

SWAN-MARKS.¹

By EDWARD PEACOCK, F.S.A.

The swan is a native English bird, and no doubt large flocks of wild swans haunted the mouths of our rivers and the fens and meeres of Eastern England long before any of our race had found a home here. As one of the largest and most beautiful of our birds it must soon have attracted attention. The vast numbers of swans which were to be seen in the Thames and on the Scottish lakes have been mentioned by more than one chronicler. In mythology and folk-lore the swan holds a place inferior indeed to the king of birds—the eagle—and perhaps also to the raven, but it takes high rank in that dream world which preceded science and history. The story that it sings but once only, and that is when death is near at hand, is a fable which may be traced to remote Greek antiquity. The notion that its eggs cannot hatch except after a clap of thunder is perhaps not less ancient. Here, as in almost every other instance, traditions clash, but commonly the swan was a bird of good omen, an emblem of purity and innocence. It is probably to this that we owe the fact that it has become the badge of Saint Hugh of Lincoln.

Though the swan is beautiful to look upon and an emblem of things of good report, we may be sure that our forefathers did not preserve it merely for ornament or for its mystic associations. It was a highly valued article of food, and as such, laws were made for its preservation. There were strict rules for protecting the nests of these birds in breeding time, and those who stole the eggs out of the nest were severely punished. Legal proceedings were not infrequent in former days as to swans. In a Charter book of Lewes, now in the British Museum, there is a transcript of an indenture of the 24th year of King

¹ Read at the Lewes Meeting, 3rd August, 1883.

Edward III between the Prior of Lewes and Simon Baret of Heacham, which sets forth that on a certain piece of water a pair of swans had their nest in some reeds at the north end, and another pair had also a nest on a cart-wheel in the middle of the pool. It was agreed that the young cygnets should be divided equally between the Prior of Lewes and Baret.¹

As there was a dispute about these birds it seems almost certain that they were unmarked. When swans became subject to special regulation has not, we believe, been ascertained. From an early period we know that it has been the custom on the Thames for the swanherd on a certain day to go "swanupping," that is, to catch the swans and mark them on the bill for the purpose of identification. The practice was not confined to the Thames only but extended over all parts of England where swans were plentiful. As a consequence it became needful for the swanherds to be familiar with the marks of the various owners, and swan-mark books or rolls were prepared as guides for them. The first person in modern times to draw attention to swan-marks was, we believe, Sir Joseph Banks of Revesby Abbey in Lincolnshire, who published in the *Archæologia*² a series in his possession. This was followed in 1850 by a paper in the Lincoln volume of the *Archæological Institute* containing engravings of some other marks which were thought of more than common interest. I believe that notices of other swan-mark books have appeared in the *Transactions* of various local societies. The manuscripts of them are numerous, both in public and private hands. It is much to be desired that a catalogue of these manuscripts should be compiled, and that a complete collection of the marks should be made and preserved for future reference by some process of engraving.

I cannot pretend to have examined all, or even one half of the swan books that are known to be in existence, but I have seen several that are in private hands as well as some of those in the British Museum. I do not call to mind that any of them are earlier than the reign of Henry VIII, and some are certainly nearly a century later. Even

¹ *Archæologia*, xli, 5

² xvi, 153.

in the later ones, however, the marks of several of the monastic houses are given, so that we may reasonably assume that they are reproductions of earlier documents with such interpolations of new names as from time to time became needful. The Royal marks are always given first. They vary, however, in different lists, so we must conclude that the Royal swans in each district had their own particular marks. In the Banks roll the first is two marks like a capital E set back to back, and the second two swords. In a roll for the river Yare the Royal mark is RII. But few swan marks bear a truly heraldic character. Lord Scrope's is an exception as it is a shield charged with a bend. Lord de la War bore a cross-crosslet fitchée. By far the greater part of them are incapable of description without the aid of drawings. They must not, however, be dismissed summarily as mere arbitrary notches. They had all of them probably some symbolic meaning, the key to which is at present wanting. There is a great analogy between them and the masons' marks of the Middle Ages. The house-marks of Ditmarsh, too, are strikingly similar.³ In former times when persons, who could not or would not write, signed deeds and other formal documents with their mark, it was often not a cross but some sign which seems to us completely arbitrary. It would form an interesting subject of enquiry whether any of the persons who used these strange signs to mark their swans, employed a similar hieroglyphic as a signature. Archbishop Cranmer, writing to some unidentified correspondent in 1534, says:—"Touching my commission to take oaths of the king's subjects for his highness succession, I am by your last letters well instructed, saving that I know not how I shall order them that cannot subscribe by writing: hitherto I have caused one of my secretaries to subscribe for such persons, and make them to write their shepe mark, or some other mark as they can . . . scribble."⁴ Horses were branded in a similar way among the Greeks, and that the practice with them was very old is proved by the letter *koppa* that ceased very early to be used in writing, being retained as a horse-mark. The Caucasians to this day have

³ *Archæologia*, xxvii, 363.

⁴ "Remains," 291.

a number of signs which have no other purpose except to distinguish their horses.¹

Though but very few of our swan-marks are heraldic, several of them bear an analogy to heraldic symbolism. The Duke of Norfolk used an object which may be described as a label of two points. The Abbot of St. Benets Hulme used three roundels 1 and 2; the Duke of Northumberland a trefoil; Sir Thomas Clere an anchor; and Thomas Fenn a figure that much resembles a letter V. My own ancestors, the Peacocks of Scotter, used a mark like two V's, point to point, with a stroke between them—



It is probable that almost all the persons who had swan-marks were in the rank of the gentry, but the evidence bearing on the point is somewhat conflicting. In the earlier time it seems that anyone might keep swans. This was found so great an inconvenience that in 1482 a statute was passed providing that "no person of what estate, degree, or condition he be (other than the son of our Sovereign Lord the King) from the feast of Saint Michael next coming, shall have or possess any such mark or game of his own, or any other to his use except he have lands and tenements of the estate of freehold to the yearly value of five hundred marks above all yearly charges."²

No penalty was attached to this statute further than the forfeiture of the birds, one half of which were to go to the Crown and the other to the person who seized them. No one could make such seizure unless he were possessed of lands or tenements to the value of five marks. This act, reasonable enough in itself, was found to press very heavily upon the inhabitants of Crowland, who "by tyme out of mynde have continually used to have and occupie in the Fennes and Marches there, greate games of Swannes of ther owne, by the whiche the greateste parte of their relyf and lyvyng hath be susteyned in long tyme passed." The petitioners went on, in a long-winded

¹ Geiger, Contributions to Hist. of Development of Human Race. Trans. by David Asher, p. 83.

² 22nd Edw. II, ch. 6.

fashion, to state that being deprived of their swans would bring on them utter ruin. The consequence was that the people of Crowland were exempt from the provisions of the Act."¹ I know not how to reconcile the above facts with the statement "that the privilege of *cigni nota* or swan mark was only obtainable by royal grant."² It certainly was not so before 1482, after that time I believe the custom was for the King's chief swanherd, *magister deductus cygnorum*, or his inferior officers, to sanction the use of such marks as were not held by prescriptive right.

The ordinances of 1607 for the regulation of the swans in the waters of the great level of Hatfield Chace were published by the late Mr. Hunter in a modernised form.³ It was provided among other things that every person should begin to mark his swans on the Monday next after Trinity Sunday. That no persons should mark swans save in the presence of the King's deputy, and that any one who should wilfully put away the birds from their nests or destroy or carry away the eggs should forfeit the sum of ten pounds. All wild swans or unmarked swans that had gained their natural liberty and had become wild might be seized to the use of the king as a part of his royal prerogative, but subjects might have property in unmarked swans if the birds were retained in their own private waters, and should these birds escape into any open river their owners might retake them.

Stealing swans marked or unmarked, if kept in a moat, pond, or river, if the swans had been reduced to tameness, was formerly a felony.⁴

In the reign of Henry VII it was enacted that "no manner of person of what condition or degree he be take or cause to be taken, be it upon his own ground or any other man's, the eggs of any falcon, goshawks, laners, or swans, out of the nest, upon pain of imprisonment for a year and a day and a fine at the King's will." It is said that it was the custom in ancient times that the person who stole a marked swan in an open and common river should recompense the owner in the following quaint manner. The swan that had been stolen, if it could be

¹ Rot. Par., vi, 260.

² Pro. Soc. Ant., s. 1, i, 174.

³ S. Yorks., i, 157.

⁴ Jacob's "Law Dict.," sub voc. Swan.

found, and if not another, was to be hung up in a house by the beak, and the thief was to be compelled to forfeit to the owner as much corn as would cover the whole body of the bird by pouring the corn over the head.¹

Perhaps the finest swan-mark roll in existence is the one preserved in the Public Record Office. Its heading is lost and some few of the marks have been effaced. It is of the time of Henry VIII and relates to the counties of Cambridge and Lincoln. There are now 165 marks.

Among them are the following:—

“The Gild of Corpus Christi of Croyland.”

“Philippus Abbas Croyland.”

This must be Philip Everard, who became Abbot in 1497 and died in 1504.²

“Dan Richard habal . . . monk of Thorney.”

“Richard Cesill.”³

“The iiij Gyldys of Croyland.”

“Carolus Stannfeld de Bolyngbroke.”

“Rychard Peycocke” of Scotter.

“S. Thomas Burgh.”

“Thom’s Tamworth.”

“Rychard Rowsettar.”

“The Bayly of Croft.”

“The parson of Leeke.”

“John Pynder.”

“Thomas Kyme.”

“John Skypwith.”

“Dan Thomas Thersyld monke of Ramsay.”

“John Dymmokk.”

“S. Will’m Willughby.”

“The Baylly of Tatyrsale.”

This roll was one of the Chapter House Records and was removed to its present place of custody in 1859. I am informed that it is believed to be the only document of this kind in the Public Record Office.”

¹ Cowel, “Law Dict.”

² Mon. Anglic. ii. 104.

³ This is probably the father of the first lord Burghley.