

**DIES IRAE: NINE  
ORIGINAL  
ENGLISH VERSIONS**

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Dies Irae: Nine Original English Versions by W. W. Nevin

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**W. W. NEVIN**

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# DIES IRÆ

NINE ORIGINAL ENGLISH  
VERSIONS

BY

W. W. NEVIN, M.A.

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Preface.

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[T was many years ago while studying for the law that my attention, in reading the *Dies Ira*, was arrested by the remarkable amount of legal phraseology used in its few brief lines. Witness as to this: "Teste," "Judex," "Judicanti responsura," "Cuncta stricte," "Judex cum sedebit," "Quem patronum," "Juste judex," "Diem rationis," "Culpa," "Reus," "Gere curam," "Reus judicandus"; and every verse is gloomy with the black imagery and despairing atmosphere of the courtroom. It is a picture of a criminal trial as criminals were tried in the thirteenth century—dismal, hope-

less, hapless. "In curia domini regis, ipse, in propria persona jura decernit."

It is hard for any one not read in the history of criminal jurisprudence adequately to conceive the terrible and hopeless surroundings that environed the unhappy accused put on trial in mediæval times. The king perhaps no longer sat in the *aula regis*, but in his seat there was commonly found the ecclesiastic, clothed by delegation with all his limitless powers, and administering what was then supposed to be justice, with methods of procedure and rules of evidence which the humaner later ages have swept away in righteous wrath. The prisoner at the bar stood alone, without friends, without rights, without a cause, removed from human aid and apparently from human sympathies. The very charge seemed to take him out of this world and throw him on the kinder mercies of the next. In



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those methods of trial, indeed, generically known as the *judicium dei*, embracing the ordeal, the serment, the trial by battel, the corsned (the consecrated bread) and others, everything proceeded on the fundamental assumption that the accused was guilty in the eyes of man, and was to be cleared or saved only by the special interference of God. It was conviction or a miracle. Even in the more intelligent and rational procedures, torture was a legitimate part of the machinery of evidence; the prisoner was not allowed counsel; a copy of the charge or indictment was not furnished frequently until the moment of trial; and the final judgment was read in cruel and unusual punishments, burning alive, burying alive, perpetual bondage, confiscation, escheats, attainder of blood, excommunication—the death of the soul. The unborn child was punished in the flesh of its father, and the pre-

sumptuous hand of an earthly tribunal essayed to stretch into the kingdom of heaven and there enforce its pitiless decrees. Often, too, these fearful trials were held in secret, and there was no code or pandect or body of the law open to the many, and for the guidance and protection of all. In many cases there was no appeal or review, and the convicted prisoner was hurried dramatically from the judgment hall to a chamber of execution by torture.

It is hard for us now to conceive of such merciless conditions, but even in later times and under the milder common law of England a prisoner on trial for a capital crime was not so much as allowed counsel. Indeed, this privilege was never fully attained until the reign of William IV., and then by statute. Blackstone, lecturing about 1760, says : "Lastly it was an antient practice derived from the

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civil law, and which also at this day obtains in the Kingdom of France, that as counsel was not allowed to any prisoner accused of a capital crime, so neither should he be suffered to exculpate himself by the testimony of any witnesses." Even the extraordinary process of alleged reasoning which led to the establishment of such a rule as this is not intelligible to our more humane and juster modes of thought.\*

But it was in this barbaric, bloody and revengeful way that these people in the thirteenth century

\* A curious survival of this feeling of the extreme hopelessness of a criminal trial exists in certain formula of the law still in use in some parts of this country. In Pennsylvania to this day in the criminal courts the jury is sworn "to well and truly try and a true deliverance make between the commonwealth and the prisoner at the bar." And on a plea of not guilty being entered by the prisoner, the clerk of the court responds, "And may God grant you a safe deliverance." I am aware that the word "deliverance" in this formula is capable of at least one other construction, but its use by the clerk seems to support the construction here adopted.