

consigned to the earth by the hands of the domestics, with the scant and hasty funeral rites that the time and circumstances permitted.

It was not till many days after that Miss Sinclair communicated to her aunt the tragic incident of that night, of which she was happily ignorant at the time. Even when broken to her in the gentlest way, the intelligence of the death of one whom she so dearly loved proved too much for her, and the old lady never recovered the shock, and not long after Miss Sinclair had the mournful duty of following to the grave the mortal remains of her relative.

In subsequent years, when moving in other scenes and under other circumstances, Miss Sinclair chanced to meet with one of the actors in that sad scene—none other than Captain Grant. A mutual affection sprung up between them, and they were eventually married. From his own lips she learnt, long afterwards, the manner in which he had effected his escape after quitting Mrs. Balfour's house. Closely followed by the English horse, he and his companion succeeded, by an extraordinary exercise of bodily speed, assisted by an intimate knowledge of the country, which enabled them to take the directest route, in reaching Inverness late that night. The bridge of that town was in those days kept closed by gates, and these they found securely locked. They easily succeeded, however, in inducing the keeper—a secret friend to the Stuart cause—to admit them; and fastening the gates again, they threw the keys into the river, thereby checking for the present the course of their pursuers. They could not venture, however, to approach the town; but, being aware of the existence of a large cave not very far off, which afforded a secure hiding-place, they, for the present, sought refuge there. In this wild and desolate abode they remained for three weeks, their only food consisting of a scanty supply of oatmeal mixed with water, which they were forced from necessity to eat out of a shoe. At the expiration of this period, and after the first heat of the pursuit had blown over, they were enabled to reach the sea-coast and pass over to France, in which country they resided for several years, forming part of that band of devoted followers who, sacrificing friends, fortune, and country, with a self-abnegation but rarely met with, attached themselves to the broken fortunes of Prince Charles Edward.

#### CURIOSITIES OF LAND AND OTHER TENURES.

WHEN we turn to the records of the infancy of a state, we find it to resemble in no small degree the infancy of an individual. The oddest, most childish and simple things are done with the seriousness and solemnity of the most weighty transactions; and acts the most ridiculous and puerile, judged at least by modern standards, are regarded as acts of the highest wisdom, and become precedents for future rulers and lawgivers. This infantine self-complacency is especially conspicuous in all that appertains to the distribution of wealth, and the bestowal of privileges upon those whose good fortune it was to be the favourites of royal con-

querors, their successors, and of persons in high authority. We find that the most valiant conquerors often turn out to be the worst managers—that the spoils of the sword are distributed with a lavishness as reckless as was the courage that won them, and gifts of the greatest value are conferred in return for services merely nominal, or of so trifling a kind as to bear no proportion to the price paid for them. This is to be accounted for from the ignorance of facts which never come to light in the infancy of a state—facts which political economy teaches, but which, as political economy is the last growth of civilization, are unknown to the rude founders of a nation. In our day, princes and sovereigns know the value of territory and monopoly, and are slow to surrender them but for value received. In old times it was not so, and both were often bestowed in reward for services exceedingly questionable. The rulers of our remote ancestry knew nothing of the pressure of population, and never dreamed of a difficulty to arise from such a source. They despised the people, *who are not* only the creators but the assessors of a nation's riches; they failed to perceive that the value of the land must increase or decline with the increase or decline of the people who dwelt upon it; and, acting in accordance with their ignorance, they squandered the inheritance of their descendants upon their personal favourites. As one of the results, the descendants of the monarch's favourites have grown richer than the descendants of the prodigal monarchs. As the people grew and multiplied, the land has grown in value, as a necessary effect of that growth and multiplication. Reduce the population of this country to what it was a thousand years ago, and you reduce the value of the land to the same level; increase the population to double what it is, and you will double the value of the land—a process which has, in fact, been going on within the lives of the *present generation* in a very remarkable way, as is patent to everybody who pays any attention to the matter. To pursue this subject, however, would lead to a wide field of speculation, in which we are not inclined to wander at present. We have been led to these remarks by the perusal of an old volume upon which we have accidentally stumbled, which was written by Master Thomas Blourst, about 200 years ago, and from which we shall condense some particulars which appear to us sufficiently curious, concerning the tenures of lands and privileges of various kinds.

The author sets out by informing us that mirthful and singular tenures are not peculiar to this country, and he cites as a case in point the city and province of Altenburg, in Hungary, which was held under the condition of keeping a number of peacocks. He then proceeds to recount a long list of curious tenures which were once in force in this country, and classifies them under various heads. It will be as well for us to get rid of the classification, which is of no manner of importance, and to quote a few of the most remarkable instances. They will be found not only singular in themselves, but will serve to throw a few gleams of light on the customs of Englishmen in the olden

times. The first is connected with the coronation of the sovereign. Thus :—

Robert Agyllon held land on the condition of making one mess in an earthen pot in the kitchen of the king on the day of the coronation. The mess was called diligrout, or, if there was any fat or lard used in its composition, it was called maupgyrnum. This mess of pottage was first made previous to the time of Edward I, and continued to be made down to the time of Charles II, who accepted the service at the hands of the holder of the lands, but declined most emphatically to regale himself with the diligrout.

William the Conqueror conferred certain privileges on the men of Shrewsbury, on the condition that they should, to the number of twelve, watch around the chamber of the king of England when he lay in that city, and should also attend upon him armed when hunting in their neighbourhood.

King John gave to William Ferrers, Earl of Derby, the house in the city of London which had belonged to Isaac the Jew, of Norwich, on condition that the earl should serve at the king's table at all annual feasts with his head uncovered, and bound with a garland of the breadth of his little finger.

Solomon Attefeld held an estate in Kent upon the condition that he should attend the king upon all his sea voyages, and be in readiness to hold his Majesty's head over the royal basin when the royal stomach paid tribute to Neptune.

John de Warbleton held the manor of Shirefield by the service of marshalling and managing the king's washerwomen, etc.

Roger Carbet held the manor of Chettington in Shropshire, for finding one foot soldier or man at arms, carrying with him one bacon or salted hog, on which he was to dine daily, and to serve so long as half the bacon remained unconsumed. The man's service was therefore in the inverse ratio of his fondness for bacon, and he had only to exercise a tolerable appetite to eat himself out of harness in a very short campaign. He was not allowed, however, to have the salted hog in his own keeping, it being expressly stipulated that the marshal should have custody of the bacon and dole out the rations; so that, if long service were needed, it could be enforced by short commons.

The inhabitants of Chichester formerly held a number of tenements in the suburbs, on the condition of paying to the king, whenever he should pass through Goddesrete, a spindleful of raw thread to make a false string for his cross-bow.

William de Oxeneroff held lands at Leatherhead, in Surrey, in fee of the king, under the condition that he should provide a pound for all such cattle as should require to be impounded for debts due to the king.

Peter Spillman held lands at Brokenerst, in Hampshire, for the service of finding an esquire to serve the king for forty days, and for providing straw and litter for the king's bed.

The town of Yarmouth secured its privileges by fulfilling the condition of their charter, which bound them to send one hundred herrings baked in twenty-four pasties to the sheriffs of Norwich, who were bound to deliver them to the lord of the manor

of East Carlton. At the same time, Eustace de Corne and others, whom we take to be the said sheriffs, held thirty acres of land in Carlton, in Norfolk, by the service of carrying to the king, wheresoever he should happen to be in England, twenty-four pasties of fresh herrings at their first coming in.

Thomas Engaine held lands at Pitchlee (Northamptonshire) for providing dogs for the destruction of wolves and other vermin.

Bertram de Criol held the manor of Seaton, in Kent, by the service of providing a man with three greyhounds to hunt with the king in Gascony, until said huntsman had worn out in the chase a pair of shoes of the value fourpence.

The family of the Greens of Greens Norton, Northamptonshire, held their lands by the service of lifting up their right hands towards the king yearly on Christmas day, wherever he should be in England.

Thomas Wanhead held lands in Conington, in Leicestershire, by saying daily five Paternosters and as many Ave Marias for the souls of the king's progenitors and of the departed faithful.

Walter Barun held lands and tenements at Holecote, in Somerset, by the service of hanging on a piece of forked wood the red deer that died of murrain in the king's forest of Exmoor, and for entertaining all such poor and infirm strangers as should find their way to him at their own charges.

William the Conqueror gave the county palatine of Chester, first to Gherbord, a nobleman of Flanders, afterwards to Hugh Lupus, one of his own nephews, under the most flattering and honourable tenure ever granted to a subject: he gave him this whole county to hold to him and his heirs as freely by the sword as the king held the crown of England. And therefore, in all indictments for felony, murder, etc., in that county palatine, the form of conclusion anciently used was "against the peace of our lord the earl, his sword and dignity."

In 1278, Edward I, having made the statute of Quo Warranto, and instituted an inquiry into the tenure by which his nobles held their lands, demanded of John, Earl Warren and Surrey, by what warrant he held his. The earl produced an old sword, and, unsheathing it, said, "Behold, my lords, here is my warrant; my ancestors, coming into this land with William the Bastard, did obtain their lands by the sword, and I am resolved by the sword to defend them against whomsoever shall endeavour to dispossess me; for the king did not himself conquer the land and subdue it, but our progenitors were sharers and assistants therein."

Walter de Aldeham held lands in Shropshire by the service of paying to the king yearly, at his exchequer, two knives (whittles) of that value or goodness that at the first stroke they would cut asunder in the middle a hazel rod of a year's growth, and of the length of a cubit; said knives to be delivered to the chamberlain for the king's use.

The manor of Seckburn (Durham), worth £554 a year, was held by the easy service of presenting a falchion to every bishop upon his first entrance into his diocese. This service was connected with a tradition to the effect that Sir John Conyers,

knight, slew with his falchion a dragon, or flying serpent, who devoured women and children, and that he had acquired the manor by that deed of valour.

Sir Philip de Somerville, knight, held the manor of Whichnoor, in Staffordshire, by payment of two small fees, with the condition that he should find, maintain, and sustain "one bacon flyke hanging in his hall at Wichenoure, ready arrayed all times of the year, but in Lent, to be given to every man and woman married after the day and year of their marriage be passed; and to every archbishop, prior, or other religious, and to every priest, after the year and day of their profession finished," upon their complying with specified conditions and forms of application. The institution of this Whichnoor fitch differs from that of Dummow, with which the reader is familiar, in that the bacon was obtainable by ecclesiastics, who were forbidden to marry, as well as by married couples. The conditions would appear to be, a declaration on oath, on the part of the claimants, that they were contented with their lot, after trying it for one year. In the case of married persons, it was not a *sine quâ non* that they should have lived in uninterrupted harmony during the whole twelvemonth, so that they could affirm conscientiously in the terms of the covenant.

John, Earl of Warren and Surrey, granted to one John Howson a messuage in Wakefield (York), the said Howson agreeing to pay the annual rent of a thousand clusters of nuts, and to uphold a gauntlet firm and strong.

The holder of a farm at Brook House, in Langsett, in the parish of Peniston (York), paid yearly to Godfrey Bosville, Esq., in lieu of rent, a snowball at Midsummer, and a red rose at Christmas.

Henry de Aveyning held the manor of Morton, in Essex, in capite of the king, by the service of one man, with a horse of the price of ten shillings, and four horse shoes, one leather sack, and one iron crock (pot or jug), as often as it should happen for the king to go into Wales with his army, at his own charges, for forty days.

Lands were held in capite of the king for various other services, many of them not intelligible at this time of day, owing to the obsolete terms and phrases in which the record of them has been preserved. Among those which are intelligible are such conditions as the blowing of a horn before the king; the payment of a sack of hemp and a bottle; the providing a horse with a halter; the tribute of one catapulta; of one cross-bow, or of a certain number of arrows, feathered or unfeathered, and with or without heads; the furnishing of clean straw for the king to lie upon, or of a truss of hay for a reclining couch; the buying of ale for the king to drink; the making his Majesty a present of white hares; the safe keeping of the king's hogs; the keeping of the gate at Woodstock, during the king's visits; the gleaning and gathering a definite weight of wool from the thorns and brambles, for the king's use and behoof; the temporary loan to the king of a palfrey with a saddle, etc. etc.

It frequently happened that upon lands and manors thus held from the sovereign, the common people had old traditional and prescriptive rights; and for these the holders generally sought to com-

pound by the bestowal of privileges or the grant of licence to the populace to amuse themselves at recurring periods, at their lord's expense. Hence, many of the old manorial customs, marked some of them by savage cruelty, some by a grotesque kind of merriment. A common thing was the gift by the lord of the manor, of a bull to be baited; equally common was the liberty to hold a fair or mop in the park or forest of the manor; a custom which prevails at the present day in some parts of the country, as at Whichwood in Oxfordshire, where the forest fair lasts nearly a fortnight, at the close of the wheat harvest. A singular custom for a long time prevailed at Kidlington, in the same county. On the Monday of Whitsun week a fat lamb was provided, and the lasses of the town, having their thumbs tied behind them, ran after it. She who with her mouth could hold the animal fast was declared [Lady of the Lamb. The lamb was then killed, disembowelled, and, with the skin hanging on, carried on the top of a pole before the lady and her companions to the green, attended with music, a Morisco dance of men and another of women, and the day was spent in merriment and dancing. The next day the lamb was cut up and baked, boiled, and roasted, for the lady's feast, at which she sat majestically at the upper end of the table, and her companions with her, with music and attendants. This repast closed the festivity.

The townspeople of Ensham had the liberty, derived probably from a similar source, of going to the forest and cutting down as much wood as they could transport by their unassisted labour to the yard of the Abbey. If, having lodged it in the yard, they were able to carry it off again, in spite of the attempts of the servants of the Abbey, and, since the dissolution of abbeys, of the impediments offered by the family of the lord, the wood was their own, and was appropriated by them towards the repairs of the church, in diminution of parish expenses.

Occasionally the proprietor of the lands would shift the burden of satisfying the popular claim upon the clerical incumbent of the parish. Numerous instances of this economical course of procedure might be cited; but we are approaching the limits of our paper, and shall quote but one. At Coleshill, in Warwickshire, the young men of the town enjoyed for centuries the right of hunting the hare on the morning of Easter Monday, with the privilege, if they could catch one, and bring it to the parson of the parish before ten o'clock, of demanding and receiving a calf's head and a hundred eggs for breakfast, and a groat in money to make merry with-afterwards.

Such are a few of the details relative to the tenures which in old times were common in England, and to some of the customs that arose out of them. For their preservation we are indebted to the industry of a man of true antiquarian spirit, who routed them out from the obscure resources, where they lay buried in dog-law-Latin of the vilest kind, and in antique Norman French. We give them for no more than they are worth; but they have a value, and may suggest profitable reflection for a leisure hour.