

The appellant, thinking that discretion was the better part of valour, withdrew from any further prosecution of the appeal. Thornton was then remitted to the Crown side of the Court, and indicted upon the appeal at the suit of the King. He pleaded that he had been tried previously and acquitted upon the same charge. The Attorney-General confessed this to be true on the part of the Crown, whereupon the Court acquitted the prisoner.

In a short time an Act of Parliament was passed, abolishing this method of procedure. One instance still remains wherein the absurd ceremony of throwing down a glove may be still resorted to. When her present Majesty was crowned, a clergyman claimed to act as her Champion, and to challenge the world on her behalf. When her grandfather was crowned, the glove thrown down by the Champion was taken up by a partizan of the unfortunate Stuarts.

As in Thornton's case the right to the combat was not proceeded with, references must be made to older authorities for the ceremonies attendant upon a grant of the battle; and it must be remembered that such a grant was made both in civil and criminal cases, but there were divers important differences in the method of procedure.

In the 13th year of the reign of Queen Elizabeth, one Love and others brought a writ of right to recover lands in Kent from one Paramour, who selected the trial by battle, and brought before the Justices of the Common Pleas as his champion one Thorne, a strong man and square (*quadratus* is the very word), for his champion. The demandant brought one Naylor, a master of defence, as his representative. Had it been a criminal matter, the parties could not have engaged substitutes,—they must have fought themselves in person.

The Court approved of the champions, and awarded the battle. Thorne then threw down a glove on behalf of the defendant, which Naylor picked up and took home with him, after that they had both been duly sworn to perform the combat at Tuthill, in Westminster, upon an appointed day, in the presence of the entire Court.

At the appointed day and place a list had been prepared at Tuthill upon an even and level piece of ground, sixty feet square, set out according to the points of the compass and surrounded by a double palisade,—the one to keep the mob out, the other to keep the combatants in.

Outside the barriers on the west side was erected a seat for the Judges, looking down upon the lists, and covered with the very furniture used in Westminster Hall, and brought thence for this occasion. Behind this tribunal were pitched two tents, one for each champion. Seats were placed for the Sergeants on the platform, at the feet of the Judges.

On the other three sides of the square were erected tiers of seats for the spectators, of whom four thousand were present. Properly speaking no woman or male child under fourteen ought to have formed one of the crowd.

The champion for the plaintiff, Naylor, had been during all the early morn parading the City, preceded by drums and trumpets. The gauntlet of challenge was borne before him on the point of a sword. One of the twenty-four royal yeomen carried the ell-long staff, tipped with horn, and the target of double leather with which he was to do battle. The champion was arrayed in a wadded coat of a martial colour (whatever that might be), loose trousers made of a stuff (moserica) with a silken woof and a woollen warp, and a silk cap adorned with a red plume and ribands. Thus adorned he proceeded to Tuthill, where a knight, Sir Jerome Brown (afterwards an ambassador of good repute to the Czar of Muscovy,) was waiting to receive him in his tent. Thorne had arrived there previously, and was "waited upon," as the Fancy would say, by Sir Henry Cheney.

Had the combat arisen upon a criminal matter, the parties themselves would have been given into the custody of the marshal on the previous night, who would have had them armed and present in the lists before sunrise—as they would

have had to fight without intermission from the rising to the setting of the sun, unless one of them had uttered the word "Craven," which would have ended the fight. If the appellee could maintain the fight until after sunset, he gained the day.

As in reality a civil matter was in dispute, the Judges met in Westminster Hall about 10 A.M., arrayed in their coifs, scarlet robes, and appurtenances, accompanied by the Sergeants, similarly dressed. The Judges (except one detained at home by illness) then adjourned to Tuthill.

The proceedings began by a proclamation for silence, and the spectators were warned not to cry out, nor make any sign to the combatants, nor strike a blow in their behalf. The plaintiff was then summoned before the Court, and upon his non-appearance, his champion, Naylor, was summoned. He came into the lists, on the left hand side of the Bench. His head was uncovered, his arms bare to the elbow, his legs exposed from the knees downwards, with red sandals on his feet. He was accompanied by his knight, carrying his ell-long staff, and his yeoman, carrying the buckler. The two went round the lists to the side fronting the Judges, where Naylor knelt down and made obeisance to the Court. He then rose, advanced to the centre of the lists and did the same. He next proceeded to the bar in front of the Judges. Having knelt again, he was ordered to rise and take his standing-place on the right-hand side of the Court. Thorne, after similar proceedings, was ordered to stand on the left-hand side. Two Sergeants, being of counsel for each party, then took up their position between the combatants. After all this prelude the plaintiffs were again summoned, and as, by arrangement, they did not appear, judgment was given against them. The champions and spectators were then ordered to depart in the peace of the Queen, and the farce was played out.

There is no doubt that prize-fights, which take place in a square ring, ranging with the points of the compass, are a mimic representation of such a combat as above. To render the similitude more perfect, the "second" and the "bottle-holder" of the pugilist are the successors of the sergeant-at-law and the worthy knight.

When the combat really took place, if it was for life and death, a hearse was in readiness to take off the party killed. If the murderer had cried "Craven," he would have been dragged off to instant execution. The blood of the murdered man would have drawn him by a long rope to the gallows.

This usage was said to be founded upon the loss which all the kindred had suffered by the murder of one of themselves, and for their revenge and the love which they bore to the person killed.* If the suspected murderer gained the day, his accuser was liable to imprisonment for a year and a day; to a fine, at the discretion of the Court; became infamous, and forfeited the privileges of a freeman.

The party or his champion would have been compelled, if the combat had proceeded, to take an oath before entering the lists, that he had not eaten or drank anything to charm himself; and that he had not caused anything to be done to the prejudice of his adversary whereby he might be charmed. Convincing proof this, that the combat was the relic of an ignorant and superstitious age.

RAT-KILLING BY ELECTRICITY.—In the Paris sewers the rats swarm by millions. Wires insulated by glass feet from the ground, and connected with a strong galvanic battery, are spread through these subterranean walks. Little pieces of roast meat are attached to these wires at short distances, and the rats, by nibbling at the bait, bring down the galvanic shock with terrific power upon their bodies. Death is instantaneous, the morsels remaining almost intact, ready to lure other victims to destruction.

*This is very like the Corsican vendetta, where the duty of revenging the murdered man is imposed upon his nearest relative.

THE UNINVITED GUEST

"I think," said my husband, one day, "that we really should do something about Georgina's education. She is really too old now to idle her time as she does."

"Yes," I agreed; "but unless we settle in a town, I do not see how we can improve her. I really dread bringing a governess to this desolate spot; she would not stay above a month."

This was by no means the first conversation my husband and I had had about our only child and spoiled pet; but it is a fair specimen of many, and ended, like the others, by letting the subject drop. However, as winter approached we decided on moving into E—, and took apartments for a short time.

My husband soon became restless; he "hated lodgings," he said, and thought Georgina, accustomed to run about the country, would fall ill if confined to our small rooms. He would take a house: then she could play where she chose, and run up and down stairs to her heart's content, especially on wet days.

Taking a house, however, is more easily accomplished in word than deed. Winter in the season in E—, and this, it was predicted, would be an unusually good one. Rents rose in proportion. Our means were then rather straitened; not so our ideas, however. We were both fastidious, and I fear the house-agent found us rather unreasonable.

I got so tired of walking up and down stairs in empty houses, and also felt so chilled, that at last I allowed George to take all the trouble of visiting and viewing those in the list sent us by Mr. Letts. When he came home, and reported what he had seen, I listened with due attention; but on considering carefully, there was generally some drawback.

One day, George came in with a radiant countenance, and said:—

"My dear, I am sure I have found the exact house to suit us."

"Where?" was my first question.

He named a dull, but aristocratic part of the city. I listened with great deference while he expatiated on the merits of this habitation, and described it from "garret to basement." It certainly seemed unobjectionable. The rent was the next point; that also was in our favour. So it was arranged that I should accompany George next day to see it; and he politely said that my decision should be final.

"La nuit porte conseil." In the wakeful moments of night I resolved that, if the new house was one where I could make my family at all comfortable, I would not discourage the evident desire of George to take it.

In this mood I accompanied my husband next morning. When we reached our destination I thought its appearance unexceptionable. When we had traversed it all, I said:—

"I think we may decide on settling ourselves here."

"I quite agree with you," said my husband. "I knew what your opinion would be."

"We are at last fortunate," we agreed.

The house-agent was silent.

Signing and sealing were accomplished without delay. Next day we had large fires lighted, and the house, which gave us the idea of having been long unoccupied, was thoroughly aired. In a few days we took possession. The morning of our arrival we contrived to settle our furniture, and the pretty little articles of "bigotry and virtue," as Mrs. Caudle has it, from our old house, to look as home-like as possible. In the afternoon, George went out for his customary ramble; I was too busy to accompany him, and Georgina appeared to think I could not arrange things without her assistance, so she would not leave me.

We had placed our books on their shelves; this was the finishing touch. I still had the last in my hand, but had opened it, and was glancing over its contents. Georgina was at the centre table, taking off the bonnet and cloak in which her doll had accomplished her journey. In a moment, however, I felt my gown pulled; I turned, and saw that my child had crept to my side; she whispered stealthily:—