

which have been added (for example, Hier. (Migne, xxvi.) 430 D, 431 A = Primas. (Migne, lxviii.) 605 C-D, Hier. 431 C, 432 A = Primas. 605 D, Hier. 432 A = Primas. 606 A, Hier. 432 B = Primas. 606 B). Other points of interest in this part of the work must remain unmentioned. A few call for correction. On p. 151, note 3, it is stated that Dr. Riggenbach has given a complete list of the quotations from Pelagius in Zmaragdus. This is contradicted by the author himself, who cites Phil. iii. 21 on p. 168, a reference not given by Dr. Riggenbach (see also p. 171 f.) It is also far from being the case. All that can be said is that Dr. Riggenbach has given more than half. Others will be found on 81 C, 82 A, 120 D, 122 A, 200, &c. On p. 148, note 3, for 'viii' read 'vii.' On p. 178, note 5, the Boulogne manuscript of Zmaragdus is with Pitra attributed to the eleventh century; the catalogue attributes it to the tenth. Admirable indexes conclude this work, which is from every point of view to be highly recommended.

ALEX. SOUTER.

*I primi due secoli della storia di Firenze.* Ricerche di PASQUALE VILLARI. Nuova edizione, interamente riveduta dall' autore. (Firenze: Sansoni. 1905.)

SINCE the first edition of this book appeared in 1898<sup>1</sup> Italian history in general, and that of Florence in particular, has been the subject of so much research that Professor Villari has thought it well to re-edit his book in the light of recent investigations. In spite of some adverse criticism he has adhered to his original arrangement, consisting of the republication of a series of detached essays, which were issued in the first instance at intervals extending over a period of some twenty years. Notwithstanding the increased difficulty of preserving any general unity, owing to the mass of new details which have been accumulated since the essays were first written, the author maintains in his preface that his original plan of writing the history of the Florentine commune as a political, juridical, and economic organism is 'still practicable, still opportune, and still useful.' Not merely has the book retained its first arrangement, but the majority of the essays remain unaltered, except in small particulars. The essay on the family and the state (chapter vii., first published in 1868) has indeed been much condensed, since it has been superseded to a great extent by later work on the history of Italian law, especially Professor Pertile's *Storia del Diritto Italiano*. But the essays on the origin of Florence (ch. i.) and of the commune (ch. ii.), on early wars and reforms (ch. iii.), and the description of the first popular government (ch. iv. sections iv.-vi.) are unchanged, except for slight additional historical details and the correction of various inaccuracies and misprints, while chapters ix. and x., which treat of Florence in the time of Dante, are almost word for word the same as when they were first published as essays in 1888 and 1889.

In the earlier and later portions of chapter iv. there are, however, more important changes. The political history of the period (sections i.-iii.) has been rewritten in fuller detail, especially the account of the relations between Florence and Siena, Pisa and Pistoia in the first half

See *ante*, vol. ix. pp. 352-8, vol. x. pp. 355-9.

of the thirteenth century, and of the struggles between the Guelfs and Ghibellines during the reign of Frederick II, while the description of the Paterines has been removed from an earlier chapter and inserted here. In section viii. Signor Villari somewhat modifies his former view of the position of the popular party under Charles of Anjou. While showing that the Guelfs still retained their administrative powers as far as the social and economic conditions of the city were concerned he admits that when Charles or his vicar was present the councils were summoned but rarely, and that the more democratic offices, such as that of the *capitano*, were practically suspended, so that all matters of general policy were in the hands of the Angevin. In the chapters (v., vi.) treating of Florence as the dominant power of Italy and of the greater guilds there are numerous additions, both constitutional and political. New details are given as to the office and councils of the *defensor artium et artificum* (August 1202), the date of the riot which led to the death of Totto Mazzinghi is finally settled as 1286, on the authority of Salvemini,<sup>2</sup> and the commercial policy of Florence and its influence on her relations to her neighbours are treated more fully. The account of the greater guilds and the description of the military forces of the republic have, however, not received any alteration. The Enactments of Justice (chapter viii.) have, on the other hand, received much fuller treatment. It is not so much that new facts have been discovered as that the original documents have been subjected, so to speak, to a more intensive cultivation. Some of the results of recent research are, however, embodied in the notes. The account of the various compilations of the Enactments<sup>3</sup> is more detailed, and we are told how Salvemini,<sup>4</sup> by the aid of the newly discovered law of 6 July 1295, has proved that the rough sketch for the enactments published by Bonaini<sup>5</sup> is, except for a few unimportant textual differences, identical with the form that became law on 18 Jan. 1293.<sup>6</sup> In the notes at the end of chapter v.<sup>7</sup> Signor Villari adduces Salvemini's testimony, which rests on documents recently discovered, in support of the view that the Enactments of Justice were not imitated from the statutes passed against the nobles at Bologna in 1271.

These examples by no means exhaust the recent investigations of which Signor Villari has availed himself. He has consulted the *History of Florence* by R. Davidsohn, and the documents published by the same author in his *Forschungen*, the *Registres de Boniface VIII* by E. Thorin, works on Florentine commerce by G. Arias and G. Schneider, Zingarelli's researches on Dante, the articles by Santini on the Florentine constitution, and a paper by Romolo Caggese on the formation of the Guelf party. Among the new additions are Davidsohn's hypothesis that the Etruscan city lay outside the present boundaries of Florence, beyond the Porta della Croce,<sup>8</sup> and his discovery that the second circle of the walls was built, not in 1078, as Giovanni Villani asserts, but in 1172.<sup>9</sup> Santini's definition of *rector* as originally only referring to those who had previously taken part in the government of the city as consuls is accepted.<sup>10</sup>

<sup>2</sup> *Magnati e Popolani*, 1899.

<sup>3</sup> Villari, p. 397, n. 1.

<sup>4</sup> *Archivio Storico Italiano*, serie v, vol. x. p. 189.

<sup>5</sup> *Ibid.*, nuova serie, vol. i. 1855.

<sup>6</sup> Villari, p. 409, n. 3.

<sup>7</sup> P. 426.

<sup>8</sup> P. 61, n. 2.

<sup>9</sup> P. 63, n. 2.

<sup>10</sup> P. 118, n. 1.

Of still greater interest is the discovery made by Salvemini<sup>11</sup> that the decree of 6 Aug. 1289 abolishing serfdom was the direct result of the action of a few serfs (*fideles*) of the Florentine chapter, who petitioned not to be sold to the Ubaldini on the ground that it would be to the detriment of the commune, who would thus lose the right to receive personal and pecuniary services from the petitioners. This shows that the abolition of serfdom was due to practical reasons and not to any theory about the natural rights of man. The majority of the misprints and inaccuracies of the Italian edition of 1893-5 have been corrected; e.g. the date of 14 April 1301, given wrongly as that of the council in which Dante advised *quod de servitio faciendo domino Papae nihil fiat*, has been corrected to 19 June, and the law of 31 Jan. 1291 against the nobles has now its proper date. A few errors, however, still remain. On p. 140 Carraia is written for Capraia; on p. 170, 1225 is given instead of 1228 for the peace with Pistoia, on p. 226 'millener' for 'milliner.' On p. 194 the notes need rearranging, no. 6 is repeated twice, and the definition of *scaggiale* is given as that of *tassello*. On p. 167 by the inversion of *Guelfe* and *Ghibelline* it is made to appear that the older families joined the Guelf party and the newer nobility the Ghibellines, whereas the contrary was the case. We regret also the repetition of the common error of using the word *commune* as though it were synonymous with *republic*, whereas the *commune* usually continued to exist as a separate entity under the *signori*, even the most despotic. It is to be hoped that there will be an English version of the new edition, and that it will be free from such words as 'arisa' and the many slips which have crept into the translation of 1894-5, the most flagrant of which are perhaps the statement that Frederick I died on 27 Sept. 1197<sup>12</sup> (instead of Henry VI) and the misprint of 'Innocent III' for 'Innocent IV.'<sup>13</sup> A list of authorities would also be a welcome addition. In conclusion it may be said the second edition contains one new feature of great value, a complete and accurate index.

A. M. ALLEN.

*Borough Customs.* Vol. I. Edited by MARY BATESON. ('Publications of the Selden Society,' Vol. XVIII.) (London: Quaritch. 1904.)

In the original proposals for the foundation of the Selden Society, now rapidly nearing the twentieth year of its useful existence, borough custom was mentioned as one of the bye-paths of the history of English law which would properly come within the scope of the society's work. The special value of this branch of legal antiquities to the historian of the common law is that the customary law of the boroughs, owing to their exceptional status, retained a great amount of archaic law down to a comparatively late date. The borough charters of the twelfth and thirteenth centuries stereotyped the ancient rules of law observed in the town courts, which thus escaped the systematising and reforming process to which the crown lawyers subjected the general customary law of the land. With the aid of borough charters and customals, and the records of borough courts, it is possible greatly to supplement the somewhat scanty information derived from Anglo-Saxon and early Norman sources as to the character and details of the earliest English law. Only

<sup>11</sup> *Magiati e Popolani*, p. 152; Villari, p. 286.   <sup>12</sup> Vol. i. p. 158.   <sup>13</sup> *Ib.* p. 184