

SANCTUARY.

BY H. P. PALMER.

THE custom of "taking sanctuary," of which we hear so much in the Middle Ages, is of Hellenic origin. In the Greek communities we are told, "the temples, altars, sacred groves and statues of the gods possessed the privilege of protecting slaves, debtors and criminals who fled to them for refuge." The sanctuary laws of the Greeks were usually respected. There burst forth at times, however, precisely the same defiance of them which we meet not infrequently in the Middle Ages and precisely the same means were adopted of carrying that defiance into effect. Sometimes the victim was forcibly dragged from the temple. Sometimes, again, his enemies invested the sanctuary and prevented food from reaching him, when he was compelled either to starve or throw himself on their "tender mercies" which were probably "cruel." Worst of all, the sanctuary was occasionally set on fire in the hope that the wretch who had trusted to its protection might perish in the flames.

The Romans made the Hellenic sanctuary customs their own. When the Empire became Christian and the ecclesiastical buildings were now sanctuaries, the Church found itself dowered with a great privilege. It clung to that privilege, it battled for it, even though aware that, as actually exerted, it was a menace to the public welfare and that the most absurd inconsistencies existed in the working of the sanctuary rules.

The privilege of sanctuary was greatly modified in England in the reign of Henry VIII, and with trifling exceptions, totally abolished in the reign of James I. It survived, however, for a far longer period on the Continent. Smollett, the novelist, who flourished about the middle of the eighteenth century, when staying at Florence, saw a man "taking the air" on the steps of a church there in the easy style of one at peace with himself and all the world.

Smollett was not a little surprised to be told that this loiterer was one who had murdered his wife but three days before and was now in the security of sanctuary.

The sanctuary regulations of the Anglo-Saxons were favourable to the criminal fleeing perhaps for his life with a crowd at his heels from the grasp of the law. In these early times not only did churches afford asylum, but, even if a fugitive embraced a wayside cross, he was entitled to this privilege. Then also Kings and Bishops, as invested with a sacred character, could for a time protect criminals from their pursuers and give them an opportunity of reconciliation or escape. Monasteries by their charters had rights of sanctuary, and by a law of Edward the Confessor a priest's house was a sacred shelter.

The law of sanctuary was not always respected even in Saxon times, especially in the case of the Danes.

The convent of St. Frideswyde which, when dissolved at the

Reformation, gave to Oxford its noble cathedral church, was always regarded with especial veneration. So great was the reverence for St. Frideswyde that in medieval days the entire University on certain great occasions went in solemn procession to the church of which she was the patronal saint. One of the chests, from which money was lent to the scholars of the University, was called after her name. Yet, when in the time of King Ethelred, Danes under sentence of death took refuge within its walls, their pursuers fired the church and the Northmen met with a terrible end. The Normans established a distinction between chartered sanctuaries and general sanctuaries. The former, by special privilege emanating from the Crown, could alone shelter in case of treason, while every church was a general sanctuary to which a man or woman guilty of any other crime might flee. This distinction seems always to have persisted.

A kind of ritual was gradually evolved in the more famous sanctuaries and to some extent elsewhere. Who has not heard of that prevailing at St. Cuthbert's Cathedral, Durham? The rapping of the fugitive on the bronze knocker, the opening of the door, the ringing of the bell in the Galilee tower and the confession of the crime before witnesses form a little drama not easily forgotten. Anyone guilty of stopping the runagate on his way to sanctuary, even if he were distant so far as six miles from the Cathedral, was guilty of sacrilege and liable to punishment. The miscreant who dared to seize him when seated on the "frith-stool," or chair of peace, was liable to severe penalties from Church and State. Numerous public whippings by a priest were often part of the penalty inflicted by the ecclesiastical authorities for this offence.

The rule, probably far more often honoured in the breach than in the observance, was that no one could remain in sanctuary for more than forty days. Within that time or at its expiration, the "sanctuary man" was compelled to abjure the realm either before the Coroner or other civil officer.

The traveller on a highroad in those days must sometimes have met a singular and disconsolate figure clothed in a long white garment, bearing a cross, and looking like a forlorn spiritual scarecrow. The startling apparition was a "sanctuary man" "leaving his country for his country's good," and bound for the nearest port, whence he was under orders to take ship for the Continent. Many such an offender by no means appreciated the humour of the situation. Accordingly on the first opportunity he flung away his robe and in some busy mart either obtained employment or continued to pursue a trade of crime. It may be added that leaving the realm was impracticable in time of war and that in cases of debt "sanctuary men" seem to have remained where they were until they saw fit to depart.

How, it may be inquired, had the fugitive man lived, and how had he been guarded while still in sanctuary? Village churches were unpopular as sanctuaries, for in them such sustenance as could be procured would be given with sparing hand by the clergyman and some of his parishioners and must have been in the nature of things

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far from luxurious. At the same time there were occasions when a criminal almost outrun by the yelling crowd at his heels, faint, weary, panting and at the end of his strength, could find no better shelter than the village church which he saw in front of him. If he found it closed against him, he clutched the door-ring and, not always successfully, defied his enemies to touch him. He was in sanctuary.

A case of breach of sanctuary in a village church is recorded in the register of de Drokenesford, Bishop of Bath and Wells, as occurring at Chedzoy in 1319. The pursuers seized a fugitive called Brinton when actually holding the door-ring of the church and carried him off to Somerton gaol. The Bishop wrote to the King's Justices at Somerton demanding that Brinton should be sent back to Chedzoy church "so as to be within ecclesiastical jurisdiction."

The prevention of the escape of those harbouring in village churches fell on the tithing-men or petty constables.

The criminal then preferred to seek shelter in the great sanctuaries scattered all over the country and belonging to wealthy churches or monasteries where he would be fed, clothed, and guarded from his enemies. The civic authorities were responsible in such cases for preventing his escape.

The actual working of the system of sanctuary may now be illustrated by a few examples drawn from different periods. They may serve to show that the privilege was rarely beneficial except to the rogues who did not deserve it. The Church adopted the mistaken policy of maintaining the usage without modification long after there was even the shadow of a reason for its continuance: though among the higher clergy there were not infrequently those who treated it with contempt. To the King, the Parliament, the Justices, Sheriffs, Bailiffs and other executants of the law it was always odious. The community as a whole showed in a very practical manner that it shared this feeling.

Ralph Flambard, the justiciary of William Rufus, has been described as "a Norman clergyman of obscure birth, of ready wit, dissolute morals and insatiable ambition." He was one who "neither feared God nor regarded man," unscrupulous enough to satisfy the demands of his master, and desperate enough to make exactions which loaded him with the execrations of the people and on one occasion nearly cost him his life. Flambard rose rapidly from one preferment to another and was in due course nominated to the great See of Durham. When, however, William Rufus made this appointment, he took a leaf out of the Justiciar's own book and charged him a thousand pounds, equal perhaps to a present value of fifty times that amount, for the preferment. The new prelate's Cathedral Church was shielded by the special protection of St. Cuthbert and was, as has been stated, a sanctuary of great repute. Flambard found himself in a dilemma. Though bad and irreligious, he had yet a superstitious dread that the Saint might be revenged upon him if he dared to draw fugitives from sanctuary. At the same time, as they were often guilty of raiding

his crops, poaching on his preserves, fishing in his waters and robbing his tenants, he grudged them their refuge. While his mind was thus agitated, the rights of sanctuary were respected. At last Flambard resolved to try the temper of St. Cuthbert by breaking some of the lesser regulations of his church, before proceeding to so extreme a measure as the violation of his sanctuary. He was gratified to find that nothing unusual happened and that the saint did not stir a finger against him, and so he felt quite at ease and was emboldened to draw men out of sanctuary and doubtless to punish them with death.

A prelate with a very different view of the asylum of sanctuary, was Hugh, Bishop of Lincoln, in the reign of Henry II, a man of great sanctity of character and possessing extraordinary influence in his diocese. He was, moreover, the intimate friend of the King and carried with him a charm of manner which often subdued the fiery temper of the most petulant of monarchs.

The Bishop's respect for the sanctuary laws was unbounded, he gave them the widest construction, and those who broke them in his diocese lived to repent it. Riding on one occasion through the territory of St. Alban's Abbey, he met a sad procession only too commonly seen in the Middle Ages, when criminals were executed at a distance from their prisons. It consisted of a body of apparitors who were conducting to the gallows, with hands tied behind him, a prisoner who had been convicted of theft. The officers recognized the Bishop and at once knelt to receive his blessing, seated as he was on his horse. The criminal saw his chance. He knelt on the ground and implored the Bishop's compassion. Hugh's interest and pity were excited, and, in spite of the advice of the clergy in his retinue, he demanded the person of the captive, which was at once surrendered. When the Bishop arrived at the guest-house of the Abbey, he was confronted with the judges who had ordered the execution. They seemed disposed to question the legality of his conduct, but were informed by him that if a consecrated building could give immunity to a prisoner, much more could the Bishop who invested it with sanctity. The judges were struck by the remark and remembered that the ancient English law was in exact agreement with this doctrine. The prisoner accompanied the Bishop to London, where he was released.

History repeats itself, and two hundred years later a similar incident is again recorded, when the Abbot of Battle, travelling with his retinue on the London road, met a malefactor, who had been condemned to death in the Marshalsea Court and was on his way to execution. The Abbot intervened, insisting that one of the privileges belonging to his office enabled him to rescue from death any criminal who crossed his path. His wishes were respected and the culprit was spared. King Edward III and his Ministers were greatly incensed by this occurrence, justly considering that it brought the law into contempt. The Abbot, however, laid his charters before Parliament and had the happiness of being told that he had not exceeded his rights.

We pass to a further sanctuary incident recorded of Bishop Hugh which proves that, if he had the virtues of a saint, he could descend to the infliction of gruesome and appalling penalties on sinners.

A thief fled for sanctuary to Brackley Church. He was, however, taken from thence by the officials of the Earl of Leicester, hanged and buried near the place of execution. When this event occurred, the Bishop was on the Continent, but when he returned to England, he exacted a terrible atonement from the perpetrators of the outrage. Wearing only breeches, they were to dig up the body of their victim; they were to place it on a bier, and then carry it on their shoulders for the distance of a mile to Brackley, where it was to be buried in the churchyard. Floggings before the churches of Brackley followed. As if all this were not enough, the penitents were commanded afterwards to proceed to Lincoln and suffer a similar punishment before each of the numerous churches there.

Among those who had borne part in the breach of sanctuary was the Bailiff of the Earl of Leicester. He had not dared to face the wrath of the Bishop, but had fled to France. While living there, he had been constantly smitten by "the slings and arrows of outrageous fortune," nothing prospered with him, he lost his position under the Earl, and worse than all, he was for ever haunted by the terrors of the final doom. The Bishop was greeted at Troyes by this unfortunate man who had refused, in the language of the chronicler, to "give joy to the angels" by dutiful acceptance of a merited punishment. He now placed himself without reserve in the hands of the Bishop, who visited him with a penance demanding seven years for its fulfilment.

A startling contrast to Hugh's reverence for sanctuary is to be found in the conduct of two of his contemporaries, Longchamp, Bishop of Ely, and Hubert Walter, Archbishop of Canterbury. The former showed an utter contempt for sanctuary laws in his treatment of Geoffrey, Archbishop of York, the natural son of Henry II, who had fled to St. Martin's Priory, Dover. Though the Archbishop was vested in his pontifical robes and was kneeling before the altar, he was dragged out of the church by Longchamp's myrmidons, hustled through the streets and imprisoned in Dover castle.

Only a few years later, Hubert Walter, the Primate, earned the odium of the church by a gross violation of sanctuary law. William Fitzosbert, who had been at the head of an association of fifty-two thousand disaffected persons, killed with an axe the Archbishop's officer who was trying to arrest him and took sanctuary in the church of St. Mary-le-Bow. Four days afterwards the church was set on fire, and Fitzosbert, though badly wounded in an attempt to escape, was seized by the Archbishop's orders and hanged in chains at Tyburn. The case was brought to the notice of the Pontiff, who in consequence insisted that the Primate should relinquish all his secular offices.

Violations of the law of sanctuary are to be found in the persecu-

tion of Hubert de Burgh, the fallen Minister of Henry III. De Burgh, truly or falsely, was charged with defrauding the Crown when Regent of the Kingdom during Henry's minority, a duty which he discharged with conspicuous success. While making the most determined efforts to escape from the vengeance of his enemies, he had the strangest experiences of sanctuary. At first he fled for shelter to Merton Priory. He was soon threatened with capture ; but eventually was allowed to remain unmolested for some months, and indeed, until he chose to leave of his own accord. Again menaced, he took sanctuary in a chapel at Brentwood in Essex. He was torn away almost immediately by his pursuers and conveyed to London with his feet tied under the belly of his horse. As might have been expected, the Bishop of London was infuriated at this outrage and threatened with excommunication all who had committed it. The King was alarmed and de Burgh was at once sent back to Brentwood by him. De Burgh's enemies, probably with the privity of the King, now proceeded to set guards round the chapel and surround it with a ditch and palisades. As a result of these measures, de Burgh could neither receive food nor escape. He was therefore forced to surrender and was conducted to the Tower. In custody later at Devises, he again gave proof of his resolute spirit by leaping into the Castle moat. When he had reached a neighbouring church for sanctuary, he soon found himself invested by the Sheriff and his officers. A stronger party of his own friends, however, effected a timely rescue.

Frequent cases of escape from sanctuary are recorded in mediæval documents and were heard by the King's Justices, who reported their opinion to the Crown. Thus the Justices of Henry III are found sitting in the Tower and making careful inquiry of the Mayor and Aldermen about these escapes.

In the fourteenth year of Edward II the Justices, also sitting in the Tower, complained that there was no proper watch set to prevent the flight of "sanctuary men" from the churches to which they had fled. Two definite cases were quoted. The Mayor and Aldermen, who must have known that the duty of preventing the escape of felons fell on the Ward in which the church of refuge was situated, disowned responsibility. They declared that neither they nor the Sheriffs were compelled to undertake the duty of providing watchers. The Justices told the City fathers plainly that they were mistaken. Such neglect, they said, was contrary to public policy, it was an encouragement to crime and made justice ridiculous. The Mayor and Aldermen seem not to have been fined, but to have obtained their pardon from the Crown.

If the community were responsible for the escape of criminals from sanctuary, it was equally so for their flight from prison into sanctuary. Thus the Justices on circuit in Cornwall in 1284, finding that a thief called Margery Wolbeter had fled from Helston gaol, gone into sanctuary at St. Michael's Church, and afterwards "abjured the realm," held that the township was responsible for her escape. The Sheriff accounted at the Assize for Margery's

chattels which were worth 6½*d.* It may perhaps not be altogether wondered at that Margery was a thief.

The great sanctuaries of London were infested with "all sorts and conditions of desperate men," "so weary with disasters, tugged with fortune that they would set their lives on any chance to mend them or be rid of them." So numerous were the "sanctuary men" in the precincts of the church of St. Martin as to require two chapels for the services they were compelled to attend and a prison for the mutinous and refractory. Many of those who sought shelter at this church were accustomed to sally out at night and "commit many riots, robberies, murders and other mischiefs."

The Dean on one occasion complained to the Crown that five men who had just taken sanctuary were seized and taken "chained by the necks" to Newgate. The result of this complaint was an inquiry by Henry VI and his Ministers, which resulted in instructions to the Dean for the better management of the sanctuary. Among these were orders that the gates of the sanctuary should be closed at nine, that goods stolen should be restored to the owners and possession of weapons and knives prohibited. The knives used at meals were to be "reasonable" knives and pointless.

By far the most famous of all our sanctuaries, however, was Westminster Abbey. The precincts, which included the church, the churchyard and the close, have been described by Dean Stanley "as a vast cave of Adullam for all the distressed and discontented in the metropolis who desired according to the phrase of the times to 'take Westminster.'" "What a rabble," men said, "of thieves, murderers, and malicious heinous traitors" were to be found there! "Men's wives run thither with their husbands' plate and say they could not abide with their husbands for beating. Thieves bring thither their stolen goods and there live thereon. Nightly they steal out, they rob and kill and come in again." Thither resorted fraudulent debtors who lived comfortably while their goods were immune from distress. Such men were the despair of their creditors and a scandal to the Abbey. Some little improvement, however, in the law was effected by a famous case, no way concerned with debtors, which occurred in the Abbey Church.

In the reign of Richard II, two squires, Shakell and Haule, were committed to the Tower for refusing to surrender to the Crown a young Spanish prisoner whom they had sent into a place of concealment. The Spaniard was their lawful prize and the Crown had no legal claim upon him. The two squires were resolute men, they overpowered their gaoler and fled to the Abbey for sanctuary. The Governor of the Tower and his guard went to recover the prisoners. Shakell was seized but it happened that Haule was attending the service of Mass. When, in spite of this fact, his arrest was attempted he drew his sword. He was chased round the choir and murdered. Grave results followed this terrible incident. The Abbey Church had been "polluted by bloodshed" and could not be used for public worship until the service of "Recon-

ciliation" had been performed. For four months silence reigned supreme in the great church: it was as if it were widowed and desolate. In the meantime, Sudbury, the Primate, afterwards one of the victims of the Peasants' revolt, excommunicated the Governor of the Tower and all who had borne part in the outrage or been responsible for it. Though the reading of the excommunication was forbidden by the Crown, Courtenay, the Bishop of London, persisted in its recitation each holy day at St. Paul's.

The whole affair engaged the earnest attention of Parliament and their discussion showed a deep dislike of the sanctuary laws, while it was not denied that the murder of Haule was an unwarrantable act. Ecclesiastical influence proved too strong to permit the radical reform in the laws of sanctuary which was so much desired. The fraudulent debtor was, however, to a certain extent dealt with and his wings clipped. He was in future to be summoned to the door of the church once a week for thirty-one days. If he failed to appear, his goods were seized for the benefit of his creditors.

Westminster Abbey is familiar to all readers of English history as twice the refuge of Elizabeth, Queen of Edward IV, so well known under her former name of Woodville. The Queen took sanctuary there in 1470 after the flight of her husband from the kingdom, "when Fortune's malice overthrew her state." It was while she was there that her second son, the Duke of York, the younger of the two princes afterwards murdered in the Tower, was born. It was once again to Westminster that Elizabeth repaired in 1483 with six of her seven children when in terror of the Protector, afterwards Richard III. By no means a man to be intimidated by any scruples concerning violation of sanctuary, the Protector proceeded to Westminster in his barge attended by a large body of armed men. He undoubtedly meant to frighten the Queen by this display of force, and if unsuccessful in this end, to seize his nephew by violence. The Queen saw that she was helpless in Richard's hands and surrendered the prince. "She called for her boy," says Lingard, "gave him a last and hasty embrace and, turning her back, burst into tears."

After the murder of the Princes, Richard grew jealous of their sisters and determined to prevent their escape from England. He therefore ordered the sanctuary of Westminster to be closely watched and guarded.

A letter written in 1426 by the Prior and Chapter of Christ Church, Canterbury, illustrates still further the hatred of the sanctuary laws, which was shared alike by the King, the Parliament and the law-abiding section of the community. This hatred must have been felt with peculiar intensity at Canterbury which constantly drew crowds of pilgrims of all ranks and conditions to visit the splendid shrine of St. Thomas à Becket. These pilgrims were weary of receiving the unwelcome attention of the thieves who infested the city for the express purpose of rifling them. Under a system of police that was primitive and inefficient, it was far

easier for the "Artful Dodgers" of those days to reap a harvest at Canterbury than it is now to pick pockets on a race-course.

The Prior and Chapter stated in their letter to the Archbishop that a young man who had recently returned from the Continent and was charged with a crime had escaped from Canterbury prison and fled for sanctuary to the Cathedral. Whatever the crime may have been, it was probably of unusual gravity to stir almost to frenzy the minds of the citizens. The return of the "young man" from the Continent provokes the suspicion that he was a former "sanctuary man" who had tried once again to exist at the expense of the public.

In accordance with the custom prevailing in those days, the Archbishop while still living, had raised and endowed a chantry in which chaplains "sang," and were to "sing" perpetually, for the repose of his soul. Within the chantry a sumptuous tomb was already prepared for the reception of his remains.

The Prior and Chapter, in an earnest letter, explained to the Archbishop that the "young man" had sheltered himself inside this chantry and gave a circumstantial account of the outrage which followed. He was pursued, they said, by the Bailiffs of the City who rushed into the Cathedral, followed by a large and angry crowd of people who vented their wrath in no measured terms and were by no means sparing in their abuse of the Cathedral authorities. Was a church, they cried, meant for the shelter of evil-doers, thieves, robbers, murderers? Had not the Prior and Chapter been in the constant habit of protecting these miscreants? They were unworthy of their position, they ought to be prosecuted as the aiders and abettors of dangerous malefactors. They were now to be shown that the public patience was exhausted and that sharp means of redress would be adopted.

Having thus stated their opinion of the Monastery, the crowd rushed desperately forward.

It chanced that the Archbishop's official was holding his Consistory Court in the Cathedral. The malcontents were probably still more frantic when they saw him. To them he represented the abuse of Privilege of Clergy which, like sanctuary, was a means of throwing criminals anew upon the world to the damage and hurt of honest people. The Consistory Court was instantly thrown into confusion and business stopped. Fiercer grew the uproar and louder the din as the Bailiffs and their followers reached the choir. Mass was being sung and the most solemn moment of the service had actually arrived. Yet, though it might have been expected that this touching scene would have awed and quieted the mob, it had no such effect. The service was interrupted and broken as the "sons of iniquity" reached the chantry, bent on seizing the person of the man who had aroused their fury. The drama enacted in the Cathedral was probably more extraordinary than any witnessed within its walls since the December day when Becket fell under the terrible blows of his assassins. The "young man," standing within the chantry, was clinging to its railing with a

strength born of despair. The mob were striking him with sticks and fists to tear him away or pull him through the railing. It was impossible that he could hold out against such numbers and against such force. He was compelled to relinquish his hold. His enemies seized him and bore him on their shoulders into the nave. In a few moments he would be dragged away from the Cathedral and must have tortured his mind with forebodings of what might happen when he was outside its precincts. At this critical moment of his fate the Archbishop's official and some of the monks, who had hastily banded themselves together to assist him, made a counter-attack and succeeded in rescuing the guest who had cost them so dear. The Prior and Chapter concluded their letter with an earnest exhortation to the Primate to "gird himself manfully with the sword of St. Peter," and defend the right and liberties of his Cathedral.

A case somewhat similar to that just recorded, but with a different issue, took place in the Church of the Franciscans or Grey Friars in 1528, just on the eve of the Reformation. This church was one of the most magnificent in London. The great and wealthy vied with one another in lavish gifts for its maintenance and decoration. It contained the remains of royal and noble patrons by whom, or by whose representatives, it had been enriched. The heart of Eleanor, wife of Edward I, was interred within its walls. Edward III, "for the repose of his Mother, the most illustrious Queen Isabella, buried in the church of the Grey Friars, repaired the Middle Window."

This beautiful church with its precincts became one of the most famous of the London sanctuaries, the shelter of many of the fraudulent debtors, thieves and homicides who infested the metropolis. There prevailed in consequence much the same feeling against the misuse of its sanctuary rights which we have seen in London and at Canterbury. We are told that after the gaol-delivery at Newgate a prisoner "brake from the hall when the sessions were done and went into the Grey Friars and there was six or seven days." The City officers, however, had by no means lost sight of him. Their delay in attempting his capture was probably due to their desire to take the friars by surprise, and also to prevent the scandal of the assembly of a noisy multitude in the church. It was not then until about a week after the prisoner's escape that the Sheriffs accompanied by their officers entered the church. The Sheriffs at once strode up to the "sanctuary man" and demanded that he should "abjure the realm before the Coroner." This he refused to do, perhaps hoping either to escape from sanctuary and be free once more or at least to remain there beyond the usual time-limit of forty days. The Sheriffs, however, were not to be balked. They seized him "with great violence of them and their officers, and carried him back to prison."

The Friar who has left us this story heard afterwards that "though they sought all the ways they could," they were unable legally to hang him and that he was set at liberty.

The case which follows shows the wide area which sanctuaries might cover and that those living in a city, and even holding office in it, were not always acquainted with them. The office of Proctor in the University of Oxford formerly involved the discharge not only of its present duties, but also of some of those now undertaken by the police.

On August 26th, 1463, an Oxford tailor called John Harry attacked and wounded another man with a knife. He fled immediately and took sanctuary in Broadgates Hall in the parish of All Saints and belonging to the Hospital of St. John Baptist. Broadgates Hall possessed sanctuary rights as the property of this Hospital and adjacent to it. The Hospital itself derived them from a Papal concession.

Walter Hill, the Proctor, knew nothing about the privilege attached to Broadgates Hall, and evidently believing that it was an asylum of Harry's own creation, ordered him to be dragged away. As, however, the tailor protested and declared that he was in sanctuary, the Proctor seemed disposed to believe him and promised that he would restore him to the Hall, if his life were actually in danger. Harry was then haled by the Proctor before the Commissary of the University. The evidence showed that the wound inflicted involved danger neither to life nor limb. The Commissary therefore looked upon Harry's crime as a comparatively light one and fined him ten shillings. A friend of Harry's, who plied the same trade, gave security for the payment of this sum in two equal instalments. Harry, however, was still haunted by misgivings. Nothing could shake his belief that the friends of the man whom he had injured were thirsting for his life. He therefore entreated the Proctor to restore him to sanctuary. The latter, who by this time had become more enlightened on the subject of Oxford sanctuaries and now knew that Broadgates Hall was undoubtedly a *refugium peccatorum*, reinstated Harry in the place which he had quitted with so much reluctance.

A letter written by William Ebersham in the year 1469 and published in the Paston letters shows that if a "sanctuary man" possessed any means, and apparently even if his means were small, he was compelled to pay for his support while he remained in sanctuary. Ebersham gained his livelihood by copying books and manuscripts and among his patrons was Sir William Paston. We do not know Ebersham's place of sanctuary or why he was there, but he seems to have been by no means pleased with his hosts. "I lie," he says, "in sanctuary at great costs and among right unreasonable askers." He follows this statement of his grievances by asking Sir William "to send me for alms one of your old gowns" and requesting payment of forty-one shillings due for his work.

Henry VII, who seems to have been an enthroned calculating machine, thought it expedient to respect the rights of sanctuary and to this decision Perkin Warbeck twice owed his life. When "the little cockatrice," as Bacon calls him, panic-stricken at the

near approach of the King, left his friends, the Cornish rebels, to the four winds, he fled to Beaulieu Abbey and "there he and divers of his company registered themselves as sanctuary men." He was induced to leave the asylum on the promise that his life should be spared. After having been taken to London, "he was conveyed leisurely on horseback to the Tower and from thence back again to Westminster with the noise of a thousand taunts and reproaches."

He was afterwards confined in the Tower, but, says Bacon, "it was not long but Perkin who was made of quick-silver began to stir. For, deceiving his keepers, he took him to his heels and made speed to the sea-coasts. Such diligent pursuit and search were made that he went to the Priory of Shene, which had the privilege of sanctuary, and put himself into the hands of the Prior of that monastery. The Prior came to the King and besought him for Perkin's life only. Many about the King were more hot than ever to have the King take him forth and hang him."

Henry was wise enough to resist these importunities. With an assumed contempt of Perkin, he ordered that "the knave should be set in the stocks."

Perkin's love of sanctuary, however, gave him but a short respite from death. The King was only seeking, and soon found, a better opportunity of ridding himself of this thorn in his side. Sanctuary merely prolonged Perkin's agony.

Macaulay tells us that "when life and when female honour were exposed to daily risk from tyrants and marauders, it was better that the precinct of a shrine should be regarded with irrational awe than that there should be no refuge inaccessible to cruelty and licentiousness."

It is a sorrowful but a true reflection that no such refuge was to be found in sanctuaries. The truth seems rather to be that far too frequently "tyrants" and "marauders" were the very men who exploited the privilege of sanctuary as they were also those who drove others out of the asylums of sacred shelters. "Cruelty and licentiousness" were the marked characteristics of many a rogue who sought security in sanctuary and too often found it. Such men indeed held prisons and not sanctuaries in "irrational awe." To them "sanctuary" was precisely what the pawnshop is to the dram-drinker or the poor-house to the tramp.

The law of sanctuary, as we have seen, was uncertain in its application; it stood for the repudiation of public justice, caused disturbances and scandals and was exploited by the criminal classes. The Mediaeval Church would have rendered service alike to the country and to itself, had it renounced a privilege which wearied and distressed the public.