

# The Scottish Historical Review

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## The Royal Scottish Academy

IT is now more than a year since the R.S.A. took possession of its new quarters on the Mound in Edinburgh, an event which marked an epoch in its history, and seems to invite some review of its origin and progress, some estimate of its present work, and perhaps a glance towards its future.

The student who desires to follow the story in detail will find few books to depend on, and those few rather dull reading. The Constitution and Laws of the Academy have been several times republished, and it prints a general annual report. Sir George Harvey's Notes<sup>1</sup> and Sheriff Monro's volume<sup>2</sup> deal with the controversies which preceded its birth and clouded its early youth. But these books, while they record the facts and arguments, have unhappily caught scarcely a spark of the enthusiasm and humour without which the germination of such an institution in the cold soil of Scotland would scarcely have been possible.

The R.S.A. is young as academies go. The year 1648 saw the foundation of the French Académie des Beaux Arts, 1671 that of the Académie d'Architecture, and 1677 that of the French School which still occupies the Villa Medici at Rome, all during the reign of Louis XIV. The Royal Academy of Arts in London dates from 1768. On December 7th of that year the project for its formation was submitted to George III. Three days later he added his signature with the words, 'I approve of this plan, let it be put into execution.'

<sup>1</sup> *Notes of the Early History of the Royal Scottish Academy*, Edinburgh, 1873.

<sup>2</sup> *Scottish Art and National Encouragement*, Edinburgh, 1846.

It was not till 1808 that the first germ of the R.S.A. made its appearance, when a group of Scottish artists prepared to hold their first exhibition in Edinburgh. This exhibition was opened in Core's Lyceum, Nicolson Street, on 20th June, 1808, and contained 178 works shown by 27 artists. It was followed in 1809 by another exhibition, the first of several held in Raeburn's Gallery in York Place<sup>1</sup> by the 'Associated Artists,' as they now called themselves. It included works by Raeburn, Patrick and Alexander Nasmyth, George Watson, and Thomson of Duddingston. This venture prospered so well that when it was wound up in 1813 there was a large<sup>2</sup> fortune in its treasury. It is not clear why the Association was wound up. The desire to seize the spoil is given as the reason, but the members might have divided the golden eggs without killing the goose. In Scotland one would not expect such a valuable bird to come by an untimely death even at the hands of artists, who are not generally supposed to be men of business. But it did, although the exhibitions were continued for three more years under the old name.

In 1818 a new body comes on the scene, namely, the 'Institution for the Encouragement of the Fine Arts,' called, for short, the 'Institution,' and after 1827, when it received a Royal Charter, the 'Royal Institution.' This was a voluntary association of Scots gentlemen who, on payment of £50, became shareholders or life members. The reader will instinctively feel that a body with such a name and such a constitution never had much chance of success, even though it included many of the great names of Scotland. Its aims were lofty, but vague. It began by contemplating a series of exhibitions by the old masters, whose works were at this time arriving by scores in Scotland from Italy and Flanders. Exhibitions of this nature were actually held, again in York Place, in 1819 and 1820. But in 1821 the programme was varied with an exhibition of the works of living artists, who proved so much more attractive than the old masters, that the experiment was repeated every year till 1829. The Institution, remembering perhaps the fate of the earlier venture, had provided in its rules that no professional artist should take part in the management, although a dozen artists were admitted as

<sup>1</sup> Till 1811 the number is given as 16, later as 32. The street seems to have been re-numbered.

<sup>2</sup> Raeburn, in a letter dated 24th December, 1822, says £500 or £600. Sir George Harvey in his notes mentions £1888 as the sum.



associates and five more as honorary members. Here was the making of an easy quarrel. Possibly the artists ought to have been grateful for the opportunity given them of showing their works. But they certainly were not content. They considered the exhibitions ill-managed, and resented the fact that the Institution thrived on their efforts—for the exhibitions were profitable—while they had no say in the selection or arrangement of the works exhibited. Lord Cockburn's sympathy certainly lay with the artists. He said, speaking of the Institution, 'Its vice was a rooted jealousy of our living artists as a body, by the few who led the Institution. These persons were fond of art, but fonder of power, and tried indirectly to kill all living art and its professors that ventured to flourish except under their sunshine.'

Meanwhile the Institution was growing in importance. In 1825 new galleries were prepared for it in Playfair's noble building<sup>1</sup> on the Mound, the building, that is, next to Princes Street, which continued to bear the name of the Royal Institution until last year it became the home of the R.S.A.

The origin of this building requires some explanation and a brief digression. It was not the work of the Institution, but of the Board of Manufactures, a public body to which the reader must now be introduced. This Board dated from 1727. It was its duty to administer for the behoof of Scots manufacturers a sum of £2000 a year, which was assigned to Scotland in perpetuity when it became a partner in the fiscal system of England at the time of the Union. The Board seems from the beginning to have restricted its efforts mainly, if not entirely, to the region of design. It began by offering premiums for designs, and in 1760 it started a School of Design of its own. This school had a marked influence in Scotland, especially during the headmastership of John Graham, who reigned nineteen years, from 1798 till 1817. It can fairly claim to have produced the group of artists by whom the R.S.A. was founded. It was the first School of Art in the United Kingdom run at the public expense. But it did not absorb the whole income of the Board. The rest was saved up. The Royal Institution building was paid for out of the savings.

It was designed to fulfil the following purposes: The eastern side contained the school and the office of the Board of Manufactures; the western side, the rooms of the Royal Society, for which it paid rent; the centre, the galleries of the Royal Institution, for which it paid a rent of £380. The Royal Institution

<sup>1</sup> The engraving of this building at page 240 is from the work of Mr. F. C. Inglis.

had at this time 133 ordinary members besides the artist associates. Several of these also occupied seats at the Board of Manufactures, which had no less than twenty-one members. There was thus a complete understanding between the two bodies. The quarrels which followed might have been avoided if there had been more effective appeal from one body to the other.

The last four of these exhibitions of modern painting were held in the new galleries. The first, held in 1826, was financially a conspicuous success. It was visited by some 18,000 people, whose shillings and season tickets brought in over £900. But already the artists were chafing against these arrangements, which, though made with the best intentions for their benefit, left them without any say in the exhibitions. The very year the new building was finished, twenty-four of them, including all the associates of the Royal Institution, had agreed to form themselves into an Academy with an exhibition of their own. The leading spirits were William Nicholson, the portrait painter and etcher, and Thomas Hamilton, the architect of the High School. It is impossible to doubt the wisdom of a movement led by these two men, though at the moment it must have presented to many the appearance of an ungrateful rivalry. It certainly had to contend with the hostility of those who were honestly trying to befriend the Scots artists. It was perhaps this disagreeable circumstance which led to the defection of several artists who had pledged themselves to the new movement. Nine of the twelve associates of the Royal Institution returned to their old allegiance. They were very unwisely rewarded by the Directors with commissions of £50 and upwards. This money burnt holes in their pockets, and in the end drove them back to the young Academy.

Meanwhile the young Academy took shape. George Watson was elected the first president, and remained in that post till his death in 1837. In a sporting mood it was decided to open the first exhibition simultaneously with that of the Institution in the new building on the Mound. Two large galleries at 24 Waterloo Place<sup>1</sup> were engaged for the purpose. This was February, 1827. In this first round the Institution seems to have had the best of it. The Academy Exhibition was hastily arranged and

<sup>1</sup> These galleries now probably form part of the North British Railway offices, 23 Waterloo Place. It is not possible to trace the former numbering of the street, but in 1853 the Burgh Assessment Roll shows that No. 24 was on the north side, last of the Regent Arch. The N.B.R. office contains rooms and a staircase corresponding to the description given in Sir G. Harvey's 'Notes.'



weak. In the second round, 1828, the Academy held its own. In the third, 1829, the Royal Institution was, as Sir George Harvey says, 'fairly driven from the field.' This year the Academy Exhibition contained, besides the works of its own members, pictures from the easels of John Linnell, John Martin and Francis Grant, then a young man of 26, as well as a large canvas by Etty—'the Judith and Holophernes'—which was afterwards purchased by the Academy and became a sort of guarantee of its permanence, as well as the colossal nest egg of its collection. There was also a vast Rubens lent by Lord Hopetoun. This proved too wide for the staircase, but by an ingenious contrivance of Mr. Hamilton's it was successfully swung into the building through the cupola. Sir George Harvey gives a graphic description of its perilous journey. The Etty was acquired by an arrangement which Sir George Harvey describes as most liberal on the artist's part. At the same time there was evidently a delicious rashness about the transaction on the Academy's side. The reader may wonder as he gazes with cold eyes at the huge canvas now hanging in the National Gallery whether the liberal arrangement did not entail a payment quite as large as the picture deserved. But *tempora mutantur*. This is not to doubt the wisdom of the purchase. It was abundantly justified by the instant result on the Academy's fortunes. Etty was then at the zenith of his fame. He was essentially an artist's artist. The purchase of this conspicuous work, with two wings to follow nearly as large as itself, made a great stir, and definitely established friendly relations between the new Academy and its elder sister in London.<sup>1</sup>

It was during these three years of rivalry that the Academy and Institution both applied for a Royal Charter—an honour granted to the Institution, but denied, after two years' hesitation, to the Academy. In spite of this slight rebuff every one was impressed with the success and promise of the new movement, but none so much as the artists who still adhered to the Royal Institution. Too proud to remain longer under its yoke, and too proud to appeal for admission to the new Academy, they now announced their intention of forming an Academy of their own. Thanks, however, to the good sense and diplomacy of Henry Cockburn, they agreed with certain other artists, twenty-four in all, to petition the Academy for admission. The Academy,

<sup>1</sup>Two other large works by Etty, making five in all, were afterwards purchased by the Academy, but not till 1832.

owing to the defection mentioned above, had at this time only fifteen members. It was thus invited to more than double—in fact, as it turned out, to even treble—its numbers, for the offer was to take all or none. In this dilemma the Academy sought advice from John Hope, Solicitor-General for Scotland, who was to be succeeded by Henry Cockburn in that office two years later. The decision was in the end left entirely to this pair of level-headed lawyers. They decided that the twenty-four applicants should all be admitted, bringing the number of the academicians for the moment up to thirty-nine. As a matter of fact the number was actually forty-three, as it was afterwards found advisable to include certain applicants for the rank of associates. But only one election was to be made for every three vacancies until the number was reduced to thirty. The document, dated 1829, in which their decision was given, is a masterpiece of commonsense. It contains some very shrewd advice designed to make the new arrangement work smoothly.

The Academy, now firmly established, continued its exhibitions, while those at the Royal Institution were dropped. In 1834 the lease of the Academy's rooms expired. The lapse of five years had so far healed the old disputes that application was made to the Royal Institution for the use of the Galleries on the Mound. Lord Cockburn was again the adviser, and again good sense prevailed. The Academy obtained a lease of the Institution rooms for three months in the year for a rent of one hundred guineas, an arrangement which lasted twenty years. In 1838 it obtained the coveted Royal Charter, which embodied and fixed its constitution and laws. A year earlier William Allan had succeeded George Watson as second President.

In 1844 a new dispute arose which called forth a series of articles from the pen of Sheriff Monro, already mentioned as one of the authorities on which the historian of the Academy has to rely. This dispute arose over a picture painted by the son of Sir Thomas Dick Lauder, Secretary to the Board of Manufactures. This body, the reader will recollect, had built and still owned the Galleries which the Academy now rented from the Royal Institution. The picture, originally well placed by the Hanging Committee, had, in response to a protest from sixteen members of the Academy, been transferred at the last moment to a worse place, but, unluckily, not before Sir Thomas had seen it in its first and better position. He complained of its removal in a letter which fills nearly two octavo pages of very small type. The Academy,



in a reply equally long-winded, maintained that Sir Thomas had no right to enter the rooms before the exhibition was opened. Sir Thomas, his grammar failing him in his wrath, retorted that he must most certainly visit the rooms since the Board of Trustees could not surrender the charge of the building to a 'series of individuals changed every year, and of whose habits and even names they are ignorant.' Besides the Royal Society and Society of Antiquaries never disputed his right of entrance, though they, far from being a 'series of individuals,' consisted of 'persons of the highest consideration.' And so on. It was a quarrel between two families trying to live in one house. The old-fashioned country gentlemen and judges, who composed the Board of Manufactures and Royal Institution, with their minds firmly fixed on the benefits they had bestowed on the artists, could see them now in no light except that of ungrateful rebels. The artists, on the other hand, dimly groping for freedom, kept their minds as firmly fixed on the income derived by the Royal Institution from the exhibition of their works, and regarded their eminent patrons as Israel regarded Pharaoh. But the Board had the whip hand and devised a plan for the punishment of its rebellious tenants. The rooms were offered to the Town Council for the Torrie Collection. The exhibition was to be permanent, which meant that the Academy must go.

It is a singular fact, characteristic perhaps of Scotland, that the Academy, at critical moments in its history, has always had to depend more on its financial and legal rights than on public interest or sympathy. The Academy had no weapon which could reach the Board of Trustees, but it could and did attack the same men under another name in the Royal Institution. The duel thus became triangular. The Institution was threatened with an action for having purchased pictures and books with money derived from the Academy exhibitions,—money which ought, under the agreement, to have been devoted to the benefit of artists and their families. At this juncture Lord Cockburn, who was the one man of his day to grasp the true mission and possibilities of the Academy, once more came to the rescue. A Government enquiry was ordered to be made into the affairs of the Royal Society, Academy, and Board of Trustees. The enquiry was conducted by Mr. John Shaw Lefevre, who made his report to the Treasury in 1847.

The arrangements he proposed were wise and generous, and marked by a commonsense which, up to now, no one except

Lord Cockburn and Mr. Hope had imported into this business. His suggestions were carried out after a few years' delay. A new building was constructed on the Mound behind that already in existence, and from the designs of the same architect. The Town Council gave the site for £1000 (its value being estimated at £30,000 or more) on the understanding that the Academy should have proper quarters in the new building. Parliament voted £30,000, and the Board of Trustees contributed £23,000 to the cost of its construction. This building, one of the most perfect of its kind in Europe,<sup>1</sup> contained two parallel sets of rooms, five in each set. The western rooms were devoted to a permanent exhibition designed to form a National Gallery, consisting of (1) the Collection belonging to the Academy, including the large canvases by Etty and other purchases and bequests, (2) the disputed pictures belonging to the Royal Institution, and (3) the Torrie Collection. All these, with many additions, are now included in the national collection. The five eastern rooms, together with the Council room and the Library at the end of the building, were appropriated for the exclusive use of the Academy, and a small room over the portico was later assigned to it as a Life School. Most of these arrangements were embodied in the Act of Parliament in 1850. The status of the Academy was unfortunately not defined in that Act, but it was clearly laid down in the Treasury Minutes under which the various parts of the building were allocated. The foundation stone was laid by the Prince Consort in 1850, and the building completed five years later. Sir William Allan had died in 1850, and Sir John Watson Gordon had succeeded him as President.

At last the Academy was firmly planted on its own legs. Petty and needless as its early difficulties now appear, they were probably inseparable from a new movement of this kind in the Scotland of that day. The chief interest for the reader now lies in the fact that the most formidable obstacles the Academy had to overcome were nearly all placed in its way by its best friends. It would be scarcely fair to describe it as a struggle of the poor artist to emancipate himself from the rich patron, but such in a sense it was. No one concerned seems at the time to have guessed, with the single exception of Lord Cockburn, how completely the vigour and success of the Academy were bound to depend on its freedom.

Now follow forty years little marked by change. The visible

<sup>1</sup> See *Report of Museum Commission in Europe*. Boston, U.S.A. 1905.





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success of an Academy depends upon genius, and the visits of genius are fitful. No Academy can hope for an even fame. But these forty years were years of steady growth, hard work and considerable achievement. The chair of President was occupied in turn by Sir George Harvey, 1864-76; Sir Daniel Macnee, 1876-82; Sir William Fettes Douglas, 1882-91; and Sir George Reid, 1891-1902. Among the other distinguished painters on the roll are Thomson of Duddingston, Thomas Duncan, Horatio M'Culloch, R. Scott Lauder, David Scott, William Dyce, Sam Bough, Alexander Fraser, J. C. Wintour, Sir J. Noel Paton, Erskine Nicol, G. P. Chalmers, Robert Herdman, W. M'Taggart: among sculptors, Patric Park, Sir John Steell, W. Brodie: among architects, Thomas Hamilton, William Playfair, and David Bryce.

By the close of the nineteenth century the provision made in 1850 had already become too small. The various Institutions overhauled at that time were still linked together under the Board of Trustees, which was landlord to all of them if nothing else. The Royal Institution was dead. No one knows when or how it died, but it was no longer alive. Thanks to the quiet and timely generosity of the late John Findlay, Scotland now had a National Portrait Gallery. The Museum of Antiquities, now transferred to the Nation, was housed in the same new building. The Treasury and the Board of Trustees had taken a modest part in helping to secure the site and provide the endowment. To some extent the pressure on the Mound buildings was thus relieved, but they were still quite inadequate for the purposes they had to serve. At this time the southern building still contained the National Gallery and the Academy, both pressed for space. The older or northern building, which still bore the name of the defunct Royal Institution, contained the Royal Society, the School of Art, and the Applied Art School, besides a musty Gallery of plaster casts, and the Office of the Board of Manufactures.

This Board has a good deal to answer for. The blame falls not on its members, but on its constitution. It is a striking proof that just as the best of constitutions will fail without good men, so the best of men cannot make up for a really rotten constitution. The Board had at this time twenty-four members, all distinguished and able men, of whom it may safely be said that any three of them, or any one for that matter, would have admirably transacted its business. It had also an attentive and conscientious Secretary, with two clerks to assist him. It was, in



fact, much too good, and quite unsuited to its purpose. The result was perfectly disastrous. It was like wrapping up a cream cheese in a fur coat. True, one or two members took a personal interest in details of the work. The pictures in the Galleries were consequently well hung so far as the insufficient space allowed, and the few purchases were wisely made. True, the School of Applied Art, under the direct supervision of Sir R. Rowand Anderson became a practical School of Architecture, and the main instrument in any advance there has been in building design in Scotland. But the responsibility shared by so many was felt by none, and apart from the points just mentioned the administration of the Board can only be described as thoroughly bad. The School of Art was moribund, and, though supported out of National funds, had long ceased to be national in any other sense. Promising students even from Edinburgh preferred to attend the newer and better equipped schools in Glasgow and Aberdeen. The Academy Life School was hopelessly cramped in the attic over the porch. The Royal Society complained that it was over-rented and underpaid. The Curators of the National Gallery and Portrait Gallery were allowed no liberty in making purchases: indeed purchases for the National Gallery were considered undesirable, because it was full. The funds of the Board were allowed to collect in order to meet repairs and contingencies. The Board always felt poor. It never discovered that it was spending its money on objects which, in Ireland and England, had long been met out of Parliamentary grants. The Board never thought of taking up the cudgels for any of the institutions under its charge, or obtaining for them the same grants which like institutions in England and Ireland were receiving. On the contrary, it made it its business to protect the Treasury from such applications, while it modestly devoted its small income to defraying expenses which would otherwise have fallen on the Exchequer.

These shortcomings were noticed by few—so much is the work of a public department taken for granted—but they did not escape the keen eye of Mr. W. D. M'Kay, now the respected secretary of the Academy, and he took steps, as in duty bound, to get things put straight. In 1902 the Board's administration was challenged in Parliament. For once the Scots members knew and got what they wanted. A committee was appointed, with Mr. Akers Douglas, now Lord Chilston, as chairman, to enquire into the whole subject. The Committee's report was published

in 1903, with the evidence, in case the curious reader cares to consult it. It reviewed the whole situation. Its recommendations, which were of a fairly obvious kind, have in most cases been carried out. In some respects they have been improved upon by the Scots Office and Parliament.

From these new arrangements, which may now be briefly described, the Academy has derived great advantage. For this it has largely to thank its President, Sir James Guthrie. This is no idle compliment. The writer happened to follow the negotiations sufficiently closely to know that the Academy would not have fared nearly so well as it did, but for the patient tenacity and sound judgment of the President. His diplomacy displays the same qualities that impart force to his portraits, a close knowledge of his subject, a determination to stick to essentials, and a natural dislike to over-statement. That kind of diplomacy never asks for too much, but gets what it wants. Moreover, Sir James carried his colleagues completely with him, so there was no weakness from divided counsels. The Academy is now installed in the northern or older building on the Mound, which has been altered to suit its purpose, and is henceforth to be maintained at the public expense. In return the Academy has made over to the nation its large and valuable collection of pictures and any claim it may have had on those formerly belonging to the Royal Institution. These are now merged in the National Gallery, which occupies the whole of the southern or newer building on the Mound. This building has been slightly altered in order to throw the two sets of Galleries into one. Inside, the building preserves in the main the scale and plan of Playfair's design. The outside has scarcely been touched. The outside of the northern building also remains practically unaltered, but inside it has had to undergo more drastic transformation, being as it stood, with its small rooms at different levels, quite unfit for its new purpose. The Academy Life School and the Applied Art School have been transferred to the new Edinburgh College of Art, where the members of the Academy still act as visitors in the Life School. The other moribund School of Art on the Mound has been closed. The Royal Society, with assistance from the public purse, has moved to new quarters. The Gallery of Casts has been dismantled, and those of its contents worth keeping have gone to the College of Art. Thus the whole of the northern building on the Mound has been rendered free for the use of the Academy.

There are only two things it is possible to regret in these



changes: one is the displacement of the Applied Art School which possessed an individuality, rare and much to be prized, which it can scarcely hope to preserve as part of a larger institution; the other is the alteration of the interior of Playfair's first beautiful building, a model of ingenuity, fitness, and proportion, but not suitable for its new purpose. The transformation has been well and carefully made by the Office of Works, and it would be difficult to imagine an Academy better placed or better housed. The cost of these changes was met partly from the accumulated funds of the old Board of Trustees and partly from the Treasury. A new Board of Trustees with seven members now administers what remains of the old Board's funds and duties. This Board still stands somewhat in the position of a landlord to the Academy. No rent is paid, but the building is vested in the Board, and the Academy has not an unlimited right of occupation. This arrangement, dear to the official mind because it multiplies correspondence and divides responsibility, does not seem very wise in view of past events. But since the rights of the Academy are clearly defined, and the President is a member of the Board of Trustees, there is little occasion to apprehend trouble.

What use is the Academy going to make of its new opportunities? What are the true uses of an Academy? What its true place in a country like Scotland? It will help us to answer these questions if we remember that the Academy is a two-sided thing, with public duties and domestic duties, which may, and often do, come into conflict. Let us consider the domestic side first. Seen from this point of view the Academy is the home and centre of painters, sculptors and architects. It has to watch over their interests, to take the lead in their affairs, to keep their work up to the mark. It has also, by its exhibitions, to put the public in touch with the best work of the day, and to bring new men and new ideas to the front when they deserve it. This the reader may think is to take a very wide view of the Academy's domestic circle, but it is the only logical view. The Academy holds a trust for every artist whose work deserves encouragement. Its obligations are by no means limited to its own members. Of course the academicians may, and happily do, have their own corporate existence and a pension fund consecrated to their own use. They have their library and offices and place of meeting. But apart from such ordinary adjuncts of their public duty, it cannot be too clearly pointed out that the Academy as an institution no more exists, or claims to exist, for the benefit of the

academicians, than the British Museum exists for the benefit of the Trustees. It belongs to the whole brotherhood of artists.

But the Academy has another duty, and a higher. It has not only to take care of the artists. It has to take care of the arts. How is that to be done? Well for one thing the Academy must constantly take our bearings for us. It must see how we stand compared with other countries, and when we lag behind find means to show us what other countries are doing. Then it must in a measure hold the balance between the movements of the day, since art most often advances by a series of revolts, and must decide which are to be encouraged. Others may forget, but it must always remember how the present trembles between the past and the future. It must discard what is antiquated. It must prize what is scholarly. It must remember how the labour and thought of generations may go to the making of one fine design. Yet it must discourage lazy repetitions, whether of a man's own work or of other people's. Its eyes must be open to new ideas and new materials. And common-sense must not be left out of account. Too many people think that common-sense ends where art begins. They forget that every great work of art, whether it be a Greek coin or a thirteenth century cathedral or a portrait like the 'Man with Gloves,' is built on a solid foundation of common-sense. The question 'why' is one which an Academy cannot ask too often. It is as pertinent to a work of art as to an Act of Parliament. Fitness can and must always be measured. Noble designs should be devoted to noble uses. Difficult though it is to discriminate between what is great and what is merely skilful, the attempt must be made. The limitations of materials can be recognised and obeyed. An Academy must see to this. Water colour must be water colour; oil, oil; marble, marble; and bronze, bronze. None of these are questions of taste. This kind of control by an Academy means business-like adherence to an ideal and a plan. It is work for scholarly, level-headed men. There is nothing mysterious or fanciful about it.

It is doubtful whether the influence of an Academy can reach much further than this, but there are other things for which it will always be waiting. Beauty of form and colour and imagination will appear only when genius breathes on the work. The Academy must keep a sharp look-out for the visits of genius. It must avoid the extravagance of the modern critic who finds so little to admire in the fine craftsmanship of Alma Tadema and so much in the nasty lispings of the Post Impressionist. But



it must be sure to welcome genius whether it comes visibly concentrated in some gifted individual or thinly diffused, as is often its strange way, over a rebellious group or a movement. Academies are not always quick at descrying genius. If any reader doubts this let him call to mind the work collected at the Tate Gallery last summer—the work of Stevens, Whistler and Legros, three men of striking influence, but never made welcome at Burlington House. It may be doubted at first sight whether men chosen for their artistic achievements are necessarily fitted for the discharge of these wide duties of criticism. The writer has no such misgivings, believing that any work of art deserving the name is a guarantee of strong character and discernment in its maker, quite apart from imagination and technical skill.

Now it is pleasant to record that the R.S.A. shows every sign of its intention to work up to the ideals sketched above. For the discharge of duties so varied, and, in some ways, so contradictory, the first need is clearly an elastic mind. This has not always been a strong point in academies. Usually their constitution seems expressly designed to preclude that quality, especially when the members are of two grades and the administration centres in the elder. Men are rarely elected associates till they are forty—it would perhaps be rash to elect them younger—and ten years more usually elapse before they become full academicians. This means government by the old and crusted. The R.S.A. under Sir James Guthrie and his distinguished predecessor, Sir George Reid, has faced and in a great measure overcome this defect by a wise modification of its constitution. Academicians and associates who are, from ill health or any other reason, unable to fulfil their duties, can now place themselves, or be placed, on the retired list, and their seats filled.<sup>1</sup> The number of associates is no longer limited to twenty. The Council which conducts the ordinary business of the Academy still consists exclusively of academicians, who serve on it in turn, but those newly elected are placed at the top of the roaster, and the new blood thus passes direct into the Council. The Committee of Arrangements, commonly called the Hanging Committee, has three associates among its seven members. The number of works to be sent in for exhibition is limited to three for members and non-members alike. Associates are equally eligible with academicians as visitors to the Life School. The younger members thus take a fair share in the leading departments of work. The Royal Academy in London might do

<sup>1</sup> Supplementary Charter of 1895.

worse than follow this example. The arrangement is found to work well, and no wonder. Who doubts that in some matters age must bow to youth, as in others, youth to age? A constitution which forces youth and age into antagonism must be radically wrong.

Allusion was made above to the need of gauging one nation's work by that of its neighbours. This need is particularly felt in a small country like Scotland, which can scarcely expect to excel in all the arts at one time, and which has small means of attracting the work of other countries. To meet this need the President has raised a sum of over £10,000 among the friends of the R.S.A., the interest of which is handed every year to the Hanging Committee to be spent on bringing exhibits from foreign countries. The increased space in the new building afforded a good opportunity for this new departure. It was not lost. Seizing on sculpture as a weak point in Scots art, the first exhibition held last year was marked by an admirable selection of French contemporary sculpture. This year's exhibition again contains some sculpture from France and Belgium, as well as a large number of paintings and architectural drawings from those countries, a few from Germany, Sweden and Italy, and some good work from England. Altogether, the work of thirty-seven foreign artists, not counting the Englishmen, is represented. These exhibits were not taken at random, but carefully chosen by a travelling committee.

It may be urged that these strangers take up space which would otherwise be devoted to the work of Scots artists. This is another way of saying that it raises the standard of admission. The same charge might be brought against the method of spacing, which is such as to show each picture or object to full advantage. This again raises the standard. But the standard is not too high. It is higher than that of the Royal Academy in London, which, perhaps wisely, confines its exhibition almost entirely to the work of British artists, but which, most unwisely, crowds every inch of its walls, and so causes an exhibition, which is perhaps really the most interesting in Europe, to appear one of the poorest. The standard is higher, so far as painting is concerned, than that of the Paris Salon, and well it may be. Should it tend to become too high, and good work be shut out, this would, in the judgment of the writer, be a good reason for extending the Galleries, but not for overcrowding them, or for excluding foreign exhibits—assuming always that these are carefully selected and individually worth having.



The R.S.A. is much to be congratulated on these two first exhibitions in its new home. The foreign work, of which so much has been said, occupied after all only a fraction of the space. Contemporary Scots painting filled the bulk of the rooms. It was here seen at its best, and at its best it is now as good as any in the world. The Exhibition is as large as any mind can comfortably comprehend, and yet not large enough to weary the visitor. In a word, the scale appears ideal for the purpose. The rubbish which tires and confuses the visitor to Burlington House or the Grand Palais being happily absent, the Academy escapes the ugly responsibility which falls on these exhibitions of encouraging men and women to devote themselves to an occupation for which they are not fit.

This sketch would not be complete without some allusion to the funds administered by the Academy. The Exhibition fund has already been described. There is also a small and variable income from the entrance fees of new members, being £15 for associates and another £10 when they become academicians. There is a Pension fund derived from the proceeds of the exhibitions under an obligation laid on the Academy by its first charter. Formerly all academicians and associates had a claim on this fund if they cared to make it; now non-resident members, that is, those who have lived three years out of Scotland, lose their claim, though it can be restored if they return within ten years and there is a vacancy.<sup>1</sup> The number of associates being now no longer limited to twenty, they are not all eligible for pensions, but as vacancies occur they are added to the pensionable list in order of election. A Committee of the Academy also administers the Alexander Nasmyth fund, in which any Scots artist is eligible to participate.

The relative numbers of painters, sculptors, architects and engravers, who form the Academy, is not fixed by Charter.<sup>2</sup> Painters always have predominated and probably always will predominate, because their work best lends itself to the Exhibition, which forms so conspicuous a part of the Academy's business. In the writer's judgment a more equal distribution between the three principal arts would be of advantage, and would greatly strengthen the Academy's position as a controlling factor in the art of the country.

<sup>1</sup> Supplementary Charter of 1891.

<sup>2</sup> In the first Charter the number of engravers was limited, but under a supplementary Charter of 1895 even this was left open.

The future, so far as painting is concerned, seems bright. A Scots school, distinct from every other, is scarcely a thing to aim at, nor does such a thing seem possible in these days when men and pictures travel so much and so fast. But we have at this moment more than our share of the world's distinguished painters, and truth and thoughts likely to live seem to underlie the charm and skill of their best work, while our country, climate, traditions and national turn of mind give it a flavour and coherence of its own. There is, of course, the inevitable drain to London. We have seen that the Academy has wisely done what it can to discourage it. But does it really matter so very much? The artist born and trained in Scotland does not readily lose touch with his country, nor can he readily throw off what he takes with him. Wherever he lives he usually remains, and is reckoned a Scots artist to the end of his days.

The trouble is rather that we have too many painters. At present sculpture and architecture and the applied arts really stand in need of more care than painting. In spite of a few notably good living architects, and a tradition of good and solid construction which we owe to the national character and national climate, the general level of architectural design in Scotland is decidedly low, and the standard of applied art is even lower. Happily our leading architects are of the true brand,—men whose influence extends, like that of every great man in that profession, far beyond the mere shell of a building, and includes a wide region of design into which they call sculptor, craftsman and painter to help them. Happily applied art already employs a few good artists, though not nearly enough. Thus everything seems ready for a transfer of artistic energy from the overstocked profession of picture-making to architecture and the applied arts, and it would appear to be the duty of the Academy to employ its great influence in the encouragement of that transfer.

JOHN STIRLING MAXWELL.



## The Influence of the Convention of the Royal Burghs of Scotland on the Economic Development of Scotland before 1707

THE seventeenth century is a time of great change and development in the economic history of Scotland. At the beginning of the century her trade and industry were practically the same in organization and in scope as they had been for the two preceding centuries—the break with the middle ages was only beginning. At the end new industries were being promoted and old ones developed by individuals and by companies; the great Darien failure was the collapse of a modern scheme, and the Scottish merchants had begun that trade with America which was to lead their successors to fortune. Scotland, by the time of the union, had entered on the paths which were to lead her by modern methods to commercial and industrial success, although her progress was for some time still to be slow and halting.

This great change was the result of the work of several factors. These were the enterprise of the people and their growing interest in economic affairs, the increase of capital, the influence of new ideas from England and other countries, and the regulations and encouragement of four agents, the crown, the privy council, the parliament and the convention of the burghs. It is of the influence on the economic development of Scotland of the last of these factors—the convention of the burghs—that this article treats.

The burghs of Scotland have been more alike in their organization and development than those of England. Almost all the more important held directly of the crown; parliament legislated for them as a whole; and they had their own burghal parliament—the convention—to regulate their affairs and guard their interests. This assembly apparently developed in the sixteenth century from the Court of the Four Burghs, a judicial court presided over by the chamberlain. Towards the end of the fifteenth century its functions were enlarged, for, in 1487, parliament enacted that

commissioners of all the burghs should meet yearly at Inverkeithing to treat of the 'weelfare of merchandis the gude Rewle and statutis for the commoun proffit of borrowis and to provide for Remede apoun the scaith and Inuirs sustenit within burrowis.'<sup>1</sup> Trade was developing and industry increasing. The inhabitants of the royal burghs were the people who were chiefly concerned in these matters, and their shadowy legal court of the fourteenth and fifteenth centuries became, in the sixteenth, the substantial and prosperous convention with solid commercial and industrial interests. Statutes in 1578 and 1581 ratified and enlarged the act of 1487, and by the end of the sixteenth century the constitution of the convention was established as it was to remain, with few and unimportant changes, for the next two centuries and more.

There was as a rule one general convention in the year to which all royal burghs were bidden to send commissioners. But there were also particular conventions, often two or three in the year. In 1626, Edinburgh was authorized, if matters of importance occurred, to summon the next adjacent burghs and others most concerned, not fewer than ten or more than twelve 'that course may be taiken with a mutuall and vniforme consent of the best expedient in all thinges.'<sup>2</sup> Matters were often referred to these meetings by the larger body and questions which required to be put before the privy council or parliament, or on which the council asked for advice, were entrusted to their charge.

The conventions were held in different towns, and the provost of the burgh chosen presided at their meetings. The chamberlain ceased to attend early in the sixteenth century, so the convention was a democratic assembly in so far as no king's officer or noble was present, nor did the burghs as a rule meet with any interference in the management of their affairs. But while the convention was democratic in that it was a parliament of the commons, its members were the aristocracy of their order. In 1574 it was ordained that no commission should be given except to 'merchantis and trafficquaris, haifand thair remanyng and dwelling within burgh, and beris bourdene with the nychtbouris and inhabitantis thair of,'<sup>3</sup> and this qualification was insisted upon to the exclusion of the craftsmen.

The limitations of the convention are obvious to the modern eye. It was an assembly of the representatives of the royal burghs

<sup>1</sup> *Acts of the Parliament of Scotland*, ii. 179.

<sup>2</sup> *Records of the Convention of the Royal Burghs of Scotland*, iii. 219.

<sup>3</sup> *Convention Records*, i. 25.



as distinct from the burghs of regality and barony; and it was concerned not only in the development of the interests of its members, but also in the maintenance of their privileges, of which the monopoly of foreign trade was the most important, against encroachments of unfree burghs and unfree persons. Then, too, as its members were merchants, their interests were more regarded than those of the craftsmen. The convention made regulations and enforced restrictions in economic matters which are now left to the control of the individual producer. In the Dutch trade it forced the merchants to trade with the staple goods only at the staple port, and made many regulations for their conduct there.

But from the standpoint of the sixteenth century the convention occupies a different position. It represented only the royal burghs, it is true, but they were the most important and thriving sections of the community. A body composed of their members was a national authority, and its regulation of trade and supervision of industry made for uniformity and the predominance of national over local interests. Also all merchants of royal burghs were allowed to trade, and the only restriction as to places was in the Dutch trade; in other trades any merchant could go where he wished. Therefore the restrictions on the merchants in Scotland were fewer than those imposed by the great trading companies in England. As Archdeacon Cunningham says: 'The combined trading in regulated companies, which was such a characteristic feature of English commerce, had never become an established Scots practice; Scotland moved from medieval to modern trade organization without passing through this transitional form.'<sup>1</sup>

The convention was not only concerned with economic affairs. It regulated the relation of the burghs to each other, had much to do with their internal affairs, their municipal constitutions and the maintenance of their public works, and was also interested in some miscellaneous business, such as the choice of a Latin grammar to be used in schools, and the reform of women's 'heid attyre.'

Its attitude towards economic affairs and its relative importance as compared with the council and parliament, change in the three periods into which this epoch naturally falls—the reigns of the earlier Stewarts, the interregnum, and the years between the restoration and the union. It is in the first of these three that its influence was greatest, for it was then most in touch with the

<sup>1</sup> Archdeacon Cunningham's preface to *Commercial Relations of England and Scotland*, 1603-1707, T. Keith, p. xi.

economic life of the people. James VI. and Charles I. took great interest in and did much to promote the economic interests of their ancient kingdom. They acted through the privy council, and parliament, where the burghs were represented, had little influence during this period. Therefore the convention, as representing the commercial and industrial part of the community, was important, and it was consulted on every economic question which came before the council; while it exerted its powers independently to secure uniformity, maintain quality, regulate trade and negotiate for commercial privileges, and to some extent to develop industry. It seems impossible to draw a line between the powers of the convention, the council, and the parliament in regulating and developing trade and industry beyond the very general one that the burghs did not as a rule pass acts restricting or allowing export or import of commodities from abroad. The convention was seldom interfered with, but in 1598 it was forced to rescind an act which it had passed declaring that all burghs were to punish their citizens who, in defiance of acts of parliament and of the burghs, 'for thair particular gain, without respect of the lawis of the realm, dewtie to thair native cuntrey, and of thair awin consciences,'<sup>1</sup> purchased licenses for transporting wool. But the Lords Auditors of the Exchequer had licensed the export of wool, and so on complaint to the council this 'pretendit' act of the burghs was not allowed.<sup>2</sup> In the matter of the appointment of the Conservator in Holland both burghs and king claimed the nomination, so there were frequent disagreements between them, generally ending in a compromise.<sup>3</sup>

In industry the convention had considerable powers in making regulations about weights and measures. These powers dated from an early period, for James II. in 1454 gave the Court of the Four Burghs authority to give weights and measures to the lieges.<sup>4</sup> The convention also prescribed the size and shape of barrels for fish, the method of salting and packing fish, and the length and quality of cloth. The burghs were anxious to encourage manufactures, if the profit was reaped by their own members, but the variety of their interests and the difficulty of raising capital made it difficult for them to take any initiative; and their anxiety that all their members should obviously profit and profit alike made them oppose

<sup>1</sup> *Convention Records*, ii. 26-27.

<sup>2</sup> *Register of the Scottish Privy Council*, First Series, v. 477.

<sup>3</sup> See *Scottish Staple at Veere*, Davidson and Gray, pp. 167-210.

<sup>4</sup> *Convention Records*, i. 542-3.



individual efforts which generally took the form of a monopoly. The convention was more able to enforce its regulations than the parliament or the council, for it had its agent and its own machinery for reaching and fining delinquent magistrates who did not put the laws into execution as they were required, and at every convention the commissioners of the burghs could be reminded of their magistrates' duties. The dealings of the commissioners on the subject of the export of 'burnecoill' give an example of their methods. As this was transported against acts of parliament to the great hurt of the lieges, the coal 'decayand and growand skant daylie' and the 'cuntry apperand to be destitute of fewall in schort spaice,' provosts and baillies were ordered in 1594 to put acts of parliament against this export into execution within their bounds under pain of an unlaw of £20, and each commissioner was instructed to report the diligence of his burgh at the next convention.<sup>1</sup> The next year the act was ratified and ordained to be put to further execution, and every burgh was to report their diligence under pain of £100.<sup>2</sup> This Dysart and Culross failed to do, so in 1596 they were fined £100, to be paid to the agent of the burghs,<sup>3</sup> and again in 1599 Dysart was reprimanded,<sup>4</sup> and in 1600 was required to raise letters against their neighbours who transported coal.<sup>5</sup>

As has been said, one very useful function of the convention was its attempt to secure uniformity. In one of the earliest conventions of which we have a full record, the commissioners decreed that all burghs must receive and use the stone weight of Lanark, the pint stoup of Stirling, the firlot of Linlithgow, and the ell of Edinburgh.<sup>6</sup> In 1592 those who had not satisfied the act were ordered to produce an attestation from the clerk of Linlithgow that they had received their just measures;<sup>7</sup> and in 1599 each burgh was ordered to 'controll ane other heirvpoun.' Linlithgow was told to make a reasonable price in 1612, as there had been many complaints of the exorbitant prices they asked,<sup>8</sup> and in 1618 the prices of all the measures were fixed by the convention.<sup>9</sup> At almost every convention in the late sixteenth and early seventeenth centuries this matter received attention, and parliament several times re-enacted earlier legislation on the same subject. In the interests of national uniformity also it was decreed in 1552 that because of the 'grete myrmour risin vpoun the hale borrowis of this realme in rasing of nouationis and exactionis of thair pitte-

<sup>1</sup> *Convention Records*, i. 445-6.      <sup>2</sup> *Ibid.* i. 464.

<sup>4</sup> *Ibid.* ii. 45.

<sup>5</sup> *Ibid.* ii. 77.

<sup>3</sup> *Ibid.* i. 477-8.

<sup>6</sup> *Ibid.* i. 2 (1552).

<sup>7</sup> *Ibid.* i. 437-8.

<sup>8</sup> *Ibid.* ii. 353.

<sup>9</sup> *Ibid.* iii. 71.

customs of the burgh, and for stanching thair of,' every burgh should use the table of the petty customs of Edinburgh.<sup>1</sup>

The burghs also endeavoured to secure that the barrels for salmon, herring, and white fish should be the same size throughout the country, the salmon barrel to contain twelve gallons and the others ten, and these regulations were many times re-enacted. All these provisions were made in order to enable trade at home and abroad to be carried on more easily, and with the same object many regulations were made for the maintenance of the quality of goods, to avoid the 'evill brute and sclander rasitt on the haill merchantis of this realme in France, Flanderis, and vtheris partis beyond the see,' as was said in regulations about the export of skins.<sup>2</sup> As fish was a very important export, much attention was paid to its curing and packing. In 1580, for eschewing the 'greit inconveniencis and intolerabill skaith' that 'has happynit to the merchandis and traffecquaris of this realme, of the new inventit craft and falsset committit and done dailie be the cowparis, pakkaris of salmound, throuche pakking of roustie and insufficient salmound fische, quhairthrowch thair is greit hurt and dampnage nocht onlie sustentit be the byeris thair of but alsua be the selleris of the samyn, and no less sclander sustentit be the haill nation through default of the said salmon pakkeris,'<sup>3</sup> regulations were made that all packers should be sworn to use their office 'lelelie and trewlie,' and to set caution and surety in the town's books to pack only good and sufficient fish, to burn and mark each barrel after packing with their own mark, and then to have it burnt with the town's mark. If they failed they were to pay £10 for the damage which the merchant sustained and £10 penalty to the town, and to be for ever discharged from packing. In 1609 gaugers were appointed in all burghs to see that the regulations were carried out and that all barrels were of the measure of Edinburgh.<sup>4</sup> This apparently was not satisfactory, for in 1616 it was ordained that Edinburgh should make another form of barrel and send it to all the burghs.<sup>5</sup> The privy council was asked to 'interpone thair autoritie thairto,' and they therefore passed an act confirming that of the convention.<sup>6</sup> The care of the fishing industry occupied much of the time of the convention, and it would be wearisome to trace the exact regulations for size of barrels, manner of packing herring, provision of salt, etc., which

<sup>1</sup> *Ibid.* i. 2, 11-12.

<sup>2</sup> *Ibid.* i. 21 (1570).

<sup>3</sup> *Ibid.* i. 100-1.

<sup>4</sup> *Ibid.* ii. 284-5.

<sup>5</sup> *Ibid.* iii. 32-3.

<sup>6</sup> *Privy Council Register*, First Series, x. 578-9.



were laid down for the coopers, packers, and slayers of salmon, herring, and white fish, all to remedy abuses committed to the 'gritt detriment of the merchand tredders thairin and infamie of the natioun abroad in forraine parts.'

Cloth was another important export, and in 1622 the council, becoming anxious about its quality, appealed to the burghs for advice.<sup>1</sup> The commissioners considered that the Galloway 'cair-sayis' had always been insufficient and unloyal merchandise, and they could not devise any means for reforming the trade. But plaiding should be sealed before being presented at market, and visitors and sealers should be appointed by the burghs nearest to the markets to examine the goods.<sup>2</sup> But in 1628 further complaints were made of the 'grit falsett that hes croppin in of late among the workers of the said plaiding,' and also of the length of the reel of yarn.<sup>3</sup> The remedy was said to be that the plaiding should be sold in folds, not in rolls, as then it could be properly examined, and the burghs presented a petition to parliament in 1634 about selling the plaiding in hard rolls.<sup>4</sup> This was referred to the council, there was much discussion, the council being afraid of the damage from the weather if it was presented in folds, but an ordinance enforcing the burghs' wishes was finally made in 1635.<sup>5</sup>

The convention did more for the regulation of old manufactures than for the promotion of new. The king and council were much interested in and anxious for the development of industry, and frequently tried to stir up the burghs to a like enthusiasm. At the end of the sixteenth century great efforts were made to improve the cloth manufacture, which, owing to the 'unskilfulness of our awin people' and their 'unwillingness to suffer ony strangeris to cum amangis thame,' was not sufficiently followed in the country. The burghs promised to bring in twenty of the hundred families for whom liberty of settlement was given by the council,<sup>6</sup> and sent to Norwich, the Low Countries, and France to search for workers.<sup>7</sup> Those whom they brought in 1601 were, however, 'separatit and hardle enterteynzit,' the matter was not so 'cairfulle and dewtiefulle haldin hand to as we hoipit for,' and the burghs were requested to 'se this mater of the claith put to ane point.'<sup>8</sup>

<sup>1</sup> *Privy Council Register*, First Series, xii. 639-40.

<sup>2</sup> *Convention Records*, iii. 136-7.

<sup>3</sup> *Ibid.* iii. 272.

<sup>4</sup> *Acts, Scotland*, v. 49.

<sup>5</sup> *Privy Council Register*, Second Series, v. 526-7.

<sup>6</sup> *Ibid.* First Series, vi. 123-4.

<sup>7</sup> *Convention Records*, ii. 107-9.

<sup>8</sup> *Ibid.* ii. 123.

This they did not apparently succeed in doing, for in 1605 a convention of estates declared that the 'airt of clotherie' should be introduced, and made the first offer to the burghs,<sup>1</sup> who answered that they had already sustained great losses in this enterprise 'throw thair awin inhabillitte and iniquitte of straingeris,' that there were more workers in the country than in the burghs, and that they could not accept the burden on themselves.<sup>2</sup> And in 1616, when they were again urged to undertake the cloth manufacture,<sup>3</sup> their answer was that 'to undertak ony burdyne in that mater . . . the Conventioun panelie and flatlie refusit.'<sup>4</sup> The burghs in 1632 resolved to 'erect companies for the better managment of trade and for advanceing of the native commodities,'<sup>5</sup> but there is no record of their having done so, and they do not seem to have had anything to do with the three factories started, after the passing of the acts of 1641 and 1645, at Bonnington, Ayr, and Newmills for producing cloth.<sup>6</sup>

The burghs were not more enthusiastic in their attitude towards royal endeavours to promote fishing. The Dutch had long drawn prosperity from Scottish waters, and Charles, anxious to drive them out and rival them, made plans for forming a company to fish in the waters round Britain. But before this scheme was brought forward, the burghs had had to defend their privileges in the isles, which were threatened by the proposed erection of Stornoway into a free burgh to be planted by the Earl of Seaforth with Hollanders who were to prosecute the fishing there. It was said the Dutch were afraid of the results of the continual complaints made against them, by the burghs and others, of their presuming on the rights which had been granted to them, and that they had therefore made an arrangement with the Earl that they might settle there under his protection.<sup>7</sup> The king ordered the burghs to be consulted,<sup>8</sup> but several Dutch families settled in Stornoway before the patent to Seaforth was passed. The burghs complained that the Hollanders were engrossing all the fishing and, 'least it micht appeare that they insist vpon the redres of thir euilles mor vpon ane naikit fear although grundit vpon iust reassounes rather then vpon ane

<sup>1</sup> *Privy Council Register*, First Series, vii. 56.

<sup>2</sup> *Convention Records*, ii. 202-3.

<sup>3</sup> *Privy Council Register*, First Series, x. 506-7.

<sup>4</sup> *Ibid.* x. 572.

<sup>5</sup> *Convention Records*, iv. 539.

<sup>6</sup> W. R. Scott, *Joint Stock Companies to 1720*, iii. 125.

<sup>7</sup> *S.P. Dom.*: *Charles I.*, clii. 63.

<sup>8</sup> *Privy Council Register*, Second Series, ii. 336-7.



desyre of resolution to improve that so rich a commoditie,<sup>1</sup> they decided to discuss settling a town themselves in the islands and asking the king to devolve the fishing into their hands, and therefore offered to plant and people Stornoway.<sup>2</sup>

The king in the end cancelled Seaforth's patent. The burghs then continued to discuss their own proposal to take up the fishing, and ordained the commissioners to see how many of 'thair nighbouris will adventure vpon the said plantatioun and fisching, and quhat soumes of money they will imploy thair-vponne.'<sup>3</sup> Although they were then summoned to a meeting to discuss the larger project of the fishing company of Great Britain,<sup>4</sup> which they reported to be 'verie inconvenient to the estait,' they still continued to talk over their own undertaking, wondering whether they should admit nobles and gentlemen, if not, whether they should undertake it 'as they vse it presentlie be burgessis at thair pleasoure, or in ane cumpanie,'<sup>5</sup> and if in a company if all other burgesses should be debarred, a delicate point in such an assembly as the convention. In spite of their opposition, however, the larger association was formed,<sup>6</sup> and the burghs' representations only succeeded in having the fishing of the Firths of Forth and Clyde reserved for them.<sup>7</sup>

The opposition of the burghs to Seaforth and the Flemings is an instance of the efforts of the convention to protect the privileges and rights of the burghs, which was one of its principal functions. The same attitude is shown in their action towards monopolies; they exerted themselves to maintain their own great monopoly, and at the same time to put down all smaller ones which might injure them either as a body or as individual burghs, by raising the prices of commodities or by limiting an undertaking from which all might have profited. Joseph Marjoribanks and others, burgesses of Edinburgh, entered into a society for making red herring by a new method, and they had a controversy with one Campbell, who was neither a merchant nor a trafficker, but had purchased a similar gift. The council referred the matter to the burghs, 'who are maist able to provide and foirsie how the same work may be maist convenientlie and commodiouslie prosecute and followit out.'<sup>8</sup> The commissioners declared the gifts

<sup>1</sup> *Convention Records*, iii. 291-4.

<sup>2</sup> *Privy Council Register*, Second Series, iii. 479-80.

<sup>3</sup> *Convention Records*, iii. 318-9.

<sup>4</sup> *Acts, Scotland*, v. 225.

<sup>5</sup> *Convention Records*, iii. 321-2.

<sup>6</sup> W. R. Scott, *op. cit.* ii. 361-8.

<sup>7</sup> *Privy Council Register*, Second Series, iv. 555.

<sup>8</sup> *Ibid.* First Series, x. 436-9.

to be a monopoly and hurtful and prejudicial to their liberties, and Marjoribanks agreed to renounce his patent in favour of the burghs.<sup>1</sup> Again, in the case of David Nairn, who got a letter from the king authorizing the grant of a patent for surveying and stamping barrels for fish,<sup>2</sup> the council delayed all meddling till the burghs were heard, and as they were opposed to such an encroachment on their functions, the patent was not granted.<sup>3</sup> They had also a lengthy controversy with Robert Buchan, who secured a patent for fishing for pearls, and was one of the particular persons who impaired their liberties by making specious overtures with nothing in view but his own advantage.<sup>4</sup>

As the council consulted the convention about the cloth manufacture and other industrial matters, so they asked their opinion on questions relating to commerce. In 1612 some of the commissioners were invited to deliberate on changes in the book of rates;<sup>5</sup> and a few years later they were invited to confer on a more important matter relating to shipping. James VI., anxious for 'a full conformitie of seafairing in all his Majesteis dominionis,' wished to forbid in Scotland as he had done in England<sup>6</sup> the use of strangers bottoms. Some skippers were asked to meet the commissioners of the burghs, as representing the merchants.<sup>7</sup> The latter were opposed to any restraint, although they professed themselves 'most willing to prefer thair awin contriemen and schipping to any strangeris in the world, yea, ewin with evident and seine loss of thair awin accordis.' They objected that other kings would make a like restraint and many Scots ships which were freighted in France would lose their employment. Dutch ships were used for exporting herring from Scotland at cheap rates;<sup>8</sup> and also wainscot, pitch, tar, timber were imported from the east countries by strangers for much lower freights than they could be by natives. In the end, though contrary to the wishes of the skippers, the restraint was made for all but the eastern and Norway trades, which the burghs insisted should be left free.<sup>9</sup>

<sup>1</sup> *Convention Records*, iii. 26-7.

<sup>2</sup> *Privy Council Register*, First Series, xiii. 843.

<sup>3</sup> *Convention Records*, iii. 161, 196.

<sup>4</sup> *Privy Council Register*, Second Series, iv. 669 (1631).

<sup>5</sup> *Ibid.* First Series, iv. 741-2.

<sup>6</sup> W. Cunningham, *Growth of English Industry and Commerce*, ii. 210, note 6.

<sup>7</sup> *Privy Council Register*, First Series, xi. 571-2.

<sup>8</sup> *Letters and State Papers of the Reign of James VI.*, 243-5.

<sup>9</sup> *Privy Council Register*, First Series, xii. 107-8; *Convention Records*, iii. 87-8.



In all questions relating to commerce on which the burghs were consulted, and few commercial regulations were made without their opinion being taken, their policy was to secure primarily cheap commodities for the consumer and manufacturer and, secondarily, free trade for the merchant. To the commission for hearing grievances set up in 1623<sup>1</sup> they complained of the monopolies and restraints of import of foreign wares; of the transport of great coal, which made coal rise in price; of the imposition on foreign victual, and prohibition of the export of victual, because the import made food cheap and the trade encouraged shipping.<sup>2</sup> The nobles and gentry were on the other side, and the matters were 'verie contentiouslie disputed betwix' them, as was the question of the export of wool, which the burghs declared raised prices and threw people out of work.<sup>3</sup> All these questions were again discussed at length in 1626, the transport of wool, sheep, cattle, and coal being the 'speciall poyntis the Burrowis stode at.'

In the actual carrying on of foreign trade the burghs were more concerned with regulating the trade with Holland than with any other country. They shared with the king and council in nominating the conservator and the minister, and in fixing on the town for the staple port; while much of the time of the convention was spent in appointing factors, settling disputes, and regulating the consergerie house. In the French trade their efforts were chiefly directed to maintaining the privileges which the Scots had enjoyed there and were beginning to lose, partly as a consequence of the change of religion and the English union. They sent representatives, 'honest and substantious' burgesses, in 1582, 1587, 1595, 1601, and 1612<sup>4</sup> for the 'doungetting' of customs and imposts and renewing the old privileges. In 1605, as the matter properly concerned them, they were asked to choose two persons to go to France with two Englishmen to find out about the respective advantages of English and Scottish merchants there, with a view to commercial union.<sup>5</sup>

The commissioners of the burghs who were sent to treat for union with England were in favour of free trade,<sup>6</sup> and when it

<sup>1</sup> *Privy Council Register*, First Series, xiii. 219-23.

<sup>2</sup> *Ibid.* xiv. 731-6; *Convention Records*, iii. 147-50.

<sup>3</sup> *Privy Council Register*, Second Series, i. 75-6.

<sup>4</sup> *Convention Records*, i. 127, 270, 457; ii. 39, 104-5, 336-8.

<sup>5</sup> *Privy Council Register*, First Series, vii. 113, 472-3.

<sup>6</sup> *Convention Records*, ii. 182, 189-91.

seemed unattainable by treaty they despatched Andrew Forret, burghess of St. Andrews, to court, where he obtained letters patent from the king giving certain privileges to Scotsmen and Scottish ships.<sup>1</sup> Trade with England apparently increased, and the burghs found it necessary to appoint an agent in London in 1612, as their merchants there were 'wondefullie abuset.'<sup>2</sup> James had already urged them to do so in 1599,<sup>3</sup> but they then thought it would only be 'hurtfull and chargeabill' to them. They also appointed agents in Spain<sup>4</sup> and in Lisbon.<sup>5</sup> The trade to the Baltic, though important, seemed to require little regulation. A proposal was made to establish a society by Scots merchants trading to the east countries, but the convention, when the council referred the matter to them, were not in favour of further limitation. They declared it would 'rather tend to the preiudice of the saids trafficquers than to anye advantage.'<sup>6</sup>

The convention was not an adventurous body, and its imagination was not fired by the glory and profit to be found in the west. The Nova Scotia project received no encouragement, nor even notice, from this assembly of merchants: their horizon did not extend beyond the Straits of Gibraltar and the North Cape. After all it is not to be expected that a corporation should see further than its members, and John Burnet was for some time 'the sole Merchant of our Kingdom of Scotland, that hath supplied the plantacon of that our colony of Virginia,' or had traded with America. Adventure comes before trade, and the younger sons of Scotland gave their lives in continental wars instead of making a way for their brother merchants in the west.

But on the whole, in economic matters, the convention played a very useful part under James VI. and his son. It tried to secure national regulation rather than local, the good of the whole estate of burghs rather than that of individual members. It made and enforced regulations for the maintenance of quality and uniformity in the interests of the home and foreign consumer and of the merchant who supplied markets abroad. It negotiated with foreign countries and arranged for the care of the interests of its merchants, without restrictions as to persons or places, except in the Dutch trade, where such regulations did not as yet seem to be anachronisms. The commissioners did not make enactments in matters concerning the realm, questions of import and export,

<sup>1</sup> *Ibid.* ii. 422-3, iii. 10-11; T. Keith, *op. cit.* 17-18.

<sup>2</sup> *Ibid.* ii. 379.

<sup>3</sup> *Ibid.* ii. 48-9.

<sup>4</sup> *Ibid.* ii. 242-3.

<sup>5</sup> *Ibid.* ii. 279-80.

<sup>6</sup> *Ibid.* iii. 46.



rates and customs, but their advice was asked and their members co-opted by the council to advise on all questions affecting the trade and industry of the nation.

During the greater part of the interregnum the convention of the burghs was allowed to continue to exist, though with less influence and with fewer powers than it had had earlier. It was prorogued in 1650 because of the 'iminent danger quherin the estat of kirk and kingdome within this kingdome at this tyme standis through the unexpectit aproches of the Inglish armies to this kingdom both by sea and land, threatning no les then the ruyne of both, except the Lord prevent the samyn.'<sup>1</sup> In 1651 the commissioners did not meet, probably because the English army was 'ramping throw the kingdome,' but next year they assembled, in 'obediencie to the declaratione of the commissioneris of the parliament of the Commonwealth of England,' to elect seven persons representing the burghs to attend the parliament of England. In 1653 'it pleasit the Parliament of the Commonwealth of England to restoir the Convention of burrowis, quhilk was formerlie obstructed be ordour laitlie gevin.'<sup>2</sup> Thereafter the convention was held every year, but apparently with special permission for each meeting, for none could take place in July 1657, 'in respect no warrant could be obtaned from the lord generall for that effect.'<sup>3</sup> It had submitted early to the new government. Monk wrote that 'all the burghs in Scotland (being incorporated into one body) were the very first, that owned us, and submitted to us, and whose interest is most agreeable with ours, by reason of their trade and traffick.'<sup>4</sup>

But the policy of the interregnum government was on the whole opposed to privilege and restriction, and both in trade and industry the convention and its members had to complain of infringements of their liberties. The lament of the assembly of 1653, 'that treading is now almost whollie takin out of the handis of free burgessis and gild bretheren within the saidis burrowis be such as have no freedome within the samyn,'<sup>5</sup> was repeated at almost every meeting, and the burghs were continually urged to show diligence against unfree traders. The policy of the staple did not commend itself to the English rulers; 'the commissioners . . . at Dalkeith had a great mynd appeirandlie to have dischargit both our staple at Campheir, and the conservator

<sup>1</sup> *Convention Records*, iii. 358.

<sup>2</sup> *Nicoll's Diary*, 115.

<sup>3</sup> *Convention Records*, iii. 443.

<sup>4</sup> *Thurloe S.P.*, vi. 529.

<sup>5</sup> *Convention Records*, iii. 368.

of his office, if we had not cairfullie and tymeouslie adverted thairto by giving them such satisfacione as will mak them (we hop) forbear any further proceeding in that bussiness till the meiting of the commissioneris of both nationes at Londoun.<sup>1</sup> No doubt the prejudice against the staple was partly political, for the 'Scots Staple Factory dared to furnish Arms and Warlike Stores for every Attempt to pull him (Cromwell) down.'<sup>2</sup>

The convention was of distinctly less importance in this than in the previous period. It was no longer an advisory body, neither the council of state in Scotland nor the united parliament desired its opinion. Nor did it issue many regulations, partly because the economic affairs of Scotland were merged with those of England and the united parliament legislated for both, and also because, owing to the desolation caused by the wars and the poverty of the country, there was very little economic activity. The commissioners made use of their meeting together to lament their condition and to petition for relief and for change in the economic policy of their rulers.

The enforcement of the uniformity of weights and measures as usual occupied some of their attention, and they decided to purchase the assistance of the council of state.<sup>3</sup> They also drew up a supplication to the commander-in-chief, 'desyring him to interpon his autorite in causing the coal maisteris . . . to furnisch the inhabitantes of the natione with coallis' at the price ordained by earlier acts of privy council and parliament.<sup>4</sup> The council of state ordered a submission to be drawn up between the coal masters and the burghs on the Forth, which the latter accepted.<sup>5</sup> The list of questions on which the commissioners petitioned the government for legislation, or for change in existing regulations, is a long one. They objected to the impositions on coal and salt,<sup>6</sup> to the restraint of the export of wool, hides, skins, etc., which were to be used in manufactories to be set up at home, declaring that their principal trade was in these commodities, and if it was cut off they would have no money with which to set up industries.<sup>7</sup> They desired to export coal and salt, and to import French and Spanish salt, in whatever ships were most convenient,<sup>8</sup> and to be allowed to bring home ships bought from strangers without paying the

<sup>1</sup> *Stirling Records*, 1519-1666, p. 203.

<sup>2</sup> *Historical Account of the Staple Contract between the Burrows of Scotland and Campvere* (1749), p. xviii.

<sup>3</sup> *Convention Records*, iii. 447.

<sup>4</sup> *Ibid.* iii. 370.

<sup>5</sup> *Ibid.* iii. 432.

<sup>6</sup> *Ibid.* iii. 493.

<sup>7</sup> *Ibid.* iii. 391-2.

<sup>8</sup> *Ibid.* iii. 394.



twenty penny of excise and of custom now exacted from them,<sup>1</sup> and they did not cease to lament the 'low conditione quhairvnto the burrowis of this natione is now redacted, through the long continewed truble thairin.'

The decline in the economic fortunes of the nation during the years 1650 to 1660 synchronized with and was partly the occasion of a decrease in the influence of the convention. For when there was no money, old trades were but feebly prosecuted and no new trades nor industries could be started, and so there was less occasion for consultation and regulation. But in any case the spirit of the government was opposed to particular restriction and regulation, and the English council of state by which Scotland was ruled was not likely to advise with or to give power to an entirely Scottish and democratic assembly.

The interregnum period in Scotland, by union and intercourse with England and freedom from restriction, hastened the changes in economic conditions which had been beginning before the civil war, and after the restoration there was a considerable breaking away from medieval conditions. The protective policy begun by the acts of 1641 and 1645<sup>2</sup> was continued and developed. Privileges were offered and opportunities given for individuals and companies to introduce new industries and to carry on old, and for foreign capital to be brought in and foreign workpeople to settle. Under these encouragements, especially the Act for Encouraging Trade and Manufactories of 1681,<sup>3</sup> many enterprises were started, and, by the time of the union, cloth, linen, glass, sugar, silk, rope, paper, gunpowder, and various other works had been incorporated.<sup>4</sup>

In trade the staple policy was becoming too restricted, and there were many complaints of the infringements of its regulations; the inhabitants of the royal burghs lost a part of their monopoly of foreign trade; a beginning was made of trade with the plantations; and at the end of the century the African company scheme proved the desire if not the ability of Scotland to join in the commercial competition of the day. Scottish trade, like her industry, was becoming less narrow in organization and in scope. It is not easy to estimate the share of the convention of burghs in this development, although it is safe to assert that

<sup>1</sup> *Convention Records*, iii. 435-6.

<sup>2</sup> *Acts, Scotland*, v. 411-2; vi. part i. 367.

<sup>3</sup> *Ibid.* viii. 348.

<sup>4</sup> For an account of the industrial companies started in Scotland at this time, see W. R. Scott, *op. cit.* iii. 123-195.

it did not take a leading part. Baillie gives the burghs credit for very little enterprise, for he wrote in 1661 that 'at the beginning of the Parliament there were many brave designs for the fishing and more use of Trade, but after much toome-talk, all seems to be vanished, the burroughs sticking absolutely to their old job-trot for their own hurt.'<sup>1</sup> The convention was not consulted as it had been during the reigns of the earlier Stuarts. Then the king and council endeavoured to develop the economic resources of the country by personal intervention. Now parliament offered privileges for any who wished to take advantage of them. The advisory work as to the expediency of proposed legislation, regulations, grants of patents, was to a great extent given over to the councils or committees of trade, appointed by parliament from their own body and composed of seven of each estate. As the burgess interest was represented in these, it was no longer necessary to consult the convention to find out the opinion of their class. The council appointed in 1661<sup>2</sup> had large powers. It was to establish companies, and grant privileges to them and make rules for them. It was to 'give out orders and directions to all Scots factors and staples abroad,' and to do all necessary for the advance of trade. Thus some of its functions encroached on those of the convention; and it was provided that if any ground of grievance occurred between this council and the royal burghs, the privy council should determine the matter.

The influence of the convention in making and enforcing regulations for industry was less in this than in the earlier period. Then the promoters of industry had been on the whole individual producers working at home, and the regulations for their work were enforced by the magistrates of burghs instructed by the convention. But when companies were promoted to carry on industries, the supervision was often entrusted to the undertakers, and in the case of new industries there was little supervision of quality at all.

The convention was now less representative of all who were engaged in trade and industry. The burghs of regality and barony, some of which had already a considerable trade, were given a share in the privileges of the royal burghs in foreign trade by act of parliament in 1672 and by arrangement with the royal burghs after 1693,<sup>3</sup> but they did not send commissioners to the convention. Then a number of the new manufactories were

<sup>1</sup> *Letters and Journals of Robert Baillie*, iii. 469.

<sup>2</sup> *Acts, Scotland*, vii. 273.

<sup>3</sup> Davidson and Gray, *op. cit.* 213-5.



erected outside burghs, at Newmills, Gairdin, Northmills, and several in Leith, and non-burgesses, foreigners, and others were allowed to participate in them. In this respect, it may be noted, the policy of the burghs was becoming more liberal. In 1695 an overture for an act was considered by the committee of trade, declaring that tradesmen and merchants, native and foreign, should be received as burgesses in royal burghs on certain payments,<sup>1</sup> and next year the convention recommended all burghs to receive stranger 'michanicks,' take them in to their incorporations, and 'deal discreitlie' with them.<sup>2</sup>

Under these changed conditions the burghs took less share in establishing manufactories than they had done before. Regulation of the existing linen and woollen manufactures to maintain the quality seemed to them to be the principal thing required for the advancement of those trades. They ordered the magistrates of each burgh to put into execution the acts of parliament about bleaching and breadth of cloth in 1671 and 1691,<sup>3</sup> and asked for the help of the privy council in their efforts in 1675 and 1692,<sup>4</sup> declaring the true reason of the deficiency of the linen to be that the burghs had not sufficient jurisdiction over the shires.<sup>5</sup> When Nicholas Dupin secured the promise of a patent for setting up the linen manufactory in Scotland, the burghs said the only way to advance the trade was to put the laws regarding it into execution, and objected to his projected monopoly.<sup>6</sup> But acts of parliament were passed in favour of the company, one declaring that all pieces exposed for sale were to have a seal of a royal burgh, while another gave the company the right of sealing its own linen. As the opposition of the commissioners to the patent was in vain, the convention advised any burghs that thought fit to join in Dupin's society.<sup>7</sup>

The policy of the burghs with regard to the fishing trade was much the same. They declared in 1660 'how advantageous it wer to the increase of tread and comoun weall of the estait of burrowis with the whol kingdome that the fisching tread be erected within the samyn,' but they had no share in the company promoted in 1670.<sup>8</sup> It was granted the privilege of importing

<sup>1</sup> *Parliamentary Papers*, xv. 60.

<sup>2</sup> *Convention Records*, iv. 210.

<sup>3</sup> *Ibid.* iii. 628, iv. 145.

<sup>4</sup> *Ibid.* iii. 643 ; *Privy Council Register, Acta*, 1692-3, Feb. 11, 1692.

<sup>5</sup> *Convention Records*, iv. 155.

<sup>6</sup> *Ibid.* iv. 148-9, 165.

<sup>7</sup> For the Scots Linen Manufactory, see W. R. Scott, *op. cit.* iii. 162-9.

<sup>8</sup> See W. R. Scott, *op. cit.* ii. 377-8.

commodities to be used in fishing and in curing, and the burghs petitioned in 1671 that its license to import commodities to be used in fishing and curing should not be used to introduce any other goods.<sup>1</sup> But apparently the company, though it did not do much to develop fishing, tried to make profit out of this permission, for in 1673 the burghs spoke of the great prejudice which the kingdom sustained by such importations.<sup>2</sup>

A few years later the convention asked the council's approbation of an act laying down regulations about barrels, etc., and giving the burgh magistrates power to put acts of parliament into execution. Then, inspired by accounts of the fishing company in England, the burghs appointed a committee to consider what measures should be proposed for setting up a fishery, and whether it should be managed by a joint stock of the whole burghs or only by those who wished to be partners. But this, like other proposals, came to nothing, and the development of Scottish fisheries did not take place until the eighteenth century.

The convention was not much concerned with the woollen manufactory, which was now being prosecuted with considerable success. After successfully petitioning the Privy Council to prohibit the export of wool,<sup>3</sup> it urged each burgh to set up a manufactory of cloth,<sup>4</sup> but without result. The execution by magistrates of regulations about the breadth, etc., of plaiding was desired by the burghs in 1693<sup>5</sup> and 1702.<sup>6</sup> In connection with this trade a monopoly granted for the manufacture of cards used in cloth making was a frequent cause of complaint. The import of old cards was prohibited, and the manufacturers, 'that they might the more friely and without Controll abuse the whole subjects,' were allowed to have waiters of their own to seize any which were brought in. The burghs desired to continue to import and use old cards, in spite of the assurances of the promoters that the royal burghs 'have the greatest interest to support this,' the new manufacture; and they very often petitioned against the patent and against the methods of maintaining it, but without success.<sup>7</sup>

The convention, as before, tried to maintain uniformity in weights and measures, and complained in 1671 that several persons had tried to get letters from His Majesty depriving the

<sup>1</sup> *Convention Records*, iii. 626.

<sup>2</sup> *Laing MSS.*, Div. ii. 43.

<sup>3</sup> *Privy Council Register, Acta*, 1696-9, June 8 and 23, 1699.

<sup>4</sup> *Convention Records*, iv. 287.

<sup>5</sup> *Parliamentary Papers*, xiv. 101.

<sup>6</sup> *Convention Records*, iv. 329-30.

<sup>7</sup> *Parliamentary Papers*, xiii. 39<sup>1</sup>, 2, 3.



burghs of their privilege of regulation in their own jurisdictions.<sup>1</sup> One of these was the Laird of Touch, who presented a patent for the sole privilege of weights and measures for thirty-three years, 'in direct oppositione to the rightis and priviledgis of the royall burrowis.'<sup>2</sup>

In trade the convention, as before, was more occupied with maintaining old privileges than in promoting new enterprises, and was therefore principally concerned with the Dutch, French, and English trades. In the trade with Holland, although the convention of 1689 suggested that they should consider whether the office of a conservator was necessary or not,<sup>3</sup> a great deal of attention was given to the maintenance of the staple port, which year by year proved a more difficult task, as more and more merchants sailed to markets where their affairs were less strictly supervised and which suited them better, especially to Rotterdam. During the war it was easier to get convoys thither, and in 1691 the conservator wrote that the 'bulk of the wholl trade . . . runs to Rotterdam.' William wrote to the burghs in 1692 that he had interposed with Campvere to send convoys for Scots ships. He recommended to them at the same time 'the Improvement of your meetings for the use they were designed, to fall upon effectual Measures for the Advancement of the Trade and Manufacture of the Kingdom.'<sup>4</sup>

In 1695 the conservator said the reason of the breaches of the staple was that the merchants declared they would not take goods out of the country at all if they had to take them to Campvere, and the customs collectors, rather than lose their money, allowed them to go without giving bond to sail there.<sup>5</sup> A great part of these, as of the earlier records, is taken up with complaints of the merchants, negotiations with Campvere, and fresh regulations about keeping the staple port.

The Scottish nation, because of their change in religion and in politics, and still more because of Colbert's protective system, were losing their earlier privileges in France, not without remonstrance from both council and convention, who made numerous appeals to the French government to restore the Scots to their ancient privileges. Early in Charles II.'s reign the duty of fifty sous per ton on every ship was a fruitful source of complaint, and

<sup>1</sup> *Convention Records*, iii. 631.

<sup>2</sup> *Ibid.* iii. 565-6.

<sup>3</sup> *Ibid.* iv. 95.

<sup>4</sup> *S.P. Scotland*, Warrant Book 15, 125-6.

<sup>5</sup> Davidson and Gray, *op. cit.* 233-4 n., and see pp. 211-51 for the breaches of the staple port.

from a number of conventions letters were written to Lauderdale, asking him to use his influence with the king or the French ambassador for the 'doungetting' of this impost. In 1684 Mr. William Aitkman was appointed by the burghs to go to the English and French courts to negotiate, 'they being resolved to be at a finall poynt in the said matter.'<sup>1</sup> Their efforts were unavailing, but the conclusion of the treaty with France in 1697 gave them fresh hopes, and they begged the king to allow one or more of their commissioners to represent the burghs at the treaty and try to get the impost of fifty sous, the prohibition of the import of herrings, and the impositions on Scottish manufactures removed.<sup>2</sup> William had already promised to recommend them particularly to the Earl of Pembroke, one of his plenipotentiaries.<sup>3</sup> Mr. John Buchan, the burghs' agent, was appointed to go to London in connection with the treaty,<sup>4</sup> but Scottish interests were ignored, and no concessions were gained, which was one of the accumulation of grievances against England.

As regards the English trade, the convention played much the same part, petitioning and negotiating in vain for a return to the favoured position which the Scots merchants had enjoyed after the union of 1603, if not to the complete freedom of trade of the interregnum. The burghs early began to lament the passing of the navigation act as 'totallie destructive to the tread and navigations of this kingdome.'<sup>5</sup> They moved the Scottish parliament to put an excise on commodities imported from England in order that the impositions on Scottish coal, salt, cattle, etc., in England might be taken off,<sup>6</sup> but this retaliation<sup>7</sup> had no result. In 1702, amongst the articles to be delivered to the union commissioners for consideration was the 'communicatione of trade betwixt the two kingdoms of Scotland and England, and particularly to the plantationes in the East and West Indies.'<sup>8</sup> The convention was realizing the value of the trade to the west, although they did not take active measures to promote it. Glasgow represented in 1691 that 'it is the great concern of the royall borrows to have ane interest in forraigne plantations,' and that there might yet be convenient places in Carolina or in some of the islands,<sup>9</sup> but this

<sup>1</sup> *Convention Records*, iv. 45.

<sup>2</sup> *Ibid.* 248-50.

<sup>3</sup> *Privy Council Register, Acta*, 1696-9, March 11, 1697.

<sup>4</sup> *Convention Records*, iv. 262-3.

<sup>5</sup> *Ibid.* iii. 528-9, 547-8, 554-8; *Privy Council Register*, Third Series, i. 89.

<sup>6</sup> *Convention Records*, iii. 564.

<sup>7</sup> *Acts, Scotland*, vii. 465-6.

<sup>8</sup> *Convention Records*, iv. 343-4.

<sup>9</sup> *Ibid.* iv. 133.



suggestion does not seem to have been discussed further. The burghs decided to subscribe £3000 to the African Company, each burgh to pay its proportion according to the tax roll, and Sir Robert Cheisly, lord provost of Edinburgh, was appointed to represent them at the meetings of the company.<sup>1</sup>

In spite of the desire of the burghs for freedom of trade with England and with the plantations, the convention presented an address to parliament opposing the union in 1706. They objected to the parliamentary union because Scottish laws, liberties, trade, etc., would be 'in danger of being encroached upon, altered, or wholly subverted by the English in a British parliament.' The 'trade proposed is uncertain involved and wholly precarious, especially when regulat as to export and import by the lawes of England,' and 'the most considerable branches of our trade are different from that of England and are and may be yet more discouraged by their lawes.'<sup>2</sup> This address seemed to show clearly that the trading interests of Scotland did not want union, but in fact, as Defoe points out, only twenty-four burghs out of the sixty-six voted for the address, twenty-two were absent, and twenty voted against; while the richest and largest burghs, except Edinburgh, did not join in the address.<sup>3</sup> The twenty-four perhaps were alarmed by Lord Belhaven's rhetorical prophecy—'the Royal State of Burrows walking their desolate Streets, hanging down their heads under Disappointments; wormed out of all the Branches of their old Trade, uncertain what hand to turn to, necessitate to become Prentices to their unkind Neighbours; and yet after all finding their Trade so fortified by Companies, and secured by Prescriptions, that they despair of any success therein'<sup>4</sup>—instead of attracted by the vision of the commercial prosperity which eventually followed the union.

The history of the convention before the union shows that, especially in the reigns of James VI. and Charles I., it had a share in the economic development of Scotland. It may not have done much for the direct promotion of new industries and trades, but in other ways it played a very useful part. It was of value as representing the part of the nation most directly interested in economic matters, and in placing their views, asked or unasked, before the king and privy council, when these were more active in encouraging manufactures and commerce than was parliament.

<sup>1</sup> *Convention Records*, iv. 209.

<sup>2</sup> *Ibid.* iv. 399-402.

<sup>3</sup> Defoe, *History of the Union of England and Scotland*, 36.

<sup>4</sup> *Ibid.*; *Minutes of the parliament of Scotland with Observations thereon*, 33.

In industry the convention stood for the enforcement of national regulations and opposed the continuance of local rules. It upheld its own monopoly, but it was a national monopoly, and it opposed all those granted to individuals. In trade its organization was national, there were no restrictions as to persons, and only in the Dutch trade were there any as to places; and it negotiated for privileges for its members. On the whole, therefore, it made for nationalism and freedom from restriction, and by using its advisory, regulating, and negotiating powers wisely, it helped forward both industry and trade.

But the convention was a conservative body, and when after the civil war Scottish trade and industry began to grow along more modern lines it failed to develop with them. Unfree burghs took a share of foreign trade, manufacturing companies were established outside the burghs, and the convention no longer represented the whole commercial and industrial interests of the nation. Parliament was more important, the burghs were represented there and in the committees of trade, and the convention as an advisory body was less necessary. Industry was escaping from its control, and municipal regulation was beginning to break down. In trade the staple policy was breaking down, and trades with distant places did not give such opportunity for negotiations and regulations as did commerce with neighbouring countries. But when the union was accomplished, the Scottish burghs had a small proportion of representation, and were no longer influential as an estate, nor on councils or committees of trade. The convention was more directly representative of the commercial and industrial part of the nation than was the Scottish contingent at Westminster, and it had therefore an opportunity given to it of returning to its old, or rather, of developing a new, economic importance.

THEODORA KEITH.



## Original Charters of the Abbey of Cupar, 1219-1448

TWO years ago I communicated a charter of the abbot and convent of Cupar,<sup>1</sup> discovered by Mr. William Brown, secretary of the Surtees Society, among the Citeaux deeds preserved at Dijon. By this deed, dated January, 1219-1220, Abbot Alexander and his convent entered into a bond with the mother house of Citeaux for the yearly payment at Troyes of thirty marks or twenty pounds, which King Alexander II., for the good of his soul, gave to the monks of Citeaux as a procuration for the abbots in attendance there on the fourth day of the General Chapter of the Order. My note in the *Review* elicited from Mr. Maitland Thomson an interesting letter, with which he sent me transcripts of seven charters from the muniment room of the Earl of Moray, all touching on the same transaction and explaining the provisions of the Dijon charter. Though anxious to recognise at once the magnanimity of that generous scholar, I hesitated to return to the subject of the Cupar obligation till Mr. Brown had an opportunity for further search at Dijon, then in contemplation, in the hope that he might meet with King Alexander's grant to the mother house. I felt that it would be of the greatest interest if the royal charter, originating the obligation to Citeaux, could be discovered. Now that Mr. Brown has revisited Dijon and failed to find King Alexander's charter, there seems to be, so far as I am concerned, no further reason for delay in communicating the additional evidence.

But one advantage to our inquiry has resulted from Mr. Brown's second visit to Dijon. As doubts had been raised about the genuineness of Abbot Alexander's charter, I asked him to examine it again. Writing from Dijon on 15th May last, after a second inspection of the deed, Mr. Brown says that 'the Cupar document is undoubtedly an original. Part of the twisted silk cord for the seal still exists.' On the dorse—'xxvij (*red*) quod

<sup>1</sup>S.H.R. viii. 172-6.

abbas et conuentus de Cupro tenentur nobis soluere xxx marcas annuatim. xj. Littera xj.' On the disputed point of originality we may without hesitation accept the opinion of an experienced palaeographer like Mr. Brown, who twice examined the document.

As the deeds now known to us, touching the new relations between the abbeys of Cupar and Citeaux, form a consecutive series, it may be permissible to reprint the Dijon charter as an introduction to the rest :

TEXT.

Ego, frater Alexander, dictus abbas de Cupro eiusdemque loci conuentus, omnibus presentes litteras inspecturis, notum facimus quod tenemur Domui Cistercii in triginta marcis sterlingorum legalium singulis annis in posterum in nundinis Tresensibus in festo apostolorum Petri et Pauli persoluendis, quas Vir Nobilis Alexander, rex Scocie, pro remedio anime sue et antecessorum et successorum suorum, in perpetuam elemosinam dicte Domui contulit pro procurandis<sup>1</sup> abbatibus apud Cistercium quarto die Capituli generalis, de quibus triginta marcis prefatus Rex nobis ad uoluntatem nostram plenarie satisfecit. Quod ut ratum et firmum permaneat in posterum presentem cartam sigilli nostri munimine roborauimus. Actum anno gracie M<sup>o</sup>cc<sup>o</sup> nonodecimo, mense Januario.

TRANSLATION.

I, brother Alexander, called abbot of Cupre, and the convent of the same place, make known to all who shall see the present letter, that we are bound to the House of Citeaux in thirty marks of lawful money, to be paid yearly hereafter in the fair of Troyes on the feast of the Apostles Peter and Paul, which the illustrious Alexander, King of Scotland, for the relief of his soul and of the souls of his ancestors and successors, bestowed on the said House in perpetual alms, towards the cost of maintaining the abbots at Citeaux on the fourth day of the General Chapter: in respect of which thirty marks the said King, at our desire, has given us full compensation. That this (obligation) may continue valid and unalterable hereafter we have confirmed the present writing with the security of our seal. Done in the month of January in the year of grace 1219.

When this deed was first printed, Sir Archibald Lawrie called attention to the indebtedness of the people of Scotland to the

<sup>1</sup> *Procurare* and *procuratio* are well-known technical terms in ecclesiastical law. 'Procurations,' says Bishop Dowden, 'consisted originally in the hospitable entertainment of the bishop and his attendant train when he came to make his visitation of the parish churches. In process of time this obligation was commuted for a payment in money' (*Medieval Church of Scotland*, p. 118): they were also due to archdeacons when they visited. The words have the same signification, *mutatis mutandis*, when applied to the visitation of the abbots to the General Chapter.



house of Citeaux in the peculiar difficulties which beset them at the period when it was issued. 'It is not surprising,' he said,<sup>1</sup> 'to find a charter in France which shews that Alexander II., King of Scotland, helped his Scottish monasteries by agreeing to provide thirty marks of silver a year for the expenses of the General Council of the Cistercians.' The Order had in fact been instrumental in helping the King to fight the papal legate, and it was natural that the services should be in some way recognised.

In 1218, when the trouble was at its worst, the abbot of Cupar was one of the Scottish abbots summoned to Rome for disregarding the legate's orders,<sup>2</sup> but the upshot of the negotiation, little of which is actually told us, was altogether in Scotland's favour. The abbot of Cupar's participation in diplomacy of this nature enables us in a measure to understand the favour that King Alexander bestowed on that house. The association of Cupar and Citeaux in the same grant appears to predicate an alliance in the same transaction. The next charter of the series leaves little doubt about it.

## TEXT.

Alexander, Dei gracia, rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciant presentes et futuri, nos, consentiente venerabili patre episcopo Sancti Andree, dedisse, concessisse et hac carta nostra confirmasse Deo et ecclesie Sancte Marie de Cupro et monachis ibidem Deo seruientibus ecclesiam de Eroline cum omnibus iustis pertinentiis suis. Tenendam in puram et perpetuam elemosinam. Reddendo inde annuatim ex parte nostra capitulo Cistercii ad procuracionem capituli generalis quarto die viginti libras sterlingorum. Salua Roberto de Haya tenura eiusdem ecclesie in uita sua. Testibus Willelmo de Boscho cancellario, comite Patricio, comite Malcolmo de Fife, Alano filio Rollandi constabulario, Alexandro vicecomite de Striuclin, Waltero de Lindesei,

## TRANSLATION.

Alexander, by the grace of God, King of Scots, to all the good men of his whole land, clerical and lay, greeting. Know present and future that we, with the consent of the venerable father, the Bishop of St. Andrews, have given, granted, and by this our charter confirmed, to God and the church of St. Mary of Cupre and to the monks there serving God, the church of Eroline with all its right belongings. To be held in pure and perpetual alms. By rendering thence yearly on our behalf to the chapter of Citeaux, for the procuracion of the General Chapter on the fourth day, twenty pounds of sterlings. Saving to Robert of Hay the incumbency of the same church during his life. Witnesses, William of Bois, chancellor, Earl Patrick, Earl Malcolm of Fife, Alan son of Rolland, constable, Alexander

<sup>1</sup> *S.H.R.* viii. 177.

<sup>2</sup> *Chron. de Mailros*, p. 133.

## Charters of the Abbey of Cupar 275

Johanne de Maccuswele, Thoma de sheriff of Stirling, Walter of Lindsay, Striuelin clerico cancellarii. Apud John of Maxwell, Thomas of Stirling, Edenburgh iij. die Octobris.<sup>1</sup> chancellor's clerk. At Edinburgh, third day of October.

In the light of the Dijon charter it may be assumed that King Alexander's grant to Cupar was made on 3rd October, 1219. By comparison with the copy in the breviary of the ancient register, published by the Grampian Club,<sup>2</sup> it will be seen how much the original adds to our knowledge of what took place. If we accept fifty marks as the yearly revenue of the church of Airlie, as valued for the purpose of taxation in the thirteenth century,<sup>3</sup> the monks of Citeaux, as we might expect, were about to succeed to the lion's share. Twenty marks would be only left to the monks of Cupar, out of which they would have to provide for religious ministrations in that church and parish. It was stipulated, however, that the King's charter would remain inoperative till the death or cession of Robert of Hay, the existing parson.

But the monks of Cupar were not slow in turning to the best advantage the King's gift: they did not wait till the death of the incumbent. For the appropriation of the revenues of the church, the consent of the Bishop and Chapter of St. Andrews was necessary. Though the Bishop's charter is not forthcoming, we may be sure that it had been given, for it was by virtue of his sanction that the prior and convent were enabled to act. The charter of the convent here printed presupposes the issue of the Bishop's charter of confirmation.

### TEXT.

Uniuersis sancte matris ecclesie filiis has litteras uisuris uel auditoris, Symon prior ecclesie Sancti Andree et eiusdem loci conuentus eternam in Domino salutem. Nouerit uniuersitas uestra nos communi consensu et assensu capituli nostri concessisse et hac presenti carta nostra confirmasse donationem illam quam Alexander, Dei gratia, rex Scottorum, et uenerabilis pater Willelmus, Dei gratia, episcopus Sancti Andree, fecerunt Deo et ecclesie Beate Marie de

### TRANSLATION.

To all the sons of holy mother church who shall see or hear this letter, Symon, prior of the church of St. Andrews, and the convent of the same place [send] eternal health in the Lord. Let it be known to all of you that we, by the common consent and assent of our chapter, have granted and by this our present charter have confirmed that gift which Alexander, by the grace of God, King of Scots, and the venerable father William, by the grace of

<sup>1</sup> Cupar Charters, div. iv. no. 5. Seal gone. The charter is endorsed: 'De Erolin. Donacio ecclesie de Erolin.'

<sup>2</sup> *Reg. of Cupar Abbey*, i. 327.

<sup>3</sup> *Reg. de Dunfermelyn* (Bann. Club), 210.



Cupro et monachis ibidem Deo seruientibus de ecclesia de Erolin. Tenenda in puram et perpetuam elemosinam. Saluis episcopalibus et salua tenura Roberti de Haya in vita sua. Reddendo inde annuatim capitulo Cistercii uiginti libras sterlingorum ad procurationem generalis capituli quarta die sicut in cartis eorum continetur. Vt autem ista concessio robur perpetue firmitatis optineat eam presentis pagine testimonio et sigilli nostri appositione roborauimus. Valet. Teste toto capitulo nostro.<sup>1</sup>

God, Bishop of St. Andrews, have made to God and the church of the Blessed Mary of Cupre and to the monks there serving God of the church of Erolin, to hold in pure and perpetual alms. Saving episcopal dues and saving the incumbency of Robert of Hay during his life. By rendering thence yearly to the chapter of Citeaux twenty pounds of sterlings for the procuration of the General Chapter on the fourth day as it is contained in their charters. That this grant may maintain vigor and force for ever we have confirmed it by the evidence of this sheet and by the addition of our seal. Farewell. Our whole chapter is witness.

Though the rights of Robert of Hay, the incumbent, were safeguarded in all the acts of the appropriators, the monks found a way to anticipate the avoidance of the church by entering into relations with him for the farming of the revenues during his life. In 1220, the year after King Alexander's grant, an agreement was made between the monastery and the incumbent whereby the monks took over the whole revenues of the church on condition of allowing the incumbent a yearly pension of forty marks while he lived. It was provided that the monks should find a suitable chaplain to minister to the parishioners, and should discharge all the obligations due from the church to the Bishop of the diocese. Thus, before the monks of Cupar could receive any benefit from the appropriation they had first to pay forty marks as a pension to the incumbent and thirty marks to the monks of Citeaux, provide the stipend of a parochial chaplain, and discharge all episcopal dues. If the monks were not to be considerable losers by the transaction, it seems clear that the value of the revenues of the church of Airlie were much in excess of the amount stated in the taxation given in the Register of Dunfermline. But there is

<sup>1</sup>Cupar Charters, div. 5, bundle 2, no. 50. Seal gone: the silk threads, red, green, and yellow, by which it was attached, remain. Endorsed: 'De Herolin,' (and later) 'Confirmatio capituli Sanctiandree de Erolin.' In the same depository, div. 5, bundle 2, no. 51, there is a duplicate, to which the seal remains attached by the ordinary parchment tag. The only variations are *R.* for *Roberti* and *xx* for *uiginti*. It is endorsed: 'Conuentus Sancti Andree de Erolin,' and, in a later hand, 'Confirmacio capituli Sancti Andree in duplici forma.'

little doubt that the revenues were equal to the new conditions. As the church would not become pensionary to Citeaux till the incumbent's cession or death, it may be assumed that the arrangement was advantageous to all the parties, but especially to the Cistercian Order. The following is the text of the agreement :

TEXT.

CYROGRAPHVM (*upside down: top cut*). Anno ab incarnatione Domini M<sup>o</sup> CC<sup>o</sup> XX<sup>o</sup> facta est hec conuentio inter dominum Alexandrum, abbatem de Cupro, et eiusdem loci conuentum, ex una parte, et dominum Robertum de Haya, ex alia, scilicet, quod dictus Robertus de Haya dedit ad firmam dicto abbati et monasterio de Cupro ecclesiam suam de Erolin cum omnibus pertinentiis suis. Tenendam omnibus diebus uite sue. Reddendo ei inde annuatim quadraginta marcas argenti, scilicet, viginti marcas ad festum Sancti Martini et viginti marcas ad Pentecosten. Sciendum uero est quod dicti monachi dederunt premanibus dicto Roberto firmam quatuor annorum, scilicet, anni Domini millesimi CC<sup>o</sup> vicesimi primi et vicesimi secundi et vicesimi tercii et vicesimi quarti. Ita quod predicti monachi soluere incipient firmam dicto Roberto, anno M<sup>o</sup> CC<sup>o</sup> XXV<sup>o</sup> ad festum Sancti Martini. Preterea prefati monachi honestum prouidebunt capellanum qui honeste deseruiat prefate ecclesie de Erolin et episcopo respondebunt de episcopalibus et ceteris eidem de iure pertinentibus. Hanc autem conuentionem bona fide et sine dolo tenendam dictus abbas de Cupro pro se et conuentu suo coram domino Willelmo episcopo Sancti Andree firmiter promisit, et dictus Robertus de Haya pro se affidauit. Vt autem hec conuentio rata et stabilis permaneat dominus Willelmus episcopus Sancti Andree et magister Laurencius

TRANSLATION.

Chirograph. In the year from the Incarnation of the Lord, 1220, this agreement was made between the lord Alexander, abbot of Cupre, and the convent of the same place, of the one part, and 'sir' Robert of Hay, of the other, to wit, that the said Robert of Hay gave at farm to the said abbot and monastery of Cupre his church of Erolin with all its belongings, to hold all the days of his life. By rendering thence to him yearly forty marks of silver, to wit, twenty marks at the feast of St. Martin and twenty marks at Whitsuntide. But be it known that the said monks gave beforehand to the said Robert the 'farm' of four years, to wit, of the year of the Lord, 1221, and 1222, and 1223, and 1224 : so that the aforesaid monks shall begin to pay the 'farm' to the said Robert in the year 1225 at the feast of St. Martin. Besides the aforesaid monks shall provide a suitable chaplain who will adequately serve the aforesaid church of Erolin and answer the Bishop for episcopal dues and for other things of right belonging to the same. But that this agreement may continue in good faith and without fraud the said abbot of Cupre, for himself and his convent, gave firm assurance in the presence of the lord William, Bishop of St. Andrews, and the said Robert of Hay gave pledge for himself. Moreover, that this agreement may abide sure and steadfast, the lord William, Bishop of St. Andrews, and master Laurence, Archdeacon of



archidiaconus Sancti Andree sigilla sua huic cyrographo cum sigillis pertium apposuerunt. Hiis testibus Roberto de Sancto Germano, magistro Thoma de Tynemuh, magistro Ricardo de Doure, magistro Petro de Driburc, domino Petro et domino Simone capellanis, Johanne de Haya, Hugone de Nidin, Simone de Nusi, Willelmo de Nidin, Mauricio de Kindeloch, Gibun de Haya, Ricardo camerario, Ricardo de Lidel, Ricardo de Tuyford, et multis aliis.<sup>1</sup>

St. Andrews, have set their seals, with the seals of the parties, to this chirograph. These are the witnesses, Robert of St. Germans, master Thomas of Tynemouth, master Richard of Dovre, master Peter of Driburgh, 'sir' Peter and 'sir' Simon chaplains, John of Hay, Hugh of Nidin, Simon of Nusi, William of Nidin, Maurice of Kinloss, Gibun of Hay, Richard chamberlain, Richard of Lidel, Richard of Tuyford, and many others.

The lease of the revenues of the church to the monks of Cupar seems to have remained in force till the death of Robert of Hay in 1246. When this event took place, the Cistercians failed to agree on what were the exact terms of the royal grant. Two documents from the Earl of Moray's collection show how the dispute was settled. We may reverse the order, as catalogued in the Earl's depository, with the view of explaining more fully the successive stages in the settlement. The mandate of the Bishop of Dunkeld to the English commissioners, appointed to adjudicate, is of exceptional interest.

## TEXT.

Viris venerabilibus et discretis de Ryeualle, de Fontanis, de Bello loco Regis in Anglia abbatibus, in causa que uertitur inter abbatem et conuentum Cistercienses, ex una parte, et abbatem et conuentum de Cupro, ex altera, iudicibus constitutis, G[alfredus], miseracione diuina ecclesie Dunkeldensis minister humilis, salutem et sincere deuotionis affectum. Quoniam equi ponderis esse uidetur scienter et prudenter uel falsum proferre uel ueritatem reticere, super collacione ecclesie de Erolyn domui de Cupro per dominum A[lexandrum], Dei gracia, illustrem regem

## TRANSLATION.

To the venerable and distinguished men, the abbots of Rievaulx, of Fountains [and] of Beaulieu Regis in England, appointed judges in a suit which is moved between the abbot and convent of Citeaux, of the one part, and the abbot and convent of Cupar, of the other, Geoffrey, by divine pity the lowly minister of the church of Dunkeld, greeting and the sentiment of true respect. Since it seems all one to tell what is false or to conceal what is true, knowingly and advisedly, touching the bestowal of the church of Erolyn made to the house of Cupar by the lord A[lex-

<sup>1</sup> Cupar Charters, div. 5, bundle 2, no. 58. Seals lost, but two tags remain and a slit for a third. Endorsed: 'Conuentio (?) Roberti de Haya de Erolin,' (*and later*) 'Conuentio inter abbatem de Cupro et Robertum de Haya de ecclesia de Erolin.'

Scocie, facta, que presentes uidimus et audiuimus vobis dignum duximus intimanda. Cum bone memorie Alexander, quondam abbas de Cupro, uir sapiens et discretus, frequenter circa negotia domini regis expedienda tam apud curiam Romanam quam alibi laborauerat, idem dominus Rex, labores eius et sumptus uolens in aliquo remunerare, predictam ecclesiam de Erolyn, annuente venerabili patre Willelmo, tunc temporis episcopo Sancti Andree ob specialem amorem erga domum de Cupro conceptum, licet in eadem ecclesia ius patronatus certis et rationabilibus ex causis sibi uendicaret, regali munificencia contulit domui de Cupro, saluis tamen domui Cisterciensi xx<sup>ti</sup> libris per abbatem de Cupro annuatim persoluendis, sicut per instrumenta tam dicti regis quam episcopi uobis plenius poterit constare. Et quoniam super premissis tam nobis qui tunc temporis de consilio domini regis fuimus quam aliis tam clericis quam laicis iuris prudentibus et fide dignis nichil dubietatis relinquitur, uobis supplicamus quatinus Deum pre oculis habentes et honori et fame ordinis uestri consulentes, contra tenorem tot et tantorum munimentorum que de dicta ecclesia dicti monachi de Cupro possident ad tuitionem cause sue satis sufficientium uenire uel secus quam ordinatum est a tam discreto uiro et prudenti, qualis exstitit predictus W[illelmus], episcopus Sancti Andree, aliquid ordinare non presumatis. Quod si forte, quod absit, feceritis, nimis euidens materia nobis dabitur de ordine uestro obloquendi, qui quondam prerogatiua religionis precellere uidebatur, cum causam istam, si pace uestra dici fas sit, cupiditas prosequi uideatur non iusticia, que personas non respiciens unicuique reddit quod suum est : maxime cum

ander], by the grace of God, the illustrious King of Scotland, we have thought it right to make known to you what we personally saw and heard. Forasmuch as Alexander, of pious memory, the late abbot of Cupre, a wise and distinguished man, had often laboured to further our lord the King's business as well at the Court of Rome as elsewhere, the same lord the King, wishing to recompense in some way his labours and costs, bestowed by his royal bounty on the house of Cupre the aforesaid church of Erolyn, with the consent of the venerable father, William, then Bishop of St. Andrews, because of the special affection he entertained for the house of Cupre, though he might claim for himself, for good and sound reasons, the right of patronage in the same church : saving, nevertheless, twenty pounds to be paid yearly by the abbot of Cupre to the house of Citeaux, as will be more fully proved to you by documents of the said King as well as of the Bishop. And since, touching the premises, no doubt remains to us who were then of the lord the King's council as to others, clerical as well as lay, skilled in law and worthy of trust, we entreat you that, having God before your eyes and mindful of the honour and reputation of your Order, ye do not attempt to go against the purport of so many and so important evidences, more than abundant for the vindication of their suit, which the said monks of Cupre possess for the said church nor to determine anything otherwise than has been determined by a man so distinguished and skilful as was the aforesaid William, Bishop of St. Andrews. If perchance ye do anything, which God forbid ! a very clear occasion will be given to us to speak evil of your Order which



Cistercienses in dicta ecclesia de Erolyn, exceptis predictis xx<sup>ti</sup> libris nullum ius de iure sibi debeant uel possint uendicare. Dominus autem episcopus Sancti Andree, ad quem de iure spectare deberet eiusdem ecclesie collatio si nostris adherere uoluerit consiliis, ius suum penitus prosequetur, si ordinatio predecessoris sui in aliquo commutetur. Litteras autem has testimoniales tradidimus domino abbati et conventui de Cupro sigillo nostro signatas (*sic*), ut si aliquando de eiusdem ecclesie collatione orta fuerit contentio, per has patentes rei ueritas innotescat. Reddite literas. Valete.<sup>1</sup>

formerly seemed to excel in religious pre-eminence, since that suit, if it can be said without offence to you, greed seems to carry on, not justice, which without respect of persons renders to each what is his own: especially since the monks of Citeaux have not of right nor can they claim any right in the said church of Erolyn, except the aforesaid twenty pounds. But the lord Bishop of St. Andrews, to whom of right the collation of the same church ought to belong if he will give heed to our advice, will press his right to the uttermost if the ordination of his predecessor be in any way changed. This letter testimonial, however, we have delivered to the lord abbot and convent of Cupre sealed with our seal, so that if at any time a dispute should arise, touching the collation of the same church, the truth should become known by these patents. Return the letter. Farewell.

It is not quite clear on what authority the Bishop of Dunkeld intervened, as Airlie appears to have been in the diocese of St. Andrews, but the tone of the writing, prejudging the cause, seems unjustifiable. His evidence would be of course valuable to the adjudicators, the English abbots of Rievaulx, Fountains, and Beaulieu in Hampshire, seeing that he had been one of the King's council who was present in 1219 when the grant of the church was made to the monks of Cupar: and, if we accept his statement, that he was acquainted with other evidences, not now forthcoming, necessary for the legal appropriation of the revenues, the letter also confirms the suggestion already made that King Alexander was under some obligation to the abbot of Cupar to account for the grant at this particular date. Bishop Geoffrey explains the cause of the royal favour when he states that Abbot Alexander was frequently employed in advancing the King's interests at the Court of Rome and elsewhere.

<sup>1</sup> Cupar Charters, div. v. no. 52. Fragment of seal. Endorsed: 'Memorandum quod nullum jus habet abbas Cisterciensis in ecclesia de Erolyn nisi tantum xx librarum annuatim.'

The procedure in the grant of a parish church to a religious house is sufficiently well known. The Bishop of the diocese, in which the church was situated, had the determining voice in the terms of the appropriation, no matter who was the grantor, king, or subject. It was his duty to see that the parishioners did not suffer by the transaction. When a church was bestowed by the patron on cloistered monks like the Cistercians, it was a common practice for the Bishop to reserve to himself and his successors the *ius patronatus* or right of presentation to the benefice, and to set out the amount and sources of the stipend that the appropriators were obliged to pay to the incumbent. This transaction was known as the ordination or taxation of the vicarage. The rest of the original revenues was distributed according to the dispositions of the grantor. No appropriation could take place without the Bishop's consent: he could sanction the transference of the advowson or reserve it to himself: his first duty in respect of the revenues was to protect the parishioners.

In the case of the church of Airlie, Bishop William of St. Andrews appears to have reserved the right of presentation as the condition of his sanction of the appropriation. As Bishop William and Abbot Alexander were dead<sup>1</sup> before the revenues of the church came up for distribution, that is, as soon as the church became void of a parson, it was easy for a dispute to arise with regard to a transaction which had taken place so many years before. The exact year of the voidance of the benefice is not known, but it could not have been long before 1246. It would appear that Bishop David of St. Andrews was somewhat slack in looking after the rights of his See: he was at least indifferent to the representations of his neighbour of Dunkeld: perhaps he grudged the labour of investigating the acts of his predecessor with regard to the church of Airlie: but Bishop Geoffrey was resolved to set the world right by safeguarding the interests of all the parties concerned.

The award of the English Commissioners, if the dispute was ever adjudicated by them, is not forthcoming. It is very difficult to imagine that Cistercian abbots, with the prestige of those of Rievaulx, Fountains, and Beaulieu, could undertake their commission in the face of a communication like that of Bishop Geoffrey. But as the medieval period is full of surprises, it may

<sup>1</sup> Bishop William Malvoisine died on 9th July, 1238 (Dowden, *The Bishops of Scotland*, p. 13), and Abbot Alexander resigned the abbey of Cupar in 1240 (*Chron. de Mailros*, p. 150), but he must have died before 1246.



happen that they had done so and communicated their verdict to Abbot Matthew of Melrose, who brought it to practical issue. The end of this stage of the dispute is declared in the following document:

## TEXT.

Vniuersis presentes litteras inspecturis, Frater M[attheus], dictus abbas de Melros, salutem in Domino. Vniuersitati vestre notum facimus quod cum controuersia esset inter venerabiles abbatem et conuentum Cistercii, ex vna parte, et abbatem et conuentum de Cupro, ex altera, super eo quod dicti Cistercienses dicebant ecclesiam de Erolim eis totaliter datam a domino rege Scocie, illis de Cupro contrarium asserentibus et dicentibus quod predicti Cistercienses nichil amplius habebant in predicta ecclesia quam viginti libras annui redditus sterlingorum: tandem predicta controuersia terminata est in hunc modum, videlicet, quod predicti abbas et conuentus de Cupro debent soluere predictis Cisterciensibus in nundinis Trecensibus, in festo apostolorum Petri et Pauli uel in sequenti primo capitulo generali viginti marcas sterlingorum pro dampnis et expensis: pro qua solutione facienda nos et domum nostram dictis Cisterciensibus obligamus: et ipsi predicti Cistercienses quittauerunt dictam querelam imperpetuum supradictis Cuprensibus: ita dum taxat quod predicti Cuprenses soluent annuatim sicut antea facere consueuerant Cistercio viginti libras sterlingorum, omnibus instrumentis super hoc negocio confectis in suo robore permanentibus. In testimonium autem omnium predictorum et confirmationem nos, predictus abbas de Melros, vna cum predicto domino abbate Cistercii impressionem sigillorum nostrorum presentibus litteris

## TRANSLATION.

To all who shall see the present letter, Brother M[atthew], called abbot of Melros, greeting in the Lord. We make known to all of you that whereas there was a dispute between the venerable abbot and convent of Citeaux, of the one part, and the abbot and convent of Cupre, of the other, because the said monks of Citeaux alleged that the church of Erolim was wholly given to them by [our] lord the King of Scotland, those of Cupre asserting the contrary and alleging that the aforesaid monks of Citeaux had nothing more in the aforesaid church than twenty pounds sterling of yearly rent. At length the aforesaid dispute was ended in this manner, namely, that the aforesaid abbot and convent of Cupre ought to pay to the aforesaid monks of Citeaux, in the fair of Treves, on the feast of the Apostles Peter and Paul or in the first General Chapter following, twenty marks sterling for losses and expenses: for the making of which payment we oblige ourselves and our house to the said monks of Citeaux: and they, the aforesaid monks of Citeaux, shall relinquish for ever the said suit at the above-named monks of Cupre: so that the aforesaid monks of Cupre shall merely pay yearly, as they have been accustomed to do heretofore, twenty pounds of sterlings, all the documents made touching this matter continuing in their full force. In witness and confirmation of all the aforesaid, we the aforesaid abbot of Melros, together with the aforesaid lord abbot of Citeaux, have caused

fecimus apponi. Actum anno Domini  
m. cc. quadragesimo sexto tempore  
capituli generalis.<sup>1</sup>

the print of our seals to be affixed to  
the present letter. Done in the year  
of the Lord 1246, in the time of the  
General Chapter.

It will be observed that the advowson of the church or the provision for the maintenance of the incumbent is not mentioned in the award. These would naturally come in the ordination of the vicarage by the Bishop of St. Andrews, one of the documents in the history of the appropriation of the church of Airlie which has not yet been found. The subsequent history of the parish church<sup>2</sup> is so interesting that one would like to see the terms of the ordination. Our knowledge of the ecclesiastical law of Scotland in such matters at that period would be immensely advanced by the discovery of the document.

The monks of Cupar continued to pay the yearly pension of twenty pounds out of the revenues of the church of Airlie for nearly two centuries. Early in the fifteenth century, however, the house had fallen into arrears, but by the kindly offices of the abbot of Balmerino in 1408, a composition of forty golden francs was accepted by the monks of Citeaux in full satisfaction for the debt, and a new settlement was arrived at whereby half of the statutory yearly pension was remitted for the twenty years then ensuing, the term of payment remaining as before. The following is the text of the acquittance, embodying the terms of the new agreement :

TEXT.

Nos, frater Johannes, abbas Cistercii, notum facimus vniuersis quod cum venerabiles et in Christo dilectissimi coabbas noster et conuentus monasterii de Cupro, nostri Cisterciensis ordinis, Sanctiandree diocesis, nobis nostroque Cisterciensi monasterio teneantur in viginti libris legalium sterlingorum annui et perpetui redditus in nundinis Trecensibus in festo apostolorum Petri et Pauli vel in sequenti proximo nostri ordinis capitulo generali persolendis, de et pro quibus xx libris annui redditus multa nobis debebantur arre-

TRANSLATION.

We, brother John, abbot of Citeaux, make known to all, that whereas the venerable and most beloved in Christ, our fellow-abbot and the convent of the monastery of Cupre, of our Cistercian Order, of the diocese of St. Andrews, are obliged to us and our monastery of Citeaux in the payment of twenty pounds of lawful sterling money of yearly and perpetual rent, in the fair of Treves, on the feast of the Apostles Peter and Paul or in the next Chapter General of our order following : of and for which twenty pounds

<sup>1</sup> Cupar Charters, div. v. no. 49. Seal of Citeaux a fragment : seal of Melrose entire. Endorsed : 'Declaracio contencionis inter Cistertium et Cuprum propter ecclesiam de Erolyn.'

<sup>2</sup> See *Register of Cupar Abbey* (Grampian Club), s.v. Airlie.



ragia : compassiuis auribus audita predicti monasterii de Cupro lamentabili desolacione per venerabilem coabbatem nostrum de Balmorynach seriatim et fideliter nobis exposita, quicquid ratione pretacti redditus viginti librarum nobis et iam dicto nostro Cisterciensi monasterio de et pro quocunque lapso tempore debebatur usque ad datam presencium, pietatis intuitu, quittauiimus et remisimus ac earundem presencium tenore quittamus et remittimus plenarie. Mediante tamen somma quadraginta francorum auri de cugno regis Francie domini nostri : quam sommam xl francorum integraliter et in numerata pecunia recepimus ab eodem coabbate nostro de Balmorynach, et de quibus xl francis ac pro dictis arreragiis quibuscunque predictos Cuprenses ac ipsum de Balmorynach nostro nostrique conuentus et monasterii Cisterciensis nomine quittos teneri facere perpetuo promittimus per presentes. Nostram insuper ampliando gratiam eisdem Cuprensibus harum serie concedimus ut de predictis xx libris, ut premititur, nobis annuatim per eos debitis, per immediate sequentes hanc diem viginti annos, quolibet dictorum viginti annorum decem libras legalium sterlingorum nobis tantum soluant : reliquas decem libras anno quolibet dictorum viginti annorum durante termino duntaxat graciose quo supra nomine et harundem tenore presencium remittentes. Datum Diuione sub appensione sigilli nostri xvij die mensis Iulii anno Domini millesimo quadringentesimo octauo.<sup>1</sup>

of yearly rent many arrears were due to us : having heard with sympathetic ears of the woful plight of the aforesaid monastery of Cupre made known to us orderly and faithfully by our venerable fellow-abbot of Balmorynach, we with pious intent have surrendered and forgiven, and by the purport of the same presents do surrender and fully forgive whatsoever was due to us and our monastery of Citeaux already mentioned, of and for any past time whatsoever up to the present date, by reason of the rent of the twenty pounds before alluded to : in consideration, however, of a sum of forty golden francs of the coin of our lord the King of France : which sum of forty francs we have wholly and in ready money received from our same fellow-abbot of Balmorynach : and of which xl francs and for all the said arrears we undertake by the presents to cause the aforesaid monks of Cupre and him (the Abbot) of Balmorynach to be held quiet in our name and in that of our convent and monastery of Citeaux for ever. In augmentation of our favour, moreover, we grant by the tenor of this letter to the same monks of Cupre, that of the aforesaid twenty pounds, as previously explained, due yearly to us by them, they shall pay only to us, throughout the twenty years immediately following this day, ten pounds in lawful sterling money in each of the said twenty years, forgiving by the title and purport of the same presents the remaining ten pounds in each of the said twenty years, the term by favour continuing precisely as above. Given at Dijon by the addition of our seal on 17th July, 1408.

<sup>1</sup> Cupar Charters, div. iv. no. 41. Seal gone. Endorsed : 'Quitancia domini Cistercii per abbatem de Balmorinach optenta et impetrata.'

But the whirligig of fortune brought another change at the Chapter General held in the September of 1448. The pitiable condition of the monks of Cupar, caused by dangers and losses of various descriptions, was laid before the business committee of the Chapter, and a scheme was agreed upon for the entire redemption of the pension by the payment of a lump sum of four hundred golden crowns by the monks of Cupar to the mother house. The complete remission, under the great seal of the abbey of Citeaux and that of the capitular assessors, is as follows :

TEXT.

Nos, Frater Johannes, abbas Cistercii, ceterique diffinitores<sup>1</sup> capituli generalis, Cisterciensis ordinis, notum facimus vniuersis, quod anno Domini millesimo cccc<sup>o</sup> xlvij<sup>o</sup>, in eodem capitulo die xiiij mensis Septembris apud Cistercium celebrato, facta fuit quedam diffinitio, cuius tenor subsequitur in hiis uerbis :

Presens generale capitulum, benigniter attendens paupertatem monasterii de Cupro in Scotia, quantisque et crebris agittetur periculis et perditionibus tam propter undositates marinas quam propter insidias inimicorum interpositas, summam siue redditum viginti librarum monete Scocie, pro et de qua somma dictum monasterium tenebatur et in perpetuum obligabatur capitulo generali, remittit et quittat ipsum capitulum eidem monasterio ipsumque eximit a solutione dicti annui redditus viginti librarum pro futuris et perpetuis temporibus. Ita tamen quod abbas et conuentus dicti monasterii de Cupro pro redempcione predicti redditus domino Cisterciensi seu pro-

TRANSLATION.

We, brother John, abbot of Citeaux, and the other assessors of the General Chapter of the Cistercian Order, make known to all, that in the year of the Lord 1448, in the same chapter celebrated at Citeaux on the fourteenth day of the month of September, was made a certain 'definition,' the purport of which follows in these words:

The present general chapter, giving gracious heed to the poor estate of the monastery of Cupre in Scotland and by how many and frequent dangers and losses it is troubled, as well by reason of stormy seas as by the snares of enemies between us and them—the said chapter forgives and acquits to the same monastery the sum or render of twenty pounds of Scottish money, for and of which sum the said monastery was bound and for ever engaged to the General Chapter, and frees it from the payment of the said yearly render of twenty pounds for all time to come. So, nevertheless, that the abbot and convent of the said monastery of

<sup>1</sup> A *diffinitio* was in the nature of a statute or bye-law for the regulation of Cistercian affairs. The *diffinitores* were a council of abbots, selected by the abbot of Citeaux, in whose hand was the power of the General Chapter for the making of statutes and the defining of all disputed matters of discipline, when that body was out of session. They formed a consultative committee to the Superior of the Order. For lack of a better word, I have given assessors as the equivalent. For the mode of their election, see *Cistercian Statutes* (ed. J. T. Fowler), p. 51.



curatori aut certo mandato suo summam quadringentarum coronarum auri, boni auri et legitimi ponderis, infra festum Natiuitatis Dominice proxime venturum fideliter et integraliter in villa Brugensi<sup>1</sup> persoluent et consignabunt seu persolui facient et consignari. Datum sub sigillo diffinitorum dicti capituli, anno, die, mese et loco supradictis.

Et ad maiorem premissorum firmitatem et securitatem, nos, abbas Cisterciensis antedictus, sigillum nostrum maius, vna cum predicto sigillo diffinitorum, presentibus duximus apponendum. Datum ut supra.<sup>2</sup>

Cupre, for the redemption of the aforesaid rent, shall pay and transfer or cause to be paid and transferred, faithfully and wholly, in the town of Bruges, to the superior of Citeaux or his proctor or by his definite order, a sum of four hundred golden crowns, of good gold and lawful weight, within the feast of the Nativity of our Lord next to come.

Given under the seal of the assessors of the said chapter in the year, day, month, and place abovesaid.

And for the greater security and guarantee of the premises, we, the abbot of Citeaux beforesaid, have caused our greater seal, together with the aforesaid seal of the assessors, to be affixed to the presents. Given as above.

From that day the house of Cupar was sole possessor of the rectorial revenues of the church of Airlie. It will be admitted that the vicissitudes of the appropriation add considerably to our knowledge of the history of that monastery. No exception will be taken to my purpose that attention should be wholly confined to the new evidences from the Earl of Moray's collection of charters. Printed evidences are accessible to all and called for no mention in this discussion. Students of Scottish history, but more especially those interested in the history of Forfarshire, are under great obligation to the Earl for allowing these charters to be made public. My personal indebtedness to Mr. Maitland Thomson has been already acknowledged.

JAMES WILSON.

<sup>1</sup> The mention of this town, where payment was to be made, favours my previous suggestion (*S.H.R.* vii. 176) that the commercial intercourse of Scotland with Flanders had something to do with the fixing of Troyes as the original place of payment. The Scottish abbots, as it would seem, approached Citeaux from the north-west, travelling by Bruges and Troyes.

<sup>2</sup> Cupar Charters, div. v. no. 78. Signature, 'Frater Guil[ie][m]us abbas Igniaci.' Two seals. Both broken. Endorsed: 'Littera perpetue quittantie abbatis Cistercii et capituli generalis annue pensionis xx librarum.' The only other deeds in the Earl's collection, in which Airlie is mentioned, are Testifications by Archbishops of St. Andrews, in 1479 and 1532 respectively, that the abbey of Cupar was not bound to contribute to the *caritativum subsidium* levied by the Archbishop.

## Arthur Johnston in his Poems

**T**HANKS to a harmless egotism, some poets have anticipated and indulged the desire of posterity to know something of their lives and personal characteristics. The biography of Horace has been compiled in a series of selections from his verse; and Ovid has almost spared us the trouble of gathering and piecing together. Arthur Johnston, a disciple of Ovid in the art of Latin elegiac verse, has been almost as obliging. His biographers, though they have spared no pains, have little to add to what may be gathered from his writings; and it is only from these that we can form a true idea of his character. Nowadays, however, his volumes lie unvisited except by the rare antiquary or the library moth. Yet the personal poems contain the preservative of human interest; and they are worth knowing, if only because they offer the relief of a broad and kindly humanity to the picture of Scotland in days when it was a wild of theological and political savagery.

Arthur Johnston was born, as nearly as may be conjectured, in 1577, and was a Johnston of that Ilk in the parish of Leslie in Aberdeen, his father being laird of Johnston.<sup>1</sup> The fifth son of a large family, he had to make his own way in the world; and after an education at Kintore and Aberdeen, he betook himself to the Continent. At Heidelberg he continued his studies, and in brief space rose to the rank of professor. Soon after he removed to Sedan, where the Duc de Bouillon was fostering a new University. Johnston was called to the chair of Logic and Metaphysics and remained there for nearly twenty years. During the first six of these he visited Italy twice, and on the second occasion came away with the degree of Doctor of Medicine. That he kept his chair in Sedan and studied medicine

<sup>1</sup> As he says in his poem, *De Loco Suo Natali* :

Clara Maroneis evasit Mantua cunis  
Me mea natalis nobilitabit humus.



in Italy part of the time seems to need explanation, though the matter has not troubled any of his biographers. Probably, like Scottish professors in the eighteenth century—Adam Fergusson, for example—professors at a French University might desert their posts when they chose, by simply securing a cheap *locum tenens* during their absence.

His degree immediately gained him an extra chair at Sedan. Retaining his position in Logic, he became professor of Physic. For years thereafter his life seems to have been one of ordinary academic routine; nor is it until nearly the end of his residence abroad, when he would be over forty, that we find him making his first appearance as an author. The last trace of him in the records of Sedan is dated 1619; but whether he left that University then, one cannot tell. He remained on the Continent other three years, and may have returned to Heidelberg. The probability of this conjecture depends on two facts: that his poems on the troubles of the Palatinate were printed there, and that soon after the capture of the city by Tilly we find him back in Scotland, enrolled as a citizen of Aberdeen.

During his residence at Sedan, Johnston was on terms of intimate friendship with Andrew Melvill and Daniel Tilenus; the one exiled from Scotland for his hostility towards episcopacy, the other—a Silesian divine of Arminian principles—being a strong counter charm to such an influence. Johnston himself may have acted as moderator to their assembly, when all three foregathered. As we see in many of his writings he was, like the humanists in general, rather indifferent to theological polemics; if he did ever take a side, it was only later, in Scotland, when the intolerable intolerance of Presbytery threatened his personal freedom. On such occasions, as we shall see in his *Apologia Piscatoris*, he could speak in unequivocal accents, a sturdy latitudinarian.

For some time after his return to Scotland we know nothing certain of him. Sir William Geddes conjectures that his poems in support of the Princess Palatine—James's daughter Elizabeth—may have proved a passport to courtly circles in London; and thinks that it was about this time he gained his title of Medicus Regius. But even if this were so—and it is very probable—there was nothing to keep him in England. As we know from one of his lighter poems, the title was long an empty one. The post was a successorship, and, as Johnston complains in this *jeu d'esprit*—a poem rather serious in tone to be quite successful as such—the royal physicians one and all gave promise of longer life than

was convenient for him. His circumstances did not permit him to be an idler, so in all probability he soon went north, and there settled on a farm 'at the back of Benachie.' None of his biographers refer to this episode of his life; but that there was a farming period is evident from several of his poems.

He does not seem to have found the life altogether congenial. Yet he produced then much more and much better verse than he had done during his professorial period. In due course he published several volumes of sacred and of secular verse. The most notable was a complete Latin version of the Psalms. By this time he had formed an acquaintance with some of the leading men of the time; whether by correspondence or by frequent visits to Aberdeen, it is impossible to say. But his circumstances may have changed and he may have removed to the city. He can hardly have remained the busy farmer he pictures himself in his Epistle to Dr. Robert Baron; for we next find him appointed Rector of the University and King's College of Aberdeen. According to Irvine, the position was a sinecure; Geddes, with more reason, makes it out to have been sufficiently arduous.

The next certainty is the last. In 1641 he went to Oxford to visit a daughter who had married a clergyman of the English Episcopal Church. There he fell ill, and died.

This is all, or nearly all, we know of the life of Arthur Johnston. Add to it a few details of genealogy; the complete list of his works, with dates of publication; the fact that he was twice married, first to a Belgian lady and next to a Scottish; and the sum is complete. It was the humdrum life of a scholar who shunned the strife of politics and theology. A lawsuit or two about property flushed it with what would seem to have been enormous excitement, which found vent in over-heated verse. An incident of travel, when he was robbed of some clothes by the crew of the ship he sailed in, is made the occasion of a blistering satire on sailors in general. Probably, on these occasions, the poems were more to him than the events that called them forth.

The poems of Johnston that are still worth reading relate almost entirely to his life in Scotland, and are not very numerous. The translation of the Psalms may now be regarded as a mere literary *tour de force*; and much of the secular verse can only reward the curious antiquary. Yet, though few have the qualities of permanent literature, the sum of the lines of those few is quite as large as the residuum of many an unforgotten poet whose work has been sifted by the centuries. A reader who is versed only in



modern literature may not think them poetry at all, may say that they are only good talk metred. But in ancient times, and even in the eighteenth century, the functions of verse and prose were not so distinctly differentiated as they have been since. The verse of Johnston that may still rank as literature is good talk, in metre, and satisfies the old definition of poetry.<sup>1</sup> Sometimes it even satisfies the narrower modern conception. The following poems are presented only in translation; yet they suggest a personality that helps to mellow the usual picture of those times.

Let us take first the Epistle to Dr. Robert Baron, the most distinguished of the famous group of divines, known as the Aberdeen Doctors, who were celebrated by Clarendon as resisting the Covenant. It was sent with some poems; and, while inviting the severest criticism, apologises for the shortcomings of the work by explaining the conditions of the author's life. As we read we are reminded of the words of Macaulay in the first chapter of his *History*: 'Scotsmen whose dwellings and whose food were as wretched as those of the Icelanders of our time wrote Latin verse with more than the delicacy of Vida.' The historian was thinking particularly of Buchanan, but it will be seen that he might equally well have had in mind the circumstances in which Johnston strove to 'guard the fire within' and cultivate the art he loved.

#### TO ROBERT BARON.

From Gadie's banks I send this little book—  
 Gadie that lies, as Gades<sup>2</sup> lay of yore,  
 Remote from life. I send it sad at heart,  
 Knowing you'll trace the bumpkin on each page.  
 But marvel not that, living far from Town,  
 I miss the quickened life that flowers in art.  
 Think of me farming on a wretched croft  
 Whose rocky knolls sparely permit the plough,  
 And think what I was once, a man of books,  
 Living to emulate the sires of song.

The hand that held the pen now holds the plough,  
 And oxen have the place of Pegasus.  
 These are my tilling-team. I follow them  
 Bent o'er the plough-tail, staring on the ground,  
 And leaning hard to drive the coulter deep.

<sup>1</sup> πάντα μέτρον ἔχοντα λόγον, to quote the definition of Gorgias, in Plato's dialogue.

<sup>2</sup> The use of the word *Gadiacis* suggests that the poet meant a play on the word, Gades or Cadiz being on the outskirts of Roman civilization.

Sometimes I ply the goad, often I chant,  
 Sing-song, to teach the inharmonious brutes  
 To step in rhythmic motion. Or, again,  
 I delve, I harrow, trench in desperate dargs  
 Soil rough and stubborn as it came from God.  
 Here one part is all stones, one must be drained,  
 And one cries out for irrigating streams,—  
 A triple toil. Woe worth the weary flail,  
 Woe worth the spade! My aching arms and feet  
 Throb, even as I write, anathemas.

Myself, half-naked, three-pronged graip in hand,  
 Must trench the mire, and spread with foul manure.  
 In Spring, a Sower I go forth to sow ;  
 In Autumn, see me reaping hook in hand !  
 My harvest brings a three-fold care. One part  
 Goes to the kiln for drying ; one to the quern  
 For bruising ; and a third, the precious flax,  
 Must in the stream be steeped. But, twixt those cares,—  
 Those of the Spring and Fall—in Summer hours  
 I dig for fodder for the winter fire.  
 Deep down I delve,—ay, down so deep I go  
 That fancy, or my very eyes, behold  
 The under-world of Shades. And they, methinks  
 I hear them cry, ‘That’s Johnston ! Poor old slave !’

Care follows care, as on a stormy sea  
 Billow on billow rolls in endless wrath.  
 Scarce in the dead of night my eyes are closed  
 When sings the bird of dawn. I rouse myself,  
 And wrap in shaggy comfort back and foot,  
 Then break my fast on what would break your heart,—  
 Parsnip<sup>1</sup> and water ! I die a thousand deaths !  
 Nor does the underworld my fancy haunts  
 Hold such a luckless, miserable soul.

I am not what I was. My looks would scare  
 My lady mother and my peasant nurse ;  
 And even myself am frightened to behold  
 Hair gray with dust, a countenance begrimed,  
 And feet and legs all filth. My neck is bowed,  
 And, from a ploughman habit, I fix my gaze  
 Ever upon the ground like any ox.  
 Temples and brow are shaggy, and my breast  
 A fell of hair : my beard is coarse, unkempt ;  
 My hands are horny, and my once soft skin  
 Is tough as leather with the sun and frost.

<sup>1</sup> *Rapa*. This is usually translated turnip, but the turnip was not then known in Scotland. A point for antiquaries.



Such loss of comeliness one might endure :  
 The outer husk were little if the mind  
 Knew no decay. But mind and body pair :  
 My wits grow clownish and my manners coarse,  
 Fit only for this highland wilderness  
 Where learning, wit, and every kind of grace  
 Of noble intellect are all to seek.

Of bullocks, oxen, ploughs, I think and talk ;  
 Yet I discourse in clownish syllables  
 So awkwardly that men in funeral march  
 Might drop the coffin, if they overheard,  
 To hold their sides for laughter. Latin now  
 Is foreign speech, and all the skill is lost  
 That once I had to strike Apollo's lyre.  
 If aught remains of my Latinity,  
 'Tis but the lees and smells of squalid life.

Perhaps you doubt. Well, take this little book  
 And find corroboration. Read it through,—  
 If conscience pardons the expense of time—  
 And let your quill strike through each faulty phrase ;  
 And spare not ; for by your arbitrament—  
 Each word shall stand or fall. Yet, while you rub  
 My wretched parchment to a palimpsest,  
 Join me in prayer to Apollo. Do I crave  
 Redundant harvests such as sickles reap  
 In Araby the Blest, or that my fields  
 Employ a hundred ploughs? Nay, 'tis not wealth,  
 'Tis life I long for : to be once again  
 A citizen, not a savage, on the earth ;  
 To leave the plough, to abandon Gadie's banks  
 And outer darkness—this I crave, no more.

A picture of a farmer poet naturally suggests the thought of Robert Burns, but in this connection it would be idle to pursue the parallel of comparison and contrast. Johnston, as he figures himself here, is rather more suggestive of William Wilkie, professor, farmer, and poet, once famous among his patriotic countrymen as the Scottish Homer, on account of his now long-forgotten *Epigoniad*. Known as 'Potato Wilkie' because of his ardour in cultivating the then little-known vegetable, he drudged on his little farm, an uncouth, unkempt, shabby scarecrow, while he recited the Greek poets or went metring verse of his own in ardent emulation.

Perhaps Johnston's disgust with his lot is overdrawn. No doubt he felt the difficulties of the double life, and longed for

greater leisure to pursue his art; yet elsewhere he pictures himself as contented enough with country life. There is a certain poem, addressed to the Chancellor, Hay of Kinnoul, in which he inveighs against some one who seems to have tried to oust him from his acres.<sup>1</sup> There he speaks of his farm as a place he had chosen for pleasant retirement 'after a thousand toils.'

Hic posui fixique larem : post mille labores  
Spes erat hic molli posse quiete frui.

It is Goldsmith's vision of what Sweet Auburn might have been to him, his 'long vexations past.' Only, instead of the idle evening hour when he should draw the villagers round the fire to listen to his recollections of his wandering life, Johnston had a vision of leisure made pleasant by poetic pains.

Spes erat et patriae laudes, in rupe remota,  
Pangere, Grampigenas et celebrare duces.

Manual labour was to Johnston what it was later to Thoreau, the price one pays to be permitted to live; and to live meant to him, as to Thoreau, to give oneself to the art of literature. Johnston, however, had a family, and, as is evident from several of his poems, was proud of the size of it. He had, therefore, to pay also for their privilege to live :

Non sibi sed soboli vixit,

as he tells us.

Yet, withal, he must have had some time to himself on his little estate; and that not merely for verse-making but for another art which he seems to have loved quite as well. *A Fisher's Apology* is a complaint against those who would interfere with his angling on Sundays, and it is one of his most spirited compositions. Besides a reasoned defence of Sunday fishing, it contains an enthusiastic description of the art he practised. In some passages it sings of the angler's delights in a strain that would have warmed old Izaak Walton's heart. The lover of the lore of fishing might well look it up; for not only does it rehearse the pleasures of the

<sup>1</sup>This poem should interest the historical student, as illustrating the methods by which a claimant in those days sometimes sought to assert his alleged right. Johnston speaks of his rival as a man of violence, who plundered his farm, carried off his cattle, and went about with a gun, ready to shoot him at sight—a 'Wild West' picture. It is a pity that we do not know the whole story: probably Johnston found protection in the Chancellor, who was his kinsman, or we should have heard more of it.



art, it also contains much interesting information about the devices of the Scottish sportsman in the seventeenth century. Here is the first part of the poem :

A FISHER'S APOLOGY.

Why vex your soul, sir Parson? Wherefore fret  
 To see me on a Sunday cast my net?  
 I am no Jew, but Japhet's offspring free:  
 The fourth command was never meant for me.  
 I know God's law is just, but cannot find  
 He looks on mortals with a crabbèd mind.  
 The Seventh day is sacred; but does this  
 Mean to the active world paralysis?  
 That foolish thought Christ flouted when He healed  
 The withered hand, or in the ripened field  
 Heartened the hungry Twelve to pluck the corn.

The Pharisee still lives, and thinks no scorn  
 To be no wiser for the Master's voice.  
 The Christian day I honour, and rejoice  
 To see the tired ox and tired hind  
 Neglect the plough and harrow; for I find  
 Monday still serves for them. But woe to him,  
 That fisher who, when waters are in trim,  
 Lets slip the occasion; for not fleeter flies  
 The orient blast than from our heedless eyes  
 Rare opportunity. Here, by this pool,  
 Must I then play the Puritanic fool,  
 Neglecting net and rod because 'tis Sunday?  
 The fish are here,—it may be but for one day.  
 There leaps a lusty salmon, twenty pound!  
 To-morrow, if I let the clock go round,  
 He'll haunt the higher stream. Come, where's my rod?  
 It cannot be that I was meant by God  
 To pasture flocks for others to devour.  
 This thought too weighs with me: by some strange power  
 The fish seem Presbyterian, and betray  
 Fearless presumption on the sacred day;  
 Then, Presbyterian Gadie, let me seek  
 Thy waters this best day of all the week!  
 Men are but mocked, if nets must idle lie  
 While all this gleaming wealth fleets safely by.

To net a pool is not a toil profane.  
 Consult the classics: in that largest reign  
 Of mind, no thought lies clearer: o'er & o'er  
 The ancients call it sport and nothing more.

The huntsman toils, I grant, the fowler, too,  
 The while they thrud their way the forest through:  
 My easy art no Scripture may attain,  
 But bless it as refreshment for a saint.

Here ends the first counterblast to the decree of Presbytery. To the austere Puritan it must have read as desperate flippancy. To flout the fourth 'command' and bid him consult his classics, as if those godless pagans were to be regarded as doctors of the Christian law! And truly nothing is quainter at times than the eclecticism of the humanists, when they entered into disputation with men whose doctrines were almost entirely drawn from the Old Testament.

Johnston, probably for artistic relief, now interpolates into his argument a lively sketch of a day's salmon fishing. Here is the first part of it:

Perched on a lofty rock I scan the stream;  
 And there—and there—the silver corslets gleam  
 Of salmon. 'Tis the noble annual rent  
 To Benachie from the far Ocean sent  
 To pay the little lending to his tide.  
 And these live pools are mine,—my acres wide  
 With harvest! And, as some misty Autumn morn  
 The farmer, pacing past the heavy corn,  
 Knows that the time has come, and, filled with fears  
 Of ruinous rains, is restless till he hears  
 The reaping-hooks a-swishing; so my soul  
 Trusts not to-morrow with the shifting shoal  
 This is *my* harvest. With a joyous shout  
 I hail the hinds: 'Get fishing-tackle out,  
 And launch at once.' There's no delay, no shirking;  
 For they, too, never think they're working  
 When busy after salmon. The rapid oar  
 Tosses the tide, while, moving from the shore  
 And circling back, the boat pays out its trawl,—  
 Nets, floats and sinking stones. At length they haul  
 The bulging bag-net in; then, back to land,  
 They fling the floundering prey upon the sand,  
 To sob for water in the starving air.  
 Brief agony! My lads with eager care  
 Kill, dress, and salt them; and I think no wrong  
 To hear the humming of a harvest-song.

Net-fishing o'er, we seek for further prey  
 With lying angle-craft. Our baits betray  
 The simpletons. Fools of a faith too blind,  
 They think, like men, that Providence designed



All toothsome things for tasting. Or we try,  
 For lack of bait, the falsehood of a fly,—  
 Some snip of garish plumage, to beguile  
 The youthful grilse, quick-eyed for flaunting style.

With a rush he leaps at the lure. I strike, and a thrill  
 Tells me his victim is victor, stuck fast in his gill.  
 A moment's amaze and he's off. I let the line out,  
 And the poor wretch flees with it headlong, ever in doubt:  
 Up the stream, down the stream, now he is dashing across,  
 Scouring the waters at random, still at a loss.  
 Now he wheels like a circling storm, till his panic strength  
 Ebbs; suddenly he gasps, exhausted; at length  
 He shakes his gullet empty. The agony o'er,  
 Slowly we hale the weary hero ashore.

This suggests that in Johnston we have the Scottish Izaak Walton; or rather—since the *Compleat Angler* did not appear till 1653—that in Walton we have the English Arthur Johnston. Further proof lies in the sequel, wherein Johnston enters lovingly into the many fisher's wiles he practised. Sometimes he lashed the waters with the sling-net (*funda*); sometimes he tried the dart (Scotch *leister*); sometimes he lured the fish into the osier hand-net; sometimes he condescended to use the midnight torch; or, again, he laid down *cruives* that were 'filled and peopled like the Trojan horse.' Again, he tells us of a weird device to frighten the salmon from their course and make them run into crates cunningly set for them. This was to deposit the skull of a horse and its white bones in the run of the fish. They dash aside in terror and enter the trap.

The lines that follow this Waltonian excursus are rather surprising, coming as they do from the poet who earned a pietistic reputation with posterity by his Latin version of the Psalms. Even if there is any fault in Sunday fishing—so he is pleased to say, resuming his argument—his family amply atone for it, the whole crowd of them (*turba*). Like many a paterfamilias of later times, the poet thinks he does his Sunday duty by sending his family to Kirk.

Templa frequentantes pro me cum conjuge nati  
 Tura propinarunt plurima, plura dabunt.

Perhaps the paterfamilias of this type was not so common then: at any rate, Johnston seems certain that such reasoning will not convince his persecutors, and proceeds to contest the theological

objections with serious Scriptural and historical arguments. We need not follow these. But, before concluding, he condescends to what generally proves the most telling appeal in all such matters,—the business argument. The prohibition, he points out, is bad for the staple trade of Aberdeen. This argument he clinches with an appeal to those who prefer the good wine of the Continent to the local barley-bree, since wine came chiefly in exchange for fish. This, of course, is flippancy again; but the point is worth referring to for a line that should delight the antiquary:

Quis bibit *ingratos*, quos præbet Scotia, *fumos* ?

Here, as Sir William Geddes suggests in a footnote to the text, is a suggestion that 'peat-reek' is of so old a date for whisky.

But that by the way. Throughout the poem we have constantly recurrent proof that Johnston, while willing and able to argue with Presbytery, viewed the whole agitation with a good-humoured contempt he hardly cared to disguise.

These two poems, *To Robert Baron* and *A Fisher's Apology*, have an interest that is both personal and antiquarian. The Epistle to David Wedderburn, on the other hand, is almost purely personal; and it is probably the poem that, of all his works, has most charm. David Wedderburn, Rector of the Grammar School of Aberdeen, had been the poet's bosom friend in boyhood. The poem appeared first in Johnston's *Parerga* (1632), and, if it was written not long before that, the author would be a little over fifty at the time. In those days that was nearer the foot of the hill than it is now, and Johnston at the outset dwells on the changes time has wrought upon him in body and mind. Then follows, in the manner of the times, an array, which one would now call pedantic, of classical parallel instances of pupils who had grown greater than their tutors. In their own case, says Johnston, it did not weaken friendship. The next passage forms a delightful companion idyl to *We twa hae run about the braes*, and is enriched by memories of youthful enthusiasm, youthful pedantry, and youthful ambition.

But the idyllic days ran their course. The youthful dreamers were rudely awakened by the voice of worldly wisdom. They had quaffed the finest cup that life has to offer, that of high-hearted visionary youth; they had drained it. 'Seas between us braid ha'e roared since Auld Lang Syne.' Thus Burns, and thus Arthur Johnston before him.

The poet then proceeds to recite those details of his life abroad which have helped his biographers to fill out their meagre sketches.



Finally, he reverts to the theme of the prelude, old age. By this time he seems to have written himself into a better humour; and, though still sighing over the thefts of Time, he seeks consolation in reflecting that Youth has not everything to boast of. Old age has its compensations. These he notes in a series of epigrams that are in his best light vein.

Such are a few of the poems in which Arthur Johnston reveals his personality. 'There is no need,' says Samuel Johnson, 'to criticise a book that nobody reads'; and, if there were any truth in the remark, it might be extended to men long since dead and forgotten. But it is occasionally the duty of criticism to dust old books and reveal their hidden worth: and it is equally incumbent upon us to revive the memories of men whose quiet virtues make no noise in the great babel of fame. Great warriors, master statesmen, angry dogmatists, and sowers of sedition print themselves with emphasis upon the pages of history, but the best life of a nation often flows in kindly and unobtrusive men. These make the finest humanity of the past, and it is bad history to ignore them. If only the men of Johnston's stamp were better known, the times in which they lived might not wear so gloomy and savage an aspect as they sometimes do. No period of Scottish history stands in greater need of such relief than those days of the conflict of Crown and Presbytery; and it is as a contribution to the pleasanter tones of the picture that these few hints of Arthur Johnston's genial and humane personality are offered.

T. D. ROBB.

## The Castle Campbell Inventory :

AN INVENTORY OF ARCHIBALD, 7TH EARL OF ARGYLL'S CASTLE OF CAMPBELL (formerly called Castle Gloume), in the Shire of Clackmanan, taken on 21 February, 1595. Transcribed from the original, preserved in the Argyll Charter Chest.

**T**HE following inventory is one of a class of documents of considerable interest. It is here printed in full.

The writer of this article visited the fine old ruin a few years ago. It still stands in a spot of enormous natural strength above the town of Doller, and he has seldom seen even in foreign climes a more splendid situation. He was pleased to see that the present owner of the Castle had roofed and restored one or two rooms of the Keep, where the caretaker told him an artist or two occasionally came to live in the summer months. The vast extent of the Castle, which was constantly in use till it was besieged and burnt during the Montrose wars, is most impressive. Much of its strength is due to the fact that it is perched on a tongue of land, with precipitous sides sloping down to the two gorges, each carved out by a foaming burn, which unite immediately below it.

Enormous numbers of documents are dated at this Castle by the successive Earls of Argyll for many generations. They used it when they came to the Lowlands as their chief strength, which is such that, except by starvation or treachery, it must have been well nigh impregnable.

One of the chief attractions is the woods of natural growth, which cling to the steep sides of the gorge below. Behind it rise steeply the grass-covered slopes of the Ochils, so that on this side there is no view. In the Middle Ages these slopes were probably covered with copse woods, which supplied the Castle with fuel. The Earl's vassals dwelling in Doller and the plains below had most curious services in kind to pay, such as carrying wine, etc., from the 'Pow of Alloway,' and, as usual, serving him under his banner when he happened to be at the king's wars. At Flodden great numbers of these vassals followed the banner of Archibald, 2nd Earl of Argyll, to that fatal battle, where he himself with many of his kindred fell. During their residence at this Castle, the Argylls became benefactors to the neighbouring Abbey of Culross, with whose Abbots they frequently entered into transactions, and a few years ago, during the restoration of the Abbey Church (now used by the Established Church), the presence of certain tombs of Campbells of Argyll is naturally thus explained by the architect, Sir Rowand Anderson.



The lands of Campbell, alias Doller and Gloume, must not be confused with the neighbouring lands of Tillicoultrie, or the lands forming the Barony of Menstrie which for many generations had been held by the Campbell chiefs.

So far as the writer can as yet discover from the writs in the Argyll Charter Chest, Doller or Glum was part of the appanage of the three Stewart heiresses, Margaret, Isobel and Marioun, daughters of Iain Stewart, Lord of Lorne, who respectively married Colin Campbell, 1st of Glenurquhy; Colin 1st Earl of Argyll, great nephew to Glenurquhy; and Archibald alias Celestine alias Gillespick Campbell 1st of Otter, who was Glenurquhy's youngest brother.

On 2 April, 1465, sasine of the £10 lands of Doller and Gloum was granted in three separate thirds, viz. a third to Duncan Campbell, son and heir of the said Sir Colin Campbell of Glenurquhy; a third to Isobel Countess of Argyll; a third to her sister, Marioun Stewart. (*Argyll Charters.*)

Consolidation set in as on 4 Feb., 1481, Glenurchye resigned his third in favour of Colin 1st Earl of Argyll, whose son Archibald 2nd Earl, had sasine there on 24 May, 1493.

On 3 February, 1489-90, the Earl had obtained an Act of Parliament changing the name of his stronghold of Castle Gloom to Castle Campbell, which he appears to have thought a more pleasing designation. (*Acts Parl. Scot.* ii. 222.)

On 31 Jan., 1493-4, Sir Duncan Campbell 2nd of Glenurquhay, and Lady Isobel Stewart, Countess of Argyll, resigned their thirds of Campbell, alias Doller or Glume, into the hands of George, Bishop of Dunkeld, in favour of the said Archibald 2nd Earl of Argyll, done in the Chapter House of Dunkeld Cathedral.

The Bishops of Dunkeld were all this time the Superiors of the lands which continued to be for centuries called in all writs 'the ecclesiastical Lands of Doller or Glume.'

On 31 January, 1493-4, the Bishop gave the Earl a feu charter of the said lands, with a remainder to a number of the Earls heirs male in entail. To be held of the Bishops of Dunkeld for ever, and the Reddendo was 16 marks, and for failure to pay there was a penalty of half a merk per day for the repair of Dunkeld Cathedral. For which payment the Earl and Glenurquhay respectively pledged their lands of Menstre in Clackmannan, and Glenurquhay in the Barony of Lochow. There is also a curious stipulation by this Bishop that if heirs male should exclude nearer heirs female, that the latter should be recompensed either in lands or other goods, or that they should 'tocher' them on their marriage according to the modification (viz. calculation) of the Bishop. (*Argyll Charters.*)

Succeeding Bishops of Dunkeld in turn duly infested all the succeeding Earls, till Disestablishment of the old order took place, and from the 10th Earl onwards the lands held direct of the Crown. It was not till about 1830 that these ancient possessions were sold by the spendthrift George 6th Duke of Argyll.

## INVENTORY.

The Inventar of ye Inspreich and geir fand and sichtit In ye place of Campbell ye xxi day of Februar j<sup>m</sup> v<sup>c</sup> fourscoir festein (1595) be gawin zeirs allexander in blairhill, Mr James Kirk notaries, William Menteth of powmawth miln, Jon patoun of hilfutt, William Cunninghame in ye . . . Jon patoun in middiltoun. Alexander Kirk in blairhill, William Nutoune in maines of dowlor, Jon Smyth in dowlor, Duncan drysdail, Thomas Allexander.

Imprimis sicktit in ye wardrup above ye hall fourtein feddir bedds and sextein feder boustares

Item ane coffer ther contenand ten hieland cadders (?)

Item sewin wowin scotts coverings auld and new.

Item aucht auld coverings of arras work.

Item ane grit scotts kist unlokkit yrin sex pair of auld walkit blancatts and sex pair of new walkit blancatts.

Item yrin nyne pair of quhyt hieland plaidds.

Item ane coffer not lokit wae and keyis yrin.

Fywe pair auld linnen scheitts and tua pair auld scheitts of tuill. Item mair ane pair of holland lynnen scheitts. Item yrin thre bordclayts of lynnen qr of ane is auld.

Item yrin tua dairk bordclayts. Item fyve damas scheitts haill. Item ane handen buirdclayt.

Item ane coffer with ane lok wtout ane key.

Item ane bed of razor work contenand thrie peice of courtenes, thrie paires with ruif and heid.

Item ane lynnein bed bandit with razor work.

Item thrie peice of lynnein courteines bandit with razor work. Item tua pares of arras work.

Item thrie peice of courteines of blew m<sup>c</sup>caij (?)

Item thrie pares of grein damas. Item thrie piece of courteines of champit sey. Item thrie lang paire of lycht grein damas. Item tua peice of courteines of grein sey. Item ane lang paire of reid Fleming broudent with blak and yellow.<sup>1</sup> Item tua peice of courteines of worsett reid and quhyt chexit. Item ane lang paire of reid cryp. Item R . . reid grew-grane (?) cuirteinis and ane auld ruiff yrte.

Item ane lang paire of figuirt crip reid and quhytt.

Item tua peice of courteines chanxit reid and quhytt.

Item tua paire of blak taffatie funzeit (?) with blak silk. Item ane grein pladin cannabie

Item ane auld reid worsett cannabie. Item ane auld broun cannabie of plading. Item ane grein say cannabie till ane redill. Item tua auld ruiffes of bedds of reid worsett. Item ane fyne cramoisie velvett mess clayth brouderit wit gold.<sup>2</sup> Item thrie auld grein counter claythes for chalmeris.

<sup>1</sup> These were therefore of the family colours.

<sup>2</sup> A Mass vestment apparently, as the Castle certainly had formerly a Chapel attached to it, but as no mention is made of it, probably it had been profaned before this date.



Item in ye wardrup ane bordclayth for ye hie buird wowin upone ye thrade. Item thrie auld buirdclayths for chalmeris wowin upoune ye thrade.

Item ane buirdclayt of arras work for ye buird in ye lottar chalmer. Item ane grit clayt wowin upone ye thrade. Item sex todds? witout coewaires. Item sewin cussones of blak gowgrany (?) Item ane burdclayt wowin upone thrame. Item ane dowson of auld cussones of auld cryp. Item tua auld sewit cussones. Item ane cheir coverit wit reid crammasie velvet Item ane faldane cheir coverit wit quhyt damas. Item ane uthyr faldane cheir coverit wit Irische werk. Item thrie faldane cheirs bandit wit leddir. Item thrie faldane stolls sewit wit worsett. Item tua bayche<sup>3</sup> stolls coverit wit dene velvott. Item thrie peice of auld mess clayt<sup>4</sup> Item ane croslatt<sup>5</sup> of pruiff wit heid peice, thrie gantelatts and pertinentis. Item thrie bed rodds of Irne. Item ane glass plattones, coverit wit wands<sup>6</sup>. Item fywe wattir potts of tin. Item ane mekill brasin pott. Item fyes (?) fyve pares. Item ane brasin wattir fatt. Item tua tin quart . . . . Item thrie tin plattones witout heids. Item tua tin chandclares. Item tua auld chandclares of quhyt Irne. Item aucht tin litle pleatis. Item ten tin . . . Item tua dowsane and tua of small tin sasers. Item thrie auld litle potts of Irne. Item ane uthyr tin . . . ?

Item ye tymber of ane grit standard bed. Item ye tymber of ane litle canobie bed all of warstett.

Item tua peice of quhaill bain. Item tua mekle bredds of vindoks<sup>7</sup>. Item ye bak of ane cupbuidr. Item thrie dealls upone treisles.

Item ane tapestrie of arras work.

Item in ye litle galrie In ye hed of ye new work therin nathing, closit wit ane key be ane shott.

Item ye hauch chalmer abone ye grein chalmer ane dor wit ane portell and tua bedds standine ane privie dor wit bands and snek<sup>8</sup>.

Item ye commoune chalmer abone my lordis uttir chalmer with lok and dor yrin sex beddis bund and auld Irne chymnay.

Item ye grein chalmer wit dor, lok and key, ane portall dor wit snek and bands. Item sevin peice of grein tapestrie bandit wit razor work. Item tua featheard bedds wit thrie rodds of Irne. Item ane buird of cyper ane with ane comptour clayth yrone wowin upoune ye thrame (frame or thrade perhaps?) Item ane cheir. Item ane gowind (?) Irne chymney<sup>9</sup>.

Item ye laiche galrie in ye new work ane dor wit key, lok and bands. Item thairin ane standard bed.

Item ye galrie in ye end of ye pantrie wit dor lok and key and ane ruinated bed.

Item my lords Inner cabnatt wit ane dor and ane press amrie<sup>10</sup> and lang settill affixit thereto.

Item in my lordis Inner bed chalmer sex peice of hingand<sup>10A</sup> tapestrie.

<sup>3</sup> Beech wood ?      <sup>4</sup> Old Mass vestments.

<sup>5</sup> Corslet of armour.

<sup>6</sup> Glass with wicker-work protecting it.

<sup>7</sup> Window frames perhaps ?

<sup>8</sup> Snek is a bolt, and is still in use in the North.

<sup>9</sup> Going or in use perhaps (?)

<sup>10</sup> Aumbry or small cupboard.

<sup>10A</sup> Hanging tapestry.

Item ane standard bed wit ane palne? lyand therinto and thrie rodde of Irne. Item ane ruinated bed. Item ane buird tua furmes ane Irne chymnay.

Item in my lordis uttir chalmer four peice of hingand tapestrie, ane faldand comptar buird wit tua lang furmes

Ane grit seatt at ye heid of ye buird. Item ane cheir. Item ane schoirt furme. Item ane sconce. ane capbuird.

Item ane Irne chymnay.

Item. In ye hall ane hie buird wit ane for service, thrie syd buirds wit fixit syd furmes and tua louss heid furmes. Item ane grit vine chymnay. Item ane . . .

Item ane capbuird wit dores, postell, bands, and sneks.

Item ye uppermaist kitchin chalmer wit tua bedds witout beddrwmes (*sic*)

Item ye chalmer abone ye kitchin wit tua standard bedds ane furme, ane dor and lok witout key.

Item ye pantrie wit ane buird ane amrie

Item ye gairdre in amiss tua buirds ane dor ane lok and key therin.

Item ye kitchin wit tua buirds, tua standand raks ane mashay fatt, wit dor and lok witout key.

Item ye slesche (? flesche) landing ane dor, ane lok, witout key. Item ane buird. Item sex stands broken and haill with cleiks of Irne.

Item ye aill seller wit dor, lok witout key, tua deills upone treasles, ye steppis of ane auld maskin fatt.

Item tua lairdnor lokit wit wolts

Item in ye lang traviss ane dressing buird and elevin barrells, ane fatt, ane gyll.

Item in ye litle sellar under ye kitchin, wit dor lok and key, thre punzeons, ane barrell.

Item ye wolt In ye heid of ye towir ane butter croyche, dores and vindoks.

Item ye Inner chalmer in ye heid of ye new werk ane lekt? camp bed.

Item in ye wttir chalmer of ye tour ane brew land? ane buird, ane stray cheir. Item tua stane weychts of leid, ane Irisch<sup>11</sup> weycht, ye uthyr irne? weycht.

Item for small weychts wit ringis. Item ane pair of wey buiks. Item ane kist wit certane compt buiks therein. Item ane pair of grit Irnes wit sewin schankills<sup>12</sup>.

Item ane rowinate bed. Item ane . . . tting buird. Item ane auld Irne chymney. Item cheis shelf. Item ane brewing spult.

Item in ye Inner heiche tyll chalmer In ye galrie thereof ane standand bed.

Item in ye Inner tyll chalmer ane standand bed wit ane paleiss therin, thrie Irne rodde ane chymney, ane buird, ane furme. Item tua glas in ye windoks.

<sup>11</sup> Some Highland measure, in which sense the word Irish should always be taken in old MS. of this kind.

<sup>12</sup> Shackles for prisoners, for which there is plenty of accommodation still visible at the Castle. The dungeons there have rows of raised stone beds.



Item ye utter heiche yllit chalmer tua standand bedds ane irne chymnay, ane furme, ane grit lok witout ane key.

Item ye utter laiche tyll chalmer tua standand bedds, ane buird, tua furmes, ane cheir wit ane Irne chymnay.

Item ye Inner layche tyll chalmer ane standand bed, ane buird. Item ane grit flanders kist of aik fast lokit and bandit. Item ane grit lettron of aik lokit, bondit and fast. Item ane coffer bandit and lokit ane Irne chymnay & thre rodts of Irne.

Item ye laiche volt in ye ground of ye new vork tua standand bedds, ane Irne chymnay, ane buird.

Item in ye towir hall tua standand bedds; ane grit girnell kist, ane buird, tua furmes, ane vine chymnay, ane capbuird.

Item ye girnell hous ane mekle girnell kist, ane pair of kairt quheills and stoks. Item ane irne zett upoun ye tour and ye lok of ye vines upoun ye Irne zett in ye passage to ye zaird.

Signed.

Duncane Drysdaill

Thomas Alexander witnes.

William Cunynghame witnes.

Wm Menteith <sup>13</sup>.

Gavinus Alexander notarius ac testis  
in praemissis requisitus.

Mr James Kirk witnes.

Jhon patoun witnes.

The original Inventory covers six pages of paper in a difficult handwriting. It is probable that all the articles named were lost in the fire when Montrose's forces burnt the Castle.

It will be noticed that Iron chimneys, viz. grates, were quite numerous, and that there was plenty of valuable tapestry and arras work. Table covers are always called 'buird clayts,' and tables themselves are always buirds, and we read of the 'hie buird' on high table, where the Earl sat in a 'grit seatt.' The item of tua deills or tresles sounds alarming, but refers to a rough table. It is curious that so little armour is mentioned, and no cannon or guns are named. The mention of 'the new work' is apparently the wing nearest to Doller which was built by either the 5th or 6th Earls, uncle and father respectively to the youthful 7th Earl, in whose time this paper was written.

A list of the different parts of Castle named in the above Inventory may be made out as follows :

- |  |   |
|--|---|
| 1. The Wardrup above the hall which seems to have been a store room. | 4. The Common Chamber above the Earl's outer chamber. |
| 2. The little Galrie in the head of the new work.                    | 5. The Green Chamber.                                 |
| 3. The High Chamber above the green chamber.                         | 6. The laiche (low) galrie.                           |
|  | 7. My Lord's inner cabinet.                           |
|  | 8. My Lord's inner bedchamber.                        |
|  | 9. My Lord's outer chamber.                           |

<sup>13</sup> He was Captain of Castle Campbell, as appears from other papers of the period. During the absence of the Earls from any of their Castles, they had always a Captain to guard it, and in many cases, such as at the Castles of Carrick, Dunoon, Innischonnell, Dunstaffnage, the office was heritably transmitted from father to son for centuries.

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| <p>10. The Great Hall, where meals were taken.</p> <p>11. The uppermost kitchen chamber.</p> <p>12. The chamber above the kitchen.</p> <p>13. The Pantry.</p> <p>14. The gairdre, whatever that was.</p> <p>15. The kitchen.</p> <p>16. The slesche landing.</p> <p>17. The Aill Cellar.</p> <p>18. } Two Larders.</p> <p>19. }</p> <p>20. The Long Traviss (viz. passage).</p> <p>21. Little cellar under the kitchen.</p> <p>22. The vault in the head of the Tower.</p> | <p>23. The inner chamber in the head of the new work.</p> <p>24. The outer chamber of the Tower.</p> <p>25. The 'inner heiche tyll chamber' with a galrie in it.</p> <p>26. The Inner tyll chamber.</p> <p>27. The 'utter heiche yllit' chamber.</p> <p>28. The utter laiche tyll chamber.</p> <p>29. The Inner layche tyll chamber.</p> <p>30. The laiche volt in the ground of the new work.</p> <p>31. The Tower Hall.</p> <p>32. The Girnell House.</p> |
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