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## On a Legend from the Island of Tiree

WHEN J. F. Campbell, of Islay, produced in 1860 his *Popular Tales of the West Highlands*, there was good reason to suppose that a final record of the old Highland stories had been brought together. Each succeeding generation knows less and cares less for the older traditions, and the fireside tales of long ago die out as surely as the smouldering embers beside which they once were told. It was little to be expected that a writer should appear to carry on the quest and thus add greatly to the mass of material brought together in that valuable work. This has fortunately been the case, as the writings of the Rev. John Gregorson Campbell clearly show. He was Minister of Tiree from 1860 till his death in 1895, and during those years he wrote continually on the Folk-lore of the Highlands, collecting most of his information from oral sources in his island Parish.

With Gaelic for his native tongue, and no less fully equipped than Islay with the knowledge and sympathy his subject required, he had like him a remarkable talent for rendering the Gaelic stories into most attractive English. His writings include papers to the *Celtic Review*, the *Celtic Monthly*, and the *Transactions of the Inverness Gaelic Society*. He also contributed the stories which form the fourth and fifth volumes of *Waifs and Strays of Celtic Tradition*,<sup>1</sup> while within the last two years two posthumous volumes have appeared, one on the *Superstitions of the Highlands*, the other on *Witchcraft and Second Sight*.<sup>2</sup>

<sup>1</sup> Edited by Lord Archibald Campbell. D. Nutt. 1895.

<sup>2</sup> Glasgow : James MacLehose & Sons. 1900. 1902.

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It is with one of the stories in the fifth volume of *Waifs and Strays* that this paper is concerned. It is called, from one of its incidents, 'O'Neil, and how his hair was made to grow,' and is told with such conciseness that I have been tempted to print it in full.

"There was a smith, before now, in Ireland, who was one day working in his smithy, when a youth came in, having two old women with him.

He said to the smith :

'I would be obliged to you,' he said, 'if you would let me have a while at the bellows and anvil.'

The smith said he would. He then caught the two old women, threw a hoop about their middle, and placed them in the smithy fire, and blew the bellows at them, and then took them out and made one woman, the fairest that eye ever saw, from the two old women.

When the smith laid down at night, he said to his wife :

'A man came the way of the smithy to-day, having with him two old women ; he asked from me a while of the bellows and anvil, and he made the fairest woman that man's eye ever saw, out of the two old women. My own mother and your mother are here with us, and I think I will try to make one right woman of the two since I saw the other man doing it.'

'Do,' she said, 'I am quite willing.'

Next day he took out the two old women, put the hoop about their middle, and threw them in the smithy fire. It was not long before it became likely that he would not have even the bones of them left.

The smith was in extremity, not knowing what to do, but a voice came behind him :

'You are perplexed, smith, but perhaps I will put you right.' With that he caught the bellows and blew harder at them ; he then took them out and put them on the anvil, and made as fair a woman out of the two old wives. Then he said to the smith :

'You had need of me to-day, but,' said he, 'you better engage me ; I will not ask from you but the half of what I earn, and that this will be in the agreement, that I shall have the third of my own will.'

The smith engaged him.



At this time O'Neil sent abroad word that he wanted one who would make the hair of his head to grow, for there was none on the head of O'Neil or O'Donnell, his brother, and that whoever could do it would get the fourth part of his means. The servant lad said to the smith :

'We had better go and make a bargain with O'Neil that we will put hair on his head,' and they did this. 'Say you to him,' said the servant lad, 'that you have a servant who will put hair on his head for the fourth part of what he possesses.'

O'Neil was agreeable to this, and the servant lad desired to get a room for themselves, and asked a cauldron to be put on a good fire.

It was done as he wished. O'Neil was taken in and stretched on a table. The servant lad then took hold of the axe, threw off O'Neil's head, and put it face foremost in the cauldron. After some time he took hold of a large prong which he had, and he lifted up the head with it, and hair was beginning to come upon it. In a while he lifted it up again with the same prong, this time a ply of the fine yellow hair would go round his hand. Then he gave the head such a lift, and stuck it on the body. O'Neil then called out to him to make haste and let him rise to his feet, when he saw the fine yellow hair coming in into his eyes. He did as he had promised ; he gave the smith and the servant lad the fourth part of his possessions.

When they were going home with the cattle the servant lad said to the smith :

'We are now going to separate, we will make two halves or divisions of the cattle.'

The smith was not willing to agree to this, but since it was in his bargain he got the one half. They then parted, and the animal the smith would not lose now, he would lose again, he did not know where he was going before he reached home, and he had only one old cow that he did not lose of the cattle.

When O'Donnell saw his brother's hair, he sent out word that he would give the third part of his property to any one who would do the same to himself. The smith thought he would try to do it this time alone. He went where O'Donnell was, and said that he would put hair on his head for him also, as he had done to his brother O'Neil.

Then he asked that the cauldron be put on, and a good fire below it, and he took O'Donnell into a room, tied him

on a table, then took up an axe, cut off his head, and threw it, face downwards, into the cauldron. In a while he took the prong to see if the hair was growing, but instead of the hair growing, the jaws were nearly falling out. The smith was almost out of his senses, not knowing what to do, when he heard a voice behind him saying to him, 'You are in a strait.' This was the lad with the Black Art, he formerly had, returned. He blew at the cauldron stronger, brought the prong to see how the head was doing, or if the hair was growing on it. The next time he tried it, it would twine round his hand. Since it was so long of growing on it, he said, 'We will put an additional fold round my hand.' When he tried it again it would reach two twists.

He took it out of the cauldron and stuck it on the body. It cried to be quickly let go, when he saw his yellow hair down on his shoulders.

The hair pleased him greatly; it was more abundant than that of O'Neil, his brother. They got fully what was promised them, and were on their way home. The lad who had the Black Art said, 'Had we not better divide the cattle?'

'We will not, we will not,' said the smith; 'lift them with you, since I got clear.'

'Well,' said the other, 'if you had said that before, you would not have gone home empty-handed, or with only one old cow,' and with that he said, 'You will take every one of them; I will take none of them.'

The smith went home with that herd, and he did not require to strike a blow in the smithy, neither did he meet with the one with the Black Art, ever after."

This story, I think, stands quite alone among the Highland legends. The first sentence, 'There was a smith, before now, in Ireland,' suggests that it might have an Irish equivalent, but this does not appear to be the case.

No more curious character than the wonder-working lad can be imagined. Even the original narrator seems puzzled about him; for though at first he is called 'the youth' or the 'servant lad,' he is later spoken of as 'the lad who had the Black Art.' But he is no demon in the ordinary sense, nor does he appear to have designs against the soul of the smith, whom he treats throughout with the greatest magnanimity. When the smith's mad experiment on his own and his wife's



mother is becoming disastrous, he appears and prevents the catastrophe. Once more he saves him from the results of his folly in the case of O'Donnell, and the smith's subsequent immunity from work seems also to be due to the youth's good offices.

By chance I came across another rendering of this story, in which among many differences, the wonder-working stranger is none other than Our Lord Himself. It is to be found in Mr. W. Carew Hazlitt's *Early Popular Poetry of England*,<sup>1</sup> and is there called *The Smyth and his Dame*. Mr. Hazlitt reprinted it from an early black-letter book, of which the only known copy is now in the Bodleian Library, and reproduced from the first page the curious woodcut<sup>1</sup> showing a woman stretched upon an anvil, between the smith and the stranger, whose divine nature is indicated by a cruciform nimbus. On this page there is a MS. note attributing the poem to John Lydgate, but the book has neither date nor title-page. The illustration facing p. 120 has been specially made for this article from the Bodleian copy. The MS. note runs thus: 'By John Lydgate Monke of Burie 1440 vide Baleum folio 587.' This reference is to John Bale's *Catalogus Scriptorum*. Ed. 1557.

The story opens by telling how in Egypt it befell that at one time dwelt a smith.

The smyth was a svbtyll syer;  
 For well covld he werke wyth the fyer  
 What men of hym wolde desyer,  
 I tel yov trovth by my fay.

. . . . .  
 Moche boste gan he blowe  
 And sayd he had no felowe  
 That covd worke worth a strawe  
 To hym, ferre nor nere,  
 He called hym selfe the kyng,  
 Wythovt any leasyng,  
 Of all maner of cvnnyng,  
 And of certes clere;  
 Tyll it befell vpon a day,  
 Our lorde came there away,  
 And thought the smyth to assay,  
 As ye shall after here.  
 For his pompe and his pryde,  
 That he blewe in eche syde  
 Ovr lorde thought at that tyde  
 His pryde shovld be layed:

<sup>1</sup> John Russell Smith. London. 1866.

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Our Lord accosts the smith and asks him to make a staff of steel which will lead a blind man so that he shall neither stumble nor fall. The smith demurs, and says it would be easier to make a blind man see than to fashion such a staff. Our Lord then says that not only can he do this, but that he can make an old man young again.

The smyth sayd, so mote I the,  
I haue an olde quayne wyth me,  
Myne olde beldame<sup>1</sup> is she.

And thou covd make her yonge so  
Than wolde I be fayne.  
Our Lorde sayd, where is she?  
Anone let me her se,  
And thov shalt se a maystre  
More than thov can.

The smith goes to fetch her, but in spite of his promise of renewed youth, she remonstrates.

Than set she forth a lovde cry  
And sayd, Stronge thefe, let me ly,  
Thov art, I trowe, a madde man:  
Let me lye, thov unthryfty swayne  
Nay —

At this point a page is missing in the original. When the story resumes, it is evident that she has been placed in the fire, and that it is Our Lord who says

She shall be made at a brayd  
Yonge now againe.  
The smyth blewe as god bed,  
Tyll she was reed as a gled;  
Yet for all that dede  
Felt she no maner of payne.  
The smyth said, Now is she shent  
Both her eyen are ovt brent,  
They will never be ment,  
Our works are all in uayne.

Our Lorde sayd, Let me alone  
Thov shalt se, and that anone,  
A full fayre woman  
Of this olde wyght.  
Our Lord blessed her at a brayd,  
And on the styth he her layd;  
Take thy hamer, he sayd,  
And make her now ryght.

<sup>1</sup> His mother-in-law.



Dame, I shall the wake!  
 With a hamer he her strake,  
 No bone of her he brake,  
 She was a byrd bryght;  
 Stand vp, now lette me se.  
 Than at that worde rose she,  
 A fayre woman trvely,  
 And seemely unto syght.

The smith begs Our Lord to teach him the secret of His craft, but in vain; and with a warning against his boastfulness, He passes on His way.

The second part of the tale shows how the self-confident smith tries to work a similar miracle on his wife Joan; but if he had a difficulty in making his mother-in-law submit, with his wife it was far worse, not even the sight of her mother restored to youth has any effect.

Art thov my mother? says she.  
 Ye, sayd she, trvely;  
 Than sayd she, *Benedicite*,  
 Who hath made the thvs?  
 Anone to her gan she say,  
 I was made thvs to daye  
 With one that came by the waye,  
 Men call hys name Jesvs.

The smith drags his wife to the forge in spite of her resistance.

Then she spersed at hym so,  
 That hys shynnes bothe two  
 In sonder she there brake.

After a battle royal, most spiritedly described, the smith throws his wife into the fire and afterwards places her on the anvil.

Than he hent her vp on high,  
 And layed her on the stethy,  
 And hamered her strongely  
 With strokes that were ungayne.

Than bothe her legges at a brayd  
 Fell sone her fro.  
 What euyll hayle, said he,  
 Wylt not thov yonge be?  
 Speke now, let me se,  
 And say ones, bo.

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There is no reply, and matters go from bad to worse; finally the smith abandons his work and in despair

After Jesu fast he ran,  
As he had ben a madde man.

Our Lord returns with him, accepts his confession of penitence and restores his wife to youth and beauty. Then follows a scene in which the smith, his dame, and his mother-in-law kneel before Him and give Him thanks.

Probably enough has been quoted to show the similarity of the two stories; but I am tempted to add a few lines from the end of the poem, as they seem to point to an earlier legend with which Lydgate, or whoever wrote *The Smyth and his Dame*, must have been familiar.

Ovr Lorde sayd to the smyth tho,  
Loke thov brenne neuer mo,  
For this craft I shall tell the,  
Can thov neuer lere.  
*But here a point I gyue the,  
The mayster shalt thov yet be  
Of all thy craft trevely,  
Wythout any delay:  
What man of craft so euer be,  
And he haue no helpe of the,  
Thoughe he be neuer so sle,  
Warke not he may.*

I think the writer had in his mind a curious legend of Saint Eligius or Saint Eloy,<sup>1</sup> a patron saint of the farriers, and Bishop of Noyon from 640 to 648. He was so skilful in handicraft that in a boastful moment, and in his unconverted days, he placed above his door the motto:

‘Eloi, maître sur maître, maître sur Dieu.’

But there came to him one day an unknown shoer of horses, a youth of noble bearing, and while St. Eloy was questioning him with a view to an engagement, a horseman called asking that a lost shoe should be replaced without delay. St. Eloy with his companion went out to attend to this. The horse, however, was so restive that he wanted to

<sup>1</sup> For the story of this saint I have used an article by the late Dr. George Fleming, C.B., *The Folk-Lore of Horse-shoes and Horse-shoeing*, in the *Nineteenth Century* for August, 1902, and his book on *Horse-shoes and Horse-shoeing*, published in 1869.



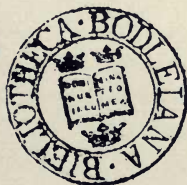
Here begynneth a treatyse of  
the smyth whych that forged  
hym a newe dame.

7 13  
By John L. Dagle mon A.  
Bndw 1440. No. do. Valent.  
flw 587.



**G**od that dyed on a tree  
He glad them al with his gle  
That wyll hecken vnto me  
And here what I wyll say  
And ye shall here a maruel

Of a tale I shall you tell  
How in Egypt it befell  
And in that same countraye  
Some tyme ther dwelled a smyth  
that had bothe lande and lyth  
Many a plowman hym wyth  
By nyght and eke by day  
the smyth was a subtell spere  
For well could he werke boyth the spere  
what men of hym wolde despyre  
I tel you trouthy by my say



Smyth,                      A. i.                      He

secure it in a travis, but the stranger took the matter in hand, cut off the horse's leg at the knee with a single stroke, shod the hoof and replaced the leg without loss of blood or discomfort to the animal.

The sequel to this story is the same as in the foregoing ones. St. Eloy tries to perform a similar feat without the mysterious helper. He fails of course, and the stranger, in answer to his prayers to heaven, returns to save him and to restore to life the horse that was dying under his hands. St. Eloy now sees that it is Our Lord, removes his blasphemous sign, and henceforth devotes himself to the service of God.

To go back for a moment to the Tiree story. Only the earlier part of it finds a parallel in *The Smyth and his Dame*; of O'Neil and how his hair was made to grow there is no suggestion; but there seems to be more than a hint of likeness between the story of O'Neil and his brother and that of St. Eloy. In the former O'Neil's head is struck off and painlessly replaced when the hair has grown, in the latter the leg of the horse is bodily removed and replaced when the hoof is shod.

The story evidently belongs to a class devised in the early days to familiarise ignorant people with the miraculous powers of Our Lord. Is it not then conceivable, as a horse-shoeing miracle might not appeal to an island where horses were few, that in days when long locks were much desired, the story became changed so as to render it more convincing?

The fame of St. Eloy had reached this country in the Middle Ages. He is mentioned more than once in the poems of Sir David Lyndsay, and until a few years ago a tempera picture of him existed on a pillar in the church of St. Nicholas at Highworth, Wilts. It was destroyed during some alterations, but it showed the saint, robed and mitred and nailing a shoe on a horse's hoof, the leg being held in the left hand. This curious wall-painting forms the frontispiece to Dr. Fleming's book, already mentioned, and there are marked points of resemblance between it and the wood-cut to *The Smyth and his Dame* which is here reproduced.

If I am right in thinking that there is a connection between the Tiree story and that of St. Eloy, there is a remote chance that the latter tale might have reached Tiree at a very early time.



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Some fifty years after the death of the Bishop of Noyon, another French Bishop, Arculphus by name, was, on his return from Palestine, landed at Iona, whither he had been driven by stress of weather, and where he became the guest of the Abbot, St. Adamnan. He related to his host the story of his travels, how he had gone to Palestine for the sake of the Holy Places, and had passed through the whole Land of Promise, visiting also Damascus, Constantinople, Alexandria, and many islands of the sea. Bede tells how the Abbot received him most willingly, and heard him more willingly, so much so that he himself at once caused to be committed to writing whatever Arculphus testified to be worthy of mention of all that he had seen in the Holy Places.

May not Arculphus have told to the monks tales of his own land as well as of his travels, and thus the story of St. Eloy may not only have reached Iona but also the neighbouring monastery of Tiree?

This is of course only conjecture; all that can be said with any certainty is that the Tiree story was suggested by the other two. In conclusion, let me allude to another story which will occur to anyone as having points in common: The rejuvenescence of Æson by Medea, and her perfidy in the matter of Peleus and his daughters; though here, alas, there is no 'Deus ex machina' as in the other legends, to put matters right.

R. C. GRAHAM.

## The Municipal Institutions of Scotland:

### A Historical Survey

THERE seems to be no reason to doubt that, at a time anterior to any existing Scottish legislation, the little village communities which grew around Royal and Baronial Castles and Religious Houses, or on sites otherwise suitable, cultivated—with the sanction and largely for the benefit of their lords—such scanty trade as was then practicable. But their position was precarious. They were probably in a position of absolute villenage, and had no rights or privileges save such as the policy or caprice of their lords allowed. The protection they enjoyed was also burdened with heavy impositions. But in process of time the Sovereign and the more powerful nobles came to recognise it to be their interest to encourage the development of the little trading communities which had sprung up around them, and this they did by the concession of privileges in the form largely of monopolies and exclusive dealing. In the communities thus formed societies known as *hanses* or guilds were instituted, and the privileged members of these communities, in process of time, claimed the right to administer the affairs of the burgh in which they existed, to the exclusion of the humbler classes of craftsmen. But before this stage of development had been reached, it became obvious to the Sovereign and to the lords, lay and ecclesiastical, that the prosperity of the trading communities, established on their respective territories, conduced to their own advantage, and so it became customary for these communities to obtain farther concessions of privilege. In grants of these the Crown took the lead. The burghal communities established on the royal domains were specially privileged, and, in return for the advantages which they thus secured, the Crown received, in the shape of fermes or rents, tolls and customs, important financial advantages, and accessions of strength through the increase of an industrial vassalage. The



baronial superiors, lay and ecclesiastical, of the burghal communities established on their territory, seem to have followed the royal example, but the burghs of Regality and Barony which were formed under their authority, were subordinate, in rank, position, and privilege, to those burghs which held directly of the Crown.

To the ROYAL BURGHS attention will first be directed, and reference will afterwards be made to burghs of Barony and Regality, Parliamentary burghs, and the modern class of Police burghs.

In one sense all towns established on the domains of the Crown and held directly of the Sovereign were Royal Burghs. But our constitutional writers have held that the essential *criteria* of proper burghs royal are the erection of the burgesses into communities or municipal corporations, and the grant of property to the individuals and the community under a permanent feudal tenure, in return to the Crown for certain fixed rents or *maills*, and the performance of personal services for the security of the public peace. In this matured form Royal Burghs existed in the reign of Malcolm IV. (1153-1165) and his immediate successors, but the charters and grants to these burghs—the earliest of which now known is of the reign of William the Lion (1165-1214)—recognise by implication the previous existence of these burghs as communities connected by common interests.

So early as the reign of David I. (1124-1153) that monarch embodied in his "Laws of the Four Burghs" a code of burghal legislation which shows them to have been, even then, compact, well-organised bodies, and enables a distinct conception to be formed of the municipal constitution of the little trading communities of that time. That code was obviously largely based on the pre-existing constitution and laws of English boroughs. Many of its enactments were doubtless recognised and operative in Scotland before they were thus formally adopted by King David, and though it was made expressly applicable only to the four burghs of Berwick, Roxburgh, Edinburgh, and Stirling, there can be little doubt that it was speedily accepted and recognised as authoritative by the other burghal communities which then existed, or were subsequently constituted, and formed the *nuclei* around which the infantile home and foreign trade of the country became concentrated. The "four burghs" were then doubtless the principal burghs of the kingdom, and David's laws were specially addressed to them. But, as other burghs existed



in Scotland, there seems to be little reason to doubt that these laws gave legislative sanction and authority to much that was previously recognised and operative in them. This earliest extant burghal legislation was supplemented by statutes passed in the time of William the Lion, between 1165 and 1214; by the Statutes of the Guild of merchants of Berwick, enacted in or before 1249, and speedily accepted and quoted as authoritative in the Scottish burghs; by provisions in the treatise known as the *Regiam Majestatem* imported from the English work of Glanvil, and sanctioned by the Scottish Parliament; and by several other documents which throw light on the laws and practice of the early burghs of Scotland. These other documents include (1) the *Constitutiones Nove* or New Constitutions, which are identical with clauses in charters granted to burghs by William the Lion; (2) a capitular known as *Assisa de Tolloniis* regarding great and small customs levied in Scotland on goods exported and imported during the reign of Robert the Bruce; (3) a document apparently of the latter half of the reign of Robert the Bruce, known as the *Articuli inquirendi in Itinere Camerarii*, containing a list of points to be enquired into at the Eyre of the Great Chamberlain, who had cognisance in early times of all burghal matters; (4) the *Juramenta Officiariorum*—a form of oath to be taken by the officers of burghs in the reign of King Robert; (5) a capitular apparently of the end of the fourteenth century known as the *Iter Camerarii*, and containing forms of proceedings connected with the Chamberlain's Eyre; and (6) a record of certain statutes passed by the Court of Four Burghs held at Stirling in 1405. These, with the charters to the several burghs, the Statutes of the Scottish Parliament, and the Records of the Convention of Burghs—the regular series of which, however, commences only in 1552—are the most authentic materials of Scottish burghal history.

The constituent members of these early burghal communities—called *burgesses*—consisted of such persons as were owners of houses, or held, directly of the King, portions of land within their respective burghs, known as *burrowages*, and they were required on admission to swear fealty to him and to the bailies and community. Each burgess held his house or possession for payment annually to the Crown of five pence for each rood of the land occupied by him. When a burgess was made in respect of land unbuilt upon, but who possessed other land on which a house existed, he was entitled to a year within which to build.



If, however, his house was destroyed by fire or war, and he had other built-on premises in the burgh, then he might leave the land, on which his house so destroyed stood, unbuilt upon till he was able to rebuild. But in every case the King's ferme or rent had to be paid.

Burgesses were of two classes, *resident* and *non-resident*—the latter being distinguished by the name of *rustic* or *churl* burgesses,<sup>1</sup> who however did not occupy the same position, or possess the same rights, as did resident burgesses. In Scotland, as in other parts of Europe, the rights of burgesses might be acquired by any person—even the thrall or slave of a baron or knight—by undisputed possession for a year and a day of a burrowage which he had acquired lawfully and without challenge in the presence of twelve of his neighbours. After such possession the right of a burghess to that burrowage could only be challenged by a claimant who had subsequently attained majority, or had previously been out of the kingdom. Rustic or churl burgesses were only entitled to the privileges of burgh-ship within the burgh in which each had his burrowage.

In process of time, however, the practice grew up in burghs of admitting burgesses in respect of other qualifications than the possession of heritable property—the payment of certain specified fees, and compliance with other conditions determined from time to time by individual burghs, or imposed by law. But in every case burgh-ship was, and still is—whatsoever unauthorised and illegal practice to the contrary may have crept in in certain burghs—essential to the valid admission to guilds of merchants, or to craft incorporations, which claim any right to be regarded as proper burghal institutions, or to be represented specially in the town council of the burgh in which they exist.

It would appear that in the oldest burghs in Scotland women were admissible to burgh-ship, as well as to membership of guilds, but the practice of so admitting them has long been in desuetude, if indeed the enrolment of the Baroness Burdett Coutts as an honorary burghess of Edinburgh, and H.R.H. the Duchess of Fife as an honorary burghess of Glasgow,—following upon a report as to the ancient practice, by the writer of this paper as town clerk for the time of both burghs—is not to be regarded as an exception to the otherwise universal practice of more modern times.

<sup>1</sup> These may correspond to the burgesses frequently alluded to in burgh records as “calsay” “(causeway) burgesses” who enjoyed only restricted rights.

In royal burghs as originally constituted, every burghess had, as has been said, to be a proprietor of a burrowage, holding immediately of the Crown for services of burgh use and wont; and it was as commissioners of the Crown that the magistrates gave him entry and sasine which were essential to the completion of his title. This relationship between the Crown and the burghess continued even after the burgh ceased to be a royal burgh, and all burghesses held their lands as Crown vassals. But by the Conveyancing (Scotland) Act, 1874, (37 and 38 Vict. cap. 94, section 25) burghage tenure has been abolished, and all persons possessed of any estate in land held burghage are declared to have the same right and interest in such subjects as would have belonged to them under that act had the tenure been feudal. Since October, 1874, therefore, there is no distinction between feu and burghage estates in land so far as title is concerned.

When burghs were first constituted on the royal domains, the rents and other revenues exigible from them were collected and accounted for to the Treasury by the bailies of the respective burghs, who were originally royal officers charged with that function, and with the general administration of the burgh. The bailies were thus under the supervision of the Great Chamberlain, who, besides having a general control of the Treasury, exercised administrative and judicial functions in the burghs, and supervised the action of the magistrates. It would seem, however, that an appeal from his decision lay to a court composed at first of representatives of the Four Burghs already referred to, and presided over by him. This body afterwards took the form and assumed the name of the 'Convention of the Royal and Free Burghs of Scotland.'

The administration of the affairs of royal burghs in the time of David I., and for some centuries afterwards, was exercised by officers known as *prepositi* or chief men. After a time pre-eminence seems to have been conferred, in some towns, on one of the magistrates, who, retaining the title of *prepositus*, came afterwards to be known as alderman, mayor, and latterly provost, while the subordinate magistrates were known as bailies. These were elected at first by the good men of the town—the burghesses—annually at the first moot after Michaelmas, and on election swore fealty to the Sovereign and to the burghesses, engaging to keep the customs of the burgh, and to administer justice to all without fear and without favour, according to the ordinance and doom of the good men of the town. At the same



time burgh officers, known as *sergeants*, *criers*, or *beadles*, were also elected by the burgesses, and had to swear fealty to the King, to the magistrates, and to the community. The *prepositus* of each burgh was also required, at the sight and with the counsel of the community, to choose at least five wise and discreet men to act as *liners*, who had to swear faithfully to line all lands within the burgh according to right and the old marches. The enactments as to the appointments of these officers were followed—apparently at a later date—by a law applicable to every royal burgh, requiring the chief magistrate to cause twelve of the ‘lelest burgesses and wisest of the burgh’ to be sworn, by their great oath, to keep and maintain all the laws and customs of the burgh. These twelve men or *dozen* were probably the origin of the town council of later times, and they retained the names of ‘*dusane*’ even when, in many burghs, the number of the persons so selected considerably exceeded the prescribed twelve. But at first, and for a long time, they seem to have been simply a committee of advice to the magistrates, who were the practical administrators of the affairs of each burgh.

Towards the close of the reign of Alexander II., or the early part of the reign of Alexander III., reference is made in the Laws of the Guild to what, in some cases, are old offices under new names, and in others to offices which doubtless existed at a much earlier period, but were not specifically mentioned. The same document also increased the number of the *dusane* to *twenty-four*, to be elected apparently by the burgesses, who also elected the mayor and bailies; but it provided that if any dispute arose, the election of the mayor and bailies was to be made by the oaths of twenty-four good men, possibly the members of the enlarged *dusane*, who were empowered to choose one person to rule the burgh. The guild code further ordained the community—*i.e.* the burgesses—to elect *broccarii* or brokers. This code also provided that if one guild brother offended against another for a fourth time, he was to be condemned at the will of the aldermen, the ‘*farthing man*,’ the dean of guild, and the remainder of the guild.

The titles of these officers must be noticed. The term *alderman* was originally synonymous with *Earl* in the old Saxon form of government, and the officer bearing that title exercised shrieval authority over counties. But afterwards the head officer of a guild, and still later of the ward of a county

or burgh, came to be so distinguished. The application of the term alderman, to the chief magistrate of a Scottish burgh possibly arose, therefore, from the fact that, when the merchant guild became in effect the governing body of the burgh, the *prepositus* as the head of the governing body, received the title of *alderman*. The title *farthing man* had reference, probably, to the old division of burghs, not only in Scotland but in other countries, into *quarters*, each presided over by an officer so designated. The farthing man was thus an officer of a quarter, so the term was probably equivalent to bailie—each bailie having, in early times, the special charge of a quarter or district of his burgh. The *dean of guild* is still known as the head of the guild.

Still later, and towards the close of the reign of King Robert I., the document known as the '*Articuli Inquirendi in itinere Camerarii*' refers to *ale tasters*, whose duty it was to taste all ale brewed in the burgh, and to fix the price relative to the quality; to *apprisers of flesh*, who had to see that all kinds of butcher meat sold was of sound quality, and that the prices fixed by the magistrates were not exceeded; to *gaugers of cloth and wine*, who had to see that all cloth sold was of the proper quality and measure—that all wine had paid the prescribed duty to the King, and was of the proper quality and quantity, relatively to the price exacted; to *inspectors of weights and measures*, who had to see that all weights and measures were duly tested and sealed with the seal of the burgh. There was also, obviously, a system of inspection of fish and skins, to secure that the laws and ordinances in regard to these articles of consumpt were observed; and of mills, to see that the duties imposed on millers and their servants were attended to.

It seems strange that while reference is thus made in the oldest laws to the provost, magistrates, and dusane or council, and to a number of subordinate officers in burghs, no reference is made to the office of the burgh clerk or town clerk. Such an officer, however, must have existed in the earliest times, not only as the clerk of the council, but as the adviser of the magistrates in the performance of a large part both of their judicial and administrative functions. Besides, it was common for the magistrates themselves and others appearing before them to ask for and take instruments in the hands of the clerk. This implied the intervention of a notary, who, no doubt, acted also as common clerk. Town clerks, in fact, required to be notaries till



the giving sasine became unnecessary. In Scotland papal and imperial notaries practised till 1469, when an act of a parliament of James III. required all notaries to be appointed by the Sovereign. For some time after the passing of this act two kinds of notaries appear to have existed, one *clerical* and the other *secular*—instruments attested by the latter bearing faith in civil matters. But, in 1551, sheriffs were required by statute to cause both kinds of notaries to be examined by the lords of session, and in 1555 notaries were prohibited from acting till admitted by these lords. This requirement was extended by statute in 1563, and the penalty of death was inflicted on those who acted as notaries without being previously authorised by special charters from the Sovereign, followed by examination and admission by the lords of session. That court has since exercised exclusive authority as regards the admission of notaries.

Another officer must also have existed from the earliest times, though reference to him does not appear for several centuries after the time of David I. This was the treasurer or financial officer of the burgh, who, doubtless, in respect of the peculiar functions he has to perform, now holds office, along with the chief magistrate, for a period of three years from the period of his appointment to that office at any annual period of election.

It has been noticed that the period for which the magistrates of royal burghs were elected, under the provisions of the old burgh laws, was one year; but it would seem that, in course of time, these provisions became inoperative, and that injurious results followed. This condition of matters was referred to in an act touching the election of aldermen, bailies, and other officers of burghs, passed in 1469, during the reign of James III. It referred to the great trouble and contention yearly arising out of the choosing of these officers, 'through multitude and clamour of common simple persons,' and enacted that neither officers nor councillors should be continued, according to the King's laws of burghs, longer than for a year; that the choosing of the new officers should be in this way, that is to say, that the old council of the town should choose the new council, in such number as accorded to the town; that the new and the old council of the year before should choose all officers pertaining to the town, such as aldermen, bailies, dean of guild, and other officers; that each craft should choose a person of the same craft to have voice in the election of officers for that time;

and that no captain or constable of the King's castles should bear office within the town as alderman, bailie, dean of guild, treasurer, or any other office that might be chosen by the town.

This statute—which was followed in 1474 by another appointing four of the old council to be chosen annually to sit with the new council, and by a second in 1503 directing the provost and bailies of burghs to be changed yearly, and none but merchants to exercise jurisdiction within the burgh—undoubtedly effected a great change in the previous mode of electing the magistrates and councils of burghs, and facilitated the introduction and growth of a practice of admitting into town councils persons who were neither resident nor concerned in trade, and who applied the common good of these burghs to personal and other illegal uses. This practice was referred to in the reign of James V., when in 1535 an act of parliament was passed prohibiting the election to the magistracy of any save honest and substantious burgesses, merchants, and indwellers within the burgh. Notwithstanding this legislation, the uniform mode of election which it established was by no means universally adopted, and, under local influences, the constitution of burghs royal, or their *setts*, came to exhibit an endless variety in detail, although agreeing, with scarcely an exception, in their leading principle of what has been usually termed 'self-election,' to the exclusion of any near approach to popular suffrage. Into the various peculiarities of that system it would be unprofitable to enter, as the whole of it has now been completely done away with; but it may be stated that the *setts* of burghs have been the subject of much controversy and discussion in the courts of law, and that in their adjustment a sort of paramount authority was formerly assumed by the Convention of Burghs, as claiming to succeed to some of the functions of the ancient 'Court or Parliament of the Four Burghs.'

In the old burghs of Scotland, as in those of other countries of Europe, every burghess was under obligation not only to serve in the King's host for the defence of the realm, and the support of the Royal authority throughout the kingdom, but also to perform the duties of watch and ward within his own burgh. When a watch was appointed by the magistrates to be kept, a burghal officer known as the *Walkstaff* passed from door to door and summoned such of the residents as were required to watch. Every man of full age so summoned was bound, under a penalty,



to enter upon the duty at the ringing of the curfew, provided with two weapons, and to watch closely till day dawn. The due performance of this duty was the subject of enquiry by the Lord Chamberlain at each of his ayres, and he had specially to enquire whether the duty was imposed on the rich equally with the poor. From the duty of watching and warding widows were exempted, unless they carried on the business of buying and selling, when, according to some manuscripts of the burgh laws, they were liable to perform *all* the duties of citizenship—those of watching and warding and military service being discharged by a suitable male substitute.

In the early history of burghs, the possession of simple burgess-ship seems to have placed the whole inhabitants upon an equal footing of right and privilege as well as of obligation. But, even in the time of David I., there were doubtless gradations of social position among the burgesses, determined not only by their individual ability or worth, but by the occupations they pursued. The mercantile class—which profited most from the practical monopoly of trade and commerce, foreign and domestic, which royal burghs enjoyed—seem to have organised themselves, at a very early period, into Guilds, and to have succeeded in drawing a line of separation between those burgesses who *might*, from those who *might not*, find admission into these guilds. This appears from the Burgh Laws, which excluded from such guilds litsters, or dyers, fleshers, and souters or shoemakers, unless they abjured the practice of their respective trades with their own hands, or otherwise than by their servants. As the wealth and influence of the mercantile classes extended, they became more and more exclusive in their relations with the craftsmen, and, being the richest and most important section of the community, they assumed more and more a preponderating influence in the government of the town. In the reigns of Alexander II. and Alexander III., if not even earlier, the merchants in the more important burghs formed themselves into highly organised associations or guilds, and, being thus organised, the growing power of the entire communities in which they existed practically passed into their hands. This is shown, as regards the town of Berwick, in the Laws of the Guild, enacted there in or before 1249. These state that *several* guilds had been formed in the town, with the result that there was a want of unity and concord, and that the incorporation of the whole, with their respective properties, into one guild, was intended to remedy this state of

matters. The then mayor and other good men of the town accordingly enacted a constitution for all the separate and independent guilds, which, 'if incorporated into one under one head, could in all good deeds be bound together in a fellowship sicker.' The condition described in this document doubtless applied to other Scottish towns. But, be that as it may, it is certain that the Berwick guild statutes were soon generally adopted and quoted as authoritative among them. The structure of this code is peculiar, for not only did it contain minute provisions as to the constitution of the guild, and regulate its action and that of its members in a variety of particulars, but it legislated as to matters affecting the entire burghal community, and was practically a municipal and police code, to be enforced by the governing body of the burgh. The only explanation of this fact seems to be that the guild, which in each burgh included a large number of the most influential burgesses, had by this time assumed the functions of the governing body.

But while the merchant class were thus assuming largely, if not wholly, the functions of burghal government, the craftsmen class were also growing in wealth, intelligence, and influence, and were preparing to assert their claims to participate in the administration of the affairs of the town. Forming themselves into separate crafts, and obtaining, chiefly from the magistrates, what was known as '*Seals of Cause*' officially sanctioning their special organisations, they elected their presidents or deacons and other officers, and prescribed the conditions of admission to their crafts—conditions which excluded from their organisations and their benefits all who were not formally admitted to membership,—and subjected every member to strict obligations as to the manner in which each craft was to be conducted. Thus organised, the body of craftsmen in each burgh became a power, and ere long asserted their claims to share with the mercantile guild in the administration of the town's affairs. This action aroused the jealousy of the guilds, and for a lengthened period disputes between the merchants and craftsmen were incessant. Complaints arose as to the quality of the work produced by the several crafts, as to the prices charged by them, and as to their riotous habits, and these complaints resulted in numerous statutes to secure efficient manufacture and reasonable prices, and to restrain their turbulence. Much of the municipal records of the early burghs in the fifteenth and subsequent centuries is occupied with details of the struggles



of the various orders of crafts to obtain a larger share of burghal administration than they then possessed, and ultimately their struggles succeeded in securing for them what they had so long contended for. In many of the burghs, both the merchant class and the craftsmen had a recognised representation in the town council. But such special representation was abolished by the Burgh Reform Act in all burghs save Edinburgh, Glasgow, Aberdeen, Dundee, and Perth. In the two first of these the dean of guild and deacon convener, and in the others the dean of guild only, were continued as constituent members of the town council.

The early royal burghs bore an important share of all public burdens, and contributed in certain fixed proportions, with the ecclesiastical and secular lords, towards all national aids and contributions. As such contributors they appear to have been first called to national conventions held for the purpose of imposing taxation, but afterwards came to be recognised as one of the Estates of the Realm. In respect of their liability thus to contribute to the national revenue, and to fulfil the other obligations incumbent on them as burghs, they got from the Crown special privileges, and among these new, or confirmations of old, exclusive privileges of trade and merchandise, foreign and domestic. These privileges were often expressed in the royal charters to individual burghs, but a general Charter of Confirmation of the privileges of burghs royal was granted by David II. (1362-63) and authoritatively summarised these privileges. By that charter he granted to his burgesses free power and faculty to buy and sell within the liberty of their own burghs, but forbade them to buy or sell within the bounds of the liberty of any other burgh unless specially licensed. He also prohibited bishops, and other ecclesiastical persons from buying or selling wool, skins, hides, or other merchandise, under whatsoever colour, but only from or to merchants of the burgh within whose liberty they remained. Such merchants were moreover commanded to present their merchandise at the market and cross of burghs that merchants might buy, and that the King's custom might be paid. The charter further forbade 'extraneous merchants,' coming with ships and merchandise, from selling any kind of merchandise save to merchants of free burghs, or from buying any kind of merchandise save from merchants of the King's burghs, under pain of the royal indignation. The valuable rights thus summarised, some of which seem to have existed

in the time of David I., were carefully guarded by successive acts of parliament, and jealously asserted by the burghs themselves individually and collectively. The assertion and vindication of those privileges, and their special interests as burghs in relation to all matters of internal administration, formed a large proportion of the work of the Convention of Burghs, and much of the legislation by parliament in regard to these matters was simply the reflex of the action of the Convention, which from time to time submitted to the Estates of the Realm the results of their deliberations, and succeeded in getting them embodied in acts of parliament. It was, indeed, in consideration of the trading monopolies enjoyed by royal burghs that they had to bear so large a proportion of national taxation in early times, and this liability was subsequently pleaded as a reason why burghs of regality and barony, and other unfree towns which were exempted from it, should be excluded from trade and merchandise. The struggles on the part of the burghal convention to maintain the rights of the royal burghs in this respect were prolonged and vigorous, and they did succeed for a time in compelling the burghs of barony and regality and other unfree towns which had sprung into existence to contribute towards the relief from the burden of taxation which rested upon them. But the maintenance of exclusive privileges of trade and merchandise was impossible, and the only well-founded ground of complaint which royal and free burghs have in the present day is that, while their exclusive privileges have been swept away, they are still charged with the annual payment to the State of taxation imposed on them in respect of these privileges.

JAMES D. MARWICK.

*(To be concluded in the next number.)*



## The Bannatyne Manuscript

### A Sixteenth Century Poetical Miscellany<sup>1</sup>

CONSIDERING its importance as a foundation document of Scottish literature, it is remarkable that the society of persons who used the surname of George Bannatyne as a rallying word to mark their attachment to that literature,<sup>2</sup> should have failed to publish the splendid manuscript of their patron, his sole monumental work. When the Bannatyne Club was instituted, nothing or almost nothing was known regarding him; the Manuscript, the thing peculiarly his, was the totem. So much is clear from more than one of the Club albums. 'Of his personal history,' says one writer,<sup>3</sup> 'no particulars have been ascertained, and it is to be feared that in this respect our curiosity is never likely to be gratified. . . . Our curiosity to know something of so early an enthusiast for the poetry of his country (as the late Mr. Weber in a note on the MS. observes),<sup>4</sup> can unfortunately not be gratified, as we are in possession of no facts respecting his quality and occupation whatever.' The chance discovery among the papers of Sir James Foulis of Woodhall of a *Memoriall Buik* in George Bannatyne's autograph partially cleared up the lineage and led to the preparation of the well-known *Memoir* by Sir Walter Scott, published in 1829 as one of the Club volumes. But having performed that pious duty to the memory of their 'honoured patron,' the members of the Bannatyne Club did nothing more.

<sup>1</sup> *The Bannatyne Manuscript*: compiled by George Bannatyne, 1568: printed for the Hunterian Club, 1873-1902.

<sup>2</sup> 'The Members have adopted for the designation of the Club the name of the venerable and industrious collector to whose labour Posterity is obliged for the earliest and most important record of our National Poetry.' *Extract from the Minutes of the Bannatyne Club, Feb. 15th, 1823.*

<sup>3</sup> *The Poems of George Bannatyne*, MDLXVIII. G. B., Edinburgh, MDCCCXXIV: Album I. and II. Published 1824 and 1825.

<sup>4</sup> *British Bibliographer*, vol. iv. p. 183.

Happily what was omitted to be done seventy years ago has now been accomplished by the Glasgow Hunterian Club, and the richest treasury of Scottish vernacular poetry is at last accessible for systematic and critical study.

The history of the Manuscript may be briefly told. Written as a labour of love in the latter half of the sixteenth century by George Bannatyne (born 1545, died 1608), son of James Bannatyne of Newtyle Forfarshire, a legal practitioner in Edinburgh, it was completed during a period of enforced leisure while an outbreak of the plague was raging in Scotland in the year 1568. So much is explicitly stated in the metrical colophon on folio 375 :

‘Heir endis this buik writtin in tyme of pest  
 Quhen we fra labour was compeld to rest  
 In to the thre last monethis of this yeir.  
 Frome oure Redimaris birth, to knaw it heir,  
 Ane thousand is, fyve hundreth, threscoir, awcht,  
 Of this purpoiss namair it neiddis be tawcht ;  
 Swa till conclude, God grant us all gude end  
 And eftir deth eternall lyfe us send.                      Finis 1568.’

‘The volume,’ says Scott, ‘written in a very close hand and containing near eight hundred pages, appears to have occupied the transcriber only three months, an assertion which we should have scrupled to receive upon any other authority than his own.’ The inference from the colophon, accepted time after time by later writers,<sup>1</sup> is entirely mistaken. It is not warranted by the words ‘writtin in tyme of pest, etc.,’ for these may be interpreted as a general statement meaning no more than that a considerable portion of the miscellany was written during a period of enforced seclusion, the compilation being then brought to conclusion. The great length of the Manuscript of itself suggests another than a literal interpretation of the words. As a mere *tour de force* an expert penman would have hard work to transcribe it in three months, but Bannatyne himself in his prefatory verses informs us that his task was much more than mere copying. He had to work from manuscripts ‘auld and mankit’ which he had to learn to decipher, as the lines *The Wryttar to the Reidaris*, show :

‘Ye reverend redaris thir workis revolving richt,  
 Gif ye get crymis, correct thame to your nicht,  
 And curse na clerk that cunningly thame wrait,  
 But blame me baldly brocht this buik till licht,

<sup>1</sup> Repeated in the D.N.B. *voce*, *George Bannatyne*.



## The Bannatyne Manuscript

In tenderest tyme, quhen knowledge was nocht bricht,  
 Bot lait began to lerne and till translait  
 My copeis awld, mankit and mutilait :  
 Quhais trewth, as standis, yit haif I, sympill wicht,  
 Tryd furth, thairfoir excuse sumpairt my estait.'

Further, it is evident that when he began to transcribe he had no fixed plan as regards classification and arrangement of the poems; for, when he had filled some 54 pages, he appears to have stopped, laid them aside, and commenced anew—proceeding on a regular plan. The division into 'fyve pairtis,' found in the Manuscript proper was an afterthought, and the earlier manuscript (usually cited as the Duplicate MS.), although now bound with the later, can never have been intended to form any part of his completed work. The Manuscript itself, indeed, confutes the conjecture about the transcription of the entire Miscellany in the three closing months of 1568, for, on page 290, when he had copied about two-thirds of the MS. he added the words '*Heir endis the haill four pairtis of this ballat book anno 1565,*' and afterwards deleted them. Owing to the fading of the erasing ink it is now possible to read the original note without difficulty.

The date of Bannatyne's birth—22nd December, 1545—is ascertained from an entry in his *Memoriall Buik*, and so we know for certain that at the end of 1568 he was only in his twenty-third year. Except the fact that he compiled the Miscellany and received certain small gifts of heritable estate from his father in 1572 and subsequent years, nothing whatever regarding him is known between the year of his birth and 1587 when he was admitted at the age of 42 to the privilege of a merchant and gild-brother in the city of Edinburgh. But, judging from the caligraphy of the Manuscript, it seems probable that some part of his youth was spent in his father's chambers as a law apprentice or clerk:

'A clerk foredoom'd his father's soul to cross  
 Who pens a stanza, when he should engross.'

In general character the penmanship resembles the legal hand of the time. Be that as it may, we know that between 1565 and 1568 he was engaged in leisure hours transcribing vernacular poetry and sometimes also in composing verses, some eight pieces of his own being judged good enough to have a place in the *magnum opus*.

The Manuscript passed at his death *c.* 1608 to his only

child Janet, who married George Foulis of Woodhall and Ravelston, with whose descendants it remained until 1712, when William Foulis of Woodhall (great-grandson of George Bannatyne) gifted it to the Hon. William Carmichael of Skirling, whose son John, Earl of Hyndford, presented it in 1772 to the Faculty of Advocates, in whose library it is now one of the chief treasures. It is elegantly bound in two folio volumes, the original pages being inlaid and mounted so as to present a wide margin.

The *Manuscript*, properly so called, follows the *Duplicate MS.* It begins with an unnumbered leaf on which are written two prefatory verses entitled *The Wryttar to the Reidaris*, one of which I have quoted, the reverse of the leaf having a stanza of seven lines entitled *God*, serving as a kind of motto to the First Part. At the top of folio 1 to the left is the title, *Ane most godlie mirrie and lustie rapsodie maide be sundrie learned Scots poets and written be George Bannatyne in the tyme of his youth*, not, however, in Bannatyne's handwriting. It is supposed by Dr. Laing to have been added by Bishop Percy, who had the Manuscript on loan soon after it came into the Advocates' Library. The contents extend to 740 pages, exclusive of an incomplete *Table of the Haill Buik* containing 286 titles and first lines. On some blank leaves and spaces several pieces, written by a later hand, have been added.<sup>1</sup>

It is not unlikely that Bannatyne prepared his Miscellany with a view to publication. If we are to hold that he did, I should incline to believe that its great bulk hindered the accomplishment of his purpose, not, as Scott and Laing suggest, 'the inauspiciousness of the time.' It is an error to speak of the second half of the sixteenth century in Scotland as a period wholly given over to theological disputation and utterly indifferent to the early vernacular literature. Writers who assert that secular poetry was then 'smothered and banned' should explain if they can how it happens that our first editions of John Barbour, Blynd Harry, Robert Henryson, Gawain Douglas, David Lindsay, and John Rolland, all issued from the native press in that very period. In the fifteenth century—the golden age of Scottish poetry—the works of the makers, encloistered, and passing by transcription among a few clerics and nobles must have been quite unknown to the common people. They only became national literature in the

<sup>1</sup> For a description of the MS. *vide* the *Memoir of George Bannatyne*.



proper sense of the term, when the Reformation was an accomplished fact. No doubt, after all the exertions of the press, a considerable *corpus poeticum* remained, which most likely would have perished but for the praiseworthy efforts of men like Bannatyne and Sir Richard Maitland. But surely the mere fact that it was not printed between 1560 and 1600 ought not to infer blame either to the publishers or the people of that age. The Bannatyne MS. after three hundred and fifty years has only been completely printed by special subscription. The Maitland Folio, less fortunate, still awaits a publisher.

In studying the contents of the Manuscript there are two questions, more or less related, that deserve careful examination—(1) the Value of the Text, and (2) the Sources used by Bannatyne—the former much the less difficult to determine. On the first, after repeated perusal of the poems, my opinion is that the text is far from a good one. Plainly it exhibits at many points debased forms of Scottish vernacular current in Bannatyne's day when the language was in a state of transition, due to political influences, and mainly to the development of the national life on English lines. For 'knappand Suddrone' and forgetting 'thair auld plane Scottis quhilk thair muderis lerit thame,' the Reformers were frequently twitted by the adherents of the old Catholic party, and George Bannatyne certainly was infected by the prevailing fashion. The rapidity with which the assimilation in the literary language of Scotland to that of England proceeded after 1560 is evidenced by an observation of James VI. when he revisited Scotland in 1617 after an absence of fourteen years. In a speech to the Scottish Parliament he is reported to have said that 'if the Scotch nation would be as docible to learn the goodness of the English as they are teachable to limp after their ill he might with facility prevail in his desire' to reduce the 'barbarity' of his ancient kingdom to the 'sweet civility' of England—'for they had learned of the English to drink healths, wear coaches and gay clothes, to take tobacco, and to speak neither Scotch nor English.' Bannatyne's diction although not open to the full force of the royal criticism is nevertheless pretty far removed from his fifteenth century originals.

It is impossible within the limits of this paper to enter into detail, but I may point out a few things that will serve to illustrate what is implied by my objection. Let us look at

some of the poems in groups. There are eight attributed to Chaucer,—seven of them mistakenly, but that is of no consequence for our present purpose. Now, if these be compared with English versions it will be seen at once that considerable liberty has been taken in transcribing. For example *The Song of Troilus* is translated into Northern English and spelt according to the standard of 1568. Bannatyne must have considered Chaucer's metre defective, for he altered lines in his original in order, as he thought, to make them scan—thus :

'And if that at myn owné lust I brenne.'  
 'And gif that at myne awin lust I brenne.'  
 'O quiké deth! O sweté harm so queynte.'  
 'O quyck deth! O sweit harm so queynt.'  
 'But if that I consenté that it be.'  
 'Bot gif that I consent that it so be.'

No one of course would ever dream of editing Chaucer from this Manuscript. But it is different in the case of Dunbar and Henryson's poems for which Bannatyne has been followed by many editors, when a better text was available.

The Scottish Text Society edition of Dunbar is an example. I entirely concur with Mr. G. P. M'Neill—whose *Note on the Versification and Metres of Dunbar* occurs curiously enough in an appendix to that edition—in holding that 'The instances are few in which the Maitland MS. does not give a better reading, metrically considered, than the Bannatyne' making it 'matter of regret that this MS. (the Maitland) was not made the basis of the text.' The same may be affirmed of the Henryson poems, and with even greater confidence, the data available for test purposes being so much more ample. Compare *The Prais of Aige* in (1) the Makculloch MS., (2) the *editio princeps* of Chepman and Myllar of 1508, and (3) the Bannatyne MS. Here is the first stanza from the Makculloch MS., a version about 60 years earlier than the Bannatyne :

'In tyl ane garth, under ane reid roseir  
 Ane auld Man and decrepit, hard I syng ;  
 Gay wes the noit, sweit was the voce and cleyr,  
 It wes grit joy to heir of sic ane thyng.  
 And to my doume, he said, in his dyting  
 For to be young I wald nocht, for my wyss  
 Of all this warld, to mak me lord and king :  
 The moyr of aige the nerar hevynnis bliss.'

Chepman and Myllar's text varies in spelling, but Bannatyne alters the fifth line '*And to my doume*' to '*And as me thocht*.' We



need not suppose this to be merely a variant which Bannatyne found in another MS., for in the *Duplicate MS.* he has the reading of the Makculloch. It is simply one among hundreds of instances of tampering with his originals. In re-copying the *Duplicate MS.* he frequently alters words and sometimes even transposes whole lines, e.g. :

‘Bot they sic synnis sair for saik.’  
 ‘Except sic synnis thay sair forsaik.’  
 ‘The warld the flesche the feind also.’  
 ‘The divill the warld the flesche also.’  
 ‘And thow be juge disluge us of this steid.’  
 ‘As thow art Juge deluge us of this dreid.’  
 ‘That all this warld dois in thy hand depend.’  
 ‘On quhome this warld alhaill now dois depend.’

Does it not seem as if Bannatyne *scribe* was frequently thrall to Bannatyne *versifier*? For another reason, we find him at times expurgating the text, e.g. in the last stanza of *The Want of Wyse Men*,

‘O Lord of Lordis, God and Gouvernour  
 Makor and movar, bayth of mare and lesse  
 Quhais power, wisdom, gudnes and honoure  
 Is infynite now, sal be, and evir wes  
 As thy Evangell planely dois express.’

where Chepman and Myllar’s edition of 1508 preserves without doubt the original reading of the fifth line :

‘As in the principall mencione of the messe.’

It would be easy to show that similar liberties were taken in transcribing the Fables, but space will not permit.

Come now to the second question, What were the sources used by Bannatyne in compiling his Miscellany? He has himself partly told us, and an unknown person at a later time has tried to supplement his information. In the MS. there are in all 334 poems, 139 of which are attributed, 195 left uncertain.

It will, I think, be conceded that Bannatyne’s ascriptions have a *prima facie* value greater than those made at a later time by the unknown scribe. Writing in 1568 he was in a favourable position for ascribing the poems. Not unlikely some of his manuscripts helped him to do so. Although he speaks of them as ‘auld and mankit’ they cannot really have been old, for the poetry—with the exception of pieces by Chaucer, Hoccleve, and Lydgate—all belongs to the late fifteenth century, much of it to the sixteenth. In other words, none of it was

written more than a hundred years, most of it less than fifty before his own day. An examination of the MS. seems to indicate that the five parts or divisions were transcribed *pari passu*. For example, with a MS. collection of Dunbar before him I think he selected poems suitable for the First Part, and having copied them, proceeded to select material from the same source for the other four parts. I feel certain that his MSS. of Henryson and Dunbar particularly, were more extensive than a cursory perusal of the Miscellany would lead one to suppose; and it will not be uninteresting to note with some care his attributions to these two authors, and the relation of certain groups of poems to each other in the different divisions of the MS.

Let us begin with Part First, which extends to folio 49, where is a colophon, '*Heir endis the First Part of this Buke containand Ballatis of Theologie.*' There are in all 40 poems in this division, twelve of them specifically apportioned by Bannatyne among nine authors. Two other ascriptions, one to Henryson and another to Clerk, are in a handwriting not his. Twenty-eight poems were thus left by him of uncertain authorship. Of the twelve ascribed, three are by Dunbar, two by John Bellenden (called Bellentyne in the MS.), one by Gawain Douglas, one by Sir Richard Maitland, two by Alexander Scott, one by Stewart, one by Robert Norval, and one by Lydgate.

The first nine poems do not call for more than passing mention. Nos. I. and II. are the *Benner of Pietie* and a *Proheme*, the latter printed in the well-known translation of Boyes' History, published in 1536, both works of John Bellenden, Canon of Moray. Number III. is Gawain Douglas' *Prologue* to the Tenth Book of his translation of the *Aeneid*, evidently transcribed, not from the black letter edition of 1562 as Dr. Small suggests, but from a MS. nearly related to the Ruthven MS. now in Edinburgh University. *The Ballat of the Creation* by Sir Richard Maitland comes next. The fifth piece is a rendering of the 83rd Psalm, a version apparently intermediate between the *Gude and Godlie Ballatis* and John King's *Psalter*. Numbers VI. and VII. I have not been able to identify. Numbers VIII. and IX. are two psalm renderings by Alexander Scott. Of these nine poems, only V., VI., and VII. are anonymous.

When we reach No. X. the cruces commence. That poem is attributed to Dunbar, and begins:

'To Thé O mercifull Saviour, Jesus,'



a poem universally accepted as his. At this point Bannatyne introduces a piece beginning :

‘O most heich and eternal king,’

having as a refrain in each of its eleven stanzas :

‘He that wold leif must lerne to dy.’

It belongs evidently to the time of the Reformation, judging from certain lines strongly reminiscent of the Scottish Psalter as well as from its theology. It is given to one ‘Ro. Norval,’ an unknown versifier, the only person of that name and time, so far as I have been able to discover, being a Presbyterian clergyman of Stirling mentioned by Calderwood. The surname never was a common one in Scotland.

From Nos. XII. to XXXII. I believe we have a collection of devotional poems by William Dunbar, only two of which, Nos. XXI. and XXXII., are attributed to that poet by Bannatyne.

At the outset, let it be noted that the best editors of Dunbar have adjudged three of the group to be works of that poet, namely, No. XX. :

‘Now gladdith every liffis creature,’

No. XXII. :

‘Jerusalem rejois for joy,’

and No. XXVI. :

‘The Sterre is rissin of our redemption.’

That, of course, goes so far to support my opinion. It is independent testimony. True it is, as Bentley long ago remarked, that ‘censures made from style and language are commonly nice and uncertain, and depend upon slender notices’ : all the same, diction, rime, and versification are factors that must be reckoned with. The editors having style only as a criterion attributed the three poems to Dunbar, and I am free to confess that it was the general style and tone of these and others of the group that first arrested attention and caused me to look more closely at Bannatyne’s distribution of poems in the MS. As the result of an examination I was led to the conclusion that Dunbar is the author of the twenty-one pieces. They bear the stamp of his mind, and have the sonorous and stately rhythm of other poems known to be his. Although hymn translations never could be made the channel for the humour in which he excels, still there are phrases and epithets that recall the

vigorous touch and daring of the master. If he did not write them it is far from easy to guess who did.

What has not been observed, so far as I am aware, is that they form collectively a little hymnary made up of four branches. Eight of the poems (Nos. XII. to XIX.) are addressed to Christ and the Virgin; seven (Nos. XX. to XXVI.) are hymns of the Nativity; three (Nos. XXVII. to XXIX.) on the Passion; three (Nos. XXX. to XXXII.) on the Resurrection. They are linked together in the MS. by Bannatyne, who, after No. XX., adds the words: '*Followis Ballatis of the Nativitie of Chryste,*' and at the end of No. XXVI. closes the section, '*Finis Nativitatis Dei: sequuntur de ejus Passione quaedam cantilene.*' So again we find the words, '*Finis de Passione et sequitur de Resurrectione,*' between Nos. XXIX. and XXX., and at the end of XXXII. the colophon, '*Finis quod Dunbar,* pointing to the whole group as his.' No. XII. (*Christe qui lux es et dies*) is a translation of a seventh century Latin hymn, with a doxology of later date. In *The Gude and Godlie Ballatis* is a translation of the same hymn, the author of which, says the late Professor Mitchell, the editor of the S.T. Society edition, 'no doubt had before him the Latin original as well as one of the German translations, but he has not given the unmistakable proof that Coverdale has given that he had both, by translating as the German versions do the Latin word *hostis* in the third verse as *feynde*, not *enemies* as the Scottish poet does.' One may say, without fear of contradiction, that the version of the *Gude and Godlie Ballatis* is not derived from any German translation, and is only related in the second degree to the Latin original. It follows closely the Scottish translation.<sup>1</sup> The entire Hymnary is undoubtedly pre-Reformation. Every one of the hymns is either based on a Latin original or on one of the Church lessons read on Festival Days.

Some further light on the twenty-one hymns that I venture to call Dunbar's is obtained by examining the seven poems which immediately follow in the MS. (Nos. XXXIII. to XXXIX). There cannot be any doubt that they are the work of a single pen, although No. XXXIII. alone is ascribed by Bannatyne to a poet called Stewart. Far inferior though they be they are hymns of precisely the same class and manifestly imitations of those which precede. The author is named elsewhere in the

<sup>1</sup>Influence of Dunbar, I think, is traceable in more than one place of the *Gude and Godlie Ballatis* especially in the third or last part which is of a miscellaneous character.



MS. William Stewart. He was a determinant of St. Andrew's University in 1499 and magister in 1501. He appears to have entered the royal household, and is usually identified as Rector of Quodquan Parish, now annexed to Liberton Parish, in the Deanery of Lanark. He is best known as the author of the metrical Chronicle of Scotland supposed to have been written *c.* 1535 by command of Margaret Tudor, widow of James IV., for the instruction of her son James V. Lyndsay's mention of him in 1530, before he had begun his chronicle, shows that he had written much before that date. More fortunate than many of his contemporaries Stewart has had a considerable number of his verses preserved by Bannatyne and Maitland and from these one sees that he was a servile imitator of Dunbar, lacking his genius. I shall have occasion again to refer to him, but meantime let me direct attention to his devotional poems. I take by preference Number xxxiii. for the reason that it is ascribed to Stewart in the MS. Comparison with Number xxix., one of the hymns on the Passion, exhibits striking parallels. The theme in both cases is the trial of Jesus before Herod and Pilate.

## DUNBAR.

## XXIX.

Bundin as a theif, so thow harled &  
led  
Blaknit and forbled  
Out throw the harnis pykis of thornis  
aplyit  
Strang nails lang & greit  
Thi face ourspittit all,  
Sair scourgis bla and wan.  
Thi vainis bursin, thi sennonis schorn  
than.

## XXII.

Done is a battell on the dragon blak.

## STEWART.

## XXXIII.

*Harlit as aue theif that does  
them nocht ganestand.  
forbled and blaknit  
pairsed my harnis swa  
ane crewal crown of thorn.  
with nalis long and greit.  
My face ourspittit bludy,  
wan and blak  
That all my vainis and  
sennonis war devorse.*

*Upone the dragone a battell  
for to done.*

An examination of these parallels should be accompanied by a reading of the complete poems, from which they are taken, as well as of Dunbar's *Merle and Nightingale*; but the examples given may indicate the assimilative method followed by Stewart. As I have already said the Dunbar group is unquestionably pre-Reformation. The Makculloch MS.<sup>1</sup> pre-

<sup>1</sup>The MS. (No. 149 in the Laing Coll. Edin. Univ.) consists of notes in Latin of lectures in Philosophy made by Magnus Makculloch of Tain when

serves No. XII. (*Christe qui lux es et dies*), which is thus older than 1509, and the thing to be observed is that the Stewart poems enable us to place the earlier group in the very period when Dunbar flourished.

But we must turn now to the next division which has for title—*Followis the Secound Pairt of this Buk, conteneand verry singular Ballatis, full of wisdom and moralitie, etc.* It contains in all seventy poems, twenty-six being ascribed, forty-four not. It is prefaced by a Latin line—*Tu vivendo bonos scribendo sequare peritos*, and a stanza of seven lines entitled *Wit*, probably Bannatyne's own composition both serving as motto to the book.

The second part, in my opinion, is very largely made up of poems of Henryson, Dunbar, and Stewart. Of the first eleven poems (XLII. to LII.) eight are ascribed by Bannatyne, —one to Gawain Douglas, one to Chaucer (Lydgate's by right), one to Henryson, two to Dunbar, one to Lychton Monicus, one to Walter Broun, and one to Kennedy. Of the three left uncertain No. XLIX. was long ago claimed for Dunbar by Pinkerton and Laing and is printed in the Scottish Text Edition as 'probably his.' Its ascription as genuine seems to me to involve the bestowal of Nos. XLII., L., and LI. to the same author. I have doubts about any of them being Dunbar's. No. LI. is given to Walter Broun, an author unknown except in this MS. It certainly seems to me suspect. In Bannatyne's transcript of the *Lament for the Makaris* there is mention of a Walter Broun, but I have always regarded the stanza in which the name occurs as an instance of Bannatyne's tampering with the original. Who would believe Dunbar capable of writing:

'In Dunfermline he hes tane Broun,  
With gud Maister Robert Henrysoun,  
Schir Johne the Ross imbraist hes hie  
Timor mortis conturbat me.'

In the transcript in the Maitland MS., which was evidently made from the *editio princeps* of Chepman and Myllar of 1508, the stanza reads:

'In Dunfermline he hes doun roun  
Gud Maistir Robert Henryson';

a student at Louvain in 1477. He became a priest of the diocese of Ross and was much employed (1480-90) as a scribe. His note-book passed to John Purdie, a Chaplain of St. Giles, Edinburgh, who transcribed on blank leaves the Henryson and other vernacular pieces.



the words *doun roun* being glossed by editors as 'whispered.' The meaning of *roun* is not doubtful, it is a common word, but *doun roun* is nonsensical. The reading of the *editio princeps*, I have little doubt, was unintelligible to Bannatyne, and instead of copying his original he, as usual, boldly amended it by substituting *tane* for *doun* and adding the letter *B* before *roun*, in that way obtaining the surname *Broun*. Now I submit that 'doun roun' is one of the 'crymis' to be charged against the printers Chepman and Myllar, and not a thing that will justify us 'cursing the clerk that cunningly wrait' the *Lament*. Simply a thorn or its equivalent 'th' has dropped out in the workshop, the true reading, I am confident, being :

'In Dunfermline he hes dounthroun  
Gud Maistir Robert Henryson.'

If, therefore, it should come to be admitted that the four poems most probably are Dunbar's, the attribution to Walter Broun of No. LI. need not greatly hinder our assent.

A group of six pieces, Nos. LIII. to LVIII. next deserves attention. Three of them (LIV., LV., and LVI.) are ascribed to Henryson (spelt Henderson), No. LVII. being assigned to a makar Patrick Johnstone. All six, I believe, to be genuine specimens of Henryson's verse. If we are again to challenge Bannatyne's ascription of No. LVII. (*The Thre Deid Powis*) to Patrick Johnstone it may be on good cause shown. The poem is ascribed to Henryson in the Maitland MS., and in a case of doubt we ought certainly to incline to the opinion of Sir Richard Maitland, Senator of the College of Justice, Statesman, and Poet, rather than to Bannatyne, a youth editing 'in tenderest tyme when his knowledge was nocht brycht,' who had but lately 'begun to lere and translait his copies.' Dr. Laing printed the poem as Henryson's. No. LVIII., entitled *Good Counsel*, by Professor Skeat, because it is an obvious imitation of Chaucer's *Ballad of Good Counsel*, is like its model in three seven line stanzas, the last line in each recurring without alteration. It is found in a fifteenth century Scottish MS. now in Cambridge University Library (K.K. 1.5) so that there can be no doubt about the ballad being as early as Henryson's time. As Chaucer's most apt pupil no one, it seems to me, has so good a title to it as he. In No. LIII., which in the MS. immediately precedes

the well-known *Reasoning betuix Aige and Youth*, one catches the very tone of the same sweet singer.

Following this group come twelve pieces (LIX. to LXX.) all of them, I believe, by Dunbar. Nos. LIX. and LX. are ascribed to him. Nos. LXI. and LXII. (*Discretion of Asking and Discretion of Giving*), both anonymous, are universally acknowledged to be his. They are corollaries of *Discretion in Taking* (No. LXIII.), all three treated as one poem in the Maitland MS. and there assigned to Dunbar. No. LXIV. is also ascribed in the Bannatyne MS. to Dunbar; LXV., LXVI., and LXVII. are left uncertain. The Maitland MS., however, comes to our aid again for No. LXVI. (*Freedom, Honour, and Nobilnes*); and LXV. and LXVII., from internal evidence appear also to be his. There is this further to be said, that No. LXV. is closely imitated by Sir Richard Maitland, who, like William Stewart took Dunbar as his favourite model. No. LXVIII. is in the MS. ascribed to Dunbar, LXIX. and LXX. being anonymous. No. LXIX. is in the racy humorous vein of Dunbar, and good enough to be his; No. LXX. is found in the Maitland MS. unasccribed, but standing next to a poem by Dunbar. It also is closely imitated in another of Maitland's poems.

Thus far I have taken the group *seriatim* the better to show how frequently poems ascribed by Bannatyne to Dunbar are found alternating with poems, anonymous in the MS., which are now received as canonical on the authority of the Maitland MS. Bannatyne's method of ascription may, of course, be explained in different ways. In copying a series of poems he may have considered it sufficiently obvious that all were by the same author, and so have deemed it sufficient to add his colophon once for all. Cases in point are the Hymnary in Part First, and the three moral pieces, *Discretion in Asking, Taking, and Giving*. Again, it is conceivable that he may sometimes have added a *quod Dunbar*, or *quod Henryson*, as the case may be, when he had ended a day's work or on leaving one division to begin copying in another. Or, he may carelessly have omitted to do so, taking up the task where he had left it without noticing that some poems had been left uncertain. And not unlikely, in some cases, his original may not have afforded him help. Howsoever we are to explain it, the fact remains that in the MS. anonymous poems, from internal evidence and local point of contact,



frequently appear to be of common authorship with other poems specifically attributed.

No. LXXI. is a poem by Henryson, No. LXXII. one by Dunbar, but from LXXIII. to XCIII. we meet with another group, all anonymous, one of which (*The Want of Wyse Men*) beginning :

‘Me ferlyis of this grit confusioun,’

has on the authority of Dr. Laing been assigned to Henryson, as it seems to me on very doubtful grounds. ‘It is,’ says Laing, ‘one of the pieces printed by Chepman and Myllar in 1508 and is subjoined to Henryson’s *Orpheus and Eurydice*,’ as if by the same author. ‘It evidently belongs to the reign of James III., when the unsettled state of public affairs might give too much truth to the burden of each verse.’ The theme might equally apply to the days of James IV., or James V., but the important thing to observe is that the poem itself lacks altogether the music of Henryson’s verse. None of the twenty-one pieces, unless I am greatly mistaken, is by Henryson or Dunbar, but I cannot at present stop to discuss that question. It would require a paper all to itself. I pass over also the Stewart poems which conclude the second part, and proceed at once to the third division which begins at folio 97 with the title *Contenand Ballatis miry and othir solatius consaitis set forth be divers ancient poyettis*. On the title page in a later hand there is a copy of Withers’ charming little song, *Shall I wasting in despair*, an excellent Scottish metaphor.

This division contains in all 90 poems, 38 ascribed, 52 anonymous. It opens with two poems by Dunbar, Nos. CXI. and CXII., the third piece CXIII. being *Christ’s Kirk on the Green*. The fourth, CXIV., is a humorous poem by Lichtoun, an author who has nearly the same position in this section that he has in the preceding. No. CXV. is ascribed to Dunbar. No. CXVI. is attributed to Clerk, in a hand not Bannatyne’s, but the Maitland MS. again resolves the doubt, and properly assigns it to its rightful author. A poem well known as *Rowll’s Cursing* stands next.

At this point another group begins (CXVIII. to CXXXIII.) sixteen poems in all, eight of them ascribed to Dunbar, the remainder anonymous. Five of the eight left uncertain, I am confident are Dunbar’s. The Maitland MS. designates one of

them (No. cxxi.) as his. Two others have a signature—the one (No. cxviii.) *quod Allan Matsonis Subdartis*, the other (No. cxxiii.) *quod John Blyth*. Matson and Blyth have been included in the *Table of Authors* both in Dr. Laing's catalogue of the contents of the MS. and in the Hunterian Club reprint—the fact being that *Allan Matsonis Subdartis* is equivalent to *Allan a Mau's Soldiers*, *John Blyth* merely another kindred pseudonym. The poems are excellent drinking songs, prototypes of Burns' *John Barleycorn*. Both are inserted between acknowledged Dunbar compositions. No. cxxx. is the well-known *Interlude of the Droichis Part of the Play*, No. cxxxii. the burlesque *Wyf of Auchtyrmuchty*. To these poems no one has anything like so good a title as Dunbar. Mr. T. F. Henderson, without noticing their position in the MS., expresses an opinion that Dunbar 'may well have been the author of both *Allan Matsonis Subdartis* and another similar piece over the signature *Allan Subdart—Quaha hes gud malt and makes ill drink*' (No. clxv.). No. cxxv. *The Laying of Lord Fergus' Gaist* which occurs between two of Dunbar's acknowledged poems might seem at first sight to be also one of his. The diction and rime, however, when carefully examined led me to doubt the authorship, and I have since convinced myself that it is by another hand, although evidently by a clever disciple. I shall return to it immediately, after noticing very briefly some of the remaining poems that make up this third Book. After transcribing the group with which we have been dealing Bannatyne proceeded to insert a collection of poems by two sixteenth century authors, Scott and Semple (cxxxiv.-cxl.), and came back to Dunbar. From cxli. to cl. we have, in my judgment, other ten genuine poems of his, seven of them ascribed to him by Bannatyne. The three pieces which I claim for him are No. cxli. (*Thus I Propone in My Carping*) which is found in the Maitland MS. between two Dunbar poems; cxlviii. (*The Gyre Carline*) a burlesque piece beginning—*In Tiberius tyme the trew Imperiour*, and cl. (*The Wowing of Jok and Jenny*), the last mentioned having a signature *quod Clerk* which has been deleted. At this point Bannatyne returns again to sixteenth century writers, Balnavis and Stewart (cli.-clv.) and at No. clvi. inserts another burlesque poem, *Sum Practysis of Medecyne*, printed as Henryson's by Laing on the strength of Bannatyne's ascription. It begins a group which extends to No. clxix., nineteen pieces in all, containing among others Dunbar and Kennedie's *Flyting*. Some of the pieces, I think,



are Dunbar's, others may be of later date. The difficulty of accepting *Sum Practysis of Medecyne* as Henryson's is this, that it is utterly unlike anything else of his, both as regards diction and metre. And what perhaps needs to be noticed even more than language and metrical tests is the theme of the poem itself, lacking as it does the humour so peculiarly his, and discovering a grossness found in none of his acknowledged verses.

The eleven poems which conclude the Third Book all belong to the sixteenth century. Space will not permit an examination of these in detail, or of the Fourth or Fifth Parts of the MS., and I prefer rather to conclude with some remarks concerning the authorship of *The Laying of Lord Fergus' Gaist* and *Christ's Kirk on the Green*, and on the relation of these poems to the *Complaynt of Scotland*.

*The Laying of Lord Fergus' Gaist* is printed in an appendix to the *Minstrelsy of the Scottish Border*, and is prefaced by a note pointing out its relation to *The Gyre Carline*. 'As the mention of Bettokis Bour occurs in both poems,' says Sir Walter Scott, 'and as the scene of both is laid in East Lothian, they are perhaps composed by the same author. The humour of these fragments seems to have been directed against the superstitions of Rome, but it is now very obscure.' I have already stated my reason for disbelieving in the common authorship. I agree, however, as to its being a skit at the Church of Rome. The theme is certainly an uncommon one—unique indeed. Can we penetrate its mystery and ascertain the author? It is worth trying for several reasons.

Let me direct attention then to a passage in the first volume of Calderwood's *History of the Kirk of Scotland*. In Volume I. page 142 of that immense Chronicle, we read of one James Wedderburn, a native of Dundee, being delated in 1540 to the Council and of letters of caption directed against him. 'He departed secretly,' says Calderwood, 'to France and remained at Rouen and Dieppe till he deceased. He had been brought up in St. Leonard's College in his youth . . . and was reasonably well instructed in Philosophy and Humanity. Thereafter he went to France and played the Merchant. . . . This James had a good gift of poesy, and made divers comedies and tragedies in the Scottish tongue wherein he nipped the abuses and superstitions of the time. He composed in form of tragedy *The Beheading of John the Baptist*, which was acted at the West Port of Dundee, wherein he carped roughly the abuses and corruptions

of the Papists. He compiled the *History of Dionysius the Tyrant* in form of a comedy, which was acted on the playfield of the said Burgh, wherein he likewise nipped the Papists. He *counterfeited the conjuring of a gaist* which was indeed practised by Friar Laing beside Kinghorn, which Friar Laing had been confessor to the King. But after this conjuring the King was constrained for shame to remove him.' Friar Laing's indiscretion seems to have excited a good deal of interest.<sup>1</sup>

We have thus found a poet who feigned the laying of a ghost and who had to go into exile on account of his poetic effusions. Is it not quite reasonable to suppose that the burlesque preserved in the Bannatyne MS. is the poem of James Wedderburn? It is put into the mouth of a churchman who had read—

'mony quars  
Bath the Donet and Dominus que pars;  
Ryme maid, and als redene<sup>2</sup>  
Baith Inglis and Latine.'

It is an example of burlesque romance, the distinguishing characteristic of which, as one of the poets who affected it tells us, is 'Mokking meteris and mad matere'—a *genre* which had a great vogue in Scotland. The closing lines—

'To reid quha will this gentill geist  
Ye hard it nocht at Cokilby's feist,'

point us to another unique poem in the Bannatyne MS.—*Cokilby's Sow*. It is found in the Fifth Part, without ascription, between *The Freiris of Berwik*, which is anonymous, and *Robin and Makyn* with a *quod Robert Henryson*. The problem of authorship is hard to solve. Dunbar, in my opinion, has no claim whatever to it; and though I incline to the belief that it is another of Henryson's poems I hesitate to pronounce for him. One of the stories is highly reminiscent of his master Chaucer, whom he names; while the fine moralising, running like a golden thread through the whole narrative, and the apologetic ending for the 'revill rail' are quite in the manner of the author of the Fables.

<sup>1</sup> Vide *An Epistle directed from the Holie Hermite of Larite*, by the Earl of Glencairn, quoted in Calderwood's *History*.

<sup>2</sup> This *ene rime* is also found in *The Gude and Godlie Ballattis*. See Dr. J. A. H. Murray's remarks on similar word endings in the *Complaynt of Scotland*, E.E.T.S. edition. Mr. W. A. Craigie first directed my attention to the peculiar rime.



I have mentioned *Cokilby*, however, in order to direct attention to *Christ's Kirk on the Green*. The two poems are slightly related. The *dramatis personae* are so far identical, Lowry, Downy, Diky, and 'hoge Huchown' being common to both. There is similarity too in some of the incidents. I agree with Professor Skeat that *Christ's Kirk* belongs unquestionably to the reign of James V. The problem still awaiting solution is, Who is the author? May I suggest for consideration, James Wedderburn? The conclusion may be refused by some, and I do not pretend to put it forth categorically. Permit me, however, to state some things not undeserving of consideration.

- (a) The Wedderburn poems in the MS.—there are four attributed to him—evidence a pawky, humorous turn of mind.
- (b) The tragedies and comedies of Maistir James that so nipped the Papists and enlisted the sympathy of the common people on the side of the Reformation party, would, we may be quite sure, much resemble in form and matter Sir David Lindsay's plays written for like purpose and for similar audiences. Such dramas if they lack the artistic finish of pastorals like *Christ's Kirk on the Green* have at any rate a good deal in common with them. They need green fields and blue sky; and Diky, Lowry, huge Huchown, and other rustics to sustain the fun. A writer of Plays and Interludes might very well be the author of *Christ's Kirk on the Green*.
- (c) I have mentioned before that there is slight influence of Dunbar discernible in certain pieces in the Third Part of the *Gude and Godlie Ballatis*. Now, James Wedderburn is generally acknowledged to be one of the contributors, if not the chief contributor to that section, his younger brother John being credited mainly with the translations of the Lutheran and other German hymns.<sup>1</sup> And mention of *Cokilby's Sow* and the *Gude and Godlie Ballatis* brings into the discussion the *Complaynt of Scotland*, claimed at one time or another for

<sup>1</sup> 'He translated manie of Luther's dytements into Scottish metre and the Psalms of David. He turned manie bawdie songs and rhymes in godlie rymes.' *Calderwood*.

Sir James Inglis,<sup>1</sup> Sir David Lindsay, and Robert Wedderburn, Vicar of Dundee, a brother of James the poet. As a recent writer has remarked 'it is a puzzling book and many of the opinions in regard to it cherished by the most competent scholars have since 1890 been completely overthrown.' I do not think any one in the present day will care to do battle for Lindsay or Inglis. The rival claimants are a Wedderburn of Dundee, James, John, or Robert, on the one part, and the 'unknown person' suggested by Dr. J. A. H. Murray, on the other. I may say at once that I think the whole weight of evidence is in favour of James Wedderburn, the poet, who as an exile in France, resided in that country from 1540 till his death in 1550. It seems to me mere perversity to deny the authorship of the *Complaynt* to a Wedderburn. Curiously enough there are four copies of the work now extant, all of them wanting the title page. Two of these copies (now in the British Museum) were in the collection of Harley, Earl of Oxford, and in the catalogue of his library are thus entered: *Vedderburns Complaynte of Scotlande, vyth ane Exortatione to the Estaits to be vigilante in the Deffens of their Public Veil.* 1549. One of the copies, if not both, must have been complete in the eighteenth century else how did an English librarian obtain the title, the name of the author and date of publication of the book? As Dr. J. A. H. Murray truly observes 'there is no known *external* authority for the title and author's name there given.'<sup>2</sup> Further, it is now admitted that the book was printed in France, which explains among other things the letter *v* being used throughout for *w*. It follows that *Vedderburn* would be the form in the original title page.

<sup>1</sup> There were two priests of the same name, and for each a claim has been made at one time or another. Curiously enough the claim of James Wedderburn has hitherto never been considered so far as I am aware.

<sup>2</sup> And he adds that the title, in his opinion, is unquestionably genuine and authentic in form, spelling, and entire character, while it is such as nobody would have invented; *vide* his edition of the *Complaynt*, Introd. p. cx. He also points out strong resemblances between the *editio princeps* and the edition of Lyndsay's *Monarchy* printed by Jascuy of Paris. It should be noted that some of Jascuy's books actually were printed for him at Rouen, *vide* Dr. Mitchell's Introduction to the *Gude and Godlie Ballatis*, S.T.S. edition, p. ci.



And two discoveries made very recently must also be noticed. One is that 'from *Le Quadrilogue Invectif* of Alain Chartier, the Scottish author has borrowed not only his general idea of a Vision of Dame Scotia exhorting her three sons, the Estates, to agree and unite against the foreign enemy but also many details of the allegory; and that in the case of a number of passages, amounting in all to about fifteen pages of the edition of 1549, he has given an actual translation of the French.'<sup>1</sup> The other is that the Scottish author borrowed from an unprinted translation of *Ovid* by Octavien de Saint Gelais, Bishop of Angoulême, a great admirer of Chartier.<sup>2</sup> Now with these facts before us let us consider the respective claims of the three Wedderburns to the authorship.

John, the second of the brothers, a priest, has never by any one been brought forward as a claimant. He was an exile in Wittenberg from 1538 to 1542, and it will not be readily conceded that he could have had easy access to Alain Chartier's work or that he was likely to find in Germany a copy of Saint Gelais' MS. Very soon after his return he was again pursued by Beaton, but escaped into England, after which we hear of him no more. Robert, also in holy orders, the youngest brother, has hitherto been the first favourite. But the grounds upon which his claim rests are of the flimsiest character when carefully examined. He had, it is true, during the life of the Cardinal 'to secure his safety by flight, spending part of the time in France, part in Germany. He returned from Frankfort on the Maine to Scotland in 1546, from which year until his death in 1553 he was Vicar of Dundee.' The only evidence of his literary activity is the notice by Calderwood that he superintended the editing of the godly and spiritual songs after his brother John's death, contributing to the book 'the augmentation of sindrie gude and godlie ballatis not contenit in the first edition' and providing

<sup>1</sup>The original of the *Complaynt of Scotlande*, by William Allan Neilson, *The Journal of Germanic Philology*, vol. i. p. 411.

<sup>2</sup>Vide Mr. W. A. Craigie's interesting article in *Modern Quarterly of Language and Literature*, vol. i. p. 267. St. Gelais in one of his works describes Chartier as *clerc excellent, orateur magnifique*.

for the various metres appropriate tunes. There is nothing more to be said for him.

Now it seems to me that the claim for James Wedderburn as the author is very much stronger. His acknowledged literary gifts and his long residence in Rouen are beyond dispute. The relation of the *Complaynt* to *Cokilby's Sow* must also be taken into account. In the middle of the *Complaynt* is the well-known *Monologue Recreatif*—the most original portion of the work—a very odd but interesting interruption and bearing evidence of having been much extended while the work was actually in the press. It is easy to understand how the author, if resident in France, might stop the printing, cancel sheets, and interpolate pages of new matter; but it would not have been easy to do so in the case of an author resident in Britain as John and Robert certainly were in 1549. Among the interpolations are the long lists of stories and romances, of dances, popular songs and airs, beast and bird cries, nautical words and commands. As a recent critic says<sup>1</sup>—‘not merely the sudden and incongruous transitions of the *Monologue* but its method of giving detailed and preposterous lists of old and unusual words and names is in the Rabelaisian manner.’ In the Rabelaisian manner it certainly is, but it seems to me that *Cokilby's Sow*, which directly influenced *The Laying of Lord Fergus' Gaist*, was remembered when the author came to write the fantastic *Monologue* and suggested to him the list of romances, dances and songs. Some of the dances are identical in both works and what is perhaps more remarkable seven of the songs cited in the *Monologue* actually are found in the *Gude and Godlie Ballatis*. We may note also that Dionysius the Tyrant is brought into the *Complaynt* at least three times as ‘ane exempil.’

- (d) When regard is had to the handling of the theme of the *Complaynt* it is difficult to believe that the author could have been a churchman. For example, in Chapter XV. where ‘the thrid son, callit Laubir’ reminds the ‘ingrat spiritualite’ that they ‘hed bot pure lauboraris to there predecessouris’ and ‘haue na cause to gloir in

<sup>1</sup> Chambers's *Cyclopaedia of English Literature*, vol. i. p. 214 (edition 1901).



them seluis,' or for 'there vane ignorant consaitis' which 'garris them ymagyn and belief that there predecessouris and all there nobilite and digniteis hes discendit fra the angellis and archangellis,' the voice surely is the voice not of a priest but of a layman—of one who, like Sir David Lindsay, earnestly desired 'a Ciceronian *concordat ordinum* as the only means of restoring prosperity and peace' to Scotland. The many striking resemblances between the *Complaynt* and certain poems of Lindsay, long ago pointed out by Leyden, evince intimate acquaintance on the part of the author of the *Complaynt* with the works of Lindsay; and not less striking is the undoubted relation between *Christ's Kirk on the Green* and Lindsay's *Justing of Barbour and Watson*.

I am far from maintaining that 'the probation leaves no hinge nor loop to hang a doubt on': what I do submit is that the claim of James Wedderburn to the authorship of the *Complaynt of Scotland* and of *Christ's Kirk on the Green* may some day be established by an extended study of George Bannatyne's MS.: and other and more important literary problems will only be solved when the value of the document has been fully recognised.

J. T. T. BROWN.