

other as a proof of the sensation excited among his adversaries by his death. They are also significant as indications of the state of moral feeling of Italy at the time, and of the really national character of the romantic epic just perfected by Boiardo. The exploits attributed to the hero of the day are precisely in the style of the achievements of the Orlandos, Rinaldos, and Mandricardos of Carlovingian romance.

The actual particulars of Cæsar's captivity and escape, it is hardly necessary to say, were widely different from those feigned by the imagination of his panegyrist. They have recently been related by M. Charles Yriarte in an article on 'L'Épée de César Borgia,' in the *Revue des Deux-Mondes* for 15 Sept. last, an essay containing very little on its professed subject, but much that is highly interesting upon matters of greater moment. According to M. Yriarte, ample materials exist in the Spanish archives for a work on 'Cæsar Borgia in Spain,' which it is to be hoped will be undertaken. Approaching his subject mainly from its picturesque side, M. Yriarte naturally deploras the absence of any authentic portrait of Cæsar. It may be worth pointing out that a professedly authentic portrait does exist, although upon a very small scale, and of dubious credit. Among the medals of Pius III engraved in Bonanni's 'Numismata Pontificum Romanorum' (tom. i. p. 187), is one ostensibly struck to commemorate the protection accorded by the pope to Cæsar Borgia. A young man, unarmed and bareheaded, his left hand pressed to his heart, kneels on one knee before the pontiff, who is enthroned between two cardinals. The legend is SUB UMBRA ALARUM TUARUM, MDIII. The features, though diminutive, are distinct, and, although the brow is much less lofty than in the posthumous portrait or pseudo-portrait attributed to Raphael, might very well be Cæsar's; but we know of no undoubted contemporary representation by which their identification could be established, and, considering the extreme shortness of Pius's reign, the genuineness of the medal itself may appear questionable.

R. GARNETT.

CUTHBERT MAYNE AND THE BULL OF PIUS V

THE question as to the proportion in which the penal measures of Elizabeth against Roman Catholics were dictated by political and theological motives is a large one and can only be determined by a survey of the whole conflict between her government and the papal party. An error of fact here or there in the details of some plot or of some act of judicial cruelty may be comparatively unimportant. Yet it may be well to call attention to an erroneous statement which has been recently propagated by several eminent historians and which lends itself too easily to the making of a telling point against what is historically the weaker side. Mr. Froude is perhaps the original offender. Quoting a letter from Mendoza to Philip (28 Dec. 1578) in which the ambassador refers to the constancy with which some missionaries from the seminary, founded by his majesty at Douay, had already suffered martyrdom, Mr. Froude adds in a note (*Hist.*, vol. xi. chap. 68): 'Mendoza perhaps alludes to Cuthbert Mayne, who was discovered in Cornwall in November

1578 having about him copies of the bull of Pope Pius. He was tried for treason and hanged at Launceston. This and similar executions are now held to have been needless cruelties. But were a Brahmin to be found in the quarters of a sepoy regiment scattering incendiary addresses he would be hanged also. If the facts be as stated by Mr. Froude, the justice and importance of his inference are undeniable.

Professor Willis-Bund, in his 'Selection of Cases from the State Trials' (vol. i. p. 229), introducing an account of the Jesuit trials, asserts that 'In November 1578 Cuthbert Mayne was found in Cornwall with copies of the bull of Pius in his possession'—borrowing the fact apparently from Mr. Froude; both give a wrong date. Mayne was captured and executed in 1577. Again, Mr. Green, in his 'History of the English People' (ed. 1873, vol. ii. p. 408) makes use of the same story to give colour to a brilliant, although not quite accurate, description of the situation in 1567-78. 'The queen's terror,' he writes, 'became a panic in the nation at large. The few priests who landed from Douay were magnified into an army of papal emissaries despatched to sow treason and revolt throughout the land. Parliament was summoned to meet the new danger, and declared by formal statute the landing of these priests and the harbouring of them to be treason.' (This, however, was not done till many years later, 27 Eliz.) 'The act,' he continues, 'proved no idle menace; and the execution of Cuthbert Mayne, a young priest who was arrested in Cornwall with the papal bull of deposition hidden about him, gave a terrible indication of the character of the struggle upon which Elizabeth was about to enter.' Still more instructive is the measured language of Leopold von Ranke ('History of England,' Oxford translation, vol. i. p. 295). 'On this [the action and writings of the Seminarists] the repressive system which had been already set in motion in consequence of Pope Pius V's bull was made more stringent; this is what has brought on the queen's government a charge of cruelty. The catholics began to write their martyrologies. One of the first priests whose execution they describe, Cuthbert Mayne, was condemned by the jury for bringing the bull with him into other people's houses together with some *Agnus Dei*'; and here in a note Ranke gives his authority from Pollini ('Istoria Eccl. d' Inghilterra,' p. 499): 'che contro alle leggi d' Inghilterra egli avesse portato seco una bolla papale, alcuni grani benedetti et Agnus Dei,' which, however, by no means bears out the statement in question. Pollini would hardly have spoken of Pius's famous bull as *una bolla*. Ranke adds, 'It is a pity that the eminent Hallam had not the first reports at hand,' a rebuke which recoils upon the German historian.

There is, in fact, no authority whatever for the assertion that Cuthbert Mayne brought into England a copy of the bull of deposition. The bull found among his papers was well known among contemporary catholic writers to have been a harmless instrument issued by Gregory XIII in connection with the jubilee of 1575. Allen made a point of this against Cecil in his 'Sincere and Modest Defence,' 1584, p. 2, and the facts were again published in Bridgewater's 'Concertatio,' ed. 1588, p. 291. Compare Challoner's 'Missionary Priests,' where the whole story of Mayne's capture and trial is given (vol. i. p. 15), and F. Morris's 'Troubles,' first series, where in the account of the 'Imprisonment of

Francis Tregian' (pp. 58-140) the several indictments are fully reported and the bull of jubilee printed *in extenso*.

Mayne, who had been many years in anglican orders and a chaplain at St. John's, Oxford, became a catholic and went over to Douay college in 1573. He returned to England as a missionary in 1576, foolishly carrying with him a printed copy of this bull, which he had picked up out of curiosity in a bookseller's shop. The document, it is true, was specially addressed to English catholics, offering them, on account of the difficulties of their situation, certain dispensations or commutations with regard to the usual conditions for gaining the indulgence of the jubilee year. So far the bull in itself might fairly be considered as falling within the scope of the penal statute of 1571. But when Mayne brought it into England after the expiration of the jubilee it had lost all meaning. It was a mere piece of waste paper, of no practical use to any one and dangerous only to himself. He was, however, charged, first, with having obtained from Rome a bull containing matter of absolution of the queen's subjects, and, secondly, with having published this bull in the house of Mr. Tregian—a manifest absurdity under the circumstances. Mayne mildly argued in his defence that the instrument in question 'was a void paper, a thing past date, of no force,' while Sir Richard Manwood, the presiding judge, retorted that as for that no bulls were of any force in this country, and that it was against the law to introduce any such popish rags. Sir John Jeffries apparently dissented from this opinion of his colleague, and the point seems to have been referred to the queen's council, who upheld the verdict. It is not necessary to enter upon the minor charges against Mayne, which did not involve capital punishment, viz. his upholding papal power, delivering an *Agnus Dei*, and saying mass. The trial was not one of which Englishmen can boast.

On the other hand, there is preserved in the Record Office ('Dom. Eliz.' vol. cviii. No. 46) a report of the examination and confession of Mayne, which adds materially to the information derived from catholic or from hitherto printed sources, and suggests that the extolling of Roman power was in his case something more than an expression of speculative dogma, and indeed goes some way to explain the rigour with which he was treated. Among his papers there had been found extracts or notes which brought him under suspicion of having taught that catholics were bound, when the opportunity should occur, to rise against the queen, or to take part with a catholic invader of the realm; in fact, of having taught the doctrine insisted upon some years later by Parsons and Allen. At the examination, when he confessed boldly what had hardly been proved at the trial, that he had said often mass, though he refused to tell when or where, Mayne thus explains the suspicious passages in question:—'The words found in a book of his signifying that though the catholic religion did now serve, swear and obey, yet if occasion were offered they would be ready to help the execution, &c., were annexed to a text taken out of a general council of Lateran for the authority of the pope in his excommunication, and at the last council of Trent there was a consent of the catholic princes for a reformation of such realms and persons as had gone from the authority of the bishop of Rome, when it

was concluded that if any catholic prince took in hand to invade any realm to reform the same to the authority of the see of Rome, that then the catholics in that realm should be ready to assist and help them. And this was the meaning of the execution as he saith, which he never revealed to any man before.' Mayne had also stated that 'the people of England may be won unto the catholic religion of the see of Rome by such secret instructions as either are or may be within the realm; but what these secret instructions are he will not utter, but hopeth when time serveth they shall do therein as pleaseth God.' Such speeches, though made, it seems, after the trial, would no doubt confirm in the minds of the judges the substantial justice of their verdict. The seminarists did not indeed scatter about incendiary bulls. They did not play so open a game. It was however the firm belief of the government that these new missionaries were sent to impress upon the laity the doctrine of the deposing power—a doctrine which Parsons declared was *de fide*—and thus to prepare soldiers for the pope and king Philip when the hour for striking should arrive. It was to meet this very real and insidious danger, and not merely to attack Roman dogma, that the savage, rough-and-ready legislation of Elizabeth was directed; and therefore, if the historians above referred to are wrong in their statement of facts with regard to Cuthbert Mayne, and if Hallam ('Constitutional Hist.' i. 197, ed. 1882) is literally correct in stating that he was hanged 'without any charge against him except his religion,' it may still be doubted if Mayne did not under the circumstances make his religion incompatible with his loyalty as an English subject.

T. G. LAW.

AN EARLY TRACT ON LIBERTY OF CONSCIENCE

To those who like to trace the genesis of a great thought there are few pages of history more interesting than those in which Professor Masson in his *Life of Milton* (iii. 98) has traced the growth of the idea of toleration down to the 'Bloody Tenent of Persecution,' by Roger Williams. In the list of pamphlets on the subject given in Professor Masson's work there is however an omission which I wish to supply. Its title is 'Liberty of Conscience: or the sole means to obtaine Peace and Truth. Not only reconciling His Majesty with his subjects, but all Christian States and Princes to one another, with the freest passage for the Gospel. Very seasonable and necessary in these distracted times, when most men are weary of War, and cannot find the way to Peace. Printed in the year 1648.'

This pamphlet has the advantage of the 'Bloody Tenent' in point of time. It was purchased by Thomason on March 24, 1648–4, whilst Williams's book was bought on July 15. A slight priority of publication is, however, of no great importance. The real merit of the tract on 'Liberty of Conscience,' is that it stands apart in its method of treatment. The 'Bloody Tenent' is one of a series written by persons exposed to persecution, and therefore likely to come to the conclusion that persecution is objectionable. 'Liberty of Conscience' is the work of a writer who, though not averse to using the ordinary biblical language of the day,