

against the Turks, in which he points out at great length the immense advantages which the Infidels possessed with respect to discipline, and military improvements of every kind. Busbequii opera, edit. Elzevir. p. 393, &c. The testimony of other authors might be added, if the matter were, in any degree, doubtful.

BEFORE I conclude these Proofs and Illustrations, I ought to explain the reason of two omissions in them; one of which it is necessary to mention on my own account, the other to obviate an objection to this part of the work.

IN all my inquiries and disquisitions concerning the progress of government, manners, literature and commerce during the middle ages, as well as in my delineations of the political constitution of the different States of Europe at the opening of the sixteenth century, I have not once mentioned M. de Voltaire, who, in his *Essay sur l'histoire generale*, has reviewed the same period, and has treated of all these subjects. This does not proceed from inattention to the works of that extraordinary man, whose genius, no less enterprising than universal, has attempted almost every different species of literary composition. In many of these he excels. In all, if he had left religion untouched, he is instructive and agreeable. But as he seldom imitates the example of modern historians in citing the authors from whom they derived their information,

mation, I could not, with propriety, appeal to his authority in confirmation of any doubtful or unknown fact. I have often, however, followed him as my guide in these researches; and he has not only pointed out the facts with respect to which it was of importance to inquire, but the conclusions which it was proper to draw from them. If he had, at the same time, mentioned the books which relate these particulars, a great part of my labour would have been unnecessary, and many of his readers who now consider him only as an entertaining and lively writer, would find that he is a learned and well-informed historian.

As to the other omission; every intelligent reader must have observed, that I have not entered, either in the historical part of this volume, or in the Proofs and Illustrations, into the same detail with respect to the ancient laws and customs of the British kingdoms, as concerning those of the other European nations. As the capital facts with regard to the progress of government and manners in their own country are known to most of my readers, such a detail appeared to me to be less essential. Such facts and observations, however, as were necessary towards completing my design in this part of the work, I have mentioned under the different articles which are the subjects of my disquisitions. The state of government, in all the nations of Europe, having been nearly the same during several ages, nothing can tend more to illustrate

trate the progress of the English constitution, than a careful inquiry into the laws and customs of the kingdoms on the Continent. This source of information has been too much neglected by the English antiquaries and lawyers. Filled with admiration of that happy constitution now established in Great Britain, they have been more attentive to its forms and principles, than to the condition and ideas of remote times, which, in almost every particular, differ from the present. While engaged in perusing the laws, charters, and early historians of the continental kingdoms, I have often been led to think that an attempt to illustrate the progress of the English jurisprudence and policy, by a comparison with those of other kingdoms in a similar situation, would be of great utility, and might throw much light on some points which are now obscure, and decide others, which have been long controverted.

I N D E X

T O T H E

F I R S T V O L U M E .

A

- A**FRICA, the shocking devastations made there by the Vandals, 238.
- Alanus, his character of the clergy in his time, 279.
- Alfred the Great, his complaint of the ignorance of the clergy, 279.
- Allodial possession of land, explained, 256. How such possession became subject to military service, *ib.* Distinguished from beneficiary tenures, 257. How converted into feudal tenures, 265.
- Allodium, the etymology of that word, 270.
- Ammianus, his character of the Huns, 241, 247.
- Amurath, Sultan, the body of Janizaries formed by him, 226.
- Anathema, form of that denounced against robbers during the middle ages, 398.
- Arabia, the ancient Greek philosophy cultivated there, while lost in Europe, 387, Note xxviii. The progress of philosophy from thence to Europe, 388.
- Aragon, rise of the kingdom of, 175. Its union with Castile, *ib.* The constitution and form of its government, 180. The privileges of its Cortes, *ib.* Office and jurisdiction of the Justiza, 182. The regal power very confined, 183. Form of the allegiance sworn to the Kings of, *ib.* The power of the nobility to controul the regal power, 416. Their privilege of union taken away by Peter IV. *ib.* The establishment of the inquisition opposed there, 420.
- Armies, standing, the rise of, traced, 111. By what means they became more general in Europe, 134.
- Arms, the profession of, the most honourable in uncivilized nations, 80.
- Ast, an account of the ancient Romish feast of, 284.
- Assemblies, legislative, how formed, 43.
- general, of France, their power under the first race of Kings, 197. Under the second and third, 198. At what period they lost their legislative authority, 199.
- Attila, King of the Huns, account of his reception of the Roman

INDEX TO THE

ambassadors, 235, *Note* iii. Some account of his conquests, 242.

Arila, an assembly of Castilian nobles there, solemnly try and depose Henry IV. their King, 179.

Austria, the house of, by whom founded, 212.

B

Baillis, in the old French law, their office explained, 371.

Balance of power, the first rise of, in Europe, 133. The progress of, 134.

Baltic, the first source of wealth, to the towns situated on that sea, 405.

Barcelona, its trade, riches, and privileges at the close of the fifteenth century, 424.

Barons, their independence, and mutual hostilities, under the feudal system, 19. How affected by the enfranchisement of cities, 41. Acquire a participation in legislative government, 43. Their private wars for redress of personal injuries, 52. Methods employed to abolish these contentions, 54. Origin of their supreme and independent jurisdiction, 68. The bad effects resulting from these privileges, 69. The steps taken by Princes to reduce their courts, 71. How obliged to relinquish their judicial prerogatives, 81. Of Italy, subjected to municipal laws; 396, *Note* xv. Their right of territorial jurisdiction explained, 364. Their emoluments from causes decided in their courts, 366.

Benefices, under the feudal system, a history of, 260. When they became hereditary, 263.

Books, an inquiry into the materials of the ancient ones, 280. The loss of old manuscripts accounted for, *ib.* The great prices they sold for in ancient times, 281.

Boroughs, representatives of, how introduced into national councils, 44.

Britons, ancient, their distress and dejection when deserted by the Romans, and harassed by the Picts and Caledonians, 233, *Note* i.

Brotherhood of God, an account of that association for extinguishing private wars, 338.

Bruges, how it became the chief mart for Italian commodities during the middle ages, 404.

Burgundy, Mary, heiress of, the importance with which her choice in a husband was considered by all Europe, 124. The treacherous views of Lewis XI. of France toward her, 127. Is married to the Archduke Maximilian, 128. The influence of this match on the state of Europe, *ib.*

Caesar,

FIRST VOLUME.

C

- Cæsar*, his account of the ancient Germans, compared with that of Tacitus, 247.
- Calatrava*, military order of, in Spain, zealous to employ their prowess in defence of the honours of the Virgin Mary, 427. The vow used by these knights, *ib.*
- Cambray*, treaty of, its object, 140. The confederacy dissolved, 142.
- Canon Law*, an inquiry into, 74. Progress of ecclesiastical usurpations, 75. The maxims of, more equitable than the civil courts of the middle ages, 76.
- Castile*, rise of the kingdom of, 175. Its union with Aragon, *ib.* Its King Henry IV, solemnly tried and deposed in an assembly of the nobles, 179. The constitution and government of that kingdom, 184. A history of the Cortes of, and its privileges, *ib.* The kingdom originally elective, 421, *Note xxxiii.*
- Catalonia*, the spirited behaviour of the people there in defence of their rights, against their King John II, of Aragon, 178.
- Censuales*, a species of the Oblati, or voluntary slaves, the obligations they entered into described, 326.
- Centenarii*, or inferior judges in the middle ages, the extraordinary oath required from them, 398.
- Champs de Mars*, and *de Mai*, account of those assemblies of the antient Gauls, 433.
- Charlemagne*, his law to prevent private wars for redress of personal injuries, 54, 334. State of Germany under his descendants, 207.
- Charles IV.* Emperor, dissipates the Imperial domains, 456.
- *V.* Emperor, an emulator of the heroick conduct of his rival, Francis I. 86. His future grandeur founded on the marriage of the Archduke Maximilian with the heiress of Burgundy, 128.
- *VII.* of France, the first who introduced standing armies in Europe, 112. His successful extension of the regal prerogative, 115.
- *VIII.* of France, his character, 129. How induced to invade Italy, *ib.* His resources and preparations for this enterprise, 130. His rapid success, 131. A combination of the Italian states formed against him, 133. Is forced to return back to France, *ib.* The distressed state of his revenues by this expedition, 139.
- Charlevoix*, his account of the North American Indians, made use of in a comparison between them and the ancient Germans, 256.
- Charters*, of immunity or franchise, an inquiry into the nature of those granted by the barons of France to the towns under their jurisdictions, 301, *Note xvi.* Of communities, granted by the Kings of France, how they tended to establish regular government, 39, 302.

INDEX TO THE

- Chivalry*, the origin of, 82. Its beneficial effects on human manners, 83. The enthusiasm of, distinguished from its salutary consequences, 85.
- Christianity*, corrupted when first brought into Europe, 88. Its influence in freeing mankind from the bondage of the feudal policy, 321, *Note xx.*
- Circles* of Germany, the occasion of their being formed, 214.
- Cities*, the antient states of, under the feudal policy, 36. The freedom of, where first established, 37. Charters of community, why granted in France by Louis le Gros, 39. Obtain the like all over Europe, 40. Acquire political consideration, 43.
- Clergy*, the progress of their usurpations, 75. Their plan of jurisprudence more perfect than that of the civil courts in the middle ages, 76. The great ignorance of, in the early feudal times of Europe, 279.
- Cleriza*, slave to Willa, widow of Duke Hugo, extract from the charter of manumission, granted to her, 323.
- Clermont*, council of, resolves on the holy war, 28. See *Peter the hermit*, and *Crusades*.
- Clotaire I.* instance of the small authority he had over his army, 431.
- Clotharius II.* his account of the popular assemblies among the ancient Gauls, 433.
- Clovis*, the founder of the French monarchy, unable to retain a sacred vase taken by his army, from being distributed by lot among the rest of the plunder, 254, *Note vii.*
- Colleges*, the first establishment of, in Europe, 389.
- Combat*, judicial, the prohibition of, an improvement in the administration of justice, 56. The foundation and universality of this mode of trial, 62. The pernicious effects of, 64. Various expedients for abolishing this practice, 65. The ancient Swedish law of, for words of reproach, 350. Positive evidence, or points of proof, rendered ineffectual by it, 355. This mode of trial authorized by the ecclesiasticks, 357. The last instances of, in the histories of France and England, 358.
- Commerce*, the spirit of crusading how far favourable to, at that early period, 34. The first establishment of free corporations, 38. Charters of community why granted by Louis le Gros, 39. The like practice obtains all over Europe, 40. The salutary effects of these institutions, *ib.* The low state of, during the middle ages, 92. Causes contributing to its revival, 93. Promoted by the Hanseatic league, 95. Is cultivated in the Netherlands, 96. Is introduced into England by Edward III. 97. The beneficial consequences resulting from the revival of, *ib.* The early cultivation of, in Italy, 399.
- Common Law*, the first compilation of, made in England by Lord Chief Justice Glanville, 382.
- Communities*, see *Charters*, *Cities*, *Commerce*, and *Corporations*.

FIRST VOLUME.

- Comnena*, Anne, her character of the Crusaders, 293.
- Compass*, mariner's, when invented, and its influence on the extension of commerce, 94.
- Composition* for personal injuries, the motive for establishing, 334. The custom of, deduced from the practice of the ancient Germans, 359.
- Compurgators*, introduced as evidence in the jurisprudence of the middle ages, 58.
- Condottieri*, in the Italian policy, what, 160.
- Conrad*, count of Franconia, how he obtained election to the Empire, 207.
- Conradin*, the last rightful heir to the crown of Naples of the house of Swabia, his unhappy fate, 166.
- Constance*, treaty of, between the Emperor Frederick Barbarossa, and the free cities of Italy, 300.
- Constantinople*, its flourishing state at the time of the Crusades, 30. When first taken by the Turks, 223. The Crusaders how looked upon there, 293. The account given of this city by the Latin Writers, 294.
- Constitutions*, popular, how formed, 42.
- Cordova*, Gonfalso de, secures the crown of Naples to Ferdinand of Aragon, 168.
- Corporations*, and bodies politick, the establishments of, how far favourable to the improvement of manners, 36. The privileges of, where first claimed, 38. Charters of community, why granted by Louis le Gros in France, 39. The institution of, obtains all over Europe, 40. Their effects, *ib.*
- Cortes* of Aragon, its constitution and privileges, 180, 417.
- of Castile, a history of, and an account of its constitution and privileges, 184. The vigilance with which it guarded its privileges against the encroachments of the regal power, 185.
- Crusades*, the first motives of undertaking, 26. The enthusiastick zeal with which they were undertaken, 27. First promoted by Peter the hermit, 28. The success of them, 29. The consequences resulting from them, 30. Their effects on manners, *ib.* On property, 31. How advantageous to the enlargement of the regal power of the European princes, 32. The commercial effects of, 34, 93. The universal frenzy for engaging in these expeditions accounted for, 285, *Note* xiii. The privileges granted to those who engaged in them, 287. Stephen earl of Chartres and Blois, his account of them, 289. The expence of conducting them, how raised, 290. Character given of the Crusaders by the Greek writers, 293.

D

- Debt*, the first hint of attaching moveables for the recovery of, derived from the canon law, 380.

INDEX TO THE

- Debtors*, how considered in the rude and simple state of society, 305.
Diets of Germany, some account of, 463.
Doctors in the different faculties, dispute precedence with knights, 390.

E

- Ecclesiastical* jurisprudence, more perfect in its plan than the civil courts of the middle ages, 76.
Ecclesiasticks, when, and by what degrees they claimed exemption from civil jurisdiction, 376. Military talents cultivated and exercised by those of the middle ages, 384.
Edward III. of England, his endeavours to introduce commerce into his kingdom, 96.
Electors of Germany, the rise of their privileges, 219.
Eloy St. his definition or description of a good Christian, 283, *Note* xi.
Emperors of Germany, an inquiry into their power, jurisdiction, and revenue, 455, *Note* xlii. The ancient mode of electing them, 459.
England, a summary view of the contests between, and France, 105. The consequences of its losing its continental possessions, 108. The power of the crown, how extended, 122. See *Henry* VII. Why so many marks of Saxon usages and language, in comparison with those of the Normans, to be found in, 236, *Note* iv. When corporations began to be established in, 316. Instances of the long continuance of personal servitude there, 327. Inquiry into the Saxon laws for putting an end to private wars, 340. The causes of the speedy decline of private wars there, proposed to the researches of Antiquarians, 344. The last instances of judicial combat recorded in the history of, 358. The territorial jurisdiction of the barons how abolished, 374. Cause of the slow progress of commerce there, 406. The first commercial treaty entered into by, 408.
Evidence, the imperfect nature of that admitted in law proceedings during the middle ages, 57. Rendered ineffectual by the judicial combat, 355.
Europe, the alterations in, by the conquests of the Romans, 2. The improvements the nations of, received in exchange for their liberties, *ib.* Its disadvantages under this change of circumstances, 3. Inquiry into the supposed populousness of the ancient northern nations, 5. The savage desolations exercised by the Goths, Vandals, and Huns, 11. The universal change occasioned by their irruptions and conquest, 12. The first rudiments of the present policy of, to be deduced from this period, 13. Origin of the feudal system, 14. See *Feudal System*. The general barbarism introduced with this policy, 21. At what time government

FIRST VOLUME.

government and manners began to improve, 25. The causes and events which contributed to this improvement, 26. See *Crusades, Corporations, People*. The miseries occasioned by private wars in, 53. Methods taken to suppress them, 54. Judicial combats prohibited, 56. The defects of judicial proceedings in the middle ages, 57. The influence of superstition in these proceedings, 59. The origin of the independent territorial jurisdictions of the barons, 67. The bad consequences of their judicial power, 68. The steps taken by princes to abolish their courts, 71. An inquiry into the canon law, 74. Revival of the Roman law, 79. Effects of the spirit of chivalry, 82. How improved by the progress of science and cultivation of literature, 86. Christianity corrupted when first received in, 88. Scholastic theology the first object of learning in, 89. Low state of commerce in, during the middle ages, 92. Commerce revives in Italy, 94. Is promoted by the Hanseatic league, 95. Is cultivated in the Netherlands, 96. The effects of the progress of commerce, on the polishing of manners, 97. The effects of the marriage of the heiress of Burgundy with the archduke Maximilian, on the state of, 128. By what means standing forces became general in, 134. Consequences of the league of Cambrai to, 140. A view of the political constitution of the several states of, at the commencement of the sixteenth century, 146. Italy, 148. The papacy, 149. Venice, 159. Florence, 163. Naples, 164. Milan, 168. Spain, 172. France, 197. Germany, 206. Turkey, 223. Instances of the small intercourse among nations in the middle ages, 392.

F

- Feodum*, the etymology of that word, 271.
- Ferdinand*, King of Aragon, unites the Spanish monarchy, by his marriage with Isabella of Castile, 175. His schemes to exalt the regal power, 190. Resumes former grants of land from his barons, 191. Unites to the crown the grand masterships of the three military orders, 192. Why he patronized the association called the *Holy Brotherhood*, against the barons, 195.
- Feudal system*, the origin of, deduced, 15. The primary object of this policy, 16. Its deficiencies for interior government, 17. Tenures of land, how established under, *ib.* The rise of intestine discords among the barons under, 18. The servile state of the people, 19. The weak authority of the King, *ib.* Its influence on the external operations of war, 20. The general extinction of all arts and sciences effected by, 21. Its operation on religion, 22. Its influence on the character of the human mind, 23. At what time government and manners began to be improved, 24. The causes and events which contributed to this improvement, 25. See *Crusades*. The ancient state of cities under,

INDEX TO THE

- under, 36. The frame of national councils under this policy, 43. How altered by the progress of civil liberty, 44. An inquiry into the administration of justice under, 49. Private war, 51. Judicial combat, 57. The independent jurisdictions of the barons, 68. The distinction between freemen and vassals under, 258. How strangers were considered and treated under, 395.
- Fiefs*, under the feudal system, a history of, 260. When they became hereditary, 263.
- Fitzstephens*, observations on his account of the state of London, at the time of Henry II. 317.
- Flanders*. See *Netherlands*.
- Florence*, a view of the constitution of, at the commencement of the sixteenth century, 163. The influence acquired by Cosmo di Medici in, *ib.*
- France*, by what means the towns in, first obtained charters of community, 39. Ordinances of Louis X. and his brother Philip in favour of civil liberty, 48. Methods employed to suppress private wars, 54. St. Louis attempts to discountenance judicial combat, 65. A view of the contests between, and England, 106. The consequences of its recovering its provinces from England, 108. The monarchy of, how strengthened by this event, 110. The rise of standing forces in, 111. The regal prerogative strengthened by this measure, 113. The extension of the regal prerogative vigorously pursued by Louis XI. 116. See *Louis XI.* The effects of the invasion of Italy by Charles VIII. 129. See *Charles VIII.* National infantry established in, 138. League of Cambray formed against the Venetians, 141. Battle of Ghiarradadda, 142. An inquiry into its ancient government and laws, 197. The power of the general assemblies under the first race of Kings, *ib.* Under the second and third, 198. The regal power confined to the King's own domains, 199. When the general assembly or states general lost their legislative authority, *ib.* When the Kings began to assert their legislative power, 201. When the government of, became purely monarchical, 202. The regal power nevertheless restrained by the privileges of the nobility, *ib.* An inquiry into the jurisdiction of its parliaments, particularly that of Paris, 204. How the allodial property of land there was altered into feudal, 267. The progress of liberty in that kingdom traced, 318. *Note xix.* The attempts to establish liberty there unsuccessful, 320. The last instance of judicial combat recorded in the history of, 358. The present government of, compared with that of ancient Gaul, 430. *Note xxxviii.* The states-general, when first assembled, 447.
- Francis I.* of France, his character influenced by the spirit of chivalry, 85. Is emulated by the Emperor Charles V. 86.

Frederick

FIRST VOLUME.

Frederick Barbarossa, Emperor, the free cities of Italy unite against him, 300. Treaty of Constance with them, *ib.* Was the first who granted privileges to the cities in Germany, 313.

Freedom, in the ancient German usages explained, 361.

Freemen, how distinguished from vassals, under the feudal policy, 238, 275. Why often induced to surrender their freedom, and become slaves, 277.

Fulcherius Carnotensis, his character of the city of Constantinople, 294.

G

Gaul, how allodial property of land was changed into feudal there, 267. The government of, compared with that of modern France, 430, *Note xxxviii.* The small authority the Kings of, enjoyed over their armies illustrated in an anecdote of Clotaire I. 431. Account of the popular assemblies of, 432. The salic laws how enacted, 434. Were not subject to taxation, 435. See *France.*

Geoffrey de Villehardouin, his account of the magnificence of Constantinople at the time when taken by the Crusaders, 295.

Germans, ancient, an account of their usages and way of life, 247.

Their method of engaging in war, *ib.* A comparison between them and the North American Indians, 250. Why they had no cities, 312, *Note xvii.* The practice of compounding for personal injuries by fines, deduced from their usages, 360.

Germany, little interested in foreign concerns at the beginning of the fifteenth century, 107. National infantry established in, 137. State of under Charlemagne and his descendants, 206. Conrad, count of Franconia, chosen Emperor, 207. His successors in the Imperial dignity, *ib.* How the nobility of, acquired independent sovereign authority, 208. The fatal effects of aggrandizing the clergy in, 209. The contests between the Emperor Henry IV. and Pope Gregory VII. 210. Rise of the factions of Guelfs and Ghibelines, 211. Decline of the Imperial authority, *ib.* The house of Austria, by whom founded, 212. A total change in the political constitution of the Empire, *ib.* The state of anarchy in which it continued to the time of Maximilian the immediate predecessor of Charles V. 213. Divided into circles, 214. The Imperial chamber instituted, *ib.* The Aulic council reformed, 215. A view of its political constitution at the commencement of the ensuing history, *ib.* Its defects pointed out, 216. The Imperial dignity and power compared, 217. Election of the Emperors, 219. The repugnant forms of civil policy in the several States of, 220. The opposition between the secular and ecclesiastical members of, 221. The united body hence incapable of acting with vigour, 222. When cities first began to be built in, 311, *Note xvii.* When the cities of, first acquired

INDEX TO THE

- acquired municipal privileges, 313. The artizans of, when enfranchised, 314. *Immediate* cities in the German jurisprudence, what, 315. The great calamities occasioned there by private wars, 346. Origin of the league of the Rhine, 347. When private wars were finally abolished there, *ib.* Inquiry into the power, jurisdiction, and revenue of its Emperors, 453. *Note* xlii. The ancient mode of electing the Emperors, 459. Account of the diets, 463.
- Ghibelines.* See *Guelphs.*
- Giarradadda*, the battle of, fatal to the Venetians, 142.
- Glanville*, Lord Chief Justice, the first who compiled a body of common law, in all Europe, 382.
- Goths*, Vandals, and Huns, over-run the Roman empire, and precipitate its downfall, 4. The state of the countries from whence they issued, 5. The motives of their first excursions, 6. How they came to settle in the countries they conquered, 7. A comparison drawn between them and the Romans, at the period of their irruptions, 8, & *seq.* Compared with the native Americans, 10. The desolations they occasioned in Europe, 11. The universal change made by them in the state of Europe, 12. The principles on which they made their settlements, 14. Origin of the feudal system, 15. See *Feudal System.* An inquiry into the administration of justice among, 50. Their private wars, 51. Destroy the monuments of the Roman arts, 87. Their contempt of the Romans, and hatred of their arts, 234. *Note* ii. Their aversion to literature, *ib.* No authentic account of their origin, or ancient history existing, 235.
- Government*, how limited by the feudal policy, 18. The effects of the Crusades on, 33. How affected by the enfranchisement of cities, 41. Legislative assemblies how formed, 43. Private wars destructive to the authority of, 54. Methods employed to abolish this hostile mode of redressing injuries, 55. How affected by the supreme independent jurisdictions of the barons, 68. The steps towards abolishing them, 71. The origin and growth of royal Courts of justice, 73. How influenced by the revival of science and literature, 91. A view of, at the beginning of the fifteenth century, 100. The power of Monarchs then very limited, 101. Their revenues small, *ib.* Their armies unfit for conquest, 102. The Princes hence incapable of extensive plans of operation, 104. The kingdoms very little connected with each other, 105. How the efforts of, from this period became more powerful and extensive, 108. The consequences of England losing its provinces in France, 109. The schemes of Louis XI. of France to extend the regal power, 116. See *Louis XI.* The power of the English crown enlarged, 122. See *Henry VII.* As also that of Spain, 123. How the use of standing armies became general, 134. A view of the political constitution of the several

FIRST VOLUME.

several states of Europe, at the commencement of the sixteenth century, 148. In what respects the charters of communities granted by the Kings of France, tended to introduce a regular form of, 303.

Greece, the breeding of silk-worms, when introduced there, 400.

Greek Emperors, their magnificence at Constantinople, 293.

Gregory of Tours, remarks on the state of Europe during the period of which he wrote the history, 24.

— the Great, Pope, his reason for granting liberty to his slaves, 322.

— VII. Pope, the foundation of his contests with Henry IV. Emperor of Germany, 210. The mean submission he extorted from Henry, 211. His own account of this affair, 454.

Guelfs, and Ghibelines, rise of those factions in Germany, 211.

Guicciardini, the historian, instance of his superstitious reverence for Pope Clement VII. 159, *Note*.

Guntherus, a Monk, his character of Constantinople, at the time when taken by the Crusaders, 394.

H.

Hanseatic league, when formed, and its influence on the extension of commerce, 95, 406.

Henry IV. of Castile, solemnly tried and deposed by an assembly of Castilian nobles, 179.

— Emperor of Germany, the humiliating state to which he was reduced by Pope Gregory VII. 210, 454, *Note xli*.

— VII. of England, his situation at his accession to the crown, 122. Enables his barons to break their entails and sell their estates, *ib*. Prohibits his barons keeping retainers, *ib*. Encourages agriculture and commerce, *ib*.

Herebannum, the nature of this fine under the feudal policy, explained, 259.

Hermandad, Santa, account of that institution, 430.

History, the most calamitous period of, pointed out, 11.

Holy Brotherhood, an association in Spain under that name, on what occasion formed, 195.

— Land, the original inducements of the Christians to rescue it from the hands of the Infidels, 26. See *Crusades*, and *Peter the Hermit*.

Honour, points of the ancient Swedish law for determining, 350.

Hospitality, enforced by statutes during the middle ages, 393.

Huns, instance of their enthusiastick passion for war, 235, *Note iii*. Some account of their policy and manners, 240, 247. See

Goths.

Janizaries,

INDEX TO THE

I

- Janizaries*, origin, and formidable nature of those troops, 226.
- Imperial chamber of Germany*, instituted, 214. The occasion of its institution, 425.
- Indians*, North American, a comparison drawn between them and the ancient Germans, 250.
- Industry*, the spirit of, how excited by the enfranchisements of cities, 41.
- Infantry*, the advantages of, beyond cavalry, taught to the rest of Europe by the Swis's, 137. National bodies of, established in Germany, *ib.* In France and Spain, *ib.*
- Inheritance*, and right of representation, between orphan grandsons and their uncles, how decided in the tenth century, 352.
- Interest of money*, the necessity of admitting, in a commercial view, 402. Preposterously condemned by the churchmen of the middle ages, *ib.* The cause hence, of the exorbitant exactions of the Lombard bankers, *ib.*
- Italy*, when the cities of, began to form themselves into bodies political, 38. Commerce first improved there, and the reasons of it, 93. The revolutions in Europe occasioned by the invasion of, by Charles VIII. of France, 129. The state of, at the time of this invasion, 130. The rapid success of Charles, 132. A combination of the States of, drives Charles out of, and gives birth to the balance of power in Europe, 133. The political situation of, at the commencement of the sixteenth century, 148. The papacy, 149. Venice, 159. Florence, 163. Naples, 164. Milan, 168. Evidences of the desolation made there by the northern invaders of the Roman Empire, 242. How the cities of, obtained their municipal privileges, 296. *Note xv.* State of, under Frederick I. 297. Treaty of Constance between the free cities of, and the Emperor Frederick Barbarossa, 300.
- Judgment of God*, modes of acquittal by, in the law proceedings during the middle ages, 59, 348, *Note xxii.*
- Judicium Crucis*, method of trial by, 348.
- Julius II.* Pope, forms a confederacy against the Venetians at Cambray, 141. Seizes part of the Venetian territories, 142. The confederacy dissolved, *ib.* Turns his schemes against France, 143.
- Jurisprudence*, ecclesiastical, more perfect in its plan than the civil courts of the middle ages, 55. See *Law.*
- Justice*, an inquiry into the administration of, under the feudal policy, 50. The steps toward the improvement of, as civil liberty advanced, 51. Redress chiefly pursued by private wars, 52. Methods taken to suppress private wars, 54. Judicial combats prohibited, 56. The defects of judicial proceedings in the middle ages, *ib.* Compurgators, the nature of that

FIRST VOLUME.

that kind of evidence, 58. Methods of trial by ordeal, or acquittal by Judgment of God, 59. Origin of the supreme independent jurisdictions of the feudal barons, 68. The extent and bad effects of their privileges, 69. The steps taken by monarchs to reduce the barons courts, 71. The growth of royal courts of justice, 72. Inquiry into the canon law, 74. How improved by the revival of the Roman law, 78. When the administration of, became a distinct profession, 81.

Justiza, or supreme judge of Aragon, his office and privileges, 181. An inquiry by whom this officer was elected, 409. Who was eligible to this office, 410. Nature of the tribunal appointed to controul his administration, 412. Instance of his extensive power, *ib.*

K

King, his power how circumscribed by the barons, under the feudal system, 19. By what means the Crusades tended to enlarge the regal authority, 33.

Koran, its influence in checking the Sultans of the Ottoman empire, 226.

L

Land, how held at the establishment of the feudal system, 17. See *Feudal system.*

— the property of, how considered by the ancient barbarous nations, 255, *Note viii.* Allodial possession of, explained, 256. The proprietors how subjected to military service, 257. Allodial and beneficiary possession distinguished, 258. Allodial property why generally converted into feudal, 266.

Law, when the study of it became a distinct employment, 81.

— Canon, an inquiry into, 74. The maxims of, more equitable than the civil courts of the middle ages, 76. When first compiled, 379.

— Roman, how it sunk into oblivion, 78. Circumstances which favoured the revival of it, 79. Its effects in improving the administration of justice, *ib.* Its rapid progress over Europe, 381, *Note xxv.*

Lawburrows, in the Scottish law, explained, 304.

Liberty, civil, the rise and progress of, traced, 38. How favoured by the ordinances of Louis X. of France, and his brother Philip, 48. The spirit of, how excited in France, 317, *Note xix.* The particulars included in the charters of, granted to husbandmen, 321, *Note xx.* The influence of the Christian religion in extending, 322. The several opportunities of obtaining, 336.

Limoges, council of, its endeavours to extinguish private wars, 235.

Literature,

INDEX TO THE

- Literature*, the cultivation of, greatly instrumental in civilizing the nations of Europe, 86. Why the first efforts of, ill directed, 87. The good effects nevertheless of the spirit of inquiry exerted, 89. How checked in its progress, 90. Its influence on manners and government, 91.
- Liturgy*, the preference between the Musarabic and Romish, how ascertained in Spain, 353.
- Lombards*, the first bankers in Europe, 401. The motive of their exacting exorbitant interest, 402.
- London*, its flourishing state at the time of Henry II. 317.
- Louis le Gros*, of France, his inducement to grant privileges to towns within his own domains, 39. See *Charters*.
- St. the great attention he paid to the administration of justice, in appeals which came before him, 371.
- X. of France, his ordinances in favour of civil liberty, 48.
- XI. of France, his character, 116. His schemes for depressing the nobility, *ib.* Sows divisions among them, 118. Increases the standing forces, *ib.* Enlarges the revenues of the crown, 119. His address in over-ruling the assembly of states, *ib.* Extends the bounds of the French monarchy, 120. The activity of his external operations, 121. His treacherous base-ness toward the heirs of Burgundy, 126, 127. The effects of his conduct, 128.
- XII. his hesitation in carrying on war against the Pope, 159, *Note*. Asserts his right to the duchy of Milan, and retains Ludovico Sforza in prison, 171.

M

- Manfred*, his struggles for the crown of Naples, 165.
- Mankind*, the most calamitous period in the history of, pointed out, 11.
- Manners*, the barbarity of, under the feudal establishments, after the overthrow of the Roman empire, 21. When they began to improve, 24. Effects of the Crusades on, 30. How improved by the enfranchisements of cities, 42. How improved by the erection of royal courts of justice, in opposition to the barons courts, 73. Effects of the revival of the Roman law on, 78. The beneficial tendency of the spirit of chivalry on, 82. How influenced by the progress of science, 86, 91. How polished by the revival of commerce, 97.
- Manumission*, particulars included in the charters of, granted to husbandmen or slaves, 321, *Note* xx. The form of, 323.
- Maximilian*, archduke of Austria, married to Mary heirs of Burgundy, 128. The influence of this match on the state of Europe, *ib.*

Maximilian,

FIRST VOLUME.

- Maximilian*, Emperor, institutes the Imperial chamber, 214. Reforms the Aulick council, *ib.*
- Medici*, Cosmo di, the first of the name, the influence he acquired in Florence, 163.
- Milan*, the state of the duchy of, at the commencement of the sixteenth century, 168. Rise and progress of the disputes concerning the succession to, 169.
- Mind*, the human, a view of, under the first establishment of the feudal policy in Europe, 24. The æra of its ultimate depression, and commencement of its improvement, *ib.* The progress of its operations, before the full exertion of it, 87.
- Ministeriales*, a class of the Oblati, or voluntary slaves, the pious motives of the obligations they entered into, 326.
- Moors*, make a conquest of Spain, 173. By what means weakened during their establishment there, 174. Remarks on their conduct in Spain, 176.
- Municipal* privileges, how obtained by the cities of Italy, 296. *Note xv.* Secured to them by the treaty of Constance, 302. The favourite state of, under the Roman government, 311.

N

- Naples*, a view of the constitution of that kingdom, at the commencement of the sixteenth century, 164. The turbulent unsettled state of that kingdom, 165. State of the disputes concerning the succession of the crown of, *ib.* The pretensions of the French and Spanish monarchs to the crown of, 167.
- Narbonne*, community of, preamble to the writ of summons of Philip the Long, 10, 318, *Note xix.*
- Navigation*, proof of the imperfect state of, during the middle ages, 404.
- Netherlands*, vigorous prosecution of the manufactures of hemp and flax there, on the revival of commerce in Europe, 96.
- Normans*, why so few traces of their usages and language, to be found in England, in comparison with those of the Saxons, 236, *Note iv.*

O

- Oblati*, or voluntary slaves, the classes of, specified, 325.
- Ordeal*, methods of trial by, during the middle ages, 59. The influence of superstition in dictating these means, 60.
- Otto*, Frisingensis, his account of the state of Italy under Frederick I. 297.
- Ottoman* empire, the origin, and despotick nature of, 223. Becomes formidable to the Christian powers, 229.

INDEX TO THE

P

- Papacy*, See *Popedom*.
- Paper*, when first made of the present materials, 282.
- Paris*, an inquiry into the pre-eminent jurisdiction of its parliament over the other parliaments of France, 204. Its origin traced, 449. *Note* xl. The royal edicts registered by, before admitted to be laws, 452.
- Parliaments*, or legislative assemblies, how formed under the feudal policy, 43. How altered by the progress of civil liberty, 44.
- People*, their wretched servile state under the feudal system, 19, 46. Released from their slavish state by the enfranchisement of cities, 40. How they obtained a representation in national councils, 45. Those who lived in the country and cultivated the ground, an inquiry into their condition under the feudal policy, 272, *Note* ix.
- Persia*, murder in, how punished there, 363.
- Peter the Hermit*, excites the European princes to undertake the Holy War, 24.
- IV. King of Aragon, defeats the leaders of the Aragonese union, and destroys the privilege of these associations, 416.
- Philip the Long*, preamble to his writ of summons to the community of Narbonne, 316, *Note* xix.
- Philosophy*, cultivated by the Arabians, when lost in Europe, 387. *Note* xxviii. Its progress from them into Europe, 388.
- Pilgrimages* to the Holy Land, when first undertaken, 26. See *Crusades*, and *Peter the Hermit*.
- Placentia*, council of, the Holy war resolved on by, 28. See *Peter the Hermit*, and *Crusades*.
- Plunder*, how divided among the ancient northern nations, 15. Illustrated in an anecdote of Clovis, 254, *Note* vii.
- Popedom*, the highest dignity in Europe at the commencement of the sixteenth century, 148. Origin and progress of the papal power, 149. The territories of the Popes unequal to the support of their spiritual jurisdiction, 150. Their authority in their own territories extremely limited, 151. The check they received from the Roman barons, 152. Nicholas Rienzo attempts to establish a democratical government in Rome, and to destroy the papal jurisdiction, 153. The papal authority considerably strengthened by the Popes Alexander VI. and Julius II. 154. See *Julius II.* The permanent nature of ecclesiastical dominion, 155. The civil administration of, not uniform or consistent, *ib.* Rome the school of political intrigue during the sixteenth century, 156. The advantages derived from the union of spiritual and temporal authority, 157. A view of the contests between the Popes and the Emperors of Germany, 210.

FIRST VOLUME.

- Populousness* of the ancient northern nations, an inquiry into, 5.
Priscus, extract from his account of the Roman embassy to Attila King of the Huns, 235, *Note* iii.
Procopius, his account of the cruel devastations made by the irruption of the northern nations, 236, *Note* v. 240, 241.
Property, the possession of, how secured by the French charters of communities, 305.
Proveditori, in the Venetian policy, their office, 160.

R

- Religion*, how corrupted by the northern nations established in Europe under the feudal policy, 22. Its influence in freeing mankind from the feudal servitude, 322.
Repledging, the right of, in the law of Scotland, explained, 267.
Reproach, words of, the ancient Swedish law of satisfaction for, 350.
Revenues, royal, very small under the feudal policy, 102. By what means increased, 138.
Rhine, origin and intention of the league of, 347.
Rienzo, Nicholas, endeavours to rescue Rome from the Papal authority, and establish a democratical form of government there, 153.
Robbers, the anathema pronounced against them during the middle ages, 398.
Rodolph of Hapsburgh, how he attained election to the Empire of Germany, 212.
Romans, an inquiry into those advantages which enabled them to conquer the rest of Europe, 2. The improvements they communicated in return for their conquests, *ibid*. The disadvantages the provinces laboured under, from their dominion, 3. Their Empire overturned by the irruption of the barbarous nations, 4. The concurrent causes of their ruin, 6. A comparison drawn between them and the northern nations, 9. All the civil arts established by them obliterated, 21. The monuments of their arts industriously destroyed by their barbarous invaders, 86.
Rome, papal. See *Popedom*.
Royal truce, an account of, 339.

S

- Salic laws*, the manner in which they were enacted, 432.
Saxons, why so many traces of their laws, language and customs to be found in England, 236, *Note* iv. Inquiry into their laws for putting an end to private wars, 342.
Science, the revival and progress of, how far instrumental in civilizing the nations of Europe, 87. A summary view of the revival and progress of, in Europe, 387, *Note* xxviii.
Sforza, Francis, the foundation of his pretensions to the duchy of Milan, 170. Is murdered by his uncle Ludovico, *ibid*

INDEX TO THE

- Sforza*, Ludovico, his private views in engaging Charles VIII. of France to invade Italy, 120. See *Charles VIII.* Murders his nephew Francis, and seizes Milan, 170. Is stripped of his dominions by Louis XII. of France, and dies in prison, 171.
- Shipwrecks*, the right, lords of manors claim to, whence derived, 395.
- Silk*, the rarity of, and the high price it bore in ancient Rome, remarked, 399. The breeding of silk worms, when introduced into Greece, 400.
- Slaves*, letters of, in the law of Scotland, what, 362.
- Slaves*, under the feudal policy, their wretched state, 270. Oblati, or voluntary slaves, the several classes of, 325.
- Society*, civil, the rude state of, under the feudal establishments after the downfall of the Roman Empire, 21. The influence of the Crusades on, 30. How improved by the establishment of municipal communities, 35. The effects the enfranchisements of the people had on, 49. Private wars how destructive to, 53. These intestine hostilities, how suppressed, 54. The administration of justice improved by the prohibition of judicial combats, 56. The growth of royal courts of justice, in opposition to the barons courts, 71. How advanced by the revival of the Roman law, 78. The effects of the spirit of chivalry in improving, 82. The revival of commerce and its influences, 93.
- Solyman*, Sultan, his character, 228.
- Spain*, a summary view of its situation, at the commencement of the fifteenth century, 86. The power of the crown of, how extended by Ferdinand, 123. National infantry established in, 138. Is conquered by the Vandals, 172. and after by the Moors, 173. The empire of the Moors in, how weakened, 174. Rise of the kingdoms of Castile and Aragon, 175. Their union into the Spanish monarchy, *ibid.* The ancient customs still retained amidst all its revolutions, *ib.* Peculiarities in its constitution and laws remarked, 177. See *Aragon* and *Castile*. Various causes which contributed to limit the regal power in, 186. The cities of, how they attained their consideration and power, 188. The schemes of Ferdinand and Isabella, to exalt the regal power, 191. The grand masterhips of the three orders, annexed to the crown, 192. The association of the *Holy Brotherhood*, on what occasion formed, 195. The tendency of this association to abridge the territorial jurisdictions of the barons, *ib.* The cruel devastations made by the Vandals, in the invasion of that province, 237. When the cities of, acquired municipal privileges, 315. *Note xviii.* The long continuance of the practice of private wars there, 344. The total annual revenue of the nobility, in the time of Charles V. 422. An inquiry into the origin of communities or free cities in, 423.

FIRST VOLUME.

- St. Jago*, the military order of, when and on what occasion instituted, 425. *Note xxxvi.*
- Standing armies.* See *Armies.*
- States general of France*, causes which rendered their authority imperfect, 199. When they lost their legislative authority, *ib.* When first assembled, 447. The form of proceeding in them, *ib.*
- Stephen* earl of Chartres and Blois, his account of the progress of the Crusaders, 289.
- Stiernhöök*, his account of the ancient Swedish law of satisfaction for words of reproach, 350.
- Strangers*, in what light considered, and how treated during the middle ages, and under the feudal policy, 394.
- Sugar-canes*, when first brought from Asia into Europe, and thence carried to America, 400.
- Sultans*, Turkish, their despotick power, 225. How nevertheless limited, 226.
- Superstition*, its influence in the legal proceedings during the middle ages, 60.
- Swiss*, the superior discipline of their troops, in the fifteenth century, 136. Teach other nations the advantages of infantry over cavalry, *ib.*

T

- Tacitus*, his account of the ancient Germans compared with that of Cæsar, 246.
- Tenures*, feudal, the origin of, 17. See *Feudal System*, and *Land.*
- Theology*, scholastick, the first literary pursuits at the revival of learning in Europe, 88.
- Truce of God*, an account of, 336.
- Turkey*, origin of, its government, 223. The despotick genius of this government, 224. No hereditary nobility in, *ib.* The authority of the Sultans, how checked, 226. Origin of the Janizaries, *ib.* Becomes formidable to the Christian Princes, 229.

V

- Vandals*, their cruel devastations in the invasion of Spain, 238. The havoc made by them in Africa, 239. See *Goths.*
- Vassals* under the feudal system, a view of their slavish condition, 19. 46. How they obtained enfranchisement, 47. How anciently distinguished from freemen, 258. Their wretched state under their feudal masters, 270. *Note ix.*
- Venice*, the long duration of its civil constitution, and its flourishing state at the time of the league of Cambray, 140. Its possessions dismembered by the confederates, 141. Dissolves the confederacy,

INDEX, &c.

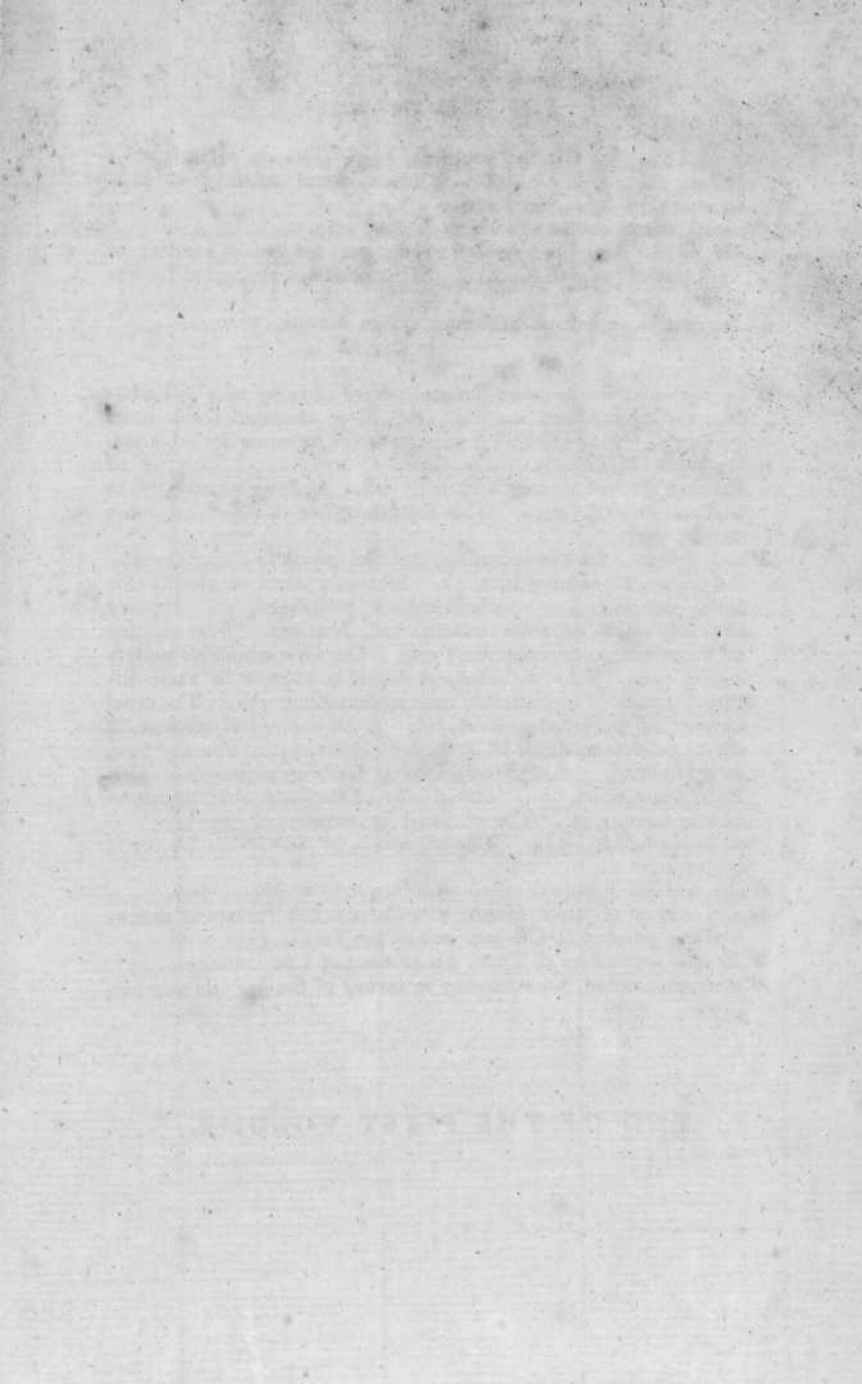
- racy, 142. Its rise and progress, 159. Defects in its constitution, 160. The excellency of its naval institutions, 161. Its extensive commerce, 162.
- Visconti*, rise of the family of, in Milan, 169.
- Union* of the Aragonese nobles to controul the undue exercise of regal power, explained, 414. This privilege abrogated by Peter IV. 416.
- Universities*, the first establishment of, in Europe, 389.

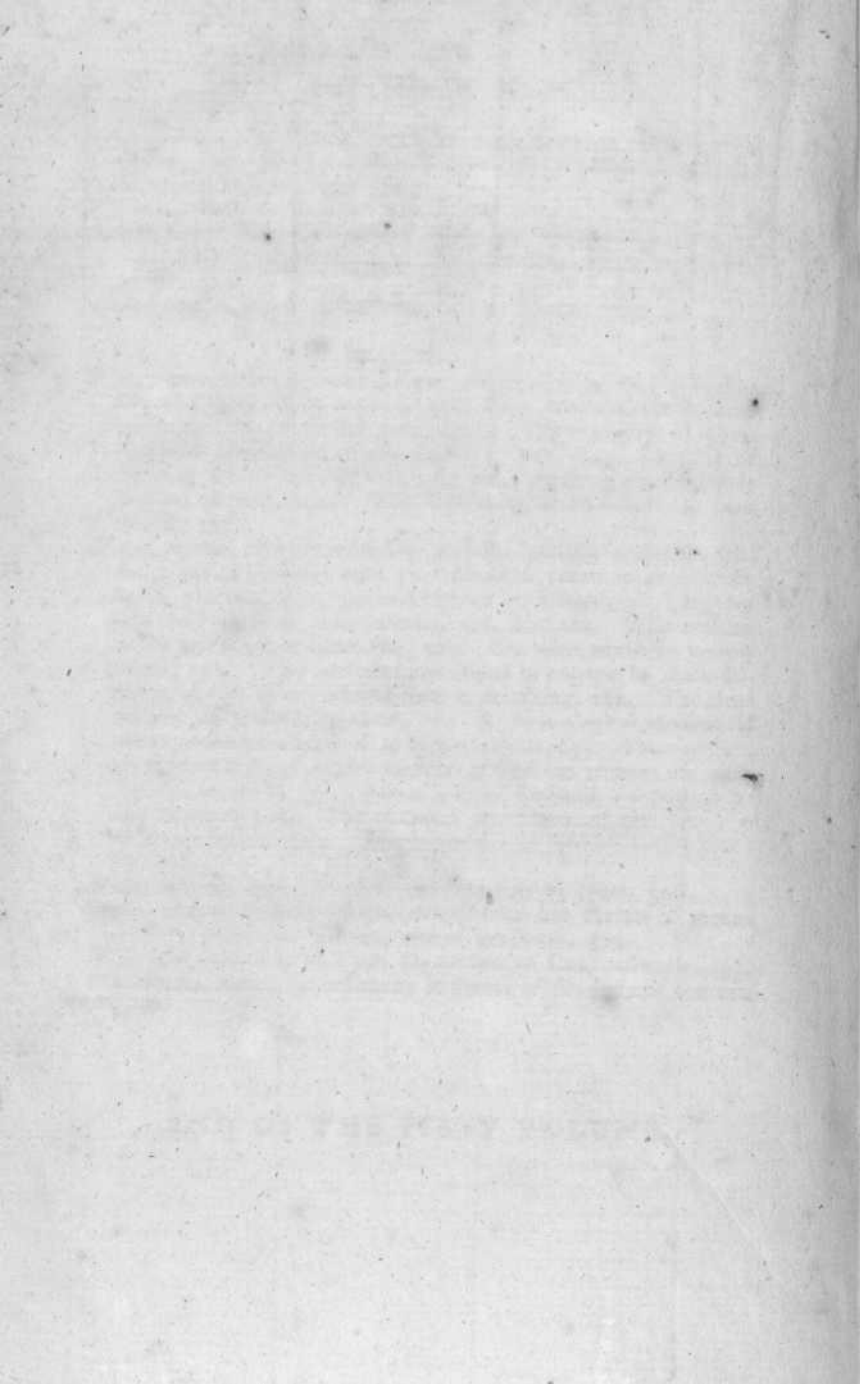
W

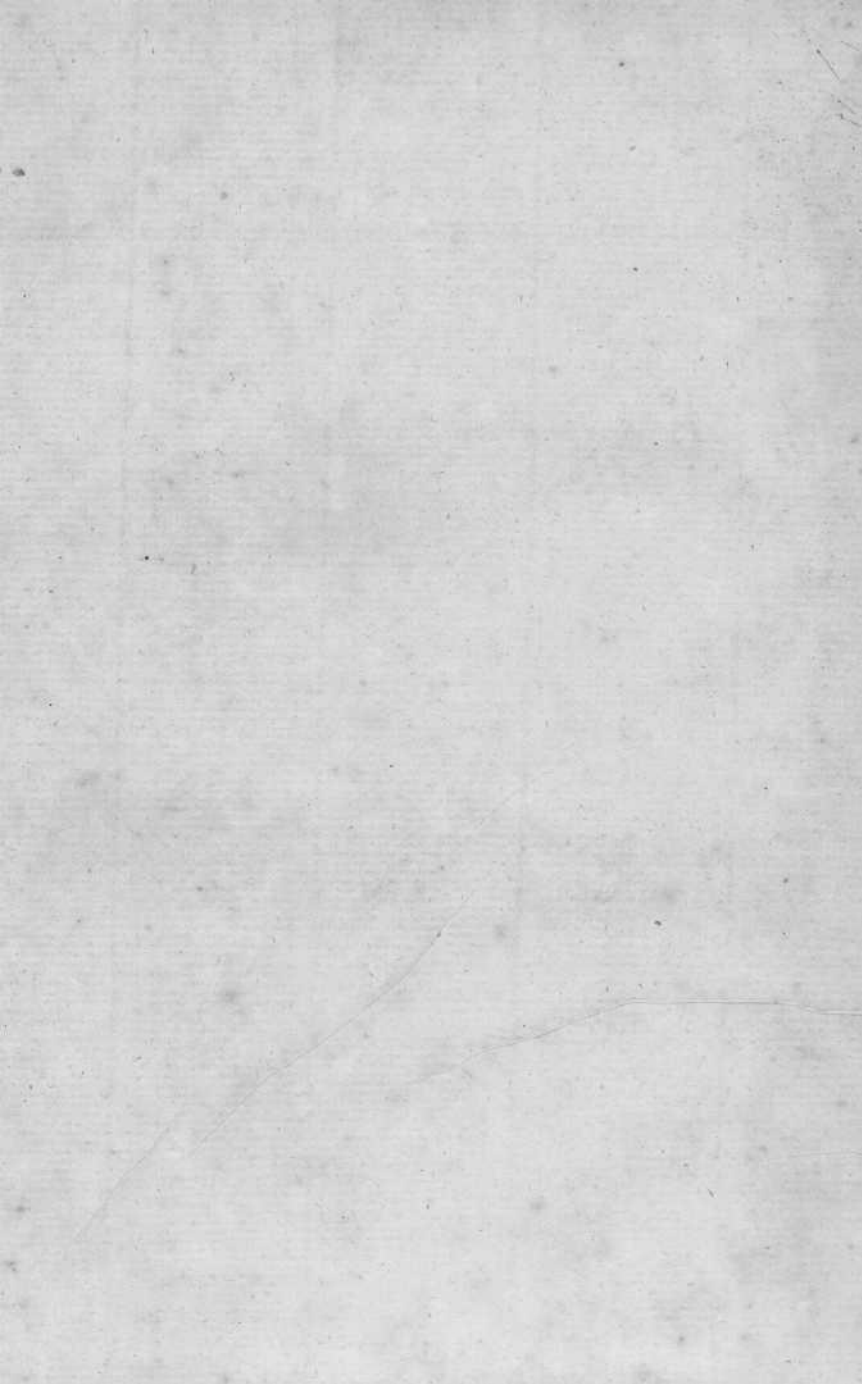
- War*, a comparison between the manner of carrying on, by barbarous and by civilized nations, 10. How rendered feeble in its operations by the feudal policy, 19. The profession of arms, the most honourable in uncivilized nations, 80. The rise of standing armies traced, 110. By what means standing forces became general, 134. The superiority of infantry in, how taught, 135.
- Wars*, private, for the redressing personal injuries, under the feudal policy, an inquiry into, 51. Methods taken to abolish this hostile practice, 54. Judicial combat prohibited, 56. Inquiry into the sources of these customs, 328, *Note xxi*. Who entitled to the privileges of exercising, 329. On what occasions undertaken, 330. Who included, or bound to engage in these disputes, 331. Who excluded from undertaking, 332. The cruel manner of prosecuting them, *ib*. A chronological account of the expedients made use of, to suppress them, 333. *Truce of God*, an account of, 336. *Brotherhood of God*, an account of, 338. *Royal truce*, what, 339. Saxon laws of England, for putting an end to them, 342. The obstinate attachment of the Spaniards to this practice, 344. The calamities occasioned in Germany by, 346.
- Welsh*, ancient, strangers killed with impunity by them, 396.
- Willa*, widow of duke Hugo, extract from her charter of manumission, granted to Cleriza, one of her slaves, 323.
- Willermus* archbishop of Tyre, his account of Constantinople, 293.
- Wittikindus*, abbot, his testimony in favour of the judicial combat, 357.

END OF THE FIRST VOLUME.



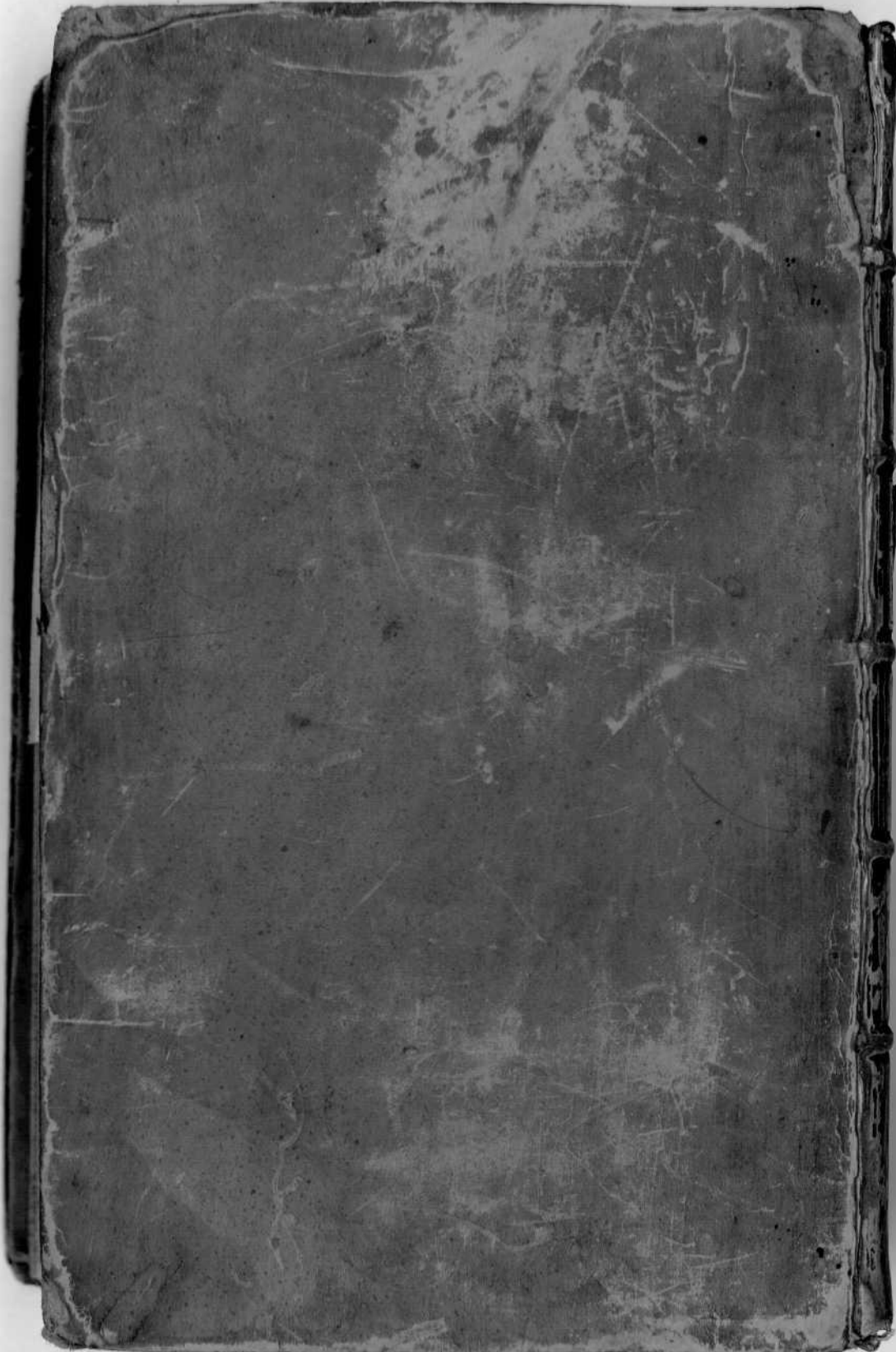












ROBERTSON
HIST OF
CHARLES

VOL