

Short Notes

ON

Painswick.

BY

URIAH JAMES DAVIS.

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WITH TWELVE ILLUSTRATIONS.

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Short Notes on Painswick,

BY

URIAH JAMES DAVIS.



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Court House, Painswick, March, 1881.

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INTRODUCTION.



MY object in compiling these "Short Notes on Painswick" is two-fold :—First, to preserve, if possible, that which through neglect, or the ceaseless ravages of Time, was in danger of being lost for ever ;—Second, to collect, from every source to which I had access, all the facts I could gather respecting the town, and the several tithings of the parish ; and to arrange them as best I could.

But, "a painful work it is, I'll assure you, whirein what toyl hath been taken as no man thinketh, so no man believeth, but he that hath made the trial." For these facts are scattered over a rather extensive field. Some in volumes rare and costly ; others in crabbed, old manuscripts, worn, torn, creased, and badly written. These are rendered the more difficult to decipher by means of their numerous contractions, bewildering spelling, and quaintly formed letters. In some MSS. the writing is greatly faded, so much so, as in places to be unreadable. Some are written in mediæval Latin, some in Norman French, all full of abbreviations, and by no means easy to construe. Moreover, some of the rare volumes and MSS. are to be found only in the British Museum Library, or in the Public Record Office, London ; others only in the Bodleian Library, Oxford. Some facts are to be obtained only in the Court of Probate, or in the Diocesan Registry, Gloucester ; whilst others must be sought for in similar places at Worcester.

Now from these statements it will at once be apparent how much time and money must necessarily be spent in the mere getting to and from these distant places, as well as in the reading, the collating, and the copying of those facts which could be obtained only at these widely separated cities. But another serious item remains. Fees were demanded here, and charges made there, so that for a very few facts I paid in fees alone more than the price charged for the complete work. Add to all this the cost of the printing, the lithography,

and the other incidental expenses ; it will then be seen how very costly the preparation of such a work must be. However, here are collected, in this single volume, facts which could not be gathered together for more than fifty times its cost.

In writing these "Short Notes" my great aim has been to give, to the very best of my power, an accurate and faithful account of the parish ; ever bearing in mind that Truth is the vital spirit of history. To this end, I have avoided, as far as I could, taking my materials at second hand. This has been attended with good results. For had I implicitly trusted to the county histories, errors, which I have been able to correct, would have crept in. Much time has, however, been taken up in the investigation of their several statements. For it is a very much easier matter to copy a sentence without question, than it is to search out and prove the truth, or otherwise, of the assertion. "But while wee endeavoure to make all thinges plaine, beeholde there is suche diversitee emonge writers, suche negligence, or rather rashenes, that, being distract and troubled in minde, I knowe not what to affirme as true or false in manie thinges." (Polydore Vergil, I., 6o.)

Much remains yet to be done. The threads of the story are in many places broken, and I have been unable to join them. Sometimes they are so entangled as to baffle all my attempts to unravel them. The gaps, and they are not few, which were beyond my power to fill, I have been content to leave just as they were found. It is therefore almost, if not quite, impossible to weave into a continuous history the chequered fortunes of so many centuries. But the order of time will, as far as practicable, be observed ; and the date of every transaction will, if known, be given. This will make the story somewhat consecutive. Hereafter, others, I hope, will be able to remove these defects, and to publish a complete history of the parish. Meanwhile, these "Short Notes" will be of service to those who are anxious to know something of what Painswick has been in days gone by. While to the future historian they will be useful, not only in giving him many facts ready to hand, but also in pointing out the sources whence they are derived. I much regret that I shall not always be able to give the authority for my statements, because my first intention was to write a brief account of the parish without references of any kind. Sometimes I copied *in extenso*, sometimes condensed passages that related to Painswick, not troubling to note their origin. But whenever I am conscious of using the words of another, or even suppose that I am so doing, they shall be marked in

the usual manner. Yet probably whole sentences may be found not marked, which ought to be acknowledged. Others thus marked may nowhere exist, because I am quoting *memoriter*, and a mind retentive of recent reading frequently mingles kindred expressions. In every possible case the authority for the facts recorded will be given.

The first few pages, forming about one-tithe of the book, are devoted to the Natural History of the parish, and in them may be found a brief summary of what God has done for Painswick; the remainder will treat of Man and his doings. Natural History is a subject which has upon us the highest claims, and which should always be approached with reverence. Too frequently this is forgotten. "Full often too our wayward intellect, the more we learn of Nature, overlooks her Author more." (Cowper.) "When we say 'nature ordains,' 'nature selects,' 'nature does this or that,' is she more or less to us than an empty idol, a name and nothing more? If, then, we say with Plato, such and such things are done by nature, we must take heed to mean with Plato, they are done by God." (Max Müller, *Lectures on Language*, First Series, No. ix.)

With varied natural charms Painswick is highly blessed. For it would be difficult, if not impossible, to find in England, a parish of like extent which presents more attractions to the thoughtful mind. From whatever point of view we regard it, we shall find in it much to instruct, delight, and interest us. Here constantly open before us, and on every side, is the great Book of Nature, which deserves and will richly repay attentive consideration. Most wonderful passages are therein to be found, and throughout it the "infinite power, wisdom and goodness" of God are manifest. The folios of Nature's self-written history are open and free to all, at all times, and at all seasons. The pictorial richness of its every page wins our admiration, and through it the Great Creator speaks to the soul of beauty, love and power.

Here the workings and ways of Providence, though dimly seen, are yet most surely felt, and the purposes of Supreme Intelligence are in many ways declared. Here the Great Artist has painted His fairest pictures, each of which is an index to a heavenly truth. Here the ear may listen to Nature's sweetest songs, and catch the echoes of eternal goodness. Here the All Beautiful has concealed His essence in forms of mysterious loveliness, and "His presence, Who made all so fair, perceived, makes all still fairer." (Cowper.) Here meditation and reflection may have full scope; and the heart, yielding to the

sweet influences by which it is surrounded, must recognise, and regard with reverential awe, the impress of the Divine Hand which every atom bears. Yes, in very truth,

“There lives and works a soul in all things
And that soul is God.”—*Cowper*.

Let the mind always grasp this grand truth, and let the spirit at all times discern the Invisible, then Natural Religion becomes “in reality the greatest gift God has bestowed on the children of man, and that without it, Revealed Religion itself would have no firm foundations, no living roots in the heart of man.” (Max Müller, *Chips from a German Workshop*, Introd. xxxii.) “For hearts grow holier as they trace the beauty of the world below,” and the affections are raised to the love of that Being who is the Author of all that is good. Each devout student of Nature’s marvels may truly say,

“Surrounded by Thy power I stand,
On every side I *feel* Thy hand.”

The chapter on the Geology is by E. Witchell, Esq., F.G.S. ; that on the Flora is by Professor Boulger, F.L.S.

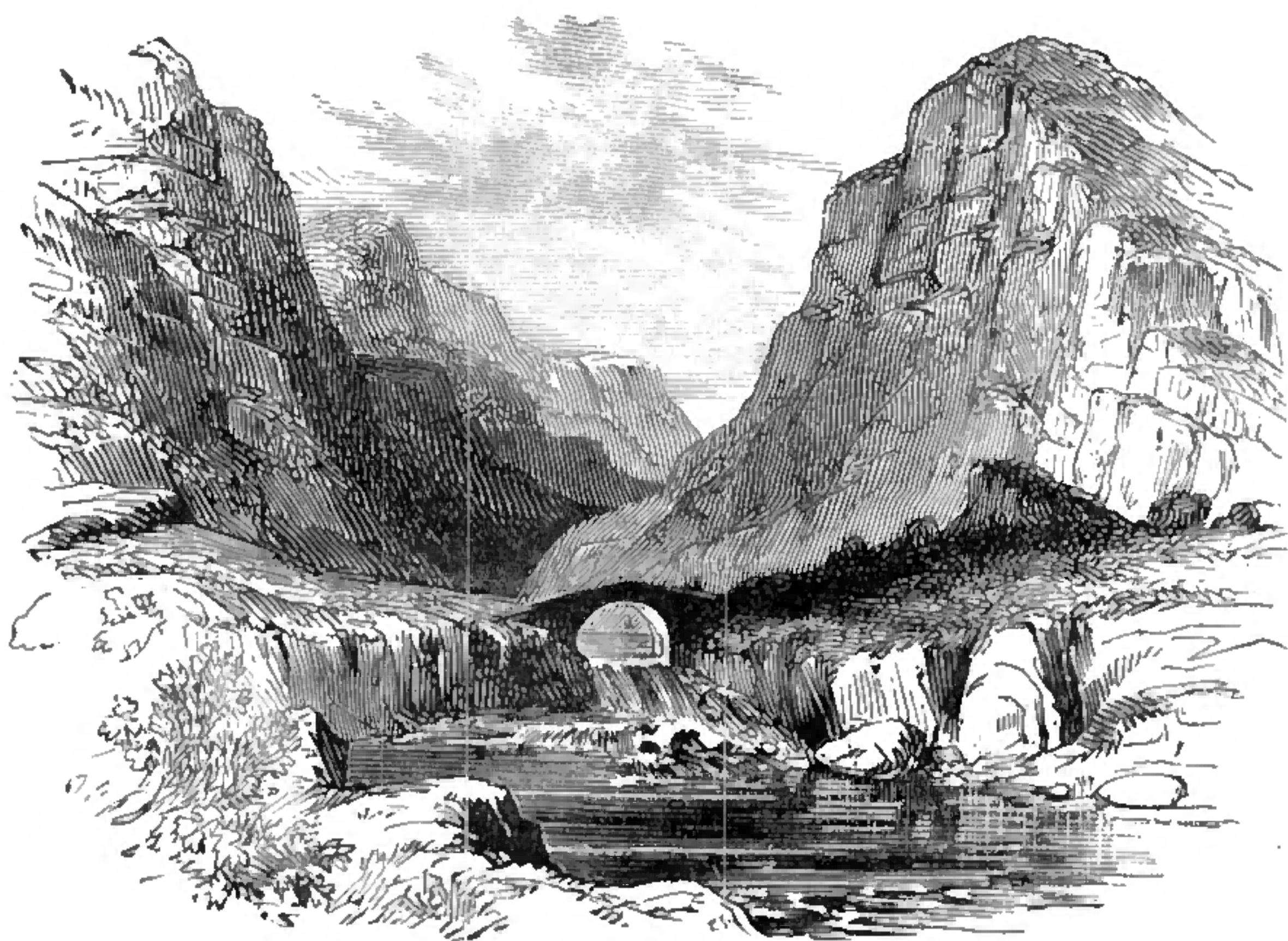
The proof sheets of the whole work will be corrected by F. A. Hyett, Esq., B.A., and the Rev. B. H. Blacker, M.A. (the well-known *Abhba* of London “Notes and Queries,” and editor of “Gloucestershire Notes and Queries.”) The former will also specially revise the Personal History, and the Inscriptions on the Tombs.

The Vicar has promised to revise the Chapters on the Church, the Bells, the Vicars, and, with Mr. Hyett, the Inscriptions on the Tombs.

I gratefully acknowledge my obligations to each of these gentlemen, at the same time it is only fair to say, that not one of them is in the slightest degree responsible for any expressions or facts the book contains. The responsibility of the whole work is mine alone, except in those places where the authority for the statement is given.

There are others, some personally unknown to me, to whom I am very deeply indebted for kind and invaluable assistance in bringing out these “Short Notes,” to them I hereby give my heartfelt thanks ; in the Preface they shall be severally mentioned, as also the extent of my obligations to each.





“Books in the running brooks,
Sermons in stones, and good in every thing.”
Shakespeare.

THE GEOLOGY.

BY EDWIN WITCHELL, ESQ., F.G.S.

THE Geological formation of the Parish of Painswick comprises the Middle and Upper Lias, the Supra Liassic Sands, and the Inferior Oolite. These strata may be observed in various sections in the hill sides of the district, and the whole may be studied in detail. The lowest stratum is the Middle Lias. It is sometimes exposed in excavations near Stroud, and the road cutting through Beeches Green, at Stroud, is through its upper portion. Above this is the Lias Marlstone. It is seen at the Rock Mill, and in several places near the brook between Rock Mill and Painswick. The Upper Lias comes next, and is the formation which throws off the water in springs throughout the district. It forms excellent brick earth. Upon this rest the Supra Liassic Sands, which are well known for their porous nature and bright orange colour. These sands are most important in reference to the water supply of the district. They hold the percolating water like a sponge, and allow it to drain off the underlying Lias Clay in a steady outflow, instead of a quick passing outburst, as would otherwise be the case. Thus we have beneath the surface of the ground the necessary storage for the summer months without the trouble and expense of artificial works,

The conditions under which the Lias and the overlying Sands were deposited in the sea appear to have passed away when the next formation commenced. Upon the Sands is found an extraordinary deposit of fossilized shells known by geologists as the Cephalopoda bed, from the numerous remains of Ammonites and Belemnites it contains. It would appear as if, at this period, a great destruction of marine life took place, a great part of the bed in question being composed of their remains, associated with numerous Mollusca of various types. A section of this interesting stratum may be observed at the side of the road on Haresfield Hill, where it passes through the old quarry.

The Cephalopoda bed is covered by the Lower Ragstones, which are of no particular interest, and then follow some deposits of a very peculiar character, known as the Pisolite or Pea-grit. It consists of very small flattened rolled shingle, evidently the remains of an old sea-beach of the Oolitic period. It is well exposed in the quarries at Birdlip, and extends to Painswick. At the foot of Juniper Hill, on the old road to Stroud, it is worked for gravel. It thins out towards Stroud, and at Rodborough Hill it is found in thin layers in the partings of the Ragstones. Intermixed with the Pisolite is another very interesting formation, a real Coral bed. It crosses the district from north to south. At the Edge and at Juniper Hill it is quarried for road stone, and the Horsepools Hill and the old Stroud road are repaired with fossil coral. Any heap of broken stone at the roadside will yield good examples, and their characteristics may be brought out by the ordinary process of grinding and polishing. These beds contain numerous fossils.

The next formation in the ascending order is the Building Freestone. This is perhaps the best known portion of the Inferior Oolite, from its usefulness for building purposes. It is nearly 100 feet in thickness in Painswick Hill. The whole of this mass of rock is made up of minute egg-like grains, from which it derives its name of Oolite. Each grain contains a nucleus, which may have been a grain of sand or a microscopic shell, rolled in carbonate of lime; it may have several coatings upon it, formed, in fact, very much like a rolled snowball. Considering that each grain had its separate period of rolling and deposit, we are struck with the amazing amount of time, that would be required, to form the mass of Freestone that is contained in the Cotteswold Hills.

One of the features of the geology of this district, is the diversity of the Strata, and the changes of Marine Conditions that caused it. This is well shown in the Oolite Marl, with its coral bed, in the upper part of the Freestone series ; the land was evidently rising, and when it was sufficiently near the work of the tides, the coral bed began to form, the sterile character of the Freestone beds disappears, and the Marl discloses a profusion of organic remains. Another change took place, the coral bed ceased to form ; the land sank again, and then the Freestone beds were again deposited, overlying and covering up the coral bed.

The close of the Freestone deposits indicates another elevation of the sea bottom, and vast Oyster beds grew upon the consolidated Freestone. The most common Oyster of the period, *Gryphœa Sublobata*, occurs in regular beds, everywhere to be seen just above the Freestone, the larger valve is more curved than in the recent Oyster, and the upper valve is smaller. Associated with this Oyster is a large assemblage of Mollusca, usually well preserved, and as the rock is occasionally soft or slightly compact, this stratum is largely resorted to by Geologists for specimens of the Inferior Oolite Fossils.

Overlying and much resembling it lithologically, is the Trigonía Grit of Geologists, both strata being popularly known as the Ragstone beds. This is the bed usually quarried in the Painswick District for road stone. It forms the capping of Painswick Hill, and the ridge from Longridge wood to Stroud. The upper Coral bed of the Inferior Oolite and the overlying Clypeus Grit reduced to rubble, are exposed in the quarry on the hill overlooking the Slad, but have been denuded from Painswick Hill. These beds rest upon the Trigonía Grit and constitute the upper strata of the Inferior Oolite. The whole series dip to the E.S.E. and pass under the Fuller's Earth in Bunnage Fields.

The lines of strike and dip of the Cotteswold strata, may be illustrated by laying on the ground a board pointing E.N.E. to W.S.W., the latter end being lower than the other. The board will then show the line and rise of the strata, raise the edge of the board so as to make it slope transversely towards the E.S.E., and it will then represent exactly both the strike and dip of the strata.

In this brief outline of the Inferior Oolite Formation it is impossible to give detailed sections, or lists of fossils found in the various strata. The student can, with little research and trouble in the various quarries of the district, make his own collection of rock specimens

and fossils, and can at the same time make himself acquainted with the order and succession of the strata and of the Organic remains they contain.

But this sketch would be incomplete if it omitted to account, at least to some extent, for the present configuration of the district. The Parish of Painswick is very diversified in its scenery; all the beauty of the Cotteswold Landscape is here represented—the long combe, the deep bay, the precipitous hill side, and the level plateau can be seen during a morning walk; and, not unfrequently, the question occurs to the observer—How was this diversity of scenery brought about?—the answer is to be found in the Physical history of this part of England, during recent Geological times.

This history is interesting and instructive. It embraces a period which, though termed “recent,” was of vast duration. It commenced with a gradual change of climate, each age becoming colder until a semi-arctic temperature prevailed and the land gradually sank beneath the Sea. It is an open question whether the highest ridges of the Cotteswold Hills were submerged. Some Geologists consider, that the red clays and pebbles, to be met with on the hills, and in the fissures of the quarries, afford evidence of having been brought from a great distance and deposited where they are now found. Be this as it may, it is proved, that a large portion of England and Wales became sea: then the land rose again, and after some oscillations of level, as well as of climate, the present condition of things came to pass.

During this long period the valley of the Severn was extended, the escarpment of the Cotteswold Hills thrown back to its present line, and the valleys of the district were excavated.

No convulsions of nature contributed to this result, but all the work appears to have been done in the regular order of nature. Frost, rain, snow perhaps, and running streams, were the agents by which it was effected. The severity of the climate acting upon the soft Oolitic rocks led to their rapid disintegration, and the torrents, swollen by the melting of the deep covering of snow which fell during winter, swept the debris out of the valleys, which year by year were deepened, while occasionally large masses of rock slipped from their position on the escarpments down into the bottoms of the valleys, to be disintegrated and carried away. In addition to the action of these forces there is the constant wasting of the rocks from the dissolving action of percolating water charged with the carbonic acid which it takes up from decaying vegetable matter, and which, in the course of long

periods of time, must have produced a sensible effect upon the tops of the hills.

The last traces of the destruction of the rocks which once filled the valleys of the district, are to be found in the angular rough gravel lying on the hill sides, and the rolled gravel in the bed of the streams. The latter may be traced down the course of the brooks into the main valley of the Frome, and on the banks of that river to its junction with the Severn. In this gravel have been found the remains of the mammoth, the woolly rhinoceros, reindeer, and other animals, now extinct or confined to the Arctic Regions, clearly proving the nature of the climate that once existed in this district, and the changes that have since taken place.

E. WITCHELL.

“The desire which tends to know
The works of GOD, thereby to glorify
The great Workmaster, leads to no excess
That reaches blame, but rather merits praise
The more it seems excess.”

Milton.

“Say, then, where lurk the vast eternal springs
That, like creating Nature, lie concealed
From mortal eye, yet with their lavish stores
Refresh the globe, and all its joyous tribes?
O, thou pervading Genius, given to man,
To trace the secrets of the dark abyss!
O, lay the mountains bare; and wide display
Their hidden structures to the astonished view.

Amazing scene! Behold! the glooms disclose;
I see the rivers in their infant beds!
Deep, deep I hear them, labouring to get free!”

Thomson.







. "Growths of jasmine turn'd
Their humid arms festooning tree to tree,
And at the root thro' lush green grasses burn'd
The red anemone.
I knew the flowers, I knew the leaves, I knew
The tearful glimmer of the languid dawn:
The smell of violets, hidden in the green."
Tennyson.



. "Thou bidd'st
The lilies of the field, with placid smile,
Reprove man's feverish strivings, and infuse
Through his warm soul a more unworldly life,
With their soft holy breath."

. "Receive
Thanks, blessings, love, for these Thy lavish boons,
And most of all their heaven-ward influences
O Thou that gav'st us flowers."
Bemans.





BY PROFESSOR G. S. BOULGER, F.L.S., F.G.S.

“Then to the enamell’d meads
Thou go’st; and as thy foot there treads,
Thou seest a present God-like power
Imprinted in each herb and flower.”—*Herrick*.

“Love’s language may be talked with these;
To work out choicest sentences,
No blossoms can be meeter;
And, such being used in Eastern bowers,
Young maids may wonder if the flowers
Or meanings be the sweeter.”—*Mrs. Browning*.



IN the palmy days of the Painswick Quakers, members of a sect long alive to the unsophisticated enjoyment of the study of natural history, the rich and varied flora of the district received ample attention. This it obtained particularly from Mr. Oade Roberts, who contributed many localities, hereinafter referred to, to the sixth edition of Withering’s *Arrangement of British Plants*, published in 1818; and from his daughter Mary, author of *Annals of my Village*, published in 1831. The richness of the Painswick flora may be gauged from the following figures. In the British Isles there are about 1600 distinct species of native flowering plants, besides some 540 named varieties. Of these there are recorded in Gloucestershire, 1045 species and 130 varieties; and in Painswick, as may be seen by the list in Appendix III., at least 555 distinct forms. Of ferns, horsetails, and clubmosses there are 63 species and 21 varieties in the British Isles; 31 species and 15 varieties in Gloucestershire, and 22 forms in Painswick. This richness is to be accounted for by the fact that, though without some of the rarities of St. Vincent’s Rocks, such as *Veronica hybrida*, *Sedum forsterianum*, *Orobanche hederæ*, or *Turritis glabra*, without the sundew

and marsh violet of the Forest of Dean, the fritillary of the valleys, or the perfoliate penny-cress of more eastern parts of the county, we have within the district considerable variations as to soil and other external circumstances.

The limestone slopes are overrun with clematis (1*), whilst there are not wanting streams and ponds for the water ranunculi (5), or loamy woods and banks in which ficaria (14) delights. The alluvial meadow in spring is gilded with the marsh marigold (15), and the bank yet earlier by that frequent garden escape, the winter aconite, or peeping Nanny (16). The green hellebore (17) was recorded by Mr. Roberts from between the Dell and Longridge, and its malodorous congener (18) from Jack's Green, Sheepscombe. The columbine (19) is not uncommonly wild on the Cotteswolds, and the Monkshood (20) often occurs, though a doubtful native. There is no doubt, however, about the indigenous character of the upland beauty of the Easter anemone or pasque-flower (2), which waves its silken cups of purple, filled with golden stamens, drooping over the light limestone soil of our downs. The greater celandine (23), noticeable for the elegant tracery of its foliage, but not to be confounded with Wordsworth's favourite *Ranunculus ficaria*, (14) grows, like the nettle, only in the made soil near villages, in old cottage hedgerows, and by garden walls. *Polygala calcarea* (56) is noteworthy as occurring not only on chalk, though there is no *a priori* reason why any plant should prefer one limestone to another. The soapwort (57), once a favourite garden flower, is never truly wild.

Mr. Roberts well noticed of the two champions (58, 59), that the rose prefers damp shady banks, while the white loves dry fallows or open corn-fields. The former is more frequent on sandy loams; the latter on a limestone soil. The field-botanist may derive much pleasure even from Chickweed (64, 65), by studying its numerous varieties connected as they are to some extent with the question of self- or insect-fertilisation. The same discussion gives interest to the movements of the stamens of the mallows (84, 85, 86), and the various forms of their pollen-grains as seen through the microscope.

The spindle-tree (101) is not very common in our district. Roberts noted it in the hedge above the Dell rivulet towards Longridge. Another plant local on the Cotteswolds, though common enough elsewhere, is the sand-loving broom (106). The sainfoin (126) and the upland burnet (138) are old agricultural plants less often truly wild

* The numbers between parentheses which follow the names of the several plants refer the reader to the list in Appendix III.

than they appear to be. Whilst every stream is bordered at mid-summer by the deliciously fragrant foaminess of the meadow-sweet (135), queen of the meadows, its ally, the scentless dropwort (136), is by no means frequent on our elevated plateaux. The brambles (146—155) and roses (157—162) of Painswick are varieties generally distributed; but their discrimination will afford the very best of practice to the student botanist, whilst the genus *pyrus* (165—169), well represented here, affords a less arduous task. *Pyrus aria* (166) is recorded in the Gloucester Road near the Roman camp, at Pitchcombe, Standish Park, and elsewhere. Drainage perhaps may have driven the grand spikes of the purple loosestrife (170) from the parish; but the equally handsome rose-bay willow-herb (171) still puts forth its mingled crimson and pink in Sheepscombe Wood.

No two groups of plants spread themselves much more readily than the currants (180-1-2) and the stone-crops (183-4), so that they are everywhere doubtfully wild. In fact the house-leek (184), planted on buildings from its supposed power of protecting them from lightning, is never found elsewhere, and is probably, therefore, never wild.

The red stalks of the three-fingered saxifrage (185), with its grotesque leaves and viscid, glandular hairs so often covered with flies, which is the constant companion of the whitlow-grass (40) and stone-crop on the walls on the eastern slope of the Cotteswolds, occurs on the mill wall below the vicarage; whilst of its golden cousins—the opposite-leaved (187), is by every stream, and the rarer alternate-leaved (188) at Tocknells, at the bottom of Beech Lane, and elsewhere. Mistletoe (215), so abundant in the orchards of the vale, growing on a great variety of trees at Birdlip, is unknown on the top of the Cotteswolds, save for one branch, probably planted, in Oakley Park, Cirencester.* Few, perhaps, are familiar with the odour of the bruised leaves of the woodland moschatel (216), often mistaken with its small green flowers for the fruit of the wood anemone; neither can many have appreciated the fine foliage of the danewort, or dwarf-elder (218), which grows below Frith Wood, or it would be seen more often in our shrubberies. Horticulture has not perhaps improved the stream-loving guelder-rose (219) by converting its loose corymb into a uniform ball of white; and certainly no horticulture could add to the beauty of the honeysuckle (221), as it winds its snake-like coils

* However, we have so much of this interesting plant, that sometimes after supplying our own wants we are able to send a considerable quantity to London and other large towns.

around a hapless victim nut-tree, or holds aloft over a clump of thorn-bushes its hydra-like heads of wondrously shaded yellow and red with widely-gaping mouths.

As in the genus *Spiræa*, so in *Asperula*, we have two species : one sweet-scented, the favourite woodruff (228); the other odourless, the squinacy, or quinsy-wort (229), that is not common in our elevated pastures. The shepherd's teasel (*Dipsacus pilosus*, 234) which grows in the lane below the vicarage is not uncommon on the Cotteswolds ; nor is the curious bird's-nest, *Monotropa* (298), whose thickly tangled roots send up their pallid brown stems under the beeches in Frith Wood.

Neither the greater periwinkle (301), nor Jacob's ladder (307) are probably ever truly wild, though often established long ago in their present stations ; but the lesser periwinkle (302), which occurs in Longridge and in Beech Lane, has more claim to rank as a native. Blue and even violet flowers are less common in England than yellow ones ; otherwise no one would hesitate to prefer the perfoliate yellow-wort (304), whose blue-grey leaves and golden sun-like flowers are fortunately abundant on the limestone. It should be seen in the middle of the day, since it hardly opens before ten, and is at least partly closed by four ; but it opens perfectly in water when gathered. It occurs in the vale of Dudcombe, whilst its usual companion, the field gentian (306) grows below the Roman camp.

Farmers would no doubt be glad were both dodder (310) and broom-rape (344) absent from their lands ; and, though collected, like the colchicum (482), for medical purposes, it would be well if all the deadly nightshade (312) with its tempting black berries were beyond the reach of children. It is abundant in Birdlip Wood ; country people often call the less poisonous bittersweet, or woody nightshade, a common hedge-row plant, by its name. Its almost equally dangerous, but more repulsive, relative the henbane (314), being a biennial, is not constant in its localities. Miss Roberts recorded it on Jack's Green.

The foxglove occurs at Woodchester Park ; but it is rare in Gloucestershire east of the Severn. Formerly a rare member of the same order, *Veronica hybrida*, grew beside the Cheltenham Road on Spoonbed Hill, but it grows there no longer. Several members of the order Scrophulariaceæ exhibit an interesting transition to the wholly parasitic but otherwise indistinguishable Orobanchaceæ, being partially or occasionally parasitic, mainly on grasses. Such are the eyebright

(337), with its variable blossoms delicately pencilled with red and yellow, the *Bartsia* (338) with its remarkable, one-sided habit of growth, the marsh-loving red-rattle (339), with a proportionately large, pink corolla, the yellow-rattle (341), the impoverisher of many a tract on the Cotteswolds, and the cow-wheat (342). The toothwort (343) was found by Mr. Roberts in a beech-wood beyond Custom Scrubs, Bisley. It is generally parasitic on the roots of hazel (423).

Three choice plants of Painswick are the mezereon, the spurge-laurel (410), and the bastard toad-flax (411). Of these, the early, pink-flowered and sweet-scented, but leafless, *Daphne mezereon* (409), is very rare. It did at least once grow by the stream in the Dingle above Ebworth fish-ponds. The equally sweet *Daphne laureola* (410), with its glossy foliage and green blossoms, adorns Frith Wood and most of our other beech copses. *Thesium* (411) occurred on Sheepscombe Hill, but being a parasite it may well have been exterminated.

Among the trees of the Cotteswolds the beeches (424) of the Vale of Dudcombe and of Standish Park, the tortuous specimen with twenty-five stems, at Paradise*, in whose boughs Miss Roberts wrote her *Annals*, and the yews, which seem undoubtedly indigenous on our limestone hills, are justly celebrated. Miss Roberts tells how a yew tree (436) on the verge of Stinchcombe Hill, sheltered an ancestor of hers for three days, during the plundering and burning of his residence, Melksham Court, in the Civil War. [*Annals of my Village*, p. 192.]

Like most limestone districts, Painswick is rich in Orchidaceæ. The sweet-scented orchis (456) grows in several localities, Pope's Wood, and the camp on Spoonbed Hill among them. The butterfly (458) grows in the woods between Longridge and Sheepscombe; the bee (462) on Sheepscombe Hill; the fly (463) in the Vale of Dudcombe; the bird's-nest (466), a saprophyte, or grower on decayed organic matter, colourless like a parasite, in Frith Wood; where also grows the broad-leaved helleborine (467). The commoner, large, white helleborine (468) occurs in most of our woods; whilst *Cephalanthera rubra* (469) is one of the rarest British plants. Originally discovered in this district, at the close of the last century, a hearsay account of it probably originated the reported discovery of the lady's slipper (*Cypripedium calceolus*) in this county. It was subsequently

* The accompanying sketch of this peculiar beech, popularly called the "Seven Sisters," is from the skilful pencil of Mrs. F. A. Hyett, to whom I tender my best thanks; as also to F. A. Hyett, Esq., who presented to the work the illustration.

reported from Somersetshire, and is now known at three localities in Gloucestershire. It occurs in situations similar to those affected by *C. grandiflora*; but only blossoms in the year after the underwood is cut. The daffodil (473) is almost certainly wild; but a single variety, known as *bromfieldii*, with more glaucous leaves, with broader segments to the brighter yellow perianth, and with rounded lobes to the coronet, often occurs in old orchards and near monastic buildings. The snowdrop (475) was recorded as wild in this county in the 17th century, and almost certainly is so. Herb Paris (476) grows in the Lodge thicket by the stream, but is far more abundant in the Cirencester district. Among Painswick ferns, *Lomaria spicant* (557) was recorded by Mr. Roberts from the thicket in the Vale of Dudcombe; *Asplenium Ruta-muraria* (558) and *Ceterach* (562), from the garden wall at Tocknells; *Athyrium filix-fœmina* (561), from Custom Scrubs; *Aspidium aculeatum* (565), from Sheepscombe Wood; and *Polypodium Dryopteris* (572), from the rocky lane from Sheepscombe to the Cheltenham Road.

The foregoing disjointed notes refer to some of the more conspicuous Painswick plants; but much remains to be done in the careful observation of less remarkable forms. By this the list in the Appendix might no doubt be added to, and a similar list of the mosses, fungi, and fresh-water algæ, might be drawn up—"which is much to be wished."

G. S. BOULGER.

Professor Ruskin in his well-known work on "*Modern Painters*," thus speaks of these humbler forms of vegetable life:—

"Lichens and mosses—how of these? Meek creatures! the first mercy of the earth, veiling with hushed softness its dintless rocks; creatures full of pity, covering with strange and tender honour the scarred disgrace of ruin—laying quiet finger on the trembling stones to teach them rest. No words that I know of will say what these mosses are. None are delicate enough, none perfect enough, none rich enough. How is one to tell of the rounded bosses of furred and beaming green, the starred divisions of rubied bloom, fine filmed, as if the rock spirits could spin porphyry as we do glass, the tracteries of intricate silver and fringes of amber, lustrous, arborescent, burnished through every fibre into fitful brightness, and glossy traverses of silken change, yet all subdued and pensive, and framed for simplest, sweetest offices of grace. They will not be gathered like the flowers for chaplet or love-token, but of these the wild bird will make its nest, and the

wearied child his pillow. And as the earth's first mercy, so they are its last gift to us. When all other service is vain from plant and tree, the soft mosses and grey lichens take up their watch by the head-stone. The woods, the blossoms, the gift-bearing grasses have done their parts for a time, but these do service for ever. Trees for the builder's yard, flowers for the bride's chamber, moss for the grave. Yet as in one sense the humblest, in another they are the most honoured of earth's children. Unfading as motionless, the worm frets them not, and the autumn wastes not. Strong in loneliness, they neither blanch in heat, nor pine in frost. To them, slow-fingered, constant-hearted, is entrusted the weaving of the dark eternal tapestries of the hills; to them, slow-pencilled, iris-dyed, the tender framing of their endless imagery. Sharing the stillness of the unimpassioned rock, they share also its endurance; and while the winds of departing spring scatter the white hawthorn blossom like drifted snow, and summer dims on the parched meadow the drooping of the cowslip gold, far above among the mountains the silver lichen spots rest, star-like, on the stone, and the gathering orange-stain upon the edge of yonder peak reflects the sunsets of a thousand years."



THE LANGUAGE OF FLOWERS.

"Teach thee their language? Sweet, I know no tongue
 No mystic art those gentle things declare;
 I ne'er could trace the schoolman's trick among
 Created things so delicate and rare.
 Their language? Prithee! why they are themselves
 But bright thoughts syllabled to shape and hue—
 The tongue that erst was spoken by the elves,
 When tenderness as yet within the world was new.
 And, oh! do not their soft and starry eyes—
 Now bent to earth, to heaven now meekly pleading,
 Their incense fading as it seeks the skies,
 Yet still from earth with freshening hope receding—
 Say, do not these to every heart declare,
 With all the silent eloquence of truth,
 The language that they speak is Nature's prayer,
 To give her back those spotless days of youth?"

Charles Fenno-Hoffmann.

THE FAUNA



“Praise ye the Lord. Beasts and all cattle ; creeping things, and flying fowl.”—*Psalm cxlviii. 10.*

“To see how God in all His creatures works.”—*Shakespeare.*

“What call'st thou solitude ; Is not the earth
With various living creatures, and the air
Replenish'd, and all these at Thy command
To come and play before Thee ? Know'st thou not
Their language and their ways ? They also know,
And reason not contemptibly.”—*Milton.*



FOLLOWING the ascending order of Nature, we come to the animal creation, for whose well-being and preservation the vegetable world was formed, and which is the grand link between the animal and mineral kingdoms; for on mineral substances alone no animal can exist. The chapter on Geology has revealed to us the might, and majesty, and wisdom of the Divine Architect, in providing for future use the valuable building stone and useful clays,—in fashioning the hills,—in sculpturing the valleys,—in storing up an abundant and constant water-supply,—and in preparing the fertile soils,—of this beautiful district. While the chapter on the Flora adds to these the beneficence, care, and forethought of Him “Whose tender mercies are over all His works,” in filling the world with those matchless, varied, and glorious productions, which not only please every sense, but from which are derived the food, the shelter, the clothing, and the drink of countless millions of animated beings. The beauty, fragrance, and lovely forms of wild flowers have, throughout all time, attracted the attention of every beholder, and from them lessons of the deepest import have been drawn by the wisest of mankind. Flora's charms allure us all to a very close acquaintance; in

fact, they are so potent that her admirers are everywhere to be found. Even those "in cities pent" cherish their pet flowers, eagerly pressing into their service any, the most nondescript, article capable of holding earth wherein to plant their favourites. Nor can we wonder that everyone's breast thrills with deep and loving gratitude "infused from Heaven," when in all its fulness the great truth is realised, that

"Not a flower
But shows some touch, in freckle, streak, or stain
Of His unrivalled pencil. He inspires
Their balmy odours, and imparts their hues,
And bathes their eyes with nectar."

.
"Happy who walks with Him! whom what he finds
Of flavour or of scent in fruit or flower
Prompts with remembrance of a present God."—*Cowper*.

Great is the wealth of our Flora, yet there is a greater wealth of animate forms, not inferior to her fairest gems either in beauty, symmetry, or grace. Space compels us to pass over the wonders of that unseen world of life, which teems in every pool and stream, and profusely abounds in earth and air. Thousands "live, and move, and have their being" in *one* drop of water, unknown and little dreamt of; and myriads of living organisms, merrily dancing in the air, are drawn in with every breath we inhale. These microscopic beings call forth surprise, astonishment, and awe, not only at their prodigious numbers, and their mighty influences, but at the boundless power of their and our Creator. Each of these invisible atoms is endowed with the mysterious principle of life, each is perfectly formed, each has its part to play in Nature's wonderful economy, and each is under the loving care of Him Who "sustains and is the life of all that lives." The common *Anaba diffluens*, the *Rotifera vulgaris*, and the equally common but more beautiful *Stephanoceros eichornii*, will give to the young microscopist much instruction and delight. We cannot, however, do more than whet the desire of those who wish to penetrate the mysterious depths of this minute creation, and to become acquainted with the wonderfully complex character of these marvels of Nature, "to Whom an atom is an ample field" wherein to work Her wonders. But the secrets of Her hidden constructive power are not yet revealed to man:—all is mystery still! "O the depth of the riches both of the wisdom and knowledge of God! How unsearchable are His judgments, and His ways past finding out!" *Rom. xi. 33*.

Leaving these minutest forms of life, we proceed to note other wonders even yet more great,—the exquisite marvels to be found throughout the insect world. Here, however, we have opposed to us a formidable triple barrier—almost as impregnable as the famous lines of Torres Vedras—ignorance, antipathy, and prejudice. The first has of late received terrible battery and assault from our schools and our press, which have made very wide and successful breaches in it; but a long, dull portion yet remains untaken. The other two have been considerably shaken by the combined attack; though even now in this nineteenth century there is far too much prejudice against, and antipathy to, the insect creation. From our childhood we have been taught to look upon its members with abhorrence, to call them filthy, ugly creatures; and tens of thousands of these most valuable servants are crushed to death without mercy. While smarting from the sting, or other annoyance of insects, the antipathy, though unreasonable, is natural; yet it does not warrant the wholesale slaughter of the innocent and unoffending. Notwithstanding, there seems to be felt a secret satisfaction of having done a good action in putting to death these wrongly-hated beings. This ought not so to be. We certainly know the All-wise Creator made them. We are thoroughly convinced He makes nothing in vain. We are fully persuaded the life He gives must have its special purpose, though we may be unable to trace it. What is it, then, but unlimited arrogance, to question the wisdom of Him “that judgeth rightly?” to take needlessly a life we cannot give? Verily, “he that hurts or harms them, is guilty of a wrong, disturbs the economy of Nature’s realm, Who, when She formed, designed them an abode.” So that

“They are all—the meanest things that are—
As free to live, and to enjoy that life,
As God was free to form them at the first,
Who in His sovereign wisdom made them all.

Ye, therefore, who love mercy, teach your sons
To love it too.”—*Cowper*.

These creatures, “of numbers numberless,” so loathed and so cruelly persecuted to the death are positively and eminently useful. They are directly and indirectly of the greatest benefit to mankind. In fact it is impossible to overrate the vast importance of these ceaseless workers for our good. During the brief yet wondrous phases of their lives, they teach us lessons of heavenly wisdom; and though

dumb, they are nevertheless most eloquent witnesses to the love and power of God. Yet even with all our boasted knowledge, the transformations of the smallest insect "confound and humble us, and, like the handwriting on the wall, though seen by many, can be explained but by ONE."

Of insects there are already discovered many thousands of species, and many more yet remain to reward the careful investigator. Much as the lovers of Nature have toiled, they are but on the threshold of knowledge. The whole infinite realm of investigation, so rich and so productive, lies before them, and bewildering as is the prospect which meets their view, its vastness is the best promise of success. For every forward step yields treasures, and wisdom, if coy, will never finally elude a persevering and intelligent pursuit. The Entomologist may, therefore, rest assured that he can enrich his collection by numerous novelties from this boundless and most fascinating field of search. Turn where 'one will, countless hosts of insects are to be found. They sport and play in the air, in the water, in every field, and lane, and hedgerow; lurking under every stone, dead leaf, or tuft of lichens; hiding in the crevices of walls or palings, beneath the rough bark, in the grass, and under the soil. Everywhere life abounds; and such is the marvellous fertility of many insects that it defies all human power to hold them in check.

"They appear to have been Nature's favourite productions, in which to manifest her power and skill. She has combined and concentrated almost all that is either beautiful or graceful, interesting or alluring, curious or singular, in every other class or order of her children. To these, her valued miniatures, she has given the most delicate touch and highest finish of her pencil. What numbers vie with the charming offspring of Flora in various beauties. Some in the delicacy and variety of their colours,—colours not like those of flowers, evanescent and fugitive, but fixed and durable, surviving their subject, and adorning it as much after death as they did when it was alive; others, again, in the veining and texture of their wings; and others in the rich cottony down that clothes them. The velvet tints of the plumage of birds are not superior to what the curious observer may discover in a variety of Lepidoptera; and those many-coloured eyes which deck so gloriously the peacock's tail are imitated with success by one of our most common butterflies. In variegation insects certainly exceed every other class of animated beings. Nature, in her sportive mood, when painting them, sometimes imitates the clouds of heaven, at others

the meandering course of the rivers of the earth, or the undulations of their waters ; many are veined like beautiful marbles ; others have the semblance of a robe of the finest network thrown over them ; and others are blazoned with heraldic insignia."—Kirby and Spence's *Introduction to Entomology*.

Marvellously beautiful are these tiny creatures, but no less marvellous are the labours they accomplish ; and to the careful student of their works and ways, many an invention, which may promote the comfort, the convenience, and the welfare of mankind, may even yet be suggested. How we have been anticipated in some of our great inventions the following extract, from the same learned authors, will show.

"The lord of the creation plumes himself upon his powers of invention, and is proud to enumerate the various useful arts and machines to which they have given birth, not aware that 'He Who teaches man knowledge' has instructed these despised insects to anticipate him in many of them. The builders of Babel, doubtless, thought their invention of turning earth into artificial stone a very happy discovery ; yet a little bee had practised this art, using, indeed, a different process, on a small scale, and the white ants on a large one, ever since the world began. Man thinks he stands unrivalled as an architect, and that his buildings are without a parallel among the works of the inferior order of animals. He would be of a different opinion did he attend to the history of insects ; he would find that many of them had been architects from time immemorial—that they have had their houses divided into various apartments, and containing staircases, gigantic arches, domes, colonnades, and the like ; nay, that even tunnels are excavated by them so immense compared with their own size, as to be twelve times bigger than that projected by Mr. Dodd, to be carried under the Thames at Gravesend. The modern fine lady, who prides herself on the lustre and beauty of the scarlet hangings which adorn the stately walls of her drawing-room, or the carpets that cover its floor, fancying that nothing so rich and splendid was ever seen before, and pitying her vulgar ancestors, who were doomed to unsightly whitewash and rushes, is ignorant all the while that before she or her ancestors were in existence, and even before the boasted Tyrian dye was discovered, a little insect had known how to hang the walls of its cells with tapestry of a scarlet more brilliant than any her rooms can exhibit, and that others daily weave silken carpets, both in tissue and texture infinitely superior to those she so

much admires. No female ornament is more prized and costly than lace, the invention and fabrication of which seems the exclusive claim of the softer sex. But even here they have been anticipated by these little industrious creatures, who often defend their helpless chrysalis by a most singular covering, and as beautiful as singular, of lace. Other arts have been equally forestalled by these creatures. What vast importance is attached to the invention of paper ! For near six thousand years one of the commonest insects has known how to make and apply it to his purposes ; and even pasteboard, superior in substance and polish to any we can produce, is manufactured by another. We imagine that nothing short of human intellect can be equal to the construction of a diving-bell or an air-pump ; yet a spider is in the daily habit of using the one, and what is more, one exactly similar in principle to ours, but more ingeniously contrived, by means of which she resides unwetted in the bosom of the water, and procures the necessary supplies of air by a much more simple process than our alternating buckets ; and the caterpillar of a little moth knows how to imitate the other, producing a vacuum, when necessary for its purposes, without any piston besides its own body. If we think with wonder of the populous cities which have employed the united labours of man for many ages to bring them to their full extent, what shall we say of the white ants, which require only a few months to build a metropolis capable of containing an infinitely greater number of inhabitants than even Imperial Nineveh, Babylon, Rome, or Pekin, in all their glory ?

“That insects should thus have forestalled us in our inventions, ought to urge us to pay a closer attention to them and their ways than we have hitherto done, since it is not at all improbable that the result would be many useful hints for the improvement of our arts and manufactures, and, perhaps, for some beneficial discoveries. The painter might thus probably be furnished with more brilliant pigments, the dyer with more delicate tints, and the artizan with a new and improved set of tools. In this last respect insects deserve particular notice. All their operations are performed with admirable precision and dexterity ; and though they do not usually vary the mode, yet that mode is always the best that can be conceived for attaining the end in view. The instruments, also, with which they are provided are no less wonderful and various than the operations themselves. They have their saws, and files, and augurs, and gimlets, and knives, and lancets, and scissors, and forceps, with many other similar im-

plements, several of which act in more than one capacity, and with a complex and alternate motion to which we have not yet attained in the use of our tools. Nor is the fact so extraordinary as it may seem at first, since 'He Who is wise in heart and wonderful in working,' is the inventor and fabricator of the apparatus of insects, which may be considered as a set of miniature patterns drawn for our use by a Divine hand."—*Introduction to Entomology*, i., 14.

Insects have been divided into eleven orders. In eight of these orders the little creatures have wings, in the remaining three they are wingless.

Foremost among insects are the beetles, a most numerous tribe, clad in glittering mail. These are of the utmost importance to mankind, and afford much instruction by their singularly varied forms, their modes of life, the marvellous structure of their bodies, and the wondrous work they are constantly doing for our good. The order to which they belong is that named Coleoptera (κολεός, a sheath; and πτερόν, a wing) because the true wings with which they fly are protected by a hard sheath, under which they are packed when the beetle is not flying. The cockchafer and the lady-bird are familiar examples.

The first three families are carnivorous, and of great service in destroying insects. The *Cicindelidæ* are most numerous in summer time; they are easily recognised by their very active movements, their prominent eyes, and rich metallic hues. They are deadly foes to other insects, tearing to pieces every one they capture. One of this family, frequently to be met with, is the common Tiger Beetle (*Cicindela campestris*) which is, perhaps, one of the most beautiful of our insects: it is thus graphically described. "Well does this little creature deserve its popular name; for what the dragon-fly is to the air, what the shark is to the sea, the tiger beetle is to the earth, running with such rapidity that the eye can hardly follow its course; armed with jaws like two reaper's sickles, crossing each other at the points; furnished with eyes that project from the sides of the head and permit the creature to see in every direction without turning itself; and, lastly, gifted with agile wings that enable it to rise in the air as readily as a fly or a wasp. Moreover, it is covered with a suit of mail, gold embossed, gem studded, and burnished with more than steely brightness, light yet strong, and though freely yielding to every movement, yet so marvellously jointed as to leave no vulnerable points, even when in full action, and, in fine, such a suit of armour as

no monarch ever possessed, and no artist ever conceived. True, to the naked or unobservant eye, it seems to be but a dully green beetle, with a blue abdomen; but if placed under the microscope, and a powerful light directed upon it, it blazes out with such gorgeous brilliancy that the eye can scarcely endure the glory of its raiment. The groundwork of its upper surface seems to be burnished, and encrusted thickly with emeralds, sapphires, diamonds, and rubies of unspeakable brightness; while the whole of the under surface is as if made of watch-spring steel, so hard and so shining is its texture, and so rich a purple blue is its colour. Even in its larval state the tiger beetle is a terror to other insects, snapping them up as they pass by its burrows, and dragging them into the dark recesses of the earth to be devoured."—Wood's *Natural History*, iii., 461.

The Ground Beetles (*Carabidæ*) are of a beautiful dark bronze of rich metallic lustre. The *Carabus auratus*, or Goldsmith beetle, has most brilliant hues. All of them are active and prey upon those insects which are hurtful to our crops, they are, therefore, our friends, and should be protected.

Of the large family *Dytiscidæ*, which contains several species, the finest we have is the Great Water Beetle (*Dytiscus marginalis*). Its larva is called the Water Tiger, and most richly deserves the name, for a more voracious and murderous fellow it would be hard to find. Woe betide the luckless creature that is caught in his terrible and powerful jaws. The perfect insect is just as destructive, and is a most ferocious enemy. Sometimes he creeps stealthily upon his prey, sometimes he lies in wait beneath the weeds, then darting from his hiding-place, with unerring precision and lightning-like speed, seizes his hapless victim. This daring pirate of our streams and ponds is strong of wing, and towards evening he may be seen soaring through the air, when, perchance, he in his turn becomes the food of the owl, or the nightjar.

We have several species of the important family named Brachelytra, (*Βραχύς* short; and *ἐλκτρον*, a sheath), which are plentiful here. They are quick, active creatures, and fly well. The smaller species, which are prettily marked, may often be found in our flowers; they also too often make our acquaintance in a very disagreeable manner by flying into our eyes on a warm summer evening. Though they are commonly called "flies," they will, if not hurt too badly, soon reveal their true character, by curling their tails over their backs, snapping with their tiny jaws, and threatening all sorts of dire things, making as

hideous an appearance as pussy does at the approach of a strange dog. From this habit they are called Cocktails ; and when the large fellow (*Goerius olens*) stands with open jaws, and flourishes, in the most menacing manner, his scorpion-like tail over his back, he looks a perfect fiend. This little imp is vulgarly called the "devil's coach-horse." As food nothing seems to come amiss to them, though they chiefly live on carrion, rotten wood, and fungi. The way they fold their large and beautiful wings is worthy of notice.

We now come to a beetle that has furnished a theme for the poet, and has long been a bone of contention to naturalists. When our summer evenings are warm and moist, then may be seen the beautiful, pale, green light of the lowly Glow-worm (*Lampyrus noctiluca*) shining with star-like brilliancy among the herbage. How this flat-bodied, wingless creature, possessing six legs, happened to be called a *worm* it is difficult to imagine. The truth is this, the so-called worm is a female beetle ; which trims her lamp to attract, it is said, her roving mate. He is a perfect winged beetle, with prominent eyes, and is also luminous, but his little specks of light are far inferior in power to the beautiful radiance of his consort. In every stage of this beetle's life the luminous properties may be observed. The glow-worm belongs to the carnivorous beetles and is very rapacious, greedily devouring every snail it can capture.

Among the timber-boring beetles we have one that is still the object of a superstitious dread ; it is called the "Death-watch" (*Anobium tessellatum*). Its call-note resembles the ticking of a watch and is absurdly thought to foretell the death of some member of the family living in the house where it is heard.

Though we may lament the destruction of our furniture, and the timber of our buildings, by these beetles, yet the powerful jaws of their larvæ are doing good service for us in other lands. Kirby and Spence thus refer to their important work :—

"Benefits equally great are rendered by the wood-destroying insects. We, indeed, in this country, who find use for ten times more timber than we produce, could dispense with their services ; but to estimate them at their proper value, as affecting the great system of nature, we should transport ourselves to tropical climes, or to those under the temperate zones, where millions of acres are covered by one interminable forest. How is it that these untrodden regions, where thousands of their giant inhabitants fall victims to the slow ravages of time, or the more sudden operations of lightning and hurricanes,

should yet exhibit none of these scenes of ruin and desolation that might have been expected, but are always found with the verdant characters of youth and beauty? It is to the insect world that this great charge of keeping the habitations of the Dryads in perpetual freshness has been committed. A century almost would elapse before the removal from the face of nature of the mighty ruins of one of the hard-wooded tropical trees, by the mere influence of the elements. But how speedy its decomposition, when their operations are assisted by insects! As soon as a tree is fallen, one tribe attacks its bark, which is often the most indestructible part of it; and thousands of orifices into the solid trunk are bored by others. The rain thus insinuates itself into every part, and the action of heat promotes the decomposition. Various fungi now take possession and assist in the process, which is followed up by the incessant attacks of other insects, that feed only upon wood in an incipient state of decay. And thus, in a few months, a mighty mass, which seemed inferior in hardness only to iron, is mouldered into dust, and its place occupied by younger trees full of life and vigour.”—*Introd.* i. 260.

The Stag’s-horn beetle (*Lucanus cervus*) is our largest beetle, very few have been found here. The Bloody-nose beetle (*Timarcha tenebricosa*) is much more common. This beetle when alarmed, ejects a blood-like fluid from its mouth.

On the *Galium Aparine* may sometimes be found a clumsy, fat fellow, crawling slowly over the leaves; this is the Oil-beetle (*Meloe Proscarabæus*). It is a heavy, bloated, blue-black creature which when alarmed exudes a clear, yellow oil—“just as if it were,” says Mr. Wood, “a walking oil-barrel with self-acting taps.”

Great numbers of the beetles are incessantly engaged in ridding the earth of all offensive matter. Such are the *Necrophori* (νεκρός, dead; and φέρω, I bear) and the *Silphidæ* (σίλφη) which are carrion beetles; to these should be added the *Geotrupes* (γῆ, earth; and τρυπάω, I bore) commonly known as dung-beetles. All these are ceaselessly at work in removing from the land all dead and decaying substances; at the same time the water-beetles are just as busy in clearing the water of all impure matter. Without the agency of these scavengers of creation our streams and ponds would become loathsome, and full of corruption; and the air we breathe a deadly poison. Our very existence, health, and welfare depend upon the work of these so-called “ugly and abhorrent” creatures. Let us not so regard these patient and unwearying toilers, which God has in love created

for our benefit. The following extract shows how very important the work is in which the *Necrophori* are engaged.

“The Sexton-beetle is about an inch in length ; it is of a black colour, and so fœtid that the hands smell for hours after handling it ; and if it crawl on woollen clothes which are not washed, the smell continues for several days. The sexton-beetle lays its eggs in the bodies of putrefying dead animals, which, when practicable, it buries in the ground. In Russia, where the poor people are buried but a few inches below the surface of the ground, the sexton-beetles avail themselves of the bodies for this purpose, and the graves are pierced with their holes in every direction ; at evening, hundreds of these beetles may be seen in the church-yards, either buzzing over recent graves, or emerging from them. The sexton-beetle, in this country, seldom finds so convenient a provision for him, and he is under the necessity of taking much more trouble ; he sometimes avails himself of dead dogs and horses, but these are too great rarities to be his constant resort ; the usual objects of his search are dead mice, rats, birds, frogs, and moles ; of these a bird is most commonly obtained. In the neighbourhood of towns, every kind of garbage that is thrown out attracts these beetles as soon as it begins to smell ; and it is not unusual to see them settling in our streets, enticed by the grateful odour of such substances. The sexton-beetles hunt in couples, male and female ; and where six or eight are found in a large animal, they are almost sure to be males and females in equal numbers ; they hunt by scent only, the chase being mostly performed when no other sense would be very available, viz., in the night. When they have found a bird, great comfort is expressed by the male, who wheels round and round above it, like a vulture over the putrefying carcass of some giant of the forest. The female settles on it at once, without this testimonial of satisfaction. The male at last settles also, and a savoury and ample meal is made before the great work is begun. After the beetles have appeased the calls of hunger, the bird is abandoned for a while ; they both leave it to explore the earth in the neighbourhood, and ascertain whether there is a place suitable for interment. If in a ploughed field there is no difficulty ; but if on grass, or among stones, much labour is required to draw it to a more suitable place. The operation of burying is performed almost entirely by the male beetle, the female mostly hiding herself in the body of the bird about to be buried, or sitting quietly upon it, and allowing herself to be buried with it ; the male begins by digging a furrow all round the bird, at the

distance of about an inch, turning the earth outside ; his head is the only tool used in this operation ; it is held sloping outwards, and is exceeding powerful. After the first furrow is completed another is made within it, and the earth is thrown into the first furrow ; then a third furrow is made, and this is completely under the bird, so that the beetle, whilst working at it, is out of sight : now the operation can only be traced by the heaving of the earth, which soon forms a little rampart round the bird ; as the earth is moved from beneath, and the surrounding rampart increases in height, the bird sinks. After increased labour for about three hours, the beetle emerges, crawls upon the bird, and takes a survey of his work. If the female is on the bird, she is driven away by the male, who does not choose to be intruded upon during the important business. The male beetle then remains for about an hour perfectly still, and does not stir hand nor foot ; he then dismounts, dives again into the grave, and pulls the bird down by the feathers for about half an hour ; its own weight appears to sink it but very little. At last, after two or three hours' more labour, the beetle comes up, again gets on the bird, and again takes a survey, and then drops down as though dead or fallen suddenly fast asleep. When sufficiently rested he rouses himself, treads the bird firmly into its grave, pulls it by the feathers this way and that way, and having settled it to his mind, begins to shovel in the earth ; this is done in a very short time, by means of his broad head. He goes behind the rampart of earth, and pushes it into the grave with amazing strength and dexterity : the head being bent directly downwards at first, and then the nose elevated with a kind of jerk, which sends the earth forwards. After the grave is thus filled up the earth is trodden in and undergoes another keen scrutiny all round, the bird being completely hidden ; the beetle then makes a hole in the still loose earth, and having buried the bird and his own bride, next buries himself.

“The female having laid her eggs in the carcass of the bird, in number proportioned to its size, and the pair having eaten as much of the savoury viand as they please, they make their way out and fly away. The eggs are hatched in two days, and produce flat scaly grubs, which run about with great activity ; these grubs grow excessively fast, and very soon consume all that their parents had left. As soon as they are full grown, they cease eating, and, burrowing further into the earth, become pupæ. The length of time they remain in this state appears uncertain, but when arrived at the perfect state, they

make round holes in the ground, from which they come forth.”—Newman, p. 53.

We have seen how very great the benefits are which beetles confer upon us; we will now reverse the picture and note how destructive some of the Coleoptera are.

The common Cockchafer (*Melolontha vulgaris*) is a terrible pest, both in the perfect state when it lives on the leaves of trees, and in its larval state, feeding on the roots of our crops. Fortunately, it has many foes. In spring the rooks may be seen following the plough, and destroying the white grubs which were lurking beneath the soil, or digging them up where, unseen by man, they were devouring the roots of the grass. For three years these voracious grubs carry on their work of destruction, hidden in the earth, and if our feathered friends did not destroy them, their ravages would indeed be great. As soon as the perfect insects appear, many birds devour them; the house-sparrow deserves especial notice, for it destroys thousands of these injurious creatures.

To the black list must be added the Meal-worm (*Tenebrio molitor*), the Pea-weevil (*Bruchus pisi*), the Corn-weevil (*Calandra granaria*), the Nut-weevil (*Balaninus nucum*), the Wire-worm, the *Ptinidæ*, and the Turnip-fly (*Haltica nemorum*), all these are beetles. They do us much damage, sometimes destroying the whole of our crops. But they have, like the cockchafer, many enemies by whom myriads are slain.

Another of our most valuable friends is the pretty little Lady-bird (*Coccinella septempunctata*). This well-known beetle, clad in scarlet, spotted with black, is very frequently seen in summer. We shall speak of its great services when the Aphides come under notice to which pests it is a determined enemy both in its perfect and larval states.

Leaving the Coleoptera we come to the large order of Orthoptera (*ὀρθός*, straight; *πτερόν*, wing) which is represented by the three well-known creatures, the Cockroach, the Cricket, and the Grasshopper. The first (*Blatta orientalis*) is a very active insect, common enough in our houses, which people will call a “black-beetle,” though it belongs to a different order. It is easily distinguished by the dingy red colour of its under side. It runs as easily backwards as forwards, and having a flattened body it can creep into a much narrower crevice or joint than, judging from the size of the creature, would be thought possible. Dr. Macleod calls them “black priests among the beetles, and, like the priesthood generally, have been made the objects of misrepresentation

and slander." The merry House Cricket (*Acheta domestica*), the Field Cricket (*Acheta campestris*), the Mole Cricket (*Gryllotalpa vulgaris*) and the lively Grasshopper (*Gryllus viridissimus*), the representative of the dreaded and destructive locust, all belonging to this order, are well worthy of a close attention. To the microscopist they afford much instruction and pleasure.

Closely allied to the Orthoptera, and by some included in it, is "the Earwig, one of our most common insects; it is well known to every one, and is very generally an object of unconquerable dislike; the forceps at its tail, and the threatening manner in which these are turned over its back, to pinch anything of which it is afraid, render it peculiarly disgusting. The fore wings of the earwig are square, short leathery pieces, which cover but a very small portion of the body: the insect is incapable of folding them in any direction, or of using them as organs of flight. The hind wings are quite different from the fore wings; they are folded into a very small compass, and covered by the fore wings, except a small portion which protrudes from beneath them, and when examined in this position appear totally useless as organs of flight. When unfolded, the hind wings are remarkably beautiful; they are of ample size, perfectly transparent, displaying prismatic colours when moved in the light, and are intersected by veins which radiate from near the centre to the margin. The shape of these wings when fully opened is nearly that of the human ear, and from this circumstance it seems highly probable that the original name of this insect was ear-wing."

"Earwigs subsist principally on the leaves and flowers of plants, and on fruit; and they are entirely nocturnal insects, retiring by day into dark crevices and corners, where they are screened from observation. The rapidity with which they devour the petals of a flower is remarkable; they clasp the edge of a petal in their fore legs, and then, stretching out their head as far as possible, bite out a mouthful, then another mouthful nearer, and so on till the head is brought to the fore legs. This mode of eating is exactly that which is practised by the caterpillars of butterflies and moths; the part of a leaf or petal is eaten out in a semicircular form, and the head is thrust out to the extreme part after every series of mouthfuls. Pinks, carnations, and dahlias very frequently lose all their beauty from the voracity of these insects. When the time of breeding has arrived, which is generally in the autumn, the female retires for protection to the cracks in the bark of old trees, or the interstices of weather boarding,

or under heavy stones on the ground. Here she commences laying her eggs. The eggs are usually from twenty to fifty in number: when the female has finished laying them, she does not forsake them, as is the habit of other insects, but sits on them, in the manner of a hen, until they are hatched.

"When the little ones leave the shell they are instantly very perceptibly larger than the eggs which contained them. They precisely resemble the parent in structure and habit, except that they are without wings; they also differ in colour, being perfectly white. The care of the mother does not cease with the hatching of the eggs: the young ones run after her wherever she moves, and she continues to sit on them and brood over them with the greatest affection for many days. If the young ones are disturbed or scattered, or if the parent is taken away from them, she will on the first opportunity collect them again and brood over them as carefully as before, allowing them to push her about, and cautiously moving one foot after another, for fear of hurting them. How the young ones are fed until the mother's care has ceased, does not appear to have been ascertained; for it is not until they are nearly half-grown that they are seen feeding on vegetables with the rest."—Newman, p. 10.

The order Homoptera (*ὁμός*, the same; and *πτερόν*, a wing) embraces the Aphides or plant-lice, the Frog-hoppers, whose larva is to be found within that frothy mass commonly called "cuckoo-spit." Respecting the Aphides, or blights, the following extract gives some interesting details.

"I have taken a good deal of pains to find out the birth and parentage of true blights; and for this purpose have watched, day after day, the colonies of them in my own garden, and single ones which I have kept in-doors, and under tumblers turned upside down; the increase is prodigious; it beats everything of the kind that I have seen, heard, or read of. Insects in general come from an egg,—then turn to a caterpillar which does nothing but eat,—then to a chrysalis, which does nothing but sleep,—then to a perfect beetle or fly, which does nothing but increase its kind. But blights proceed altogether on another system; the young ones are born exactly like the old ones, but less; they stick their beaks through the rind, and begin drawing sap when only a day old, and go on quietly sucking away for days; and then, all at once, without love, courtship, or matrimony, each individual begins bringing forth young ones, and continues to do so, for months, at the rate of from a dozen to eighteen every day, and yet continues

to increase in size all the while ; there seem to be no males, no drones,—all bring forth alike. Early in the year these blights are scattered along the stems, but as soon as the little ones come to light and commence sap-sucking close to their mother, the spaces get filled up, and the old ones look like giants among the rest,—as here and there an ox in a flock of sheep,—when all the spare room is filled up, and the stalk completely covered. The young ones, on making their first appearance in the world seem rather posed as to what to be at, and stand quietly on the backs of the others for an hour or so ; then, as if having made up their minds, they toddle upwards, walking on the backs of the whole flock till they arrive at the upper end of the shoot, and then settle themselves quietly down, as close as possible to the outermost of their friends, and then commence sap-sucking like the rest ; the flock by this means extends in length every day, and at last the growing shoot is overtaken by their multitude, and completely covered to the very tip. Towards autumn however the blights undergo a change in their nature, their feet stick close to the rind, their skin opens along the back, and a winged blight comes out—the summer generations being generally wingless. These are male and female, and fly about and enjoy themselves, and, what seems scarcely credible, the winged females lay eggs, and whilst this operation is going on, a solitary, winged blight may be observed on the under-side of the leaves, or on the young shoots, particularly on the hop, and differing from all its own progeny in being winged and nearly black, whereas its progeny are green and without wings.”—*Letters of Rusticus*, p. 67.

“You will never find a plant of any kind infested with the Aphis, without also observing a number of ants and lady-birds among them, and also a queer looking insect, like a fat lizard, which is, in fact, the caterpillar of the lady-bird. The connection of the ants and the aphis is of the most peaceful kind that can be conceived ; their object is the honey-dew which the aphis emits ; and, far from hurting the animal which affords them this pleasant food, they show it the greatest possible attention and kindness—licking it all over with their little tongues, and fondling it, and patting it, and caressing it with their antennæ in the kindest, prettiest way imaginable :—not so the lady-bird, or its lizard-like caterpillar ; these feed on the blights most voraciously, a single grub clearing a leaf, on which were forty or more, in the course of a day. The perfect lady-bird is a decided enemy to them, but not so formidable a one as the grub. The eggs of the lady-bird may often be seen on the hop leaf ; they are yellow, and five or

six in a cluster placed on their ends ; these should on no account be destroyed, as is too often the case, but, on the contrary every encouragement should be given to so decided a friend to the hop-grower.

“ Besides the lady-bird and its grub, there are two other terrible enemies to the poor Aphis ; one of these is a green, ungainly-looking grub, without legs, which lies flat on the surface of the leaf, and stretches out its neck, just like a leech, till it touches one of them ; directly he feels one he seizes it in his teeth, and holds it up wriggling in the air, till he has sucked all the goodness out of it, and left it a mere empty skin. This curious creature turns to a fly which has a body banded with different colours, and which in summer you may often observe under trees, and about flowers, standing quite still in the air as though asleep, yet, if you try to catch him, darting off like an arrow. The other has six legs, and very large, strong, curved jaws, and is a most ferocious-looking fellow, strutting about with the skins of the blights which he has killed on his back. This fierce fellow comes to a very beautiful fly, with four wings, all divided into meshes, like a net, and two beautiful golden eyes. All these creatures, which thus live on the plant-lice, have a very strong and disagreeable smell in the perfect state.”—*Letters of Rusticus*, p. 77.

The order Diptera (δῖς, double ; and πτερόν, a wing) includes the common House-flies, the Gnats, the Crane-flies, or Daddy-long-legs, Gad-flies, Hornet-flies, Bot-flies, Hoverers and many others.

The metamorphoses of the Gnat are very wonderful. In the first or egg state it floats securely on the water in a life-boat so perfect that the roughest storm can neither upset nor sink it. The moment it assumes the larval state it sinks into the water and there passes the two next stages of its existence. Fresh air being absolutely necessary to its existence, it is provided with a curiously constructed breathing tube placed near its tail. By opening the hairs at the end of the tube the little creature can ascend rapidly to the surface of the water, and breathe the fresh air ; by closing these hairs it can as quickly dive to the bottom and there feed. When it becomes a pupa, it is furnished with two breathing tubes which are placed behind the head. Soon it is ready to become the inhabitant of another element and this last change is thus described by Mr. Rennie.

“ About eight or ten days after the larva of a gnat is transformed into a pupa, it prepares, generally towards noon, for emerging into the air, raising itself up to the surface so as to elevate its shoulders just above the level of the water. It has scarcely got into this position

for an instant, when, by swelling the part of its body above water, the skin cracks between the two breathing tubes, and immediately the head of the gnat makes its appearance through the vent. The shoulders instantly follow, enlarging the breach so as to render the extrication of the body comparatively easy. The most important, and, indeed, indispensable part of the mechanism, is the maintaining of its upright position, so as not to get wetted, which would spoil its wings and prevent it from flying. Its chief support is the rugosity of the envelope which it is throwing off, and which now serves it as a life-boat, till it gets its wings set at liberty, and trimmed for flight. The body of the insect serves this little boat for a mast, which is raised in a manner similar to moveable masts in lighters constructed for passing under a bridge, with this difference, that the gnat raises its body in an upright direction from the first. 'When the naturalist,' says Réamur, 'observes how deep the prow of the tiny boat dips into the water, he becomes anxious for the fate of the little mariner, particularly if a breeze ripples the surface, for the least agitation of the air will waft it rapidly along, since its body performs the duty of a sail as well as of a mast; but as it bears a much greater proportion to the little bark than the largest sail does to a ship, it appears in great danger of being upset; and once laid on its side all is over. I have sometimes seen the surface of the water covered with the bodies of gnats which had perished in this way; but for the most part all terminates favourably, and the danger is instantly over.' When the gnat has extricated itself all but the tail, it first stretches out its two fore legs, and then the middle pair, bending them down to feel for the water, upon which it is able to walk as upon dry land, the only aquatic faculty which it retains after having winged its way above the element where it spent the first stages of its existence."—*Lib. Ent. Knowl. Ins. Trans.*, p. 317.

Though the Daddy-long-legs is quite harmless, its larva is very injurious to the farmer by eating the roots of the cereals and grasses. Otherwise most of this order are of the greatest service either as scavengers of the land and of the water, or as relentless destroyers of other insects.

The Hoverer, so strong of wing and wary that it is most difficult to capture, is bred in the vilest filth. Its larva is the well-known rat-tailed maggot, and the so-called tail is a wonderful breathing tube through which the insect gets its supply of fresh air while it is engaged head downward at its work of removing impurities which would soon become pestiferous. Such is the repulsive origin of the beautiful and dainty hoverer.

The order Neuroptera (νεῦρον, a nerve; and πτερόν a wing) embraces the Dragon-flies, 'May-flies, Caddis-flies, &c.

The Dragon-fly (*Libellula*) is well-known and rightly deserves its name, for it is a most destructive and predacious fellow. It may frequently be seen hawking to and fro seeking for its prey, then swooping on its victim with lightning-like flash it speedily devours it. Its beautiful gauze-like wings are iridescent, and its body is adorned with glittering colours; altogether it is a brilliant and imposing insect. By some it is erroneously called the Horse-stinger, but it has no sting, and preys chiefly upon insects, which it voraciously devours. Its larva lives in the water and is just as destructive to the inhabitants of that element, as the perfect insect is to those living in the air. The under lip of the mouth of the larva is a most wonderful instrument, which it can thrust forth with certainty upon its prey and grasp in its terrible forceps. After living nearly one year in the water it changes to the perfect insect, and the curious process is one worth watching.

Another very extensive order is the Hymenoptera (ὑμήν, a membrane; and πτερόν, a wing). In this order will be found some of our best and ablest friends as the Honey-bee, and the Ichneumons. The honey-bee is too well-known to need any further remark. But the ichneumons deserve more than a passing notice. The countless millions of larvæ they kill every year testify to their great and valuable services. Without such avengers as these, our fields and gardens would be laid bare by the ravages of caterpillars and grubs whom they are ceaselessly hunting to destroy. There are many species of ichneumons all of which are active, restless creatures, searching anxiously every object that comes in their way, and piercing with their ovipositor every caterpillar they find. The caterpillar's doom is at once sealed, the ichneumon's eggs are soon hatched, and the caterpillar henceforth lives only to support their lives. When they are about to change into the perfect form, they pierce the skin of the caterpillar, and spin their cocoons, whence they emerge as tiny flies to carry out their appointed work in ridding the world of these baneful creatures. Even if the caterpillar is hidden in the solid wood of our trees the ichneumon can find it out, and forcing the ovipositor through the wood strikes the caterpillar and saves us from an unseen and often unsuspected foe.

To this order belong the Ants, the Wasps, the Gall-flies, the Saw-flies, Cuckoo-flies, and the Mason and other bees. It may seem strange to class the ants among winged insects, but it should be remembered that the perfect ants, both male and female, possess wings.

"The instincts of the ant," as Emerson says, "are very unimportant, considered as the ant's; but the moment a ray or relation is seen to extend from it to man, and the little drudge is seen to be a monitor, a little body with a mighty heart, then all its habits become sublime."

The order of Lepidoptera (λεπίς, a scale; and πτερόν, a wing) contains the Butterflies and Moths which are the most beautiful of insects. "And all this wealth and wonder of hue is wrought, as microscopists know, by the inlaying and overlapping of tiny metallic scales, shaped like spatulas, battledores, grass blades, or leaflets, some toothed, some fringed, some feathered, some so delicately cut and chased that it is the adopted test of the most powerful lenses to bring out their infinitely subtle pencillings and marks. That rude touch, which leaves upon the fingers of the collector a smear of mealed gold or shining purple, has displaced hundreds of thousands of these namelessly delicate and minute mosaics; and he might create a mountain sooner than replace the magic labour of nature thus defaced: He can observe, classify, collect, and wonder only. There, upon the pinions of the commonest, as well as of the most gorgeous, of these brief-living insects, is a miracle of construction, which leaves the utmost *finesse* of the goldsmith and the painter defeated and rebuked."

"Who can tint like Nature?
Or can imagination boast amid its gay
Creation, hues like Her's?"

The delicate and splendid loveliness of these fairies of the air,—the perfect artistry shewn in every curve and line of their symmetrical wings,—the exquisite and glorious tints with which they are adorned,—and the rich and ennobling thoughts they suggest, have made these gorgeous creations of Nature the general favourites of every age and clime. And not only so; but earnest students have spent the better part of their lives in observing and noting every detail of their wondrous existence. The most costly and lavishly illustrated works have been published respecting these living splendours. Very much, therefore, is known about these divinely lovely creatures; so that we need do no more than conclude this note in the words of an eminent naturalist, some time resident in Painswick, who thus sums up the vicissitudes of a butterfly's life:—"What can be more wonderful than the fact that an unsightly worm should pass through a shrouded and death-like sleep, and should wake at last a glorious butterfly, to bask in sunshine, float on the impalpable atmosphere, and quaff the

luscious nectar of beauteous flowers! Well might such a miracle be made a poet's theme! Well might those philosophers, on whose mind there dawned, albeit dimly, the great truth of an after-life,—well might they imagine their toilsome existence typified in the caterpillar, their descent to the quiet grave in the tomb-like repose of the chrysalis, and the hereafter they sighed for in the spirit-like resurrection of the happy butterfly: and seizing with avidity the idea, well might they designate these ærial creatures by the name of 'souls.'" Newman, p. 73.

Of the Macro-Lepidoptera we have in this district more than two-thirds of all the British species of butterflies, and about three hundred moths. In Appendix IV. a list is given, which has been carefully compiled by two indefatigable naturalists: Mr. Joseph Merrin, author of the *Lepidopterist's Calendar*, *Butterflying with the Poets*, etc., etc.; and Mr. Charles J. Watkins, a native of Painswick, who has for many years thoroughly worked this district. To each of these gentlemen I give my best thanks.

We have exceeded by several pages the space allotted to the natural history;—we must, therefore, though most reluctantly, pass over the remaining numerous tribes of the Invertebrata, many of which possess the greatest interest, and very briefly note the Fishes, Reptiles, Birds and Mammals that are found in our parish. All these belong to the Vertebrata; all are built upon the same ground-plan, though the Great Workmaster has infinitely varied the details. In this grand division of the Animal Kingdom, the back bone or spine is the distinguishing feature.

Of Fishes we have but few. The first in importance is the delicately-flavoured Trout (*Salmo fario*), a "bright-scaled, carmine-spotted, active fish, and a general favourite." We have also the Perch (*Perca fluviatilis*), a lively, bold, and handsome creature, whose flesh is well-flavoured and wholesome. Favourites, too, are the mysterious Eel (*Anguilla vulgaris*), and that pirate of our streams, the Pike (*Esox Lucinus*), or, as it is often called, the Jack. The interesting Stickle-back (*Gasterosteus aculeatus*) is very plentiful; no fish is more easily caught, but it is strange that it should be so generally neglected as an article of food, for not unfrequently it is substituted for Whitebait. Mr. Wood says its flesh is "decidedly palatable, delicate, crisp and well-flavoured." It is a battle-loving fish, and its whole life seems to be spent in getting food, and in fierce combat with its foes. A list of our fishes is given in Appendix IV.

Of Reptiles we have not a dozen species. All of these, with the exception of the Viper (*Vipera berus*), are perfectly harmless, inoffensive and useful creatures. They have, unfortunately, a bad name, and are consequently detested, and most cruelly persecuted. Yet not one of them, except the viper, is able to do us any harm ; not one of them is poisonous, but all of them are constantly engaged in our service, and spend the whole of their existence in ministering to our welfare. We do, therefore, earnestly plead for the lives of these innocent creatures. Do not let prejudice or antipathy lead to their destruction. Would that the words *harmless, innocent, and inoffensive* had power sufficient to restrain the cruel and basely ungrateful desire of putting causelessly to death these creatures "dear to God," and most useful to ourselves !

One of the commonest, and, at the same time, most beautiful of our reptiles is the Great Water Newt (*Triton cristatus*). Its back is green and its belly a bright orange ; in March and April the male triton has its beautiful fin-like crest tipped with crimson, and during these months, the newt is arrayed in its greatest beauty. Like the toad and frog, the newt is amphibious ; it has the marvellous power of replacing lost limbs ; this has caused many a poor newt to be subjected to cruel mutilation by way of experiment. We hope, however, that vivisection will henceforth be a thing of the past.

Another common reptile is that bloated, dull, apathetic creature called the Toad (*Bufo vulgaris*), whose hoarse croakings, like those of his first cousin the Frog (*Rana temporaria*), are certainly the reverse of musical. Though without reason loathed and falsely calumniated, it nevertheless leads a blameless life, and is one of our most assiduous servants. It has an expressive and beautiful eye, an affectionate nature, and is easily tamed. Its habits are nocturnal, and whilst we are asleep it kills our garden pests and does incalculable good. Instead of being hated and hunted to death, this useful and valuable servant deserves at our hands protection and kind treatment. The toad lives to a great age. The wondrous changes it undergoes in passing from the egg state to that of the full-grown animal, resemble those of the frog. As great a benefactor to us as the toad, is the much more active and lively frog, which is very destructive to the wire-worm, and many other harmful creatures. It is one of our best friends, and its life should by all means be preserved.

Another valuable reptile is the so-called Blindworm (*Anguis fragilis*), which has eyes and can see well ; it is, therefore, wrongly called *blind* ;

its other name, Slow-worm, is much more appropriate. In a garden it renders very great assistance and should be encouraged; moreover, it is a beautiful creature, with ever bright and glittering skin, is perfectly harmless, and should on no account be killed.

Our pretty, active, and harmless Lizard (*Zootoca vivipara*), is a most useful and amusing creature; it is very sharp sighted, and so quick in its movements that it often escapes capture. Harmless, too, are our snakes, which render us essential service. But the Viper, or Adder though exceedingly useful, can inflict a dangerous wound, which sometimes prove fatal. Luckily it is a very timid creature and rarely attacks man, so that during the last 30 years we have not heard of a viper biting any one in this parish. We have seen and caught the viper on Bull's Cross, and in the Frith Wood, but nowhere else in the district have we found it. It may very readily be known by the well-defined zigzag, dark brown line which runs along the whole length of the spine; about two inches from the head the zigzag closely resembles a succession of lozenge-shaped dots strung together; these increase in size, and about the middle of the back they are nearly an inch in length, the dots then gradually get smaller and again merge into a zigzag which is continued to the end of the spine. We keep, preserved in spirits, a viper and a snake, which we shall always be pleased to show; when the two are seen together the distinction is so marked and easy to remember that no person should fail in recognising the adder. Should a viper bite any one, ammonia, or olive oil if applied to the wound, will greatly relieve the pain; but medical aid should be promptly sought.

Birds are the most numerous of our Vertebrata; a list of them is given in the Appendix. But we note with the greatest pleasure, that all our wild birds are this year, A.D. 1881, for the first time protected by Act of Parliament; which declares that from March 1st to August 1st, it will be illegal to kill or take any wild bird in Great Britain. A few favourites had protection before, but we rejoice to record that all our "Feathered Friends" are henceforth protected.

Of our Mammals also we give a list. We heartily wish that the Government would protect the Badger, Shrew, Bat, and Hedgehog;—for "assuredly Providence has done nothing without an object, and is it to be supposed that He contrived creatures, which, like ourselves, are fearfully and wonderfully made, and breathed into them the breath of life, merely that we might beat out their brains by random blows as we pass along? Here is a wonderful assemblage of animate

nerves, and blood vessels, and digestive organs beyond even our power to comprehend, and can it possibly be the end of their creation, that we should ignorantly crush them like a piece of dirt? So elaborate and sentient a toy was never devised for so poor a purpose, and what must be the heartlessness of those who can thus idly extinguish the harmless merriment of myriads of beings? They ask of us no other favour than to let them alone, but if they must minister to our gratification we might try and find it in sympathising with their enjoyment, instead of recklessly annihilating it, as beyond all dispute we should be more worthily employed in studying the wisdom and greatness of God displayed in their construction, than in blindly converting His transcendent handiwork into a shapeless and bloody mass."

"The Lord of all, Himself through all diffused,
Sustains and is the life of all that lives."—*Cowper*.

"The eyes of all look'd up to Him Whose hand
Had made them, and supplied their daily need;
Although they knew Him not, they look'd to Him;
And He, Whose mercy is o'er all His works,
Forgot not one of His large family,
But cared for each as for an only child.
They plough'd not, sow'd not, gathered not in barns,
Thought not of yesterday, nor knew to-morrow;
Yet harvests inexhaustible they reap'd."—*Montgomery*.





Pre-Historic Times.



“The names are excellent. An atmosphere of legendary melody spread over the land. Older than all epics and histories. What stores of observation they unfold !”—*Emerson*.

“There are vast harvests of historic lore garnered often in single words.”—*Trench*.

“Hark ! the murm’ring voice of ages
Dwells mysterious on mine ear.”



FROM the “grey fathers” of our parish we are separated by a gulf of many centuries ; during which a dark shadow, that Time has been relentlessly deepening, has settled down upon their past lives. History has no record, Tradition no tale to tell of the men and women of that far-off time. But though the testimony of man and of books has perished, yet have we living witnesses of the Past, whose evidence has, for ages, been unheeded. This is not to be wondered at, for Archbishop Trench says, “ oftentimes here we move up and down in the midst of intellectual marvels with vacant eye and with careless mind, even as some traveller passes unmoved over fields of fame, or through cities of ancient renown,—unmoved because utterly unconscious of the lofty deeds which there have been wrought, of the great hearts that have spent themselves there. We, like him, wanting the knowledge and insight which would have served to kindle admiration in us, are oftentimes deprived of this pure and elevating excitement of the mind, and miss no less that manifold teaching and instruction which ever lie about our path, and nowhere more largely than in our daily words, if only we knew how to put forth our hands and make it our own.”—*Study on Words*.

It is well known that the facts which History teaches are often most unexpectedly and wonderfully confirmed and illustrated by the meanings of our local names; and that in the roots of these words there are to be found many important and interesting truths. Palgrave truly says, our "mountains and rivers still murmur the voices of the nations long denationalized or extirpated." We can trace the Celts, Romans, Saxons, Danes, Scandinavians and Normans, show where they dwelt, and learn much that is of value respecting them, by the aid which our every-day words and names afford.

Scattered over our parish we have many proper names, each of which has much to tell of times that are indeed remote. From them we have selected one or two just sufficient to give of that far-off time a sketch, which though rough will we trust be faithful in outline; hereafter other inquirers may fill in the details and complete the picture. Full of interest as well as of instruction such a subject is; and the tale these words have to tell, may be listened to with perfect confidence, because if they do not tell all, they utter nothing but the truth. Since, however, the number of our place-names is so great, it is not easy to make a selection from them. The words we have chosen may probably not be the best to tell of what has been; to others we must leave the pleasure of making a better selection.

The first name we take is that of Halcombe, and of it we note the following particulars. *Halcombe*, or, as it is otherwise called, *Holcombe* (by the common interchange of *a* into *o*, as *band* into *bond*) is a compound word. The first component *Hal* carries the mind back many hundreds of years. Servius tell us "God is called *Hal* in the *Punic* or *Carthaginian* tongue." Parkhurst gives the Hebrew word לַה (*el*), which he does not point but pronounces like *all*, "as a name or title of the true God, the *Interposer*, *Intervener* or the like, Jehovah under this character. It expresses the *omnipresence* of God, i.e., the *universal extension* of His *knowledge* and *powers*." Frey thus defines it, "Deus, fortis, summus—God, the mighty, supreme." Many of the oriental nations worshipped God under the various forms of *Al*, *El*, *Hal*, *Hel*, *Il*. Max Müller says "one of the oldest names of the deity among the ancestors of the Semitic nations was *El*. It meant Strong. It occurs in the Babylonian inscriptions as *Ilu*, God,* and in the very name of Bab-il, the gate or temple of *Il*. In Hebrew it occurs both in its general sense of strong, or hero, and as a name of God; and we

* Shrader, in *Zeitschrift der Deutschen Morgenländischen Gesellschaft*,
xxiii. p. 350.

find it applied, not to the true God only, but also to the gods of the Gentiles or to false gods. We have it in *Beth-el*, the house of God, and in many other names. If used with the article as *ha-El*, the Strong One, or the God, it always is meant in the Old Testament for Jehovah, the true God." "In the Himyaritic inscriptions, too, the name of *El* has been discovered."* "Professor Fleischer, whose judgment in such matters we may trust implicitly, traces *El*, the strong one, back to a root *âl* (with middle vav, aval), to be thick and dense, to be fleshy and strong. Dr. W. Wright adopts this derivation; likewise Prof. Kuenen in his work, *De Godsdiens van Israel*, p. 45."—*Science of Religion*, Lect. 3.

The second component *Combe* is from the Celtic *cwm*, which is the name for a valley, dell, or combe. Its origin may also be Semitic, and allied to the Hebrew קים (*kim*) "to raise, to cause to rise, to raise up," and where the land rises up on either side into hills, there between them a depression, combe, or hollow is formed.

Combining the meanings above given, we find that *Hal-combe* signifies nothing less than the *Valley of God*; of which more hereafter.

Next we will take *Shadwell* and *Sheddington*; each of these is a compound word; to *Shad* and *Shed*, the first component only, we wish to draw attention. This we derive from the Hebrew שדי (*Shaddai*) or, sometimes אֵל שַׁדַּי (*El Shaddai*). Parkhurst says it is "one of the divine names or titles, q.d. *the pourer* or *shedder forth*, i.e., of blessings, both temporal and spiritual, '*All bountiful*.'" Max Müller thus speaks of it: "Another word used in the Bible, sometimes in combination with *El*, and more frequently alone, as a name of the supreme deity, is *Shaddai*, the powerful. It comes from a kindred root to that which has yielded the substantive *Shed*, meaning demon in the language of the Talmud, and the plural *Shedim* a name for false gods or idols in the Old Testament. This name occurs as *Set* or *Sed* in the hieroglyphic inscriptions. It is there the name of a god introduced by one of the shepherds, and one of his surnames is given as *Baal*. The same deity *Shaddai*, the Powerful, has, by a clever conjecture, been discovered as one of the deities worshipped by the Phenicians."—*Science of Religion*, Lect. 3.

Lastly, we find these proper names, *Colwell*, *Colletts*, *Collins*, all of which are compound words. The first syllable *Coll* we find in Chaldee כלה which, according to Frey, means "Potuit, voluit—he could,

* Osiander, in *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, x. p. 61.

was able." Parkhurst says it means "to be able, capable." In all the words we have taken, one prominent idea is expressed, that of strength, power, ability; and under these varied names *Omnipotence* was worshipped by the nations of the Semitic race. But in addition to this attribute of the Deity, others, no less wonderful, are to be found in these same words. The *Omniscience* and *Omnipresence* of God are expressed by *Hal*, while *Shed* declares that He is *All Bountiful*.

But to return :—Halcombe is an off-shoot of the larger valley which extends from Cranham to Stroud. It is inclosed by two spurs of the Cotteswold Range; these unite in the large mass which forms Painswick Hill, and thus make of Halcombe a *cul de sac*. Through the combe flows in a southern direction, the Washbrook, which joins the Painswick Stream at King's Mill, now occupied by Mr. Watkins. Such is Halcombe now, but in that far-off time this lovely dell was densely wooded; rich deep masses of beech clothed the hills which hem it in, while the graceful ash and the more famous oak were picturesquely intermingled. Buried in the bosom of this quiet valley, a recluse would find himself shut up from the world, and his heart would easily be convinced that the retirement here afforded would enable him to live more pure and more devoted to his God. Others would follow the example, and a brotherhood would soon be formed of those whose lives had been dedicated to religion. The position of Halcombe, too, was one of great security, being protected on all sides by British camps; so that in tranquillity as well as in seclusion their lives might be spent. To such a place, secure, lovely, and secluded, the British youth would be sent to receive their education; for these ancient priests were so renowned for their learning, that even the youth of Gaul were sent to Britain to be taught. The people of the neighbourhood would also hither come for religious instruction, and this forest glen would in every way be suitable for the worship of that ancient race.

So profound was their conception of God's incomprehensibility, that they declared "it unlawful to build temples, or worship under roofs; that their altars must be of earth and unhewn stone, not polluted by mortal hand or arm." This dell would be to them a grand shrine, majestic as Nature's hand had moulded it. A temple solemn indeed; impressive in its glorious and tranquil beauty. The nave magnificent in its length and breadth, while its high-arched dome was the God-planned sky; filled with the searching splendour of the

sun by day, and with those quenchless lamps, the moon and stars, by night. Enter that celestial fane in the deep repose of eventide. Then are poured forth in great abundance the delicate odours of the flowers; their delicious fragrance fills the shrine with richest incense for the vesper sacrifice,—then may be heard the rich undertone of the forest's grand and ceaseless harmonies,—the mystic melodies of the whispering winds as they wander up and down the green aisles, or wing their way through the long arcades,—and then upon the soul comes the sense of awe and loneliness which the forest gloom inspires. The deeper we plunge into its dim recesses, the more we feel the charm, the mystery, and the spell which the sacred groves evoke. The subtle influence is felt, and solemn thoughts fill the mind in this sequestered Valley of God.

Here then, indeed, we stand on the Holy Ground of the ancient Britons. Here in all their power were felt in those days of yore the deep stirrings of divinity. Here were heard the teachings of that faith whose origin is lost in the depths of remote ages. We may fill it with a throng of men and women, devout worshippers of the Great Unseen. Mark their silent tears, their uplifted hands, their lowly bending before the blood-stained altar, their up-turned gaze, their deep religious enthusiasm; and listen to their prayers, and praises, and thanksgivings; to their strange tongue, and to the oft-repeated *Hal*, which resounds through the lovely and peaceful temple. Angels, too, are there on golden embassies of love, who tenderly touch the sweetest chords of their soul. They are men of like passions with ourselves, and our hearts beat and bound, exult and suffer with the self-same emotions as theirs; the incidents of their lives are as full of deep, ecstatic and harrowing interests as ours. Thus brought face to face with those by-gone generations, aroused from a slumber of many centuries' duration, we feel the wondrous pathos of the Past; a golden cord of subtlest sympathy unites us with the men of that far-distant period,—unites us even to the very germs of ancient language and ancient religion. We stand by the side of "that mighty stream of human thought on which we ourselves are floating onward, which has filled the hearts of millions of human beings with their noblest hopes, and fears, and aspirations." The subject is invested with the deepest interest; it wafts us back to the opening scenes of the human race. It links us, who are *Aryan* in language, with that other grand family, the *Semitic*; and these "two families have been the principal actors in that great drama, which we call the history of the world."

The fact that the same names we find here are applied to the deity "in Syria, in Carthage, in Babylon, and in Palestine admits of one historical explanation only. There must have been a time for the Semitic races when they fixed the names of their deities, and that time must have preceded the formation of their separate languages and separate religions; and that *El*, the Strong One in heaven, was invoked by the ancestors of all the Semitic races, before there were Babylonians in Babylon, Phenicians in Sidon and Tyrus, before there were Jews in Mesopotamia or Jerusalem."

What truths are enshrined in these deathless words! What a charm of mystery invests them! They remain unchanged amidst surrounding changes. They tell us of that Past out of which the Present is formed, and bid us look forward to that Future whose margin fades for ever and for ever as we move. In these words we may dimly trace the footsteps of God's secret ways, and learn "the wonders that He doeth for the children of men." "For the real history of man is the history of religion; the wonderful ways by which the different families of the human race advanced towards a truer knowledge and a deeper love of God. This is the foundation which underlies all profane history; it is the light, the soul, the life of history, and without it all history would be profane."

But the valley of Halcombe bears witness to the degeneracy of man. The pure faith is obscured by the "gods many and lords many" of the polytheistic religions of the Babylonians, the Phenicians, and the Carthaginians. We can, by the aid of our place-names, trace the worship of the sun, and moon, and several other deities, not only at Halcombe, but also in many other places of our parish. There was not a "flower in wood or on river bank but had its mysterious connection with the elfin world, or with a spirit-land yet more antique and shadowy; hardly a tree but had its wild legends, its marvellous properties, and sometimes its special ghostly protector." Yet when even thus degraded "there were whisperings about divine beings, imaginings of a future life; there were prayers and sacrifices which still bear witness to that old and ineradicable faith that everywhere there is a God to hear our prayers, if we will but call on Him, and to accept our offerings, if they are offered as a ransom for sin, or as a token of a grateful heart."—Max Müller *Science of Religion*, Lect. 2.

In many of our social observances there is a great deal which tells of these remote times; more than most of us suspect. Even now the belief is wide-spread in merry elves,—in rural fays and fairies,—



APPENDIX I.

THE following extract is from *Rudder's History of Gloucestershire*, published A.D. 1779, pages 593, 594. With the exception of the notes it is given solely upon his authority.

Search has been diligently made to discover the original, but in vain ; and RUDDER, unfortunately, has given no reference. The quaint, and oft-times inconsistent, orthography is retained.

“The Earl of Shrewsbury, by the advice and consent of his homage, made several alterations in the customs of the manor, very much to the advantage of the tenants.

“The proceedings at this court contain several curious particulars, and shew the nature of some things which length of time has made obscure.”

Com. Glouc'. The courte holden at Painswicke the xxith of Aprille, ANNO DOM. 1400,* at which courte came lord John Talbot, earle of Shrewsbury, his owne p'son, with Sr William Mill, knighte, his receaver by patent, Giles Abridges, esquire, and Thomas Abridges his sonne, and their stewards and sur-veours jointlie by patent together, to the said lord Talbot, of Paineswick, Whaddon, and Morton. And the said lord Talbot declared at the said courte, certayne Articles as hereafter enseweth.

THE first Article was, That hee had been beyond the sea, in the kings warrs, and at that tyme he had xvjn men out of the lordshipp of Painswicke, of the which there were a xj. married men slaine, whereby the widdows cryed on the said lord Talbott, not onely for loosing their husbands, but alsoe for loosing their holdings, and some of them were his bandmen.

* The date given is manifestly wrong. SIR JOHN TALBOT, Knight, was not created Earl of Shrewsbury, until A.D. 1442. The mistake is, therefore, either that of the transcriber, or of the printer. If the former, it needs excite no surprise when the great difficulty of deciphering fifteenth century manuscripts is considered.

THE second Article containeth, how the said lord Talbot was disposed to let his demeanes unto his customary tenants, with all the herbage, and pawnadge,* and tacle of piggs, of the common hills and pasture of arable lands, both to the whole yards,† half yards, farnedells,‡ and Mundies grounds.

THE third Article conteyneth, how the said lord Talbot willed to ev' y widdowe in the said lordshipp, for their good will, their herriots to the nexte of their kynne, according to the praisemente as they were prayed at, and alsoe waved|| and strayed goods, payeing the praysement thereof to the takers thereof.

THE fourth Article conteyneth, how he would dimisse himselfe from mans reepe,¶ wifes reepe, and childes reepe, from the burgages** and cottages which were builded out of his demeanes in the newe street of Painswicke.

THE vth Article conteyneth, how that he would lett out his arrable lands, reserving two meadows for his horses and deare, that is to say, Whaddon meadow, and Band Meaddow.

THE sixth Article conteyneth, whether the tennents would have the tenure of Damsells into their custome or noo.

THE vijth Article conteyneth, how that he would knowe how many freeholders there were in the lordshipp of Painswicke.

THE viijth is touching the iiij. warrants of conyes.

UPPON the which Articles there were chosen at the court xxti men to make answer. There were choisen xije out of the homadge of his customary tennents which be whole yards, half yards, ferendels and Mundies; and of the towne of Painswicke were choisen viij. men, which bee burgessers, curtalegrs and cottagers; and of the which twenty men were choisen iiij. out of the homadg of Edge, that is to say, Willm King, Thomas Cascell, and Robt Tonley; iiij. out of the homage of Strowde, the which were Willm Ward, Willm Browne, and Willm Jordeyne; iiij. out of the homage of Sheppiscombe, which were John Wether the elder, Willm Mynsterworth, and John Bonhill of the Beach; iiij. of the homage of

* PAWNADGE, or PANNAGE, (from Latin *Pannagium*), is that food which the swine feed upon in the woods, or hedgerows; as mast of beech, acorns, etc.—*Jacob's Law Dictionary*, A.D. 1782.

† YARD-LAND is a quantity of land varying, according to the place or county, from fifteen to twenty acres.—*Bailey* (A.D. 1731) & *Jacob*.

‡ FARNEDELL, FERENDELL or FARDELL, (*Fardelle Terræ*), is generally accounted the fourth part of a Yard Land; but according to *Ney*, (in his "*Compleat Lawyer*," p. 57). it is an eighth part only, for there he says that "two *fardels* of land make a *nook*, and four *nooks* make a *yard land*."—*Jacob*. *Canon Lysons* derives it from the Saxon *vier-theils*, fourth-parts. *Bailey* says it is the fourth part.

§ "MUNDIES," says *Canon Lysons*, "are so called from their being *mounded* in, they are the eighth part of a yard land. They are also called *Nooks*." *Bailey* says, that they were the *fourth parts* of a *yard land*. Sometimes written *Mundayes*.

|| WAVED, (from Anglo-Saxon *Wafian*), are goods which are stolen, and *waived* or left by the felon on his being pursued, for fear of being apprehended. They are forfeited to the king, or the lord of the manor.—*Jacob*.

¶ REEPE, (Anglo-Saxon *ripa*, a handful of corn), is a term denoting the quantity of grass, etc., which a man, woman, or child was allowed to *reap*, and which was limited to the amount each was able to carry off.—*G. Spire*.

** BURGAGE, (Lat. *Burgagium*). An ancient tenure proper to boroughs, whereby the inhabitants by custom hold their lands or tenements of the king, or other lord of the borough at a certain yearly rent.—*Jacob*.

Sponebed, which were Willm Sponebedd Willm Meriman, and Thomas Sawcome; and viij. of the towne of Painswicke, that is to say, Willm Squawe, Willm Pytt, John Castle, Thomas Collins, Willm Chamber, Robert Frompton, Willm Scott, and Thomas Shawe; the which inquest being impannelled, the said lord Talbot gave them charge to bring in an answer to the said articles.

FIRST concerning the widdowes estate, whether they should hold their living and marry as ofte as they were widdowes.

FOR the second Article, what they would bring in, and make in ready money for yearelie rent, for his herbage of his common hills, and waste ground, & pawnadge of his woods, and tacke of piggs, and to sett yard, halfeyard, ferendells and Mundies through the whole lordshippe by equal porc'ons, & what value and some they would bring him in for the same.

THE third, the heriots geven to the widdowes, alsoe concerning waived goods and strayed goods.

THE fourth, concerning the dismissing himselfe from mans reepe, wiefes reepe, & childes reepe.

THE fifth, concerning the setting out of his arrable lande to his tennents, both in the towne and country, and the said inqueste should bringe in what every man would give for an acre. Alsoe, likewise that the said inqueste should bring in an answer of all the other Articles.

The Answer of the said inqueste given to the said lord Talbot, concerning the said Articles, as hereafter followeth.

TOUCHINGE to the firste, the said inqueste doe agree, that the widdowes shall breake their olde custome, and that they should have their livings during their life, and marry with whom they liste. And the said lord Talbot agreed to the same, and enrolled it in the courte and custome.

AS concerning the seconde, touching herbage & pawnadge, tacke of piggs, of the common hills, & pasture of arrable land, the said inqueste broughte in x *lib.* overed in the rent of assisse,* every man to his porc'on, to the which the said lord Talbot agreed, and enrolled it into his custome booke.

AS concerning the herriotts geven to the widdowes at the praisement thereof, Alsoe wayved goods & strayed goods, the said inqueste brought in, that the said widdows should have it according as the lords will was.

THE said inqueste brought in their answer concerning the reepes, that they should be dismissed, by reason the said lord gave up his housholde.

THE answer of the arrable land, the said inqueste brought in, that every man should have a porcon, the beste lands at xij^d the acre, the second for viij^d the acre, the third for vj^d, the fourth for iiij^d the acre, & some for ij^d the acre, all which demaines was sett, saveing xij. acres lying in Duddescombe in the Culverhouse-hill. And at the laste came one Willm Jourdayne & tooke the said xij. acres of land of the said lord for xij^d by yeare, with a Culverhouse† decayed, payeing for the same ij^d by yeare; and iiij. acres of barren lande lying in Huddinalls Hill,

* RENTS OF ASSISE. The certain *rents* of freeholders and ancient copyholders, because they were *assised* and different from others which were uncertain, paid in corn, etc.—*Jacob*.

† CULVERHOUSE, (Anglo Saxon, *Culfre*, a pigeon), is a dove or pigeon-house.—*Bailey*.

for the said iiij. acres came William Tonley, & tooke it of the lord for jd an acre by the yeare. And in a litle space every man made a copie of his porc'on, & the said lord sealed them.

TOUCHING the Damsells land, the said inqueste brought in, that ev'y man should hold it according to the custome, as other tennants doe, payeing theire rente & reliefe and noe other custome to the lord. And there were halfe yarde lands in Shepescombe, the which the said lord Talbot diminished at the said courte, one called Chrochen, and the other Jones. Out of Chrochen the said lord bated xij. acres, lyeing in the parke, and out of Jones viij. acres. And the lord ceased Chroche land at ijs by yeare, and Jones lands at viij^d by yeare, and graunted to them to be customary holders in their comen as other, both for the batement of the said lande. That is to say, xij. acres out of Chrochen, which lyeth in the parke in Cockshoute launde, and viij. acres out of Jones, lyeing in the said parke in Bushie launde. And for having of the said lande into the Parke, the saide lord covenanted at the same tyme to pay to the kinge at ev'y taske vjs.

THE said inqueste brought in for freeholders the p'or of Lanthonye, certayne tenements geven by the said lord Talbot of late to the house of Swayneforde, conteyning v. yard land with ij. watter mills. The aminr of the monasterie of Ste Peters in Gloucr. payeing to the lords kitchen yearly at the feaste of our Lord God, one mutton sheepe, Pigs lands, Delameeres lands in Sheppescombe, John Robins lands, Roses lands, otherwise called Damsells, the which the said lord had in his hands at that tyme already of late, the feoffees of the lands of our lady, since in the church of Paineswicke, and Henry Hoynes for Withers lands.

THE said inqueste brought in at the said courte, for their answer, concerning the iiij. warrants, that ev'y homadge should have one, as hereafter followeth, that is to say, Duddescombe and the ij. Frethes in the homadge of Stroude; the homadge of Edge, Arnegrove, and Highgrove; in Sponebed, Kynsbury with Hawking Hill; the fourth in Longridge and Nettlebeds in Shepescombe. And the said inqueste desired the said lorde to cease the rente what ev'y tithing should pay for their warrants. And the said lord graunted that ev'y tithing should pay yearlie iijs iiij^d doeyng his neighbour noe harme. And the said iiij. homadges to increase conies, soe that they doe not hurte their arrable lands or corne.

AND at the same courte the said lord Talbot dismissed his iij. weekes courte and comytted it to ij. courts in the yeare onelie for Payneswicke, and dismissed Whaddon & Morton. And that noe man of the said tennents should sewe another in any courte but in Payneswicke's courte, saveing in the high courte above, and in the marches of Wales.*

FURTHERMORE the said lord commaunded his tennants to keepe his custome every man in his behalfe, and that noe sheriffe nor bayley arrant nor noe other out officers should serve any writte or warrant on any of the said tennents without the goodwill of the steward there for the tyme being.

* MARCHES OF WALES.—There was formerly a court called the *Court of the Marches of Wales*, where pleas of debt or damages, not above the value of £50, were tried and determined.—*Jacob.*



APPENDIX II.

THE CUSTOMS of the MANOR of PAINSWICK, contained in a Decree made in the High Court of Chancery, in a Suit between the Lord of that Manor and the Copyhold Tenants. Copied *verbatim et literatim* from a book in the possession of Mr. A. Loveday, Painswick.*

An EXEMPLIFICACION of the Inrollment of a Decree, made in the High Court of Chauncery betweene HENRY JERNYGAN ESQUIRE, Lord of the Mannor of PAINSWICKE, in the COUNTIE OF GLOUC and the customary Tennts of the said Mannor, which Decree was made upon crosse bill exhibited into the said Court by the said Parties, and remayneth of Record in the said Court, exemplified at the request of WILLIAM OSBORNE and EDMOND FLETCHER, and others Tennts of the said Mannor, Teste Rege apud Westm, primo die Februarii, Anno regni Regis Jacobi Angl, Franc & Hibn duodecimo & Scociæ quadragesimo, octavo. [1615.]

JACOBUS *dei gra anglia Scociæ Franciæ & Hibinæ Rex Fidei Defensor &c.*—OMNIBUS *ad quos psentes lre pvenint Saltm*—INSPEXIMUS *irrotulamentum cujusdam decreti sive Judiciicoram nob in cancellar nra int JOHEM HAMOND alias Furden & als Tenen manii de Painswicke in com GLOUC queren et HEN JERNYGAN Armigum & als Defenden nup fact & reddit in Rotulis cur cancellar nre pdcæ—Irrotulat ac ibidem de recordo residen in hec vba.*

[James, by the grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. To all to whom these present Letters shall come greeting; we have seen the Inrollment of a certain Decree of Jugdment before us in our Chancery, between JOHN HAMOND *alias* JURDEN and other Tenants of the Manor of PAINSWICKE, in the County of GLOUCESTER, Plaintiffs; and HENRY JERNYGAN, ESQ., and others, Defendants, lately made and Inrolled in the Rolls of our said Court of Chancery, and there remaining upon Record in these Words.]

* The book bears no date but it was printed most probably about 1803.

ATT the same courte came Dane William Sponebed amner of the monastery of Ste Peters in Glour and James Mille of Ebworth being farmer there, and agreed with the said lord for ijs by the yeare for the mutton sheepe and to release the iij. weekes courte. And alsoe the said Dane William Sponebed and James Mille desired the said lord at the said courte to have a copie out of the same courte roll, and the lord graunted them, and the said Dane William Sponebed wroughte it out with his owne hand.

MOREOVER the said lord willed his tennants that if any man came to clayme any lands in the lordship of Payneswicke, that he or they that soe claymeth should have a courte loking, payeing for the same ijs and enter the same, and that there should be choisen xij. men, iij. out of ev'y homadge. And if the matter were in the towne, that then they should chiose viij. men out of the towne, and one out of ev'y homadge, and the inqueste soe choisen should goe into an howse and should not come forth of the said howse untill they had brought in their verdict of the same before the steward for the time being, whoe had righte to the said land.

FURTHERMORE if any of the tennants make a forfeite for lacke of reparac'ons that every tenente soe offending shall pay a double relieffe and enter into his former estate againe; and if any refuse to pay the said relieffe, then it shall be lawefull for his nexte heire to enter into the saide grounds payeing the said relieffe. And like manner if any of the said tennents be attainted for feloneye, or for any other cause, his nexte a kynne shall enter upon the grounde, payeing to the lord the aforesaid double reliefe.



WHERE heretofore JOHN HAMOND, alias JURDEN, JOHN MAYO, JOHN BROWNE, THOMAS BUSHOPPE, EDMOND FLETCHER, RICHARD GARDENER, THOMAS TAYLOR, THOMAS HARROPPE, RICHARD COOKE, and WILLIAM BARNS an Infant within Age, by GYLES CARTER and Agnes his Wife, his Guardians, Complaynnts, for and in the behalfe of themselves and divers others, being all of them severall Coppiholders and Customarie Tenants of divers severall Customarie and Coppihold Messuages, Lands and Tenements parcell of the Mannor of *Painswicke*, in the Countie of *Gloucester*; and tyme out of mynde demisable, and used to be demised in Graunts and admittances, by Coppie of Court Roll of the said Mannor, to the taker or takers thereof, by the Words *Sibi & Suis*, which words make and create within the said Mannor, a Customary Estate of Inheritance in Fee Simple at the Will of the Lord, according to the Custome of the said Mannor, there exhibited their Bill of Complaint into the Honorable *Court of Chauncery* against *Henry Fernygan*, the Elder, Esquier; *Henry Fernygan*, the Younger, Esquier; and *Thomas Neast*, Defendants; and on the contrary side, the said *Henry Fernygan*, the Elder, and *Henry Fernygan*, the Younger, Complaynnts, did afterwards exhibite their Bill of Complaint into the said Honorable *Court of Chauncery* against the said *John Mayo*, *John Browne*, and the rest of the said Coppiholders and Tennts of the said Mannor of *Painswicke*, Defendants; IN AND BY which said first Bill, the said Tennts did declare, that whereas the said *Henry Fernygan*, the Elder, in the eight and twentieth yeare of the late *queene Elizabeth*, and before, was seized in his Demeasne as of Fee or Fee Tayle of and in the said Mannor of *Painswicke*, with the rights, members, and appurtennecs thereof: And the said Complaynnts, *John Mayo*, *John Browne*, and *Thomas Bushoppe*, and their auncestors, and others the then Customarie Tennts and Coppiholders of the said Mannor of *Painswicke*, then and long tyme before that, had and held severally to them and their Heires, at the Will of the Lord, according to the Custome of the said Mannor, divers severall Coppihold and Customarie Messuages, Landes, Tenements, and Hereditaments, parcell of the said Mannor, tyme out of Mynde there used and accustomed to be graunted and demised by Coppie of Court Roll of the said Mannor of estats of Inheritance in fee Simple, by the Words (*Sibi & Suis*) att the Will of the Lord, according to the Custome of the said Mannor, and within the said Mannor then and tyme out of mynde there were and had byn, and ought to be used and accustomed divers auncient and laudable Customes concning the Coppihold and Customarie Messuages, Lands, and Tenements there, And namely and particularly amongst others, that the Heire of every Coppiholder or Customary Tenant dying seized of such Customary Estate, of and in any Coppihold or Customarie Messuages, Lands, or Tenements of the said Mannor, was to be, and ought, and was used to be psented and admitted Tennte of the same Customary Messuages, Lands, and Tenements at the Court of the said Mannor, uppon reasonable Tender and request in that behalfe, for the Fine of one yeares rent only; and that the Customary Tennts of the said Mannor, by the Custome there, ought to have all the herbage and paw-nage of the Comon Woods and Comon Hills, and the Lords Wasts of the said Mannor, and in or about the moneth of *March*, in the said eight and Twentieth yeare of the said late *Queene Elizabeth*, some differences grew and were like to

arise betweene the said *Henry Jernygan*, the Elder, then Lord of the said Mannor, and the then Coppisholders or Customary Tennts of the said Mannor, And the said Tennts being unwilling to contend in Suite of Law with their Landlord, did in dutifull and submissive manner make meanes unto the said Master *Jernygan* for a good and peaceable end, with his Love and good Will ; and the said Master *Jernygan* being a Gentleman well inclyned unto a peaceable end and the said then Coppisholders desiring the same, It was thereupon agreed and directed betweene them, that the Customes of the said Mannor, whereof there was or might be likelihood of question or controversie, should, and might be considered of, and knowne in some certainty, and trewlie sett downe in writing, to be allowed of, and held by the Lord and Tennts for quiett of them and their posteritie : And thereupon sondry of the Customes of the said Mannor were then remembred and considered of, and agreed uppon, and were sett downe in writing Indented, made betweene the said *Henry Jernygan* on the one parte, and the then Coppisholders and Customarie Tennts of the said Mannor of the other, parte ; and interchaungeably by them sealed and delivered, the Tenor and effect whereof is as followeth, that is to saye,

THIS INDENTURE, made the twentieth day of *Marche*, in the Eight and twentieth yeare of the Raigne of *Elisabeth*, by the Grace of God of *England*, *Fraunce*, and *Ireland* Queene, Defendor of the Faith, &c. Betweene *Henry Jernygan*, of *Cossey*, in the County of *Norffolke*, Esquier, and Lord of the Mannor of *Painswicke*, in the County of *Gloucester*, of the one party ; and all the Customary Tennts of the Lordshippe and Mannor of *Painswicke* aforesaid, of the other Party, Witnesseth, that Whereas of late Yeares some question and variance hath bin moved betweene the said *Henry Jernygan* and his Customary Tennts of the said Lordshippe and Mannor of *Painswicke*, about divers and sondrie Articles of the Custome of the said Mannor, the said *Henry Jernygan* tendering the quietnes, love, and good Will of his said Tennts, and in Consideracion of the hope of the like dutifull service, good Will, and behaviour towards him and his posteritie, hereafter alwayes to be pformed by the said Tenants and their Heires and Assignes, willingly as to his late Father and Mother, and other of his Auncestors, hath bene heretofore shewed, done, and accomplished, at the humble suite and petition of all the said Tenants tendred and exhibited to the said *Henry Jernygan*, the twentieth day of *March*, before the Date of theise psefts, by the mediacion of *John Dereham*, Gentleman; Surveyor Generall to the said *Henry*, Doth by theise Psents for him and his heires ratifie, confirme, and establish theise Articles, as in this *Indenture* are expressed to stande, be, and remayne as true and perpetuall Articles of the Custome of the Mannor of *Painswicke* aforesaid.

1.—*Inprimis*, the custome is and tyme out of mynde hath bene, that the Tenants of the said Mannor do hold their messuages, lands, and tenements, by Coppie of Court Roll *Sibi & Suis* ; whereby they have an estate of Inheritance to them and their heires, according to the custome of the said Mannor there.

2.—*Item*, The customary Tennts there, from tyme out of mynde, have used and ought to pay their rents yearlie att fower termes in the yeare usuall and accustomed *videlt* the *Annuciacion* of our *Lady*, the *nativitie* of Saint *John the Baptist*, Saint *Michael* the archangell, and the *Birth* of our *Lord*, and shall have a Reeve to gather the same, after the Custome of the said Mannor ; and the same rent

shall pay to the Lord, or his Officers accordingly, within eight and twenty days next after every of the said Feasts.

3.—*Item*, That one of the customary Tenants being an Homager, ought to be Reeve, and to collect and gather the customarie rents, revenewes, and proffitts of the said mannor, and shall pay the same to the Lord, or his Officers, within eight and twenty dayes next after every of the said Feasts of the *Annuciacion* of our *Lady*, the *Nativity* of Saint *John Baptist*, Saint *Michaell* the archangell, and the *Birth* of our *Lord*, where the Lord or his Officers shall appoint, by his or their pcept; and also against every audit of the Lord to be kept for the said mannor shall gather and levy the extracts of the Courts, and make a true accompt thereof, and pay the same at the Lord's audit yeerelie, which Reeve ought to be elected and chosen yerely by the Homage of the said mannor; for if such Reeve so elected shall happen to embesill or Wast the Lords rent, revenewes, and proffitts of the said Mannor; That then the said Tenants are bound by their Custome to answer to the Lord the same rent, revenues, and proffitts, att the daies and tymes aforesaid.

4.—*Item*, The Reeve uppon his accompte ought to have allowance of Six and Twentie Shillings and Eight pence for his paines taking in gathering of the said rents, which allowance hath bene used tyme out of mynd.

5.—*Item*, There are certaine other Lands, called the *Thirteenes*, the Tenants whereof, by the Custome, are bound to carrie *Veneson* for the Lord into such place or places as the Lord shall appoint them, by the space of one day and a Night a peece, att their owne charges, or else to stand to a yearly Fine of Eight pence, to the use of the Lord of the Mannor att the eleccion of the Lord.

6.—*Item*, The Tenants by their Custome, tyme out of mynde used, may geve and Sell their Customary Lands att their Will and pleasure, making a Surrender of the same, either in open Court to the hands of the Steward for the tyme being, or else out of the Court, into the hands of the Reeve of that yeere, or his deputie, in the psence of two Customarie Tenants of the same Mannor, and the same Surrender must be psented att the next Court, or else the Surrender to be void, and uppon every Surrender so made and psented in Court, the Lord is to have an Herriott, if the Land be Herriotttable, that is to saye, for every yard and halfe yard of Land, which the Tenants hold, to geve or paye the best quicke Cattle, and in default of such Cattle, the best Houshold Stuffe or Goods, of what kinde soever.

7.—*Item*, That upon every Discent of anie Customary Lands of Inheritance the Lord is to have one yeares rent for his Fine, and Herriott in manner aforesaid, yf the Land be Herriotttable.

8.—*Item*, That upon every Surrender, either in possession or revercion, the Lord is to have Seaven yeares rent of the thing so Surrendred for his Fine; but if any Tennts having first surrendred the Revercion of any Customary Lands, and will afterwards Surrender his Estate in possession; or yf any Woman that holdeth Lands and Tenements by her free Bench, according to the Custome, shall Surrender her Estate, which she hath for Terme of her or his life; in theise two kindes of Surrenders the Lord is to have but one yeares Rent, and a Herriot, yf the Land be Herriotttable uppon the Surrender.

9.—*Item*, Att every Surrender made in Revercion, no Herriott is due untill the death of him or her which made the Surrender, nor none other advantage due to the Lord but the Fine only.

10.—*Item*, After the death of any Tenant, the Wife of the same Tenant, yf any such be, shal be admitted to her Freebenche, in the Lords Court, by the payment of one peny, to have to her during her Life, paying such Rents, Customes, and services thereof, due and accustomed.

11.—*Item*, After the death of any such Woman, the same Tenement or Tenements which were in her Tenure shall come and discend to the next Heire on the parte of the Husband of the same Woman, and for lacke of an Heire, to the next Kinsman of the same Husbnde, yf no Surrender be thereof made before after the said Custome, without payment of any Herryott for the Woman, Which held by her Freebench, as afore is saide.

12.—*Item*, Yf any Woman Inheritrix dye, seized of any Tenemente or Tenements, and no Surrender by her in her life tyme made, that then all such Lands or Tenements whereof she dyed seized, shall come and discende to the next Heire, after the Custome and manner, paying an Herryott for the same Woman, yf it be Herriottable.

13.—*Item*, That all Tennts, by their Custome tyme out of mynde used, may fell their Woods, Tymber Trees, and other Fuell and Brush, growing in and upon their Tenements, without Lycence of the Lord, or his officers, and that every Tennte may lett and sett his Customary Lands, or any parte thereof, without Lycence of the Lord or of his officers; and also to make any Quarrey to build or repaire upon the same, and not otherwise, upon any part of his Customary Lands.

14.—*Item*, The Tenants tyme out of mynde have used at their Will and pleasure, to build Cottages upon their Coppihold Tenements and to lett and sett the same without any Licence, asked or paying any fine to the Lord for the same, saving that the head Tenante is to answere and pay the amciaments and paynes for all trespasses, as shall be comitted by any under Tenante in the Lords Woods and Parke, Demesnes, or in any Woods or Grounds of any of the Customarie Tenants, psented and aferred by the Lords Tenants in the Court, yf any of the said undertenants estreated be not able to satisfie and pay the same.

15.—*Item*, Yf a Woman holding by her Freebenche, do marrie sundry Husbunds, at sundry tymes, yet shall she enjoye the same during her life, without forfeiture thereof.

16.—*Item*, By the Custome every yarde or halfe yarde of Lande, holden by Coppie after the Custome and manner is Herriottable, and the Herriot to be paid att the Death of the Tennte, that Dyeth seised thereof, or upon the surrender of his possession when the revercion was surrendered before.

17.—*Item*, Yf any Customary Tenante shall lett or sett his yarde or halfe yarde of Lande, which is herryottable, and att his decease the Lord not aunswered the best Beast for his Herryott, which did comonly manure the said pmisses by the space of one yeare next before his Decease, or the full value thereof, that then such pson to whome the same yard or halfe yard by the Custome, ought to come shall pay to the Lord or his Officers, within six weeks next after the Death of such Tenant, three pounds for every yarde Lande, and forty shillings for every

halfe yard insteade of an Herriott, and in case defalte be made thereof; Then ytt shall be lawfull for the Lord by his officers, to take one whole yeares proffitts of such yarde or halfe yard to his owne use and behoofe insteade of the said Herryott.

18.—*Item*, That all Lands, called, *Mondayes, Thirteenes, Farrendells, Burgages, and Curtelages* are not Herriottable.

19.—*Item*, Yf a Man have divers sonnes, and the Eldest dyeth having yssue of his body lawfully begotten, whether itt be Male or Female; and after their Grandfather dyeth, the yssue of the Eldest Brother shall inherite as next Heire to the Grandfather.

20.—*Item*, Yf a Man dyeth, having divers Daughters and no Sonnes, and hath so many Yards or Halfe Yards of Lands as Daughters, Then shall every Daughter by the Custome have a Yard or Halfe Yard' Land, and the like order is with Tenements, But yf the Tenante so dying have but one Yard, Halfe Yard, or one Tenement, having divers daughters as before is saide, that then the same Yarde, halfe Yarde, or Tenement, by the Homage and Stewarde there, shal be prised to the best value, and the price thereof to be devided equally amongst the said Daughters, savinge the eldest Daughter shall have her choyce, whether she will have the Yarde, halfe Yard or Tenement, or the porcion of Money to her allotted by the said Homage and Stewarde; and yf she take the said Yarde, halfe Yarde, or Tenement, then she to pay the Mony to her other Sisters, after the prised price.

21.—*Item*, That after the death of every Tenant that dieth seized of any Lands or Tenements within the said Lordshippe, att the next Court there holden, proclamacion shal be made openly, to enquire who is the right Heire of the Tennte so deceased, or whoe can make any Claime or Title to the same Tenure or Tenures, and yf att the first Court there come none to challenge the said Tenure or Tenures, then there shal be proclamacion made openly at two other the next Courts there holden in like manner, as is aforesaid, And then yf none having right come to challenge the same, from thencforthe the Lande shal be escheated to the Lord, to dispose of the same att his Will and Pleasure, except the next heire that hath right to the same, be beyonde the Seas, or in the Kings Warres.

22.—*Item*, That whosoever is to be admitted Tenante to any Tenure within the said Lordshippe, ought openly to be admitted in the Court before the Homage, and to have his Coppie read openly in the Courte, that all Men there may heare and knowe that he is admitted Tenante accordingly; and yf anie pson having right to any Tenure by inheritance, is to be admitted Tenante, then he ought to be taken and psented by the Homage; and yf any challenge any Tenure by Surrender, that then the Surrender must be made either in the Court openly, or else to be brought into the Court by credible and sufficient witnesses, that yt may be knowne to the Homage, and so be admitted Tenant as it is aforesaid, according to the Custome there used tyme out of mynd.

23.—*Item*, Whosoever taketh any Tenure there of the Lord, he must take it either by meanes of Inheritance of himselfe or his Wife, or by Surrender of some other that is an Heire, or else by meanes of some forfeiture or escheate, into the Lords hands, and it must be expressed in the Coppy of the taker, whether he take his Tenure by right of Inheritance of himselfe or his Wife, or by Surrender of any pson, or by forfeiture or escheate into the Lords hands, or by the default

of an Heire; to Challenge itt otherwise, noe man can take any Tenure there, nor the Lord can lett itt otherwise, by the Custome there used tyme out of Mynde.

24.—*Item*, That the Tennants by their Custome ought to have the herbage and Pannage of the Comon Woods and Comon Hills, and the Lords Wast, as tyme out of Mynde they have used.

25.—*Item*, That the Tenants there, at such Tyme as the Lord of the Mannor of *Painswicke*, shall not be comorant, or dwelling within the said Lordshippe, shall have such strays as shall happen into their Custody from tyme to tyme, paying such price as they shall be indifferently prised by the Reeve of the Mannor, and fower of the Homagers to be chosen by the said Reeve, the said price being psented and allowed by the Lords Chiefe Officers, att the next Court to be holden within the said Mannor.

26.—*Item*, The Custome is, and tyme out of mynde used hath bene, that the Sheriffe or any his Bayliffs or Ministers cannot enter within this libertie to serve any processe upon any pson within the same, unlesse it be with a Comaundement or Subpena.

27.—*Item*, Yf any Tenant do geve or Sell any part or parcell of his Tenements, or the whole, without Surrender, it is a forfeite.

28.—*Item*, Yf any Tenante doe lett downe his Tenemente, or any part thereof, being payned att two Courts, to build the same by a certaine paine, and the third Court on payne of forfeiture, and doth not build the same according to the order in the Court, taken by the Homage and the Steward, it is a forfeite.

29.—*Item*, Yf any be an Inheritour to any Lands or Tenements, doth sell the same to any pson or psons before he or she shall become Tenante to the Lord in his Courte, and doe other suites and services according to the Custome there, it is a forfeiture.

30.—*Item*, Yf any Tenante do detainey or withhold any rents willingly, which are due to the Lord, or doth withdrawe his Suite and Service from the Lords Court, being not essoynd fower generall Courts togeather, one after another, is cause of Forfeiture.

31.—*Item*, Yf any Tenante do convey any part of the Lordshippe to any other, with intent to deceive the Lord of the same, yt is a forfeite.

32.—*Item*, Yf any pson do hold any Customary Lands Joyntlie within this Mannor, yt is a forfeiture by the Custome.

33.—*Item*, Yf any Reeve chosen by the Homage shall refuse to gather the Lords Rents and proffitts, or shall refuse to beare office according to the Custome, and to pay the Rents and proffitts by him levyed by vertue of his office, is cause of Forfeiture.

AND AFTER THAT, and according to the same Articles and Customes agreed upon, and putt in writing, the Customary Tenants of the said Mannor of *Painswicke*, quietlie enjoyed their Customary Messuages and Tenements, and were admitted Tennts from tyme to tyme, and did yeeld and pay all rents and Customes accordingly, And according to the said Custome, as in former and auncient tymes they had done, and enjoyed the same, and also there were, and tyme out of mynde had bene, within the said Mannor divers other auncient Customes and usages not mencioned nor sett downe in the said *Indenture*, And

namely by the Custome of the said Mannor, the Customary Tennts thereof, have used to Exchange their Customary Lands, or part thereof, one with another, they first coming into the Court of the Mannor, and there praying Lycence to make such Exchange, and ech of the said Tenants so exchaunging, paying therefore two pence a peece for every such acre soe exchaunged, and the same exchanges being from tyme to tyme entred and recorded in the Court Rolles of the said Mannor, have bene ever held and allowed as lawfull ; And also the Custome of the said Mannor there used was and had bene, That yf any Customary Tenant dye seized of anie Customary Estate of Inheritance, of or in any Customary Lands or Tenements of the said Mannor, his heire being under the age of one and twentie yeare, that then the next of Kinne to the said Heire (not inheritable to the said Cusomary Lands,) ought, and have used to have the Custody of the same Heire, and of such his Lands untill the full age of one and twentie yeares of such Heire, yeilding accompte therefore unto the said Heire att his full age, the oversight governement and comyttment thereof to be in the Court uppon charge of the Homage of the said Mannor.

AND WHEREAS also, about three or fower yeares before the said Bill exhibited one *Henry Barnes*, Grandfather of the said Plaintiffe *William Barnes*, was a Coppihold Tennte, and dyed seized of a Coppihold and Customary Estate of Inheritance in fee simple of certaine Coppihold Lands and Tenements, parcell of the said Mannor, which by the Custome of the said Mannor discended unto *Humfrey Barnes*, Sonne and Heire of the said *Henry*, which *Humfrey* died seized of the said Estate, and by the said Custome the same discended to *Henry Barnes*, Sonne and Heire of the said *Humfrey Barnes*, which said *Henry Barnes*, Sonne of the said *Humfrey*, dyed seized of the said Estate, and by the Custome of the said Mannor, the same discended and came to the Plaintiffe, *William Barnes*, Brother and Heire of *Henry Barnes*, the Sonne ; and the said Plaintiffe, *William Barnes*, is an Infant of the age of Ten yeares or thereabouts, and under the age of one and twenty, And the said Plaintiffe, *Giles Carter*, having Married the Mother of the said Plaintiffe, *William Barnes*, the said Plaintiffe, *William Barnes*, is and ought by the Custome of the said Mannor to be in the Custody of the said Plaintiffe, *Giles Carter*, and *Agnes* his Wife ; All which auncient and laudable Customes are and had bene used as the said Plaintiffs alledged untill then of late ; But so ytt was, (as they alsoe alleadged by their said Bill,) that some estate or conveyance being latelie had and made of the said Mannor, by the said Defendant, *Henry Jernygan*, the elder, to the use of the other Defendant, *Henry Jernygan*, the younger, he the said *Henry Jernygan*, the Younger, ptended and went about to call in question, and to avoide divers of the said Complaynnts Estates, upon ptence and surmise of some defects or want of Warrants, or mistakings in the stiling or keeping of the Courts of the said Mannor, or of the Steward that kept the same, or of the parties in whose names the same Courts were kept ; And that therefore the admittances of sondrie of the said Plaintiffs should be void, which the said *Henry Jernygan*, the younger, gave out he would avoid, and to that end, whereas uppon everie discent of any Customary Lands of Inheritance, the Lord by the Custome of the said Mannor, is to have one Yeares Rent for his Fine, and the Tenant or next Heire thereupon to be admitted to the same lands ; the said Defendant, *Henry Jernygan*, the Younger,

denied that there was any such Custome, and also denyed unto the said Complaynants the Herbage and Pawnage of the Comon Woods, Hills, and Wasts of the said Mannor, which the auncient Court Rolles of the said Mannor did prove, remayning in the said Defendants Custody, and that the said *Henry Fernygan*, the Younger, had of late oppressed the said Comonable Grounds with great numbers of Sheepe, and had caused the Steward of the said Mannor not to make entry of any Exchaunges betweene the Customary Tenants of the said Mannor, for such fines as have bene accustomed; and also the said *Henry Fernygan*, the Younger, had made some graunte of the said Plaintiffe, *Barnes*, his Customary Lands, of purpose to pjudice him, being a Poore Infant; And that the said *Henry Fernygan*, the younger, had made some secrett Leases of some of the said Customary Lands and pmisses belonging to the said Plaintiff, to divers Psons unknowne to them, and had comensed, or caused to be comensed, and threatened to bring and psecute divers suites att the Comon Lawe against the said Plaintiffs, concning the pmisses, for avoyding whereof, and that the said Customes might be ctenly knowne and established, And for that the said Defendants and their Stewards, had in their Custodyes all the writings which did shew the said Customes, without which the said Plaintiffs were not able to defend themselves att the Comon Lawe; but were like without the aide of this Courte, to be without remedy in the Pmisses, for all which causes, the said Complaynnts prayed the processe of this Court against the said Defendants, *Henry Fernygan*, the elder, *Henry Fernygan*, the younger, and *Thomas Neaste*, to aunswere the pmisses, and to shew cause whie the said Customes heretofore agreed upon betweene the said *Henry Fernygan*, the elder, and the Tenants of the said Mannor of *Painswicke*, and the other beforemencioned Customes should not stand and be ratified by the Decree of this Court, As by the said Bill of Complaynt of the said Tenñts, remayning of record in this Court appeared;

UNTO WHICH Bill the said Defendants made their aunsweres in this Court: and first, the said *Henry Fernygan*, the elder, in and by his severall aunswere, did in substance confesse all the said Customes alleaged in the said Complaynants Bill, and confessed the making of the said Indenture by himselfe, unto the said Tenñts, and sayed that he had since continued and allowed of the said Customes, and was still ready and willing to approve and allowe thereof, according to the true intent of the said Indenture of articles, and confessed that he had made a conveyance of the said Mannor of *Paynswicke*, to the use of his said Sonne, the other Defendant, which he sayed he hoped was not pjudiciall to the said Customes.

AND the said *Henry Fernygan*, the younger, and *Thomas Neaste*, by their said aunsweres sayed, *that during the minority of any Infant, (to whome any Coppithold Lands of the said Mannor did discend, upon the death of his Auncestor,) the Lord of the said Mannor ought to have the Wardshippe and Custody of the said Lands;* and that he the said *Henry Fernygan*, the Younger, by vertue thereof having right to the Customary Lands of the said *William Barnes*, did graunte the same Lands unto the other Defendant, *Thomas Neast*, And the said Defendants, *Henry Fernygan*, the Younger, and *Thomas Neast* did by their said Aunsweres traverse and deny the residue of the points of the said Bill, and so concluded their said Aunsweres, As by the said severall Aunsweres also remayning of Record in this Courte more fully and att large appeared, Whereunto the said Complaynnts

replied, and the said Parties being at yssue, a Comission issued out of this Courte for Examinacion of witnesses on both parts, which being retorned, and according to the ordinary rules of this Court published, A day for hearing of the said Cause was by this Court appointed in the last *Trinity Terme*, as well upon the said Bill exhibited by the said Master *Henry Jernygan*, the Younger, against the said Tenants, Defendants, as on the said Bill exhibited by the said Tenants, Complaynants, against them the said *Henry Jernygan*, the Elder, *Henry Jernygan*, the Younger, and *Thomas Neast*, Defendants, Att which day, being the Eight day of *June* last,

FORASMUCH as upon the entring into the hearing of the matter that day, in the psence of the Councell, learned on both parts, for and touching the Customes of the said Mannor, this Court thought itt fitt for avoyding of further Controversies and Suits, that some indifferent psons might, upon consideracion had of all the Court Rolls of the said Master *Jernygan*, and the Coppies of the Tenants, mediate and end betweene the parties, so as the said Master *Jernygan* Lord of the said Mannor, might have that which appertayned unto him in reasonable pporcion, and that he might use his Tennts lovingly and kindly, upon their submissive carriage towards him whereunto the Councell on both parts assented.

IT WAS THEREFORE then amonge other things ordered, that the matter should be referred to Master *Thoresbie*, one of the Masters of this Court, and Master *Bridgman*, and Master *Coventree* being of Councell with the parties, To the end that they three upon the sight of all the Court Rolles of the said Mannor, and all the auncient Coppies of the said Tenants, which were all to be brought before them upon the Oathes of the Parties, And alsoe upon sight of deposicions of Witnesses taken in this Cause, the Depositions of such Witnesses as were Tenants onely excepted, of whose testimony the Court gave no allowance might treat, mediate, and sett downe some good end betweene the parties yf they could; yf not, that then they should Ctifie this Court the difference betweene them, Whereupon such further order should be taken in the cause as should be mete, According to which order the said Master *Thoresby*, Master *Bridgman*, and Master *Coventree* made their Certificate to this Court in manner and forme following, videlt,

VICESIMO SEPTIMO, die Novembris, 1613, *Int* Henr Jernegan, *Juniorem Armigum, queren et Tenen Custumar manii de Painswicke, in Com Glouc, defenden, et int eosdem Tenen, quer et pfat* Henr Jernegan, *Defenden, BY WARRANTE of an order of the Eighth of June last: We have considered of the Court Rolles of the said Mannor brought before us by the said Jernegan, and the Coppies brought before us by the said Tennts, And also of the deposicions of Witnesses taken in this Cause; And we have also advisedly pused the Indenture made by Henry Jernegan, the Elder, Esquier, Father of the Plaintiffe, and finding the same in diverse Articles, rather by the unskillfull pening thereof, then for any matter of substance to varry, both from the Rolles and Witnesses, We have thought good to explaine the same in such sort as followeth.*

First, Whereas it is conteyned in the Sixth Article of the said Indenture, that every Surrender made into the Hands of the Reeve or his Deputie, ought to be psented att the next Court, or else the same to be voide, We finde that such Surrender may be psented att or before the next Generall Courte of the said

Mannor, comonly called, the Law day, and holden within one Moneth after either of the Feasts of Easter or St. Michael the Archangell; And uppon every such Surrender made, the Lord is to have his Herriott, yf the Tenement be Herriottable, of such Cattell or Goods as the Tennte had att the tyme of the said Surrender so made to the Reeve or his Deputie, or any tyme after.

And whereas, It is conteyned in the one and twentieth Article of the same Indenture, That after the death of every Tenant dying seized of any Lands or Tenements within the said Mannor, proclamacion shall be made at the next Court, and at two other next Courts, and yf none come to Challenge the same Lands, Then the same Lands shall escheate to the Lord, And in the seaven and twentieth Article of the same Indenture It is conteyned, that the Tenants for wast done, shal be payned att two Courts, and att a third Court, uppon payne of forfeiture; We are of opinion, upon view of the said Rolles and Deposicions, That the Courts mencioned in the said two last mencioned Articles, are to be taken for the two generall Courts usually holden within the said Mannor, within one moneth after the Feasts of Easter, and Saint Michael the Archangell, comonly called law dayes, And that no Tenant of the said Mannor shall incurre any pjudice or damage by reason of the not doing of any thing conteyned in the said Articles, or either of them, so as the same may be done at such Generall Court or Courts as is aforesaid.

And whereas the said seaven and twentieth Article concning Wast, by the Words thereof doth seeme to extend onely to the letting downe of Howses, We are of opinion that the same was ment and intended to extende to all Wasts and decayes in Howses, And this we conceive was the true meaning of the parties, howsoever the said Indenture be somewhat imperfectlie penned.

And whereas in the eleventh Article of the same Indenture yt is declared, that after the death of a Woman holding by her Freebenche the Tenemente or Tenements which were in her Tenure, shall come to the next Heire, on the part of her Husband of the same Woman, and for lacke of such Heire, to the next Kinsman of the said Husband; we do finde that the Custome of the Mannor is and so was ment to have bene declared by the said Article, that after the death of such Woman, such Tenement shall discend to the Heires of the same Husbande, according to the Course of the Comon Lawe, and not otherwise.

And whereas by the thirteenth Article of the same Indenture yt is declared, That all Tenants by their Custome may fell woods, tymber, or trees uppon their Tenements; we doe not finde ytt warranted by any Rolles or other prooffe That any Tennte holding by freebenche or otherwise for life, may fell any woods, tymber, or trees, excepte for their necessarie boots, to be spent and ymployed uppon the said Tenements, And therefore wee hold it meete That the said Article as to so much thereof as concneth the felling any woods, tymber, or trees, to be explained not to extende but onely to such Tenants as have estates of Inheritance; and where in the same thirteenth Article of the Indenture it is declared, that every Customary Tenante may sett and lett his Lande without Lycence, we finde the same Custome warranted by sundry proofes; howbeit we finde yt proved that such Lease ys to hold noe longer then to the feast of *Saint Michael*, the Archangell, next after the Death of him or her that made ytt, and in case of Deathe, to be determined at *Michaelmas* after such Death, or by surrender or forfeiture of the

PROSPECTUS.

Short Notes

ON

Painswick.

BY

URIAH JAMES DAVIS.

WITH ILLUSTRATIONS.

TO BE COMPLETED IN FIVE PARTS.

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BY

URIAH JAMES DAVIS.



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N.B.—Mr. Davis will be glad to receive original documents, letters, deeds, wills, old newspapers, coins, charters, etc.; notes respecting the local and family history, traditions, legends, folk-lore, etc., of the district. Papers, etc., entrusted to his care will be returned as soon as possible. Any information will be thankfully received and acknowledged, as also any notices of errors or defects.

Court House, Painswick, November, 1880.

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