

**THE FOUNDATION
STATUTES OF
MERTON COLLEGE,
OXFORD, A.D. 1270**

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The Foundation Statutes of Merton College, Oxford, A.D. 1270 by Edward France Percival

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EDWARD FRANCE PERCIVAL

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STATUTES OF
MERTON COLLEGE,
OXFORD, A.D. 1270**

THE
FOUNDATION STATUTES

OF

MERTON COLLEGE, OXFORD,

A.D. 1270;

WITH THE

SUBSEQUENT ORDINANCES

OF

ARCHBISHOPS PECKHAM, CHICHELY, AND LAUD,

FROM THE LATIN.

EDITED BY

EDWARD FRANCE PERCIVAL, M.A.,

OF BRASENOSE COLLEGE, OXFORD.



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INTRODUCTION.

In the annals of the University of Oxford there is no college whose early history affords so much to repay attentive consideration and study as that of Merton. Before the date of its foundation the scholars who attended the lectures of the various learned masters established in Oxford, were either inmates of some monastery or were located in the various hostels or lodging-houses of the city. In the House of Merton we first recognise a permanently endowed foundation for the maintenance and education of scholars unconnected with the monastic orders resident in the university.* By the formation of this and other similarly endowed institutions great assistance was rendered to students; and the state of education and literature was at the same time materially improved in this country, as will be more evident if we take a rapid glance over the early periods of our university history.

There are few authentic records of the University before the middle of the twelfth century, when Vacarius, a professor of civil law at the university of Bologna, established a school in Oxford which soon became very popular. At a time when Rome was the source from whence alone

* About thirty years before the foundation of Merton College, Allen Basset gave 200 marks to the university committed to the prior and convent of Bioester, for the perpetual exhibition of two scholars for persons who should study in Oxford, or in whatever part of England the university should be located. It will be observed that this exhibition is not vested in the university, but in the monastery.

ecclesiastical wealth and dignities were to be looked for, both clerks and laymen saw that proficiency in her jurisprudence was a sure road to preferment. The advance of the study of the Roman law was however violently opposed by the great body of the clergy, and they persuaded King Stephen to prohibit its inculcation by public edict, "fearing that through the following of the civil laws, the study of divinity and the liberal arts would be neglected." These fears were by no means groundless; but the true cause for their apprehension must be looked for in the far-spreading influence of Rome itself, whose encroachments and interference the English clergy ever regarded with a jealous eye. Roger Bacon, writing early in the next century, remarks that "if clerks ought in any wise to use the laws of the country, then is it less inconvenient that the clerks of England use the laws of England, and the clerks of France the laws of France."* The royal edict did not, however, continue long in force; and the study of the laws began soon to rival that of school divinity in public favour. The cause of this popularity, and at the same time the evil consequences to which it gave rise, may be gathered from the language of all contemporary authors, who inveigh bitterly against a science in which "men who had but conquered the rudiments of grammar, and knew how to pronounce and accent words," could rise to eminence, "while those who had spent many years in arts, and had thereupon gained great respect, were now with their doctrine neglected by upstarts." And we cannot wonder that the young student should eagerly exchange the severe and tedious exercises of the schools of divinity and metaphysics for a science whose principles required comparatively so little attention that a very few years' study was sufficient to qualify him for lucrative practice.

At such a period it cannot be expected that the schools of Oxford, though gradually rising into eminence, should send

* In *Opere Minore*, cap. iv.