in a roadstead, and hastening on with the tide another ship [comes and strikes the ship] which is at rest . . . the damage ought to be appraised, and divided by halves between the two ships. . . . The master of the ship which has struck the other is bound to swear, himself and his mariners, that they did not do it intentionally ; and the reason why this judgment was so made, is that an old ship would willingly place herself in the way of a better ship, if she were to recover all her damages, in the hope of obtaining the other ship [by way of compensation]. But when she knows that she must share [the damage of both] by halves, she willingly places herself out of the way."

Even with the explanation given this article seems to me unjust. Unless the anchored ship only took up her position at the last moment she could hardly be to blame for a collision. It has struck me that the rule may possibly be intended to apply to the case where one ship at anchor swings foul of another, but even this theory is unsatisfactory. Perhaps some reader can suggest another explanation.

There are many other points of interest in these "Laws of Oleron" from the nautical, the legal, or the philological point of view. Space will not allow me to deal with any more. The reader is recommended to study the matter for himself, if possible, in Professor Studer's edition ("The Oak Book of Southampton," Vol. II., Southampton Record Society) from which the whole of the material of this article is derived.

THE MASTER'S WHISTLE.

BY GREGORY ROBINSON.

Boatswain : Heigh, my hearts ; cheerly, cheerly, my hearts ; yare, yare. Take in the topsail ; tend to the master's whistle.—Blow till thou burst thy wind, if room enough !

Antonio : Where is the master boatswain ?

Boatswain : Do you not hear him ?

The Tempest (Act I, Scene I.)

It was fitting that in the first number of *THE MARINER'S MIRROR* we should have been given an article on the boatswain's whistle, for that little instrument has been a call to work at sea for a very long time. It isn't perhaps altogether fanciful to say that for three hundred years at least the boatswain and his mates have been playing one long tune—for somewhere in the seven seas work has always been going on, and it is the whistle which has set men to it in that service where "they keep on making you keep on." There is one thing which stands out clearly about its present day usage, the whistle is a purely naval instrument. As a mark of respect its use is reserved for naval officers, it is a call for sailors and not sea-soldiers. And I think it always was so. It was the drums that beat to quarters, it was the whistle which sent men aloft, to dinner, and to rest when work was done.

In 1563 there sailed from Portsmouth a ship called the *Three Half Moones*, bound for Seville, on a trading voyage. Nearing the Straits she had the misfortune to be beset by eight Turkish galleys. Her company, Hakluyt tells us, stood to it lustily. "But chiefly the boatswaine shewed himself valiant above the rest: for he fared amongst the Turkes like a wood Lion; for there was none of them that either could or durst stand in his face, till at the last there came a shot from the Turkes which brake his whistle asunder, and smote him on the brest." I do not think this refers to the whistle which the brave fellow did wet on occasion, but that it really means his call. It is the earliest reference to a boatswain with a whistle that I have lighted upon, perhaps others with wider literary acres will find an earlier mention. In the year 1563, then, the whistle was part of the ordinary equipment of the boatswain, though we know from other sources there were other officers at this time who carried whistles—the Lord Admiral, the captain, the coxswain, and the master. But it would seem that at the latter end of the 17th century the call had become peculiarly the boatswain's. Teonge tells us that on December 5th, 1675, he buried Richard Capps "covered over with on of the King's jacks, and his boarson's sylver whisle and chaine layd on the top (to shew his office)," and in the lips of the boatswain or of his mates the whistle has remained unto this day.

What manner of man was the boatswain in the old days? Shakespeare, in the opening scene of "The Tempest," gives us a very convincing picture. A bawling blasphemous fellow, born to be hanged maybe, but a man of boundless energy and strength

too, a man of one single thought—the work in hand ; with no reverence for kings or counsellors, owing only allegiance to one man—the master. I think we can accept this portrait as a true one. From Raleigh's "Orders" we gather that the sailors were commanded by the master and the boatswain, the soldiers by the captain, his lieutenants and others ; and Monson tells us that :— "As the master is to be abaft the mast so the boatswain, and all the common sailors under his command, are to be afore the mast . . . upon the winding of the master's whistle the boatswain takes it with his, and sets the sailors with courage to do their work . . . and to conclude his and his mate's work is never at an end, for it is impossible to repeat all the offices that are put upon them." The scientific and the artistic evidence seem to agree remarkably well in this case. The boatswain was the strong right arm of the master, the extension of his authority before the mast, and if boatswains were not born with whistles in their lips, then I think they had them from the master, for they were men who had little truck in the early days with Lord Admirals or captains. And if the history of the boatswain's call is a long one, it is not perhaps an altogether wild suggestion to make that the master's whistle appeared in the very early chapters of the story of the sea.

Jal, I gather, considered that the whistle originated with the Admiral, and I think Mr. Julian Corbett is inclined to follow him. The evidence for or against, it will be admitted, is very weak, but when we consider the after history of the call I think the weight is rather against this view. The consideration of pictorial evidence seems to have a bad effect on the judgment of literary minded people. I cannot otherwise explain Jal's extraordinary pronouncement on the picture in the 14th century MS. The painter has written under one of the figures "Philothetes, the Master of Jason's ship. . . . Philothetes was a man very expert in knowing the courses and motions of the stars, and likewise in the art and practice of navigation." On this evidence Jal concludes that the whistle Philothetes wears round his neck is the badge of the admiral and not of the master. Well, well, it may be so ! I hope the evidence connecting the whistle particularly with the galley is a little stronger.

Mr. W. B. Liebert tells me that over the west window of the church at Castle Hedingham, in Essex, there is a stone shield, bearing the arms of John de Vere, Earl of Oxford, who was made Admiral of England, on September 21st, 1485—they show a whistle ; and it is possible that there may be found a

portrait of another Lord Admiral with his whistle, no further away from home than the cover of our journal. It will be noticed that the figure to the left of the title is not unlike Sir Francis Drake and the figure to the right with the call at his waist struck me, when I was copying it for the Society, as bearing some resemblance to Lord Howard of Effingham. Perhaps it would be worth while consulting the original title-page in the Admiralty Library, as I was not very successful in preserving the likeness.

There is then direct evidence of the admiral's whistle in the early 16th and possibly late 15th century, and we may expect earlier perhaps. It is recorded that King Henry VIII. on one occasion blew his whistle as loud as a trumpet (it must have been very unpleasant for the people standing near), so it may have been possible to have used the whistle as an instrument of fleet command, but there is, so far as I know, no evidence of its ever being so used. On the other hand, there is presumptive evidence of its use in a "domestic" way.

Of all human weaknesses, vanity is perhaps the commonest, and it shows itself not infrequently in that way we have of pretending to be what we are not. The seaman often affects a deep knowledge of the culture of turnips or other agricultural matters and I have even met sailors who have imagined they possessed a gift for art criticism. We landmen, when we come to the waterside, affect nautical manners, we blush if we make a slip in the sea language, and we all hope to live long enough to be mistaken for retired admirals. Now at the best the early Lord Admirals were but amateur seamen, and the majority were no seamen at all; they had their share of the common weakness, they found (as I suppose) the best sailor in the ship with a whistle, they fell; and so our Lord Admirals came by their whistles.

We have many caricatures of the master, and he often serves as a background for heroes. It is time one of our great literary artists gave us a full-length portrait of him. It will not be a gaudy picture, but it will have some dignity. I wonder whether he will be painted wearing the whistle. I rather think he will.