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Review

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most complicated problems of historical investigation. It is surely premature to sum up when the evidence on either side is still so incomplete. The author halts between the functions of reporter and editor of the evidence, and Mr. Bryan's bias towards the views of M. Fustel de Coulanges and Mr. Seebohm tends to prevent him from giving sufficient attention to the views and criticisms which have been advanced by their opponents. This may prove a stumbling-block to students who derive their first information as to the mark theory from the pages of this little treatise.

In the chapter on the mark in America, Mr. Bryan justly ridicules the extraordinary view of some enthusiastic compatriots, who see in the methods of the Pilgrim Fathers the unconscious reconstruction of the fundamental institutions of the Teutonic race. As he points out, stockading, wood-gathering and the cattle pound can surely be explained more simply!

HILDA STEVENSON

An Introduction to English Economic History and Theory. By W. J. ASHLEY, M.A., Professor of Economic History in Harvard University, sometime Fellow of Lincoln College, Oxford. Part II. The End of the Middle Ages. (London: Longmans. 1893.)

THE five years which have elapsed since Professor Ashley published the first part of his projected work have been well spent; and if some of his readers have grumbled at the delay in the appearance of the volume before us, they will do well to reconsider their attitude. The study of economic history by Englishmen is still in such an elementary condition that any attempt to formulate conclusive generalisations must for long years be attended by the greatest danger. As in other provinces of history, so in this of economics, the English materials are abundant; but they are as yet undigested, in many cases unpublished, and every year adds important items to our stock of knowledge. Had Professor Ashley hurried to press (let us say) at the close of 1890, he would have missed the valuable evidence contained in Vinogradoff's great work, in Mr. Leadam's publication of the enclosure returns of 1517, and in Dr. Lambert's account of the gilds of Hull. As it is, though he permits himself the usual wail of the exiled scholar, a worker in an English provincial town can only envy Professor Ashley the well-stocked libraries which appear to have been at his disposal both in Toronto and at Harvard, and the obliging trustees who allowed him to transport valuable public property to a 'remote summer resort.'

Following the sound principle of his earlier volume, Professor Ashley has again resisted the temptation to tell the story of English economic history in a synthetic form. Some score of years hence an English scholar who has owed his training to the author of this book

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and his fellow-labourers—perhaps Professor Ashley himself, for the work he is now doing is self-education of the best type—may be in a position to give us such an interdependent and all-embracing account of the crowded drama of English economic life as Dr. Gardiner is unfolding for us of the politics of the seventeenth century. Meanwhile, this is the time for thoughtful essays upon the more prominent features of the economic past, and it is just such a collection of essays that we have in the volume before us. The rare moderation which induced Professor Ashley to begin his account of English rural life with the manor of the eleventh century remains with him, despite the influence of ‘Western ideas.’ We have next to nothing of those fascinating but dangerous speculations, historical or metaphysical, which sometimes postpone the true solution of a difficulty for many years. The statements made are (with rare exceptions) cautious, and amply supported by evidence, and the evidence itself has been sifted with care. Professor Ashley’s discovery (for it was no less) of the uncanonical character of the famous passage on villein tenure hitherto attributed to Littleton—a discovery the importance of which has been fully admitted by so competent an authority as Dr. Maitland—is a good illustration of this assertion. It is likewise a proof how necessary it is that evidence which has long been the special possession of a particular cult should be re-examined by critics of another persuasion.

After this candid tribute to high excellence, it may seem somewhat strange in us to take Professor Ashley to task for one sweeping statement which seems to have slipped into his book by mischance. His valuable argument in the chapter on *The Agrarian Revolution* is marred by such doctrine as this. ‘There was a time, we can hardly doubt, when the great body of villeins all over the Midland and Southern counties held their lands on much the same terms, whatever these may have been. But with the growth of royal courts of justice, and of a body of professional lawyers, distinctions came to be drawn between the tenure of this or that villein, this or that district’ (p. 275). Now we may not know much about pre-Norman England, or of early Teutonic Europe generally (we shall know more when Dr. Liebermann publishes his researches), but the little we do know leads us to the conclusion that this theory of Professor Ashley’s is very, very far from the truth. Whether we take the view of Coulanges and Seebohm, that rural organisation grows out of some such arrangement as that pictured in Charles the Great’s *Capitulare de Villis*, or adopt the German theory of independent and isolated groups of kinsfolk settling in villages, the result all tends to show that variety and not uniformity is the rule of primitive rural life. All the evidence is that way. Coinage, weights, measures, prices, would hardly have differed, as we know they did in different parts of early England, if the organisation had been uniform. *Villani rectum est varium et multiplex* say the *Rectitudines*, and the statement is borne out by the evidence. The view that the judges of the king’s *curia*, the lawyers who

gathered round the king's court at Westminster, produced diversity of legal condition by their judgments and pleadings on circuit, that the Norman passion for definition and regularity resulted in irregular local varieties of legal doctrine, is opposed to all that we know of the makers of the *common law*, as well as to the general trend of history. The kings who insisted on uniformity in the prices of bread and ale and the breadth of cloth were not the men to encourage varieties of land tenure. Rather do we see in the policy of the *Extenta Manerii* and the *Hundred Rolls*, in the long series of decisions recorded in the *Year Books*, a gradual approximation to the simple modern classification, the *freehold*, *leasehold*, and *copyhold* of the present day. No doubt the varieties of manorial practice (subject to certain significant restrictions) are still infinite, no doubt local custom is still occasionally allowed (with straiter restrictions) to prevail over the rules of the common law. But the essential requisite, formerly genuine, now more or less fictitious, of *immemorial user*, shows the plea by virtue of which these variations were allowed to survive. Upon the practical question raised by Professor Ashley, the security afforded by villein tenure in the sixteenth century, it may be worth while to mention that a rather rare little book, *Institutions or Principal Grounds of the Lawes of England*, published anonymously in 1556, makes the matter entirely one of personal status. 'For the land holden in villenage maketh not ye tenant a villayne, but contrarywyse a villaine may make free lande to be villaine land unto his lorde. As if a villayne purchaseth land in fee symple or fee tayle, the lord of the villayne may enter into the land so purchased by his bondman, and put him and his heyris out for ever, and this done, the lord if he will may lease the same land to his villayne to holde of him in vyllen[a]ge.' (fo. 44).

Passing to other parts of the work, we may notice the admirable study of industrial life contained in the chapters on *The Supremacy of the Towns*, *The Crafts*, and *The Woollen Industry*. Upon the last-named subject Professor Ashley writes as a thorough specialist, and the only criticism we have to make on this chapter is that the writer seems to have shirked the difficulty of distinguishing between the origins of the Drapers' and the Merchant-Tailors' Companies. He treats the establishment of Blackwell Hall as the work of the former (whose own hall was originally in St. Swithin's Lane, and afterwards in Throgmorton Street), in spite of the fact that Stow tells us that the original donors of the site were mercers, and that the rebuilder of the hall in the Armada year was a merchant-tailor.

Upon the fate of the gilds at the time of the Reformation Professor Ashley has much to say that is worth considering. His view may be taken to be that the amount of spoliation has been greatly exaggerated, that practically only the income devoted to 'superstitious uses' was seized, and that, in fact, the economic influence of the Reformation has been a good deal over-estimated. In dealing with

the interesting question of the origin of the Poor Law, he strives to show that the great increase of poverty, or rather of manifest poverty, was mainly due to the general break-up of mediæval conditions, and not to the disendowment of religion. No doubt there is much in this view, and Professor Ashley's contention as to the gilds is supported by at least one important instance, that of the Gild of the Holy Trinity at Hull. Though it always had a strong religious element in its character, the gild has never been deprived of its property, and to this day maintains hospitals and other institutions out of its income. As to the general influence of gilds on practical life in the sixteenth century there is an interesting little piece of indirect evidence which seems to have escaped Professor Ashley's notice. In the year 1588 or thereabouts, a constable of the town of Colchester seized twenty-seven pounds of white wool, the goods of one Clearywalk, on the ground that they had formed the subject of sale between 'aliens.' Clearywalk brought an action of trespass in the Queen's Bench, and when the official attempted to justify himself the judges appeared to regard his plea as amazing. The report is very brief, but the impression left in the mind of the reader is that gild regulations were archaic secrets by the time of the Armada.

In conclusion, it may be said that the book is conveniently arranged and easily handled. The English is, on the whole, good and unpretentious, though occasional lapses in style and grammar are to be regretted. When Professor Ashley says, 'Men have at all times failed to pay their debts' (p. 399), we are persuaded that he only means to assert that at all times there have been men who have failed to pay their debts. 'Where the ale which had been brewed from gifts of corn *were* paid for by the drinkers' (p. 311), is hardly Lindley Murray. And we confess to a wish that things were not made to correspond to other things. But these are minor blemishes.

EDWARD JENKS

Städte und Gilden der germanischen Völker im Mittelalter, von KARL HEGEL. (Leipzig: Duncker and Humblot, 1891.) 2 vols., pp. 457, 516.

THOUGH somewhat late in the day, it is still very well worth while calling the attention of those who concern themselves with the social development of the middle ages to this work of an 'old master' of municipal history. Though five and forty years have passed since Karl Hegel won his reputation in this field with his treatise on municipal constitutions in Italy, his ardour is unabated; and he now gives us an exhaustive and admirably arranged codification of well-nigh all that is known with certainty concerning the municipal constitutions of the whole 'Germanic' world, including England, Sweden, Norway, Northern France, and the Netherlands, as well as the various divisions of Germany itself.