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**A View Of Society In Europe, In Its Progress From
Rudeness To Refinement: Or, Inquiries Concerning The
History Of Law, Government, And Manners**

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Chapter VI.

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CHAPTER VI.

(1) **T**ACITUS alludes to the historic songs of the old Germans, of which it was doubtless the purpose to record the migrations of tribes, and the exploits of chieftains. Of such songs, there were many in the eight century; and Charlemagne was fond of committing them to his memory. *Eginbart, Vit. Car. Magn. c. 29.* Of the celebrated Attila, it is said, that he had constantly his poets in waiting, and that their verses in honour of his exploits, were a part of the entertainment of his court. *Priscus, p. 67. 68.* In all rude times, the character of the bard is in repute, and attended with distinctions. This character was not peculiar to our ancestors, as some writers have fancied; for we find it among the Greeks, and in other nations. It is peculiar to the early state of society, when the passions are warm, and language imperfect.

(2) It is a common notion, that the poets and Troubadours were only to be found in France and Italy. They were frequent, however, in all the countries of Europe; and they hastened, by their rivalship, the progress of literature.

Henry



Henry III. had a poet or Troubadour in his service, on whom he bestowed a regular pension. This circumstance is to be gathered from the following record. ‘Rex thesaurario et camerariis suis salutem. Liberate de thesauro nostro, dilecto nobis Magistro Henrico versificatori centum solidos, qui ei debentur de arreragiis stipendiorum suorum. Et hoc sine dilatione et difficultate faciatis, licet scaccarium sit clausum. T. R. apud Wodstoke xiiij die Julii.’ 35. H. 3. ap. *Madox, Hist. of the Excheq. vol. 1. p. 391.*

There is a commission of Henry VI. *De Ministrallis propter solatium regis providendis*, from which it is to be gathered, that the recitation or chaunting of songs, was an amusement in repute and fashion. *Rymer, 34. Henry VI.* The fifth Earl of Northumberland had his minstrels and players; and it was a qualification of his almoner, that he was ‘a maker of interludes.’ *Household-book, p. 44. 85. 93. 331. 339.* The reader may consult farther on this subject, an author, who is not more distinguished by the soundness of his knowledge, than by the classical simplicity of his language, Mr *Warton*, in his history of English poetry.

(3) *Histoire Litteraire des Troubadours*, par M. l’Abbé Milot.

(4) It



(4) It is to be observed, that it was the married women chiefly who vied in the merits of their poets and Troubadours. An interesting figure, as well as the talent of rhyming, was necessary to the Troubadour ; and it was his constant aim to gain the heart or the person of his patroness. Perhaps it would be to refine too much, if one should consider the present infidelity of the married women in France, as a relict of this usage, and the corruptions of chivalry.

Of the Duke of Orleans, the brother of Charles VI. there is a pleasant notice in Brantome, which illustrates very aptly the profligate manners introduced by fiefs and chivalry. ‘ C’etoit
 ‘ un grand debaucheur de dames de la cour, et des plus grandes :
 ‘ Un matin en ayant une couchée avec lui dont le mari vint par
 ‘ hazard pour lui donner le bon jour, il cacha la tête de cette
 ‘ dame, et lui découvrit tout le corps, la faissant voir et toucher
 ‘ nue à ce mari à son bel aise, avec defense sous peine de la vie
 ‘ d’oter le linge du visage . . . Et le bon fut que le mari etant
 ‘ la nuit d’après couché avec sa femme, lui dit que M. d’Orleans
 ‘ lui avoit fait voir la plus belle femme nue qu’il eut jamais
 ‘ vue ; mais, quant au visage, qu’il n’en sçavoit que dire, ayant
 ‘ toujours été caché sous le linge.’ It is added, ‘ De ce petit
 ‘ commerce, sortit ce brave et vaillant bâtard d’Orleans, Comte
 ‘ de Dunois, le soutien de la France et le fleau des Anglois.’
Brantome, ap. St. Foix, Ess. histor. vol. 1. 319.

(5) See,



(5) See, in Ste Palaye, le voeu du Paon ou du Faifan, et les Honneurs de la Cour.

(6) Histoire des Troubadours, tom. 1. p. 11.

(7) This invention is ascribed to William the ninth Earl of Poitou. 'Ce fut un valeureux et courtois chevalier, mais grand ' trompeur de dames.' *Hift. des Troub. tom. 1. p. 4. 7.*

(8) Le Moine de Foffan, a Troubadour, composed a fong, in which he thus fpeaks of the *Virgin*. 'Je fuis devant elle à ' genoux, les mains jointes, comme fon tres humble efclave, ' plein d'ardeur dans l'attente de fes regards amoureux, et d'ad- ' miration dans la contemplation de fon beau corps et de fes ' agreables manieres.' *Hift. des Troub. tom. 2. p. 225.*

(9) Deudes de Prades, a troubadour, has this fentiment: 'Je ' ne voudrois pas être en Paradis, à condition de ne point aimer ' celle que j'adore.' *Hift. de Troub. tom. 1. p. 321.*

(10) It was faid wittily, but not without reafon, by the Trou- badour Raimond de Castelnau: 'Si Dieu fauve pour bien man- ' ger et avoir des femmes, les moines noirs, les moines blancs, ' les Templiers, les Hospitalieres, et les Chanoines auront le Pa- ' radis; et Saint Pierre et Saint André font bien dupes d'avoir ' tant

‘ tant souffert de tourmens, pour un paradis qui coute si peu aux
‘ autres.’ *Hist. des Troub. tome 3. p. 78.*

It was in consequence of the depraved manners of the clergy, that, in England, the personage who, in the season of Christmas festivity, was to preside in the houses of the nobility over riotous mirth and indecent indulgencies, was termed ‘ the abbot of misrule.’ This character appears in the establishment of the fifth Earl of Northumberland, an. 1512. *Household-book, p. 344.* See also *Dr Percy’s* notes to this record.

In Scotland, the same character or personage seems to have been still more common, and even so familiar in the lowest ranks of civil life, that he grew to be a nuisance in towns and boroughs. His appellation there was, ‘ the abbot of unreason;’ and, when the severity and starchness of the reformation soured and deformed this country with the hypocritical preciseness, and the dismal formality which have not yet left it, an act of parliament was thought expedient to suppress and abolish an office so highly licentious and profane. *6. Parl. Mary 1555.*

(11) Giannone, History of Naples, vol. 1. p. 283. 446. Mezeray, Moeurs de l’Eglise du xi. siecle. Du Cange and Spelman, voc. Focaria. Ste Palaye sur l’anc. cheval. partie 5.

(12) Joinville, Histoire de S. Louis, p. 32.

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(13) ‘ Si



(13) ' Si quis dixerit *conjugi*, malam licentiam dando, *vade*
 ' *et concumbe cum tali homine* ; aut si dixerit alicui homini, *veni et*
 ' *fac cum muliere mea carnis commixtionem* ; et tale malum fac-
 ' tum fuerit, et caussa probata fuerit, quod per ipsum maritum
 ' factum sit, ita statuimus, ut illa mulier, quae hoc malum fece-
 ' rit et consenserit, moriatur, secundum antierius edictum ; quia
 ' nec talem caussam facere, nec celare debuit.' *Leg. Longobard.*
p. 1096. ap. Georgisch, Corp. Jur. Germ. Antiq.

This law evinces the antiquity and the heinousness of the prac-
 tice alluded to ; but, in posterior times, the fashion was thought
 of more lightly, and too prevalent to be punished with severity.
 See some curious information in *Du Cange, voc. Cugus, Cucucia,*
Licentia Mala, Uxorare.

(14) The *Gynaecium*, by which the apartment was ex-
 pressed where the women were kept to work at the needle, and
 other domestic employments, came to signify a brothel, or place
 of debauch, from the use that was made of it. *Du Cange, voc.*
Gynaecium. Over the doors of a palace which belonged to Car-
 dinal Woolsey, there was written, *Domus Meretricum Domini*
Cardinalis. It has been said, indeed, that *Meretrices* stood of
 old for *Lotrices* ; and the advocates for the chastity of the Car-
 dinal contend, of consequence, that this inscription only served
 to direct to his *laundry*. But, I am afraid, that this plea will not
 hold. For the terms were convertible ; and the women who
 acted



acted in the laundry, and who were employed in working in linen and tapestry, were in general the convenient mistresses, to whom their lords paid a temporary worship. It was from some mistakes of this sort, that, in the reign of Elizabeth, there was an order, that no *laundresses*, nor women called victuallers, should come into the gentlemens chambers of Gray's Inn, 'unless they were full *forty* years of age.' *Dugdale, Orig. Jurid. p. 286.*

(15) Ranulph. de Hengham, *Summa Magna*, cap. 2. and Selden's notes to it.

(16) In the *Britannia*, in the description of Surrey, there is this notice. 'Hamo de Catton held Catleshull-manour by being *Marshal of the whores* when the King should come into these parts.' *Camden, vol. 1. p. 181.* In the reign of Edward II. Thomas de Warblynton held the manor of Shirefeld in Hampshire, of the King in chief, by the serjeanty of being *Marshal of the whores* in the King's household, and of dismembering malefactors condemned, and of measuring the galons and bushels in the King's household. The words of the record are, 'Tenuit in capite, die quo obiit de Domino E. nuper rege Angliae patre regis nunc, per fargantiam effendi *Mareschallus de meretricibus in hospitio regis*, et dismembrare malefactores adjudicatos, et mensurare galones et bushellos in hospitio regis.' *Paj. Fines 1. Edw. III. Rot. 8. a. ap. Bar. Angl. p. 242.*



(17) The vassal forfeited his estate in the following cases:
 ‘Si dominum cucurbitaverit (id est, uxorem ejus stupraverit),
 ‘vel turpiter cum ea iuserit. Si cum filia domini concubuerit,
 ‘vel nepte ex filio, vel cum nupta filio, vel cum sorore domini
 ‘sui *in capillo*, id est, in domo sua manente.’ *Lib. Feud. ap.*
Spelman Gloss. voc. Felonia.

The words *in capillo*, allude to a peculiarity in the Germanic and Gothic manners, which deserves to be explained. All virgins wore their hair uncovered, and with ornaments. Married women concealed their hair, and covered their heads. The ornaments for the hair were many. And, in the progress of time, it was not the hair of their heads only, that the women were curious to deck out. The mother of the fair Gabrielle being assassinated, her body lay, for many hours, exposed, in a public manner, to the spectator, and in a posture so exceedingly *indecent*, that it discovered a strange mode or affectation. In this last fashion, which was probably introduced in the decline of chivalry, the ornaments were ribands of different colours; and, it seems to have been peculiar to women of rank and condition. *St Foix, Ess. Hist. vol. 4. p. 82.*

In general, it merits remark, that the veneration for their hair entertained by the Germans and their posterity, was very great, and gave rise to a multitude of customs. It was a mark of refined attention in a person to present a lock of his hair to a friend

on



on saluting him; it was to say, that he was as much devoted to him as his slave. To take away the hair of a conspirator, was one of the most afflicting parts of his punishment. To give a slave the permission of allowing his hair to grow, was to offer him his freedom. *Du Cange and Spelman, voc. Capilli.* William Earl of Warrenne, in the age of Henry III. granted and confirmed to the church of St Pancrace of Lewes, certain land, rent, and tithe, and gave seifine of them ‘per capillos capitis sui, et fratris sui Radulfi de Warr. quos abscidit de capitibus suis cum cultello ante altare.’ *Mag. rot. 24. Henry III. ap. Madox. Hist. of the Excheq. Prefatory Epist. p. 30.* This must have been a compliment in the highest style of flattery; and the clergy of St Pancrace must have been enchanted with the politeness of this nobleman.

There seems something wild and romantic in such usages; yet they produced the locket and the hair-ring of modern times; and we smile not, nor are surpris'd, that these should teach us to employ our moments of softness in melancholy recollections of absent beauty, or departed friendship. What is distant and remote, affects us with its ridicule. What is present and in practice, escapes our censure. In the one instance, we act with the impartiality of philosophers; in the other, we are carried away by our passions and our habitudes.



(18) St Foix, *Ess. Histor.* vol. 1. p. 102. Stow, *Survey of London*, in the Edition of Strype, vol. 2. p. 7.

(19) There is evidence of public or licensed stews in England in *Stat. 2. Henry VI. cap. 1. in Cowel, voc. Stews, Spelman, voc. Stuba, and in Coke, 3. Institute, ch. 98.* Henry II. gave his privilege to the stew-houses of Southwark, according to the 'old customs which had been used there time out of mind.' And patents confirming their liberties were granted by other princes. *Stow, in Strype's edit. vol. 2. p. 7.* In Normandy, there was a *custos meretricum*; and this officer seems to have been known in the different countries of Europe. *Du Cange, voc. Custos meretricum, et Panagator.*

It has frequently been a subject of inquiry among politicians, whether public stews, under proper regulations, with a view to the health of individuals, and the peace of society, be not an advantageous institution. In some states of Europe, a tolerated or authorized prostitution is known at this day. And, by the Code of Gentoo laws, this institution was acknowledged as salutary; and prostitutes forming a community were, in Hindostan, an object of care to the government. I avoid, however, to enter into a question of such infinite delicacy. It is dangerous in a state to give the slightest stab to morality. Yet, I cannot but observe, that, in the most cultivated nations, there are laws and regulations which
wound

wound morality more severely than could be done by an authorized prostitution, and with less of utility to mankind.

(20) The licensed stew-houses in the reign of Henry VII. were the Boar's-head, the Cross-keys, the Gun, the Castle, the Crane, the Cardinal's-hat, the Bell, the Swan, &c. *Sir Edward Coke* has preserved this information, 3. *Institute*, p. 205. In the time of Edward VI. Bishop Latimer complained and preached to the following tenor. 'There is more open whoredom, more *studed* whoredom, than ever was before. For God's sake, let it be lookt to.' *Stow*, in *Strype's edit.* vol. 2. p. 8.

(21) 3. *Institute*, p. 206.

(22) *Spelman voc. Stuba*, 3. *Institute*, p. 205.

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