Fun with Grammar:
Richard Zouche's 'Upon the Burning of a School'

The most famous lawyer in seventeenth-century Oxford was probably Richard Zouche (1590-1661). As the antiquary Anthony Wood wrote, Zouche was:

> … an exact artist, a subtile logician, expert historian, and for the knowledge in, and practice of, the civil law, the chief person of his time; as his works, much esteemed beyond the seas (where several of them are reprinted), partly testify. He was so well vers'd also in the statutes of the university, and controversies between the members thereof and the city, that none after Twyne's [i.e. Brian Twyne, fellow of Corpus and first Keeper of the University Archives] death went beyond him.[1]

Zouche was a fellow of New College, having been elected a scholar of Winchester College in 1601, going on to New College in 1607 and confirmed in 1609, as was customary, as a full fellow. He took the BCL in 1614 and the DCL 1619, in which year he was also admitted as an advocate of the Court of Arches, the civilian court in London. In January 1618 he had been admitted, somewhat early, to Doctors' Commons, the body founded in 1567 to train up DCLs in the actual practice of civilian law in the ecclesiastical and admiralty courts, something the academic doctorate did not in itself provide.

Zouche also achieved political prominence in Oxford University, becoming with Warden Pincke of New College, Bodley's Librarian Thomas James, also of New College (but later replaced by Peter Turner of Merton), and Twyne himself, one of the four men chosen in 1629 to draw up the Laudian code for the university. The main burden of this work fell on Zouche and Pincke, and we are therefore justified in seeing Zouche as one of the major architects of Laudian Oxford. In 1620 Zouche succeeded his late teacher John Budden as regius professor of civil law; Budden, of Gloucester Hall, had himself succeeded the Italian legal theorist Alberico Gentili in 1611. In early 1658 Zouche stood as a candidate for Keeper of the Archives in place of the recently deceased Gerard Langbaine, but in a distinctly shady process he was defeated by John Wallis, the Savilian Professor of Geometry, who should by the terms of his chair have been debarred from the election. Despite his prominent Royalist credentials, Zouche managed to survive the Parliamentary take-over of the university, holding on to his chair until his own death in 1661, and publishing throughout his career a run of celebrated textbooks on all aspects of the civil law. Zouche evidently presented the college with some books too, probably upon his departure, as his presentation inscription can be observed on the large three-volume 1488 Venice edition of Berthacinus's legal *Repertorium*. It is not entered into the Benefactors Book as a donation, but the third volume bears after its colophon 'Ex Dono D^ris Zouch Hujus Coll. quondam Socii.'[2] Slightly later, Zouche's own *Jurisdiction of the Admiralty of England* (London, 1663) was given to the library by Roger Sharrock, a fellow who published on plant sciences and who also served as the college *bibliothecarius* in the Restoration.[3]

Zouche was as a young man something of a literary writer too, an aspect of his career all but forgotten today. In 1613 he published a little geographical poem called *The Dove*, not perhaps a hugely distinguished venture, but one that was read quite widely, and quoted appreciatively in the major geography textbook of seventeenth-century Oxford, the *Microcosmus* of Peter Heylyn of Magdalen College. Zouche's most interesting literary work, however, was certainly his play *The Sophister*, which also exists in a variant manuscript text

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[1] Wood, *Athenae Oxonienses*, vol. 3, col. 511.
[2] New College BT 1.94-3-5.
[3] BT 3.175.11; Benefactors Book, p. 116.

entitled *Fallacy*, an academic allegory in which all the characters are named after various pieces of logic and rhetoric. This was only published in 1639 by the well-known London literary publisher Humphrey Moseley. It was presented as an anonymous play, but there is good circumstantial evidence that the play is his, and the internal evidence certainly points to a young Oxford civil lawyer too. We have no record that the play was performed, but it must have been written when Zouche was at New College, and as such it is our only fully surviving candidate for a New College play from the age of Shakespeare. (The New College *Captives*, an English adaptation of the Plautus play of that name, is the only contender, but that text, discovered lying on the floor in the Archives of the college at sometime late last century and only recently published, is alas incomplete.)[4]

There survives a third text almost certainly by Zouche, and this is the poem I present below. (Because of its thematic similarity to Zouche's play, it also supports Zouche's authorship of that.) 'Upon the Burning of a School', surviving in at least twenty manuscript copies and also printed a number of times in the seventeenth century, is unattributed in most texts, although ascribed to 'T. R.' in *Wit and Drollery* (1656) and again in *Oxford Drollery* (1671). This has formerly been assumed to be the poet and wit Thomas Randolph, a perfectly plausible ascription. But the scribal text in Bodleian, MS Malone 21 is clearly marked as being by 'Dr Zouch', and this cannot derive from the 1635 or 1636 printed texts, the first two such, where the poem is unattributed. It must therefore derive from the manuscript tradition, and the poem's similarity to Zouche's *Sophister* in both subject and style makes the ascription to Zouche rather than Randolph the best conjecture. Moreover, the poem does not appear in any of the contemporary collections of Randolph's poetry.

'Upon the Burning of a School' is a poem squarely in the comic *bellum grammaticale* or 'grammar war' tradition, as acknowledged by its first printing as an appendix to the 1635 English translation of the Italian writer Andrea Guarna's work of that title. But what in Guarna was the result of war is here the effect of a fire in a school. The result, however, is similar: mock-aetiology of grammatical irregularity. The work is also distinctly English, for its jokes derive almost entirely from the government-stipulated textbook, Lily's Grammar, as the notes below show. The jokes, in short, all rely on shared student memories of grammar school days. The poem therefore recalls a more basic stage of education than that dramatized by its author's *Fallacy*/*The Sophister*, a play in which the dramatis personae are all named after, and act according to, certain logical or rhetorical categories – 'Fallacy', 'Ambiguity', 'Contradiction', and so forth.

Different texts of 'Upon the Burning of a School' employ different titles, most notably in the matter of where the school was. 'Bartley School' or 'Bridley School' in the West Riding is one; 'Castlethorpe' School also in Yorkshire is another; the free school in Sussex is a third; 'Sandbich Pettie Schoole' (presumably Sandbach in Cheshire) a fourth. Christopher Wase's transcript from a printed text claims the school is in the parish of St Bottolph, i.e. in London. The *Victoria County History* for Yorkshire recognises no Bartley School, either grammar or elementary. There was a *Castleford* school, however, est. 1571, but no fire is mentioned (*VCH (Yorkshire)*, 1.500). (Perhaps Castlethorpe near Milton Keynes is where is meant?) There was also a well-known grammar school in Lewis (*VCH Sussex*, 2.424), which the diarist and natural philosopher John Evelyn attended, but again no fire is mentioned. I have no idea whether there was a fire in Sandbach involving the school; but the town was at least famous for its beer in this period. What this all suggests is that the poem, written by Zouche in Oxford and quickly circulating throughout the country, was in time attached to several regional schools by local copyists, who no doubt enjoyed lending the

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[4] *The Captives*: Three Fragments of an Early Seventeenth-Century Theatrical Adaptation of Plautus' *Captivi*', Malone Society *Collections XVI* (Manchester: MUP for the Malone Society, 2011).

poem some assumed local colour. I doubt if Zouche had any actual school in mind: New College's own school in the period appears to have been convened in the space between the west end of the chapel and the east range of the cloister; as a young boy Anthony Wood attended it. It is now the SCR bike shed.

<div align="right">
William Poole
Fellow Librarian
</div>

There are at least eighteen MS copies extant, of which four are in the Bodleian. Here is the poem in modernised and then in its original form, as it stands in Bodleian, MS Malone 21. I have collated the Malone text against two other Bodleian texts and recorded the variants in footnotes.

Upon the Burning of a School

What heat of learning kindled your desire,
Ye muses' sons, to set your house on fire?
What love of learning in your breasts did burn,
Those sparks of virtue into flames to turn,
Or was't some higher cause? Were the hot gods
Venus and Vulcan, old friends, now at odds?
If that they be so, then never let the dolt
Be praised for making arms or thunder bolt.
Let poets' pens paint only his disgrace,
His clubby[5] foot, horned brow, and sooty face.
What e're was cause, sure ill was the event
Which justly all the Muses may lament.
But above all for name's sakes Polyhymny[6]
Bewail the downfall of the learned chimney.
There might you see where without speech or sense
Lay the sad ashes of an accident.
What number then of nouns to wrack did go,
As 'Domus', 'Liber' and a great sort moe:[7]
A woeful case! No case the flame did spare,
Each gender in this loss had common share.
There might you see the rueful declinations,
The fifteen pronouns and four conjugations,[8]
Some gerunds 'Di' and 'Do' were overcome,
Th'other with heat and smoke was quite struck dumb.[9]
Supines lay gasping upwards, void of senses;
The moods grew mad to see imperfect tenses.

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[5] The text reads 'cubby', a slip for 'clubby', a variant found in text B1, as below.

[6] The muse of sacred poetry.

[7] Because *domus* is by signification neuter but feminine by use; and *liber* is neuter by signification but masculine by use (Lily's examples).

[8] Lily states that there are fifteen pronouns, as well as the four conjugations of the Latin verb.

[9] The three gerunds end in -di, -do, -dum, hence the rhyme. Compare Porson's famous riposte to the challenge to rhyme on the three gerunds: 'When Dido found Aeneas would not come, / She mourned in silence, and was Dido dumb.'

Adverbs of place were thrown down lofty stories,
As 'ubi', 'ibi', 'illic', 'intus', 'foris',
Conjunctions so disjoined as you would wonder
No coupling there but it was burnt asunder.
The prepositions knew not where to be,
The interjections cried 'hei', woe is me!
For the due joining of which words again
A neighbour called *Qui mihi*[10] came amain,
Else sure the fire had into flames them turned
Both gods and men and all the rest had burned.
Now 'gan the flames the Heteroclites to cumber,
And poor 'supellex' lost his plural number;[11]
Of verbs there had been scarce left one in twenty
Had not there come by chance '-*as* in praesenti …'[12]

       Finis   Dr Zouch

       Vpon ye burning of a schole/

w^t heat of learning kindled yor desire
(yee muses sonnes) to sett yor house on fire
w^t loue of learning^i in yor breasts did burne
those sparks of vertue into flames to turne
or was't some higher cause? Were ye hot gods
Venus^ii & Vulcane^iii (old friends) now^iv at ods
If y^t they^v be so,^vi then neu*er* lett the dolt
be prais'd for making armes or^vii thunder bolt
let poets penns paint^viii only his disgrace
his cubby^ix foot hornd brow and sooty face^x
What ere was cause sure ill was the event
wch iustly all the Muses^xi may lament
but aboue all for name sakes Polyhymnie
bewaile the down fall of y^exii learned chimney
there might^xiii you see where w^thout^xiv speech or sence
lay the sad ashes of an accidente
What number then of nouns to wracke did goe
As Domus Liber and a great sort moe^xv
a^xvi wofull case! no case the flame did spare
each gender in this losse had common share^xvii
There might^xviii you see the ruefull declinations
y^e 15 p*ro*nounes & foure conjugations
some gerunds Di &^xix Do were^xx ou*er*come
th'other^xxi wth heat and smoake was quite struck dumbe

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[10] I.e. *Qui mihi discipulus*, the first words of Lily's *Carmen de moribus*.

[11] *Supellex*, being a heteroclite, changes its gender in the plural, in this case from feminine to neuter (Lily's example).

[12] The beginning of the famous mnemonic verses in Lily's Grammar on conjugating verbs: '-*As* in praesenti, perfectum format in *avi*: / Ut *no nas navi*, *vocito vocitas vocitavi*'. Here, the arrival of the mnemonic for verbs prevents their demise.

supines lay gasping upwards void of senses
the moodes grew mad to see imperfect tenses
Adverbs of place were throwne downe[xxii] lofty stories
as ubi, ibi, illic, intus, foris,[xxiii]
Conjunctions so disioynd as you would wonder
no coupling there but it was burnt asunder
The prepositions knew not where to be
the interjections cry'd hei woe is me [v][xxiv]
ffor the due joyning of wch wordes againe
a neighbo^r call'd (Qui mihi) came amaine
Else sure the fire had into flames them turn'd
both gods and men and all the rest had burn'd[xxv]
Now 'gan the flames the Heteroclites to cumber
& poore supellex lost his plurall number
of verbes there had beene scarce left[xxvi] one in twenty
had not there come by chance As in praesenti
   ffinis   Dr Zouch/

Appendix:
Witnesses (titles modernised):
London, British Library:
MS Add. 22118, fol. 4r
  Titled: 'On the burning of Bartley School, W. Riding of co. York'
MS Add. 44963, fol. 11r
  Titled: 'Verses on the burning of the Schoole of Castlethorpe in York-shire'
MS Egerton 2421, fol. 19v
  Titled: 'Upon the burning of a grammar school'
MS Harley 3991, fol. 115r-v
  Titled: 'A deploration of the conflagration of the Muses' habitation or the burning of
  the free school at Lewis in Sussex'
MS Harley 4931, fol. 20r
  Titled: 'A lamentation upon the conflagration of the muses' habitation, or description
  of the burning of a school in Yorkshire'
MS Harley 5191, fol. 31v
  Titled: 'On the burning of the petty school at Bridley in Yorkshire'
MS Sloane 1925, fols. 42v, 43r
  Titled: 'On the burning of a petty school'
Oxford, Bodleian Library:
MS Add. B. 106, fol. 3v [B1]
  Titled: 'A copy of verses made upon the burning of a school'
MS Eng. poet. c. 53, fol. 5v [B2]
  Titled: 'Verses upon the burning of Sandbich Pettie Schoole'
  Manuscript collection of verse probably from the late 1630s.
MS Malone 21, fol. 28v-29r [B3]
  Titled: 'Upon the burning of a school'
  Attributed to 'Dr Zouch'
MS Rawl. poet. 117, fol. 182v [B4]
  Titled: 'A lamentation upon the conflagration of the muses' habitation: or a
  description of the burning of a petty school in the parish of St Buttolphe', noted as

'Imp*re*ssa', hence taken from a printed copy. This MS is the notebook of the schoolmaster and poet Christopher Wase (1627-90).

Oxford, Corpus Christi Library:

MS 328, fol. 8v

Titled: 'A copy of verses made upon the burning of a school'

USA:

Folger Library

MS V.a.160, p. 25

Titled: 'A lamentation on the conflagration of the muses' habitation - The burning of an accidence'

Huntington Library

HM116, p. 14

Titled: 'On the conflagration of a great school'

HM198.1, p. 124

Titled: 'A lamentation upon the conflagration of the muses' habitation...or a description of the burning of a petty school'

Yale University, Osborn Library

MS b. 62, p. 60r

Titled: 'On the burning of a school'

MS b 205, fol. 51v

Titled: 'On the burning of a grammar school in Yorkshire'

MS fb 142, p. 26

Titled: 'Upon the burning of a school'

It was first printed as the appendix to the English translation of Guarna of 1635, sg. D8r-v, under the title 'A Lamentation upon the conflagration of the Muses Habitation: Or a description of the burning of a Petty School', unattributed but advertised on the title-page; then in *A Banquet of Jests*, 5th ed. (London, 1636), no. 85, sgs. D3v-D5r as 'Upon the burning of a school', unattributed. It was subsequently printed in Wing H1888 and Wing W3131.

[ii] B2: heate of hono^{r}
[ii] B2: Phoebus
[iii] B1: Vulcan & Venus
[iv] B2: falne
[v] B1: it *(instead of* y^{t} they*)*
[vi] B2: And he prevaild?
[vii] B2: flames &
[viii] B1: print
[ix] B1: clubby
[x] Couplet omitted in B2
[xi] B2: Ffor wch the Muses iustly
[xii] B1: that
[xiii] B1: may
[xiv] B2: Wthout In
[xv] B2: as Liber, Domus, and a Thousand moe
[xvi] B1: Ah
[xvii] Couplet omitted in B2
[xviii] B1: may
[xix] B2: some
[xx] B2: word omitted
[xxi] B2: and some
[xxii] B2: threw downe theire
[xxiii] B2: foras

[xxiv] B2 ceases at this point, but with the catchword 'For' showing that the original MS did continue the poem.

[xxv] Else … burn'd not in B1

[xxvi] B1: left scarce