, is by consultation and consent.



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The particular duty of each of these three seems to be insinuated in these words; first, the request of the commons; secondly, the advice of the lords; thirdly, the establishment of the king. The commons being most in number, and such as live in all the parts and places of the land, are like to have most and best notice of such things as are most likely and meet to be provided for; and being weak in power, and most subject to feel such inconveniences, as greatness may lay upon them; are therefore fittest, either first to lay open their griefs, and pray reformation; or, though they be not able at the first with judgment to foresee ensuing dangers, yet the same being once proposed, and instantly apprehended, they may with instance importune allowance of such laws, as may turn to their good: and our own experience teacheth us, that the royal assent is never prayed by the lords, but by the speaker, who is the mouth of the commons.

In the presence of a prince, a common person will scarce have the audacity to speak, but when necessity maketh him crave help; and therefore it is properly said, that the king advised with the lords; because he heareth the causes debated with them only, the commons being separated from consultation, what were fit to propose in some other place.

Whatsoever the lords and the commons agree upon, is an ordinance presently, though it be never engrossed, and sealed with the great seal, and proclaimed in the counties, as the common course was: but it took not effect as a statute, till the king declared his royal assent; which he might very well do by writ after the parliament, as well as during the parliament, *per* 29 E. 3. f. 4. b. 39 E. 3. f. 7. For the king's answer is no more, but that he will be advised, whether he will assent or no; and if he assent not till after, it is some doubt whether it be an act of parliament from the first day of the parliament, or but from the time of the royal assent given.

The general assent of the realm to make ordinances, and laws, the ancient writers called *Consilium*, *Commune Consilium*,

ium, Magnum Consilium, Placitum generale, Curia altissima, & Parliamentum generale, seu altissimum.

The Saxons called it *Gemote, Pirena, cor Pirena, Gemore, Ealpa, Zemots, Synodus*. I find not the word parliament before the beginning of E. 1. fully in use amongst us. But the assembly of the three estates to consult for the affairs of the commonwealth is as ancient as the Britains, and continued here in the time of the Saxons, Danes, and Normans.

I ground my opinion for the Britains from no express authority, but by inference out of divers: *Cæs. Com. lib. 5. cap. 5. saith, Summa Imperii, Bellig; administrandi, Communi Consilio, comissa est Cassibulano*. So that here we have the name; and if you think that the commons were not called to this consultation, hear what Sothilius saith of the Britains: *Apud hos, Populus Magna ex parte primatum tenet: exclude them of these general counsels, and you deprive them of this right. Vitus in historiarum. Britanorum, lib. 8. fol. 11. saith, that Arthurus victor cum Regio splendore, Londinum ingreditur, eaq; urbe Convocatis Clericis, Principibusq; suæ quidem potestatis, omnibus, Consilium, quid optime factu opus sit, capit. Beda, lib. 2. cap. 2. saith the Britains told Augustine, Se non posse absq; suorum Concensu, & licentia priscis abdicare moribus: Beda, lib. 2. cap. 13. Rex Edwinus antequam fidem Christianum suscipere, dixit se cum amicis, Principibus, & Consiliariis suis Collaturum, & habito cum sapientibus Consilio, &c,*

The story of the Saxons and their laws make evident proof, that they were still of the same mind transplanted hither, as Tacitus saith the Germans were; *Nec Regibus infinita potestas. De Minoribus Rebus Principes consultant, de Majoribus vero omnes.*

Historia Eliensis, lib. 2. de Dunelme, mortuo Rege Edgardo, Lessius, (vel Lepsius) a Deo ac sancto Petro abstulit cum Rapina Burch, & Vendales, & Cateringas postea, antea Elicibatur generale placitum, apud Londinum, ad quod dum Duces, Principes, Satrapæ, Rectores, & Causidici, ex omni parte

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parte conflexerunt, beatus Ethelwaldus Lessum in jus protraxit, coram cunctis Injuriam patefecit, & bene aperta discussa, ea omnes Ethelwaldo per Judicium rediderunt, Burch, & Vendales, & Katheringas.

Abendon Lanbake, fol. 91. in Charta Regis Etheldredi Affricum cognomento puer Pronbroche Willemetrantum, & Syrene, a quadam vidua Eadfield appellata, violenter abstraxit, & quia cum Ducatusco contra Regem Etheldredum reus extitit omnes possessiones ejus Regis dictioni subactæ sunt, quod ad Synodale consilium ad Cirencester universi Optimates mei simul in unum convenerint, ad eundem Affricum, Majestatis reum, de hac patria profugum expulerunt.

Ingulphus hath many places to the like purpose, but I will use but one: In festo Nativitatis beatæ Mariæ cum universi Magnates Regni per Regium edictum summoniti tam Archiepiscopi, Episcopi, & Abbates, quam ceteri totius Regni proceres, & optimates Londini Convenerunt, ad tractandum de Negotiis publicis totius Regni, Consummatis, omnibus coram universis, Domino Turketillo Abbati, Monacisque suis accersitis, Rex Eldredus dedit Monasterium de Croyland, &c.

Polydore Virgil and Paladine are therefore much deceived, if they thought that H. 1. was the first that held any parliament within this realm: neither do they seem to be of that opinion; their words are these, *Regis ante tempora H. 1. non Consueverunt Populi Conventum consultandi causa nisi pro raro facere.* Yet I think their successors held parliaments oftner then they did; yet nevertheless they held some; and William the Conqueror chalenged not so absolute a conquest of this land, but the laws he made have this title, *Hic intimatur quid Gulielmus Rex cum principibus suis constituit, &c.* And I think all kings may yeeld to consult with their people for that reason which Alfred used in the preface to his laws: *Temeritatis videatur ex suis ipsius decretis quanquam plura literarum Monumenta consignari, cum incertum sit qualem habet apud posteros vel habitura sint fidem; quæ nos Magni facimus.* I have not seen Arthur Hall's book, whereby he disalloweth the com-

mons to have any voice in parliament; and for which he is disabled to be of the same house for ever: but I think he mistaketh some writers meaning, which spake onely of barons, or *magnates*; but words are not much to be regarded, infomuch, as whatsoever the parliament alloweth, it bindeth as a law, though it be set forth onely in the king's name; as the statute of Glouc', and *Magna Charta*, or in the name of the commons onely.

In the king's oath, the word *populus* extendeth to the greatest subjects, and so doth it also in the recognizance of the peace, or good behaviour, *quod bene se gerat erga Populum cunctum*: if therefore he strike, or misdemean himself towards a baron, the recognizance is forfeited.

There is an express authority, that proveth that the word *magnates* comprehendeth the people. Hoveden saith anno 1170. *Rex celebrabat Magnum Consilium Londini cum Principibus, & Magnatibus terra, de Coronatione A. filii sui, & D. insequent' Clerico, & populis Consentientibus, fecit ipse filium suum coronari,*

FRANCIS TATE.

N° XC.

Of the same.

By Mr. CAMDEN.

THAT there were such like assemblies as parliaments now are, before the Romans arrival here, some gather by the words of Cæsar, lib. 5. *de Bello Gallico, Summa imperii, Belliq; administrandi, communi Consilio permiffa est Cassibulano.* And for not such due holding of such common counsels, Tacitus seemeth to refer the happy proceedings of the Romans against the Britains, *Quod in Communi non Consuluerunt.* These two parliament-like assemblies the Britains do call *Kifrithin*, because laws therein were enacted.

The

The English Saxons, as soon as they had settled themselves, held also the like assemblies, which they called in their ancient English tongue *Gereduysis*, or a counsel; sometimes *Wittena Mota*, as a meeting of wise men; and sometimes by the Greek word *Synoth*: the Latine authors of that age did call it *Consilium*, *Magnatum Conventus*, and *Prasentia Regis*, *Prelatorum*, *Procerumq;* *Collectorum*, as appeareth by the charter of king Edgar to the abbey of Crowland, in the year 961. At which time it seemeth by the subsigning, that abbesses had their voices there, and consents, as well as the prelates and nobles of the land.

After the Norman Conquest, the two first kings reigned with their swords in their hands, absolutely of themselves (viz.) the Conqueror, and William Rufus his son, not admitting of themselves any general assemblies of the states of the realm, but permitting onely provincial synodes of the clergy, for the composing of ecclesiastical controversies, as some write; wherein they themselves sate nevertheless as presidents; yet in their meetings (as it is in Hoveden, where he setteth down the lands of William the Conqueror) he did set them down: and by the counsels of the barons, *Fecit summoniri per universos Consultatus Angliæ, Anglos, nobiles, & sapientes, & sua lege eruditos, ut eorum & jura & Consuetudines ab ipsis audiret: electi igitur de singulis totius Patriæ Comitatus, viri Duodecem Jurejurando Confirmaverunt, primo ut quoad possint, recto tramite, neque ad dextram, neque ad sinistram partem divertentes, legem suarum consuetudinem & sanctitatem patefecerint, nil prætermittentes, nil addentes, nil prævaricando Mutantes.*

And oftentimes he and his son William called together the archbishops, bishops, abbots, *archiepscopos, episcopos, abbates, comites, barones, vicecomites, cum suis militibus*: and in the time following, we find that there was *conventum omnium Episcoporum, Abbatum, & procerum Regni Londini in palatio Regis*. But an old manuscript book saith, that the first parliament, wherein the commons were called as well as the prelates and nobles, was in the sixteenth

teenth year of H. 1. and then was first called by the name of Parliament, as some say from the peeres, a *portiore parte, quasi parium Conventus*: some derive it from the peeres ridiculously, *quasi Parium lamentum*: others more probably derive it from the French word *parler*; as that of the Greek *παραλάλην*, that is, to treat and to confer together.

Some of the French historians write, that this name in this sence, began at an assembly of the peeres of France, about the yeer of Christ 1200. But I find the word to have bin in use with us in this realm long before: for Ingulphus, who died in the year 1109, used the word for the meeting or chapter of the abbot and covent, writing thus: *Concessimus etiam tunc seriantiam nostræ Ecclesiæ, semiano de Leke, qui veniens coram conventu in publico Parlamento nostro similiter Juramentum præstitit, quod fidus & fidelis nobis existerit*. Neither do I doubt but that the word was brought into this realm by the French monks, and first used by the statists in the time of H. 1. and since that time the authority of this court hath stood settled, and the communalty hath had their voice; which the said H. 1. granted unto them, being a natural Englishman himself, and in love of the English nation, when at that time the Normans were on the terms of revolt from him, in favour of Robert his brother, duke of Normandy.

Now for the form of assembling of these three sorts of estates in this high court, I find no certainty till the time of king John.

It is apparent, by a petition exhibited by the lord Fitz-Hugh, in a parliament holden at Leicester, 2 H. 1. that the principal nobility were only called; and they after the end of the parliament to impart unto the barons and their country what was done in the parliament: afterwards king John ordained that all the barons of England should come in their proper persons to the parliament, whensoever they were summoned. The form I will deliver out of the words of the petition.

Of the Antiquity of Parliaments in England.

Ipsè Dominus Rex generales summonitiones, vicecomitibus cujuslibet Comitatus diligerit, ipsos injungendo, quod omnes Comites, & Barones, quorum nomina infra scripta fuerunt, & infra suas balivas residentes, ipsi summonirent, ad veniendum ad Parliamentum Regis: & hoc non emittatur quacunq; ex causa, sub pœna Magni Contemptus: at which time, as it is in the book intituled *Modus tenendi Parliamentum*, all earls which have lands, tenements, and revenues, to the value of an entire county, at twenty knights fees, after twenty pound a fee, or the value of an entire barony, which is fifteen knights fees and a half, came to the parliament; but when so great a multitude could not but breed tumultuous confusion; king Henry the third, after he had smarted by these confused multitudes of barons, ordained that those earls and barons unto whom he directed his writs should onely come to the parliament: so in the ancientest summons that I have seen, which were in 49 H. 3. there were called besides the earls onely seventeen barons. This which king H. 3. began, was fully perfected by king Edward the first his son, who elected the wisest and such as pleased him; and likewise omitted them and their children in their summons, if they did not equal their parents in wisdom, and other good parts and offices of valour and government: so we see in that time Hilton, Corbet, Point, Leyburne, Vavasour, &c. and such other like were summoned once or twice in parliaments, and their posterity wholly omitted afterwards. The barons and bishops were called *De Negotiis tractaturi, & Consilium impensuri*: the knights and burgeses, *ad faciendum, & consentiendum iis quæ ibidem de communi Consilio dicti Regni nostri favente Deo contigerit ordinari super Negotiis antedictis*: and in the same words were the clergy called, *ad faciendum, & consentiendum*: so as it seemeth they had as much to do in parliament then, as knights of shires and burgeses.

WILLIAM CAMDEN.

Nº XCI.

Of the same.

By JOSEPH HOLLAND.

I FIND in many ancient histories, that the kings of this land did use to call together the nobility and estates of the realm to confer with them, especially about matters of war, when any necessary occasion did move them thereunto: but it is thought by Holinshed in his Chronicle, that the first use of the parliament did begin in the seventeenth year of H. 1. which since that time hath remained in force, and is frequented unto our times; insomuch as when any thing is to be decreed appertaining to the state of the commonwealth, it shall not be received as a law, until by the authority of that assembly it shall be established.

And because the house of parliament should not be overcharged with multitudes, E. 1. did order that none of his barons and nobility should come unto this assembly, but such as it should please the king to call by his writ; and the rest to be chosen by voice of the burgesses and freeholders of the shire where they did dwell, as Mr. Camden (Clarencieux) in his Britannia hath very well remembered.

It is recorded amongst the summons of parliament, 35 E. 3. that there is no writ, *de admittendo fide dignos ad Colloquium*: and amongst the earls and barons there is returned Mary countesse de Norff. Alienor countesse de Ormond, Phillippa countesse de March, Agnes countesse de Pembroke, and Katherine countesse of Athel.

Upon the parliament roll, *anno* 14 (or 15) E. 3. there are divers writs directed to sundry earls and barons, *de veniendo ad Regem*; whereof the first is directed to William earl of Southampton, to attend the king with 120 men at armes; William de Clinton, earle of Huntington, with fixty men at armes; Lawrence de Hastings, earle of Pembroke, with fifty men at armes; and so likewise there were divers directed to others; and these several kinds of

Q 9 2

summons,

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summons, because I find them recorded amongst the parliament-rolls, I thought good to remember them to you.

I will conclude upon the etymologie of the word, which is *parliament*, which is to speak and deliver a man's mind freely in that assembly; whereof the boldest speech that ever I did read of to be spoken in the king's presence, was spoken by Roger Bigod earle Marshal of England unto king Edward the first, in the parliament-house at Salisbury, where the king would have had him to go into Gascoyne for him with an army; but when the earle excused himself, saying, he would be ready to go, if the king went himself; the king then in a chafe said, By God, Sir earle, thou shalt either go or hang; and I (said the earle) swear the same oath, that I will neither go nor hang; and so departed from the king without taking leave.

JOSEPH HOLLAND.



N^o XCII.

Of the same.

By ANONYMOUS.

AS touching the nature of the high court of parliament, it is nothing else but the king's great counsel, which he doth assemble together, upon occasion of interpreting, or abrogating old laws, and making of new, as ill manners shall deserve; or for the punishment of evil doers, or the reward of the vertuous; wherein these four things are to be considered,

1. Whereof this court is composed.
2. What matters are proper for it.
3. To what end it is ordained.

1. As for the thing itself, it is composed of an head and a body. The head is the king, the body are the members of the parliament. This body again is subdivided into two parts;

parts: the upper house is divided partly of the nobility temporal, who are hereditary counsellors to the high court of parliament by the honour of their creation and lands; and partly of the bishops, spiritual men, who are likewise by vertue of their dignity, & *ad vitam* of this court. The other house is composed of knights of the shire, and burgeses for the towns: but because the number would be infinite for all knights, gentlemen, and burgeses to be present at every parliament; therefore a certain number is selected out of that great body, serving for that great parliament, where their persons are the representations of that body.

2. For the matters they ought to treat of, they ought therefore to be general, and rather of such matters as cannot well be performed without the assembly of that general body, and no more of the generals neither then necessity shall require: for as in *Corruptissima Republica plurimæ sunt leges*, so doth the life and strength of the law consist not in heaping of infinite and confused numbers of laws; but in the right interpretation and due execution of good and wholesome laws.

3. The end for which the parliament is ordained, being onely for the advancement of God's glory, and establishment of the weale of the king and his people; it is no place for particular men to utter their private conceits for satisfaction of their curiosities, or to make shew of their eloquence, by spending the time with long studied and eloquent orations: for the reverence of God, their king and their country being well settled in their hearts, will make them ashamed of such toys, and remember that they are there as sworn counsellors to their king, to give their best advice for the furtherance of his service, and flourishing weale of this state.

4. And lastly, to consider the means how to bring all your labours to a good end, you must remember that you are assembled by your lawful king, to give him your best advice in matters proposed by him unto you, being of so high a nature as before said, wherein you are gravely to deliberate;

liberate; and upon your consciences, plainly to determine how far those things propounded do agree with the weale, both of your king and the country; whose weals cannot be separated.

N° XCII.

A further Discourse on Epitaphs *.

By Mr. CAMDEN.

GREAT hath been the care of buriall ever since the first times, as you may see by the examples of Abraham, Jacob, Joseph, Josua, the old prophet in Bethel, and Tobit; and also by that in Holy Scriptures, *Mortuo ne deneges gratiam*. The Jews annointed the dead bodies, wrapped them in Sindon, and layed them in covered sepulchres hewed out of stone: the Egyptians embalmed and filled them with odoriferous spices, reserving them in glafs or coffins; the Assyrians in wax and honey; the Scythians carried about the cleansed carcases to the friends of the deceased for forty daies with solemne banquets. And that we may not particulate, the Romans so far exceed in funerall honours and ceremonies, with ointments, images, bonfires of the most precious woods, sacrifices, and banquets, burning their dead bodies until about the time of Theodosius, that laws were enacted to restrain the excess. Neither have any neglected burial, but some savage nations, as Bactrians (which cast the dead to their dogs) some varlet philosophers, as Diogenes, which desired to be devoured

* At page 228 of this work is printed from the original MS. in the hand writing of Mr. Camden, the discourse on epitaphs, which was by him read and delivered into the College or Society of Antiquaries, on the third November 1600; but as that learned author afterwards revised, and considerably enlarged that discourse, the same for the further satisfaction of the reader is here inserted.

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of fishes; some dissolute courtiers, as Mecenas, who was wont to say,

Non tumulum curo, sepelit natura relictos.

As another said,

De terra in terram, & quavis terra sepulchrum.

Yea, some of especial note amongst us neglecting the last duty either upon a sparing or a precise humor, are content to commit to the earth their parents, wives, and the nearest unto them *in tenebris*, with little better than *Sepulchra asinorum*. As for those which philosophically dislike monuments and memorialls after their death, and those that affect them, I think as Plinie did, speaking of Virginius and Apronius, that both of them do ambitiously march with like paces towards glory, but by divers waies, these openly, in that they desire their due titles, those other covertly, in that they would seem carelesly to contemne them.

But among all funerall honours, epitaphes have alwaies been most respectiue, for in them love was shewed to the deceased, memory was continued to posterity, friends were comforted, and the reader put in mind of human frailty.

The invention of them proceeded from the presage or foreseeing of immortality implanted in all men naturally, and is referred to the schollers of Linus, who first bewailed their master, when he was slain, in dolefull verses, then called of him *Ælinum*, afterward *Epitaphia*, for, that they were first sung at burials, after engraved upon the sepulchres.

It were needles to set down here the laws of Plato, that an epitaph should be comprised in four verses; or of the Lacedemonians, who reserved this honour only to martiall men and chaste women; or how the most ancient (especially Greeke) were written in elegiac verse, after in prose.

How

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How monuments were erected most usually along the highway side, to put passengers in mind that they are, as those were, mortall.

How such as violated sepulchres were punished with death, banishment, condemnation to the mines, loss of members, according to circumstance of fact and person, and how sacred they were accounted.

In which regard I cannot but give you the words out of the *Novella leges Valentiniani Augusti De sepulchris, titulo 5.* which are worth reading : *Scimus, nec vana fides, & solutas membris animas habere sensum, & in originem suam spiritum redire cœlestem, hoc libris veteris sapientia, hoc religionis, quam veneramur & colimus, declaratur arcanis. Et licet occasus necessitatem mens divina non sentiat, amant tamen animæ sedem corporum relictorum, & nescio qua sorte rationis occulta sepulchri honore latentur : cujus tanta permaneat cura temporibus, ut videamus in hos usus sumptu nimio pretiosa montium metalla transferri, operosaque moles censu Laborante componi. Quod prudentium certe intelligentia recusaret, si nihil crederet esse post mortem. Nimis barbara est & vesana crudelitas, munus extremum luce carentibus invidere, & dirutis per inexpiabile crimen sepulchris monstrare cœlo eorum reliquias humatorum.* Against which I cannot without grief remember, how barbarously and unchristianly some not long since have offended, yea, some *Mingendo in patrios cineres*, which yet we have seen strangely revenged.

I could here also call to your remembrance how the place of buriall was called by *St. Paul Semanatio*, in the respect of the assured hope of resurrection, of the Greekes *Cæmeterion*, as a sleeping place untill the resurrection, and of the Hebrews, *The House of the Living*, in the same respect, as the Germanes call church-yards untill this day *God's aker*, or *God's field*. And in the like sence tombes were named *Requitoria, Ossuaria, Cineraria, Domus æterne*, &c. as you may see in old inscriptions at Rome and elsewhere, which Lucian scoffingly termed *Campes* and *Cottages* of *Carkases*.

Notorious

Notorious it is to all, how the same Lucian bringeth in Diogenes laughing and out-laughing king Mausolus, for that he was so pittifully pressed and crushed with an huge heap of stones under his stately monument, Mausoleum, which for its magnificence was accounted among the worlds wonders: but monuments answerable to mens worth, states, and places, have always been allowed; yet stately sepulchres for base fellows have alwaies lien open to bitter jests, as that marble one of Licinus the barber, which one by way of comparifon thus derided, with a doubt thereon, whether God regarded men of worth,

*Marmoreo Licinus tumulo jacet, at Cato parva,
Pompeius nullo. Credimus esse Deos?*

Whereunto another replied with an assurance, that God doth regard worthy men,

*Saxa premunt Licinum, vehit altum fama Catonem,
Pompeium tituli, Credimus esse Deos.*

As for such as bury themselves living, and say they live to themselves, when they live neither to themselves nor to others, but to their belly, ease, and pleasure, well worthy are they to have while they live, that epitaph which Seneca devised for Vatia their fellow, to be inscribed upon his house,

Hic situs est Vatia,

and no memoriall at all when they are dead.

It is not impertinent to note in one word, as the ancient Romans began epitaphs with D. M. for *Diis Manibus*, D. M. S. *Diis manibus sacrum*, H. S. E. *hic situs est Hospes*, as speaking to the reader: so we and other Christians began them with, *Hic deponitur*, *Hic jacet*, *Hic requiescit*, *Hic tumulatur*: in French, *Icy gist*, here lieth; and in latter time, according to the doctrine of the time, *Ora pro*, &c. of your charity, &c. And now after the ancient manner, D. O. M. for *Deo Optimo Maximo: Posteritati Sacrum; Memoriae Sacrum; Deo & posteris: Virtuti & Honori Sacrum*, &c.

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Likewise as our epitaphs were concluded with *On whose soul, God have mercy, Cujus animæ propitiatur Deus, God send him a joyfull resurrection, &c.* So theirs with *Hoc Monumentum posuit vel fecit*, in these letters, M. P. M. F. in the behalf of him that made the monument, with *Vale, Vale, & Salve anima, nos eo ordine, quo natura jussit, sequemur*, with H. M. H. N. S. for *hoc monumentum hæredes non sequitur*. When they would not have their heirs entomb'd therein; with *Rogò per Deos superos inferosque ossa nostra ne viòles*. And most commonly with *Sit tibi terra levis*, in these notes, S. T. T. L. and sometime with *Quietem posteri non inuideant*.

But omitting this discourse, I will offer unto your view a number of choise epitaphs of our nation, for matter and conceit, some good, some bad, that you may see how learning ebb'd and flow'd, most of them recovered from the injurie of time by writers; and will begin with that at Rome, as most ancient, erected to the memory of a Britaine, who, after the manner of the time, took a Roman name.

M. VLPIO IVSTO O. SIG. AVG. MILITAVIT. AN.
XXV. VIXIT. XLV. NATIONE BRITTO. FEC.
VLSIVS. RESPECTVS VEH. AVG. AMICO OP-
M TIMO DE SE BENE MERENTI.

Arthur, the valorous upholder of the ruinous state of Britain against the Saxons, about the year 500, was buried secretly at Glastenbury, lest the enemie should offer indignity to the dead body, and about 700 years after, when a grave was to be made in the church-yard, there a stone was found between two *pyramides* deep in the ground, with a cross of lead infix'd into the lower part thereof, and inscribed in the inner side of the cross in rude characters, which the Italians now call Gothic letters.

HIC JACET SEPULTVS INCLYTUS REX ARTV-
RIVS IN INSVLA AVELONIA.

Under

Under which in a trough of oke were found his bones, which the monks translated into the church and honoured them with a tombe, but dishonoured him with these horn-pipe verses,

*Hic jacet Arturus flos regum, gloria regni,
Quem morum probitas commendat laude perenni.*

Augustine, the first archbishop of Canterbury, who first preached Christ to the English nation, converted the Kentish men, and revived Christianity in this isle, which flourished among the Britains many years before his coming, was buried at Canterbury in St. Peter's Porch, with this epitaph,

Hic requiescit dominus Augustinus Dorobernensis Archiepiscopus primus, qui olim huc à beato Gregorio Romanae urbis pontifice directus, & a Deo operatione miraculorum suffultus, Ethelbertum regem, ac gentem illius ab idolorum cultu ad Christi fidem perauxit, & completis in pace diebus officii sui, defunctus est septimo Kalendas Junias, eodem rege regnante.

In the same place were interred the six succeeding archbishops, for whom and Augustine making the seventh were these verses, as common to them all, written on the wall with this title, as I finde them in *Gervasius Dorobernensis*.

*Septem primæ ecclesie Anglorum
columnæ.*

*Augustinus, Laurentius, Mellitus, Justus, Honorius,
Deus-dedit, Theodorus.*

*Septem sunt Anglis primates & protopatres,
Septem rectores, cælo septemque triones,
Septem cisternæ vitæ, septemque lucernæ,
Et septem palmæ regni, septemque coronæ,
Septem sunt Stella quas hæc tenet area cellæ.*

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But Theodore, the last of the seven, which first taught Greek in England, and died in the year 713, had this severally inscribed upon his tombe,

*Scandens alma novæ felix consortia vitæ,
Civibus Angelicis junctus in arce poli.*

Cedwall, king of the West Saxons, went to Rome in the year 689, and there being baptized, renounced the world, ended his life, and was buried, with this epitaph,

*Culmen, opēs, sobolem, pollentia regna, triumphos,
Exuvias, proceres, mœnia, castra, lares,
Quæque patrum virtus, & quæ congresserat ipse,
Cædwal armipotens liquit amore Dei.*

With some more, which you may see in Paulus Diaconus and Beda.

King Edgar, surnamed the Peaceable, the great patron and favourer of monks, deserved well, for his foundation of so many abbies, this epitaph,

*Autor opum, vindex scelerum, largitor honorum,
Sceptriger Eadgarus regna superna petit.
Hic alter Salomon Legum pater, orbita pacis,
Quod caruit bellis, claruit inde magis.
Templa Deo, templis monachos, monachis dedit agros :
Nequitia lapsus, justitiaque locus.
Novit enim regno verum perquirere falso ;
Immensum modico, perpetuumque brevi.*

To the honour of king Alfred, a godly, wise, and warlike prince, and an especial advancer of learning, was made this, better than that time commonly afforded :

*Nobilitas innata tibi probitatis honorem
Armipotens Alfrede dedit, probitasque laborem,
Perpetuumque labor nomen : cui mixta dolori
Gaudia semper erant : spes semper mixta timori,
Si modo victor eras, ad crastina bella pavebas ;
Si modo victus eras, in crastina bella parabas ;*

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*Cui vestes sudore jugi, cui sica cruore
Tincta jugi, quantum sit onus regnare probarunt.
Non fuit immensi quisquam per climata mundi,
Cui tot in adversis vel respirare liceret ;
Nec tamen aut ferro contritus ponere ferrum,
Aut gladio potuit vitæ finire labores.
Jam post transactos vitæ regnique labores,
Christus ei sit vera quies, & vitæ perennis.*

It is mervellous how immediately after this time learning decayed in this kingdom, for John Erigena, *alias* Scotus, favoured of Charls the Bald, king of France, and the fore-said king Alfred for his learning, when he was stabbed by his schollers at Malmesbury, was buried with this rude, rough, and unlearned verse :

*Clauditur in tumulo Sanctus Sophista Johannes,
Qui ditatus erat, jam vivens dogmate miro.
Martyrio tandem Christi conscendere regnum
Quo meritis, regnant sancti per secula cuncti.*

On the tombe of St. Edward the Confessor, in Westminster, is this epitaph,

*Omnibus insignis virtutum laudibus heros
Sanctus Edwardus Confessor, Rex venerandus,
Quinto die Jani moriens super athera scandit.
Sursum Corda, Meritur, 1062.*

This religious and good king died at Westminster ; the chamber, wherein he died, yet remaineth close to Sir Thomas Cotton's house. He built a goodly house in Essex, which he called *Have-be-ring*, as much to say as *take the ring* (for *be* in the Saxon, was *the* in our now English) ; in this place he took great delight, because it was woody and solitary, fit for his private devotions. I cannot justifie that report, how when he was hindred and troubled in his praying by the multitude of singing nightingales, he earnestly desired of God their absence, since which time never nightingale was heard to sing in the parke, but without
the

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the pales many numbers, as in other places; yet this is reported for a truth by the inhabitants at this day.

Concerning that name of *Havering*, from taking the ring, the history is commonly known, which is, how king Edward having no other thing to give an aged pilgrim, who demanded an almes of him here in England, took off the ring from his finger, and gave it him, which ring the said pilgrim from Hierusalem, or I wot not from whence, delivered to certain Englishmen, and willed them to deliver the same again unto their king, and to tell him it was St. John the Evangelist that he gave it unto, and who now sent it again, withall to tell him upon such a day he should dye, which was the day above written. The credit of this story I leave to the first author, and the legend; but if any time you goe through Westminster Cloysters into the Dean's Yard, you shall see the king and pilgrim cut in stone over the gate; but this by the way.

And from this time learning so low ebb'd in England, that between Thames and Trent there was scant one found which could understand Latin; and that you may perceive, when as Hugolin, treasurer to king Edward the Confessor, had these most silly verses ingraven upon his monument, in the old Chapter-house of Westminster,

*Qui ruis injuste capit hic Hugoline locus te,
Laude pia clares, quia martyribus nece clares.*

But shortly after the Conquest learning revived, as appeareth by these that follow, which were cast in a more learned mould than the former.

King William, surnamed the Conquerour for his Conquest of England, was buried at Caen in Normandy, with this epitaph, discovered in the late civill wars of France, but mentioned in Gemeticensis.

*Qui rexit rigidos Normannos, atque Britannos
Audaſtor vicit, fortiter obtinuit:
Et Cenomanenses virtute contudit enses,
Imperiiſque ſui legibus applicuit:*

Rex

*Rex magnus parva jacet hic Gulielmus in urna :
Sufficit & magno parva domus domino.
Ter septem gradibus se volverat atque duobus,
Virginis in gramio Phæbus, & hic obiit.*

Upon Stigand, archbishop of Canterbury, degraded for his intrusion and corruption, I finde this most viperous epitaph in an old manuscript, which seemed to proceed from the malice of the Normans against him,

*Hic jacet Herodes Herode ferocior, hujus
Inquinat infernum Spiritus, ossa solum.*

William the Valiant, earl of Flanders, grandchild to this king William the Conquerour, son to Robert, who unhappy in his state, losing the hope of his kingdom of England, and dying of a wound in his hand, was not altogether unhappy in his poet, which made him this epitaph,

*Unicus ille ruit, cujus non terga sagittam,
Cujus nosse pedes non potuere fugam.
Nil nisi fulmen erat, quoties res ipsa movebat,
Et si non fulmen, fulminis instar erat.*

King Henry the first, for his learning surnamed Beauclerc, had this flattering epitaph, as poets could flatter in all ages.

*Rex Henricus obit, decus olim, nunc dolor orbis,
Numina flent numen deperisse suum.
Mercurius minor eloquio, vi mentis Apollo,
Jupiter imperio, Marsque vigore gemunt.
Anglia quæ curâ, quæ sceptro Principis hujus,
Ardua splenduerat, jam tenebrosa ruit.
Hæc cum rege suo, Normannia cum Duce merces,
Nutrit hæc puerum, perdidit illa virum.*

Whereas this dead king was so divided, that his heart and brains were buried in Normandy, and his body in England; these verses were made by Arnulph of Lisieux.

Henri i.

Of the Antiquity of Epitaphs in England.

*Henrici, cuius celebrat vox publica nomen,
 Hoc pro parte jacent membra sepulta loco.
 Quem neque viventem capiebat terra, nec unus
 Defunctum potuit consepelire locus.
 In tria partitus, sua jura quibusque resignat
 Partibus, illustrans sic tria regna tribus.
 Spiritui cælum : cordi cerebroque dicata est
 Neustria : quod dederat Anglia, corpus habet.*

Of him also another composed in respect of his peaceable government, and the troubles which ensued under king Stephen, both in England and Normandy,

*Anglia lugeat hinc, Normanica gens fleat illinc,
 Occidit Henricus modò Lux, nunc luctus utrique.*

Upon William, sonne of king Henry the first, and heir apparent of this realm, drowned upon the coast of Normandy. I have found this epitaph,

*Abstulit hunc terræ matri maris unda neverca
 Proh dolor ! occubuit Sol Anglicus, Anglia plora :
 Quæque prius fueras gemino radiata nitere,
 Extincto nato vivas contenta parente.*

But well it was with England in that he was so prevented, which threatned to make the English draw the plough as Oxen.

Mawd, daughter to the foresaid king, wife to Henry the 4th emperor, mother to K. Henry the second, who intituled herself Empress and Augusta, for that she was thrice solemnly crowned at Rome, as R. de Diceto testifieth, and *Anglorum Domina*, because she was heir apparent to the crowne of England, was very happy in her poet, who in these two severall verses, contained her princely parentage, match, and issue,

*Magna ortu, majorque viro, sed maxima partu,
 Hic jacet Henrici filia, Sponsa, parens.*

Alberic Vere, grandfather to the first earl of Oxford, and his son William were buried together, anno 1088,

with

with this epitaph, at Colne, where he was founder and afterward monk, as it is in the annales of Abingdon Abbey.

*En puer, en senior, pater alter, filius alter,
Legem, fortunam, terram venere sub unam :*

Which is not unlike to that of Conrad the emperour, at Spires in Germany,

Filius hic, pater hic, avus hic, proavus jacet istic.

Thomas Becket, archbishop of Canterbury, slain in Christ's Church at Canterbury at Christmas, had these epitaphs expressing the cause, the time, and place of his death, made by his especial favourer,

*Pro Christi sponsa, Christi sub tempore, Christi
In templo, Christi verus amator obit.
Quinta dies natalis erat, flos orbis ab orbe
Carpitur, & fructus incipit esse poli.
Quis moritur? p̄sul. Cur? pro gregē, qualiter?
ense :
Quando? natali, quis locus? ara Dei.*

For Theobald of Bloys, earl of Champaine, nephew to king Henry the first, Giraldus Cambrensis, bishop of St. David's in Wales, made this,

*Ille comes, comes ille pius Theobaldus eras, quem
Gaudit habere solus, terra carere dolet.
Non hominem possum, non audeo dicere numen :
Mors probat hunc hominem, vita fuisse Deum.
Trans hominem, citraque Deum : plus hoc, minus istud,
Nescio quis, neuter, inter utrumque fuit.*

Vitalis, abbot of Westminster, who died in the time of the Conquerour, had this epitaph :

*Qui nomen traxit a vita, morte vocante,
Abbas Vitalis transit, hique jacet.*

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And for Laurence, abbot of the same place, who died 1176, was made this, alluding to his name,

*Pro meritis vitæ dedit isti Laurea nomen,
Detur ei vitæ laurea pro meritis.*

These two haply may finde as much favour with some, if one word do not prejudice, as that ancient one of Floridus so highly commended,

*Quod vixi flos est, servat lapis hic mihi nomen,
Nolo Deos manes, flos mihi pro titulo.*

Gervays de Bloys, base son to king Stephen, and abbot also of the same church, was buried with the foresaid in the cloyster with this,

*De Regum genere pater hic Gervasius ecce
Monstrat defunctus, mors rapit omne genus.*

William de Albeney, earl of Arundel, and butler to the king, was buried at Wimondham, which he founded with this,

*Hunc Pincerna locum fundavit, & hic jacet, illa
Quæ dedit huic domui, jam sine fine tenet.*

That mighty monarch king Henry the second, who by his own right adjoynd Anjoy, Maine, and Tourain, by his wife, Aquitain, Poyctou, and by conquest Ireland, to the crown of England, and commanded from the Pyrene Mountaines to the Orcades, was honoured with this distich while he lived, conteyning his princely praifes,

*Nec laudem, nec munus amat, nec honore superbit,
Nec lasus ledit nec dominando premit.*

And after his death with this epitaph,

*Rex Henricus eram, mihi plurima regna subegi,
Multiplicique modo Duxque Comesque fui.
Cui satis ad votum non essent omnia terræ
Climata, terræ modo sufficit octo pedum.*

*Qui legis hæc, pensæ discrimina mortis, & in me
Humanae speculum conditionis habe.*

*Sufficit hic tumulus, cui non suffecerat orbis,
Res brevis ampla mihi, cui fuit ampla brevis.*

Rosamond the Fair, his paramour, daughter to Walter lord Clifford, and mother to William Longspee, the first earl of Salisbury, eternized by Mr. Daniel's muse, had this, nothing answerable to her beauty,

*Hac jacet in tumba rosa mundi non Rosamunda,
Non redolet, sed olet, quæ redolere solet.*

William Longspee, earl of Sarum, base son to king Henry the second by this lady, had an epitaph not unlike to that of his mother,

*Flos comitum Willielmus cognomine Longus,
Ensis vaginum cæpit habere brevem.*

For Rhees ap Gruffith ap Rhees ap Theodor, prince of South Wales, renowned in his time, these funerall verses were made amongst others,

*Nobile Cambrensis cecidit diadema decoris,
Hoc est, Rhesus obiit : Cambria tota gemit.
Subtrahitur, sed non moritur, quia semper habetur
Ipsius egregium nomen in orbe novum.
Hic tegitur, sed detegitur, quia fama perennis
Non finit illustrem voce latere duces :
Excessit probitate modum, sensu probitatem,
Eloquio sensum, moribus eloquium.*

The glory of that magnanimous and lion-like prince king Richard the first, renowned for his conquest of Cyprus, the king whereof he took and kept in fetters of silver, and for his great exploits in the Holy Land, stirred up the wits of the best poets in that age, to honour him with these epitaphs which follow, when he was slain in viewing the castle of Chaluz in Limosin,

Of the Antiquity of Epitaphs in England.

*Hic Richarde jaces, sed mors si cederit armis
 Victa timore tui, cederet ipsa tuis.*

Another also writ of him,

*Istius in morte perimit formica leonem ;
 Proh dolor ! in tanti funere, mundus obit.*

An English poet imitating the epitaph made of Pompey and his children, whose bodies were buried in divers countries, made these following of the glory of this one king, divided into three places, by his funerall,

*Viscera Cariolum, Corpus fons servat Ebraudi,
 Et cor Rothomagum, magne Richarde, tuum,
 In tria dividitur unus, qui plus fuit uno :
 Non uno jaceat gloria tanta loco.*

At Font' Everard, where his body was enterred with a gilt image, were these six excellent verses written in golden letters, containing his greatest and most glorious achievements : as his victory against the Sicilians, his conquering of Cyprus, the sinking of the great galleasse of the Saracens, the taking of their convoy, which in the east parts is called a *Carvana*, and the defending of Joppe in the Holy Land against them,

*Scribitur hoc tumulo, Rex auree, Laus tua, tota
 Aurea, materiae conveniente nota.
 Laus tua prima fuit Siculi, Cyprus altera, Dromo
 Tertia, Carvana quarta, suprema Jope.
 Suppressi Siculi, Cyprus possundata, Dromo
 Mersus, Carvana capta, retenta Jope.*

But sharpe and satyrical was that one verse, which by alluding, noted his taking the chalices from churches for his ransom and place of his death which was called *Chaluz*.

Christe tui calicis prædo, fit præda Caluzis.

Savaricus, bishop of Bath and Wells, a stirring prelate, which laboured most for the redeeming king Richard when
 he

he was captive in Austria, and is famous in the decretals (lib. 3. tit. 90. novit ille) had this epitaph, for that he was alwayes gadding up and down the world, and had little rest,

*Hospes erat mundo per mundum semper eundo:
Sic suprema dies, fit sibi prima quies.*

And the like in late years was engraven upon the monument of Jacobus Triulcio, a military man of the same metal, as Lodovic Guicciardin reporteth,

HIC MORTUUS REQUIESCIT SEMEL,
QUI VIVUS REQUIEVIT NUNQUAM.

But Similis, captain of the guard to Adrian the emperor, when he had passed a most toylefome life, after he had retired himself from service, and lived privately seven years in the countrey, acknowledged that he had lived onely them seven years, as he caused to be inscribed upon his monument thus,

*Hic jacet Similis cujus atas multorum annorum
Fuit, ipse septem duntaxat
annos vixit.*

It may be doubted whether Wolgrine the Organist was so good a musician, as Hugh, archdeacon of York, was a poet, which made this epitaph for him,

*Te Wolgrine, cadente cadunt vox, organa, cantus,
Et quicquid gratum gratia vocis habet.
Voce, lyra, modulis Syrenes, Orphea, Phœbum
Unus tres poterat æquiparare tribus.
Si tamen illorum non fallat fama locorum,
Quod fueras nobis, hoc eris Elysiis.
Cantor eris, qui cantor eras, hic charus & illic.
Orpheus alter eras, Orpheus alter eris.*

Upon one Peter, a religious man of this age, I found this,

Petra

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*Petra capit Petri cineres, animam Petra, Christus
Sic tibi divisit utraque petra Petram.*

Upon the death of Morgan, base son of king Henry the second, was made this epitaph, alluding to his name in that alluding age,

*Larga, benigna, decens, jacet hic stirps regia, morum
Organa Morgano fracta jacente, silent.*

King John, a great prince, but unhappy, had these epitaphs bewraying the hatred of the clergy toward him,

*Hoc in sarcophago sepelitur Regis imago,
Qui moriens multum sedavit in orbe tumultum,
Et cui connexa dum vixit probra manebant.
Hunc mala post mortem timor est ne fata sequantur.
Qui legis hæc metuens dum cernis te moriturum,
Discito quid rerum pariat tibi meta dierum.*

But this was most malicious, and proceeded from a viperous minde,

*Anglia sicut adhuc sordet fœtore Johannis,
Sordida fœdatur, fœdante Johanne, gehenna.*

In the time of king Henry the third they began to make epitaphs, as they call it now, out of *Propria quæ maribus*, as some do in our age; but among them this was short and good for William, earl of Pembroke, and marshall of England, buried in the Temple Church,

*Sum quem Saturnum sibi sensit Hibernia, Solem
Anglia, Mercurium Normannia, Gallia Martem.*

And this was not bad for Richard de Clare, earl of Gloucester and Hertford, which died *anno 1602*.

*Hic pudor Hippoliti, Paridis gena, sensus Ulyffis,
Æneæ pietas, Hæctoris ira jacet.*

I doubt not but this time of Simon Monfort, earl of Leicester, slain at Evesham, found favour in that age, as
the

the earl himself, who was so followed by the people, that he durst not confront his soveraign king Henry the 3d. and as the epitaph doth imply, was the peerless man of that time for valour, personage, and wisedome,

*Nunc dantur fato, casuque cadunt iterato,
Cimone sublato, Mars, Paris, atque Cato.*

Upon a gentleman, as some think, named *None*, buried at Wymondham, who gave nothing to the religious, there was made this,

*Hic situs est Nullus, quia nullo nullior iste;
Et quia nullus erat, de nullo nil tibi Christe.*

Excellent is this (which I found in the book of Wymondham) for pope Lucius, born at Luca, bishop of Ostia, pope of Rome, and dying at Verona,

*Luca dedit lucem tibi Luci, Pontificatum
Ostia, Papatum Roma, Verona mori,
Imo Verona dedit tibi vere vivere, Roma
Exilium, curas Ostia Luca mori.*

If you will see an old deane, named *Hamo Sol*, resembled to the twelve sons of old father Annus, which had every one (as Cleobulus was wont to call them) thirty daughters, some fair, some foul, all dying, and never dying, read this epitaph,

*Participat mensis dotes cujuslibet Hamo,
Circumspectus erat ut Janus, Crimina pugnans
Ut Februus, veterana novans ut Martius ipse,
Semina producens ut Aprilis, flore coruscans
Ut Maius, facie plaudens ut Junius, intus
Fervens ut Julius, frugis maturus adulta
Messor ut Augustus, fecundans horrea more
Septembris, replens vino cellaria more
Octobris, pastor pecudum sed spiritualis,
More Novembris; epulator dapsilis instar
Omne Decembris habet, hiemali peste quiescens.*

Another

Of the Antiquity of Epitaphs in England.

Another playing upon the name Hamon, made this for him,

*Olim piscator hominum, quasi piscis ab hamo
Mortis captus Hamo, celebrat convivium vitæ.*

But witty was this, whereas he died in a leap year upon the leap day, accounted so unhappy a day of the Romans, that Valentinian the emperor durst not peep out in that day,

*Hamo Decane jaces, toto fugit exul ab anno
Interitum Solis, ausa videre dies.*

Verily he was a man of some good note in that time, for I finde another of him alluding also to this leape day,

*Nulla dies anni nisi bissextilis, & anni
Judicio damnata fui, nec subdita mensi,
Sed noctis lux instar erat, lux nescia lucis,
Et lux existens inter luces, quasi bubo
Inter aves, hujus poterat concludere vitam
Solis, & humanum genus hac privare lucerna.*

Alexander Necham a great learned man of his age, as appeareth by his books *De Divinæ sapientiæ laudibus*, was buried in the Cloister at Worcester with this, but deserved a better,

*Eclipsim patitur sapientia : Sol sepelitur ;
Qui dum vivebat, studii genus omni vigeat :
Solvitur in cineres Necham, cui si foret hæres
In terris unus, minus esset flebile funus.*

A merry mad maker, as they call poets now, was he which in the time of K. Henry the 3. made this for John Calfe,

*O Deus omnipotens Vituli miserere Joannis,
Quem mors præveniens noluit esse bovem.*

Which in our time was thus paraphrased by the translator,

*All Christian men in my behalf,
Pray for the soul of Sir John Calf,
O cruell death, as subtle as a fox,
Who would not let this calf live till he had been an ox,
That he might have eaten both brambles and thorns,
And when he came to his father's years, might have
worn horns.*

Robert de Courtney was buried at Ford, as appeareth by the register of that place 1242, under a stately *Piramis*, who, whether he was descended from the earls of Edessa, or from Peter the son of Lewis the Gros, king of France, had but this bad inscription, which I insert more for the honour of the name, than the worth of the verse,

*Hic jacet ingenui de Courtney gleba Roberti,
Militis egregii, virtutum laude referti.
Quem genuit Strenuus Reginaldus Courteniensis,
Qui procer eximius fuerat tunc Devonienfis.*

A monk of Duresme busied his brain in nicking out these nice verses upon the death of W. de La-March, chancellor of England under king John.

<i>Culmina qui cupi Est se data si Qui populos regi Quod mors immi Vobis praposi Quod sum vos eri</i>	} <i>tis</i>	<i>Laudes pompasque siti Si me pensare veli Memores super omnia si Non parcit honore poti Similis fueram bene sci Ad me currendo veni</i>	} <i>tis.</i>
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William de Valentia, commonly called Valens earl of Pembroke, and half brother to king Henry the 3d. from whom the earls of Shrewsbury, Kent, and others are descended, is intombed at Westminster, with these rank rimes,

*Anglia tota doles, moritur quia regia proles,
Qua florere soles, quem continet infima moles :
Guilelmus nomen insigne Valentia prabet
Celsum cognomen, nam tale dari sibi debet.*

Of the Antiquity of Epitaphs in England.

*Qui valuit validus, vincens virtute valore,
Et placuit placido sensu; morumque vigore.*

Robert Grostest, commonly called Robin Groshead, bishop of Lincoln, a most learned prelate, reported by Matthew Paris to be a severe reprover of the Pope, a favourer of learning, a searcher of scripture, a preacher of the word, and generally a man of great worth, commanded this onely to be engraven over his tomb.

*Quis sim nosse cupis? caro putrida, nil nisi vermis;
Quisquis es, hoc de me sit tibi scire satis.*

But upon his death this was written,

*Rex dolet, ac regnum gemit, & flet Anglia tota,
Plebs plangit, gemitus ingeminare juvat,
Quippe Grostetus speculum virtutis, asylum
Justitiæ, Regis anchora morte jacet.
Non poterit tamen ille mori, cui fama perorat,
Laus loquitur, redolet fructus, abundat honor:
Unde dolens tristatur homo, canit Angelus inde,
Unde screnantur sidera pallet humus.*

King Henry the third, a prince more pious than prudent, lyeth buried in Westminster Church, which he newly rebuilt, in a fair monument erected by the Monks, and inscribed with these monkish rimes,

*Tertius Henricus jacet hic pietatis amicus,
Ecclesiam istam stravit, quam post renovavit.
Reddet ei manus qui regnat trinus et unus.*

Upon the tomb of D. John Bekingale, sometime bishop of Chichester, this is engraven, which I set here for rare correspondency of the rime.

*Tu modo qualis eris? quid mundi quæris honores?
Crimina deplores, in me nunc te speculeris:
En mors ante fores, quæ clamat omnibus adsum
In pœnis passum, pro me te deprecor ores.*

Which

Which is the same in sense with that at Geneva,

VIXI UT VIVIS
MORIERIS UT SUM MORTUUS
SIC VITA TRUDITUR.

Lewes de Beaumont, that learned bishop of Duresme, who was preferred thereunto for his affinity unto the queen, although he could not with all his learning read this word *metropolitice* at his consecration, but passed it over with *soit pour diēt*; swearing by S. Lewes, that they were discourteous which set down so many hard words in the ordering of priests, had this upon this tombe in Duresme Church, where he was buried 1333,

*De Bello Monte jacet hic Ludovicus humatus,
Nobilis ex fonte regum, Comitumque creatus, &c.*

King Edward the first, a most worthy and mighty prince, the first establisher of the kingdome of England, had affixed at the Altar of St. Edward, near his tombe at Westminster, a large epitaph in prose, whereof I have found only this fragment,

.
.
. . . *Abavus autem & triavus ejus dilatantes imperia, subjecerant sibi Ducatus & Comitatus. Edwardus vero paternarum magnificentiarum amplius æmulator existens, Regaleque solium perornans in clypeo & in hasta, principatum Walliæ truncatis ejus principibus Leolino & David, potentissime adquisivit. Quinimo dominium Regni Scotiæ, primo magni industriæ consilii, deinde virtute bellorum victoriosissime est adeptus. Nihilominus Comitatus Cornubiæ & Northfolke (disponente eo cujus est orbis terræ & plenitudo ejus) ad manus Edwardi mirabiliter devolutis, suis successoribus amplissimam reliquit materiam gloriandi. Ubicunque igitur Christus habet nomen, inter præcellentissimos reges fidelium habeat & Edwardus honorem.*

Of the Antiquity of Epitaphs in England.

The famous king Edward the third, which had so great victories over the French, to the greater glory than good of England, as some say, is entombed at Westminster with this, when he had reigned fifty years,

*Hic decus Anglorum, flos regum præteritorum,
Fama futurorum, rex clemens, pax populorum,
Tertius Edwardus, regum complens Jubilæum.*

King Richard the second his grandchilde and successor, who was deposed of his kingdom by Henry the fourth, had for his kingdom a tomb erected at Westminster by king Henry the fifth, with this rude glosing epitaph,

*Prudens & mundus Richardus jure secundus,
Per fatum victus, jacet hic sub marmore pictus.
Verax sermone fuit, & plenus ratione :
Corpore procerus, animo prudens ut Homerus.
Ecclesie favit, elatos suppeditavit,
Quemvis prostravit regalia qui violavit,
Obruit hæreticos, & eorum stravit amicos :
O clemens Christe, tibi devotus fuit iste,
Votis Baptistæ salves quem protulit iste.*

In his time Robert Hawley, a valiant esquire, was murdered in Westminster Church in service time, where he had taken sanctuary, and is there buried in the place where he was first assaulted, with these verses,

*Me dolus, ira, furor, multorum militis atque,
.
In hoc gladio celebri pietatis asylo,
Dum Levita Dei sermones legit ad aram,
Proh dolor ! ipse meo Monachorum sanguine vultus .
Aspersi moriens, charus est mihi testis in ævum,
Et me nunc retinet sacer hic locus Hawle Robertum,
Hic quia pestiferos male sensi primitus hostes.*

Famous is L. Sicinius Dentatus, who served in an hundred and twenty battails. And glorious is Henry the fourth

fourth emperour, who fought fifty-two battails; and likewise honourable should the memory be of Sir Matthew Gourney our countryman, of whose house Sir H. Newton is descended, which commanded in battails, and was buried at Stoke Hamden, in Sommerfetshire, with this French memoriall now defaced.

Icy gist le noble & valient Chevalir, Mahou de Gurnay, jadis Seneschall de Landes & Capitayn du Chastel d'Aques pour nostre Signior le Roy en la Duché de Guien, qui en sa Vie fu a la bataille de Benemazin, & a la apres a la siege de Algezir sur les Sarazines & auxi a les battayles de Seleuse, de Cressy, de Ingenesse, de Poyters, de Nazara, &c. Obiit 96 atatis, 26 Septemb. 1406.

King Henry the fifth, who, as Thomas Walsingham testifieth of him, was godly in heart, sober in speech, sparing of words, resolute in deeds, provident in counsell, prudent in judgement, modest in countenance, magnanimous in action, constant in undertaking, a great almsgiver, devout to God-ward, a renowned foldier, fortunate in the field, from whence he never returned without victory, was buried at Westminster, and his picture was covered with silver plate, which was sacrilegiously stollen away, and his epitaph defaced, which was but these two silly verses:

*Dux Normannorum, verus Conquestor eorum,
Heres Francorum decessit, & Hector eorum.*

He that made this silly one for Sir John Woodcock, mercer, and major of London 1405, buried in St. Alban's in Wood-street, thought he observed both rime and reason,

*Hic jacet in requie Woodcock John vir generosus,
Major Londoniæ, Mercerus valde morosus.
Hic jacet Tom Shorthose
Sine tomb, sine sheets, sine riches,
Qui vixit sine gown,
Sine cloake, sine shirt, sine breeches.*

Henry

Of the Antiquity of Epitaphs in England.

Henry Chichely, although he was founder of All Soul's Colledge in Oxford, and an especial furtherer of learning, was but little honoured by this unlearned epitaph, 1443.

*Pauper eram natus, post primas hic relevatus,
Jam sum prostratus, & vermibus esca paratus,
Ecce meum tumulum.*

His next successour, one John Kempe, happened upon a better poet, who in one verse comprehended all his dignities, which were great,

Johannes Kempe.

Bis Primas, ter præsul erat, bis cardine functus.

For he was bishop of Rochester, Chichester, and London, archbishop of York, and then Canterbury, and cardinall, first deacon, then priest.

This that followeth is engraven about a fair tombe in a goodly chappell adjoining to the quire of Saint Marie's Church in Warwick, being a worthy monument of so noble a person, since whose time, although but late, you may observe a great change both of the heirs of his house and the use of words in this epitaph,

*Pray devoutly for the soul whom God assoile, of one of the most worshipfull knights in his daies of manhood and cunning, Richard Beauchamp, late earl of Warwick, lord Despencer of Bergevenny, and of many other great lordships, whose body resteth here under this tomb in a full fair vault of stone, set in the bare roche. The which visited with long sickness in the castle of Rohan, therein deceased full Christianly the last day of April, in the year of our Lord God 1439, he being at that time lieutenant generall of France and the dutchy of Normandie, by sufficient authority of our sovereign lord king Henry the sixt. The which body by great deliberation, and worshipfull conduct by sea and by land, was brought to Warwick the fourth of October, the
year*

year aforesaid, and was laid with full solemne exequies in a fair chest made of stone, afore the west dore of this chappell, according to his last will and testament, therein to rest, till this chappell by him devised in his life were made, the which chappell founded on the roche, and all the members thereof, his executors, did fully make and apparail by the authority of his said last will and testament. And thereafter, by the said authority, they did translate worshipfully the said body into the vault aforesaid: honoured be God therefore.

His daughter, the countesse of Shrewsbury, was buried in St. Faith's under St. Paul's at London, with this,

Here before the image of Ihesu lyeth the worshipful and right noble lady Margaret, countess of Shrewsbury, late wife of the true and victorious knight, and redoubted warrior John Talbot, earl of Shrewsbury, which worshipfully died in Gien for the right of this land, the first daughter, and one of the heirs of the right famous and renowned knight Richard Beauchampe, late earl of Warwick, which died in Roane, and of dame Elizabeth his wife, the which Elizabeth was daughter and heir to Thomas, late lord Berkely, and on his side, and of her mother's side, lady Lisle and Ties; which countess passed from this world the XIII day of June, the year of our Lord 1468. On whose soul the Lord have mercy.

For that valorous earl her husband, the terror of France, I have elsewhere noted his epitaph; and now instead thereof, I will give you to understand, that not long since his sword was found in the river of Dordon, and sold by a peasant to an armourer of Burdeaux, with this inscription, but pardon the Latine, for it was not his, but his camping chaplain,

SVM TALBOTI M. IIII. C. XLIII.
PRO VINCERE INIMICOS MEOS.

This

Of the Antiquity of Epitaphs in England.

This inscription following is in the cathedrall church at Roan in Normandy, for John duke of Bedford, and governor of Normandy, son to king Henry the fourth, buried in a fair plain monument; which when a French gentleman advised Charls the eighth, the French king to deface, as being a monument of the English victories, he said, let him rest in peace now he is dead, whom we feared while he lived.

Cy gist feu de noble memoire haut & puissant prince Jean, en son vivant regent du Royaume de France, Duc de Bethfort, pour lequel est fonde une Messe estre par chacun jour perpetuellement celebre en cest autel par le College des Clementins incontinent apres prime: & trespassa le 13. Septembre 1435. Auquel 13 jour semblablement est fonde pour luy un obit en ceste eglise. Dieu face pardon à son ame.

Upon an ancient knight, Sir Jernegan, buried cross-legged at Somerly in Suffolk, some hundred years since, is written,

*Jesus Christ both God and man,
Save thy servant Jernegan.*

Happy and prudent king Henry the 7. who stopped the streams of civill blood, which so long overflowed England, and left a most peaceable state to his posterity, hath his magnificall monument at Westminster, inscribed thus,

*Septimus hic situs est Henricus, gloria regum
Cunctorum illius qui tempestate fuerunt,
Ingenio atque opibus gestarum nomine rerum:
Accessere quibus natura dona benigna,
Frontis honos, facies augusta, heroica forma:
Junctaque ei suavis conjux perpulchra, pudica
Et fecunda fuit, felices prole parentes,
Henricum quibus octavum terra Anglia debes.
Hic jacet Henricus, hujus nominis VII. Angliæ quondam
Rex, Edmundi Richmundiæ Comititis filius, qui die 22.
Aug. Rex creatus, statim post apud Westmonasterium*

30 Octob. coronatur anno Dom. 1485, moritur deinde
XXI April. anno ætatis Liii. Regnavit annos xxii.
menses VIII minus uno die.

This following I will note out of Hackney Church, that you may see that the clergie were not alwayes anticipating and griping many livings by this worthy man, which relinquished great dignities, and refused greater,

Christophorus Ursuicus Regis Henrici Septimi Elemofynarius, vir sua ætate clarus, summatibus atque infimatis juxta charus. Ad exteros reges undecies pro patria legatus. Decanatum Eboracensem, Archidiaconatum Richmundiæ, Decanatum Winsoriæ habitos vivens reliquit. Episcopatum Norwicensem oblatum recusavit. Magnos honores tota vita sprevit, frugali vita contentus, hic vivere, hic mori voluit. Plenus annorum obiit, ab omnibus desideratus. Funeris pompam etiam testamento vetuit. Hic sepultus carnis resurrectionem in adventum Christi expectat.

*Obiit anno Christi incarnati 1521. Die 23.
Martii. Anno ætatis suæ 74.*

This Testamentarie epitaph I have read in an old manuscript,

*Terram terra tegit, Dæmon peccata resumat:
Res habeat Mundus, spiritus alta petat.*

The name of this defunct as it were enigmatically expressed in this old epitaph,

*Bis fuit hic natus, puer & bis, bis juvenisque,
Bis vir, bisque senex, bis doctus, bisque sacerdos.*

In the cathedrall church of St. Paul's in London, a stone is inscribed thus without name,

*Non hominem aspiciam
ultra.*

OBLIVIO.

Of the Antiquity of Epitaphs in England.

This man yet would not willingly have been forgotten, when he adjoyned his arms to continue his memory, not unlike to philosophers, who prefixed their names before their treatises of contemning glory.

Another likewise suppressing his name, for his epitaph did set down this goodly admonition,

*Look man before thee how thy death hasteth,
Look man behinde thee how thy life wasteth ;
Look on thy right side how death thee desireth,
Look on thy left side how sin thee beguileth :
Look man above thee, joys that ever will last,
Look man beneath thee, the pains without rest.*

The abbot of St. Alban's, who lyeth buried there in the high quire, suppressed his name as modestly as any other in this,

*Hic quidem terra tegitur
Peccato solvens debitum,
Cujus nomen non impositum,
In Libro vitæ sit inscriptum.*

In the cloister on the north side of St. Paul's now ruined, one had this inscription upon his grave, without name,

VIXI, PECCAUI, PÆNITUL.
NATURÆ CESSI.

Which is as Christian, as that was profane of the Romans,

AMICI
DUM VIVIMUS
VIVAMUS.

King Henry the eighth, who subverted so many churches, monuments, and tombs, lyeth inglorious at Windsor, and never had the honour either of the tomb which he had prepared, or of any epitaph, that I now remember.

But

But his brother-in-law, king James the fourth of Scotland, slain at Flodden, though the place of his buriall is unknown, yet had this honourable epitaph:

*Fama orbem replet, mortem fors occulit : at tu
Desine scrutari quod tegat ossa solum :
Si mihi dent animo non impar fata sepulchrunt,
Augusta est tumulo terra Britannia meo.*

Queen Jane, who died in child-birth of king Edward the sixth, and used for her device a *phœnix*, being her paternal creast, had this thereunto alluding for her epitaph,

*Phœnix Jana jacet, nato Phœnice, dolendum
Sæcula Phœnices nulla tulisse duos.*

The noble Henry earl of Surrey, father to Thomas, late duke of Norfolk, and the right honourable and nobly learned late earl of Northampton, in the time of king Henry the eighth, first refining our homely English poesie, among many other, made this epitaph comparable with the best, for Thomas Clere, Esq; his friend and follower, buried at Lambeth 1545,

*Norfolk sprang thee, Lambeth holds thee dead,
Clere of the county of Cleremont though high
Within the womb of Ormonds race thou bred
And sawest thy cofin crowned in thy sight :
Shelton for love, Surrey for lord thou chase,
Aye me, while life did last, that league was tender :
Tracing whose steps thou sawest Kelsall blaze,
Laudersey burnt, and battere d Bullen render,
Att Muttrell gates hopelesse of all recure,
Thine earl half dead, gave in thy hand his will :
Which cause did thee this pining death procure,
Ere summers seven times seven, thou couldst fulfill.
Ah, Clere ! if love had booted, care or cost ;
Heaven had not wonne, nor earth so timely lost.*

Of the Antiquity of Epitaphs in England.

The duke of Suffolk and his brother, sons of Charles Brandon, who died of the sweat at Bugden, were buried together with this,

*Una fides vivos conjunxit, religio una,
Ardor & in studiis unus, & unus amor.
Abstulit hos simul una dies : duo corpora jungit
Una urna, ac mentes unus Olympus habet.*

King Edward the sixth, although he had his father's fate in having no sepulchre, yet he had the honour of a learned elegie composed by Sir John Cheek, too long to be here inserted, and this distich,

*Rex, regis natus, regum decus, unica regni
Spesque salusque sui, conditur hoc tumulo.*

The earl of Devonshire, Edward Courtney, honourably descended from one of the daughters of king Edward the fourth, is buried at Saint Anthonies in Padua with this, which I set down more for his honour, than the elegancy of the verse :

*Anglia quem genuit fueratque habitura patronum,
Corteneum celsa hæc continet area Ducem ;
Credita causa necis, regni affectata cupido,
Reginæ optatum nunc quoque connubium.
Cui regni proceres non consensere, Philippo
Reginam Regi jungere posse rati.
Europam unde fuit juveni peregrare necesse
Ex quo mors misero contigit ante diem.
Anglia si plorat defuncto principe tanto,
Nil mirum, Domino deficit illa pio.
Sed jam Corteneus cælo fruiturque beatis,
Cum doleant Angli, cum sine fine gemant :
Cortenei probitas igitur, præstantia, nomen,
Dum stabit hoc templum, vivida semper erunt :
Angliaque hinc etiam stabit, stabuntque Britanni,
Conjugii optati fama perennis erit,
Improba naturæ Leges Libitina rescindens,
Ex æquo juvenes præcipitatque senes*

Walter

Walter Milles, who died for the profession of his faith, as some say, made this epitaph for himself :

*Non prava impietas, aut acta crimina vitæ
Armarunt hostes in mea fata truces.
Sola fides Christi sacris signata libellis,
Quæ vitæ causa est, est mihi causa necis.*

This man was not so godly, as he was impious, as it seemeth, who was buried in the night without any ceremony, under the name of Menalcas, with this,

*Here lyeth Menalcas, as dead as a logge,
That lived like a divell, and died like a dogge :
Here doth he lye, said I? then say I lye,
For from this place, he parted by and by.
But here he made his descent into hell,
Without either book, candle, or bell.*

This may seem too sharpe, but happily it proceeded from some exulcerated minde, as that of Don Pedro of Toledo, viceroy of Naples, wickedly detorted out of the scriptures,

*Hic est,
Qui propter nos & nostram salutem, descendit ad inferos.*

A merry and wealthy goldsmith of London in his lifetime prepared this for his grave-stone, which is seen at St. Leonard's, neer Foster Lane,

*When the bells be merrily rung,
And the mass devoutly sung,
And the meat merrily eaten :
Then is Robert Traps, his wife and children quite
foregotten.
Wherefore Jhesu that of Mary sprong,
Set their souls the saints among ;
Though it be undeserved on their side,
Let them evermore thy mercy abide.*

Of the Antiquity of Epitaphs in England.

Doctor Caius, a learned phyfician of Cambridge, and a co-founder of Gonwill and Caius Colledge, hath onely on his monument there,

FUI CAIUS.

Which is as good as that of that great learned man of his profeflion, Julius Scaliger,

SCALIGERI QUOD RELIQUUM.

But that which cardinal Pool appointed for himfelf, is better than both, as favoring of Christian antiquity.

Depositum Poli Cardinalis.

This enfuing for Sir Nicholas Bacon, lord keeper of the great feal, is worthy to be read, both for the honour of the perfon, who was a wife counfellor, and the rarenefs of *jambique* verfes in epitaphs (albeit this our age doth delight *ἰαμβίξεν*) but as he faith, *Malos Jambus enetat, beat honos.*

*Hic Nicolaum ne Baconum conditum
Exiftima illum, tam diu Britannici
Regni fecundum columen : exitium malis,*

*Bonis afylum, cœca quem non extulit
Ad hunc honorem fors ; fed æquitas, fides,
Doctrina, pietas, unica & prudentia.*

*Non morte raptum crede, qui unica
Vita perennis emerit duas : agit
Vitam fecundam cœlitus inter animos.*

*Fama implet orbem, vitæ quæ illa tertia eft,
Hac pofitum in arca eft corpus, olim animi domus :
Arca dicatæ fempiternæ memoriæ.*

The excellent poet George Buchanan, who is thought to have made this, beftowed thefe four verfes upon Mr. Roger Afcham, fometime reader to queen Elizabeth, and her fecretary for the Latin tongue, one of the firft refiners of the Latin purity amongft us.

Afchamum

*Aschamum extinctum patriæ, Graiæque Camæna,
Et Latia vera cum pietate dolent.
Principibus vixit carus, jucundus amicis,
Re modica, in mores dicere fama nequit*

He also composed this to the memory of that worthy prelate and champion of our church John Jewell, bishop of Sarisbury :

*Juelle, mater quem tulit Devoniam,
Nutrixque fovit erudita Oxonia ;
Quam Maria ferro & igne patria expulit,
Virtus reduxit, Præfulem fecit parens
Elizabetha docta doctarum artium,
Pulvis pusillus te sepulchri hic contegit.
Quàm parva tellus nomen ingens occulit ?*

Mr. Lambe, a man which deserved well of the city of London by divers charitable deeds, framed this for himself,

*As I was so be ye,
As I am ye shall bee :
That I gave, that I have,
That I spent, that I had :
Thus I end all my cost,
That I left, that I lost.*

All which Claudius Secundus a Romane contained in these four words :

HIC MECUM HABEO OMNIA.

Short and yet a sufficient commendation of M. Sandes was this,

*Margareta Sandes,
Digna hac luce diuturniore,
Nisi quod luce meliore digna.*

And answerable thereunto is this, for a gentleman of the same name,

Who

Of the Antiquity of Epitaphs in England.

*Who would live in others breath?
 Fame deceives the dead man's trust:
 When our names do change by death;
 Sands I was, and now am dust.*

Sir Philip Sidney (to whose honour I will say no more but that which Maro said of Marcellus, nephew of Augustus, *Ostendunt terris hunc tantum fata, nec ultra esse sinunt*; which also was answered by the Oracle to Claudius the 2^d. emperour, of his brother Quintilius) hath this most happily imitated out of French out of Mons^r Bonivet, made by Joach. du Bellay, as it was noted by Sir George Buc in his Poetica,

*England, Netherland, the heavens, and the arts,
 The souldiers and the world hath made six parts
 Of noble Sidney: for who will suppose,
 That a small heap of stones can Sidney enclose?
 England had his body, for she it fed,
 Netherland his bloud in her defence shed:
 The heavens have his soul, the arts have his fame,
 The souldiers the grief, the world his good name.*

Upon the golden Lyon rampant in Gules of the house of Albenye, which the late earl H. Fitz-Alan bare in his armes, as receiving the earldome of Arundell from the house of Albenye, one composed this epitaph,

*Aureus ille leo (reliqui trepidate leones)
 Non in sanguineo nunc stat ut ante solo.
 Nam leo de Iuda vicit, victoque pepercit,
 Et secum patris duxit ad usque domos.
 Sic cadit ut surgat, sic victus vincit, & illum,
 Quem modo terra tulit, nunc Paradisus habet.*

In the cloyster of New Colledge in Oxford this following is written with a coal for one Woodgate, who bequeathed 200 pound to one, who would not bestow a plate for his memorial,

*Heus Peripatetice,
Conde tibi tumulum, nec fide hæredis amori
Epitaphiumque compara :
Mortuus est, nec emit libris hæc verba ducentis.*

WOODGATUS HIC SEPULTUS EST.

Therefore the counsaile of *Diego de Valles* is good, who made his own tomb at Rome with this inscription,

*Certa dies nulli est, mors certa. incerta sequentum
Cura : locet tumulum qui sapit, ante sibi.*

A gentleman falling off his horse, brake his neck, which suddain hap gave occasion of much speech of his former life, and some in this judging world judged the worst; in which respect a good friend made this good epitaph, remembering that of St. Augustine, *Misericordia Domini inter pontem, & fontem,*

*My friend judge not me,
Thou seest I judge not thee :
Betwixt the stirrup and the ground,
Mercy I askt, mercy I found.*

To the honour of Sir Henry Goodyer of Polefworth, a knight memorable for his virtues, an affectioned friend of his framed this tetrastick,

*An ill year of a Goodyer us bereft,
Who gone to God, much lack of him here left :
Full of good gifts, of body and of minde,
Wise, comely, learned, eloquent, and kinde.*

Short and sufficient is this of a most worthy knight, who for his epitaph hath a whole colledge in Cambridge, and commanded no more to be inscribed than this ;

*Virtute non vi,
Mors mihi lucrum.
Hic jacet Gualterus Mildmay Miles, & uxor ejus.
Ipse obiit ultimo die Maii, 1589.*

*Of the Antiquity of Epitaphs in England.**Ipsa decimo Sexto Martii, 1576.**Reliquerunt duos filios & tres filias.**Fundavit Collegium Emanuelis Cantabrigiæ,
Moritur Cancellarius & subthesaurarius Scaccarii, &
Regiæ Majestati a consiliis.*

Upon a young man of great hope, a student in Oxford,
was made this,

*Short was thy life,
Yet livest thou ever :
Death hath his due,
Yet diest thou never.*

Hitherto I have presented to you amongst others, all the epitaphs of the princes of this realme which I have found; and justly blame-worthy might I be, if I should not do the same honour to the princes of our time.

Queen Elizabeth, a prince admirable above her sex for her princely virtues, happy government, and long continuance in the same, by which she yet surviveth, and so shall, indeared in the memory not onely of all that knew her, but also of succeeding posterities, ended this transitory life at Richmond, the 24th of March 1602, the 45th year of her reign, and seventy of her age.

Upon the remove of her body to the palace of Whitehall by water, were written then these passionate dolefull lines,

*The queen was brought by water to Whiteball,
At every stroke the oars tears let fall :
More clung about the barge, fish under water
Wept out their eyes of pearl, and swome blinde after,
I think the barge-men might with easier thighs,
Have rowed her thither in her peoples eyes.
For how so ere, thus much my thoughts have scand,
Sh'ad come by water, had she come by land.*

Another at that time honored her with this : H. Holland.

Weep

*Weep greatest isse, and for thy mistress death,
Swim in a double sea of brackish water :*

*Weep little world for great Elizabeth,
Daughter of War, for Mars himself begat her.
Mother of peace, for she brought forth the later ;
She was and is, what can there more be said ?
On earth the chief, in Heaven the second maide.*

Another contrived this distich of her :

*Spain's rod, Rome's ruine, Netherland's reliefe,
Earth's joy, England's gem, World's wonder, Nature's
chiefe.*

Another on queen Elizabeth.

*Kings, queens, mens judgements, eyes,
See where your mirrour lyes ;
In whom her friends hath seen,
A king's state, in a queen ;
In whom her foes surveyd
A man's heart, in a maid ;
Whom, least men, for her piety
Should judge, to have been a Diety,
Heaven since by death did summon,
To shew she was a woman.*

But upon the stately monument which king James erected to her memory, these inscriptions are affixed. At her feet,

MEMORIÆ SACRUM.

Religione ad primævam sinceritatem restaurata, pace fundata, Moneta ad justum valorem reducta, rebellione domestica vindicata, Gallia malis intestinis præcipiti sublevata, Belgio sustentato, Hispanica classe profligata, Hibernia pulsâ Hispanis, & rebellibus ad deditiorem coactis, pacata ; Reditibus utriusque Academiæ lege annonaria plurimum adauctis, tota denique Anglia ditata, prudentissimeque Annos XLV. administrata

Of the Antiquity of Epitaphs in England.

Elizabetha Regina, victrix, triumphatrix, pietatis studiosissima, felicissima, placida morte septuagenaria soluta, mortales reliquias dum Christo jubente resurgant immortales, in hac ecclesia celeberrima ab ipsa conservata, & denuo fundata, deposuit.

At her head this :

MEMORIÆ ÆTERNÆ

Elizabethæ Angliæ, Franciæ, & Hiberniæ Reginæ, R. Henrici VIII. filiæ, R. Henrici VII. nepti, R. Edvardi III. pronepti, patriæ parenti, Religionis & bonarum artium altrici : plurimarum linguarum peritia, præclaris tum animi, tum corporis dotibus, Regiisque virtutibus supra sexum.

Principi Incomparabili,

*Jacobus Magnæ Britannia Franciæ & Hiberniæ Rex, virtutum, & Regnorum hæres, bene merenti
Pie posuit.*

Her nearest cousin Mary, queen of Scots, dowager of France, a princess also incomparable for her princely endowments, after her lamentable death, was thus described ;

*Regibus orta, auxi Reges, Reginaque vixi :
Ter nupta, & tribus orba viris, tria regna reliqui.
Gallus opes, Scotus cunas, habet Angla sepulchrum.*

But the magnificent monument which the king erected when he translated her body from Peterborough to Westminster, is thus inscribed,

D. O. M.

Bonæ Memorix &
Spei æternæ,

*Mariæ Stuartæ Scotorum Reginæ, Franciæ Dotariæ, Jacobi V. Scotorum Regis filiæ & hæredis unicæ, Henrici VII. Ang. Regis ex Margareta majori natu filia (Jacobo VIII. Regi Scotorum matrimonio copulata) proneptis Edw. IV. Angliæ Regis ex Elizabetha filiarum
natu*

natu maxima abneptis. Francisci II. Gallorum Regis conjugis, Coronæ Angliæ, dum vixit certæ & indubitatae hæredis, & Jacobi Magnæ Britannia Monarchæ potentissimi matris.

Stirpe verè regia & antiquissima prognata erat, maximis totius Europæ principibus agnatione & cognatione conjuncta, & exquisitissimis animi & corporis dotibus & ornamentis cumulatiflima: verum ut sunt variæ rerum humanarum vices, postquam annos plus minus viginti in custodia detenta fortiter & strenuè (sed frustra) cum malevolorum obtreccionibus, timidorum suspicionibus, & inimicorum capitalium insidiis conflictata esset, tandem inaudito & infesto Regibus exemplo securi percutitur.

Et contempto mundo, devicta morte, lassato carnifice, Christo servatori animæ salutem, Jacobo filio spem Regni & posteritatis & universis cædis infaustæ spectatoribus exemplum patientiæ commendans pie, patienter, intrepide cervicem Regiam securi maledicta subjecit, & vitæ caducæ sortem cum cœlestis regni perennitate commutavit.

VI. Idus Februarii,

Anno Christi MDLXXXVII.

Ætatis XXXXVI.

Obruta frugifero sensim sic cessante surgunt

Semina, per multos quæ latuere dies.

Sanguine sancivit fœdus cum plebe Jehova,

Sanguine placabant numina sancta patres:

Sanguine conspersi quos præterit ira Penates;

Sanguine signata est quæ modo cedit humus.

Parce Deus, satis est, infandos siste dolores,

Inter funestos pervolet illa dies.

Sit Reges maculare nefas, ut sanguine posthac

Purpureo nunquam terra Britannia fluat.

Exemplum pereat cæsa cum vulnere Christæ;

Inque malum præceps auctor, & auctor eat.

Of the Antiquity of Epitaphs in England.

*Si meliore sui post mortem parte triumphet,
 Carnifices fileant, tormina, claustra, cruces.
 Quem dederant cursum superi Regina peregit :
 Tempora lata Deus, tempora dura dedit.
 Edidit eximium fato proferante Jacobum,
 Quem Pallas, Musæ, Delia fata colunt.
 Magna viro, major natu, sed maxima partu
 Conditur hic regum filia, sponsa, parens.
 Det Deus ut nati & qui post nascentur ab illa,
 Æternos videant hinc sine nube dies.*

H. N. gemens P.

For prince Henry, her grandchild, of whose worth England seemeth unworthy, many excellent epitaphs were composed every where extant, but this have I selected ;

*Reader, wonder think it none,
 Though I speak and am a stone,
 Here is sbrinde cœlestiall dust,
 And I keep it but in trust.
 Should I not my treasure tell,
 Wonder then you might as well,
 How this stone could choose but break,
 If I had not learnt to speake.
 Hence amazed and aske not me,
 Whose these sacred asbes be.
 Purposely it is conceal'd,
 For if that should be reveal'd,
 All that reade would by and by,
 Melt themselves to tears, and dy.*

*Within this marble casket lies
 A matchless jewell of rich prize,
 Whom Nature in the world's disdain
 But shewd, and then put up againe.*

On Queen Anne.

*March with his winde hath struck a cedar tall,
 And weeping Aprill mourns that cedar's fall,*

And

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*And May intends no flowers her month shall bring,
Since she must lose the flower of all the spring.
Thus Marches winde hath caused Aprill showers,
And yet sad May must lose her flower of flowers.*

Another on Queen Anne.

*Thee to invite, the great God sent a star,
Whose nearest friend and kinne, good princes are;
Who, tho' they run their race of men, and dye,
Death serves but to refine their majestie:
So did our queen her court from hence remove,
And left this earth, to be enthron'd above.
Then she is chang'd, not dead, no good prince dies,
But like the sun, doth onely set to rise.*

On King James.

*He that hath eyes, now wake and weep;
He whose waking was our sleep,
Is fallen asleep himself, and never
Shall wake more, till wake for ever:
Death's iron hand hath clos'd those eyes,
That were at once, three kingdoms spies.
Both to foresee, and to prevent
Dangers, so soon as they were meant.
That head whose working brain alone
Thought all mens quiet, but his owns,
Is fallen at rest (oh!) let him have
The peace he lent us, to his grave,
If no Naboth, all his raigne
Was for his fruitfull vineyard slaine,
If no Uriah lost his life,
Because he had too fayr a wife,
Then let no Shemie's curses wound
His honour, or prophane this ground:
Let no black mouthed breathed ranke cur,
Peaceful James his ashes stir.
Princes are gods (O!) do not then
Rake in their graves to prove them men.*

Another

Of the Antiquity of Epitaphs in England.

Another on King James.

*For two and twenty years long care,
For providing such an heir,
Which to the peace he had before,
May add twice two and twenty more,
For his days travel, and nights watches,
For's crasie sleep stolen by snatches,
For two fierce kingdoms wound in one,
For all he did, and meent to have done.
Do this for him, write o're his dust,
James the peacefull, and the just.*

On the King of Sweden.

*Seek not, reader, here to finde,
Entomb'd, the throne of such a minde,
As did the brave Gustavus fill,
Whom neither time nor death can kill :
Go and read all the Cæfars aëts,
The rage of Scithian cataracks.
What Epire, Greece, and Rome hath done,
What kingdomes Gothes and Vandals won.
Reade all the worlds heroique story,
And learn but half this hero's glory.
These conquered living, but life flying,
Reviv'd the foes, he conquer'd dying.
And Mars' hath offered at his fall
An hecatomb of generals :
The great comparer could not tell
Whence to draw out his parellelle.
Then do not hope to find him here,
For whome earth was a narrow spheer.
Nor by a search in this small marble roome,
To finde a king so far above a tombe.*

Another.

*Upon this place the great Gustavus dy'd,
While victory lay weeping by his side,*

Upon

Upon the tomb of the heart of Henry the third, late
king of France, slaine by a Jacobine Fryer 1589.

*Whether thy choice, or chance, thee hither brings ;
Stay, passenger, and waile the hap of kings.
This little stone a great king's heart doth hold,
That rul'd the fickle French, and Polacks bold,
Whom, with a mighty warlick host attended,
With traiterous knife, a cowled monster ended.
So frail are even the highest earthly things.
Go, passenger, and waile the fate of kings.*

Upon the Duke of Richmond and Lenox.

*Are all diseases dead, or will Death say
He might not kill this prince the common way ?
It was even thus, and Time with Death conspired,
To make his death, as was his life, admired.
The commons were not summon'd now, I see,
Meerly to make laws, but to mourne for thee.
No less than all the bishops might suffice
To wait upon so great a sacrifice.
The court the altar was, the waiters, peers,
The mirrhe and franckincense, great Caesar's tears.
A funerall for greater pompe and state,
Nor time nor death could ever celebrate.*

Upon Sir Francis Vere.

*When Vere fought death, arm'd with his sword and shield,
Death was afraid to meet him in the field :
But when his weapons he had laid aside,
Death like a coward strook him, and he dy'd.*

Of the Antiquity of Epitaphs in England.

Upon Mr. Edmund Spencer the famous poet,

At Delpho's shrine one did a doubt propound,

Which by the oracle must be released.

Whether of poets were the best renowned,

Those that survive, or those that be deceased?

The god made answer by divine suggestion,

While Spencer is alive, it is no question.

END OF THE FIRST VOLUME.



