

## TWO VALUABLE LITERARY RELICS.

Recently, having had a little time to spare while in the City of Woodstock, Ontario, I made my way to the magnificent Court House there in quest of possible information. A building containing a library is seldom a disappointment, and Court Houses usually house valuable and sometimes unique collections of books. That edifice was erected about the year 1890, and is a splendid structure of entirely modern design. It is built of the same sort of reddish brown sandstone that is used in the construction of the Provincial Parliament Buildings at Toronto. The principal apartment in the building is the great Court room, which occupies a considerable part of the first floor of the building, and unlike many Court rooms, contains a most unusually large space for the accommodation of the general public. The building occupies the site on which its predecessor rested, that ancient structure having long outlived its usefulness by the year 1890. The large space provided for the public was probably suggested by the fact that at the time the new edifice was being erected the world-renowned Birchall trial was in progress, and the thousands of people who were denied admittance then led the architects to devise conditions whereby there would not be so many disappointed persons in case any new trial of great renown should happen to be held in the Woodstock Court House in the future.

The Birchall trial certainly did attract multitudes from great distances. Thousands of persons, all eager to obtain entrance to the Court room during the progress of the trial, were turned away while that singular character was being tried for his life. Court was held then in the City Hall, on the market square. An incident illustrative of the sensation that trial created, not only in Woodstock, but elsewhere, was told to me recently. A man after much struggling forced his way to the entrance door, and presenting himself to the stalwart but immovable guard panted forth:—"Let I in: let I in; I walked all the way from Chatham to see he." But the pilgrim's long trip of nearly one hundred miles was in vain, for there was no space for him in that room which was already crowded to its utmost capacity.

Near one of the entrance doors to the new Court room hangs a portrait of Sir Oliver Mowat—the one which was presented to him in 1887 by his political supporters in the Ontario legislature. After that illustrious statesman's death, his family presented the painting to the County of Oxford, in touching remembrance of the long and unbroken

fidelity preserved by that County to the man who was so long the brilliant and well-beloved premier of Ontario, made so in part by Oxford's unswerving devotion to him.

But it was not to the magic touch of mason and architect, nor the deft skill of the artist, that attention was principally directed on this occasion of a visit to the County buildings of Woodstock and Oxford. Finding my way unhindered about the building I soon located the well lighted rooms which contain the Oxford law library. There, after some little rambling, my eyes rested on two perfect literary treasures. To me they were of immeasurable interest, and thinking they might be not less so to others, I venture to bestow upon them a little consideration.

The first of these treasures was a book, of quite unusual size for a treatise on one of the many branches of the laws of the land. It bore the title "The first part of Simboleology, which may be better termed the art and description of instruments and presidents: collected by William West, of the Inner Temple, Esquire. At London, printed by Thomas Wright, A.D. 1603."

The book is in two parts, and strange to say, the second part bears imprint of the year 1601. Just how it happened that the second part of the volume bears an earlier date by two years than the part preceding, was not apparent by anything either in the printing of the book or in its binding.

On the title page is written in a firm and exceedingly plain hand, in that ink of long centuries ago, which seems never to fade nor to grow dim, the words:—"Matthew Lyne, ejus liber." Elsewhere this mark of ownership as well as its genealogy is elaborated thus:—"Matthew Lyne, his book, the gift of Mr. James Stenhouse, 1766."

The word "simboleography" does not appear in any of our modern publications—it occupies no place in dictionary or lexicon. But, in addition to the definition suggested by the extended title, the word may be translated with a close approach to accuracy into the phrase, "precedents in litigation and conveyancing." In this connection it is interesting to observe that in the beginning of the seventeenth century it was apparently not an improper method of spelling the principal word in the author's definition as "presidents."

The "precedents" contained in this ancient volume are both numerous and extensive. Much of their circumlocutionary phraseology existed in legal documents until within a few years ago. More recently, however, both the wisdom of verbal condensation as well as common sense combined to cause legal papers to reduce their formidable length from thirty or forty pages each to one-tenth or one-twentieth of those dimensions.

The second part of this monumental volume is entitled "offences and indictments." It is interesting to reflect that such a title floating across the vastness of three hundred and twenty years is one that is quite commonly found in our modern publications relating to the forms used in the administration of the criminal laws of most civilized countries.

A curious feature of this second part of Mr. West's volume is its exact definitions of a series of ancient and now wholly extinct offences against the laws of the land. The very thought of these ancient and almost unthinkable crimes would startle a student of criminal jurisprudence to-day. Among the subjects which Mr. West felt that it was indispensable for a lawyer in his age to know were the following:—*Magicke, Wizards, Sooth-saying, Divination, Ingling, Inchantings, Charming, Witcherie, Hêresie, Anabaptisme and Apostacie.*

It will scarcely be doubted that not one lawyer in a thousand of the present generation has ever even heard of the crime of "Ingling." Let Mr. West inform us of its harmful nature.

"Ingling and sleightie curers of diseases, which for the curing of all sicknesses and sores of man and beast, use either certain superstitious words, or writings called charmes or spelles hanged about the neck or some other part of the body."

Allied to the offence against the law known as "Ingling" was the kindred crime of "Magitios." This grievous wrong against society is more particularly defined, in these words:—

"Magitios be those which by uttering of certain superstitious words conceived adventure to attempt things above the course of nature, by bringing forth dead men's ghosts as they falsely pretend in showing of things either secret or in places farre off, and in showing them in any shape or likeness. These wicked persons by othe or writing written with their own blood, having betaken themselves to the devil, have forsaken God, and broken their covenant made in baptisme, and detest the benefits thereof, and worthy the devill only. And settling their whole hope in him, do execute his commandments, and being dead, commend both their bodies and souls to him."

It would be interesting to learn just how a modern criminal lawyer like Sir Edward Marshall Hall, of England, or the late Mr. E. F. B. Johnston, of Toronto, would have pleaded in answer to such a criminal accusation, and have produced evidence to refute it.

Of the law relating to heresies, gravely discussed in Mr. West's volume, we find books treating far on into the depths of the nineteenth century. Blackstone, whose four volumes of commentaries on the civil and criminal laws of England have been printed as recently as the year 1897, devotes considerable space to both an enunciation of the

law on that all but forgotten subject, as well as the incontrovertible justice of its existence.

It is easy for us to criticise such an able jurist as Blackstone was for so blindly and slavishly following precedent set long years before his time in penetrating into such an absurdity as the "crime" of "heresy." He merely did as his predecessors did, and possibly as many others would have done had they been removed from the bright light of modern knowledge into the dismal and gloomy recesses of an age which was a stranger to knowledge, truth and science. Blind adherence to the past was an almost unfailing characteristic of countless writers who penned their dusky messages for humanity until the time of the accession of Queen Victoria to the throne of England.

In order that no one might make a mistake in reference to the true significance of the venal crime of "heresie," the learned writer of the Inner Temple furnishes illustrations taken from the Scriptures. These are the references printed in Mr. West's volume immediately beneath the definition of the crime. 1 Tim. 4; 2 Peter 2, 1; 1 Cor. 11, 19; Rom. 16, 17.

In this volume a very enlightening definition informs the reader that "The slaughter of beasts followeth by what means soever it cometh, which is a damage done by injurie and wrong, guile or default against the law."

With this vast volume lying open in the silent rooms of the Woodstock County Law Association it seems a little difficult to behold closely connected with its text the dim visions of the dark dungeons of the past containing their hosts of miserable inhabitants doomed to death or to hideous sufferings because of the superstitious ignorance of judges and prosecutors of the past, bent on resolutely enforcing laws which unenlightened ages made part of the jurisprudence of the land. We pass with happier feelings into a purer atmosphere and a clearer sky when we approach the second publication which I found on that occasion as a companion book to the dusty "presidents" of the long forgotten lawyer, Mr. William West.

The second volume was a book of likewise great antiquity. It was one of the early reprints of the illustrious Coke's Commentaries upon Littleton's famous treatise relating to the tenures of real property in England.

Although not of equal antiquity with the "presidents" Coke's book is very venerable indeed. Its date, 1684, carries the mind far backward into the remote recesses of the years when a Charles still occupied the throne of England. I find that Osgoode Hall possesses one copy of this last mentioned publication, but it is of an edition later by several generations than that contained in the Woodstock library. The

Woodstock volume is about twelve inches in length, by about seven inches in width, and it is nearly three inches in thickness. The title is curious, running as follows:—"The first part of the Institutes of the Laws of England, or a commentary upon Littleton, not the name of the author only, but of the law itself. Author, Edwardo Coke, Milite, MDCLXXXIV."

The book was once owned by a W. H. Van Ingen, undoubtedly a lawyer, but one whose fame, however brilliantly it may have glowed during his own age, has certainly failed to cast even the faintest gleam to tell this generation who he was, or what battles in the Courts of his time this massive volume enabled him to fight successfully. Elsewhere in the same volume is the pencilled information that the book was once the treasured property of Jacob G. Fonda, and its transfer to its later owner is chronicled in the words, "Abm. Van Ingen, bought with other books of Jac. G. Fonda." Like Van Ingen's, so also is Fonda's name together with his possibly interesting history buried in the long and engulfing oblivion of the past.

This strange survival of a vanished age, it is almost needless to say, is a treatise or as it is called a commentary on the existing land laws of England. Although nearly two hundred and forty years old, it is still frequently referred to in matters of dispute, and still extensively and authoritatively quoted by modern writers who pen their treatises on the land laws of to-day. The volume discusses comprehensively the tenures or rights and titles by which lands were held in those days, and which in England have not greatly changed in the long interval of over two centuries between the date of the publication of this volume and now.

A curious feature of the publication is its mechanical arrangement. It consists of three columns to the page; the first of which comprises the exhaustive notes accompanying the text. The French version of the text follows in the second column, and the last column has its translation into the English of that age, which is, of course, a little more dignified and stately than that of a later time. A reason given for the publication is to be found in a copious introduction, or preface, to which reference will be made presently.

Regarding the arrangement of the volume we have a very familiar illustration in our modern version of old and new Testaments. In them we are accustomed to see the earlier and long since disused method of printing the notes beside the text instead of at its foot. Apparently somewhere in the earlier part of the eighteenth century took place the change from the ancient to our modern locating of these notes to works of reference.

The preparation of the preface of a book in the year 1684, if we are to credit the learned author of *Coke on Littleton*, was not the trifling incident in literary activity which it is to-day. Here is the way the renowned and erudite Mr. Coke approached it.

“And true it is that our books of reports and statutes in ancient times were written in such French as in those times was commonly spoken and written by the French themselves. But this kind of French that our author has used is most commonly written and read and very rarely spoken, neither might legal terms to be changed, and the three parts, which three parts we have by the goodness of Almighty God already finished . . . Before I entered on these works I acknowledge my weakness and want of judgment to undertake so great a work and directed my humble suit and prayer to the Author of All Goodness out of the Book of Wisdom, Pater and Deus Misericordiae. . . . Oh, Father, and God of Mercy, give me wisdom, the assistance of Thy fears, oh, send Her out of Thy Holy Heavens, and from the seat of Thy Greatness, that she may be present with me and labour with me that I may know what is pleasing with Thee. Amen.”

A lofty conclusion follows the principal reading matter of this book. Its patient allusion to minor details and its respectful leave-taking of the reader are unique in a publication which was to endure for generations. Here is this elaborate conclusion:—“To the Reader; Courteous reader, although I have ever observed true what our honourable and grave author intimates in the conclusion of this work, that tables and abridgements are most profitable to the matters which indeed first gave life to my endeavours in this task, I hope the largeness of the volume will apologize for the length of the table, and its language speak somewhat in excuse for its prolixity, and because of the smallness of the print, together with the much matter couched in every line, I have observed some instructions or figures for your more speedy direction to what you are inquisitive. Divide each page with your eye into three parts, and where you meet with this note (X) it directeth to the upper part, this note (\*) to the middle part, and this (¶) inviteth you to the lower part of the page . . . and if you chance to miss what you seek for in the comment, the text will supply it unto you, or else the printer shall be much to blame. Thus requesting you to weigh these my labours in the even balance of your indifferent judgment I submit them to your censure, and take my leave.”

Following this august conclusion, is a voluminous analytical index, monumental in both its wealth of information and its massiveness of detail. Sixty immense pages are required by the author to do this index ample justice. About this time Johnson was penning the

first of Dictionaries. Here evidently is the first of tabulations or condensations of a book's contents.

On this occasion of my visit to Woodstock these precious literary relics lay draped in dust upon the bookshelves of a room whose doors lay invitingly open to any curious person who might wander near. Such treasures rescued from the long oblivion into which their comrade volumes have irreparably fallen should have received different treatment. They should be encased in glass receptacles, and so opened that the passer-by might catch a vision of their antiquity and their value. Better still they should be transferred to some great repository—to Osgoode Hall library, or to the Ontario Museum, where they would be safe from covetous hands, yet open to the view of multitudes who thereby would be able to behold them. As thousands would then look upon these volumes they would feel their hearts throb faster, and their eyes perhaps dim a little as they would greet these visitors from the shadowy ages which have come down to meet our own times. And spectators in doing so, might reflect that within the covers of one or other of these volumes words are contained, and thoughts are recorded, which kindled imaginations and hearts in the centuries gone by, and made men help to save the priceless liberties which we enjoy from mutilation and untimely destruction.

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Toronto.

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