

Leeds Studies in English

Article:

Bruce Dickins, 'The Owl and the Nightingale 1195-8 and the S. William Window in York Minster', *Leeds Studies in English*, 5 (1936), 68-70

Permanent URL:

https://ludos.leeds.ac.uk:443/R/-?func=dbin-jump-full&object_id=134423&silos_library=GEN01



Leeds Studies in English
School of English
University of Leeds
<http://www.leeds.ac.uk/lse>

THE OWL AND THE NIGHTINGALE 1195-8 AND THE
S. WILLIAM WINDOW IN YORK MINSTER.

The first of the three long-promised editions of "The Owl and the Nightingale" appeared last year—Professor J. H. G. Grattan's diplomatic print of the Cotton and Jesus manuscripts (Early English Text Society 1935). Professor Grattan has added a good deal to the textual criticism of the poem and something to its interpretation, but neither he nor any other editor has brought out the precise sense of *bataile inume* at v. 1197. The passage runs

Ich wot hwo schal beon & honge (J. an honge).

Oþer elles fulne deþ a fonge

3ef men habbeþ bataile inume.

Ich wat hwaþer schal beon ouer come.

The use of the singular *hwaþer schal*, together with the strong legal flavour of the poem, suggests that *bataile inume* (cf. Old French *bataile prendre*, as in *Fouke Fitz Warin*, ed. L. Brandin, pp. 76-7) is a technical expression meaning 'undertaken to fight a judicial combat.' There are excellent parallels in the Middle English romance of "Amis and Amiloun": 970 *the batail . . . fong*, 1255 *bataile vnderfong*, 1112 *take bataile*, 865 *take the fight*, rhyming with a *fourtennight* (all from Henry Weber's edition of the Auchinleck text¹ in Vol. ii of *Metrical Romances*). Vv. 1197-8 should be taken in close conjunction with the two preceding; the accused party in a judicial combat was liable, if defeated, to suffer death (by hanging, as in the case of Hamon le Stare, for which see the frontispiece to Vol. i of the Selden Society's publications), or at the least mutilation. The other legal terms used in the poem are of Old English or Old Norse origin, but the judicial combat is probably a post-Conquest innovation—no very happy juristic reform—and the use of the French *bataile* offers no difficulty.

¹ Weber represents the 3 and þ of the MS. by gh and th.

JUDICIAL COMBAT FROM PANEL 53 OF THE S. WILLIAM WINDOW
IN THE NORTH CHOIR-AISLE OF YORK MINSTER.



J. W. KNOWLES.

Ralph and Besing, barefooted and with closely-cropped bare heads, fight in the lists, armed with the prescribed weapons, picks with horn-shaped heads (*fustes cornuti*—*bastouns cornuz*—the *hornyd battis* of John Blount's translation of Nicholas Upton *De Re Militari*) and shields (quadrangular and having a hollow hand-boss in the centre, as in the Selden Society reproduction from an undated fragment of an Assize Roll of the reign of Henry III).

(To face LSE. v, 68).



I should render the passage:—

‘I know if anyone is doomed to be hanged or to meet an ignominious death in some other way; if men have undertaken to fight a judicial combat I know which of the two is doomed to defeat.’

The judicial combat has often been discussed, as, for example, by H. C. Lea in *Wager of Battle* and George Neilson in *Trial by Combat*—most recently by F. C. Hamil in an excellent paper, with an abundance of references, entitled “The King’s Approvers” (*Speculum* xi, 238-258). Hamil does not however cite one of the most interesting cases, that found in the *Miracula S. Willelmi*, c. 37, copied by Roger Dodsworth from a triptych (now lost) in the revestry of York Minster:

Vir quidam, Radulphus nomine, appellatus de pace domini regis fracta, victus in duello, et ab adversario suo, Besing nomine, fuit exoculatus uno oculo; alio oculo fuit exoculatus postmodum quia victus fuerat. Traditus fuit executori justitiæ qui alium oculum extraxit, et quidam garcio, nomine Hugo, ambos oculos extractos recollegit, et portavit in manu sua; et aliquot diebus elapsis, idem Radulphus, accedens ad tumbam Beati Willelmi, factis jejuniis et orationibus, recuperavit duos alios oculos minores prioribus, et visum clarum et acutum, sed priores oculos habuit alterius coloris, scilicet vitro similes.

(Edited by James Raine in the Rolls Series *Historians of the Church of York and its Archbishops* ii, 539).

Five scenes from this miracle are depicted in the fine early fifteenth-century S. William widow in the North Choir-Aisle of York Minster, for which see James Fowler’s paper in *The Yorkshire Archæological Journal* iii, 264ff, supplemented and corrected by J. A. Knowles in *Proceedings of the Yorkshire Architectural and York Archæological Society* I, ii, 39 f. The first, panel (Fowler-Knowles 52) represents Ralph and Besing, with cropped, if not shaven, heads and closely-fitting garments, kneeling before the justice and taking oaths on the book. The second (Fowler-Knowles 53) shows the bareheaded and bare-footed duellists fighting in the lists with horn-shaped picks and

quadrangular shields. In the third (Fowler-Knowles 54) they are grovelling in the lists and Besing has gouged out Ralph's right eye. In the fourth (Fowler-Knowles 55) Ralph (now completely blind) prays at S. William's shrine for the restoration of his eyes, and in the fifth (Fowler-Knowles 51) Ralph, through the merits of S. William, receives new and quite efficient, but smaller, eyes.

These York panels seem to have escaped the notice of writers on the subject, even of Round.² They are however by far the most interesting series of illustrations of the judicial combat, and, by the great generosity of Mr. J. A. Knowles, who is both scholar³ and craftsman, I am enabled to give a half-tone reproduction of the second panel. The whole series would repay further investigation.

BRUCE DICKINS.

POSTSCRIPT.

Miss Dorothy Whitelock of St. Hilda's College, who has very kindly checked Raine's print against his source (Bodleian MS. Dodsworth 125, f. 139), notes that Dodsworth actually reads *Justitie* in l. 4, *ieiuniis* in l. 8, and *alterioris* in l. 10, and that his only punctuation is a comma after *uno oculo* (l. 3).

² J. H. Round, *Family Origins* (London, 1930), pp. 117ff.

³ See particularly his fine book on *The York School of Glass-Painting* (London, 1936).