

their *Marpahis* or Master of the Horse, and so forth. (The *Examinator* remains a mystery to our author. Is it possible that he was employed to examine the horses about to be purchased for the princely stables and thus corresponds to a veterinary surgeon of modern times?) The greater part of their grandeur disappears when, at the end of the ninth century, the hereditary prince of Benevento is dethroned by his subject Atenolf, count of Capua. These Capuan princes had no royal descent whereof to boast, but were only sprung from the Gastalds of the Campanian capital. About these Gastalds (a term of frequent occurrence in earlier Lombard history) the author has a good deal to say. He does not differ from the view previously entertained that they were originally local officers appointed by the Lombard kings to collect their revenue and look after the interests of the royal domain; but he thinks that their title gradually gave way to that of count or *judex loci* and that their office like that of so many other functionaries in the ninth and tenth centuries gradually became hereditary in their families. And thus it was that the Gastald of Capua became, first, the count of that city, and afterwards, the prince of the old "Samnite Duchy" (Hodgkin, *Italy and her Invaders*, VI. 575-578). The serious student of the history of Italy between Charlemagne and Robert Guiscard will find that much light is shed on some of the darker portions of his path by the conscientious labors of Dr. Poupardin.

THOMAS HODGKIN.

Innocent III. La Question d'Orient. Par ACHILLE LUCHAIRE, Membre de l'Institut. (Paris: Hachette et Cie. 1907. Pp. 303.)

THIS is the fourth volume in M. Luchaire's admirable history of Innocent III. The four chapters are entitled respectively: Le Pape, La Syrie Latine et Byzance; La Quatrième Croisade; La Cour de Rome et l'Empire Latin; L'Union des Deux Églises. Of these titles, the second and third describe the contents; the first and last are not so fortunate. The first opens with an account of the pope's interest in the crusading movement, and his relations with the Moslem world; then follow the subjects enumerated in the title, but in addition to Latin Syria and Byzantium, Armenia and Cyprus are treated. The fourth chapter includes a discussion of the efforts of Innocent to bring about a new crusade.

The main theme is the pope's zeal for the cause of the crusades. This was the constant objective of his policy (p. 265) and, according to M. Luchaire's interpretation, explains his attitude towards the Venetians, the Latin emperors, the Greek Church and the Greek rulers. By this interpretation the seeming contradictions in the pope's actions and utterances are reconciled; *e. g.*, his just condemnation of the attack upon Constantinople and his eagerness to profit by the *fait accompli*; his scathing denunciation of the excesses committed, and his readiness

to pardon the crusaders. The question whether Innocent used the crusade mainly to further his own political power, the author answers in the negative. He believes that the pope was sincere in his predilection for the crusade, although he realizes that "Il y avait accord, ici, entre son devoir de chef de religion et ses visées de domination universelle, entre ses convictions et ses intérêts" (p. 4).

Yet the pope's zeal was misdirected and damaged his cause. As our author says (p. 284), the pope seemed to return to a conception of the crusade which belonged to the eleventh rather than the thirteenth century.

In his relations with the Greek Church, Innocent was badly served by his legates, especially Pelagius. But the pope's policy of uniting the two churches was not feasible (p. 261) because of the divergencies of opinion, race hatred and the existence of free Greek states which served as a refuge for the defendants of national independence.

The method in general is the same as in the preceding volumes. The most important documents are analyzed or quoted in full. There are few notes. But in almost every case the source is so fully indicated that any passage can be readily found. In this respect the present volume is more serviceable as a guide than the preceding volumes. When the author has used material which is not included in the well-known collection, he has noted its provenance (see p. 183, note). He has in one instance (pp. 93-94) discussed the relative value of two excellent sources, and given his reasons for preferring to follow one. On the questions whether the Venetians had premeditated the diversion to Zara, and whether they had an agreement with the Marquis of Montferrat relative to the diversion to Constantinople, he expresses no opinion. In fact, he states that the problems are insoluble. Other disputed points which do not immediately affect Innocent's activity he omits. There is, for instance, no mention of the children's crusade.

All the material is made to contribute to an estimate of Innocent's character. The pope's trust in his own diplomacy is repeatedly emphasized. Occasionally there are brief, pregnant statements which portray some phase of Innocent's personality. Among these may be noted, "le sens politique et la crainte des mesures extrêmes qui étaient la marque de son tempérament" (p. 207); "juriste méticuleux et soucieux des formes légales" (p. 224); "de pratiquer la tolérance et de convertir par persuasion. . . . Cette politique était la sienne" (p. 259). In fact, a collection of these apt phrases scattered throughout the four volumes would furnish the material for an accurate portrayal of the pope's character as described by M. Luchaire. This clear characterization is one of the merits of the work. Of still greater merit is the impartial and learned discussion of the different events with which Innocent was connected.

DANA C. MUNRO.

His Grace the Steward and Trial of Peers. A Novel Inquiry into a Special Branch of Constitutional Government. By L. W. VERNON HARCOURT. (London and New York: Longmans, Green and Company. 1907. Pp. xii, 500.)

MR. VERNON HARCOURT'S book is one for which we may be grateful however much we disagree with some of its details, or criticize its faults of form. One merit of detail certainly deserves to be mentioned, the copious quotation from unprinted materials. The book is divided into two parts, the first dealing with the steward, the second with the trial of peers. The first part traces the office of steward through the earlier dapifership, and seneschalship, to the Lancastrian period when it becomes practically extinct. The author's principle thesis is that the stewardship in England never was, in any part of its history, a great political office, as at one time the seneschalship in France had been. It was never allowed to become more than a ceremonial office of dignity. This he seems clearly to have proved.

With much that the author says in his discussion of the early history of trial by peers the present reviewer is obliged to disagree. Mr. Vernon Harcourt has read widely in feudal law and in the charters of the feudal age, but he does not seem to have acquired a clear understanding of the fundamental principles of that law, nor of procedure in the feudal courts. The distinction between *Urteilfindung* and *Rechtsgebot*, clearly perceived, would have saved him from some misapprehension. The very instructive record of the trial of the bishop of Durham in 1189 should have led to further conclusions regarding both law and procedure. The fact which is seen, that in the early history of the royal courts the king's justice was the baron's peer, is not rigorously applied either to the transitional stages of the thirteenth century or to the statements of Bracton. Nor is there any notice of the effect of the same fact in French constitutional history. Great difficulty is occasioned by c. 39 of Magna Carta both as to its roots in the past and its influence on the future. Mr. Vernon Harcourt apparently regards it as having something of a legislative character, at least as giving to the principle of trial by peers a prominence it had never before possessed, instead of being, if it had any purpose apart from its merely practical one, an effort to defend a form of procedure which was threatened with extinction. Much ingenuity is expended in the settlement of difficulties in the interpretation of the clause which occur readily to the trained lawyer of to-day, but which could never have troubled the men of 1215, and the fact is overlooked that the most natural and simple explanation gives us without doubt what they meant by it. As to the second "vel" of the clause, the author holds, as I understand him, that all instances of the medieval use of "vel" for "et" were blunders, as if one should write "cow" where the context shows plainly he intended "horse", and therefore "vel" in