VARIOUS

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NOTES

SIR WILLIAM GASCOIGNE

Although you and I no doubt unite in the admiration, which all our fellow-countrymen profess, and some of them feel, for our immortal bard, yet I do not think that our zeal as Shakspearians will extend so far as to receive him as an unquestionable authority for the facts introduced into his historical plays. The utmost, I apprehend, that we should admit is, that they represent the tradition of the time in which he wrote, and even that admission we should modify by the allowance, to which every poet is entitled, of certain changes adopted for dramatic effect, and with the object of enhancing our interest in the character he is delineating.

Two facts in his Second Part of *Henry IV*, always referred to in connection with each other, notwithstanding the ingenious remarks on them made by Mr. Tyler in his *History of Henry V.*, are still accepted, and principally by general readers, on Shakspeare's authority, as undoubtedly true. The one is the incident of Prince Henry's committal to prison by Chief Justice Gascoigne; and the other is the magnanimous conduct of the Prince on his accession to the throne, in continuing the Chief Justice in the office, which he had shown himself so well able to support.

The first I have no desire to controvert, especially as it has been selected as one of the illustrations of our history in the House of Lords. Frequent allusion is made to it in the play. Falstaff's page says to his master, on seeing the Chief Justice:

> "Sir, here comes the nobleman that committed the prince for striking him about Bardolph."

And Falstaff in the same scene thus addresses Gascoigne:

> "For the box of the ear that the prince gave you,—he gave it like a rude prince, and you took it like a sensible lord. I have checked him for it, and the young lion repents."

And Gascoigne, when Henry refers to the incident in these words:

> "How might a prince of my great hopes forget
> So great indignities you laid upon me?
> What! rate, rebuke, and roughly send to prison
> The immediate heir of England! Was this easy?
> May this be wash'd in Lethe, and forgotten?"

thus justifies himself to the king:

> "I then did use the person of your father;
> The image of his power lay then in me:
> And in the administration of his law,
> Whiles I was busy for the commonwealth,
> Your highness pleased to forget my place,—

The majesty and power of law and justice,
The image of the king whom I presented,—
And, struck me in my very seat of judgment;
Whereon, as an offender to your father,
I gave bold way to my authority,
And did commit you."

Now this is a relation that we are well content, although unsupported by contemporaneous authority, to receive on tradition; because in the nature of the circumstances we cannot expect to find any authentic evidence of the occurrence. But we should never think of citing these passages as fixing the fact of the *blow*, as chronicled by Hall, in opposition to the milder representation of the story as told by Sir Thomas Elliott in "The Governour." The bard makes that selection between the two versions which best suits the scene he is depicting.

We cannot, however, be so easily satisfied with the second fact,—the reappointment of Gascoigne,—thus asserted by Shakspeare when making Henry say:

"You did commit me;
For which, I do commit into your hand
The unstain'd sword that you have us'd to bear;
With this remembrance,—that you use the same
With the like bold, just, and impartial spirit,
As you have done 'gainst me."

We require better evidence for this than tradition, because, if true, better evidence can be adduced. A noble writer has very recently declared that he can "prove to demonstration that Sir William Gascoigne survived Henry IV. several years, *and actually filled the office of Chief Justice of the King's Bench under Henry V.*" As to the first of these points he implicitly follows Mr. Tyler's history, who proves that Gascoigne died in December 1419, in the seventh year of the fifth Henry's reign; but as to the second point, deserting his authority and omitting the dates introduced in it, he entirely fails in supporting his assertion. The assertion, however, having been made in so recent a work, it becomes important to investigate its truth.

The only fact that gives an apparent authenticity to the story is that Gascoigne was summoned to the first parliament of Henry V. as "Chief Justice of our Lord the King." When we recollect, however, that this summons was dated on March 22, 1413, the day following the king's accession, we must see that his Majesty could have had little more time than to command a parliament to be summoned; that the officer who made out the writs would naturally direct them to those peers, judges, and others who were summoned to the preceding parliament; and that the proper title of Gascoigne was Chief Justice until he was actually superseded. This evidence, therefore, is anything but conclusive, and in fact gives very little assistance in deciding the point at issue.

It is well known that Sir William Hankford was Gascoigne's successor as Chief Justice of the King's Bench, and the real question is, when he became so. Dugdale states that the date of his patent was January 29, 1414, ten months after King Henry's accession; and if this were so, the presumption would follow that Gascoigne continued Chief Justice till that time. Let us see whether facts support this presumption.

Now, Hankford was a Judge of the Common Pleas at the end of the previous reign; but he was omitted when his brethren of that court received their new patents from Henry V., which were not issued till May 2, a day or two before Easter Term. And yet we find the name of Hankford in the Year-book reports of both that and Trinity Term; and we find it, not as acting in the Common Pleas, but as ruling in the King's Bench.

Further, although Gascoigne was summoned to the first parliament on March 22, yet on its meeting on May 15, he was not present;—added to which, his usual position, as first named legal trier of petitions, was filled by Sir William Hankford, placed too in precedence of Sir William Thirning, the Chief Justice of the Common Pleas.

These facts, so contradictory to Dugdale's date, rendered it necessary to refer to the roll. This, by the kindness of Mr. Duffus Hardy (who certainly can never be called the "streict-laced" gaoler of the records, alluded to in your fourth number, Vol. i., p. 60.), has been inspected; and the result is that the date of Hankford's appointment, instead of being *January* 29, 1414, as stated by Dugdale, turns out to be *March* 29, 1413; just eight days after King Henry's accession, and ten days previous to his coronation.

The peculiar period chosen for this act, and its precipitancy in contrast with the delay in issuing the new patents to the other judges, tend strongly, I am afraid, to deprive us of the "flattering unction" of supposing that it resulted from Gascoigne's choice, rather than Henry's mandate. Nor is the royal warrant of November 1414, 2 Henry V. (twenty months afterwards), granting him four bucks and four does yearly, during his life, out of the forest of Pontefract, a sufficient proof of favour to countervail the impression created by his early removal.

With these facts before us, King Henry's supposed generosity in renominating Gascoigne can no longer be credited. But, even presuming that none of these facts had been discovered, I must own myself surprised that any one could maintain that Gascoigne was ever Chief Justice to Hen. V., with two existing records before him, both containing conclusive proof to the contrary.

The first is the entry on the Issue Roll of July, 1413, of a payment made of an arrear of Gascoigne's salary and pension, in which he is called "*late* Chief Justice of the Bench of *Lord Henry, father of the present King*."

The second is the inscription on his monument in Harwood Church in Yorkshire, where he is described as "*nuper* capit. justio. de banco Hen. *nuper* regis angliæ *quarti*."

I think I may fairly ask whether it is possible to suppose that in either of these records, particularly the latter, he would have been docked his title, had he ever been Chief Justice of the reigning king?

Allow me to take this opportunity of thanking L.B.L. for his extracts from the Hospitaller's Survey (Vol. ii., p. 123.), which are most interesting, and, to use a modern word, very *suggestive*.

Edward Foss.

Street-End House, near Canterbury.

AN OLD GUY?

No one would at present think of any other answer to a Query as to the meaning of this term than that the phrase originated with the scarecrows and stuffed apings of humanity with which the rising generation enlivens our streets on every fifth of November, and dins in our ears the cry, "Please to remember the guy," and that it alludes to the Christian name of the culprit, Guido. Have, however, any of your readers met this title, or any allusion to it, in any writer previously to 1605? and may its attribution to the supposed framer of the Gunpowder Plot only have been the accidental appropriation of an earlier term of popular reproach, and which had become so since the conversion of the nation to Christianity? This naturally heaped contumely and insult upon every thing relating to the Druids, and the heathen superstitions of the earlier inhabitants.

Amongst others, *Guy* was a term by which, no doubt, the Druids were very early designated, and is cognate, with the Italian *Guido* and our own *Guide*, to the Latin *cuidare*, which would give it great appropriativeness when applied to the offices of teachers and leaders, with which these lordly flamens were invested. Narrowly connected with their rites, the term has descended to the present day, as is decidedly shown in the French name of the mistletoe, *le Gui*, and as denoting the priesthood. The common cry of the children at Christmas in France, *au gui l'an neuf*, marks the winter solstice, and their most solemn festival; so *ai-guil-lac*, as the name of new year's gifts, so necessary and expensive to a Frenchman, which they particularly bear in the diocese of Chartres, can only be explained by referring it to the same origin. In the French vocabulary at present this word, as I have before observed, is restricted to the mistletoe, the *viscum album* of Linnæus: but in Germany we have pretty much the same conversion of a favourite druidical plant, the trefoil, or shamrock, and the cinquefoil; both of them go in Bavaria and many other parts of Germany under the name of *Truten-fuss*, or Druid's foot, and are thought potent charms in guarding fields and cattle from harm; but there too, as with us, possibly the oldest title of guy, the term Druid, has grown into a name of the greatest disgrace: "*Trute, Trute, Saudreck*," "Druid, Druid, sow dirt," is an insulting phrase reserved for the highest ebullitions of a peasant's rage in Schwaben and Franken.

Whilst on the subject of the mistletoe, I cannot forbear to mark the coincidences that run through the popular notions of a country in all ages. Pliny, in his very exact account of the druidical rites, tells us, when the archdruid mounted the oak to cut the sacred parasite with a golden pruning-hook, two other priests stood below to catch it in a white linen cloth, extremely cautious lest it should fall to earth. One is almost tempted to fancy that Shakspeare was describing a similar scene when he makes Hecate say

> "Upon the corner of the moon,
> There hangs a vap'rous drop profound,
> I'll catch it ere it come to ground."

In a very excellent note to Dr. Giles' translation of Richard of Cirencester, p. 432., he adduces the opinion of Dr. Daubeny, of Oxford, that as the mistletoe is now so rarely found in Europe on oaks, it had been exterminated with the other druidical rites on the introduction of Christianity. I am not sufficiently botanist to determine how far it is possible to destroy the natural habitat of a plant propagated by extrinsic means, and should be more inclined to account for the difference then and now by supposing that the Druids may have known the secret of inoculating a desirable oak with the seeds where birds had not done so, and practised it when necessary.

P.S. Since writing the above, I recollect that the Latin verse,

> "*Ad viscum Druidæ*: Druidæ clamare solebant,"

is frequently quoted from Ovid, sometimes, and that recently, specifying the Fasti. I need not tell you that it is not to be found there, and I wish to inquire if any of the numerous readers of your valuable publication can say where I can meet with it; if classical, it is another remarkable evidence of the endurance of popular customs to the present day. In the following quotation from Keyssler's Treatise *de Visco*, the Anklopferleinstag would be also a noisy demonstration dating from druidical times, at a period of the year not far removed from the beginning of November.

> "In superiori Germaniæ parte, Marchionatu Onolsbacensi comprehensa, cujus inolæ plurimas Gentilismi reliquias retinent, regio ipsa multis Druidum vestigiis abundat, tempore adventus Christi, sive media Hyeme (am Anklopferleinstag), vulgus per vias et pagos currit malleisque pulsat fores et fenestras indesinenter clamans *Gutheyl! Gutheyl!* Quod quidem non salutem per Christi adventum partam indicat, quasi diceres: Gut Heyl; bona salus; multo minus fictitam Sanctam Günthildem, quam rustici illius tractus miris fabulis ac nugis celebrant, sed nomen ipsum visci est."

The present popular and only German name of the mistletoe, the parent of our English denomination, is *Mistel*, which is evidently only *Meist-heyl* (most heal, or healing), the superlative of the above *Gut-heyl*, and both wonderfully agreeing with the name which Pliny says it bore in his time, *Omnia sanans*.

William Bell, Ph.D.

FOLK LORE

Folk Lore of South Northamptonshire.—No. 2.

Mice.—A sudden influx of mice into a house, hitherto free from their ravages, denotes approaching mortality among its inhabitants. A mouse running over a person is considered to be an infallible sign of death, as is also the squeaking of one behind the bed of an invalid, or the appearance or apparition of a white mouse running across the room. To meet with a shrew-mouse, in going a journey, is reckoned ominous of evil. The country people have an idea that the harvest-mouse is unable to cross a path which has been trod by man. Whenever they attempt, they are immediately, as my informant expressed it, "struck dead." This, they say, accounts for the numbers which on a summer's evening may be found lying dead on the verge of the field footpaths, without any external wound or apparent cause for their demise.

Snakes.—There is a very prevalent belief that a snake can never die till the sun is down. Cut or hack it as you will, it will never die till sunset. This idea has evidently its source in the amazing vitality common to the species.

Poultry.—The crowing of a hen bodes evil, and is frequently followed by the death of some member of the family. When, therefore, Dame Partlet thus experiments upon the note of her mate, she pays her head as the price of her temerity, a complete severance of the offending member being supposed to be the only way of averting the threatened calamity. No house, it is said, can thrive whose hens are addicted to this kind of amusement. Hence the old proverb often quoted in this district:

> "A whistling woman and a crowing hen,
> Is neither fit for God nor men."

According to Pluquet, the Normans have a similar belief, and a saying singularly like the English one:

> "Un Poule qui chante le coq, et une fille qui siffle, portent malheur dans la maison."

Before the death of a farmer his poultry frequently go to roost at noon-day, instead of at the usual time. When the cock struts up to the door and sounds his clarion on the threshold, the housewife is warned that she may soon expect a stranger. In what is technically termed "setting a hen," care is taken that the nest be composed of an odd number of eggs. If even, the chickens would not prosper. Each egg is always marked with a little black cross, ostensibly for the purpose of distinguishing them from the others, but also supposed to be instrumental in producing good chickens, and preventing any attack from the weasel or other farm-yard marauders. The last egg the hen lays is carefully preserved, its possession being supposed to operate as a charm upon the well-doing of the poultry. In some cases, though less commonly, the one laid on Good Friday is preserved, from the same reason. When a baby is first taken out to see its friends, it is customary for them to give it an egg: this, if preserved, is held to be a source of good fortune to the future man. (Vide *Brand*, ii. p. 48.) The first egg laid by a pullet is usually secured by the shepherd, in order to present to his sweetheart,—the luckiest gift, it is believed, he can give her.

Crows.—To see a crow flying alone is a token of bad luck. An odd one, perched in the path of the observer, is a sign of wrath.

Owls.—The ominous screech of this, the most ominous of all birds, is still heard with alarm; and he remains with us, as in Chaucer's days,

> "The oule eke that of deth the bode bringeth."

When, as sometimes happens, he exchanges the darkness of his ivy bush for the rays of the sun at noon-day, his presence is looked upon as indicative of bad luck to the beholder. Hence it not infrequently happens that a mortal is as much scared by one of these occasional flights as the small bird denizens of the tree on which he may happen to alight.

Cuckoos.—When the cry of the cuckoo is heard for the first time in the season, it is customary to turn the money in the pocket, and wish. If within the bounds of reason, it is sure to be fulfilled. In reference to the pecuniary idea respecting the cuckoo, the children sing,

"Cuckoo, cuckoo, cherry tree
Catch a penny and give it to me."

Robins and Wrens.—The robin is considered a sacred bird: to kill one is little less than sacrilege, and its eggs are free from the destroying hand of the bird-nester. It is asserted that the respect shown to it by man is joined in by the animals of the wood. The weasel and wild cat, it is said, will neither molest it, nor eat it when killed. The high favour in which this bird is held is usually attributed to the ballad of *The Babes in the Wood*. Few, however, among the peasantry of this district have even heard of it; and, however much that beautiful tale may have tended to popularise the belief, it is evident that we must trace the origin to a more remote source. One cause for the veneration in which it is held may be the superstition which represents him as the medium through which mankind are warned of approaching death. Before the death of a person, a robin is believed, in many instances, to tap thrice at the window of the room in which he or she may be. The wren is also a bird which superstition protects from injury; but it is by no means treated with such reverence as the robin. The praises of both are sung in the old couplet:—

"The robin and the wren,
Be God A'mighty's cock and hen."

Pigeons.—No one, it is believed, can die on pigeons' feathers. In the northern parts of the county, the same thing is said of game feathers,—a superstition also current in Kent.—*Ingolsby Legends*, Third Series, p. 133.

Wasps.—The first wasp seen in the season should always be killed. By so doing you secure to yourself good luck and freedom from enemies throughout the year.

Bees.—The superstitious ceremonies and observances attached to these animals appear to be current throughout the kingdom, and by no means suffer any diminution in this county. Among others of less common occurrence, we have the belief that they will not thrive in a quarrelsome fammily.

The wild, or, as we term him, the *humble bee*, is not without a share of the superstitions which pertain to his more civilised brethren. The entrance of one into a cottage is deemed a certain sign of death.

Конец ознакомительного фрагмента.