

*A Thirteenth-Century Phrase.*

IN October 1278 Llywelyn ap Gruffydd was allowed by Edward I to marry Eleanor de Montfort at Worcester. We are told by Llywelyn himself how, just before the ceremony, Edward commanded him to seal a letter, already drawn up for him, by which the Welsh prince pledged himself not to keep any man in his territory without the permission of his overlord. Thus, taken by surprise, Llywelyn sealed the letter *compulsus per metum qui cadere potest in constantem virum*. Llywelyn's account of this rather shabby transaction on Edward's part occurs in a list of grievances which he presented to Archbishop Peckham in 1282, when the primate, anxious to bring about a reconciliation, visited him in his Snowdon fastnesses in the course of Edward's decisive Welsh campaign. The document is printed in Mr. Trice Martin's valuable edition of Peckham's letters in the Rolls series, and the words referred to will be found therein on ii. 448. Commenting upon the text, Mr. Martin in his introduction to that volume, p. xlv, calls the expression 'a curious phrase, which occurs more than once in the series of Welsh remonstrances, and which suggests that Welsh courage was of the uncivilised order, fury without self-control.' The inference is a tempting one, and I have myself implicitly accepted it in a sentence describing an earlier crisis of the life of Llywelyn in 1265.<sup>1</sup> Nevertheless it is an inference which it is impossible to rely upon. The phrase not only 'occurs more than once in the Welsh remonstrances.' It is one of those time-honoured medieval common forms which are used so constantly that they cease to have any specific meaning at all. The phrase is in its origin, as Professor Maitland has kindly pointed out to me, an echo of a sentence in the *Digest*. In the chapter treating of *quod metus causa gestum erit* the following dictum of Gaius is quoted: *Gaius libro quarto ad edictum provinciale. Metum autem non vani hominis sed qui merito et in homine constantissimo cadat, ad hoc edictum pertinere dicemus.*<sup>2</sup> This distinction between shameful and natural fear seems to have become by the thirteenth century one of the stock phrases of the papal chancery, and thence probably passed into the chronicles. Accordingly it is most unfair to rely on Llywelyn's confession as evidence of the 'uncivilised order' of Welsh courage. What little significance lies in the expression depends on Llywelyn's clerk's serving up to the papalist primate the conventional phraseology of Roman documents, or on the evidence it affords of widespread knowledge of the formulae of the civilians. It is not even a recognition of the universality during the middle ages of that sort of courage which is 'fury without self-control.' A few instances of the use of

<sup>1</sup> *Owens College Historical Essays*, p. 115.

<sup>2</sup> *Digest*, 4, 2, 6, *Corpus Iuris Civilis*, i. 113 (Berlin, 1870).

the phrase will sufficiently show its merely formal character. In the bull of Innocent III of 24 Aug. 1215, quashing Magna Carta, the pope tells how John was forced to sign the charter *compulsus per vim et metum qui cadere poterat in virum etiam constantissimum*.<sup>3</sup> The phrase goes from the bull to a chronicler when Matthew Paris,<sup>4</sup> speaking of the Oxford riots in 1238, when the legate Otho was attacked by the clerks of the university at Osney Abbey, adds *ad quem [clamorem] stupefactus legatus et nimis perterritus timore qui posset in constantissimum virum cadere in turrin ecclesie . . . se recepit*. Again, the formula recurs in the famous letter of Boniface VIII (dated 27 June 1299) in which he claims Scotland as a fief of the apostolic see. After enumerating the evidence that the Scots kings had served the English kings of grace, and not because bound in feudal duty, he explains the submission of the Scottish magnates to Edward in 1291 as elicited *utpote per vim et metum qui cadere poterant in constantem*.<sup>5</sup> This letter was copied by Walter of Hemingburgh into his chronicle. A few pages later in Hemingburgh's work, when describing the conflict between Bishop Bek of Durham and his chapter, the historian tells us how Richard, prior of Durham, was in 1800 persuaded to resign his office, *inductus per vim et metum qui possent cadere in constantissimum virum*.<sup>6</sup> No doubt careful search would find many similar instances of the phrase.

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### *Provincial Constitutions of the Minorite Order.*

CONSTITUTIONS AND CAPITULAR DECREES OF THE PROVINCE OF  
ST. ANTHONY (VENICE), 1290-1296.

THE following constitutions are printed from the Canonici MS. Miscell. 75 in the Bodleian Library, a volume containing a collection of Franciscan documents, written on parchment, and dating partly from the end of the thirteenth and partly from the fourteenth centuries. The contents are as follows: <sup>1</sup>—

(1) Fol. 1-46 b, 'Constitutiones generales antique edite per venerabilem fratrem Bonaventuram bone memorie de Balneo Regio'—a version of the general constitutions of 1260 as revised in 1292.

(2) Fols. 47-57, 'Rubricae de Modo Officii Ecclesiastici' (issued by Haymo of Faversham).

<sup>3</sup> Bémont, *Chartes des Libertés Anglaises*, p. 48.

<sup>4</sup> *Chronica Maiora*, iii. 483, Rolls Ser.

<sup>5</sup> Hemingburgh, *Chron.* ii. 192, Engl. Hist. Soc.

<sup>6</sup> Hemingburgh, ii. 215-6, who clearly wrote with the papal mandate summarised in Bliss, *Cal. Papal Registers*, i. 598-90, before him

<sup>1</sup> Cf. the description given by F. Ehrle, *Archiv für Literatur und Kirchengeschichte des Mittelalters*, vi. 76 (henceforth referred to as *Archiv*).