

has, in another work, dressed up this story in almost the same words that he applies to the case of Gregory VI. Accordingly Jaffé has a very bad opinion of Bonitho's veracity (*perfectum autem mentiendi artificem in hac re quoque se praebet Bonitho*). One or two recent writers appear to persist, notwithstanding Jaffé's exposure, in holding that something of the kind described by Bonitho did happen at Sutri.³ I suppose it is just possible to believe that the fable of Marcellinus was acted on as an historical precedent.

The fiction was by no means purposeless. Its object, as Döllinger and Jaffé explain, was to reinforce the doctrine that the pope is not subject to any earthly jurisdiction. Perhaps some reader of the *ENGLISH HISTORICAL REVIEW* may be able to supply further links in the history of the legend. F. POLLOCK.

THE MURDER OF HENRY CLEMENT.

ANY English document of the thirteenth century which shows us witnesses being examined separately as to the perpetration of a crime is of so rare a kind that the following extract from a *Coram Rege* roll seems worthy to be printed. It relates to the murder of Henry Clement in the year 1235 of which Matthew Paris has told us.¹ Clement was a clerk whom Maurice Fitzgerald, the justiciar of Ireland, had sent as envoy to the king. It will be seen from the following record—and this we might learn from Paris also—that the guilt of the murder was attributed to two very different persons. On the one hand suspicion fell on Gilbert Marshall, Earl of Pembroke, for Clement, it was said, had bragged of having a hand in the death of Richard Marshall, Gilbert's brother, who perished in Ireland in the year 1234. On the other hand there were some who laid the murder of Clement at the door of William de Marisco, whose father, Geoffrey de Marisco, was supposed to have taken part in the plot which lured Richard Marshall to his fate. This of course is strange; it is much as if we were certain that some modern Irish crime had been committed either by Fenians or by Orangemen, and yet knew not which party to accuse. It suggests that there was a triangular quarrel between the Marshalls, the Fitzgeralds, and the family of Marsh or Dumaresque. The truth may be that Clement had been babbling and had thus incurred the enmity of all parties. The end of the matter was that Gilbert Marshall proved his innocence, while William de Marisco was outlawed, took to piracy, and in 1242 was hanged as a traitor. We know also that Gilbert Marshall was suspected of shielding William de Marisco from justice.²

¹ Baxmann, *Die Politik der Päpste*, ii. 206.

² *Matth. Par. Chron. Maj.* iii. 327, iv. 193-6; *Royal Letters*, ed. Shirley, i. 469-70; Sweetman's *Calendar of Irish Documents*, Nos. 2262, 2291, 2321.

³ Sweetman's *Calendar*, No. 2321.

The following record stands on Curia Regis Roll No. 115 (18-19 Hen. III.), m. 33 d. It has been copied by Miss Salisbury. The roll is in bad condition ; some words are illegible and the words here printed within brackets are barely to be read. I have endeavoured to write out in full the words which are contracted in the original document. I have read no other record of this age which shows us a similar attempt to obtain evidence of a crime from witnesses who are examined one by one.

F. W. MAITLAND.

MIDD. { *Henricus Clement nuncius Iusticiarii Hybernie occisus
fuit apud Westmonasterium in domo Magistri Davidis le
Cirurgien.*

Et Willelmus Perdrix nuncius domini Regis tunc fuit in domo illa et dicit quod post mediam noctem ³ ante diem Lune proximum ante Ascensionem Domini venerunt v. homines armati vel sex vel ibi circiter et plures alii ⁴ nec nescivit numerum ad domum praedicti Davidis et frugerunt hostium aule et postea intraverunt aulam et ascenderunt versus unum solium et hostium solii frugerunt et ibi occiderunt predictum Henricum et vulneraverunt predictum Magistrum Davidem. Et quesitus si sciret qui ipsi fuerunt dicit quod non. Quesitus etiam ⁵ ipse fecit dicit quod non fuit ausus aliquid facere propter metum predictorum armatorum et dixit predicti homines dicebant sibi quod teneret se in pace et quod non oporteret eum timere. Et dicit quod credit quod plures extra domum fuerunt in vico quia cum idem Henricus vellet in fugam convertere et abire et cum vellet exire per quandam fenestram retraxit se propter multitudinem gentium quam vidit extra in vico.

Et Brianus nuncius Iusticiarii Hybernie tunc fuit in curia in quadam domo forinseca in quodam stabulo et dicit quod neminem vidit nec aliquid scivit antequam factum illud perpetratum fuit et tunc levavit clamorem sed dicit quod nescivit qui fuerunt sed dicit quod homines Willelmi de Marisco minati fuerunt eidem Henrico de corpore suo quia dicebat quod idem Henricus fuit in curia et secutus fuit curiam domini Regis et ipsum et alios de Hibernia impedivit quod negocia sua facere non potuerunt in curia. Et dicit quod habet in suspicione ipsum Willelmum et suos et homines Marescalli sed dicit quod nescit aliquem nominare. Et dicit quod suspicionem habet de quodam valetio Ricardi Syward ⁶ sed nescit illum nominare.

Willelmus garcio predicti Henrici dicit quod iacuit in quodam stabulo in curia et quod nichil inde scivit antequam factum illud factum fuit ⁷ quod nescit qui illi fuerunt sed dicit quod predictus Henricus sepius dixit in hoc dimidio anno quod homines Marescalli ei minati fuerunt sepius. Et quesitus si aliquem nominavit unquam dicit quod non.

Et Willelmus homo ipsius Perdrix venit et dicit quod iacuit in aula

³ This seems to be the night between 13 and 14 May 1235.

⁴ *Et plures alii* interlined.

⁵ Supply *quid*.

⁶ Richard Siward was a friend of the Marshalls. This witness, who is a servant of Fitzgerald, seems to suspect both Marshall and Marisco.

⁷ Supply *et*.