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A  
COLLECTION  
Of Curious  
DISCOURSES,

Written by Eminent  
ANTIQUARIES

Upon several Heads in our  
*English Antiquities,*

---

And

Now first published by  
T H O M A S H E A R N E, M.A.

---

O X F O R D,  
Printed at the T H E A T E R,  
M. DCC. XX.



DA90  
H35c



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1. Athen. Oxon. Vol. I. col. 817.    2. Ath. Oxon. Vol. II. col. 65.  
3. Ath. Ox. Vol. I. col. 769.    4. Ath. Oxon. Vol. I. col. 319.  
a 2 1611.

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1611. He is famous for being one of those that continued Raphael Hollynshed's Chronicle, tho' all the Things that he was Author of in that Continuation are not commonly known, and for that reason not noted in *Athenæ Oxon.* the Compiler whereof was ignorant, that a great many of the sheets (beginning in p. 1419. and ending in p. 1575.) were castrated or suppressed, because several Things in them gave Offence. These castrated sheets are now so very scarce, that I could never yet meet with but two Copies of Hollynshed with them, tho' I hear of several others. Those two Copies that I have seen were lent me by two learned Friends, to whom I am also obliged upon many other Accounts. I find by them that four Discourses of our Author Thynn were suppress'd, *viz.*

(1.) *A Discourse of the earles of Leicester by succession*; which Discourse is thus intit. in the Margin, *The collection of the earles of Leicester, by Fr. Thin 1585.* (2.) *The lives of the Archbishops of Canturburie, written by Francis Thin, in the yere of our redemption 1586.* which is the year in which this Chronicle came out, and in which Robert Sutton alias Dudley Earl of Leicester (of whose Entertainment in the Lowe Countries there is a large and invidious Account, said to be written by John Stow,) fell into Disgrace. (3.) *A treatise of the*



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*the Lord Cobhams.* (4.) *The Catalog of the lord wardens of the cinque ports, and constables of Dover castle, aswell in the time of king Edward surnamed the Confessor, as since the reigne of the Conqueror.* Both these were gathered, as well out of ancient records and monuments, as out of our histories of England, in the year 1586. But whereas it is insinuated in *The English Historical Library*<sup>1</sup>, that there are no more sheets suppress'd than what relate to the L<sup>d</sup>. Cobhams, and that this was occasion'd because of the then L<sup>d</sup>. Cobham's being in disgrace, I must beg leave to assert, that this is one of the great number of Mistakes in that Work, it being plain from what hath been already said, that there were many sheets besides suppress'd, and it being withall as plain from our English History that the L<sup>d</sup>. Cobham was at that time in favour and not in disgrace with Q. Eliz.] 20.

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1. Pag. 71. Ed. 2d. 2. Dugdale's Baronage, Vol. II. p. 451. and Athen. Oxon. Vol. I. col. 449.

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1. Athen. Oxon. Vol. I. col. 444. 2. Ath. Oxon. Vol. I. col. 88.  
 3. Athen. Oxon. Vol. I. col. 854. 4. Ath. Oxon. Vol. I. col. 444.

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3. Smith *ibid*. 4. See the Appendix to this Work, num. I.  
5. Athen. Oxon. Vol. I. col. 490.

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1. So I am inform'd by Letters from a very learned Friend.  
 2. Vol. I. col. 543, 544.    3. So my before mentioned learned Friend.

advice

advice the Founder proceeded, and he was one of the first Feoffees. The Author of these Answers to Mr. Tate's Questions several times mentions ' a *Book of Laws*, which himself had written, and in which many Things were inserted about the British Antiquities. But this Work, to which an accurate Table was added for the more ready finding of any Particular, was never yet printed, as I think, and therefore 'tis no wonder that 'tis not mentioned by the Compiler of *Athenæ Oxon.* who had not met with a Copy either of these Answers or of the Book of Laws. If the Author was not the said Sir William Jones, 'tis probable he was not different from John Jones, of Gelby Lyvdy in Flintshire, Esq. a great <sup>2</sup> Antiquary and a curious Collector of British MSS. and a constant correspondent with that candid and learned Antiquary, Robert Vaughan, of Hengurt, Esq. But, at present, I incline rather to the first opinion.] 212.

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THE





THE PUBLISHER'S  
P R E F A C E.

§. I. **A** S I was lately dis- Experi-  
ence and  
Practice  
the best  
Helps in  
explain-  
ing Anti-  
quity.  
coursing with some  
learned Friends a-  
bout 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 ap-  
peared to them, at that time, to be:  
and they suggested, that it would  
be proper to put out a Book to shew  
the

*the Methods that are to be follow'd in this Study, and to explain the Abbreviations or Contractions in old Marbles, Coyns 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 tho' 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, Coyns and MSS. that such as have a Genius to the Study of Antiquities will find it much more usefull to observe their own Method, than to be guided altogether by the Prescriptions of others. General Rules may be laid down about*

*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.*

§. 2. *Nor is this Opinion the Result only of Fancy. Many noted Antiquaries were of the same mind. Hence 'tis, that we have so many different Explications of the very same Monuments, whether MSS. Stones or Coyns. 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*

And that even in the opinion of the best Antiquaries.

Fasti

*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 shew'd 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 universal Respect, but have had a particular Influence upon their Readers. Yet warm Animadversions and Reflexions are certainly sometimes requisite, especially when*  
those

*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 reclaim'd by such methods. But of all the Writers that shew'd 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 gain'd him a very distinguishing Respect, and made his learned Remarks the more*

c bene-

*beneficial to such as were concern'd 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 Coyns. 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 Interpretation of the following marks upon an old Amethyst (mentioned in the said Life<sup>1</sup>) is an undeniable Argument.*



*This had puzzled all that had seen it.*

1. Pag. 49.

it. But as soon as he had view'd it, he recollected with himself, that the marks were nothing but holes for small Nails, which had formerly fastened little laminæ, that represented so many Greek Letters, placed in a contrary order from that in vogue, so as to be read thus: ΔΙΟΣΚΟΥΡΙΔΟΥ. Which he made very clear, when he drew lines from one hole to another in this manner:

• Y • Δ I ρ Y • ρ C • I Δ

According to his opinion, therefore, this Dioscorides was the famous Engraver of Augustus, and the Letters being done backwards (after the Custom of Engravers when an Impression is to be made afterwards)

## THE PUBLISHER'S

*wards) and the Head of Solon being withall exhibited on the Amethyst, it will shew, that Augustus (provided he gave orders, as 'tis supposed he did, for it) used it as a Seal, and that he was a particular Admirer of Solon, and the Laws established by him. Nor did Peireskius want Authority to countenance his Conjecture. He produc'd 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 fix'd such Letters as signify'd to whom the Temple was really dedicated, a thing frequent in old time, that no  
body*



*body might be ignorant of the respect to be paid at such Places. Hereupon he readily explain'd the Figures thus :*

IOVIOP TMAX

*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 Coyns, particularly in the Syriack ones, of which I have seen several formerly in the Bodleian Library.*

§. 3. *But now tho' Experience and Practice be the best Helps for the Interpretation of obscure Monuments*

Yet a particular regard ought to be shew'd to such as have laid down rules. A much better account might be given by some of our own Country-men

*of*

of MSS. Stones and  
Coyns, than hath yet  
been published by  
any.

*of Antiquity, yet at the same  
time a particular regard  
ought to be had to some Wri-  
ters, 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 Coyns, as many others  
besides have done. When Ursatus is  
consulted, Smetius and Gruter must  
likewise be consider'd, there being  
some things in both that do not oc-  
curr in Ursatus. Yet after all, it  
must be noted, that a much better  
Account*

*Account might still be given of MSS. Stones and Coyns, than hath yet been published by any Writers whatsoever, and that too even by some of our own Country-men. 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.*

§. 4. *There is no occasion to enlarge in the Commendation of the said Baroccian*

The excellency of the Baroccian Collection of Greek MSS. sufficiently known. A noble Design of Dr. Langbaine's;

*Col-*

*Collection, because, were 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*

*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  $\omega\epsilon\iota\ \tau\eta\varsigma\ \xi\ \pi\alpha\nu\tau\omicron\varsigma\ \alpha\gamma\iota\alpha\varsigma$  which tho' it had been set out before by Hoeschelius, 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 subjoyn'd it to this work<sup>1</sup>, as I transcrib'd it many years ago in my Collections.*

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1. 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 'tis 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 admir'd, 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*

*lent Scholars than our own; tho' at the same time it is equally certain, that multitudes of them have not been able to exert themselves, because they have not receiv'd due rewards. Men of Abilities should joyn 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<sup>1</sup> work of K. James I. who*

1. Sir Benjamin Rudierd his Speech in behalfe of the Clergie, 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.

*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. 'Tis 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*



*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<sup>1</sup> 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 zealous Author tells us of the defects of his own native Country is equally remarkable. Although our Country of Lancashire (says<sup>2</sup> he) is one of the largest*

---

1. Sir B. Rudierd loc. cit. p. 1. '2. 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 persuade 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*

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,

---

*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.*

which

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 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 Poly-*

The Polyglott 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.

*glott*

*glott Bible, which is a most noble Work, and far exceeds any Polyglott 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 joyn'd in any Work, nothing hath proved too difficult for them, what an admirable Performance must that needs prove,*

*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 learning and industry, as shall resolve to set out, not only a most compleat 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. Eliza-*

*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 had had a compleat 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*

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.

*certain great and learned Bodies, for that reason the Members thought fit to break it off. Nor were there wanting very powerfull 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 design'd to publish them himself, for the use and service of the young Nobility and Gentry of England. But his time being employ'd on other Subjects, upon his Death, which happened on the eleventh*



*eleventh of May in one thousand, seven hundred and ten, (as I have formerly signify'd<sup>1</sup>,) about six weeks after the date of the last Letter<sup>2</sup> I receiv'd 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 I presently began to think of printing it my self; which, accordingly, I have at last done, being fully perswaded, 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*

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

2. See this Letter at large in the Appendix to this Work, Num. V.

*will*

*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 prefix'd 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 registred 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, tho' they might not be transmitted to Posterity.*

*sterity. Now that what I have 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 it at large, as I find it entered in my Collections<sup>1</sup>:*

“ Society of Antiquaries.

“ To Dr. Stowe.

“ The place appointed for a Conference upon  
“ the question followinge, ys att Dr. Garters  
“ house on Frydaye the ii. of this Nouember,  
“ beinge Alloules day, at ii. of the clooke in thaf-  
“ ternoone, where your oppinioun in wrytinge  
“ or otherwyle is expected.

“ The question is,

“ Of the Antiquitie, Etimologie and privi-  
“ ledges 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, archbischope of  
“ Can-

1. Vol. LXXXVII. p. 5.

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“Cantorbury, devided his province into parishes, he ordeyned clerks and prechers, commaunding them that they should instructe the people, as well by good lyfe, as by doctryne.

“760. Cuthbert, archbyschope of Cantorbury, procured of the pope, that in cities and townes there shuld be appoynted Churchyards for buriall of the dead, whose bodies were used to be buried abroad, & cet.]

“The place apointed for a conference upon the Question followinge, is Mr. Garter'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 otherwise is expected upon this questtoun,

“Of the Antiquitie of Armes in England.

“It is desired, that you bringe none other with you, nor geve anie notice unto anie, 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<sup>ne</sup>.* “The names of all those which were  
“*Eliz. xli.* “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*

“ *Item* Mr. Holland.

“ *Item* Mr. Stowe.

“ *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. ' Carentius "

“ for Mr. Erswicke.

“ not somoned,

“ 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'tis to be wished that there had been as good observations to be found in it, about the use of Roman Coyns, with respect to our own History. But 'tis likely, that this was a Subject passed over by the So-*

It were to be wished that some one of the Society had given us a Discourse of the use of Roman Coyns, with respect to our own History. A wrong notion, that Roman Coyns are chiefly to be valued because of their rarity. Notice of a City called Salmonbury. A Roman Town formerly in Berry-Grove, in the Parish of White-Waltham in Berks. Not certain that Campden in Gloucestershire was a Roman Town. EEL-  
ciety,

f

· I. Sic.

BERB on a Coyn of  
K. Edgar. The  
Coyns of Constan-  
tius Gallus some of  
the molt scarce in  
all the Roman series.  
The custom of put-  
ting Coyns in Urns,  
and strewing them  
under Foundations.

*ciety, either because the same was sufficiently evident from Mr. Camden's Britannia, or else because the Roman Coyns are rarely mentioned by our old Historians. 'Tis true, indeed, the use of the same is very plain from the Britannia, in which there is frequent mention of Coyns for ascertaining 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, withall, given us the Figures of such old Roman Coyns, as belong chiefly to the British History, tho' the obverse sides are far from being exact, as was long ago noted by Ortelius. But notwithstanding this, had either Sir Robert  
Cot-*

*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 Coyns, with regard to our own History, than to leave the Persons concern'd, 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 Coyns 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 Coyns, and that not only as to Chronology,*

f 2

nology,

*nology, but with respect to Places. For this reason, particular notice is to be taken where Roman Coyns 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 Places mention'd 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 Coyns are discovered, provided such Coyns 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<sup>1</sup> mentions a City call'd Salmonf-*

1. Under Vespas. B. xxiv.



monsbury. *There is a Place now call'd 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 Coyns should be discovered at it, the Antiquity of the Place will be carried beyond the Saxon Times. In my Preface <sup>1</sup> 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 confirm'd, not only from old Tyles and Bricks, which I saw there in November 1712. (at which time I discovered the Ruins of a building*

*at*

*at least 40. yards in length North and South) and are exactly the same 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 Coyns that have been ploughed up there. Some of which Coyns have been thrown away, but one of the bigger Brass 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*

*and is on the obverse side ; but from the Head and the distance of the said Letter A, I gather, that it is a Coyn of Claudius, and, I think, it was struck an. Ch. 43. when he came into Britain, and got a compleat 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 shew'd me lately a Coyn of Antoninus Pius of the bigger Brass, found in a Garden in the Town of Campden in Gloucestershire. Joannes Castoreus or John Beaver calls this Place Campodunum, and my Friend takes it to be Roman ; but  
whereas*

*whereas this is the only Coyn that he knows to have been found there, I will suspend my opinion 'till I hear of better Evidence. In the mean time I cannot but note, that even Saxon Coyns do also oftentimes illustrate the Antiquities of Places, altho' they should prove to be of no other use upon account of their rudeness. My excellent Friend Thomas Rawlinson, Esq. hath a Coyn of K. Edgar, on the Reverse of which is*  
 IN EELBERD. *There is a Place in the Parish of White-Waltham before mention'd called Eelberds or Eyllbudds<sup>1</sup>, and it is worth inquiry whether it might not be of note in the Saxon Times, and whether or no*

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1. 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.

*the*

*the Coyn hath not some reference to it? So that it being evident from what hath been said, that one great use of Roman Coyns, found in Britain, is to discover and clear the Antiquity of such and such Places, Coyns, that are otherwise common, will be, in that respect, as much valued, as those which are justly look'd upon and esteem'd as rare. For which reason particular notice should always be taken where Coyns 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 always observed by learned men. We had had then, in all probability, much clearer accounts than are yet made publick of Antiquities.*'Tis for

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want

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want of this observation, that those that have written professedly of Coyns, have not told us where the Coyns they publish were found. Both Occo and Mediobarbus indeed tell us in what Archives many of their Coyns were lodged. But 'twould 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 Coyns. This view it self deserves very great praise; because many excellent peeces may be picked up, that may be of service to such as know how to turn them to their true  
and

*and proper use. And here I must recommend to such Collectors a particular examination of that vast variety of Coyns, that we have of Constantius with FEL. TEMP. REPARATIO, and advise, that they would not despise them because of their multitude; because 'tis probable, that they may find amongst them the Coyn of another Constantius, besides Fl. Jul. Constantius, (whose Coyns are not rare) with the very same Inscription, and that is of Constantius Gallus, Brother of Julian the Apostate, and Cousin-german of the other Constantius. And this recommendation is the more seasonable, because I look upon the Coyns of this Constantius Gallus, who was beheaded for his wickedness in the 29<sup>th</sup>. 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 Coyn 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 forreign 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 Coyns of this Constantius Gallus, well knowing that*



*that the words of Savotus<sup>1</sup>, Constantii Galli, Constantinae, (Gall uxoris,) Desiderii, Vetrantonis, Nepotiani, & Silvani, nummi cujusvis materiae adeo rari sunt, ut vix quidem reperiantur, are very true. This also must be said for common Coyns, that they are as usefull in Chronology as those that are scarce, especially when found in Urns. For the Romans at their ordinary funeral Obsequies, when the dead Corps was burnt and consumed, took the ashes thereof, and put them into an Urn or earthen pot, with a peece of Coyn of that Emperour under whom they died, and so buried it in the ground. For which reason great notice ought to be taken*

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1. Lelandi Coll. Vol. V. p. 280.

*of*

*of the Coyns found in Urns, because they are a certain argument of the time when the persons to whom they belong'd deceased, as it is, withall, an argument of the Antiquity of any place, when such and such Emperours Coyns are found at it, it being customary with the Romans under the foundation of any Building, Monument or peece of Work of note, to cast and lay some of their Emperours Coyns in whose time it was made; to signify to Posterity, and to preserve (for many ages after) the Memory and Fame thereof<sup>1</sup>. So that if there be any Chronological Notes on the Coyns (as there are on abundance of the Roman ones) the very year, when either the Persons died, or the Build-*

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1. Burton's Antiquities of Leycesterhire, p. 132.

*ings were erected, may from thence be learned, which alone, I think, a sufficient inducement to engage young Gentlemen and others in this Study. 'Tis not, therefore, without reason, that in some parts of England they will give more by the Acre for Land that lyes near any old Roman Town, Castle, Causeway, or other remarkable Eminency, or where other ancient works, either Saxon, Danish, or Norman have been, in hopes of some lucky chance, (Coyns and other considerable Antiquities being generally discover'd where there have been such works) than they will for Land, however otherwise in far better condition, that is remote from any such Places. I mention the Saxon, Danish and Norman works, because*

*because the same custom of strewing Medals or Coyns under their Buildings and publick works was observ'd even after the Roman Power had quite dwindled. Hence 'twas, that Pope Paul II. caused great store of Gold and Silver Medals, stamp'd with his Effigies, to be laid under the Foundations of his Buildings more veterum.*

The silence of our Historians about the Roman Coyns an argument, why the Subject should have been handled by the said Society.

§. II. *To carry this matter a little farther, the silence of our own old Historians about the Roman Coyns, is so far from being an argument, why the Society should not write upon this Subject, that it seems to me to be rather a good reason, why it should have been handled by them. For as those Historians did not thoroughly under-*

*understand the use of Roman Coyns, so they judg'd it best to pass them over. And therefore what was left unexplain'd by them, should have been cleared by those that were, in that respect, better skill'd. Writing and Illuminating were in very great perfection among the Monks, and 'tis certain, that they were skill'd in many branches of good Learning. But then the pure Classick 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 Coyns to be. Had they been curious this way, I am apt to think we should have had Draughts in  
h their*

*their illuminated Books of many of the Roman Coyns. But alas! they were so ignorant in this affair, that they could not give directions to our Princes to have the common Coyns done with any manner of Elegance. Not only the Saxon and Danish, but even the Norman Coyns are strangely miserable; nay some of the Coyns soon after the Norman Invasion are much worse than those in the Saxon Times. Whereas had ingenious and learned Men apply'd themselves to the study of the Roman Coyns, they would have used proper Methods for preventing this rudeness, which would have conduced much to the credit of our Princes.*

§. 12. *Mr. Joseph Holland had a very good opportunity of writing his thoughts upon this curious Subject, when he mention'd his Coyns to the Society, particularly at that time when he had occasion to signify that he had a Coyn whereon was Camuladunum<sup>1</sup>. He might, in such a Discourse, have easily proved from Coyns, 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 Coyns it is plain, that in abundance of Places were formerly Towns where there is not now so much as a single House. 'Tis true, he confirms his assertion from good*

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

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1. See these Discourses, pag. 63.

*Authority. And I have seen many MSS. which plainly prove the same; tho' one of the best I ever saw of that kind, is a MS. that belong'd formerly to Mr. Lambard, and is now in the Bodleian Library. Had Mr. Holland enter'd into this Subject, he must have written a much larger Discourse than that which he hath oblig'd 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 usefull 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 discover'd*  
in



*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 COCCILLI M. [i.e. Coccilli 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

*six miles distant, and he believes that there was only one single House or Inn at it, with the Anfa 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  $\text{\AA}\tau\tau\text{\AA}\text{ne}$ ,) Ad Murum, (or  $\text{\AA}\tau\text{\AA}\text{alle}$ ,) and other Places of that kind*

kind in *Bede*, where we have also  
 Ἀτ Τριφορῶν, (which is the same as ad  
 duplex vadum) all very consider-  
 able 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 Σταθμοὶ or Ἀλλαγαὶ of the Anci-  
 ents, being accommodated with all  
 things convenient for all sorts of Tra-  
 vellers; and 'twas at them that the  
 Souldiers used to refresh themselves,  
 and change their Horses and Carri-  
 'ages; from which custom of changing  
 in latter times, even fresh Garments  
 were call'd also Ἀλλαγαί. It must,  
 however, be allow'd, that tho' this  
 Place grew to be eminent and large  
 at last, yet at first it was only one  
 Diverforium or Inn, on which  
 there

*there was the Sign of the Anfa, by which name, for that reason, the whole Station it self was call'd afterwards, a Thing not uncommon even to several other Places, both in ancient as well as more modern Times.*

Such as collect Coyns deserve great praise; especially if it be with a design to benefit the Publick. Both the Universities have had Donors of that kind of Antiquities. Dr. Andrew Pern (how ever traduced by some) was a Man of very great Merits.

§. 13. *Since therefore Coyns must be allow'd 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 Coyns, and take care to have them apply'd to the benefit of the Publick. 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. John Greaves took great pains*

*pains in digesting the Coyns given by the Archbishop, who return'd him his Thanks in a Letter<sup>1</sup> written by his own hand. And when the late Consul Ray gave an extraordinary Collection of Coyns 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 Coyns 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<sup>2</sup> Nourse*

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1. See the Appendix to this work, num. VI. 2. See the Appendix, num. VII.

*formerly of University-College) they not only conferr'd the Degree of Dr. in the Civil Law upon him, but shew'd him such other Respects, (he being then personally present in the University, on purpose to deliver the Coyns with his own hands,) as plainly prov'd, 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 Coyns he gave are Greek ones, of which there was but a small number in the University Library before. Nor hath the University of Cambridge wanted Benefactors, who have likewise been Collectors of Coyns. But this is a Point that I leave to be treated of by some learned Hand*

*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 traduc'd by some, who were much inferiour to him on all accounts. As he was a very learned man himself, so he was a most generous Promoter of all good Litterature, and indeed did all that possibly he could for the Interest of the Publick. Among other Things, he gave an excellent Collection of old Coyns and Medals to the University, being well apprised that a Library cannot be said to be well furnished, unless it's 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*<sup>1</sup>: “*For which reason, give me leave, as the present occasion requires, to mention the name of that noble and freehearted Benefactor both to this whole Univerfitie, and especially to this adjoining Colledge, (Peter-house) Dr. ANDREW PERN. His bounty to this Colledge, in adding a new foundation of two fellowships and six schollerships; in building our Library, and furnishing it with a plentiful variety of choice books, in establishing a*

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1. Sermon on the yearly Commemoration of Dr. Andrew Pern, 1654. By J. Clerk Master of Arts, and Fellow of Peterhouse. *Cambr.* 1655. 8vo. pag. 28.

“*Li-*



*“ Library-keepers place, and in ma-  
“ ny other works of great advantage.  
“ His happy and renowned endea-  
“ vours for the honour and prosperi-  
“ tie of the Universitie in generall;  
“ for the vindication, and enlarge-  
“ ment of their priviledges; his be-  
“ quests of a yearly pension to the pu-  
“ blick Library-keeper, and a box of  
“ ancient coyns and medals of great  
“ value. But especially his wise and  
“ succesfull 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 ow their comfort-  
“ able subsistence ever since. His li-  
“ beralitie to those places in the  
“ countrey, whereto he had relation,  
“ making*

“making them provision for a yearly  
 “Sermon and distributions to their  
 “poore. These and many other wor-  
 “thy deeds of his deserve of us, that  
 “his name should be had in honour-  
 “able remembrance. But especially  
 “they should put us in mind of that  
 “gracious hand of God, that by this  
 “and many other the like instru-  
 “ments of his goodnesse, hath made  
 “such publick provision for the en-  
 “couragement of Religion and  
 “Learning, and hath given us in  
 “particular a share in it.”

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 peece of Parchment, in which the word occurs. Fear of Destruction made many of our

§. 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*  
*Au-*

*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<sup>1</sup>, 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 4<sup>th</sup>. part. As therefore, among the Saxons, feopðling, feopðing or feopð, 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*

Ancestors hide old MSS. under ground and in old walls. Britannia perhaps derived from Βερίων.

1. Pag. 79.

*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 computation made use of by the Saxons, who reckon'd 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 'tis probable the word may often occur. And this reminds me of an old peece of Parchment*

*ment that was lent me lately by my Friend the Hon<sup>ble</sup>. 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 mention'd in it, upon which account I shall here insert a Copy of the whole.*

Feoda quæ tenentur de domino Johanne Malet Milite, videlicet,

In Edyngtone	1. Feod.	Sotes.
In Cofynton̄	dimid. Feod.	
In Chanton̄	dimid. Feod.	
In Durburgh	dim. Feod.	
In Godenlegh	1. virgat. terræ.	
In Dike una carucat. terræ quam Johannes de Loueton̄ tenuit, quæ continet VIII <sup>am</sup> . partem unius Feodi.		
Item Thomas Fichet in Harnham & in Purye.	dim. Feod.	
In Padenalre	1. virgat. terræ, quam Petrus de Grymftede tenet.	
Item Richardus Fichet in Parva Suftone	dim. Feod.	Sotes.
Item Dominus Richardus Pikes in Sufton̄	dim. virgatæ terræ.	Item

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Item in Suſton	dim. virgatæ terræ, quam Johannes Acte purie quondam tenuit.
Item in Suſton	i. virgat. terræ, quam Johannes le Fogheler quondam tenuit.
Item in Bereforde	i. virgat. terræ.
Item Johannes Michel	i. Ferl. terræ in Suſton.
Item Thomas Lambright	dim. virgat. terræ.
Item Galfridus de Forneaux	i. virgat. terræ.
Item Walterus Faber	i. virgat. terræ, quam Johannes Doye modo tenet.
Item Reginaldus de Aqua	i. virgat. terræ.
Item Walterus Payn	i. virgat. terræ.
Item Richardus le Tournour	i. virgat. terræ.
Willelmus de Lekeſworth	i. Ferl. terræ.
	Summa iii. 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 with-*

*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 intitle the Books in which they appeared to be Popish or Diabolical, and therefore 'tis no wonder that we find that there was such a great variety destroyed and cut in peeces, 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 under ground, or, at least, in old Walls, where lying many*

k 2                      Years,

*Years, several of them receiv'd much hurt, and were almost quite obliterated either by Damps or some other Accidents. 'Tis 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 <sup>1</sup>) it hapned in wylmyre, at Juy church, about. ii. myles from Sarisbury, as men dygged to make a foundation, they founde an holow stone covered with an other stone, wherin they founde a booke, haung in it little aboue. xx. leaues (as thei saied) of very thicke belime, wherin was some thing writen. But whan it was shewed to priestes and chanons, which were there, they coulde not reade it. Wherfore 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 piere therof hapned to come to my handes, whiche not withstandyng 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

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



fallen on it, he coulde not fynde any one sentence perfect. Not withstanding after longe beholding, 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 observ'd by several learned men, about the Britains calling themselves Prydians, by turning the Greek  $\beta$  into a  $\pi$ , the Greeks calling the Inhabitants of this Isle Βρετάννως. 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 however 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*

want of History. There is one thing, which, upon this occasion, the Antiquaries should have observed, and that is our *Mault Liquor*, call'd *Βρύτον* in *Athenæus*. Τὸν δὲ κρείθινον οἶνον, (saith he<sup>1</sup>) καὶ βρύτον πινέσ κελῆσιν. 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. 'Tis true, *Athenæus* does not mention the *Britains* among those that drunk *Mault* 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

1. Pag. 447.

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 look'd upon as peculiar to this Island, and other Liquors were esteem'd 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, tho' we have no Records remaining upon which to ground this opinion.

§. 15. It is a generally receiv'd notion, that Ælfred the Great was the first that

K. Ælfred not the first that divided this Kingdom into shires. They were more exact in former times than now in noting

*divided*

the bounds of places. The Saxons imitated the Romans in the division of the Country. K. Ælfred reviv'd what had been done, for which reason, and for his being Author of a subdivision, the division into shires is commonly ascrib'd to him.

*divided this Kingdom into Shires. But then it is strange, that the same should not be mention'd by Asserius Menevensis, a coeval Writer, who drew up and publish'd 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*

*der 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<sup>1</sup> us, that William the Conqueror's (which, I believe, took in K. Ælfred's) was also kept at Winchester in a House nam'd Domus Dei. And we know, that in after-times the bounds of Counties were many times examined, and 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 Ramsey Abbies, that I lately printed at the end of Thomas Sprott's Chronicle. I wish I could meet with*

1

as

<sup>1</sup> I. Stowe's Annals, p. 118.

*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 Mapps, 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 Præfects, or Earls of the Counties had their Perambulations, much in the same manner as was practised with respect to Parishes, tho' not so frequently: and at such times they did not neglect even the Quillets that lay in other Counties, tho' not part of them: just as also the Parishioners did not omit to survey also in their Perambulations*

tions such Quillets 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 enjoyn'd them to take such care, but likewise gave them great encouragement against such as presum'd 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 Æthelbirt, among whose Laws the *Textus Roffensis* (that most famous Monument of Antiquity) mentions this : *Grif fuman eðop brece geðeð vi jcoll. ge-*

betē. *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: LIƆ ƆPIMAN EDOP ƆEGANGEÐ IV ƆCILL. ƆEBETE. 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*

*the*



*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 Mundbyrd, so much spoke of in the Saxon Laws, are also to be refer'd 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 Asserius Menevensis, and that in such a manner too as to  
make*

*make the Division before Ælfred's Reign. The word Shire too occurs in the Laws of King Ina. So that I am inclin'd to think, that as the Romans, when here, had divided the Country into particular Provinces, so the Saxons afterwards imitated them, and confirm'd what they had done, making, however, some alterations, tho' not a great many. And yet, after all, I will allow, that King Ælfred reviv'd 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.*

§. 16.

§. 16. *Nor will it seem absurd to any, that Ælfred should be look'd upon by the generality of Mankind, as the first that divided the Kingdom into Shires, only because he contriv'd a subdivision, and renew'd what had 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 restor'd 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 bene-*

As he is also call'd by some the first Founder of the University of Oxford, tho' he only restor'd it. Stone Buildings rais'd in Oxford by the care of King Ælfred. K. Edward the Confessor's Chapel at Iffip. The Mynter of Assandune or Ashdon in Essex.

*benefit of this Kingdom, as made most look upon him as another Solomon, and to attribute all the Glory that future Ages afterwards bragg'd 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 employ'd both adore and admire him, and when they apply'd the methods he prescrib'd, all things prov'd effectual. Even the University I have mention'd as it was restor'd by him, so he wisely ordered, that it should be govern'd for the Honour and Credit of the Kingdom, and prohibited*

*hibited 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 confin'd themselves, so none were to hinder them from making a proper use of those spots of ground that were design'd 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 appear'd in Oxford, in lieu of those that were before nothing but Wood.*

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But

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*But then these Stone Buildings tho' 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, 'till the Norman Invasion. Edward the Confessor's Chapell, 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 Chapell, or lesser Church, 30. Paces) and tho'*

*tho' it be in a shatter'd condition now (being thatch'd, and patch'd, and turn'd into a Barn) yet we may easily guess from a sight of it, what it was in it's 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<sup>1</sup>) 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 inclin'd, because it is probable,*

1. Stowe's Annals, p.97.

*that in some few years it may be quite levell'd, 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 (particularly 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 'tis 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 usefull knowledge being advanc'd but a little way among our Countrymen in comparison of what it is now. So that 'tis to their ignorance, in a great measure, that*



*that we owe the want of the Figures of many of their noted Buildings ; among which we ought to reckon the Mynster of Assandune, now Ashdon, in Essex, which was built <sup>1</sup> 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 <sup>2</sup> of Eadric Streona Earl of Mercia, and not long after slain at Oxford <sup>3</sup>, a Knife, or, as others <sup>4</sup> say, a Spear or Spit, being thrust into his Fundament by Eadricks own Son (ordered and commanded to do so by his Father,*

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1. Leland's Coll. Vol. III. p. 85. 2. Ibid. Vol. I. pag. 143.  
 3. Ib. Vol. I. p. 196. & Vol. II. p. 302. 4. Speed's Chron.  
 p. 372: Ed. Lond. 1632.

*tho'*

*tho' some say<sup>1</sup> the Father did it himself) as he was easing nature, for which, however, Eadrick received no better reward from Cnute (whom he thought by such a peece of villany to have pleased) than to be bound hand and foot, and afterwards to be thrown into the Thames and drowned, tho' others say<sup>2</sup> that he was beheaded, and that his head was set upon a Pole on the highest Gate of London, and his body cast without the walls of the City. Others<sup>3</sup> 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 Assandune is com-*

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1. Leland's Coll. Vol. I. p. 241. 2. See Dugdale's Baro-  
nage, Vol. I. p. 8. 3. Chron. Sax. sub an. 1016. Leland's  
Coll. Vol. II. p. 286, 354.

*monly*

monly 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 þissum geape (they are the words of the Annals, under the year 1020.) se cýng [Lnut] for to Ar-randune. 7 let tymbrian þær an mýnster of stane 7 lime for þære manna sáple þe þær of-slagene wæran. 7 gief hit his anum ppeorte þer nam wæs ðrigand. To which may be added, that it appears likewise from Leland, that there was a Monastery also here,  
 he

be reckoning <sup>1</sup> it among the Monasteries built before the Conquest. This Ashdon (the Church whereof is not so big as the Mynster Church was <sup>2</sup>) is three miles from Saffron-Walden, and the remembrance of the Field of Battle (in which the flower <sup>3</sup> of the English Nobility was lost) is retain'd to this day <sup>4</sup>, 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 call'd *Fossa Candida*. Thames street in Oxford not pitched 'till 1661.

§. 17 The mention of K. Ælfred's procuring Artists that could build in Stone, and his encouraging such kind of Ædifices, brings to my mind

1. Coll. Vol. I. p. 25,26. 2. *Nunc (ut ferunt) modica est ecclesia, presbytero parochiano delegata.* Leland's Coll. Vol. III. p. 316. 3. *In bello de Assendune totus fere globus nobilitatis Angl. cæsus est, qui nullo in bello majus unquam vulnus quam ibi acceperunt.* Lel. Coll. Vol. II. p. 594. 4. Speed's Chron. p. 371.

the

*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 follow'd 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 tho' 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 since that eminent Place met with such Disasters from the Danes,*

n and

*and since 'tis certain, that he was so great a Friend to it, and did all that lay in his power for it's 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 deriv'd 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*

*able than the former, tho', 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<sup>1</sup>, as he was also Founder of the great Bridge, call'd Grand-*

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1. Leland's Itin. Vol. II. p. 14.

pont<sup>1</sup>,

pont<sup>1</sup>, 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 renew'd by D'Oiley. For tho' Ælfred's Building was of Stone, yet it was nothing equal to that of D'Oiley's for strength, the Artificers he employ'd being not so skillful 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 allow'd, 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 noisom, and consequently have been very prejudicial to the health of the Scholars. Being so big, and continual

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1. Mon. Angl. Vol. I. 106. b. Dugd. Baronage, Vol. I. 460.

care



*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 inform'd that the water drove several Mills; among which Mills, however, must not be reckon'd the Water-Mill where<sup>1</sup> Merton-College great Quadrangle is now, which was not drove by the water of the Town Ditch, but by the water that came by a subterraneous<sup>2</sup> Passage or Chanell from the Cherwell near St. Croffe's, now call'd Holywell, Church. But then the contrary is to be observ'd of the Mill at North-gate. For that was*

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1. Coll. nostra MSS. Vol. LXXXVIII. p. 24. 2. *Subterraneus aquæ meatus à Charwell prope ecclesiam S. Crucis usque ad Coll. Merton. Molend. & 25. acr. prati data Merton Coll. per Jo. de Abingdon, Harington, & Yesley. Sic in Coll. nostr. MSS. jam citat. Vol. LXXXVIII. p. 33.*

*drove*

*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 till 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 SR.  
SAMPSON WHITE  
KT. ANNO DOM.  
1661.

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, design'd by the Towers on the Walls of

§. 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*

*had built ' Walls at Oxford* (where he fought with the Kentish men) before his days, which, I suppose, had also some such Fortification as might be term'd a Castle, tho' built and form'd in a different manner from the Fortifications that were afterwards erected. Which being so, can we imagin 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 it's 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 beautifull

Oxford. The virtue believ'd to be in Bells. The names of the six Bells of Ofney.

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i. Coll. nostr. MSS, Vol. LXXXVIII. p. 24.

by

*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 <sup>1</sup>Oldcastle and Sampson, which perfectly agree with the Figures of the old Roman Castra on Coyns, as well as with such Roman Walls as are now exstant. Arms with such Figures are certainly honourable, as betokening that those, to whom they were first given, were Persons of very great Forti-*

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i. MS. of Thomas Rawlinson, Esq. before quoted, p. 1057.  
tude,

*tude, having scal'd and broke through thick and strong walls, and been victorious over a powerfull 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 signifie Courage likewise, and are therefore seen in some old Halls, particularly in the old Hall of Bessels-leigh, or Blesfels-leigh House, near Abbington in Berkshire, the Martial skill of the Bessells, or Blesfels, being designed by it, as it was by many other Monuments, preserv'd, in Mr. Leland's time<sup>1</sup>, at that Place. The Arms therefore of the Town of Pontefract are very properly represented by the Figure*

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1. Leland's Itin. Vol. VII. p. 61.

*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<sup>1</sup>) and the valuable Picture of it in the Ashmolean Museum, to have been stronger than even Totness, the Devizes, Exeter, Barestable, Windsor, Calne, Nor-*

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“ 1. 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 Mons<sup>r</sup>. Villeroy at Cremona.* In the Savoy, Printed by Edward Jones, MDCCH. 4to. The Letter dated March 31. 1702. In 27. Pages. 'Tis 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. 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 Ruines of the great Tower, where, the Tradition is, King Richard the II. was murdered.” So in my MSS. Coll. Vol. XLVII. p. 33.

*wich,*

wich, and several others, tho' 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, call'd the Maiden Chamber, being supposed to have been a Prison or House of Correction for scandalous Women: <sup>1</sup> le mayden Chambre in turri muri Oxon. & forsan prisona

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1. Coll. nostr. MSS. Vol. LXXXVIII. p. 12.

mulierum publicarum. *That Prison called formerly Bochord, and now Bocardo, is thought by several, from the signification of the word<sup>1</sup>, to have been anciently a Library; but I will suspend my own judgment, as to this particular, 'till I meet with some Confirmation. I cannot, however, but think, that K. Ælfred (who ordeyned common Scholes of dyvers Scyences in Oxford<sup>2</sup>) instituted a Library at Oxford for the use of the common Students; and 'tis not unlikely but it might be by the Walls, and either at, or not very far from the same Place where the Divinity School,*

1. Somner's Saxon Dict. in the word Bochorð, and Mr. Wood's *Hist. & Antiq. Univ. Oxon.* Vol. I. p. 8. 2. "In the "Chronicle of Brute of England, in Bibl. Bodl. inter Codd. "Hatton. at the bottom of the Page of which are put many "Notes by a later Hand." So in *Coll. nostr. MSS.* Vol. XLVII. p. 48.

*and*



*and a famous Library over it were afterwards erected by several Benefactors, and not (as is commonly reckon'd) wholly by Duke Humphrey, as Bishop Godwin<sup>1</sup> hath well observed, and may be more fully seen in the Appendix<sup>2</sup> 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. Withall 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*

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1. De Præf. p. 248. Ed. Lat. 2. Num. VIII, IX.

*great*

*great charge at Oxford that the Governours had upon account of those committed to their Education. Nor 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 Chapells 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*

*had often happened to such as spoiled Churches and Chapells, and frequently also to those that did injury to consecrated Bells, (which were formerly, as well as since, oftentimes, tho' very unjustly, claim'd by the prevailing Enemy, upon surrender of Towns, as their own<sup>1</sup>) 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 'tis, that many stories are reported of the six famous Bells of Osney, whose names were<sup>2</sup> Douce, Clement, Austin, Hautecler (or Hautcleri) Gabriel and John.*

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1. See the Appendix to this work, num. X. 2. See the Appendix to this work, num. XI.

The Publisher de-  
spairs of getting a  
perfect List of all the  
Members of the So-  
ciety 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 Col-  
lections made by  
him upon several  
curious Subjects in  
a MS. in the hands of  
John Antis, Esq.

§. 19. *The learned Dr. Thomas Smith, in his Life of Sir Robert Cotton, hath<sup>1</sup> 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. Erdswicke, Mr. Savel of the Middle Temple, Mr. Strangeman, and Mr. Wiseman. 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*

*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 tho' 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 4<sup>to</sup>. MS. written by Mr. Tate's own hand, in which there are abundance of Collections relating to many Heads in our Antiquities. 'Tis true, they are only bare Collections, and put into no methodical order. However, since an unusual industry appears in gathering the Passages*

P

toge-

*together, and since they are upon such curious Subjects, I cannot but think that he methodiz'd 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 Seales &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 againe proposed 25. No. 1598.
- III. What is the Antiquitye and exposition of the word *Sterlingorum*

*gorum* or *Sterling*? 27. *Novembris* 1590.

iv. Of the antiquity of Marqueses in England, the manner of their Creation and signification of their name. 11. *Febr.* 1590.

v. Of Earles and their antiquity here in Englande.

vi. Of the original of feling here in England with armes or otherwise. 23. *Junii* 33. *Eliz.* 1591.

vii. Of the antiquity of Viscounts here in England, their manner of creation, and other matter concerning Viscounts. 23. *Junii* 33. *Eliz.*

viii. Of the antiquity, dignity and priviledges 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 Knightes. 6. *Maii* 1592.

xi. Of th' Antiquity, dignity and Priviledges of Serjants at the Lawe. 12. *Febr.* 1593. *The Collections upon this Head are contain'd in two Pages. Then follows this Title, Th' antiquity of Serjants at armes. But there is not so much as a word observ'd about it, only four Pages are left blank to contain Collections.*

xii. Of the signification and Æti-  
mology of the name of Esquier,  
and



- 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 Ætimology, Original, erection and jurisdiction of County Palentines in Englande. 27. *Novembris* 37. *Eliz.* 1594.
- xv. Of the Ætimology and Antiquity of Honors and Manners. 27. *Novemb.* 1594. *After the Collections upon this Head, follows this Title, Which is the most auntient Court for the ministring of Justice universally within the Realme. 29. Maii 1595. Four blank Pages are left for Collections, but there is not a word written about it.* XVI.

- xvi. The antiquity and priviledges of Sanctuary within the Realme.
- xvii. Of th' antiquiti of armes here in Englande. 2. *Nov. Mich.* 40. *Eliz.* 1598.
- xviii. Of the Etimology, Antiquity and Priviledges of Cittyes in England, and what shal be called a Citty. 9. *Febr.* 1598. 41. *Eliz.*
- xix. The etimology, antiquity, dignity and priviledges of Castels here in Englande. 16. *Maii* 1599. 41. *Eliz.*
- xx. Of the etimology, antiquity and priviliges of Townes in Englande. 23. *Junii Trin.* 41. *Eliz.* 1599.
- xxi. Of the antiquity, etimology and

- and priviledges of Parishes in  
 Englande. 2. *Nov.* 41. *Eliz.* 1599.
- xxii. Of th'antiquity, etimologi  
 and variety of Dimensions of  
 lande in Englande. 23. No.  
 1599.
- xxiii. Of th'antiquity, services  
 and duties appertaining to a  
 Knights fee. 9. *Febr.* 1599. 42.  
*Eliz.*
- xxiv. Of thantiquity, variety  
 and ceremonyes of Funerals in  
 Englande. 30. *Aprilis* 1600. 42.  
*Eliz.*
- xxv. Of thantiquity and variety  
 of Tombes and Monuments in  
 England, of persons deceased.  
 7. *Junii* 1600.
- xxvi. The antiquity and select-  
 ed variety of Epitaphes. 3. *No-*  
*vembris*

## THE PUBLISHER'S

*vembris* 1600. *M.* 41. *Eliz.*

XXVII. Of thantiquity and felect-  
ed variety of Mots under  
armes, and the refon therof.

28. *No.* 43. *Eliz.* 1600.

XXVIII. The antiquity, use and  
ceremonies of lawful com-  
battes in Englande. 13. *Febr.*

1600. 43. *Eliz.* *Memorand.* by  
*refon of the troubles stirred by the*  
*erle of Effex, this day of meating*  
*held not, but a new day appointed*  
*the next Terme* 22. *Maii* 1601,

43. *Eliz.*

Mr. Tate very well  
verfed in Domefday  
Book. His explica-  
tion of the abbrevi-  
ated words in that  
Book. An Edition of  
all Domefday is  
much defired.

§. 20. *These are all noble*  
*Subjects, and Mr. Tate con-*  
*sulted the best Books in order*  
*to write the more accurately*  
*about them. As he was a great*  
*Lawyer as well as Antiquary, vir*  
*multi-*

multijugæ 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 judg'd it more proper to suppress than to publish them, tho' at the same time it must be allow'd, that they will be of extraordinary use to such as shall 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

q

*from it ; and to render it the more intelligible to others, he explain'd the abbreviated words in it. Copies of this Explication are in many hands, and I have entered one in my own Collections<sup>1</sup>, which I shall subjoyn in this Place, as a thing altogether agreeable to my present design. Besides which Explication, he wrote likewise another thing relating to Domesday, which supply'd 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*

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1. Vol. LXXXVIII. p. 54.

*printed*

## Verba abbreviata in libro de DOMESDAY.

Ac. Acra.	qdo. quando.
B <sup>r</sup> . Berguica.	Qd. quod.
bord. Bordarii	q <sup>z</sup> . quarentena.
cap. Carucata.	pr. pratum.
e. est.	pr. pre.
e. else.	pr. runt.
7. 3. &c. et.	punc' runcinus.
9. ergo.	S. loca.
h. hic hæc hoc.	Scus. sanctus.
hundredum.	3. sed.
halla capitalis.	scanzii, escambium.
t. haula domus	Et. tunc.
Manerii.	T.R.E. tempore regis
h b. habebat.	Edw. [Confels.]
. 2000.	E t u d. tantum =
l3. longitudine.	dem.
lat. latitudo.	Etam. tamen.
t. vel.	uilli. villani
M. manerium.	u v. vero.
m. modo.	v. virgata.
nc. nunc.	XXX triginta.
n. non.	R. Regis.
N. ut.	
Ou. oves.	
Qdo. quando Qdo.	





*printed intirely, there being no Survey of any other Country what soever 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 resolv'd 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*

*rations which may hinder an Edition, as indeed it too often happens, that the publick Interest of Learning suffers by reason of private Concerns.*

The Ancients had certain Games to exercise their Courage. *Tournaments* the same with the ancient *Pyrrhica*. *Troja* and *Pyrrhica* not different.

§. 21. *We learn from the foregoing List, that Mr. Tate collected Materials about Combats. Which when I first saw, I expected several 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*

*cients had Devises and Engines to throw Darts and Javelins to annoy their Enemies a far off, yet they had no Gunns (for what some pretend to prove from Philostratus is no more than fiction) but fought it out, man to man, with down right blows, joyn-  
ing foot to foot and hand to hand: and among them also, they had<sup>1</sup> sundry sorts of publick Exercises 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 Plum-  
mets hanging at the ends thereof; Barriers and Tournaments on Horse-back: all which are mention'd*

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1. See Lamb. Danæus's Treatise touching Dyce-play and prophane Gaming, translated by Tho. Newton, Lond. 1586.8°. in the last leaf of the signature E, for 'tis not paged.

*by*

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 Exercises were to promote Courage and Military Discipline. This was the end likewise of the Ταξοχηγία. Afterwards another kind of warlike Exercise on Horseback was added, namely the Pyrrhica<sup>1</sup>, which others termed Troy, and it was accustomed to be openly shewed in the usual Field of

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1. Pol. Vergil. de inv. Rer. l. II. c. 13.

exer-

*exercise, called Campus Martius. This was no other than what our Ancestors called properly Tournaments, which word some<sup>1</sup> 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.*

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1. Hospinian de origine Festor. p. 152. Tig. 1592. fol.

*But*

*But however this be, there can be no doubt, I think, that the Exercise call'd Troy was sonam'd from that Place. Virgil<sup>1</sup> is express Authority:*

Hunc morem curfus, 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 opinion, and he cites Suetonius to confirm it. Ut ait Sueto. Tranquillus, ludus ipse, quem vulgo Pyrrhicam appellant, Troja vocatur, cujus originem expressit in li. de puerorum lusibus. He could not*  
*have*

1. Æn. l. V.

have produced a better Authority than Suetonius, who in his work de puerorum lusibus (which is now lost) had treated expressly and fully about this Subject, and I do not question, but he had toucht upon it likewise in his Historia ludicra, the first Book whereof is mentioned by Aulus Gellius<sup>1</sup>, and, perhaps, what Suidas calls<sup>2</sup>, Περὶ τῶν παρ' Ἕλλησι 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, ἣν τὸ ἐν αὐτῇ νομίμων καὶ ἠθῶν, of both which there is mention in Suidas, who, with- all, speaks of a Book of his written against Didymus about proper

1. L. IX. c. 7. 2. Voc. Τεράγκυλλος.

*names, and the several sorts of Cloaths, Shoes, and other Habili-ments.* Αντιλέγει δὲ τῷ Διδύμῳ ὡς ὀνομάτων κυρίων, καὶ ἰδεῶν ἐσθημάτων, καὶ ὑποδημάτων, καὶ τῶν ἄλλων, οἷς τις ἀμφιέννυται. *And, it may be, this last was the same with what Servius calls* <sup>1</sup> *de genere vestium. But tho' Suidas gives us Greek titles, yet it must not be thence inferr'd, 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, how- ever 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*

1. In VIII. Æneid.



*the Troja or Pyrrhica, the Captain of which, who used to be the Son either of an Emperour or Senator, was styled Princeps juventutis, a title which frequently occurs on the Imperial Coyns.*

§. 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.*

Mr. Tate skill'd 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.

*Jones, a Gentleman of admirable knowledge in that part of Learning, and was also a very eminent Lawyer, and wrote a Book of Laws. 'Twas to this Person that Mr. Tate communicated his thoughts, and when he had any questions to be solv'd about the British Affairs, he always*

*applied to him, and he as often receiv'd 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 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 preserv'd 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 forewarn the reader*

*er*

*er to take notice, that I have all along followed the MSS. I have made use of. So that whenever there appears any Defect or Errour, 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 prov'd to be the true Reading which hath been rejected. Zeta for Diæta 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 'tis no Corruption. That Parisius occurs in all cases is prov'd*

*prov'd by Brian Twyne. There are many Instances of the same nature. I would not, however, from hence have it believ'd, 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 XIV<sup>th</sup>. tho' CLASSI be the true word.*

Edmund-Hall Oxon.

March 26. 1720.

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THE



THE  
 ANTIQUITY  
 OF THE  
*Laws of this Island,*

By W. HAKEWILL.

**T**HE Antiquity of lawes 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 lawes 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  
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the written law of God, the law of primary reason, and the old laws of Greece (of all lawes 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 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 lawes 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 præsentî. Et in omnibus nationum harum & Regum earum 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*,  
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tho' indeed the authority of the writer be great, and the opinion such, as for the honor of our lawes 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 enable 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 lawes of the Brittaines were utterly extinct by the Romans; their lawes 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 lawes of those nations, which they subdued, as even at this day may appear 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,

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*The Antiquity of the*

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 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 lawes, 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,

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 hofse*, 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 then they 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  
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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 vanquisht 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  
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the old British laws 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 lawes 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 customs of little Britaine, whether many of the old Britaines fled, do also so much differ from the Saxon lawes, and yet in so many points agree with those of Howel Da; so as notwithstanding any opinion to the contrary, I make no doubt, but the Roman law, whereof without

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out 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, tho' perhaps as great enemies to the Roman government, as were the Saxons, yet not so wastefull and destroying, or perhaps in their conquests 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, tho' 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 lawes, which they found  
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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 law 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 lawes here, is the great agreement of our present common laws with the lawes 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

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*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 several conquests establish the same ; and this is the true reason, as I conceive it, of the great affinitie of our lawes with the customs of Normandy ; in confirmation of which, the agreement of our common lawe 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 *Ypodygma Neustriæ*, 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 terræ, cogerentur minores de propriis sedibus emigrare. Quæ gens idcirco multiplicabatur nimium, quia luxui excessive dedita multis mulieribus jungebatur. Nam pater adultos filios cunctos à se pellebat, præter 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  
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in the more Southern countries of the world ; where by reason their women are not fruitfull 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 judicio 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 lawes 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 is by Matthew of Paris recorded, in his history. So as I am of opinion, (wherein nevertheless I do alwais 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 now in use. *Of*



*Of the Antiquity of the laws of  
England.*



R. 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 altho 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

did of their lawes; but after, when they became civil, they ordained many very good lawes, 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 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 3<sup>ln</sup>. And there also is set down, that King H. 1. did value the life of any Citizen of London at v<sup>lib</sup>. by his letters patents under the great seale; but in what order or unto whom this should be paid, it doth not there appear.

Also their ordinary laws are obscurely sett 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 manen-*

*The Antiquity of the &c.*

*manentium pro diebus trium hominum*, which was for three lives, as the use is at this day. The manner of their livery of seisen 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 Andreæ de Cuic per unum cultellum*. And Mr. Stow hath sett down, that in the beginning of William the Conqueror's reign, farms and manners 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-lawryes 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 Willielmo Mallet & vicecomitatum tenente in Everwick, ipse fuit seisis de Bode-tun, & eum tenuit*: and thus much for this time shall suffice. Of



## Of Sterling money,

By Sir THOMAS LAKE.

1590.



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

1. Some have said, that it tooke name of Sterling castle in Scotland, and that K. E. 1. after he had entered into Scotland so farr, for a memory of his victorys 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 cross 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*

## Of Sterling money.

*lings* trading in this realme, 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 custome to imprint upon coin the image of the Prince.

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 dicta 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 allwayes in the plural number, as *Denarii sterlingo-*

## Of Sterling money.

*lingorum* ; 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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of



## Of Sterling money.



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 orâ*, or so many pounds *denariorum de viginti in orâ*, or else *candidorum nummorum de viginti in orâ*; 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



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 *milites monetarii* appointed for the doing thereof.

*Nota quosdam 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 apposis mittebant; reliqui verò comitatus solos usuales & instantis monetæ legitimos denarios tam de firmis quam de placitis afferebant. At postquam Rex illustris (cujus laus est 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 monetæ genus, quomodocunque teneant, solvunt; sed tamen exactiois, quæ de combustionem provenit, jacturam omnes non sustineant.*



*Of Sterling money.*

By FRANCIS THYNN.

**T**HERE 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,

gland, but to all 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 Damiat, 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 he cared for the money, but to the end, that it should not seem, that the Christians had not tarried 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*

## Of Sterling money.

may be, that King Richard, being himself King of Jerusalem, gave also that coin to his subjects. Thus farr Belleforest: Wherein he hath committed great errors, as I take it; first, in saying it had his name of the bird *Starle*; 2<sup>ly</sup>, that it was named of the starr; and 3<sup>ly</sup>, 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<sup>ly</sup>, 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 he hath these words *in an. Dom. 1247. Anno 31. H. 3. fol. 710.* in the impression of Tigny, *Eodem tempore Moneta Esterlingorum propter sui materiam desiderabilem detestabili circumcissione cepit deteriorari, & corrumpi per illos falsarios monetarum, quos tonsores appellamus.*

*mus.* 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.

of



*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 book, called the English Chronicles, and sithence 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,

tuled, *Essoin de tempore Regis Richardi An. 10.* that a fine was levyed 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 percipiendum 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<sup>d</sup>.) 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 sithence 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 fantastie. Another opinion is, that the word *sterlingorum* is derived of a *stare* or *martlet*; of which

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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. Anglicæ 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 before the Conquest was not *stares*, but martlets, which are birds differing both in name and nature. It is likewise very true, that there was an ancient coyn, called *Sterlingus* or *denarius Sterlingus* : yet altho 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 mettals, hath an other 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 allay thereof ; for being called *moneta Esterlingorum*, it importeth the addition to concern the persons of men under the money of the



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 manners *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 signifie breed and generation, and for proof thereof I refer my self to Albertus Crantzius *lib. 14. Wandalicæ, fol. 323.*

But as for the gueses 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 appeareth also by a Statute in *A. 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

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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.* sayth, none shall carry any old Sterling, but only the new coyn, 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 allay, and silver of the Sterling-allay 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 allay of good Sterling; and so to conclude, how unlikely foever it is, that this temperature of metal doth take its name of *stella*; yet in this there is consent, that as the starrs are a light and comfort to those, that are in darknes of the night, so this mettal doth minister reliefe to such, as fall into the shade of aduersity; but in this they dissent, that those sendeth his light indifferently to all, the other vouchsafeth his brightnes but to few.

*of*



*Of what Antiquity Shires were in  
England.*

By M<sup>r</sup>. AGARD.

Paschæ 33. Eli. 1591.

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

After that being subdued by some one more strong than the rest, as I suppose, by King A-lured; for I find by a Register book of Chertsey Abbey, written in King John's time, as I think, because he endeth his history at that time, that the same King wrote himself, *Tocius Insule*

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*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 Anglo-rum 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 fundry 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 or Province; as you see they be called at this day; except a few, which were called by the name of the peoples there dwelling, having relation to the Romans, who from Rome called *Cisalpini* and *Transalpini*, so from London Estsex, *i.* Est Saxons, Middlesex, Westsex, Chent, Surrigiani *vel* Suthreg, Northfolk and Sudfolk; names brought in by the Saxons. And herein this nation hath imitated the course mentioned in

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 Psalmes 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 dayes works of tillage ; dayes 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 sayth in the 32. chap. *ut quilibet jure suo contentus, alienum non usurpet impune.* Kings, I say, thought good to divide that great logg or huge mass of a common wealth into particular governments, giving authority to fundry 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

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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. leafe of his book, saying, *in provincia Lincolnie non sunt Hidæ terræ, sicut in aliis provinciis; sed pro hidis sunt carucatae terræ, & tantum continent, quantum Hidæ &c.*

*of*



*Of what Antiquity Shires were in  
England.*

By Mr. THYNN.



HERE is no doubt, but that this land was severed into fundrie parts in the time of the Britans, of the Romans, and of the Saxons. Of the Britans, I plainly confesse, 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 severall 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, Sueton, Vopiscus, Eutropius and others, I find the people inhabiting this land to have

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had fundry names, and therefore say, that every sort of these people had a severall portion of the realm sett out by limites, whereby they knew, how farr their territories stretched. Of these kind of people some were called, *Selgovæ, Damnonii, Gadeni, Coritani, Ovadeni, Regni, Silures, Cornavi, Vacomagi, Venicones, Devani, Elgovi, Brigantes, Ordovici, Trinobantes, Canteclauni, Icenii, Dobuni, Kantii*, 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 severall 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 selfe 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 sayth 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 Cæsariensis, Britannia prima* and *Britannia secunda*; but the succeeding Romans not satisfied with these former divisions, divided into 5. partes, which were, *Britannia prima,*



*prima, secunda, maxima Cæsariensis, Valentia, and Flavia Cæsariensis*; 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 kingdomes, 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 sayeth, *jura per pagos & vicos reddebant*, or following, as Mr. Lamberd hath, the counsell 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 realme 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, thereby 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

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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 *scýpen*, 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 Afferius Menevensis living in the time of King Alfred, and writing his history, calleth this shire *paga*: for he sayth *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 regn *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 latrociniis ac rapinis intendere cæperunt, quos cupiens Rex comperescere, & de hujusmodi excessibus cohiberi, totius Angliæ pagos & provincias in Comitatus primus omnium commutavit; comitatus in Centurias, id est, hundre-*

*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 viator quantamcunque summam pecuniæ in campis & publicis 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 (sayeth he) barbarorum etiam indigenæ in rapinis anhelaverunt, adeo ut nulli tutus commeatus esset sine armorum præsidis. 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 provincie, ut per publicos aggeres, ubi semitæ per quadrivium*

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*drivium 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 Malmsbury, 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 Chaplein 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 sayth Ranulphus Higdon, Monk of Chester, in his *Polychronicon*, into four partes, by which partition he assigned West-Saxony to himself; The Eastangles to Turkillus; Mercia to Edricus de Streonia, and Northumberland to Hircius. But to leave that and to come to our former division, and therein to shew, into how many partes the realm was divided; I will not refuse to follow that learned Antiquary, Mr. Camden, sufficiently treating thereof in his eloquent *Britannia*. These shires at the first were divided into the number of 32. Mr. Harrison in his description of Britaine, printed with Holling-

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* sayeth, there were 36: and the book of *Domesday* nameth but 34: for Duresme, Lancafter, 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 especiall 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 Yorkeeshire, Duramshire, Northumberland, Carleolshire, Applebyshire, and Lancafter, 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 Lancafter*; and so likewise there was Richmondshire in Yorkshire, and many such other shires, which

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which now go under the name of other shires. Moreover the book, belonging to St. Edmondsbury, dividing the realm, doth in more ample fort 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 shiræ sunt in Anglia, exceptis Northumberland, Leones, Westmerland, Cumberland, Cornubia in qua continentur 7. shiræ, exceptis Wallia, Scotia, & Insula de Wight. In his 32. shiris, tres leges constitutæ sunt, una West Saxon-lage, alia Denelage, tertia Merchenlage. Ad Westenlage novem shiræ pertinebant, scil. Kent, Suffex, Surrey, Berkshire, Wiltshire, in quibus continentur 1900. hidæ, Southamptonsshire, Somerset, Dorset, Devonshire. Ad Danelege pertinent 15. shiræ, Everwick, Nottingham, Derby, Lecester, Lincoln, Northampton, Bedford, Buckingham, Hertforde, Essex, Middlesex, Norfolk, Suffolk, Cantabridge, Stamford. Ad Merchienlege, pertinent 8. shiræ, Gloucester, in qua sunt 1300. hidæ; Worcestershire, in qua sunt 1200. hidæ; Herefordshire, in qua sunt 1200. hidæ; Warwick, in qua sunt 1200. hidæ; Oxensford, 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

made a new division of the realme, if it may be properly called a division, and not rather an allotment of the shires long before divided, to the severall 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, Cambridgeshire, 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 Wilshire, Dorsetshire, Sumerfetshire, Devonshire, and Cornwall; Robert Wallensis, Ranulfe de Glanvile, and Robert Pykenet were appointed to Yorkeshire, Richmondshire, Lancaster, Cope land, Westmerland, Northumberland, and Cumberland. These being almost the same Circuits, which the Justices have at this day. All which divisions of the realme and of the shires, although they have been divers at divers times, as appeareth by these Authors;

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*The Antiquity of &c.*

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 joyned 13. other shires within the principalitie of Wales, when he united the same unto England, and made it in all points subject to our forme of government.

*of*





*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 *reȝpe*, which, some saye, signifieth to divide or part a-funder; but I suppose it taketh his beginning of clear or plain; as *Scyreborne*, a clear water; *Scyrewude*, 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 ha-

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bitation 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 kingdomes 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 dayes, that he and his nobility were forced to flie into a marish and desolate 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 aney sciper he geuþe þam folce to Lent 7 oþrey to ʒiltune scire. At which time and after I find mention made both of scyre and scyrefen.

of



*Of the same*

By Mr. BRAUGHTON.

**I**N libro de Chertsey *De schiris.*  
*Rex Aluredus, licet inter arma leges*  
*sileant, inter fremitus armorum leges tu-*  
*lit, & Centurias, quas hundred dicunt, &*  
*decimas, quas Tyethingas vocant, instituit.*

Leges Edwardi Regis Senioris.

Ic wille þæt elc ȝerefeð hæbbe ȝemot a ymb feoper  
 • pucan ȝ ȝedon þæt ælc man ȝy folcſihter ȝiſe. ȝ ælc  
 ȝppek hebbe ende:.

*of*



*Of the time when England was first  
divided into Shires.*

By M<sup>r</sup>. JAMES LEY.



THE word *shire* is an ancient Saxon word, derived of *scian*, which is to cut, sheer or to divide; and the aspiration [*sh*] hath been brought in by the Normans, as in diverse other the like words may be exemplified; for of the ancient Saxon word *scilling*, they have formed the modernal word *shilling*; of *scel*, *shall*; of *child*, *child*; of *ic*, *ich*; of *englyc*, *english*; of *welsh*, *welsh*; and such like. I am not of their mind, which think, that *shire* doth signifie the plain and champion, and so make difference between *shyregerese* and *woodgerese*; for the contrary of that doth appear by the forest of *shirewood*, which being compounded of *shyre* and *wood*, is no Champion, but a forest or wood; and so all copice woods in the West countries are called sheer-woods, which I think in

in Latin is all one with *sylva cadua*; soe termed because those woods are usually felled and cut; or elles, because they are incopiced, fenced, fhared, cut off, or divided from other places, to the end the springes 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 Wiltes, and the *share-town*, *shire-town*, or Town of *division* between the same and the County of Gloucester; or else of a certain stone, not farr from thence, which is said to be a bound or division between the three Counties of Wiltes, Gloucester and Somersethire. And so also, when any thing is parted or divided into equal portions, we say in common speech *share and share like*; and the crop or first cutting of grafs is called the *share*, and the implement wherewith the plowman divideth the land, is termed a *share*, and, to conclude, the very instrument of cutting of cloath is called a pair of sheeres.

Concerning the first division of shires in this land, I find in Ingulphus Croylandensis, that the first distinction of *shires* was made by King Alfred; altho I for my part can easily yeeld to those, who think, that the use of shires was long before; for Matthew of Westminster sheweth, that King Offa reigned in 23. shires,

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1. Matt. Westm. p. 288.

which

## *The Antiquity of*

which he reciteth by name; and yet afterward he sayeth <sup>1</sup>, *Alfredus legem tulit, centurias, quas hundredas, & decimas, quas tithingos appellant, 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 viewes 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 kindes 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 administred 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 countie-court, being holden monthly, should decide the pleas between partie and

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<sup>1</sup>. Vide pag. 545.

partie;

partie ; and the Sheriffes turn being holden half-yearlie should intermedle with causes criminal, which 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 proces. The third, for the readier defense 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 scituation were apt for the same, do consist of two kinds of soil, the one low, moist, or fertile, the other hillie, drye or barren. Devon hath the midle and north part barren, and the southhams fertile. Somersetsshire hath the high country dry and hilly, and the marshes and moores fatt and

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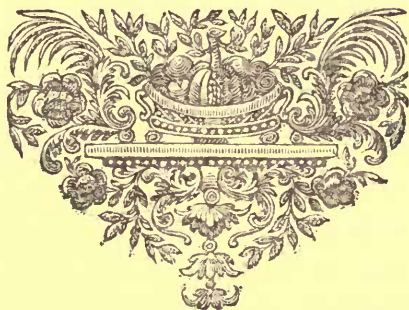
moist.

*The Antiquity of*

moist. Dorsetshire hath a great part hard and dry, and an other part, called *Blackmore*, moist and fruitfull. Wilts is divided into Southwilts, which is all downes, plains, and champion, and into Northwilts, containing the vale and being very fertile. Barkshire 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 Skarfdall and Glosopdale. Gloucestershire hath Cotteswold hills and the vale country, where the river of Severn runneth. Lincolnshire hath the plain and sandy countries, and the fens and plashe: and in such fort are the most part of the shires in England. Besides, I observe that altho in many places the shires are separated by famous and notorious bounds, as rivers, hills, highways, and such like; yet sometimes there are certain quilletts, lying within the limits of one shire, which nevertheless are parcel of another; the reason whereof I conceive to be, for that the same quilletts are parcell 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,



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 Earldome-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 scite and chiefest possessions whereof are in the County of Wilts.





*Of the Antiquity of terms for the ad-  
ministration of justice in England,*

By JOSEPH HOLLAND.

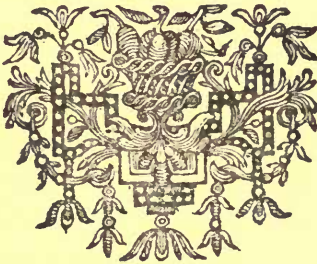
2<sup>o</sup>. NOV<sup>r</sup>. 1601.



HOLLINGSBED in his Chron-  
icle doth shew, that William  
Conqueror did alter the man-  
ner of our trials at the com-  
mon law, and brought in the  
trials by twelve men; and or-  
dained the Court of Chan-  
cery to be above the Common Law; so like-  
wise he ordained the Terms for the determin-  
ing of matters in law to be kept but four  
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 Chiefe Justice  
was an Earle; for proof whereof I have an  
ancient charter made in that time of a Con-  
veyance

veyance of Lands, *in plena curia apud Londonias coram Justiciariis Domini Regis de Banco; his testibus, Willemo Comite Arrundel, 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 several shire, and the Judges were called *Justicarii Itinerantes*, and Justices of assize, according as it is observed at this day.



*of*



*Of the antiquity and etymologie of  
Termes and Times for administra-  
tion of Justice in England,*

By FR. THYNNE.



HIS 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 signifie 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 Armeniæ*; whereunto agreeth Servius upon Virgil, noting the bounds of Egypt to be signified by the *Pillars* of Egypt. Over

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 caelo fieri solebat.* At what 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 slaughtred 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 7. book and 7. 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 meanes 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 Antiquity of*

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 peacefull government of *Terminus*; that word is of kind to the *Term* of law, which is the time, wherein peace must be used, and a peacefull end made between contending persons. Secondly, as this *Terminus* is a bound or limit of place, so it is a 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 sett 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

prove that amongst us here also, that this our word *Terminus* or *Term* hath been taken for a period of time aswell as for bounds and limits or ends of things; and so by consequence that it implyeth 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 Lessers 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 signifie the number of years; so shall it not signifie the cause determined, but the time.

In speaking 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

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question.

## *The Antiquity of*

question. And that our *Terme* 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 sutes, 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 fyne than the term, as is the levied fyne of land, which hath that denomination, because of the end made of that contention for the land; for *fnis finem litibus imponit*.

That this our Term is taken for a limited time, appeareth by Glanvil, who in divers writts, wherein he doth sett 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 dayes of the returnes of the Terms have their names of limited times, as Michaelmas Term beginneth in the *Ostabis* 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 dayes 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



the dayes and times belonging thereto are called *Termini* or *Termes*, as bounding the determination of the law to certain dayes, and times of the year, as is yet continued in the spiritual aswell 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 Termes being now but four in number, as Michaelmas, Hilary, Easter, and Trinity Termes, 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 dayes then are now bounden or limited; for I have seen records of writs returnable after Bartholomew tide. Glanville 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 sevensnight, before it now beginneth; for we have now no return 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 *Crastino Hillarii*, which is a sevensnight before our terme: whose first re-

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turn

*The Antiquity of*

turn is now *in Octabis Hilarii*, which proveth that Term also to be one sevensnight longer, than it now is.

In like fort, 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 returnes, which we now have not : for *in Rot. finium 6. Johannis*, there is a fyne 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 Starr 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 seised 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 returnes in other forms than we now do ; so had they the same returnes which we now have but by other names:

names: as the return of *Ostabis Trinitatis* is that return, which in *Rot. finium* 7. *Joh. mem.* 13. is called *à die Pentecostes in quindecim dies*: and the return of *Crastino Animarum* is in *Rot. finium* of 4. H. 3. sett down by the name *à die sancti Michaëlis in quinque septimanas*, answerable to our now returns, which followeth *menſe 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 time, wherein causes are to be determined. Next, that our Terms either were more in times past or these Termes 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 Termes 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 warrs; 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.

*For*



*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 Maior and Bayliffes.

Hollinshed 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

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

It appeareth by the records belonging to the Cathedrall Church of St. Peter in Exon, that the Bifhops fee for Devon was firft at Kirton, and from thence after removed into Excefter; which Kirton is but a little village at this day and hath but one Church.

I have diverfe antiquities in coine ftamped at feveral Towns in England, the ancienteft whereof is a Britifh peice of gold, whereon is *Camuladunum*, which Hollingfhed taketh to be Colchefter, but M<sup>r</sup>. Camden taketh it to be Malden in Effex, the town where the King's mint was kept. In the dayes of King Æthel-ftane there is mention that there fhould be a mint for coines in Canterbury, Rochefter, London, Winton, in the ftreet of Lewes, in the ftreet of Haftings, Chichefter, Hampton, and diverfe others.

*Dimen-*



## *Dimensions of the land of England*

By JOSEPH HOLLAND.

20. Nov<sup>r</sup>. An. Dom. 1599.



OR the manner of measuring of land in old time I find it to be sett 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 sett down as well for the style of the Kings then used, as also for the bounding of the lands therein contained.

*Edwardus Rex excellentissimus, cognomento senior, princepsque victoriosissimus, magnifici Regis Alfredi filius anno Domini 901. à Pleimundo Cantuar. Archiepiscopo in Regem solemnissime coronatus, paterni voti non segnus executor, ad Dei laudem & honorem, & ad sancti Gimbaldi reverentiam & amorem,*

*morem, monasterium novum nuncupatum infra bien-  
nium in urbe Winton regaliter fundavit; dedit  
enim utramque villam de Stratton, Popham, Dray-  
ton, 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 Earle 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 lenth and 4. in breadth make an acre, an hundred acres make a hide, and 8. hides make a Knights fee.



*Of the dimensions of the land of  
England,*

By Sir JOHN DODDERIDGE.



*S discreta quantitas* beginneth  
*ab unitate*, which multiplied  
doth make a number; so  
*continua quantitas* beginneth  
from the least admeasure-  
ment, which I find to be the  
Inch, which is the lenth

The inch. of 3. barley cornes, taken out of the mids of  
The foot. round. 12. Inches make a Foot; 3. feet make  
The yard. a yard; 5. yards and a half make a perch;  
The perch. and forty perches in lenth and four in breadth  
make an Acre.

*The composition of yards, perches, and acres.*

The acre. There was made in 31. E. 1. a treatise of the  
contents of the Acre; that when it contained  
10. perches in lenth it should contain in breadth  
16. perches, and when 11. perches in lenth  
then



then shall it be in breadth 14. perches demy, 9<sup>r</sup>, on foot, and so after that rate: and when it was 45. perches in lenth then should it be 3. and a half in breadth. The ordinance of measures 31. E. 1.

The Acre in Latin is called *jugerum*, so called *quod uno Boum jugo per diem exarari potest*. *Alciatus in legem Mille passus de verb. significacione*. It is defined thus by the Lawyers to be *mensura agrestis, quæ est in longitudinem pedum 240. in latitudinem 120. Glossæ vocant arvipendium.* <sup>Arpen-</sup><sub>dium.</sub> 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 meerly Dutch and favor-eth of the old Saxon. The signification thereof is *Ager* or *Arvum*, and *Ackerkenn* is *agellus*, and *Ackaren* is *arare* or *exarare*. Dufleus 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 M<sup>r</sup>. Ploden the Cornish Acre is said to contain an hundred other Acres. Com. Throg. & Tracy 154.

Yeard  
land q.  
acre. The fourth part of an Acre in some places  
is called a yard land, and half an acre is a fe-  
Selionde- lion, 9. E. 3. 479. A *Virgata terræ* is half of a  
mi acre. Roode of land, for so they seem to expound  
*Virgata* it. And these are not of one measure. For  
*terræ* 15. acres. 20. Bracton speaking hereof in his writ *de morte*  
24. 30. *antecefforis* that there are two measures, *larga &*  
*stricta mensuratio* 269. §. 2.

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

*Roda terræ* A Rood of land containeth 20, 24, 30. Acres,  
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.

*Bovata* *Bovata terræ* or an oxgan of land containeth  
*terræ* 10. in some countries 10. acres, and thereof also  
Acres. a precipe lyeth. And it is allwayes understood  
of land in Gaynery 13. E. 3. f. breef. 241.

*Carucata* *Carucata terræ* may contain a house, a mill, a  
*terræ.* toft, and divers parcels of land of divers kinds,  
T. E. 1. f. breef. 8. m. and it seemeth in quan-  
tity 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 wain-  
load, but the precise certainty doth differ in  
divers places and countries 35. H. 6. 29. per  
Prifot.

Prifot. It feemeth by *Prifot* in the fame place that a Carow fhould be fo much land as a plough fhall plough in one year.

A Hide land is *tanta terræ portio, quanta unico* Etida.  
*per annum arari poterit aratro*, as it feemeth by Gervafius Tilberienfis and Matthew Paris to confift of an hundred acres; fo it feemeth to import a competent Tenement for a man to keep husbandry upon. Lambert's Saxon lawes in expositiōe vocabulorum. <sup>1</sup> *William Benvallus tenet in Ravensthorp &c. Ogerus Britto tenet in*

.....  
In 4. E. 2. f. avowry 200. a virge of land is faid to confift of 80. Acres, and 20. of thefe verges are faid to make a Knight's fee, *viz.* 1600. acres. But this is alfo different and uncertain, according to the tenure as it was firft referred, 12. Ed. 2. f. breef.

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1. Leiceft. in lib. Domeſday.

*Dimen-*



*Dimensions of the Land of England,*

By Mr. AGARD.

24. NOV<sup>r</sup>. 1599.



ALTHO I must confes that  
 in this proposition I have  
 more travailed than in any  
 of the former, for that it con-  
 cerneth me more to under-  
 stand the right thereof, espe-  
 cially 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 aswell those abbreviations I  
 have noted out of Domesday and other records  
 since that time, as also those notes I have quo-  
 ted out of ancient registers and books which  
 have fallen into my hands within these xxx.  
 years, I have found the diversity of measure-  
 ment so variable and different in every coun-  
 try, shire and places in the realm, as I was in  
 a man-

a mammering whether it were for me to write or no ; for finding all things full of doubtfullnes, 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 judgements, rather than by silence to draw upon me your harder conceits in that behalf, and therefore I say to this question of the

$\left. \begin{array}{l} \text{Antiquity} \\ \text{Etymology and} \\ \text{Variety} \end{array} \right\} \text{of dimensions of} \\ \text{lands in England.}$

*For Antiquity.*

I do think that our Nation drawing first our Original from the Trojans, that is, from the Trojans as some write, could not but bring from thence the same order which was observed in those countries of measuring their lands, as appeareth 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 cutt into small shreds, and so compassed a mighty deale of land more than was expected;

## Dimensions of the

expected ; fo our forefathers, as it ſhould ſeem, did collop out the countries they dwelt in in like fort : 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. kingdome. 2. Eſtſaxons 6. ſhires, 2. kingdomes. Northumberland from Humber to Scotland, 1. kingdome ; and the kingdom of March 15. ſhires, 1. kingdome. 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 untill 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 levyed *per hidas*, as appeareth by fundry ancient Registers, which I have ſeen, whereof I will mention what I find in the book of Dunſtable, that there are in the realme 32. ſhires, in which were three kind of laws exerciſed ; that is, Weſtſaxlaw

sexlaw, 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 that lands were first measured by hides. The Etymologie 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 Domesday 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 diverse shires likewise *Carucata* only. And because there are mentioned diverse 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

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amiss

## Dimensions of the

amiss to qualifie 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

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was vi. to the c. and the Norman number

xx

which was v. to the c. As Domesday sheweth *in civitate Lincolnia, Hic numerus cc. Anglico numero cccxl.* so as when the realm was divided into hides I take it for certain that it was by

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vi. to the Hundred. Now to the words, and first for *Solin*, take Domesday it self sayeth 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 neer a note taken out of a Leiger book, 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 Fugum &c. Et ulterius, Idem Abbas dicit quod secundum*



*cundum 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 <sup>xx</sup>VI. acres, because the next word *Carucata* induceth me to think so, by

*Carucata.*

an ancient Writer before named, which is Witlesey, 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. v<sup>th</sup>'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 solempniter denunciatus &c. & statim cepit tributum per totam Angliam, videlicet de qualibet Hida, i. e. Carucata terræ, III<sup>th</sup>. & rediit in Normanniam.*

Also in a note entred in an ancient record

## Dimensions of the

in the treasury before a declaration made of the Knights fees belonging to the Bishop of Lincoln, are these words, *Nota, quod Carucata terræ continet in se C. acras : & septem bovata faciunt Carucatam, & 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*, and

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

And yet further for the better proof that a hide of land was both reputed before the Con-

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quest and since vi. acres, I find mentioned in a book entituled *Restauratio Ecclesiæ 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*

*per sexies xx. acras, & super hidam 24. acras.*  
 Item in cap. 13. *In Wilberham emit Abbas ab Al-  
 fuino, & 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  
 & Assis coram Johanne de vallibus & aliis Justici-  
 ariis itinerantibus apud Cant. an. XIV. E. 1. termino  
 Trinitatis, mensuratio communæ pasturæ in Hokin-  
 ton, Ita quod Warimus de insula & alii non habe-  
 ant in ea plura animalia & pecora quam habere de-  
 beant &c. dicunt quod sunt in Hokinton XII. hidae  
 terræ, quarum quælibet hida continet in se sexies  
 viginti acras terræ &c. Et tenens unam hidam  
 terræ integræ possit sex boves, duos equos, sex vaccas,  
 LXXX. bidentes, & xv. Aucas, & qui minus tenent  
 secundum quantitatem tenent. habent &c. unde Vic.  
 testatur &c.* Thus much, if not too much, for  
 Hida and Carucata terræ.

### *Jugum vel Juger*

Is taken diversly, as by Dunstaple before  
 mentioned, who in his 4. leaf doth say it is a  
 hide of land. His words are these: *A.D. 1074.  
 Rex Willielmus Walliam sibi subdidit, & postea misit  
 Justiciarios suos per unamquamque Sciram, i. e.  
 provinciam, Angliæ, & inquirere fecit per juramen-  
 tum quot hidae, i. e. jugera, uni aratro sufficientia  
 per annum essent in unaquaque villa &c.* But I  
 think it farr otherwise by Domesday. Domes-  
 day

## *Dimensions of the*

day Cant. *in villa de Hadone, quæ fuit Episcopi Baioc. Odo tenet de Episcopo unum jugum terræ, & est dimidium Car.* So as I take a *Solin* to contain diverse *juga*, and *jugum* to be taken but for as much land as a yard land, *scil.* 34. acres and sometimes 30. acres at the most.

### *Virgata*

Is <sup>1</sup> taken diversely, as I find in a Register book of Ely which now the Dean hath, in sundry towns sundry measures, as in Leverington a yard land is LX. Acres. In Fenton xxx. Acres. Tyd 32. Acres. In Coln *virgata operabilis* xv. Acres, and in an other town not named by my note 20. Acres, and so I have seen extents.

The like I have seen of

### *Bovata*

As some 15. Acres, as before is declared, in some 10. Acres, and in some 24. Acres, and in some 12. Acres, in sundry shires and countries diversly.

### *Ferling.*

That only word in the west parts, wherein I remit myself to the opinion of those country men, but I could never find it expounded.

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1. In bundello Esch. de anno 26. E. 1. infra turrim Lond. sunt ibi viii. virgatæ terræ in dominico continentes quinquies xx. & xii. acras, quarum quælibet virga valet viii sh. pretium acr. 6d. ergo xvi. acræ pro virga.

Domes-

Domesday faith in Somersethire. 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 Judgement, 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 sett down both by Statute, and yet diverse measures in diverse places, for the measure is by Pole. The table in the Starr-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 lenth and 4. pole in breadth : but how many foot 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

eth in this fort. *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 Anjulis, 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 sayeth the black book, that *unam monetam & unum pondus constituit per totum regnum*, whose actions continued in exercise altho they appear not by matter of record untill E. 1. time, who more largely expressed the same. And so I pray you accept this in good part, having omitted sundry notes for confirmation of this, which I have sett down, because I would not be excessive tedious, as I fear I have been.

of



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

By M<sup>r</sup>. LEIGH.



ERE it not that the order of this learned Assembly doth forbid me to be allwayes silent, this question having been so judiciously handled by others, and my self 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 Commenter upon  
L Thu-

Thucidides, a famous Græcian. The Comment sayth, 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 farr 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 *semi-deum*. 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 powring wine upon them that are made Heralds doth induce me to believe. These Harolds doth Roger Wall sometimes a learned Harold call *Herodes*, but upon what ground I know not, but so he useth that word many times in his Latin history of the warrs of Henry the V. wherein himself was a fervitor. Dares Phrygius an ancient historiographer, and a souldier in the warrs of Greece and Troy, reporteth that at certain playes 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 markes to describe him by,



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 that time. For Mr. Gerard Leigh saith, there were Heralds and Kings at armes in Ed. the 1. time; and that no man might have to do with armes without their consent; that they should take diligently the pedigree of all gentlemen, and should make their visitations in their provinces every seventh month. There 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, cloathed at all solemn shews with rich and royal robes, as now with us they are, but they had the chief government of the common-wealth, to minister justice for punishment of malefactors and defence of the innocent. Their office consisted in proclaiming peace and warr, therefore called *Facciales* and *Caduceatores*, answering the Roman *Facciales*

*The Antiquity &c.*

in proclaiming of warrs and concluding of peace, being likewise called *Fæciales à fædere faciendo* and *Caduceatores* of the *caduceum* 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, tho' not by the name *Heraldi*.



of



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

By Mr. CAMDEN.



**A**MONG all civil nations, since civility first entered the world, there have been Officers of Armes as Mediators to negotiate peace and warr 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 fruitfull increase and plenty, the compa-

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 faciendo*, first instituted in Italy by Hesus 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 *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 especiall points were incident to their office. First, that they should have a care, lest the people of Rome should wage warr against any  
of

of their confederates. Secondly, that they should challenge and require again goods injuriously taken away by enemies. Thirdly, that they should proclaim warr against such as refused to make restitution. Fourthly, that they should take notice of injuries done contrarie 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 contrarie 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 warr 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 seige of Amidas under Julian,

*The Antiquity &c.*

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 kingdomes, the Heraldes of the old Frankes 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 Turo-nensis writeth *libro 7<sup>o</sup>. capite 32.*

But in the time of Carolus Magnus began both the reputation, honor and name of Heralds, as Æneas Sylvius reporteth, out of an old librarie book of S<sup>c</sup>. Paul, the Author where-of derived their name from *Heros*, but others, to whom most encline, from the German word *Herald*, which signifieth old and ancient master. Yet he which writeth notes upon Wileram, sayth that Herald signifieth faithfull 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 Armes or weapons, that the Kings of Heralds should wear no armour but their swords pointless; and that they should only have their *Houses des Armes* and no more, which,

which, as I conceive, are their coats of Armes. The name and honour of them was never greater in this realme than in the time of K. Edward the third; in whose time there were Kings of Armes, 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 Armes, which brought him speedy tidings of happy success in the battle of Auroye in Britannie, immediately upon the receipt of the news, an Herald giving him the name of Windesore, and at that time were liveries of Coats of Armes first given unto Heralds, with the Kings armes embroidered thereon, as the King himself had his robe royal sett with Lyons of gold. In France also, as the said Froissard writeth, the same time Philip de Valois increased greatly the state royal of France, with Jufts, 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.

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*of*



*Of the Antiquity and office of He-  
rals in England,*

By M<sup>r</sup>. WHITLOCK.

28. NOV. 1601.



THE name of Herauld some have derived from the Saxon word Hereauld, because anciently they were men chosen out of those souldiers, 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 *ειρωδοξας*, and it was called *sacerdotium*. Numa was the Author of that College of them; their office was to treat of all meanes of peace before there should be any open warr. They were as *Legati*,



*Legati*, the chief of them *Pater Patratus*.

I see that the order observed in the sending of Heralds in messages in the warrs 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 armes 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 untill they had performed all these ceremonies, and fought by all meanes of treaty to compose matters quietly, and this had been signified to the senate, they could not denounce war justly.

Livie and A. Gellius describe that the Herald at Armes after he had done his Message, and made demand of that which was unjustly withholden, and nothing was answered him, he 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 desyance*. An other 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 herbes.

*Pater Patratus* was appointed by the Herald

*ad patrandum jusjurandum*, to take the oath, which was done in the many execrations and vowes of performance by calling their Gods to witnes, and the last was the Herald having a flint stone in his hand and a swine standing by him, 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 therewith did 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 common wealth is the very exercise of honor; for it converseth only in cases of honor, in warrs or peace; in warrs, they are the Kings Messengers to pass too 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 intermedling further than to declare their message.

5. E. 4. 8. b. 7. E. 4. 22. b. ten pound 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.

*of*



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



HE office by opinion of Vigen-  
ner and Tillet is older  
than the name: the first in  
his notes upon Livie apply-  
eth *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 etymologie of this Roman of-  
fice futeth not much this question though it  
was in last being, at their first subjection of  
our state, for I find it not used latter than by  
Suetonius *in Claudio*. 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, cho-  
sen

I. Sic.

fen by the rest. Pomponius Lætus. The 24. divided into two rankes of miniftry, *Fœciales* and *Caduceatores*, this may fitt the now diftinction of Kings, Heralds, Purfevants. This fociety admitted none, faith <sup>1</sup> Nonnius Marcellinus, but *ex optimis familiis*, becaufe they prefented the publick faith, and what they concluded was held facred. Their perfons were free in all fervices without interruption. Suidas. Achilles is made by Homer to call them the *holy Meffengers of Gods and men*. They had by the firft institution peculiar garments to their profefion, but no . . . . . Halicarnaff. Alexander. The Heralds of France ufed a coat of Armes, as we here in England from an ancient institution as their own difcourfes affirm. And in Comenius we read, what fhift Lewis the French King made to furnifh out a counterfeit Herald, making a coat of armes of two trumpett banners. E. the 3. I conceive was the firft that in this ftate instituted either Harald or their apparel, for before his time I find none in courfe of our country ftories. And what banners they now are enjoyed it hath in their patent relation to that of E. 3.

Their office is of peace and warr under commiffion of the Pretor or ftaff. For the firft they regard that the confederate cities receive no wrong by the Romains. Halicarnaffeus, but to admonifh the Emperour and ftate in breach

1. Sic.

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 playes decreed by the people to the gods, untill Tiberius gave that employment to the Priest of his house. Suetonius.

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

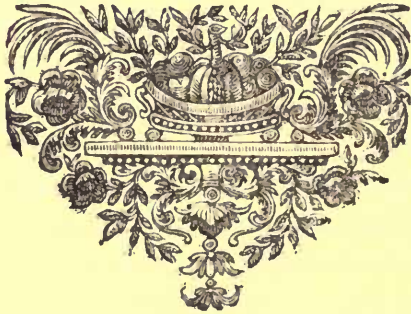
In ending war was the sole office of the *Caduceatores*, called of Mercuries rod which they bore as their *Symbolum*; the straight rod noting their justice, the 2. serpents the different persons they should persuade: part of their peacefull ceremonies were herbs, a *Lituus*, and stone taken from the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

The Etymologie of Heraldry 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 honor. For the better regard Tillet sayth that

*The Antiquity &c.*

that they had assigned them titles of Cities and Countries, as Normandy, Orleance, &c. and in England, Lancaster, Winsore, York, &c. The reason, saith an old book of this question, is to show the conjunction of holines, puiffance, amity, and authority in them. They were by the French stories in such reverence that they fate at the King's table . . . .

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*of*



*Of the Antiquity, and use of Herald's  
in England,*

By JOSEPH HOLLAND.

28. NOV. 1601.



R. 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 lawes of Armes. And after them succeeded *Herehaughts*, which by interpretation is as much to say as *old Lords*, and were so called for the honor of their service.

This *Herehaught* appeared in the coat of Armes of his Sovereign 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 admini-  
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stred,

ftred, he giveth the fame cup that he was created withall unto the Herald, who bearing the fame in his right hand maketh a Larges in the Hall of his Sovereign.

For the antiquity of the name here in England I find, that Malcolm King of Scots fent a Herald unto William Conqueror to treat of a peace, when both armys were in order of battle.

John of Gaunt, Duke of Lancafter, married Katharine daughter of Guyon King of Armes in the time of K. Edward the 3. And Geffrey Chaucer her fifter.

King Henry the fifth fent a Herald to fummon the caſtle of Mauſtrowe 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 priſoners 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 ranſome he would give. But after the battle he ſent Montjoy King at Armes, and four other French Heralds to deſire burial for them that were ſlain in the battle: the King feaſted the Officers of Armes, and granted their requeſts.

Clarentieux King at Armes was ſent by King H. 8. to make defiance unto the Emperor Charles the  
the



the 5. but before he did deliver his message he prayed that the priviledges 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 Armes upon his left arm; and when he had finished his speeches he did put on his coat of Armes, and had the Emperor's licence to depart.

The Lord Brabason 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 Armes 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 Armes 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 Armes in those dayes were learned and skillfull in martial discipline.



*Of the Authority, Office and Privileges  
of Heraults in England,*

By Mr. AGARD.



FOR the antiquity I think in the question before touching Armes bearing, was by me in part touched, That before the Conquest there was no mention made of Heraults 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 Heraults, whose exercise was to celebrate the ancient descents of men of worth by rythmes. But sure I am that at the Conquest there was no practice of Heraldry. For unto them belongeth to be skillfull  
in

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 Haroult. And Harold never sent any to William the Conqueror that I can read of.

I remember Ingulfus maketh mention of one Earle Withlaci<sup>us</sup>, who calleth King Egbert and Athelwolf his son his Lords or Kings. This Withlaci<sup>us</sup> by his deed confirmeth to Growland the gift of one Ofgang of land in Leithorp, which one Edulphus his messenger gave, called by the name of *Nuncius suus*. So as I leave it to the judgement and censure of the Learned, whether he is to be taken for a Herault 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 what 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 confederation. Yea, and of late I have seen a treaty of peace made in K. H. 7<sup>s</sup>. time with the King of Denmark, where the Chief Commissioner was Clarenceux, wherein were sett down so wise and learned articles as that H. 8. son to H. 7. in renewing the league with the King useth the same

same words with no addition to the same : which league hath ever since the making continued firm, untill 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 Majestie sending the Lord Zouch thither with the same leagues exemplified, pacified the matter.

Now I take it that I may very well divide Heraulds into two sorts,

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

*Nuncius* I think to be the Herauld of Armes who is appareled with his coat of Armour bearing the Armes 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 an other, *Quare Taboram suam cepit*. And to this coat belongeth reverence, in that if so be, that an Herauld 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 Regia 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 flew

flew 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 Heralds have gotten them licence to send: as was lately in K. E. 6. time proved by that worthy Earle John of Bedford, who was sent to restrain the Rebels in the West: where after he had overthrown those of Devonshire, and marching on towards Cornwall, there came in post to him a fillie wretch without bootes 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 Earle answered, *Well said; but have you never a better horse,* said he; *no, indeed,* said the Messenger: *than 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 Armes is to be kept with Traytors.*

Now for *Internuncii* I take them to be those which were called Pursuivants, a meaner sort, which

which now do wear a thing wherein the Kings Armes are ingraven called a Box : and surely their authority is great and their Armes bearing is revered also. But these we see meddle not with Armes bearing, but many of them have presumed with harmes bearing, whereof they have tasted for their presumption for abusing their authority.

*of*



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

By M<sup>r</sup>. A G A R D.

Paschæ 33.



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 acknow-  
ledged before Abbots, Deans and Archdea-  
cons, who were Justices Itinerant through the  
realm in circuit for trial of life and death, for  
O trial

trial of titles of land and for Assizes. As for example, Brinkeland, the Chronicler of S<sup>c</sup>. 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 concordiæ* 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 Quo Warranto's 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 their offices and pleadings, which before followed the Schequier being in the King's Court, which Eschequier is called by an ancient Writer the mother Court of all the other Courts of Record.

Ex Attornatis & Apprenticis Dominus rex injunxit J. de Meringham & sociis suis quod &c.

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 addiscentibus secundum quod intel-*



*intellexerint quod curiæ suæ & 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 præfati Justiciarii plures si viderint esse faciend. vel numerum anticipent. Et de aliis remanentibus fiat per discretionem eorundem Justicia &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 meanes 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.



*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 untill 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, altho' 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

called the Apprentifts hostells. And I have heard, but upon no ground but bare conjectural, that in times past there was an Inn of Court at Dowgatte called Johnson's Inn, another in Fetter-lane, 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 Guild hall to be seen, where the Serjeants with their hoods upon their heads sitt writing upon their knees, and to this day the new created Serjeants do observe the same, in memory of the old custome of standing at the Pillar in Paul's Church; for the new Serjeants after the feast ended, goeth to Paul's in their habit, and there each chuseth 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 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 Innes 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

## *The Antiquity of*

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 honorable 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 conferre 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, altho' 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

that the Rebels in 4. R. 2. did spoil the Lawyers of the Temple, saith, *etiam locum, qui vocatur Temple barr, 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 Cliffords 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 respect of *Apprenticii nobiliores*; so that of necessity they must among themselves have a kind of Academy or University wherein the Laws must a part 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 Universitys, 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 irplegiabilia necne?* whereof the Doctor could not understand one word, and so was ashamed of his arrogance.

For the second point, these houses wherein  
these

*The Antiquity of*

these Lawyers were settled are called the Innes 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 Chancellour of England, as he is untruly called by Molcaster in translating his book of the Lawes of England, since he was only Chancellour 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 dayes, and to study divinity on the festival, using such exercises as they did which were brought up in the Kings 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 houses their

their did in Fortescue's time belong 2. hundred Students or thereabouts, whereof many had their men attendant on them. The Innes of Chancery were so called, as the said Fortescue in the same book writeth, because *Studentes in illis pro eorum parte majori juvenēs sunt, originalia & quasi legis elementa addiscentes, qui in illis proficientes ut ipsi maturescunt ad majora hospitia studii illius, quæ hospitia Curix appelluntur, assumuntur.* So as that the greater Houses of Innes of Court, were seminaries to the Court, so these Innes of Chancery were seminaries to the Inns of Court.

Thirdly, these houses of Innes 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. Innes of Court, which are the same now extant, each containing two hundred persons, and 10. Inns of Chancery, each howsing one hundred persons, being more Inns of Chancery than be at this day, for there is now but eight: which Innes of Court and Chancery were then, as they now be, placed out of the city and noice 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,*

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illud,

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*illud, sed seorsim parumper in civitatis illius suburbio & propius Curii 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 Cliffords Inn and Clements Inn, and that the old Inns of Chancery called Strand Inn and S<sup>c</sup>. George Inn might be some of those ten Inns. Of the antiquity of which Innes 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 fuburbs by Fortescue for quietnes 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, we will descend to the Inns of Court and Chancery in our time, which are four Inns of Court; viz. *Lincolns Inn*, the 2. *Temples*, Inner and Midle, and *Grey's Inn*: and 8. Inns of Chancery, which are *Staple Inn*, *Furnivals Inn*, *Bernards Inn*, and *Thaves Inn* in Oldborn; *Clifford's Inn* in Fleetstreet; *Clements Inn*, *New Inn* and *Lion's Inn* without Temple barr: of whose original we will speak no further than may be confirmed by record and histories, being such warrantable proofes as I have collected.

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LINCOLN'S INN situated in Newstreet now called Chancery lane, corruptly for Chancellor's lane, is composed of the ruins of the Black Friars house of Oldborne, 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 *Clausula* 11. H. 3. parte 2. m. 7. *Rex concessit Radulpho N. Episcopo Cicister. Cancellario Placeam illam cum Gardino, quæ fuit Joannis Herliquin, qui terras suas forisfecit in vico illo qui vocatur Newstreet, ex opposito terræ ejusdem Episcopi in eodem vico.* Of this Bishop's house and of the Black Fryers did Henry Lacy the last Earle 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 *Lincolns Inn*, where he made his most abode and died in the year 1310.

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about the 3. or 4. year of E. 2. the preeminence thereof still remaining in the bishoprick of Cicester. This house not many years after was made an Inn of Court and greatly replenished with Studians and active Gentlemen, which being, 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 Earle of Lincoln's Arms. He also caused the severall Earles of Lincoln's Arms to be cast and wrought in lead upon the Tower of that house, which were a Lyon rampant for Lacy; 7. Muscles voyded for Quincy; and three wheat Sheffes for Chester, 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 Feoffes, to whom the conveyance of this house was made to establish the inheritance thereof in the Society, which bought that 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, loosing both a singular privilege and benefit unto him whilst he kept it. So that the Society of that house  
are

are now chief Lords thereof. But I will not trouble 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 New street, was consecrated by Heraclius, Patriarch of Jerusalem, in *Anno* 1185. in the time of Henry the 2<sup>d</sup>. 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 there order was condemn'd, whereupon this Temple coming to the possession of Ed. 2. he gave the same to Thomas Earle of Lancaster, who rebelling forfeited it again to the King, who after gave it to Adimare de Valence Earle of Pembroke; all which is sett 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, after whose beheading it came again to Ed. 3. all which is sett down in an inquisition in the Tower in the 1<sup>st</sup>. of Ed. the 3. in this sort. *Juratores dicunt quod Thomas Comes Lancastriæ tenuit quoddam Messuagium infra Barrum Templi Londoni, quod aliquo tempore fuit Templariorum, quod vocatur novum Templum: de quo prædictus Comes fuit seditus simul cum aliis rebus*

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*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. Johns Jerusalem, commonly known by the name of the Knights of the Rhodes, Edward the 3<sup>d</sup>. granted the Temple to these Knights of the Rhodes, who, as it appeareth in Clauf. 18. Ed. 3. were forced to make the bridge thereof. After this (but at what time I certainly know not, altho' 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 year, from which time they have remained there as they yet doe. Of the Steward of which Temple and Lawyers Chaucer speaketh in the Manciples prologue in the prologues of Chaucer, and diverse Authors mention how the Rebels in 4<sup>th</sup>. of Richard the second spoiled the Temple and burnt the Lawyers books; of the which I will vouch you two authorities, the one of an annual written Chronicle in French belonging

ing to the Abbey of St. Maryes 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 & auagherent toutes les* que ils fuerunt couverture en & alleront en l'esglesce & presteront toutes les livres & rolles de remembrances, que furunt en leur buches d' ins les temple des apprentices de la ley, & porteront en le haut chymine & les arderunt. Whereunto agreeth Walsingham in the words before. Here somewhat 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 murth' every one that had any small learning, and then mention would have been made of them as well as of the Temple; but that 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's 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 mannors of the said Prior's in Clerkenwell

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well parish, and so no cause why they should speak of any other Inns of Court, altho' 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 Poole, 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 Greyes 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 Greyes, 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 4<sup>th</sup>. it was one Inn of Court. For 2. H. 4. barr. 72. you shall find an action of battery brought by the Chaplain of Graye's Inn.

Thus much for the Inns of Court, who have certain honorable ensigns armoryal 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.

Touching the Inns of Chancery which now have being (for to speak of *Strands Inn*, defaced by the Duke of Somerset for the building of  
of

of Somersset place it is needles) 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 Eschetor on this side Trent: after which John de Britany, Earle 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 heires for ever; the record whereof being patent 3. Ed. 2. mem. 19. is worth the hearing, altho' it be somewhat long, and therefore sett down in these words: *Rex &c. concessimus &c. Roberto de Clifford Messuagium 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*

Q

fi

## The Antiquity of

*si nos vel heredes nostri Messuagium prædictum hereditibus prædicti Malculmi ex aliqua causa contingat restituere, ipsum Robertum & heredes suos indemnes conservavimus in hac parte, salvis 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 Messuagium cum pertinentiis, quod Robertus Clifford habuit, in parochia Sti. Dunstani 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 affirmeth 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



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 <sup>1</sup> impetrationis brevis & diu ante fuit quondam hospitium hominum Curie legis temporalis, nec non hominum consiliariorum ejusdem legis.* Thus farr that record, which called it one of the Courts of temporal law, and of the men of the Councillors 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 *iv. lib.* rent by year.

NEW INN being <sup>a</sup>daughter of St. George's Inn, took his name of his 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 enclosing 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 farr from Clement's Inn, which they procured from Sir John

1. Sic.

Q<sub>2</sub>

Fineux,

## *The Antiquity of*

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. altho' 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 must be 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 Oldburn two Messuages and 13. Shopps, 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 supposal of their original, as for that I have only determined to  
 deliver

deliver nothing but notes of record and history.

Touching the Inns of the Serjeants, the houses which they now have in Fleetstreet and Chancery lane are but of late erection; and altho' Mr. Serjeant Fleetwood in his table to Ploydons Commentaries would inferr 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 7<sup>th</sup>. there was a Serjeants Inn in Holdborn 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 Jurie in the ward of chepe in London.

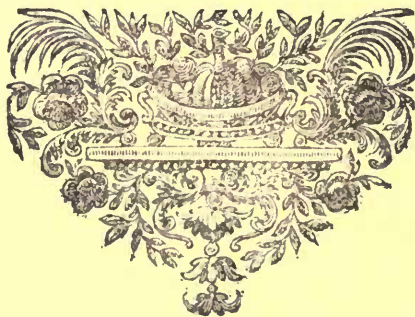
13. Octob. 14. H. 7. *Furatores dicunt, quod Guido Fairefax miles, nuper unus Justitiariorum Domini Regis ad placita coram ipso tenenda assignat. fuit sesitus in dominico suo ut de feodo de uno messuagio sive tenemento vocat. Serjeants Inn, situato ex opposito Ecclesiæ Sti. Andreae Holdborne in civitat. 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 Scrop militi Domino le Scrope de Boulton & aliis prædictum Messuagium &c. ad usum Johannis Scrope heredum & Assignatoris suorum inperpetuum.* Since

1. Sic.

which

*The Antiquity &c.*

which time the Justices and Serjeants bestowed themselves in other places where they now be, as in Chancery lane and Fleetstreet: which Serjeants Inn in Fleetstreet 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 course discourse of the Houses of Law.

*The*



*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.



HE 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 sett down; and at first their Temple was builded in Holborn 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

*The Antiquity &c.*

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 therewithall 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 Jerusalem; 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 pound 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.

*of*



*Of the Antiquity, use and privilege of  
Places for Students and Professors  
of the common Laws of England,*

By M<sup>r</sup>. WHITLOCK.

**D**O not find any evidence for the antiquity of our society of Common Lawyers in the Temple before Edward the 3<sup>d</sup>'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 Jerusalem, who granted the said 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  
R of

*The Antiquity of Places*

of our Law, their kind of life, privileges, and degrees of any antiquity, is in Fortescue in his book entitled, *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 Chancellour 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 seldome, 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



Students in the Inns of Court between H. 6. time and this.

He setteth down ten Inns of Chancery at that time, and an 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 sayth 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 in the Inns of Chancery, in Musick, in Armory, and generally in Gentlemanlike qualities, as he setteth it down. There expences, saith he, is yearly twenty Merks, and that is the reason he alleadgeth 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, judgements, and termes of that profession.

He reporteth, that at that time the French used in England by the Lawyers was farr finer than

## *The Antiquity of Places*

than that then commonly spoken in France, but now it is so barbarous as a French man 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 priviledges 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. Esquier 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 Subpoena 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 custome. They were then by the order of their degree to spend 400. Markes in the taking of it, and to keep a feast like the coronation for seven dayes together, and to give gold

gold after this manner, Rings of gold of 26<sup>th</sup>. 8<sup>d</sup>. the peice to all Archbishops, Dukes, the Chancellor and Treasurer; of 20<sup>th</sup>. to all Earles, the L. Privie Seal and Bishops, the two Chief Justices and Chief Baron; of 13<sup>th</sup>. 4<sup>d</sup>. to all Lords of Parliament, Mr. of the Rolls, Justices, Abbots, Prelates, and worshipfull Knights; of smaller fums to the Chamberlains and Barons of the Exchequer; to the Officers of the Kings 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 Christendome 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 ensigne is a white furr'd cap, which they must never put off tho' 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 chuseth a Serjeant, and by his letters patents maketh him Justice, and he is inducted

ducted by the Lord Chancellour, who maketh a publick exhortation to him, and setteth him in a place certain as Prebend is fet in his stall in the Church, and that place he still keepeth unles he be removed by the King.

Of other ceremonies and duetys of the office of a Judge, which are known to all men by their own experience, I will not speak of. Thus much I thought 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 ordinarie 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 jarrs that have been between the Major 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 misorders committed, which because they are related in our Chronicles I will not speak of them.

*of*



*Of the Knights made by the Abbots,*

By Sir FRANCIS LEIGH.



THE question is, What Knights the Abbots made in the time of H. 1. 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 *militēs*, cannot be taken for common Soldiers, but for a degree: for the making of Knights by Abbots in Ingulphus before the time of H. 1. must needs be intended of some superior order of Knights, because they contain very many ceremonies; for in all matters of honor, the greater ceremony the greater honor. And that this making of Knights by Abbots should be entended of Knights of greater dignity and of less, appears by some proofes out of the book of Ely, and the book *de gestis Herewardi*; for Hereward, a noble man that long encountered William the Conqueror, was Knighted by

*Of Knights made by Abbots.*

by the Abbot of Peterborough, and William Rufus Knighted by Lanfrank B. of Canterbury; which Knighthood, had it not been honorable, would not have been accepted of such persons: and the words of the Charter of 26. of H. 1. that Abbots should not make them *nisi in sacra veste*, which I take was their Copes, seemed to add the more reputation to the receiver. Besides I think that Abbots made other Knights, a degree inferior to the former, which were allways remaining in the house of the Abbots, and such as did attend upon other noble men as appeareth by many records. In the book of *Reading* their diet with the manner of their allowance in the Abbots houses is sett down, and their place before Esquires; so that these *milites* there made and harbored could not be common Souldiers, 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 implyeth the former doing of a thing, it seemeth that before they knighted children to honor 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 Souldiers. Moreover upon the words of the Charter of H. 1. I imagin that the same liberty to  
make

make Knights was a dispensation granted by H. 1. because Malmesbury hath in the life of Anselm 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 honorable 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.



S

of



*Of Knights made by Abbots,*

By MR. TATE.

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 *firmæ*. The true sense wherein I take it to be here used appeareth in Cassiodor. epist. 52. lib. 1. 3. *variar.* whose words



words are, *Augusti temporibus orbis Romanus agris divisus censuque descriptus est, ut possessio sua nulli haberetur incerta quam pro tributorum susceperat quantitate solvenda.* These *terræ 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 feudum 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 prohibite the Abbot to alien lands given him, and to create a tenure of himself in foccage, for homage alone maketh not a tenure by Knight's service, and such alienations the Law of our land and others did allwayes forbid, as appeareth by our writ of *contra formam collationis*, and by *summa Rosella* in the title of *Feudum. Res immobiles Ecclesiæ*, saith that book, *de novo non possunt dari in feudum, nam & Prælati 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

*Of Knights made by Abbots.*

reverence, but addeth no strength to the Abbot by attendance of the Homager to defend his Lords 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 *socmanus*, a Tenant in soccage; 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 Abbots power so farr, as it was necessary for him to have liberty without prejudice

dice 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 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 Lay-men, 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 diverse 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 realme or some certain place therein, in time of hostility. Of these Knights mention is made  
in

## *Of Knights made by Abbots.*

in the general Charter of K. H. 1. in the red book, *Militibus, qui per loricas terras suas deseruiunt, 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 armes or without armes, 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 Iustitiæ*: of whom Sarisb. l. 6. c. 1. saith, *neque reipub. militant soli illi, qui galeis thoracisque muniti, in hostes exercent gladios aut tela quælibet, sed & patroni causarum, qui lapsa erigunt, fatigata reparant, nec minus provident humano generi, quam si laborantium vitam, spem, posterisque armorum præsidio ab hostibus tuerentur.*

Armed Knighthood secular and without dignity, is that service which is performed in the camp by such as are enrolled in the captains or muster-masters list, on horse back 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.*

Knight-

Knighthood that carryeth with it dignity, is that knighthood which a King or some other authorifed 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 striking him therewith of purpose to do him honor. 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 imminet. 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 part of this division, I will briefly prove, that as there is a secular, so there is a spiritual Knighthood. Sarif. 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

Lam-

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Lambeth prove the fame: *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 S<sup>t</sup>. Bernard saith, *milites Christi secure præliantur prælio Domini sui, nequaquam metuentes de hostium cæde peccatum, aut de sua nece periculum.*

The first branch of Spiritual Knights which I said to be virtual, extendeth it self to private persons or to publick. Of the first sort are all good Christians, who must watch over their own weaknes, that their souls enemy surprisè 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 publick 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, Priorie, 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

Now from this our question, what order of Knights were made by Abbots in the dayes of King Henry the first, or 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 kingdome. 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 farr from Christ's sepulchre, and therefore were called *Templers*, and in armor led pilgrims safely through the Holy Land, whose order began in the 18. year of K. H. 1. by licence of Gelasius the 2<sup>d</sup>. In the 20. year

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of

## *Of Knights made by Abbots.*

of K. H. the first, certain Christians of the Latins built a monastery in the valley of Jehosaphat, which they dedicated to the Virgin Marye, and first entertained there only Latin Pilgrims, but after they were called Knights of St. Johns of Jerufalem, till about the 2<sup>d</sup>. year of K. Ed. 2. their principal feat being at Rhodes they were called Knights of the Rhodes. The third sort of Knights of Jerufalem were Dutch Knights, *Milites Theutonici*, which began by the kind entertainment of Dutch men 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. Johns of Jerufalem under the order of St. Augustine, and at first under an Abbot, though after their Governors had greater names. This gave example to raise a like order of Knights at Lifbon in the Abbey of Alcohasia called *Milites Calatravenses*, not many years after. But in K. E. 1. 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.

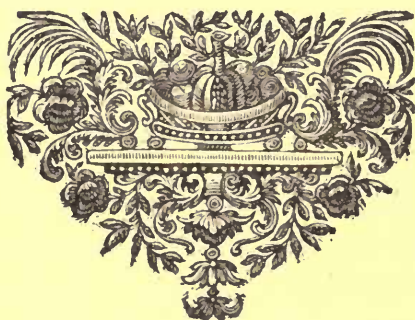
It may peradventure be objected, that before the time of K. H. 1. Abbots made secular Knights that had dignitie till it was restrained by the Council of London, to which  
I fay,



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. Sarisb. 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 armes of the King. And therefore when a Knight is made it is commonly 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 straitned me I might have brought in some colour for Thomas of Becket, of whom the Quadrilog. saith 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*  
T 2
donatos

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*donatos militie 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.

*of*



*Of the diversity of names of this Island*

By M<sup>r</sup>. CAMDEN.

29. JUNE 1604.



THAT which the Poet said of Italy, *sæpius & 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 farr backward into darknes, 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 transmitt their Originals to posterity, neither if they would, could they, being without lettres which only can preserve and transferr knowledge; neither if they had lettres

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tres was it lawfull for them to commit any thing to letters. For, as Cæsar sayth, the Druids, which were the only wise men among them, held it unlawfull *mandare aliquid literis*; and had they committed it unto letters, doublets it had perished in the revolutions of so many ages passed, and so sundry conversions, and everfions 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, sayth 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, was 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 Νῆος Πευκήεσσα,  
that

that is, *the Isle of pine trees*, and afterward *χέρσον λευκῶνον*, *the white land*. In which sense the Author of the book *de mundo ad Alexandrum*, which is supposed to be Aristotele's, calleth it *Albion*, and our Welch men call it *Inis Wen*, the white Island, albeit some think the name Albion to be deduced from Albion a Giant, and other 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 shagg'd 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*, *Britannicæ*, and by the Greeks *Britannides*.

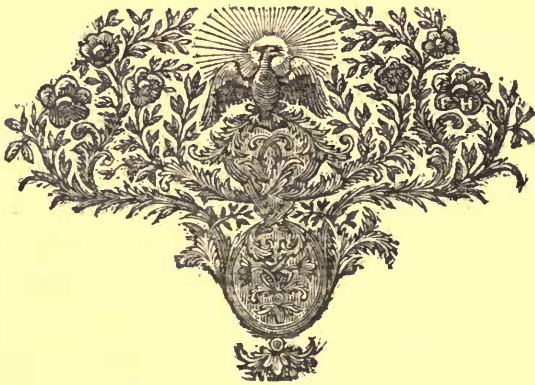
When the English came hither and possessed themselves of the land, the name of Britain was worn out by little and little and preserved only by the learned in bookes, and they  
called

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called themselves (as nations first took up names and count their denominations from the nations) *Engla þeoð*, *Anglecynn*, *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 entituled his book, *Historia Gentis Anglorum*, which name was common to them all, notwithstanding they were subdivided into Mercians, West-sax, Est-enge, &c. untill 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-cýnneþ-ric, that is, the kingdom of the English, for many years after Egbert, untill 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 Juitland, where they left the name of Angloen, and not of Queen Angela, nor the Giantick Angul brother to Danus, nor of *Angulus orbis*, which was but a poetical allusion; as neither the people *Angli* were so called of their Angelique faces, nor that they were good Anglers, as Goropius ridiculoufly deriveth them.

This only I can add moreover, when the name *Britannia* was discontinued in common use and among Writers, that Boniface or Winefrid,

frid, our own Country man, called it *Saxonia transmarina*, having no other name to notifie this his native Countrey 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.



U

of



*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 Samothes 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 untill Albion the son of Neptune, who descended of Cham, entred 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 chalkie cliffes in the east and south parts of this land; some others will have it come of the



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, untill Brute's arrival here, who conquered this land, and changed the name thereof from Albion into Bretayn or Brutayn, which name hath been diversely expounded, according unto sundry men's opinions and expositions, as *Britania*, *Brutania*, *Bridania*, *Pritania*, *Pridcain*, and diverse others; but were it not that the name of Brute is rejected by diverse men of good judgement, I could be persuaded, that it might most truly be called Brutayn of Brute. But forasmuch as in the historys of Italy there is a large pedigree sett down, 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 judgement 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 style in the beginning of his Charter, *Ego Eadgar totius Albionis Basileus &c.* and in the end of the same Charter, *Rex totius Britanniae praefatam 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 style, *Ego Ædelred Angliae nationis ceterarumque gentium triniatim inter ambitum Britanniae insulae de gentium Regiae dignitatis solio ad tempus Christi mundi redemptoris gratia subthronizatus Basileus An. Dominicae incarnationis . . . . .*

of



*Of the diversity of Names of this Island*

By M<sup>r</sup>. AGARD.

29. Jun. 1604.



OLLIDOR Virgil, Humfrey Lhuyd and M<sup>r</sup>. 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 *Brittones* 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 proofes both out of foreign and home Writers,

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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 pretermitt 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, Cumbro- rum, 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 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 & viatores extiterunt, & ipse Aelle in provincia illorum regnare cepit, ad cujus nomen*  
*beatus*

*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 entred. 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 Aelleluya 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 Saxonland 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, Mercii, 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 Wiſſorum, ideo potius nominatur insula ab Anglis quam à Saxonibus sive Wiſſis.*

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, whe-

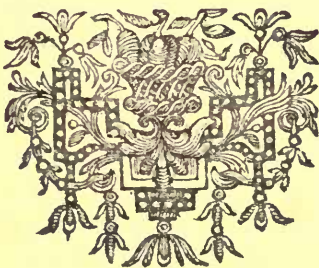
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whether it were upon Gildas writing, who, without flattery of his Country men Britans, sheweth that the whole Country was burdened with Tyrants, and produceth Porphyrius for a witness, who calleth it *fertilis provincia Tyrannorum*; or the desire they had to continue their name of that part of Saxony from whence they came, which name of it self is etymologed 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, cœlo largitur odorem.* And surely that sweet name of England hath been of singular estimation, among and above all other nations; infomuch as let an English man be in company among people of fundry other nations, you shall have him admired of them all, yea, and both of man and woman more favored and respected, than any other in the company, as one that carrieth more courteous, friendly, and lovely countenance before all other people, according to Gregories 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 style, and preferred before his Dukedome of Normandy. Yea,  
and

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 Ierosolymitanus, 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.*





*Of the diversity of the Names of this  
Island,*

By Mr. OLDWORTH.

29. Jun. 1604.

Names.



AMOTHEA, *Cumero*, or *Cim-  
bria*, *Albion*, *Britannia* and  
*Anglia* or *Angulia* and *Scotia*.  
An other name rather en-  
deavored than settled, viz.  
*Valentia*.

For the two former, viz. *Sa-  
mothea* and *Cumero* or *Cimbria*, I find a diffe-  
rence, whether of Japhethes sons was the ori-  
ginal possessor and Prince here, or rather from  
which of them it should receive peopling and  
denomination.

r. Samo-  
thea. Holinshed beginneth thus with Samothes.  
Namely that this Island was part of the Cel-  
tick kingdom, whereof Dis otherwise Samo-  
thes one of the sons of Japheth was the ori-  
ginal beginner and from him called Samothea,  
viz. for 341. years. Mr



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 Europæ 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.

2.  
Cuinero  
or Cym-  
bria.

Mr. John  
Clap-  
ham.

*Albion*. Whether from the son of Neptune as some imagine, or whether from *Albi* or *Alpes*, or *ab olbiis* or *ab Albiis Gallis*, or rather *Albion à Gypseo solo*, and *ab albis rupibus*. Ortelius calleth the whole Isle Albion. Holinshed 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 Plinie, it is not the whole Island, but *maxima Britannicarum Insularum*; from Albina, an imagined daughter of Dioclesian is not approved.

3.  
Albion.  
Mr. Cam-  
den a  
name  
from the  
Grecians.

Brutus many hold to be changer of the name; and yet diverse 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 person I have before mentioned, whether from Brutus or no, and which Brutus, whether Ro-

Britannia.

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*manus Consul filius Silvii, or filius Hesticionis,* and if of Brutus, that he took his name of Brotus, *quia matri partu mortifer, quasi Brotos Grace;* and for the name of people or country, thus diversely as followeth from the Grecians. *Prutaneia*, 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 entituled *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 aswell Wales and Cornewall as England and Scotland is in one kind or other replenished, which word marte seemeth to have no less bounds than *civitas*, which signifyeth a whole common-wealth, as Aristotle. Also Prid-cain, *scil.* of the Walsh *forma candida*, some from the Danes, *tanquam libera Dania*, Bry for free, *Bridania, Freedania, Pridania, Brithania, Bretta* in Spanish from foil or earth, *Prutenia à quadam Germaniæ regione.* *Britona* the nymph daughter of Mars, seemeth a fiction, or of Brutus or Pritus, son of Araxa. *Brithin à quodam potu, quo usi sunt Græci* is but a sleight matter. *A Brutiis Italiæ* whom the Grecians called Bretons, to which agreeth Tho. Thomasius, that Brutii were a people in Italy above the Lucani, so called of their barbarous and bruitish behaviour. Divers others, as à *Britone Centauro,*  
A

*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 likelyest, viz. with Mr. Camden of Brith *depictum aut coloratum & Tania Regio*, or from the Britaines in Armorica out of France, as well for near situation as also for uniformity in language, religion, and policy between the ancient Galles 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.

Theodosius in the dayes of Valentinianus Valencia. and Valentius Emperors, and in their remembrance endeavored to call it Valentia, as Marcellinus writeth, but it took no effect.

Ecbert *A. Dom.* 800. made an Edict at Win-Anglia. chester to call it Angles-land or Angel-land. He descended of the Angles one of the six several sorts of peoples 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.

*The*



*The Etymologie, Antiquity and Privilege of Castles,*

By SIR ROBERT COTTON.



HIS question maketh in it self aptly three parts. The first, the Etymology of the name with the severall *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*

*Castrum* to be *Locus muris munitas*: and Julius Ferettus, that *Castra dicta sunt à castitate, quia ibi omnes caste vivere debent*; and *arces dictæ sunt ab arcendo, quia arcent hostes à longe*. I find this word Castel in Latin diverse wayes 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 Lincolnæ, munitio Hamptonæ*; the rest as diverse 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 formes 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 Brissonius by his observation gathereth, that the Persians were the first usual builders of Castels 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 appear-  
eth,

*The Etymologie, Antiquity,*

eth, restored by Severus and Antoninus his son, was the first builded in these parts, next whereunto were these inland Castels erected by Didius Gallus as Tacitus writeth; after this the Bulwarks erected by Severus in the Picts wall, were the certain oldest I find remembred 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 Cæsarum*

noteth either the erecting or repairing of some Castel 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 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 fortifie 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, *Persarum Reges instruere in altum editas arces, & in ascensum arduos colles emunire*, saith Zeno-

Zenophon. *Romana militia superiorem locum optabat*, faith Ramus in his *de moribus veterum Gallorum*. *Sed Gallorum fuit consuetudo, relictis locis superioribus, ad ripas fluminis castra dimittere & munire, sic Helvetii, sic Germani sub monte condescerunt*, faith 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 heighth: 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 sayth, that the Persians fled into their wooden walls, which the Lacedæmonians skill'd not to assail, as not having the experience of castles or wall'd towns amongst them. Vitruvius in his second book describing the Castle of Larignum upon the Alpes, faith that

Y

that

*The Etymologie, Antiquity,*

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 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 strenthned by timber and trees.

For the severall formes 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 lædere non possunt.* An other 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 tower, 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 Nemrot founded that great Tower in the field of Senaar, to the hight and highnes of mountains



tains 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 cæforum 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 armes, which is untill 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 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*

*The Etymologie, Antiquity,*

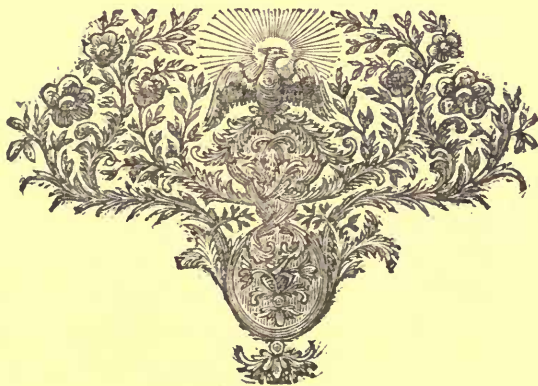
*nobilis habet magnum castrum eversum vel destruetum, quod per paupertatem ei reficere non liceat, potest cogi ad condendum, ne civitas hujusmodi ruinis deformetur.*

For defence, we find many builded for resistance of foreign invading enemies, as the many bullworks 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 stating this country under the Roman servitude, it was by Didius Gallus thought mett to build many castels, which he did farr within land; which observation till since the conquest was thought expedient, untill 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 enbattel his house: of this opinion, as Ferettus writeth, was Timolion of Corinth, *qui docuit destrui arces omnes ubi se recondebant tyranni*; and it seemeth the Polan Kings as suspicious of danger thereby, for Uladislaus and Kasimerus their Kings have ordained a law, as appears in their  
Polish

Polish Statutes, that *nullum castrum seu fortalium regni Poloniae* <sup>1</sup> *aliquo Duci vel Principi committatur*. But let this rest as it is, a well argued paradox among our martialists, for I rest satisfied with that of Horace in his 16. Ode, lib. 3.

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

1. Sic.



of



*Of the Antiquity, Etymology, and  
Privilege of Towns,*

By SIR ROBERT COTTON.

23. Junii 42.



OR 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 storys 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 countrys

countreys 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. *Oppidum*, saith Varro, *maximum est ædificium ab ope dictum, quod munitur opis gratia*. And Pomponius in de verborum significatione saith, *ab ope dicitur, quod ejus rei causa mœnia sunt constituta*. *Oppidum ab oppositione murorum, vel ab opibus recondendis*, 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 viæ 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

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 *Verelanium* first, *Verlamcester* after, and now the Burrough of *S<sup>t</sup>. Albans*. And we use this word *Burgus*, *Bury*, *Borough*, being all one a common name for a Town: as *Richborough*, *Peterbourg*, *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*, 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 *Brisonius* 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, instrumentisque rei rusticæ. Fructuariam, quæ frugibus*  
con-

*condendis parabatur.* Scaliger noteth *vila* pro *villa* to be often, because the former time 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 nere to springs, from whence it took the name; and Isidore defineth them to be *apta ædificiis 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 lawfull 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 choose four sufficient men to devise, ordayne, and array a new town for the best profit of the King and his Merchants.



## *Of Dimension of land,*

By Sir ROBERT COTTON.

**T**HIS word measure is by some defined to be *quicquid pondere, capacitate, longitudine, latitudine, altitudine animoque finitur*. Two only the which fall fitt to our question, lenth and breadth, which is *rectum & planum*; the first being measured only in lenth, and not in breadth, as lines, miles, and such like; the other in lenth 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



those regions into *territoria*, (so called à *territis fugatisque inde hostibus*) which word Siculus Flaccus useth only for those places the Romans had conquered, and new bestowed and divided. These territories they                    into fields, and called them *Quæstorii Agri*, of the *Quæstors* 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,

## Of Dimension of land.

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 *Scorpiones*; but most with *lapides terminales*, which were made into divers figures, some were called *Orthogoni*, *Piramides*, *Rhombi*, *semicirculi*, *arcifinii*, *signati* and *semitati*, and such like; the last being allwayes erected in religion of *Pan*, *Hercules* or *Ceres*. 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 coles; thereupon, saith Siculus Flaccus, is that before they sett 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, hony-combs, having after anointed the same with ointments, and crown'd 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*

*Of Dimension of land.*

*Leuca & Quarentena*, and divided with *Curta lana*, by a law made by Canutus, and executed by Earle of the east *Anglorum*, who gave to every fen-bordering town *tantum de marisco quantum de sicca terra*. Thus much in haste.

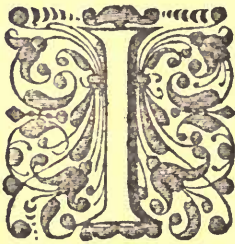


*of*



*Of the antiquity of motts and words,  
with Arms of Noblemen and Gen-  
tlemen 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, whither 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, both to my own ignorance, I shall fitt the time tho' 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 portratures painted in sheilds were and are accounted armes

armes and *insignia*. The original doubtless whereof, first grew from the Egyptian Hieroglyphicks, by which means purposes were delivered by natural characters: as in writing fortitude, they formed a Lion; lust, a Goat; watchfullnes, an Owl. Hence men to depicture their vertuous 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 men's practice, it was needles; but after the secret mysteries of those bodies (for so Jovius termeth the painted formes) were worn from their true understanding to serve only for a distinction of person or families, for so now Armes are, they were allured to add thereunto a soul, to that senseless body; for so he entitleth 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 of good heraldry. These armes or impresses are either to private persons, or families; the first more ancient, for he that did formerly person a King bore in his shield as note of Sovereignty some beast or bird royal. So did <sup>1</sup> Agamemnon at Troy a Lion; the like did Fergusius <sup>2</sup> the Scott,

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1. Pausanias. 2. Boethius.

since

*Of the Antiquity of motts*

since received by the Kings of that country. Cæsar an Eagle as Emperor, since approp'd to the Empire to this day. Amongst all our English <sup>1</sup> King, Arthur is by Vincentius <sup>2</sup> 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 Armes, I cannot remember any here, before H. 2. who is by some Writers observed to bear a sword and olive branch together, wrethed with this word *utrumque*. Such a like in regard of the connexity, tho' 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 son 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 armes of Scotland and France, on the other

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1. Sic. 2. Vincentius l. 2. cap. 56.

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 souldiers, which falleth to be in *anno* 1152. and the 17. of our King Stephen: from which ground it may seem our Kings assumed it near that time, for I find no badge of any family untill 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 armes, I note none before that of Edward 3. *Hony soit qui male pense*, proper only to his order, untill Henry the 8. time; whence from I take 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 Armes to observe.



*Of the Antiquity of Arms in England,*

By Mr. JAMES LEY.



IN considering of English Armes, it is not improper to respect three things; first, the diversity of nations that have conquered this kingdom, and the variable usage of Armes 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, <sup>1</sup> that *Britanni pellibus sunt vestiti, omnes vero se luteo insciunt, 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

1. Cæsar de bell. Gall. lib. 5. fol. 78.

can



can I find any occasion to suspect, that Arms were born in this Island untill 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, sayth, *at nostris militibus cunctantibus, maxime propter altitudinem maris, qui decimæ legionis aquilam ferebat (contestatus 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 fessing 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 born for Arms, or else an abbreviation of the name of the Roman common-wealth, *Senatus populusque Romanus*, I leave to others to decide. And 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 <sup>2</sup>, *accelerat Cæsar ut prælio intersit, ejus ad-*

1. Cæf. de bello Gall. lib. 4. f. 67. 2. Cæsar de bello Gall. lib. 7. f. 158.

*Of the Antiquity of*

*ventu 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 kingdome 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 starr 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 signifie Uther Pendragon; who, after his brother's death, obtaining the Crown in remembrance of that starr, *jussit* <sup>1</sup> *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 Bri-*

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1. Geff Mon. lib. 8. c. 14.

*tannica*

*tannica lingua* caput Draconis *appellamus*; whom in like sort the Saxons called for the same cause *þrak Hered*, and this Dragon was used *pro vexillo per Regem usque hodie*, as saith <sup>1</sup> Matthew 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 <sup>2</sup>: *Ipsè 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 sæpissime invocabat*: and in another place he saith, *Ipsè (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 Brittons, oppressed by the Picts, invited the Saxons or ancient Westphalians to their aid, Hengist and Horfe being their leaders, acknowledged none other ensignes but *pullum & equinum*

1. Matt. West. p. 180. 2. Gal. Monum. lib 9. cap. 4. Matt. West. f. 186. 3. Albertus Crantzius de Saxonia.

*atrum,*

## Of the Antiquity of

*atrum, quæ fuerunt vetustissima Saxonie 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 Armes their kindred that remained in Germany changed into contrary colours, and their posterity, which encreased in England, forsook for other different Arms upon their first reducing unto Christianity. For I find that *in bello* <sup>1</sup> *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 Armes by them, *qui* <sup>2</sup> *supparum, id est, camisiam Dei genetricis (quam Carolus magnus de Hierosolyma veniens, apud Carnutensem urbem in monasterio ejusdem Virginis posuerat) in editiori comitatus loco pro vexillo statuerunt.* But it is plain, that the golden Dragon continued untill the time of Edmond Ironside, since it is sett down that in the battle between him and Knute the Dane, *Regius* <sup>3</sup> *locus fuit inter Dracōnem & standardum;* which Dragon was rather the official ensign than the corporal Armes, 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 diverse

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1. Matt. Westm. p. 273. 2. Idem 354. 3. Idem p. 399.

of their coynes; and as the same badge of baptism prospered, so in proces of time the ends of this cross also flourished, and in conclusion was contented to yeeld room for four or five Marteleets in the field, untill the Norman acquisition; when as security was subjected to conquest, and English inhabitants gave way to Norman Chevalry, so the was changed into a sanguinean field, and the cross removed place unto the two Lions or Leopards, tho' furiously passant yet advisedly gardant. The second observation is, that in those elder times, in which ornaments of honor had more reputation than perfection, it oftentimes happened, that the protrature and figure was more respected than the colour, infomuch that sometimes one thing was used by one man at several times in several colours, of which I will only cite two authorities or presidents. It is known to all men, that the Eagle sable is and allwayes was the imperial ensign of the Romans, and yet one Lucius Tiberius a Roman captain in a battle against King Arthur, *auream* <sup>1</sup> *Aquilam, quam pro vexillo duxerat, jussit in medio firmiter poni.* So that either the colors 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*

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1. Gal. Monumet. lib. 10. cap. 8.

*militaria*

*Of the Antiquity of &c.*

*militaria ex prælio ad Cæsarem sunt relata* CLXXX.  
‡ *Aquila novem*: which could not be without confusion, that so many Eagles should be born 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 to be black.

*Foresta,*



## Foresta,

By JAMES LEE.



HE word *Forest*, is derived of *foris stare*, which doth signifie to stand or be abroad, and *forestarius* is he that hath the charge of all things that are abroad, and neither domestical nor demean; where-

fore *Foresta* in old time did extend unto woods, waists, and waters, and did contain not only *vert* and venison, but also minerals and maritimal revenues. For proof whereof the words of Johannes Tilius<sup>1</sup> 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, prisco sermone*

<sup>1</sup>. Lib. I.

*inferioris Germaniæ æque aquas ac ſylvas ſpectabat.*  
 And to this effect the ſame Author doth cite  
 diverſe preſidents of Charters, granted by the  
 Kings of France. So that it appeareth by this  
 and diverſe other authorities, that the Gover-  
 nor of Flanders, under the name and title of  
 the Foreſter of Flanders, had the charge both  
 by land and by ſea and of the general reve-  
 nues of the ſame country. Neither is the eſtate  
 of foreſts in England unlike unto that in Flan-  
 ders, in ſo much as the charge and articles  
 which are to be inquired of in the court, called  
 the ſeat of the Juſtices Itinerants of the fo-  
 reſt, 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 diverſe 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 met-  
 tals and coales, 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, tho' not in ſuch ſenſe, as  
 now it is taken : and altho' that ever ſince the  
 conqueſt (as the Readers upon the Statutes *de*  
*Foreſta* do hold) it hath been lawfull for the  
 King to make any man's land (whom it pleaſed  
 him)



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 perambulat so much ground as they shall think to be fitt and convenient for the breeding, feeding, and succouring of the King's Deer, and to putt the same in writing, and to certifie the same under the seales of the same Commissioners and Jurors into the Chancery; after the full execution of which write, 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, altho' 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 sett down diverse 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<sup>1</sup> pro feris homines mutilavit, ex-*

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1. Matt. West. p. 9.

*heredavit, incarceravit, trucidavit, & ſi quis cer-  
 vum vel aprum caperet, oculis privabatur.* More-  
 over, notwithstanding K. Henry the third by  
 the great Charter of Foreſts Chap. 3. had grant-  
 ed that all woods, which were made Foreſt by  
 King Richard his uncle, or by K. John his fa-  
 ther untill 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 greived the ſubjects by claiming  
 libertie 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 de-  
 meanes 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 diverſe 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 per-  
 ambulation by act of Parliament, which laſt per-  
 ambulations and none elſe, do ſtand good at  
 this

this preſent, as it was ruled in a caſe before the Judges in the King's bench in Hillarie term, *An. xxxiii. Eliz. R.* upon the traverse of an Indictment between the ſervants of Edward Earle of Hertford and the Queen's Maſteſtie, in behalf of Henry Earle of Pembroke, concerning the bounds of the Foreſt of Groveley in the County of Wilts; and 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, nor of *pur la ley*, id eſt, for the law (as men commonly think) nor of *pur le pur-rail*, 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 perambulat, 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.

of



*Of the Antiquity of the office of the  
Chancelor of England,*

By M<sup>r</sup>. L E Y.

Etymology.



HE name Chancellour is by some said to be derived à *cancellando*, because he may cancell or frustrate such things as are brought to the great seal, and cancel and make vacat 'of such records as are surrendred or acknowledged to be satisfyed ; 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 Chancellour hath longer used rather to make, expedite, and seal writts and patents, and to receive and preserve records, than

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 Chancellour 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 petitiones in Parliament, filed in bundels 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 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 sequestred place, and enclosed from the press of people where the Chancellour 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 intermixt, 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

been deduced of the function, would rather have been *Cancellator* than *Cancellarius*.

Antiquity.

The first Chancellour 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 Chancellour 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 *potestas 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.

*of*



## Of Epitaphs.

assumed the same in right of their calling, and not of their desert; and, lastly, all men endeavoring 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 yeelded no such memorials, and that, which the witt of the Romans hath yeelded, 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 allwise in danger of foreign and domestical depopulations, unles I may be licensed to call that an Epitaph, which was found notifying the place of the burial of Kenelm called the Martyr<sup>1</sup>:

In clenc kau bathe Kenelin kynebearne  
lith vnder thorne heaved byreaved.

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 martyres for fear of profanation<sup>2</sup> *sub cumulis*; another

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1. Matt. West. 298. 30.    2. Matt. West. 199. 10.



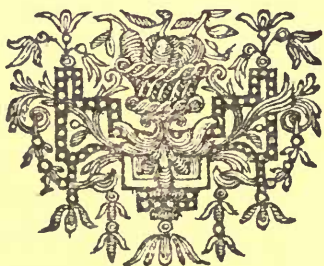
is superterranean, as now the most part are. Sixthly the time, commonly after the death of the party, sometime in his life time, and rarely in his life time with mention that he is living; as that of Robert Hungerford in the Church of Hungerford in Berkshire :

*Hi pour monsyre Robert de Hungerford  
tant comme el soit en vie preora.*

*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.*

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





*Of Motts,*

By Mr. LEY.



W HETHER 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 tho' neither of these is the original cause or reason, yet the same is accompanied with them all. The antiquity of them is equal with warrs and witt; warrs to minister matter, and witt to frame it into form; in which there are diverse 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. *The*



*The Etymologie and Original of Barons,*

By Mr. CAMDEN.

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

T. S.

*Barones.*



HAVE else where said somewhat of *Barones*, therefore if now I be shorter, it may be more pardonable. Diverse opinions have been hatched by diverse witts, as concerning the Etymologie.

Some deduce *Barones* from the French *Parhommes*, as men of equal authoritie; others à *belli robore*; the German Civilians from *Bannerheir*, as Lords bearing banners; Alciatus in his *parergis juris* from *Berones*, an antient people of Spain, which were mercenary souldiers in that time, as the Germans are now. And Isidore, as probably as the other, deriveth them from

## The Etymologie and

from the Greek word βαρῦς, because they were valorous and of a stay'd gravity.

Whatsoever the Etymologie 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 signifie 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 souldiers. Nevertheless the old Glossarie tranflateth *Baro* by ἀνὴρ a man, and in Lawes of Lombardes, Alamanes, and Ripuarii, *Baro* and *Boro* are used for a man.

When this name of *Barones* came first into this Isle, I dare not determine. In the Saxon Lawes I do not remember it. And Alfric the Saxon Grammarian, and Arch-bishop of Canterbury, doth not specifie it, where he reciteth the names of dignitie in that tongue: but instead thereof hath Lhafoþ for *Dominus*.

The Danes then used and do stil retain *Thane*, (as Andr. Velleius testifieth;) yet I have read in a fragment of K.Cn. Lawes: *Collicipium, quod est summa census diversa diversarum ætatum,*  
fi

*ſi minoris Vironis, i. Baronis, 2. libræ, ſi majoris, quatuor.*

Neither have I any pregnant prooffe, that the name was in any great uſe at the entry of the Normans; for ſuch as were after-ward 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 Emperour not long before inſtituted in Italie. For, as Sigonius teſtifieth, after *Duces*, *Marchiones*, and *Comites*, he placeth *Valvaſores*, and the Civilians, which write de *Feudis*, affirme, *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 Earles 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 caſtels:

castels: for then they were answerable to the definition of Baldus <sup>1</sup> the Lawyer, which defineth him a Baron, which hath *merum mistumque imperium in aliquo castro concessione Principis*. But since K. Edward 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 Baronie by creation, were properly accounted Barons, and they have been honoured with fundry privileges, wherewith if I should intermeddle, (being ignorant of the Lawes) I might seem a very *Baro* in the most antient signification.

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1. Bald. innotuit de Elect.



Mr.



Mr. TATE'S Questions about the  
ancient Britons.

The Cottonian Library. Vitellius E. 5. pag. 56.

1. **B**Y what names were they called by the Britons, which the Latins call *Druidae* and *Druides*?

2. **B** Whether the *Druides* 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 Herolds, their garments and ensignes, 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 Brenhin* and their use?

D d

6. What

*Mr. Tate's Questions about*

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 alwayes many Kings and Princes in this Realme before the cominge in of the Saxons, were their Cuntries divided into *Talaiths*, as all betweene Severne and the Sea was after their cominge?

8. Was their any division into shires before the Saxons cominge, and what difference betwixt a *shire* and *Smydh*? There were aunciently with yow Maenors, Commods, Cantrebhs, answerable whereto are our Mannors, Tythings, Hundreds, and that maketh me to encline that *Smydh* should be like our Shire, as *Swyð Caer Bhyrðin. Swyð Amwythig. Swyð Caer awran-gon*, and the generall officers of them were called *Swyðogion*, under whom were *maer Gnybellawe Ringhil, Ophiriat* and *Brawdur tyngwr Swyð*. except all bere the name of *Swiðogion*. I finde in an auncient 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 Brittons had noble men beringe the name of *Duces, Comites, Barones*, and what they were called in British? In the  
book



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 Lantearvan sepeliantur.* And Kinge Ed. 1. enquire of the Lawes of the Brittons, demaundeth 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 Kinge H. sixth saith, some offered to excuse themselves by an Affach after the custom of Wales, that is to say, by an oth of 300. men.

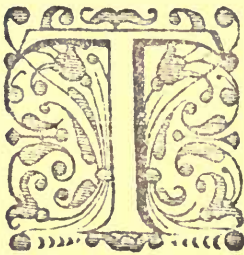
11. What officer is he that in the Lawes of Hoel Da, is called *Disfein*, and the signification of the worde?

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



*Mr. JONES his Answeres to  
Mr. TATE'S Questions.*

Druides.



O the first I say, that *Druides* or *Druidæ* is a Word that is derived from the Brittainish word *Drudion*, being the name of certain wise, discrete, lerned and religious Persons amongst the Brittons.

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

This primitive word (*Drua*) hath many significations, one signification is (*dialtor*) that is a revenger, or one that redresseth wronge, for so the Justicers, which is called *Drudion*, did supply the place of Magistrates.

Ano-

Another interpretation is (*krevlou*) and that signifieth (*cruell*) and *merciless*, for they did execute Justice most righteously, and punish Offenders most feverly. *Drud* signifyeth also *glew* and *peid*, that is, *valiant* and *hardie*.

*Drud* also is *deare* and *precious*, *unde venit* (*dru-danieth*) which is, *dearth*.

Thes (*Drudion*) amongst the Brittons by there office did determine all kind of metters, as well privat as publicke, and were Justicers as well in religious matters and controversies, as Law matters and controversies for offenses of death and title of Landes: thes 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 anie man that did not obey there decree and sentens: all the artes, sciences, learninge, philosophie and divinity, that was taught in the land was taught by them, and they taught by memory, and never would that there knowledge and learninge should be put in writinge, whereby, when they were suppressed by the Emperour of Rome in the begininge of Christianity, there learninge, artes, lawes, 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 tonge then I have sett downe, but that they dwelled in rockes and woods and darke places, and some places in our lande had there

*Mr. Jones his answeres*

there names from them, and are called after there names to this day; and the Iland of Mone or Anglice is taken to be one of there cheefest feats in Brittain, because it was a solitary Iland full of wood, so that it was so darke by reason of that wood, and not inhabited of any but themselves, and then the Ile of Mone, which is called Anglice, was called (*ur ynys dewyll*) that is, *the darke Iland*: and after that the *Drudion* were suppressed, the huge groves, which they favoured and kept a foote, were rooted up, and that ground tilled, then that Iland did yeelde such abundance and plentye of corne, that it might sustaine and keepe all Wales with bred, and therefore there arose then a proverbe, and yet is to this daye, viz. *Mon Mam Glymbu*, that is, *Mon the Mother of Wales*. Some do terme the proverbe thus, *Mon Mam Wyuedd*, that is, *Mon the Mother of North Wales*, that is, that Mon was able to norishe and fauster upon bread all Wales or North Wales, and after that this darke Iland had cast out for many years such abundance of Corne, where the disclosed Woods and Groves were, sursesed to yeelde Corne, and yeelded such plentie of Grasse for Cattell, that the Countrymen left of there greate tilling, and turned it to grasing and breedinge of Cattell, and that did continue amongst them wonderfull plentifull, so that it was an admirable thing to be heard,

heard, how soe little a platt of ground should breede such greete number of Cattell, and now the inhabitants doe till a greate parte of it, and breede a greate number of Cattell on thother parte.

2. As for the second Question, I doe referr <sup>Flamins.</sup> the exposition of it to those that have written of the Flamins in Lataine. The *Drudion* in Brittain accordeinge to there manner and custome did execute thoffice and function of the Flamins beyond the Sea, and as for there habits I cannot well tell yow how nor what manner they were of.

3. To the third Question, there were foure <sup>Degrees.</sup> severall kind of Degrees that were given to the Professors of learninge. The first was, *Disgiblyshas*, and that was given him after three years judging in the art of Poëtry and Musicke if he by his capacitie did deserve it. The second Degree was *Disgibldisgybliaidd*, and that was given to the Professor of Learninge after six years studying if he did deserve it; and the third Degree was *Disgiblpenkerddiaidd*, and that was given to the Professor of Learninge after nine years studying, if he did deserve it: and the fourth Degree was *Penkerdd*, or *Athro*, and *Athro* is the highest Degree of Learninge amongst us, and in Lattaine is called *Doctor*. All these Degrees were given to men of Learninge, as well Poëts as Musicians. All these fore-  
said

faid Degrees of Learninge were given by the Kinge or in his presens in his pallas at every three yeares end, or by a leyfence from him in some fitt place thereunto, upon an open difputation had before the Kinge or his Deputie in that behalfe, and then they were to have there reward according to there Degrees.

Also there were three kinds of Poëts, the one was *Prududd*, the other was *Teuluror*, the third was *Klerwr*. All these three kinds had three severall matter 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 domesticall pastimes and affayres, and had his Circuit amongst the Countymen, and his rewarde accordinge to his callinge, and the *Clerwr* did treat of invective and rusticall Poëtrie, differinge from the *Prududd* and *Teuluror*, and his Circuit was amongst the yeomen of the Countrey. As for there habits, they were certain long aparell downe to the calfe of there legges or somewhat lower, and they had divers kinds of Cullors in there aparell.

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 armes according to the forts. They were also Poëts, and could prognosticat certaine things and gave them

them out in meeters. And further there were three kinds of *Beirdd*, *Privardd*, *Pofvardd* and *Arroyddvard*. The *Priveirdd* were Merlin Silvester, Merlin Ambrosius, and Talioffin, and the reason they were called *Priveirdd* was, because they invented, found out and taught such Philosophie and Learninge, as was never hard of or read by any men before, and the interpretation of the word *Privairdd* is Prince or first learner or learned man. For this word *Barill* was attributed to all kind of learned men, and professors of Learninge and profifiers, 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 profifier; *Bard Telyn* is he that is Doctor of the Musicians of the Harpe, and is the chiefe Harper in the land, having his abode in the King's Pallas, and note, no man may be called *Privardd*, but he that inventeth such Learninge 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, followe and teache that which the *Priveirdd* had set fourth, and must take there author from one of them. For they themselves are no authors but learners, registers and teachers of the arts and learninge first set fourth by the *Priveirdd*. The third kind

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*Mr. Jones his answeares*

was *Arroyddvardd*, that is by interpretation an *ensive Bardd* or *learned man*, and indeed is a Herald at Arms, and his dutie was to declare the genealogie and blaze the armes of Nobles and Princes, and to keepe the record of them, and to alter there armes accordinge to there dignities and deferts. These were with the Kings and Princes in all Battels and Fights: as for there 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 parte all forraine 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 Brittain: I say, that it is a most false, erroneous, and fabulous surmise of forraine Writers. For there never was any of that name, that ever was either King or King's son of Brittain. But there was a great Scholer, and an inventor of both Poëtical verses and Musical lessons, that was sometimes the King of Brittain, and his name was *Blegywryd ap Geisyllt*, and he was the 56. superiour King of Great Brittain, and died in the 2067. year after the deluge, of whom it is written that he was the famourest Musician that ever was in Brittain. There is no writer that can shew that *Bardd* had his name from *Bardus*, but that



that it is a primitive Brittish word which hath the aforefaid fignifications and interpretations: and *Barddometh*, which is the art, function, or profefion of the *Bardd*, is used for profecie and the interpretation of profecie, and alfo for all kind of Learninge amongst us that the *Beirdd* were authors of.

5. As for the fifth Question, The Kinge had alwayes a chief Judge refident in his Court ready to decide all controversies that then happened, and he was called *Egnat llys*. He had fome priviledge given him by the Kinges household officers, and therefore he was to determine there caufes gratis, and as for the *tri anhibkor brenin*, I thinke it superfluous to fet it here, feeing yow have it in my booke of lawes more perfecte then I can remember it at this time. Looke for it in the table amongst the *trioedd Kyfraith*, and thofe are fet downe in two or three feveral places of the booke, and if yow cannot finde it there fee in the office of *Egnatllys*, or *Pen teulu*, or *Yffeiriaidllys*, and yow fhall be fure to find it in fome of thofe places. I doe not finde in my booke of Lawes that here were any officers for the Law that did dwell in the King's Pallas, but only his *Egnat llys* that was of any name or bore any greate office, for he was one of the *Tri anhebkor-brenin*.

As for the fixt Question, I fay that there were <sup>Egnat</sup> <sup>Comot.</sup>

*Mr. Jones his answeres*

were resident in the Country but *Egnat Comot*, that I can understand by the law. But when an assembly mett together for the title of Lands, then the Kinge in his owne person came upon the Land, and if the Kinge could not then come, he appointed some deputie for him, and there came with the Kinge his chiefe Judge, and called unto him his *Egnat Komot* or Country Judge, together with some of his Counsell that did dwell in the *Komot* wheré the Lands lay that were in Controversie, and the Freeholders also of the same place, and there came a Priest or Prelat, two Councillors, and two *Rhingill* or Sergeants, and two Champions, one for the plaintief, and another for the defendant, and when all these were assembled together, the Kinge or his Deputie viewed the Land, and then when they had viewed it, they caused a round mount to be cast up, and upon the same was the judgement seat placed, havinge his backe toward the funne or the weather. Some of these mounts were made square, and some round, and both round and square bare the name of *Gorsed de vy dable*, that is, the mounte of pleadinge. Some also have the name of him that was chief Judge or Deputie to the Kinge in that Judiciall seat, and it was not lawfull to make an assembly no where for title of Lands but upon the Lands that were in Controversie.

These

These *Gorsedde* are in our Countrey, and many other places to be seene to this day, and will be ever if they be not taken downe 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 controversie lay, and of there own perfecte knowledge did knowe that it was the Defendants right, and *Ambiniogeu* were such men as had there Lands mereinge one the Lands that were in controversie, and hemmed at that Lands, and the oath of one of those *Ambiniogeu* otherwise called *Keidweid*, was better then the oath of twaine that were but *Cwybyddyeid*. Looke in the table of my booke of Lawes for the definition of *Keidweid*, *Ambiniogeu* and *Croybyddyeid*, and how the Kinge did trye his causes, and that will manifest it more at large. The *Mayer* and the *Kanzellowr* had noe authoritie amongst the Brittons for any Lands but the Kings Lands, and they were to sett it and lett it, and to have there Circuit amongst the Kings tenants, and they did deside all Controversies that happened amongst them. *Vide* in the table of my booke of Lawes for the definition and *Mayers* and *Kanzellowr*.

7. To the seventh Question I say, that there were in this Land about 200. superiall Kings that governed this Land successively, and that were

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were of the Brittish Blood, yet notwithstanding there were under them divers other Princes that had the names of Kings, and did serve, obey and belong to the superiall Kinge, as the Kinge of *Alban*, or *Prydyn*, or *Scotland*, the Kinge of *Kymbery* or *Wales*, the Kinge of *Gwynedd* or *Venedotia*, yet notwithstandinge the same law and government was used in every Prince or Kings dominion as was in the superiall Kinges proper dominion, unless it were that some Custome or Priviledge did belonge to some place of the Kingdome more then to another, and every inferior Kinge was to execute the law upon all transgressors that offended in there Dominion.

In the time of *Kassibelanros* there arose some controversie betweene the superiall Kinge *Kasswallawne* and *Auerwyd* Kinge of London one of his inferior Kinges, about a murther committed. The case is thus. The superiall Kinge keepinge his Court within the Dominion of one of the inferior Kings, a controversie falling between twayne within the Court, and there and then one was slayne. The question is, whether the murtherer ought to be tried by the officers and priviledge of the superior Kinge, or of the inferior Kinge? I thinke that the murtherer ought to be tried by the Law and Custome of the inferior Kinges Court, because it is more seemly that the superior Kings Court  
which

which did indure in that Countrey but a weeke or twayne, or fuch like time should loofe his priviledge there for that time, then the inferior Kings Court should loofe it for ever. *Vide in libro meo de legibus.* It may feeme to thofe that have Judgment in histories, that this was the very caufe that *Avermyd* would not have his kinfman tryed by the Judges and Lawes or Priviledge of *Kafwallawne*, whose Court did remaine in the dominion of *Avermyd* 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 amongft the Brittons before the Destruction of Brittain, but that there were in Brittain but one fuperiall Crowne and *Teleith* or Coronets or prince Crownes, one for the *Alban*, another for *Wales*, and the third for *Kerniv* or *Cornwale*. There were divers others called Kings of *Dyved* in South Wales, the Kinges of *Kredigion*, and fuch: and yet were called Kings, and there Countries were divided as yow fhall fee in the next Queftion.

8. To the eight Queftion I fay, that accordinge to the primitive law of this land that *Dyfnwal Moel Mvd* made (for before the Lawes of *Dyfnwal* |*Moel Mvd*| the Trojan Lawes and Cuftomes were ufed in this Land, and we cannot tell what Divifion of Lands they had, nor what officer but the *Drudion*) He divided all this Land

## Mr. Jones his answeares

Land accordinge to this manner, thus | *Tribud* |  
Hydes. *y* | *gronin baidd* | or thrise the length of one  
barley Corne maketh a *Modved* | or  
Modved. Inche. Inch | 3 | *Modvedd* or Inches maketh  
Palso, a hand a *Palso*, or a Palme of the hand, 3.  
Breadth. *Palso* or Palme maketh a *troedvedd* or  
Twedvedd a foote. foote, 3. feete or *Troedvedd* maketh a  
*Kam*, or pase, or a stride, 3. *Kam* or  
Naid, a leap. strides to the *naid* or leape, 3. *naid*  
Grwm, a but- or leape to the *Grwm*, that is the  
breadth. breadth of a butt of Land, or *tir*, and *mil* of  
Miltir, a those *tir* maketh *Mill tir*, that is, a thousand  
mile. *tir* or mile, and that was his measure for length  
which hath been used from that time to this  
day, and yet, and for superficiall mesuringe he  
made 3. *hud*, *gronin*, *baid*, or barley Corne  
lengthe to the *Modvedd* or Inch, 3. *Modvedd*  
or Inch to the *Palf* or hand breadth, 3. *Palf*  
to the *Troedvedd* or foote, 4. *Troedvedd* or foote  
to the *Veriav* or the short yoke, 8. *Troedvedd*  
or foote to the *neidav*, and 12. *Troedvedd* or  
foote in the *gestfiliav*, and 16. *Troedvedd* in the  
*Hiriav*, and a pole or rod soe longe, that is  
16. foote longe, is the bredth of an acre of  
Land, and 30. Poles or rodes of that  
lengthe, is the lengthe of an *Erw* or  
acre by the law, and foure *Erw* or acre  
maketh a *Tyddyn* or messuage, and  
four of that *Tyddyn* or messuage mak-  
eth a *Rhandir*, and four of those *Rhan-*  
*diredd*

Erw. Aker. 2. aker  
or 3. or 4. accord-  
ing to the custome  
of places.

Tyddyn.

Rhandir.

*diredd* maketh a *Gafel* or tenement or houlth, Gafel.  
 and four *Gafel* maketh a *Tref* or Townshippe, Tref.  
 and four *Tref* or Townships maketh a *Maenol* Maenol.  
 or *Maenor*, and 12. *Maenol* or *Maenor* and *droy*  
*dref* | or two Townshippes maketh a *Kymmwd* or  
*Comot*, and two *Kymmwd* or *Comot* maketh a *Kan-* Kantref  
*tref* or *Cantred*, that is, a hundred townes or hundred.  
 townshippes, and by this reconinge every *Tydy-*  
*dyn* containeth 4. *Erw*, every *Rhandir* contayn-  
 eth 16. *Erw*, and every *Gafel* contayneth 64.  
*Erw*, every towne or townshippe contayneth  
 256. *Erw* or Acres, these *Erws* being fertile a-  
 rable land, and nether Meddow nor Pasture  
 nor Woods, for ther was nothingse mesured  
 but fertile arabl ground, and all others was  
 termed wafts. Every *Maenol* contayneth foure of  
 these Townshippes, and every *Kymmwt* contayn-  
 eth 50. of these Townshippes, and every *Cantred*  
 200. of these Townshippes, whereof it hath his  
 name, and all the Countreis and Lords domi-  
 nions were divided by *Cantrifi*, or *Cantre*, and to  
 every of these *Cantreds*, *Comots*, *Maenors*, *Townes*,  
*Gafels*, were given some proper Names : And  
*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 Countrey to Countrey, it is ment that  
 he is gone from one Lord or Prince dominion  
 to another Prince dominion : as for example,  
 Ff when

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when a man committeth an offense in *Gwynedd* or North Wales, which containeth 20. *Cantreds*, and fleeth or goeth to *Powys*, which is the name of another Countrey and Prince dominion, which containeth 20. other *Cantreds*, he is gone from one Countrey or Dominion to another, and the Law cannot be executed upon him, for he is gone out of the Countrey.

*Teginges* is a Countrey, and containeth but one *Cantred*, and *Dyfron Chwyd* was a Countrey, and did containe but one *Cantred*, and when any did goe out of *Teginges* to *Dyfron Khyd*, for to flee from the Law, he went out from one Countrey to another, and so every Prince or Lord's Dominion was *Gwlad* or Countrey to that Lord or Prince. So that *Gwlad* is *Pagus* in my judgement. Sometimes a *Kantred* doth contain 2. *Comots*, sometimes 3, or 4, or 5. as the *Cantrefe* of *Glamorgan* or *Morganwy* containeth 5. *Comots* : and after that the Normans had wonne some parts of the Countrey, as one Lords dominion they constituted in that same place a Senescall or a Stiward, and that was called in the Britishe tounge *Swyddog*, that is, an officer, and the Lordshippe that he was Steward of was called *Swydd* or office, and of these *Swyddes* were made shires, and *Swydd* is an office be it greate or small, and *Swyddog* is an officer : likewise of all states, as a Sheriffe  
is



is a *Swyddog*, and his Sherieffshippe or office, and the Shire whereof he is Sherieff is called *Swydd*, so that *Swydd* doth contain as well the Shire as the office of a Sherieff, as *Swydd Annoythig* is the Shire or Office of the Steward, Senescall, or Shirieff of Salop, &c.

9. As for the ninth question: the greatest and highest Degree was *Brenin* or *Teyen*, that is, a Kinge, and next to him was a *Twylog*, that is, a Duke, and next to him was a *Jarll*, that is, an Earle, 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 severall Degrees, and these 9. Degrees had 3. severall tenures of Lands, as *Maerdir*, *Uchelordir*, *Priodordir*. There be alsoe other names and degrees, which be gotten by birth, by office and by dignitie, but they all are contayned under the nine aforesaid Degrees.

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

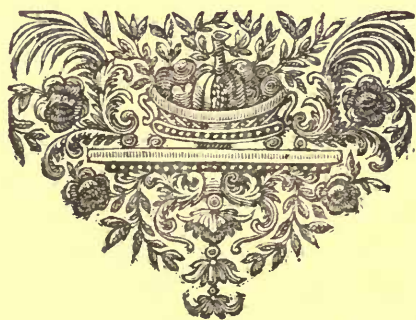
10. As for the tenth Question, I doe not find, nor have not read nether to my knowledge in any Cronicle, Law, History or Poëtry and Dictionary,

xionarye, any such word, but I find in the Laws and Cronicles, and in many other places this word *Rhaith* to be used for the Oath of 100. men, or 200. men, or 300. or such like number, for to excuse some heynous fact, and the more heinous was the fact the more men must be had in the *Rhaith* to excuse it, and one must be a chiefe man to excuse it amongst them, and that is called *Penrhaith*, as it were the forman of the jury, and he must be the best, wisest and discreetest of all the others, and to my remembrance the *Rheithwyr*, that is, the men of the *Rhaith*, must be of those that are next of kynne, and best knowne to the supposed offenders to excuse him for the fact.

11. As for the 11<sup>th</sup>. Question, I say, that I find a Stiward and a Controuler to be used for a *distain* in my Dictionary. I cannot find any greater definition given it any where, then is given it in my booke of Lawes. *Vide distaine* in the table of my booke of Lawes.

12. To the 12<sup>th</sup>. Question, I say that the Brittons had many Councills, and had their Councillers scattered in all the Lordships of the Land, and when any Controversie or occasion of Councill happened in *Swynedd*, the King called his Councillors that had there abode there for to councill for matters dependinge there, together with those that were there of his Court or Guard; for the Kinge  
had

had his chiefe judge, and certaine of his Councell alwayes in his company, and when the Kinge had any occasion of Councell for matters dependinge in *Demetia*, or *Pomys*, or *Cornwall*, he called those of his Councell that dwellled in those Coasts for to councell with them, and they went to a certaine private house or tower one a topp of a hill, or some solitarye Place of Councell farr distant from any dwelling, and there take there advise unknowne to any man but to the Councillors themselves, and if any great alteration or need of Councell were that did pertaine to all the Land, then the Kinge assisted unto him all his Councillors to some convenient place, for to take there advise, and that happened but very seldome.



*A Dis-*



*A Discourse of the Dutye and Office of  
an Heralde of Armes, written by  
FRANCIS THYNNE Lancaster  
Heralde the third daye of Marche  
anno 1605.*

My very good Lord,



**T**HAT cruell Tyrante the un-  
mercyfull Gowte, which tri-  
umpheth over all those that  
are subject to him of what  
estate foever, takinge on  
him, in that parte to bee a  
God, because hee respecteth  
noe person, hath so paynefully imprisoned me  
in my bedd, mannaced my hands, fettered my  
feete to the sheetes, that I came not out there-  
of since I sawe your Lordship on Christmas  
Eve. But having by meere force at length  
shaken off the mannacles from my hands, (al-  
though I am still tyed by the Feete) I have now  
at

at the last (which I pray God may bee the last troubling my hand with the Gowte) attempted the performance of my promise to your Lordshipp, and doe heere send you a Chaos and confused Rapsodye of notes, which your Lordshipp, as an expert Alchimiste, must sublyme and rectifye. But though it be playne Bigurur or a Coate of divers Coullours, I doubt not but this varyetye of matter shall in some forte bee pleasinge to your Judgment, as varietye of collours are pleasinge to the Eye. But of this *satis superque*, praying you to pardon my presumptuous Follyes (yf they bee follyes) which heere ensue.

In the height of the Roman Goverment, and Pryde of their glorye, the Senator which had consumed his possessions, (whereby he was to maintayne the state layed 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 obscuretur. Ceterum autem angustum Censum Senatorium Sestertiûm 800. millia fuisse, eumque ab Augusto ampliaturum docent Suetonius & Dio: neque solum si quis Senatorium Censum non haberet, Senator legi non poterat; sed si postquam electus esset, Censum labefactasset, ordinem amittebat.*

The de-cocted Senator removed.

For

Bastardes  
bearing  
Armes.

For the Bastardes bearing of Armes, there is no question, but of what kinde soever they bee they cannot by the Lawe of England beare any Armes. For noe man can inheritt things annexed to the blood, but such as are interestted in the blood, which Bastardes are not. For they are not any mans children, but *filiæ populi, & concepti ex prohibito coitu*. Yet Custome followinge the example of Nations, doth by curtesye of the Lawe of Armes caste upon them some preheminance to be adorned with the Ensignes of his reputed Father, yf hee carrye his Fathers name: if not, but that hee bee invested with his Mothers name, (though the world take notice of his reputed Father) yet shall hee have nothing to doe with his Armes, unlesse he assumeth the name of his Father, and then shall he beare the Armes with a Bastard difference, according to his difference of Bastardy, whereof there are XII. kindes, as followeth:

1. Hee that is borne of unmarried partyes, that never after married.
2. Hee that is borne of a married Father, and a Woman unmarried.
3. Of a Father married, but having no lawfull children.
4. Of a married Father, but hath children.
5. Of an unmarried Father, and a Widdowe.
6. Of an unmarried Father, and a married Woman.
7. Of

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 Kinwoman, betweene whome marryadge is forbidden by the Lawe.
10. Of a married Father and his Kinwoman in any degree of consanguinity.
11. Hee that is begotten of a known Woman, and an unknown Father.
12. Hee that is borne of unmarried persons, which after marrye, being Bastardes in our Lawe, though not in the Civill.

All which in bearinge of Armes, must observe their peculyar differences well knowne (or at the least, that ought to bee well knowne) to the Heraulds, although I suppose fewe or none of us knowe it. For these are *Arcana Imperii Heraldorum*, and must be kept as secrett as the Ceremonies of the Eleusine Goddesse, or *Cabala* of the Jewes, the divulging of which and such like matters, with the printed Bookes of Armes, and Armorye, (which should bee locked within the walles of the Herauldes Office, and not published to the censure of each man) maketh every man as cunninge as themselves, and bringeth the Herauldes place into small Credit. For I finde (I will only give instance of my selfe) that I am of lesse esteeme, since I came into that Office, then I was before. For I feele

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the Office hath somewhat disgraced me, in soe much, that now by the lewd demeanor of some, the name of Herauld is become odious, and will fall to the Grounde yf your Lordship, whose honourable mynde and paynfull endeavour doe tye all the Herauldes to acknowledge them your new framed, or at least revived Creatures, doe not put to your helpinge hande, and continue the Creditt of the Office, and of such Officers as shall deserve well.

The alye-  
natinge  
of Armes.

Armes cannot be alyenated, as long as any of the Familye is livinge; that is, soe longe as any of the Male Lyne hath beinge. For the Males are only of the Lyne and Familye of agnation, and not the Females being called *so-  
rores, quasi seorsum natae*, and as it were borne out of the right waye, or Lynes, so that the *stirps agnationis*, which is the Male, is different from *stirps cognationis*, which is the Lyne Feminyne, as I have hitherto conceived it. And therefore so longe as any of the Male Lyne is livinge (for they have all Interest in the Armes, as they have in the blood) none can sell the Armes of his Familye. For, as Cassanæus saith in his Tractate of Armes, *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 testamen-  
tum,*



*tum, si esset aliquid relictum (familie) indistincte non nominando personas familie, illud transfret ad eos de familia gradatim, ita quod non possit per illud alienari: sic Arma alicui familie data non nominando Personas familie distincte, 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 Lawe of Armes was in England in tymes past; for that he which had but only daughters, or one daughter to succede him, might have lycence of the King, to alien his name or armes to any other for the preservation of the memory of them both, as appeared in the case of the Lord Deincourt in the tyme of Edward the second, whereof the Recorde 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 advertabat & conjecturabat, quod Cognomen suum, & ejus arma post mortem suam in persona Isabellæ, filie 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 prædicti Edmundi, & ob grata,*

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*& laudabilia servitia, quæ bonæ memoriæ Domino Edwardo, quondam Regi Angliæ, patri nostro, & nobis impendit, per literas nostras Patentes concessimus, & licentiam dederimus, pro nobis & heredibus nostris, eidem Edmundo, quod ipse de omnibus maneriis &c. quæ de nobis tenet in capite feoffare possit quemcunque velit &c.* Out of the Preamble of which deed, wee gather (as before is sayd) that, because he had a daughter which could not preserve his memory, that he might alyen his name and Armes according to the Lawe, because none *de stirpe agnationis* was living to forbidde the same. But withall it is gathered, that he could not alien the same without licence of the Prince, (who might dispence with the Lawe) <sup>1</sup> But because the Lawe and custome had permitted that Women should inherit with us, both Landes, Honnor, Name and Armes, and *quod consuetudo dat, homo tollere non potest.*

How the daughter, heire to her mother, the first Wife, may use her Father's Armes when her Father had a sonne by the second Wife.

On this poynt there be divers opinions repugnaunt each to other; whereof one is, that of the Reverend Herauld of our Age Robert Glover Somersett, who in his booke, *de differentiis Armarum*, saith, that shee during her owne life shall beare her Fathers Coate quartered with her Mothers. His wordes be theis: *In hoc casu quo quis Viri nobilis filiam & heredem*

1. Sic. Sed but forsan deleri debet.

*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 sæpe vidimus ab imperitis, nulla ratione propterea facta fulcire valentibus.*

But saving Correction, I cannot as yet be induced to permitt the daughter duringe her life to beare her Father and Mothers Armes quartered; because quarteringe denoteth a fetled inheritance of the Armes of both these howses in that person, that beareth them soe quartered; which cannot be in her, because the Brother must carry the Armes of the Father from her. Besides, shee in that doth wrong to the heire Male, in the Fathers Armes, because it wholie belongeth to him. Wherefore, for my parte, I rather inclyne to the opinion of other; and amongst others to Gerarde Leigh, whoe in his Accidence of Armorye doth write, that if shee will needes carrye her Fathers Coate (to shewe from whence shee is descended) shee must carrye them in the cheife of her Armes, as he there setteth downe the Example. But howsoever, shee may beare the  
Coate

*The dutye and office of an*

Coate of her Father duringe her life, either quartered, with her owne, as Somersett hath sayd; or in cheife of her owne, as Leigh hath; or in Canton, as others hould (and that not improbablye:) yet they all agree, that her yssue can no way have to doe with the Armes of the Grandfather, but only with the Armes of the Grandmother: and therefore the Lord Marquesse cannot by any opinion beare the Armes of Howard in any whatsoever order, notwithstanding his Mother should beare them in any of theise three formes.

**Herauldes.** These men being called by dyvers names were men of greate esteeme in former ages, being sometye named, but by some part of their function. But now in this worde *Heraulde* (which signifyeth the ould Lord or Mr. and is called in Latyne, *veteranus*, of his yeares and experience) are containd all the other names, and functions, which doe expresse some part of his office. For he is called *Faciatis, à fædere faciendo*, in denouncing warres or making peace; Hee is called *Nuncius Regis*, because of one parte of his office, which is to goe on the Kings message. So that he which in the Saxons tyme 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 parte of his office, which is to deale in matters

The severall names of Heraulds, according to the severall partes of their functions, containd in one name Heraulde.

matters of Peace, and therefore hath his *Caduceus* or white *Baston*, (omytted now, as many other things are in his Creation.) The difference of which *Fæcialis* and *Caduceator*, is sett downe by Franciscus Philelphus in his Epistles in this sorte: *Vis scire quid intersit inter Fæciales & Caduceatores; Fæciales eos fuisse apud præcos, qui certò Juris solemnitate Bellum hostibus indicabant, & Caduceatores esse pacis Legatos dictos à Caduceo quem manus gestabat; which Caduceus, Apollo gave to Mercurye the Heraulde of the Gods to beare, when he went on their message. This Herald is also called Præco; because he is to denounce his Lords Proclamation and Messages, the Prayfes of valiant Men, in Peace; and therefore, in Blazon of the Armes of any, he must blaze them to the honor and prayfe of the bearer, since *Heraldus*, as one writeth, *est Præco virtutum, non victoriarum hominum.* And yet I finde the name *Heraldus* in Latyne not auncier, then Æneas Sylvius, and noe auntyenter mentioned amongst us, then the Statute of E. 1. where mention is made, *de Roy des heraz.* But I suppose I shall finde the officer, though not the name, in the tyme of Henry the 3<sup>d</sup>. yf I mistake it not.*

What their place, credit, and worth have beene in former Ages, (when honour was respected more then now) is declared in the honorable Ceremonyes at their Creation. For the  
same

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same ought to bee by the Prince only, (or by Commission especiall from him, for that purpose;) for so had the last Duke of Norff. alwayes a warrant from Queene Elizabeth, and upon some Festivall Dayes; the order whereof Gerard Leighe setteth downe then in this sorte.

The Creation of an Herald.  
All the Heraldes must bee Gentlemen.

The Heraldes must have Armes given them yf they have none.

The Prince then asketh the Heralde whether he bee a Gentleman of blood, or of a second Coate Armour. Yf hee be not, the King endueth him with Landes or Fees, and assigneth to him and to his heires congruent Armes.

Then like as the Messenger is brought in by the Heralde of his Province, so is the Pursevaunte brought by the eldest Heralde, who, at the Commandement of the Prince, doth all the solempnities, as to returne the Coate of Armes, setting the Maunches thereof on the Armes of the said Pursevaunte, and putting aboute his necke a Coller of SSSS. the one S. being *Argent*, the other *Sable*, and when he is named, the Prince himself taketh the Cupp from the Heralde, which Cupp is all gilt, and powreth the water and wyne upon the heade of the sayd Pursevaunt, creatinge him by the name of our Herald: And the King when the oath is ministred, giveth the same Cupp to the new Herald, of whose Creation speaketh also Upton. For the Kings of Heraldes the Collers ought to bee one S. of Gold and one other of Silver,

The Cupp and Coller of SSS. for the Herald.

Silver, and soe shall your Lordship finde in all their Monuments where they are buried, that their Pictures are adorned with such Collers, as appeareth alsoe in the funeral obsequies of William Aukflowe Clarencieux, whereof I finde this remembred in wryting at that tyme sett downe.

“*Memorandum Anno Domini* 1476. the vii<sup>th</sup>. Ireland  
 “of Maye were the Funeralls of William Auk- King at  
 “flowe, otherwise called Clarencieux King at Armes.  
 “Armes, whome was Right worshippfull after  
 “his degree; His Crowne offered by Ireland  
 “King at Armes; His owne Coate by Windesor Fawlcorn  
 “Heralde; His Collor by Fawlcorn Heralde, Heralde.  
 “the King’s Coate remayning alwayes upon Windesor  
 “the Herse: And when Masse was done, his Heralde.  
 “wyfe ordayned a right wor<sup>ll</sup>. dynner, where  
 “were all the officers of Armes, with their  
 “wives, that would come, and divers Cit-  
 “tizens.”

For the Cupp there needes no further prooffe, than the Recordes of the Kings howse, where I have seene it sett downe, although I now remember not in what place, that the Heralde had his Cupp given unto him.

In such estimation were the Heraldes in Purfe-  
 tymes past, in the Raigne of Hen. 5. and Hen. vantes at  
 6. that Purfevaunts might be created Knightes, Armes  
 and therefore Upton *de militari officio lib. 1. cap.* were made  
*ii. writeth; Et est sciendum, quod nuncii profe-* Knights.  
 H h *cutures*

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*cutores possunt esse Milites, & militaribus gaudere insigniis, & deauratis uti Velvet, & aliis pannis aureis indui; non tamen sunt nobiles, & tales vocantur Milites Linguares, quia eorum præcipuus honor est in custodia Linguae.* And how the Herauldes and Purfevants should weare the Armes of their Master, is expressed in these foure verses :

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

The Herauldes office. Heraulds are to make Purfevants and Messengers.

Their office is alsoe by Upton *Li. i. Ca. xii<sup>o</sup>*. partly declared thus: *Sunt alii Nuntii Viatores qui Heraldī 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 parti, vel partibus mandata seu à parte, parti fideliter & sine palliatione nunciare, & isti debent portare tunicam Armorum dominorum suorum, & eisdem indui eodem modo, sicut Domini sui cum in conflictibus fuerint vel Torneamentis,*

Every Heraulde is to weare his Coate Armour in battaill, and in Jorneyes.



*mentis, aut aliis periculis bellicis, vel cum per alias Regiones extraneas equitaverint. Item in Conviviis, maritagiis, ac Regum & Reginarum Coronationibus, & Principum, Ducum, & aliorum Magnorum Dominorum solempnitatibus, Dominorum suorum Tunicis uti possunt, & tenentur in Regionibus & Regnis licet extraneis, ad honorem suorum & magnificentiam Dominorum.* Some things in this Discourse I thinke worthy to touche.

When Herauldes are bound to weare their Coates of Armes.

First, that Herauldes might create inferiour Officers; as Lyon King of Armes of Scotland doth at this daye make his inferiour Officers.

Observations out of Upton an auncient Herauld *lib. 1. ca. 12.*

Secondly, that he bee at all Tornements, Tyltes, &c. And therefore (as I note in other Customes) they ought to have whatsoever of their Furniture falleth from any of them that Torney. But now will not they which newly beginn to Torneye paye their Fees, but further bring with them soe manye Pages and Servaunts into the Tylt, that they take the Herauldes Fees of whatsoever falleth from their Masters, with opprobrious speech to the Herauldes, against all reason, order and custome. For why should men serve, yf they may not have the due of their service? Next, in this place I observe, that the Herauldes were and ought to bee at all marryages of the Nobilitye, whereunto they are now never called, because they ought to have the garment of the Bryde. And thus being gelded of their due Fees, they

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cannot mayntayne the Porte of their Callinge; or that the now Garter, should equall the Garter of H. 5. his tyme, when Garter entertayned the Emperour Sigismond at his House in Kentish Towne. For reparation whereof some have in some sorte sought to relieve them :

The favorable  
graunts of  
Princes to  
Heraulds.

Cole harbour.

And therefore Kinge Edward 6. did by his Letters Pattentes free them of all Subsidyes, Taxes, Watches, and other chardges of service ; And King R. 3. (yf my memory deceive me not) gave them *Cole barbarde* house ; which I cannot see how, why or when they parted from it. Queene Mary (I take it) made them, (or at least confirmed them) a Corporation by the helpe, and procurement of your honourable Brother the Duke of Norff. who alsoe procured them Darbye house, which they houlde at this daye : And Queene Elizabeth gave them priviledges, which I have seene inprinted subscribed, *per privatum Sigillum*. Much more I could say for the Herauldes, but I shall bee too tedious ; and therefore desire your Lordshipp once more to looke over the Plott of the defaultes of the Heraulds office, which I gave before to your Lordshipp, digested into a Breife or Table.

Fees of  
Herauldes  
in the  
tyme of  
Kinge R.  
2. & E.4.

Yf Herauldes, my good Lord, might trulve have Fees of every one, which gave them Fees in tymes past, they might live in reasonable sorte, and keepe their Estate answerable to their

their Place. But now (whether it be our owne defaulte, or the overmuch parsimonye of others, or faulte of the heavens, since by their revolutions, things decay when they have beine at the highest, I knowe not) the Heraulds are not esteemed, every one withdraweth his favour from them, and denyeth the accustomed dutyes belonging unto them. And therefore hoping your Lordship will repayre this ruined state of ours, I will sett downe what belonged unto us in the tyme of K. R. 2. out of an ould written Roll which came to my handes.

“Ces font les droits & Largeesses, appartenants & de aunciente accoustomez aux Roys des Armes, solonc le usance en Roilme de Angleterre.

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

Att the Coronation of Kings, this C. l. Fee hath continued, as I have seene the Privye Seales of H. 7. and Qu. Mary.

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

The Fee at the Kings displaying of his banner.

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

A Fee at the Knighting of the King's eldest sonne.

“Item,

The Fee when a  
Prince, Duke, Mar-  
quesse, Earle, Baron,  
or Bannerett shall dif-  
playe his Banner.

“Item, semblablement, quant le  
“Prince, & un Duc : fait lever & des-  
“plaier son Banniers, enprimer fois  
“appertient aux dits Royes de Ar-  
“mes & Heraulx presentes xx. l. Et  
“si c’est un Marqueffe, Vint marques; S’il est  
“Counte 10. l. S’il est Baron cinque marks d’ar-  
“gent Croyns ou 15. nobles; & s’il est un  
“Chivaler Bacheler; qui novelment soit fait  
“Banneret aux ditz Royes de Armes, & He-  
“raldes presentes appertient p<sup>r</sup>. leur droit  
“cinque marke, ou x. nobles.

The Fee at  
the King’s  
marri-  
adge.

“Item, quant le Roy est novelment espouse  
“appertient as ditz Royes des Armes & He-  
“raldes presents notable & plenteux Largeffe  
“50. l.

“Parelliement, quant est novelment coroné  
“appertient aux ditz Royes de Armes, & He-  
“raldes notable Largeffe &c.

The Fees  
att the  
Queenes  
childing  
& church-  
inge.

“Item, tous & chescune fois, que le Royne  
“a enfant, & l’enfant peroient aux fantz fontz  
“de Baptifine, & est regenere, appertient auxi  
“a ceux Royes d’ Armes, pur eux & les autres  
“Heraldes presens, & devoient aver Largeffe  
“notable solonc le tresnoble valeure & plesure  
“de la Royne ou des Messieurs de son Con-  
“ceile: Et ont accustome avoir un fois C. l.  
“auter fois C. marques; autre fois plus ou moine:  
“& pareillement quant est purifie leur apper-  
“tient Largeffe, come desus.

“Item,

“Item, semblablement quant le autres Prin-  
“cesses, Duchesses, Marqueesses, & Countesses, The Fees at the childing & churching of Princesses and Marqueesses. &c.  
“& Baroneesses ont enfens & parvienent aux  
“fantz fontz de Baptisme &c. sont regenez  
“yceulx Royes d’armes & Heraldes doivent  
“aver Largeesse. Et parellement, quant elles  
“son purifie, doivent avoir Largeesse selonc leur  
“noble Valeure, & plesure.

“Item, toute &c. chescun fois que  
“le Roy porte Corone &c. tient  
“estate Royall; en especiall aux quar-  
“ter haut feastes; Cest ascavoir Noell,  
“Pasches, Pentecost & toutz Saintz doivent &  
“appertient 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 disner; & si doivent aver  
“Largeesse seloncque le tresnoble plesure du  
“Royaume.

When the King wear-  
eth his Crowne, the  
Kings of Armes are  
to weare their  
Crownes alsoe.

“Item, toutz le fois qui un vierge ou Pucelle  
“Princesse, ou file de Duc, Marqueesse, Counte,  
“ou Baron este espouse, aux ditz Royes des  
“Armes appertient le Surcoit en quoy elle ave-  
“ra este espouse, s’ilz sont presentz; Et si non  
“aux soit dame vesne appertient ou desusditz  
“la Mantell en quoy elle fera espouse.

Fees at  
the marryage of  
the Nobilitee.

“Item, toutz fois, & quantz fois que champ  
“de Battayle en Listes soit a oultrance ou au-  
“tremment est juge enterpris & ordonne au  
“deux Champions les joures que les ditz Cham-  
“pions

Fees at  
Combatts  
or Justs.

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“ pions se presentment; & que ils sont mis de-  
 “ dans le Champe ordonie & establi pur faire  
 “ & accomplier leure faits d'armes, aux ditz  
 “ Roys des Armes se presens sont, & si non aux  
 “ autres Heroldes qui presentz feront, & de-  
 “ voient aver le garde de secrettz & neces-  
 “ saries, que ascun fois surmendunt aux ditz  
 “ Champions, & pur ceo leure appertient: Et  
 “ devoient avoir ses Pavilions lesquelles, y ceux  
 “ Champions sont mis dedans, les ditz Listes,  
 “ Et si l'un des ditz Champions soit vanqis de-  
 “ dans le ditz Champe, aux ditz Royes de Ar-  
 “ mes & Heraldes, que presente seront, apper-  
 “ tient toutz les Harnesse du ditz vanqu avec-  
 “ que tante l'autre Harnesse que a terre soit  
 “ chent: Et en cas que ce ne seroit que Champe  
 “ au plaisir ou Justes appertient, aux ditz He-  
 “ roldes presentz les trape revers de Chuvills  
 “ des ditz Champions, avecque toutes les Lan-  
 “ ces Rompues.

Rebel-  
lions.

“ Item, quant il advient, que ascune des Sub-  
 “ jectes se mettons sur le Champe per manner  
 “ de Rebellions contre le Majestie Royal &  
 “ &c. fortifient champes ou place  
 “ ou entencione deliverer & donner Battaile,  
 “ & 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, ap-  
 “ pertient

“pertient & devoient avoire toute les voyis &  
 “merifime & toutz les Charotz Champe, tant  
 “pur le fortificacions comé autrement.”

Further att Newe yeares tyde, all the Noble-<sup>New</sup>men and Knightes of the Court did give new <sup>yeares</sup> yeares giftes to the Heraulds, and out of that <sup>gifts to</sup> liberality the Herauldes did (and to this daye <sup>the He-</sup> doe) give most of the Officers of the King's house, Newe yeares giftes, althoughe those New yeares giftes are not halfe soe much to us now as they were then, when Silver was but *iiis. iiid.* and every thing prised under the third parte, that it is nowe, whereof I heere sett downe one instance in the tyme of Edward the *iiii<sup>th</sup>*. as I find is registred at that tyme.

*Memorandum*, That on the yeare of our Lord 1481. the Kinge our Leidge Lord kept his Christmas at Windfore, and the Queené also accompanied with my Lord Prince, first begotten sonne of the Kinge, Hee was Prince of Wales, Duke of Cornewall, Counté de Marche et Flinte, et de Pembroke.

Of the Kinge	<i>vil.</i>
Of the Queene	<i>iiil.viis.viiid.</i>
Of the Prince	<i>iiil.</i>
Of the Duke of Yorke the King's second sonne	<i>liiis. iiid.</i>
Of the Earle of Lincolne	<i>xxs.</i>
Of the Marquesse Dorset	<i>xxvs.</i>

I i

Of

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Of the Earle Ryvers	XLS.
Of the Lord Stanlye great M <sup>r</sup> . of the Howshould	XXS.
Of the Lord Hastings Lord Cham- berleyne	XLS.
Of the Bp. of Norwiche	xiiis. iiiid.
Of the Bp. of Chichester	xiiis. iiiid.
Of the Bp. of Rochester	XS.
Of the Lord Souche	xiiis. iiiid.
Of the Lord Dacres Chamberleyne to the Queene	xiiis. iiiid.
Of the Lord Graye	vis. viiid.
Of Sir Edward Widvill Knight	XLS.
Of Sir W <sup>m</sup> . Aparre Comptroller of the King's house	XXS.
Of Sir John Elrington Treasuror of the King's howse	XXS.

Besides the gistes of many other Knights there named, whereof some gave more, and some lesse, as best liked them.

Besides I finde it registred in one other booke of Herauldes then livinge, that in *anno Domini* 1477. which was aboute the xvii<sup>th</sup>. of Ed. 4. the King made many Knightes of the Bathe, att the marryadge of his sonne Richard Duke of Yorke to Anne daughter and sole heire to John Mowbray Duke of Norff. which not councelled to their most honnour denyed a great parte of the Dutyes (of ould Prefidents) given to their Officers of Armes, and referred



referred them to the Lord Chamberlayne, who well understanding of auncient noble customes, went and shewed it to the King and to the Duke of Gloucester Constable of England, which is Judge of every Officer of Armes, who went in his owne person, and commanded William Griffith, one of the Marshalls of the King's hall, to chardg every man of the aforefayd Company, beinge under their Jurisdiction, to pay their dutyes to the Officers of Armes &c. Thus farre that note.

The Lord Chamberlayne is appointed to see the Herauldes Fees be payed.

The Constable is Judge of the Officers of Armes.

Our Auncestors were in tymes past so carefull of their honour, and that every man should be furnished according to his degree, that they left not undetermined, with what Troopes of horses every one should bee furnished when hee went Ambassador: And how every Messenger sent from a forreigne King into England should be received, as I have noted out of auncient Bookes in this sorte.

With what troope of horses our Ambassadors must be furnished with that goe out of England.

A Duke of the blood Royall as

- neare as Cozen Germanyne 400. horse.
- A Duke of the blood Royall 300. horse.
- A Duke 300. horse or more.
- An Earle of the bloode Royall 200. horse or more.
- An Earle 100. horse.
- A Baron of greate bloode 40. or 50 horse.
- A Baron 30. horse.

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A Knight for the Bodye	10. or 15. horse.
A Bannerett	15. or 20. horse.
A Knight	8. or 10. horse.
A Squire for the boddye after his possessions	6. horfes.
A Squire	3. or 4. horse.
A Gentleman	2. horse.

How for-  
raigne  
Messen-  
gers of e-  
very de-  
gree must  
be receiv-  
ed.

Likewise if any Forraigne Prince or King doe send to our Soueraigne any Messengers ; if he be a Knight, receive him as a Baron, if he bee an Esquire, receive him as a Knight, if he bee a Yeoman, receive him as an Esquire, if hee bee a Groome, receive him as a Yeoman, &c. And so every estate must bee received as the degree next above him doth require.

The Office of a King  
of Armes in his Pro-  
vince.

It shall not be unpleasaunt, I hope, unto your Lordship to know what the authoritye of a Kinge of Armes is in his Province ; and for that cause, I have here sett them downe.

To keepe and regi-  
ster the Armes and  
Descents.

First, as nigh as he cann, hee shall take knowledge, and recorde the Armes, Crests and Cognizaunces, and auncient wordes ; as alsoe of the Lyne and Descent, or Pedegree of every Gentleman within his Province of what estate or degree soever he bee.

To register Armes  
and Monuments in  
Churches.

*Item,* hee shall enter into all Church-  
es, Chappells, Oratories, Castles,  
Howses, or auncient buildings, to take  
knowledge of their Foundations ; and of the  
noble

noble Estates buried in them ; as also of their Armes, and Armes of the Places, their heades and auncient Recordes.

*Item*, hee shall prohibite any Gentleman to beare the Armes of any other or such as be not true Armorye, and as he ought according to the Law of Armes.

To prohibite bearing the Armes of another or false Armorye.

He shall prohibite any Marchaunt, or any other to put their names, markes, or devises in Escuchions or Sheildes ; which belonge and only appartayne to Gentlemen bearing Armes, and to none other.

To prohibite Marchants to put their devises in Escutchions.

*Item*, he shall make diligent searche, if any beare Armes without authoritye, or good right ; and finding such, although they be true Blazon, he shall prohibite them.

Bearinge of Armes without authoritye.

The said Kinge of Armes in his Province hath full power and authoritye by the King's grante, to give confirmation to all Noblemen and Gentlemen ignorant of their Armes, for the which he ought to have the Fee belonging thereto.

Confirmation of Armes.

He hath authoritye to give Armes and Crests to persons of abilitye deserving well of the Prince, and common Wealth, by reason of Office, Authoritye, Wisdome, Learninge, good Manners, and sober Governmente. They to have such graunts by Patent under the Seale of the Office of the King of Armes, and to pay therefore the Fees accustomed.

Giving of Armes to such as beare Office.

*Item*,

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None to erect Banners or Armes in Churches, without the permission of the Kinge of Armes.

*Item*, no Gentleman, or other may erect or sett upp in any Church, att Funerals either Banners, Standards, Coates of Armes, Helmes, Crests, Swords, or any other Hatchment, without the licence of the said Kinge of Armes of the Province, or by allowance or permission of his Marshall or Deputye. Because the Armes of the noble estate deceased, the day of his death, the place of his buriall, his marriage and yssues, ought to be taken and recorded in the Office of that King.

Differences of younger howses, are to bee by the direction of the Kinge of Armes.

Further noe Gentlemen ought to beare their difference in Armorye otherwise then the Office of Armorye requireth; and when younger Bretheren doe marrye, erect and establish new houses, and accordingly to beare their Armes with such distinctions and differences that may bee known from their elder families out of which they are descended, the Kinge of Armes of the Province is to be consulted withall, and such differences of howses are to bee assigned and established by his privyete and consent, that so he may advise them to the best, and keepe Recorde thereof; otherwise Gentlemen may either hurt themselves by takinge such a difference, as shall prejudice the cheife howse from whence they are descended.

The

The Kinge of Armes of the Province is to have an especiall regarde, that noe man beare Armes by his mother, bee she never so good a Gentlewoman, or never so great an Inheri-  
trix, unlesse he beare Armes alsoe by his fathers stocke and living, properlye belonging to his Sirname; *Quia apud jus in Anglia partus non sequitur ventrem.*

None to beare the Armes of his mother.

Likewise he is to see, that no Gentleman descended of a Noble-Race, and bearing Armes do alter or change those Armes, without his knowledge, allowance and consent. Yf any doe use the Armes of others, or such as they ought not, and will not bee restrayned, hee is under certaine payne, and at a certayne day, to warne such Offenders to appeare before the Earle Marshall of England, or his deputye, before whome the fame is to bee ordered and restrayned.

Change of Armes for such as are unlawfull.

Armes appointed for Bishoppes ought not to descend to their Children, for they are not within the compasse of the Lawes of Armes, which only taketh notice of Bishoppes as Officers of the Church, and not as Military men or persons to be imployed in Offices or affaires of Layemen, though some of them have beene very great Souldiers. For both Canons and Examples doe forbidde the same, since in temporall actions in tyme past it was alleadged against them. For it was objected to  
Hubert

Armes granted the Cleargy ought not to descend to their children.

*The dutye and office of an*

Hubert Walter Archbishop of Canterburie, beinge cheife Justice and Chauncellor in the tyme of King John, that he intermedled in Laye causes, and dealte in bloode, as alsoe the same was layed against the other Cleargimen, for havinge of Offices in the Exchequer, and the King's howse, when some of them were Clerckes of the Kitchin, some Treasurer of the howsehold &c. Yea, so much did our Auncestors derogate from the Armes of Bishops, as that the Bishops, which were interessed in the Armes of their Auncestors, might not beare the Armes of his howse without some notorious difference, not answearable to the difference of other younger bretheren; as did the Bishopp of Lincolne, Henry Burghershe; the Archbishop of Canterbury, Thomas Arundell; the Archbishop of Yorke, Richard Scroope; the Bishop of Norwiche, Henry Spencer; and many others, who did not beare the common differences of Armes of younger Sonnes, but great and notorious differences, as borders, some engrayled, some with Myters, or such like, whereof I can shew your Lordshipp many formes. And that it was not before the tyme of Bartolus the Lawyer in the Government of Charles the fourth Emperour permitted to Gowne-men (or, as the French termeth them, of the longe Robe, for under that name were learned men, Clergie men, and Schollers comprehended) to beare Armoryes;

or

When the long robe beganne first to have Armes.

or else why should that great Lawyer Bartolus argue the matter, whether it were convenient that he should take Armes (the peculier rewarde and honour of Militarye Service in aun-cient tyme) or whether he should refuse them at the Emperours handes? For if it had beene then used, that the longe Roabe should have enjoyed the honnour of Armes, Bartolus would never have doubted thereof. But since it was not then accustomed, hee made *Question* whether hee should take those Armes or not; but in the end concluded, that the Fact of the Prince was neither to be disputed nor rejected, and therefore was willinge to assume the Armes which the Emperour had given him.

Although the Marshall in tymes past was but the Constables Deputy, yet was he assistaunt to the Counstable in all Judgments. For by his advise mostlye, and sometyme with his, and the rest of the Court Militarye, the Constable gave Sentence. And although in some Cafes the Marshall was to execute the Precepte of the Constable, yet was he alsoe to heare, and in some sorte to determine, Causes, especially in the absence of the Constable, which those Marshalls more often and with more authoritie exercysed since the XIII<sup>o</sup>. H. 8. in which Edward Stafford (or Bohun) the last Constable of England, was beheaded, since from that tyme there hath not been any more Counstables,

The Marshall hath power of Imprisonment.

K k

whereby

whereby the Marshall hath alwaies after supplied the Countables Office, and sentenced all military matters. Then if the Marshall doe the Constables office, hee hath the same priviledge the Countable had: And if the Countable might imprison, then (as I thinke will be well proved) the Marshall may doe the same, supplying the Constables Office; and by consequence, all such Deputye Marshall Commissioners, as have authoritye from the Prince, to supply the Marshalls Office, during the interim, or vacancye of an Earle Marshall.

Moreover, if they should not have authoritye to ymprison, in vayne were it then to determine anye thing. For yf the partyes condemned will not obey, and they have no power to compell them thereto (which in the end must bee only by imprisonmente) in vayne it is for them (as I sayde) to decree any thing; but because their Judgment should bee established, and the Offenders compelled to performe such Lawe, there was allowed to the Marshall his pryson, which to this day is called the Marshallfea, a thinge superfluous and meere frivolous, that they shall have a Prison, and not committ Offendors to it. But that prison was not appointed to them in vayne. For which cause it seemeth to me, that the now Marshalls Deputyes have, *jus incarcerandi*. And if any of your Lordships should committ one Offendor to that



that Prifon, I woulde gladlye learne, what remedye hee hath either by action of falſe imprifonment, or otherwiſe, ſince noe man, I thinke, will bayle him without your conſentes, or any other Judge by *Habeas Corpus* enlarge him. And then foollerie and needleſſe it were for him, to ſue an action of falſe imprifonment againſt thoſe that ſhall committ him. And therefore I ſee not, but that he may remayne in Prifon ſtill upon commaundement of the Marſhall or Marſhalls Deputie, or uppon Judgment in the Marſhalls Courte, which in a Book Caſe of XIII<sup>o</sup>. H. 4. is ſaid to bee all one with the Countables Courte: which partlye alſoe is to bee gathered out of an other Booke Caſe in the Lawe Bookes of 37. H. 6. where one brings an Action at the Common Lawe of Affaulte and menacinge. The Defendant pleaded that the Plaintiffe did (*Incitiri in Capite*) and that if the Plantiffe would chardge the Defendant with Treason, as hee did, hee ſaid to the Plaintiffe that he would defend him by his Bodye, during the Life of one of them; which was the ſame menacing. Whereupon it was ſaid, that ſuch Action for appealing of Treason, or callinge Traytor, lyeth not at the Common Lawe. But (to uſe the wordes of the Booke) *giſt devant le Conestable & Mareſhall, & la ſera determine par Ley civile*: whereupon

The Conſtable and Marſhall's Courte are ſaid to bee all one.

The Conſtable and Marſhall have a Lawe by themſelves, and the Common Lawe is to take notice thereof, that Lawe being the Civill Lawe which alloweth and uſeth Imprifonmente.

I. Sic.

Kk 2

Justice

*The dutye and office of an*

Justice Needham, *Le comen Ley prendera conizance de Ley de le Conestable & Marshall; car en appelle de morte est bone Justificacione que le morte, luy appelle de Treasonne devant le Constable & Marshall, par qui ils combateront la, & le defendant vanquishit le morte al mort; & c'est bone Justificacione al comen Ley & Ashton & Moyle concesserunt, que comen Ley prendra notice del Ley del Constable, & Marshall; Tamen Prisott contra; Mes puis ques les trois disont, ut supra; Prisott non negavit: Whereby it appeareth, that all the fower Justices agreed, that the Constable and Marshall had a Law by themselves; whereof the Common Law doth take notice, as well as it doth of the Ecclesiasticall Law, being a Law of it self from the Common.*

Then yf they have a Lawe by themselves, (and the Marshall, as I gather out of these cases, is as farre interessed therein as the Constable, because the Common Law here in this case, and in all other places, calleth it the Constable and Marshalls Court, still joyninge them together as it were in equall Power) it must nedes followe, that they ought to have meanes to execute the Judgements of that Law, which cannot in the end bee any other course, but by restraint, and Imprisonment being the last cohercion that can be used, as wee see in the contempners and resifters of the Common Lawe, which further affirmeth, that things of warre

warre done out the Realme shall bee determined by the Constable and Marshall; where I also observe, that the Marshall is alwaies joyned with the Countable, as I before touched, and as appeareth also in a Booke case of 48. E. 3. fo. 3.

Things done out of the Realme are to be tryed before the Marshall.

And Stamfford in his Pleas of the Crowne fo. 65. As is also proved in the XIII<sup>th</sup>. Hen. 4<sup>th</sup>. fo. XIII<sup>o</sup>. where it is delivered, that a woman shall have an Appeale in the Constable and Marshalls Courte of the death of her husband slayne in Scotland: And Littleton putteth the like Case; that if the King make a voyage into Scotland, and Escuage bee assessed in Parliament, if the Lord diftrayn his Tennant that houldeth by Knights service of one entire Knights Fee, for Escuage foe assessed, and the Tennant pleade and averr, that he was with the King in Scotland, by XL. dayes, it shall be tryed by the Certificate of the Marshall (of the Hoste of the King) in writing under his Seale, which shall bee sent to the Justices. But this Marshall of the Host is alwayes intended the Marshall of England, who is to serve in those Warres, which is called the Marshall of the Armye, as I cann upon some study sufficiently prove by Record.

Upon what occasion Escuage is to bee paid.

I hope your Lordship will not bee offended that I pester you with Rapsodicall things, and therefore presuminge of the same, I will sett downe

Generall Heraulds in divers Princes times.

*The dutye and office of an*

downe what Herauldes I have observed to bee in divers Princes tymes, by severall names, in which your Lordshipp may behould the flourishing state of that degree, when it is furnished with Kings, Heraulds, and Pursevaunts of the Prince, and Heraulds and Pursevaunts of divers Noblemen; For they had also Heraulds and Pursevaunts, who went with the King's Herauldes to the Chappell before their Lords, which attended on the King, of which Noblemens Herauldes, some of them dealte in Armes, and gave authoritye to beate out differences which they beare. Besides, I shall shew therein the first Institutions of some Heraulds, which I thinke shall not bee distastfull to your Lordship to reade.

In the beginning of Edward the 3<sup>d</sup>. Andrewe Windefore *Norroy*. Besides theise Herauldes of his Children; Clarenceaux belonginge to the Duke of Clarence, Lancafter belonging to the Duke of that name, who, when the Howse of Lancafter obtayned the Crowne, was a King of Herauldes; which soe continued, untill the howse of Yorke gatt the Garlande, and brought him back to an Heraulde.

Gloucester the Herauld of that Duke.

Windefor whome the King created upon this occasion, as hath Bertrande *Argentyne* in his Historye of little Brittainne, Henr. 5. ca. 46. After the Battayle of Auraye in the yeare 1364. which

which fell in the 38. E. 3. in which Charles le Blois was slayne, and John Mountforde (assisted by the Kinge) had the victory thorough the English, the Newes 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 Purscievante d' Armes de Britaigne en voye du Counte* (which was John de Mountforde) *Lequelle le Roye de Angleterre fis son Heraulte sous le nosme de Windesor L. &c.* where the matter is sett out more at large.

The Herauldes I reade of in Recordes, in other Princes tymes, (although they bee not all, and whereof some have now being, and some have not,) are these:

First, in the tyme of King R. 2.

Norrey Kinge of Armes.

March Heraulde.

Burdeux Heraulde.

Bardolfe Heraulde, who had power of Armes (*virtute officii*) whereof the Recorde of 22. R. 2. saith, *Bardolfe Haraldus Armorum virtute officii concessit Roberto Baynarde, ut liceat sibi & heredibus suis impressionem<sup>1</sup> flæ, & Lambeaux in Scutis Armorum suorum omittere.*

In the tyme of Kinge Henrye the IIII<sup>th</sup>. were,  
Lancaster Kinge of Armes.

Percye Heraulde.

Libarde

<sup>1</sup>. Sic.

*The dutye and office of an*

Libarde Heralde, with many more.

In the tyme of King Henry the v<sup>th</sup>. were,  
Garter, by him first instituted.

Cadram Herald to the Earle of Dorsett.

In the tyme of King Henry the vi<sup>th</sup>.

Guyen Herald.

Suffolke Herald.

Mowbray Herald, with others.

In the Reigne of King Edward the fourth the state of the Office for Heraldes stood in this sorte, as appeareth by a Roll written about the beginning of King Henry the viii<sup>th</sup>. wherein is shewed both what number of Heraldes were in that King's Raigne of Edward the iii<sup>th</sup>. and alsoe how they decayed in the tyme of King Henry the vii<sup>th</sup>. in this sorte.

Garter.	}	Kinges.
Clarenceaux.		
Norrey.		
Marche.		
Guyen.		
Irelande.	}	Heraldes
Windefore.		
Lancastre.		
Fawcone.		
Chester.	}	Purfeyants.
Blewmantell.		
Rougecroffe.		
Calleys.		
Barewicke.		
Rose-blanche.	}	

The

The Duke of Gloucester had,  
Gloucester Herauld.

Blanke-Sanglier, Purfevaunte.

The Duke of Clarence had,  
Richemont Herauld.

Noyre-Tauren, Purfevaunte.

The Duke of Buckingham had,  
Hereforde Heraulde.

The Earle of Warwicke had,  
Warwicke Herauld.

The Earle of Northumberland had,  
Northumberland Herauld.

Esperaunce Purfevaunte.

The Earle Rivers had,  
Rivers Purfevaunt.

The Earle of Worcester had,  
Worcester Heraulde.

Marenceu Purfevaunte.

The Lord Mountjoye had,  
Charten Blewe Purfevaunte.

Now the King's grace hath but  
three Kings, Garter, Richemond, and  
Norroy, and one Heraulde, that is,  
Somerfett; Lancaster, Yorke, Wind-

Richemond King of  
Armes in the tyme of  
H. 7. being now but  
an Herauld of Armes.

fore, and Falcon be voyde, and all the Purfe-  
vaunts, Rougecrosse, Rougedragon, Callys, Bar-  
wicke, Guynes, Hampnes, Rifebanke, Mount-  
orguill, Portcullis and Rasyne, and noe estate  
hath any but only the Lo. Marquesse, that  
hath Grobie Purfevaunt; and the Earle of

L1

North-

*The dutye and office of an*

Northumberland, that hath Northumberland Herald.

This was in the tyme of King Henry the vii<sup>th</sup>. God save King Henry the viii<sup>th</sup>. Thus farre that Roll, shewing the tyme of King Henry the vii<sup>th</sup>. Alsoe as that of Edward the iv<sup>th</sup>. in which it seemeth, that Ulster now King of Heralds in Ireland, had then no lyfe, but was called only Ireland.

In the tyme of King Edward the vi<sup>th</sup>. there were only theis Officers of Armes, as is proved out of the Letters Patents of that King, wherein he graunteth to us to be freed from all Subfedyes, and other Taxes, shewing the honour and Immunities wee have amongst all Nations, Emperours and Kings.

Garter.	}	Kinges.
Clarentieux.		
Norroy.		
Carleile.	}	Herauldes.
Windefor.		
Yorcke.		
Somerfett.		
Chester.		
Richemonde.		
Portculleys.		
Calleys.	}	Purfevants.
Barwicke.		
Rougedragon.		
Blewmantle.		
Rougecroffe.		
Ryse bancke.	}	

In



In this third yeare of King James, thus standeth the state of this Office of Armes, (*vixt.*)

Garter.	}	Kings, beside Ulster Kinge of Ireland.
Clarenctieux.		
Norroy.		

Yorke.	}	Heraukdes.
Richemonde.		
Somerfett.		
Lancaster.		
Chester.		
Windefor.		

Rougedragon.	}	Purfevants, and one other Purfevaunt extraordinary called Portefinouth.
Rougecroffe.		
Blew mantle.		
Portecolloys.		

Thus as abruptly concluding, as I have disorderly delivered theis things in this Hinfpott (or, as wee corruptly calle it, Hoche-pott) I beseeche your Lordship to accepte them with that good minde, with which you have received other things from me, and so to your Lordship most humbly comending my selfe, that may with Ovide say,

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

L 1 2

I hum-

*The dutye and office of &c.*

I humbly take my leave, as one wholye devoted to your Lordship, and in you to your honourable Famelye, further craving pardon for this goutye Scriblinge, distilled from the Penn guyded by a late gowtye hand.

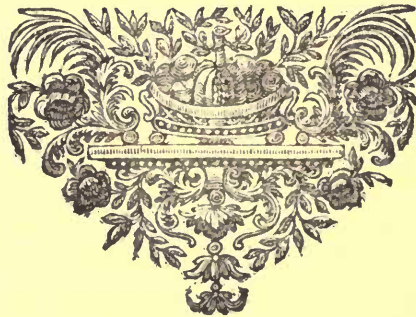
Your Lordshipps in what hee maye

FRA. THYNNE

Lancafter.

Clerken well Greene  
the third of March 1605.

*veteri stilo.*



*A Con-*



*A Consideration of the office and duty of the Heraldes in Englande, drawne out of sundrye observations. By JOHN DODRIDGE the King's Solicitor Generall, at the instance of Hen. E. of Northampton, in Aug. 1600.*

**T**HE word *Heralde* is a Saxon word yet in use amonge the Germans, and by Kilianus Duffleus in *Dictionario suo Teutonico Latino*, interpreted thus; (*Fæcialis pater Patratus internuncius, vel pacis, vel belli feriendi publicus præco*) deriyed 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 alsoe an *Armye, or Multitude Armed*.

Theire cheife and speciall use aunciently was in the Roman State, where they were of greate accompte. Their dutye and office in that State,

## *Of the office and dutye of*

State, is fully described by Dionifius Halicarnaffus, in the fecond Booke of his Hiftorye, and deduced by him into vii. feverall Heades, or fpeciall poynts. But the office and ufe of our Heraulds, may bee drawne into theife fowre.

1. First, they are Meffengers by the Lawes of Armes, betweene Potentates, for matter of Honnour and Armes. And, as Tullie in his fecond Booke *de Legibus* affirmeth out of an old Roman Lawe, *Feodorum pacis, belli & Induciarum Oratores feciales Judices sunt.*
2. Secondly, they are *Cæremoniarum ministri*, as in the Coronation of Kings and Queenes, in the Creation of noble dignetyes, of Honnor in the Inftallations of the Honorable Knights, of orders in Tryumphes, Jufts, Combatts, Mariages, Chriftnings, Interriments and Funeralls, and to attende in all folempne Affemblyes of State, and Honnour. And by fome of them ought the Proclamations of greate matters of State to bee promulged.
3. Thirdly, the cafes of Chivallrye, and Gentilletye are committed to their care, as in the right of bearing of Armes in Sheildes, Efcutcheons, Targetts, Banners, Pennaunts, Coates, and fuch like; Correction of Armes in their vifitations, and in the obfervation of Pedegrees, and difcents of Noblemen and Gentlemen.
4. Fourthlye, they are the Prothonotaries, Griffyers,

fyers, and Registers of all Acts and proceedings in the Courts of the Constable and Marshall of England, or by suche as have their Authoritie, and in their Bookes, and Recordes, they ought to preserve to perpetuall memorye, all facts, and notable designements of Honour and Armes.

The Herauldes of Englande have beine auncientlye incorporated by the Kings of this Realme, and reduced *in Corpus Corporatum & Collegium*, as namely among others in the second yeare of Kinge Richard the thirde; alsoe by Kinge Edward the sixt, and Queene Marye.

They are devided into three severall Companies; into Kings whereof there be now three, Garter, Clarencieux and Norrey: (in tymes past there have bein 1111<sup>or</sup>. Kings;) Herauldes, whereof there bee now six, Yorke, Riche-monde, Somersett, Lancastre, Chestre, and Windefore; and Pursevaunts, whereof there nowe bee fower, Rouge-dragon, Blewe-mantle, Portcullis, and Rougecrosse. By the Charter of King Edward the sixt, made in the thirde yeare of his Raigne, they are discharged and made free, of all Taxes, Chardges, and Subsidies, graunted in Parliament.

As touching the Kings of Armes, Garter is the principall, being alsoe the speciall Officer of the noble order of the Garter. For in the Booke, commonly called the Blacke Booke of  
the

## Of the office and dutye of

the order of the Garter, I find this Ordinance, expressing the place of Garter, and what maner of person hee ought to bee, and what stipende and fallarye hee is to have. Hee is; *Accedat Rex Armorum unus, qui Garterus Rex Armorum Angliæ vocabitur, quem supremus & Comilitones ob dignitatem ordinis virum Generosi sanguinis, honesti nominis insignia gerentem, infra Regnum Angliæ natum, & ceteris officialibus, qui nobili Coronæ Angliæ subjecti 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 Garterus vestes ejus vendicabit, quibus utetur priusquam Togam illius dignitatis, & præclari accipiet.*

Vide an<sup>o</sup>.  
5<sup>o</sup>. E. 4.  
Brookes  
office 5.  
his fee but  
x. li.

Which former Order I finde also recyted and confirmed by a Constitution written in French, made att Windfore in the Chapter of the Confraternitie of the said noble Order in the feast of S<sup>t</sup>. George in the yeare of our Lord 1422. beinge the first yeare of Kinge Henry the vi<sup>th</sup>. in these wordes speakinge of Kinge Henry the v<sup>th</sup>. *Constitua in encreisament de nosme du dit noble order,*

Vide  
Stowe fol.  
593.



*Of the office and dutye of*

inge are Presidents: *Le Roy a tous Ceux Certes Letters vein dront Salute Saches qui come vne Chiualler Francois a ceo que nous sumus informes ad Challenge vne nr̄e Leige John de Kingston, A fayre Certaine faits & points du Armes ouesque le dit Chiualler nous a fine que le dit nr̄e Leige seit le melius honaraablement receyve ef fayre puisset, & performer les dits faits, & points de Armes luy anouns receyve in le State de Gentlehome & luy fait Esquyor, & volumus que ile soit comis per Armes & Portera de sere euauant scesta sauoire dargent ou un Chappen de Azure ouē sque un plume de ostriche de Gules & no a tous ceux a queux apertint nous notifiamus per ceux presentes, In testimony de quel chos nous anoums fait nres Letters Pattents de sous nr̄e grande seale a nr̄e Pallace de Westm̄ le primer iour de Auost &c.*

Out of a  
Booke in  
the Office  
of Armes  
a<sup>o</sup>. 6.H.7.

There was one James Parker, a seruaunte in Courte to Kinge Henry the vii<sup>th</sup>. that had accused Hugh Vaughan (one of the Gent. Ushers of the said King) unto the Kinge of some undutifull wordes, spoken by him of the said Kinge. Whereupon the person accused challenged Combate with his Accusor: And because he was not a gentleman of Coate Armer, Sr. John Wriotheslye, then principall Kinge att Armes, gave unto the said Hugh Vaughan a Coate Armor with Helme and Tymber the xiiii<sup>th</sup>. of October 1490. anno 6<sup>o</sup>. H. 7. Whereupon the said Kinge sent for the said Garter, and



and demaunded of him, whether he had made any such Pattent, or noe? who answered, that hee had made such Armes. Whereupon the Kings highnes in his most Royall person, in open Justice, att Richemonde, before all his Lordes, allowed, and admitted the said Graunts made by Garter, and likewise allowed the said Hughe Vaughan to runne with the said James Parker, who was att the same tyme slayne by the said Vaughan in the said Justes.

Garter Kinge of Armes hath challenged to give Armes to men of worthye deserte; name-lye by an ordinance in the Booke of the order of the Garter, in theise wordes: *Ad eundem pertinuit Correctio Armorum, atque insigniorum, quorumcunque quæ usurpantur, aut gestantur injuste. Autoritas insuper & potestas Arma hujusmodi atque insignia concedendi talibus, qui per Acta fortia laudabilia virtutesque honores status & dignitates merebuntur, juxta antiquam consuetudinem, litterasque pattentes super ea re faciendi &c.*

Jurisdicctio  
Garteri  
Principa-  
lis Regis  
Armo-  
rum.

Alfoe Thomas Hallye, alias Norrye, was the first that gott these wordes into his Pattent, dated xix. Maii xxviii. Hen. viii<sup>th</sup>. *Litteras Patentes Armorum claris viris donandi &c.*



# APPENDIX.

Num. I.

SIR JAMES WHITLOCK'S Epitaph.

*Out of a MS. in 4<sup>to</sup>. containing, An Account of the Monuments in many of the Churches of Buckinghamshire, with Notices of the Foundation and Antiquities of the same, collected, and given to me, by BROWNE WILLIS of Whaddon-Hall in Buckinghamshire, Esq. pag. 319.*

FAWLEY.



IN the Burial place of the Whitlocks or S. Isle, which was built by them, is this Inscription :

Hic deposita sunt Corpora  
 Reverendi judicis Jacobi White-  
 lock militis, unius Justiciar. ad  
 placita | coram Rege. Natus fuit  
 Londoni 28. Nov. 1570. Primum studuit Oxonii, | ubi  
 suscepit gradum in jure civili. Deinde operam dedit juri  
 municipali | in Medio Templo London, & in eo lege-  
 bat ; postea Serviens ad Legem factus | est Justiciar. Ce-  
 striæ Termino Michaëlis 1620. Abinde assumptus est in  
 Bancam | Regis

Regis Term. Mich. 1624.

Habuit ex uxore Elizab. unum filium Bulstrode Whitlock; duas filias, Elizabeth. nuptam Thomæ Mostyn Militi, & | Ceciliam innuptam tempore mortis suæ. Obiit apud Fawley Court 21. Junii 1632. | Vir eruditione & prudentia illustris, vita & moribus venerandus. | Et spectatissimæ matronæ Elizab. uxoris dicti Jacobi, quæ nata est | in hoc agro Buckinghamiensi 25. Julii 1575, patre Edwardo Bulstrode | de Bulstrodes in Upton armigero, matre Cecilia filia Johannis Croke Militis. | Fæmina marito suo amantissima, fidelissima, in Re Familiari prudentissima, | pia, Religiosa, in Deum devota, in pauperes benefica, obiit apud Falley Court | in vigilia Pentecostes 28. die Maii 1631.

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Num. II.

Mr. CAMDEN'S Will,

*Out of the MSS. Collections of the learned Dr. THOMAS SMITH which he left to me at his Death,*  
Vol. VIII. p. 25.

**I**N the Name of God Amen. I William Camden  
Clarenceux found of Bodie and Minde, and accord-  
ingly mindfull of my mortalitie, reposing assuredly all  
my hope in the infinite mercie of my Saviour and Re-  
deemer Jesus Christ, into whose hands I commend my  
Soule, make and ordaine this my last Will and Testa-  
ment in manner and forme following. First, I bequeath  
my Bodie to be interred in Christian and decent manner  
in that place, where it shall please God to call me to  
his mercie, and to the poore of the said place in this  
sort: if at Westminster eight pounds to the poore of  
Saint Margarett's Parish; if at Chisilhurst to the poore  
there,

ERegistro  
Curie  
Cant. ex-  
tract.

## Appendix.

there, if else where to the poore of that place eight pounds. *Item*, I bequeath to Sir Foulke Grevill Lord Brooke, Chancellor of the Exchequer, whoe preferred me *gratis* to my Office, a peece of Plate of tenn pounds. *Item*, to the Companie of Painter Stayners of London, to buy them a peece of Plate in memoriall of mee, sixteene pounds. *Item*, to the Company of Cordwayners or Shoemakers of London twelve pounds, wishing they would likewise make thereout some peece of Plate in memorie of mee. *Item*, to my Cousin John Wyatt Painter of London one hundred pounds. *Item*, to Giles Nicholson of Poulton in Lancashire, to be committed to Master Colevile of Lancaster, or some other honest man of that place for his use, twentie pounds. *Item*, to Lant the younger, Bookseller in Litchfeild, five pounds. *Item*, to Master Thomas Allen, of Gloucester Hall in Oxford, sixteene pounds. *Item*, to Janus Gruterus, Librarie Keeper to the Prince Palatine Elector at Hidelberge, five pounds. *Item*, to Mr. Harvie Vicar of Chifelhurst, seven pounds. *Item*, to Leonard Brooke of Westminster, sometimes my servant, six pounds. *Item*, to Camden of London Silkeman, tenn pounds. *Item*, to my Godsonne Christopher Birkhead, two pounds. *Item*, to my Godson Thomas Godwin, two pounds. *Item*, to my God daughter Feild, two pounds. *Item*, to every one of the six<sup>1</sup> Herarlds, fower pounds. *Item*, to every Pursivant ordinarie and extraordinarie, two pounds. *Item*, to the Singing men of the Collegiate Church of Westminster, six pounds. *Item*, to each Virger, two Pounds. *Item*, to the Bell Ringers and under Officers in the said Church amongst them, six pounds. *Item*, to the Choristers, fower pounds. To these followeing a peece or memoriall Rings of the same value. To Sir Francis Leigh of

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1. Sic in MS. nostro.

West.

Westminster, fower pounds. To Sir Peter Manwood, foure pounds. To Sir William Pitt, three Pounds. To Master Saint Loc Kniveton, three pounds. To Mr. John Chamberlaine, three pounds. To Mr. Limiter three pounds. To Mr. <sup>1</sup>Seldon of the Temple, five pounds. To Master Harding the Usher, fower pounds. To Mistrefs Ireland fower pounds. To Mistrefs Bush, late wife to Gabriell Birkhead, two pounds. *Item*, to John Halton my fervant thirtie pounds. *Item*, to old Mother Driver three pounds. *Item*, to Richard Hopkins three pounds. To his Daughter Alice six pounds. To his Sonne three pounds, but now that <sup>2</sup>he is dead, the whole eight pounds to his Sonne. As for my Bookes and Papers, my Will is that Sir Robert <sup>3</sup>Cotten of Conington Knight and Baronett, shall have the first view of them, that he may take out such as I borrowed of him, and I bequeath unto him all my imprinted Bookes and Manuscripts, except such as <sup>4</sup>concernes Armes and Heraldry, the which with all my auncient Seales I bequeath unto my Successor in the Office of Clarenceux, provided that whereas they cost me much, that he shall give to my Cousin John Wyatt Painter such summe of money as Master Garter and Master Norry for the time being shall thinke meete. And alsoe that he leave them to his Successor in the Office of Clarenceux. Of this my last Will and Testament I constitute and ordaine William Heather of Westminster Gentleman, my sole Executor, Sir Robert Cotton of Conington Knight and Baronett, and Master John Wise of \_\_\_\_\_ Gentleman, my Overseers, bequeathing to each of them tenn pounds blacks for each of them. And for twelve poore men of Westminster besides the Almshouses, willing moreover that all these Legacies to be paid within one yeare after my de-

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1. Sic. 2. Sic. 3. Sic. 4. Sic.

parture out of this world. Upon the peece of Plate for the Painters, *Guil. Camdenus Clarenceux, filius Sampsonis Pictoris Londinensis, dono dedit.* Upon the peece of Plate for the Cordwayners, *Guil. Camdenus Clarenceux, filius Sampsonis Pictoris London, dono dedit.* William Camden. Signed and sealed in the presence of Richard Harvey, John Hilton.

*Probatum fuit Testamentum suprascriptum apud London coram venerabili viro Domino Willielmo Byrd, Milite, Legum Doctore, Commissario legitime constituto, decimo die Mensis Novembris, anno Domini millesimo sexcentesimo, vicesimo tertio, juramento Willielmi Heather Executoris in hujusmodi Testamento nominati. Cui commissa fuit administratio omnium & singulorum bonorum, jurium & creditorum dicti defuncti de bene & fideliter administrando eadem ad sancta Dei Evangelia jurat.*

Tho. Welham Registrarii Deputatus.

Swann:  
III: Qr.  
Tertio  
Libro.

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Num. III.

*Out of a small Volume of Epistles, by Degor. Whear, entit'led, Charisteria, printed at Oxford An. 1628. in 8<sup>vo</sup>. This Letter bears no date. The next in order, if he observe the order of time, is dated Oct. 10. 1625.*

Ad Michaëlem Oldsworthum Amicum singularem singulariter colendum.

**I**NTER literas humaniores quas egregie doctus es (mi *Oldsworth*) non dubito quin Historiam rerum gerendarum animam, impensius ames: inde *Methodum* meam limatiorem jam paulo & auctiorem tibi obfero; non

non quasi te quicquam quod minus jamdudum noveris docerem, cave me adeo *Suffenum* arbitreris, sed ut tuum etiam (si merear) calculum obtinerem, de quo haud parum mihi gratulabor; simul ut pignus aliquod apud te existeret quanti te æstimem & colam, quum insuper subscripserim

Tuus D. W.

Num. IV.

E Coll. nostris MSS<sup>tis</sup>. Vol. IV. p. 1.

<sup>1</sup> Ἰώσηππος ἐκ τῆς λόγου Ἐπιγραμμῆς καὶ <sup>2</sup> Πλάτωνος περὶ τῆς τῆς παντὸς αἰτίας. Περὶ τόπου ἐν ᾧ σωέχονται ψυχὰς δικαίων τε καὶ ἀδίκων. Ex Cod. Baroc. 26.

<sup>3</sup> ὁ ἄδης τόπος ὅστις ἐστὶν τῆς κτίσεως ἀκατασκόπουτος, χαλεπὸν <sup>4</sup> ὑπόγειον, ἐν ᾧ φῶς κόσμος ἐκ ἐπιλάμπει φωτὸς τοίνυ <sup>5</sup> [μὴ καταλάμποντος, ἀνάγκη σκότος διωκεῖται τυγχάνειν ἐν τῷ τῷ χαλεπῷ,] ὁ ὡς φρέειον ἀπενεμήθη ψυχῶν. ἐφ' ᾧ κατετάθησαν ἄγγελοι φρεσὶ, πρὸς τὰς ἐκάστην πρᾶξεις διανεμόντες τὰς τῶν

1. Alii Caio, alii Hippolyto attribuunt. 2. Καὶ ἐστὶ μὲν ὁ περὶ δαιμόνων τόπος· περὶ δὲ ἄδου, ἐν ᾧ σωέχονται ψυχὰς δικαίων τε καὶ ἀδίκων, ἀναγκαῖον εἶπέν. ὁ ἄδης, τόπος ὅστις &c. in Hoeschelii Editione. 3. MS. ἰσορίων, perperam. 4. Hæc uncis inclusa ad oram MS. adjecta sunt. 5. MS. mendose τὸ χαλεπὸν, nisi forsan plenius, ut Hoeschelii MS. legas, φωτὸς τοίνυ ἐν τῷ τῷ χαλεπῷ μὴ καταλάμποντος, ἀνάγκη σκότος διωκεῖται τυγχάνειν. τῶτο τὸ χαλεπὸν ὡς φρέειον &c.

N n

τρῶπων

τρέπων παροικίους κολάσει. ἐν τῷ δὲ τῷ χωρίῳ  
 τόπος ἀφώρισται <sup>1</sup> τῆς λίμνης πρὸς ἀσβέστου. ἐν ᾧ μὲν  
 ἔδιδον πινά <sup>2</sup> καταρεπίφθου ὑπευλήφραδον. ἐσκύβασται δὲ  
 εἰς πλὴν παροικισμένῳ <sup>3</sup> ἡμέραν, ἐν ἣ δικαίας κεί-  
 σεως ἀπόφασις <sup>4</sup> πμία" πᾶσιν ἀξίως <sup>5</sup> προσπενέχθη.  
 καὶ οἱ μὲν ἄδικοι, καὶ θεῶ ἀπειθήσαντες, ταύτη μάταμα  
 ἔργα χειρῶν ἀνθρώπων κατασκευασμένα εἶδωλα ὡς θεῶν  
 πμήσαντες, ταύτης τῆς αἰδίδις κολάσεως, [<sup>6</sup> ὡς] ἀπὸ  
 μασημάτων γιόμνοι, παροικισθῶσιν. οἱ δὲ δίκαιοι τῆς  
 ἀφθάρτη καὶ <sup>7</sup> ἀνεκλιπεσάτη βασιλείας τύχασιν. οἱ ἐν  
 τῷ ἀδῆ νῦν μὲν συνέχονται, ἀλλ' ἐν τῷ αὐτῷ τόπῳ  
<sup>8</sup> ᾧ καὶ οἱ ἄδικοι. μία γὰρ εἰς τῷ τὸ χωρίον κείνοδος,  
 ἔν τῇ πύλῃ ἐφεστώτα ἀρχάγγελον ἅμα στρατῶν πεπιπεύ-  
 καδον. ἐν πύλῃ διελθόντες οἱ καταγόμενοι ἔσθ' ἅπῃ  
 ὑπὲρ τὰς ψυχὰς τεταγμένων ἀγγέλων ἐν μᾶ ὁδῶ πο-  
 ρβούονται. ἀλλ' οἱ μὲν δίκαιοι, <sup>9</sup> εἰς δεξιά φωταγωγέ-  
 μενοι, καὶ ὑπὸ τῷ ἐφεστώτων <sup>10</sup> κατόπων ἀγγέλων ὑμνέμενοι,  
 ἀρνούνται εἰς χωρίον φωτεινόν. ἐν ᾧ οἱ ἀπ' ἀρχῆς δίκαιοι  
 πολιτεύονται, ἐχ' ὑπ' ἀνάγκης κρατέμενοι, ἀλλὰ τῆς

1. Τίς, λίμνη in Ed. *Hæsch.* 2. Καταεπίφθου *Hæsch.*  
*lege* καταεπίφθου. 3. ἡμέραν ἔσθ' ἅπῃ, ἐν ἣ *Hæsch.* 4. Μία  
*Hæsch.* 5. Προσπενέχθαι *Hæsch.* 6. Inclusionem omissem in  
 nostro Cod. sed habet *Hæsch.* 7. Sic scribe pro ἀνεκλε-  
 σάτη, quod est in MS. In *Hæsch.* ἀνεκλείπη habetur. 8. Ita  
 ex *Hæsch.* nam MS. nostrum, ὡς καὶ οἱ δίκαιοι. 9. Sic  
*Hæsch.* at MS. ἐν. 10. Ἰσ. κατόπων. *Hæsch.* καὶ τῶν.



τῶν ὀρωμένων [ <sup>1</sup> ἀγαθῶν ] γέας αἰεὶ ἀπολαύοντες <sup>2</sup> . . .

καὶ <sup>3</sup> τῶν ἐκείσθε κερῶν παροδοκίαι ἠδόμενοι, καὶ κείνα  
 τέτων <sup>4</sup> βελτίονα ἠγόμενοι. οἷς ὁ τέπος ἔχματιφρό-  
 εος γίνε). ἔ καύσων, ἔ <sup>5</sup> κρύθ, ἔ τείβολθ εἰ αὐτῶ,  
 ἀλλ' ἢ τῶν πατέρων δικαίων τε ὀρωμένη ὄψις πάντοτε  
 μειδῖα, ἀναμνόνταν τῶ μῦ, τῶτο τὸ χωρίον ἀνάπαυσιν  
<sup>6</sup> αἰωνίαν βιωτικῶ εἰ ἔρανη. <sup>7</sup> τῶτον δὲ κληίζομεν ὀνο-  
 ματὶ κόλπον Αβραάμ. οἱ δὲ ἀδικοὶ [ <sup>8</sup> εἰς ] ἀειτερά  
 ἔλκονται ὑπὸ ἀγγέλων κολαφῶν, ἔκείπ ἐκασίως πο-  
 ρευόμενοι, ἀλλὰ μῦ βίας ὡς δέσμοιοι ἐλκόμενοι. οἷς οἱ  
 ἐφετῶτες ἀγγελοὶ [ <sup>9</sup> ὀπιτελῶντες ] ἀφαπέμπονται  
<sup>10</sup> ἐπονειδίζοντες καὶ φοβερῶ ὄμματι <sup>11</sup> ἐπαπειλῶντες, εἰς  
 τὰ κατῆτερα ὠθῶντες. <sup>12</sup> ἔς ἀρωμύνας ἔλκων οἱ ἐφε-  
 τῶτες ἔως πλησίον τῆς γενένης· οἱ <sup>13</sup> ἐλγίονες τῶ μῦ  
<sup>14</sup> βρασμῦ ἀδιαλείπτως <sup>15</sup> ἐπακύνουσι, καὶ τῶ τῶ γέρμης  
 ἀτμῦ σὺκ ἀμοιρῶσι. <sup>16</sup> τῶτης δὲ τῶ ἐλγίονθ ὄψεως  
 τῶ φοβερῶν καὶ ὑπεβαλλόντως [ <sup>17</sup> ξανθῶ ] γέαν ἔ πυρὸς

1. Vocem istam omittit MS. sed habet *Hæsch.* 2. Hanc MSi. lacunam impressus non agnoscit. Et rectius quidem abest. 3. Τῶ τῶν *Hæsch.* 4. Βελτίω *Hæsch.* 5. In MS. κρύσι. 6. *Hæsch.* καὶ αἰωνίαν ἀνάπαυσιν. 7. *Hæsch.* τέτων δὲ ὄνομα κληίζομεν κόλ. Αβ. 8. Omit it MS. sed adjecti debet. 9. Non habet *Hæsch.* 10. Ονειδίζοντες *Hæsch.* 11. Sic *Hæsch.* at MS. ἀπαπει— 12. Ἄς ἀρωμύνας *Hæsch.* 13. Ἠλγίον *H.* 14. 1σ. βρασμῦ. 15. Ὑπακύνουσι *H.* 16. Αὐτῆς *H.* 17. *Hæsch.* non habet.

N n 2

ὀρωῶντες,

ὄρῳντες, <sup>1</sup> καταπεπλήρασι τῇ προσοδικία <sup>2</sup> μελλή-  
 σης κρίσεως, ἥδη διωάμει κολαζόμενοι. ἀλλὰ καὶ ἔ <sup>3</sup> τ <sup>4</sup> τ <sup>5</sup>  
<sup>2</sup> δίχμων χροὴν καὶ τὸς δίχμους ὄρῳσι, καὶ ἐπ' αὐτῶν τέτω  
 κολαζόμενοι. χά <sup>6</sup> τ <sup>7</sup> τ <sup>8</sup> τ <sup>9</sup> τ <sup>10</sup> τ <sup>11</sup> τ <sup>12</sup> τ <sup>13</sup> τ <sup>14</sup> τ <sup>15</sup> τ <sup>16</sup> τ <sup>17</sup> τ <sup>18</sup> τ <sup>19</sup> τ <sup>20</sup> τ <sup>21</sup> τ <sup>22</sup> τ <sup>23</sup> τ <sup>24</sup> τ <sup>25</sup> τ <sup>26</sup> τ <sup>27</sup> τ <sup>28</sup> τ <sup>29</sup> τ <sup>30</sup> τ <sup>31</sup> τ <sup>32</sup> τ <sup>33</sup> τ <sup>34</sup> τ <sup>35</sup> τ <sup>36</sup> τ <sup>37</sup> τ <sup>38</sup> τ <sup>39</sup> τ <sup>40</sup> τ <sup>41</sup> τ <sup>42</sup> τ <sup>43</sup> τ <sup>44</sup> τ <sup>45</sup> τ <sup>46</sup> τ <sup>47</sup> τ <sup>48</sup> τ <sup>49</sup> τ <sup>50</sup> τ <sup>51</sup> τ <sup>52</sup> τ <sup>53</sup> τ <sup>54</sup> τ <sup>55</sup> τ <sup>56</sup> τ <sup>57</sup> τ <sup>58</sup> τ <sup>59</sup> τ <sup>60</sup> τ <sup>61</sup> τ <sup>62</sup> τ <sup>63</sup> τ <sup>64</sup> τ <sup>65</sup> τ <sup>66</sup> τ <sup>67</sup> τ <sup>68</sup> τ <sup>69</sup> τ <sup>70</sup> τ <sup>71</sup> τ <sup>72</sup> τ <sup>73</sup> τ <sup>74</sup> τ <sup>75</sup> τ <sup>76</sup> τ <sup>77</sup> τ <sup>78</sup> τ <sup>79</sup> τ <sup>80</sup> τ <sup>81</sup> τ <sup>82</sup> τ <sup>83</sup> τ <sup>84</sup> τ <sup>85</sup> τ <sup>86</sup> τ <sup>87</sup> τ <sup>88</sup> τ <sup>89</sup> τ <sup>90</sup> τ <sup>91</sup> τ <sup>92</sup> τ <sup>93</sup> τ <sup>94</sup> τ <sup>95</sup> τ <sup>96</sup> τ <sup>97</sup> τ <sup>98</sup> τ <sup>99</sup> τ <sup>100</sup> τ <sup>101</sup> τ <sup>102</sup> τ <sup>103</sup> τ <sup>104</sup> τ <sup>105</sup> τ <sup>106</sup> τ <sup>107</sup> τ <sup>108</sup> τ <sup>109</sup> τ <sup>110</sup> τ <sup>111</sup> τ <sup>112</sup> τ <sup>113</sup> τ <sup>114</sup> τ <sup>115</sup> τ <sup>116</sup> τ <sup>117</sup> τ <sup>118</sup> τ <sup>119</sup> τ <sup>120</sup> τ <sup>121</sup> τ <sup>122</sup> τ <sup>123</sup> τ <sup>124</sup> τ <sup>125</sup> τ <sup>126</sup> τ <sup>127</sup> τ <sup>128</sup> τ <sup>129</sup> τ <sup>130</sup> τ <sup>131</sup> τ <sup>132</sup> τ <sup>133</sup> τ <sup>134</sup> τ <sup>135</sup> τ <sup>136</sup> τ <sup>137</sup> τ <sup>138</sup> τ <sup>139</sup> τ <sup>140</sup> τ <sup>141</sup> τ <sup>142</sup> τ <sup>143</sup> τ <sup>144</sup> τ <sup>145</sup> τ <sup>146</sup> τ <sup>147</sup> τ <sup>148</sup> τ <sup>149</sup> τ <sup>150</sup> τ <sup>151</sup> τ <sup>152</sup> τ <sup>153</sup> τ <sup>154</sup> τ <sup>155</sup> τ <sup>156</sup> τ <sup>157</sup> τ <sup>158</sup> τ <sup>159</sup> τ <sup>160</sup> τ <sup>161</sup> τ <sup>162</sup> τ <sup>163</sup> τ <sup>164</sup> τ <sup>165</sup> τ <sup>166</sup> τ <sup>167</sup> τ <sup>168</sup> τ <sup>169</sup> τ <sup>170</sup> τ <sup>171</sup> τ <sup>172</sup> τ <sup>173</sup> τ <sup>174</sup> τ <sup>175</sup> τ <sup>176</sup> τ <sup>177</sup> τ <sup>178</sup> τ <sup>179</sup> τ <sup>180</sup> τ <sup>181</sup> τ <sup>182</sup> τ <sup>183</sup> τ <sup>184</sup> τ <sup>185</sup> τ <sup>186</sup> τ <sup>187</sup> τ <sup>188</sup> τ <sup>189</sup> τ <sup>190</sup> τ <sup>191</sup> τ <sup>192</sup> τ <sup>193</sup> τ <sup>194</sup> τ <sup>195</sup> τ <sup>196</sup> τ <sup>197</sup> τ <sup>198</sup> τ <sup>199</sup> τ <sup>200</sup> τ <sup>201</sup> τ <sup>202</sup> τ <sup>203</sup> τ <sup>204</sup> τ <sup>205</sup> τ <sup>206</sup> τ <sup>207</sup> τ <sup>208</sup> τ <sup>209</sup> τ <sup>210</sup> τ <sup>211</sup> τ <sup>212</sup> τ <sup>213</sup> τ <sup>214</sup> τ <sup>215</sup> τ <sup>216</sup> τ <sup>217</sup> τ <sup>218</sup> τ <sup>219</sup> τ <sup>220</sup> τ <sup>221</sup> τ <sup>222</sup> τ <sup>223</sup> τ <sup>224</sup> τ <sup>225</sup> τ <sup>226</sup> τ <sup>227</sup> τ <sup>228</sup> τ <sup>229</sup> τ <sup>230</sup> τ <sup>231</sup> τ <sup>232</sup> τ <sup>233</sup> τ <sup>234</sup> τ <sup>235</sup> τ <sup>236</sup> τ <sup>237</sup> τ <sup>238</sup> τ <sup>239</sup> τ <sup>240</sup> τ <sup>241</sup> τ <sup>242</sup> τ <sup>243</sup> τ 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<sup>712</sup> τ <sup>713</sup> τ <sup>714</sup> τ <sup>715</sup> τ <sup>716</sup> τ <sup>717</sup> τ <sup>718</sup> τ <sup>719</sup> τ <sup>720</sup> τ <sup>721</sup> τ <sup>722</sup> τ <sup>723</sup> τ <sup>724</sup> τ <sup>725</sup> τ <sup>726</sup> τ <sup>727</sup> τ <sup>728</sup> τ <sup>729</sup> τ <sup>730</sup> τ <sup>731</sup> τ <sup>732</sup> τ <sup>733</sup> τ <sup>734</sup> τ <sup>735</sup> τ <sup>736</sup> τ <sup>737</sup> τ <sup>738</sup> τ <sup>739</sup> τ <sup>740</sup> τ <sup>741</sup> τ <sup>742</sup> τ <sup>743</sup> τ <sup>744</sup> τ <sup>745</sup> τ <sup>746</sup> τ <sup>747</sup> τ <sup>748</sup> τ <sup>749</sup> τ <sup>750</sup> τ <sup>751</sup> τ <sup>752</sup> τ <sup>753</sup> τ <sup>754</sup> τ <sup>755</sup> τ <sup>756</sup> τ <sup>757</sup> τ <sup>758</sup> τ <sup>759</sup> τ <sup>760</sup> τ <sup>761</sup> τ <sup>762</sup> τ <sup>763</sup> τ <sup>764</sup> τ <sup>765</sup> τ <sup>766</sup> τ <sup>767</sup> τ <sup>768</sup> τ <sup>769</sup> τ <sup>770</sup> 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<sup>946</sup> τ <sup>947</sup> τ <sup>948</sup> τ <sup>949</sup> τ <sup>950</sup> τ <sup>951</sup> τ <sup>952</sup> τ <sup>953</sup> τ <sup>954</sup> τ <sup>955</sup> τ <sup>956</sup> τ <sup>957</sup> τ <sup>958</sup> τ <sup>959</sup> τ <sup>960</sup> τ <sup>961</sup> τ <sup>962</sup> τ <sup>963</sup> τ <sup>964</sup> τ <sup>965</sup> τ <sup>966</sup> τ <sup>967</sup> τ <sup>968</sup> τ <sup>969</sup> τ <sup>970</sup> τ <sup>971</sup> τ <sup>972</sup> τ <sup>973</sup> τ <sup>974</sup> τ <sup>975</sup> τ <sup>976</sup> τ <sup>977</sup> τ <sup>978</sup> τ <sup>979</sup> τ <sup>980</sup> τ <sup>981</sup> τ <sup>982</sup> τ <sup>983</sup> τ <sup>984</sup> τ <sup>985</sup> τ <sup>986</sup> τ <sup>987</sup> τ <sup>988</sup> τ <sup>989</sup> τ <sup>990</sup> τ <sup>991</sup> τ <sup>992</sup> τ <sup>993</sup> τ <sup>994</sup> τ <sup>995</sup> τ <sup>996</sup> τ <sup>997</sup> τ <sup>998</sup> τ <sup>999</sup> τ <sup>1000</sup> τ <sup>1001</sup> τ <sup>1002</sup> τ <sup>1003</sup> τ <sup>1004</sup> τ <sup>1005</sup> τ <sup>1006</sup> τ <sup>1007</sup> τ <sup>1008</sup> τ <sup>1009</sup> τ <sup>1010</sup> τ <sup>1011</sup> τ <sup>1012</sup> τ <sup>1013</sup> τ <sup>1014</sup> τ <sup>1015</sup> τ <sup>1016</sup> τ <sup>1017</sup> τ <sup>1018</sup> τ <sup>1019</sup> τ <sup>1020</sup> τ <sup>1021</sup> τ <sup>1022</sup> τ <sup>1023</sup> τ <sup>1024</sup> τ <sup>1025</sup> τ <sup>1026</sup> τ <sup>1027</sup> τ <sup>1028</sup> τ <sup>1029</sup> τ <sup>1030</sup> τ <sup>1031</sup> τ <sup>1032</sup> τ <sup>1033</sup> τ <sup>1034</sup> τ <sup>1035</sup> τ <sup>1036</sup> τ <sup>1037</sup> τ <sup>1038</sup> τ <sup>1039</sup> τ <sup>1040</sup> τ <sup>1041</sup> τ <sup>1042</sup> τ <sup>1043</sup> τ <sup>1044</sup> τ <sup>1045</sup> τ <sup>1046</sup> τ <sup>1047</sup> τ <sup>1048</sup> τ <sup>1049</sup> τ <sup>1050</sup> τ <sup>1051</sup> τ <sup>1052</sup> τ <sup>1053</sup> τ <sup>1054</sup> τ <sup>1055</sup> τ <sup>1056</sup> τ <sup>1057</sup> τ <sup>1058</sup> τ 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<sup>1114</sup> τ <sup>1115</sup> τ <sup>1116</sup> τ <sup>1117</sup> τ <sup>1118</sup> τ <sup>1119</sup> τ <sup>1120</sup> τ <sup>1121</sup> τ <sup>1122</sup> τ <sup>1123</sup> τ <sup>1124</sup> τ <sup>1125</sup> τ <sup>1126</sup> τ <sup>1127</sup> τ <sup>1128</sup> τ <sup>1129</sup> τ <sup>1130</sup> τ <sup>1131</sup> τ <sup>1132</sup> τ <sup>1133</sup> τ <sup>1134</sup> τ <sup>1135</sup> τ <sup>1136</sup> τ <sup>1137</sup> τ <sup>1138</sup> τ <sup>1139</sup> τ <sup>1140</sup> τ <sup>1141</sup> τ <sup>1142</sup> τ <sup>1143</sup> τ <sup>1144</sup> τ <sup>1145</sup> τ <sup>1146</sup> τ <sup>1147</sup> τ <sup>1148</sup> τ <sup>1149</sup> τ <sup>1150</sup> τ <sup>1151</sup> τ <sup>1152</sup> τ <sup>1153</sup> τ <sup>1154</sup> τ <sup>1155</sup> τ <sup>1156</sup> τ <sup>1157</sup> τ <sup>1158</sup> τ <sup>1159</sup> τ <sup>1160</sup> τ <sup>1161</sup> τ <sup>1162</sup> τ <sup>1163</sup> τ <sup>1164</sup> τ <sup>1165</sup> τ <sup>1166</sup> τ <sup>1167</sup> τ <sup>1168</sup> τ <sup>1169</sup> τ <sup>1170</sup> τ <sup>1171</sup> τ <sup>1172</sup> τ <sup>1173</sup> τ <sup>1174</sup> τ <sup>1175</sup> τ <sup>1176</sup> τ <sup>1177</sup> τ <sup>1178</sup> τ <sup>1179</sup> τ <sup>1180</sup> τ <sup>1181</sup> τ <sup>1182</sup> τ <sup>1183</sup> τ <sup>1184</sup> τ <sup>1185</sup> τ <sup>1186</sup> τ <sup>1187</sup> τ <sup>1188</sup> τ <sup>1189</sup> τ <sup>1190</sup> τ <sup>1191</sup> τ <sup>1192</sup> τ <sup>1193</sup> τ <sup>1194</sup> τ <sup>1195</sup> τ <sup>1196</sup> τ <sup>1197</sup> τ <sup>1198</sup> τ <sup>1199</sup> τ <sup>1200</sup> τ <sup>1201</sup> τ <sup>1202</sup> τ <sup>1203</sup> τ <sup>1204</sup> τ <sup>1205</sup> τ <sup>1206</sup> τ

κίω σόφρ<sup>1</sup> πιατόμενα, κ' τῷ γῆς λιπαρωτέρῳ συμ-  
 πλεκόμενα, ἀνθεῖ· κ' τὸ μὲν σαρὲν κόκκος γυμῖος σπεύρε-  
 ται,<sup>2</sup> κελεύσματι δὲ τῷ διμμεργήσαντ<sup>3</sup> θεῶν θάλλων  
 ἡμφισμῶ<sup>4</sup> κ' ἐνδοξ<sup>5</sup> ἐγείρε<sup>6</sup>, ὃ πρῶτες εἰ μὴ  
 σποθιανῶν λυθῆ κ' <sup>3</sup> συμπαγῆ. ὥστε τιμὴ ἀνάστασι τῷ  
 σώματος ὃ μάλιστα πεπιτεύχασθαι. ἀλλ' εἰ καὶ λυέ<sup>7</sup>  
 πρὸς κερῶν ἀφ' αὐτῶν ἀπ' ἀρχῆς γενόμενον πρῶτον,  
 ὡς εἰς χωνοδότηειον εἰς γλῶσφιστά<sup>8</sup> πάλιν ἀναπλα-  
 σθησόμενον. ὃ ποιῶν ἀνιστάμενοι, ἀλλὰ καθαρόν κ' μι-  
 κέτι<sup>4</sup> φησόμενον. <sup>5</sup> κ' " ἐκάστῳ σώματι ἡδία ψυχὴ σπο-  
 δοθήσει, τῷτο ἐπειδυσσάμεν ἕκ ἀναθήσει, ἀλλὰ συλχα-  
 ρήσεται καθαρά καθαρῶ πρῶτα μείνασα.<sup>6</sup> ὡς εἰ τῷ κόσμῳ  
<sup>7</sup> νῦν δικαίως σιωδεύσασα, καὶ μὴ <sup>8</sup> ἐπιβύλον εἰ πᾶσιν  
 ἔχουσα, μὲν πάσις ἀγαλλιάσεως σπολήσει. οἱ δὲ ἀδι-  
 κοι οὐκ ἀλλοιωθέντα τὰ σώματα, ὅσδε πάθος ἢ νόσου  
 μεταστάντα, ὅσδε εὐδοξασθέντα σπολήσει. ἀλλ' οἱ  
 οἷς νοσήμασι <sup>9</sup> ἐτελεύτων, καὶ ὁποῖοι εἰ ἀπίστια γένην<sup>7</sup>,  
 ποιῶνται πρῶτος κριθήσονται. πάντες γὰρ δίχμοι τε καὶ ἀδικοὶ  
 εὐώπιον ὃ θεῶν λόγῳ ἀχθήσονται. τῷτο γὰρ ὁ πατήρ τιμὴ  
 κρίσει πᾶσαν δέδωκε καὶ αὐτὸς βασιλεὺς πατρὸς ἐπιτελῶν  
<sup>10</sup> κριτῆς πρῶτος, ὃν Χειρὸν πρῶτον ἀρεῶμενον. ὅσδε  
 γὰρ Μινῶς καὶ Ράδαμανθος κριταὶ οἱ κατ' ἡμᾶς Ἕλληνας,

1. *Hæsch.* γενόμενα. 2. In MS. *Hæschelii* κελεύσμεν π.  
 3. Συμμιγῆ *Hæsch.* 4. Sic *Hæsch.* Nam MS. habet φε-  
 εόμενον. 5. ὡς MS. 6. Ω *Hæsch.* 7. Ισ. αὐ [vel ἐν]  
 δικασμῶ ὁδεύσασα. 8. Potius ἐπιβύλον. 9. Sic *Hæsch.* At  
 MS. ἐτελεύτων. 10. MS. κριτήρ.

ἀλλ'

ἀλλ' ὃν ὁ θεὸς καὶ πατὴρ ἐδόξασε, *θεὸς ἔστί* ἐτέρις  
 λεπτομερέτερον διεληλύθαμεν *πρὸς τὸ ἐπιζητῆναι* ἢ  
 ἀλήθειαν. ἔπος τὴν πατρὸς εἰς πάντας διχασμοκρίσιαν  
 ποιόμενον, ἐκάσω καὶ τὰ ἔργα παρεσκεύασε τὸ δί-  
 χασμον. ἔ καὶ χριστὸν *ᾧ* πάντες ἀνθρώποι τε καὶ  
 ἄγγελοι καὶ δαίμονες μίαν ἀποφθέγγον φωνῶν, ἔπος λέ-  
 γοντες· ΔΙΚΑΙΑ ΣΟΥ Η ΚΡΙΣΙΣ. ἢ φωνῆς  
 τὸ ἀνταπόδομα ἐπ' ἀμφοτέροις ἐπάγει τὸ δίχασμον. τοῖς μὲν  
 εὖ *πράξασιν* ἰδικίως τὴν αἰδίων ἀπόλαυσιν *ᾧ* ἀρχόντος,  
 τοῖς δὲ τῶν φαύλων ἐραστῶς τὴν αἰώνιον κόλασιν <sup>2</sup> ἀπο-  
 νέμειντος. καὶ τούτοις μὲν τὸ πῦρ ἄσβεστον ἀφαιρῶν καὶ  
 ἀτελεύτητον, σκώληξ δὲ πῖς ἔμπυρος, μὴ τελευτῶν,  
 μηδὲ σῶμα ἀφαιρῶν, <sup>3</sup> ἀπαύσω δὲ ὀδυῆ ἐκ σώ-  
 ματος ἐκβάσων ἀφαιρῶν. τούτοις ἔχ' ὑπνος <sup>4</sup> ἀνα-  
 παύσις, ἔ καὶ παρηρησις, ἔ θάλασσα ἢ κολάσεως ἀπο-  
 λύσις, ἔ *ᾧ* ἀλλοίσι συγγενῶν μεσιτοσύνητων ὀνήσις. ἔ  
 καὶ ἐπὶ δίχασμι *ᾧ* αὐτῶν ὀρών), ὅθεν μνήμης γίνονται  
 ἄξιον. μόνον δὲ οἱ δίχασμι δικαίων μεμνήσονται ἔργων, δι-  
 ὡν ἐπὶ τὴν ἐρασίαν βασιλείαν κατιώτησαν. ἐν ἢ ἔχ'  
 ὑπνοῦ, ἔ λύπη, ἔ φθορά, ἔ φρενίς, ὅθεν ἰὺξ, ὅθεν  
 ἡμέρα χροῖα μετρημένη, ἔχ' ἡλιου ἀνάγκη κύκλον  
 ἐρασι <sup>5</sup> δρόμω ἐλαυόμενον, [<sup>6</sup> ὅθεν ἄγγελοι] ὀρών  
 μέτρα ἢ κέντρα πρὸς εὐγνωστον ἀνθρώπων βίον ἀφαι-

1. 1σ. δικασμῶ. 2. Sic Hæsch. At MS. ἀπονήμαντο.  
 3. Sic H. In MS. ἀπαύσις. 4. Sic H. MS. ἀπαύση.  
 5. Sic Hæsch. Sed MS. δρόμον. 6. H. non habet.

πρῶτον <sup>1</sup> ὁρθετεῦντες. ἔ σελιώη φθίνουσα ἢ αἰξουσα,  
 ἢ τροπὰς χειρῶν <sup>2</sup> ἐπάγουσα. ἔχ ὑγραίνουσα γλῶ. ὁδὲ  
 ἡλιθῶ ἔπιχθίων, ὁκ ἄρκλος σφεφομδῆ, ὁκ Ωλείων  
<sup>3</sup> γεννώμδθ. ὁκ ἄσρων πλάη εἰάειθμος, ἔ δύσ-  
 βατος γῆ, ὁδὲ δυσεῦρετος ὠρθεδέισου αὐλή, ἔδὲ δεινὸν  
 θαλάσσης φρύαγμα <sup>4</sup> κωλύον ἔπιβάντα πατεῖν, εὔβατος  
 δὲ χεῖρ αὐτῆ τοῖς δικαίοις γενήσεται, ἔτε τῶ ὑρθε σφρι-  
 μένη [ <sup>5</sup> ἔδὲ ἔ σφρῆ, ἔφ τὸ κῆφον ἔ <sup>6</sup> ἰοχῆ πατε-  
 μένη. ] ἔκ ἔρανος ἀοίκητος ἀνθρώποις, ἔδὲ τέττε <sup>7</sup> ὁδὲ  
 ἀνδρέτος. ἔ γῆ ἀνέρτατος, ἔδὲ ἀνθρώποις ἔπίπειθ,  
<sup>8</sup> αὐτοματὶ δὲ φύουσα καρπὲς ὠρθε εὐκοσμίας [ <sup>9</sup> εἰ  
 ὠρθεάξει ὁ δεσπόζων. ] ἔ θηλείων γένουσι πάλιν, ἔδὲ  
<sup>10</sup> τῶ λοιπῶν ἐκθεσασαμένη ἔσία. ἔδὲ γδ <sup>11</sup> ἀνθρώπος  
 πάλιν γενῆ, ἔλλ <sup>12</sup> ὁ μῆ δικίων ἀειθμὸς ἔφμενε  
 ἀνέκλειπτος, ἔμα δικίοις ἀγγέλοις ἔ πινδύμασι <sup>13</sup> θεῶ,  
 ἔ πω τέττε λόγθ. ὡς τῶν δικίων χορθὸν ἀνδρῶν τε ἔ

I. *H.* ὁρθετεῦντος. 2. Sic *H.* At MS. ἀπάγουσα. 3. *Ισ.*  
 θηρώμδθ, vel γωαιμαγῆς. 4. In MS. κωλύον. 5. Totum  
 hoc inclusum ab impresso abest. 6. *Ισ.* ἰοχέος. 7. *H.*  
 ἔ ἀναβάσεως ἢ ὁδὲ. 8. *H.* αὐτομάτη. 9. Inclusa *H.* non  
 habet. Pro εἰ vero in MS. est ἢ. 10. Τῶν λοιπῶν ζώων ἐκθ.  
*H.* 11. Ἀνθρώποις *H.* 12. Ο τῶ δικίων *H.* ἢ τ. ὁ μῆ τῶν.  
 13. Quæ sequuntur primo ad fidem & formam MS.  
 codicis (mendosi fati) expressimus. (Hoc excepto quod  
 in locis extra dubium positis & dictiones figillatim de-  
 scripsimus & accentus cuique suos adscripsimus. Quæ  
 utraque in scripto codice desiderantur.) Deinde emen-  
 dationem nostram (si forte) subjecimus.

γωαι-

ζωαρκῶν· ἀγῆρως κ' ἀφάρτως ἀφαιμένοι ὑμῶν. τὸν ὅτι

EN B10

ταῦτα προσηρόμενοι θεόν. ἀφ' τῆς τῆς εὐτακτε νομο-  
θεσίας σουοις κ' πᾶσα ἡ κτίσις ἀδιάληπτον ὑμῖον ἀνείσθη  
ἀπὸ τῆ φθορᾶς εἰς ἀφθαρσίαν διαυγη καὶ καθαρω πνεύ-  
ματος δεδωξασμένη. ἔκ υπαναγκῆς δεσμος σιωχρηθῆσθαι,  
ἀλλὰ ἐλευθερωσασα ἐκύσθη τῆ ὑμῖον ἅμα τῆς ἐλευ-  
θερωθῆσθαι πάσις δουλίας ἀγγέλοις τε καὶ πιδύμασιν καὶ  
ἀνθρώποις ἀνείσθη τὸν πεποιηκότα τέτῃς εἰν πιθῆντες  
Ελληνες κατὰλείφεται τὴν ματατότητα τῆ ὀπιγεῖς κ' ἡ  
χρηματων σπορα σοφίας, κ' μὴ πει λῆξεις ῥημάτων ἀρ-  
λύμενοι τῆ νοῦ εἰς πλανησοιωητε ἀλλὰ τίς θεοπιδύσθαι  
προφήταις κ' θεῶν κ' λόγοις ἐξηγηταῖς οὐχειρίσαντες  
ταῖς ἀκοᾶς θεῶν πιπεύσθαι ἔσεσθαι κ' τέτῃν κοινωνοὶ κ' τῆ  
μελλόντων τευξασθαι ἀγαθῶν, αμετρητε ἔρατῶν ἀνάβασιν  
κ' τὴν ἐκεῖ βασιλείαν ὄψασθαι φανερώς Ἄμθ θεο α νῦ  
σεσιώπη). ἀ ἔτε ὀφθαλμὸς εἶδεν, ἔτε εἰς ἡκυσεν, ἔτε  
ὅτι καρδία ἀνθρώπου ἀνείσθη ὅσα ἠτοίμασεν ὁ θεός ταῖς  
ἀγαπῶσιν αὐτόν· ἔφοις ἀνδρω ὑμᾶς ὅτι τέτῃς κεινω  
παρεχασα βοαστο τέλος ἀπάντων. ὥτε κ' τα τα ευπε-  
ποιηκότι τῆ βίον λήξαντος δε τῆ τέλος ἐξόκηλαν τη  
πρός κακίαν ανοητοι οι προσατε πονοι ὅτι τῆ κατᾶπρο-  
φῆ τῆ δράματος ἐξαθλω γινομενω. ποτε χεῖρι κ' ὀπι-  
σεσυρμένως βιώσαντι πρῶτερον ὅτι ὑπερι μετᾶνοήσαντι  
πολλῶ χεῖρῶ πολιτείας ποιητᾶν ἐκνικῆσθαι τῶ μὲ τὴν  
μετάτοιαν χεῖρῶ ἀκριβείας δε δεῖται πολλῆς ὑπὲρ τῆς

μαχεῖς

μακρην οσω πεποιηκόσι σώμασι διαίτης χερα ἢ πρῶσο-

MEN

χης πλείον<sup>Θ</sup> ὅτιν δυνατον γδ ἴσως ἀθρόως ἀποκόψαμ  
 παρῆς τρωφ . . . ἀλλὰ μὲν θεῶν δυνάμεως καὶ ἀνθρώ-  
 . . . . . κησιας καὶ ἀδελφῶν βοηθείας καὶ εὐλι-  
 κρινθας μετανοίας καὶ συνεχῆς μελέτης κατωρθῶται. Καλὸν  
 μὲν τὸ μὴ ἀμαρτάνειν, ἀγαθὸν δὲ καὶ τὸ ἀμαρτάνοντα μετα-  
 νοεῖν· ὡσπερ ἀειρον τὸ ὑγιαίνειν αἰεὶ, καλὸν δὲ καὶ τὸ ἀνα-  
 σφαλαμ μὲν ἰόσοι.

τῷ θεῷ δόξα.

*Eorum quae in praecedentibus aliquot paginis ad fidem*

*MS. hiulca & corrupta habentur emendatio.*

ἅμα δικαίοις ἀγγέλοις καὶ πνεύμασι θεῶν καὶ τῶν τέτων  
 λόγων. ὡς τῶν δικαίων<sup>1</sup> χρεὼν ἀνθρώπων τε καὶ γωαρκῶν  
 ἀγήρων καὶ ἀφάρτων<sup>2</sup> διαμῦνεν ὑμνοῦντα ἢ ἐπὶ ταῦτα  
 πρῶσογόμενοι θεῶν, ἀλλὰ ἢ ἐν τῷ βίῳ εὐτάκτη νομο-  
 θεσίας· σὺν οἷς καὶ πᾶσα ἡ κτίσις ἀδιάλειπτον εἰς ἀφαρ-  
 σίαν δι' αὐγῆς καθαρῆς πνεύματος δεδωξασμένη, ἔχ ὑπὸ  
 ἀνάγκης δέσμοις συχεθήσεται, ἀλλὰ [ ἐν ] ἐλευθερίᾳ  
<sup>3</sup> ζῶσα [ δι' ] ἐκείσων ὑμνοι ἅμα τοῖς ἐλευθερωθεῖσιν  
 [ ἀπὸ ] πάσης δουλείας ἀγγέλοις τε καὶ πνεύμασι καὶ  
 ἀνθρώποις ἀγέσθ<sup>4</sup> ἢ πεποιηκότα<sup>4</sup> τοῖς τέτων· εἰαὶ πειρασθέν-  
 τες ἐλλίπυες καταλείψουσι τὴν ματαότητα ἢ<sup>5</sup> ἐπι-

1. Ἰσ. χρεός. 2. Διαμῦνεν ὑμνῶν. 3. Ἰσ. ἄδουσα ἐκείσων τὴν ὑμνον. 4. Ἰσ. τέτων. 5. Αἰτμ. ὅτι χρεός καὶ χρημάτων ἀπύξυ.

Ο Ο

γείθ

γεία καὶ χρηματοποιῶ σοφίας· καὶ μὴ θεὸς λέξεις ῥι-  
 μάτων ἀρολόμενοι, (B) νῦν ἰ εἰς πλάγης οἶμον ὠδήτε.  
 ἀλλ' εἰ τοῖς θεοπνεύτοις προσθήταις καὶ θεῖα λόγῳ ἐξη-  
 γηταῖς ἐλχειρίσαντες τὰς ἀκοὰς θεῶ πιστεύσητε, ἔσεσθε  
 καὶ τέτων κοινωνοί, καὶ τῶ μελλόντων ἐπιτύξεσθε ἀγα-  
 θῶν, ἀμέτρη τε ἔρασι ἀνάβασιν καὶ τ' ἐκεῖ βασιλείαν  
 ὄψεσθε φανερώς. καὶ γνώσεσθε ὅσα νῦν σεσιώπη). ἃ ἔτε  
 ὀφθαλμὸς εἶδεν, ἔτε ὅς ἤκουσεν, ἔτε ὅτι καρδίαν ἀνθρώ-  
 πῳ ἀνέβη ὅσα ἠτοίμασεν ὁ θεὸς τοῖς ἀγαπῶσιν αὐτόν.  
 ἐφ' οἷς ἂν εὐρω ὑμᾶς, ὅτι τέτοις κρινῶ παρ' ἕκαστα, βοᾷ ὁ  
 τέλος ἀπάντων. ὥστε τῶ τε εὐ πεποιτικότη (B) βίον, λέξαν-  
 τος δὲ τῆ τέλους ἐξοκλήσαντι πρὸς κακίαν, ἀνόητοι (C)  
 προσέθετε πύνοι ἐπὶ τῇ καταστροφῇ τῆ δράματος ἐξάθλα  
 γενομένη. τῶ τε χεῖρον καὶ ἐπιστετυρμηδῶς βιώσαντι πρῶ-  
 τερον, ἔστι ὑστερον μετανοήσαντι πολλῶ χεῖρον πολιτείαν  
 πονηρὰν ἐκνικήσαντι τῶ μὲ τὴν μετάνοιαν χεῖρον. ἀκρι-  
 βείας δὲ δεῖται πολλῆς, ὡσπερ τοῖς μακρῶ νόσῳ πεπο-  
 νηκόσι σώμασι διάτης χρεία καὶ προστοχῆς πλείονος. ἔστι  
 μὲ ἀδιώατον ὅ ἴσως ἀθροῦς ἀποκόψαι πάθος προσφύ.  
 ἀλλὰ μὲ θεῶ δυνάμεως, καὶ ἀνθρώπων ἰκεσίας, καὶ ἀδελ-  
 φῶν βοηθείας, καὶ εὐκρινῶς ματανοίας, καὶ συνεχῶς με-  
 λέτης κατορθῶ). ἢ καλὸν μὲ ὁ μὴ ἀμαρτάνειν, ἀγαθὸν  
 δὲ καὶ ὁ ἀμαρτάνοντα μετανοεῖν. ὡσπερ ἀειστοὶ ὁ ὑγαίνειν  
 αἰεὶ, καλὸν δὲ καὶ ὁ ἀνασφάλαι μὲ νόσον. Τῶ Θεῶ δόξα.

- 
1. Hic aqua hæret : ἴσ. ἐμπραξινητε. εἰς πλάγ. οἰνώσητε.  
 2. Mallem, καλλίστην.

Josephi,



Josephi, ex opere inscripto, *Contra Platonem*,  
De causa *Universi*, de loco in quo justorum  
pariter & injustorum animæ continentur.

**A**TQUE hæc quidem Dæmonum sedes est. De inferis autem, ubi justorum pariter & injustorum animæ continentur, necesse est ut dicamus. Infernus ideo (sive Hades) locus est in rerum natura plane incultus, subterraneum specus, in quo lux mundi non resplendet: atque ideo locum hunc nullo lumine illustratum æternis tenebris horrescere necesse est. Regio hæc animabus pro carcere, designata est, cui Angeli custodes præfecti sunt, juxta sua cujusque opera debitas cuique pro more pœnas distribuentes. In hac autem regione locus quidam in recessu separatus existit, lacus ignis inextinguibilis. In quem nondum quempiam projectum novimus: præparatus tamen est in decretorium illum diem, ubi suspicienda justii judicii declaratio omnibus pro merito exhibeatur. Et injusti Deoque immorigeri, & qui opera vana manibus hominum fabrefacta idola, ceu Deum coluerunt, ut hujusmodi scelerum auctores ad æternum supplicium damnentur. Justii autem incorruptibili & indefectibili regno potiantur. Qui nunc quidem apud inferos conclusi sunt, non eodem tamen cum improbis loco. Unus siquidem est in hanc regionem descensus, cujus portæ Archangelum una cum præsidio præfectum credimus; quam quidem portam ubi primum prætervecti sunt qui ab angelis animarum præfectis eo deducuntur, per eandem viam non ulterius procedunt. Sed justii in dexteram, Angelis præfectis aliis facem præferentibus, aliis à tergo hymnos decantantibus, in locum lucidum deducuntur. Ubi quotquot ab orbe condito justii fuere, vitam degunt, necessitate nulla constricti, sed bonorum quæ ibi

conspiciuntur visione indefinenter fruentes \*\* & novorum semper expectatione lætabundi ; atque illa his præsentibus potiora judicantes. Et hic quidem locus non illis laborem creat, non lassitudinem : non illic æstus, non frigus, non tribulus : sed qui se coram conspiciendum præbet patrum justorumque aspectus molliter semper subridens, æternam post has sedes in cœlo requiem & resurrectionem expectantium. Hunc autem locum Sinum Abrahæ vulgo vocamus. Impii vero ab Angelis tortoribus in sinistra rapiuntur, non illi quidem sponte sua procedentes, sed captivorum instar per violentiam tracti. Ad quos Angeli præfecti munus suum obeuntes mittuntur, qui probris eos impetentes, & aspectu torvo increpantes, ad ima tartari protruduntur. Quos inter agendum præfecti trahunt usque dum gehennæ propiores facti qui in proximis consistunt ebullientis aquæ murmur continuo exaudiunt, neque ab æstus fumo immunes sunt. Ex hoc autem propiori intuitu tremendum illud & immane quantum flavum ignis spectaculum contuentes, præ futuri judicii expectatione obstupescunt, etiam nunc tantum non

*potentia* puniti. Quin & illic etiam patrum chorum justosq; prospiciunt, & ob hoc ipsum vel maxime torquen-

in medio interjectum est  
tur. Ingens enim & altum chaos *medios dirimit*, quod nec pium quenquam compassione affectum admittat, nec impium transire ausum suscipiat. Atque hæc quidem de inferis historia sic se habet, ubi singulorum animæ usque ad tempus à Deo præfinitum cohibentur ; qui tum resurrectionem omnium facturus est : non animas in alia corpora transferendo, sed ipsa corpora resuscitando. Quæ cum vos Græci soluta morte videatis fidem non adhibetis.

jam tandem infidelitatem dediscere  
Discite *autem non credere desinere*. Qui enim ani-  
mam

mam ex Platonis sententia, ingenerabilem & immortalē à Deo factam credidistis, procedente tempore non diffidetis quin & corpus etiam ex eisdem elementis compactum potens sit Deus, vitam ei rursus largiendo, immortale efficere. Neque enim unquam de Deo dicetur, quod hoc possit, illud non possit. Nos igitur & corpus etiam resurrecturum credidimus: quod utcumque corrumpatur non tamen perditur: reliquias siquidem ejus terra suscipiens eas custodit; quæ feminis instar pinguefactæ & una cum fertilioribus terræ partibus subactæ reflorescunt. Et id quidem quod seminatur nudum granum seminatur, sed creatoris Dei jussu revirescens vestitum & ornatum resurgit; neque tamen prius quam intermortuum dissolvatur & subigatur. Atque ideo resurrectionem corporis non gratis credidimus: quod licet propter inobedientiam illam primitus factam ad tempus solvatur, at in terram tanquam in fornacem de novo rursus formandum projicitur. Non quale antea resurrecturum, sed purum nec in posterum corrumpendum. Et sua cuique corpori anima reddetur, quo induta non ultra tristabitur, sed munda mundo cohabitans collætabitur; & exultatione plena resumet illud quocum in mundo juste conversata fuerat, & in omnibus operum particeps habuerat. Improbi autem nec *in melius* mutata corpora, nec à dolore & ægitudine aliena, nec glorificata recipient: sed quibus morbis gravati à vivis excefferant, & quales quales in infidelitate sua fuerant, tales plane ad tribunal judicii sistentur. Universi judicabuntur. Omnes enim justi pariter & injusti coram Deo Verbo sistentur: illi siquidem omne iudicium commisit pater, atque ipse voluntatem patris exsequens iudex comparet, quem Christum vocamus. Neque enim, qui apud vos Græcos, Iudices hîc sunt Minos aut Rhadamanthus, sed quem Deus & Pater glorificavit. De quo  
à nobis

à nobis alias distinctius actum est, in eorum gratiam qui veritatem investigant. Hic justum patris iudicium in omnes exercens, unicuique secundum opera sua quod

ad sententiam

æquum est ordinavit. Cujus iudicio omnes pariter homines, Angeli, Dæmonesque hanc una vocem tollent, sic dicentes, Justum est Iudicium tuum. Cujus acclamationis mutua hinc inde redditio utrique parti quod justum est infert: iis qui bene fecerunt æternam fruitionem conferente iudice, malorum vero cultoribus æternam pœnam distribuente. Atque hos quidem non exstinguibilis ignis & indefinens manet, sed & vermis quidam igneus, non moriens, nec corrumpens corpus, sed interminabili dolore è corpore prorumpens perdurat. Non illos somnus in requiem coget, non nox solabitur, non mors supplicio liberabit, non affinium mediatorum consolatio juvabit. Neque enim iusti jam ab ipsis ulterius videntur, neque digni sunt qui in memoria habeantur. Soli autem iusti bonorum operum memores erunt, per quæ in cœleste regnum provecti sunt: In quo nec somnus, nec dolor, nec corruptio, nec cura, non nox, non dies tempore mensuratus, non sol ex necessitate per cœli orbitam cursu circumactus. non Angeli qui tempestatum spatia & cœli cardines ad vulgo notos humanæ vitæ usus dimensa disponant. Non luna deficiens aut crescens, aut vices temporum inducens: nec illa terram humectans, nec sol adurens. Non circumvolvitur Arctus: non venatur Orion: non vagus aëtorum cursus numeros suos absolvit: sed terra calcatu facilis & Paradisi atria inventu haud difficilia. Non horrendus maris fremitus conscendentem prohibet quo minus pedibus calcet: nam & ipsum iustorum gressus facile admittet: nec humore suo destitutum, nec firmitate sed per impressa leviter vestigia proculcatum. Non cœlum ab humanis incolis

incolis imparatum, nec qua illuc ascenditur via impossibilis inventu. Nec inculta *jacebit* terra, nec tamen ab hominibus elaborata. Sed sponte sua fructus in ornamentum *universi* proferet; si quidem Dominus ita jussit. Nulla ultra ferarum genitura, nec reliquorum natura animantium in prolem prorumpit. Neque enim homo jam ulterius gignit; sed justus piorum numerus indeficiens perdurat, una cum Angelis & Spiritibus Dei justis, & *Patre Verbi*. Adeo ut justorum chorus virorum pariter & feminarum ab omni prorsus senio & corruptione immunis permaneat, Deum hymnis celebrans, qui beneficio legum in vita recte instituta latarum, eos ad hoc status perduxit. Et cum his una universa etiam

tollit

creatio indefinentem proferet hymnum, *ut quæ* à corruptione ad incorruptionem deducta, & spiritus lustratione glorificata, nullis necessitatis vinculis constricta tenebitur, sed in libertatem asserta per spontaneum hymnum, una cum Angelis Spiritibusque & hominibus ab omni prorsus servitute liberatis, Creatorem suum celebrabit. Si ergo vos Græci his persuasi, terrenæ istius & quæstuosæ sapientiæ vanitati nuncium remittatis, nec circa dictionum argutias occupati intellectum vestrum in erroris semitam impellatis: sed inspiratis cœlitus prophetis & divini verbi interpretibus aures vestras accommodantes Deo credatis, eritis & vos horum participes, & quæ futura sunt bona consequemini. Immensi cœli ascensum, & quicquid illic regni est aperte videbitis: & ea cognoscetis quæ nunc reticentur. Quæ nec oculus vidit, nec auris audivit, nec ascendit in cor hominis quæ Deus præparavit diligentibus se. Communis omnium finis continuo clamat, In quibuscunque tandem vos invenero, in illis etiam judicabo. Adeo ut etiam recte vitam instituenti, sine autem ingruente in vitium effuso, inutiles

inutiles & frustra antea suscepti labores, ut qui deducta ad catastropham fabula exors præmii dimittitur. Illi autem, qui pejus etiam & discincte nimis antea vixerit, licebit postea poenitentiam agenti de male exactæ vitæ cursu diutius eo quod post poenitentiam reliquum temporis spatium victoriam referre. Sed hoc ut fiat diligentia plurima opus habet: non aliter quam corporibus quæ diuturno morbo laborarunt diæta necessaria est & major cura adhibenda. Forfan enim vix possibile est confertim & uno quasi ictu alimenta morbi præcidere. Sed per Dei potestatem, & hominum vicinitatem, & fratrum auxilium, & poenitentiam synceram, & curam continuam feliciter tandem exitu emendatur. Optimum quidem est non omnino peccare, bonum vero & peccantem resipiscere: sicut optimum est semper sanum esse, bonum vero & post morbum revalescere. Deo Gloria & potentia in secula seculorum. Amen.

Num. v̄.

D<sup>r</sup>. THOMAS SMITH'S *last Letter to the Publisher, transcrib'd from a MS. in the Publisher's Possession, intit'led, A Collection of Letters, in number CLXVIII, written to my self by the Reverend and Learned D<sup>r</sup>. Thomas Smith, beginning Nov. 9. 1703. and ending April 1. 1710.*

SIR,

**I** Write this to acknowledge the receipt of your Letter of the 25. March. The Inscription ' in it I do not beleive to bee genuine: but of this I am not able to

1. I have published this Inscription since in the fifth Vol. of Leland's Itin p. 137. H.

write

write more, by reason of the utter extinction of my right eye, and the weakness of my left: which forbids mee to make use of it either in reading or writing for above 4. or 5. minutes at a time: which together with an inflammation in my other uselesse eye gives mee extreme great paine, and that continued: so that I am forced, to obtaine some kind of ease, to lye upon my bed a great part of the day. God grant mee patience under, and submission to his heavenly will. So that now at last there is like to bee a fatall interruption put to our correspondence, on my part at least: and therefore I would not have you give your selfe the trouble of writing to mee, til you heare from me first, either by a short letter of my owne, or by the hand of a friend.

In the midst of all my paine and anguish, I thanke God, I am not sick, and find no symptomes of approaching death upon mee: yet considering my great age, having now almost run out the threescore and twelvth yeare of my life (for I was borne 3. June 1638.) I conclude I have not long to live, and that there may bee some unforeseen suddain change, which may carry mee off.

My Br. told mee this weeke, that Mr. Fisher acquainted him, that his kinsman, Dr. Hudson, would bee in London very speedily. If so, desire him to come and visit mee: for I heartily desire to see him and discourse with him.

I cannot hold out any longer. I conclude this, I feare my last, letter to you with my prayers to our gracious and mercifull God to blesse you with long life, vigorous healtie, and a perpetual use of your eyes. *Disce meo exemplo.*

I am,

London, 1. April

Sir,

1710.

Your affectionate Friend and humble Servant

Tho. Smith.

P p

*This*

r. Thurs-  
day.

*This is the last Letter I receiv'd from this Great Man. For he died at London the 11<sup>th</sup>.<sup>r</sup> of May following, between 3. and 4 of the Clock in the Morning, as I was inform'd by my Friend the Reverend and Learned Mr. Hilkiab Bedford, and was buried (as I was inform'd by the same Gentleman) on Saturday night immediately following in St. Anne's Church between 10. and 11. Clock.*

Tho. Hearne.

Num. VI.

E Coll. MSS. Smithianis penes nos,  
Vol. XCIII. p. 143.

*Archbishop Laud to Mr. John Greaves of  
Merton College.*

S I R,

**Y**OUR kind letter of Novemb. 15. came not to my hands, 'til the beginning of this weeke: else you had certainly received my answer and thanks for your kindnes sooner.

I see you have taken a great deale of care about the coines I sent to the University. And I hope, as you have seen the last I sent, with others, placed in their severall cells respectively; so you have also seen their names written into the booke, that both may be perfect and agree together.

For the placing of them I leave that wholly to the University, whose they now are: yet I must needs approve of the way of placing them, which you have thought on. Nor can there be any objection against it, but that which you have made about the M. S. Com-  
mend my love to Dr. Turner and Mr. Pocock; and when  
you



you have weighed all circumstances, whatsoever you shall pitch upon shall serve, and please mee. So to God's blessing I leave you, and rest

Your unfortunate poor friend

Tower Janua.

W. Cant.

13. 164½.

Num. VII.

E Coll. nostris MSS. Vol. I. p. 99.

*Mr. Timothy Nourse's Donation to the University of Oxford.*

Mr. Timothy Nourse, who dyed July 21<sup>st</sup>. 1699. gave Newent in Glouc. ff. to the Bodlejan Library by his last Will and Testament, as followeth, in these Words :

**I***Tem*, I give to the Bodlejan Library in Oxford all my Collection of Coines and Medalls, whether of Gold, Silver or Copper, being in all about five or six Hundred Pieces, in thankfull Remembrance of the Obligations I have to that famous Univerfity.

This was faithfully transcrib'd out of the said Will  
by me

Abra. Morfe,

Rector de Huntley in Com. Glouc.

Gould peeces 2.

White 121.

Copper 409.

In all 532.

A brass Buckle.

*That which is above written is a Copy of the Paper, sent by Mr. Morfe, now in the Publick Library.*

*A Note of the Divinitie Schoole and Librarye  
in Oxford.*

Sent me in  
a Letter by  
my Friend,  
the reve-  
rend and  
learned Mr.  
Thomas  
Baker, B.D.  
of St. John's  
Coll. Camb.

**A**BOUT the yeere of our Lorde 1478. the Divinitie Schoole and Librarye in Oxford was founded, not by one but many Benefactors: for as aperythe in the Proctors Books, in the same yeere a Statute or Decree was made by the Universitie, that betweene the Feasts of St. Luke and all Sayncts, Solemne Dirige and Masse should be sounge for the Soules of John Kemp late Cardinall and Archbp. of Canterburye, and Thomas Kempe Bishope of London, and that they should be remembered in everye Sermon in Oxford, at Paules Crosse, and the Hospitall in London, with this Provisoe annexed, yealding the cause of this Statute: "Proviso quod hæc  
"ordinatio vim capiat & effectum, cum summa mille  
"Marcarum ad ædificium scholarum Sacræ Theologiæ  
"applicand. fuerit plenarie Universitati Oxon. perfo-  
"luta. Et si contingat aliquam porcionem dictæ summæ  
"mille Marcarum post completum ædificium hujusmodi  
"remanere, quod portio remanens ponatur in aliqua Ci-  
"sta, ad usum Scholarium mutuari volentium." And of this money appeareth 200. Markes to have been paid, and a Bonde of the Archbp. taken for the rest. At the same tyme another Statute was made, towching the keepinge, lending &c. of Bookes gyven to the Universitie by the Duke of Glocester. "*Inprimis* pro firma  
"& perpetua Custodia largissimæ & magnificentissimæ  
"donationis cxxix. Voluminum per Serenis. Principem  
"& Dominum Inclitissimum Dominum Humfridum Re-  
"gum filium fratrem & Patrum, Ducem Glocestriæ,  
"Comitem Pembruch. & Magnum Camerarium Angl.  
"nostræ

“nostræ Universitati, ex summa sua liberalitate donato-  
 rum, & quorumcunque Voluminum in futuris per eun-  
 dem Serenissimum Principem donandorum, ut fiat unum  
 novum Registrum, in Cista quinque Clavium reponend.  
 &c.” Also thei decreed, that within three dayes of  
 Simon and Judes day, a Masse of the Trinitie, or of our  
 Ladie should be songe for hym and his wiefse Elioner.  
 Also a Chaplein of the Univerfitie was chofen, after the  
 maner of a Bedell, and to hym was the Custodie of the  
 Librarye committed, his Stipend — *CVI*s. and *VIII*d. his  
 apparell found hym *de Secta generosorum*. Noe man  
 might come in to studdie but Graduats and thoes of 8.  
 yeares contynuance in the Univerfitie, excepte Noble-  
 men. All that come in must firste sweare, to use the  
 Bookes well, and not to deface theim, and everye one  
 after at his proceding must take the licke Othe. Howers  
 apoynted when they should come in to studdie, *viz.* be-  
 twene IX. and XI. aforenoone, and one and four after  
 noone, the Keper geving attendaunce: yet a Prerogative  
 was graunted the Chauncellour Mr. Richard Court-  
 ney to come in when he pleased, during his owne Lieffe,  
 so it was in the daye tyme; and the cause semeth, that  
 he was the cheiffe cawler and setter on of the Librarye;  
 for it foloweth: “*Quam Prærogativam ad vitæ termi-*  
*num concessit Universitas in favorem Mri. Ricci-*  
*Courtenaye nunc Cancellarii, cujus temporibus & la-*  
*bore est completa Domus.*” The Librarye was buylded  
 by many Benefactors, and not by one, for the Chaplein  
 was bound under payne of perjurye to remember, “*per-*  
*sonas certas, quæ magis sunt meritæ,*” in his Masses,  
 whoes names are, “*Illustriss. Princeps Henricus Quartus*  
*Rex Angl. & Franc. Sereniss. Princeps Henricus Prin-*  
*ceps Walliæ primogenitus hujus, Illustres sibi Fratres,*  
*Thomas, Johannes, & Humfredus, Tho. Arundell Cant.*  
 “Arch-

“ Archiepiscopus, Philippus Repinton Lincoln: Episcopus, Edm: Comes Marchiæ, & Mr. Richardus Courtney.” More Rules and Ordinaunces are sett downe, towching this Librarye, but theis be the cheefeste.

Worthy Sir,

*That I might not send you an empty Letter, I have copied out this Paper. How it agrees with your accounts, or whence it was taken, I cannot surely say, but it was copied out (with other Antiquities) by Matthew Stokys a publick notary, and Regr. of this University under Qu. Eliz. and sooner. I suspect it to be taken from Archbishop Parker's MSS. where I remember to have met with somewhat very like it, if not the same.* —————

\* \* \* \* \*  
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Num. IX.

E Coll. nostris MSS. Vol. LVII. p. 164.

*Collections relating to the Div. Schoole and Library of the Univ. of Oxon. written by Dr. Langbaine.*

**T**H O. Kempe Episcopus London construxit Scholæ Theologicæ Atrium, Cathedram, valvas, turriculas &c. Scholam etiam voltavit, & lapide quadrato absolvit. A<sup>o</sup>. 1476. Ed. 4. 16.

Redintegravit hoc opus Episcopus London, inchoatum ante, & derelictum ab Academicis, annos fere 60.

Academici per literas repetunt à rege Latomos, quos Episcopus Wintoniensis avocarat, ad perficiendum ædificium Vindelesoriæ cæptum.

Jo. Tibtoft comes Wigornia & Humfredi Gloc. successor,

cessor, cum esset Patavii, libros quosdam pollicitus est Acad. Oxon. quorum indices ad eos misit, quos illi ad quingentas marcas æstimarunt. Sed decollatus postea, non præstitit quod promisit.

Georgius Nevillus Archiepiscopus Eboracensis pollicitus est, se recuperaturum libros comitis Wigorn.

Academia scripsit G. Wikham Episcopo Winton. ut illis accommodaret machinas, quarum ope Scholam Theologicam voltis & fornicibus exornarent.

Bibliotheca Oxon. hos habuit Benefactores, Henr. 4. Henr. Principem ejus filium, itemque Thomam, Joannem, Humfredum ejus fratres : Tho. Arundel Archiepisc. Cant. Philip. Repington Episcopum Lincoln. Edm. Comitem Marciaë, Ric. Courtney, Ric. Lichefilde Archidiaconus Middlesexiaë.

Humfredus donavit Acad. Volumina 129. Ric. Lichefilde 100. vol.

Anno 1412. constituitur capellanus & custos Bibliothecæ.

Ex Registris publicis Academiaë.

Anno 1449. 24. Oct. deliberatum erat quod fieret reparatio Librariæ ex sumptibus Universitatis.

1451. Supplicat venerabili Congregationi &c. W. Farby quatenus 6. anni in Philosophia, & 2. in Theologia sufficiant ei ad effectum, quod possit intrare ad Librariam, non obstante statuto. *Hæc gratia concessa est, sub conditione quod solvat 40d.*

Eadem gratia concessa est Tho. Dando, sub conditione quod cedat magistris si eis placuerit.

1513. Electio Capellani Universitatis per Commissarium, Doctores, Magistros, & alios.

1513. Supplicat magister Adam Kirkebek Capellanus Univers. quatenus gratiose dispensetur cum eo, ut non teneatur aperire ostia librariæ Univers. ante horam 12. in diebus festis.

1515.

Bac. Juris  
intrabant  
cum ha-  
bitu.

1515. Supplicat &c. D. Tho. *Nicols baccalaureus Juris, quatenus possit intrare librariam Univers. sine habitu* causa studendi. Hæc gratia est concessa sic quod non inducat secum plures Scholares, & causa non sit ficta.

1515. Sup. &c. D. Jo. Babham Baccalaureus facultatis Artium, quatenus possit intrare librariam Univers. sine habitu suo. Concessa cum conditione, ut solvat 4*d.* ad compositionem novæ chartæ.

1555. Electi sunt quidam ad vendenda subsellia librariæ Univers.

Num. X̄.

E Coll. nostris MSS. Vol. XLVII. p. 61.

*Copy of an Original Letter (in the Hands of Richard Rawlinson, M. A. <sup>1</sup> of St. John's-Coll. Oxon.) relating to the Bells of Bristol, anno 1643.*

To the Right Hon<sup>ble</sup> our very good Lord the Lord Piercies these present at Court.

Right Hon<sup>ble</sup>,

**U**PON receipt of your Lordship's Letters, by which you make claime to the Bells of this Cittie, as Generall of his Majestie's Artillery, We doe humbly conceive, that yf any such Forfeiture were incur'd (as is pretended) yet by Agreement on his Majestie's Parte when his Forces entred, it was in Effect condiscended unto, that there should noe Advantage be therof taken, but that all things should continue as formerlie, without Prejudize to any Inhabitant. And the Bells of each Church being (as your Lordship well knowes) the pro-

1. The Degree of Dr. in the Civil Law was since conferr'd on him by Diploma, in a Convocation of the Univ. of Oxon. on June 19. 1719.

per

per Goods of the Parishioners, are not at our Disposall,  
neither have we to doe with them. All which we hum-  
blye submitt to your Lordships better Judgment, and tak-  
ing our Leaves doe rest

Bristoll this  
xxi<sup>th</sup>. of Novem-  
ber 1643.

Your Honors most humbly  
at Comandment,

Humph. Hooke Maior.  
John Goringry Ald.  
J<sup>no</sup>. Tomlinson Ald.  
Rich. Long.  
Wi. Jones Alder.  
Ezkiell Wallis Alder.  
George Knight Alderm.  
John Tailer Alderm.  
John Lock Ald.  
Henry Creswicke.  
William Colston.

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Num. XI.

E Coll. nostris MSS. Vol. LXXXVIII. p. 42.

*In MS. vet. de Officiis Osney.*

**F**INITO Agnus Dei collentur Douce, Clement &  
Austin, & post missam per non magnum spacium  
pulsentur. — Et notandum, quod semper post magnam  
missam pulsetur <sup>1</sup> Hautecter, ad completorium Gabriel  
vel Jon —

Douce, Clement, Austin, <sup>1</sup> Hautecter, Gabriel, Joh,  
nomina campanarum Osney.

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<sup>1</sup>. *Potius*, Hautcleri.

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## ATHENÆ OXON.

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JOHN MORWEN, or *Morenus* as he writes himself, was a *Devonian* born, admitted Scholar of *Corp. Chr. Coll.* 23. *Feb.* 1535. and afterwards Fellow, and Master of Arts. About which time entring into holy Orders, he became noted soon after for his profoundness in Divinity, and his great knowledge in the Greek tongue, being in the latter end of King *Hen.* 8. Reader thereof in his College, and a private instructor of *John Jewell*, though afterwards a hater of his Opinions. In 1551. he was admitted Bach. of Divin. and about the same time studied Physick, as having no good wishes for reformation, which tended to the ruin (as he thought) of the Church. He is stiled by a learned <sup>1</sup> Author, not of his opinion, to be *homo Græce doctus, sed idem Græcorum more leviculus & bibaculus, &c.* Afterwards he was patronized in his studies by *Will. Roper*, Esq. whose Daughter, by *Margaret* his Wife, (Daughter of Sir *Thomas More*) he instructed in the Latin and Greek tongues. He hath written several things, but whether extant, I know not. Among them are,

*Epistolæ ad D. Will. Roperum.*

*Epitaphia diversa.*

*Opuscula Græce & Latine.* Written with his own

1. Laur. Humph. in *Vita Joh. Juelli*, p. 25.

S f

hand,

hand, and said <sup>1</sup> to be (tho' I cannot yet in all my searches find them) in the *Bodleian* Library <sup>2</sup>. He also translated into English several of the Greek and Latin Orations, made by the said Daughter of *Will. Roper*, as by his Epistles it appears. What became of this *Job. Morwen* when *Qu. Elizabeth* came to the Crown (if he lived to that time) I cannot tell, unless he was received into the Family of the said *Roper* a great lover of learning, and a reliever and comforter of distressed Catholics.

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Reverendi in Christo Patris Domini Episcopi  
WYNTONIENSIS doctoris GARDINERI  
Angliæ Cancellarii Epitaphium, JOANNE  
MORRENNO Collegii Corporis Christi socio  
authore.

L O N D I N I

Ex ædibus Roberti Caly. Mense Novembris.  
Anno salutis. 1555.



Ume tibi pullas, & nigras, Anglia, vestes,  
Occidit, heu! lumen, gloria, lausque tua.  
Concidit ingenti luctu decus omne honorum:  
Concidit & virtus non revocanda prece.

Concidit & fidei turris firmissima certæ:

Sinceræ vitæ clara columba jacer.

Concidit ingenii cultum subtilis acumen:

Jamque minus Musis roboris esse puto.

Jam Charites doctæ, puræque solertia linguæ

Interiit, lacerat casta Minerva genas.

Famaque justitiæ totum celebrata per orbem

Conticuit, tenebris occuluitque caput.

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1. *Rob. Hegge* in *Cat. Schol. & Soc. Coll. C. C. Ox.* MS. 2. Where I have often seen and perused them. H.

Vivida



Vivida præcipiti periit sapientia lapsu,  
 Cognitio veri, juraque sacra silent.  
 Rebus in humanis cecidit prudentia sagax,  
 Consilii inventrix curia mœsta tacer.  
 Actio civilis dormit, causæque clientum :  
 Pactorum custos, juris amicus abit.  
 Oppressis pereunt miseris solatia larga.  
 Unica pauperibus spes quoque dempta cadit.  
 Mysta sacerdotii charum plorare parentem  
 Non cessat, meminit jam periisse ducem.  
 Dux gregis interiit summus, pastorque disertus,  
 Martino similis moribus ingenuis.  
 Gemma sacerdotum, pietas, flos, unio pulcher  
 Deposuit speciem præfulis interitu.  
 Exstinctam queritur divino guttore vocem .  
 Plebs, ad quam fecit plurima verba pius.  
 Concio demulcens, pandensque secreta sophias,  
 Obstupuit, damno iussa tacere gravi.  
 Hunc regina dolet, mundi nitidissima stella,  
 Thesaurum credit deperiisse sibi.  
 Tu quoque cognosces fidum cecidisse, Philippe,  
 Suaforem, fuit hic dignus amore tuo.  
 Tresque simul reges lugebunt Nestora magni :  
 Carolus ex imo pectore planget eum.  
 Quid procerum memorem curas, animosque potentum ?  
 Ex quorum numero maximus occubuit.  
 Triste quid exponam, sudans & Palladis agmen ?  
 Cujus in interitu fletibus ora rigat.  
 Quid jam fervorum planctus, quos aula patroni  
 Nutribat, dicam ? hos iusta querela tenet.  
 Jam fortuna premit spoliatos dura magistro,  
 Inquirent similem, non tamen invenient.  
 Hic cancellatus tractavit munia iuste,  
 Officii cujus pondere nil gravius.

S f 2

Ad

Ad quem confugient viduæ suspiria crebra ?  
 Unde roget vires, subsidiumque petat ?  
 Ad quem conditio curret miseranda pupilli ?  
 Se gemino pressum sentiet esse malo.  
 Sentiet orbatum duplici se sæpe parente,  
 Et qui defendat, quique reservet opes.  
 Vos fratres tenui degentes stamine rerum,  
 Inductos jam quos Anglia nuper habet,  
 Flectere nocturno Christum qui tempore vultis,  
 Amissum lachrimis plangite, flete virum.  
 Tuque petens panes aliena ad limina pauper,  
 Concuties dentes frustula nulla vorans.  
 Te fitis, atque fames, te mille pericula lædent :  
 Centones laceros ferre premere tuos.  
 Nocturnique gelu torpesces frigore sævo.  
 Nullus erit qui te tecta subire velit.  
 Nulla tibi, quæ membra tegat, clementia crescet,  
 Proque cibo ventrem stringet amara lues.  
 Quare agite ô Lazari, Christum pulsate gementes  
 Vocibus assiduis, vultibus amnis eat.  
 Nec finem facito plorandi, desine nunquam,  
 Cui baculus dextræ est, pocula læva capit.  
 Prosequere extractam terris, oculisque Tabitham :  
 Vestibus ostendas corpora tecta novis.  
 Aut Petrum rogita, ut redeat, delapsus ab alto :  
 Qui laxet duræ vincula rupta necis.  
 Aut si non possit fieri, sed membra cubabunt  
 Mortua, sub cineris strata colore novi,  
 Nec calor ejectus redivivos surget in artus,  
 Mortis at æternæ nox tenebrosa valet,  
 Funde preces, gemitusque cie, funalia porta,  
 Stetque tuo gelido plurimus ore liquor.  
 Plange, Bonære, tuum Stephanum, sociumque pericli,  
 Carcer quos firma junxit amicitia :

Plange

Plange tuum Jonathan, & flebile dicito carmen,  
 Thesea desideras, Pirithoumque tuum.  
 Deliciæ cecidere tuæ, pars maxima lucis,  
 Dimidium cordis scito perisse tui.  
 Jamque Eboracensis summo viduatur amico,  
 Tortoris clausit quem malefuada domus.  
 Tu quoque non minimo luges, Ciscestria, planctu,  
 Cui sunt mœroris pocula plena data.  
 Et qui postremo vigiles perferens iniquos,  
 Jam Dunelmensis pastor amara gemit.  
 His ego Whiteum formosum cidare jungam,  
 Quem domini fovit cura benigna sui.  
 Tu, Feckname, doles, cujus de pectore verba  
 Exundant puro dulcia melle magis.  
 Tuque patrem affectu miro comitaris ademptum,  
 Viscera percussit mors inimica tua.  
 His etiam adnumerem Chedseum dogmate sanum,  
 Qui fregit Sathanæ spicula torta manu.  
 Hæresiarcha tuos conatus, Petre, repressit,  
 Et falsi docuit schismatis esse caput.  
 Idcirco intravit Mavortia tecta referta  
 Sordibus, & vili carcere mansit ovans.  
 Hoc argumento multos pepulere nefanda  
 Dicere, quæ reprobatur spiritus alma domus.  
 Non te præteream tacitus, Watfone fidelis,  
 Cujus consiliis intimus existiteras.  
 Præ cunctis gravius patitur Wyntonia vulnus,  
 Quæ desolatur commoriente patre.  
 Illius arx cecidit, tum propugnacula pacis:  
 Non ita jam tuta est præside cincta bono.  
 Et si vera licet fari, respublica murum  
 Præcipuum amisit, grandeque præsidium.  
 Perdidit & juvenis, cui dat Northfolchia nomen,  
 Tutorem, quo non sanctior orbe fuit.

Tu

Tu, Bassatte, dole, cui tu threpteria debes,  
 Qui dici poteris filius, ille pater.  
 Transiit & hic mœror reginæ ad pectora nostræ,  
 Quæ studio vigili diligit usque probos.  
 Et pater, & gnatus, duo lumina maxima mundi,  
 Quod cadit ingenii fida columna dolent.  
 Mentio scribenti raptim mihi nulla Roperi  
 Exstitit, at Stephani summus amicus erat,  
 Qui si perpeffus non est ergastula fœda,  
 Par reliquis animo, confociusque fuit.  
 Quid, Martine, tuos gemitus, lugubria verba,  
 Mœrores animi, tristitiamque loquar ?  
 Hisque Copingerum ponam, quem sanguine junctum,  
 Mœnia cum domino continuere diu.  
 Sed qui cœlestes habitant, sedesque supernas,  
 Exsultant animam celsa videre poli.  
 Et gaudent, quoniam mortali corpore nexus  
 Exiit, & proprium terra cadaver habet.  
 Exsultant cives patria meliore coloni,  
 Quòd Stephani venit mens preciosa Deo.  
 Tu, Crispine, capis dextra, Stephanumque reducis  
 Ad summi lætus splendida tecta poli.  
 Ac majestatem gaudente numine trino  
 Alloqueris, cujus flammea sella micat.  
 Suscipe tu Stephani mentem veneranda potestas,  
 Hancque sinu sistat jam patriarcha tuus.  
 Dat Mormannus opes, gemmas, niveamque coronam,  
 Manna, sacrum nomen, fidereumque decus.  
 O Stephane eximii, & custos prædivitis horti,  
 Numen fac clemens propitiumque tuis :  
 Vos agite ò populi ductores, cernite quantus  
 Hic fuit, innocue ut duxerit usque dies.  
 Hujus si fitis vestigia sancta secuti,  
 Quæ sunt illius præmia vestra sient.

Ac

Ac ne quis dubitet dictis, certissima servat  
 Foedera, promittit qui sua dona bonis.

F I N I S.

XXII. Guilielmi Camdeni Annales Rerum Anglicarum & Hibernicarum regnante Elizabetha. Tribus Voluminibus comprehensi. E Codice præclaro Smithiano, propria Auctoris manu correcto, multisque magni momenti Additionibus locupletato, erui edidique, aliumque insuper Codicem è Bibliotheca Rawlinsoniana adhibui. A.D. 1717. 8vo.

XXIII. Guilielmi Neubrigenfis Historia sive Chronica rerum Anglicarum, libris quinque. E Codice MS. pervertusto in bibliotheca prænobilis Domini Dni. Thomæ Sebright, Baronetti, uberrimis additionibus locupletata, longeque emendatius quam antehac edita. In hac Editione præter Joannis Picardi Annotationes, meas etiam Notas qualescunque & Spicilegium subjeci. Quinetiam accedunt Homiliæ tres eidem Guilielmo à Viris eruditissimis adscriptæ, partim è Codice præclaro antedicto, partim è Codice antiquo Lambethano nunc primùm editæ. Oxonii, è Theatro Sheldoniano, 1719. 8vo.

XXIV. Thomæ Sprotti Chronica. E Codice antiquo MSto. in Bibliotheca prænobilis Adolescentis Dni. Edwardi Dering, de Surrenden Dering in Agro Cantiano, Baronetti, descripsi edidique. Quin & alia quædam Opuscula, è Codicibus MSSis. authenticis à meipso itidem descripta, subjeci. Oxon. è Th. Sheld. 1719. 8vo. Præf. p. xxv. pro *munitissimas* lege *minutissimas*.

XXV. *A Collection of Curious Discourses, written by eminent Antiquaries upon several Heads in our English Antiquities, and now first published chiefly for the use and service of the young Nobility and Gentry of England.* Oxon. è Th. Sheld. 1720. 8vo.

F I N I S.

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