

Feudal Customs

BARBAROUS as the feudal customs were, they were the first attempts at organizing European society. The northern nations, in their irruptions and settlements in Europe, were barbarians independent of each other, till a sense of public safety induced these hordes to confederate. But the private individual reaped no benefit from the public union; on the contrary, he seems to have lost his wild liberty in the subjugation; he in a short time was compelled to suffer from his chieftain; and the curiosity of the philosopher is excited by contemplating in the feudal customs a barbarous people carrying into their first social institutions their original ferocity. The institution of forming cities into communities at length gradually diminished this military and aristocratic tyranny; and the freedom of cities, originating in the pursuits of commerce, shook off the yoke of insolent lordships. A famous ecclesiastical writer of that day, who had imbibed the feudal prejudices, calls these communities, which were distinguished by the name of *libertates* (hence probably our municipal term the *liberties*), as “execrable inventions, by which, contrary to law and justice, slaves withdrew themselves from that obedience which they owed to their masters.” Such was the expir-

ing voice of aristocratic tyranny! This subject has been ingeniously discussed by Robertson in his preliminary volume to Charles V.; but the following facts constitute the picture which the historian leaves to be gleaned by the minuter inquirer.

The feudal government introduced a species of servitude which till that time was unknown, and which was called the servitude of the land. The bondmen or serfs, and the villains or country servants, did not reside in the house of the lord: but they entirely depended on his caprice; and he sold them, as he did the animals, with the field where they lived, and which they cultivated.

It is difficult to conceive with what insolence the petty lords of those times tyrannized over their villains; they not only oppressed their slaves with unremitted labour, instigated by a vile cupidity, but their whim and caprice led them to inflict miseries without even any motive of interest.

In Scotland they had a shameful institution of maiden-rights; and Malcolm the Third only abolished it, by ordering that they might be redeemed by a quit-rent. The truth of this circumstance Dalrymple has attempted, with excusable patriotism, to render doubtful. There

seems, however, to be no doubt of the existence of this custom; since it also spread through Germany, and various parts of Europe; and the French barons extended their domestic tyranny to three nights of involuntary prostitution. Montesquieu is infinitely French, when he could turn this shameful species of tyranny into a *bon mot*; for he coldly observes on this, "*C'étoit bien ces trois nuits là, qu'il falloit choisir; car pour les autres on n'auroit pas donné beaucoup d'argent.*" The legislator in the wit forgot the feelings of his heart.

Others, to preserve this privilege when they could not enjoy it in all its extent, thrust their leg booted into the bed of the new-married couple. This was called the *droit de cuisse*. When the bride was in bed, the esquire or lord performed this ceremony, and stood there, his thigh in the bed, with a lance in his hand: in this ridiculous attitude he remained till he was tired; and the bridegroom was not suffered to enter the chamber, till his lordship had retired. Such indecent privileges must have originated in the worst of intentions; and when afterwards they advanced a step in more humane manners, the ceremonial was preserved from avaricious motives. Others have compelled their subjects to pass the first night at the top of a tree, and there to consummate their marriage; to pass the bridal hours in a river; or to

be bound naked to a cart, and to trace some furrows as they were dragged; or to leap with their feet tied over the horns of stags.

Sometimes their caprice commanded the bridegroom to appear in drawers at their castle, and plunge into a ditch of mud; and sometimes they were compelled to beat the waters of the ponds to hinder the frogs from disturbing the lord!

Wardship, or the privilege of guardianship enjoyed by some lord, was one of the barbarous inventions of the feudal ages; the guardian had both the care of the person, and for his own use the revenue of the estates. This feudal custom was so far abused in England, that the king sold these lordships to strangers; and when the guardian had fixed on a marriage for the infant, if the youth or maiden did not agree to this, they forfeited the value of the marriage; that is, the sum the guardian would have obtained by the other party had it taken place. This cruel custom was a source of domestic unhappiness, particularly in love-affairs, and has served as the groundwork of many a pathetic play by our elder dramatists.

There was a time when the German lords reckoned amongst their privileges that of robbing on the highways of their territory; which ended in raising up the

famous Hanseatic Union to protect their commerce against rapine and avaricious exactions of toll.

Geoffrey, lord of Coventry, compelled his wife to ride naked on a white pad through the streets of the town, that by this mode he might restore to the inhabitants those privileges of which his wantonness had deprived them. This anecdote some have suspected to be fictitious from its extreme barbarity; but the character of the middle-ages will admit of any kind of wanton barbarism.

When the abbot of Figeac makes his entry into that town, the lord of Montbrun, dressed in a harlequin's coat, and one of his legs naked, is compelled by an ancient custom to conduct him to the door of his abbey, leading his horse by the bridle.

The feudal barons frequently combined to share among themselves those children of their villains who appeared to be the most healthy and seerviceable, or who were remarkable for their talents; and not unfrequently sold them in their markets.

The feudal servitude is not, even in the present enlightened times, abolished in Poland, in Germany, and in Russia. In those countries the bondmen are still entirely dependent on the caprice of their masters. The

peasants of Hungary or Bohemia frequently revolt, and attempt to shake off the pressure of feudal tyranny.

An anecdote of comparatively recent date displays their unfeeling caprice. A lord or prince of the northern countries passing through one of his villages, observed a small assembly of peasants and their families amusing themselves with dancing. He commands his domestics to part the men from the women, and confine them in the houses. He orders the coats of the women to be drawn up above their heads, and tied with their garters. The men were then liberated, and those who did not recognise their wives in that state received a severe castigation.

Absolute dominion hardens the human heart; and nobles accustomed to command their bondmen will treat their domestics as slaves, as the capricious or inhuman West Indians are known to do their domestic slaves. Those of Siberia punish theirs by a free use of the cudgel or rod. The Abbé Chappe saw two Russian slaves undress a chambermaid, who had by some trifling negligence given offence to her mistress: after having uncovered as far as her waist, one placed her head betwixt his knees; the other held her by the feet while both, armed with two sharp rods, violently lashed

her back till it pleased the domestic tyrant to decree it *was enough!*

After a perusal of these anecdotes of feudal tyranny, we may exclaim with Goldsmith—

“I fly from PETTY TYRANTS—to the THRONE.”

Mr. Hallam’s recent view of the “State of Europe during the Middle-Ages” renders this short article superfluous in a philosophical view.