

## LAMBARD'S "ARCHEION": A THREE CENTURY OLD LAW BOOK.

Some time ago, in preparing a judgment on the powers of a Justice of the Peace, I recalled Blackstone's praise of Lambard (*Blackstone's Commentaries on the Laws of England*, Vol. I, c. 9) and searched my library for Lambard's *Eirenarcha*. By one of those chances not uncommon, my hand fell on Lambard's *Archeion*, which I had not looked at for twenty years. I opened it and read it from cover to cover, with renewed interest.

By a still more curious chance, I was asked a short time ago by my very dear and now lamented friend, Mr. Angus MacMurchy, K.C. to examine a book he had, which he considered rare—and "thereby hangs a tale."

William Lambard (or Lambarde—in pre-Johnsonian times they spelled at random even family names; my own is found in 43 different forms, known, how many unknown, *quien sabe?*) was born in London in 1536, admitted of Lincoln's Inn, 1556, wrote a Collection of Anglo-Saxon Laws, 1568, a Perambulation of Kent, 1570-6, was chosen a Bencher of his Inn, 1579, and was commissioned a Justice of the Peace for Kent, the same year—he published the work so praised by Blackstone, *Eirenarcha: or of the Office of the Justices of the Peace* in 1581,—this is practically the only work by which he is remembered; and it has been frequently republished, though now of little more than antiquarian interest.

In 1591, he completed another work: *Archeion or Commentaries of the Courts of England*. This he dedicated, dating from Lincoln's Inn, October 22nd, 1591, to Sir Robert Cecil, the only surviving son of the great Burghley, born of his second marriage (Mildred Cooke) and the ancestor of the House of Salisbury: this was the Secretary of State who was to become Lord Cecil of Essendine (1603), Viscount Cranborne (1604) and Earl of Salisbury (1605), by grace of King James I.

The work *Archeion* remained in manuscript along with the Dedication until 1635 when, surreptitiously obtained, it was printed in a 12 mo. of 280 pages—this had the following Title page:

ARCHION  
or  
A COMMENTARY  
UPON THE HIGH COURTS  
OF  
JUSTICE  
IN ENGLAND.

Compiled by *William Lambard of  
Lincolns-Inne, Esquire.*

(Four Crowns)

LONDON  
Printed for Daniel Frere, and are to be sold at  
his shop in little *Brittain*, at the signe  
of the Red Bull, 1635.

When Thomas Lambard, his grandson (being the son of Lambard's son, Sir Multon Lambard of Sevenoaks, Kent, by his second marriage) learned of this publication, he at once had an edition printed from his grandfather's manuscript. The Title page reads:—

ARCHEION  
or  
A DISCOURSE  
UPON THE HIGH COURTS  
OF  
JUSTICE  
IN ENGLAND.

Composed by *William Lambard of  
Lincolns-Inne, Gent.*  
Newly Corrected and Enlarged according  
To the *Authors* Copie.

*Omnia judicia, aut detrahendarum controversiarum: aut puniendorum  
maleficiorum causa reperta sunt. Cic.*

LONDON  
Printed by *E. P.* for *Henry Seile*, dwelling  
at the Tygers-head in *St. Paule*  
Church-yard, 1635.

My own is the genuine work, Mr. MacMurchy's the pirated edition; mine is a 12 mo. of 276 pages, while as has been said, the other is a 12 mo. of 280 pages.

The latter with the Title-page above copied, begins with the author's Epistle Dedicatory, and then follows *To the Ingenious Reader* of two pages signed "Archion" and laudatory of the work—plainly not written by Lambard but it is probable by a hack-writer. Then follows the body of the Treatise.

In the authorised edition (which for convenience I shall call A, calling the other B), after the Epistle Dedicatory comes *To the Reader* of four pages signed T. L. (i.e., Thomas Lambard). Beginning *Corruptio unius est generatio alterius* (i.e., The corruption

of one is the generation of another), it goes on to say that "had not this late *aspersion* trenched too much upon the *pietie* I owe to so worthy an *Ancestor*. . . . I should not have given my least *assent* to have advanced this to light (which too lately was without my privitie or liking). But the crying *Errors* (arising from the *untimely publication*) call upon me to vindicate him. . . ." And T. L. hopes that he has "well tendred the dutie" he owes to his "Parents and Countre" by the publication which corrected the former one which illustrated the maxim:

"Fools will contend, without the cause discerning  
And argue most, of what they have no learning."

Beyond any controversy, T. L. had great reason to complain of the want of knowledge of the subject-matter shown by those responsible for B.

The very first word, "Archeion," is misspelled "Archion"—and this orthography persists throughout. Of course "Archeion" is pure Greek for a Body of Magistrates, and is an appropriate name for such a work as this.

No attention need be paid to the vagaries of spelling in both A and B—these were common for more than a century after this time—such are "copie", "coppie", "coppo" and "copy"; "honor" and "honour": "many" and "manie", &c. These are in no way indicative of ignorance or carelessness—they were practically universal at the time. But gross ignorance of Latin, Anglo-Saxon and Norman French is shown in scores of places: e.g., in Latin, we find "Statutam" for "Statuta", "compotum" for "computum", "caetuca" for "caduca", "exulet" for "exuletur", "facere" for "facies", "quod" for "que"—Gervasius Tilburiensis is always "Gerrasius"; Polydore Virgil's "Stattarium" becomes "Scaccarium" (probably by carelessness); "Caenomanorum" is "Genomanorum" &c. So in Anglo-Saxon, "Gemote" is always "Zemore"; "Scyregemote" is "Seynezmore"; "Healgemote" is "Neulzemore"; "Haylemote" is "Hulymore"; "Hundresmote" is "Vndredizemore"; "Thegnes" is "Theres"; "Negesecenam" is "Nazace", &c. In Norman (Law) French, "ayons" appears as "agons", "sçavons" as "sa vous", "issint" as "issuit", "s'avisera" as "sa avisera", "perainsi" as "Parensi", &c.

Much ignorance or carelessness is exhibited in spelling other words: "Danvers" is "Davvers", "Ralph" is "Raph", "enterplead" is "enter plead", "Rescripts" is "escripts", the "Pretoriall Seat" is the "Pretorical Roome"—as against such errors, B may be credited with the correct "Tolt" for the erroneous "Folt" of A; and no one will

find fault nowadays with B's "Mr." for A's "Master" or "Domesday" for "Doomes-day" or "preeminence" for "preheminance".

B lacks most or the marginal references to Statutes in A; and also some of the items in A's enumerations and classifications—some pages of important matter, too, are wanting, as well as the fine Index.

After a philosophical dissertation on the universality of Contention, the Beginning of Kingdoms and of Laws, comes an account of the Beginning of Courts—then follows a most interesting if in some respects quaint, history of the Courts in Saxon, Norman and early English times down to those of "our gracious Queene Elizabeth" (or "Eliz." as B. curtly calls her).

Perhaps the most interesting part of the story is the account of the operations of the Star Chamber, from which its real usefulness, if not necessity, can be seen—it was only for its excesses that it was abolished in the times of Charles I, and we enjoy its successor in the Judicial Committee of the Privy Council—*fiat aeternum*.

The biographical facts, I owe to the Dictionary of National Biography. An interesting fact concerning my friend's volume is that some previous owner must have had access to the MSS, as there is a correction in ink purporting to be from the MSS, (p. 35).

The whole book is well worth reading as a luminous exhibition of old English Law Courts.

WILLIAM RENWICK RIDDELL.

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