

**THE
CHRONICLES
OF
ENGUERRAND DE
MONSTRELET**

Vol. 2

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FOOTNOTES:

HERE BEGINNETH
THE SECOND VOLUME
OF THE
CHRONICLES
OF
ENGUERRAND DE MONSTRELET.

CHAP. I.

THE CONCLUSION OF THE DUCHESS OF ORLEANS' ADVOCATE AGAINST THE DUKE OF BURGUNDY, AND THE REPLY FROM THE CHANCELLOR.

THE chancellor of France, in the king's name, ordered the duchess's advocate, master William Cousinot, to draw up such conclusions as should be satisfactory to the duchess and her son, the duke of Orleans. The advocate, after many excuses, began by showing how pitiable their state was, and took for his theme part of the 7th chapter of the gospel of St Luke, 'Hæc vidua erat quam cum vidisset Dominus misericordia motus est super eam.'

'Most noble prince, when our Lord entered a city called Nain, he met the corpse of a young man, which his friends were carrying to the grave; and when he noticed that the mother of the young man was a widow, he was on this account moved with compassion toward her, and restored her son to life. I may most truly apply these words to my lady of Orleans, for she is a widow who bewails the death of her lord and husband, and our lord will have compassion on her; for the king is our lord, in respect of terrestrial jurisdiction; and not only the king, but thou, lord of Aquitaine, and all other princes of this world having territorial powers, seeing my lady of Orleans thus disconsolate, ought to feel compassion for her, and give her aid and support in procuring strict justice to be done for the cruel death of her husband.

‘In every case, and at all times, full justice should be administered to all; for, according to the words of the Psalmist, it is a good and meritorious act,—‘*Beati qui custodiunt iudicium et faciunt iustitiam in omni tempore.*’ Psalm cv.

‘But justice should always be more rigorously observed in regard to widows and orphans, who have been deprived of their fathers or husbands, than in any other case; for the divine, canon and civil laws urge the necessity of succouring the widow and orphan. We have the first instance of this in the 22d chapter of Jeremiah,—‘*Facite iudicium et iustitiam, et liberate vi oppressum de manu calumniatoris, pupillum et viduam,*’ &c.

‘In regard to the canon law, the decrees declare, that it is very proper for kings to do justice and execute judgment, and deliver from the hands of the oppressors widows and orphans who are injuriously used by them.

‘As for the civil law, it is very clear, that widows and orphans are particularly privileged in many cases, as may be seen in different law writings.

‘My lady of Orleans has lost her husband: her children have lost their father, certainly one of the handsomest and most accomplished princes in Christendom. But let us see how they have lost him: had he been taken from them by a natural death, their case would not have been so much to be pitied; but he is cut off violently in the flower of his youth. In truth, this is such an outrage that every law and customary proceeding should bend in their favour against the malignant author of the deed.

‘In the first place, our king and sovereign lord is bounden particularly by the commands of God, to whom he cannot be

disobedient without sinning, to execute judgment, according to the words of Jeremiah in the chapter before mentioned,—‘In memetipso juravi, dicit Dominus, quia in solitudine erit domus vestra.’ And this is conformable to the reply made by St Remy to king Clovis when he baptised him. The king asked him how long the kingdom of France would endure. The saint answered, that it would last so long as justice should reign there. The converse of which is, that when justice shall cease to be administered, the kingdom will fall. To the king therefore may be applied what is written in the canon law, ‘Quod justitia est illud quod suum firmat imperium.’

‘O, duke of Aquitaine! thou art he who, after the king, art bound to do justice according to the words of the Psalmist, ‘Deus judicium tuum regi da et justitiam tuam filio regis.’ Thou art the eldest son to the king, to whom, by the grace of God, thou wilt succeed, and be our lord: attend to our case for the love of God, for to thee more particularly does it belong; and if thou dost not lay thy hand on it, when thou shalt come to reign, thou mayest find thy kingdom desolate and destroyed,—for each will in his turn seize parts of it, and be the master, should this atrocious crime remain unpunished.

‘Ye also, my lords, princes, dukes and counts of the royal blood, relations of the late duke, and ye other nobles, who have an affection for the king’s crown and honour, what ought to be your conduct on this occasion? Why, certainly, if the king will not interfere in this matter, ye ought to take up the business and execute judgment; for ye are bound by oath to guard and defend the king’s honour against all who may infringe upon it. This ye have done in former times, through God’s grace, and for which this kingdom has gained greater glory than any other realm in

Christendom: insomuch that the English, the Germans, and other foreigners, have come hither to seek for justice.

‘My lords, for the love of God, let your loyalty burst forth, according to your oaths, in behalf of my lady of Orleans, as she has the fullest confidence it will; for, after God and the king, you are her only refuge. Let no one fear to do justice, from the scandal or persecution that may ensue, for it is a maxim of law, ‘*Utilius est scandalum nasci ac permitti, quam ut veritas relinquatur,*’—although it were certain the doing justice in this case would cause much grievous persecution to ensue. Yet for all this justice should not be neglected; for in that case you would be indeed reproachable, if, through fear of the offender, you shall not dare to decree justice. On no occasion should justice be neglected: therefore, my lords, act according to what the prophet says, ‘*Viriliter agite, et confortetur cor vestrum et sustinete Dominum.*’

‘In truth, if ye do not act with courage, for one inconvenience that may happen, by executing judgment, one hundred would ensue from default of justice. Therefore, my lords, do not hesitate to do justice to my lady of Orleans and her children from any dread of inconveniences that may happen, but follow the dictates of our Lord,—‘*Judicare pupillo et humili ut non apponat magnificare se homo super terram.*’ Let the punishment be so exemplary that none other may henceforth commit so great or so disgraceful a crime, and that it may be held in perpetual memory and abhorrence. This is the object of my lady of Orleans and her children, namely, that the crime may be atoned for as heavily as possible in this world. In order that this atonement may be made, my lady of Orleans and her children would willingly take the legal steps for the infliction of capital punishment, if this could regularly be done; but as these steps, according to the customary usage of France,

belong to the king's attorney-general alone, they propose that the offender shall be punished in manner following,—that is to say, by sentence of the king and of the court, be it ordered that our adversary, the duke of Burgundy, be brought to the castle of the Louvre, or elsewhere, according to the king's pleasure and that of my clients, and there, in the presence of the king, of my lord of Aquitaine, and the other princes of the blood, as well as of the council and people, the duke of Burgundy, without hood or girdle, shall, on his knees, publicly confess, with a loud voice, before my lady of Orleans, her children, and as many other persons as she may please, that maliciously and treacherously he has had my lord of Orleans assassinated, through hatred, envy and ambition, and for no other cause, notwithstanding all the charges made against him, and other imputations thrown on his character, to justify and exculpate himself from so base a deed; and shall demand pardon from my lady of Orleans and her children, most humbly supplicating them to forgive his offences, declaring that he knows of nothing prejudicial to the honour and reputation of the said duke of Orleans deceased, and recals all he may have said or published to the contrary.

‘In this state he shall be carried to the court of the palace, and to the hôtel de Saint Pol, the residence of the king, and to the spot where the murder was committed, and there, on high stages erected for the purpose, he shall repeat the above words before such commissioners as my lady of Orleans and her son may please to appoint. He shall remain on his knees, at the last place, until priests nominated for the purpose shall have recited the seven penitential psalms, said the litany, and the other parts of the burial service, for the soul of the deceased, after which he shall kiss the earth, and ask

pardon of God, of my lady of Orleans, and of her children, for the offences he has committed against them.

‘The manner and form of this recantation, and begging pardon, shall be written out, and copies sent to all the different towns in the kingdom with orders for the magistrates to have them proclaimed by sound of trumpet, that it may be notorious to all within and without the realm.

‘And as additional reparations for such offences, and that they may remain in perpetual remembrance, all the houses belonging to the duke of Burgundy in Paris shall be razed to the ground, and remain in ruins for ever. On the places where any of his houses shall have stood, there shall be erected handsome crosses of stone, having large and strong tablets, on which shall be written a full account of the murder of my late lord, the duke of Orleans, and the cause of these houses being destroyed.

‘On the spot where my late lord was murdered shall be erected a similar cross; and the house wherein the murderers hid themselves shall be pulled down. This spot, and the adjoining houses, the duke of Burgundy shall be forced to purchase, and to build thereon a handsome college for six canons, six vicars, and six chaplains, whose nominations shall remain with my lady of Orleans and her heirs. In this college six masses shall be said every day for the soul of the deceased duke of Orleans, and high mass at the usual time of canonical hours. For the support of this college there shall be a mortmain rent of one thousand livres parisis; and the whole shall be well furnished with dresses, books, chalices, ornaments, and all other necessaries, at the sole expense of the duke of Burgundy; and over the entrance shall be written in large letters the cause of its foundation.

‘The duke of Burgundy shall, beside, be constrained to found a college for the salvation of the soul of the deceased, in the town of Orleans, consisting of twelve canons, twelve vicars, and twelve clerks, which college shall bear the name of the defunct; and the nominations to it shall belong to my lady of Orleans, and to the heirs of the late duke of Orleans. It shall be situated in whatever part of the late duke’s possessions in Orleans the duchess shall please, and shall be handsomely constructed, furnished with books and all other necessaries, with an income of two thousand livres paris; and a similar inscription to the one before mentioned shall be placed over the gate.

‘For the greater perpetuity of this event, and that it may be made known to all foreign nations, the duke of Burgundy shall be enjoined to erect two chapels; the one near the holy sepulchre at Jerusalem, and the other at Rome, and assign to each the annual value of one hundred livres in the coin of those countries, and to provide them with all necessary furniture. In each of these chapels shall a daily mass be said for the soul of the deceased, and over the doors shall be placed the same inscriptions as over the colleges.

‘The duke of Burgundy shall also be constrained to pay the sum of one million in gold, not to the profit of my lady of Orleans or her children, but to found and endow hospitals and monasteries, and to distribute in alms and other works of piety for the salvation of the soul of the defunct.

‘That this sentence may be carried into due effect, all the lands which the duke of Burgundy possesses in this kingdom shall be placed in the hands of the king, that they may be sold for the accomplishment of the above works. The duke of Burgundy shall also be condemned to close imprisonment in whatever place it may

please the king, until the above sentence be carried into execution. After which, he shall be banished for ever beyond sea, or at least for the space of twenty years, to bewail and repent of his crime, or until it shall be thought he may have sufficiently done it. On his return, he shall be ordered, under severe penalties, never to approach within one hundred leagues of the queen or the children of the late duke of Orleans, without being condemned to such heavy damages, and other penalties suited to the enormity of the case, as shall be held in perpetual remembrance. He shall also be condemned to pay whatever costs my lady of Orleans and her children may have occurred on this present occasion.

‘I say, therefore, that such ought to be the judgment given for them, and without delay, considering the notoriety and enormity of the offence of our adversary; for it is publicly known, that the duke of Burgundy has confessed himself guilty of it. He first made a confession of his guilt to my lord of Berry and to the king of Sicily, giving no reason for it but that he was urged on by the devil: he then did the same before several noblemen. This ought therefore to weigh against him, and convict him of the crime, without further trial: nor ought you to suffer any sort of colouring to be admitted in palliation of his guilt. He ought not to be heard otherwise than he has been, for he varied not in his confessions to the different persons; and pope Innocent approves of this, in his chapter on Free Will, and Guillelmus de Montleon, in his chapter on Clerical Constitutions. Pope Nicholas held king Lothaire, in like manner, convicted to his prejudice in a certain case, about which he had written to the pope, as appears in the above chapter. This confession of king Lothaire had been made in a letter, previously to any trial. The duke of Burgundy, therefore, ought to be condemned from this public confession of his crime in the

presence of different persons. He has beside made a similar confession when he appeared publicly before thee, lord of Aquitaine, when thou didst sit in judgment representing the person of the king, and before the princes of the blood and all the council of state. He cannot, therefore, deny his having made such confession before competent judges. It follows then, that no further trial is necessary, but that sentence should immediately be passed; for confession of guilt should be judged the fullest evidence.

‘The law says, ‘*In confitentem nullæ sunt partes judicantis.*’ And supposing, that according to some, a sentence is requisite, at least it is certain that no trial or examination of the cause is necessary, since this present case is extremely notorious. So has it formerly been determined by the sentence and judgment of the kings in times past, against several great lords of their day,—to wit, that when the facts were notorious, no other process or inquisition was required. And so shall it be determined, by the grace of God, in the present case,—for so reason demands.

‘Should it, however, be thought necessary to go into another trial, which, from all I have said, I cannot suppose, my lady of Orleans is ready prepared to bring forward the fullest proof of what I have advanced, and such as must convince all reasonable persons. But as my lady can now only offer civil conclusions, and would willingly propose criminal ones, but that it belongs to the king’s attorney-general according to the usage in France,—my lady, therefore, most earnestly supplicates the king’s attorney to join with her, and propose such sentence as the law in this case requires.’

These were the conclusions of my lady of Orleans and her sons,— after which, the council of the princes of the blood, and others of the king's council, with the approbation of the duke of Aquitaine, made the chancellor reply to the duchess of Orleans, that the duke of Aquitaine, as lieutenant for the king, and representing his person, and the princes of the blood-royal were well satisfied with her conduct respecting her late lord the duke of Orleans: that they held him perfectly exculpated from all the charges that had been brought against him; and that, in regard to her requests, speedy and good justice should be done her, so that she should be reasonably contented therewith.

A few days after, the young duke of Orleans, Charles, did homage for the duchy of Orleans, and all his other possessions, to his uncle Charles king of France: then, taking leave of the queen and dauphin, and the princes of the blood who were in Paris, he departed with his men at arms for Blois, whence he had come. The duchess-dowager of Orleans remained in Paris.

CHAP. II.

GUYE DE ROVE, ARCHBISHOP OF RHEIMS, APPEALS FROM THE CONSTITUTIONS DRAWN UP BY THE UNIVERSITY OF PARIS, WHICH ANGERS THAT BODY, AND THEY IMPRISON HIS COMMISSARY.

AT this period, Guy de Roye⁴, archbishop of Rheims, who had been summoned specially by the king to attend the meeting of the prelates at Paris, assembled to consider on the means of uniting the whole church, neither came himself nor sent any one in his behalf. He refused to agree to the decisions of this council, and sent a chaplain as his commissary, with letters signed with his name and seal, to confirm his opposition to all the statutes they had drawn up, as well for himself and his diocese as for all his subjects within the province.

The king and the clergy were much displeased at this conduct; and the university of Paris requested that the commissary should be confined in close imprisonment, where he remained for a long time.

The cardinal of Bordeaux came at this time to Paris, partly for the union of the church; and then also returned thither master Peter Paoul, and the patriarch of Alexandria, named master Symon Cramant, who had been sent by the king of France and the university of Paris, as ambassadors to the two rival popes.

The assembled prelates were very anxious for their arrival, that they might be better acquainted with the business they had to manage, and on what grounds they should proceed. Master Peter

Paoul frequently rode through the streets of Paris in his doctor's dress, accompanied by the cardinal riding on one side of his horse as women do. In the presence of this cardinal and doctor, the abbot of Caudebec, of the order of Cistercians, and doctor in theology, proposed, on the part of the university, an union of the church. The abbot of St Denis, with other doctors in theology, declared for an union of the universal church; and, shortly after, the cardinal departed from Paris for Boulogne, and thence went to Calais.

The abbot of St Denis and another doctor of theology, who had been, by the king's orders, confined in the prison of the Louvre, were released, at the request of the cardinal de Bar, and set at liberty, contrary to the will of the university of Paris. In like manner did the bishop of Cambray, master Peter d'Ailly, an excellent doctor of theology, gain his liberty. He had been confined at the instance of the university, because he was not favourable to their sentiments, and was delivered at the entreaties of count Waleran de St Pol, and the great council of the king. All Christendom was now divided in religious opinions, as to the head of the church, by the contentions of the two rival popes, who could not be brought to agree on the means to put an end to this disgraceful schism.

CHAP. III.

THE DUKE OF BURGUNDY ASSEMBLES A LARGE BODY OF MEN AT ARMS TO SUCCOUR JOHN OF BAVARIA AGAINST THE LIEGEOIS, AND COMBATS THEM.

ABOUT this time, John duke of Burgundy was busily employed in collecting a body of men at arms to aid his brother-in-law, the bishop of Liege, whom, as has been said, the Liegeois had driven out of their country, and besieged in the town of Maestricht. He sent for succour among his friends and allies, namely, to Burgundy, Flanders, Artois, and the borders of Picardy, whence came very many, and several from Savoy.

The earl of Mar, also, a Scotsman, then at Bruges, with about four score combatants, ready to embark for Scotland, advanced into the Tournesis, whither the duke came, and had a conference with their principal captains in the town of Tournay.

On the eleventh day of September, he marched thence with a numerous body of men at arms, and a great train of artillery and baggage-waggons to Enghien, where he was gladly received by the lord of the place. On the morrow, he advanced to Nivelles in Brabant, within a league of Salmes. He marched next to Flourines, where he met sir Richard Daulphin, sir William de Tignonville, lately provost of Paris, and master William Bouratier, one of the king's secretaries, ambassadors to him from the king of France. Having obtained an audience, they said they had been sent to him from the king and the great council on two objects; first, to know whether the Liegeois and their bishop were willing to submit their

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