Brian Twyne

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BRIAN TWYNE, one of the greatest of Oxford antiquaries, has never, perhaps with good reason, attracted any considerable notice. His only printed work, written when he was but a young man, was of a controversial character, and not of a kind to establish his reputation as a sound historian. His services to the University in preparing the Laudian code and drafting the great charter of 1636 necessarily had to wear the veil of anonymity, and the value of his manuscript collections relating to the University and the City has only in recent years been fully recognized.

The antecedents of Twyne are interesting. His grandfather, John Twyne, who died in 1581, was at one time master of the free grammar school at Canterbury. He was a good antiquary, well versed in history, and a man of some wealth. He was willing to take his share of civic duties, and became successively sheriff, alderman, and mayor of Canterbury. All that is mentioned to his discredit is a tendency to riot and drunkenness, and a predilection for Roman Catholicism. His third son, Thomas, the father of Brian, was born in 1543, entered Corpus Christi College in 1560 and became a fellow of the College in 1564. He later studied medicine at Cambridge, and afterwards settled at Lewes in Sussex, where be became a prosperous physician. He had a literary turn of mind, and published works with the alliterative titles of *The Breviary of Britayne*, *The Garland of Godly Flowers*, *The Tragedy of Tyrants*, and *The Wonderful Workmanship of the World*. Another member of the family with literary aspirations was Twyne's uncle, Lawrence Twyne, who published a translation of Apollonius of Tyre under the attractive title *The Patterne of Painefull Adventures*. This version was used by the authors of *Pericles*, and so was known to Shakespeare.

Twyne was born, according to his own statement, at Southwark in 1580 and was admitted a *discipulus* of Corpus in December, 1594. The college statutes required that the junior scholars should have been born in certain counties or dioceses. Twyne held his place, he himself says, as a Surrey man; but on election, as there was no vacancy with that county qualification, he took a vacant place in the county of Southampton. That was a normal course of

procedure. There seems, however, from the beginning to have been some doubt about his birth qualification. In 1601, when he applied for a fellowship at Merton, the Warden raised the point, as he knew that Twyne's father lived in Sussex. His academic career can be told in a few words. He took his B.A. in July, 1599, and his M.A. in July, 1603. In 1605 he was admitted a probationary fellow of his college, and two years later was elected to a fellowship, which he held for some fifteen years. In 1610 he proceeded to the degree of B.D.

All that is known about Twyne's private life is contained in fragments of letters which he wrote to his father between the years 1596 and 1613, and similar fragments of letters from the father to his son. For their preservation we are indebted to Twyne's economical practice of using the blank leaves of correspondence for notes and collections; when he received letters written on one side only of the paper, he occasionally pasted them face to face and so secured a whole blank leaf. Such leaves, damped apart, provide us with many intimate domestic details about Twyne's earlier years. The relations between father and son, as reflected in their correspondence, were of the conventional type; rather strained on the one side, tactfully pliant on the other. The young undergraduate writes home for money, clothes, books, and cheese; assures his father of his devotion to study and is proud to announce a knowledge of Hebrew gained ' by stelth walkinge whole afternoones '; explains away unfounded parental suspicions; and tries to make his letters more acceptable by prudent flattery. But there was then, as now, the sombre side of undergraduate life. When Twyne came up the sons of rich men were entering the University in increasing numbers, the standard of living was rapidly rising, and the sumptuary statutes passed at that time show that there were expensive tastes that had to be curbed. Young men of means employed poor scholars to do their menial tasks, but Twyne's allowance was insufficient for this purpose, and his father was not inclined to grant an indulgence which he himself had not enjoyed when at Oxford. In a letter written in 1597 the boy's wounded pride provoked a passionate outburst against the indignity of having to sweep out his rooms and make his own fires—' myselfe being a gentleman.' Especially hard to bear were the comments (real or supposed) of his friends ' which (by God, I sweare)' he cries ' do so cutte me that . . . I would not nor could like any more to be here.'

A brighter side of collegiate life is shown in a letter six years later. His father had sent him some strings for his lute. The son replies, ' The stringes which you sent me are very good I thanke you, but I never thought my lute had beene worthy of so good, untill the other day a certaine lute maker in Oxforde laide me downe for my lute £5 10s halfe in silver and halfe in gold and

swore unto me that if I would take it he would get 16s by the bargaine, and saith that there is not forty of such lutes in Englande. Wherefore by Gods helpe I will keep it as longe as I live.' This fondness for music indicates a young man of some sociability. Of his lighter moments there is only a single record. In one letter he tells his father that the sister of his friend, Mr. Couchman of Christ Church, had taken a wrong social turning and had married a London boatman. Twyne had early information about the marriage and seems very willingly to have communicated the news to his friend, the brother, with the least possible delay. ' But ' says Twyne, ' I comfort him and tell him that nowe when we meete in London we will nowe crosse the Thames for nothinge.' The letters of Thomas Twyne date from 1605, when his son was twenty-five. He writes wishing he could put his old head on his son's young shoulders, protests that he is not the owner of a mint, and laments his son's inability to size up a certain young man's character—' I marvel whatever you could see in him.' Later came the question of marriage. The son's attitude was a defensive one. His father wished him to marry the daughter of a neighbour, but Brian adduced many reasons (he is careful to explain that they are not objections) against the proposal. The affair was as yet untimely, as yet he had no means to live on, he was considering the advisability of proceeding to the degree of D.D., all put forward ' not any wayes chalenginge the match with the party mentioned, perhaps worthy of a better match than myselfe all thinges being considered.' He never married.

In 1608 appeared Twyne's only published work, *Antiquitatis Academiae Oxoniensis Apologia. In tres libros divisa*, printed at Oxford by Joseph Barnes, the University printer. As Barnes did not publish at his own expense Twyne must have found guarantees. We may assume that Thomas Allen of Gloucester Hall was one and that Robert Sackville, Baron Buckhurst, to whom the volume was dedicated, paid the customary honorarium to the author. The *Apologia* revived a controversy which, begun in 1568, must have been almost forgotten in 1608. In the former year Henry Bynneman printed a work entitled *De antiquitate Cantabrigiensis Academiæ libri duo. Londinensi Authore*, to which was added *Assertio antiquitatis Oxoniensis Academiæ ab Oxoniensi quodam.* The Londoner was John Caius, Master of Gonville and Caius ; the Oxonian, Thomas Caius, formerly Registrar of the University. Very briefly the story is as follows. In 1564 William Masters delivered an oration before the Queen in which he claimed that the University of Cambridge, of which he was a member, was more ancient than that of Oxford. Thomas Caius, hearing of this, wrote a reply, apparently for private circulation. A copy came into the hands of John Caius who printed it without the author's permission and prefixed to it his own views. William Masters attributed the foundation of his own University to

Cantaber, King of Spain (it is not clear when he flourished, but it was obviously before the Christian Era), and stated that it was common knowledge that the University of Oxford was a later foundation dating in fact from the reign of King Alfred. The argument of the Oxonian was that a University had existed long before that time. When Troy fell, he asserted, the Trojans under the leadership of Brutus, together with some Greek philosophers, came to England, founded a University at Cricklade (Greeklade), and later moved to Oxford. The Cambridge protagonist emphasizes the point that Alfred is not even mentioned in connexion with Oxford by early writers, thus robbing the University of Oxford of its traditional restorer. Thomas Caius died in 1572 and John Caius in the following year. In 1574 a second edition of the *De Antiquitate Catabrigiensis Academiæ* with the *Assertio* appeared. Now that the contestants were dead the controversy might well have died too, but in 1603 the distinguished historian, William Camden, published an edition of Asser which contained the statement that in 886 King Alfred came to Oxford in order to settle disputes which had arisen among the students there. Although the passage appeared first in print in 1603 it was certainly known in 1599, as is proved by a letter of Richard James to Thomas Allen, who had asked him to make inquiry about it. It was probably this striking piece of new evidence, sponsored by the greatest historian of his day, which suggested to Twyne that the time had come to overthrow the Cambridge assertion that Alfred was not the founder of Oxford, and to establish the fact that he was the restorer of a much earlier foundation.

The collection of material probably started early in 1605. In May, 1606, Twyne was given permission by Convocation to borrow University muniments, 'causa est quia de Oxoniensium rebus scripturus diplomata illa magno sibi adiumento fore existimat.' At the beginning of 1608 he was required by the Chancellor to submit his manuscript to the Vice-Chancellor, and a delegacy of four was appointed to examine the work. One delegate read the whole: each of the other three read one book. The reader of book 3 thought that it would be acceptable to all students of antiquities, and the reader of book 2 said that it deserved to see the light, written as it was in so elegant a style, exhibiting such extensive erudition, and reflecting honour both upon the University and the College of the author. Printing must have proceeded very rapidly, since in May, 1608, Twyne told his father that in about a fortnight's time the book would be printed off.

The work consists of 456 pages and contains, in addition to the Apology, a list of colleges and halls with their principals and also a list of the Chancellors and Proctors of the University. It was the first published history of the University of Oxford and a remarkable achievement for a young scholar of twenty-eight. The compilation demanded wide reading and the use of

many original documents. Among the authorities cited are the archives of the City, the University, Balliol, Oriel, Magdalen and University Colleges; many college registers and statutes; and the cartularies of Osney, Abingdon, and St. Frideswide. These were supplemented by manuscripts in the possession of Thomas Allen and fortified by the authority of Homer, Euripides, Aristotle, Plautus, Ovid, Pliny, Virgil and Cicero. The most modern book at that time on Twyne's subject, *Petri Rebuffi De privilegiis Universitatum*, is also cited. The first two books are concerned chiefly with what Sir Simonds D'Ewes called 'senum deliria,' but book 3 contains a good general account of University history from 1214.

It would be useless to describe the arguments of the work, but considerable interest attaches to the subsequent action of Twyne respecting the Asser passage. In the twenty-second volume of his collections he records at length a conversation with Camden on 18 February, 1623, at Mr. Heather's house in Westminster. Twyne made bold to mention the suspected passage and said that many personages of worth and understanding desired that Camden would now in his lifetime declare its history, since it could not be found in any known manuscript. Camden replied that he caused the entire History of Asser to be translated out of a manuscript copy which he then had in his hands, and that the passage was there extant. Twyne expressed his satisfaction and added that some persons asserted that its author was Mr. Henry Savile of the Banke. Up to this point the conversation was copied by Wood who added ' &c ' after ' Banke,' and asked Thomas Hyde, Bodley's Librarian, to certify his transcript as a true copy. Wood introduced it into his *Annals* and in 1885 Mr. James Parker printed it in his *Early History of Oxford*. Parker's comment is, ' Twyne ends with an &c. instead of giving Camden's reply to this question as to the circumstances of the ' copy ' having been sent to Camden by ' Long Harry Savile, the antiquary.' ' It is curious that Parker, who was fully aware of the need for caution in this matter, should have trusted to the transcript and not consulted the original memorandum, which continues in a very interesting manner. Twyne went on to say that there was another paragraph bearing on the antiquity of Oxford, ' Ego Ingulphus, &c.' which was also said to have been forged by Savile, and that he himself had failed to find it in any manuscript. ' True, quoth Mr. Clarentieux. With that, in came Mr. Dr. Harris to speake with him, of whom because of that, I preferred to take my leave: but he bid me stay, saienge that he had somethinge else to say to me. And when Mr. Dr. Harris was gone, returning to the fire, he questioned with me about Erasmus.' When the subject of Erasmus was exhausted and Twyne was about to leave, another highly interesting topic of conversation developed, but this shall be taken in its chronological order. The general opinion about Asser is that Sir Henry Savile was the author of the

interpolated clause and that Camden was an accessory. Twyne was evidently uneasy about the matter in later life, and it is to his credit that he recorded a conversation which so plainly condemns rather than confirms the authenticity of the passage. In one of Twyne's volumes the clause is transcribed on a separate sheet in imitation of early writing, as though a modern transcript would have been a painful reminder of a certain possibility. Another forgery incorporated in the *Apologia* about which Twyne must have had qualms is that of a charter supposed to have been granted to the Priory of St. Frideswide in 1201. This charter, which is preserved in the University archives, is certainly a forgery of about the year 1300, but it is also found in the cartulary in a hand of about that date. Twyne transcribed it from the cartulary and then invited Thomas Allen and Richard James to witness the authenticity of the transcript, an ingenuous way of giving some weight to a spurious document. Twyne has also preserved a conversation he had about it with Sir Robert Cotton and Sir Henry Spelman in August, 1625. He produced the original charter for their inspection. ' Sr Robert havinge well viewed the sayde Recorde, answered and replied, that by the Character of the letters and forme of hande writing used in the saide Chirographe, it should seeme (and he constantly avouched so much) that the saide Chirographe was not written before the time of kinge Henry the sixt as beinge written in an hand not usuall before his time, and consequently that this my Recorde was corrupt and falsified and not so antient as the date promised. . . . But as Sr Robert Cotton excepted against the hande that it was too newe so Sr Henry Spellman beinge there present, excepted againste the sculpture of the seales as beinge to old for those times, and therefore also counterfeyte and forged. . . . These matters were argued to and fro amongst us at that present; but nothinge stated or determined, because they were called away to the Committee.' Interrupted conversations undoubtedly hampered Twyne's quest for truth.

There is little more to be said about the *Apologia*. In 1620 appeared the ' Vltima Editio.' This consists merely of sheets of the original edition with the title leaf removed and a new one pasted on the old stub. The 1608 edition was evidently overprinted, and Twyne, who was contemplating a new and enlarged edition, must have adopted the questionable device of printing a misleading title-page to sell off the remaining copies.

Twyne's next appearance as an author was in the volume of verses published by the University on the occasion of Sir Thomas Bodley's death in January, 1613. He contributed eight Latin poems and one in Greek. The first was ' Encomium vitae mortisque Cl. Viri D. T. Bodley '. In ' De cognominibus quatuor Illustr. Fundatorum Pub. Bibliothecarum in Acad. Oxon.' he recalled that King James once said that Sir Thomas Bodley ought rather to be called

Sir Thomas Godley, a royal witticism used also by another contributor. He was more successful in lines written on Bodley's house in Little Britain, Smithfield:

> Quem vivum quondam, parva illa Britannia jactat,
> Hunc Magna extinctum terra Britanna dolet.

But Twyne's admiration of the restorer of the University Library did not extend to his librarian, Mr. Thomas James. At the Visitation of the Library on 8 November, 1613, Twyne presented to the Curators ' a note of certayne motions for the Library.' The gravamina were many and varied. Manuscripts were missing; the donations register was not kept up to date; there was great delay in making new accessions available to readers; and some of the book-chains were too short. One suggestion was that as readers and others often had access to original documents of general interest there might be provided ' in the Library a fayre booke of parchment or paper, unto which it might be lawfull to resort, and to copy forth or inscribe therein, the copy of any choice matter, record or originall, upon the approbation of the Vicechancellor and the Library keeper first had and obtayned ': the Curators resolved, ' Fiat.' A very personal criticism was ' that Mr. James would frequent his place more diligently, keepe his houres, remove awaye his superfluous papers lieinge scattered about the desks, and shewe himselfe more pliable and facill in directinge of the students to their bookes and purposes ': the Curators' comment was, ' Admoneatur.'

Early in the following year Twyne had further criticisms to offer touching the placing of manuscripts in the Gallery: ' All the MS. bookes . . . antiently chayned in the hart and body of the Library for the free use of all men . . . he [T.J.] hath taken out of their roomes and desks, and transported them up chaines and all, into the Gallery over the Library doore ' an action ' disliked very much of all the students in generall.' Their removal also meant more wear and tear in bringing them down for readers and there was much rattling of chains. Twyne thought that the more manuscripts readers could have under their eyes the better for the Librarian who could not be expected to be omniscient and might occasionally be helped by their special knowledge. Anonymous works, for instance. Mr. James had a manuscript catalogued under *Algorismus* whereas it was well known to be by Jo. de Sacrobosco. There were also certain ' bookes of which it is doubted whether they be written or printed . . . and how hath he [T.J.] disposed of them ? ' How, indeed ! The early printers who advertised their craft as *ars artificialiter scribendi* would have been much flattered by this tribute to their skill. Mr. James justified the removal by putting forward his fear of spoiling, cutting, and filching by readers; a very unworthy reflection on an honest class of men. As to the Librarian's statement that there was a lack

of room below, Mr. Twyne said it was incredible, the Library having just been enlarged by the new building to almost double the space before.

On 26 December, 1614, Twyne was appointed college lector in Greek, and on 30 December, gave his first lecture. In the following year he was inducted rector of Rye in Sussex, but never took up clerical duties there. In 1625 Captain John Sackville wrote to the mayor of Rye, ' as touching your desire for the procurring you a good curatt, know I have not bene unmyndfull of you but have dealt with Mr. Twyne about it, and assure yourselves (if you please to have a little patience) I shall provide you of a sufficient one which I hope will be Mr. Rogers.' The living was sequestered by the Westminster Assembly in 1644.

Wood states that about the year 1623 Twyne retired from Corpus ' to avoid his being ingaged in a faction there between the president and fellows ; knowing very well that if he favoured either side, expulsion would follow, because he had entred into a wrong county place.' In an inventory, dated 1623, of goods belonging to the college we have a glimpse of ' the rooms late Mr. Twyne's.' Their chief feature is the provision of accommodation for books. There were nine shelves for folios, six for quartos, fourteen for octavos, and eight for sixteenmos. There was also a desk over the chimney as well as a standing cupboard with lock and key.

At this point the conversation between Camden and Twyne may be resumed. After the unexpected and disappointing change from Asser to Erasmus, Twyne continues, ' havinge promised to dine that day with mine uncle . . . I preferred to take my leave againe of him, who thereuppon invited me to stay dinner with him, from which invitation uppon the reason aforesayde he was contented to discharge me, and takinge my leave of him, I demanded of him if he would commande me any service to Oxforde ; none (quoth he) but my kinde love to Mr. Tho. Allen and Mr. Wheare. And after that I had stepped one foote out of doore, he pulled me by the cloake, and tooke me by the hand, sayenge : Well Mr Twyne fare you well, ply your studies, and followe your good courses as I heare you do, for I have appointed you to be Mr. Wheares successor in my Historicall Lecture whensoever it shal become voyde, for which I returned him such thankes as I could then the sudden thinke on.' In reply to Twyne's inquiry Camden said that he had reserved the power of appointing Degory Wheare's successor, and that he would shortly accomplish his grant. Twyne duly received a patent dated 3 March, 1623, ' which ' he goes on to say ' because it was not so full as methought it should be in one poynt, therefore uppon advice of some of my freindes (and indeed to remove away a scruple, which peradventure might arise when time served, though indeede to the maine poynt it was nothinge to speake of) I caused my patent to be newe written out,

with supply of that which I thought was defective and uppon the very first woord of mine uncle to him then, he readily sealed to me againe the other newe patent dat. 2ō Martij 1622 [*i.e.*, 1623].' Camden's patent was addressed not to the University but 'Omnibus fidelibus ad quos presentes litterae pervenerint' and appointed Twyne, late fellow of Corpus and praelector in Greek, Camden Professor on the death, resignation, or cessation of Degory Wheare. The letter was read in Convocation in the following year on 8 January, 1624. A note of these facts is attached by Gerard Langbaine to Twyne's transcript of the Camden indenture together with a copy of the following letter:

> 'To my Approved good freend Mr Whaer Publique Professour of Histories at Oxon.
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> Good Mr Whear, I am right sorye that I have thus suffred both my selfe & you to be thus baffled by Mr Twin. The truth is he procured Sr Rich. Cox, & other of the Green Cloth to move me for my consent, if he could buy you oute, never acquaintinge me that Mr Twyne was in holy orders and a beneficed man, wherein some foule play was offred to me. I never meant to have him your successor, & hope you do not wish it. Sed quid plura. I know that you Tecum habes ingenium, that you know uti foro, & ætatem habes. I assure yourselfe I never purpose to change as long as you are willing to hold the place. Plura velim sed Cynthius aurem vellit. Farewell with my best wishes to your good selfe and all yours. Westm. 24th of March 1623 [*i.e.*, new style].
>
> Yours allwayes assured
> Willm Camden Clarenceux.
>
> This is a true Copie examined according to the Originall on the 8th day of July A.D. 1647 by Charles Wheare
>
> Wm. Holland.'

On Camden's death in November, 1623, Twyne contributed some Latin verses to the memorial volume *Camdeni Insignia*. The professorship never fell to his lot as Degory Wheare outlived him by three years.

Six years after the publication of the *Apologia* Twyne was appointed by Convocation a member of a delegacy of 28 persons chosen to consider the reformation and better arrangement of the statutes. The reformation of its statutes has been for about six centuries a favourite parergon of the University. Their 'diversitas quin etiam adversitas et contrarietas' had been publicly noticed as early as 1397, but it was not until 1456 that the first recorded attempt was made to reduce them to order. Both Archbishop Warham and Cardinal

Wolsey failed to collect the statutes into one *consonantia*, and their revision remained a good intention decade after decade until 1629, when the Earl of Pembroke, then Chancellor, took up the matter at the request of William Laud, Bishop of London. On the death of the Earl of Pembroke in the following year William Laud succeeded to the Chancellorship, and at his request another delegacy was appointed of which Twyne was again a member. Reform began at once and in earnest. ' As soon as I was admitted to the Chancellorship ' Laud wrote, ' I thought it my duty to reform the University, which was extremely sunk from all discipline, and fallen into all Licentiousness. Insomuch that divers of the Governours there complained to me, that if remedy were not applied in time, there would scarce any face be left of a University.' One of the matters which demanded his immediate attention was the reformation of the statutes which 'had lain in a confused heep for some Ages.' The ancient statutes were contained in the chancellor's and the two proctors' registers. The first was written about the year 1315, the second and third in 1407 and 1477 respectively. The earliest register was fragmentary and rebinding had largely confused the original arrangement. The proctors' books were more complete and had been reduced to some order, but in all the registers current and non-current statutes stood side by side and no one who swore to obey the statutes could escape the crime of perjury. The first step in the matter of reform was to appoint a sub-delegacy consisting of Dr. Pinke, Dr. Thomas James, Dr. Zouche and Brian Twyne. Dr. James soon retired, and his place was taken by Peter Turner. At length only Zouche and Twyne were left, and they resolved ' never to give over untyll all the whole bodie of the statutes was finished.' The new recension was copied out by Twyne and at a weekly meeting on Monday Twyne read out the draft which was then examined and voted upon. On 1 September, 1633, the Vice-Chancellor was able to inform Convocation that the work of the delegacy had been completed. Twyne's manuscript was then delivered to the Vice-Chancellor who asked Peter Turner to undertake a final revision. Twyne was also asked to contribute a preface which should give an historical account of the various attempts to reform the statutes. The preface was required earlier than Twyne expected. He therefore had to deliver it unfinished and had no time to provide himself with a copy. The code was printed in 1634 in a trial edition under the title *Corpus Statutorum Universitatis Oxon.*, but to Twyne's mortification his preface had been superseded by another. Twyne's preface was a laborious and solid contribution to knowledge and, as might be expected, paid proper respect to King Alfred, but its form found no favour with Laud, who requested his friend, Peter Turner, to recast it. Turner reduced it to less than a third of its original extent, and did his work so thoroughly that hardly a sentence of Twyne's remains although the most

important facts are incorporated. The printed preface is an elegant piece of Latinity slightly ironical in tone, with no reference to University origins. Twyne, as soon as he saw the printed preface, went to expostulate with Turner who told his aggrieved colleague that though there might be alterations and abbreviations yet it was still Twyne's preface and was generally understood to be such. That Twyne never expressed any resentment either against the Chancellor or Peter Turner is much to his credit. The only action he took was to demand back his original draft. This he never received, only a fair copy written by the Vice-Chancellor's clerk. The original had doubtless been too much altered and abbreviated by Mr. Turner to be restored to a sensitive author. The change of author had one unfortunate result. In the published preface occurred the expression ' optanda temporum felicitate ' which was construed by Laud's enemies as a commendation of Queen Mary's days, and constituted one of the charges brought against him at his trial in 1644. As Laud well said, ' I took a great deal of pains about those Statutes, and might justly have expected thanks for it, not such an accusation. But as for the preface, it was made and printed at Oxford ; I meddled not with it. I could trust the University with little if not with the making of a Preface. If they have done anything amiss in it, let them answer it.'

In 1636 the code was confirmed by royal charter, and received by the University. It was in fact a recodification of the old statutes and necessarily reflected the curriculum of the Middle Ages. It would have been better if reform had been postponed for another fifty years. In the next century the University had ceased to be a teaching body and most of its regulations had been reduced to mere formulas. But the Laudian code remained in force until 1854 and is still the foundation of the present constitution of the University. It is perhaps the greatest piece of University legislation ever successfully brought to a conclusion, and among those responsible Twyne, ' the chief drudge,' must receive the greatest share of praise.

One result of Twyne's appointment to the delegacy of 1630 was the granting to him on 25 January, 1631, of permission to have access to and to consult the documents in the University archives so that he might make an inventory of the documents then in the old Congregation House. The inventory, which was finished in October, 1631, is still preserved in the archives and has been printed by my predecessor as Keeper in his inaugural lecture. Twyne's valuable and disinterested labour naturally demanded recognition by the University, and at the last meeting but one of the delegates appointed to revise the statutes, ' there was a proposall made . . . that it would be very expedient for the University, that for the better advancinge of the Universities affayres and lookinge to the publicke records of the Universitie should be newe established a certayn Officer

for that purpose, endowed with a convenient stipend.' At the next meeting of the delegates the statute 'De publico Archivorum custode' was approved, submitted to the Chancellor and printed in the trial edition of the code published on 22 July, 1634. The statute set forth that, owing to the careless keeping of the archives, the University had sustained many losses especially in connexion with disputes with the citizens of Oxford, ancient rivals of the University who seized every opportunity of attacking its privileges, so that there was need of some person experienced in the care of public records and archives; it was therefore the intention of the University to appoint such a person, whose duty it should be to take charge of the muniments, to assist and advise the chief officers, and to prove himself a ready and unimpeded champion in guarding and defending the privileges and rights of the University. The salary of the Keeper was to be derived from a levy of one shilling annually from every graduate and undergraduate, and to be not less than £40 a year. In a Convocation held on 11 August, 1634, Brian Twyne was elected first Keeper. A few of the documents in the Congregation House had already been taken to the Tower in the Bodleian Quadrangle, but when Twyne died in 1644 the removal of the documents had not been completed. The final disposition of all the muniments in the lower Tower room was carried out by Twyne's successor, Gerard Langbaine, Provost of Queen's. The three oldest presses in the room date from Twyne's time, one to this day retaining its original lock and key. The early registers remain in the same shelves where Twyne placed them, and all the early documents are still contained in the case which Twyne prepared for their reception. When Langbaine took a survey of the records in 1649 he found that only four documents were missing.

The year which saw the ratification of the Laudian code was also memorable in University annals for a royal charter of confirmation. This charter was one of the immediate results of Twyne's appointment to the Keepership. The archives statute had enjoined that the Keeper should be vigilant over privilege and show himself a trusty counsellor to the officers of the University. Twyne would certainly have satisfied his contemporary who wrote: 'No man is presumed to be a good counsellor, but in such business as he hath not only been much versed in, but hath also much meditated on and considered.' Twyne had meditated on and considered privilege for many years, and here found a splendid opportunity of proving his worth. He was careful to keep in view the latest charters granted to Cambridge, so that the privileges of Oxford should not be less than those of the other seat of learning. As regards the City he left no possible cause of dispute unconsidered, he proposed to clip the wings of the citizens so that they should never again be able to fly with impunity in the face of superior authority. He was well provided with evidences. In 1623 he had

received permission to consult the City records at the Guildhall, the admirable results of which are preserved in the fourth and twenty-third volumes of his collections. Twyne alone was responsible for the preparation of the charter. He had no fellow delegates to act as a drag on his industry. The various stages of drafting the explanations and enlargements may be seen in Univ. Archives, W.P. γ 28 written on 20 large folio sheets. Active preparations began on 14 October, 1635, when, with his servant, Twyne set out for London, where he remained until 16 March, 1636. While he was there he drew up ' particulars wherein the Universitie of Oxon. humbly petitioneth his Majesties grace and favour.' These particulars were exhibited by Archbishop Laud to the King and were later utilized by the Attorney-General as the docket of the charter. He also kept a very careful and detailed record of expenditure, which amounted to £238 1s. The record is of some value[1] as it is in all probability one of the most detailed statements of account extant for the granting of an important charter. The most trivial items are noted, sixpence as a tip to the stationer's boy, one and sixpence to a tailor for ironing the creased charter of Queen Elizabeth, and six and fourpence for a piece of green silk to protect the first illuminated membrane. The charter was mainly one of confirmation but many explanations and enlargements were introduced. These ranged from minor provisions, such as securing to the Reader of Anatomy the right to claim the dead bodies of those who suffered death by law, to the valuable privilege of printing all kinds of books, including those at that time held by monopolists. The charter was brought to Oxford by Twyne in March, 1636, packed in boards, a highly important article of luggage. It is written on 15½ sheets of parchment each roughly 3 ft. by 2 ft., weighs just over 5 lbs., and contains about 17,000 words. Even this monstrous mass of privilege did not wholly satisfy Twyne, who began to make notes concerning ' omissions since the new charter came forth.' He also expressed his opinion that the charter should be confirmed as soon as possible by Act of Parliament. But privilege, as politically understood in the 17th century, had overreached itself. One of the privileges granted was even of doubtful legality. The charter gave rise to an embittered controversy with the City which lasted for over half a century. In 1689 the two Universities petitioned Parliament to confirm their charters, in particular that of 31 Eliz. to Cambridge and of 11 Charles to Oxford. The Bill was opposed by the citizens and on its being brought before the House of Commons was ' read a second time ; committed ; laid aside.'

Little is known about Twyne after the granting of the great charter. Four years later the country was involved in civil war, and the normal life of the University was interrupted. A valuable account of the beginning of that period

[1] It is printed in full in the appendix to this article (p. 113 f.).

was written by Twyne in his account of the musterings of the University from 13 August, 1642, to 15 July, 1643. As a writer of contemporary events Twyne might have gone far. He had the receptive eye, could write terse sentences, and bring the scene before his readers. His account of the funeral of the Seigneur Dr Aubigny is one that is easily retained in the memory. 'Friday, 13 Jan.: a great solemne funerall in Oxon of the Lord Aubigny . . . The body was brought up from Magdalen College and so brought and attended all the waye through the street to Christchurch the Cathedrall, and there enterred. The footmen soldiers came first with their muskets under their armes, the noses of the musketts being behind them; the pike men drayled their pikes on the ground; the horsemen followed with their pistolls in their hands, the handles beinge upwarde; the topps of the Auntients [flags] allso was borne behinde. A chariott covered with blacke velvett, where the body was drawen by 6 horses &c. Three great voleys of shott at the enterringe of the body; and lastly, an herald of armes proclaymed his titles, &c.'

Brian Twyne is best known by his manuscript collections which he bequeathed to the University on the day of his death in 1644. The main series consists of twenty-four volumes, containing about 12,000 pages. There are, moreover, six supplementary volumes called Twyne-Langbaine (about 2400 pages), four volumes at Corpus, three in the Bodleian, together with twelve fasciculi in the Wood collection. Twyne spread his net widely. He himself says that he searched 'the publike Recordes of the Tower of Lundon, and the Courts of Westmynster, the Gildhall of the cittie of Lundon, and the Recordes of Lyncoln Church, of the Priory of St. Frideswydes, Osney and Rewley Abbeys, and the old bookes and Recordes of Religious houses in the Court of the augmentation office, and allmost every office about Lundon or elsewhere, besides our owne Bookes and Archives of the Universitie and some antient colledges allso.' He adds that the search had 'cost me most deerely, and never as yet gott one farthinge by it.' Especially valuable are Twyne's excerpts from the City archives on which he was given permission to work in 1623. Dr. Salter in his introduction to *Munimenta Civitatis Oxonie* (O.H.S. vol. 71) writes 'In one case he [Twyne] worked at a store which has perished. The municipal records of Oxford were in his time a collection that rivalled or surpassed the collections at Nottingham, Leicester, Exeter or any other county town; but now nearly everything prior to the sixteenth century is lost. By good luck Twyne not only inspected this store, but fearing that he would not be allowed to see it again he made full transcripts of much that he read, and the result is that more than half of the permanent value of Twyne's volumes, as a treasury of material that cannot be found elsewhere, comes from the work that he did in 1624 in the Gild Hall at Oxford.' In undertaking the survey he

promised not to take notes of controversial matters between the University and City and offered '·to requyte the city with the like curtesy, uppon the like termes, out of the University Recordes.' A few years later Twyne was accused of historical espionage, the reply to which may be given in his own words, ' Whereas there hath of late certayne controversies arisen, betwixt the universitie of Oxon & the Towne, and the saide universitie hath made some use of me in the settinge downe and openinge of these differences betwixt them, accordinge to my slender understandinge and insight therein, in regard of which, and of my appearinge personally at some meetinges betwixt them, it is cast out, by some evill disposed Detractors, that my comminge to the Towne Office by their leave and favour, was for nothinge else but to be a Spye to discover their estate there . . . These are to testifie . . . that my comminge in to the saide Towne office . . . was and is, only, to supplie myselfe with the knowledge of certaine locall antiquities of this place . . . that might afford any thinge worthy the knowledge, and to be inserted and supplied in another edition of my booke of antiquities of this place.'

It would be tedious and unnecessary to try to give an adequate account of this extraordinary collection of material. Andrew Clark in the fourth volume of his *Life and Times of Anthony Wood* (O.H.S. vol. 30) has described the contents of all the extant volumes. The main series is concerned with extracts from University muniments, episcopal registers, deeds, manuscripts, and printed books relating to Oxford; collections of passages relating to controversies between the City and University; royal and metropolitan visitations; collections about the statutes; University perquisites; the view of frankpledge; cognizance of pleas; royal visits, etc. And scattered among this mass of historial transcripts are the occasional observations of the eye-witness such as a note that the timber for the Schools came ' out of Cumner wood; beinge very goodly timber trees both for length and bignesse (as I well remember, when they laye about the street in Catestreet . . .) had they not byn so much pared awaye and thereby very much empayred when they came to be used.' Nor did he overlook lowly points of interest such as ' 4000 loade of mucke and dunge laide in the phisicke garden by H. Windiat the universities scavenger 1621–1636.' The collections are in the main historical, but a volume of notes (MS. Seld. supra 79) shows Twyne in a new light. He had been a close friend of Thomas Allen, a distinguished mathematician and man of science, ' accounted another Roger Bacon ' says Wood, ' which was the reason why he became terrible to the vulgar, especially those of Oxford, who took him to be a perfect conjurer.' It is therefore not surprising to find Twyne inquisitive as to the causes of things, curious about astrological matters, and a traveller along the more frequented paths of science. We find him studying perpetual motion exemplified in a contraption

made of wheels and buckets as well as thought transference by means of magnetic needles. He has a detailed note about a magic mirror, once in the possession of Dr. Dee, having the property of casting an inverted image which, at a certain distance, seemed to be suspended in the air between the glass and the observer. This is the now well-known illusion produced by images reflected in a concave mirror. He also gives an explanation of the optical toy that belonged to Fair Rosamund as described by Higden in his *Polychronicon* and quoted by Wood from Treveris's version, ' This wench had a little coffer scarsly of two foot long made by a wondercraft. Therein it seemeth that giants fight, beasts startle, foule flee and fysh leap without any man's movinge.' Twyne is also found noting that the tongue of a frog placed beneath the pillow of a sleeper will make him speak and reveal his secrets. His excursions into the realms of natural philosophy prompted him to write that ' the beauty of truth is usually covered with a veil of obscurity : nor do philosophers ever write more deceitfully than when vulgarly, nor more truly, than when obscurely.'

But to return to Twyne's serious historical work. His collections are not merely material brought together for a new edition of a work which was never published. If it were so Twyne must be counted among the failures. He is not to be classed among those researchers who wander farther and farther afield, and finally bury themselves under a mass of written leaves, an embarrassment alike to executors and friends. Twyne's collections must be regarded as one of his greatest achievements, and in themselves a monument. They had been gathered together largely for the preservation of privilege, and when the charter of 1636 was secured, one of his aims may be said to have been triumphantly achieved.

The supreme use to which the collections have been put was by Anthony Wood, who made them the basis of his History of the University, but with practically no acknowledgment. Wood's own account of them is that Twyne ' left no library, office, or place, wherein he thought were reposed monuments of literature and antiquity, unperused, expecting in them something that might rebound to the honour of his mother, making thereby an incredible pile of collections. But so it was, that most of them, except some which he bequeathed to the University relating to controversial matters between the two corporations, were, with great resentment let it be spoken, lost in a fire. Had they, or his interleav'd book, been saved, the work of the *Hist. of Antiq. of Oxon.*, which was some years since published, might probably have been spared.' There can be little doubt that this statement is intended to give the reader to understand that a large portion of the collection perished in the fire. As Wood was only eleven years of age when the fire took place, and as we have no means of knowing the extent of Twyne's collections at the time of his death, there is no evidence

of any serious loss. Dr. Clark, the chief authority on Wood, can record definitely only three lost manuscripts of Twyne. One remarkable example of suppression on Wood's part is to be found in his list of authorities for his History, now MS. Wood E.4. Twyne occupies less than one page and only eight of his manuscripts are recorded, four of them being minor collections in Wood's own possession and three in Corpus Christi College. No mention is made of the main twenty-five volumes in the University archives from which Wood derived most of his material. After this scanty list Wood notes, ' Mr. Twyne dying in June and the fier hapning October following (1644) the house where his goods were left in Penyfarthing Street being burnt, his books were dispersed. Some of them came into Dr. Nourses hands, a civilian of Magd. Coll., after whose death they came into the hands of Mr. Nourse of Woodeaton, whose wife converted them into waste paper.' Wood also says in his *Athenae* that a beggarly soldier offered certain volumes for very inconsiderable prices and that other volumes were sold for sixpence a piece. By his very insistence Wood takes on the role of arch-disperser : the interleaved book existed probably only in his imagination. It should be mentioned, however, that rumours of losses were current soon after Twyne's death. In the University archives is a copy or draft of a petition of the University to the Privy Council. This sets forth that Twyne died possessed of many muniments of the University and that by his will he bequeathed all books, etc., in his private study to the University. Some are said to have been borrowed by Sir Richard Minshull, who is also alleged to have taken several parchment rolls from the study after Twyne's death. The petitioners therefore prayed that Sir Richard Minshull be compelled to make restitution. This, however, is so vague an assertion that it is difficult to believe that the petition could ever have been presented.

As regards Wood's failure to acknowledge his debt to Twyne's manuscripts Dr. Clark says ' The reason why in his printed volume no such references are given is to be sought in the ideas of the time about original authorities. A passage from a MS. as quoted by Twyne was little thought of, the citation must be from the MS. itself. It was only when Twyne did not state his authority that he himself became an authority . . . The idea of giving not only your citation, but also an acknowledgement of who helped you to it, had not come into being in Oxford, and, to judge by the complaints of some scholars of to-day, is still "an infant of days" whose existence is lightly disregarded.' This is true enough, but we find Wood lifting whole sections of Twyne's own composition. Examples may be found in passages mentioned in this article. Wood, for instance, in his *Annals* (I, 22–3) records in part the conversation between Twyne and Camden, and gives a reference to the transcript which he placed in the Bodleian. The succeeding portion beginning ' Which passage is not to be

found in an ancient manuscript ' and ending ' no such matter is to be found ' is taken directly from Twyne's original memorandum even to the incorporation of two sentences where Twyne speaks in the first person. Another instance of Wood's appropriation of Twyne's statements (Coll. XII, 124–5) is to be found in the *Annals*, I, 71, 72. The sentence beginning ' I shall now add a statute in our ancient books with some notes of my own ' is taken almost entirely from Twyne. The account of the proceedings about the Laudian code (*Annals*, II, 385 ff.) and that of the musterings (*ibid.*, 442 ff.) are also Twyne's. But Wood's literary pilfering is perhaps only a small matter. Twyne gave his collections to the University to be reposed and laid up in the archives for the use of that famous body. Wood made the best possible use of those collections, and his *Historia Universitatis Oxoniensis* carried the fame of Oxford throughout Europe, and, in its original English, is still the chief authority for the history of the University. Much has to be conceded to those who can make the dry bones of history live. At present the shadow of Twyne falls darkly across the pages of the *Annals*, but the day may yet come when Twyne and Wood will be cited as a remarkable instance of successful collaboration.

Twyne made his will on 4 July, 1644, and died the same day. He asked to be buried in the chapel of Corpus Christi College, and continued, ' for the estate which God hath blessed mee with my will is that out of my studdy of bookes I doe give to Corpus Christi Colledge all such bookes that they have not in their library ; for the executor of this my last will and testament I doe appoynt Richard Twyne my nephew ; I doe give unto one goodwife Carter that hath attended mee in my sicknes forty shillings. I doe give likewise to the Universitye of Oxford all such bookes and writings whatsoever I have gathered or are in my possession concerninge them to bee delivered by my executor into the hands of doctor Pincke vicechancellor and Mr. John French the Register of the Universitye to bee reposed and layde up in the archives for the use of that famous body ; I doe give William Carter, the son of goodwife Carter beforementioned, forty shillings ; I doe give unto Rebecca Thomas, my landrosse, thirty shillings ; I doe give to Abell Parne, my landlord, forty shillings ; I doe give unto Mr. John French, my freind, twenty shillings.' It is the will of a poor man whose last thoughts were for the University and his College and for those who had faithfully attended to his needs. Twyne, says Wood, 'was of a melancholic temper and sedentary life, and wholly spent his time in reading, writing, and contemplation.' He was a pattern of industry, a master of detail, and, not least, a man of foresight. One of his accounts (W.P. *a* 10) begins, ' Laide out as followeth up to Lundon and in Lundon. Imprimis for waxing our bootes 14d.' His carefulness at times is almost ludicrous. Among the documents in the archives is his transcript (S.E.P.Y. 10) of a letter by the University to Pope

John XXII (1322) attested by a public notary and witnessed by five fellows of Corpus.

Twyne's services to the University as exemplified in the code and in the charter belong almost to the past. All the enlargements of the great charter are now obsolete; the last survived until 1926. The enactments of the Laudian code are also rapidly disappearing from the annual volume of the statutes. What remains can easily be identified by noting the date [1636] in the margins. Some may be found in the section which deals with good manners where, among other regulations, it is ordered that the place of honour is to be ceded, with respectful baring of the head, by undergraduates to bachelors, by bachelors to masters, and by masters to doctors. But it is difficult to believe that such counsels of perfection can much longer escape the notice of the authorities. The archives statute just managed to achieve its tercentenary.

The historian's debt to Twyne, however, remains. As one who has largely drawn upon his collections I will here make my humble acknowledgement of help received. He made many men his debtors. The final commendation, therefore, shall be in the words of Anthony Wood, the chiefest among them, 'Twyne was a loving and a constant friend to his mother the University, and to his College, a severe student and an adorer of venerable antiquity, and therefore, for as much as his love was so, his memory ought to be respected by all virtuous and good men.'

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APPENDIX

CHARGES ABOUT Y^E^ VNIUERSITIES CHARTER

(Univ. Arch. W.P. α 10)

To M^r^ Atturnies doore keeper at seuerall times to speake with him	5^s^	
To M^r^ Beale his Clarkes Tatam & Fludd at seuerall times for expedition in writinge forth y^e^ old Inspeximus and y^e^ newe graunts in broad lines	14^s^	6^d^
To M^r^ Hollowaye for his paynes in perusinge y^e^ newe draughts of y^e^ Charter	20^s^	
To M^r^ Sollicitors doore keeper at seuerall times of my comminge ..	x^s^	
To old Tatam for his paines in engrossinge for y^e^ kinges hand ..	20^s^	
To younge Tatam for entringe y^e^ dockett of y^e^ newe grauntes ..	5^s^	
To M^r^ Atturney for his fee in signinge y^e^ byll of our Charter, beinge in all ten skinns, w^ch^ should haue byn after y^e^ rate of 5^li^ ye skin..	40^li^	
To M^r^ Atturnies two doore keepers betwixt them at y^e^ signinge of y^e^ byll	20^s^	
To M^r^ Beale, Clarke of y^e^ patents, vnder y^e^ stile of examininge and transcribinge all, being 422 sheetes, after y^e^ rate of 2^s^ y^e^ sheete, findinge parchment, & drawinge vp y^e^ newe grauntes	42^li^	
To one Edw. Fludd a Clarke, for prouidinge two parchment Coppies or Transcripts of y^e^ whole Charter, y^e^ one for y^e^ signet, y^e^ other for y^e^ priuie seale	6^li^	
Giuen to M^r^ Secretarie Windebankes Secretarie at seuerall times, for M^r^ Secretaries hande for ye Correctinge of some wordes mistaken in y^e^ charter	40^s^	
Paide to M^r^ Hawkins & M^r^ Smith, for y^e^ passinge of y^e^ signet & priuy seale, & for officers fees belonginge therevnto	52^li^	

To ye keeper of ye Chamber of ye signet office in Whitehall		x^{s}	
To Mr Hawkins his Clarke		5^{s}	
To my Lo. priuie seales porter when I wayted vppon my Lord, about ye printers of Lundon, at Christmas		2^{s}	6^{d}
Giuen to my Lo. of Canterburies Porters at Christmas		3^{s}	6^{d}
Summa	147^{li}	15^{s}	[6^{d}]
Fees & giftes at ye Broad seal for ye Vniuersities Charter, beinge a perpetuitie			
for ye great seale	19^{li}	x^{s}	2^{d}
The dockett & Receipt		7^{s}	
The Dr & entringe		3^{s}	
The Inrollement	15^{li}	6^{s}	8^{d}
The diuident	15^{li}	6^{s}	8^{d}
The Officers fee	20^{li}	x^{s}	
To ye Chawe waxe			12^{d}
Giuen to ye Gentlemen & officers of my Lo: his house in regard of ye priuate seale	3^{li}	8^{s}	4^{d}
To Mr Bembowe ye Officers Clarke of ye broad seale for his paynes ..	3^{li}		
To one Parry his man an vnder clarke		2^{s}	6^{d}
To one Powell another vnderclarke for expedition in engrossinge it for ye broade seale		7^{s}	6^{d}
for Vellome plaine & ruled beinge 15 skins et dim. for ye Charter ..	4^{li}		
for ye first guilt skin	4^{li}	15^{s}	
for ye siluer & gold stringes, ye boxe to put it in, and ye ribbon to binde about ye Charter		13^{s}	7^{d}
To ye Stationers boye			6^{d}
Wine spent vppon Mr Bembowe & some of my Lo. keepers Gentlemen		2^{s}	6^{d}
To Lionell Mr Beales Clarke for transcribinge of ye dockett for my Lo: keeper		5^{s}	
Summa	87^{li}	19^{s}	5^{d}
Some other particular expences			
for bringinge vp of ye Registrum N			6^{d}
To a Clothworker for pressinge plaine Qu. Elizab.: old Inspeximus			18^{d}
for a Roller for ye saide Charter			12^{d}
for a Roller for ye newe Charter			6^{d}
for a firre boord at Lundon about ye Charter[1]			6^{d}
Summa		4^{s}	
Charges of our comminge downe from Lundon to Oxford Wednesdaye, March 16, 1635			
Giuen to Mr Boone his house where we laye in Lundon		5^{s}	
Horsemeat vppon Tuesdaye night		4^{s}	3^{d}
Diett by ye waye from Lundon to Oxon		5^{s}	6^{d}
Horsemeate by ye waye		4^{s}	8^{d}
Hire of 2. horses		12^{s}	
Carriage of my Truncke, and 2 packes, and to ye porters for bearinge it to & from ye Carriers		xj^{s}	2^{d}
Summa	2^{li}	2^{s}	7^{d}

[1] Later the sum of 6s. 4d was spent on ' A peece of greene sarcenett for the newe charter.' This still protects the illumination on the ' first guilt skin.' Twyne's personal expenses (15 Oct. 1635—16 March 1636) amounted to £75 11s. 10d.