

XXXVI.

*The Same to the Same.*Wetherby, Janr 26 174 $\frac{1}{2}$.

My Lord,—Just before I sat down to dinner to day the Kings messenger came in with notice that the Duke would be here to night. I ordered my coach immediately to pay my duty to his R. Highness, and got here by six, about ten minutes before him. He is going to lie down for an hour or two, and does me the honour to take my coach to Boroughbridge about one in the morning. After I had kissed his hand and wished him a good journey, I took the liberty to desire him to take care of himself, and intimated, that we wanted no proof of his spirit and intrepidity.

My good friend the Colonel has just parted with me. He seems extremely well; is as confident as a modest man should be of success, and talks of the ragged enemy with a very cool contempt. I pray God grant that this expedition may put an entire stop to the mischief of this diabolical crew. That this harassed nation may come to itself again and enjoy a little, I mean a lasting repose. I have troubled your Lordship so much lately that I am ashamed to pester you by this post.

I am My Lord, ever your Lordships most faithfully,

THO: EBOR:

By my last intelligence from Edinburgh I learn that my friend Sir Arch^d Grant brings up all his children Jacobites, and that one Jack, whom your Lordship once mentioned in a letter, is a man to be trusted with great caution. *Gens infida!*

The Records of the Commissione Feudale in the Neapolitan Archives.

A COLLECTION of very great interest is that contained in the Archivio di Stato at Naples, in the division 'Interno,' section 'Commissione Feudale.' It comprises 96 printed volumes and over 5,000 bundles of manuscripts, all easily handled when once the key to the system has been discovered. They constitute the fundamental record of titles to land throughout what was formerly the kingdom of Naples, and are daily referred to by Neapolitan lawyers and a small staff of officials.

The history of this remarkable collection of documents is shortly as follows: In 1806 Joseph Bonaparte and Masséna drove King Ferdinand out of his kingdom of Naples. Napoleon's brother was shortly afterwards proclaimed king, and immediately began to reform the institutions of the country in accordance with the French system. Feudalism, though nominally suppressed a few years earlier, was still in full force,¹ and there was a congestion of

¹ See among other authorities Zurlo's *Rapporto* for 1808.

feudal litigation between the barons and the *università* or townships. One of the chief objects of Joseph and his ministers was to abolish extravagant feudal rights, to redeem reasonable ones, to free commerce and communications, and to transform customary occupation and long tenures into free peasant proprietorship. But to follow a strict legislative course of reform would clearly have been nugatory. The Neapolitan lawyers, according to Giannone and Ammirati, were the most subtle feudal lawyers in Europe, and there were already cases pending that had been in dispute before the numerous tribunals for very many years, in some cases for centuries. Merely to add new laws to those already existing would obviously have been pouring oil on the flames. Decrees were therefore issued, the first during the reign of Joseph Bonaparte, the last during that of his successor, Joachim Murat, constituting a special feudal commission. This court was to decide finally and without appeal all actions concerning feudal rights which were then pending before any tribunal, or which might be begun before it. It was to base its decisions on the laws of the French kings, regardless of all precedent, and these decisions were to be final. In cases of great complication, where endless delay might be expected, Count Zurlo, Joachim's able minister of the interior, instructed the court that it was to find some short cut to a conclusion that should do reasonable justice to both parties.

The feudal commission, presided over by Dragonetti, came into existence in December 1808,² and concluded its labours in 1811. During that period it disposed of over 5,000 cases, represented by the bundles of manuscripts now in the Archivio di Stato under the general heading 'Interno, 41, Commissione Feudale.' In view of the importance of the work of the court as resettling so many titles to land it was decided to place the record in print. In 1808 a beginning was made of printing the decisions in a series of volumes entitled *Bollettino delle Sentenze emanate della Suprema Commissione per le liti fra i già Baroni ed i Comuni*, and *Supplimento del Bollettino della Commissione Feudale*, Napoli, 1808-1859; 72 vols. 8vo. In addition to this the publication was begun in 1858, but was abandoned in 1867 at the letter L of the *Bollettino delle Ordinanze de' Commissarij Ripartitori de' Demanj ex feudali e comunali nelle Province dei RR.DD. al di quà del Faro*. In appendice degli atti *eversivi della feudalità*, Napoli, 1858-1867, 24 vols. 8vo. These last-named volumes are a collection of reports made by the travelling commissioners of the feudal commission, among whom was that eminent jurist D. Winspeare, who has left some account of these matters in his useful book *Storia degli Abusi Feudali*. These 96 volumes are not to be found, so far as I know, in any library

² Decree, 3 Dec. 1808.

outside Naples; neither the British Museum nor the Bibliothèque Nationale possesses a copy. The working key to the whole collection is vol. lxxii. (consecutive numbering); from this as a starting point every volume and every bundle of manuscripts can be conveniently handled.

The extraordinary range of the feudal rights covered in these cases may be partly realised from the two following facts: (1) that many of the bundles of manuscripts contain documents carrying titles back as far as original grants by the Norman dukes (for instance, *Supplimento*, xxxii. 12), and (2) that Zurlo ordered a schedule to be printed of 1,400 feudal rights specifically abolished under decrees of Joseph and Joachim. This list is now rare to find, but is reproduced in Winspeare's *Abusi Feudali*, where it may be readily consulted.

I have made partial use of this collection for the limited purpose of ascertaining the conditions existing at the period of the French conquest in 1806, but there is ample and apparently untouched material here for students more directly interested in the study of feudalism and the growth and character of feudal rights.

R. M. JOHNSTON.