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## THE MUTE SWAN IN KENT.

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THE practice of keeping the Mute Swan in a curious semidomestic state has been current in England for at least seven centuries. It is a royal bird, and though a subject may keep it, if reduced to full captivity on his own private waters, all those, unmarked, at liberty on common waters belong to the crown by prerogative right. Subjects may only claim ownership on such waters if they possess the right to do so by prescription, or grant from the crown, and the birds are pinioned and marked. Until the end of the seventeenth century, since when the practice has gradually to a large extent died out, the privilege of keeping swans was much sought after, and was only granted to subjects of a certain standing, each one of whom was allowed, through the King's Swan-Master, a private mark, whereby his birds should be known, while the usages of keeping were hedged about by a lengthy code of statutes, orders and customs, which had to be strictly observed, and were enforced by prescribed penalties. These and other matters of more general interest connected with the subject have been dealt with by me in a series of articles in the Magazine, British Birds, 1 to which any readers who are interested may be referred.

I have shown elsewhere that Swans were kept on the Thames and indeed on many other rivers in England before 1230, and it is on record, though not so early as this, that a large number were kept on the Thames below London Bridge. There can be little doubt therefore that some considerable proportion of these must have inhabited the creeks, etc. of the Thames-side marshes in the north of Kent, and though the evidence is meagre I think we can safely infer from what follows that they were also kept in other suitable parts of the county.

<sup>&</sup>lt;sup>1</sup> Vols. XVII, p. 174; XIX, pp. 186, 262, 294; XXII, p. 74.

Our knowledge of the owners and the marks they used in other parts of England is mainly derived from the official rolls of the Swan-Masters, on which their names and marks were recorded. The necessity for the formal record of these followed naturally upon the provisions of the statute of 1483, so that our knowledge of them mainly dates from about this time and up to the latter part of the seventeenth century, a period which covers the time within which most of such manuscripts as have survived were made.

It is curious that in a county like Kent, with two considerable rivers and vast areas of coastal marsh, that no such record has come to light, and the whole of our knowledge of the subject has had to be gleaned in the form of scraps from a large number of different sources, and mainly anterior in date to the above mentioned period.

The supervision of swan-keeping in Kent was vested in the Swan-Master of the Thames, whose jurisdiction ran from Circnester to Gravesend and included not only also all streams flowing into the main river, but by express provision all other waters in the county. Thus in the appointment made in 1377 it is recorded:—

"John Drayton of Bensyngton appointed during pleasure to the custody of the king's swans on the Thames, its affluents and all other waters in the counties of Kent, Surrey, Sussex," etc., etc.—(Rot. Pat., 1 Ric. II, pt. I, m.26).

The county is clearly divisible into four main areas where swans could have been kept, the Thames-side marshes, the Medway, the Stour, and Romney Marsh, and each of these, as in other counties, would have been administered under him by one or more deputies, but of these no knowledge is at present available.

In the rest of the county, outside these areas, any swans that were kept would have been on private pools or moats, mostly the property of the larger landowners. In these circumstances they would have been regarded as in full captivity and so not subject to the supervision of the royal Swan-Master.

The earliest evidence that I have found respecting swan-keeping in Kent is dated 1208. Mr. Waller (Arch. Cant., X, p. 53) states that the "family of Cobham, which took its name from the village, first comes into notice in the twelfth century, when one Serlo de Cobham was possessed of property in the parish. His son Henry purchased the manor of Cobham, with the marshes of Bulham and Swanpool, from William de Quatremare in 10 John." This of course is not direct evidence, but the inference is almost irresistible that the marsh of Swanpool must have got its name from the fact that it contained a large pool or pools, which were the resort of Swans, or even more probably where Swans were kept.

Forty years later at any rate they were being kept in sufficient numbers as to be a valuable source of food supply, for we find that in 1249 Henry III issued a series of orders to the sheriffs of a number of counties to collect supplies for the royal table. Amongst others the sheriff of Kent was ordered to buy in his bailliwick ten Swans, twenty peacocks, 500 hens, 200 chickens, 3,000 eggs, five boars. four cranes and seven fat pigs, and to hold them in readiness for when the king should send for them (Rot. Claus., 33 Hen. III, m.8). Later in the same year, as special provision for the feast of St. Edward, he had to procure a further six Swans, eight peacocks, two dozen pheasants, eight dozen partridges, forty hares, forty rabbits, five boars, twelve kids and 2,000 eggs, and deliver them at Westminster by the vigil of the feast at the latest (idem, 34 Hen. III, m. 18). The number of Swans requisitioned is much the same as were asked for from the sheriffs of other counties, where we know that they were being kept in large numbers.

The sheriff concerned was Reginald de Cobham.

A few years later, in 1256, we have the first actual record of a private owner in Bertram de Crioll of Ostenhanger, Lord Warden of the Cinque Ports. In that year a commission was issued to this same Reynold de Cobham, who was still sheriff, and Alvred de Dene (substituted for Nicholas de Hadlow) to enquire regarding the persons, who

stole the crops and Swans of Bertram de Crioll in divers places in the county of Kent, while he was constable of Dover, and to do justice on such as they found guilty therein (*Rot. Pat.*, 40 Hen. III, m. 16d.).

It is a pity that the "divers places" are not particularly specified, but we may perhaps surmise that some of them were located in Romney Marsh, not a great distance from his seat at Ostenhanger, though Bertram de Crioll was the owner of vast estates in several parts of the county.

In 1282 a commission of over and terminer was issued to Solomon de Roff' and John de Sandwyco, touching the persons who came by night to the water of la Rivere and carried away eight swans of Stephen de Penecestre and assaulted Roger le Swonhirde, his man (idem, 10 Ed. I, m. 5d.). It is probable that the River Dour in those days was a much larger stream than it is now, and that the adjoining Alkham valley would then have held a considerable body of water, so that Sir Stephen de Penchester may have kept a large stock of swans there. It may even be that these belonged to an ancient game, long located there, that became the property of the successive Lord Wardens and Constables of Dover, in virtue of their office. On the other hand Sir Stephen may have imported swans from his seats at Allington or Penshurst and put them on these waters, where they were kept and artificially fed by Roger for eventual use at his table in the Castle. The entry is particularly interesting because it contains the earliest reference we have to the employment of a Swan-herd.

THE MEDWAY.—The next piece of evidence in point of date refers presumably to the upper Medway, but here again it is not direct, but only by inference. Curiously enough however it is the only piece of evidence that has come to light that suggests that swans were ever kept on the Medway at all, though there cannot be much doubt, that on a river of that size, they must have been kept in numbers.

Hamo de Hethe, who was Bishop of Rochester from 1318 to 1352, by an undated deed appropriated the church

of Westerham, and the chapel of Edulwesbrugge (Edenbridge) annexed to it, to the Prior and Cathedral Church of Christ at Canterbury, and established a perpetual vicarage thereto; and the vicar was to have for his support certain tenths that had by custom been paid to the church and chapel aforesaid. Included in a long list of these were swans, geese and pigeons (Monasticon, I, p. 184). Had there been no swans with private owners on the upper Medway at this time, there would have been no object in specifying them in this deed.

In later years several individuals, who it is known were swan owners and lived within easy distance of the Medway, kept their swans elsewhere. At any rate there is no record at present that they kept any on that river. Sir Richard de Totesham of West Farleigh (vide infra) kept his in Romney Marsh, Sir William Boleyn of Hever kept his in Norfolk, while Sir Thomas Boleyn of Hever, afterwards Earl of Wiltshire, and Sir Henry Sidney of Penshurst were Fenland gamesters.

So far as I can discover only about ten towns in the whole of England obtained or enjoyed the privilege of keeping swans. Of these Maidstone and Canterbury were two. Such rights must have been derived in the first instance by grant from the crown, and it is probable that this was made in one of their charters. In most cases however the particular charter in which this was done does not appear to have survived. In the case of Maidstone however it has, and so we are able to quote from it as an example of the way in which these grants were made (W. R. James, *Charters of Maidstone*, p. 110).

The grant first appears in the second charter of James I, in 1619:—

"And that also the aforesaid mayor, jurats and commonalty, and their successors, may likewise have, by the waters aforesaid [i.e. the Medway], from the aforesaid bridge called Eastfarleigh Bridge unto Hawke wood, the liberty and privilege of keeping and preserving swans, cygnets, and a swan-mark for the same, and to change and alter the same swan-mark at their pleasure; and also to sign and mark all and singular the swans and cygnets by the water aforesaid, or within the metes and limits aforesaid, and the banks and soil of the same, building, breeding or resorting, and not lawfully signed or marked with the swan-mark aforesaid, and full power and authority, the swans and cygnets aforesaid swimming or straying out of the limits and metes aforesaid, by water and land, to pursue, retake, bring back and have again, without the impediment of us, our heirs or successors or of any other our officers or ministers or others whomsoever."

These rights were confirmed and continued in slightly different words by the succeeding charters of 34 Charles II (1682) and 21 George II (1747).

Hawke Wood was on the bank of the river, formed one of the boundaries of the City of Rochester and marked the upper limit on the Medway of the jurisdiction of the Admiralty Court presided over by the Mayor of Rochester.

Curiously enough there is no evidence to be found either in the Chamberlain's accounts, or other of the town documents, or elsewhere, that the privileges thus granted were ever taken advantage of or exercised, and there is no record of any swan-mark belonging to the town of Maidstone.

THE STOUR.—We find the first specific evidence of swans being kept by private owners on the Stour in the Patent Rolls for 1309, where the names of four of them are given. The entry relates to a pardon granted to John, son of Thomas Samuel the elder; of his outlawry for non-appearance before the late king (Edward I) to answer for the theft of six cygnets, the property of Roger de Maunston, Anselm de Ripple, Adam Stephan and the sacristan of St. Augustine's. The record and the process under the king's seal were to be sent to William Inge and John de Northwode, Justices of gaol delivery for Canterbury (Rot. Pat., 2 Ed. II, pt. II, m. 7.).

Manston is in Thanet and Ripple, near Deal.

In this same year (1309) Ralph Bourne was installed as Abbot of St. Augustine's, Canterbury, and as was customary the ceremony was concluded with a vast and elaborate banquet. The materials for this and their cost have been recorded in the Chronicle of William Thorne, and included no less than thirty-four swans, at a cost of four shillings and a penny each. There cannot be any doubt that the majority of these must have been obtained locally. Possibly some were derived from the game of the above-mentioned sacristan, but such a large number must have been purchased from a good many private owners, and is evidence that swans were kept in abundance on the Stour at this time.

Prior to the beginning of the sixteenth century Sandwich, at the mouth of the river, was one of the chief ports of communication between this country and the continent, a large cross-channel trade was in being, and it seems that, at any rate occasionally, live swans were imported into England by this route.

The Custumal of Sandwich, which was the authority upon which the government of the town was based, was transcribed by John Serles, town clerk, between 1461 and 1465 from a more ancient manuscript (now lost) written by Adam Champneys in 1301. Serles, however, embodied with the older work many observations and customs of his own time, so that we cannot certainly assign anything contained in his copy to an earlier date than 1461-5. the paragraph dealing with the appointment and duties of the King's Bailiff there occurs a long schedule enumerating 152 articles of merchandise and live stock, upon which it was his function to collect the King's dues. These were payable by all traders, other than freemen of Sandwich, bringing any of these goods into the town, either by land or from oversea. According to this schedule the customs duty on a swan was the relatively enormous sum of half a mark, twice its value at that time as an article of food, and double the duty on the next highest taxed article. Only four other things paid a higher duty than four pence.2 It

<sup>&</sup>lt;sup>1</sup> Monasticon I, p. 144 and A. H. Davis' edition of the Chronicle, Oxford, 1934, pp. 396-7.

<sup>&</sup>lt;sup>2</sup> See Boys, Collections for a History of Sandwich.

is evident therefore that no one, barring freemen, who were exempt by their charter, could afford to deal in swans, or to import them from abroad unless he was a person of considerable wealth.

The entry (150th in the list) reads:-

"De chescun cygne . . . vjs. viijd."

Actually the only instance I have met with of the importation of swans from abroad occurs in the Chamberlain's accounts of the City of Canterbury under the year 1529-30:—

"Itm paid for ij Copls of yong swannys & the Costs & charges of cariage of them bought beyond the see . . . . ixs."

These birds, which formed the starting point of the City's game, came direct by sea to Fordwich, and there is no mention of any customs duty having been paid on them. This certainly could not have been included in the costs and charges above recorded.

In these same Chamberlain's accounts we meet with one or two other private owners of Swans on the Stour. During the latter half of the fifteenth century the Corporation of Canterbury purchased a number of swans, either as presents to distinguished visitors, or for use at banquets given to them. The prices paid varied between eighteen pence and half a mark. Thus in 1495-6 a swan at 6s. 8d. and two cygnets at 3s. 4d. were provided for a dinner given at the sign of the Sun to John ffyneux, the Lord Chief Justice, on his visit to settle a dispute between the City and the Abbot of St. Augustine's; and in 1518-19 we find the following entries:—

"Itm the xiij<sup>th</sup> day of Nouember paied for ij Swannes gevyn to my lord Chamberleyn & the other Enbassatours wt hym goyng into ffraunce in Enbasset . . . . xs. It. paied for kepyng & ffattyng the seid Swannes vij wekes byfore their comyng . . . . iijs. iiijd."

The private owners from whom such birds were obtained are in most cases unrecorded, but the Mayoress of Canterbury

is mentioned in 1472-3, Roger Brent in 1483-4 (Mayor in 1472-3), Master Goseborne in 1509-10 and Mr. Wode in 1529-30.

Up to the last mentioned date there is no evidence that the Corporation kept any swans of their own, while the evidence of the foregoing extracts, together with that of numerous similar ones, makes it almost certain that they did not. In this year however they embarked upon the establishment of a game of their own by the purchase of two pairs of eygnets from abroad, as already mentioned. There is unfortunately no record of their grant of swanrights, nor of the mark they used, though there are several entries in the accounts that clearly indicate that they had one.

By 1536-7 the above young swans had bred and increased the stock, for we find in that year that one Dyryk was paid a shilling "for kepyng of the signetts" and a shilling was paid for "otes" given to them. After this the accounts contain entries almost annually up to 1611-12 of various items of expense incurred over the City's swans. From these it is clear that they were kept on the Stour and ranged as far down the river as below Sturry. An annual upping was held in August (in 1594 it occurred on the 8th), which was made the excuse for a grand water-picnic, being attended by the Mayor and other citizens, who finished up the day with a dinner at the sign of the "Lyon" or other hostelry at the City's expense. One George Asshenden, who was paid a half-yearly stipend for "scouring the river", or "cutting the river" (i.e. weed-cutting), from the King's mill upwards, evidently combined with these duties those of City swan-herd, and was assisted at the upping by men who were hired at 21d. a day to wade in the river and help to catch up and mark the cygnets.

A proportion of these was carried back each year to the city, and kept for the city banquets, there being an annual charge entered in the accounts for oats for feeding them. In 1537-8 three quarters of a bushel was used, at four pence a bushel, for two cygnets. Twenty years later the quantity

used cost four shillings and in 1562-3, seven shillings and four pence. In 1537 the official price of oats was 3s. 4d. a quarter, or 5d. a bushel and the City got theirs at 4d. In 1557 the official price was 10s., or 1s. 3d. a bushel, and in 1562 5s., or  $7\frac{1}{2}$ d. a bushel. If we assume that the same proportional rebate was obtained in each year, the City bought four bushels in 1557 and fifteen bushels in 1562. On the same expenditure rate this means that they fatted eleven cygnets in 1557 and thirty-eight in 1562. In both years however it is most probable that the cygnets, or some of them, were kept for a considerably longer period than in 1537, and their estimated numbers must therefore be proportionately reduced. In any case however the figures indicate a very considerable increase and that the City game was in a very flourishing condition. In 1557-8 the cygnets were kept and looked after by Mr. Alderman Twvenes.

From the time when the city had a sufficient stock of its own, cygnets were no longer bought from other owners. When it was desired to make gifts of swans, some of those taken up at the annual upping were used. Thus in 1561-2:—

"Itm. paid for viij copyll of capons and one dussyn cuppyll of coniys gyvyn to my lord off Cantorbury [i.e. the Archbishop] w<sup>th</sup> ij synnets of ye store off ye Cittie xxiiijs. xjd."

Upping in different years cost from one and tenpence to two and tenpence according to the number of cygnets reared, but the number is seldom recorded, though in 1598-9 there were seven. By 1611 the stock appears to have dropped considerably, for we find the City in that year taking steps to renew it and effect a change of blood:—

"paid the x<sup>th</sup> of December vnto—ashenden clerk of S<sup>t</sup> myldredes for two synnyttes or yong swannes for the cyttye and marckyng them w<sup>t</sup> the cytties marke as the Cytties old cock swane is marked . . . xiijs. iiijd."

This entry reveals the fact that there were still private owners on the river, but I cannot discover any other reference to the subject. This attempted rejuvenation of the game seems to have been unsuccessful and it looks as though it rapidly died out and the custom of keeping swans for the City was discontinued, as there are no further entries concerning them in the Chamberlain's books up to 1619-20, which is as far as I have searched.

ROMNEY MARSH.—It is probable that Romney Marsh has always supported a relatively large population of swanseven as it does to-day; but whereas to-day they are virtually wild birds, in the fourteenth and fifteenth centuries they belonged to a number of private owners. With a single exception, no record appears to be in existence of the names of any of these, or of the marks they used, but a few of their names can be collected from the municipal archives of New Romney and Lydd. Neither of these corporations appear to have kept any swans of their own, but both were purchasers of considerable numbers, either for use in their mayoral banquets, but still more as gifts to persons in an exalted position, whom it was desired to placate. Most corporations at that time made similar gifts, and quite probably with the same ulterior motive, but some of the entries concerning these transactions in the Chamberlain's books of Lydd make very curious reading to-day by the very frank and open manner in which these acts of bribery are recorded. In the year 1447-8 the corporation were in considerable legal difficulties on account of certain charges that were being brought against certain of their members. They strained every nerve and showered presents on various officials with a view to influencing them in their members' favour, and amongst other things they bought and paid for no less than twenty swans, which were thus distributed as presents. One entry must serve as a sample :-

The other persons aforesaid were John Greneford of Swanton Court, the Steward of Dover Castle and Ralph Toke, the Mayor of Dover, while later on a similar gift was sent all the way up to Lambeth for the Archbishop of Canterbury.

In most instances the birds were sent by pack-horse under the charge of the Common Sergeant of the town and in some cases certainly they were sent alive, as it is recorded that oats were bought with which to feed them. The price paid for them varied somewhat, between two and four shillings, according to their age, size and condition, but on the average was very much the same as that ordained during the same period by the assizes of poultry of the City of London, viz. from 3s. to 3s. 4d.

The earliest of these transactions is taken from the Chamberlain's accounts of New Romney for 1390-1 (Hist. MSS. Com. Rep. V.):—

"Paid for capons & cygnets sent to the Lord Archbishop of Canterbury, at Saltwode, and horses hired for the same with messengers, 27s. 10d."

Other typical entries are from the Lydd accounts (Finn, Records of Lydd):—

1445-6.

Richard Alayn was the Common Sergeant of Lydd at this time; the Lieutenant and Steward were the same as those already mentioned. 1446-7.

A franked swan was one that had been fatted up in a frank or pen, hence the increased cost. John Stafford was the Archbishop to whom they were given.

The other owners from whom these purchases were made were, the widow of John Thomas in 1430-1, Richard Clement in 1431, Thomas Breggis (or Briggs) in 1434-6, Henry Alayn in 1444-8, John Bate in 1446-7, John Bate senior in 1447-51, Thomas Ayllewyn in 1453-4 and Nicholas Morley in 1474-83.

Though Henry Alayn was afterwards Constable of Lydd, and Thomas Briggs evidently a man of some substance, since he expended a sum of 45 marks on the roof of Lydd Church, I very much doubt whether any of the others were anything more than people of quite small means, inhabitants of the town or of the adjoining marsh. such they became ineligible as legal owners of swans as soon as the Statute of 1483 came into being. This restricted the ownership of Swans to persons owning freehold property of a clear annual value of five marks beyond all reprisals, and recited in its preamble that "of late that divers keepers of Swans have bought and made to them Marks and Games in the Fens and Marshes, and other places, and under colour of the same . . . have stolen Cygnets and put upon them their own mark, by which unlawful means the substance of Swans be in the hands and possession of Yeoman and Husbandmen, and other persons of little Reputation."

It is significant that it was about this time that these purchases of Swans by the Corporation ceased.

About a century earlier we find the name and mark of a single private owner recorded in the earliest volume of the Corporation Registers of New Romney, now in the library of St. Catherine's College, Cambridge. On folios 84a to 86a, near the end of the book, are a collection of conveyances and leases concerning tenements and land in the neighbourhood of New Romney and made between Sir Richard de Totesham of West Farleigh and Adam Adam of Broomhill, in Romney Marsh. At the foot of folio 84b is a note in Latin of which a translation reads:—

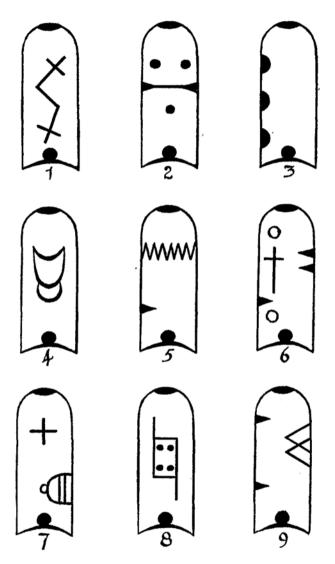
"Mark on the beak of the Swans belonging to Sir Richard de Tot [esham], Knight, in the Marsh of Romeney, as set forth" [here follows a drawing of the mark].

None of these conveyances, etc., are dated, but an entry two pages back was made in November 1366, while the memorandum is in the handwriting of Daniel Rough or Row, who was Common Clerk of New Romney from 1352 to 1377, so that the error will not be great if we place the date of this memorandum at about 1370.

The Totesham family lived at Totesham Hall in West Farleigh, near Maidstone, so far back at any rate as the reign of King John and down to about the end of that of Henry VIII, and were evidently in the fourteenth century the owners of considerable property in Romney Marsh, where they maintained a game of swans.

The mark is noteworthy not only because it is the only one so far known that was used exclusively in the County of Kent, but because it is actually one of the oldest of which we have any record (see Fig. 1).

Since this is the only Kentish mark that has survived it must suffice here to give as examples of these designs a few that, although they belonged to Kentish people, were used in other parts of England. They are all examples of upper mandible marks, *i.e.* designs cut or branded on the upper surface of the bill, which was by far the commonest and most usual method. In the case of all simple marks the marking was done with the knife, a brand only being



SWAN-MARKS OF KENT GAMESTERS.

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used for the more complicated designs. In the diagrams annexed the outline represents the upper surface of the bill viewed from above, with its nail at the tip and the knob or berry at the base.

- 1. SIR RICHARD DE TOTESHAM, of West Farleigh, circa 1370 (see above).
- 2. The Archbishop of Canterbury. This was a Thames mark, and was used by the Archbishops from a very early period. It was certainly in use from the time of Edward IV to that of Charles II, but the limits in both directions are uncertain. In the latter half of the seventeenth century the Archbishops also owned swans in the Fenland, but whether they used this mark or another is unknown.
- 3. SIR WILLIAM BOLEYN, of Hever, knighted 1483, died 1505. His swans were kept in Norfolk waters, in the neighbourhood of Blickling, his Norfolk seat.
- 4. SIR THOMAS BOLEYN, of Hever, son of Sir William, Steward of the Duchy of Lancaster for Suffolk, Norfolk and Lincoln, created Viscount Rochford 1525, Earl of Wiltshire 1529, died 1539. He used the mark in the Fenland, no doubt in connexion with his post as Steward of the Duchy.
- 5. 6. SIR THOMAS CHENEY, K.G., of Shurland in Sheppey and Irthlingborough, Northants, Treasurer of the Household to Henry VIII and Edward VI, Lord Warden of the Cinque Ports 1510, Constable of Queenborough Castle 1512, Sheriff of Kent 1517, died 1559. His swans were kept in the Fenland, most probably on the river Nene.
- 7. SIR HENRY SIDNEY, of Penshurst, Lord President of Wales and Lord Deputy of Ireland, died 1586. This was also a Fenland mark and was bought by Sir Henry in 1552 from Richard Murfeilde of Dostrope, Northants, and is described in the deed of sale as "the two peny crosse and the stirop w<sup>t</sup> ij strikes".

- 8. SIR JAMES HALES, of the Dungeon, Canterbury, and Grays Inn, Sergeant-at-Law 1540, King's Sergeant 1544, knighted 1547, Justice of Common Pleas 1550, died 1554. This was a Thames mark.
- 9. WILLIAM ROPER, of Eltham and Canterbury, born 1496, Prothonotary of the Court of King's Bench, M.P. for Rochester 1554 and for Canterbury 1555-8, died 1578. He was a son-in-law of Sir Thomas More and kept his swans on the Thames.