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Title: Notes and Queries, Number 136, June 5, 1852

**Author: Various** 

Release date: February 7, 2013 [EBook #42038]

Language: English

Libraries)

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### **NOTES AND QUERIES:**

# A MEDIUM OF INTER-COMMUNICATION FOR LITERARY MEN, ARTISTS, ANTIQUARIES, GENEALOGISTS, ETC.

"When found, make a note of."—Captain Cuttle.

Vol. V.-No. 136.

Saturday, June 5. 1852.

Price Fourpence. Stamped Edition 5*d.* 

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#### Notes.

#### AUTOBIOGRAPHY OF WILLIAM OLDYS.

Previous to receiving the appointment of Norroy King at Arms, Oldys wrote a short account of his own life, which is now in my possession; and as it contains some interesting particulars of his connexion with the Earl of Oxford, in the formation of the magnificent collection of manuscripts now in the British Museum, I have forwarded a copy of it, which you are at liberty to make use of, if suited to the pages of "N. & Q."

"After my unfortunate adventures in the South Sea, my long and expensive law-suits for the recovery of my right, and five years' retirement to a nobleman's in the country, with whom I had been intimate in my youth, I became, in less than two years after my return to London, first known to the Earl of Oxford in the year 1731; when he invited me to show him my collections of MSS. Historical and Political, which had been the Earl of Clarendon's; my collections of Royal Letters, and other Papers of State; together with a very large collection of English heads in sculpture, which alone had taken me up some years to collect, at the expense of at least threescore pounds. All these, with the catalogues I drew up of them, at his lordship's request, I parted with to him for forty pounds, and the frequent intimations he gave me of a more substantial recompense hereafter, which intimations induced me to continue my historical researches, as what would render me most acceptable to him. Therefore I left off writing in the *Universal Spectator*, in which I had then published about twenty papers, and was proffered the sole supply thereof; which would have returned me fifty-two guineas per annum.

"Further, when his lordship understood that my printed books consisted chiefly of personal history, he desired catalogues of them also: which I drew out, and he had several large parcels of the most scarce and curious amongst them, in the two years following; for which, though I never received more than five guineas, not the fourth part of their value, yet his friendly deportment towards me increased my attachment and zeal to oblige him. This friendship he further exerted, in the assistance he afforded me out of his own library, and procured of his friends, towards completing my Life of Sir Walter Raleigh; and his opinion of the further encouragement I therein deserved may appear in the letters he honoured me with upon that occasion. But as to money, the five guineas more he gave me upon my presenting him with the Life, and the History of the World annexed to it, in 1736, was all that I ever received from him in five years. In the latter end of the year 1737 I published my British Librarian; and when his lordship understood how unproportionate the advantages it produced were to the time and labour bestowed upon it, he said he would find me employment better worth my while. Also, when he heard that I was making interest with Sir Robert Walpole, through the means of Commissioner Hill, to present him with an abstract of some ancient deeds I had relating to his ancestors, and which I have still, his lordship induced me to decline that application, saying, though he could not do as grand things as Sir Robert, he would do that which might be as agreeable to me, if I would disengage myself from all other persons and pursuits. I had then also had, for several years, some dependence upon a nobleman, who might have served me in the government, and had, upon certain motives, settled an annuity upon me of twenty pounds a year. This I resigned to the said nobleman for an incompetent consideration, and signed a general release to him, in

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May, 1738, that I might be wholly independent, and absolutely at my Lord Oxford's command. I was likewise then under an engagement with the undertakers of the Supplement to Bayle's Dictionary. I refused to digest the materials I then had for this work under an hundred pounds a year, till it was finished; but complied to take forty shillings a sheet for what I should write, at such intervals as my business would permit: for this clause I was obliged to insert, in the articles then executed between them and myself, in March the year aforesaid whereby I reserved myself free for his lordship's service. And though I proposed, their said offer would be more profitable to me than my own, yet my lord's employment of me, from that time, grew so constant, that I never finished above three or four lives for that work, to the time of his death. All these advantages did I thus relinquish, and all other dependence, to serve his lordship. And now was I employed at auctions, sales, and in writing at home, in transcribing my own collections or others for his lordship, till the latter part of the year 1739; for which services I received of him about 150 pounds. In November the same year I first entered his library of manuscripts, whereunto I came daily, sorted and methodised his vast collection of letters, to be bound in many volumes; made abstracts of them, and tables to each volume; besides working at home, mornings and evenings, for the said library. Then, indeed, his lordship, considering what beneficial prospects and possessions I had given up, to serve him, and what communications I voluntarily made to his library almost every day, by purchases which I never charged, and presents out of whatever was most worthy of publication among my own collections, of which he also chose what he pleased, whenever he came to my chambers, which I have since greatly wanted, I did thenceforward receive of him two hundred pounds a-year, for the short remainder of his life. Notwithstanding this allowance, he would often declare in company before me, and in the hearing of those now alive, that he wished I had been some years sooner known to him than I was; because I should have saved him many hundred pounds.

"The sum of this case is, that for the profit of about 5001. I devoted the best part of ten years' service to, and in his lordship's library; impoverished my own stores to enrich the same; disabled myself in my studies, and the advantages they might have produced from the publick; deserted the pursuits which might have obtained me a permanent accommodation and procured the prejudice and misconceit of his lordship's surviving relations. But the profits I received were certainly too inconsiderable to raise any envy or ill will; tho' they might probably be conceived much greater than they were. No, it was what his lordship made me more happy in, than his money, which has been the cause of my greatest unhappiness with them; his favour, his friendly reception and treatment of me; his many visits at my chambers; his many invitations by letters, and otherwise, to dine with him, and pass whole evenings with him; for no other end, but such intelligence and communications, as might answer the inquiries wherein he wanted to be satisfied, in relation to matters of literature, all for the benefit of his library. Had I declined those invitations, I must, with great ingratitude, have created his displeasure; and my acceptance of them has displeased others. Some survivors would surely, in respect to the memory of such a noble and honourable person, not totally disregard what he had so distinguished; but think a man worthy of being recommended to some provision, whom he, after a very deliberate experience, had seen reason so decently to provide for. I look upon most places of attendance at Court to be an idle, loytering, empty course of life; in which a man is obliged to dress expensively, keep frothy, vain, or vicious company, and to have the salary more backwardly paid than in other places. Therefore I should prefer some office in the Revenue, rather than to be upon the Civil List.

"Any clerkship, that must double a man down to a desk for a set of hours, morning and afternoon, he should be inured to from his youth, to be anything dextrous or easy in; but one, who has been the greatest part of his life master of his own time and thoughts, has his head pre-occupied; at least is commonly fitter for the direction than the execution of business; unless it be such in which his head will concur with his hand. Besides, not to mention other incongruities, how would it fit a man, growing in years, to be company for a pack of young clerks? or, how could he hope to be continued, of such honourable persons, as should recommend him even to that situation, but might with the same trouble to something more convenient for him?

"I have been assured by persons of experience, that an handsome post is not only sooner procured as having less candidates, but a man's pretension is more regarded. Whereas, in business of ordinary or mean account, his merits and abilities are thought proportionable, and therefore his pretension or request is less regarded. Besides, places that are something considerable, are generally less slavish and engrossing of a man's time; which, God knows, I desire not to be better employed than mine is, and may be by myself; only, a part of it more profitably: and yet, the convenience of such leisure, with the credit attending such a place, I should more value than the profit.

"There is a common advice, that a man should not put in for everything, because it implys too high thoughts of his own sufficiency, as if he thought himself fit for everything: which is the character of an arrogant and conceited coxcomb. This offering of one's self, without latitude or limitation, is indeed one extreme; but the other is, to nail one's self down to some one individual place, like a dainty guest, that can taste but

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of one dish, and so wait for the vacancy; wherein he is led, by his own election, first to go barefoot (perhaps to his grave) in waiting for a dead man's shoes; and when he is dead, then he shall probably see another wear them. So that any vacancy which will accommodate the candidate with a competency suitable to his condition and qualifications; or, at least, equal to what he has appeared in, and decently enjoyed, cannot, 'tis presumed, be thought unreasonable.

"Two or three hundred a year may be thought a very liberal allowance from a single person; in places of the government 'tis thought no burden, because the publick contributions are settled for the payment: there is no new charge or salary created, and they have stood the test of various changes or revolutions in the administrations. If I were to be restored to a place of two hundred a year now, it would not be by one fourth part of the advantage to me that it might have been five years since: for I should look upon myself in conscience obliged to sequester so much, even though I should live long enough to enjoy such a place ten years, to re-imburse such friends as have assisted me in all that time, but can no longer now. So that this one act of accommodation would indeed save more persons than one from ruin."

If it is not already known that Oldys obtained the appointment of Norroy through the intercession of Sir Peter Thompson, to whom the above autobiographic sketch was addressed, I think I can confidently assert such was the fact. I am collecting materials for biographical notices of the King's Heralds and Pursuivants-at-Arms. Will you permit me, through the medium of "N. & Q.," to make known to your correspondents that I have such a work in hand; and that I should be obliged for any unpublished particulars, either relative to Oldys, or any other members of the College of Arms.

CHARLES BRIDGER.

## ON COSIN'S "HISTORY OF POPISH TRANSUBSTANTIATION," EDITED BY THE REV. J. S. BREWER.

As every work of value, and likely to live, should be made as correct as possible, I beg insertion in "N. & Q." of some remarks on a note in Mr. Brewer's very satisfactory edition of so important a volume as that of Cosin on the papal doctrine of transubstantiation. The note occurs in p. 130., and is as follows:—

"‡ Index Expurg. Hispan. D. Gasp. Quirogæ Card. et Inquisit. generalis in fine.

"There is a copy of one edition of this Index in the British Museum, but I cannot find the passage to which Bp. Cosin refers. The other Index to which he refers is not to be found in the British Museum, Bishop Tenison's library, or Sion College."

The disappointment of Mr. Brewer may not improbably be ascribed to the unfortunate fact, that in the *English* translation of Cosin's book, which is given by Mr. Brewer in the forecited extract, after the word *fine* are omitted the words *Lit. O.*, which are found in the *Latin* original. This additional direction would have led to the passage which the editor was desirous of verifying. For, in the first edition of the *Index* referred to, that of 1584, the particular index at the end, under O, gives the fol. 182, 183 (*falso 171*), where the passage is found exactly as extant in the Latin of Cosin. The particular *Expurgatory Index* under view was printed in 1601 and 1611. In the first of the two, *that* printed at Saumur, the passage is found fol. 149. *verso*. I dare say it is so in the other entitled *Duo Testes, &c.*, but that is of no moment. Bp. Cosin does not, as the note expresses, refer to any "other index." The British Museum is comparatively scanty in this class of books, but they are all to be found in the Bodleian Library.

At p. 163. the *Discurs [us] Modest [us] de Jesuit.* referred to, and occupying several pages of discussion in the "N. & Q." in the early volumes, is certainly the Latin version of *A Sparing Discoverie of our English Jesuits*, 4to., Franc. 1601, pp. 70, and to be found in the *Catalogue of the British Museum*, under "Jesu *Societas.*"

EUPATOR.

#### ANCIENT GUILDHALLS IN ENGLAND.

If a history of the ancient Guildhalls of England could be compiled, it would form an interesting volume; as the ancient fabrics wherein our forefathers met to transact their civic affairs may almost be said to have symbolised the *status* of the municipalities in which they stood at various epochs of their history. Our old English boroughs cannot boast the possession of halls equal to the *Hotels de Ville* of Belgium or France, or the *Rath-häusen* of Germany. We cannot show in this country edifices equal to the Hotel de Ville of Brussels, or Aix-la-Chapelle, or Rouen, in point of architectural extent or beauty; or of Ratisbon, or other German towns, in point of venerable and antique interest. But we have buildings yet standing among us which, if less imposing in their exteriors, are nevertheless associated with historic memories of no common order, and secondary in this respect to none of the grander town-halls of ancient Flanders.

The guildhall of Leicester cannot boast of any outside show. It is plain to meanness in this

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respect; it is on one side a mere barn in appearance; yet it has its claim on the attention of the antiquary.

The first distinct mention of a guildhall in Leicester is in a small charter, executed in the mayoralty of Peter Rogerson. From this it appears that in 1250 William Ordriz, the son of Stephen, conveyed to the mayor and burgesses a building which became the guildhall. The deed is endorsed *Charta de la Gild Salle*. It contained three bays of buildings, was twenty yards in length, and about eight yards from front to back. It had solars, cellars, and dungeons. There was *then* an older fabric, known as the guildhall, which was conveyed to a private townsman in the year 1275. The hall, of which the corporation became the possessors in 1250, remained in use until the reign of Elizabeth, and even at intervals until the date of the Commonwealth, being sometimes called the old Moot Hall, and at others the "Old Shop."

Anterior to the Reformation two religious guilds had halls, known as St. George's and Corpus Christi Halls. When these fraternities were dissolved, the buildings remained; one near the east of St. Martin's church, the other near its western extremity. The first of these fell into entire disuse and decay; while the latter, Corpus Christi Hall, gradually superseded as a civic edifice the old Moot Hall. I have found in the hall books of the borough of Leicester entries as early as the 10th of Henry VIII., in which the hall of Corpus Christi Guild is referred to as the occasional place of meeting of the municipal body. A deed, bearing date the 5th of Elizabeth, states that the queen had conveyed the hall to Cecily Pickerell of Norwich, widow, who reconveyed it to the recorder of Leicester, Braham, evidently as the representative of the mayor and burgesses, not then formally incorporated.

Meanwhile, the old hall seems to have served as a lock-up or gaol, and was finally sold in 1653 to a maltster, who would undoubtedly convert the roomy old structure into a malt-house.

The Corpus Christi Hall would appear to have been enlarged when it was fairly in the hands of the civic authorities, not only in the reign of Elizabeth (about the year 1586), but in that of Charles I. Many particulars about the building will be found in the *Handbook of Leicester*.

The guildhall of Leicester is *within* one of the most picturesque old structures of the country, and is well described by your correspondent Kt. As you enter, its rude rafters rise directly from the ground on either hand, and embrace over the head of the visitor, forming pointed arches. As you advance along the floor the beams widen, and the Tudor timbering and architectural detail are clearly discernible; two staples still remaining on one of the braces, which tradition says sustained the scenery of the players in the time when theatrical performers were allowed to act there, and when even Shakspeare figured in the histrionic group. Having reached the western end you find yourself in front of the bench on which the mayor and magistrates sit to dispense justice, the ancient gilded frame for the mace (now tenantless) surmounting the chief magistrate's chair. The rich old mantelpiece of the mayor's parlour, and the fragments of painted glass in its windows, enhance and complete the antiquarian attractions of this relic of Edwardian and Elizabethan architecture.

JAYTEE.

#### THE SEVENTH SON OF A SEVENTH SON.

Amongst the oddities which cross our path, I recollect one which, at the time it occurred, caused no small surprise to the young, of which I then was one. I think it must be about forty-six years ago, a man travelled about Hampshire professing to cure the blind, sick, and lame; and although he did not belong to the medical order, yet numerous cures were attributed to him, and he had quite a collection of crutches and walking-sticks, left by his patients, who, it was said, no longer required his or their aid. I well know that he was looked upon by the common sort of people with wonder, and almost awe. The notion prevalent amongst them was, that, being the seventh son of a seventh son, he was endowed by nature with extraordinary healing powers. After a few months his fame, such as it was, evaporated, and I have not heard of him since, nor have I read of any pretender acting like him since then. Can any of your readers enlighten my darkness on the above, or on any other seventh of a seventh? and is there any account or tradition of a similar impostor in any other county of England? Also, if ancient or modern history records any such wonderful attributes in reference to a seventh daughter of a seventh daughter?

The above was written before I saw Mr. Cooper's allusion to the subject, in Vol. iii., p. 148. I hope to be favoured with that gentleman's further notice of the seventh son of a seventh son.

I should esteem it a favour if some one of your numerous and learned readers would inform me if that word denoting seven, which is in such frequent use in the Old and New Testaments, is susceptible of being rendered "several," "many," or some other indefinite quantity?

Seven appears also to be a favourite number in modern days. I subjoin a few of the many instances of its popular adoption:—

Seven ages.
Seven Champions.
Seven Churches.

Seven days in a week.

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Seven days' notice.

Seven Dials.

Sevenfold.

Seven Hills.

Seven months' child.

Seven penitential psalms.

Seven senses.

Seven-shilling piece.

Seven Sisters.

Seven Sleepers.

Seven Sons.

Seventh son of the seventh son.

Seven stars.

Seven stages of life.

Seven times.

Seven times seven years a jubilee.

Seven wise men.

A jury of seven matrons.

Seven wonders of the world.

Seven years' apprenticeship.

Seven years, a change.

Seven years' transportation.

Seven years' Income-tax,

Sevenpence in the pound yearly; and these last are two of the

Seven abominations.

HENRY EDWARDS.

#### 35. Gifford Street, Kingsland Road.

[The number seven has been a subject of particular speculation with some old writers, and every department of nature, science, literature, and art has been ransacked for the purpose of discovering septenary combinations. In the Year 1502 there was printed at Leipsic a work entitled Heptalogium Virgilii Salzburgensis, in honour of the number seven. It consists of seven parts, each consisting of seven divisions. But the most curious work on the subject of numbers is the following, the contents of which, as might be expected, are quite worthy of the title: The Secrets of Numbers according to Theological, Arithmetical, Geometrical, and Harmonical Computation; drawn, for the better part, out of those Ancients, as well as Neoteriques. Pleasing to read, profitable to understande, opening themselves to the capacities of both learned and unlearned; being no other than a key to lead men to any doctrinal knowledge whatsoever. By William Ingpen, Gent. London, 1624. In chap. ix. the author has given many notable opinions from learned men, to prove the excellency of the number seven:—"First, it neither begets nor is begotten, according to the saying of Philo. Some numbers, indeed, within the compass of ten, beget, but are not begotten; and that is the unarie. Others are begotten, but beget not; as the octonarie. Only the septenarie, having a prerogative above them all, neither begetteth, nor is begotten. This is its first divinity or perfection. Secondly, this is an harmonical number, and the well and fountain of that fair and lovely Digramma, because it includeth within itself all manner of harmony. Thirdly, it is a theological number, consisting of perfection. (See *Cruden*.) Fourthly, because of its compositure: for it is compounded of one and six; two and five; three and four. Now, every one of these being excellent of themselves (as hath been remonstrated), how can this number be but far more excellent, consisting of them all, and participating, as it were, of all their excellent virtues."—ED.]

#### ROBERT DRURY.

The credit attachable to *Madagascar: or Robert Drury's Journal during fifteen Years' Captivity on that Island,* has always appeared to me a subject worth a Note in your pages; but more particularly since the recent publication of Burton's *Narratives from the Criminal Trials of Scotland.* 

In this latter work the author gives us an interesting account of the trial of Captain Green and his associates, in Edinburgh, for the murder of one Captain Drummond (a very memorable case, as it bore upon the Union of the kingdoms, at the time under discussion); and in course of his inquiries Mr. Burton has brought forth Drury's *Journal* to prove the existence of the said Captain Drury for many years subsequent to Green's execution for his murder!

It becomes, therefore, a serious question to ascertain whether Drury was a real or a fictitious character, and his book what it pretends to be, or the speculation of some clever writer, envious of the fame and profit derived by Defoe from the publication of a similar work. I would not take the subject out of such good hands as those of Mr. Crossley, who has evidently something to offer us thereon; but would merely observe, by way of interesting your readers generally in the matter, that Drury, by the old octavo of 1729, now before me, did not flinch from inquiry, as he announces the book for sale "by the Author, at Old Tom's Coffee House in Birchin Lane," where, he says, "I am every day to be spoken with, and where I shall be ready to gratify any Gentleman with a further Account of any Thing herein contained; to stand the strictest Examination, or to confirm those Things which to some may seem doubtful."

"Old Tom's" is still a right good chop-house in the locality named; and it would be interesting to know if there is any contemporaneous note existing of an evening with Robert Drury there. But for the misfortune of living a century and a quarter too late, I should doubtless often have found myself in the same box with the mysterious man, with his piles of books, and his maps of Madagascar, invitingly displayed for the examination of the curious, and the satisfaction of the sceptical.

J. O.

#### FOLK LORE.

Gabriel Hounds.—Seeing that Mr. Yarrell, the distinguished ornithologist, is a contributor to "N. & Q.," may I ask that gentleman, or any other correspondent, what is the species of bird whose peculiar yelping cry during its nocturnal migrations, has given rise to the superstition of the "Gabriel Hounds," so common in some rural districts?

D.

Weather Prophecy.—Can any of your correspondents inform me as to the truth or falsehood of a proverb I have heard, namely, that the dryness or wetness of a summer may be prognosticated by observing whether the oak or the ash tree comes first into leaf? I cannot recollect which denoted which; but I should much like to know whether there is such a proverb, and whether there is any truth in it.

G. E. G.

Oxford.

Origin of Moles.—Meeting with an octogenarian molecatcher a few weeks since, in the neighbourhood of Bridgwater, the old man volunteered the following account of the origin of moles, or wants as they are sometimes called in Somerset. "It was a proud woman, sir, too proud to live on the face of the earth, and so God turned her into a mole, and made her live under the earth; and that was the first mole." My informant was evidently much confirmed in his belief, by the fact of "moles having (as he said) hands and feet like Christians."

W. A. J.

*Mistletoe.*—The mistletoe grows upon the *poplar tree*, near the railway station at Taunton, and likewise at White-Lackington near Ilminster. I have not seen any upon the oak.

W. A. J.

#### Minor Notes.

Byron's "Siege of Corinth."—In the late Dr. Moir's Lectures on the Poetical Literature of the last Half Century, in commenting on Byron's Siege of Corinth he mentions "the glorious moonlight scene in which Francesca and Alp part for the last time, the one to die of a broken heart, the other to perish in his apostasy." From this he evidently considers that in this celebrated scene it is the still living form of Francesca that visits her lover; but though Lord Byron has, according to his frequent practice, left this unexplained, the whole passage seems to me to show that his intention was, that the visit should be considered as a supernatural one. Space will not allow of my bringing forward the proofs of this, but it can be easily verified by any one who reads the passage in question attentively. A singular mistake occurs in p. 8. of the work above quoted. Could any one have supposed that a poet, and a writer on poetical literature, should be ignorant of the best known poetical name of the last century? Yet Mr. Moir talks of "William" Pope. He might as well have talked of "Alexander" Shakspeare.

J. S. WARDEN.

Goldsmith's "Poetical Dictionary."—It has not been noticed by any of Goldsmith's biographers that, in addition to *The Art of Poetry*, in 2 vols. 12mo., 1762, published by Newbery, and *The Beauties of the English Poets*, in 2 vols. 12mo., 1767, published by Griffin, he also edited for Newbery an useful work entitled *A Poetical Dictionary, or the Beauties of the English Poets alphabetically displayed*, in 4 vols., 1761, 12mo. The Preface is evidently written by Goldsmith, and with his usual elegance and spirit, and the selection which follows is one of the best which has ever yet been made. It certainly deserves more notice than it seems hitherto to have received; and were it only that it contains Goldsmith's favourite passages, and may possibly have been a preparation and incentive to the composition of the *Traveller* and the *Deserted Village*, it ought not to be forgotten in the list of his compilations. In examining it I have frequently been struck by the appearance of lines and passages, and sometimes epithets, which were evidently in Goldsmith's mind when he wrote his two beautiful poems. Some, but not all, have been quoted as parallel passages by his editors.

JAMES CROSSLEY.

Corrupted Names.—In Vol. i., pp. 215. and 299., are some notes on the ordinary corruptions of Christian names. One came once in my way which, as the name corrupted is not by any means an ordinary one, may not have occurred to many of your readers. I was called on to baptize a child by the name *Nucky*: fortunately it is my practice to ascertain the sponsor's intention in the vestry, before proceeding to the font; and I was able, with much difficulty, to make out that the name

meant was *Ursula*, of which *Nucky* was their ordinary corruption. Passing from names of *persons* to those of *places*, I would add two corruptions to those named in your current volume: Wiveliscombe, pronounced Willscombe; Minehead, Minyard—both in Somerset; and Kenilworth, sometimes called Killingworth, in Warwickshire.

BALLIOLENSIS.

### Queries.

#### MR. HALLIWELL'S ANNOTATED SHAKSPEARE FOLIO.

"This volume contains several hundred very curious and important corrections, amongst which I may mention an entirely new reading of the difficult passage at the commencement of *Measure for Measure*, which carries conviction with it; and shows, what might have been reasonably expected, that *that to* is a misprint for *a verb*."—MR. HALLIWELL in *Notes & Queries*, p. 485.

In common, doubtless, with many other of your readers, I am curious to know what this *verb* can be, which, while *carrying conviction with it*, is yet so mysteriously withheld from publication.

In a small pamphlet, published a month or two since by Mr. Halliwell, in opposition to Mr. Collier's folio, he lays down at p. 7. "a canon in philology;" from which he deduces the following as one of the "circumstances under which no manuscript emendation of so late a date as 1632 will be admissible."

"It will not be admissible in any case where good sense can be satisfactorily made of the passage as it stands in the original, even although the correction may appear to give greater force or harmony to the passage."

Now, in the case referred to from *Measure for Measure*, I had previously ("N. & Q." Vol. v., p. 410.) shown to Mr. Halliwell that "good sense can be satisfactorily made of the passage as it stands in the original;" and therefore I feel the greater curiosity to know what this verb can be which carries conviction to him even in the face of his own canon?

A. E. B.
Leeds.

#### RESTIVE.

Can the editor, or any of the readers of "N. & Q." account for the very prevalent misuse of the word restive or restiff? Of course, everybody knows that the affix ive or iff does not imply "privation," but the opposite; and that therefore restive means—as we find it defined in our dictionaries—"unwilling to stir," "inclined or determined to rest," &c.; but yet the most common use of the word now would require it to mean "unwilling to rest," "rest*less*," "unquiet," &c. As the word is most frequently employed in newspaper paragraphs, in describing accidents arising from the restiveness, or much more frequently restlessness, of horses, we can easily account for the misuse of the word in such cases: as the free use of the whip, which is sure to follow the restiveness of a horse or ass, is almost as surely followed by a sudden restlessness, at least when the nobler animal is under chastisement; what ends in restlessness and running away has thus got confounded with what it only has become, in some cases; while in others nothing is more common than to find the sudden shying and starting off of a horse, which has been anything but restive, described as such by some forgetfulness of the meaning of the word. Were the misuse of the word confined to such cases, however, it might not be worthy of notice in "N. & Q.", but I think it will be found to extend further: for instance, in *The Eclipse of Faith* (recently published), although evidently written by a scholar, and one who weighs the meaning of words, I find the following passage:

"'But,' said Fellowes, rather warmly, for he felt rather  $\it restive$  at this part of Harrington's discourse," &c.

Here the word is evidently employed (instead of  $restless^{[1]}$ ) figuratively for impatient; although I am not aware that a "bumptious" person might defend the word actually used, in the sense that the listener refused to go along further with the speaker. Still I think restlessness was the idea intended to be conveyed in the above passage, and that "impatient" would have been the better word, considering that it follows "he felt."

J. R.

Brompton.

Footnote 1:(return)

Or instead of "fidgetty," as one would likely have expressed it in familiar conversation.

There is a remarkable discrepancy in the statements of Coleridge respecting reason and understanding.

(1.) Friend, vol. i. pp. 207-8. (Pickering.)—

"That many animals possess a share of understanding perfectly distinguishable from mere instinct we all allow. Few persons have a favourite dog, without making instances of its intelligence an occasional topic of conversation. They call for our admiration of the individual animal, and not with exclusive reference to the wisdom in nature, as in the case of  $\sigma\tau o\rho\gamma\dot{\eta}$ , or maternal instinct: or of the hexangular cells of the bees.... We hear little or nothing of the instincts of the 'half-reasoning elephant,' and as little of the understanding of caterpillars and butterflies."

*Aids to Reflection*, vol. i. pp 171-3. (Pickering.) Here, after quoting two instances from Hüber about bees and ants, he says,—

"Now I assert that the faculty in the acts here narrated does not differ *in kind* from understanding."

Does Coleridge mean to tell us that bees and ants have the same faculty (understanding) as dogs and elephants?

(2.) Friend, vol. i. pp. 216-7.—

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"For a moment's steady self-reflection will show us that, in the simple determination 'black is not white,' or 'that two straight lines cannot include a space,' all the powers are implied that distinguish man from animals; first, the power of reflection; second, of comparison; third, and therefore suspension of the mind; fourth, therefore of a controlling will, and the power of acting from notions, instead of mere images exciting appetites; from motives, and not from mere dark instinct."

And after relating a story about a dog who appeared to have employed the disjunctive syllogism (in relation to which see Cottle's *Reminiscences*, vol. i. pp. 48-9.), Coleridge remarks,—

"So awful and almost miraculous does the simple act of concluding 'take three from four, and there remains one,' appear to us, when attributed to one of the most sagacious of all brute animals."

Aids to Reflection, vol. i. p. 175.—

"Understanding is the faculty of reflection, reason of contemplation." And p. 176.—"The understanding, then, considered exclusively as an organ of human intelligence, is the faculty by which we reflect and generalise.... The whole process [of the understanding] may be reduced to three acts, all depending on, and supposing a previous impression on, the senses: first, the appropriation of our attention; second (and in order to the continuance of the first), abstraction, or the voluntary withholding of the attention; and, third, generalisation; and these are the proper functions of the understanding."

Aids to Reflection, vol. i. p. 182. note.-

"So far, and no further, could the understanding carry us; and so far as this, 'the faculty judging according to sense' conducts many of the inferior animals, if not in the same, yet in instances analogous and fully equivalent."

Does Coleridge, then, mean us to understand him as saying, that many of the brutes can reflect, abstract, and generalise?

(3.) Friend, vol. i. p. 259.—

"Reason! best and holiest gift of God, and bond of union with the Giver; the high title by which the majesty of man claims precedence above all other living creatures—mysterious faculty, the mother of conscience, of language...."

*Aids to Reflection*, vol. i. pp. 176-182.—Coleridge here gives his reasons for considering language a property of the understanding; and, in p. 195., adds,—

"It is, however, by no means equally clear to me that the dog may not possess an *analogon* of words which I have elsewhere shown to be the proper objects of the 'faculty judging according to sense.'"

Does Coleridge mean that the inferior animals may have language?

Who, of your many able correspondents, will assist me in unravelling this complicated tissue?

C. Mansfield Ingleby.

Minor Queries.

Banning or Bayning Family.—I am desirous of knowing if there was a family of the name of Banning or Bayning seated in Ireland at the close of the sixteenth century; and whether there was any other branch in England excepting that in Essex.

K.

Ladies styled Baronets.—An ancestor of mine, Sir Anthony Chester, Bart., of Chichley Hall, Bucks, in his will, dated Nov. 26, 1635, and proved in the Prerogative Court of Canterbury, Dec. 9, 1635 [128 Sadler], desires "to be buried in the north part of Chichley Church, in the same vault with Dame Elizabeth Chester, Baronet, his first wife." Are there any other instances of ladies of the same rank being styled Baronet about this time? I may mention that this Lady Chester was daughter to Sir Henry Boteler, of Hatfield Woodhall, Herts, and sister to John Lord Boteler, of Bramfeld.

TEWARS.

St. Christopher and the Doree.—Brand, in his Popular Antiquities, vol. iii. p. 194., says that the fish called the Doree is traditionally said to have derived the spots on its sides frown the fact of St. Christopher, in wading through the arm of the sea, having caught a fish of this description *en passant*, and having left as an eternal memorial of the fact an impression on its sides to be transmitted to all posterity.

Can any of your readers inform me from what source Brand derived this idea?

E. A. H. L.

Custom of Women wearing Masks in the Theatre.—When did this custom originate? It was not common before the civil wars, nor in fashion till some time after the Restoration. Masked ladies are often mentioned in the prologues and epilogues to the plays of Dryden, Lee, Otway, &c. The custom probably originated in France. A dispute which ended in a duel (concerning a Mrs. Fawkes) caused the entire prohibition of women's wearing masks in the playhouse. This was about the 5th of Queen Anne.

EDWARD F. RIMBAULT.

*Brass of Abbot Kirton; Matrices.*—When was the brass of Abbot Kirton, in Westminster Abbey, removed? Have there been any brasses taken away (of which the *matrices* have been also removed); and if so, in whose possession are they at the present time?

UNICORN.

Lines on Chaucer.—

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"Swan-like, in dying Famous old Chaucer Sang his last song."

Who is the author of the above lines?

ELIZA.

The Nacar.—What species of shell-fish is the Nacar, said to be found in some of the islands of the Mediterranean, and off the east coast of Spain. Is it not the same fish from which what is called mother-of-pearl is taken? Has not some part of it, the beard or otherwise, been spun and wove? Is the Nacar the true name, or only local; and, if so, what is the scientific appellation?

Cyrus Redding.

*Cilgerran Castle.*—I shall be much obliged to any correspondent of "N. & Q." who will direct me to any charters or other early records relating to this castle of Kilgarran, or Cilgerran, which is situated near Cardigan.

LLEWELLYN.

Use of Slings by the Early Britons.—In the course of the very interesting operations at present in progress on Weston Hill, there have been frequently found in the hut-pits small accumulations of shore-pebbles, of the size most convenient for slings, for which it is supposed they were intended. Any information on this topic will be received with many thanks. It is worth noting that to this day the boys of the obscure village of Priddy, on the Mendips, are notorious for the skill with which they can hit a bird on the wing with a stone thrown by the hand.

HENRY G. TOMKINS.

Weston super Mare.

"Squire Vernon's Fox Chase."—Can any of your correspondents refer me to a copy of the ballad called "Squire Vernon's Fox Chase?" I am anxious to meet with an original copy, and also to know if it has been reprinted in any modern collection.

R. S.

The Death Watch.—Has there appeared in any of your former Numbers a Note upon the popular, but now exploded "death watch?" In earlier life, an instance of it occurred in my presence, which did at the time, and does even now, "puzzle the sense." The noise (like the ticking of a watch) was so painfully distinct, that I endeavoured twice to discover the source of it, but in vain. I made a note of it at the time, but the narrative (although perfectly correct) reads so much like the speculation of a sick brain, that I hesitate to send it. If you would put this Query (however

Genealogical Queries.—I beg to trouble you with the following Queries:—

On what day of the year 1690 did Elizabeth Bayning, created Countess of Sheppy for life, die? and where was she buried?

Where was buried Anne Palmer, alias Fitzroy, Countess of Sussex? She died 16th May, 1722. The Earl was buried at Chevening.

Was Sir John Mason, who died Treasurer of the Chamber, &c., 21st April, 1566, Chancellor of *the Duchy of Lancaster*? He is so designated in one of the Harl. MSS. He was twice Chancellor of *Oxford*.

G. Steinman Steinman.

Ben Jonson's adopted Sons.—They are said to be twelve in number. Alexander Brome was one; Bishop Morley another. Can any of your correspondents give the names of the other ten? By doing so, it will oblige an

INQUIRER.

*Kyrle's Tankard at Balliol.*—A very beautiful silver tankard, bearing the following inscription, with the arms of the donor engraved in the centre of the body of the cup; the first two words above, the others beneath the arms, was presented to Balliol College, Oxford, by that celebrated and excellent man, John Kyrle, Esq., better known by his world-wide appellation, "The Man of Ross." It will be perceived from the inscription that he was a gentleman commoner of that society:

"Poculum Charitatis. Ex dono Johannis Kyrle, de Rosse, in agro Herefordiens, et hujus Collegii Socio Commensalis."

It weighed upwards of five pounds, and the cover was lifted up by his crest, a hedgehog. It is said to have been always produced at table when a native of Herefordshire favoured the society with his company. Can any of your correspondents favour me with the following particulars:—Is the tankard still in existence, and has it been ever engraved? If so, in what work? Is there any record in the college books to show in what year, and upon what occasion, it was presented?

J. B. Whitborne

*Irish Language in the West Indies.*—The atrocities which Oliver Cromwell committed in Ireland are fresh in the memory of the poorest Irishman, and his memory held in the deepest execration: every ruined fortress that we pass is ascribed to the great castle-killer, and the peasant's bitterest malediction is, "*Mallachd Crumwell ort*" (The curse of Cromwell on you).

The particular atrocity of Oliver's that we have to do with at present is thus stated by Dodd, vol. iii. p. 58.:

"At Drogheda all were put to the sword together with the inhabitants, women and children, only about thirty persons escaping, who, with several hundreds of the Irish nation, were shipped off to serve as slaves in the island of Barbadoes, as I have frequently heard the account from Captain Edw. Molyneux, one of that number, who died at St. Germains, whither he followed the unfortunate King James II."

The following note occurs in a paper on the Irish language, read by Mr. Scurry before the Royal Irish Academy, Oct. 1826:

"It is now ascertained that the Irish language is spoken in the interior of many of the West India islands, in some of which it may be said to be almost vernacular. This curious fact is satisfactorily explained by documents in the possession of my respected friend James Hardiman, Esq., author of the *History of Galway*. After the reduction of Ireland by Cromwell and his myrmidons, the thousands who were 'shipped to the Caribbees,' so these islands were then called, 'and sold as slaves,' carried with them their language. *That* they preserved, and there it remains to this day."

Will some of your correspondents acquainted with the West Indies inform me if the Irish language be still spoken there, or if it be degenerated and merged into the *talkee-talkee*, or negro jargon?

Eirionnach.

"Battle of Neville's Cross."—Can any of your correspondents inform me the name of the author of the "Battle of Neville's Cross," a prize poem, published about thirty or forty years ago?

G

*Sir Walter Raleigh's Ring.*—Can any of your correspondents inform me what has become of the ring Sir Walter Raleigh wore at his execution, and in whose possession it now is, as I have reason to believe it is still in existence as a heir-loom?

Bosquecillo.

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"Narne; or, Pearle of Prayer."—I should feel obliged to any of your correspondents if they could give me any information of the following work, which I am unable myself to trace in any catalogue or bibliographical work:—

"Narne (by William P. of Dysart), Pearle of Prayer most Pretious and Powerful, &c. 18mo. Dedicated to Charles First (dated from Dysart the 28th May, 1630), and afterward to the Right Virtuous and Worshipfull Patrons of this famous Citie of Edinburgh, David Aikenhead most Worthie Lord Provost, &c., and to the whole Counsell, &c., of Edinburgh, &c. (dated from Dysart the last of May, 1630), 456 pp. (Concluding with a part of a page of 'Faults escaped' on the recto of last leaf.) Edinburgh, printed by John Wreittoun, 1630."

J. B. Rondeau.

Sir George Howard.—Sir N. W. Wraxall (Historical Memoirs, vol. iv. p. 614.) says of Field-Marshal Sir George Howard—

"His legitimate descent from, or alliance by consanguinity with, the Dukes of Norfolk, notwithstanding the apparent evidence of his name, was I believe not established on incontestable grounds."

Now it is well known that the Effingham branch of the house of Howard, to which Sir George Howard is reputed to belong, is a genuine one: so Wraxall must be understood as casting a slight on the legitimacy of Sir George. Are there traces of any scandals confirming this suspicion?

FEWARS

"Love me, love my Dog."—Whence comes this proverb? It is quoted by St. Bernard: "Dicitur certe vulgari quodam proverbio: Qui me amat, amat et canem meum."—In Festo S. Michaelis, Sermo Primus, sect. iii. p. 1026. vol. i. Parisiis, 1719, fol.

Rt.

#### Warmington.

Mummy Wheat.—In January, 1843, a near relative of mine, related by marriage to Mr. Martin Tupper, gave my father some grains of wheat, which he had the authority of Sir G. Wilkinson, direct or indirect, to believe to have been taken out of a mummy case, and to be in fact ancient Egyptian wheat, perhaps a couple of thousand years old at least. These were planted in a flower-pot, took root, grew, and had attained the height of many inches, when a cow got into the place where the pot was and ate the plants down. From the roots sprouted again a second crop of stems and leaves, and a similar catastrophe befell the second growth, frustrating the hopes of several anxious young amateur agriculturists, so that we never saw more than the leaves of this crop. In making the inquiries necessary to certify myself that these facts are true, I met with a lady who had seen a small quantity of wheat plants, the produce alleged of mummy wheat, and who spoke of it as a beautiful looking plant, with several stems from each root, and several ears on each stem. I could not ascertain whether this was the fruit of mummy wheat in the first or in the second generation. There was no question that it was sprung from grains taken out of a mummy. I believe that in the case of which I speak as having occurred within the range of my own acquaintance, the wheat was some of the same that Mr. M. F. Tupper possessed.

Perez.

A Photographic Query.—Is it probable that the number of stones and marbles which, without the aid of art, represent human and other figures, may have been natural photographs from the reflection of objects in a strong glare of sunlight? Some of those mentioned by D'Israeli in the Curiosities of Literature are so singular, that if this interpretation be not admitted, we must suspect them to be factitious. One particular example will serve as an illustration:

"Pancirollus, in his *Lost Antiquities*, attests that in a church at Rome, a marble perfectly represented a priest celebrating mass and raising the host. Paul III. conceiving that art had been used, scraped the marble to discover whether any painting had been employed: but nothing of the kind was discovered."

Its classification amongst *Lost Antiquities* seems to imply that the operation destroyed it, which proves that the figures were only on the surface; an argument in favour of its being a natural photograph. Any powerful die would have penetrated the pores of the stone for some considerable distance.

R. F. LITTLEDALE.

Dublin.

"Stunt with false care."—Where are the following lines, quoted by Charles Villiers in one of his corn-law speeches, to be found?

"Stunt with false care what else would flourish wild, And rock the cradle till they bruise the child."

J. N. O.

Old Royal Irish Academy House, Grafton Street.—This interesting building is now some two months abandoned, and bills on the windows announcing it "to be let, or the interest in the lease to be sold," I wish to ask through "N. & Q." if any person intends to make a drawing or other memoranda of the house, ere it undergoes a thorough alteration, as it certainly will, if taken for commercial purposes. I am not aware of any sketch of the house, except one in the fourth volume of the *Dublin Penny Journal*, p. 129.; but I do not think that this, or its accompanying description, are well suited to the character of the institution.

R. H.

Dublin.

Quotations wanted.-

"Chords that vibrate sweetest pleasures Thrill the deepest notes of woe."

"Like a fair lily on a river floating, She floats upon the river of his thoughts."

CAPTAIN CUTTLE.

Shakspeare's Seal.—Some years ago, when in Warwickshire, a wax impression of a seal was given to me by a gentleman as that of William Shakspeare. The gentleman had no means of verifying its authenticity, beyond the bare but positive assurances of the person from whom he had received it, an inhabitant of Stratford.

The appearance of the seal is not against the hypothesis of its genuineness. It is circular: the device is the well-known ornament called the *True Lover's Knot*, cut somewhat rudely in intaglio, apparently in steel; a favourite ornament in Tudor architecture from the time of Anne Boleyn downwards.

Can any of the readers of "N. & Q." encourage me to believe in the genuineness of this relic? Sydney  $S_{MIRKE}$ .

The long-lived Countess of Desmond.—An acknowledgment is due to The Knight of Kerry for his recent interesting communication respecting the portraits of this remarkable old lady: and, at the same time, the Knight may be requested to cause the portrait in the possession of Mr. Herbert, M.P., to be inspected; for it is respectfully suggested that the date on that picture is 1604, and not 1614.

This first date will correspond more closely with the age usually ascribed to the aged Countess.

It is said that an engraving of the portrait in The Knight of Kerry's possession stated that she was "born in 1464." Can any of your correspondents refer to this engraving, and say whether there is such an inscription on it, and if any authority is given for that date?

H. F. H.

### Minor Queries Answered.

*Temple Church and Lincoln's Inn Chapel.*—Why is it, and whence results the practice of putting ladies on one side of the church and chapel, or in a separate place by themselves, in these societies? Are the lawyers so attractive that the devotions of the fair sex would be interrupted?

L. I.

[The lawyers no doubt are lovers of hoar antiquity and primitive customs. "Let the doorkeepers attend upon the entrance of the men; and the deaconesses upon the entrance of the women." (*Apost. Const.*, lib. ii. can. lvii.; see also lib. vii. can. xxvi.) In the First Book of King Edward, A.D. 1549, the following rubric occurs: "As many as shall be partakers of the Holy Communion shall tarry still in the quire; the men on the one side, and the women on the other side."—See Wheatly on the *Common Prayer*, chap. vi. sect. 13.]

*Edmund Bohun.*—In Bright's Catalogue appears, "No. 2939. *Historical Collections*, 1675-1692. 8 vols. folio; formed by Edmund Bohun." Has this collection been dispersed? or where is it now? Bohun refers to it repeatedly in his private diary, which I am printing.

S. W. Rix.

Beccles.

[From the article "Bohun" in Rose's *Biographical Dictionary* it appears that these *Historical Collections* have been used in the following work: "*The great Historical, Geographical, and Poetical Dictionary,* Lond. 1694, folio, wherein are inserted the last Five Years' Historical and Geographical Collections, which the said Edm. Bohun, Esq., designed for his own Geographical Dictionary, and never extant till in this work."]

"Nimrod."—Will some of your correspondents be good enough to tell me who is the author of a very remarkable book entitled Nimrod: a Discourse upon certain Passages of History and Fable, London: Priestley, 1828, 4 vols.; and can any one inform me for what purpose or with what

intention the book was written? I believe it was suppressed soon after its publication. I have only met with two other copies, besides my own.

H.G.

[We believe that this work, for some reason or other, was suppressed, but not till after about one hundred copies had been circulated. It is attributed to the Hon. Algernon Herbert, author of *Cyclops Christianus; Antiquity of Stonehenge*.]

### Replies.

#### THE THREE ESTATES OF THE REALM.

(Vol. iv., pp. 115. 196. 278.; Vol. v., p. 129.)

The quotations I have produced on the question, Which are *the Three Estates of the Realm*? appear to Canon. Ebor. "quite to support his own positions." I must therefore again ask leave to defend the view which I advanced in Vol. iv., p. 115., and will endeavour, whether it be a right or wrong one, to express my arguments in support of it so definitely and distinctly as not again to leave room for any misapprehension of them. To adopt Canon. Ebor.'s threefold division:—

1. The Three Estates of the Realm are the Nobility, the Clergy in Convocation, and the Commons. In this order they are ranked in the collect I quoted, and in which they are described as "assembled in parliament;" i. e. *en plein parlement*. The following extract plainly bears out my view:

"And that this doctrine (viz. that the Clergy are an *extrinsic part* of Parliament, or an *Estate of the Realm*) was still good, and the language much the same, as low as the Restoration of Charles II., the *Office* then anew set out for the 5th of November shews, where mention is made of 'the Nobility, Clergy, and Commons of this realm, then assembled in Parliament:' for to say that by 'the Clergy of this realm,' my Lords the Bishops only are intended, were so absurd a gloss, that even Dr. Wake's pen would, I believe, be ashamed of it. And if they were then rightly said to be 'assembled in Parliament,' they may as rightly be said to be so assembled still: and if 'assembled in Parliament,' why not 'a member of Parliament?' to those intents and purposes, I mean, for which they are assembled in it."—Atterbury's *Rights, Powers, and Privileges of Convocation*, 2nd edit., p. 305.

The same order is observed in Sir Edward Coke's speech on Garnet's trial:—

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"For the persons offended, they were these:—the King ... the Queen ... the noble Prince; ... then the whole royal issue. The Council, *the Nobility, the Clergy*; nay, our whole religion itself," &c.

And if Canon. Ebor. wishes for a more decisive authority on the matter, he will find it in *An Act for granting Royal Aid unto the King's Majesty*, passed in 1664.

2. The Convocations of the Clergy ARE a part of the Parliament. This fact, and its importance, has been generally overlooked or disregarded by writers on Convocation. They have almost uniformly, while endeavouring to substantiate its synodical authority and purely ecclesiastical influence, omitted to point out its position as a part of our parliamentary constitution: the result has been a degree of vagueness and uncertainty on the subject.

The clearest and most distinct way of demonstrating this proposition, that the Convocation is a part of Parliament, will be, after noting that in our early historians *Convocatio* and *Parliamentum* are synonymous, first, to bring forward evidences that it was often regarded as being so somewhat late in our history, that is, just before its sessions were suppressed; and, in the next place, to produce facts, documents, and extracts which display this parliamentary character in the earlier stages of its existence. To begin, then, with Burnet, whose statements must be taken with allowance, as those of a hot anti-convocational partisan, as he had indeed good reasons for being:—

"When the Bill (Act of Comprehension) was sent down to the House of Commons, it was let lie on the table; and, instead of proceeding in it, they made an address to the King for summoning a Convocation of the Clergy, to attend, according to custom, on the session of Parliament. The party against the Government ... were much offended with the Bill of Comprehension, as containing matters relating to the Church, in which the representative body of the clergy had not been so much as advised with."—Burnet's History of his own Times, book v.

In his account of the Convocation of 1701, the facts which he details are important. After saying that "the clergy fancied they had *a right to be a part of the Parliament,*" he continues:—

"The things the Convocation pretended to were, first, that they had a right to sit whenever the Parliament sate; so that they could not be prorogued, but when the two Houses were prorogued. Next they advanced that they had no need of a licence to enter

upon debates and to prepare matters, though it was confessed that the practice for a hundred years was against them; but they thought the Convocation lay under no further restraint than that the Parliament was under; and as they could pass no Act without the Royal assent, so they confessed that they could not enact or publish a Canon without the King's licence. Antiently the Clergy granted their own subsidies apart, but, ever since the Reformation, the grant of the Convocation was not thought good till it was ratified in Parliament.... In the writ that the bishops had, summoning them to Parliament, the clause, known by the first word of it, 'Præmunientes,' was still continued. At first, by virtue of it, the inferior clergy were required to come to Parliament, and to consent to the aids there given: but after the archbishops had the provincial writ for a Convocation of the province, the other was no more executed, though it was still kept in the writ, and there did not appear the least shadow of any use that had been made of it, for some hundreds of years; yet now some bishops were prevailed on to execute this writ, and to summon the clergy by virtue of it."—Book vi.

With this last extract from Burnet, let the following from Lathbury be compared:—

"This clause, it appears, was inserted in the bishops' writ in the twenty-third year of Edward I. When assembled by this writ, the Clergy constituted a State Convocation, not the Provincial Synod. When the clause was inserted, there was a danger of invasion from France; and it is clear that the Clergy were not assembled by this clause as an Ecclesiastical Council, but to assist the King in his necessities. This is evident from the words 'hujus modi periculis et excogitatis malitiis obviandum.' The clause was, however, continued in the writ after the cause for its insertion had ceased to exist: but whenever they were summoned by virtue of this writ, they constituted a part of the Parliament. The clause, with a slight variation, is still retained in the writ by which the bishops are summoned to Parliament."—Lathbury's History of the Convocation of the Church of England, p. 121.

It will be obvious, then, and plain to the reader of the above passage, that when the clergy were summoned by this clause *Præmunientes*, in the writ directed to the archbishops, they were summoned to be a part of Parliament; but the King's writ was that which made Convocation what it was—which made it a legal, constitutional, parliamentary assembly, with definite power and authority—instead of a simple synodical meeting of the clergy, whose influence would be solely moral or ecclesiastical. Convocation, from the time of Edward I., that is, from its first beginning, has been a part of parliament, being "an assembly of ecclesiastics for civil purposes, called to parliament by the King's writ" to the archbishops; and before the time of Henry VIII. it voted subsidies to the King independently of the Houses of Lords and Commons. Of this clause *Præmunientes*, Canon. Ebor. has taken no notice whatever, although in the extract from Collier it was expressly stated that the proctors of the clergy were "summoned to parliament" and "sent up to parliament" by it, and, when assembled in the Lower House of Convocation, they were esteemed *the Spiritual Commons* of the realm, and a constituent part of "the great Council of the nation assembled in parliament." But as mere assertions, or even uncorroborated deductions, are but of little value without facts, I must establish this much by producing authorities.

The design of Edward I. for reducing the clergy to be a part of the Third Estate, by means of this præmunitory clause, is sufficiently known, as is also the fact that the clergy were unwilling to give up their own synods; and though, in obedience to the King's summons, they came to parliament from both provinces, yet shortly after they met by themselves, and constituted a body which was at once synodical and parliamentary.

"Now, then, though the *Præmunientes* was obeyed nationally, yet the clergy that met with the Parliament acted provincially, *i. e.* the clergy of that province where the Parliament was held acted as a Synod convened by their metropolitan, and the clergy of the other province sent their deputies to the Lay Assembly to consult for them; but taxed themselves, and did all manner of ecclesiastical business, at home in their own province. And this was pitched upon as a means of complying with the Canons of the Church, which required frequent Provincial Councils, and yet paying their attendance in Parliament; the Archbishop's mandate summoned them to the one, and the præmunitory clause to the other, and both were obeyed."—Atterbury on Convocation, p. 243.

The same view is taken by Kennet in his *Ecclesiastical Synods and Parliamentary Convocations in the Church of England*.

Here, then, is the origin of Convocation, strictly so called, viz. the Clergy withdrawing themselves from the Commons into a separate chamber for purposes of debate, and for transacting their own business independently, but yet not ceasing thereby at all to be a part of that parliament, to their being summoned to which they owed the opportunity of meeting in their provincial synod, which was *Congregatio tempore Parliamenti*.

We hear of the clerical proctors being occasionally present in the House of Commons in the earlier part of our history; and we may reasonably infer that they would not have been so present unless they had a *right* to have been there. If they had that right, then they were a part of parliament. They certainly had that right by the clause *Præmunientes* so often referred to, "according to antient usage;" but they waived the exercise of it, on finding it more advantageous

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to deliberate by themselves. At a later period they wished to resume their right, and therefore petitioned "to be admitted to sit in parliament WITH *the House of Commons*, according to antient usage," of which Commons they had of usage considered themselves the *spiritual* part. An instance in point we shall find in a petition of Parliament to Henry IV.:—

"Supplient humblement *les Communes* de vostre Roialme, sibien *Espirituelz* come *Temporelz*."—*Rot. Parl.* 7 & 8 Henry IV. n. 128.

And again, in a proclamation of the 35 Henry VIII .: -

"The Nobles and *Commons* both *Spirituall* and Temporall, *assembled in our Court of Parliament*, have, upon good, lawful, and virtuous grounds," &c.

And "Direction to Justices of Peace," by the same King:—

"Henry R.

"Trusty and right well-beloved,—We grete you well ... and also by the deliberate advice, consultation, consent, and agreement, as well of the Bishops and Clergie as by the Nobles and Commons Temporal of this our Realme assembled in our High Courte of Parliament, and by authoritie of the same, the abuses of the Bishop of Rome, ... but also the same our Nobles and Commons bothe of the Clergie and Temporaltie, by another several acte," &c.—Weever's Fun. Mon., p. 83., quoted by Atterbury.

For multitudinous examples of the Convocation Clergy, "Prælati et clerus," being spoken of as not only of the parliament, but present *in* it, I must refer Canon. Ebor. to Atterbury's work, pp. 61, 62, 63.

And it is certain that, before the Commons can be proved to have been summoned to parliament at all, the inferior clergy sat there. In the parliament of Henry III. held at Westminster, 1228, there sat "the Archbishops, Bishops, Abbots, Priors, Templars, Hospitallers, Earls, Barons, *Rectors of churches*, and they that held of the King in chief" (*Mat. Paris*, p. 361.), in which the order of precedence is worth observing.

One more argument of Canon. Ebor.'s has to be met. He says (Vol. iv., p. 197.), "The Convocation of the Clergy never met either the sovereign or the parliament." The following quotations will destroy this position:—

"Though sometimes the King himself has vouchsafed to appear and sit in Convocation, when it was called for some extraordinary cause; as in Arundel's Register *Henry IV. is remembered to have done* (in Conv. habitâ 23 Jul. 1408, causâ Uniones)."—*Atterbury*, p. 20.

Also:

"'Until the reign of Henry VII., there is a doubt whether the Convocation of the Clergy, then in separate existence from the Parliament since Edward I., had transacted purely ecclesiastical business not connected with the Government, or where the King was not present in person. (Henry IV., *Wilkins*, p. 310.) In the reign of Henry VIII., *who also sat in Convocation*, no Church Provincial Synod was held, and the House of Lords met and adjourned on the days on which Convocation transacted business in consideration to the bishops, who were barons of Parliament, and also members of the Upper House of Convocation. (*Wake*.)""—*Diocesan Synods*, by Rev. W. Pound, M.A.

- 3. The Clergy were not, and are not, represented in parliament by the Spiritual Lords. The bishops are called to the House of Lords as barons; just in the same manner as the abbots and priors were formerly summoned, not as representing any body of men, but as holding in capite of the King. The prelates have sat in the House of Lords since William I., not as peers or nobles by blood, nor as representatives, but by virtue of this tenure. They certainly were not considered as representatives before the Reformation; and that the same opinions respecting them prevailed still later, will appear from the decision of the House of Commons in 1 Mary, that a clerk could not be chosen into that House, "because he was represented already in another House;" and again, from a speech in the Commons by Mr. Solicitor St. John on the "Act to take away Bishops' Votes in Parliament:"
  - "1. Because they have no such inherent right and liberty of being there as the Lords Temporal and Peers of the Realm have; for they are not there representative of any body else; no, not of the clergy; for if so, then the clergy were twice represented by them, viz. the Lords' House and in the Convocation; for their writ of election is to send two clerks ad consentiendum, &c. Besides, none are there representative of others, but those that have their suffrages from others; and therefore only the clerks in Convocation do represent them.
  - "3. If they were representative of the clergy, as a third estate and degree, no act of parliament could be good if they did wholly disassent; and yet they have disassented, and the law good and in force, as in the Act for establishing the Book of Common

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Prayer in Queen Elizabeth's time. They did disassent from the confirming of that law, which could not have been good if *they* had been a third estate, and disassented."—Rapin's *History of England*, book xx.

And in the same parliament Lord Falkland—

"Had heard many of the clergy protest, that they could not acknowledge *that they were* represented by the bishops. However, we might presume that, if they could make that appear, that they were a third estate, the House of Peers, amongst whom they sat, and yet had their votes, would reject it."—Clarendon's *History of the Rebellion*, book iii.

That the Clergy in Convocation make statements to the House of Peers through the bishops, only proves that the latter were a medium of communication between the two; as does also, that on March 18th, 1662, "the President informed the Convocation that the Lord Chancellor had desired the Bishops to thank them in the name of the Peers." Canon. Ebor. admits that the bishops do not represent the clergy, except by a fiction; the Canons declare that Convocation does represent them. His position therefore falls at once to the ground.

I have set down the arguments necessary for maintaining my first position against Canon. Ebor., whether they be good or bad, with sufficient positiveness and distinctness to prevent their being again mistaken. I would close the subject with the words of Atterbury:

"If I should affirm that the Convocation attended the Parliament as *One of the Three States of the Realm*, I should say no more than the Rolls have in express terms said before me; where the King is mentioned as calling *Tres status Regni* ad Palatium suum Westm., viz. *Prælatos et Clerum*, Nobiles et Magnates, necnon Communitates dicti *Regni*."—*Rot. Parl.* 9 Henry V. n. 15.

WILLIAM FRASER, B.C.L.

#### **BURIALS IN WOOLLEN.**

(Vol. v., p. 414.)

Your correspondent the Rev. E. S. Taylor is referred to 30 Car. II. c. 3., and 32 ejusdem c. 1., for an answer to his inquiry respecting burials in woollen. The former Act is entitled, "An Acte for the lessening the importation of linnen from beyond the seas, and the encouragement of the woollen and paper manufactures of the kingdome." It prescribes that the curate of every parish shall keep a register, to be provided at the charge of the parish, wherein to enter all burials, and affidavits of persons being buried in woollen; the affidavit to be taken by any justice of peace, mayor, or such like chief officer in the parish where the body was interred: and if there be no officer, then by any curate within the county where the corpse was buried (except him in whose parish the corpse was buried), who must administer the oath and set his hand gratis. No affidavit to be necessary for a person dying of the plague. It imposes a fine of 51. for every infringement; one half to go to the informer, and the other half to the poor of the parish.

I have not been able to ascertain when this act was repealed, but imagine it to have been of but short continuance. Is there no mistake in the date of the affidavit quoted by Mr. Taylor? Is 1769 a *lapsus* for 1679? The first entry in the book provided for such purposes in this parish bears date August, 1678, and there is no entry later than 1681, which appears also to be the limit of the Act's observance in the adjacent parish of Radcliffe. There, the entries immediately follow the record of the burial itself in the registers, and not in a separate book, as with us.

Under the year 1679 occurs the following memorandum in the parish registers of Radcliffe:

"An orphan of Ralph Mather's, of Radcliffe, was buried y<sup>e</sup> 9th day of April, and sertefied to be wounde uppe in woollen onely, under the hand of M<sup>r</sup> William Hulme."

In the churchwardens' accounts of this parish (Prestwich) for the year 1681 is found the following item of receipt:

"Received a fine of James Crompton ffor buringe his son and not bringinge in an affidavitt according to the Acte for burying in woollin, 02.10.00."

JOHN BOOKER.

Prestwich, Manchester.

The act of parliament imposing a penalty upon burials, where any material but wool was made use of was 30 Car. II. stat. 1. c. 3., afterwards repealed by the 54 Geo. III. c. 108. I am able to adduce an instance of the act being enforced, in the following extract from the churchwardens' book of the parish of Eye for the year 1686-7:

"Rec. for Mi<sup>S</sup> Grace Thrower beeinge buried in Linnen 02 10 00."

J. B. Colman.

Eye.

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#### BRAEMS' MS. "MEMOIRES TOUCHANT LE COMMERCE."

(Vol. v., p. 126.)

In the hope of satisfying the curiosity of J. M., I will communicate the information concerning Daniel Braams which I find in my family papers.

According to a genealogical tree in my possession, confirmed and delivered 13th September, 1661, by the kings-at-arms and heralds of Brabant $^{[2]}$ , Daniel Braems descended from an illustrious family of Brabant, a younger branch of the Vilains, of the house of the burgraves, or viscounts of Ghent.

During the Spanish religious persecutions, about 1550, his ancestors emigrated from Flanders, and settled at Dover.

His father was Daniel Braams<sup>[3]</sup>, keeper of the regalia of Charles I., and in high favour at court. On Cromwell's coming to power he fled, and soon after died, leaving an only son in childhood, by his widow, Mary, daughter of the well-known navigator Jacob le Maire.

Mary, with her youthful son Daniel, settled in Holland, where she had many relatives, and contracted a second marriage with Andreas Schnellingwouw. She soon after went to the East Indies with her husband, who had been appointed secretary to the *Schepenen* at Batavia. Thus, Daniel Braams went very early to the Indies, where he passed a great part of his life. He became General Accomptant of the East India Company at Batavia, and for his services received a gold chain and a medal.

In the family papers in his own hand now before me, he writes:

"The 29th November,  $A^o$  1686, I set sail with my family from Batavia, in the ship Kastricum, to return to Europe, after I had been thirty-four years and a half in India. The 21st March, 1687, we arrived at the Cape of Good Hope; and on the 19th April proceeded thence, with thirteen ships. When we had reached the ... degree of north latitude, having Ireland to the east, it pleased the Most High to call my dear and virtuous wife to His eternal rest, on the 9th of July,  $A^o$  1687. The dead body was, by my orders, enclosed in a coffin and placed behind the ship. At Amsterdam she was buried in the vault of my grandfather in the N. Capel."

Daniel Braams was twice married in Batavia; first, with Clara Reijers, and secondly, with a daughter of Anthonio Paviloen, Councillor Extraordinary of India. Besides several children who died young, he left the following, all born in the East Indies:—By his first marriage: 1. Maria, b. 1667; d. 1743; m. Philip David Uchelen, governor of Banda and Ternate. 2. Abigail, b. 1672; d. 1753; m. Cornelis Heinsius, *Landschrijver* of the land of Cuyk. 3. Clara Sara, b. 1681; d. 1750; m. at Amsterdam Jan van der Burgh. By his second marriage: 4. Johannes Jacobus, b. 1683; d. 1743. His godfather was Cornelis Speelman, governor of India; he m. Maria Uijlenbroek, and died S. P.

J. F. L. C.

Amersfoort.

P.S.—Mr. J. F. L. Coenen would feel happy if, through the medium of the "N. & Q." and the Navorscher, he could learn in whose possession the MS. now is, and whether the owner would be inclined to dispose of it for a moderate price.

#### Footnote 2:(return)

This document is quoted by Kok in his *Vaderl. Woordenboek*, vol. viii. p. 899.; and by Scheltema, *Geschied. en letterk. Mengelwerk*, vol. iii. p. 183.

#### Footnote 3:(return)

An excellent family portrait of him, painted by A. Vandyk, is now in the possession of Mevr. de douairière Coenen, van 's Gravesloot, at Utrecht.

#### **GENERAL PARDONS.**

(Vol. v., p. 496.)

In reference to the pardon to John Trenchard, Esq., here communicated in answer to me, I request permission, in the first place, to present my acknowledgments to Mr. E. S. Taylor for his courtesy; and, in the next, to explain the motive of my inquiry. I was about to print a very long document of this nature, which was issued on the 2nd Jan., 12 Car. II. (1660-1), in favour of Colonel Richard Beke, who had married a cousin of the Protector Cromwell. It appeared to me probable that some general pardon had been already printed, and I wished either to avoid the needless repetition should the pardon to Colonel Beke prove to be in the ordinary form, or, at least, to make a comparison between that and other records of the same class. I could not, however, ascertain that any general pardon had been printed, nor have I hitherto heard of any. The pardon to Colonel Beke has been printed for *The Topographer and Genealogist*, but is not yet

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published. It occupies nearly seven large octavo pages, and consequently is much longer than that granted to Mr. Trenchard: speaking freely, it is between three and four times as long. It is evidently formed on a different and more ample precedent; but perhaps the main difference consists in its having relation to the tenure of landed property, and not merely to the simple pardon of offences conferred in the grant made to Trenchard, though, from the enumeration introduced in it of all imaginable offences and crimes, political and moral, it is certainly more quaint and extraordinary.

I much regret that the pardon to Trenchard has not been presented *in extenso* to the readers of "N. & Q.;" for the contractions and very irregular punctuation will render it almost unintelligible to those who are not conversant with other documents of the kind. The following words are actually misprinted. In line 3. "he" for l're (literæ); line 12. "nuncupabatur" (one word); col. 2. line 1. "Jud'camenta" for Indictamenta, and "condempnac'onas" for condempnationes; line 3. and again line 14. "fforisfutur" for forisfactiones; line 23. "n're" for nostri; line 34. "existim't" for existunt; line 37. "p'lite<sup>r</sup>" for placitetur; line 39. "mea parte" for in ea parte; last line, "p'rato" for privato.

It is also necessary to correct the error into which Mr. Taylor has fallen in supposing that this pardon was granted on the 7th of December, 1688. The date it bears, "decimo septimo die Decembris anno regni nostri tertio," refers to a year earlier, viz., the 7th of December, 1687. The Revolution occurred in the *fourth* year of the reign of James II. "Mr. Trenchard of the Middle Temple" was clearly the same who was afterwards Sir John, and Secretary of State to King William. See the biographical notice of him appended to the pedigree of Trenchard in Hutchins's *History of Dorsetshire*, in which work two portraits of him are given. He had been engaged in Monmouth's rebellion; and it is said that he was at dinner with Mr. William Speke at Ilminster, when the news arrived of Monmouth's defeat at Sedgmoor. Speke was shortly after hung before his own door; whilst at the same time, having secreted himself, Trenchard had the good fortune to be embarking for the continent. The other John Trenchard mentioned by Mr. Taylor as occurring among the regicides, was great-uncle to Sir John, who was only forty-six at his death in 1694.

John Gough Nichols.

Macaulay may be right about the great seal notwithstanding Trenchard's pardon. It is just possible such documents may have been kept ready "cut and dried" for filling up. Charles I. began to reign March 27, 1625. I know of a pardon dated Feb. 10th in the first year of his reign, with the great seal of *James I.* appended. Surely it did not take eleven months to cut a new great seal, which seems the likeliest way of accounting for the use of the old one.

P. P.

#### THE DODO.

(Vol. v., pp. 463. 515.)

I beg to inclose the copy of a letter received by me in reply to my inquiry respecting the specimen of a *dodo* said to be at the house of *Sir John Trevelyan, Bart., Nettlecombe Park, Somersetshire*, a notice of which appeared in "N. & Q." published on the 15th ultimo. I shall feel much obliged if you will have the kindness to publish the same as an answer to Mr. Winn's Query.

A. D. BARTLETT.

"Sir,

"I wish I could confirm the truth of the information given to Mr. Winn, which I think it is scarcely necessary for me to say is *entirely incorrect*: and how such a report could have originated it is difficult to understand; unless by supposing that a member of the family when at Nettlecombe, in their childhood, had seen a stuffed specimen of the large *bustard*; and that this, in the course of years, had been magnified in their imaginative and indistinct recollection into a *dodo*. I admired much your restoration of the dodo at the Great Exhibition; which, judging from the old pictures and known remains of the bird, gives, I think, a very good idea of what it was. I do not know of any other remains of the *dodo* than those enumerated by Mr. Strickland; and had there been any at Nettlecombe, they would long ago have been known to naturalists.

"I remain, Sir,
"Yours faithfully,
"W. C. Trevelyan.

To Mr. A. D. Bartlett, 12. College Street, Camden Town."

#### WHIPPING OF PRINCES BY PROXY.

(Vol. v., p. 468.)

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scarce old play from which I give an extract, and in which the whipping-boy was *knighted, When You see Mee You know Mee*, as it was played by the High and Mighty Prince of Wales his Servants, by Samuel Rowley, London, 1632:

"Prince (Ed. VI.). Why, how now, Browne; what's the matter?

Browne. Your Grace loyters, and will not plye your booke, and your tutors have whipt me for it.

*Prince.* Alas, poore Ned! I am sorrie for it. I'll take the more paines, and entreate my tutors for thee; yet, in troth, the lectures they read me last night out of Virgil and Ovid I am perfect in, onely I confesse I am behind in my Greeke authors.

 $\it Will$  (Summers). And for that speech they have declined it uppon his breech," &c.—Pages 48-53.

He will also find the subject noticed by Sir Walter Scott, Fortunes of Nigel, ch. vi. p. 114. vol. xxvi. of Waverley Novels, Edinburgh, 1833, 8vo.; and also by Burnet in The History of his own Time. The latter, in speaking of Elizabeth, Countess of Dysart, whom he describes as an intrigante, and who afterwards became Duchess of Lauderdale, says her father, William Murray, had been page and whipping-boy to Charles I. We hear nothing of such office being held by any one in the household of Prince Henry, the elder brother of Charles I.; nor, if we can believe Cornwallis and others, can we suppose that "incomparable and heroique" prince infringed the rules of discipline, in any respect, to justify any castigation. It does not appear that it was the practice to have such a substitute in France; for Louis XIV., who was cotemporary with our Charles I., on one occasion, when he was sensible of his want of education, exclaimed, "Est-ce qu'il n'y avait point de verges dans mon royaume, pour me forcer à étudier?" And Mr. Prince (Parallel History, 2nd edition in 3 vols. 8vo., London, 1842-3, at p. 262. vol. iii.) states, that George III., when Dr. Markham inquired "how his Majesty would wish to have the princes treated?"—"Like the sons of any private English gentleman," was the sensible reply; "if they deserve it, let them be flogged: do as you used to do at Westminster." This is very like the characteristic and judicious language of the honest monarch.

Φ.

#### Richmond.

Mr. Lawrence has overlooked King Edward's most celebrated whipping-boy, Barnaby Fitzpatrick (as to whom see Fuller, *Church History*, ed. 1837, ii. 342.; Strype's *Ecclesiastical Memorials*, ii. 287. 331. 460. 503.; Burnet, *History of the Reformation*, ed. 1841, 456.; Tytler's *Edward VI. and Queen Mary*, ii. 85.). I confess I do not recollect having before heard either of Brown or Mungo Murray, and hope Mr. Lawrence will give particulars respecting them.

It seems very clear that Henry VI. was chastised *personally*; see a record cited (from Rymer, x. 399.) in *History of England and France under the House of Lancaster*, p. 418.

C. H. COOPER.

Cambridge.

### Replies to Minor Queries.

*Penkenol* (Vol. v., p. 490.).—Head of a family or tribe, from the Celtic: see *penkenedl*, Welsh; *ceanncinnidh*, or *cineal*, Gaelic; of which *ken-kenal* is a Lowland corruption. The inference drawn from the three crescents (borne as a difference) almost explains the meaning of the word. Aubrey was a Welshman.

DE CAMERON.

Penkenol was probably written in error for pencenedl, the head of a sept or family. Pennant so uses the word in his Whiteford and Hollywell, p. 33. The Welsh pronunciation of dl as thl will point to an obvious Greek analogy, which Davies's Dictionary carries to an earlier source.

LANCASTRIENSIS.

Johnny Crapaud (Vol. v., pp. 439. 523.).—I cannot but think that the solution of Mr. Philip S. King's Query about "Johnny Crapaud" will be found in the circumstance that three frogs are the old arms of France, and I would refer him if he needs it, to the Rev. E. B. Elliott's Horæ Apocalypticæ, where the reasons for believing that such were the arms of France are fully given and illustrated by a plate, vol. iv. p. 64. ed. 1847. I may add that, for what reason I don't know, but perhaps Mr. Metivier does, the natives of Jersey are called *crapauds* by Guernsey men, who in return are honoured by the title of *ânes*, asses.

Perez.

Sir John Darnall (Vol. v., p. 489.).—Sir John Darnall, Serjeant-at-Law 1714, knighted 1724, died Sept. 5, 1731, and was buried at Petersham, leaving by Margaret, daughter of Sir Thomas Jenner, two daughters and coheirs: *Mary* the elder married in 1727 Robert Orde, Esq., Lord Chief Baron of Scotland; and *Anne* the younger married in 1728 Henry Muilman of London, Esq., whose only daughter and heir married John Julius Angerstein, Esq.

The above Sir John Darnall was the only surviving son of Sir John Darnall of the Inner Temple, King's Sergeant-at-law 1698, knighted at Kensington June 1, 1699, died in Essex Street 1706, and was buried in the chancel vault of St. Clement's Danes, co. Middlesex (see the *English Post*, Monday, Dec. 23, 1706). He was son of Ralph Darnall, of Loughton's Hope, co. Hereford, and his will was proved in the Prerogative Court of Canterbury in Jan. 1707.

The arms assumed by Sir John Darnall, who died 1706, were—Gules on a pale argent, a lion rampant azure impaling Gules a boar passant.

G.

Bastides (Vol. v., pp. 150. 206.).—Dumas, in his *Pictures of Travel in the South of France*, says, that Louis XIV. while at Marseilles, observing the charming houses which surrounded the town, with their white walls, red tops, and green blinds, inquired by what name they were called in the language of the country: "They call them *Bastides*," replied Fostea de Piles. "Good!" says the King; "I will have a Bastide." He built a fort to check the Marseillaise.

Again, Tarver, in his Dictionary, has:

"Bastide, a small country house (this word is used in the south of France, in Provence especially.)"

Did Louis intend a pun between Bastide and Bastille?

E. H. B.

Demerary.

Compositions under the Protectorate (Vol. v., p. 68.).—Such is the name of a heading to one of your recent Notes; and such is the formula of the very common error that Dring's *List*, and the lists of his re-editors, represent the fines levied by Cromwell when he decimated the incomes (not the estates) of the Royalists, in consequence of Penruddock's rising. Dring's *List* has reference to the compositions during the years 1646-1648, when the fines were based on a totally different calculation. The error has arisen from Dring's catalogue having been published in 1655, the year after Penruddock's affair. I have compared a great number of the compositions as they are stated in the Lord's Journals, 1646, *et seq.*, with Dring's account; and though there are discrepancies, their average resemblance is sufficient to show that they refer to one and the same affair. Indeed, any one acquainted with the actors in those events will see in a moment that Dring's *List* contains many who had repented of and acknowledged their "delinquency."

J. WAYLEN.

Hoax on Sir Walter Scott (Vol. v., p. 438.).—The reperusal of Mr. Drury's hoax upon Sir Walter reminds me of another, which having escaped the industry of, or been intentionally overlooked by Mr. Lockhart, may be appropriately noticed in your pages, as pleasantly showing that even "Anselmo's" black-letter sagacity might be deceived; and that, with the simple credulity of his own Monkbarns, he could mistake the "bit bourock of the mason-callants" for a Roman Pretorium.

I allude to a small stitchlet, or brochure, of five pages, entitled "The Raid of Featherstonehaugh: a Border Ballad." It was really written by Sir Walter's early friend, Mr. Robert Surtees of Mainsforth, author of the *History of Durham*, some of whose other impositions upon the poet were printed in the *Border Minstrelsy*, or inserted in notes to his *Metrical Romances*. Of this poem in particular, Sir Walter entertained so high an opinion, that he has incorporated a verse from it into *Marmion*, and given it entire in a note as a genuine relic of antiquity; gravely commenting upon it in the most elaborate manner, and pointing out its exemplifications of the then state of society. It will be found in *Marmion*, Canto I., verse 13.:

"The whiles a northern harper rude."

WILLIAM BATES.

Birmingham.

Statute of Limitations abroad (Vol. iv., p. 256.).—In this colony, which is governed by the old Dutch law, the time at which prescription prevails is one-third of a century, but some Dutch authorities hold that thirty years is sufficient in personal actions. In Holland there were various charters respecting prescription, such as those of Alkmaar of 1254, Medemblik of 1288, Waterland of 1288, and others; these were cases of possession with the knowledge of the authorities. In Holland immovable property was acquired by prescription, without the knowledge of the authorities, in the third of a century. In Zealand it was twenty years. By the law of the Feudal Court, the period was a third of a century for any property; and in the territory of Voorn, from times of old, and classed among the laws of the year 1519, peaceable possession of any immovable property for thirty years was held good; but there was an exception in favour of minors and absentees.

E. H. B.

Demerary.

*Lines on Crawfurd of Kilbirnie* (Vol. v., p. 404.).—These lines are evidently merely an adaptation of the well-known epigram on Austria:

"Bella gerant alii—tu felix Austria nube,

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Swearing on a Skull (Vol. v., p. 485.).—In the "Historical Memoirs of the Clan M'Gregor," prefixed to the Life of Rob Roy, by K. Macleay, M.D., Glasgow, 1818, is the following story:—On the arrival of Anne of Denmark in Scotland, immediately after her marriage to James VI., the king ordered Lord Drummond of Perth, who was "principal forester of Glenartney," to provide venison for a feast. His deputy, Drummond of Drummondernoch, found in the forest some trespassers of clan Donald of Glenco, whose ears he cropped and let them go. The Macdonalds, however, returned with others of their clan, killed Drummond, and cut off his head. The atrocious acts of barbarism which followed need not be told here. They ultimately took the head with them, and proceeded to Balquhidder, among their friends the M'Gregors, whose conduct is best described in the words of the king's proclamation against their clan, which, after denouncing the "manifest reifs, and stouths" committed by them, and the murder of Drummond, proceeds thus:

"Likeas after ye murther committed, ye authors yrof cutted aff ye said umqll Jo. Drummond's head, and carried the same to the Laird of M'Gregor, who, and his haill surname of M'Gregors, purposely conveined upon the next Sunday yrafter, at the kirk of Buchquhidder; qr they caused ye said umqll John's head be pnted to them, and yr avowing ye sd murder, laid yr hands upon the pow, and in Ethnic and barbarous manner, swear to defend ye authors of ye sd murder."

HENRY G. TOMKINS.

Weston super Mare.

*Rhymes on Places* (Vol. v., pp. 293. 374. 500.).—Roger Gale, in a letter dated August 17, 1739, states that he saw the following lines in a window at Belford (between Newcastle and Berwick):

"Cain, in disgrace with heaven, retired to Nod,
A place, undoubtedly, as far from God
As Cain could wish; which makes some think he went
As far as Scotland, ere he pitch'd his tent;
And there a city built of ancient fame,
Which he, from Eden, Edinburgh did name."

Reliquiæ Galeanæ, 67\*

Charles Mathews, in a letter directed to his son at Mold N. W., dated 4th November [1825], says:

"Lord Deerhurst, who franked this letter, laughed at the idea of your being condemned to be at Mold, and told me an impromptu of Sheridan's, upon being compelled to spend a day or two there:

"'Were I to curse the man I hate
From youth till I grow old,
Oh might he be condemn'd by fate
To waste his days in Mold!'"

Memoirs of Charles Mathews, v. 504.

C. H. COOPER.

Cambridge.

The Silent Woman (Vol. v., p. 468.).—A very similar sign to this is one called "The Honest Lawyer," who is represented in exactly the same position as "The Silent Woman." The interpretation seems tolerably obvious in both cases, such a state being one in which the lady could not be otherwise than silent, nor the gentleman than honest.

S. L. P.

Oxford and Cambridge Club.

Serpent with a human Head (Vol. iv., pp. 191. 331.).—Perhaps the most ancient representations of this figure are to be found in those papyri of the ancient Egyptians, called the Ritual, or prayers of the dead, in which are depicted the progress or peregrination of the soul through the regions of the nether world, or Hades, to a future state of existence. Fac-similes of the Ritual have been published in Rosellini's Monumenti dell' Egitto, Dr. Lepsius's Todten-Buch, the plates of Lord Belmore's Collection of Hieroglyphic Monuments, and in the great French work entitled Description de l'Egypte. A similar form occurs also in several of the woodcuts inserted in the prose version, (printed at Paris by Antoine Verard in 1499) of Guillaume de Guileville's poem entitled Le Pélerinaige de l'Ame, a monastic legend of the fourteenth century, evidently founded on the old Egyptian belief. At the end of the pilgrimage represented in the Egyptian papyri, the soul is conducted by her guardian angel into the great Hall of Judgment, where the deeds done in the body are placed in the balance in the presence of Osiris, the judge of the assize, who passes sentence. A representation of the same scene became a favourite decoration in mediæval Christian churches, of which many vestiges have been discovered of late years in this country; with this difference, that in these fresco-paintings St. Michael was substituted, as judge of the tribunal, for Osiris. In the woodcuts above mentioned, published by Verard, the woman-headed serpent pursues the soul, like an accusing spirit, into the Hall of Judgment, seats herself even in one of the scales of the balance to counterpoise the good deeds placed in the opposite scale by the soul, telling her at the same time that her name is Sinderesis, or the WORM of Conscience.

Thus, by a circuitous route, we arrive at the signification of the original Egyptian symbol.

NHRSL.

Poem on the Burning of the Houses of Parliament (Vol. v., p. 488.).—As this doggerel is written on the same plan as our old friend "This is the House that Jack built," it will be sufficient to give the last paragraph, which of course embraces the whole. I copy from a newspaper cutting, but from what newspaper I am ignorant. It is printed consecutively (as I send it), and not with reference to the metre.

"This is the Peer, who in town being resident, signed the report for the absent Lord President, and said that the history, was cleared of its mystery, by Whitbread the waiter, adding his *negatur*, to that of John Riddle, who laugh'd and said 'Fiddle!' when told Mr. Cooper of Drury Lane, had been down to Dudley and back again, and had heard the same day, a bagman say, that the house was a-blazing, a thing quite amazing, even to John Snell, who knew very well, by the smoke and the heat, that was broiling his feet, through his great thick boots in the Black Rod's seat, that Dick Reynolds was right, that the fires were too bright, heaped up to such an unconscionable height, in spite of the fright, they gave poor Mistress Wright, when she sent to Josh. Cross, so full of his sauce, both to her and to Weobly, who'd heard so feebly, the directions of Phipps, when he told him the chips, might be burnt in the flues, yet never sent the news, as he ought to Milne, who'd have burnt in a kiln, these confounded old sticks, and not heated the bricks, nor set fire to the house that Josh. burnt."

CRANMORE.

Large Families (Vol. v., pp. 204. 357.).—In a MS. commonplace-book of the year 1787 et seq., I find two notes which may be added to your curious collection of large families.

"In the church of Abberconway is a stone with this inscription: 'Here lyeth the body of Nich<sup>las</sup> Hooker, who was the one and fortieth child of his father by Alice his only wife, and the father of seven and twenty children by one wife. He died the  $20^{th}$  of March, 1637.'"

The other entry is as follows:-

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"The following well-attested fact is copied from Brand's History of Newcastle:—

"'A weaver in Scotland had by one wife (a Scotch-woman) sixty-two children, all living till they were baptized; of whom four daughters only lived to be women, and forty six sons attained to man's estate.'"

Anon.

The following instance of a large family by one woman is gravely related by Master Richard Verstegan, in his *Restitution of Decayed Intelligence in Antiquities*, p. 3. edit. 1655; and which, it must be confessed, is enough to frighten any day labourer "out of his seven senses:"—

"There died in the city of Paris in the year of our Lord 1514, a woman named Yoland Baillie, at the age of eighty-eight years, and in the eighth year of her widowhood, who there lieth buried in the churchyard of St. Innocents; by whose epitaph it appeareth, that there were two hundred, fourscore and fifteen children issued from herself, while herself yet lived!"

J. Y.

Frebord (Vol. v., p. 440.).—Your correspondent P. M. M. desires information on this matter. He may be glad to know that, in the adjoining manor from whence I write, the claim is sixteen feet and a half from the set of the hedge; and this claim has been ever allowed, and is still enforced. It is supposed to depend on a right of free-warren which the manor in question possesses under a grant of Henry III. Is there any reason to believe that there is any connexion between *frebord* and free-warren? I have heard it explained as reserved for the use of the lord for the purpose of preserving the game.

Spes

Milton's (?) Epitaph (Vol. v., p. 361.).—Your correspondent is possibly not acquainted with the Rev. Charles Wordsworth's very beautiful epitaph on his first wife. It is in the College Chapel at Winchester, and is remarkably similar in idea to the one he gives. The words are:

I nimiùm dilecta! vocat Deus: i bona nostræ Pars animæ: mærens altera disce sequi."

Both authors are doubtless indebted to Horace's-

"Ah! te meæ si partem animæ rapit Maturior vis," &c.

S. L. P.

Oxford and Cambridge Club.

Can Bishops vacate their Sees? (Vol. iv., p. 293.)—As an instance of bishops vacating their sees I

find in the account of Twysden's *Hist. Anglicanæ Scrip. decem*, that, speaking of the Epistle of Simeon Archbishop of York, it says, *inter alia*, "the names after Thurstan, who resigned A.D. 1139, must have been added," &c.

E. H. B.

Demerary.

*Sleekstone, Meaning of* (Vol. iii., p. 241.; Vol. iv., p. 394.; Vol. v., p. 140.).—I can confirm what R. C. H. says respecting this word, having had one in my possession. It was of glass, of the same shape as described by R. C. H., and was used for giving a gloss to silk stockings. It is called here (Demerary) a *sleeking stone*.

E. H. B.

Demerary.

Poems in the Spectator (Vol. v., p. 439.).—The three poems mentioned are unquestionably by Addison. Captain Thompson, in the Preface to his edition of Andrew Marvell's works in three vols. 4to., 1766, states that he found them in a manuscript collection of Marvell's poems; but the fact no doubt was, that the manuscript he refers to was a miscellaneous collection by different writers, and not by Marvell exclusively (see Preface, p. xiv.) Thus, "William and Margaret," Mallet's ballad, was found in the same manuscript, and is likewise ascribed by Capt. Thompson to Marvell, and with as little reason. Hartley Coleridge observes (*Biog. Borealis*, p. 64.) with respect to the three poems alluded to:

"As to their being Marvell's, it is just as probable that they are Chaucer's. They present neither his language, his versification, nor his cast of thought."

While on the subject of Marvell, let me express a hope that we may soon have a new and better edition of his works than the cumbrous but incorrect and incomplete edition published by Thompson. His admirable prose works deserve editing with care, and amongst them should be included the tract omitted in his works, but worthy of him in every respect, *Remarks upon a late Disingenuous Discourse writ by one T. D. under the Pretence De Causa Dei*, 1678, 8vo.; and which has now become exceedingly rare.

Jas. Crossley.

*Line on Franklin* (Vol. iv., 443.; Vol. v., p. 17.).—I have read, but do not remember where, that this line was *immediately* taken from one in the *Anti-Lucretius* of Cardinal Polignac:

"Eripuitque Jovi fulmen, Phœboque sagittas."

But it is obvious that the Cardinal must have, in turn, borrowed from Manilius.

J. S. WARDEN.

St. Christopher (Vol. v., p. 295.).—E. A. H. L., who asks "if there are any representations of St. Christopher in painted glass; and if so, where?" is informed that there is a picture of the Saint in a green vestment, painted on glass, in the window of the side chapel of King's Chapel, which is used as a vestry by the Conduct. The picture is on the internal, not the external window of the side chapel, in the western corner, upper compartment, about a foot in height.

F. H. L.

Lines on Woman (Vol. v., p. 490.).—The uxorious lines your correspondent J. T. is in search of, were written by Bird. They are copied from his "Poetical Memoirs" in Carey's Beauties of the  $Modern\ Poets$ , p. 284., London, 1826. From thence I extract them, and, by so doing, entitle myself to the good graces of the lady readers of "N. & Q."

"Oh, woman, woman! thou art formed to bless
The heart of restless man; to chase his care,
And charm existence by thy loveliness;
Bright as the sunbeam, as the morning fair,
If but thy foot fall on a wilderness,
Flowers spring, and shed their roseate blossoms there,
Shrouding the thorns that in thy pathway rise,
And scattering o'er it hues of paradise.

"Thy voice of love is music to the ear,
Soothing, and soft, and gentle as the stream
That strays 'mid summer flowers; thy glittering tear
Is mutely eloquent; thy smile a beam
Of life ineffable, so sweet, so dear,
It wakes the heart from sorrow's darkest dream,
Shedding a hallowed lustre o'er our fate,
And when it beams, we are not desolate.

"No, no! when woman smiles, we feel a charm Thrown bright around us, binding us to earth; Her tender accents, breathing forth the balm; Of pure affection, give to transport birth; There life's wide sea is billowless and calm.

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Oh! lovely woman! thy consummate worth Is far above thy frailty—far above All earthly praise—thou art the light of love!"

RT.

Warmington.

Burial (Vol. v., pp. 320. 404.).—Mr. Gatty says that a clergyman is inhibited from reading the burial service in unconsecrated ground. Is this so? Irregular as the practice would be, have not other irregularities equally glaring—baptisms, for instance—too often taken place in drawing-rooms? It might not be uninteresting, to have instances given of spots, not consecrated, which have been chosen for burial; as the individuals who selected them have possibly been marked by some peculiarities of character worthy of observation.

Baskerville, the celebrated printer, directed that he should be buried under a windmill near his garden; this direction proceeded, alas! from disbelief in Revelation. A few years previously (viz. in 1772) Mr. Hull, a bencher of the Inner Temple, was buried underneath Leith Hill Tower, in Surrey, which he had erected on that beautiful and commanding spot, shortly before his death.

In the *Gentleman's Magazine* of last month, we have a curious inscription on a monument, which once existed in a field or garden near Twickenham. Mrs. Joan Whitrow, to whom it was raised, though said to be "favoured with uncommon gifts," appears to have been very crazy.

Was not Mrs. Van Butchell, to whom Mr. Gatty refers, to be seen some years ago in her glass case in the College of Surgeons?

J. H. M.

Portrait of Thomas Percy, Earl of Northumberland (Vol. v., p. 490.).—There is a portrait of this nobleman in Petworth House, Sussex, representing him kneeling on a cushion before a low stand, on which is placed a missal, his hands joined as in prayer. Written on the canvas itself is the following, in capital letters:

"ESPERANCE—EN—DIEU MA COMPHORT."

Again is written:

"Thomas, 7th Earl of Northumberland, Ætatis—suæ—38, An $^{\rm o}$  Dom. 1566, et Die Dec $^{\rm o}$  Juni."

This is copied word for word from the picture.

P. W.

#### Miscellaneous.

#### NOTES ON BOOKS, ETC.

Every attempt, undertaken in a reverential spirit, to facilitate the labours of the inquirer after Scripture truth, deserves especial favour at the hands of those who may have the opportunity of directing public attention to such endeavours. The Emphatic New Testament, according to the Authorized Version, compared with the various Readings of the Vatican Manuscripts. The Four Gospels. Edited, with an Introductory Essay on Greek Emphasis, by John Taylor; which is an attempt to represent to the English reader certain peculiarities in the Greek text, is a work of this class, and therefore, without entering into any minute detail of the manner in which Mr. Taylor carries out his endeavour, we will let him speak for himself on the subject of its results. "If any one were known," says Mr. Taylor "to be in possession of a copy of the Greek Testament so marked by its inspired writers as they would wish to have it read; and if the system of notation, when applied to the English translation, were found to be equally efficacious in conferring distinction on the corresponding words in that language, should we not deem it a great treasure, and be eager to obtain a marked copy, esteeming it next to hearing the words in the tone adopted by Our Lord and His Apostles? Yet something of this kind is offered to our notice in the present work; without altering the expression, it often makes the meaning clearer; it adds certainty to many readings, which before could only be founded on conjecture; and it may altogether be considered as a kind of running commentary of no less authority than the original text."

We have received the first Part of Mr. Akerman's *Remains of Pagan Saxondom*, which contains engravings of some beautiful *Personal Ornaments from a Barrow near Devizes; of a Gold Buckle found at Ickworth, Suffolk*; and of the curious *Glass Vase found at Reculver*, now preserved in the Canterbury Museum. The price of the Part, half-a-crown to subscribers, is apparently a high one; but it must be remembered that all the objects are represented of their natural size, so that the plates become in some measure a substitute for the antiquities themselves.

The Society of Antiquaries having, on the ballot taken on Thursday week, adopted the proposal to return to the old rate of subscription, we can only hope that all parties—those who so strenuously and honestly advocated the measure, and those who as strenuously and as honestly opposed it—

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will now meet on the common principle by which both were actuated, a desire to promote the well-being of the Society, and co-operate in bringing forward those judicious reforms, without which the present step would only be delusion.

We are very glad to find, from the recently published Report of the Commissioners appointed to inquire and report concerning the ancient laws and institutes of Ireland, that Lord Eglintoun, the present Lord Lieutenant of Ireland, has recommended to the Treasury the immediate publication of the Brehon Laws. In a very interesting letter from Dr. Jacob Grimm, which is appended to the Commissioners' Report, he well describes the benefits which will result from this measure of justice to the literature of Ireland. "To the historians and philologists of Europe," observes Dr. Grimm, "a valuable and important monument of Irish antiquity remains as yet shut up. It is only suitable to the dignity of the Irish and British nation to effect the publication of the Brehon Laws, as has been already accomplished in the case of the laws of Wales."

After this mention of Irish antiquities, we may remind such of our readers as may be desirous of promoting the very praiseworthy objects of The Kilkenny Archæological Society, that they may still be supplied with complete copies of its Transactions upon payment of the four years' subscription; and we scarcely know how they could better employ twenty shillings.

Books Received.—Sketches in Canada, and Rambles among the Red Men, by Mrs. Jameson, which forms two Parts of Longman's Traveller's Library, is a reprint, with the omission of all that was of a merely transient or merely personal nature, or that has become obsolete in politics or criticism, of this accomplished writer's Winter Studies and Summer Rambles in Canada. This graphic work will supply pleasant reading for a railway journey, and not be hastily thrown aside when the journey and its perusal are completed.—The Valiant Little Tailor, and other Stories; forming the second Part of the very satisfactory translation of Grimm's Household Stories, which Addey and Co. are publishing, with admirable illustrations by Wehnert, for the especial delight and gratification of all "Good Little Masters and Mistresses."

#### **BOOKS AND ODD VOLUMES**

WANTED TO PURCHASE.

POETIC WREATH. 8vo. Newman. MALLET'S ELVIRA. SCOTT'S MARMION. —— LADY OF THE LAKE. —— Lay of the Last Minstrel. The original 4to. editions in boards. Whittingham. Magna Charta; a Sermon at the Funeral of Lady Farewell, by George Newton. London, 1661. BOOTHBY'S SORROWS SACRED TO THE MEMORY OF PENELOPE. Cadell and Davies. 1796. CHAUCER'S POEMS, Vol. I. Aldine Edition. Biblia Sacra, Vulg. Edit., cum Commentar. Menochii. Alost and Ghent, 1826. Vol. I. Barante, Ducs de Bourgogne. Vols. I. and II. 1st, 2nd, or 3rd Edit. Paris. Ladvocat, 1825. BIOGRAPHIA AMERICANA, by a Gentleman of Philadelphia. Potgieseri de Conditione Servorum apud Germanos. 8vo. Col. Agrip. THE BRITISH POETS. Whittingham's edition in 100 Vols., with plates. Repository of Patents and Inventions, Vol. XLV, 2nd Series, 1824. ---- Vol. V. 3rd Series. 1827. Nicholson's Philosophical Journal. Vols. XIV. XV. 1806.

JOURNAL OF THE ROYAL INSTITUTION OF GREAT BRITAIN. No. XI. 2nd Series.

Sorocold's Book of Devotions.

Works of Isaac Barrow, D.D., late Master of Trinity College, Cambridge. London, 1683. Vol. I.

LINGARD'S HISTORY OF ENGLAND. Vols. VI. VII. VIII. IX. XII. XIII., cloth.

Fabricii Bibliotheca Latina. Ed. Ernesti. Leipsig, 1773. Vol. III.

The Anacalypsis. By Godfrey Higgins. 2 Vols. 4to.

ECKHEL, DOCTRINA NUMORUM. Vol. VIII.

Brougham's Men of Letters. 2nd Series, royal 8vo., boards. Original edition.

Codex Diplomaticus Ævi Saxonici, opera J. M. Kemble. Vols. I. and II. 8vo.

KNIGHT'S PICTORIAL SHAKSPEARE. Royal 8vo. Parts XLII. XLIV. L. and LI.

Conder's Analytical View of all Religions, 8vo.

HALLIWELL ON THE DIALECTS OF SOMERSETSHIRE.

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\*\* Letters, stating particulars and lowest price, *carriage free*, to be sent to Mr. Bell, Publisher of "NOTES AND QUERIES," 186. Fleet Street.

#### **Notices to Correspondents.**

Replies Received.—St. Botulph—Poem on Burning of the Houses of Parliament—Passage from Crabb—Sir John Trenchard—Bullen Family—Serjeants' Rings— The Word "Devil"—The Heavy Shove—Etymology of "Mushroom"—The Ring Finger—The Amber Witch—Descendants of John Rogers—St. Patrick—Spanish Vessels wrecked on the Irish Coast—Sons of the Conqueror—Hog's Norton—"Cane Decane"—Dutch Manufactories of Porcelain—Proclamations respecting Use of Coal—Royal "We"—Carling Sunday.

A Subscriber from the Commencement is thanked for his very excellent suggestion on the subject of our Index.

We have to apologise to many Subscribers for not replying to communications; but even Editors may sometimes have more than they can do.

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to which I have been indebted to you, I may mention that out of about seventy sermons which I preached at W——, five or six were Paley's, and fifteen or sixteen yours. For my own credit's sake I must add, that all the rest were entirely my own."—*Extracted from the Letter of a Stranger to the Author.* 

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