

Reviews of Books

THE CANON LAW IN MEDIAEVAL ENGLAND. By Arthur Ogle, M.A.,
Rector of Otham, Maidstone. Pp. xxi, 220. Demy 8vo. London :
John Murray. 1912. 6s. net.

THIS book is the last word in an old and interesting controversy. In England since the Reformation the King has been 'over all persons and in all causes within his dominions supreme.' But before that event certain departments of the law were administered by ecclesiastical judges in accordance with laws which the secular power could not initiate. Part of this jurisprudence is still the law of the land. Where did it come from? The legally orthodox view is that it is the common law of the Church of England, the *Jus commune ecclesiasticum* of the kingdom, plus such portions of the 'Roman' canon law as were 'received' in England, and the legislation of English Councils, legatine and provincial. In strong contrast to this doctrine stands the theory set forth by Professor F. W. Maitland in his *Roman Canon Law in the Church of England*, 1898. He maintains that the *Jus commune ecclesiasticum* of England, as of every other Catholic country, was the 'Roman' canon law, to which the English legislation aforesaid was merely ancillary; but modified by a small body (as he considered it) of custom, 'prescript and laudable,' and limited in its scope by the action of the secular courts which in many matters administered their own law and would not allow the canon law to be administered.

Twenty years earlier the matter had been stated somewhat differently by Canon (afterwards Bishop) Stubbs, the greatest and the most conservative of our historians of the Middle Ages, in his *Constitutional History*. There, after enumerating the sources of canon law, viz. the constitutions of Popes, Councils, Legates, Archbishops and Bishops, he says, 'All were regarded as binding on the faithful within their sphere of operation, and, except where they came into collision with the rights of the Crown, common law or statute, they were recognised as authoritative in ecclesiastical procedure.' This says nothing of difference of authority between 'foreign' and 'national' legislation, and might have been written by a sharer of Maitland's views. But a few years later Stubbs subscribed the Report of the Ecclesiastical Courts Commission, which states that 'the canon law of Rome, although regarded as of great authority in England, was not held to be binding on the Courts.' In an Appendix to that Report he says that the canons of the Legatine Councils 'which might possibly be treated as in themselves wanting the sanction of the national church, were ratified in Councils held by (Archbishop) Peckham.' And about the same time he stated in a lecture

that the constitutions of Legates and Archbishops collected by Ayton and Lyndwood respectively 'became the authoritative canon law of the realm.'

It is not wonderful that Maitland cited Stubbs as the most illustrious supporter of the doctrine opposed to his own. Is that a correct statement of Stubbs' position? The Bishop survived the publication of Maitland's book three years, but he made no reply to it. Indeed he is known to have said in conversation that 'he was not prepared to dissent from Professor Maitland's view.' That this does not imply that Stubbs agreed with Maitland, may be conceded to Mr. Ogle; Maitland's is not a definitive conclusion, but a thesis to be tested by more thorough study. But what is the exact difference between the positions of the two? That question I do not find so easy as Mr. Ogle does. Stubbs held that the 'canon law of Rome' was not held to be binding on the courts. If he meant the courts Christian, why did he choose as his example the case of the canon law of legitimation *per subsequens matrimonium*, which was accepted by the Anglican church but rejected by the state? The paragraph which denies authority to the 'foreign' canon law goes on to define the relation of the state to the legislation of the national church, and may be summed up thus: Papal legislation, if unacceptable to the King's courts, could not be acted upon; national church legislation, if unacceptable, could not be enacted. Lyndwood's code, says Stubbs, was the authoritative canon law of the realm, yet 'it was rather as the work of an expert than as a body of statutes that it had its chief force.' And the observation which follows, that 'the study of the canon law was a scientific and professional, not merely mechanical study,' seems to exclude the notion that Stubbs meant to ascribe either to Lyndwood or to Peckham (for instance) authority in any sense which would deny a like authority to Pope or foreign canonist. Again, did Stubbs mean to attribute to the legatine constitutions, after their ratification by Peckham's Council, a binding force which before such ratification they lacked? Could such a view be maintained against the plain statement of Lyndwood that Pope ranks above legate, legate above archbishop (just as the word of the commander-in-chief is of more weight than that of his second in command, and the word of the second in command than that of a general of division)? Altogether, I see no sufficient reason to doubt that Stubbs accepted Maitland's view so far as it goes.¹

But I conceive the true reason of the distrust with which Maitland's book was received and is still regarded by many scholars, is to be found in his hint as to its possible bearing on 'the continuity and discontinuity of English ecclesiastical affairs.' This is of course a matter of feeling; Maitland very properly gave it the go-by. Notwithstanding which, it appears that a Welsh Member of Parliament has got hold of

¹The valuable essay by the Dean of Arches (*Quarterly Review* for October, 1912), which has appeared since this review was put in type, sets forth Bishop Stubbs' latest views, unknown to me as to Mr. Ogle. The conclusion of the whole matter is that Stubbs regarded the Papal decretals 'not (like Maitland) as statute law, but rather as case law.' Both are definitions by way of analogy—the only question between the two authorities comes to be, which analogy is the closer? I prefer Stubbs. But the issue is surely a narrow one.

Maitland's book, and pressed him into the service of Welsh Disendowment, declaring that 'Professor Maitland has advanced arguments to establish the absolute identity of the ecclesiastical legal system of the pre-Reformation Church of England with that of the contemporary Church of Rome.' And so Mr. Ogle in the book before us, having (as he tells us) already satisfied himself that Maitland's thesis so far as true is not new and so far as new is not true, has taken the opportunity of publishing, as a contribution to current politics, his reasons for that opinion. At the end of his first chapter he asks the reader to dismiss from his mind Disestablishment and Disendowment; but he does not set the example. Maitland is treated throughout as men treat their political opponents. His other works, even the chapter on Marriage in the *History of English Law*, even the little skirmish with Canon Maccoll, seem known to Mr. Ogle by hearsay only: he knows that Maitland laid no claim to profound knowledge of canon law—of differing measures of profundity he reckons not. So the great scholar is held up as one who consulted Lyndwood by the index and read him no further than the rubrics. Which makes one laugh—the Professor who advised his freshmen to read the newspapers would probably have laughed too. But if Maitland had been alive, and had thought fit to answer, it might have been more entertaining still. There are two sides to every question, especially in politics.

Sometimes Mr. Ogle scores a point—it is rash to differ from Maitland, but Mr. Ogle appears to be right as to the interpretation of the gloss in Lyndwood about 'Procurations,' *Ubi consuetudo summam procurationis non limitat*, which Maitland seems to refer to the case of prelates other than archdeacons; Mr. Ogle refers it to the case of archdeacons elsewhere than in England.¹ Again, Maitland's description of Lyndwood's work as 'a manual for beginners' is loose—a beginner ought certainly to mean one who intends to go on. The *viri ecclesiastici simplices* for whose profit Lyndwood wrote (as he tells us), wanted not instruction, but a book of reference. But does Mr. Ogle make any impression on Maitland's position? He sees that it is not so very remote from Stubbs', and Stubbs' position is what he stands for—so to him as to Maitland the *Jus commune ecclesiasticum* is not (as it is to the orthodox lawyer) the 'King's ecclesiastical law,' but the *Corpus Juris Canonici*. He has to confine himself to such of Maitland's assertions as are not countenanced by Stubbs. Has he proved that the courts Christian, when unfettered by the King's judges, ever rejected a decretal on the ground that it was contrary to the constitution of a national or provincial council? I think not. Has he proved that a decretal lacked 'binding force' in England, in any other sense than that it could be rendered inoperative by the King's judges? A distinction has to be drawn here.

¹ Lyndwood wrote before the loss of England's possessions in France. I ought to add that the statement, made on the authority of an obviously corrupt gloss of John of Ayton, that English Bishops exacted no Procurations, could easily be refuted by Record. As to the assertion that they made no visitations, is it for a champion of 'the continuity of English ecclesiastical affairs' to accept so light-heartedly a splenetic statement reflecting so seriously on his predecessors? Neglect there doubtless was, but it was not universal.

Of executive acts, specially provisions to benefices, the validity could be contested on many grounds—even individual Bishops could in practice exercise a good deal of discretion in such cases, and in a competition it was by no means always the Papal nominee who prevailed—that is true not only in England where questions of patronage were decided by the King's courts, but also in Scotland where they were decided by the courts Christian. But was the legislation of the Popes of like uncertain operation? It has not been proved. That a Papal decree 'cannot execute itself' is true, but the same is true of all church courts. No such court could inflict any punishment except ecclesiastical censures; it was for the civil courts to apply the temporal consequences—did they ever refuse to do so on the ground¹ that the censuring authority was 'foreign'?

As to the extent to which canon law in England was modified by national (Mr. Ogle will not have it called local) custom, that has been always a strong point with the lawyers—a judge in a celebrated case spoke of England as *patria consuetudinaria*. It is pre-eminently a question to be looked at by dry light. Maitland is suspected of having belittled the effect of custom in the interests of his thesis. Mr. Ogle's remarks are largely repetitions of Maitland's with the accentuation changed. But he can show that Lyndwood sometimes imputed to custom what really originated in the action of the civil courts. Which is all right; only in counting up the differences between 'English' and 'foreign' canon law, we must not reckon the same thing twice. Mr. Ogle claims to have found one English custom overlooked by Maitland, that a beneficed clerk could bequeath even his *bona ecclesiae contemplatione acquisita*. But the rule of canon law to the contrary, says Joseph Robertson,² 'was seldom or never proclaimed without some hesitation or reserve,' and 'even where the rule was peremptory, it was not always inflexibly applied.' So in this the English were not so *penitus toto divisi orbe* as a reader of Mr. Ogle might suppose. And was this custom of old standing in England or was it merely a tolerated irregularity? Certainly the Calendars of the Papal Registers supply many instances of English clergymen obtaining the Pope's license to make wills; but these grow rarer in Lyndwood's day.

Again, it is surely going rather far to speak of the assignation of the cognisance of testamentary causes to the courts Christian as 'an immense breach in the Roman canon law.' By that law it was the duty of the Bishop to look after legacies to pious objects; the most reasonable account of the English arrangement is that our ancestors regarded a will as primarily a provision for the weal of the testator's soul by liberality to Holy Church³; to which the taking thought for relatives and dependants made a natural appendix. As for the 'characteristically mediaeval deal' by which Mr. Ogle, turning Maitland's rhetoric into logic, says that the advowson was

¹ Leaving out of account cases such as arose in the reign of John.

² *Statuta Ecclesiae Scotticanae*, i. c. I owe this reference to Mr. R. K. Hannay. The examples given are continental.

³ See Pollock and Maitland, ii. 332 ff.

assigned to the secular and the testament to the ecclesiastical court, what then is to be said of Scotland, where the Church looked after both one and the other ?

Enough of fault-finding—a good rousing philippic against Welsh Dis-establishment all good Tories (and, it is believed, many good Liberals) could enjoy. A thorough examination of Maitland's book by a scholar soaked in mediaeval record would be a real gain to learning. But the two do not mix well. As for the 'continuity of the Anglican church,' with deep humility I suggest that if it was not broken by the substitution of royal for Papal supremacy, it may have survived the change of the authority for its canon law, especially when so much of the substance of the law itself was conserved.

But the most interesting part of Mr. Ogle's reply is that which repudiates the sharp line drawn by Maitland between church legislation and state legislation affecting the church, and (partly following suggestions of Maitland's) welcomes certain measures which might be deemed encroachments on the part of the royal authority as having proved beneficial to the church—state and church being alike organs of a Christian nation. And, if I understand him aright, he regards this interaction of the two powers as a process which found its fit and providential climax in their consolidation in the hands of Henry VIII. This is a conclusion which, to put it mildly, study of the middle ages does not assist one to grasp. Marsilius is far off the beaten track of mediaeval thought. But it is quite in line with English case-law, and it contains the germ of a noble *apologia pro ecclesia Anglicana*—if it is a peculiarly and characteristically English conception, no true Englishman will think or ought to think the worse of it for that.

J. MAITLAND THOMSON.

REPORT AND INVENTORY OF MONUMENTS AND CONSTRUCTIONS IN THE COUNTY OF WIGTOWN. Issued by the Royal Commission on the Ancient and Historical Monuments and Constructions of Scotland. Pp. xlv, 196. With numerous Illustrations. 8vo. London: His Majesty's Stationery Office. 1912. 6s. 6d. net.

THE Royal Commissioners acknowledge in all their volumes their obligation to their Secretary, Mr. A. O. Curle; the reports on Sutherland, Caithness, and Wigtown are due almost entirely to him.

Mr. Curle's report on Wigtownshire is a valuable contribution to archaeology. His strength lies in his clear, unbiased description of what he has discovered, carefully examined, and measured. It is not so strong in his history of the districts. He accepts the old often-repeated and only half accurate stories of tribes and missionaries and kings ancient and modern; it is when he is on the hillside, on the dangerous cliffs above the sea, seeing earth work and mason work which others have not detected as artificial, that he is an antiquary and guide of rare capacity.

It is pleasant to find that he attributes many of the hut circles and curious narrow, low, almost uninhabitable constructions as probably not the abodes of human beings, but 'erected in connection with pastoral occupation over many centuries of time.' These may have been used as

sleeping places by those in charge of flocks on the hill pasture, but from their position and size it is unlikely that they were the dwellings of a debased diminutive race of men.

There are many small lochs in Wigtownshire, and in most of these are the remains of crannogs, little artificial islands connected with the land by causeways. It is uncertain for what purpose these were made, probably as a safe place in troubled times to keep cattle and their caretakers.

Another class of monuments, to the inspection and measurement of which Mr. Curle devoted much care, are promontory forts, places of safety both from attacks from the sea and from robbers and unfriendly neighbours on the land side.

There are notices of the examination of many other forts, entrenchments, cairns, stone circles, standing and inscribed stones, illustrated by good photographs and wood cuts from the *Transactions* of the Society of Antiquaries.

Coming down to comparatively recent times, Mr. Curle differs from Mr. Skene and others, and finds Wigtownshire more devoid of signs of Roman occupation than any other district of southern Scotland.

The most interesting antiquities in this county are the churches and crosses and caves at Whithorn, St. Ninian's kirk, Isle of Whithorn, etc., which are connected with Ninian, who commenced his missionary labours in Galloway about A.D. 396.

There are eleven mote-hills in the county connected with medieval baronies; none of them are of great size or of much importance.

Wigtownshire is poor in old churches and monasteries. The priory of Whithorn is ruined and the remains unimportant, except a fine Norman door, which has suffered from alterations. The buildings of the abbey of Glenluce probably were never very beautiful; nothing now remains of an earlier date than the beginning of the sixteenth century. The old feudal castles were long ago demolished; there are some baronial castles of the latter part of the fifteenth century, and several domestic houses of the sixteenth and seventeenth centuries. All of these have been often pictured and described by Billings, M'Gibbon, and Ross, and others.

In this volume there are good reproductions of photographs of Mochrum, Castle Kennedy, Dunskey, etc.

When the ancient remains in all the Scottish counties have been systematically examined with the same accuracy, there will be ample material from which to draw conclusions as to the approximate dates and probable use of the numerous forts and earthworks, crannogs, brochs, cup-marked and other inscribed stones, and how far they are similar and how far different from similar remains in other countries.

Every one who cares for the antiquities of Scotland ought to possess these reports of the Royal Commission, and every one who reads them will admire and be grateful to Mr. Curle.

A. C. LAWRIE.

LAWYERS' MERRIMENTS. By David Murray, LL.D., F.S.A. Pp. xiv, 302. With Illustrations. 8vo. Glasgow: James MacLehose & Sons. 1912. 7s. 6d. net.

DR. MURRAY might have taken as the motto of this volume the words of Montaigne: 'Ce sont icy mes fantasies, par lesquelles je ne tasche point à

donner à connoître les choses, may moy. . . . A mesme que mes resveries se presentent, je les entasse ; tantost elles se presentent en foule, tantost elles se traînent à la file.' For the most part his 'resveries' present themselves 'en foule,' and suggest the hurried activity of a shipmaster in the course of jettisoning part of the cargo of his heavy-laden galleon. The reader finds himself struggling in the midst of Goldastus, Raymond Lull, de Thou, Bartolus, Lord Deas, and a mixed cargo of jurists and antiquaries, who have been read, annotated, examined, opened or looked at by the author. The situation recalls the shipwreck in the *Satyricon* of Petronius Arbiter rather than that of St. Paul, but 'on revient toujours à la mer où il est doux de faire naufrage.'

The volume is neither a *catalogue raisonné* nor a collection of *faits divers* ; it belongs to the world of Jerome Cardan and Robert Burton, and one can picture these worthies greeting its author with a whimsical smile of welcome. Its charm lies not in its learning, but in the personal note which sounds through its crowded pages. It is a note that is classic and unmistakable, with its lift of sober eloquence and impatience with the outer world of barbarians. What reader can resist it ?

'I attended my first book auction, on the High Street of Ayr, in the summer of 1852, and made a few small purchases, more in accordance with my finances than my wishes. I had been a collector even earlier, and have been so ever since. . . . One's library may seem a poor thing to the cold and indifferent outside, and badly selected to those of different tastes. "Guenille, si l'on veut ; ma guenille m'est chère."'

The learned author will permit us to take leave of him with the Spanish proverb : 'Dios te guarde de parrafo de legista, De infra de Canonista, De etcetera de escribano y de recipe de medico.'

DAVID BAIRD SMITH.

CATALOGUE OF OXFORD PORTRAITS. By Mrs. Reginald Lane Poole.
Vol. I. Pp. xxxii, 278. With many Illustrations. 8vo. Oxford :
The Clarendon Press. 1912. 12s. 6d. net.

To people of a certain habit of mind the interest of portraiture far transcends that of any other form of art. But while portrait painting may be one of the noblest mediums of artistic expression, and not a few of the greatest pictures in the world are portraits, its primary interest to many is not the aesthetic charm or insight shown in its conception, or the technical power with which it is laid down and carried out. To these its chief appeal lies in the purely subjective elements—in the record given of the appearance and bearing of those who have made history or have contributed to the progress of the race, and the side-lights thrown upon particular epochs by the bringing together of a series of portraits of the chief actors in them. As the great mass of engraved portraits, from the times of Durer until the introduction of process-reproduction, shows, portraiture for its own sake has always been a subject of social curiosity or historical investigation ; and the institution of the National Portrait Galleries, and of museums like the Carnavelet in Paris, has led to an increased and more public interest in such matters, and a more exact and scholarly treatment of them.

Systematic study has been further facilitated and stimulated by the organization of general or more restricted loan exhibitions, of which the most recent of importance were the series of university portraits held at Oxford in the years 1904-5-6, the show of early English portraiture arranged by the Burlington Club in 1909, and the Scottish collection brought together at Glasgow last year. And the development of photography and the introduction of cheap reproductive methods have not only added greatly to the means of comparison available, but have extended the use of portrait illustration until it has become a definite and almost indispensable adjunct to history and biography.

As already indicated, the Oxford exhibitions were amongst the most important collections of the kind that have been brought together. Confined, with a few exceptions, to works owned locally, the 570 portraits then shown were of course limited in scope to those of people more or less connected with learning and associated with Oxford. But if this limited the interest and deprived the exhibitions of the richness of contrast possessed by collections embracing a more varied field, it concentrated attention upon the great part played by Oxford in the public affairs of England. These portraits were all described, and many were illustrated, in the memorial catalogues issued at the time, and now Mrs. Reginald Lane Poole has published, through the Clarendon Press, the first volume of a work in which all the portraits belonging to the university, colleges, city and county of Oxford are to be catalogued. The undertaking is an extensive one, and involves an amount of careful study and exact research of which only those who have had some experience of similar work have any idea; but Mrs. Poole's courage and patience have been equal to the long strain, and the volume just issued gives a detailed and elaborate account of the portraits in the University Collections and the Town and County Halls.

In an introduction Mrs. Poole tells the story of the foundation and growth of the Bodleian Collection (1602), the Ashmolean Museum (1683), and the University Galleries (1845), and indicates the causes which have given each of these collections a special character. The catalogue, which is divided into sections dealing with the separate institutions, each arranged chronologically, has been carried out on the best lines, and gives, in addition to short biographies, a concise description of each portrait, with its dimensions, a statement as to when it was acquired and how, mention of the chief reproductions, and now and then a note about other versions. Reproductions of some eighty portraits are given, and, as those illustrated in the catalogues of the Oxford Exhibitions (very few of which are given over again) are indicated in the descriptions by an asterisk, the work when completed will form a very complete and useful record of all portraits in Oxford and of where reproductions of the more important are to be found. The volume is an admirable piece of work. Mrs. Poole deserves great credit for the adequate accomplishment of a difficult and rather thankless task.

JAMES L. CAW.

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SIR HENRY SAVILE

From *Catalogue of Oxford Portraits* by Mrs. Lane Poole.

COMPANION TO ROMAN HISTORY. By H. Stuart Jones, M.A. Pp. xii, 472. With 80 plates, 65 other illustrations, and 7 maps. Demy 8vo. Oxford: Clarendon Press. 1912. 15s. net.

THE task of producing a comprehensive handbook of this sort was anything but easy. It has been discharged with a thoroughness and success that call for the warmest commendation. Mr. Stuart Jones's qualifications for the undertaking were, of course, exceptional. An excellent scholar and a highly competent archaeologist, he had the added advantage of having served for some time as Director of the British School at Rome, and of having gained in this way an invaluable acquaintance with local conditions and with actual remains. As a result, he has given us a manual which is far in advance of anything of the kind that has yet seen the light, and which is not likely to be superseded for many a year to come.

An introductory chapter summarizes the present position of our knowledge regarding the prehistoric problems connected with the Italian peninsula, sketches the development of the town and land system, describes the growth of Rome itself from its first beginnings to the days of its greatest prosperity, and concludes with a succinct account of the roads and sea-routes that furnished the main arteries for trade and intercourse under Republic and Empire. Then follow 130 pages devoted to 'Architecture.' The allowance may seem generous, but every inch of the space is required to accommodate the mass of material that is grouped together under this one general heading. The various types of structure are dealt with separately, Vitruvian lore being aptly illuminated by discussion of the more important surviving examples. To those who have not visited the Saalburg Museum, the most novel section of the chapter on 'War' will be that which treats of Roman artillery. Besides this, however, it contains much that is not accessible in equally convenient form anywhere else. One cannot help regretting that the organization of the army had to be dismissed so briefly.

The subjects of the remaining chapters are 'Religion,' 'Production and Distribution,' 'Money,' 'Public Amusements,' and 'Art.' Of these, that upon 'Money' is the slightest; it should have given references to Haebler's *Corpus* of Aes Grave and to Willers's *Geschichte der römischen Kupferprägung*, the latter of which has rather upset orthodox views as to the arrangement made *circa* 15 B.C. between Augustus and the Senate. The chapter on 'Production and Distribution,' on the other hand, is among the best in the volume. There are few indeed who will not learn a great deal from what it has to say of agriculture, of industry and commerce, of handicrafts and manufactures.

Mr. Stuart Jones writes clearly and well, so that the volume is readable in spite of the closeness with which the information is necessarily packed. In his selection of illustrations he has displayed both catholicity of taste and soundness of judgment. It is a pity that the reproductions are not always satisfactory. The tombstone of the centurion M. Caelius, for example, on p. 205, is particularly disappointing. Improvement in such details may be effected when the book is reprinted, as it is quite certain to be ere long.

GEORGE MACDONALD.

THE HISTORY OF CRIEFF FROM THE EARLIEST TIMES TO THE DAWN OF THE TWENTIETH CENTURY. By Alexander Porteous, F.S.A.Scot. With Introduction by the Rev. W. P. Paterson, D.D., Professor of Divinity in the University of Edinburgh. Pp. xviii, 423. With numerous Illustrations. 4to. Edinburgh: Oliphant, Anderson & Ferrier. 1912. 21s. net.

WHEN it is said that in this profusely illustrated and handsome volume the portraits of the first town councillors of Crieff are the product of a photographic studio, not much will probably be expected in the way of historic annals. And yet this town on the Highland border, chiefly known to outsiders as a popular health resort, though it did not become a police burgh governed by its own magistrates till 1864, had its origin in a period too remote to be definitely traced. The story of the town and its neighbourhood is worth telling, and has been well told by Mr. Porteous, who begins his narrative by giving some account of the Roman remains discovered in the district, the roads and camps which are still visible, and he likewise alludes to the invasion of Strathearn by Egfrid of Northumbria, then marching to meet his fate at Nechtanmere.

Coming to the twelfth century, when charters make their appearance, the earls of Strathearn are identified as lords of the soil and founders of the abbey of Inchaffrey. In one of the abbey charters the name of Crieff is found on record for the first time, the 'parson of Cref' being one of the witnesses. It is thus as a kirk town, the centre of a parish, that the place comes into notice, but any ecclesiastical importance which may have attached to it in the early centuries was somewhat lessened by annexation of the parsonage to the Chapel Royal of Stirling some sixty years before the Reformation. Subsequent to the Reformation a proposal to make Crieff the seat of a presbytery did not receive effect, and since that time the church history of the town and parish is in the main uneventful, though the ministerial roll contains the names of some men of note. Principal Cunningham, who wrote the *History of the Church of Scotland*, was minister of the parish between 1845 and 1886, and was succeeded by the present Professor of Divinity in Edinburgh University, Dr. Paterson, who contributes an appreciative introduction to this volume. Dr. Thomas M'Creie, son of the author of the *Life of Knox*, and himself a prolific writer on various subjects, was for four years an Anti-burgher minister in Crieff.

The old statistical account of the parish was written by Robert Stirling, who became minister in 1770, when the population of the town and parish was under 2000. Alluding to the primitive customs of the period, he quaintly attributes a rise in church-door collections to the effect of the increasing 'luxury and vanity of the lower classes.' About the year 1778 female servants and others of that rank began first to wear ribbons, and, conscious of attracting superior notice, they also displayed greater charity.

In the latter days of heritable jurisdictions, and succeeding to the hereditary stewards and mairs of Strathearn, whose open-air courts were held at a place called the 'Skath of Crieff,' owners of no fewer than three baronies had each a share in the judicial supervision of the town. The Drummond family ruled over two-thirds of it, and in 1685 they built a tolbooth as a

substitute for the 'Skath.' In the cattle-lifting days many a Highland riever passed from the 'Skath' to the 'kind gallows of Crieff,' a designation given to the local gibbet for reasons which cannot be satisfactorily explained. In a note to *Waverley* Sir Walter Scott mentions that the Highlanders used to touch their bonnets as they passed the spot which had been fatal to many of their countrymen, with the ejaculation, 'God bless her nain sell and the Teil tamn you.' The stocks and part of the gallows are still preserved as relics. A market cross was erected by a Drummond baron two hundred years ago, and one of his successors, Lord Willoughby de Eresby, gifted it to the town in 1852. The other two baronies, which between them absorbed the remainder of the town, bore the names of Crieff and Broich respectively. Each of the three barons appointed a bailie, by whom courts were held for his special district. Mr. Porteous gives some extracts from the court book of Crieff barony. By an act of atrocious vandalism the records of the steward court of Strathearn, consisting of forty large vellum-bound volumes, were destroyed so recently as the year 1798. Two companies of the Sutherland Fencibles, at that time stationed in Crieff and occupying the tolbooth as a guard-room, ruthlessly used the books as fuel.

Mr. Porteous has treated his subject in sections, each topic being discussed in a continuous historical narrative. His opening chapters deal with ancient history and early juridical procedure. Ecclesiastical, industrial, and educational history follow; and after treating of municipal, military, and political matters, the modes of communication and social history, the book concludes with biographical sketches of the more distinguished townsmen.

Of industries, the brewing of ale and beer takes an early and prominent place. Distilling came later, and from the second half of the eighteenth century down to about the year 1837 the various distilleries and breweries gave employment to a large number of persons. One of the distilleries was so well conducted as to be reputed the 'rendezvouz for all that was bright in intellect in Crieff.' A slight mishap, however, occurred on the occasion of a big copper kettle being placed in position. A dinner to twenty-two guests was given inside the kettle, and some of them got so 'helplessly drunk' that they could not get out till next morning. A linen factory was established in 1763, papermaking in 1731, and the hand-loom weavers, who formed themselves into a benefit society in 1770 and later on possessed a hall for their meetings, flourished till near the middle of last century. These and many other industries, both those which have finished their course and those which still survive, are duly chronicled. A great cattle market, or 'tryst,' as it was called, held at Michaelmas yearly, is traced back to the period when the Lowlanders were afraid to enter the mountain fastnesses, and Crieff was mutually chosen by Highlanders and Lowlanders as the meeting place for the purchase and sale of black cattle. The Celtic bard, Robert Donn, attended the market on one occasion, and he speaks of 'counting droves in the enclosures of Crieff.' Much against the will of cattle dealers in the north, the 'tryst' for black cattle was transferred to Falkirk in 1770.

The chapters on social history, with entertaining extracts from Miss Wright's *Journal*, will probably be best liked, especially by Crieff people.

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The illustrations, already alluded to, consisting chiefly of portraits, are well executed, but so much cannot be said for the maps, which, on account of their small lettering and general want of clearness, are not of much assistance to the reader.

ROBERT RENWICK.

THE CONSTITUTION AND FINANCE OF ENGLISH, SCOTTISH AND IRISH JOINT-STOCK COMPANIES TO 1720. By William Robert Scott, M.A., D.Phil., Litt.D. Volume III. The General Development of the Joint-Stock System to 1720. Pp. lvi, 488. Royal 8vo. Cambridge: University Press. 1912. 17s. net.

DR. SCOTT published Volumes II. and III. of his book, giving the detailed history of each company individually, before Volume I., in which the results of his valuable researches are treated comparatively, that is, the history and development of the joint-stock system are treated as a whole, and its relation to and influence on the general economic conditions of the country are shown. As the joint-stock organisation was made use of to promote almost every branch of trade and industry, to found colonies, drain land, develop insurance and banking, its importance in the history of the economic development of Britain can hardly be overestimated.

This type of organisation gave opportunities of investing to those unable to take an active part in commercial or manufacturing concerns, and therefore helped to undermine the restrictions of craft guilds and regulated companies, and, by giving facilities for the use of capital, helped the growth of credit which was so important a feature in economic development. The fortunes of the companies varied with the general prosperity of the country, and their history therefore includes much of the financial history of England and of the Crown, and also gives valuable information and data for the study of the theory of financial crises. Throughout the volume the gradual growth of a measure of uniformity and of approximation to modern methods in the financial organisation of the different concerns is traced. The volume, therefore, is full of valuable information and conclusions on many aspects of economic history drawn from an exhaustive examination of printed and manuscript sources. The extensive bibliography will be most useful to students of the period.

It is impossible to do more here than briefly notice a few points of interest. The share of the companies in the colonial and maritime expansion of England was very considerable. Naval stores were provided by the trading companies to the Baltic, copper and bronze for cannon by mining associations. The privateering expeditions which struck at Spain were financed by joint-stock enterprise, as were most of the early plantations in America. The outlay on the latter was surprisingly small for the result achieved: Dr. Scott estimates it up to 1624 as £300,000. The interdependence of the companies is interesting. For instance, much of the capital for the Levant Company came from privateering gains, and again the East India Company was partly financed out of the profits of the Levant concern.

The history illustrates the difference between the development of France, so largely promoted and aided by the Crown, and that of England,

where the Government was too poor to do more than offer facilities for enterprise. Indeed, far from getting financial help, the English companies to some extent took the place of the foreign financiers who in earlier times had made loans to the Crown. Elizabeth got help from the Merchant Adventurers; James I. and Charles I. extracted bribes and benevolences from various companies; Parliament borrowed from them during the civil war; and the later Stewarts received handsome presents from the East India and other companies. Their fortunes were also greatly influenced by the political and financial policy of the Government. Wars naturally affected trade to a considerable extent. At the beginning of the eighteenth century business men protected themselves from the effects of decisive engagements by wagers. If they expected a gain by the successes of the allies, they would wager that their forces would not be victorious before a certain date, and so minimised their losses, though reducing their maximum gains. The attempts of James I. and Charles I. to secure income from companies which were intended to promote industry and trade interfered with the stability and growth of both. The rise in the customs under James I. led to a decline in the carrying trade; the disputes about tonnage and poundage discouraged merchants, as did the sudden changes made by Charles I. in grants of privileges. Charles II.'s stop of the Exchequer was a great blow to trade. Dr. Scott thinks that the Navigation Act of 1651 was not necessary at that time and, in fact, 'involved a further disorganisation of trade.'

The bearing of this volume on the questions of freedom from restrictions, of monopolies of industrial processes and of trade routes is interesting. Capital owned by other than merchants was employed at an early date, an important matter when it was as scarce as at the beginning of this period. This partly accounted for the success of the joint-stock companies over the regulated type of organisation which limited membership more strictly. The case for monopoly in distant trades, and where protection and negotiation were required, was strong, and the East India and Hudson Bay companies succeeded in maintaining theirs for long. In the former the system of terminable stocks, common in the early companies, prevented for some time the investment of capital in fortifications and buildings to secure the permanency of trade, a precaution which was not neglected by the Dutch company. This arrangement also made confusion in the division of profits and of capital. The chief differences in the constitution of English and Scottish companies was that in the former the supreme authority was vested in a governor to whom the other officials were subordinated, while in the latter affairs were managed by a group of managers. In Scotland acts were passed granting privileges to those who incorporated themselves, one of the principal being freedom from foreign competition; while in England a charter was considered necessary for the constitution of a trading corporation. By the end of the seventeenth century the 'mechanism of stock exchange dealings had been developed'; and the 'pernicious art of stock jobbing' was bitterly attacked, and was held to be responsible for the collapse of 1720. The true cause of this crisis was rather the exaggerated ideas of the possibilities of a 'fund of credit,' aggravated by the venality of the ministry and the House of Commons.

Dr. Scott finds that the theory of the occurrence of commercial crises every ten years does not hold during this period; nor do the theories that they are caused by sunspots, over-speculation, over-production, apply. He finds them to be the result of failure to forecast the future—a combination of subjective and objective conditions.

This treatment of the joint-stock system, accompanied by the account of the relation of its development to the general financial, political and economic history of the period, is of great and many-sided interest and value. When a new edition of this volume is issued, perhaps Dr. Scott will expand further his summary in the last chapter, and thus discuss the subject apart from a hampering accumulation of fact and detail. We would suggest also that so useful a volume should not be allowed to suffer in value by the vagaries of the punctuation.

THEODORA KEITH.

HISTORY OF THE HAMMERMEN OF GLASGOW: A STUDY TYPICAL OF SCOTTISH CRAFT LIFE AND ORGANISATION. By Harry Lumsden, LL.B., Clerk of the Trades House of Glasgow, and Rev. P. Henderson Aitken, D.Litt. Pp. xxv, 446. 4to. Paisley: Alexander Gardner. 1912.

OF the numerous citizens of Glasgow who come in contact with the beneficent operations of one or other of its fourteen Incorporated Trades not many are likely to have intimate acquaintance with the origin of these bodies and the important part they took in the administration of municipal and industrial affairs during the bygone centuries. But for those who desire enlightenment on the subject a rare opportunity is now afforded by the publication of this book by Mr. Lumsden and Dr. Aitken, embodying the result of their collaborative investigation. Though chiefly concerned with the Hammermen of Glasgow, the authors have not confined themselves within these limits, but have extended their survey over the field of Scottish craft life and organisation in general. To the credit of the Glasgow incorporations, most of them have already issued historical sketches of their respective crafts, but the authors of the present work are the first to supply a fairly adequate account of the origin and development of a typical craft incorporation, with special reference to its relationship to the other component parts in the constitution of a burgh.

At the outset reference is made to the trade guilds of ancient Greece and Rome, resembling those of medieval Europe, which in turn were adopted by our Anglo-Saxon ancestors. Associations of persons exercising the same craft and united for the purpose of protecting and promoting their common interests, come into prominence in England in the fourteenth century, and it is not long after that time that their existence can also be traced in Scottish towns. Burgesses were then divided into the two classes of merchants who bought and sold, and craftsmen who manufactured the articles of sale. Other inhabitants, such as servants, journeymen and apprentices, were regarded as unfreemen, and could not carry on any trade or business within the burgh. Voluntary confederations of craftsmen evidently existed in Scotland before 1424, as an act of parliament passed in that year directed

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that in every town of the realm there should be chosen a deacon of each craft for supervision of the work wrought by craftsmen, so that the King's lieges should not be defrauded as they had been in time past by 'untrue men of the craft.' But in order that the rules and regulations adopted by these associated bodies for the management of their affairs and guidance of their members might be clothed with due legality, it was considered necessary to have them formally sanctioned by the governing body of the burgh. The usual procedure was for the town council, in compliance with a petition presented by a craft, to issue a document, authenticated by affixing the common seal of the burgh, and specifying the powers and privileges sought for and granted; and this writing, variously called a charter of erection, a letter of deaconry, or a seal of cause, conferred on the persons procuring it the status of a legal incorporation.

Glasgow Hammermen, embracing blacksmiths, goldsmiths, lorimers, saddlers, bucklemakers, armourers and others, obtained their first seal of cause in 1539, but it is clear from the narrative contained in their petition that they had already been established as a voluntary association. This seal of cause was granted by the magistrates and council, with the approval of the archbishop and chapter of the cathedral, and besides prescribing the regulations for the admission of members, and the rules for securing efficiency of workmanship and exercise of the other usual powers and privileges, it contains special provision for upholding divine service at the altar of St. Eloi, the patron saint of hammermen. On the assumption that the altar here referred to had its place in the cathedral, Dr. Aitken thinks it ought to be added to the list of known altars there. In two of the Glasgow seals of cause of the pre-Reformation period, that of the Skinners in 1516, and that of the Cordiners in 1558, the altars of St. Christopher and St. Ninian, respectively, are expressly stated to be situated in the Metropolitan Kirk, but the locality of the altar of St. Eloi is not mentioned in the Hammermen's seal of cause, and it may thus have had its place in one of the chapels of the city, not improbably the old chapel of St. Mary adjoining the tolbooth.

Having described the origin, constitution and composition of the Hammermen craft, Mr. Lumsden gives a series of chapters on freemen, apprentices and servants, the management of the craft, the rights, privileges, duties and obligations of craftsmen, and the craft in relation to the Guildry, the Trades House and the Town Council—the whole forming a lucid and comprehensive narrative and commentary, enhanced by illustrative quotations from the minute books of the craft, which begin in 1616. In Dr. Aitken's section a highly instructive account is given of craft life and work in their different phases at kirk and market, at change house and hospital, and in public affairs. Here, too, the craft's minutes are skilfully woven into the narrative, the interest in which is maintained to the last, even though, in consequence of the abolition of exclusive trading privileges in 1846, the incorporation has since been chiefly concerned with the management of its funds as a charitable institution.

The book is profusely decorated with portraits and illustrations of hammermen handiwork, and there are also facsimiles of old writings. In one

of the Appendices the charge against the Incorporation of Hammermen of having prevented James Watt from starting business in Glasgow as a mathematical instrument maker is discussed, and the conclusion is arrived at that the story is 'nothing more than a baseless myth.' Elsewhere, however, the 'mythical' story related by Spottiswood about the threatened destruction of the cathedral is repeated without qualification. It is highly improbable that the cathedral itself was ever in danger of effacement, and the tradition to that effect seems merely to have been based on a proposal made in 1588 for removing the north-west tower. The design was frustrated at the time, its accomplishment having been reserved for the ill-advised renovators of the nineteenth century.

ROBERT RENWICK.

ROSE CASTLE, THE RESIDENTIAL SEAT OF THE BISHOP OF CARLISLE. By the Rev. James Wilson, B.D., Litt.D. Pp. xx, 270. With Plans and Illustrations, and an Appendix of Original Documents. Demy 8vo. Carlisle : Charles Thurnam & Sons. 1912. 6s. net.

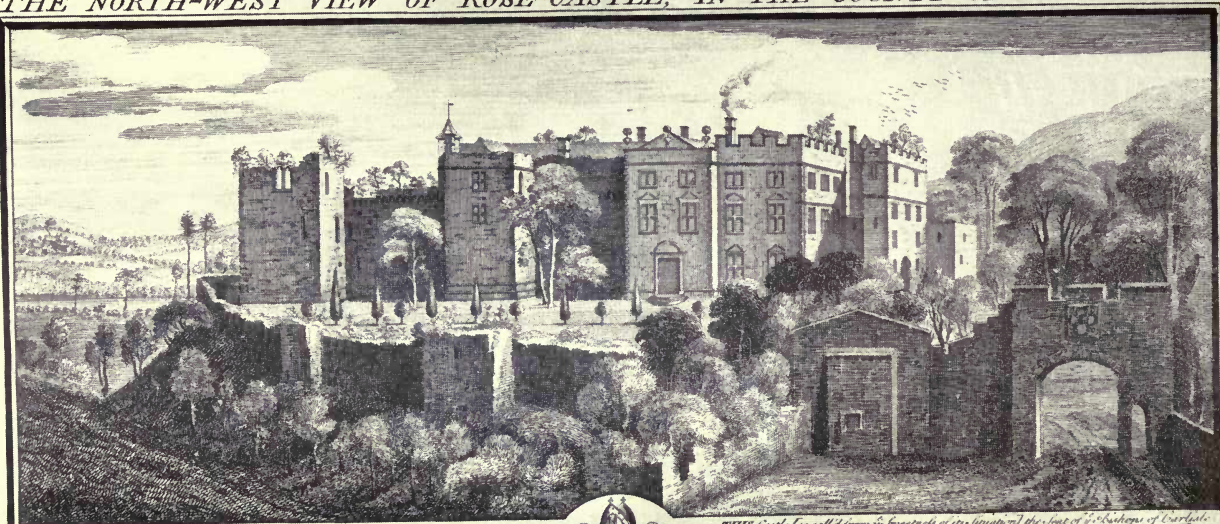
WHEN Henry I. founded the house of Austin Canons at Carlisle in the year 1132, he endowed the body, after the fashion of the time, with churches not only in Cumberland and Westmorland, but also in Northumberland and elsewhere. In the following year a diocese was constituted, it being intended that the bishop should not only be diocesan, but also prior of the convent. This arrangement was found not to work so well as the founder expected, and in the year 1219 a letter was written by Henry III. to the Pope telling him that during the destitution of the see, lasting from 1157 to 1203, certain churches in the diocese of Durham had been alienated through the neglect of the canons. In consequence of the disputes between the bishop on the one side, and the canons on the other, their estates, under the authority of the papal legate Pandulf, were partitioned. Among the estates set aside as the patrimony of the see was the lordship of Linstock, north of Carlisle, and there, at the first, the bishop had his residence.

But Linstock was exposed to raids from the North, and in the year 1230, Walter, the fourth bishop in the succession, obtained from the king a grant of the manor of Dalston, some six or eight miles to the south-west of, and therefore protected by, the city. Here he either adapted an existing building or built himself a see-house, which, from the year 1255 to the present time, has been the official residence of the Bishop of Carlisle.

The evolution of this house, its description, and its vicissitudes, form the subject of Dr. Wilson's volume.

After an introductory chapter, in which is sketched the story of the other manor-houses and towers once held by the bishop, Dr. Wilson, with sufficient fulness, relates the story of the acquisition of Dalston—of which parish he is the vicar—and discusses the erection of the see-house on which was bestowed the name of Rose. He adduces evidence to suggest that the name may have been contemporary with the acquisition of Dalston, and sets out the different theories advanced to explain this unusual though attractive designation. In the pages that follow he weaves the warp of the history of the structure with the woof of the personal history of its succes-

THE NORTH-WEST VIEW OF ROSE-CASTLE, IN THE COUNTY OF CUMBERLAND.



To the Right Rev. Father in GOD,
St. George Fleming Baronet,
 Lord Bishop of Carlisle.
 This Respect is humbly Inscribed by his Lordship's most Obedt. &
 Dutiful Servants,
 Sam^l & Nath^l Duck



THIS Castle, so called from its situation on the East of the Bishop's of Carlisle, was at different times built by several Bishops of that See, but the present one was built by James Fleming, Esq. who was created Baronet in the year 1703, and was afterwards Bishop of Carlisle. It is a large and spacious building, and is now the residence of the Bishop of Carlisle. It is situated on a hill, and is surrounded by a wall and a moat. The castle is a fine specimen of the architecture of the 17th century. It is a large and spacious building, and is now the residence of the Bishop of Carlisle. It is situated on a hill, and is surrounded by a wall and a moat. The castle is a fine specimen of the architecture of the 17th century.

From Rose Castle by James Wilson, B.D., Litt.D.

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sive owners, in a manner which arouses and sustains the eager attention of the reader.

In the chapter given to the chapel—in the more usual sense of a building—there is a luminous and informing description of the bishop's 'chapel' in the technical use of the word, meaning the episcopal apparatus of books, ornaments, vestments, etc.; Bishop Lyttelton, in the year 1762, whimsically complaining that his predecessor had not left him even a chaplain's surplice.

In the chapter dealing with the precincts of the castle, mention is made of the large sums of money received for fines by Bishop Sterne, who was translated to York in 1664. The revenues of the see arising from rectories appropriate, and other scattered possessions, were collected by the bishop after the custom of other ecclesiastical corporations, handed down from the days of imperial Rome, of demising the tithes and manors to middlemen, who paid a substantial sum in ready money as a consideration, or fine, for the lease, and also yearly a small or moderate reserved rent. The middlemen—the publicans of distant Galilee—sublet to the owner or cultivator of the land, of course taking a profit on the transaction. Very seldom did it happen that the farmer of the tithe and the cultivator failed to come to a bargain or working arrangement. If they did fail to come to terms of arrangement, the proprietor of the tithes, or his lessee, was put to the disagreeable necessity of lifting his tithes in kind, viz. the tenth sheaf, the tenth calf, the tenth lamb, and so forth. This archaic system was put an end to by the Tithe Commutation Act, following which the bishop was able to cut down the establishment, which previously had devoured his revenues.

Special commendation is due to the selection of illustrative documents, comprising the grant of the manor and the advowson of the church of Dalston to Bishop Walter by Henry III. on the 26th of February, 1230.

The volume is well printed and beautifully illustrated.

J. C. HODGSON.

MAITLAND OF LETHINGTON, THE MINISTER OF MARY STUART: A STUDY OF HIS LIFE AND TIMES. By E. Russell. Pp. viii, 516. 8vo. London: Nisbet & Co. 1912. 15s. net.

THIS interesting volume is not in the strict sense a biography of Maitland. While it is more than a biography, it is not, except as regards the earlier portions of his career, very biographical. Later the author's plan gradually becomes more comprehensive, and for the greater portion of the book the 'Times' of Maitland bulk more largely than himself, such biographical details as are supplied being referred to in an incidental fashion. Even his second marriage is mentioned only cursorily, and it is not even stated whether he had any descendants. We are not told of the method of the final conveyance of the infirm secretary to the castle; we have merely the bald statement that Grange 'was joined (11th April) by Maitland'; nor is any mention made of Knox's denunciation of Maitland, nor of Maitland's complaint in a letter to the session of Edinburgh against Knox's slander, nor of the character of Knox's deathbed message to Kirkaldy, nor of Maitland's characteristic and scornful reply: all we are told is that the 'pin-pricks' of Maitland disturbed the Reformer's 'last illness,' which they probably did not.

The word 'Times' in the title must also be understood in a somewhat restricted sense. Social and ecclesiastical events and characteristics are not dealt with in detail: the book is concerned mainly with the complex political intrigues of the period. Further, matters with which Maitland had no direct connection are treated almost as fully as those in which he was immediately concerned. His aims and intentions might have been set forth fully enough, and certainly more consecutively, without so detailed an account of his 'Times'; and, again, we might have had a more comprehensive account of his 'Times,' and a fuller exposition of the character and aims of the other personalities of the drama, but for the special purpose that has determined the character of the book. Still, Mr. Russell's plan has advantages of its own: though it prevents him supplying a fully comprehensive account of the 'Times' of Maitland, it enables him to devote a more detailed attention to certain aspects of them, than would otherwise have been possible within the compass of his present volume. Moreover, what he has done he has generally done very well: with great care, with admirable lucidity, and with as much freedom from bias as one can reasonably expect.

Necessarily Mr. Russell's standpoint is not that of every other student of the period. Here there is still considerable variety of opinion, if not partizanship; and doubtless there are some, besides myself, who, more particularly, will not coincide with his estimates either of Moray or Knox, or with all his judgments about Mary. For example, there is hardly a unanimous opinion that 'Knox was more of a statesman than an ecclesiastic'; nor will every one admit that the position of Knox is quite fully or satisfactorily defined by the following formula: 'The Church and State in his view, as later in that of Hooker and Arnold, were co-extensive—only different aspects and relations of the same national life.' Indeed the wide difference between Knox and Arnold is shown in the very next sentence. 'Every Scot owed allegiance to the Church as he did to the State,' for Arnold would not, as Knox did, seek to enforce allegiance to the Church by legal penalties. Again, the position of Knox is only deceptively defined by stating that he held 'that the Sovereign of a Protestant State should be a Protestant.' What he did hold was that there should be neither Catholic Sovereigns nor Catholic States. Moreover, it is questionable whether Scotland on Mary's arrival was either *de jure* or by full persuasion *de facto* a Protestant State. Knox was even afraid that with Mary as queen it might not be long a Protestant State; but whether the majority of the nation were Protestants or not, did not, with him, affect the question of what was permissible. His aim had been to change the religion of the State, and while, as Mr. Russell tells us, the crown in Scotland was 'the ruling factor in the government and policy of the State,' he sought to override the crown and the government so far as religion was concerned; and in those times this meant the substitution of the Kirk, or rather himself, as 'the ruling factor' in the State. His views of the relations of Church and State were, in short, medieval, not modern. They supposed a certain infallibility in himself and in the Kirk. Again, it would be more correct to speak of Knox's 'demagogic' than his

‘democratic fervour.’ He sought to utilize even the rascal multitude for his own ends ; but it was for him and the Kirk, not for the rascal multitude, to determine the State religion : he courted the nobility for his own purposes as much as he did the people, and his second marriage seems to show that he had even some kind of aristocratic aspirations.

As for Moray, Mr. Russell seems to assign him a wisdom, impeccability, and unselfishness of an almost unprecedented character among men, not to mention politicians, and especially politicians of that age. He will not have his motives questioned in the case of any of the windings and turnings of what was, in any case, a very opportunist career, whether opportunist mainly for the sake of his sister, his country, his religion, or himself. Mr. Russell could not, of course, give the same detailed attention to Moray’s aims and motives as he has done to those of Maitland ; but it is putting too great a strain on the reader’s credulity to take for granted that his motives were always unimpeachable, and that he was always in the right.

Three illustrations of cardinal points must suffice. One of the most cardinal is Moray’s reasons for his rebellion against his sister on account of the Darnley marriage, and it is a rather difficult one ; but the remarkable fact is that Moray allowed himself to be named one of a commission to arrange with Elizabeth terms that would guard Protestantism and might satisfy her ; that the negotiations failed simply because Elizabeth refused to negotiate at all ; and that nevertheless Moray combined with Elizabeth against his sister with the view of expelling her from the throne. Another cardinal and difficult question is the attitude of Moray towards the Don Carlos negotiations. This can hardly be explained as Mr. Russell, following Professor Hume Brown, would seek to explain it, by the mere desire of Moray to bring pressure to bear on Elizabeth to arrange terms with his sister. It may even be doubted, if not more than doubted, whether Moray now deemed this either possible or desirable ; but here Mr. Russell ignores a statement of Maitland to De Quadra that Moray’s hatred of the Hamiltons might tend to make him even support the Spanish marriage. The Hamiltons had, in fact, all along been the *bête noir* both of Maitland and Moray. Further, it is clear that Maitland and Moray had at least convinced themselves that, meanwhile, they had no option but to humour the Queen by agreeing to negotiations which, so far at least as the consent of Philip was concerned, might have been successful. A third cardinal question concerns the conduct of Moray in allowing himself to be juggled by Elizabeth into publicly exhibiting the casket documents at Westminster. According to Sir James Melville—though this Mr. Russell does not record—Maitland told him that he had ‘shamed himself’ in doing so. When in Edinburgh Castle Maitland affirmed, in a letter to Burghley, that he never left Moray ‘till he left all honesty,’ and all that Mr. Russell has to say to this is that it is difficult to understand it, ‘except on the assumption of Maitland’s political infallibility and the consequent duty of Moray to follow him blindly.’

Necessarily Mr. Russell’s attitude to Knox and Moray tends to make him put a more unfavourable construction on the conduct of Mary than he might otherwise have done, but it says much for his fair-mindedness that,

as a rule, it has affected very little his verdict on Maitland, which, except as regards the final stand made by him on the Queen's behalf, is very favourable and appreciative. So far as I can judge, his book, as regards the aims and motives of Maitland, is, on the whole, admirably illuminative; but then, as it happens, I had already formed views about Maitland's policy similar in many respects to those so carefully and minutely expounded by Mr. Russell, and, on the other hand, I already entertained opinions somewhat different from his about Moray, Knox, and Mary.

On one point, however—Maitland's conduct in the Darnley murder—he expresses an opinion with which I am quite unable to coincide. He partly excuses him for a reason quite beyond my comprehension. That 'he was morally guilty,' is, he says, 'of course undeniable, though his views as to Darnley's criminality in relation to Mary require to be taken into account.' Now if Mr. Russell had said 'Darnley's criminality in relation to Maitland and the Protestant party,' I could have understood him, but his criminality in relation to Mary! What was Darnley's criminality in relation to Mary? Was it not, primarily, his sanction of the murder of Riccio? And was not Maitland himself very largely responsible for Darnley's sanction of it? The responsibility of Maitland and the Protestant party for the murder of Riccio seems also to have been one of the difficulties connected with a possible trial of Darnley. There was a proposal to 'get him convict of treason, because he consented to her Grace's retention in ward,' but in that case others beside him would have to be convicted.

The book may be cordially commended to the attention of all who are seriously interested in Scottish history.

T. F. HENDERSON.

A CALENDAR OF THE COURT MINUTES, ETC., OF THE EAST INDIA COMPANY, 1644-1649. By Ethel Bruce Sainsbury. With an Introduction and Notes by William Foster. Pp. xxviii, 424. 8vo. Oxford: Clarendon Press. 1912. 12s. 6d. net.

THIS instalment of the Court Books and other home documents is dominated by the after effects of the Civil War, and thus the present volume is one in which the human interest is greater than in its predecessors. We see the Company still trying to obtain payment for the pepper it had been forced to sell to Charles I., and, as the struggle progressed in England, endeavouring to secure recognition from the Government. Nor did it escape from the divisions of the time, since in 1645 one of its ships, the *John*, was taken to Bristol by John Mucknell, the commander, and handed over to the Royalists. This was an exception to the general loyalty of the Company's servants to the orders of the Committee, and one gathers that Mucknell acted as he did through a fear that he would be superseded. The friction with Courteen's Association still continued. Sir W. Courteen was dead and his son was in financial difficulties, but several merchants had decided to continue the venture. These eventually joined the East India Company.

Two new colonies were projected, one in Madagascar (which was a failure) and another in Assada. The latter continued for a short time, and it had a short history of some importance. There are many matters of

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interest touched on in this volume, as, for instance, the adventures of the *Dolphin*, which lay during a storm 'for more than an howers tyme without righting'; or, again, the ingenuous plea of a shareholder who wished to avoid paying calls on his stock, who puts the matter as follows, that he 'might have liberty to vacate his subscription with their love for that hee did not desire to bee an adventurer with them.' In modern times, instead of the reluctant stockholder being dismissed 'with love,' he is usually involved in legal proceedings.

W. R. SCOTT.

THE ENGLISH FACTORIES IN INDIA, 1637-1641: A Calendar of Documents in the India Office, British Museum, and Public Record Office. By William Foster. Pp. xlvi, 339. With Frontispiece. 8vo. Oxford: Clarendon Press. 1912. 12s. 6d. net.

THE period covered by this volume of the 'factory records' is one in which the Dutch and Portuguese were still in conflict in India. The French and the Danes were beginning to make tentative efforts at obtaining some footing in the country; while the English were impeded by the rivalry between the original company and Courteen's Association. The latter was unfortunate in the loss of shipping, but it had begun to found a few factories. The division of interest and uncertainty as to the position of the company at home restricted the efforts of its servants in the East, and it appears from their letters that they were frequently in want of money. Events which were destined to be the forerunners of territorial acquisitions may be dimly foreshadowed in the fortifications which were begun at Madraspatam and at Fort St. George. A change in the manner of trade is to be seen in the employment of small vessels for coastwise voyages, though this practice led to losses through the activities of Malabar and other pirates.

Altogether this instalment of the *Calendar* contains much varied and interesting information, while it continues to manifest the same careful editing to which attention has previously been drawn. It is, in fact, a storehouse of exceedingly valuable information concerning the various settlements, which is set forth in an interesting and attractive manner.

W. R. SCOTT.

JOHN OF GAUNT'S REGISTER. Edited for the Royal Historical Society by Sydney Armitage-Smith. Volume I. pp. xxv, 350; Volume II. pp. 415. 4to. (Camden Third Series, Vols. XX.-XXI.) London: Offices of the Society, Gray's Inn. 1911.

MEDIAEVAL students must welcome this edition of Part I. of the Register of the Duchy under 'Time-honoured Lancaster' during the years 1371-76 as an invaluable record of feudal administration, throwing the most varied light on its times by virtue of its catholicity of writs issued from the Lancastrian Chancery and passed under the Duke's privy seal. The Royal Historical Society has chosen wisely to authorize the editor (best known as author of the recent standard biography of John of Gaunt) to print the

Register to all intents and purposes in full, although this has involved considerable repetitions of the common form of contracts, mandates, grants, indentures, letters, etc., which make up the book. The entries number 1812; the editor's index occupies 55 double-columned pages of names; the matter of the documents is rich in information on financial, military, and estate usages and management; and the administrative *entourage* of a great baron, brother of Edward III., is seen under conditions of routine and custom which make the *Register* a document almost as much for Europe as for England.

For Scotland, while direct references are few, the parallel of institutional methods and observances is of first-class utility in its wealth of analogy and illustration. In 1374-75 there are complaints about the loss in the Tweed fisheries because the people of Scotland disturb the tenants by 'maistrie,' and about the Scots groat being worth only three pennies of England, in consequence of which Dunstanborough rents were in arrear. A well-known Scottish soldier appears for several years in the service of the Duke. This is John of Swinton, who, in 1372, as an *ésquire*, makes formal indenture of service with the Duke 'pur pees et pur guerre,' on terms which include arrangements for board and wages in peace, and a fee of 20*l.* besides 'restor' of horses in war-time, the esquire rendering to the Duke one-third of any ransoms or profits of war he might win. A clause provides for a break on the possible contingency that Swinton's service might be interrupted 'a cause de sa ligeance': that is, as a Scottish vassal he might be required elsewhere, or on the other side from the Duke's. In 1374 Swinton, now a knight, makes a fresh contract on terms heightened by the change of standing and service, including 40*l.* of annual fee instead of the former 20*l.*, but still yielding 'tierce partie' of booty. He served that year in the campaign in Aquitaine, and received credits against more than one 'bille' on that account. His experiences; no doubt, enhanced his military efficiency, though he was to perish at Homildon in 1402.

What the Scottish reader will chiefly prize in the volumes, however, is its body of data on such matters as the keeping of castles and forests, arraying of defence when the 'bykenes' (beacons) were lit or the hue and cry arose, and above all, the watchfulness of the feudal lord over homages, wardships, marriages, aids, and other sources of tenurial revenue.

It is not a domestic but an estate *Register*, yet it continually touches interesting things and people. For instance, Chaucer is granted an annuity for services rendered to the Duke, inclusive, as we know, of *Blaunche the Duchesse*, written after the death of the Duke's first wife in 1369. Chaucer's wife, too, receives specific as well as pecuniary gifts. Writs of permission to cut timber, 'cheynes freynes boubes et alney¹ et tout manere de southboys,' are interesting. Even more attractive are permissions to exercise the 'ju solace et deduyt' of 'savagin' in the ducal forests, or to

¹ This passage probably confirms Bishop Dowden's solution of a difficulty he had in editing the *Chartulary of Lindores*, p. 259, where 'de bule et de auhne' was taken to mean birch and alder. Cf. *Reg. de Kelso*, p. 94, 'de quercu quam de Bule.' In the passage *supra*, 'boubes' is perhaps 'boules'; and 'alney' clearly points to Latin 'alnetum,' alder.

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have 'une course et une trete' for the capture of the game. And it is piquant to find a 'Curson de Ketilston' caught poaching, and only released on security against such trespasses thenceforward. We cannot doubt that the recognition of *John of Gaunt's Register*, Part I., as a great source book, formulary, and corpus of administrative usage in the middle ages, will be such as to encourage the Society to complete the work, and to cheer the editor in carrying out to the end the task he has so efficiently and auspiciously begun. Perhaps, too, we may hope to have from him one day a complementary exposition of the *Register* more elaborate than the brief introduction with which he has equipped the present volumes. Gratitude for present favours naturally finds expression as a lively desire for favours yet to come.

GEO. NEILSON.

THE EARLY NORMAN CASTLES OF THE BRITISH ISLES. By Ella S. Armitage. Pp. xvi, 408. With numerous Illustrations and Plans. Demy 8vo. London: John Murray. 1912. 15s. net.

THIS is a valuable addition to books dealing with Norman castles and their plans, written after many years of special study. It is an endeavour to prove, and in a very masterly way, that the castles built by the Normans in Great Britain and Ireland were, 'with very few exceptions,' earthworks with wooden buildings upon them, and that there is not the least reason for supposing that any pre-Norman race ever threw up the earthen mounds which have been assigned to them by many writers in recent years. Mrs. Armitage states that even on the Continent the private castle took root only on the triumph of feudalism after the date of the Norman Conquest. The authoress asserts that the 'burh' of the Saxons was not a moated hillock, but a borough surrounded by walls, the town itself being the fortified place as a protection to the burghers, differing in this respect from the Norman castle, in which the Norman lord resided, which was alone fortified. She points out that the Danish camps were 'mere enclosures of large area, which very much resembled the larger Roman camps . . . and, like them, they frequently grew into towns.'

The moated mound is not peculiar to this island, but is, I believe, to be found on the Continent of Europe from Denmark southwards. The Continental examples are, I am told, apparently of the time of Charlemagne. One of those mounds in England, of which not much notice has been taken, is the fine specimen at Maryport, in Cumberland, on the same tongue of land on which the Roman camp stands, but at the smaller end of it, almost surrounded by the river Ellen, the town itself lying in a sort of saddle between the camp and the mound. There are early references to 'Allenburgh,' but the reference is more likely to be to the camp than to the mote hill.

Mrs. Armitage gives credit to Mr. J. H. Round as the first—in 1894—to attack the late Mr. G. T. Clark's theory that the moated mound was Saxon, and also to Mr. George Neilson, whose help she duly acknowledges, for following up, in his *The Motes in Norman Scotland*, Dr. Round in his reasoning. She only claims, and this in a very vigorous manner, to have carried the argument a stage farther by showing that the private castle did

not exist in Britain until brought in by the Normans, and that these mounds are, therefore, in every case of Norman origin. Apart from all this, I do not think it necessary that so much abuse should have been heaped upon Mr. Clark's work as has been by some writers. After all, he was a pioneer in the study, and, like all pioneers, may have made mistakes, or possibly errors, in his estimate of the date of some earthworks and mounds, but there are beyond a doubt some cases which are in favour of Mr. Clark's theory. Notwithstanding this, his *Military Architecture in England*, published some thirty years ago, will remain the text-book on the subject. And then, where would the present-day writers have been without Mr. Clark's book on which to base their studies?

We have had instances lately of old theories being departed from for new ones, and these in their turn discarded for the earlier. Important as the book is, and marking, as it does, an advance in the study of Norman castles, yet we cannot accept the conclusions until much more study has been made of the remains by means of the spade.

A list of the castles in England is given in the work which can be historically traced to the eleventh century, and there are also lists of those castles the date of which can be definitely fixed, including those erected by Henry II., as recorded in the Pipe Rolls, a list which is stated to be the most complete ever published. This may be, but I am under the impression that Dover is mentioned in either the Pipe or Close Rolls of Henry II., and therefore might have been included, and that Richmond Castle, while stated in the text to have been finished by Henry II., is not given in the list.

The book does not deal apparently entirely with 'early' Norman castles, but some of late Norman and even transitional date are included as well. In the list on p. 396 Newcastle is said to be *outside* the town—it is not so now. Its date is given as between 1167 and 1177; the tower was begun in 1172. There is no evidence that the castle was outside the Roman station of *Pons Aelii*.

With respect to the use of the novel word 'motte,' Mrs. Armitage informs us that it is late French for a 'clod of earth'; but why the well-known name of 'mote' or 'moot' hill cannot be adhered to is a puzzle, or even 'mount' or 'mound,' and I am glad, therefore, to note that the late Professor Skeat entered a protest against its use, as, he said, there was no authority for it, and he for one declined to accept it. The *New Oxford Dictionary* gives 1272 for the first use of 'mote,' but none for 'motte.'

R. BLAIR.

AN INTRODUCTORY ECONOMIC HISTORY OF ENGLAND. By Stanley Salmon, B.A. Oxon. Pp. vii, 130. Cr. 8vo. London: Longmans, Green & Co. 1912. 1s. 6d. net.

MR. SALMON'S book should be valuable both as a text-book for school use and to those who desire some knowledge of the general course of economic history, which is a necessary basis for the study of the many economic problems of the present day. As a rule there is no want of interest in this subject in schools, and it should be possible to give some lessons on economic

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development in the higher forms. But until lately such questions have not had much attention from writers of school history books, and Mr. Salmon's book will therefore be of great service, more especially as he discusses material progress as well as changes in economic theory.

The first five chapters give a general sketch of economic history: the manor and the three-field system in the country, the guilds in the towns (though it is hardly necessary when space is so limited to give rather doubtful theories of guild origins), the changes of the fourteenth and fifteenth centuries, the growth of industry and trade and the development of the mercantile system, and the industrial revolution. The last six chapters are devoted to historical accounts and statements of the modern position of those problems which in some degree have been present in all ages: poor relief, the relations of capital and labour, the regulation or freedom of trade, currency, banking. These chapters, partly because of the nature of the subject, are less easy to follow than the earlier part, but as a supplement to lectures they would be very useful in schools, and for other readers they give an excellent summary of past legislation and of present theories.

This book, of course, deals with English economic history, and while it will be a good companion to English political history in Scottish schools, a history on similar lines of Scotland, whose economic development had much in common with but also much that is dissimilar from that of England, would be of great value.

THEODORA KEITH.

RESPONSIBLE GOVERNMENT IN THE DOMINIONS. By Arthur Berriedale Keith, M.A., Edinburgh; D.C.L., Oxon.; of the Inner Temple, Barrister-at-Law, and of the Colonial Office, Junior Assistant Secretary to the Imperial Conference. In three volumes. Clarendon Press, Oxford. 1912. Two guineas net.

To say that these three volumes are a monument to the learning and industry of Mr. Keith conveys no impression of the real service which he has rendered to all serious students of the organisation of the Empire. In no other book can they find the same full information stated with accuracy and impartiality, and drawn from sources which are difficult of access even to the expert. From his position in the Colonial Office the author is familiar with the routine of official business, which very frequently necessitates detailed study of the fundamental dispatches as well as the relative colonial legislation, and as a secretary to the Imperial Conference he is conversant also with the debates on the important topics discussed at these meetings. Of his industry and erudition there is literally no end, and we congratulate him, among other things, on having completed this work while he is still a comparatively young man. For most people it would have been a life sentence.

The three volumes are divided into eight parts, of which three are to be found in the first volume, viz.: Part i. is introductory, Part ii. treats of the origin and development of responsible government in various parts of the Empire, Part iii. deals with the executive government under such heads as The Governor, The Powers of the Governor, The Governor and his Ministers,

The Governor as head of the Dominion Government, The Governor and the Law, The Governor as an Imperial Officer, The Cabinet System in the Dominions, and The Civil Service. Part iii. treats in great detail of the Parliaments in the Dominions, and considers among other topics the territorial limitations of Dominion legislation, the repugnance of Colonial laws, the franchise, and the procedure and powers of the Upper and Lower Houses in the various Dominions.

We can make no attempt to deal adequately with the great wealth of material contained in these 1700 pages, but the professed student of Imperial organisation may accept our assurance that no topic of importance has been omitted. The treatment in each case is similar. The relative policy is quoted from dispatches of the Imperial Government, or the relative legislation of the Dominion is given in its historical setting, and there is the most ample reference to decisions in cases which have come before the courts.

The last part, which deals with the Imperial Conference, is an admirably full and impartial account of the growth of these meetings, which, from being specially summoned on ceremonial occasions, such as the Jubilee in 1887, have now advanced to a secure position in the organisation of the Empire, meeting every four years. In this respect the Imperial Conferences have already achieved the development which, in a totally different sphere, the Hague Conferences are undergoing.

Even to the reader who is not a professed student of Imperial organisation the contents of the three volumes will prove of great practical interest. Lawyers in this country who desire information on special topics of law in the dominions, such, for example, as Merchant Shipping or Copyright legislation, may be referred with confidence to this work. Should they have occasion to engage, for example, in the difficult task of ascertaining from the books usually found in our legal libraries the views held by the courts of the Commonwealth on the test of jurisdiction in divorce, they will thank Mr. Keith for his valuable chapter on this topic in vol. iii. It gives not only a useful synopsis of the relative legislation in the different states, but also a digest of the case-law which is not easily accessible elsewhere.

There is a suggestive chapter, too, on the treaty relations of the Dominions, a subject seldom lacking in perplexity for the ordinary lawyer even when he has had some training in International Law. Mr. Keith shows, in the most interesting way, how the general principle that treaties made by the Crown are binding on the Colonies whether consented to by Colonial governments or not, has been modified in many ways to meet the needs of the Dominions. At International Law the British Empire remains technically a unit, and the treaty-making power resides in the Sovereign. Yet it has been found necessary to modify this general principle, and since 1882, when the Commercial Treaty with Montenegro was concluded, it has been the practice to give the Colonies an option of adhering to a treaty within a period, which is usually two years.

Mr. Keith properly differentiates between the treaties which benefit the Dominions independently of consent and those which do not. A treaty

giving to British subjects political rights, such as the right to acquire real property, or exemption from local military obligations, applies to British subjects being Colonials, even though their Colony has not adhered to the treaty. With treaties of this kind must be contrasted those conferring purely commercial privileges where a differentiation of treatment can be based on a differentiation of locality. This difference is illustrated by the position of an Australian in Japan who has the benefit of rights under the British treaty with that country, while goods imported to Japan from Australia are not entitled to the special tariff granted in Japan to goods imported from the United Kingdom. But even in negotiating political treaties it is now the practice for the Imperial Government to consult the Dominions so far as their rights are affected. In questions with the United States the practice is expressly sanctioned by Act of General Arbitration Treaty of 1911, which reserves to the British Government 'the right before concluding a special agreement in any matter affecting a self-governing dominion of the British Empire to obtain the concurrence therein of the Government of that dominion.'

Yet, while the technical legal unity of the Empire in international relations is still maintained, so that foreign governments look to the Imperial Government for redress for wrongs suffered at the hands of Colonial governments, it is noteworthy that of late years Canada has been allowed to carry on informal negotiations at her own hand with consular representatives of foreign powers on matters of strictly local interest. Two instances occurred in 1910 when Mr. Fielding, Canadian Minister of Finance, conducted informal negotiations with the German Consul-General relating to the surtax of $33\frac{1}{2}$ per cent. on German goods imported into Canada, and on another matter with the Italian Consul-General. The famous reciprocity negotiations with the United States in the following year were similar in point of form, though the need for embodiment in a formal treaty was avoided by the stipulation that the agreement should be carried into effect by concurrent legislation in the two countries. The latter negotiations, as Mr. Keith points out, raised in a new form the view which had long been held by the Liberal Party in Canada that the Dominion Government should be given the full treaty power. And he draws attention in this connection to the fact that Victoria made the same demand in 1870, coupling it with one for neutrality in the time of war. To grant the full treaty-making power to the Dominions is impossible if the legal unity of the Empire is to be retained, for the grant would change a unitary state into a confederation with all its attendant disadvantages. This may be the natural course of development, but the demand for it has not at present sufficient strength. And, in view of Mr. Borden's present proposals for co-operation in Imperial Defence with a sort of Canadian diplomatic agent in London, it is interesting to find Canada, at the Imperial Conference in 1911, declining any system of automatic consultation on political treaties prior to ratification by Great Britain, inasmuch as it might involve acceptance of the consequences of the policy denoted by such treaties.

A. H. CHARTERIS.

THE ABBÉ SIEYÈS. AN ESSAY IN THE POLITICS OF THE FRENCH REVOLUTION. By J. H. Clapham, M.A., Fellow of King's College, Cambridge. Pp. vi, 275. Demy 8vo. London : P. S. King & Son. 1912. 8s. 6d.

A PUBLISHED work from one of the late Lord Acton's pupils is always an event of some interest, and Mr. Clapham's book is a welcome addition to the list of scholarly volumes which owe much of their inspiration to Acton's Cambridge teaching. The book is not a biography, but a study in political science, and as such it deserves to take rank with the most scientific analyses of Revolutionary politics that have appeared within recent years. Sieyès is, however, neither a great nor an interesting personality. This fact may atone for the absence of any earlier English book on the subject, but at all events the Abbé's political philosophy contains an element of sheer metaphysics that must appeal to the English mind, if only by contrast, and which provides perhaps the best explanation of the hatred that the whole revolutionary movement inspired in such a man as Burke. 'Those who are not my species are not my fellow-men; a noble is not of my species; he is a wolf, and therefore I shoot'—such is the syllogism of the unfrocked priest who began, as a disciple of Condillac, to elaborate his 'system' of political science long before the overthrow of the monarchy.

It is of interest to note that parts of the completed system show the influence of the English philosopher, Harrington—both writers, for instance, advocate the expounding of political doctrine to the people by state lecturers—but the two differed fundamentally in this, that Sieyès ignored and despised the influence of tradition in politics, while of Harrington Lord Herbert of Cherbury said that he had the greatest knowledge of history of any man he knew. 'The statesman must be first of all a historian and a traveller'; in these words the author of the *Oceana* has anticipated most of the criticism that can be directed against theorists like Sieyès who have conceived of politics as the science, not of what is, but of what should be, and who have elevated their conception into an idealisation which, spurning the material support of history, is as capable of classification and deduction as the abstractions of mathematics.

Strangely enough, the only English thinker with whom Sieyès seems to have anything in common is Milton. Both were idealists; they looked for salvation to the possibilities of the future rather than to the teachings of the past; neither could regard with respect a distinctively national institution; they each wished to sweep away 'privilege' and entrust administrative functions only to the 'choicer sort' of people, and moreover they agreed in regarding the state as something wide enough to secure a more direct and central control in the spheres of religion and education. Although they were connected with movements that have been associated with the rise of democracy, neither had any sympathy with 'popular' rights as such. Sieyès proposed to secure the representation of great interests rather than of numerous classes, and he was always distrustful of the mob, while Milton, with an inconsequence that was delightful, urged that if the rabble would not have 'liberty' (as defined in the 'Ready and

Easy Way to Establish a Free Government'), the boon should nevertheless be forced on the unwilling by means of Monk's 'faithful veteran army!'

The biographical element in Mr. Clapham's book is always secondary, and the author's task has been to show the connection between Sieyès' theories and the constitutional experiments which were launched on France in the period between the formation of the Constituent Assembly and the appearance of the Consulate. It cannot be said that Mr. Clapham has always been successful, though the task is undoubtedly a difficult one. The historical background often seems lacking in perspective, and the balance is not always consistently maintained between the examination of Sieyès' theories and the account of their influence on contemporary practice. The book is, perhaps on this account, sometimes rather difficult to read; the style is, moreover, both allusive and epigrammatic; occasionally there is a noticeable lack of clarity. It is possible that the author might well have separated Sieyès the theorist from Sieyès the politician; certainly such an arrangement of the subject might have induced greater clearness. In this respect chapters vii. and viii. are the most 'readable,' because they have so small an ingredient of Sieyès' theorisings.

Moreover, in his style Mr. Clapham is not without some traces of Acton's example. A considerable amount of information is often compressed into each sentence, and the paragraph acquires a precision and unity at the expense of the chapter. A summing up at the end of each chapter would in this case have been a great help to the reader, who is frequently left in a state of embarrassment amid the somewhat frigid and perhaps Teutonic isolation of the various paragraphs. But the book contains a very large amount of information, and readers need not be deterred by disadvantages so easily overcome.

DAVID OGG.

LORD CHATHAM AND THE WHIG OPPOSITION. By D. A. Winstanley, M.A. Pp. viii, 460. Cambridge: At the University Press, 1912. 7s. 6d. net.

MR. WINSTANLEY might have chosen a more arresting title for a book so full of dramatic and decisive interest. In effect the great protagonists of these six years are not so much Chatham and the Whig groups in opposition as non-party and party government, 'efficiency' as against Whig or Tory, 'Not men but measures' in contrast with the opposite principle. Here surely Mr. Winstanley has mis-stated the attitude of Chatham and Shelburne in giving the formula as 'Men not measures' (pp. 31, 51), which is in contradiction thereto, since the cry was 'that the country would never know good government until ministers were selected, not on account of their political connections or their following in Parliament, but by reason of their capacity for administration' (p. 17); and the phrase first given above is as it appears in Burke. With this ideal of 'efficient' and non-party government in view Chatham undertook to succeed the Rockingham Whigs, having the cordial support of George III., equally anxious, though from rather different motives, to destroy the party system, which the long Whig administration, under his grandfather and great-grandfather, had certainly done much to bring into disrepute.

How the attempt worked, and how significantly it failed, must be read in Mr. Winstanley's pages, not glowing pages perhaps but all the more seductive to the historically minded from their measured and equable manner, and the determination to see incidents and personages not in silhouette of black and white but in the living round. The 'efficient' Government could not, even in its formation, be restricted to efficiency. Despite the author's pleading, it seems pretty clear that Chatham's curious preference for Temple was a family one; Temple showed sound sense in refusing to co-operate with his brother-in-law while differing from him on the general principle, and, in particular, on the American question. The Treasury had therefore to go to the Duke of Grafton, who, despite Junius, had some virtues and much bad luck, as Mr. Winstanley points out, but was, in respect of his post, inefficient, and knew it (p. 50). Grafton brought Townshend into the Chancellorship of the Exchequer against Chatham's own better judgment. Before long Grafton was searching for ministers in the political ruck; Chatham himself shifted Lord Edgcumbe to make way for Shelley, 'a politician of little account' (p. 75); when Lord Hillborough was made Colonial minister it was a step both 'unwise' and 'disastrous' (p. 199). In the end Grafton threw up the non-party game by introducing the Bedford group into the ministry. Even if Chatham's extraordinary eclipse had not occurred, it is hard to see what other end could have come; more probably his active presence would have precipitated it. And if 'efficiency' in this sense proved a delusion, no less so did the talk about measures. When Townshend took his own desperate line on the Colonial question, and Lord Chancellor Camden denounced his own Government for its dealing with Wilkes, the brains of the principle were out. The one centralising fact behind all the happenings is the masterful and adroit personality of George III. forcing his determination to 'be a king.' The whole story, as Mr. Winstanley tells it with much illuminative material from MS. sources, is, for the constitutional student, fascinating.

Working on such a scale, too, the author is able to humanise some of the leading figures; to show Newcastle as a really clever party politician, and to bring out the better qualities of the unfortunate Grafton. On the other hand, we have both Chatham and Burke stooping to purely factious action when it seemed to serve their opportunity. Such personal analysis is very well done.

'Speeden,' on p. 406, is an uncommon form, for which there is no justification. I hope it is not still true of England that it 'has never loved its northern neighbours' (p. 6).

W. M. MACKENZIE.

BELL'S ENGLISH HISTORY SOURCE BOOKS. Edited by S. E. Winbolt and Kenneth Bell. *The Age of Elizabeth* (1547-1603), selected by Arundell Estaille, pp. viii, 120; *Puritanism and Liberty* (1603-1660), compiled by Kenneth Bell, pp. viii, 120; *A Constitution in Making* (1660-1714), compiled by G. B. Perrett, pp. viii, 120; *Walpole and Chatham* (1714-1760), pp. viii, 120. Cr. 8vo. G. Bell & Sons. 1s. net each.

WHAT was written *ante* (S.H.R. ix. 443) in commendation of the scheme of this series is well sustained by its execution. The extracts from con-

temporary documents and narratives are sufficiently full for each period to reflect its spirit with fidelity : they indeed give 'the very age and body of the time, his form and pressure' to a degree that makes each little green volume not only admirable for teaching, but well worth consultation as a sort of collection of contemporary despatches. Mr. Kenneth Bell's contribution, for example, illustrates such diverse subjects as agitation over unemployment in 1621, grievances of New England in 1624, the petition of rights in 1628, Strafford in Ireland (1634-36), the sentence on Charles I. and its sequel, Killing no Murder. History is made real by such representative cuttings.

THE POETRY OF CATULLUS. By D. A. Slater, M.A., Professor of Latin in the University College, Cardiff. Pp. 30. Med. 8vo. Manchester : The University Press. 1912. 6d. net.

THIS little *brochure* is a reprint of a lecture delivered last February to the Manchester Branch of the Classical Association. It does not profess to be an original contribution to the subject, or, indeed, to be anything more than an informal talk about Catullus and his poetry. But Mr. Slater is a man of cultivated mind, with a keen appreciation of what is best in ancient and in modern literature. Consequently, what he had to say on such an occasion could hardly fail to be interesting and stimulating. His residence in Wales appears to have given him a bias in favour of the rather fanciful theory that Catullus 'was a Celt, or that at least he had Celtic blood in his veins'—'sib,' in fact, to the clan of Cadell. Curiously enough, he overlooks the far more striking series of analogies to Robert Burns !

THE PAROCHIAL EXTRACTS OF SAINT GERMAIN-EN-LAYE. Edited with Notes and Appendices by C. E. Lart. Vol. II., 1703-1720. Pp. xii, 182. 8vo. London : St. Catherine Press. 1912. 21s. net.

THIS second volume differs from the first. The entries now mostly centre round the aging court of Marie d'Este, titular Queen no longer, but 'Queen Dowager,' for, after 1708, her son, 'James III.,' left St. Germain for the wars, and never returned thither save for a rare visit. It is a sad record, therefore, of a fading cause. Among the less notable documents—which are, however, all valuable to genealogists and Jacobites—an interesting Declaration has appeared. It seems that on her deathbed in 1713, Judith Collingwood (Mrs. Wilkes), midwife to the Queen, swore, before the Duke of Berwick and other high functionaries of the exiled court, 'comme preste de paraitre au tribunal de Dieu,' that the titular 'James III.' was the child born to the Queen in London in 1688. The Queen died in 1718, and the sad coterie, which had become more and more Irish as the Catholic influence was more dominant, scattered and dispersed, and little was known of the figures who composed it until the present editor collected these archives and edited them with pious care.

A. F. S.

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THE BOOK OF THE OLD EDINBURGH CLUB. Vol. IV. Pp. x, 203, 32.
With 23 illustrations. 4to. Edinburgh: Printed by T. & A. Constable
for the Members of the Club. Issued 1912.

THIS new volume of the Old Edinburgh Club's publications contains papers on George Drummond, an eighteenth century Lord Provost; the old Tolbooth; an old Edinburgh monument now in Perthshire; the Society of Friendly Contributors of Restalrig; and a further article on Sculptured Stones of Edinburgh. The last paper is a short note of Mr. Oldrieve's on Recent Excavations and Researches at Holyrood. Scotland, as well as Edinburgh, owes so much to Mr. Oldrieve's skill and care, that any paper by him is peculiarly welcome.

Among the reproductions is an interesting drawing of Jean Livingston on the scaffold, by Charles Kirkpatrick Sharpe. He had intended to use it as a frontispiece for a tract on the conversion of Jean Livingston. It is interesting not only in itself, but as one of the many instances in literature and art of odd pieces of work left unused owing to abandoned schemes.

The Old Edinburgh Club is again to be congratulated on the excellence of its work.

COLBERT'S WEST INDIA POLICY. By Stewart L. Mims. Pp. xiv, 385.
8vo. New Haven: Yale University Press. 1912. 8s. 6d. net.

THE author commenced this book to show the rapid growth and expansion of the French West Indies during the eighteenth century, which had certain economic effects on the commerce of British North America. His study developed into the present monograph on the policy of Colbert, and he promises another for the period of 1683-1715. It was entirely owing to Colbert's protection and fostering care that the wonderful development of Martinique (founded in 1635), Guadalupe (founded the same year), and St. Domingo came about, and the writer has discovered much new material in France which will be of value to all students of West Indian history. He has not been altogether fortunate with his rendering of French names, but this slight fault does not greatly mar an important work.

MÉMOIRE DE MARIE CAROLINE REINE DE NAPLES. Harvard Historical Studies, XVI. By R. M. Johnston, M.A. Pp. xvii, 338. With illustrations. Demy 8vo. Cambridge: Harvard University Press. 1912. 10s. 6d. net.

THIS book continues the excellent work that is being done by the series called the Harvard Historical Studies. It is printed from a MS. in the Biblioteca Nazionale of Naples, which contains, as the editor points out, an account of the political duel between the termagant queen and Lord William Bentinck, which ended in the defeat of the former. The MS. is not only partly written by, but wholly inspired by the queen, and, *pièce justificative* though it is, shows how difficult the position of Bentinck was when the queen, in spite of all her protestations to the contrary, was undeniably carrying on secret correspondence with Napoleon, now married to her grand-daughter.

Another exceedingly interesting part of the book is the account of the

marriage of the queen's daughter to the Duc d'Orleans, and the political *début* of the latter. The book is ably edited by Professor Johnston, who knows the Napoleonic period well.

A Short History of Early England to 1485, by H. J. Cape. (With six maps. Pp. ix, 252. Cr. 8vo. London: Methuen & Co., Ltd. Price 2s. 6d.) This well-written condensation gives in trustworthy and fairly attractive form the substance of the political events in England from the time of Caesar until the death of Richard III. Its inclusion of a little more economic history than usual is most obvious in its treatment of the constantly recurrent questions with Flanders. One of the maps shows the chief battlefields between the English and the Scots. Planned on sound lines, the little book is equally sound in execution.

The Oxford University Press have now completed their edition of the novels of Sir Walter Scott in twenty-four volumes. These contain the author's introductions, and also notes and a glossary to each novel. In addition there are a very large number of illustrations. We have already welcomed individual novels of this series, and are now glad to note its completion. It is an excellent set.

British Citizenship. A discussion initiated by E. B. Sargant. (Pp. vi, 59. Dy. 8vo. London: Longmans, Green & Co. 1912. 2s. 6d.) This reprint from the *Journal of the Royal Colonial Institute* emphasizes the fact that 'British citizen' is not a technical term, but has all the vague and various comprehensiveness due to connection with our vague and varied empire. There are, however, both advantages and disadvantages in ambiguity, and in different sorts of citizenship, municipal, national, federal, and imperial. The paper is a symposium of professors, ambassadors, colonial authorities, and publicists, and is a profitable study of the distinction between a citizen and a subject, concluding with a motion for extending the responsibility for common affairs of the empire beyond the immediate citizenship of the United Kingdom.

A School Atlas of Ancient History. (33 maps and plans, with notes on historical geography. W. & A. K. Johnston, Ltd. 1912. 2s. net.) This is a very compact, clear, and comprehensive atlas of the old world, although the scale is small. The summary of geography and history contained in the notes is an admirable performance.

Luthers Werke in Auswahl. Erster Band. (Pp. v, 512. Cr. 8vo. Bonn: A. Marcus und E. Weber's Verlag. 1912.) 5 works. This selection edited by Otto Clemen will be a most welcome source book of references to the course of the great debate of the Reformation in Germany. The first volume contains carefully annotated Latin texts of the 'Disputatio' of 1517 and the 'Resolutiones' of 1518 concerning indulgences, besides many sermons and controversial writings on theology, both in Latin and the vernacular, during the crucial years 1519 and 1520. The book is handsomely got up, and is furnished by way of apt frontispiece with a facsimile of the articles of Wittenberg in the 'Disputatio' of 1517, which was the first blast of the trumpet.

The Rationale of Rates, by A. D. Macbeth (pp. 132. Glasgow: William Hodge & Co. 1912. 2s. 6d. net), is a well-timed reprint in defence of the system of annual taxation in proportion to rent. Robert the Bruce's 'indenture' of 1327 with the community of Scotland, whereby the latter contracted to give the king the tenth penny of all their rents, is used as a historical illustration of the principle of taxation.

Alexander Henderson, the Covenanter, by James Pringle Thomson, with foreword by Lord Balfour of Burleigh (pp. 160, with four illustrations. Crown 8vo. Edinburgh: Oliphant, Anderson & Ferrier. 1s. 6d. net), is a moderately toned, and of course presbyterian and national, sketch and estimate of the great Moderator of the Glasgow Assembly of 1638.

Various historical essays by John, third Marquess of Bute, are being reprinted in neat pocket volumes at sixpence. *The Early Days of Sir William Wallace* and *David Duke of Rothesay*, both well-known studies, will be welcome to many in this cheap form.

Early Christian Visions of the other World. By J. A. Macculloch. (Pp. x, 99. Cr. 8vo. Edinburgh: St. Giles' Printing Co. 1912. 1s. net.) In this tractate the Rev. Dr. Macculloch adds a historical and theological survey to a subject dealt with long ago by Thomas Wright, and more recently by Mr. Marcus Dods, junior, in his *Forerunners of Dante*.

British History from George I. to George V. (Pp. vi, 304. Edinburgh: W. & R. Chambers. 1912. 1s. 6d.) This is, as its title bears, a 'national' history, brightly written, lavishly illustrated, and likely to be attractive to pupils.

Scottish Heraldry made Easy, by G. Harvey Johnston (Cr. 8vo, pp. xvi, 221, with many illustrations. Edinburgh: W. & A. K. Johnston. 1912. 5s. net), is a second edition of a work which we have already reviewed (*S.H.R.* ii. 212). The new edition is enlarged in various directions. We note with pleasure a list of printed histories of Scottish families. Short bibliographies of this nature are of great value.

To the Cambridge County Geographies is now added *Forfarshire*. By Easton S. Valentine. (Pp. viii, 160.) Furnished with the usual wealth of maps, diagrams, and illustrations, the book blends much biography, sociology, and natural history, with local annals, in its primary topographical scheme. Since 1901 the population of the county has fallen by 2663. Dundee, early a shipping and cloth-making town, supplies the centre for the brief annals, economic and political. Institutional history is meagre, and so is the literary biography. The historic rivalry of Perth is not noticed. Industries are well sketched.

The Home University Series wins no great accession of credit from Mr. Hilaire Belloc's *Warfare in England*, which has met with very destructive criticisms. His references to William the Conqueror's 'castles' seem to betray an inappreciation of the fact that the 'motte,' not the castle, was the mechanism by which the conquest was accomplished. As regards Scotland, perhaps the kindest reviewer would suggest that chapter viiii.,

'The Scotch Wars,' should be deleted. Mr. W. M. Mackenzie has demolished its central tenet, that the Eastern Road was without true exception the road of Anglo-Scottish war. There is puzzle in the phrase (p. 245) 'excluding the seizure of the Scottish Lowlands by Edward I. and King John's raid nearly a century later.' Bannockburn was not the first example of foot overthrowing horse, as the author of *Scalacronica* knew (*S.H.R.* iii. 460). An unintelligible but certainly ungrammatical sentence (p. 250) declares that Scotland never recovered from Flodden. Col. Elliot has shown at least very good grounds for a very different opinion (*S.H.R.* ix. 190).

We welcome M. J. A. Lovat-Fraser's sketch, *John Stuart, Earl of Bute* (cr. 8vo, pp. 108, Cambridge University Press, 1912, 2s. 6d. net), not only for its survey of the years 1760-65, in which Bute's brief and unpopular political dominance lay, but also because it considerably rehabilitates the minister whose most grievous crime was probably less that of being the king's favourite than that of being a Scot. Not even his enemies denied that he was a handsome fellow 'and possessed a leg of unrivalled symmetry,' and Mr. Lovat-Fraser, without any delvings to speak of, has unearthed reasons enough to conclude that the fierce political disparagement has unreasonably tainted the personal estimate too.

The essay, though not deep, is bright, and makes effective use of the metrical and other invectives against the Scots in general, with particular point towards the *Montagnard Parvenu*, as English art, with characteristic inappreciation of Scottish ideas of the difference between Highland and Lowland, styled the much lampooned earl.

With a gorgeous title, *The Science of History and the Hope of Mankind* (Cr. 8vo. pp. vii, 76. London: Longmans, Green & Co. 1912. 2s. 6d. net), Professor Benoy Kumar Sarkar starts by profoundly observing that many strange things have happened in the history of the world, and he proceeds to trace among the chief world forces the effect of environment and the influence of outside peoples and ideas on the centres of civilization. He thinks that the hope of the race lies in the activities of external 'barbarians' thus helping to transform every successive age. The little book, with its subtle, solemn and magniloquent periods, is an interesting reflection of how the East regards the legions as they thunder past.

Mr. George Turner's pamphlet, *The Ancient Forestry and the Extinct Industries of Argyllshire and Parts of the Adjacent Counties* (pp. 35), usefully collects the evidences of iron-working in the west, co-ordinating with the old slag mounds the indications of the former prevalence of timber in the localities where these traces of early metal-working are found. Indeed, the main line of the paper is that the iron presupposes the timber.

Charcoal remains found with the slag show the greatest use of birch, next to which comes oak, after which comes ash. Fir and pine have not been observed in the oldest heaps, but make their appearance in the eighteenth century and a little earlier.

Among the evidences corroborative of the slag mounds themselves, Mr. Turner adduces place-names, some of which are not very persuasive. But

the recurrence practically over the whole region dealt with of 'Ceardaich' (Gaelic for smithy) seems to be one satisfactory link in the reconstructive chain. Unfortunately, the author has given no references whatever to the sources for his many facts, beyond a vague allusion to 'the recognised most reliable authorities.' His information is extensive, however, and his study of the whole subject marked by obvious care as well as knowledge.

In the *Proceedings of the Newcastle Society of Antiquaries* (3rd series, Vol. V., No. 16, p. 176) Mr. J. C. Hodgson tracks the hitherto unknown identity of William Elderton, the Elizabethan ballad-writer. One of his pieces was 'A new Ballad declaring the great Treason conspired against the young King of Scots.' Elderton was known as a drunken ballad-maker and attorney in London. Mr. Hodgson now pretty certainly equates him with William Ilderton, brother to 'one [Thomas] Elderton, a common wryter of supplications abowte the Courte and Westminster Hall,' who died in 1586 and was succeeded by his brother in lands at Ilderton in Northumberland, on the edge of Cheviot.

One difficulty, however, arises from the fact that while in 1586 William, the heir of Ilderton, was about forty years old, the ballads set to the credit of the bard bear dates going back from 1584 to 1561 and 1559. One of Elderton's pieces assigned to 1569 is 'A ballad intituled Northumberland Newes,' while another, undated, is styled 'Newes from Northumberland.' These are significant of a connection with the northern shire.

We may add that Elderton's or Ilderton's ballad about the treason against King James is that printed as 'Bishop and Browne' in Hale and Furnivall's edition of *Percy's Folio M.S.*, ii. 265. Evidently from the same hack poet's pen is another piece, 'Kinge James and Browne,' also printed by Hale and Furnivall, i. 135.

Mr. J. C. Hodgson, F.S.A., of Alnwick, has been good enough to supply the editor of the *Scottish Historical Review* with the following note on this subject :

The weak link in my attempted identification of William Elderton, the Elizabethan ballad-writer, with William Ilderton of London, who, in 1586, succeeded to lands at Ilderton in Northumberland, is the discrepancy between the ascribed age of the poet and the age of the heir as stated in the inquisition *post-mortem*.

The evidence for the identification may be shortly stated as follows :

The identity of name: for in the sixteenth century the Northumberland surname was as often spelled Elderton as it was Ilderton.

The fact that at least two of the surviving ballads refer to the then remote and poor county of Northumberland.

The statement that William Ilderton, the heir, was brother of a scrivener or writer of petitions named Elderton, carrying on his trade at, or near, the High Courts of Justice at Westminster.

The discrepancy of age may perhaps be met by the following explanation:

As is known to all students of the medieval period, the inquisition *post-mortem* was an engine in the fiscal system of the realm to inquire whether anything was due to the Crown, or Royal Treasury, on the succession of

the heir to his predecessor's estate. During the minority of the heir the profits of the estate belonged to the Crown, as did the profits arising from the sale of the ward's marriage. If, therefore, the heir was able to satisfy the royal officer (or Commissioner of Inland Revenue, as we should term him) that he was of full age, it made not the least difference to the Crown if his age was understated. Moreover, the inquisition was taken in the county wherein the lands lay, whereas the heir, as in this case, might reside elsewhere, and the evidence offered to the jury was reputed, or common fame.

A modern illustration, although not in all respects parallel, is furnished by the declarations made to the Registrar, or Surrogate, for granting licence for marriage, when the lady, for reasons best known to herself—or for no reasons at all—gives her age as twenty-five years when she is known to have seen thirty summers. For the Registrar, it is enough that she has reached the age when no consent of parents or guardians is required by the law.

Therefore it must, or may be assumed, that William Ilderton, the heir, who was probably not present at the inquest, was actually not less than five years older than the forty years reported to the jury.

There is in the Upcott Topographical Collection at the British Museum a rare black letter tract printed in London 'for Thomas Gosson, dwelling in Paul's Church-yard next the Gate, the corner shop to Cheapside, at the signe of the Goshawke in the sonn,' entitled 'A true report of a straunge and monstrosous child born at Aberwick in the parish of Eglington in the Co. of Northumberland, this fifth of January 1580.' Aberwick is only a morning's walk from Ilderton, and it is possible the unbelievable account of the monstrosity may be from Ilderton's pen.

Aberdeen University Library Bulletin, No. 4, October, 1912, has a notice, 'Arcades Ambo,' of the late John Fyfe (1827-1897) and of Dr. Robert Walker (now Registrar), as Librarians of the University. An epigram is worth noting: 'the Caliph Omar can never die.' Glasgow remembers the proposal to sell the Hunterian coins.

In a bulletin (for July) of the History Department in Queen's University, Kingston, Canada, Professor J. L. Morison estimates (somewhat on lines he has already followed in our columns regarding Lord Elgin) the service to imperial constitutionalism rendered by Sir Charles Bagot in 1842-43, when, defiant of implied instructions from Westminster, he conceded to Canada its first instalment of autonomy by nominating a ministry which had the Canadian electorate at its back.

In *The Modern Language Review* (July) Professor Kastner, assisted by E. Audra, makes an important addition to Scots literature by editing two eclogues and various fragments, translations, and epigrams from unpublished manuscripts of Drummond of Hawthornden. No poet's reputation for original work has suffered more in recent times than Drummond's, and it is pleasant to find Dr. Kastner, the critic best entitled to judge, expressing so high a sense of the literary value of the new finds. Drummond is now ripe for a greatly revised estimate, and Dr. Kastner's prospective re-edition of his poetical works cannot fail to start a whole series of fresh standpoints

of criticism, not only on his workmanship, which probably will triumph on any test, but also on the ethics of undisclosed adaptation and imitation, about which the Jacobean canon admitted considerable license and audacity.

In the *English Historical Review* for July Professor Haskins assembles the data of many unedited charters illustrative of the history of Normandy under Geoffrey Plantagenet. Among his citations from MS. is a poem addressed to and singing the praises of Rouen during the residence of the Empress Matilda. It contains a line claiming the frosty Scot among the subjects of that 'imperial' city 'Rothoma,' which, according to its panegyrist, resembled 'Roma' not only in name but in worth.

'Viribus acta tuis devicta Britannia servit :
Et tumor Anglicus et Scotus algidus et Galo sevus
Munia protensis manibus tibi debita solvunt.'

Mr. Kingsford presents much valuable fact from a collation of an unpublished text of Hardyng's *Chronicle*, and throws a great deal of light on the general sources used by the author. The numerous references to Scottish history may call for further comment when the second part of the article appears containing extracts from the Lansdowne MS. 204.

The Rutland Magazine (June) photographs groups of Anglo-Saxon brooches from Market Overton, and is as usual rich in local lore. A paper by Rev. D. S. Davies on village life extracts from a Witham-on-the-Hill account this item (anno 1554, which must be an error):

'Paid for horsemeat (provinder) at the going out of the Queen of Scotts at Grantham 2/4.'

The true date surely was December, 1551, when Mary of Guise, 'the olde queene of Scottes,' as Fabyan styles her, was returning from her visit to France.

In the number for July, a paper on the Blackfriary burial describes the discovery at Stamford of the leaden coffin of John Staunford. On the breast of the deceased was found a decayed parchment, which Mr. G. F. Warner deciphered sufficiently to identify it as an indulgence by Boniface IX. in 1398, empowering Staunford to choose his own confessor. This disproved a local opinion that the body was that of Joan, the Fair Maid of Kent, mother of Richard II. Photographs of the coffin and the defaced indulgence add to the interest of the attractive article.

Notes and Queries for Somerset and Dorset (Sept.) continues the interesting text of the roll of tenancies of Sherburne in 1377. Some terms of land measure puzzle a northern reader. One man holds *septem statilla in la Castelton*; another has *j hamam prati*. The last instalment is given of Abbot Monington's *Secretum*. An entry from a report on the possible defences of Dorset in 1588 against the expected Spaniards contained the interesting suggestion that 'in the countrie are dyvers old intrenched places easye with smale charges to be made stronge.' A note on this remarks that the proposal thus to dress up medieval earthworks is perhaps without a parallel in Dorsetshire history. A more northerly parallel, however, would

be found in the sixteenth-century scheme to utilize the Wall of Hadrian for repression of the Scots.

Berks, Bucks, and Oxon Archaeological Journal (April) describes an excursion to White Horse Hill, and deals with the equine figure cut on the hillside and with its tradition and relative ceremonies.

In the number for October, Mr. J. H. Round, in a pedigree paper, illustrates the use of alternative surnames, the family name and the manorial, in the eleventh century. Other articles deal chiefly with church subjects, one of them the offering by Henry III. of 'baudekins,' or brocades of gold, to Westminster, out of reverence for Edward the Confessor.

The Home Counties Magazine (June) has a good architectural paper, with drawings of the Chapel Royal of Dover Castle. It also illustrates and describes a fascinating restoration—that of St. Alban's shrine. Destroyed by authority in 1539, its materials were cast away as rubbish, but in 1847 over 2000 pieces of Purbeck marble, by chance unearthed, were very successfully put together again by the late Mr. Micklethwaite, architect to Westminster Abbey. Mr. Cornelius Nicholls gives an account of Touching for the King's Evil, with a plate of touch-pieces and a print of that pious monarch, Charles II., performing the miraculous ceremony.

The Poetry Review, issuing from the St. Catherine Press, Norfolk Street, Strand, W.C., price 6d. net, is a new monthly established to print, criticise, and promote the appreciation of high-class poetry.

In the *Juridical Review* for June Sir Philip Grierson edits the very interesting but doleful 'Memorandum of the progress of James Grierson of Dalgoner when it came to his knowledge that he was proclaimed rebell at the Crosse of Dumfries,' *i.e.* in consequence of the Pentland Rising. James Grierson's action, on his own showing, was so compromising that he could scarcely have expected to escape severe treatment as at least a suspect, but his sufferings were more than sufficient expiation. He hesitated and was lost, being indiscreet enough to accompany the insurgents by riding 'a piece with them' on their ill-fated expedition after the capture of Sir James Turner on 15th November, 1666. The document adds an intimate note to the known circumstances of the Pentland Rising. Mr. Lovat Fraser sketches the career of Henry Erskine (1746-1817), a great advocate and wit, to whom luck was adverse. In the July number Sheriff James Ferguson, K.C., writes, not very critically, on the Barony in Scotland; and Mr. J. Robertson Christie discusses the Doctorate of Laws in Scottish Universities.

In the number for October, a far from profound article by Mr. A. Betts deals with Roman marriages. Mr. J. A. Lovat Fraser sketches clearly and cleverly the impeachment and acquittal of Henry Dundas, Lord Melville, in 1806.

Old Lore Miscellany, Vol. V. Part III. (Viking Club, July, 1912), maintains its Norse and Orcadian interest. Notable items are charms and witchcraft episodes from John o' Groats and an important criticism of Dowden's *Bishops of Scotland* as regards the Orkney bishops.

The *Saga Book* of the Viking Club, Vol. VII., Part II., has an experimental and very unsatisfying derivation of *Scaldingi* [= Vikings] from Old Saxon **skalda*, a vessel propelled by punting. Dr. A. Bugge describes Viking costume and furniture. Dr. H. Fett writes, with many photographic reproductions, on miniatures from fourteenth century Icelandic manuscripts. Mr. W. F. Kirby deals with William Herbert's poetic adaptations and translations from the Norse. Dr. A. W. Brøgger describes a hoard of Anglo-Saxon silver coins from the eleventh century from Ryfylke, Norway. He mentions that 30,000 English coins of date 980-1050 were known as found in Scandinavia up to 1900. One of the Ryfylke or Foldøen coins bears the stamp LEOMÆR ON IÓÐ. It is interpreted as from the supposed Jedburgh mint.

The Viking Club's Extra Series, Vol. III., forms a handsome quarto of *Essays on Questions connected with the Old English Poem of Beowulf* by Knut Stjerna: translated by John R. Clark Hall. (Pp. xxxv, 271, with many illustrations and two maps. Coventry: published for the Viking Club by Curtis & Beamish, Ltd. Price 12s. 6d. net.) There are 128 illustrations of northern objects, such as helmets, swords, shields, spears, fragments of armour, sculptures, ornaments, coins, rings, horse trap-pings, etc., considered apposite to the illustration of the deceased scholar's archaeological commentary on the Anglo-Saxon poem. They are adduced in support of his very learned argument for a complete identity of the funeral customs in use by the Swedes at the burial of their king and those which the Geats followed in honour of Beowulf, and of his inference that the 'Odinshög' mound at Gamla Upsala was the monument of the victory of the Swedes over the Geats or Gauts circa A.D. 500-550, while the defeated Geats raised a second monument to their king in the shape of a poem, 'which has remained the finest memorial of their lost dominion.' The rites of the burial of Beowulf are exhaustively compared with the archaeological data from the grave mound at Gamla Upsala with results which give remarkable countenance to the young student's conclusions.

A less envious fate might have allowed his positions to be checked and fortified by studies continued through a course of ripening years and experiences. But Dr. Stjerna, born in 1874, paid for the brilliancy of his early archaeological distinctions by a premature death in 1909; and his essays, full though they are of interpretative ingenuity, suffer from the lack of a sustained process of revision at the author's own hand for a number of years. Yet in such cases as his the work is done by an eager spirit pressing on with unhalting vigour to the end of every avenue of enquiry. It is astonishing how much can be done in a very little time when a discoverer strikes a trail of promise. Stjerna undoubtedly attempted a daring archaeological flight in proposing to equate the 'Odinshög' with Beowulf's veritable grave, but it was not quite a fiasco. Dr. Clark Hall, known as a translator of Beowulf, has sympathetically translated the commentary, prefixing an introduction, in which a generous yet critical exposition of Stjerna's proposition proceeds upon an acceptance of his main contentions that the story bore on the downfall of the Geatic kingdom, that arms and armour of

the poem suit that period, that the Swedish *Öngentheow* was the 'Vendel Crow' of Swedish tradition, and above all, that there are fascinating parallels between the funeral in the poem and the facts from the grave in the 'Odinshög.' That the final identification goes beyond the hope of verification may well be the conclusion which cold-blooded criticism will have to draw, yet the annals of English literature may reserve a corner to mark the service to *Beowulf* rendered by Dr. Stjerna.

In the *American Historical Review* for July Mr. A. C. Coolidge discusses the European Re-conquest of North Africa, questioning whether France can demonstrate her dominion over the Arabic civilization. Mr. E. D. Adams reviews the negotiations of Lord Ashburton for the treaty of Washington in 1842. A journal of July-August, 1812, of very great interest, is edited, being that of William K. Beall, assistant quartermaster-general under General Hull, in the enterprise on Canada. Beall, to his surprise, found himself a prisoner on board the schooner *Thames* on Lake Erie, and beguiled the captivity by a long diary of his experiences. Just before the detention of his ship, while sailing on Lake Erie, he 'opened the *Lady of the Lake*,' from which he transferred a quotation. Considerable apprehension existed over the attitude of the Indians to the American captives. Beall saw a good deal of them, among them the famous chief, 'the great Tecumseh.' Friction broke out over the conditions made by the British officers on the ground of the supposed danger from the Indians. Beall tells how he let them all see that he cared little for 'tomahawks, scalping knives, and frowning Indians,' declaring, with some touch of American rhetoric, that he would ask no favour from his captors. 'No,' says he, 'rather should my head stoop to the block or dance upon a bloody pole than stand uncovered and meekly ask them for a kindness.' He ekes out his daily tale of minor things with occasional verses on the young wife he had left behind him at home. Happily there was no occasion for the bloody pole. When the diary closes, General Brock, the British commander, 'has gone up by land with 400 men, principally militia, to operate against our army,' *i.e.* to drive the United States forces into Detroit and capture them—General Hull being subsequently court-martialled for his bungling, or worse, in the campaign. Beall's diary, written at the time and near the scene of operations, documents the movements of 1812 in a very direct and pregnant fashion.

In the same *Review* for October, students of ecclesiastical law in Scotland will turn with well-founded expectation of profit to a paper by Mr. W. E. Lunt. The 'Annat,' one of the strangest and most interesting survivals in Scotland from pre-Reformation church law, has its papal origins now very clearly worked out. Mr. Lunt has had the good fortune to discover in the register of Simon of Ghent, Bishop of Salisbury, the letter of Clement V., dated 1 February, 1306, ordaining the payment of papal annates. The operative part of the letter is quoted below :

'Clemens episcopus servus servorum Dei [to the collectors of ecclesiastical fruits, etc., "primi anni omnium beneficiorum ad presens in Anglie et Scotie regnis Hibernie et Wallie provinciis earumque civitatibus et diocesisibus vacantium," etc.] . . . Quare nos . . . fructus redditus et proventus

primi anni omnium et singulorum beneficiorum ecclesiasticorum cum cura et sine cura, etiam personatum et dignitatum quarumlibet ecclesiarum monasteriorum prioratum et aliorum locorum ecclesiasticorum tam secularium quam regularium exemptorum et non exemptorum, que in Anglie et Scotie regnis et Hybernie et Wallie provinciis sive partibus eorum civitatibus et diocesibus vacant ad presens, et que usque ad triennium vacare contigerit, [with some exceptions] non obstante quod fructus . . . hujus primi anni ex privilegio sedis apostolice vel alias . . . alicui vel aliquibus deberentur vel in usus forent aliquos convertendi pro ipsius ecclesie oneribus facilius celebrandis in ejus agendorum subsidium auctoritate apostolica per alias nostras certi tenoris litteras duximus deputandos . . . Quo circa . . . discretioni vestre per apostolica scripta mandamus quatinus prefatos fructus . . . per vos et subcollectores . . . deputandos, diligenter colligere et exigere . . . curetis.'

Apart from this vital letter altogether, Mr. Lunt's paper, with its heavy array of documentary references, shows the considerable development of the institution under Pope Clement, its originator, in opposition to the earlier view that Pope John XXII. was its organizer.

Other subjects in this number are the administration of American archives, legalized absolutism *en route* from Greece to Rome, and the position of nonconformity under the Clarendon Code (1661-1665), which so effectually nullified the promises of tolerance held out by the Declaration of Breda of 1660.

The *Iowa Journal* for July continues the history of the Iowa Code. The number contains also in translation a Dutch schoolmaster's diary of his journey from Rotterdam to Pella, Iowa, in 1849. The sailing ship *Franziska* left Rotterdam, May 3, and reached New York, June 13. John Hospers, the diarist, had little to record; a rough passage, several funerals at sea, including that of his own little daughter, and some flat reflections. Other papers trace the adventurous story of emigration to Oregon in 1843, deal with the militia organization of Iowa during the civil war, 1862-64, and describe 'the assault upon Josiah B. Grinnell,' a Congressional episode of 1866 due to party fury over the slave question.

In the October number Mr. T. Teakle describes John Brown's historic raid in 1859 and the subsequent controversies over the refusal of the Governor of Iowa to surrender for trial in Virginia one of the raiders, Barclay Coppoc, who had luckily escaped capture, and the 'sour apple-tree' of his leader's fate.

The *Revue Historique* (Juillet-Août) has an article concerning the beginnings of Protestant reform at Bordeaux, and of interest for the career of George Buchanan. It deals with an exceedingly interesting group of emancipated thinkers at the College of Guienne, among whom was Buchanan, as well as at Agen, where J. C. Scaliger exercised great intellectual influence. The relationships of the many scholars noticed make the career of Buchanan increasingly intelligible and significant as one of the forces of the great movement the group represents.

In the number for September-October M. Guyot traces the constitu-

tional transitions in France from the Directory to the Consulate, with new detail regarding the actings of Napoleon. M. Matter begins a study of the origins of the Cavour family, the Bensi, whose ancestral domain was the town of Chiéri, near Turin. M. Alazard, examining the insurrection at Lyons in 1831, assigns it to economic causes, chief of which was the silk tariff. A sympathetic notice of Andrew Lang characterizes his intellect as more subtle than profound, more expansive than creative; and styles him a poet, scholar, humanist, mythologist, and journalist, a historian of vast reading and knowledge, an indefatigable worker, and a critic of great erudition, whose eagerness explains some inexactness of detail.

In the Nov.-Dec. number the conclusion of the Cavour article brings the subject down to Camille de Cavour himself, tracing his characteristics to the influences of his Benso ancestry. M. Renaudet begins a sketch of the earlier years of Erasmus, and M. Marx presents an inedited account of the death of William the Conqueror.

The October and January numbers of the *Revue d'Histoire Ecclésiastique* contain the concluding instalments of studies of the Juristic basis of the early persecutions and the early days of Christianity in Sweden, by MM. Callewaert and Bril. M. Paul de Puniet contributes to the latter number an article on the traditional value of the words of consecration.

The number for July discusses Tertullian, Unction and Confirmation, and Tithes of Ecclesiastical Property in the tenth and eleventh centuries.

In the *Archiv für das Studium der neueren Sprachen und Literaturen* for April, Mr. Frank Miller has transcribed and edited two ballads, 'Lord Maxwell's Goodnight' and 'Fair Helen,' from the Glenriddell Ballad MS. written by Captain Robert Riddell, who died in 1794. The texts now exactly edited, as shewn alongside those in Scott's *Border Minstrelsy*, disclose many minor divergencies due to editorial license a century ago.

In *Archivum Franciscanum Historicum* have lately been appearing several interesting articles and documents relating to St. Clare and her Order, called forth by the seventh centenary of the foundation of the Poor Clares. In the issues of April and July last Father L. Oligier discusses, from a study of early sources, the origin of the rules of the Order. In that of October Father B. Bughetti, in continuation of previous articles, gives some negative results of his researches into the authorship of the *Legenda versificata*, and the same number contains a discussion, by Father Paschal Robinson, of the historical authenticity of the passage in the *Fioretti* (chapter xv.) which tells 'how Saint Clare ate with Saint Francis and the Brothers, his companions, in St. Mary of the Angels.' Father Robinson has come to the conclusion that this incident and its picturesque setting are not historical, on the ground of their not being mentioned in the contemporary biography of St. Clare, and for the further reason of there being no corroboration in any of the other sources. It seems to Father Robinson 'that, like so many other details in that golden book, they are purely fanciful.'

Notes and Replies

THE FOUNDATION OF NOSTELL AND SCONE. In my notes on this subject (*S.H.R.* vii. 141-159) I hesitated to interject a curious charter which, if trustworthy or capable of chronological interpretation, has an important bearing on the date of the establishment of the Augustinian canons at Nostell, and thereby on the coming of the canons to Scone. The Augustinians of Nostell, as I endeavoured to show, had papal recognition early in January, 1120. But how long they had been settled there before that time is only a matter of inference, involving a lengthy argument on the comparison of a multitude of charters in order to strike an equation as to an earliest date. Chronology here is of considerable interest if the accuracy of the Scottish chronicles is to be maintained with regard to the foundation of Scone.

It will be better first to reproduce the cryptic writing in the hope that it will evoke the criticism of charter scholars. It was copied years ago by me from the Chartulary of Nostell (Cotton MS. Vespasian, E. xix. f. 101^b).

CARTA TURSTINI EBORACENSIS ARCHIEPISCOPI.

Turstinus dei gracia Eboracensis archiepiscopus, toti clero et populo Eboracensis ecclesie Sancti Petri, immo omnibus uniuersalis ecclesie filiis, salutem et benedictionem. Notificamus uobis quendam conuencionem factam in presencia nostra inter ecclesiam de Federstan et ecclesiam sancti Osuualdi. Monachi namque de Caritate et sacerdos de Federstan, qui calumpniabantur eam adiacere parochie de Federstan, et canonici clamauerunt eam solutam et quietam ab omni consuetudine et seruicio, ita quod canonici regulariter deo ibi seruiant et habeant cimiterium ad opus suum et seruicium suorum omniumque iuxta eos habitancium in terra que dicitur Nostlet, et in hanc conuencionem clamauerunt clerici Sancti Osuualdi quietas omnes ecclesiasticas consuetudines quas habebant de Hardewic ecclesie de Federstan, Me Thoma archiepiscopo ij^o et Rodberto de Laceio et Anfrido et Bernewino presbiter[is] et Rad[ulfo] clerico presentibus et confirmantibus, et hoc factum est prima feria in dedicacione ecclesie Sancti Osuualdi. Teste, etc.

While recognising the literary and grammatical difficulties of the text, as well as the indications that we have it in abbreviated form, what historical inferences can be drawn from the text as it stands in respect of the date of the dedication of the church of Nostell? It seems clear that the writing is a charter of Archbishop Thurstin in confirmation of a previous charter of agreement made by the intervention of Archbishop Thomas the Second on

the Sunday during the solemnities of the dedication of St. Oswald's Church, and now embodied *currente calamo* in Thurstin's charter. If that be the case, the dedication took place between 1109 and 1114, while Thomas was Archbishop, and such event synchronises with the date of Scone, the offshoot of Nostell, as adumbrated in the chronicles.

Though the inference may be considered a little wild, I would invite the opinion of critics who can bring a fresh judgment to it, uninfluenced by the tangled history of the institution. The charter appears to be a sort of palimpsest, but which part belongs to Archbishop Thurstin, and which to Archbishop Thomas, his predecessor? It may be added that the Cluniac monks (*monachi de Caritate*) of Pontefract had a joint interest in the church of Fetherston with the canons of Nostell.

JAMES WILSON.

Dalston Vicarage.

Dr. Wilson has produced a real puzzle. Those who, like myself, have not acumen enough to interpret the document for themselves, will readily accept his explanation, viz. that we have to do with a transaction approved by Archbishop Thomas and here confirmed by Archbishop Thurstin. But from so confused a narrative it seems impossible to say how much belongs to the earlier and how much to the later archbishop. And we have it distinctly stated in Henry I.'s charter that the Canons Regular were placed at Nostell by Archbishop Thurstin. Taking this as our guide (as in the circumstances I think we are bound to do), it follows that St. Oswald and his 'clerks' the canons belong to the later epoch, and that the transaction of Archbishop Thomas' time must have concerned the brotherhood of hermits, who at Nostell (as at its grandchild, Inchaffray), preceded the canons (see *Monasticon*, vi. 89 n.).

But a great deal of undispeled darkness remains. How do the *monachi de Caritate* come in? Were they of the ancient house of that name on the Loire? And can no sidelight be obtained from that quarter?

J. MAITLAND THOMSON.

It seems to me that this charter is so imperfect and so badly transcribed that it is not safe to draw any conclusion from it.

Before 1100 Robert de Lacy founded at Pontefract a priory of canons from the house of La Charite in France on the Loire. Close to Pontefract, at Nostell, there was then a hermitage; and between 1114 and 1120 Archbishop Thurstin, with the assistance of Ilbert de Lacy and Robert his son, founded a priory at Nostell, dedicated to St. Oswald, on the site of the hermitage. To that Radulf de Fetherston gave ten acres and Robert de Lacy gave two bovates in Hardwic. Ilbert and Robert de Lacy were expelled from the realm, and Pontefract was given to Hugh de la Val, who granted the church of Fetherston to the priory of St. Oswald. These grants were confirmed by Henry I. in his charter to Nostell in 1121.

Dr. Wilson says that Pontefract and Nostell had a joint interest in the church of Fetherston, and that and the neighbourhood of the houses and their adjacent lands made it difficult to avoid disputes.

One of these disputes is dealt with in this charter. Archbishop Thurstin

announces that the representatives of the two priories and the priest of Fedirstan had appeared before him and made an agreement regarding a land not named, possibly Hardwic, which the priory of Pontefract seems to have yielded to Nostell on the latter waiving its claim to church dues in Hardwic.

The Archbishop Thurstin says distinctly that this took place in his presence. It is impossible to reconcile that statement with the following words in the charter: 'Me Thoma Archiepiscopo 11° et Rodberto de Laceio et Aufrido et Bernewino presbitero et Rad. Clerico presentibus et confirmantibus.' I suggest that the original deed had 'Me Th. Archiepiscopo,' and that the transcriber extended Th. as Thomas instead of Thurstin. I think it is certain that Archbishop Thomas the Second, who died in 1114, was dead before the foundation of the priory of Nostell, while clearly this agreement was made in the lifetime of his successor, after the canons were established there.

A later agreement made in 1317 between the two priories regarding land in the parish of Fetherston is printed in a charter of Pontefract Priory, No. XI. on page 124 of volume v. of Dugdale's *Monasticon*.

A. C. LAWRIE.

THE HONORIFIC 'THE' (*S.H.R.* x. 39). Sixty-four years ago a couple of volumes were published by Blackwoods entitled *Lays of the Deer Forest*, by John Sobieski and Charles Edward Stuart. The first volume consists of a collection of poems whereon I can express no opinion, not having read them; but the second and larger volume (560 pp.) contains notes on the poems, *plus* notes upon the notes, and is a delightful repertory of Highland lore, natural history, and incidents of wild sport. One of the footnotes to these notes (page 245) bears upon the subject of Mr. Dallas's interesting paper. Bearing out as it does his view of the modern origin of the honorific 'the,' I transcribe it: for *Lays of the Deer Forest* is not a book one commonly comes across.

'In the modern confusion of all Highland usages, it has recently become a common error to name the chieftain of the second house of the Clan Chattan as *The MacIntosh*. This new title has been adopted, we suppose, in imitation of the hereditary patronymic *An Siosalach—The Chisholm*. But there is no instance of an application of the definite article to any Gaelic name accompanied by the filiation *Mac*; and, as a family title, the usage, when combined with the abstract construction of a surname terminating in *ach* (as *An Domhnullach*, *An Leodach*, etc.) is confined to the name of Chisholm. The reason for this singularity is that this family was not originally a Gaelic race, and their name was introduced into the Highlands at a time when many of the low-country appellations, like one class of the French and Anglo-Norman designations, were accompanied by the definite article, as the Bruce, the Douglas, the Wallace, etc. The Cisolach or Chisholms were originally a branch of the Norman Sysilts or Cecils, which were early settled in Roxburghshire. . . . The termination *-ach* is merely a relative final particle, as the Anglo *-er* and *-ish* in Warrener, English, etc., and the French *-ard* in Clanard, Bayard, etc. So in Gaelic

the generic name derived from Domhnall, Leod, Cecil, etc., become Domhnallach, Leodach, Cesolach, etc. But the latter having never acquired the affiliative prefix *Mac-* retained as its patronymic its original foreign style of the article—"an Siosalach." This is conformable to the usage of the Gaelic in generic names formed by the terminative particle without the preceding relative, as An Domhnallach, An Leodach, An Toiseach, etc., expressive of *the Man, i.e. chief*—of the race of Donald or Leod or Toiseach. This, however, is only an allusive form in speaking of a superior, and, except in the instance of the Chisholm, *never* was used in a patronymical style, since it is equally common for describing any individual of a clan name. But while the article is admissible in the above construction, it is utterly unknown in any designations commenced by the word *Mac*, and to say Am Mac-Domhnall, Am Mac-Leod, Am Mac-antoisich—the Macdonald, *the MacLeod* or *the MacIntosh*—is as burlesque and theatrical an absurdity as to speak of *the Hamilton* or *the Atholl, the Norfolk* or *the Shrewsbury*.'

The authors err in equating what they call the 'relative final particle' in Gaelic with the English suffixes *-er* and *-ish*. The English suffix *-er* is substantival, denoting the agent: *e.g.* Warrener, one who keeps a warren. The suffix *-ach*, on the other hand, is adjectival, corresponding to the English suffixes *-ish*, *-ful*, *-some*, etc. It may be recognized in some of the Celtic place names preserved in France—Pauillac, Mugillac, Callac, Phipriac, etc.

Monreith.

HERBERT MAXWELL.

IS 'O, KENMURE'S ON AND AWA, WILLIE,' A SONG OF 1715? It has generally been taken for granted that the popular song 'O, Kenmure's on and awa, Willie,' which Burns worked over and published in *The Scots Musical Museum*, relates to William Gordon, the sixth Viscount Kenmure, commander of the Jacobite forces in the south of Scotland in 1715. Lately, however, Mr. William Macmath suggested, in *The Scots Peerage*, that the hero of the song was possibly Robert Gordon, the fourth Viscount Kenmure. This daring soldier joined the Highland rising of 1653, and organized levies in Galloway to fight for Charles II., attracting recruits by exhibiting at the head of his corps 'a Rundlet of Strong-waters . . . which they call Kenmore's Drum.'¹ In Mr. Macmath's opinion, the 'grave, full-aged' gentleman on whom the command of the Border insurgents was thrust in 1715 is less likely than the dashing leader of 1653 to have inspired such a stirring lay as 'O, Kenmure's on and awa, Willie.'

It is certain that in 1715 there existed in Galloway little of that enthusiasm for the Stuart cause which in the North prompted so many fine songs. Memories of Claverhouse and Lag were still fresh in the South-West; and, as we are informed by Peter Rae in his *History of the late Rebellion* (Dumfries, 1718), many of the Galloway farmers were so strongly Hanoverian in sympathy that they went to Dumfries to defend the town against their own lairds.

That the Galloway song refers, not to the rising of 1715 but to that of

¹ *Mercurius Politicus*, No. 176.

1653 appears to have been the tradition of the Kenmure family. In Ruskin's *Præterita* (volume iii. section 73) we read: 'I was staying with Arthur and Joan at Kenmure Castle itself in the year 1876, and remember much of its dear people; and, among the prettiest scenes of Scottish gardens, the beautiful trees on the north of that lawn on which the last muster met for King Charles; "and you know," says Joanie, "the famous song that used to inspire them all, of 'Kenmure's on and awa, Willie.''"

FRANK MILLER.

SCOTTISH PILGRIMS IN ITALY (*S.H.R.* ix. 387). A somewhat rare volume, *La Garfagnana Illustrata*, by Doctor Pellegrino Paolucci, printed at Modena in 1720, has the following reference to the shrine of San Pellegrino, one of the Scottish Saints still revered in the Garfagnana:

'Sono io testimonio di veduta, nell' anno 1690, vi comparvero dodici Signori Scozzesi, i quali a ginocchia ignude (apparently they came in kilts) e ginocchioni in distanza della Chiesa circa cento passi cantavano in un istesso tempo e piangevano dirottamente. Giunti alla Porta del Tempio seguitarono ginocchioni, finche giunsero al Luogo del Sacro Deposito, baciando frequentemente il pavimento e bagnandolo di lagrime.

'Al vedere quel loro Santo Rè dentro a' Cristalli diedero in un rotto di pianto sì grande che mossero a lagrime tutti gli Astanti. Fecero la mattina seguente le loro divozioni, con esemplarità incomparabile, e discorrendo io seco in Idioma Latino, mi dissero che sospiravano di poter vivere, e morire in quel luogo santificato dal loro Monarca. E che ogni anno sarebbe venuta dalla Scozia una moltitudine incredibile a venerarlo, ma che non avevano di chi fidarsi. E che se fossero palesati sarebbero crudelmente giustiziati.'

This is the account of an eye-witness, and of one who wrote soberly as befitted a lawyer and a Sheriff of the district where the shrine of his patron lay. His words seem to prove that much later than one would have expected, the memory of San Pellegrino survived, not only in the Garfagnana, where indeed it still lives,¹ but even in the distant land of his birth.

Florence.

J. WOOD BROWN.

BURGH OF DUNBAR CHARTERS.—A number of deeds belonging to the royal burgh of Dunbar were recently discovered in the office of an Edinburgh firm of writers. They include charters by James II., James VI., deed of gift by Queen Mary, and various instruments of sasine; they are in excellent preservation. The Town Council of Dunbar has requested Dr. Wallace-James of Haddington to report to them on these deeds.

¹ The Garfagnana is noted for its rustic drama played in spring under the shade of the chestnut woods. One of these *Maggi* in my collection bears the following title: 'Maggio di San Pellegrino, figlio del Re di Scozia' (Ottava edizione, Volterra, Tip. Sborgi 1892), and shows that the legend of this errant Scot is very much alive in the neighbourhood of the church that bears his name and offers his body to the reverence of the faithful.