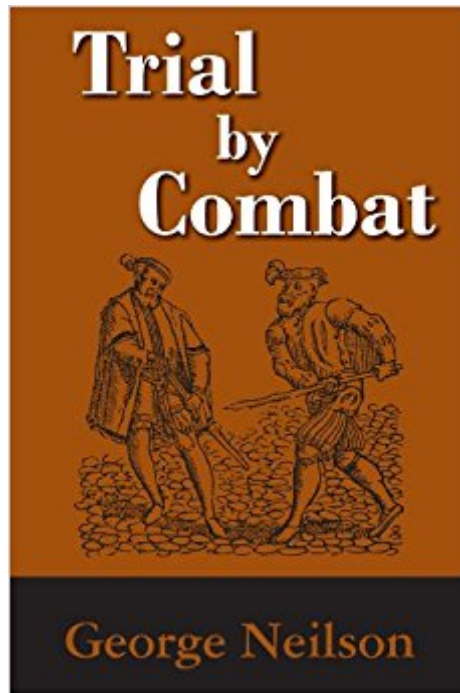




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# Trial By Combat



## Synopsis

"All the authorities on the subject, I believe, are collected in this excellent book." Sir Frederick Pollock, *The Genius of the Common Law* Although it is not known exactly when trial by combat, battle, or duel began as a method of conflict resolution, its origin certainly goes back before the feudal era. Neilson focuses on Britain and Scotland and traces this tradition from before the Middle Ages to the Appeal of Murder Act of 1819. CONTENTS PART I. PRELIMINARY: EUROPE 1. Before the Middle Ages 2. King Gundobald, A.D. 501 3. Mode of Battle 4. Among the Norsemen 5. The Church 6. Decadence and Extinction PART II. ORIGIN IN BRITAIN 7. A Question Stated 8. Norse Evidence 9. English and Scotch Evidence 10. The Question Answered PART III. ENGLAND, 1066-1300: LAW 11. Legal Outline 12. Sketch of Procedure 13. The Duel in Finance 14. The Approver 15. The Champion 16. Some Churchmen's Champions 17. Another Champion's Contract 18. Three Early Duels, A.D. 1096-1163 19. A Hibernian Hero 20. Charters and Charter Stories 21. An Incident, A.D. 1267 22. Reactionary Signs 23. Review and Prospect PART IV. SCOTLAND TILL 1300: LAW 24. In Early Scotland 25. Under David the First 26. Under William the Lion 27. Writ of Right 28. The Battle 29. An Argument 30. Exemptions from Duel 31. Regiam Majestatem 32. In the Regiam 33. Crime in the Regiam 34. Under Alexander II and after 35. The Duel Described 36. March Law 37. 'The Lawis of Merchis,' A.D. 1249 38. Recorded Duels from 1155 39. A Great Trial, A.D. 1242 40. Merse and Kyle, A.D. 1264-66. 41. Baron Courts of the Bruces, A.D. 1292 42. By 1300 PART V. ENGLAND, 1300-1603: LAW AND CHIVALRY Section First - THE DUEL OF LAW 43. Continued Decline after 1300 4. The Prior of Tynemouth's Champion 45. Magic, A.D. 1355 46. The Last Approver's Duel, A.D. 1456 47. An Elizabethan Scene, A.D. 1571 Section Second-THE DUEL OF CHIVALRY 48. A French Edict, A.D. 1306 49. The Rise of Chivalry 50. Precedents, A.D. 1350-52 51. Transmarine Treason, A.D. 1380-84 52. The Court of Chivalry 53. In Chaucer 54. A Contrast and Conclusion 55. Richard II 56. A Royal Jest, A.D. 1399 57. Some Treason-Duels 58. The end of Chivalry 59. A Summary with an Exception PART VI. SCOTLAND, 1300-1603: CHIVALRY 60. Before Bannockburn 61. Before Halidon Hill 62. The Law and Custom in 1354 63. Three half-told Stories, 1362-95 64. Border Duels till 1396 65. 'Vegetius' in Scotland 66. 'The Maner of Battale' 67. International Tilting 68. A New Conclusion 69. Precedents for the Inch of Perth 70. Preliminaries - Inch of Perth 71. The Inch of Perth, A.D. 1396 72. Facts and Suppositions, 1398-1412 73. On 'The Order of Combats' 74. 'The Order of Combats' 75. The Scottish Court of Chivalry 76. Stray Duels, A.D. 1426-56 77 In Parliament and Burgh Court 78. Note on the Passing of Chivalry 79. Pitscottie's Dutchman, A.D. 1500 80. John Major's Homily 81. Under James V 82. Rise of Private Duels 83. An Interlude, A. D. 1549. 84. Two Historic Cartels 85. The last Trial by

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