

THE
UNIVERSITIES OF EUROPE
IN THE
MIDDLE AGES

BY THE LATE
HASTINGS RASHDALL
DEAN OF CARLISLE

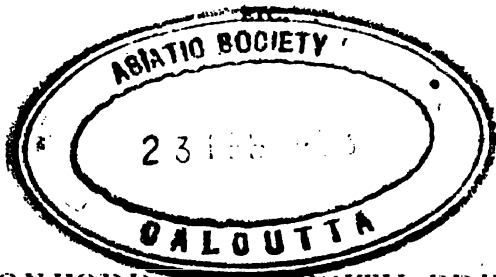
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CHAPTER XI

THE UNIVERSITIES OF SCOTLAND

[Rashdall's book marked a great advance in the history of the Scottish universities, but the discovery of fresh material and the appearance of new studies make it particularly difficult to bring his chapter up to date. Professor R. K. Hannay has prepared the sections which follow on S. Andrews and Glasgow, with careful regard to Rashdall's observations on certain features of academic development. The section on S. Andrews was written in co-operation with Professor J. H. Baxter, and that on Glasgow after consultation with Sir Robert Rait. The only general work which has appeared in recent times is by J.-B. COISSAC, *Les Universités de l'Écosse depuis la formation de l'université de S. Andrews jusqu'au triomphe de la réforme, 1410-1560*, Paris, 1915; cf. *Scottish Historical Review*, xiii (1916), 92. There is some discussion of the early history of the Scottish universities in an essay by A. MORGAN, *Scottish University Studies*, London, 1933. Neither work adds anything to previous knowledge.]

CHAP. XI,
§ 1.

§ 1. S. ANDREWS (1413)

The most important documentary sources are (1) the *Evidence* before the University Commissioners for Scotland (vol. iii, 1837), (2) the MS. *Acta Facultatis Artium* (from 1413), (3) the MS. *Acta Rectorum* (from 1470), (4) the reformed statutes of the faculties of arts and theology. The *Acta Facultatis Artium*, unlike the corresponding Glasgow minutes, are not yet in print; but J. MAITLAND ANDERSON edited in *Early Records* (Sc. Hist. Soc., 1926) the graduation lists, with the matriculations from the *Acta Rectorum*. The *Statutes of the faculties of arts and theology at the Reformation*, not presented in the *Evidence*, have been restored from some very imperfect copies by R. K. HANNAY (*Univ. Pub. No. vii*) with an historical introduction. No general history of the university has appeared to supersede the sketch by MAITLAND ANDERSON (Cupar, 1878: with Supplement, 1883); but for the early period his articles in the *Scottish Historical Review*, vols. iii (1906) and viii (1911), 333-60, and his preface to *Early Records* are indispensable, and for the later developments the introductory matter in his *Matriculation Roll, 1747-1897*. Useful information was gathered by T. MCCRIE in his *Life of Andrew Melville*, ed. 2, Edinburgh, 1824. Papers on the history of the university were written for its Quincentenary (*Votiva Tabella*, 1911); cf. also HANNAY, 'Early University institutions at St. Andrews and Glasgow: a comparative study' in the *Scottish Historical Review*, xi (1914), 266-83. J. HERKLESS and R. K. HANNAY, *The College of St. Leonard*, gives particulars of that foundation. Recently a number of documents and notes relating to the earlier years (1411-50) have been contributed by J. H. BAXTER in his *Copiale Prioratus S. Andree* (Oxford, 1929). His *St. Andrews University before the Reformation* (S. Andrews, 1927) deals with the circumstances attending the foundation and with the effect of the Conciliar movement on the life of the university; and his *Collections towards a bibliography of St. Andrews* (S. Andrews, 1926) devotes a large section to university history.

CHAP. XI,

§ I.

The
Scottish
student
abroad.

THE foundation of the first Scottish university was due to a situation which developed towards the close of the great Schism. Academic intercourse with England in the thirteenth century was interrupted by the war of independence; and a Scots college at Paris, begun under Robert I by the bishop of Moray, is the first evidence of the diversion of Scottish students from England to the Continent. Between the release of David II in 1357 and the Schism in 1378 many of them still attended the English universities; but within a year or two after the beginning of the Schism the difference in papal obedience precluded this intercourse. Henry Wardlaw, for instance, who was to found the University of S. Andrews, and who had a safe-conduct from Richard II in 1380, graduated in arts at Paris, studied civil law at Orleans, and appeared later at Avignon.¹ The prior and the archdeacon of S. Andrews, while Wardlaw was bishop, had been students in France;² and the eight teachers named at the inception of the new school had all been educated at French universities.³

Founda-
tion.

For some twenty-five years after the beginning of the Schism no urgent need for a Scottish university was felt; but the persistent adherence of Scotland to Benedict XIII during the two periods of French withdrawal from him before the deposition attempted by the Council of Pisa in 1409, coupled with the turbulence and depression in Paris after the assassination of the duke of Orleans in 1407, made the resort of Scots to Paris university both unprofitable and dangerous. Somewhere between 1407 and 1410 the situation compelled Scotland to consider the establishment of a national university. Possibly the appearance of Lollardy also exerted some influence upon the project.⁴ In 1411, accordingly—and it may have been even in 1410—*incept studium generale universitatis sancti Andree*.⁵

¹ J. M. Anderson in *Sc. Hist. Rev.* viii (1911), 231.

² *Ibid.*, pp. 232-3.

³ *Ibid.*, p. 235.

⁴ There is considerable emphasis upon defence of the faith in the

foundation Bulls; and cf. *Copiale Prioratus S. Andree*, pp. 230-6.

⁵ Bower (*Scotichronicon*, xv, c. 22) describes the battle of Harlaw (1411), alludes to operations in 1412, and reverts to the beginning

It was probably from the lesser French universities, such as Orleans and Angers, in which the Bologna system of student-election was modified by the reservation of greater rights to the bishop on the one hand and to the masters on the other, that the founders of the Scottish universities derived the ideal which their earliest constitutions and charters seem to imply. Circumstances were not, however, favourable to rapid growth. When Scotland decided in 1418 to obey Martin V, ambitious students tended to resume emigration to famous continental schools, nearer the central power of the Papacy, whose patronage might be the reward of distinction. A man might 'determine' in Scotland, and complete his arts course abroad. Even when the master's degree was taken at home, those who had the funds aimed at graduation in the higher faculties at foreign places of repute. About 1420, at S. Andrews, measures had to be adopted to insist upon graduation and post-graduate residence.¹ It is certain, nevertheless, that the faculties of theology and canon law existed there from the outset, while medicine must have been represented during the fifteenth century.²

CHAP. XI,
§ 1.
Foreign
models.

The theologians were at first closely associated with the priory, in which the canons regular constituted the chapter of the cathedral. James Biset, whose rule was drawing to a close when the university began, had fostered learning; and James Haldenston, one of his canons, was elected prior at the end of the Schism with special regard to his academic attainments.³

Higher
faculties.

of the university 'in the preceding year', specified (possibly by interpolation) as 1410: Major accepted 1411 in his *Greater Britain*.

¹ *Univ. Pub.* vii. 8, 15.

² *Ibid.*, p. 67; *Sc. Hist. Rev.* viii. 344. David Crannoch, afterwards physician to James II, became dean of the faculty of arts in 1446 (*Copiale Prioratus S. Andree*, p. 487). There was a doctor of medicine at Glasgow in 1469; later, William Manderston, a Glasgow student, who became doctor at Paris and rector of that university, subsequently taught medicine at Glas-

gow before passing to S. Andrews (Coutts, *Univ. of Glasgow*, p. 477; *Early Records*, pp. 225-7); but William Schevez, Archbishop of S. Andrews (1478-97), had resorted to Louvain for medical study. (Herkless and Hannay, *Archbishops of St. Andrews*, i, Edinburgh, 1907, p. 82.)

³ *Scotichronicon*, vi, c. 56: Hannay, in *Scottish Hist. Rev.* xiii (1916), 324. Bower says of Haldenston (*Scotichronicon*, vi, c. 57) 'in facultate sacre pagine precellenter rexit et in theologia decanus graduandos cathedravit'.

The prior was dean *ex officio* until 1428–9, when, in the presence of James I, the monopoly was brought to an end, and statutes were adopted which have been shown to bear the mark of Paris.¹ For lack of record the history of the faculty cannot be traced. Recruited from teaching masters in the faculty of arts, the canons of the priory, the friars, and others, it was probably never insignificant. In 1541 at least a dozen members answered the summons of John Major as dean.²

Of the lawyers even less is known. Bower mentions four canonists who taught at the beginning. The marketable value of legal knowledge in the fifteenth century, if it induced rising churchmen to study abroad, also encouraged pursuit of the law at home.³ In 1457 a *schola decretorum* adjoined the school of the faculty of arts in South Street;⁴ and there must have been some demand for civil law. Archbishop Forman (c. 1516) sought to revive 'the old and laudable custom' of attendance by regulars for the study of theology and canon law.⁵ Later, in Cardinal Betoun's time, we hear of the *doctores venerandi collegii iuris civilis*, and of 'the new schools of the laws'.⁶ Legal studies, however, did not flourish to any considerable extent, though it is probable that many graduates in arts took advantage of the available instruction with a view to practising as notaries. Apart from inducements to foreign graduation and the appearance of universities at Glasgow and Aberdeen, the evolution of the civil court of Session tended to attract legal interests to Edinburgh. The first proposal for an academic institution there, in 1558, contemplated especially education in the laws.⁷

¹ *Univ. Pub.* vii. 80, 112. A very important description of the ceremony in connexion with the doctorate survives in the amended statutes (*ibid.*, pp. 76–80).

² *College of St. Leonard*, p. 220. Richard Hilliard, the English refugee, was a member (*Rentale S. Andree* (Sc. Hist. Soc.)); and there was graduation in Cardinal Betoun's time (*Archbishops*, iv. 234). On Major's connexion with S. Andrews see *Early Records*, p. xxxix.

³ A secretary of James II was a licentiate of S. Andrews in canon law (J. Dowden, *The Bishops of Scotland*, Glasgow, 1912, p. 74). For lawyers of standing at the university see *Copiale Prioratus S. Andree*, pp. 398–9, 406, 442, 465.

⁴ *Acta Fac. Art.* (Univ. MS.).

⁵ Robertson, *Statuta*, i. 284.

⁶ *Archbishops of St. Andrews*, iv. 235.

⁷ *Univ. of Edinburgh, 1883–1933*, p. 1.

That the main influence of the university was exerted through the faculty of arts upon the rank and file of Scottish clerics is indicated by the graduation lists.¹ Towards the close of the fifteenth century lay students must have begun to matriculate, with a view to graduation and obtaining subsequently, perhaps, a smattering of law.² The development of the college system brought most of the resident doctors and bachelors of the higher faculties inevitably into connexion with the faculty of arts, through interest in organization and discipline, or as actual teachers. By the middle of the sixteenth century it was possible to describe the minute-book of the faculty as *liber conclusionum universitatis sancti Andree*, and the rector of the university concerned himself *ex officio* with business which formerly was appropriate to the faculty alone.³

CHAP. XI,
§ 1.
Faculty
of arts.

The traditions of the faculty of arts, like those of the theologians, were derived ultimately from Paris. It was ordained *quod more Parisiensi libri consueti legantur ordinarie*: certain regulations against touting for scholars were adopted word for word: when the statutes were revised in 1439, a book was produced *de statutis et privilegiis studii Parisiensis*.⁴ The Parisian nominalism reigned.⁵ Laurence of Lindores, the dominant figure till 1437, read lectures on the *De Anima* and the *Physics* of Aristotle, which remained, until the time of Copernicus, a standard text-book in universities where the *doctrina Buridani* was prevalent.⁶ After his death there was a reaction, under influence from Cologne, whither Scottish students had been resorting since 1420; and in 1438 Bishop Wardlaw persuaded the faculty to allow the *via Alberti*.⁷

On 28 February 1411-12, some time after teaching had actually begun,⁸ Wardlaw granted a charter stating the

Papal
privileges.

¹ *Early Records*: the oldest graduation lists in Britain.

² *Acts of Parl.* ii. 238, c. 3.

³ *Univ. Pub.* vii. 23-4, 56.

⁴ *Ibid.*, pp. 3 sqq.

⁵ 'Quod doctrina Alberti adhuc non legatur in isto studio sed Buridani' (1417). For the books to be heard see *Copiale Prioratus S. Andree*, p. 456.

⁶ *Ibid.*, p. 382: J. H. Baxter in *Scottish Hist. Rev.* xxv (1927-8), 92.

⁷ Acta Fac. Art.: a large majority had voted against the *doctrina Alberti* and the *summule Petri Hispani*. At Glasgow in 1482 Hispanus was the text-book.

⁸ 'Universitas vestra a nobis . . . de facto instituta et fundata et a vobis . . . iam laudabiliter inchoata.'

CHAP. XI,
§ 1.

relation of the new body to the bishopric, the priory, and the two diocesan archdeaconries, and defining the jurisdiction of the rector.¹ With the support of James I, then a captive in England, a petition was presented to Benedict XIII suggesting that the bishop should be chancellor, with powers to regulate graduation and frame statutes. Benedict, however, adopted (28 August 1413) the terms he had used for Turin (1404), based upon the foundation Bull of Cologne (1388); and he did not, as Alexander V had done in the case of Leipzig (1409), expressly designate the bishop as chancellor.²

No fewer than six separate Bulls were issued: (1) erecting the *studium generale*; (2) confirming Wardlaw's diocesan indult for residence, and extending it to all beneficed persons in Scotland, (3) executorial of this indult, (4) ratifying Wardlaw's charter, (5) conservatorial of the university privileges, (6) providing for study and graduation by Scots who had begun at universities not under Benedict's obedience. According to a very unusual condition, the rector was required to be a graduate in some faculty and in holy orders.

Some months after the reception³ of the Bulls the university of Paris sought to enlist Scottish interest in the Council of Constance, and appealed to the new foundation.⁴ It was not, however, till the year after the election of Martin V that Scotland resolved to abandon Benedict. Early in the autumn of 1418, the faculty of arts by a large majority decided for the change of obedience; and the rector of the university played a prominent part in swaying the Estates.⁵

James I
and the
university.

After James I returned home he opened an anti-papalist campaign, with a willing minister in John Cameron, who became bishop of Glasgow.⁶ Relations with Wardlaw, owing

¹ The jurisdiction was modified in favour of the citizens of S. Andrews by Bishop Kennedy in 1444, after inquiry as to practice at Cologne (*Scottish Hist. Rev.* xi. 272).

² The Bulls are printed in *Evidence*, iii. 171: a facsimile of the Bull confirming Wardlaw's charter is in *Nat. MSS. of Scot.*, pt. ii. For the petition to Benedict see *Scottish*

Hist. Rev. iii. 213; and for a summary of the Bulls, *ibid.* viii. 337.

³ 3 February 1413-14: *Scottichronicon*, xv, c. 22.

⁴ *Copiale Prioratus S. Andree*, p. xl.

⁵ *Scottish Hist. Rev.* viii. 347-60; cf. xiii. 327.

⁶ *Ibid.* xv. 290; *Acts of Council in Public Affairs*, p. xlvi.

to a difference over the controversy, were not cordial; and in 1426 the king actually petitioned Martin V that the university be transferred to Perth, a place represented as being under the immediate authority of the crown, and more suitable than S. Andrews both geographically and economically. The proposal, which might have led to a national university, precluding the later episcopal enterprises at Glasgow and Aberdeen, could hardly in the circumstances be entertained by the Pope. James appears to have been dissatisfied with the condition of affairs. He intervened repeatedly in university politics, and did not confirm the bishop's original charter until 1432.¹ The facts are obscure; but the antagonism between supporters of the Pope and of the Council caused a dispeace not completely cured until the latter's defeat.

The real power in the university lay with the magisterial body. From the outset there were four nations. The divisional arrangement, due in part to academic tradition, was not a meaningless survival, for in the fifteenth century a common law was still in process of development. The two nations of the south, Lothian and Britain, corresponded roughly to the archdeaconry of Lothian and to the dioceses of Glasgow and Galloway, where racial factors had affected ecclesiastical boundaries.² Each nation had its procurator, whose duties required constant attendance, personally or by proxy, and included as a rule the function of rector's assessor. The *comitia* or congregation of the University was a meeting of the nations. Protests recorded by the faculty of arts, as well as a considerable number of university statutes,³ testify to legislative action; but it is chiefly in connexion with the choice of a rector that the nations are mentioned. Each nation, under the presidency of its procurator, appointed an inrant to give the vote. If the votes were equal, the decision lay with the retiring rector. Our information indicates a desire to preserve the independence of university authority in face of the predominant faculty of arts; and the electors seem to have avoided heads of colleges or members of the teaching staff.

¹ *Univ. Pub.* vii. 13, 24, 112.

² For the nations see *Early Records*, pp. ix-xi.

³ *Evidence*, iii. 232.

CHAP. XI, At first all supports had a voice in deliberation; but a statute
 § 1. of 1475 deprived those below the bachelor grade of the rectorial franchise.¹

The In 1414 it was enacted 'that no schools be conducted in the
 Pedagogy. faculty of arts but by way of community, hall, or paedagogy under the daily direction and control of masters', and that no *extra commensales*, known elsewhere as 'martinets', should be admitted, except poor students and the sons of burgesses. The scholars of a pedagogy seem to have been taught exclusively by resident masters.² Rivalries ensued: discipline suffered; and there was little scope for the post-graduate *lectura* upon which the growth of the university would depend. The faculty of arts had an interest in what was loosely styled the 'college' of S. John the Evangelist in South Street. There, in 1430, Wardlaw proposed to concentrate masters and scholars in 'one pedagogy'. The project of concentration failed; but the faculty acquired a residential place—the Pedagogy, which was ultimately merged in the college of S. Mary—and a 'school' for public lectures and acts. This school was *in vico*, by adoption of the Parisian technicality; and some sort of lecture-system developed, whereby each teaching master, whether 'regent' or merely 'reading', selected his 'book' before the faculty.³

S. Salvator's College, 1450. It was Bishop Kennedy (1440–65) who conceived the plan of a properly endowed college, and initiated developments which gave S. Andrews a marked advantage over the university which Bishop Turnbull was establishing in Glasgow. S. Salvator's, begun in 1450, was a collegiate church with an academic intention, providing for three theologians, four masters of arts, and six poor foundation scholars. A prolonged controversy with the faculty of arts and its pedagogy was ended (1470) in the provincial council of the Scottish

¹ *Early Records*, pp. xi–xxii. For the subsequent history of the franchise and the ultimate effect of the provision requiring the rector to be in holy orders, see *Matric. Roll, 1747–1897*, pp. xvii–xxii.

² This appears to be the meaning of the rule 'quod non audirent sub

aliquo magistro vel aliquibus magistris nisi tenentibus domicilium'. For details of teaching and graduation see *Univ. Pub.* vii.

³ A book is still handed to a professor at the ceremony of installation.

Church, when Kennedy's college renounced a Bull permitting independent degree examinations.¹ But the quarrel discouraged public lecturing *in vivo*. By the close of the century these public lectures had almost disappeared: the class of non-regent 'readers', and the hearing of 'extraordinary' books, diminished; and a result was the unfortunate arrangement whereby a regent master conducted his class through the whole course to graduation. Instead of a shifting body of graduates teaching in virtue of their oath of residence, or by the inherent right given them by their degrees, the masters tended to pass into a permanent co-optative professoriate.

Early in the sixteenth century a new collegiate enterprise was undertaken: In 1512 Prior Hepburn turned the hospital of S. Leonard, an appendage of his monastery tracing its origin to the Celtic Church, into a college of poor clerks, with special regard to the training of Augustinian novices. More liberal provision was made than by Kennedy for the maintenance of foundationers; and, as the Pedagogy was almost defunct for lack of endowment, the new foundation could justifiably be styled *principale Sanctiandree collegium*. Though the control by the prior led at first to difficulties with the faculty of arts,² the college was soon admitted to full status as a constituent of the university, and its monastic character tended to fix the collegiate system.³

The heretical leanings for which S. Leonard's became notorious led Archbishop James Betoun to plan what became the New College of S. Mary in place of the decayed Pedagogy, with which the disaster at Flodden had prevented Archbishop Alexander Stewart, the pupil of Erasmus, from dealing. Cardinal Betoun carried on his uncle's design; but the advice of his relative Archibald Hay, of Montaigu College at Paris, who recommended the teaching of Greek, Hebrew,

¹ *Univ. Pub.* vii. 22 sqq.; *Archbishops of St. Andrews*, i. 36. The Bull (1468) provided for teaching and examination within the college, reserving the rights of the bishop as chancellor.

² *College of St. Leonard*, p. 101.

³ The statutes (*ibid.*, p. 167) show that members of the college resorted to the schools at the Pedagogy only for public acts and examinations.

CHAP. XI, Syriac, and Arabic, was not accepted.¹ In 1553 Archbishop § 1. Hamilton modified the foundation in view of the contemporary movement for the reform of the Church from within. He laid emphasis upon theology,² and intended that the new college should be dominant in the university.

After the
Reforma-
tion.

The development of the colleges, and the constant efforts of the faculty of arts to control the persons and matters in which it was directly interested, go far to explain the post-Reformation plan of annexing a faculty to each college. The radical scheme of the *First Book of Discipline* and the *Opinion* of George Buchanan³ are alike based upon this idea; but they were carried out in one particular only, when in 1579 S. Mary's was permanently appropriated to the study of theology. S. Salvator's and S. Leonard's continued to serve students in arts, till in 1747, after an abortive attempt to combine all three foundations, economic pressure brought about a united college of S. Salvator and S. Leonard.⁴

Residence
ceases.

Losses in revenue sustained since the Reformation, and the insufficiency of the endowments to keep the buildings in repair, caused the decline of residence in college. By 1820 the *ménage* of the common table, which probably continued the old medieval scholar's mode of life more completely than any other institution surviving in Europe, was given up in S. Mary's College, just when the complete reconstruction of S. Salvator's—where the united college had been established—could no longer be delayed. The rights of the foundationers were commuted for a money payment, while the colleges existed mainly as endowments for professors and non-resident 'bursars'.⁵

The cur-
riculum.

That the Reformation left the curriculum in arts still

¹ Hay became principal of S. Mary's for a brief period from 1546: his *Panegyricus* addressed to the Cardinal (Paris, 1540) is an important educational document.

² Posts in civil law and medicine, arranged by the Betouns, were excluded (McCrie's *Melville*, notes to ch. xi): an *orator* and a *grammaticus* were not striking concessions to

humanism.

³ P. Hume Brown, *Vernacular Writings of George Buchanan* (Scottish Text Soc.), Edinburgh, 1892.

⁴ *Matric. Roll, 1747-1897*, p. xxvi. University College, Dundee, was brought into the university in 1897 (*ibid.*, p. lix).

⁵ *Ibid.*, pp. xxxviii, lv.

medieval in character is shown by the account which James Melville gives in his *Diary*, and by the faculty statutes as purged and revised in 1570.¹ George Buchanan effected little; and Andrew Melville's prospects were clouded by ecclesiastical controversies in which he was opposed to James VI, a king who might in other circumstances have been his educational ally.²

CHAP. XI,
§ 1.

§ 2. GLASGOW (1450-1)

Unlike S. Andrews, Glasgow has long possessed in the *Mumimenta Universitatis Glasguensis*, edit. Cosmo INNES (Maitland Club, 1854), a complete collection of documents down to 1727. The *Evidence* (vol. ii) before the Commissioners for the Universities of Scotland (1837) is also important, though necessarily less useful, owing to the publication of the *Mumimenta*, than the companion volume relating to S. Andrews. A synopsis of the history, still valuable, was prepared by Thomas REID, the well-known professor of moral philosophy, for SINCLAIR's *Statistical Account of Scotland* (vol. x'i, 1799). Cosmo INNES, editor of the *Mumimenta*, has a chapter on Glasgow in his *Sketches of Early Scottish History*, Edinburgh, 1861. J. COUTTS, *A History of the University of Glasgow*, Glasgow, 1909, contains much miscellaneous information; but it is valuable for the later rather than for the earlier developments. H. BLACKBURN wrote (1858) a *Short Sketch of the Constitutional History of the University of Glasgow*, London, 1858. R. RENWICK and J. LINDSAY, *History of Glasgow*, i, Glasgow, 1921, has some topographical matter relating to the university. See also R. K. HANNAY in the *Scottish Historical Review*, xi, 266-83.

THE University of Glasgow was founded under a Bull of Nicholas V, in response to a petition of James II presented at the instance of William Turnbull, who had recently obtained the bishopric. Turnbull seems to have been a graduate in arts of S. Andrews.³ Eleven years later (1431) his name appears on the matriculation roll of Louvain;⁴ and, as custodian of the King's privy seal from 1440 till his episcopal consecration in 1448, he is described as doctor in decrees.⁵

The
founda-
tion.

¹ *Univ. Pub.* vii. 86.

² For a general account of the position see John Burnet in *Votiva Tabella*, pp. 129-38.

³ He may be identified with the William Turnbull licensed in 1420 (*Early Records*): when he matriculated at Louvain in 1431 he was accompanied by Nicholas Otterburn, who also graduated at S.

Andrews in 1420 (*Scottish Hist. Rev.* xxv. 330).

⁴ During the Conciliar controversy papalist Scots gravitated towards Louvain, while anti-papalists favoured Cologne (*Copiale Prioratus S. Andree*, p. 494).

⁵ *Reg. Mag. Sig.* ii: Otterburn had the same degree.

CHAP. XI, In 1450 the king, an honorary canon of Glasgow, granted to
 § 2. his 'well-beloved councillor' rights of regality in the city and barony, and submitted to the Pope his request for the erection of a *studium generale*.¹

The university began in 1451, favoured by a jubilee indulgence which the bishop had procured for his church.² The Bull of Nicholas V (7 January 1450-1) does not appear to have been based upon any documentary instructions or writs prepared at Glasgow. It erected a *studium generale* in the various faculties: bestowed on individual members all the privileges and exemptions enjoyed at Bologna; declared Turnbull and his successors to be *rectores cancellarii nuncupati*, with the powers exercised by the Bologna *rectores scholarium*; provided for graduations after the customary fashion, and for the universal validity of the degrees.³

Nicholas V had been a student and, later, Bishop of Bologna. He happened to be deeply interested in the fortunes of that city and university when the royal petition was submitted;⁴ and he granted to prospective members of the University of Glasgow a body of privileges which he assumed to be well understood.⁵ There was some misapprehension, however, from the very outset; for a Glasgow clerk described the new foundation as *instar studii et universitatis Bononiensis*, and propagated the belief, still surviving, that the university was after the Bologna 'model'.⁶

The Bull left Turnbull with a free hand to adjust his arrangements according to local conditions. The new institution was intimately connected with the cathedral: the chapter-

¹ *Registrum Episcopatus Glasguensis* (1843), ii. 325; *Munimenta*, i. 3.

² 'That samyn yer [1451] the privilege of the univerte of Glasqw come to Glasqw throw the instance of King James the Secund and throw instigacioun of master William Turnbull . . . and was proclamit at the croce of Glasqw on the Trinite Sunday the xx day of June; and on the morne thar was cryit ane gret indulgence' (*Auchin-*

leck Chronicle, p. 45).

³ *Munimenta*, i. 4-5.

⁴ Pastor, *History of the Popes* (Eng. trans.), ii. 14, 17, 70.

⁵ In the case of Aberdeen, Elphinstone petitioned for and obtained a university in which there should be teaching and study 'sicut in Parisiensi et Bononiensi et quibusvis aliis generalibus studiis ad hoc privilegiatis' (*Fasti Aberd.* pp. 4-5).

⁶ *Munimenta*, ii. 178.

house was the customary place of congregation;¹ and the powers of the bishop in his regality were sufficient to set the school in motion. It was not until 1453 that the king exempted members from general taxations and services,² or that the bishop and chapter defined the rectorial jurisdiction in relation to the city, adopting Wardlaw's regulations for S. Andrews, with modifications after the letter and spirit of the revision made in 1444 by Kennedy.³

The university has no record of the appointment of conservators. It is known, however, that Turnbull's successor approached Calixtus III in 1456; explaining that the privileges enjoyed at Bologna were very hard to ascertain, he asked the Pope to exempt all supposts in actual residence from the jurisdiction of ordinaries (including the conservators of S. Andrews University) and to subject them henceforth to the bishop of Dunblane, the abbot of Paisley, and the dean of Glasgow. Calixtus granted the request, and ordered a commission; but there is no further notice of the provision.⁴

The emphasis laid upon Bologna in the Bull of Nicholas V may have had no more than an accidental connexion with the hope that a school of law would develop. The hope without doubt was entertained. Turnbull's antecedents and interests pointed in that direction; and the royal charter dwelt upon the civil benefits to be expected.⁵ The only higher faculty to leave traces of its activities in statute was that of canon law.⁶

Higher
faculties.

¹ The first assembly was in the chapter-house of the Blackfriars (*Munimenta*, ii. 55); but from 1452 down to the Reformation, meetings of the university were usually at the cathedral. After 1480 some meetings are specified as held *in inferiori capitulo*, others as *in superiori capitulo*. The minutes cease to draw this distinction in 1537.

² *Munimenta*, i. 6.

³ *Evidence*, iii. 176: *Munimenta*, i. 7. Kennedy's revision was made in the light of Cologne practice.

⁴ *R^g. Supp.* (Vatican MS.), July 23, 1456: a reference due to

Dr. Annie Cameron. Some conservatorial arrangement must have been required.

⁵ *Munimenta*, i. 6: 'per quos . . . populus . . . virga equitatis et iusticie corripitur, orthodoxa fides solide defensetur, querele iurgiose determinentur et reddatur unicuique quod debetur'. The first rector, David Cadzow, was a lawyer, and Official of Glasgow.

⁶ *Ibid.* ii. 17-20. In 1463 there was a small endowment for canon law (*ibid.* i. 17) and in 1482 the faculty contributed for the repair of the canon law schools

CHAP. XI, § 2. The records of the fifteenth century show that a certain number of graduates from other places and some clerics of standing joined the university; but it is not possible to say how they were distributed between law and theology, or whether there was regular instruction in medicine.¹ After the first fifty years or so, it would appear that the higher faculties had to depend mainly upon the cathedral staff, a few local Dominicans, the teaching masters, and the supply, always limited, of graduates from the faculty of arts.² There would be, as at S. Andrews, a certain amount of post-graduate study in the elements of law, indispensable for the notarial practice to which so many clerics looked. The verdict of John Major, whose advent in 1518 stimulated enrolments, was that the university, poorly endowed, was not rich in scholars.³

Constitution. The constitution was very much on the lines of S. Andrews. There were the faculties, with their deans, of whom only the dean of the faculty of arts figures upon record; four nations, with their proctors elected by the whole body of masters and students; the rector, chosen by the four intrants of the nations;⁴ his assessors; a promoter or syndic, appointed by the intrants, and charged to see that delinquents were called to account; and the bishop-chancellor, who granted the licence.⁵

Faculty of arts. The geographical arrangement of the nations⁶—Clydesdale, Teviotdale, Albany, and Rothesay—indicates that, while S. Andrews had contemplated the whole of southern Scotland and the northern Lowlands, without much expectation from the Highlands,⁷ Glasgow looked mainly to the region which became in 1492 the archiepiscopal province, and to the west generally, not without regard to Ireland. There was

(*ibid.* ii. 93, 95). In 1460 there is a reference to reading in civil law (*ibid.*, p. 67).

¹ A doctor of medicine was incorporated in 1469 (*ibid.* ii. 74).

² Arts graduations at Glasgow were on an average about one-third of those at S. Andrews.

³ John Major, *History of Greater*

Britain, trans. by A. Constable (Scot. Hist. Soc., 1892), p. 28.

⁴ Cf. *Early Records* (S. Andrews), p. xiii.

⁵ Cf. *Munimenta*, i. 5; ii. 6-11, with *Evidence*, iii. 171-2, 233-4.

⁶ *Munimenta*, ii. 6.

⁷ *Evidence*, iii. 233; *Early Records* (S. Andrews), pp. ix-xi.

some attempt to attract men from S. Andrews;¹ but, on the whole, supplementary effort is suggested rather than competitive rivalry.² CHAP. XI,
§ 2.

Upon the faculty of arts the usage of S. Andrews exerted an influence; and some features of the faculty were avowedly borrowed from Cologne. After 1420, when the number of Scots at Paris diminished, owing to the disturbed state of France, a steady connexion with Cologne was established. A Scottish graduate in arts at Cologne was received by the faculty at S. Andrews in 1448. Invited to Glasgow in 1451, he was mainly responsible for the arts statutes there, which are compounded of regulations derived from the statutes of Cologne and S. Andrews.³

The Glasgow arts statutes differ from those of S. Andrews in the absence of any allusion to 'touting' for scholars. The competitive difficulty never arose. The first regents seem to have hired a house in the Ratounraw—traditionally known as 'the Auld Pedagogy'—to provide for residence.⁴ The public schools of the university, on the other hand, were accommodated at the Blackfriars in the High Street.⁵ In 1460 Lord Hamilton granted to the principal regent in arts, for the benefit of the faculty, a tenement adjoining the Blackfriars; and he was to be instituted *ad regimen collegii*.⁶ Thereupon the faculty began to expend surplus funds upon building, and in 1478 was still contributing *circa collegium artium*,⁷ which

¹ *S. A. Univ. Pub.* vii. 21, 36.

² Turnbull and Kennedy were on intimate terms in the earlier stages of their careers (cf. Annie Cameron, *Apostolic Camera and Scottish Benefices*, p. 112), and there is no indication that Kennedy was hostile to Turnbull's university.

³ The borrowings from Cologne related specially to usage in graduation. The debt to S. Andrews was not known until its arts statutes, as revised at the Reformation, were restored in 1910, in the light of the Glasgow text (*S. A. Univ. Pub.* vii). For a comparative account see *Scottish Hist. Rev.* xi. 266.

⁴ This was their own enterprise: in 1457 they had help from the faculty 'pro firma pedagogii . . . quod eorum laboribus crevit bursa facultatis ymmo et futuris temporibus uberius augmentari posset' (*Munimenta*, ii. 191).

⁵ *Ibid.* ii. 182. In 1453 the faculty of arts subscribed 'pro reparatione scole in loco predicto'; and the schools there were *in vico*, after the Parisian technicality. In 1460 public lectures in law were given in the chapter-house of the Blackfriars (*ibid.*, p. 67).

⁶ *Ibid.* i. 9-13.

⁷ *Ibid.* ii. 195, 204, 210, 220.

CHAP. XI, was enlarged by the gift of a manse immediately to the north.¹
 § 2.

Thus the operations of the faculty of arts were now concentrated, and at the site of the public schools of the university, in what was by 1467 already known as the *collegium facultatis*.² No additional halls were required to house the arts students: the higher faculties had a very slender hold upon life. During the thirty or forty years before the Reformation only the faculty of arts had a serious existence.

The university always had upon its roll a sufficient number of senior men, not officially connected with the faculty of arts, to participate effectively in the election of the rector.³ The extreme youth of pupils in the Pedagogy and their limited number must have made any influence upon affairs by them negligible. In 1532 the faculty of arts, the rector presiding, enacted that any student who was caught out of his bed-chamber after the bell for silence had rung, or who should 'rashly and temerarily' meet the rector, dean, or one of the regents in the streets without seeking to avoid his awful glance, or even play any game, 'otherwise lawful', in their presence, should be subjected to humiliating corporal chastisement.⁴

Lack of
endow-
ments. The lack of endowment, remarked by Major, remained a fatal handicap to expansion. Early in the sixteenth century Archbishop Blackadder proposed to annex benefices to 'his College of the University of Glasgow'; and in 1537 Archbishop Dunbar had similar plans to create a proper collegiate institution for the maintenance of masters and scholars.⁵

¹ *Munimenta*, i. 18; ii. 220.

² *Ibid.* ii. 204.

³ Canons of the cathedral and the holders of neighbouring benefices were incorporated; but it may be doubted whether study was the prevailing motive.

⁴ *Ibid.*, p. 41. The statute seems to insist on a boy who met a regent in the streets showing his respect for authority by running away or 'shirking', as Eton boys were required to do when they met a master in Windsor. The notion that this was because Windsor was

out of bounds may, therefore, be a case of false analogy. The custom of 'shirking' is very ancient, being prescribed to the *clericuli*, when they met a canon, by the statutes of the Church of Lyons in the twelfth century. If they could not run away, they were to pretend that they were not there by holding their hands in front of their faces (Migne, *Patrol. lat.* cxcix. 1104). [Most of the above paragraph and this note are taken from Rashdall (ed. i, vol. ii. 307).]

⁵ *Munimenta*, i. 42, 493.

Neither design took effect. The constitutional usage of the university was observed; but by the eve of the Reformation 'Pedagogy' and 'university' had become for practical purposes convertible terms.¹

The original location of the university centre and the initial hospitality offered by the adjoining Blackfriars proved to have important consequences. Visiting the city in 1563, after the Reformation, Queen Mary saw 'the decay of ane Universite' rather than 'ane establisst foundatioun'; and she granted, among other property, the place of the Blackfriars and certain of their rents which the religious revolution had rendered available.² This was the prelude to a revival. In 1566-7 the royal burghs obtained gift of all friars' houses and revenues, along with the endowments for masses.³ In 1572 the provost and magistrates, at the instance of Master Andrew Hay, who was rector of the university and commissioner of the General Assembly for the superintendence of Clydesdale, conveyed their gift to the Pedagogy for the maintenance of a principal, who was to be an exponent of theology—the higher faculty of dominant interest at the time—two regents in arts, and twelve poor students.⁴

After the
Reforma-
tion.

The additional endowment was not adequate, though the services of Andrew Melville were obtained. Under Melville's influence, and with hearty support from George Buchanan,⁵ the regent Morton was induced to grant additional resources,⁶ providing for a theological prefect, three regents in arts, and now only four poor foundationers.⁷ This *nova erectio* imposed for the first time upon the Pedagogy a collegiate organization within the university; and its ordinances were remarkable for

*Nova
erectio.*

¹ 'Pedagogium seu Universitas' (*ibid.* i. 62-6).

² *Ibid.*, p. 67.

³ *University of Edinburgh* (1883-1933), p. 6; *Munimenta*, i. 71. The mass endowments, subject to life-interest, were not immediately available.

⁴ *Ibid.*, pp. 84-5.

⁵ Buchanan was a witness to the royal charter (*ibid.*, p. 112)

and had showed 'singular favour' (*ibid.*, p. 123).

⁶ 'Ad colligendas reliquias Academie Glasguensis quam pre inopia languescentem et iam pene confectam reperimus' (*ibid.*, p. 105).

⁷ The provision for poor students seems to have been abused (*ibid.*, p. 154).

CHAP. XI, the attempt, not in the end successful, to induce specialism
 § 2. among the regents.¹

Upon this new foundation, within the medieval scheme, the modern University of Glasgow was built. The beginnings of revival, to which the city made its contribution, had a similarity, in respect of this municipal interest, to the contemporary movement which brought about in 1583 the College of Edinburgh.² Both places benefited from the possessions of the old Church: both were supported by burghess enthusiasm for the advancement of the new; but, while the growth in Edinburgh was from the initial status of a town's college, the College of Glasgow preserved for fuller realization the dignity, the traditions, and the constitution of a university conferred by its founders.

§ 3. ABERDEEN (1494)

Report of Commissioners for visiting the Universities of Scotland, 1831, and Evidence, iv, 1837, with App. of Documents. Fasti Aberdonenses, ed. C. INNES, Aberdeen (Spalding Club), 1854. C. INNES, Sketches of Early Scotch History, Edinburgh, 1861, p. 254 sq. Cf. KENNEDY, Annals of Aberdeen, London, 1818, ii. 357 sq.

Founda-
 tion, 1494.

ABERDEEN, like the two other medieval Scottish universities, was founded by a bishop. William Elphinstone, Bishop of Aberdeen, was personally a more remarkable man than the two earlier university-founders. He is said to have studied arts and canon law at Glasgow, canon law at Paris, and civil law at Orleans.³ Sir Alexander Grant⁴ suggests that he may have been the original inspirer of the Scots Act of 1496 which required all barons and freeholders to have their eldest

¹ 'Nolumus prout in reliquis regni Academiis consuetudo est [regentes] novas professiones quotannis immutare quo fit ut dum multa profiteantur in paucis periti inveniuntur' (*ibid.*, p. 109). The modern professorial system was a development of the eighteenth century.

² *University of Edinburgh, 1883-1933*, pp. 6-11.

³ *Fasti*, p. xi sq. [The William 'Elcomsten' of S. Andrews, whose

name appears on the *matricula* of Louvain in 1431, was probably the bishop's father. His lecture notes, on civil, canon, and feudal law, are preserved in King's College, Aberdeen; see J. H. Baxter in *Scot. Hist. Rev.* xxv (1928), 329 and note, 330.]

⁴ *Story of the University of Edinburgh* (1884), i. 27. The Act is printed in *Miscellany of the Maitland Club*, 1840, p. 5.

sons instructed in 'Arts and Jure'. At all events it is clear that, even more certainly than the founders of S. Andrews and Glasgow, Elphinstone aimed at making his university a school of law. It was especially intended to be a means of promoting the civilization of the highland clergy, of whose extreme ignorance an appalling picture is drawn in the petition of King James IV recited in the Bull of foundation. This Bull was granted by Alexander VI in 1494,¹ but not published till February, 1497.² The royal charter of the same year incorporates certain benefices, and confers a scanty endowment for the support of a doctor of medicine.³ The decayed Hospital of S. German's was also made over to the university;⁴ and from the first it was part of the founder's plan to endow the university by the erection of a college, which was actually established in 1505 with the title of the College of the Holy Virgin in Nativity—now King's College—which provided teachers in all the faculties.⁵ The college was endowed with impropriations; and the resemblance to the German colleges is increased by the annexation to the college of a church, of which the masters became prebendaries and the 'bursars' choristers or clerks.⁶ The university does not appear to have entered upon actual existence till the year 1500, when the teaching of Hector Boece, whom Elphinstone had brought from the College of Montaigu at Paris and eventually made principal of his new college, soon placed Aberdeen at the head of the Scotch universities—a position which it retained for at least forty years. A comparison of the early history of those universities which started with sufficient endowments with the fate of those attempts at university-founding which were not thus supported supplies ample illustration of the absolute necessity—at ordinary times and under ordinary circumstances—of endowment or some other

CHAP. XI,
§ 3.

The
King's
College.

¹ *Fasti*, p. 6.

² *Ibid.*, p. 7.

³ *Ibid.*, p. 11.

⁴ *Ibid.*, pp. 9, 17, 18 sq.

⁵ See Hector Boece's *Life of Elphinston*, ap. *Aberdonensium Episcoporum Vitae*, 1552, f. xxvii sq.; cf. *Fasti*, pp. xvii, 53 sq.

⁶ *Ibid.*, p. 53 sq. A remarkable provision of this charter is that 'nulle in quacumque facultate per annum integrum fiant vacantie' (p. 58). The wishes of the 'pious founder' do not seem to have had much influence on the length of Scottish vacations.

CHAP. XI, extraneous support for the maintenance of higher education.

§ 3. To this day Aberdeen is kept alive and flourishing, in spite of the competition of the great city universities of Edinburgh and Glasgow, by the number and wealth of its bursaries.

Constitu-
tion. The constitution of Aberdeen was on the same lines as that of the two earlier Scottish universities, but the influence of Orleans is plainly discernible in the constitution of its governing body. At Orleans it will be remembered that power was shared between the professors and certain representatives of the students. So at Aberdeen the power of making statutes is entrusted to the chancellor, rector, and resident doctors, 'calling unto them' a competent number of licentiates and scholars, and—a quite original feature—at least two privy councillors of Scotland.¹ This state of things does not appear, however, to have lasted long: real power here, as elsewhere, passed to the principal and professors or regents who, together with the rector, formed the *Senatus Academicus*.²

§ 4. CONCLUSION

[It should be remembered that this section was published in 1895. We have thought it wiser to leave it, with one modification, as it appeared in the first edition.]

Subse-
quent
develop-
ment of
the Scottish
universi-
ties. A WORD must be said as to the educational organization of the Scottish universities and the process by which it has become so widely differentiated from that of the English universities. The future of the Scottish university was largely determined for it by the fact that its teachers from the first, or almost from the first, were college teachers and university teachers at the same time. Here, according to the North-German precedent, college and university were more or less completely fused into one. At Paris and Oxford the college teaching, which gradually supplanted the university teaching, was never modelled on the lines of the old university system at all. In particular, the Oxford tutorial system, by ultimately making every tutor responsible for the whole education of his pupils, tended to narrow the range as well as to lower the efficiency of the

¹ *Ibid.*, p. 5.

appear to have at one time existed.

² The nations and proctorships *Documents*, pp. 167, 169.

college teaching, while the university teaching practically disappeared, and the university degree system, having no organic relation to the real studies of the colleges, degenerated into a farce. The consequence was that lecturing—in anything like the sense which the word bears in ordinary usage—almost died out. Education was reduced to lessons in logic and catechetical instruction on classical books. In the Scottish universities the instruction of the colleges always bore a direct relation to the subjects of the degree examination.

In Scotland the old medieval *trivium* and *quadrivium* and the old medieval 'three philosophies' (natural, moral, and metaphysical), enlarged by the gradual infusion of the Renaissance Greek, have continued, almost down to the present moment, to supply the outline of the university curriculum through all changes in the subject-matter actually taught in each department. At first the subjects were divided at the beginning of the academical year, in the way usual at the German universities, among the regent masters, i.e. practically the paid regents of the colleges.¹ Very early in the history of the Scottish universities a system—of which there is no distinct trace in the history of any other university—established itself, by which one regent took the entire instruction of a class, consisting of the men of a single year, through the whole of their four years' curriculum. The subjects of each year thus 'rotated' among the regents.² Only very gradually, as the standard of efficiency demanded of the teacher rose and the area covered by each subject expanded, was the system of 'rotation' abandoned in favour of the 'fixation' of each regent to a particular subject.³ The system of 'rotation' has only quite recently disappeared from the leading 'High-schools'

Survival
of the
medieval
curri-
culum
[1895].

¹ The Glasgow Statute-book retains the oath to lecture for two years unless dispensed, but this was practically no doubt insisted upon only in the case of the college regents. See *Documents*, p. 287.

² The origin of this system is very obscure. The Glasgow statute provides that the regents shall choose their books in order of seniority, according to the German

system. *Ibid.*, p. 285. But the system grew up in the Middle Ages; the reformers indeed wisely attempted to abolish it. See Grant, *Story of the University of Edinburgh*, i. 146 sq., and the *Documents*, *passim*.

³ The first step, about the beginning of the eighteenth century, was to assign Greek to a separate professor.

CHAP. XI, § 4. of Scotland. This revolution in the universities was not completed till after the middle of the eighteenth century.¹ Still more recently and still more gradually has the title of professor, formerly appropriated only to the single teachers of each of the superior faculties, supplanted the old medieval regent or master.²

The
Scottish
philosophy.

The consequences of this retention of the old medieval curriculum in the Scottish universities, and the subsequent evolution of distinct chairs of philosophy out of it, have been of the utmost importance, not only in the history of Scottish education, but in the history of British and even of European thought. Scotland gained from it an education at once stimulating and practical, however grave its deficiencies on the score of sound preparation and classical discipline; while to the seemingly accidental circumstance that the Scottish universities provided philosophers, not merely with chairs but with classes to teach, Europe probably owes in no small measure the development of an important and influential school of philosophy. Between the time of Hutcheson and that of J. S. Mill a majority of the philosophers who wrote in

¹ This was a great Reform-era in the Scottish universities, especially at Aberdeen. The spirit of the movement may be illustrated by the following resolutions of Marischal College:

'That the students may have the benefit of those parts of Education which are not commonly reckoned Academical, such as dancing, writing, book-keeping, French, &c., without losing time in attending Masters at a distance from the College, the Sub-Principal and Regents shall appoint proper rooms in the College, and proper hours when these things may be taught, and shall bespeak Masters of the best characters and qualifications for instructing those who choose to attend them.' (*Documents*, p. 176.)

'The Professors of Philosophy, with the concurrence of the other Masters, have unanimously agreed

to employ much less time than has been usually done in the Universities, in the Logic and Metaphysick of the Schoolmen, which seem contrived to make men subtle disputants—a profession justly of less value in the present age than it has been in some preceding ones; and to employ themselves chiefly in teaching those parts of Philosophy which may qualify men for the more useful and important offices of society.' (*Ibid.*, p. 177.)

Every line of these resolutions breathes the spirit of Locke's *Treatise on Education*, and of that Scottish 'common-sense' philosophy whose best representative (Reid) was one of the regents who voted for these changes.

² The Answers to the Commission of 1830 speak of the change as made 'of late years'.

the English language were professors, or at least *alumni*, of Scottish universities.

CHAP. XI,
§ 4.

The reader of the preceding chapters will have remarked how closely parallel this transformation of the old regent-system into the modern professorial system has been to a similar development in the German universities. In both cases the germ of the evolution was contained in the original constitution of the university. The gradual disappearance of the old college life which has taken place in both the Scottish and the German universities is perhaps to be similarly accounted for. The characteristic feature of both systems in their medieval form was the close fusion of the college with the university system. At Paris and Oxford the college life lasted on because it was inseparably bound up with the only educational system which the university possessed. In Germany and Scotland the colleges were created primarily to supply the universities with teachers; the common life could disappear without destroying the *raison d'être* of the college-foundations. Another influencing circumstance has been no doubt the different attitudes of the universities towards the marriage of the teaching body. At the revolutionary Reformation of Scotland and Germany it was assumed as a matter of course that the compulsory celibacy of regent masters disappeared with the celibacy of the clergy; and it is not long before we find difficulties arising about the maintenance of discipline in the colleges.¹ In England, where the breach with the past was less violent, and where the college fellowship was still looked upon mainly in the light of an endow-

Disappearance of the college system.

¹ But it was a long time before the Scottish mind reconciled itself to the anomaly of women in college. Thus at Morton's visitation of S. Andrews in 1574, it was ordered 'that the wyffis, bairnis, and servandis of the Principallis and utheris Maisteris in the Universitie be put apart in the cietie out of the Collegis, sua yat wemen, to a slanderus and ewill exempill, haif not residence amangis the zoung men studentis, nor zit that the same

wemen have ony administratioun and handilling of the common guidis of the College, to ye greit prejudice yairof, and of sic as frelie wald gif thame selfis to the study of Lettres' (*Documents*, p. 189). At a later date the difficulty seems to have been met by requiring the regent on duty for the week, or *hebdomadarius*, also to sleep in college. As to marriage in German universities see above, pp. 242, 259, n. 6.

CHAP. XI, § 4. ment for students to which educational functions were only accidentally annexed, the abolition of celibacy appears never to have suggested itself even to Puritan reformers. And the preservation of the common life for graduate-fellows has tended to its preservation for undergraduate students.

Boy-
students
and
student-
elections.

It is not only in its curriculum—in the wide range and the regular succession of subjects prescribed to its students—that the Scottish university preserves to this day the impress of the Middle Ages. Here alone perhaps in Europe were the bulk of the students in the arts faculty, till very recently, boys of about the same age as the artists of medieval Paris or Oxford. The average age is still below that of most universities. Here alone does the ancient chancellorship—no longer held by a bishop—survive side by side with the rectorship. Above all, here alone do the students—students still at Glasgow and Aberdeen divided into nations under the government of proctors—elect the head of a university. These Scottish rectorial elections, now used as the means of paying a triennial homage to some distinguished public man, reproduce perhaps more both of the outward mechanism and of the ancient spirit of medieval student-life than any feature of the more venerable, but also in some respects far more altered, constitutions of Oxford and Cambridge [1895].

APPENDIXES

I. PAPER UNIVERSITIES

THE following is a list of universities for which Bulls were granted, but which never came into actual existence. Down to 1400 the list (with one exception) has the authority of Denifle (*Die Univ. des Mittelalters*, i. 630-52): after that it is probably very incomplete. APPENDIX
I.

GRAY (1290). A Bull was granted in 1290 by Nicholas IV on the petition of Otto IV, Count of Burgundy. See above, p. 190.

PAMIERS (1295). A Bull granted by Boniface VIII in 1295 erects in this city 'studium generale in quo magistri doceant et scolares libere studeant et audiant in quavis licita facultate' (*Registres de Boniface VIII*, ed. Thomas, Paris, 1884, No. 658 (c. 227); Fournier, *Stat. et Priv. des Un. françaises*, ii, Paris, 1891).

DUBLIN (1312). In 1311, the year after his accession to the see, John Lech, Archbishop of Dublin, petitioned Clement V for a *studium generale* in his metropolitical city. The petition refers to the non-existence of any university in Ireland or in the most nearly neighbouring countries of 'Scotland, Man, and Norway' (the geography of the Irish prelate seems tinged by Home-rule aspirations), the absence of learned men in Ireland, and the perils of the Irish Channel. The Bull was issued on 13 July 1312 and is printed in W. Monck Mason, *The History and Antiquities of the Collegiate and Cathedral Church of S. Patrick near Dublin*, Dublin, 1819, App. VII, i (where it is wrongly dated 1310), and in *Regesta Clem. V*, Rome, 1887 (No. 8634). It is remarkable in that it makes the establishment of the university at Dublin dependent upon the approval of the archbishop and his suffragans, confers no *ius ubique docendi*, and, while authorizing the *licentia docendi*, does not determine the authority by which it is to be conferred. The death of the archbishop and a long vacancy in the see prevented the immediate execution of the design. On 10 February 1320 the new archbishop, Alexander de Byckenore, with the assent of his two Chapters of the Holy Trinity (now Christ Church) and S. Patrick's, issued a body of statutes (Mason, App. VII, ii; also in Ware, *De Hibernia et Antiquitatibus eius*, London, 1658, p. 77), by which the chancellor is to be elected by the regents (subject to confirmation by the archbishop), but, if there is a doctor of theology or canon

APPENDIX I. law in either of the Dublin chapters, he (or one of such doctors, if there are more than one) is to be elected. The university is to be governed by the chancellor and two proctors, and the rest of the constitution is framed on the Oxford model, with the exception of certain reservations in favour of the archbishop. It is provided 'quod Cancellarius, de consilio magistrorum regentium, et non regentium, si necesse fuerit, statuta condere possit ad honorem et pacem Universitatis, et ad scandala dirimenda, que contingere poterint in eventu, et illa statuta debent nobis et successoribus nostris presentari, et per nos et eosdem successores confirmari'. The chancellor has jurisdiction over masters and scholars and their servants, where 'actor et reus sunt de Universitate predicta', except where a canon or a member of his household or of the archbishop's household is involved. From the chancellor there is an appeal to the regents, but the further appeal is to the archbishop, to whom also is reserved the right of appointing a regent to lecture on theology in S. Patrick's Cathedral. The chancellor is to take an oath of obedience to the archbishop.

William de Rodyard, Dean of S. Patrick's, was appointed chancellor and took the degree of doctor in canon law, while three friars were made D.D. (*Annales Hiberniae*, 1162-1370, in J. T. Gilbert, *Chartularies of St. Mary's Abbey, Dublin*, ii, 1884, 361.) The foundation had no success. John Clyn, a contemporary Franciscan, describes it as 'universitas quoad nomen, sed utinam quoad factum et rem' (*Annals*, a. 1320, in Richard Butler, *Annals of Ireland*, Irish Archaeological Society, Dublin, 1849, p. 14). In 1358 King Edward III promised special protection to scholars travelling to Dublin (*Rotulorum Patentium et Clausorum Canc. Hiberniae Calendarium*, 1828, p. 73); but in 1363 the clerks of Ireland complained that 'in all Ireland there is no university or place of study' (*Calendar of Papal Petitions*, i. 467). In 1364, Lionel, Duke of Clarence, founded a divinity lectureship to be held by an Augustinian; while in 1496 a provincial synod imposed an annual contribution upon the clergy of the province for seven years to provide salaries for other lecturers (Mason, p. 101). These are all the facts that are known as to the existence of a university: the reader must be left to judge for himself as to whether the University of Dublin has been rightly included among the still-born universities. Clearly there were some schools in Dublin, but in the absence of any evidence of graduation (after the first formal graduations of persons educated elsewhere) the *differentia* of a *de facto* university seems to be wanting.

Cardinal Newman has a short chapter on 'the Ancient Univer-

sity of Dublin) in the *Office and Works of Universities*, London, 1856, reprinted in *Historical Sketches*, London, 1872. The fullest account is in E. B. Fitzmaurice and A. G. Little, *Materials for the History of the Franciscan Province of Ireland, 1230-1450* (British Soc. of Franciscan Studies, ix, Manchester 1920), pp. xxviii, 107-9).

The following account of an attempt to found a university at Drogheda in 1465¹ may be appended as evidence that no university existed at Dublin at that date (John D'Alton, *History of Drogheda*, Dublin, 1844, ii. 149). 'On the accession of Edward the Fourth the Earl of Desmond was exalted to the honour of Lord Justice of Ireland, immediately after which he convened his parliament to assemble in this town (i.e. Drogheda). The corporation and townsmen of Drogheda happily directing his attention to the fact that during the government of Sir Edmund Butler, at the instance of the Archbishop of Dublin, a bull of the Pope was procured for the establishment of a University in Dublin, which however had declined for want of funds, besought him to effect a similar distinction for their town (i.e. Drogheda), the immemorial residence of the Primate of Ireland, and an act was accordingly passed (5 Edw. IV, c. 46) of which the following is a translation:—"Also at the request of the commons, because the land of Ireland has no university nor place of general study within it, a work of which sort would cause a great increase of knowledge, riches, and good government, and would prevent riot (1), evil government and extortion within the same land, it is therefore ordained, established and granted by authority of parliament that there be a university in the town of Drogheda, in which may be made bachelors, masters and doctors in all sciences and faculties as they are made in the university of Oxford, and that they may also have, occupy and enjoy all manner of privileges, laws and laudable customs which the said university of Oxford hath occupied and enjoyed, so that it be not prejudicial to the mayor, sheriffs nor commonalty of the said town of Drogheda." The political events of the period, however, prevented the consummation of this desirable object. Ireland as well as England was in a state of complete exhaustion during the reign of Edw. IV, and in that of Henry VII was much distracted by the attempts of his enemies to make it the scene of contests and rebellions, that they hoped would overturn his government, while the more immediate circumstance of the execution of the Earl of Desmond as a traitor naturally attached

¹ The attempt seems to be wrongly dated 1368 by Ware, p. 82, and Ware-Harris, p. 245.

APPENDIX I. an odium to all his measures, and particularly to that which contemplated the elevation of a secondary locality to a literary pre-eminence above the metropolis. Dublin continuing afterwards the fixed seat of the Parliament, and the ultimate establishment of a University there in 1591, seem to have extinguished the expectation and almost the wish for realizing this honourable distinction.'

VERONA (1339). The *studium* may have been started by Martino della Scala, c. 1270. (Cf. Bolognini, 'L'Università di Verona e gli statuti del sec. XIII e XIV', in the *Miscellanea nuziale Biadego-Bernardinelli*, Verona, 1896.) A Bull was granted by Benedict XII in 1339 for all faculties except theology. (*Bull. Rom.*, Turin edition, iv. 459.) The town-statutes of 1458 provide for a doctor of grammar and rhetoric, of civil law, of canon law, of arts and medicine, and of arithmetic (*Statuta communitatis Veronae*, Vicenza, 1475, lib. i, Nos. 111-18), and then might presumably have claimed the privileges of a *studium generale*, but there is no evidence of graduation. The university, if such it was, had declined in the early fifteenth century. The bishop, the later Pope Eugenius IV, established or reconstituted schools on more ecclesiastical lines, and these, after the exclusion of the laity, became the type of the later seminaries which in Italy carried on the theological traditions of the medieval universities. (Cf. Manacorda, i. 259-61.)

CIVIDALE in Friuli (1353). On several occasions in the first half of the fourteenth century the commune of Cividale agitated for a *studium*. The earliest instance is said, though not conclusively, to have been in 1303. On 1 August 1353 the Emperor Charles IV, at the request of his brother, Nicholas, the patriarch of Aquileia, established a *studium generale* at Cividale. He gave as his reason that Cividale was more conveniently placed than the universities of Lombardy for his subjects within or on the confines of the patriarchate. This was the first of the numerous constitutions issued by Charles IV authorizing *studia generalia*. It was first printed in B. Zancarolus, *Antiquitates civitatis Fori Iulii* (Venice, 1669), p. 46, but its significance was brought to light by P. S. Leicht, 'Il primo tentativo de costituire un' Università nella Venezia orientale' (*Memorie storiche forogiulesi*, vi (1911), 1-14. Leicht gives the history of the various attempts to establish a *studium* before 1353, and edits the documents. The Bull of Charles IV was edited independently by R. Saloman, with a note, in *Neues Archiv*, xxxvii (1912), 810-17; corrections on p. 879.

GENEVA (1364). On the petition of Amadeo VI, Count of Savoy, a *studium generale* in all faculties was founded at Geneva in 1365 by a Bull of the Emperor Charles IV for all faculties (published by J. Vuy in *Mémoires de l'Institut genevois*, xii, 1869, p. 43). Denifle (i. 649) cites an interesting document which shows that the Bull was an expedient to revive a very decaying school. The bishop had in the preceding year complained to the Pope that the chancellor of his cathedral was in the habit of selling 'regimen scolarum civitatis et dioc. Gebennen. plus offerenti', his demands being so extortionate 'quod scole ipse quasi ad nichilum sunt redacte'. This behaviour of the chancellor explains the fact that he is altogether ignored in the constitution of the university, and the unusual provision in the foundation-bull which entrusts the right of promotion to the doctors or masters themselves. For later attempts to create a *studium* before the foundation of the University by Calvin in 1559, and for the College of Versonnex (1429-1536), see C. Borgeaud, *Histoire de l'Université de Genève*, Geneva, 1900.

KULM (1366). A Bull of Urban V was granted on petition of the Teutonic Order, 'instar studii Bononiensis', which is printed in Arnoldt, *Historie der Königsbergischen Universität*, Königsberg, 1746, i, Beil. 3, and hence, apparently, by Wölky in the *Urkundenbuch des Bistums Kulm*, Dantzig, 1885, No. 369, p. 289. In both places the Bull is wrongly dated. (See Kaufmann, *Geschichte der deutschen Universitäten*, ii, p. xv.)

LUCCA (1369). Flourishing communal schools had existed in Lucca since 1322, and the time seemed to have come for the establishment of a university (Manacorda, ii. 304), when in 1369 a *studium generale* was erected by Charles IV. It is remarkable for including astrology among the 'sciences and approved faculties' to be taught there. (Baluze, *Miscellanea*, ed. Mansi, Lucca, 1764, iv. 184.) In 1387 another Bull (for all faculties except theology) was procured from Urban VI (*ibid.*, p. 185). But no *studium* except in arts appears to have really come into existence, and this is not organized as a *studium generale*. For information as to the schools of Lucca, both before and after the Bulls, see the documents published by Lucchesini, 'Della historia letteraria del ducato Lucchese', in *Memorie e documenti per servire all' istoria del ducato di Lucca*, Lucca, 1825, ix. 18 sq.

ORVIETO (1378). The town-statutes (Fumi, 'Codice diplomatico della città d' Orvieto' in *Documenti di storia italiana per le provincie*

APPENDIX I.
di Toscana, dell' Umbria e delle Marche, vol. viii, Florence, 1884, p. 780 sq.) testify to the existence of a considerable *studium* from 1280. It obtained the grant of a *studium generale* from Gregory XI in 1377 (*ibid.*, p. 567), while the actual Bull was issued in the following year by his successor, Urban VI; but it appears that even the *studium* which had previously existed in the place was now extinct, since after this we hear nothing even of salaries so far as the higher faculties are concerned.

FERMO (1398). Denifle has shown (i. 631) that the Bull for this university was granted, not by Boniface VIII, but by Boniface IX. It was confirmed by Calixtus III in 1455, but was only brought into actual existence by a Bull of Sixtus V in 1585. Denifle speaks of a monograph by Curi, *L'Università degli studi di Fermo* (Ancona, 1880), which attributes its origin to Lothair! Manacorda (ii. 297) gives a bibliography.

CALATAYDD (1415). A Bull was granted for a university at Calataydd, on the western borders of Aragon, by Benedict XIII in 1415 (Vincent de la Fuente, *Hist. d. las Univ. en España*, i. 321). But nothing appears to be known as to the actual existence of a university in this place.

MANTUA (1433). The success of Vittorino da Feltre at Mantua prompted Gianfrancesco Gonzaga to secure a *privilegium* from the Emperor Sigismund (27 September 1433), which was confirmed by Frederick III. See J. C. Lünig, *Codex Italiae diplomaticus*, Frankfurt, 1732, p. 1781. Cf. W. H. Woodward, *Vittorino da Feltre*, Cambridge, 1897.

GERONA (1446). On 9 May 1446 Alfonso V allowed the *jurats* of Gerona to establish a *studium generale* in all sciences, with power to confer degrees. Nothing appears to have been done in the matter, and Gerona is not even the subject of an allusion when the same monarch granted the same rights to Barcelona four years later. The university came into effective being in virtue of a Bull of Paul V in 1605. See La Fuente, *Universidades*, i. 240; Rubió y Lluch, *Documents*; Torroella, *El estudi general o universitat literari de Girona* (Gerona, 1906).

LÜNEBURG (1471). A Bull was granted by the Emperor Frederick III on 8 August 1471, and is printed by Kaufmann (ii. 564-5), after

collation with the original, from Caspar Sagittarius and Henricus Gause in *Memorabilia Historiae Luneburgicae* (1688). APPENDIX I.

FRANKFURT-ON-ODER (1500). A Bull was obtained by the Margrave John Cicero from Alexander VI and the Emperor Maximilian. The actual erection of the university was suspended by the death of the Margrave, in the same year, till 1506, when a fresh Bull was obtained from Julius II (J. C. Beckmann, *Notitia Universitatis Francofurtanae*, Frankfurt-am-Oder, 1707, p. 14). The statutes were based on those of Leipzig. See P. Reh, *Die allgemeine Statuten der Univ. Frankfurt-a.-Oder, 1510-1610*, Breslau, 1898; also above, p. 288.

II. ALLEGED UNIVERSITIES AT LYONS, REIMS, ALAIS, PARMA, &c.

LYONS

KAUFMANN (*Gesch. d. deutsch. Univ.* i. 379) wishes to make Lyons a *studium generale* in the thirteenth century, on the strength of an allusion in a royal decree of 1302 to the city's right 'habendi insuper in dicta civitate utpote egregia studium scolarium et regentium in iure civili et canonico ad... docendum... artes alias liberales' (*Cartulaire municipal de Lyon*, ed. Guigue, Lyons, 1876, p. 29; Fournier, *Statuts et Priv. des Univ. franç.* ii, No. 1562). In a document of 1328 (*Cartulaire*, p. 82; Fournier, ii, No. 1563) Philip VI declares that 'archiepiscopus et capitulum Lugdunense, doctoribus et bacalariis decretorum et legum in dicta civitate huiusmodi scientias volentes publice legere et docere, circa eorum lecturas novitates indebite inibi facere nituntur, dictos doctores et bacalarios compellendo iurare quod, lectura sua durante, contra eos non consulent'. This is evidence of the existence of an important school, but if a city is to be added to the list of *studia generalia* on such evidence, where are we to stop? Innocent IV's foundation of the *Studium Curiae Romanae*, issued at Lyons in 1245, has sometimes been mistaken for a foundation of a university at Lyons. All the documents are printed in Fournier, ii, No. 1559 sq. A document of 1291-2 (*ibid.*, No. 1560) shows that one doctor was licensed by the archbishop, and the other by the chapter, no additional doctors being permitted without the consent of both.

The history of the school is dealt with by Bronchoud, *Recherches sur l'enseignement du droit à Lyon*, Lyons, 1875, and Rougier, *Aperçu historique sur l'enseignement du droit à Lyon*, Lyons, 1874.

REIMS

APPENDIX
II.

In the twelfth and thirteenth centuries the cathedral school of Reims occupied much the same kind of position as that of Lyons, except that Lyons was famous for the study of law, Reims for theology. When Alexander III wrote to the archbishop of Reims directing him to condemn the nihilianism of Peter the Lombard (see above, vol. i, p. 56), he directs him to summon as his assessors the masters of the school at Reims and other places ('convocatis magistris scholarum Parisiensium et Remensium et aliarum circumpositarum civitatum' (Denifle, *Chartularium*, i, Introd. No. 9; Fournier, ii, No. 1555). We have already noticed the existence of a 'Collège des Bons-enfants' here (above, vol. i, p. 503, n. 3; Fournier, ii, No. 1557). In 1258 we find a Bull of Alexander IV, in which a careless reader might detect a recognition of Reims as a *studium generale*. It is directed against the chanter of Reims, who was guilty of the common practice of getting dispensed from residence for study at a *studium generale* and then going to live on other benefices or in his native country, 'ad excusandas excursionones in peccatis scholas Predicatorum vel Minorum ordinis vel alterius docentis ibidem perfunctorie adeundo'. The chanter had adopted this subterfuge, 'licet Remis adeo utiliter sicut et alibi in dicta pagina studere, si velit, valeat'. The dean and chapter of Reims are forbidden to let him enjoy his 'fruits', 'nisi Remis in predicta pagina studenti vel alibi ubi generalis in ea viget scolastici studii disciplina' (Fournier, ii, No. 1558). This may no doubt be read as if implying that Reims was a *studium generale*; but it need not be so. The principle clearly was that he must either study at Reims, or, if elsewhere, then in a *studium generale*. It is possible that Reims *may* have been described as a *studium generale* in the vague thirteenth-century sense; it was just one of those schools that might well have developed into a *studium generale ex consuetudine*; but it did not do so. The university dates from 1547.

There is a full history of the school and university by Dom Marlot, *Histoire de la ville, cité et université de Reims* (Reims, 1846), and a *Histoire du collège des Bons-enfants de l'Université de Reims* by Cauly (Reims, 1885).

ALAIS

In the *Bibliothèque de l'École des Chartes*, xxxi (1871), 51 sq., M. Eugène de Rozière published some interesting documents relating to the opening of a *studium* at Alais in 1290. There are two contracts, one with Armandus de Jeco, 'canonicus Vasioensis, doctor decretorum', the other with 'dominus Raymundus Soquerii,

regens in legibus in civitate Avenionensi', to lecture on their respective subjects, as well as (in the case of the civilian) to give legal assistance to the magistrates. Professor Kaufmann remarks triumphantly that they do not seem alive to the necessity of a papal or imperial Bull—as if Denifle or any one else had maintained that such a Bull was necessary to a *studium* which had no pretensions to being *generale*. It is noteworthy that the first contract contains a clause that no other shall lecture at Alais (unless the doctor's salary is raised)—which does not accord with even Kaufmann's somewhat indefinite ideas as to the nature of a *studium generale*. Denifle has pointed out over and over again that such a *studium* of law existed in most Italian towns and in many other parts of Europe, but no one ever dreamed of considering them *studia generalia*. The documents were again printed in Fournier, *Stat. et Priv. des Un. franç.* ii, No. 1569 sq.

PARMA

From the documents published in the anonymous *Memorie e documenti per la storia della Università di Parma ned Mediovo*, vol. i (Parma, 1888), it appears that an institution claiming to be a *studium generale* was established at Parma in 1412, with a rector, university of students, and college of doctors, at which degrees were actually given and diplomas issued with the accustomed formula 'catedram magistralem ascendendi et in ea legendi, docendi, disputandi, questiones terminandi, et ceteros actus doctoricos exercendi . . . et doctorum insignia deferendi hic et ubique locorum auctoritatem et licentiam', &c. (p. 111). Statutes were drawn up on the Bologna model in 1414 (p. iii sq.); and the *matricula* of 1413 shows an entry of seventy-seven names. But no papal or imperial Bull of foundation was granted, though it appears that efforts were made to obtain the former, *circa* 1328 (*ibid.*, p. 74), and again in the fifteenth century (Denifle, i. 230). The evidence goes to show that such a *studium* would not have been considered 'general' or its *licentia ubique docendi* accounted valid at the time. Hence I have excluded Parma from the list of medieval universities. The documents before 1412 only show the existence of an isolated 'medicus', and a single 'eius scholaris' (p. 103), and schools of grammar, arts, and law (p. 104 sq.), such as existed in most considerable Italian towns without any pretensions to the appellation of *studium generale*. At one time—in the twelfth century—the town seems to have possessed considerable fame as a school of grammar and arts (*ibid.*, p. 22 sq.); but there is no evidence to show that it was ever recognized as a *studium generale ex consuetudine*.

APPENDIX 11. There seems to have been a college of doctors with regular statutes as early as 1294 (Doc. in Affò, *Memorie degli Scrittori, &c.*, p. xxiv). It is observable that Gian Galeazzo Visconti of Milan, in an edict of 1387, forbids inhabitants of the Parmese territories to resort to other *civitates Italiae in quibus studia generalia vigeant*, and requires them to attend the *studium* of Parma, but the edict studiously refrains from calling the latter a *studium generale*. In assuming that title in 1412, they were simply, as was sometimes done in other cases (e.g. Pisa, see above, p. 45, presuming upon the issue of a papal Bull, in anticipation of which the *studium* had been organized; but, as the event proved, the Parmese were counting their chickens before they were hatched. To include Parma among universities (as is apparently done by Kaufmann, i. 232) is simply to abandon all constitutional accuracy in the use of the terms. It was not till 1512 that Parma succeeded in obtaining a Bull from Julius II (Affò, *loc. cit.*, p. cii). The history of the *studium* is dealt with by Affò, *Memorie degli Scrittori e Letterati Parmigiani*, i, Parma, 1789 (Discorso Preliminare); Tiraboschi, *Ist. d. Lett. Ital.* vi. i. 149; Pezzana, *Storia della Città di Parma*, Parma, 1842, ii. 145 sq. The city was famous for *artes liberales* from the eleventh century, but the allusions do not prove a *studium generale*. See Muratori, *Rer. Ital. SS.* iii. 912; v. 534. Cf. Dümmler, *Anselmus der Peripatetiker* (1872), p. 21.

NÎMES

The accounts of the consuls of the city of Nîmes for 1373 contain a number of interesting details relating to an attempt to set up a *studium generale* at Nîmes. There are the expenses of journeys to Avignon and Montpellier to bribe away doctors and students and to procure a papal Bull, and for a copy of the privileges of Montpellier, which it was proposed to imitate, for presents to a cardinal ('pro decem vasis vini cum fusta . . . presentatis . . . domino cardinali Mimatensi . . . cxvii florenos, medium'), for adapting a building for schools, for going to meet a doctor from Avignon, feasting him upon his arrival, &c. The schools were evidently opened and lectures given, but it is clear that the Bull was not granted. The failure of the attempt to found a *studium generale* shows (in opposition to the views of Kaufmann and others) how indispensable the papal Bull had by this time become. The document is printed by Fournier (*Stat. et Priv. d. Un. franç.* ii, No. 1576) from Ménard, *Histoire de Nîmes*, 1874, p. 323, and Preuves. No Bull for Nîmes appears in the register of Gregory XI (Denifle, *Archiv f. Literatur- und Kirchengeschichte*, iv. 262).

GAILLAC AND ALBI

A *studium* of arts was founded at Gaillac by Bull of John XXII APPENDIX II. in 1329, but it is styled simply 'studium in quo magistri libere doceant, ac scolares studeant et audiant', not *studium generale*. The object of the Bull is contained in the clause 'rectoris et magistrorum Universitatis studii Albiensis, qui sunt et erunt pro tempore, et cujuscumque alterius licentia minime requisita' (Fournier, ii, No. 1573). In spite of this privilege, the bishop of Albi excommunicates the whole town on account of these academical pretensions—a sentence reversed on appeal to the court of the archbishop of Bourges (*ibid.*, No. 1574).

The two cases of Gaillac and Albi are instructive, the first as showing that a *studium privilegiatum* need not be general, the second as illustrating the possibility of a rector and university of masters in a *studium particulare*.

BILLOM

Denifle has printed several documents (*Les Univ. françaises*, pp. 94, 95) from which it appears that at Billom in Auvergne there was a *studium* of law of a kind which could be plausibly represented as a *studium generale*. The most important of these is a document of 1345, in which a canon asks for dispensation from residence while studying at Billom or 'in any other *studium generale*'. This implies that students at Billom claimed that it was a *studium generale*, but not of course that the claim was admitted. Indeed, as dispensation was usually only granted for residence at *studia generalia*, the canon had an adequate reason for misrepresentation. In 1349 a cardinal petitions the Pope on behalf of a canon of Billom who wanted to be absent from the services of his church while teaching in the *studium*. The 'instruentium nimis raritas' is alleged as a ground for the petition.

MILAN

The following statement occurs in Baldus, *Consilia*, v, Cons. 77, fol. 21 a (Frankfurt, 1589): 'Ciuitas Mediolanensis ex consuetudine, cuius contrarii memoria non existit, intelligitur apud se habere studium generale; presertim quia est ciuitas regia (cf. above, vol. i, p. 11, n. 1) et Metropolitana.' Had this testimony occurred somewhat earlier (Baldus died at Pavia in 1400) it might have been natural to accept it as decisive. But it is so entirely unsupported by what we know of the *studium* at Milan in the fourteenth century that it must be received with very great

APPENDIX II. suspicion. We are told, indeed, that in 1288 there were in Milan 15 doctors of grammar and logic, 70 'magistri puerorum ad initiales literas', and '180 medici dicti philosophi computatis Cymicis. Inter quos plures salariati per Communitatem' (Giulini, *Memorie spettanti alla storia della Città di Milano*, pt. viii, p. 395). The same writer cites a MS. Chronicle by Flamma, for the statement that 'Iurisperiti habent publicas scholas', but from the context it would seem doubtful whether these were anything but schools for notaries. And there is no mention of teaching in medicine or philosophy. Nor is there any reason to believe that the *studium* was really looked upon as general during the fourteenth century, while there is every reason to believe that, if there were such a *studium*, we should have heard of it. Moreover, in 1387 Gian Galeazzo Visconti forbade his subjects to study except at Parma (see above, p. 334). Hence the attempt to make out that Milan was a *studium generale* must probably be looked upon as a mere counsel's opinion obtained by a client with whom the wish was father to the thought. The circumstances are partially set forth in the *casus* on which the opinion was taken:

'In Christi nomine. Casus talis est. Quidam impetrauit gratiam a summo Pontifice, in qua narravit se studere in iure ciuili non exprimendo locum, ubi studeret, prout studebat in Mediolano; ubi licet non sit studium ordinatum, seu generale, per sapientes doctores legitur, ut lectum fuit, et hodie legitur, et per tanti temporis spacium, quod in contrarium memoria hominis non existit. Modo quaeritur, utrum gratia praedicta sit supreptitia pro eo, quod non studebat in iure ciuili in studio ordinato et deputato, vel non' (*ibid.*, fol. 20 b).

It is obvious that Baldus's client had obtained some 'grace', e.g. a dispensation from residence, on the ground that he was studying in a *studium generale* when he was studying or pretending to study at Milan. For the ease of his conscience, or some more material purpose, he now wanted a legal opinion that Milan was a *studium generale*. The opinion was of course forthcoming, though the grounds on which it was based could have convinced no one.

For the schools of Milan see Maiocchi, *Le Scuole in Milano dalla decadenza dell'impero romano alla fine del sec. xv*, Florence, 1881; and Manacorda, ii. 306-7.

AVILA

No authority has accepted the assertion of Gil y Zárate, *De la instrucción pública en España*, p. 208, that a university was founded

at Avila in 1482 by Ferdinand and Isabella for theology, law and philosophy, and was endowed with the confiscated property of the Jews. Like the university of Luchente (1423) it is probably apocryphal. APPENDIX
11.

III. THE VERCELLI CONTRACT

(Additional note to vol. i, p. 156, and vol. ii, pp. 12, 26)

[From Balliano, *Della Università degli Studi di Vercelli*, 1868, p. 38.]

Carta studii et Scolarium Commorantium in Studio Vercellarum.

Anno dominice incarnationis 1228 indicione prima die Martis quarto Mensis Aprilis. Iste sunt conditiones apposite, et confirmate, et promisse ad invicem inter Dominum Albertum de Bondonno et Dominum Guillelmum de Ferrario, Nuncios et Procuratores communis Vercellarum constitutos per Dominum Rainaldum Trotum Potestatem Vercellarum nomine ipsius Communis super statuendis et firmandis infrascriptis conditionibus, ut in instrumento facto per Petrum de Englesco Notarium apparebat ex una parte et ex alia Dominum *Adam de Canocho Rectorem Francigenarum, Anglicorum, Normanorum*, et Magistrum Raginaldum de Boxevilla, et Magistrum Enricum de Stancio eorum nomine, et nomine Universitatis Scolarium ipsius rectorie et Dominum *Iacobum de Yporegia Procuratorem Scolarium Italicorum*, ut dixit, et Dominum Guillelmum de Hostialio Vicarium Domini Curradi Nepotis Domini Archiepiscopi, prout ibi dictum fuit, alterius Procuratoris et Italicorum, ut dixit, eorum nomine, et Universitatis Scolarium Italicorum, et Dominum *Gaufredum Provinciale rectorem Provincialium, et Spanorum et Catellanorum* et Dominum Raimundum Guillelmum, et Dominum Pelegrinum de Marsilia eorum nomine et nomine Universitatis Scolarium ipsius rectorie ex alia, videlicet, quod Potestas Vercellarum nomine ipsius communis et ipsum commune dabit Scolaribus et universitati scolarium quingenta hospicia de melioribus que erunt in civitate, et si plura erunt necessaria, plura, ita videlicet quod pensio melioris hospicii non excedat summam librarum decem et novem papiensium, et exinde infra fiat taxatio aliorum hospitiorum arbitrio duorum scolarium et duorum civium, et si discordes fuerint, addatur eis Dominus Episcopus vel alius discretus clericus de capitulo Vercellarum ad electionem communis, ut si tamen canonicum elegerit rectores eligant quem velint, et debeat solvi pensio hospiciorum ad carnem privium.¹ Si autem

¹ [i.e. at Carniprivium, the beginning of Lent.]

APPENDIX
III.

essent plura hospicia in uno contestu apta scolaribus, licet eiusdem hominis essent, vel unum haberent introitum, non debeant reputari pro uno hospicio, sed pro pluribus arbitrio predictorum. Ita quod de istis quingentis hospiciis excipiantur domus que sunt in strata, in quibus consueverunt recipi et recipiuntur hospites in nundinis Vercellarum, et albergantur per totum annum continue. Item Magistri et scolares hospicia que haberent conducta pro tempore teneantur reddere potestati qui pro tempore fuerit vel eius nuncio, et si propter rixam vel discordiam vel aliam necessariam vel iustam causam ab eis peterentur a Potestate vel eius nuntio ad voluntatem Potestatis, eis servatis indampnis antequam exeant illa hospicia; ita quod illa hospicia debeant evacuari, postquam petita fuerint a scolaribus arbitrio praedictorum vel iudicio Potestatis, et aptari ad opus studii infra octo dies, et si non facerent infra octo dies, ut supra dictum est, scolares, si voluerint, possint facere necessarias expensas de pensione domus. Item promiserunt predicti Procuratores nomine communis Vercellarum, quod Commune mutuabit scolaribus et universitati scolarium usque ad summam decem millium librarum p. p. pro duobus denariis ad duos annos, postea pro tribus usque ad sex annos, et portabit vel portari faciet commune Vercellarum praedictam pecuniam usque ad quantitatem sufficientem scolaribus ad locum aptum, et totum (tutum?) scilicet Venecias, et ipsam eis dabit commune receptis pignoribus, et receptis instrumentis a scolaribus manu publica confectis, quae pignora reddet commune Vercellarum scolaribus precaria cum fuerint Vercellis in hospiciis collocati, recepta idonea fideiussione scolarium et prestitis sacramentis a principalibus personis de reddenda ipsa pecunia, et quod cum ea non recedent in fraudem. Item quod cum scolaris solverit pecuniam sibi mutuata, quod commune Vercellarum ipsum reservabit in erario communis, scilicet sortem tantum et de ea providebit commune alii scolari indigenti sub eodem pacto et simili conditioni, et quod ussure commune Vercellarum non computabit in sortem, et recipietur particularis solutio a scolaribus, scilicet tertie partis, vel dimidie, et fiet novatio predictorum debitorum, vel fideiussorum, vel precariorum. Item quod commune Vercellarum non dimittet victualia iurisdictionis Vercellarum extrahi de comitatu eorum, sed eas asportari faciet in civitate bona fide, et bis in septimana faciet fieri mercatum, et prohibebit quod dicta victualia non vendantur ante tertiam aliquibus qui debeant revendere, exceptis quadrupedibus et blavis et vino, et hoc salvis sacramentis et promissionibus Potestatis et communis Vercellarum de dando mercato specialibus personis, videlicet

comiti Petro¹ de Maxino et comiti Ottoni de Blandrate et comiti Gocio de Blandrate et comiti Guidoni de Blandrate. Item quod commune Vercellarum ponet in Caneva Communis modios quingentos frumenti, et modios quingentos siccalis ad mensuram Vercellarum, et illam dabit scolaribus tantum et non aliis pro eo pretio quo emta fuerit; ita tamen quod scolares ipsam blavam teneantur emere pro pretio quo empta fuerit, quo usque duraverit, et hoc faciet commune Vercellarum tempore necessitatis ad petitionem scolarium. Item quod commune Vercellarum constituet salarium competens arbitrio duorum scolarium et duorum civium, et si discordes fuerint, stetur arbitrio episcopi, et salaria debeant taxari ante festum omnium Sanctorum, et solvi ante festum Sancti Thome Apostoli, videlicet uni theologo, tribus dominis Legum, duobus decretistis, duobus decretalistis, duobus physicis, duobus dialecticis, duobus grammaticis. Ita tamen quod scolares Vercellarum et eius districtus non teneantur aliqua dona Magistris vel Dominis dare. Ita quod dicti Domini et Magistri, qui debent salarium percipere a Communi Vercellarum, eligantur *a quatuor Rectoribus, scilicet a Rectore Francigenarum, a Rectore Ytalicorum et Rectore Teotonicorum, et Rectore Provincialium* iuratis, quod bona fide eligent meliores Dominos et Magistros in civitate, vel extra, et substituent eis alios meliores usque ad certum gradum, quod crediderint posse haberi ad salarium, et stabitur electioni trium, si autem tres non fuerint concordēs addatur eis qui pro tempore reget in Theologia, promittens in verbo veritatis, quod bona fide eliget meliorem de illis de quibus inter Rectores erit controversia, et electioni eius stetur, et omnes praedictae electiones fiant infra quindecim dies intrante mense Aprilis. Item qui pro tempore erit Potestas Vercellarum mitet infra quindecim dies post electiones factas de Dominis et Magistris propriis expensis communis Vercellarum fideles Ambaxatores iuratos, qui bona fide ad utilitatem studii Vercellarum querent Dominos, et Magistros electos et eos pro posse suo obligare procurabunt ad legendum in civitate Vercellarum. Item quod commune Vercellarum servabit pacem in civitate, et districtu Vercellarum, et ad hoc dabit operam Potestas et commune Vercellarum. Item quod nullum scolarem pignorabit pro alio scolari nisi pro eo specialiter fuerit obligatus communi Vercellarum. Item quod si aliquis scolaris, vel eius nuncius robatus fuerit in civitate Vercellarum vel eius districtu sive in alio districtu, quod commune Vercellarum faciet idem pro eo, et (ut?) faceret pro alio cive Vercellarum, dando operam bona fide et fideliter cum litteris et Ambaxatoribus ut suum recipiet. Item non offendent scolares, vel eorum nuncios ad eos venientes,

APPENDIX III. nec capient propter aliquam guerram, vel discordiam, vel rixam, quam commune Vercellarum haberet cum aliqua civitate, vel cum aliquo Principe seu castro, sed vel licentiabit commune Vercellarum ipsos, vel affidabit. Item quod commune Vercellarum eos tractabit in civitate, et in eius districtu sicut cives. Item quod iusticie exhibitione serventur scolaribus eorum privilegia, nisi eis specialiter renunciaverint, et exceptis maleficiis in quibus commune Vercellarum plenam habeat iurisdictionem. Item quod commune Vercellarum habebit Universitati scolarium duos bidellos, qui eodem gaudeant privilegio quo scolares. Item habebit commune Vercellarum duos exemplatores, quibus taliter providebit, quod eos scolares habere possint, qui habeant exemplantia [exemplaria?] in utroque iure et in Theologia competentia, et correctam tam in textu quam in gloxa, ita quod solutio fiat a scolaribus pro exemplis secundum quod convenit ad taxationem Rectorum. Item si aliqua discordia oriretur inter scolares, commune Vercellarum non favebit aliquam partem, sed ad pacem et concordiam commune dabit operam. Item quod predictas condiciones servabit commune Vercellarum usque ad octo annos. Item quod scolares vel eorum nuncii non solvant pedagiam in districtu Vercellarum que sint et perveniant in commune Vercellarum. Item Massarios communis dantes pecuniam scolaribus non habebit commune Vercellarum, nisi duos, et illos non mutabit nisi semel in anno. Item Potestas Vercellarum, et ipsum commune teneantur mittere per civitates Italiae, et alibi, secundum quod videbitur expedire Potestati vel communi ad significandum studium esse firmatum Vercellis, et ad scolares Vercellarum ad studium immutandos [invitandos?]. Item predictas condiciones commune Vercellarum ponet in statuto civitatis Vercellarum, et Potestas, qui pro tempore fuerit, iurabit eas servare in sui principio, sicut certa statuta civitatis, et faciet iurare suum successorem, et ita successive usque ad octo annos, et nullo modo de statuto Vercellarum usque dictum terminum sive octo annorum ante extrahantur, et super iis omnibus duo instrumenta uno tenore confecta fiant. Item promiserunt predicti Rectores et scolares eorum nomine et nomine aliorum omnium scolarium de eorum rectoria predictis procuratoribus nomine communis Vercellarum, quod bona fide sine fraude dabunt operam, quod tot scolares venient Vercellis, et morentur ibi in studio quot sint sufficientes ad predicta quingenta hospicia conducenda, et quod universum studium Paduae veniet Vercellis et moretur ibi usque ad octo annos; si tamen facere non poterint, non teneantur. Item quod fuit de eorum concordia quod Domini vel Magistri vel scolares non debeant advocari in aliqua causa

in civitate vel districtu nisi pro scholaribus vel pro suis factis, vel coram delegatis ab utroque Principe vel in foro ecclesiastico coram ecclesiasticis personis. Item quod Domini vel Magistri vel scholares vel Rectores non erunt in aliquo facto vel consilio in detrimento civitatis Vercellarum, et si sciverint aliquem vel aliquos facere vel tractare aliquid contra honorem et statum communis Vercellarum bona fide prohibebunt ne recedant et Potestati Vercellarum quam citius poterint manifestabunt.

Item promiserunt, quod non capient partem aliquo modo inter cives Vercellarum vel eius districtus. Item fuerunt in concordia, quod quilibet rector tantam habeat potestatem in omnibus negociis scholarium quantum alius, nec aliquis ipsorum habeat maiorem potestatem propter maiorem numerum scholarium. Unde plures carte uno tenore scripte sunt. Actum in Padua in hospicio Magistri Razinaldi, et Petri de Boxevilla, presentibus Domino Philippo de Carixio Canonico Taurinensi et Bono Ioanne de Bondonno, et Martino avvocato Vercellensi.

Ego Bonus Ioannes Notarius civis Vercellensis filius quondam Manfredi nequx [*sic*] hiis omnibus interfui, et hanc cartam tradidi, et iussu ambarum partium scripsi, et scribi feci.

G. Cogo (*Intorno al trasferimento d. Univ. d. Padova, Padova, 1892*) has questioned the genuineness of this document, but his reasons seem to me quite inadequate.

IV. A DAY'S WORK AT LOUVAIN IN 1476

[Additional note to vol. ii, pp. 264-8.]

The following is from a ducal ordinance for Louvain in 1476:

Curabunt tutores, ut scholares de mane surgant hora quinta, et tunc ante lectionem quilibet per se legat et studeat leges in ordinaria lectione legendas, una cum glossis. . . . Post lectionem vero ordinariam missa, si voluerint, celeriter audita, venient scholares ad cameras suas et revidebunt lectiones lectas, commemorando et memoriae imprimendo ea quae tam verbo quam scripto a lectionibus reportarunt. Et inde ad prandium venient. . . . Prandio finito, libris ad mensam unicuique delatis, repetent omnes scholares unius Facultatis simul, tutore praesente, lectionem illam ordinariam, in qua repetitione servabit tutor illum modum, ut per discretas cuiuscumque interrogationes concipere possit, an quilibet ipsorum lectionem bene audiverit et memoriae commendaverit, et ut tota lectio per partes a singulis recitandas reportetur; in quo si diligens cura adhibebitur, sufficiet tempus unius horae. (J. Molanus, *Historia Lovaniensium libri xiv*, edited

APPENDIX IV. by P. F. X. de Ram, for the Commission royale d'histoire de Belgique, 1861, ii. 940.)

Then follows preparation for the evening lecture, and the lecture itself, while the two hours before supper are devoted, the first to a private study of the lecture, the second to a *repetitio* with the tutor. After supper 'interponet tutor iocum honestum per mediam horam et disputationem levem et iocundam per alteram mediam horam et inde mittet ad dormiendum. Et diebus non legibilibus, exceptis dominicis, fiet post prandium circularis disputatio in qualibet tutela et alia exercitia pro providentia et discretione tutorum' (*ibid.*, p. 941).

Tutors have power to withhold wine or flesh.¹

¹ The appendixes to this volume correspond to Appendixes I, II, XVI, XXIX in the first edition (vol. ii, pp. 719, 723, 746, 766).