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## Some Seventeenth Century Diaries and Memoirs<sup>1</sup>

ONE question which every student of the seventeenth century has to consider is the value of Diaries, Autobiographies and Memoirs as materials for the history of that period. For there is no century which is richer in personal memorials of this kind. Those who first wrote its history depended too much on these materials. Clarendon and Burnet were, for a time, too implicitly trusted and their views too readily adopted. A reaction followed. When their accounts of public affairs were tested by other evidence their prejudices, their errors, and the limitations of their knowledge became apparent, and they lost their credit. Memoir writers and autobiographers in general were discredited with them, and the reaction went too far. At present the tendency is to study history too exclusively in State papers, and to disregard unduly the evidence which contemporaries have left us in their written recollections.

My aim is to redress the balance, and to show that sources of this kind supply the historian with evidence which is essential for the understanding of the time, and cannot be obtained from any other sources. Having examined elsewhere the historical value of the greater memoirs,<sup>2</sup> I shall confine myself here to the lesser,

<sup>1</sup>This paper was originally written as part of a course of lectures on the authorities for seventeenth century history.

<sup>2</sup>Articles on Clarendon's 'History of the Rebellion,' *English Historical Review*, xix. 26, 246, 464; 'Memoirs of Sir Richard Bulstrode,' *ib.* x. 266; Introduction to Clarke and Foxcroft's *Life of Burnet*, 1907; Introductions to the *Life of Colonel Hutchinson*, 1885, the *Lives of the Duke and Duchess of Newcastle*, 1886, and the *Memoirs of Edmund Ludlow*, 1894.

and try briefly to classify them, to characterise them, and to illustrate their value.

I take Diaries, Autobiographies and Memoirs together, because these three varieties of composition are so closely connected that it is difficult to separate them. One naturally and imperceptibly develops into the other. The Diary is the simplest form of which the other two forms seem to be later developments. In the Diary a man sets down for his own eye a record of his daily doings. The Autobiography is a more formal composition, in which a man sets down the events of his life for the information of others—generally for the small circle of his own family. It develops into a Memoir when the man himself ceases to be the centre of the story, and, instead of relating his own fortunes, undertakes to relate what he knew and what he saw of the events of his time for the information of the world in general. Editors and authors alike give these titles indifferently to their productions, yet there is a real distinction between the three things, though the boundaries are not always clearly defined or always observed.

Take first the Diaries. A certain number of them are almost entirely impersonal. The authors are merely compilers and collectors of information about public affairs. Of this nature is Narcissus Luttrell's Diary, which covers the period from 1678 to 1714.<sup>1</sup> Luttrell never mentions himself; he simply jots down information about public affairs gleaned from newspapers, newsletters, and perhaps the gossip of the coffee-houses, and arranges these items in chronological order. Macaulay found it useful, but it is utterly unreadable, however valuable it may be to the historian of the period.

Nehemiah Wallington's Diary, as it is sometimes called, or 'Historical Notices of the Reign of Charles I.,' as the editor terms it, is somewhat similar, but differently arranged. He collected from newspapers and pamphlets accounts of a certain number of events which happened between 1630 and 1646, arranging his extracts for the most part not chronologically but in subjects. Here again the personal element is almost entirely absent, except in a few reflections.<sup>2</sup>

Whitelocke's Memorials shows how a Diary of this primitive kind might develop into an autobiography or a memoir. The

<sup>1</sup> Six volumes, Oxford, 1857.

<sup>2</sup> Edited by R. Webb, 1869. Wallington also left an autobiographical record which has never been published, though a few extracts are given in Mr. Webb's preface.

great bulk of it consists of extracts from newspapers and similar sources, sometimes quoted at length, sometimes abridged and summarised. A thin thread of autobiography and personal reminiscences binds the whole collection together, and gives it whatever unity it possesses. The fact is, Whitelocke had written an autobiography which he called *Annals of his life*, full of personal details but containing comparatively little about public affairs. It has never been published, but fragments of it are inserted here and there in the *Memorials*.<sup>1</sup> It seems to me that he intended to work up this earlier autobiography into *Memoirs*, and collected all these miscellaneous notes on public affairs in order to expand his reminiscences into a 'History of my own Time,' which was left unfinished.

Sir John Bramston's *Autobiography* is an example of the reverse process. In the seventy-second year of his age—that is, about the year 1683—feeling himself on the brink of the grave, 'and calling to remembrance the years past, and how he had spent his time,' he took up his pen to recount his recollections. 'That posterity therefore (I mean my own descendants) may know something of my father and myself, besides our names in the pedigree or line of descent, I have set down some things, though few, done by myself, not unworthy, many things by my father worthy both of their knowledge and imitation.'

Bramston lived many years after this, dying in 1700 in the eighty-ninth year of his age. His *Autobiography* becomes therefore, in the latter part of it, a *Diary*, illustrating once more the close connection between the two forms of composition and the impossibility of separating them. It was published by the Camden Society in 1845.

Like Bramston, Sir John Resesby begins the volume styled his *Memoirs* with an account of his family and a sketch of his early life. He was born in 1634, but from 1660, or thereabouts, to his death in 1689, the book takes the form of a diary rather than a collection of reminiscences. As it continues the entries become more and more frequent; instead of a note made once a month, or once a fortnight, he gives us the last few months of his life a regular journal of events day by day.

Evelyn's famous *Diary* to some extent resembles Resesby's. He begins like an autobiographer of the ordinary kind with an account of his birth and his family, and a few reminiscences of his youth. In 1631, when he was eleven years old, he tells us 'In

<sup>1</sup> See, for instance, vol. i. pp. 30, 189, ed. 1853.

imitation of what I had seen my father do, I began to observe matters more punctually, which I did use to set down in a blank almanac.' It is evident that from 1641 to 1647, whilst he was travelling abroad, Evelyn kept a full journal of all that he did and saw. The published Diary which we know is apparently a compilation from these entries in almanacs and other memoranda. The MS. from which 'the journal,' as the original editor terms it, was printed by William Bray, consists of a small 4to volume of 700 pages, beginning in 1641 and ending in 1697, and of a smaller book, carrying the narrative down to Feb., 1706, when Evelyn died. It appears to be a selection from his memoranda, made by himself at some later date, rather than an exact reproduction of what he wrote from day to day. But the original is in private hands, and without consulting the MS. it is impossible to be certain how it was put together. It is not such good evidence for dates and other details as the Diary of Pepys.

In another way there is a great difference between these two diarists. Pepys puts down everything; Evelyn selects. Evelyn's Diary deals chiefly with the outer life: that of Pepys records the feelings and ideas of the writer about everything, whether important or trivial. Evelyn's compilation was intended for a limited publicity: as a memorial for his descendants to read. The Diary of Pepys consists of confessions, intended for his own eye, concealed by means of a cipher from those of others.<sup>1</sup>

It is this very peculiarity which makes the account of the first ten years of Charles II., contained in the Diary of Pepys, of such incomparable value. It is so careless, spontaneous, and free a record of impressions and incidents that no other diary can approach it in vividness and interest. There is no side of the political, social, and intellectual life of the period upon which it does not supply information of the utmost value. Pepys was interested in everything and records everything. The laborious and capable official who, by industry, ability, and honesty, rose from the lowest post in the Admiralty to be for twenty years its chief administrator had all the tastes of an idler. 'Mighty merry we were till about 11 or 12 at night,' says an entry in his Diary, 'and I did as I love to do, enjoy myself in my pleasure, as being the height of what we take pains for, and can hope for in this world, and therefore to be enjoyed while we are young and capable of these joys' (March 28, 1668). If he had not possessed this temper and held this philosophy, if he had been more wrapped

<sup>1</sup>The best edition is that by H. B. Wheatley, 10 vols., 1893-1899.

up in his business, and less open to all the temptations of all pleasures and all vanities, he would have been a better man morally, but his Diary would have been less valuable as an historical authority.

On May 31, 1669, Pepys writes in his Diary, 'Thence to the World's End, a drinking house by the Park, and there merry, and so home late.' There the Diary closes, with only a brief explanation of the causes of its conclusion. 'Thus ends all that I doubt I shall ever be able to do with my own eyes in the keeping of my Journal, I being not able to do it any longer, having done now so long as to undo my eyes almost every time that I take a pen in hand; and therefore whatever comes of it, I must forbear: and therefore resolve from this time forward to have it kept by my people in long-hand, and must therefore be contented to set down no more than is fit for them and all the world to know.'

If Pepys did have a journal in long-hand, written for him by an amanuensis, it seems to have perished. There is a journal of his voyage to Tangiers in 1683, when he went there to superintend its evacuation and the destruction of the harbour works. Though it is not unamusing, it has not the careless frankness of the Diary. His eyesight must have been better, or his optician more skilful, for it is written in short-hand, like the Diary. Perhaps he was more cautious as to what he put down, perhaps age had made him wiser, and he had turned over a new leaf. It is impossible to say, but it is always with a certain shock of surprise and amusement that one finds Evelyn describing our friend in his old age as 'that austere moralist, Mr. Pepys.'

Different in its origin from any of the diaries yet discussed is Swift's Journal to Stella. It covers the critical period of Queen Anne's reign, 1710-1713. Its form is that of a series of some sixty letters written to two ladies, Esther Johnson and her companion Rebecca Dingley, to inform them in Dublin of what he was doing in London. Each letter contains an account of his life in London for a week or a fortnight in the form of a diary of his proceedings each day. For the literary history of the time it is invaluable, and hardly less for the political and the social. We see in its pages Harley and St. John in their hours of ease, and can trace the progress of the split which finally alienated the two Tory leaders from each other. Swift's circle of friends is not so wide as that of Pepys; he does not know the court of Queen Anne as well as Pepys knew that of Charles II.; he has little but hearsay to repeat about the Queen. Yet she too passes over the

stage—going a-hunting in a chaise with one horse, which she drives herself, ‘and drives furiously like Jehu, and is a mighty hunter like Nimrod.’ Swift wrote simply for his two friends as Pepys wrote simply for himself, and there were many autobiographers who wrote merely to tell the story of their lives to their children and grandchildren. But often the motive for writing was more complex; some were inspired to record their experiences by the example of authors they read, and consciously imitated particular literary models.

One evidently derived his inspiration from the romancers—perhaps from Barclay’s *Argenis*, or the old Greek romance of *Theagenes and Chariclea*, perhaps from French or classical models. Born in 1603, Sir Kenelm Digby died on 1665, but the volume published in 1827 as his ‘Private Memoirs’ relates only one episode in his earlier life. He undertook to recount the romance of his own life—his love for Venetia Stanley. ‘I will set down in the best manner I can the beginning, progress, and consummation of that excellent love, which only makes me believe that our pilgrimage in this world is not indifferently laid upon all persons for a curse.’ He sets it down on paper ‘to teach the world anew what it hath long forgotten, the mystery of loving with honour and constancy.’ . . . and to show, by a modern instance, how passion, ‘meeting with heroical souls, produced heroical and worthy effects.’ Throughout his pages, Digby himself masquerades under the name of Theagenes, Venetia Stanley as Stelliana, and other characters bear equally fantastic titles. The book hardly fulfils the promise with which its author sets out; the narrative is involved and circuitous, fact is continually wrapped up in fiction, movement lost in disquisitions and conversations. It is romance, with a realistic basis of autobiography underneath it, but contains little of value either for the social or political historian.

In Lord Herbert of Cherbury’s life of himself, the influence of the romances of chivalry is visible.<sup>1</sup> He had an ancestor, Sir Richard Herbert, who was an ‘incomparable hero.’ At the battle of Banbury in 1469, Sir Richard ‘twice passed through a great army of northern men alone, with his poleaxe in his hand, and returned without any mortal hurt, which is more than is famed of Amadis de Gaul, or the Knight of the Sun.’ Emulating this ancestor, Lord Herbert, in his famous fight in Scotland Yard,

<sup>1</sup>The best edition is that of 1876, edited by Sidney Lee. The life was first published in 1764.

with nothing but a broken sword in his hand, routed Sir John Ayres and four ruffians who assailed him. 'I think,' he says, 'I shall not speak vaingloriously of myself if I say, that no man hath understood the use of his weapon better than I did, or hath more dexterously prevailed himself thereof on all occasions.' His oath as a Knight of the Bath bound him to right 'gentlewomen that shall be wronged in their honour, if they demand assistance,' and for this cause alone he sent four challenges, besides many for other reasons. Many feats of valour he performed in the Low Countries, and at the siege of Juliers, and of some he is silent. 'I could relate divers things of note concerning myself during the siege; but do forbear, lest I should relate too much of vanity.' But he does tell us that Maurice of Nassau, Spinola, and the Duke of Savoy, the three great captains of his day, esteemed and honoured him, that three queens distinguished him by unusual favour, that one great lady kept his miniature in her cabinet, and that another wore it in her bosom. And he does relate 'some things concerning myself, which though they may seem scarce credible yet, before God, are true.' He grew two inches in height when he was middle-aged. 'I had and still have a pulse on the crown of my head.' Further, 'it is well known to those that wait in my chamber, that the shirts, waistcoats, and other garments I wear next my body, are sweet beyond what either easily can be believed or hath been observed in any else—which sometimes also was found to be in my breath above others, before I used to take tobacco.' Moreover, his moral nature was as sweet as his physical: no man was more forgiving when it was compatible with honour; when he was a boy he freely confessed his faults whenever he was charged with them, choosing rather to suffer correction than to stain his mind with telling a lie. 'I can affirm to all the world truly that from my first infancy to this hour I told not willingly anything that was false.' It was natural, therefore, that he should spend his leisure, during his embassy in France, in writing a treatise on the nature of Truth, and on the distinction between probable, possible, and false revelations, and that, having completed it, he should be directed by a sign from heaven to publish it.

The Diary of Sir Henry Slingsby<sup>1</sup> is a complete contrast to Lord Herbert's Autobiography. He was a Yorkshire baronet who had fought for Charles I. during the Civil War, and died for Charles II. on the scaffold in 1658. It is not really a Diary, but

<sup>1</sup> Edited by D. Parsons, 1836.

rather a collection of notes and reflections written down from time to time, and it contains reminiscences of Charles I., a sketch of the campaigns in the north of England, and brief narratives of the battles of Marston Moor and Naseby. These are prefaced by an account of his own life for three or four years before the war began, containing details about his family and his servants, his building and his farming, and common things of daily occurrence. It was not vanity which led him to record things which others might have thought unimportant, but the example of one of his favourite authors. 'I followed,' he says, 'the advice of Michael de Montaigne, to set down in this book such accidents as befall me, not that I make a study of it, but rather a recreation at vacant times, without observing any time, method, or order in my writing.' We might have had some record of Slingsby's military services if he had never read Montaigne, but we should not have had this picture of the life of an English country gentleman.

Foreign literary influence is also visible in the Autobiography of Sir Simonds D'Ewes.<sup>1</sup> He refers more than once in it to the example which he had before him in the life of Thuanus or De Thou, whose *Historia sui Temporis* (1544-1607) appeared in 1620.

'Because I find,' he says, 'that both Josephus and Thuanus, men admirably learned, in the historical narration of their own lives, do largely set down their descents and extractions, I shall in this place shortly discourse of my own,' and so, after thanking God that he is well descended, he devotes twenty pages to his pedigree. Again, because 'Monsieur de Thou doth frequently insert in the books of his life the verses he made,' D'Ewes inserts a number of copies of Greek and Latin verses he wrote whilst he was at school. 'None of them,' he boasts, 'except the Greek Sapphics, were very troublesome or difficult to me.' Fortunately his judicious editor leaves them out. Finally, he inserts amongst the recollections of his boyhood, accounts of a number of public occurrences which happened during that period of his life. 'I have interlaced them with the narration of my own life,' he says, 'in imitation of that unmatched historian, De Thou.'

D'Ewes was born in 1602 and died in 1650, but unluckily his life of himself ends in 1636. It is a very valuable authority upon many different subjects; the account of his education at school,

<sup>1</sup> Edited by J. O. Halliwell, 1845.



at Cambridge, and at the Inns of Court, would alone make it worth reading. But he gives us much besides this. No one represents better the opinion of the average educated Puritan on the religious questions of the day and the political questions so closely connected with them. In his pages we see reflected as in a glass the changes of feeling which the success or failure of the Protestant cause excited amongst his party during the Thirty Years' War. Besides this we have a description of his daily life, of his management of his household, of his domestic felicities and infelicities, of his ideas and his studies. One of the most eager antiquarians in an age when antiquarians were many, he tells us with special satisfaction that it was on Wednesday, Oct. 12, 1631, 'I began my search in that august and rare record called Domesday, in the Tally Office of the Exchequer,' and how much he transcribed from it. And he relates with the same exactness the progress of his various researches in the Tower and elsewhere. With equal particularity he inserts a letter to his wife, 'the only lines I sent her in my wooing time,' to prove his ability in that kind of composition.

Yet another type of mixed Autobiography and Diary is represented by Anthony Wood's life of himself. He compiled two autobiographies—one written in the first person, carrying his story down to March, 1660; another written in the third person, carrying it down to 1672. Besides this he kept a series of journals in the form of notes in a set of interleaved almanacs extending from 1657 to 1695. The autobiography was printed by Hearne in 1730, and in two editions, in 1813 and 1848, by Dr. Bliss. The last edition, by Mr. Andrew Clark, incorporates the journal with the autobiography, and is styled *The Life and Times of Anthony Wood, Related by Himself*.<sup>1</sup> In this way Wood's autobiography has been converted into a Diary again.

The autobiography gives us a vivid picture of the development of Wood's interest in English history and antiquities. It was about 1652 that he was first admitted to read in the Bodleian, 'which he took to be the greatest happiness in his life, and into which he never entered without great veneration.' In 1653 he lighted upon William Burton's *Description of Leicestershire*, Gwillim's *Display of Heraldry*, and similar books on antiquarian subjects to which he felt irresistibly attracted. 'He perceived it was his natural genie and could not avoid it.' His mother and his brother pressed him in vain to take to studies which

<sup>1</sup> Published by the Oxford Historical Society in five volumes, 1891-1900.

paid better, but he turned a deaf ear to them. Yet he 'could never give a reason why he should delight in those studies more than others, so prevalent was nature mixed with a generosity of mind, and a hatred to all that was servile, sneaking, or advantageous for lucre's sake.' Henceforth the real events of his life were not outward accidents, but acquisitions of fresh knowledge as new books or manuscripts fell into his clutches. 'This summer,' he notes in 1656, 'came to Oxon the *Antiquities of Warwickshire*, written by William Dugdale, and adorned with many cuts. This being accounted the best book of its kind that hitherto was made extant, my pen cannot enough describe how A. Wood's tender affections and insatiable desire of knowledge were ravished and melted down by the reading of that book. What with music and rare books that he found in the public library, his life, at this time and after, was a perfect Elysium.'

Wood's book is valuable not only for the portrait of the man and for its innumerable notes on the literary history of the period, but because it gives as vivid a picture of University life in the latter part of the seventeenth century as Pepys does of London life. It is full of little stories which illustrate the social life of the University, and the manners and morals of graduates and undergraduates. Take, for instance, the story of the proctor who fell off his horse and broke his neck, being drunk; or that of 'the handsome maid living in Cat Street,' who being deeply in love with a junior fellow of New College poisoned herself with ratsbane. 'This is mentioned,' says Wood, 'because it made a great wonder that a maid should be in love with such a person as he, who had a curld shagpate, was squint-eyed and purblind, and much deformed with the small pox.' The decay of learning and the corruption of manners are frequently lamented by Wood. It is clear, if we accept his evidence, that the University was better governed in Cromwell's time than it was under the later Stuarts. Multitudes of alehouses, extravagance in apparel, disrespect to seniors and other evil signs marked the decadence of University discipline. He noted the growth of a party he termed 'the bibbing and pot party,' who controlled all the elections and appointed unfit men to University offices because of their social gifts, and set aside sober scholars. Patronage corrupted the colleges. 'Now,' he says in 1671, 'noblemen's sons are created artium magistri for nothing, get fellowships and canonries for nothing, and deprive others more deserving of their bread.'

We possess many other diaries of scholars and antiquaries—

Thoresby, De la Pryme, Dugdale<sup>1</sup>—but none throw so much light on the life of the time as Wood's.

There is another class of diaries and autobiographies which should be taken together—viz. the religious autobiographies, of which many examples of every kind exist. In one way their authors resemble the antiquarians—'the moving incident is not their trade'; external events are less important than internal. One of the extremest representatives of this type is Bunyan's *Grace Abounding*, published in 1666. Bunyan had been a soldier, but the external events of his life are so vaguely alluded to that his biographers have been left in doubt whether he served in the King's or the Parliament's army. What concerned him was the civil war within himself, not that which shook England. Instead of battles and marches he related the trials and troubles of his soul, describing every turn in the conflict with the minuteness with which a military historian recounts a campaign, 'till the Lord through Christ did deliver him from all his guilt and terror that lay upon him.'

Many Quakers set down their spiritual experience for the benefit of their brethren, for instance George Fox and Thomas Ellwood. They state their motives for writing with great definiteness:

'That all may know the dealings of the Lord with me, and the various exercises, trials and troubles, through which he led me, in order to prepare and fit me for the work, unto which he had appointed me; and may thereby be drawn to admire and glorify his infinite wisdom and goodness; I think fit (before I proceed to set forth my publick travels in the service of truth) briefly to mention how it was with me in my youth; and how the work of the Lord was begun, and gradually carried on in me, even from my childhood.'<sup>2</sup>

'Although my station,' says Ellwood, 'not being so eminent either in the church of Christ or in the world as others who have moved in higher orbs, may not afford such considerable remarks as theirs, yet inasmuch as in the course of my travels through this vale of tears I have passed through various and some uncommon exercises, which the Lord hath been graciously pleased to support me under and conduct me through, I hold it a matter, excusable

<sup>1</sup> *Diary of Ralph Thoresby*, edited by Joseph Hunter, 1830; *Diary of Abraham de la Pryme*, Surtees Society, 1870; *Life, Diary and Correspondence of Sir W. Dugdale*, edited by William Hamper, 1820.

<sup>2</sup> The first edition of *Fox's Journal* was published in 1694. The original text, edited by Norman Penney, was published by the Cambridge University Press in 1911.

at least, if not commendable, to give the world some little account of my life.'<sup>1</sup>

The lives of master and disciple supplement each other. Fox begins, like Bunyan, with the record of his spiritual troubles. 'I was often under great temptations: I fasted much and walked abroad in solitary places many days, and often took my Bible and went and sat in hollow trees and lonesome places till night came on; and frequently, in the night, walked mournfully about by myself; for I was a man of sorrows in the times of the first workings of the Lord in me.' Then it became clear to him that he was charged to preach certain truths, and he went about preaching them, and became familiar with every kind of physical suffering. He was beaten and imprisoned, and bore all with cheerful pertinacity. 'Here is my hair, here is my cheek, here is my back,' he would sometimes say to those who threatened him; at other times something in his look stopped those who sought his life, and pistols levelled at him missed fire or knives were dropped. 'Do not pierce me so with thy eyes,' said one man to him. Everywhere Fox argued as well as preached, argued with preachers of every kind—Presbyterians, Baptists, Ranters, parsons, and also with officers and magistrates. He began by going into churches and saying, 'Come down thou deceiver,' to the preacher; afterwards, his disputations were more orderly. Everywhere the result was the same: the antagonist was vanquished; 'His mouth was soon stopped,' or 'He could not open his mouth' are the usual phrases. Of one adversary he says, 'His face swelled and was red like a turkey; his lips moved and he mumbled something; the people thought he would have fallen down.' So Fox travelled all over England, and wherever he came 'priests and professors,' that is orthodox Puritan ministers and their flocks, trembled at his preaching. 'It shook the earthly and airy spirit in which they held their profession of religion and worship, so that it was a dreadful thing to them when it was told them 'The man in leather breeches is come.'

Ellwood, on the other hand, had no touch of the prophet about him. In his childhood he tells us he was 'waggish' and 'full of spirits' ('few boys in the school wore out more birch than I'); at the moment when his autobiography begins he was a very sober, well-conducted young man of eighteen or nineteen. The preaching of the Quakers cast a spell over him; with quiet fervour and

<sup>1</sup> *The History of the Life of Thomas Ellwood* was first published in 1714. The most convenient is that by Henry Morley in 1885.

invincible patience he began to put in practice the principles they taught. First he came into collision with his father, who objected to be addressed with 'thee' and 'thou,' and was enraged when his son insisted on wearing his hat at meals. 'Sirrah, if ever I hear you say 'thou' or 'thee' to me again, I'll strike your teeth down your throat,' said Mr. Ellwood. . . . 'If you cannot come to dinner without your hive on your head, take your dinner somewhere else.' Later came more serious troubles—assaults and imprisonments. Ellwood gives an admirable account of life in Bridewell and Newgate. The recollections of the Quakers afford ample materials for the history of prisons in the seventeenth century.

Sometimes in the lives of the Quakers we get glimpses of great men and great events. *Fox's Journal* brings Cromwell before us; in *Ellwood's Life* Milton appears for a moment; the story of a sailor who served under Blake before he was converted supplies us with one of the best accounts of the battle of Santa Cruz. But in general the special merit of the lives of the Quakers is that they introduce us to a wider circle than the memoirs of courtiers and noblemen: all sorts and conditions of men appear in their pages; a picture of the middle classes and the people could be put together from them.

One class was particularly given to writing diaries or autobiographies, namely, the Nonconformist clergy. The early part of Baxter's life of himself is excellent; later the author loses himself in a morass of ecclesiastical controversy which few readers can struggle through.<sup>1</sup> Edmund Calamy's life is also excellent, but a little too much limited by his professional interests.<sup>2</sup> There are several minor lives, such as those of Adam Martindale<sup>3</sup> and Oliver Heywood,<sup>4</sup> which afford evidence for social history, and not merely materials for the historians of Nonconformity.

There is yet another class of Autobiographies of which something must be said—those written by seventeenth century women. The English women of the seventeenth century did not write long stories about affairs of state in which their personal adventures formed but a small part; they were not like Madame de Motteville or Madame de Boigne. Their memoirs are more purely memoirs of themselves—domestic chronicles, which incidentally

<sup>1</sup> *Reliquiae Baxterianae*, edited by Matthew Sylvester, 1698.

<sup>2</sup> *A Historical Account of my own Life*, by Edmund Calamy. Edited by J. T. Rutt, 1830.

<sup>3</sup> Edited by Richard Parkinson for the Chetham Society in 1845.

<sup>4</sup> Edited by J. H. Turner, 3 vols. 1882.

throw some light on the time, but aim at narrating their personal history, and are valuable for the picture they give of daily life and the illustrations they afford of contemporary customs and modes of thinking. While some of the ladies are charming, several are very edifying. Alice Thornton's autobiography belongs to the class of religious autobiographies.<sup>1</sup> She begins by saying that it is the duty of every true Christian to remember and take notice of all God's gracious acts of providence and merciful dealings with them, and sets down those which have happened to herself. The first section is headed 'Upon my deliverance from a fall when I was three years old, when I cut a great wound in my forehead of above an inch long.' The next is an accident which happened when at the age of four, 'a surfeit by eating some beef which was not well boiled.' She records forty years of her own life in this fashion with appropriate reflections, sometimes supplying some atoms of useful information about household management or country life, but in the main somewhat tedious and unprofitable. Mary Boyle, afterwards Countess of Warwick, is another edifying lady. The chaplain who preached her funeral sermon entitled it *Eureka or the Vertuous Woman Found*. But her autobiography<sup>2</sup> is much more interesting than Mrs. Thornton's. During the early part of her life she was a mere worldling. Her father, the Earl of Cork, was rich, 'and the report that he could give me a very great fortune made him have for me many very great and considerable offers, both of persons of great birth and fortune; but I still continued to have an aversion to marriage, living so much at my ease that I was unwilling to close with any offered match.' Moreover, her friendship with a Maid of Honour led Mary Boyle into evil ways: 'her having so brought me to be very vain and foolish, enticing me to spend (as she did) my time in seeing and reading plays and romances, and in exquisite and curious dressing.' At last she met Charles Rich, second son to the Earl of Warwick. He became 'a most diligent gallant to me, seeking by a most humble and respectful address to gain my heart.' So she goes on to relate with brevity, and yet with some interesting detail, the story of her courtship and marriage. Mrs. Thornton omits this part of her career: her marriage, it is evident, was a marriage of reason—to be included in a list of providences, because Mr. Thornton was 'a godly sober and discreet person,' but she says much more about her settlement than her courtship.

<sup>1</sup> Surtees Society, 1875.

<sup>2</sup> Edited by T. Crofton Croker, for the Percy Society, 1848.

Fortunately Mrs. Thornton is exceptional; in the Autobiographies of all the other ladies there is always a place for romance. Anne Murray, afterwards Anne Lady Halkett,<sup>1</sup> was much perplexed by many entanglements, and tells us all about her various wooers. She describes their conversations, their meetings and their partings with precision and picturesqueness.

‘What he said was handsome and short, but much disordered, for he looked as pale as death, and his hands trembled when he took mine to lead me, and with a great sigh he said, ‘If I loved you less, I could say more.’ I told him I could not but think myself much obliged to him for his good opinion of me.’ The course of their love did not run smooth; relations intervened to separate them, and about two years after they first met she suddenly heard he had married someone else. ‘I was alone in my sister’s chamber when I read the letter, and flinging myself down upon her bed I said, ‘Is this the man for whom I have suffered so much? Since he has made himself unworthy my love, he is unworthy of my anger or concern,’ and rising immediately I went out into the next room to my supper, as unconcernedly as if I had never had any interest in him, nor had ever lost it.’

Mrs. Hutchinson, in her life of Col. Hutchinson, relates with similar frankness, but less fulness, how the acquaintance between herself and her husband began. He saw some of her books, and heard how reserved and studious she was, and at last heard a song that she had written which seemed to him to contain ‘something of rationality beyond the customary reach of a she wit.’ When he enquired he heard much of her perfections, but was told ‘she shuns the company of men as the plague.’ This attracted him more than all else, and he was filled with thoughts how he should attain the sight and knowledge of her. At last they met: ‘his heart, being prepossessed with his own fancy, was not free to discern how little there was in her to answer so great an expectation. She was not ugly in a careless riding habit, she had a melancholy negligence both of herself and others, as if she neither affected to please others, nor took notice of anything before her; yet in spite of all her indifferency she was surprised with some unusual liking in her soul when she saw this gentleman.’ Mrs. Hutchinson does not report conversations with her admirer as Anne Murray does, nor describe the various incidents of the wooing. ‘I shall pass by all the little amorous relations, which if I would take the pains to relate would make a

<sup>1</sup> Edited by J. G. Nichols, Camden Society, 1875.

true history of a more handsome management of love than the best romances describe; but these are to be forgotten as the vanities of youth, not worthy of mention among the greater transactions of his life.'

This distinction between 'vanities' and 'great transactions' helps to explain why the men who wrote their own lives say so little of the domestic or sentimental side of them. Ludlow, for instance, in the three volumes he wrote on his career hardly ever mentions his wife. She crops up suddenly in an account of the sale of the Church lands by the Commonwealth 'wherein I employed that portion I had received with my wife.' Clarendon is only a little more communicative about his marriages. 'Mr. Hyde returned again to his studies at the Middle Temple, having it still in his resolution to dedicate himself to the profession of the law, without declining the politer learning, to which his humour and his conversation kept him always very indulgent; and to lay some obligation upon himself to be fixed to that course of life (*i.e.* the law) he inclined to a proposition of marriage, which having no other passion in it than an appetite to a convenient estate, succeeded not.'

About a couple of years later, with the same object of forcing himself to stick to the law 'to call home all straggling and wandering appetites which naturally produce irresolution and inconstancy in the mind, he married a young lady very fair and beautiful.'

The lady died within a year, and three years later the widower married again, partly to please his father and partly because, though he had already begun to practise at the Bar, 'he was not so confident of himself that he should not start aside,' and 'thought it necessary to lay some obligation upon himself.' The remedy was effective: 'from the time of his marriage he laid aside all other thoughts but of his profession.'

These instances will serve to illustrate the difference between the point of view of the men and women of the seventeenth century when they wrote their Diaries and Autobiographies. Englishwomen of that time had a narrower range of interests, and alike by custom and by law their freedom of action was more restricted than it is now. But if they have little to tell us about matters of state we should know very little about matters of the house and domestic life in general without their evidence. They supply the historian with a fresh set of facts; social facts which are as essential to him as political facts. They give him also a new side of life, and new



aspects of characters—both essential to any one who wishes to understand the life of a period and to ‘see it whole.’

All autobiographers have a certain amount of vanity. If they did not think they were in some way remarkable persons they would scarcely take the trouble to record what one of them has styled ‘my trivial life and misfortunes.’ Mrs. Hutchinson tells us that before she was born her mother dreamt she was walking in the garden with her father, and that a star came down into her hand. ‘My father told her her dream signified she should have a daughter of some extraordinary eminence.’ The Duchess of Newcastle frankly admits her own vanity, nearly as often as she displays it. ‘But I hope,’ she concludes, ‘my readers will not think me vain for writing my own life, since there have been many that have done the like, as Cæsar, Ovid and many more, both men and women, and I know no reason I may not do it as well as they : but I verily believe some censuring readers will scornfully say, why hath this lady writ her own life? since none cares to know whose daughter she was, or whose wife she is, or how she was bred, or what fortunes she had, or how she loved, or what humour or disposition she was of. I answer that it is true, ’tis to no purpose to the readers, but it is to the authoress, because I write it for my own sake not theirs.’

The excuse is good. Those autobiographies are most valuable for historical purposes in which the authors describe themselves, not those in which they relate public affairs. Types of character are indispensable to the historian as facts : it is not enough for him to know when such and such a thing took place ; he must also understand what manner of men they were who did the things recorded. Appreciation of the characters of the men of a particular period helps to appreciate their motives and to explain their actions. Therefore the value of an autobiography does not depend upon the extent to which its author was concerned in great affairs. The more it deals with such affairs the more treacherous it is as historical evidence. For the natural vanity which leads the author to record his own life leads him to overestimate his influence on affairs, and a foible which is harmless when he is dealing with domestic matters becomes dangerous when it tends to confuse the causes of public events or to misrepresent the motives of statesmen.

It is this foible which Swift attacks in Burnet’s *History of My Own Time*. ‘His vanity,’ says Swift, ‘runs intolerably through the whole book, affecting to have been of consequence at 19 years

old, and while he was a little Scotch parson of 40 pounds a year.' In order to ridicule Burnet and similar writers Swift wrote the *Memoirs of P. P. Clerk of this Parish*. The satirical advertisement prefixed explains its purpose. 'The original of the following extraordinary treatise consisted of 2 large volumes in folio, which might justly be entitled 'The importance of a man to himself'; but as it can be of very little use to anybody besides, I have contented myself to give only this short abstract of it, as a taste of the true spirit of modern memoir writers' (*Works*, viii. 168).

C. H. FIRTH.

## Four Representative Documents of Scottish History<sup>1</sup>

**T**HERE are two ways in which we can measure the course a nation has run from its emergence into history. We may trace its course in the material imprints it has left behind it in the land where it has had its habitation. When we think of the monastic huts of St. Columba, composed of wattles and clay, and of the magnificent ecclesiastical edifices which arose in the reign of David I., we have brought home to us with the vividness of picture the length the nation had come during the intervening centuries. In the contrast between a modern Clyde steamer and the skiff made of wickerwork which brought St. Columba from Ireland to Iona, we have a commentary on the development of a nation's life which appeals to every mind. So, if we look at the framework of society in the successive periods of the national history ; if we compare, for example, the social order as it existed in the reign of David I. with the social order of to-day, we take in with all fulness what progress means.

The development of a nation, as indicated by these palpable reminders, lies patent before us on the page of history. But there is another way of regarding the national development which is not so visibly evident, which is apt to be overlooked, and which, nevertheless, is of greater moment, as revealing the deepest springs of national life. What were the conceptions of man's relations to his fellows, to life itself, to the general scheme of things, which dominated the mind of the nation at the different periods of its history ? It is only with these conceptions in our minds that we can adequately interpret the outward and visible signs of a nation's life at any given period. Behind the social order, behind the forms of government, which meet our eye, these conceptions are the impelling and directing forces that brought them to birth. They inspire and regulate the policies of

<sup>1</sup> Opening Lecture to the Class of Ancient (Scottish) History in the University of Edinburgh, 9th October, 1912.

statesmen ; they make what is called public opinion, and they determine the ideals to be found in all art and literature. 'Our culture,' as Emerson says, 'is the predominance of an idea which draws after it the whole train of cities or institutions.' In the study of any period of history, therefore, the primary condition for the understanding of it is an acquaintance with the mental attitude of the community to those ultimate questions which men have continued to ask from the beginning. It is by their respective attitudes towards these questions that one age is essentially distinguished from another. In the history of Christian Europe we distinguish between the early Middle Age, the later Middle Age, and the Modern Age, and we make the distinction because these periods are respectively characterised by the different constructions they have put upon the meaning and aim of the life allotted to man.

If the study of history has any ultimate aim, it must be the interpretation of these fundamental conceptions as they have found expression in the forms of society which men have fashioned for themselves—in the great movements which have implied new departures in the history of humanity. The largest gain we can derive from the study of history is the apprehension of the action and reaction of ideal conceptions and their practical application to the natural needs of everyday life. One of the great masters of history has said that the highest result of its study is the acquired ability to appreciate the differences between times and countries, nations and races. And if Bacon's saying be true that 'histories make men wise,' it must be from this understanding of it that wisdom must come.

But how shall we most directly lay hold of those fundamental conceptions that determine the actions of communities at the different stages of their history? In a mere narrative of what any nation has accomplished we are apt to miss the deepest forces that have impelled it along the course it has followed. We may have the closest acquaintance with its successive forms of government, with its revolutions, with its achievements in arts, with its social conditions at any period of its history, and yet never realise the underlying ideas of which they are the visible expression. We are interested in these things for themselves and take them as ultimate facts while their explanation and real significance escape us.

There is one means at our command which more directly than any other puts us in contact with any age that we may choose to

make our special study. By the period when a people has arrived at self-consciousness (and it is only at this period that it becomes the subject of history in the strict sense of the word) it usually finds expression in some form of literature which embodies what are its animating ideals and aspirations. And in every subsequent period of its history it finds similar expression for its changing conceptions of its own highest interests and of the means by which these interests are most adequately realised. In the case of every historic nation we have a succession of these memorials which are the permanent expression of the deepest thoughts and feelings of the age that produced them. In the case of Scotland we have a series of literary monuments, dating from the beginning of her history, which mark the successive stages of her development with a clearness of definition that enables us to distinguish the one from the other with all desirable precision. Let us look at these successive productions as they appear at the different periods of our national history, noting them only as they represent the deepest convictions and the highest conceptions of the generations that have created the Scottish people as they exist to-day.

For our present object the first of these productions is of special importance, inasmuch as the express intention of its author was to convey to his contemporaries precisely what we are in search of—the highest ideals then conceivable of human life and destiny. It is the *Life of St. Columba* by Adamnan, the first literary whole that directly bears on the history of Scotland. The date of its composition is about the close of the seventh century, and it is the product of that type of Christianity which Columba had brought from Ireland to Iona, thence disseminated throughout the country to the north of the Forth. In the character and action and teaching of Columba were embodied for Adamnan the ideal man in the sight of his fellows and of his Creator. A biography, as we now understand that form of literature, would in Adamnan's eyes, we may imagine, have been a profanation of the sanctity which was the enveloping halo of Columba from the cradle to the grave. What he does present to us is a figure created by the popular imagination during the century that elapsed between the death of the saint and the date when he addressed himself to commemorate him. And what is the type of human character and what the view of the nature of things that Adamnan puts before us as representing the highest conceptions then attainable by man? Columba's pre-eminent claim on our admiration and reverence, according to Adamnan, was the supernatural power which he could wield

at will to effectuate his objects. He owed this power, indeed, to the sanctity which commended him to Heaven, but it is in virtue of his superhuman gifts that he is set before the world as an exemplar of the most exalted humanity. Why Adamnan presented Columba primarily under this aspect, is sufficiently illustrated in such records of the time as have come down to us. The most persuasive means at the Christian missionary's disposal for the conversion of a heathen prince and tribe was to convince them that he could perform more wonderful works than any magician of their own. Loigaire, an Irish king, had the intention of putting St. Patrick to death, but when St. Patrick overcame the Druids in a thaumaturgic competition, Loigaire thought it prudent to come to terms with him. So, as Adamnan records, Columba converted Brude, King of the Picts, and through him his people, by miraculously throwing open the doors of Brude's palace which had been shut in the saint's face. We see, then, the world in which Adamnan and his generation moved. Laws of nature, as we understand them, did not exist. That stones should swim, that water should be converted to wine, that the dead should be raised to life—all of which acts Columba performed—seemed to them no more unnatural than walking or sleeping.

Four centuries of the national history elapse before we meet with another document which, like Adamnan's *Life of St. Columba*, embodies the ideals of the age when it was produced. During these intervening centuries great changes had taken place in the territory to the north of the Tweed. In the days of Adamnan that territory was mainly divided between four peoples, the Angles of Lothian, the Britons of Strathclyde, the Scots of the modern Argyleshire, and the Picts to the north of the Forth—each more or less successfully maintaining their independence of the other. By the date when the period closed, the mainland north of the Tweed was nominally under the rule of one prince—known to history as Malcolm Canmore. During the same period equally revolutionary changes had been effectuated in the Church. Even in the lifetime of Adamnan the Church of his master Columba was threatened by a peril which may explain the tone of plaintiveness which pervades his life of the saint. The Church of Rome had triumphantly entered on the course which was eventually to end in the inbringing of all Christendom to her fold. She had already brought within her jurisdiction all the lands of Western Europe, and by the date when Adamnan reached middle life she had asserted her predominance in the different kingdoms which then

composed the future England. In 664, at the Synod of Whitby, Oswiu, King of Northumbria, identified himself with the Roman Communion, with the immediate result that the clergy of the Irish Church were banished from his dominion. Within little more than half a century, only a few years after Adamnan's death, the Church of Rome had extended her conquest to the north of the Tweed. In 710 Naitan, then King of the Picts to the north of the Forth, followed the example of Oswiu, and expelled the Columban clergy who clung to the teaching of their founder. Seven years later Rome triumphed in Iona itself, the ecclesiastical centre of the Irish Church in Scotland.

At the close of the eleventh century, the period to which our second document belongs, the Church that acknowledged the Bishop of Rome as its head was thus in the ascendant in the territory which we must still call North Britain, and this ascendancy marks a new departure in the national history. Her peoples—we cannot yet designate them a nation—were now definitively brought within the pale of that *unitas catholica*, which had been the goal of the policy of Rome since it had a definite policy, and, as the result of this affiliation, they became an integral part of Christendom, and sharers in its secular and religious development. But for our present object, what we have to note is that the ascendancy of the Roman type of Christianity implied other ideals, other aims of collective endeavour, than those set forth by Adamnan in his life of Columba. What these ideals and aims were, we find enunciated in one of those documents which show us, in Hamlet's words, 'the very body of the time, his form and pressure'—the *Life of St. Margaret*, wife of Malcolm Canmore, composed most probably by her confessor, Turgot, subsequently Bishop of St. Andrews.

Turgot's *Life of St. Margaret* is as remote from a biography in the modern sense as Adamnan's *Life of St. Columba*. It is a character sketch, not the narrative of the events of a life. But, such as it is, it possesses a higher historical value than if it had told us with minutest detail all that had happened to her from the cradle to the grave. For what Turgot has given us is the ideal of a life which, in his conception, should be the exemplar to all such as desired the assurance of the joys of Heaven. When we compare his ideal with that of Adamnan, we realise that we are in another world from that of the community of Iona. It is not only that Adamnan's saint was an apostle and Turgot's a queen, and, therefore, called to different functions. Turgot's conception

of a dedicated life embraces a far wider sphere of rational activities than is suggested in the pages of Adamnan. Specially noteworthy are the different attitudes of the two biographers to the relative importance of miracles as notes of sanctity. 'I leave it to others,' writes Turgot, 'to admire the tokens of miracles which they see elsewhere. I admire much more the works of mercy which I perceived in Margaret; for signs are common to the good and the bad, whereas works of piety and true charity belong to the good only.'<sup>1</sup> But Margaret's activities, as Turgot records them, were not restricted to works of piety and charity; she evidently had a worldly side to her nature on which he might have enlarged had he so chosen. For example, he incidentally mentions that she encouraged intercourse with foreign traders, and specially with those who brought gay garments cut in the latest fashions; she introduced a magnificence into the Court which transformed the royal household; and she persuaded her consort to institute the service of those high officials, selected for their noble birth, who were now attached to the royal person in all the continental Courts. 'All this,' adds Turgot, 'the Queen did, not because the honours of the world delighted her, but because duty compelled her to discharge what the kingly dignity required'; and, in point of fact, these worldly interests were for Turgot only the inevitable distractions from higher concerns which are incident to mortals in every station during their pilgrimage in a sin-stricken world. What he desired to commemorate in Margaret as worthy of all imitation was the example she set of strenuous dutifulness as a daughter of the Church. The passage of Scripture, on which we are told that she 'meditated without ceasing,' was a verse from the Epistle of James: 'What is our life? It is a vapour which appeareth for a little while, and afterwards shall vanish away.'

Here we have the *Weltanschauung*, the conception of the true meaning of life which it was the object of Turgot to inculcate in his sketch of the character of Queen Margaret. And it was the conception that dominated the whole stage of culture covered by what we call the Middle Ages. The true profession of men during their life on earth is that of 'penitents and mourners, watchers, and pilgrims,' and in this profession the Church is their indispensable aider and comforter. When we cast our eyes over the surface of mediaeval society, indeed, we hardly receive the impression that its successive generations were greatly more concerned about their ultimate salvation than those of any other

<sup>1</sup> Forbes-Leith's translation.



period of the world's history. The history of Scotland during the Middle Age is hardly a history of the reign of the saints. Nevertheless, it was this conception of life as 'a vapour which appeareth for a little while,' that underlay the mediaeval society. It is the system of education devised by any community that most adequately expresses the ideals by which it lives. And what was the nature of the educational system devised by the Middle Age for the conservation of the established order? It was in the first and last instance conceived in the interests of the Church—that is, of the institution which was the life and soul of the generations over which it ruled. Instruction was given through the Church and for the Church, and its all-pervading aim was education, not for this world, but for the next. The teachers were churchmen; the subjects taught were prescribed by the Church, and these subjects were expressly chosen in view of the religious life. Thus, the life of Queen Margaret by Turgot may be regarded as marking the beginning of a new stage in the national culture.

So far as Scotland is concerned, the conception of man's destiny set forth in Turgot's book was that by which the nation lived from the eleventh to the sixteenth century when a new vision of human life and its possibilities dawned on Western Europe. In the case of Scotland we have no difficulty in fixing on the document which most distinctively signalises the opening of the new era. In the *First Book of Discipline* are laid down the foundations for the future national life as its authors conceived its highest interests. On the face of it, indeed, the *Book of Discipline* would seem to set forth essentially the same conceptions as those of Turgot. In the view of its authors man's earthly life is a state of probation, and his chief aim should be to assure himself of salvation in the next. For the attainment of this end it was the necessary condition that he should know the truth as it was to be found in the Church as it had now been purified from human error. Here is the opening section of the Book which lays down the scheme of national education. 'Seeing that the office and dutie of the godly magistrate is not only to purge the Church of God from all superstition, and to set it at liberty from bondage of tyrants, but also to provide to the uttermost of his power how it may abide in the same purity to the posterities following, we cannot but freely communicate our judgments with your Honours in this behalf.' We see the primary intention of the authors of the Book when they presented to the civil magistrate their ideal of a system of national education; it was to ensure the conservation of that body

of doctrine which they deemed indispensable for man's right guidance on earth and his salvation hereafter. In presenting their scheme, moreover, they claimed the same power as the Church they had displaced—the power to dictate and regulate public instruction in all its departments and all its degrees. 'Above all things,' Knox wrote in the year of his death, 'preserve the kirk from the bondage of the universities.'

Thus it might seem that in their fundamental conceptions the authors of the *First Book of Discipline* were at one with the Church they had displaced. In point of fact, however, whatever their dogmatic views of the place of religion in life, they could not escape the influences of the age to which they belonged, and on these influences their educational scheme is the significant commentary. The governing fact of the new time had been the decisive emergence of the laity as a power in society and in the body politic. There had been two main causes, as we know, for this appearance of the laity as a factor that had now to be reckoned with in the leading States. The development of the towns in the different countries had produced communities of citizens with intelligence enlarged by their own civic life and by intercourse with other rival communities bent on objects similar to their own. The other cause had been the invention of printing, but for which the religious revolutions effected in the various countries would have been impossible. Previous to the invention of printing, instruction was gained only from persons and places sanctioned by the Church, and it was thus made easy for the ecclesiastical authorities to stamp out heretical opinion wherever it appeared. But when books were scattered broadcast among the peoples, it was no longer in the power of any organisation to suppress the expanding ideas regarding the possibilities of human life which implied the opening of a new page in the world's history. 'As formerly,' wrote a contemporary, 'the apostles of Christianity went forth, so now the disciples of the sacred art (of printing) go forth from Germany into all countries.' Thus, at the date when the Scottish reformers drafted their scheme of national education, they were face to face with conditions which had not existed in the Middle Age. Throughout that age a middle class did not exist; the Church, the king, and the feudal nobility controlled and directed between them all that concerned the main interests of the State. What was now happening in Scotland, however, showed that these conditions no longer obtained; it was by the support of the middle class in the chief towns that the

ancient Church had been overthrown and the new Church put in its place. If the new Church was to maintain its existence, therefore, the class which had been largely instrumental in creating it must be organised, educated, and directed on lines favourable to the Church's permanence. The task before the authors of the *Book of Discipline*, therefore, was the creation of a national system of instruction, which would include every class, and so produce the conditions requisite for the formation of an intelligent public opinion. Such an ideal was incompatible with the very being of the Church of the Middle Ages, and it is in the attempt to realise this ideal that we find all the difference between the age that had gone and the age that had come. It is true that underlying the educational system which is sketched in the Book we have the same conception of human life as 'a vapour which appeareth for a little while,' that dominated the Middle Ages, but, in point of fact, the provisions which it lays down for all classes of the people ensured a secular training for the service of society and the State which in the end was bound to react against the Church itself.

As we know, the scheme of national education sketched in the *First Book of Discipline* was never realised, but by this inner contradiction—the opposition between the theological intention of its authors and the secular developments it involved—the scheme may be regarded as embodying the tendencies of the age that was to follow. What specifically characterised that age—in the case of Scotland extending from the middle of the sixteenth to the close of the seventeenth century—was the gradual substitution of material for religious concerns as the main preoccupation of the different peoples. In England during the seventeenth century secular interests came to override concern for religion and the Church; Holland, the battle-ground of religion in the sixteenth century, became a nation of traders in the seventeenth; during the latter half of the same century Louis XIV. made the Church in France a mere personal convenience, and according to the historians of Germany the secularising process in that country dates from the Peace of Westphalia in 1648 which closed the Thirty Years' War. In the case of Scotland during the same period it is the successive ecclesiastical struggles that are most prominently thrust on our attention, but this is largely due to the fact that the contemporary historians were churchmen whose interests were restricted to the sphere of religion. In the Acts of Parliament and in the Privy Council Register of the period we see another side to the national life. From these records we find that economical questions,

bearing on the material well-being of the country, came more and more to engage the minds of those responsible for its administration. If in the first half of the seventeenth century we have the National Covenant and the Solemn League and Covenant, in the second half we have the Report on Trade presented by the merchants of the country to the Privy Council in 1681—a report which was based upon keen observation of the conditions requisite for a flourishing home and foreign trade.

The period between the Reformation and the Revolution of 1689, therefore, may be regarded as a period of transition during which theological and secular interests were in continuous conflict for the dominant place in the national policy. By the opening of the eighteenth century the result of the conflict was no longer doubtful. If we desire a conclusive proof of the fact, we may find it in the Treaty of Union in 1707 which gave Scotland and England one legislative body. In the framing of that Treaty it was the material interests of both countries that dominated the minds of those who were responsible for it; in the times of the Covenants such a treaty would have been possible only on the condition of religion being its basis.

With the eighteenth century, therefore, we enter on another stage of development in the national history; and for that century, also, we have a document which embodies its conceptions of man and his eternal relations as distinctively as the previous documents we have been considering embody those of the respective ages to which they belong. This document is a book which is assured of permanent interest so long as a Scottish nation endures; it is the *Autobiography of Dr. Alexander Carlyle, Minister of Inveresk*. Unconsciously to himself, Carlyle, in the account he has given of his own life, has interpreted the tendencies, the tone of thought and feeling of his age with an expressiveness which leaves nothing to be desired. As we read his book, we realise that the world and his fellow-mortals are seen by him in lights which in previous centuries of the national history had not dawned on men's eyes. His intellectual attitude and his conception of life's duties and responsibilities are as characteristic of his age as were those of Adamnan and Turgot of the age to which they belonged. And, be it noted, that like Adamnan and Turgot, he also was a cleric. In considering the characteristics of his gospel, therefore, we have a further interesting commentary on the development of the national culture from the earliest stage of which we have the documentary history. What are the distinguishing notes in

Carlyle's book which so eminently mark it as a product of his age?

Carlyle was not a great original thinker who by force of mind and character gives a new direction to traditional currents of thought. The interest that belongs to him lies in the fact that by his natural qualities he represents in discreet moderation the prevailing tendencies of the age in which he lived. Fully to appreciate those tendencies we have to go beyond the limits of Scotland, for it was not in Scotland that they originated. Carlyle's life (he was born in 1722 and died in 1805) corresponded with the period when ideas, which had their birth in the seventeenth century, came to their full fruition in all the countries of Western Europe. It was in France that these ideas had their origin, and it is usual to associate their first decisive appearance with the publication of Descartes' *Discourse on Method* in 1657. In that discourse was pregnantly indicated an attitude of mind which for a century and a half was to determine not only men's speculations, but their habitual tone of feeling regarding matters which specially appeal to the emotions. Descartes' evangel, for such it was in his eyes, and in those of the thinkers who followed him, was the application of reason to human experience in the entire range of its content. It was to the explanation of nature that the new method was applied in the first instance, but in due course it came soon to be applied to man and his history. The particular form of demonstration which commended itself to Descartes and the philosophers of the eighteenth century as the one adequate *organon* was that of mathematical proof, and their preference for this mode of reasoning has a sufficient explanation. It was in the science of astronomy that the most impressive discoveries were made in the seventeenth century; and the two great discoverers, Galileo and Newton, were mathematicians. Before the close of that century we have the *Ethic* of Spinoza, in which the rationale of the universe is set forth in a series of *quasi*-mathematical formulas. In 1734 were published Voltaire's *Letters on the English*, in which he expounded the Newtonian system with such effect that in France, the country with which Scotland was in direct intellectual contact, *Newtonism* became the current designation for the attitude which came to dominate the French mind. 'Is it not amazing,' Horace Walpole wrote in 1764, 'that the most sensible people in France can never help being dominated by sounds and general ideas? Now everybody must be a *géomètre*, now a *philosophe*.'

It is in the designation *philosophe*, as Walpole understood it, that we have the explanation of the characteristics of the class which Carlyle so suggestively represents. For the *philosophe* the whole content of human experience was explicable by reason, and should be controlled by reason. Before the days when man made this discovery, they had been led astray by vague feelings which had engendered the hallucinations responsible for the follies and crimes written so large on the page of history. In the future, guided by the light of reason, humanity would avoid its past errors, and, adjusting itself to the realities of life on earth, fulfil its proper destiny. Here it is that we see the fundamental distinction between Carlyle's attitude towards life and its responsibilities and that expressed in the three previous documents we have been considering. For Adamnan and Turgot and the authors of the *First Book of Discipline* man's life on earth was only a preparation for another; it was a condition to be endured, not to be enjoyed, by him whose thoughts were wisely ordered. For Carlyle, on the other hand, the present life was a good thing in itself and to be made the most of while we have it. He has nowhere given us a precise statement of his theological creed, but from his incidental remarks and the general record of his life we can infer what was his attitude to the mysteries of the Christian faith. In what his editor, Hill Burton, calls a 'characteristic passage,' we have a sufficiently piquant indication of his opinion as to the essentials of religion. He had been requested by an exalted personage to recommend a minister for a church in Berwickshire, and he writes as follows: 'I think it of great consequence to a noble family, especially if they have many children, to have a sensible and superior clergyman settled in their parish. Young is of that stamp, and might be greatly improved in taste, and elegance of mind and manners by a free *entrée* to Lady Douglas.' In these words we have the ideal of the type of religion which under the name of 'Moderatism' dominated Scotland during the greater part of the eighteenth century. It was a type determined by the prevailing intellectual attitude of the age which demanded that all human beliefs should be brought to the bar of reason. Vague aspirations, spiritual raptures, uneasy heartsearchings—these were the vagaries of distempered and half-educated minds. 'It was of great importance,' is a remark of Carlyle's own, 'to discriminate the artificial virtues and vices, formed by ignorance and superstition, from those that are real, lest the continuance of such a bar should have given check to the rising liberality of the young scholars, and prevented those of better

birth or more ingenious minds from entering into the profession' (of the Church).

We see the length we have come in the history of the national development. We have seen in succession the varying ideals of the individual and the collective life as conceived by Adamnan, Turgot, the authors of the *First Book of Discipline*, and a Moderate minister of the eighteenth century. Behind the external history of the successive ages these ideals were the inspiring and determining factors, and only by bearing them in mind can we understand the policies of statesmen, the general drift of events, and the ever-changing adjustments of human society. One comment, consolatory or otherwise, as we may take it, is immediately suggested by what has been said. Each age is under the illusion that its own outlook is final and all-sufficient; Carlyle was as convinced as Adamnan that he saw human conditions under their true light. Yet before Carlyle's death in 1805, men had begun to see other visions than his. Reason was displaced from the throne he assigned to it, and in new forms and in new tendencies those elements of human nature, which he thought it desirable to suppress, asserted themselves with such triumphant force as to mark the beginning of still another stage in man's history.

P. HUME BROWN.

## The Trade of Orkney at the End of the Eighteenth Century<sup>1</sup>

**J**UST as the philologist must consider both rules and exceptions to those rules, so it is the duty of the economic historian to turn his attention to the social condition of those parts of a country which, either through geographical or other causes, lie outside the general economic development of that country. In the special case of the British Isles it is only to be expected that the condition of some of the more remote Islands will afford much that is of interest. The isolation of these places tends in itself to conserve old customs ; while, in early times, their trade will be found to have developed along lines which were often determined by the special exigencies of the situation. Before the epoch of steamers, such communities were often completely isolated from the rest of the world during comparatively long periods, and therefore the people were compelled to be self-contained to a considerable extent. At the same time, through various causes, from the days of the Norse rovers, there was much more communication by sea than one would expect ; and, where there was such communication, there must, in times of peace, have been some trade. It is disappointing that, while the economic historian has expectations of valuable information from the social state of the inhabitants of the smaller British Islands, the early commercial history of these places remains almost a blank. And this is the more tantalising since we cannot accept the easy dictum that there was no such history. On the contrary, scattered hints here and there show that in several places during the Middle Ages there was a comparatively high degree of civilization and an extended shipping trade, much beyond what one would have expected. In later times many observers have noted traits of social life and curious customs. These involved economic transactions of a somewhat extensive character, and it is disappointing that these

<sup>1</sup>Read at the Economic History Section of the International Historical Congress. 1913.



rarely obtain more than incidental mention. In such circumstances the discovery of the Letter-Book of a merchant of Orkney,<sup>1</sup> which covers a period of three years towards the close of the eighteenth century, is the more valuable in that it affords a clear picture of the transactions of the time and place. Moreover it reveals a state of trade just at the turning point of a period of transition, and is the more interesting since it provides historical evidence, upon a conveniently small scale, of the working of certain well-known economic laws.

The Orkney group of Islands number 50, of which 30 are inhabited. They are separated from Scotland by the Pentland Firth. The area is 376 square miles, and the population, which was 24,445 in 1801, was returned at 25,897 in 1911. This population is largely of Norse extraction, indeed the fact that, until 1468, Orkney was subject to Norway is essential to an understanding both of its social and economic history. Up to the fifteenth century, its commercial connections were with the countries bordering on the Baltic, and to a less degree with the western Islands as far as the Isle of Man. After the annexation to Scotland, both the interest of the Crown and considerations of general policy would have tended to divert the trade of Orkney from the Continent to Scotland, but internal disputes made it impossible to pursue any fixed policy, and the resort of Dutch fishing vessels to Orkney and Shetland in the sixteenth and seventeenth centuries maintained trading relations with the Continent. In the eighteenth century the growth of commerce with America gave Orkney a considerable importance. In the days of sailing-ships the Pentland Firth was considered dangerous, and therefore vessels, sailing to America by the Northern route, passed to the north of the Orkneys, and most of them touched there on the outward or the homeward voyage, or on both. Thus the Hudson's Bay Company employed young men from Orkney, who joined its ships at Stromness, in 1711.<sup>2</sup>

In the eighteenth century the chief occupation of the people was agriculture, and it was computed in 1801 that five-sixths of the occupied population was employed in this industry.<sup>3</sup> The land in the valleys was fruitful, while that in the higher districts provided excellent pasturage for sheep, which yielded very fine wool.

<sup>1</sup> The Letter-Book of Alexander Logie of Kirkwall. This MS. is in the possession of Mr. G. Cursiter, F.S.A.Scot., Kirkwall.

<sup>2</sup> *The Great Company*, by Beckles Willson, 1900, i. p. 242.

<sup>3</sup> *Scots Magazine*, lxx. p. 249.

Agriculture was burdened by old Norse traditions. Land was held by allodial or udal tenure, subject to 'scat' and tythe. It was divided into ure or ounce lands. Each 'ounce' of land was subdivided into 18 penny lands, and the penny lands again into farthing lands. Cultivation in the eighteenth century was generally in runrig or common field.<sup>1</sup> This system continues to the present day in some of the Islands with reference to pasture and the kelp industry. When the authority of the Scottish Crown was established over Orkney, the tythe and the Norse 'scat' became converted in a rental payable by the Islands. This rental was stated partly in money and partly in kind. The quantities were expressed in measures derived from Norway, such as meils of malt and lispounds of butter and oil. The standard of these weights and measures was the burning economic question in Orkney during the eighteenth century. It was calculated that the Crown rent, when converted into the contemporary equivalents, amounted to 5,000 bolls of grain, 2,680 stones of butter, and 700 gallons of oil. Altogether, in the most favourable years, more than one-half of the surplus produce of the land was exported in kind to meet this rent. In bad years, a money equivalent had to be sent instead, and it was alleged that the ratio taken for conversion was an inequitable one.<sup>2</sup> Whether it is historically accurate or not to derive the Crown rental of Orkney from the tribute originally due to Norway, it is true that, in the external trade of the Islands, this rent represented, from the point of view of international trade, a position analogous to that of a tribute or indemnity. This fact explains why it was that with a surplus of recorded visible exports over recorded visible imports towards the end of the eighteenth century Orkney remained comparatively poor. The following are the figures :

1770,	-	-	Exports, £12,018	Imports, £10,406
1780,	-	-	„ 23,247	„ 14,011
1790,	-	-	„ 26,598	„ 20,803 <sup>3</sup>

The Letter-Book of Alexander Logie reveals the interesting fact that in the last quarter of the eighteenth century the trade of Orkney with Scotland and other places was more nearly a foreign

<sup>1</sup> *General View of the Agriculture of the Orkney Islands*, by J. Shirreff, 1814, pp. 25, 31.

<sup>2</sup> Shirreff, *General View*, p. 27.

<sup>3</sup> *Old Statistical Account*, vii. p. 537. The prevalence of smuggling (as is shown below) resulted in an understatement of the imports.

trade, in the technical sense of the term, than a domestic one. It is true that the direction of its commerce was changing from seeking continental markets; but, at the same time, the irregularity of communication, differences in weights and measures, and varieties as between the customs of the people, made Orkney a distinct economic region or 'nation,' and I hope to explain presently how this gave rise to several interesting and important phenomena in the settlement of the balance of indebtedness.

The chief exports were agricultural products, linen and linen yarn, stockings, kelp (or the ash of sea-weed from which alkali was obtained), fish-oil, calf-skins, quills (for the making of pens), and feathers. The imports were much more numerous and diversified in character. They comprise all those manufactured commodities required for the comforts and luxuries of life. The transactions of Alexander Logie give a minute inventory of a multiplicity of orders from Scotland and England. He was a merchant or general dealer, who kept a shop in which almost any goods in demand in Kirkwall could be procured. The period covered by his Letter-Book extends from April, 1782, to April, 1784. His business was sufficiently extended to enable him to purchase wholesale in English, Scottish, or foreign markets, and he sold the goods either to other Orkney traders, or retail in his own shop. During the two years covered by his Letter-Book his orders may be divided into commodities required for the trade of victualling ships—as, for instance, ships' biscuit, powder, shot; again, materials required either for the building or repair of ships or for carpentry, such as iron bolts, saws, cork, tar, lintseed oil, white lead, glue. Apparently, in spite of smuggling, the local brewing and distilling industry was able to exist, since he frequently orders hops and barley, and he was an early buyer for a new season's crop.

His consignments of articles of dress were numerous, fine cloth for men's coats and ladies' mantles was often bought. Judging by his correspondence, the people in Orkney were particular as to the shape and quality of their hats—whether the 'beavers' of the better classes or the 'bonnets' of the commonalty.<sup>1</sup> The extent and variety of the buttons required shows that there must have been a distinct standard of elegance in dress. Shoe buckles and

<sup>1</sup> Logie writes under date July 12, 1782: 'I want the round hattes pritty large in the rimm, and likewise you'll observe not to put black linings in them, I want the cocked hates of a middle size not too large in the rim, let the hats be off a middle size in the crown neather too bige nor yet too small.'

knee buckles were required in great variety. Snuff-boxes, too, seem to have had a good sale. The list of household furnishings and requisites is a lengthy one, from which the following may be mentioned—pewter goods, earthenware, stoneware, glass, fiddles, books, onions, apples, ginger-bread, flour, candy, knives, and children's toys. Drinking glasses were required in quantities—those 'painted with Admiral Rodney and with a toss' were in special favour.

The handling of goods often involved considerable vicissitudes, as may be gathered from the following adventures of a cask of molasses which Logie had ordered. The ship with the cask reached Stromness, and the barrel was sent in a small boat to Scapa, which is two miles by road from Kirkwall. According to Logie, 'the boat struck on a barr of sand a little way off which made them wait a little till the water rising, they put out the lightest part of the goods by the four boatsmen. The assistant of one of the carters attempted to put out the treacle cask. Not being sensible of her weight—as they tould me—they put roups round each head of the cask and rouled her to the wall of the boat when they thought to let it slip down in the watter and roull it ashore, but when they found the weight of the cask they were not able to manage it: the roups brock and the cask fell with a sudden girk to the sand, and, by the fall struck out one of the heads and, the sea being over the cask, before the men could give any assistants, the treacle wase totaly lost, unless about  $\frac{1}{2}$  anker that was saved in the bottom of the cask which I ordered to be keeped till further orders, but it is so damaged and mixt with salt watter that I suppose it will be good for nothing.'

Yet another side of Logie's business was the import of flax, which he gave out to his customers, receiving back the linen or yarn in exchange for the goods he sold them. It is to be hoped that he did not participate in a pernicious form of the truck system, by which the linen workers were paid for their spinning and weaving in smuggled spirits and tobacco.<sup>1</sup> Certainly smuggling was rife, and the most extraordinary feature of Logie's Letter-Book is the ingenuousness with which he copies his letters, arranging for the running of cargoes, with full names and particulars. In fact this correspondence shows that he was pathetically eager not to be left out of any venture in which his friends were engaged. For his other transactions he expected at least six

<sup>1</sup> *A Letter to a Gentleman from his Friend in Orkney written in 1757* [by T. Hepburn of Birsay], Edinburgh, 1885, p.21.

months' credit, and generally twelve months' credit : whereas he seems to have made arrangements by which a consignment of smuggled spirits was paid for either on shipment or at an early date. The following is the first letter of this interesting series :

Mr. Alex. Stewart,

Dear Sir,—Please do me the favour to add to your order from Bergen in Northaway as follows, viz. 3 ankers Geneva, 3 ankers brandy, lbs. 12 Bohea tea, 8 libs. do. Congo and gett the same insured along with your own and the above orders to be at my risk after shipped, which shall be pointedly paid to you according to invoice when the same falls due. In doing the above you will oblige your Humb<sup>le</sup> Sev<sup>t</sup>.

Kirkwall 27 April 1782.

This was a small order,—sometimes as much as 30 ankers of Geneva and other dutiable goods were written for. In most of these letters there is nothing to show that it was intended the goods were to be smuggled, but in a few cases Logie retained copies of his letters to the captains of the ships which are much more explicit. For instance, on 12th February, 1783, he gave orders to a Capt. Boag in the following terms : ‘ What you have from Bergen on my acct. please at your return fraught a boat and send it straight to Carness, and if there is any ships in Kirk<sup>ll</sup> Road that may be suspected to be his majesty's, order it to be sent to Mr. Alex. Slatter in Walker house in Evie.’ Or again, ‘ What goods are comed by Boag for us you'll please send it to Kirkwall by very first opportunity as there is no King's vessals on the coast at present, it will be the much safest time to send it without loss of time. Order the men to stop at Carness and run an express to us.’

Logie quite understood the principle of distributing his risk ; as he wrote to one of his correspondents in this trade that he liked to have a small order on every opportunity and was willing to pay cash in demand. He preferred to have his Geneva and Hollands in a foreign bottom, and generally had three times as much in a vessel under a neutral flag as in one under the British flag. There were several distinct sources from which spirits and tea were obtained to be smuggled. In one case the organisation can be traced. Logie's order was sent to Leith—generally by a ship's captain who was in the trade. From Leith a further order was sent to Bergen, where the kegs were shipped. The vessel either

sailed to a northern depôt at the Islands of Evie and North Farr or to a southern one at Carness. Unlike the boat carrying molasses, a smuggler never arrived without being anxiously expected, and adequate arrangements were made for dealing with the cargo.

It will thus be seen that Logie's business was fairly representative of the import trade ; it had also a close connection with the exports. His Letter-Book covers a period when there was a serious scarcity of grain, and so there were no exports of agricultural produce, or at least none which passed through his hands. The kelp manufacture was managed by the landed proprietors, and there is no mention of shipments of kelp in the Letter-Book, this, no doubt, being managed by the factors of the respective estates. As regards other exports, Logie dealt from time to time in all the commodities. Quills, feathers, rabbit skins, and particularly linen. Of the latter he shipped 2,561 $\frac{1}{2}$  yards, during seven weeks in 1784, besides linen yarn.

Logie's transactions outside Orkney were generally of such a nature that he owed more than was due to him, and it is particularly interesting to observe how the cancellation of the resulting indebtedness developed along the lines of the 'barter-theory' of foreign trade. The following is an analysis of a shipment of this type to Newcastle. Logie sent 1 bag of goose downs weighing 60 lbs., 1 bag of wild fowl [?feathers], weighing 48 lbs., and 56 yards of bleached sheeting linen. The ship's captain was to sell these, and to buy against the proceeds 1 barrel of apples, 1 cwt. of copperas, 20 gros corks, two reams of grey paper, and a parcel of 'new hops of the very best kind.' It was only in small transactions that it was possible to make the exports and imports balance ; and, usually, Logie found himself bound to discharge a balance, representing the excess of his imports over the exports he could send. This he effected by the purchase of Scottish or English bills in the ordinary way—each bill remitted was always copied into the Letter-Book, and it may be guessed that some of them were sent to landed proprietors in payment for kelp from their estates. Owing to the fact that just at this time it was necessary to import grain, and that the Crown rent had to be paid in money in lieu of the produce, which had proved deficient, it is probable that the balance of indebtedness was against Orkney. Accordingly Scottish and English bills were scarce, while there are various indications that his correspondents were not willing to receive bills drawn by Logie. There still remained credit instruments which

were used as bills. These were Navy Tickets originating from allowances made by sailors to their wives or other dependents. These tickets were payable at the Excise Office, Kirkwall; but it frequently happened that the Collector of Excise at Kirkwall had no funds to meet the order and he endorsed the ticket accordingly. It was then changed locally, probably against goods, and so was endorsed by Logie and remitted to his creditor at Leith to be collected at Edinburgh.

The prevalence of smuggling explains the shortage of funds at the Excise Office in Kirkwall; sometimes the Collector had not received a sufficient amount in duties even to pay current wages. This situation was met by the issue of a credit or imprest by the Commissioners at Edinburgh. Since these documents bore the signature of Adam Smith, one of them may be quoted:

Number Seventy-nine.

Gentlemen,—Mr. James Riddock, Collector of the Customs at Kirkwall, not having sufficient money in his hands fore defraying the officers' salaries and other exigencies of that port, we direct the Collector to pay him the sum of One hundred pounds sterling for the purposes above mentioned out of the following branches, viz.: Customs £40, one-third subsidy £20,<sup>1</sup> two-thirds subsidy £40,<sup>2</sup> and upon his transmitting this order with Mr. Riddock's receipt thereon to the Comptroller General, he will have credit for the same and Mr. Riddock will be charged therewith, the Branches above mentioned are to be specified on Mr. Riddock's receipt.

We are Your loving Friends

ADAM SMITH.  
 BASIL COCHRAN.  
 JAMES EDGAR.

Custom House  
 Edinburgh 9th February, 1784.

The Collector at Kirkwall endorsed the order, and Logie obtained it against value paid out. He sent it to a mercantile correspondent at Edinburgh, who was to meet various liabilities

<sup>1</sup> An addition of one-third to the rates of 'New' Subsidy. It was first imposed by 2 & 3 Anne, cap. 9, for a period years, and by 1 George I. cap 8, for ever.

<sup>2</sup> An addition of two-thirds to the rates of the New and One-Third Subsidies, imposed by 3 & 4 Anne, cap. 5 (*The British Customs*, by Henry Saxby, 1757, pp. 21, 22).

of Logie's for goods sent to Orkney out of the proceeds. The humour of the situation was that the largest of these was one for smuggled spirits. It was a truly Gilbertian situation when the contraband trade kept the Orkney Customs Office so short of ready money that it had to be maintained by credit orders from headquarters, and that these formed a convenient credit instrument for some of the chief smugglers in which to pay for the cargoes of Geneva and Bohea by which the revenue was being defrauded !

Besides bills of exchange and the paper of government departments Logie used another kind of document in discharging his debts in England or Scotland—namely, the notes of some of the chief banks. From this it would appear that trade between Orkney and Great Britain was not wholly conducted on a basis resembling that between distinct economic regions. A closer inspection of the situation shows that Logie used these bank notes simply as bills of exchange. They were sufficiently rare not to be generally acceptable in Orkney, and it may be conjectured that these had been sent as remittances to relatives from members of their families who were employed in Scotland or England. In each case, where Logie remitted a bank note, he not only copies it even to any signature on the back, but he makes an attempt to make a rough drawing of any engraving on the note or even of the impressed duty stamp or seal of a banking company. When the device was of a heraldic nature (as was the case in many bank notes of the period), he surrounded a space of its approximate size and shape by an irregular line, writing across it 'cotarms.' The whole character of this series of entries indicates that the bank note was being used simply as a bill of exchange ; and that, in relation to England and Scotland, at this time, Orkney constituted a distinct economic region, and that there was something resembling an equation of indebtedness on such commerce as there was. Logie's letters show with remarkable precision the manner in which the balance, adverse to Orkney, was settled.

W. R. SCOTT.



## Dr. Blacklock's Manuscripts

TO his contemporaries Thomas Blacklock, the blind poet, seemed a figure of considerable importance. David Hume spoke with great respect of his talents, and Samuel Johnson was glad to become personally acquainted with him. In a rare book on 'Living Authors'<sup>1</sup> published in London three years before Blacklock's death, he is allotted almost as much space as his countryman, Robert Burns, and about half as much as the chief English poet of the time, William Cowper. The name of Blacklock is still a household word in Scotland: but he owes his enduring fame, not to his formal verse, which has few admirers now, but to the fact that he was the first literary man of established reputation who recognised the genius of Burns.

Blacklock was born at Annan in 1721. In the third decade of the eighteenth century, as in the days when Carlyle wielded the strap in 'Hinterschlag Gymnasium,' the people of Annan were 'more given to intellectual pursuits than some of their neighbours'; and Blacklock's father and a few friends often read the works of Spenser, Milton, Pope and other poets in the hearing of the blind boy, thus revealing to him a world of enchantment. In 1741 Blacklock was sent to Edinburgh University by an accomplished physician named John Stevenson. Eager to win fame, he ventured in 1746 to publish a volume of verse in Glasgow. An Edinburgh edition followed in 1754, and three London editions in 1756. When about forty years of age, Blacklock was ordained minister of Kirkcudbright, in consequence of a presentation from the Crown obtained for him by Lord Selkirk. But the parishioners refused to receive him, alleging that his blindness rendered him incapable of discharging the duties of his office in a satisfactory manner. After some litigation, he wisely resigned his living and retired to Edinburgh. In 1773 Blacklock, now a D.D. of Aberdeen University, was introduced to Dr. Johnson, who, as Boswell

<sup>1</sup> *Catalogue of Five Hundred Celebrated Authors of Great Britain, now Living.* London, 1788.

records, 'received him with a most humane complacency.' When Burns visited Edinburgh in 1786 'The Doctor' showed him much attention, though the great poet's familiarity of address and habit of speaking his mind 'but fear or shame' proved disconcerting at times.<sup>1</sup> Blacklock had also the good fortune to be able to help Walter Scott, 'that most extraordinary genius of a boy,' as Mrs. Alison Cockburn called him. Long after Dr. Blacklock's death, which occurred in 1791, Scott recalled with gratitude the old man's kindness in opening to him the 'stores of his library.'

Dr. Robert Anderson, in the *Life* prefixed to his edition of Blacklock's Poems, published in 1795, says: 'He' (Blacklock) 'has left some volumes of Sermons in manuscript, as also a Treatise on Morals, both of which it is in contemplation with his friends to publish. It is probable that the most important of his other pieces may be collected and republished on that occasion.' Though the poet's representatives gathered together and arranged his manuscripts, they did not carry out their intention of sending them to a publisher. Probably in 1809, when Blacklock's widow died, the papers came into the possession of Dr. Thomas Tudor Duncan, minister of the New Church, Dumfries, brother of Dr. Henry Duncan of Ruthwell, celebrated as the founder of Savings Banks. Duncan was related to Blacklock, his mother, Ann M'Murdo, being the daughter of the poet's sister, Mary Blacklock, wife of William M'Murdo, merchant, Dumfries.<sup>2</sup> In 1898 the late Mr. William Robert Duncan, Liverpool, grandson of the Dumfries minister, and consequently great-great-grandson of Mrs. M'Murdo, offered the MSS.—which were bound in ten volumes—to the writer of these pages for presentation to the Mechanics' Institute of Dr. Blacklock's native town. They were, of course, gladly accepted; and they are now preserved in Annan Public Library, where a copy of the London octavo edition of

<sup>1</sup> In a 'Letter' to Elizabeth Scott, poetess, which does not appear to be generally known, Dr. Blacklock says:

'With joy to praise, with freedom blame,  
To ca' folk by their Christian name,  
To speak his mind, but fear or shame,  
Was aye his fashion;  
But virtue his eternal flame,  
His ruling passion.'

*Alonzo and Cora*, London, 1801.

<sup>2</sup> Uncle of Burns's friend, John M'Murdo, father of 'Phyllis the Fair.'

Blacklock's poems, presented to the Mechanics' Institute by Thomas Carlyle, may also be seen.

The collection at Annan affords ample materials for judging of Dr. Blacklock's qualifications as a Christian teacher, for it embraces five volumes of excellent manuscript sermons, on such subjects as 'The Character and Fate of Hypocrisy,' 'The Advantages Arising from a Proper Estimate of Human Life,' and 'The Unsatisfactory Nature of Sublunary Enjoyments,' and also an unpublished treatise of considerable length on 'Practical Ethics'—doubtless the *Treatise on Morals* referred to by Dr. Anderson.

Blacklock reviewed books for various periodicals; and a volume in the collection, entitled '*Letters and Observations on Men, Books, and Manners*, By George Tenant, Farmer in the Lands of Grim Gribber,' consists mainly of copies of his reviews. Among the books noticed in the volume are the 'immortal' *Minstrel* of James Beattie, and *The Cave of Morar*, a poem by John Tait, the Edinburgh lawyer who recovered and printed the version of *Fair Helen* alluded to by Pennant. In an article written early in 1784 there is an uncomplimentary reference to Samuel Johnson. As reported in *The Westminster Magazine*, Dr. Johnson had declared that 'Many men, many women, and many children' might have written Dr. Blair's *Critical Dissertation on the Poems of Ossian*. Forgetting that the great English author had praised the Sermons of Blair with generous warmth—'though the dog was a Scotchman and a Presbyterian'—Blacklock wrote: 'Doctor Johnson will be universally acknowledged to have united a great genius with profound and extensive learning; but these qualities, however eminent, are not only disfigured but almost counterbalanced by his hateful and incorrigible affectation.'

Only three of the Blacklock volumes are devoted to poetry. One of the three consists of an unpublished translation from the French of Mercier, entitled *The Deserter: a Tragedy*; the other two are made up of printed and unprinted poems on many different subjects.

Dr. Blacklock's biographer, Henry Mackenzie, author of *The Man of Feeling*, after mentioning that in 1756 the poet was urged—but urged in vain—to attempt a drama, says: 'At a subsequent period he wrote a tragedy; but upon what subject his relation, from whom I received the intelligence, cannot recollect. The manuscript was put into the hands of Mr. Crosbie,<sup>1</sup> then an

<sup>1</sup>Andrew Crosbie, generally considered the prototype of Pleydell, in *Guy Mannering*. Like Blacklock, he was a native of Dumfriesshire.

eminent advocate at the Bar of Scotland, but has never since been recovered.<sup>1</sup> Evidently Mackenzie's informant could state only one fact relating to the play which had been lent to Crosbie—that it was a tragedy. *The Deserter* is a work of that description; and, though it exhibits Blacklock in the character of translator merely, it may be the composition alluded to by Mackenzie.

Bound up together in one cover are a copy of the 1793 Edition of Blacklock's Poems and some unimportant manuscript pieces. While the last printed page of the volume is numbered 216, the first page of the manuscript part bears the number 377. We may conclude that the poems in writing originally belonged to another volume, and that they were transferred to their present position to supply what the collector of Blacklock's papers considered regrettable omissions in the quarto of 1793.

The volume which has not yet been noticed is richer in interest than any other in the collection. It includes a copy of the first London edition of Blacklock's Works and fifty-three written poems, occupying 380 quarto pages. There is no marking to indicate that any of the 'Manuscript Poems' are to be found in print; but some of them were published by the author himself, and some by Mackenzie. The earliest verses were written in 1745: the latest probably in 1780, when Blacklock was almost sixty years of age. Many of the texts have brief marginal 'notes and explanations,' designed to identify the men and women celebrated in his poetry under fictitious names.

Prominent in the volume is a play called *Seraphina*, a free translation of the *Cenie* of D'Happoncourt de Grafigny. While engaged on this work, Dr. Blacklock, remembering the proceedings in connection with John Home's *Douglas*, had some fear that his occupation might lead him into trouble with the Church. Dr. James Beattie, author of *The Minstrel*, to whose friendly exertions he was indebted for his degree, consoled him by arguing sophistically that not even the persecutors of Home would have held that to translate a drama was on the same footing with composing one. As the poetical merits of *Seraphina* are small, we need not regret that it was allowed to remain in the obscurity of manuscript.

In one of his published pieces Blacklock says :

' I ne'er for satire torture common sense,  
Nor show my wit at God's nor man's expense.'

Sometimes, however, he forgot these wise words, and indulged in

<sup>1</sup> *Life and Writings of Dr. Blacklock*, prefaced to *Poems by the late Reverend Dr. Thomas Blacklock*, 1793, p. 8.

the composition of 'libels.' In the volume under consideration there is an unpublished poem assailing Lord Chatham in a fashion worthy of a Grub Street pamphleteer. More real virulence is displayed in some lampoons written on the occasion of the poet's rejection at Kirkcudbright. *Pistapolis*, the most pungent of these Galloway pasquils, has curious notes by the author on the habits and personal history of the men who were chiefly responsible for his 'persecution.' Fortunately for his reputation as an amiable and a sensible man, he successfully resisted the temptation to hand *Pistapolis* to the printers.<sup>1</sup>

Not a few of the pieces in manuscript are odes and songs. Among the compositions of the former class is a version of the famous *Ode to Aurora, on Melissa's Birthday*, differing considerably from the version published by Mackenzie. The poem is a tribute to the 'tender assiduity' of the author's wife, who was the daughter of a surgeon of Dumfries, named Joseph Johnston. Several of the Odes are addressed to the heroine of *On Euanthe's Absence*, one of the best known of Blacklock's poems. From the manuscript notes already referred to, it is clear that the 'person called Euanthe'—her real name has been carefully erased—valued the homage of the poet more than the affection of the man, and discarded him for a lover who 'had his sight entire.' Blacklock, in a savage Ode to his *Successful Rival*, which he did not hesitate to publish, calls his first love 'Clarinda,' a name which had for him less sacred associations than 'Euanthe':

'Fool! thus to curse the man, whose every smart  
Must pierce thy inmost soul, must wound Clarinda's heart!'

It is pleasant to relate that when advanced in years and established in fame, Blacklock met the idol of his youth again; and that the 'kind old man,' as Sir Walter Scott called him, wrote a few more verses in honour of 'dear Euanthe.'

The manuscript songs in the volume appear all to have been written after the publication of the third London edition of Blacklock's Poems, 1756. Some of them were printed in James Johnson's *The Scots Musical Museum*. Burns says, 'He' (Blacklock), 'as well as I, often gave Johnson verses, trifling enough, perhaps, but they served as a vehicle to the music.' Dr. Blacklock contributed to the *Museum* fourteen songs at least. No copies of those which he wrote late in life, expressly for that work, are to be found among his manuscripts. But there are

<sup>1</sup>The satire was published for the first time in *The Scottish Historical Review*, vol. iv. pp. 205-212.

copies of *Cease, cease, my dear friend, to explore; Ye rivers so limpid and clear*,<sup>1</sup> and other lyrics that were published, though not for the first time, by James Johnson.

Dr. Blacklock delighted to compose and dictate to his amanuenses epistles in verse; and the volume before us contains a number of 'letters in rhyme.' When the writer of this article received the Blacklock MSS. from Mr. Duncan, he searched diligently among the various addresses for references to Burns; but his hope of discovering some was not realised. The collection does not embrace any pieces so late as the two rhyming epistles by Blacklock which every admirer of Burns knows by heart. There is a rhyme in the vernacular headed *To the Rev. Mr. Oliver, on Receiving a Collection of Scotch Poems from him*; <sup>2</sup> but it seems to have been composed before Dr. Blacklock became acquainted with Burns's verse. Unlike his friend Dr. James Beattie, who informs us that he 'early warned' his son 'against the use of Scottish words, and other similar improprieties,' Blacklock loved the vernacular. A hearty contempt for Anglified Scots is displayed in these lines from the Epistle to Oliver:—

'Frae eard should our bald Gutchers rise,  
How would their sauls ilk Oe despise,  
Wha southern phrase, a winsome prize,  
For their's could barter?  
Yet when the ape his English tries  
He takes a Tartar.

The daw in peacock's feathers dress'd,  
When first he mingles wi the rest,  
Wow! but he shaws an ally crest,  
And pensy stride!  
But soon the birds the fool divest—  
Sae comes o' pride!

Among the poet's manuscript songs and addresses, the present writer discovered a religious piece which especially interested him—the hitherto unpublished original of the Paraphrase, *In life's gay morn*. Though the sixteenth Paraphrase had generally been attributed to Dr. Blacklock, the ascription had not been made

<sup>1</sup> Stenhouse erroneously states that the two songs named were composed by Blacklock 'on purpose for the "Museum".' Both were in print long before Johnson began to compile his work, the first having appeared in *A Collection of Original Poems by the Rev. Mr. Blacklock, and other Scotch Gentlemen*, 1760, and the second in *The Edinburgh Magazine and Review* for 1774.

<sup>2</sup> The clergyman addressed was probably Stephen Oliver, ordained Minister of Innerleithen, 1755; translated to Maxton, 1776.

with full confidence.<sup>1</sup> The writer was, therefore, glad to be able to advance evidence which substantiated the blind poet's claim. It is unnecessary to give the complete text of Blacklock's poem here ;<sup>2</sup> but the two stanzas which formed the Paraphrase, or rather the basis of the Paraphrase, may be inserted :

A POEM FROM ECCLES., Chap. xii., Verse 1.

'In life's gay dawn, when sprightly youth  
 With vital ardour glows,  
 When beauteous innocence and truth  
 Their loveliest charms disclose,  
 Deep on thy spirit's ductile frame,  
 Ere wholly prepossess'd,  
 Be thy Creator's glorious name  
 And character impress'd,

For soon the shades of grief and pain  
 Shall tinge thy brightest days ;  
 And poignant ills, a nameless train,  
 Encompass all thy ways.  
 Soon shall thy heart the woes of age  
 In piercing groans deplore ;  
 And, with sad retrospect, presage  
 Returns of joy no more !'

It must be admitted that the poem as it left Blacklock's hands is much inferior to the amended version familiar to every old-fashioned Scottish Presbyterian. The emendations were certainly made by some writer of uncommon taste and skill—probably by John Logan or William Cameron. When most of the nineteenth century hymns that are sung in Scottish Churches at the present time have passed into merited oblivion, these beautiful eighteenth century verses will be admired :

'In life's gay morn, when sprightly youth  
 With vital ardour glows,  
 And shines, in all the fairest charms  
 Which beauty can disclose,  
 Deep on thy soul, before its pow'rs  
 Are yet by vice enslav'd,  
 Be thy Creator's glorious name  
 And character engrav'd.

<sup>1</sup> See Maclagan's *Scottish Paraphrases*, pp. 32-3, and Julian's *Dictionary of Hymnology*, p. 144.

<sup>2</sup> It is printed in *The Poets of Dumfriesshire*, Glasgow, 1910.

## Dr. Blacklock's Manuscripts

For soon the shades of grief shall cloud  
The sunshine of thy days ;  
And cares, and toils, in endless round,  
Encompass all thy ways.  
Soon shall thy heart the woes of age  
In mournful groans deplore,  
And sadly muse on former joys,  
That now return no more.

FRANK MILLER.



## A Sixteenth Century Rental of Haddington

**A**MONGST the writs in the charter chest of the Marquess of Tweeddale at Yester there is a small paper book of twelve pages, measuring 12 inches by 4 inches, and endorsed, 'Rental buik of hadingtoun to know ye aikeris of ye provestre of bothanes by it.' This last explains the presence of the record at Yester. In 1592 the kirklands of Bothans were sold to James, Lord Hay of Yester,<sup>1</sup> and with them passed the charters, etc., of the College. Written in a hand of the latter part of the sixteenth century, the record is only a copy, made for the purpose stated above, and a few words are unintelligible. It is undated, but internal evidence proves that the rental must have been compiled about 1560. The names of the following proprietors prove this: Robert Lawson of Humbie, who succeeded his father after 1549 and before 1556,<sup>2</sup> and Alexander Yule of Garmilton,<sup>3</sup> who succeeded after 1530, is mentioned in 1549 and 1561, and was dead before 1573.

The two last entries are mere jottings quite distinct from the rental, and their date, 1507, has nothing to do with the rest.

C. CLELAND HARVEY.

### NOTES.

1. Mr. Walter Hay, Provost of Bothans, sold the Kirklands on the 9th May, 1592, to his kinsman, William Hay, who resigned them next day to James, Lord Hay of Yester (*R.M.S.* 6 Sept. 1592).

2. James Lawson of Humbie appears on record in March, 1548-9 (*Ld. High Treas. Accounts*, v. IX. p. 293), and Robert Lawson of Humbie on the 11th Janry. 1555-6 (*Ex. Rolls*, v. XVIII. p. 597).

3. Walter Yule of Garmilton appears on record 23rd Oct. 1508 (*Tweeddale Charters*), Robert Y. of G. 23 May, 1530 (*Memorials of the Earls of Haddington*, II. p. 252), Alexander, 27 May, 1549 (*Swintons of that Ilk*, p. cxx), and 3 Novr. 1561 (*Hist. MSS. Com. Report*, XII. pt. 8, p. 150), and John Yule of Garmilton, 7 Decr. 1573 (*Cal. of Laing Charters*, No. 885).

## RENTAL BUIK OF HADINGTOUN.

TO KNOW YE AIKERIS OF YE PROVESTRE OF BOTHANES BY IT.

Heir followis ye rental of harmonflatt beginnand at ye eist syde.

- |  |   |
|--|---|
| Item in ye first w <sup>m</sup> homeis aiker and now Jo <sup>n</sup> thomesonis aiker and fyve rude and xij fall allowit for ye gall (gait ?) payand of maill be zeir v. sh. | Item Jo <sup>n</sup> aytonis aiker and now ar <sup>d</sup> cuitlaris airis payand v sh.   |
| Item w <sup>m</sup> reidpethis aiker and now James homeis fyve rude payand of maill be zeir v. sh.   | Item ro <sup>t</sup> kirkaldyis aiker and now Jo <sup>n</sup> aytonis wyffis v sh.  |
| Item ro <sup>t</sup> greinlawis aiker and now Dowglas airis of rawburne payand zeirlie iiij sh.  | Item James cokburnis aiker and now hary cokburnis payand vij sh.  |
| Item nicolass swintonis aiker and now george batchcattis aiker iiij sh.  | Item w <sup>m</sup> wollis aiker and now Jo <sup>n</sup> Dowglas baxter payand iiij sh.   |
| Item lawrence patrusonis and now to ane gyll (Jle ?) in nor <sup>t</sup> bervik ane aiker iiij sh.   | Item w <sup>m</sup> clerkis and now James oliphantis aiker iiij sh.   |
| Item w <sup>m</sup> fuirdis aiker and now nicoll swyntonis iiij sh.  | Item Jo <sup>n</sup> curryis and now ye ane half to Jo <sup>n</sup> hainschaw and ye vyir to ro <sup>t</sup> burwnis iij rude and xxviiij fall payand iij sh. vj d. |
| Item Jo <sup>n</sup> of greinlawis aiker and now Jo <sup>n</sup> forrestis iiij sh.  | Item allane cragis aiker and now ye airis of alex <sup>t</sup> ogilvie iiij sh.   |
| Item thomas alesonis wyffis aiker and now of ye Jle of nor <sup>t</sup> bervik payand iiij sh.   | Item ro <sup>t</sup> spottiswood and now Johne forrestis aiker v sh. iij d.   |
| Item ro <sup>t</sup> Inglastonis aiker and now ye trinitie Jle w <sup>t</sup> in o <sup>r</sup> parroche payand iiij sh.   | Item w <sup>m</sup> baxteris aiker and now Jo <sup>n</sup> forrestis v sh. iiij d.  |
|  | Item Johne temp--llis aiker and now w <sup>m</sup> fowlaris airis ane aiker fyve rude xxvj fall payand v. sh.   |
|  | Item Jo <sup>n</sup> mandersonis aiker and now to ane altar of bothane kirk ane aiker and sex fall iiij sh.   |

## The mylflatt beginnand at lethane burne

- |   |  |
|---|--|
| Item hew robertsonis aiker and now m <sup>r</sup> dauid boruikis payand iiij sh.            | Item thomas Inglistonis aiker and now w <sup>m</sup> gibsonis thre rude and (blank) fall iij sh. x d.                  |
| Item w <sup>m</sup> cokburnis aiker and now w <sup>m</sup> ogillis iiij sh.                 | Item Jo <sup>n</sup> hendersonis aiker now m <sup>r</sup> dauid borthuikis thre rude and xvij fall payand iij sh vj d. |
| Item katherine flemyngis aiker and now m <sup>r</sup> hew congiltonis payand iiij sh. vj d. | Item ar <sup>d</sup> leirmondis aiker and now nicoll swintonis thre rude and ten fall payand iij sh. iiij d.           |
| Item ro <sup>t</sup> congiltonis aiker and now ar <sup>d</sup> cutlaris airis iiij sh.      | Item Jo <sup>n</sup> banis aiker and now george symsonis thre rude ane fall payand iiij sh.                            |
| Item cristiane cokburnis aiker and now harye cokburnis iiij sh vj d.                        | Item Jo <sup>n</sup> clerksonis aiker and now Jo <sup>n</sup> maris thre rude v sh.                                    |
| Item Jo <sup>n</sup> patrusonis aiker and now hary cokburnis iij sh vij d.                  |  |

Item ane aiker of Jo <sup>n</sup> crummyis now to ye college of ye bothanis v sh.	Item thomas karrand airis and now adame wilsonis thre rude xxxiiij d.
Item ro <sup>t</sup> aitkinsoun and Jo <sup>n</sup> forrest iij rude xix fall payand iij sh. iijij d.	Item Jo <sup>n</sup> Johnestonis and now adame wilsonis iijij rude and ix fall iij sh. iijij d.
Item Jo <sup>n</sup> curryis aiker and now adame wilsonis thre rude xxxiiij d.	Item alex <sup>r</sup> curryis aiker and now (blank) is fyve rude payand v sh.

The medow aikeris begynnand at ye eist syde.

James oliphant ane aiker	ye laird of bass ane aiker	iijij sh.
Jo <sup>n</sup> forrest tua aikeris ilk aiker iijij sh.	James home tua aikeris	vijij sh.
The college of ye bothanis thre aikeris ilk aiker iijij sh.	thomas dikeson fo <sup>r</sup> aiker ilk aiker	iijij sh.
Jo <sup>n</sup> forrest thre aikeris ilk aiker iijij sh.	Item syme woddis airis tua aikeris ilk aiker iijij sh	vijij sh.

The rentall of ye burrois rudis begynnand at ye eist syde of ye sydgait  
along ye freir croft ilk rude vijij d.

Item ro <sup>t</sup> schorthois airis ane rude vijij d.	Jo <sup>n</sup> waikis land ane rude	
edward wolfis tua rudis xvj d.	the land p teining to ye rude altar tua rude	
Ro <sup>t</sup> wolfis tua rudis xvj d.	Jo <sup>n</sup> cokburnis land thre rude	
The laird of clerkingtonis thre rudis	James fortoun tua rude	
W <sup>m</sup> lawson fo <sup>r</sup> rude	The laird of colstoun ane rude	
Nicoll reid ane rude	The rude altare ane rude	
ro <sup>t</sup> zoung ane rude	The freir minores ane rude	
S <sup>t</sup> Jo <sup>n</sup> congiltoun ane rude	the rude altare thre rude	
Jo <sup>n</sup> collelawis land ane rude	W <sup>m</sup> ogill ane rude	
	The rude altare vyir fo <sup>r</sup> rude	

The southsyde of poldraitt. ilk rude v d.

Item byris orchard besouth ye kirk fo <sup>r</sup> rude xx d.	thomas symsonne ane rude
the freiris land tua rudis	the laird of lethingtoun ane rude
	Jo <sup>n</sup> millaris airis thre rude

The west syde of poldraitt begynnand at ye myl dam ilk rude v d.

Item thomas Dikesoun tua rude x d.	James tuedy tua rude
george campbell tua rude	the laird of colstoun tua rude
Johne haywie ( <i>i.e.</i> hathwie) ane rude	m <sup>r</sup> bartill kello ane rude
thomas gothray ane rude	the laird of colstoun ane rude
Sanct Johnnis altare ane rude	James cokburne ane rude

The southsyde of Wirlingstreit ilk rude v d.

W <sup>m</sup> ogill thre rude xv d.	Jonet ogill sex rude
the laird of blanss fo <sup>r</sup> rude	thomas dikesoun fo <sup>r</sup> rude
W <sup>m</sup> ogill fyve rude	the laird of blanss iijij rude
James horne vj rude	henry lawsoun v rude

North syd of Wirling streitt ilk rude

vj d.

Thomas dikesoun xiiij rude vij sh. m<sup>r</sup> bartill kello xv rude  
The laird of blanss xv rude

The westsyd of ye sydgaitt ilk rude

v d.

Item w <sup>m</sup> ogill tua rude	laird of wauchtoun tua rude
Item w <sup>m</sup> ogill vyir tua rude	w <sup>m</sup> ogill ane rude
m <sup>r</sup> Jo <sup>n</sup> hepburnis airis tua rude	w <sup>m</sup> ogill ane rude
the laird of colstonis tua rude	S <sup>r</sup> Jo <sup>n</sup> greinlaw ane rude
James fortoun ane rude	george waikis airis ane rude
henry clerkis airis ane rude	the laird of garmiltoun tua rude
hary cokburne three rude	patrik richartsonis airis ane rude
James dikesoun ane rude	S <sup>r</sup> hector sinclair tua rude
m <sup>r</sup> w <sup>m</sup> broun tua rude	S <sup>r</sup> Jo <sup>n</sup> greinlaw tua rude
Jo <sup>n</sup> dowglas ane rude	thomas millare tua rude

The southsyde of ye crocegaitt begynnand at ye eist Nuik ilk rude v d.

Item sanct Johnnis land ane rude v d.	m <sup>r</sup> hew congiltoun ane rude
Jo <sup>n</sup> sydserfis land ane rude	adame cokburne tua rude
thomas puntoun ane rude	alex <sup>r</sup> gibsoun tua rude
S <sup>r</sup> Jo <sup>n</sup> lawty ane rude	ro <sup>t</sup> thomesoun ane rude
Jo <sup>n</sup> Wauchis airis ane rude	alex <sup>r</sup> barnis tua rude
w <sup>m</sup> home ane rude	hary cokburne ane rude
Jo <sup>n</sup> collelaw ane rude	Jo <sup>n</sup> romano airis tua rude
w <sup>m</sup> gibsoun ane rude	Andro quhyte ane rude
James oliphant ane rude	W <sup>m</sup> langlandis and ro <sup>t</sup> broun ane
Johne peirsoun ane rude	rude
the laird of rouchlaw ane rude	cryspianis altar ane rude
thomas fyldar ane rude	Jo <sup>n</sup> feild ane rude
Sir thomas mauchlyne ane rude	Jo <sup>n</sup> richartsonis airis ane rude
Johne riclingtonis airis ane rude	george wod ane rude
Johne kemp ane rude	george woddis airis ane rude
the landis of sanct ninianis chapell	patrik crummy tua rude
tua rude	Jo <sup>n</sup> aytoun fo <sup>r</sup> rude
ro <sup>t</sup> vauss tua rude	w <sup>m</sup> veneis tua rude
Dauid hepburne ane rude	Jo <sup>n</sup> blak ane rude
Nicolas swintoun ane rude	m garet bailleis ane rude
W <sup>m</sup> campbell tua rude	Jo <sup>n</sup> sibbatsoun and marioun stevin-
thomas dikesoun ane rude	stoun ane rude
george craig ane rude	alex <sup>r</sup> gibsoun ane rude
henry campbell ane rude	archibald quhentene ane rude
Jo <sup>n</sup> quhintene ane rude	thomas spotiswode ane rude
m <sup>r</sup> bartill kello ane rude	Jo <sup>n</sup> richartsonis airis tua rude
W <sup>m</sup> broun ane rude	Jo <sup>n</sup> burnis dochter ane rude
alex <sup>r</sup> todrikis airis ane rude	Mungo allane ane rude
James sandersoun ane rude	george bathcat tua rude
the laird of garmiltoun ane rude	

The Nort syde of ye toun beginnand at ye West port.

first henry lawsoun fo <sup>r</sup> rude	M <sup>r</sup> dauid borthuik ane rude
Jo <sup>n</sup> Forrest ane rude	Adame bagbie ane rude
patri <sup>k</sup> greinlawis airis ane rude	M <sup>r</sup> dauid borthuik thre rude
Jo <sup>n</sup> aytoun ane rude	S <sup>r</sup> ro <sup>t</sup> law <sup>ta</sup> ane rude
Jo <sup>n</sup> Forrest thre rude	the laird of lethingtoun ane rude
Archie cutlairis airis thre rude	Jo <sup>n</sup> thyn ane rude
the laird of garmiltoun tua rude	the m <sup>r</sup> of haillis thre ruidis
cuthbert symson tua rude	petir cokburne ane rude
W <sup>m</sup> foullaris airis tua rude	henry thomesoun ane rude
Jo <sup>n</sup> hainschaw tua rude	the Minister of peblis ane rude
W <sup>m</sup> robesonis airis ane rude	elene patersoun ane rude
george symson thre rude	the laird of Innerley <sup>t</sup> tua rude
M <sup>r</sup> dauid borthuik ane rude	Sanct Ninianis chapell ane rude
ro <sup>t</sup> fawsydis airis ane rude	Jo <sup>n</sup> aytoun fo <sup>r</sup> rude
Johne eistonis airis ane rude	Jo <sup>n</sup> forres tua rude
Alex <sup>r</sup> gibson ane rude	the laird of congiltoun ane rude
My lord home thre rude ye ane half	barnard thomesoun ane rude
to sanct Jo <sup>n</sup> ye vthir to ye toun	Johne banis ane rude
Jo <sup>n</sup> grayis land ane rude	The pryores of hadingtoun tua rude

The West syde of the hardgaitt.

Jo <sup>n</sup> airthis airis tua rude	the college of ye bothanis ane rude
Jo <sup>n</sup> dudgeonis airis ane rude	Jo <sup>n</sup> mason ane rude
Jo <sup>n</sup> millare ane rude	george richartsoun tua rude
James horne for Keris land awand to	— zuill of garmiltoun tua rude
ye toun—iiij sh and for burrow	Nicoll sydeserfis airis ane rude
maill v d.	James howesonis airis ane rude
Item James horne vyir tua rude ilk	Jo <sup>n</sup> gilzeanis land ane rude
rude v d.	henry thomesoun ane rude
W <sup>m</sup> clapennis airis tua rude	ro <sup>t</sup> Noreis airis ane rude
ro <sup>t</sup> douglas airis ane rude	Thomas vauss fyve rude
patrik congiltounis airis ane rude	Jo <sup>n</sup> forres land fo <sup>r</sup> rude
ro <sup>t</sup> beiris land tua rude	the college of ye bothanis tua rude

The nort syde of ye heuchheid.

Item thomas darling ane rude	The preistis of ye bothanis sevin
george elwandis airis tua rude	ruidis
W <sup>m</sup> gibson tua rude	w <sup>m</sup> home vj rude
James oliphant fo <sup>r</sup> rude	Thome arnot thre rude
thome arnot ane rude	W <sup>m</sup> homis land xiiij rude

The south syde of ye sandi gaitt.

Alex <sup>r</sup> zule of garmiltoun iij rude	Richart getguidis land tua rude
James hornis land ix rude	

## The eist syde of ye hardgaitt.

The freiris Minor of hadingtoun ane rude	thomas banis thre rude
w <sup>m</sup> dowglas airis ane rude	lowrie getguidis airis ane rude
Jo <sup>n</sup> sammellis airis ane rude	petir gottray and w <sup>m</sup> dudgeonis airis ane rude
ane waist rowm in ye townis hand	Johne Wauchis airis ane rude
Thomas vauss thre rude set in few	Alex <sup>r</sup> brownis airis ane rude
to ye toun payand zeirlie iij sh.	george hepburne thre rude
Johne masoun ane rude	w <sup>m</sup> broun thre ruidis
Johne banis airis tua rude	The Ile of Eddrem ( <i>sic</i> ) iij ruidis

## The gait foiranent ye freiris.

Item Jn <sup>o</sup> dowglas tua rude	Adame wilsoun tua rude
Jo <sup>n</sup> hyndis airis ane rude	

## The North syde of the crocegaitt beginnand at ye eist nuke.

Johnne hyndis airis ane rude	W <sup>m</sup> home tua rude
Andro wilsoun ane rude	george bathcat ane rude
w <sup>m</sup> ogill thre rude	henry lawsoun ane rude
Adame wilsoun tua rude	Dauid dalzellis airis ane rude
Johnne dowglas tua rude	Johnne dargis airis ane rude
The land of halyruidhous ane rude	Alex <sup>r</sup> gibson ane rude
thome edingtoun ane rude	Robert lawsoun of humby ane rude
S <sup>r</sup> Jo <sup>n</sup> greinlaw ane rude	Robert broun ane rude
Johnne hathowie ane rude	Robert strauchis (?) airis tua rude
thome purves tua rude	Sanct blaisis altare ane rude
Johnne forrest ane rude	Johnne forrest tua rude
James hathowie ane rude	Dauid forrest tua rude
The priores of hadingtoun tua rude	W <sup>m</sup> campbell tua rude
Thomas edingtoun thre rude	S <sup>r</sup> thomas stevin tua rude
Johnne thomesoun ane rude	James Cokburne tua rude
Johnne forrest ane rude	

## The smyddy raw.

Robert anderson and alex <sup>r</sup> barnis tua rude	James cuik ane rude
Adame cokburne thre rude	cuthbert symsonne tua rude
Robert fawsydis airis ane rude	george bathcat tua rude

The southsyde of ye tolbuyt<sup>t</sup> gaitt of ye Myddil raw beginnand at ye West end.

Item w <sup>m</sup> ogill fyve rude	Johnne dowglais ane rude
W <sup>m</sup> congiltoun tua rude	henry lawsoun ane rude
W <sup>m</sup> ogill vyir tua rude	george bathcat ane rude
m <sup>r</sup> archibald cokburnis airis ane rude	thomas puntoun ane rude
The laird of wauchtoun ane rude	W <sup>m</sup> home ane rude
S <sup>r</sup> hect <sup>or</sup> sinclair tua rude	James spottiswode tua rude
alex <sup>r</sup> seyton thre rude	

## Kilpairis.

Johne hathewie tua rude  
 thomas puntoun tua rude  
 Thomas parkie ane rude

Johnne blair tua rude  
 Johnne dowglas tua rude

Item of ilk hous of ye Nungait yat ye reik cummis out of v d in ye zeir.

Item of ilk rude in ye Giffertgait v d in ye zeir

A Tenement of land provest (*sic*) be ye bailleis of hadingtoun lyand on ye north syde of ye tolbuy<sup>t</sup> betuix a land of Johnne halyburtoun on ye eist pt and a land of umq<sup>le</sup> dauid greinlawis on the west to george sinclair of blans for ane mk of @nuell zeirlie out of ye said tenement the zeir of god jaj vc and sevin zeiris.

Ane vthir tenement of land provest (*sic*) be ye bailleis of hadingtoun lyand on ye southsyde of ye tolbuy<sup>t</sup> gait betuix a land of williams sinclare on ye west pt and a land of Richard crumby on the eist pt To george sinclare of blans for fo<sup>r</sup> schillingis @nuell jaj vc and sevin zeiris.

# The Origin of the Convention of the Royal Burghs of Scotland

With a Note on

## The Connection of the Chamberlain with the Burghs

**L**ENGTH of days cannot be said to be a characteristic of Scottish institutions, for few have been able to survive the union with England, and of those which have not disappeared the Court of Session and the General Assembly only date from the sixteenth century. The most venerable survivor is the Convention of the Burghs which, under some form and name, seems to have existed from earlier times. The history of the Scottish royal burghs as a whole presents some unique features, and this assembly, which exercised large powers of control and of regulation of burghal affairs, is not the least interesting of these. Charters and legislation granted to the royal burghs rights of self-government and exclusive trading privileges, and during the middle ages they seem to have pursued the development of their commerce and industry with the encouragement of parliament and of the crown, unhampered by interference from the nobles. During the thirteenth century they were flourishing communities, and, though the war with England put an end to their prosperity for a time, they seem to have begun to recover by the middle of the fourteenth century and during the fifteenth their trade and industry developed and increased. This economic growth was not unaccompanied by constitutional development for from a very early period mention is made and accounts are given of the proceedings of burghal assemblies—of the Four Burghs, the Court of the Four Burghs, the Parliament of the Court of the Four Burghs—while the commissioners of burghs gave decisions in judicial cases, became responsible for the payment of ransoms, recommended legislation and convened together for various purposes, independently of parliament, before the end of the fifteenth century. In the sixteenth century economic affairs



were even more important ; it became more necessary to defend the privileges of the royal and free burghs against encroachments, and their meetings became more frequent. From the middle of the century full records of the proceedings of the convention of the burghs were preserved and soon after that the meetings were held every year.

It is the purpose of this paper to trace the connection of the earlier burghal assemblies with the fully developed convention, and at the same time to describe the changes in their constitution and the growth of their functions. By the beginning of the seventeenth century the convention was exercising many powers. It assessed the share, a sixth part, of national taxation which was paid by the burghs. It guarded the privileges of the royal and free burghs, maintaining their exclusive right of engaging in foreign trade, and it helped individual burghs to resist encroachments by neighbouring gentry. It made many regulations as to trade and industry, weights and measures and burghal administration, and also made some attempts to develop manufactures and fishing. The king and the council often consulted the convention, and it made representations to them and to parliament about matters affecting the burghs. Appeal was made to it in cases of quarrels between burghs, and the convention exercised certain considerable though undefined powers in altering or authorising alterations in the setts of burghs and of ratifying alienations of their common good. The convention consisted of representatives of all the royal and free burghs, presided over by an elected president, generally the provost of the burgh where the commissioners met.

This assembly is said to have been a development of the court of the four burghs, an institution whose history is difficult to trace, as its records have entirely disappeared and there are but few references to the court, its constitution, procedure or business in other documents. The four burghs were originally Edinburgh, Roxburgh, Berwick and Stirling, the most important in the south of Scotland. How and when the court originated cannot be told. The earliest reference to the 'Four Burghs' is in the name of the burghal code '*Leges Quatuor Burgorum*.' The earlier chapters of the laws are almost identical with the customs of Newcastle-on-Tyne, which claim to date from Henry I.'s time, and probably only these chapters come from David I., to whom the whole code is attributed. These form 'a nucleus of laws deriving from the first half of the twelfth century' which 'has gathered to it other laws of many dates.' The earliest transcript, the Berne MS., was

probably written about 1270, and therefore the laws must have been codified before that date.<sup>1</sup> They were probably the custom in different burghs both in Scotland and in England<sup>2</sup> and the code may have received the name of the four burghs because they existed as an association to which application could be made by other burghs as to existing customs. Apart from the name of the laws the first mention of the four burghs is in a decision referred in 1292 'super legem et consuetudinem Burgorum per quatuor Burgos,' in a plea held at Edinburgh before the Custodians of the kingdom of Scotland. Margery Moyne sued Roger Bertilmeu, executor of her late husband William, for two hundred marks which the said William had given her. Roger's defence was that William had not left enough to pay his debts and that the creditors should be satisfied first. Margery then asserted that hers was the principal debt and ought to be paid first according to the custom of the burghs. Roger demanded an appeal to the law of the burghs, to which Margery agreed, and the four burghs declared that the law of the burghs was that the claim of the dower was the principal debt and ought to be paid before other debts, and sentence was given accordingly.<sup>3</sup> The appeal may have been made to the court of the four burghs.

In the next reference the burgesses of the four burghs are found making an ordinance or declaring a custom. In 1295 'It was decretid and ordanit be the worthy and noble burges of Berewyk Edinburghe (Roxburgh) and Stirling . . . at the abbay of the haly cros of Edinburghe' that ships, etc., and horses did not pertain to the heir heritably, but nevertheless the best palfrey went to the heir, if it was not given to the church or to some religious man, in which case the heir could have the next best. Also, a burgess might leave his armour and utensils where he wished only the heir should have the principal armour and utensils.<sup>4</sup> This is an addition to the law in the code, 'Of thyngis pertenand to the burges ayre,' concerning the household geir and plenishing.<sup>5</sup> The burgesses of the four burghs therefore

<sup>1</sup> Mary Bateson, *Borough Customs* (Selden Society), i. 1.

<sup>2</sup> *Ancient Laws and Customs of the Burghs of Scotland* (Scottish Burgh Records Society), i. 48, 49, 55.

<sup>3</sup> *Rotuli Parliament*, i. 107-8.

<sup>4</sup> *Acts of the Parliament of Scotland*, i. 724.

<sup>5</sup> *Ancient Laws*, i. 56. Cp. *Acts, Scotland*, ii. 107. Item anent the aiersschipe of movabill gudis that the aieris of baronis gentilmen ande frehaldaris sall haue It is statute and ordanit that the saide aieris sall haif the best of Ilke thing and efter the statute of the burow lawis and as is contenyt in the samyn.

declared customs and made ordinances, which may often have meant putting an official seal on custom or giving a wider sphere to local usage. These two entries concern an assembly of burghesses, which may have been the same as the court referred to in 1345 when Edward III. was told by the community of Berwick that it had for long been the custom in Scotland that appeals by pursuer or defender from sentences in burgh courts could be heard at Haddington by the chamberlain and sixteen good men from the four burghs of Berwick, Stirling, Roxburgh, and Edinburgh. And as the men of the three latter places adhered to the king's enemies they could not meet with the burghesses of Berwick, and so pleas remained undetermined to the great hurt of many. The king granted that these pleas might come before the guardian and mayor and twelve burghesses of Berwick.<sup>1</sup> The Scottish king had also to make provision for the dislocation caused by the war, and in 1368 it was decreed that, as Berwick and Roxburgh, which were two of the burghs which of old had made the court of the chamberlain held once a year at Haddington to hear judgments contradicted before him in his ayres, were held by the English, Linlithgow and Lanark should be substituted for them.<sup>2</sup> The four burghs therefore had another, a judicial capacity, in which they attended at a court presided over by the king's chamberlain, where sentences given in burgh courts and in the ayres of the chamberlain were revised.

A law of Robert III. asserted that all dooms falsed or gainsaid in burgh courts should be determined in Haddington before the chamberlain and four burghesses of each of the four burghs. It also gives the 'manere of dome falsing'—'Gif ony party uill fals a dome he aucht to say thus This dome is fals stynkand and rottin in the self and tharto I streik a borch and that I will preiff.'<sup>3</sup> One of James I.'s acts declared further that he who would false a doom 'sal nocht remufe oute of the place that he standis in quhen the dome is gevin na zit be avisit na spek with na man quhil the dome be agayn callit ande that salbe w<sup>in</sup> the tyme that a man may gang esily XL payses.'<sup>4</sup> This Stair characterises as a 'very rude and peremptor way.' The court consisted of three or four of the 'maist discret' burghesses of the four burghs, with sufficient commission summoned by letter to Haddington to appear before the chamberlain, and all judgments again said in burgh courts

<sup>1</sup> *Rotuli Scotiae*, i. 660.

<sup>2</sup> *Records of the Convention of the Royal Burghs of Scotland*, i. 541-2.

<sup>3</sup> *Acts, Scotland*, i. 742.

<sup>4</sup> *Ibid.* ii. 18.

were to be 'knewlegit in iugment of ye iiiii borowis yt richt or wrong.'<sup>1</sup> It was decreed by James I., and confirmed by his son in 1454, that the court should be held in Edinburgh on the day after the feast of Saint Michael the Archangel.<sup>2</sup> This court of the four burghs seems to have originally been a final court of decision. In the Drummond MS. of the laws a section on processes of again calling of a doom contains this clause: 'Quhar domis off burgh sal be discussyt. Item all domys yt ar falsyt in ony burgh off ye kyngs or in ony other burgh off regale sal be discussit be foir ye gryt chamberlain off scotland or his deputs in ye court off ye four burrowis and yar sal tak finaly end.'<sup>3</sup>

Also the court of the four burghs and the parliament are classed together in an exception as to the procedure to be followed when doom was given in absence of party.<sup>4</sup> Another source gives an addition to the statement that dooms falsed in burgh courts shall be discussed in the court of the four burghs: 'bot gif ye action depend betuix ane burgh and ane lord of regalitie for yan It aw to be discussit in ye parliament.'<sup>5</sup> But an act of 1503 which decrees that appeals from bailies within burghs are to be made to the chamberlain in the court of the four burghs also provides that a doom falsed in that court has process to the court immediately superior,<sup>6</sup> and this, from the earlier part of the act, appears to be to 'thretty or fourty persons more or fewer' deputed by the king with power 'as it were in a Parliament.'<sup>7</sup> This act also changed the old law about appeals by allowing the party who appealed fifteen days in which to consider his process, after which he was to present it to the chamberlain, who was 'to sett ane Court of the four burrowis on XV dais and mak the said dume to be discussit.' At the same time the prescribed formula for the falsing of dooms was changed to a less forcible expression: 'I am grettumly hurt and Iniurit be ye said dume thairfor I appele.'<sup>8</sup>

There seem to be only two references to proceedings of this court, both in the Acts of the Lords of the Council in Civil Causes and both in 1478. In the first case a summons was

<sup>1</sup> *Leges Scotorum Antiquae*, Advocates' Library, MS. 25. 4. 16. f. 210.

<sup>2</sup> *Convention Records*, i. 542-3.

<sup>3</sup> Drummond MS. (Gen. Register House).

<sup>4</sup> Harleian MS. 4700, f. 275 (Brit. Mus.).

<sup>5</sup> *Ibid.* f. 275.

<sup>6</sup> *Acts, Scotland*, ii. 246.

<sup>7</sup> Stair, *Institutions of the Law of Scotland*, Book IV. i. 19, 20.

<sup>8</sup> *Acts, Scotland*, ii. 246.

made by John of Spens and his spouse against John of Haddington, bailie of Perth, for his 'wrongous and inordinate' conduct during the hearing of their case. The chamberlain was ordained to call both the bailie and the others before him in the chamberlain ayre or in the court of the four burghs.<sup>1</sup> An act had been passed in 1475 ordaining that all parties complaining of the judge ordinary's administration of justice should 'come and pleanzie to the King and his Council, upon the Judge; and likewise on the Party, and in that case he shall have Summons baith on the Judge and on the Party, to compear before the King and his Council, and there have Justice and Reformation.'<sup>2</sup> In the case cited complaint was made to the council of the injustice of the bailie, and the hearing of the case was referred to the chamberlain, the final court in burghal affairs. The second case concerned an attempt by one Robert of 'donyng' to take advantage of Marjorie, daughter of umquhile Gilbert Browne, by taking action upon a decree given in the burgh of Perth, on which appeal had in the meantime been made to the court of the four burghs by Gilbert, before his death. The lords decreed that Robert was not to occupy the land until the doom was discussed there.<sup>3</sup> There was here no appeal from the chamberlain's jurisdiction.

Mention is made of sending commissioners to the court from Edinburgh in 1484;<sup>4</sup> from Lanark in 1490, when thirty-four shillings was paid to the 'balyeis to the Court of iiiii Burrowis'; in 1503, when thirty-two shillings was expended 'for wax and collacion to seill the commission to the court off (Four Burghis),' and to the 'commissaris at raid'; and, again, for riding to the court when it was continued; and in 1507, when they again attended twice.<sup>5</sup> There are no later allusions to the court, though that does not necessarily prove that it ceased to exist. There was a rising in Edinburgh in 1527 against the High Chamberlain, John, Lord Fleming, 'when sitting in judgment in the Tolbooth of our foresaid Burgh in the execution of his office of Chamberlain.'<sup>6</sup> He may possibly have been presiding at a meeting of the court of the four burghs. But the importance of the office of

<sup>1</sup> *Acts of the Lords of the Council in Civil Causes*, 24.

<sup>2</sup> Stair, *op. cit.* Book IV. i. 14.

<sup>3</sup> *Acts of the Lords of the Council in Civil Causes*, 19-20.

<sup>4</sup> *Edinburgh Burgh Records* (Scottish Burgh Records Society), i. 50.

<sup>5</sup> *Records of Lanark*, 7, 13, 17-18.

<sup>6</sup> *Edinburgh Charters* (Scottish Burgh Records Society), 205-8.

chamberlain, and probably of his jurisdiction, were declining, and the institution of the College of Justice in 1537 made considerable changes in the administration of the law. After this the process used in the court of the four burghs came to an end, for Stair says that then 'all Appeals of falsing of Dooms did entirely fall in desuetude and ceased.'<sup>1</sup> It seems likely, therefore, that the court of the four burghs, as a body with judicial functions, ceased to exist in the early part of the sixteenth century.

During the fifteenth century, however, other functions were acquired by the court. In 1405, according to Skene, the only authority for this statement, in the court of the four burghs held at Stirling it was ordained that two or three burgesses from each of the king's burghs south of the Spey should 'compear' yearly 'to the Convention of the foure Burghes,' in the Scots version, or 'ad dictum Parliamentum quatuor burgorum,' 'to trait, ordaine and determe vpon all thingis concerning the vtilitie of the common well of all the Kings burghs, their liberties and court.'<sup>2</sup> Then follow six chapters relating to burgh affairs, but Professor Innes says that the manuscript from which they are taken does not ascribe them to the court of the four burghs, and one of them deals with the Templars, whose order was dissolved in 1312.<sup>3</sup> There is no mention of the chamberlain's presence. Then in 1454, in confirmation of an ordinance by James I., James II. granted to Edinburgh that the chamberlain should hold the court of the parliament of the four burghs there, to determine sentences given or gainsaid in the burgh courts; to give measures of the ell, firlot or boll, stoup and stone to the lieges; 'Necnon omnia alia et singula facienda et exercenda que in huiusmodi Curia Parliamenti secundum leges statuta et Burgorum consuetudines sunt tractanda subeunda et finaliter determinanda.'<sup>4</sup> And in 1500 there is a record of a meeting of the Court of Parliament of Four Burghs at Edinburgh, where it was ordained by the chamberlain, with advice of his assessors and commissioners of burghs, that acts of parliament about craftsmen using merchandise within burgh should be observed; that no one who was not a burges should 'pas in Flanderis nor France with merchandice'; that no one should have the freedom of the burgh nor 'haunt merchandice'

<sup>1</sup> Stair, *op. cit.* Book IV. i. 31.

<sup>2</sup> *Ancient Laws*, I. iv. 156-8.

<sup>3</sup> *Acts, Scotland*, i. 51.

<sup>4</sup> *Convention Records*, i. 542-3. Each of the four burghs, in the sixteenth century and later, kept one of the standard measures. Edinburgh had the ell, Stirling the stoup, Lanark the stone, Linlithgow the firlot.

unless he resided in the burgh.<sup>1</sup> After this, until the regular records of the convention begin in 1552, there are mentions of commissioners being convened together, and being convened by command of the king's letters, dealing with regulations for foreign trade and making provision for guarding the privileges of the burghs and the burgesses, but there are no more records of the proceedings of the parliament of the court of the four burghs nor references to the presence of the chamberlain at any meeting of the commissioners.

From these fragments it seems that the court had three aspects. In its judicial capacity appeals were heard from decisions in burgh courts and from the chamberlain's ayre. Secondly, it had powers of administration, giving the weights and measures to the burghs. Thirdly, ordinances and regulations were made in the court. Perhaps it is permissible to conclude that the difference in function corresponds with a difference in title, for the court, as a law court, seems to have been always known as the court of the four burghs, while the meetings which made ordinances appear by the records of 1405, 1454, and 1500 to have been called the parliament of the court of the four burghs. The chamberlain was always present, except that there was no mention of him in 1405. It is difficult to be certain about the constitution of the court. According to Skene, others than the four burghs were represented, but the letters patent of James II. expressly specified Edinburgh, Lanark, Linlithgow and Stirling, while the entry of 1500 mentioned only the 'Commissaris of oure Burrowis.' Comparing what we know of the functions of this court with those of the convention, we find that the principal difference was that the convention had not the power as a court of justice which the court of the four burghs had possessed. Otherwise the functions of the convention were wider, for it assessed taxation, carried on negotiations concerning foreign trade, represented the burghs in consultations with and recommendations to the king and the council, and exercised larger powers in burghal administration than the records show that the parliament of the court of the burghs had done. But before the convention, as it appears in the latter part of the sixteenth century, began to be held, there are a few records of meetings of burgesses belonging to others than the four burghs, meeting independently of the chamberlain, sometimes before or during parliament, and exercising some of those functions of the convention which the

<sup>1</sup> *Ibid.* i. 505-6. See Sir James Marwick's Preface to the *Convention Records*, i., i.-viii.

court did not apparently possess or use. Perhaps Skene's clause may have referred to some gathering of this kind, and also the ordinance in 1466 giving power to certain lords 'til authorize ratify and apprufe or til annull as thai think expedient and profitable al actis and statutis avisit and commonit in the sessionis of burowis for the gude of merchandice and proffit of the Realme.'<sup>1</sup> And also the act of 1487 authorising commissioners of all burghs to convene together once a year at Inverkeithing, with full commission to 'comoun and trete apoun the welefare of merchandis the gude Rewle and statutis for the commoun proffit of borowis and to provide for Remede apoun the scaith and Iniuris sustenit within burowis'<sup>2</sup> seems likely to have referred to these assemblies. This was one of several acts 'that the haill commissionaris of burrowis desyris to be ratifyit and appreivit in this present parliament.' The act of 1581 declared that it was found necessary by 'oure souerane lord and his hines predicessouris That the commissionaris of burrowis convene at sic tymes as they suld think guid in quhat burgh they thocht maist expedient with full commissioun: To treat vpoun the weifair of merchandis merchandice guid rewle and statutis for the commone profite of burrowis.'<sup>3</sup> These statutes seem to refer to a different body from the court where the chamberlain presided, to a body representing a greater number of burghs and exercising wider powers.

On one occasion the commissioners of the burghs in parliament gave a decree about the course to be followed when burgh lands were waste and not distrainable for the king's farm of the burgh,<sup>4</sup> a proceeding something like the record of the ordinance of the burgesses of the four burghs in 1295. The burgh commissioners, too, seem to have occasionally had questions submitted to them as arbitrators, as in 1443, when, at a general council held at Stirling the commissioners of Ayr and Irvine, 'oblisand thame to hald ferme ande stabill perpetuale tymis to cum quhat the sade commissaris of the lafe of the burghs . . . sall decrete in that mater,' appeared before the commissioners of Edinburgh, Perth, Stirling, Lanark, Montrose, Dundee, Cupar, Inverkeithing and Aberdeen, who gave decree about the claims of the merchants of Irvine to sell certain goods in Ayr on the market day. This was

<sup>1</sup> *Acts, Scotland*, ii. 85.

<sup>2</sup> *Ibid.* ii. 179.

<sup>3</sup> *Ibid.* iii. 224.

<sup>4</sup> *Muniments of the Royal Burgh of Irvine* (Ayrshire and Galloway Archaeological Association), 23-4. There is no record of this in the *Acts of the Parliament*, (1429-30).



authorised before the 'hale generale conseil' and confirmed by the king under the great seal.<sup>1</sup> The merchants of Aberdeen offered to refer a dispute about the freight of goods in a ship belonging to the Earl of Orkney which had been wrecked to the commissioners of burghs, when it pleased the earl, or at the next general council.<sup>2</sup> There are also records of the proceedings of the burgh commissioners in other matters with which the convention was much occupied later. In 1483 a tax roll of the burghs beyond the Forth is given as "modifiit" by the burgh commissioners at the time of the parliament at Edinburgh on March 21, a sitting not recorded in the Acts.<sup>3</sup>

Most of the meetings, however, were concerned with foreign trade. In 1478 the king summoned commissioners from Aberdeen to Edinburgh, and the council and merchants of the burgh elected five to 'avise with our souerane lordis consall, and the commissaris of utheris viii burrowis' about sending an embassy to the Duke of Burgundy 'for the good of merchandice and renouation of al priuilegis grantit til the merchandis passing to Brugis in Flandris, and in thaa partis.'<sup>4</sup> The king and the three estates had already (June 1) ordained that an embassy should be sent to renew the former alliance with Burgundy, to get greater privileges for merchants and remedy for the 'scathtis' they had sustained.<sup>5</sup> The expenses were to be paid by all the burghs, which perhaps was the reason they were consulted later. The commissioners of Edinburgh, Aberdeen, Perth, Haddington and Dundee met in 1498 and consulted on several matters. They considered it advisable that 'ane schap clerk, and twa burges merchandis of fasson' should be sent to the Archduke of Austria about the letters of marque and his proclamation about the staple. At this meeting they also recorded their desires that their privileges should be maintained, that the act forbidding any one to sail 'within j last of gude of his awne' should be kept, and that the act forbidding craftsmen to be merchants unless they gave up their craft should be enforced by the burgh officials.<sup>6</sup> There is no record of a parliament at this date, nor was there any in 1497 when commissioners were chosen from Aberdeen 'to commoun

<sup>1</sup> *Charters of Ayr* (Ayrshire and Wigtonshire Archaeological Association), 27-9.

<sup>2</sup> *Aberdeen Burgh Register* (Spalding Club), i. 13 (1444).

<sup>3</sup> *Convention Records*, i. 543.

<sup>4</sup> *Aberdeen Burgh Register*, i. 410; *Spalding Club Miscellany*, v. 26.

<sup>5</sup> *Acts, Scotland*, ii. 118.

<sup>6</sup> *Aberdeen Burgh Register*, i. 67. Cp. *Acts, Scotland*, ii. 86.

with vtheris commissionaris of the burghs for the gude of merchandice.<sup>1</sup> In 1529 Aberdeen again sent representatives to Edinburgh 'to do, determe, and decreit with the laiff of the borrowis commissionaris aftir the tenour of our Souerane Lordis letters directt thairupon for the common weill of the merchandis of the realme.' They were ordered then to appear before the Treasurer,<sup>2</sup> but there is no record of the presence of the treasurer at the meeting. This assembly gave instructions to Master John Campbell of Lundy, who was sent to renew the peace between Scotland and the Emperor and also the privileges of the merchants in his lands; and desired that the acts of parliament and 'the wythir statutis deuisit and maid be the consent of the haill commissionaris' should be observed and kept. These were principally regulations about the privileges of burgesses and merchants—that no one dwelling outside the king's free burghs should send goods to France or Flanders and that burgesses who bought and sold merchandise should live within the burgh. They also concerned the relations of merchants and craftsmen, the work of craftsmen, and some rules for the conduct of foreign trade. These included the provision that any merchant who took with him to France or Flanders his 'ewill and wirst clais to the dishonour of the realme' should be ordered to get 'honest clais,' and, if he refused, that the conservator should take of his goods and have suitable garments made for him.<sup>3</sup> The king again next year ordered the commissioners of the burghs to meet and convene at Edinburgh about the common weal of merchants.<sup>4</sup>

A more important meeting took place in 1533 when the provost, bailies and council of Edinburgh and the commissioners of Dundee, Perth, St. Andrews and Stirling decided that all the burghs should send commissioners yearly to Edinburgh to 'avise and decerne anent all maner of thingis conter the commoun weill of burrois and of merchandis and to fynd remeid for taxationis and stentis that may happen to cum aganis thame, and that ilk burch bring with thame sic articlis and writingis in quhat thingis thai ar hurt in, sua that reformatioun and help may be put thairvntill for the vniversale weill,' and that each burgh which did not send a commission should be fined five pounds.<sup>5</sup> Yearly meetings do not seem to have taken place as a result of this ordinance, and the convention of 1552, the first of the regular assemblies recorded in the convention records, enacted that commissioners should

<sup>1</sup> *Convention Records*, i. 504.

<sup>2</sup> *Ibid.* i. 507-8.

<sup>3</sup> *Ibid.* i. 508-12.

<sup>4</sup> *Ibid.* i. 512-3.

<sup>5</sup> *Ibid.* i. 513-4.

meet annually, as it was ordained 'of lang time bipast.'<sup>1</sup> Nevertheless, this ordinance of 1533 marks the beginning of the modern history of the convention, a body of representatives of all the royal and free burghs, over whom no royal officer presided, assembled upon their own initiative to consult about the affairs of burghs and of merchandise and to defend the privileges of their own members.

There are, besides these records of actual meeting of the commissioners of the burghs, references which show common action on the part of the burghs. In 1357 Edinburgh, Perth, Dundee, Aberdeen, Crail, Inverkeithing, Cupar, St. Andrews, Montrose, Stirling, Linlithgow, Haddington, Dumbarton, Rutherglen, Lanark, Dumfries, Peebles, appointed burgesses of Edinburgh, Perth, Aberdeen, and Dundee, to act for them in negotiations with Edward III.'s council for the ransom of David II., for which the burgesses and merchants were to be principal debtors.<sup>2</sup> The same four burghs bound themselves for the payment of five thousand merks to Henry VI. for the expenses of James I. during his captivity in England, and James promised to cause the rest of the burghs to bind themselves to these four for payment of this sum in case they were distrained therefore.<sup>3</sup> Then the burghs of the realm were responsible in 1496 for the expenses incurred by the bishop of Aberdeen in annulling letters of marque purchased by the Dunkirkers. The king's sheriffs were ordained to take what remained unpaid from Edinburgh, which so often took the leading part in proceedings of the burghs, and the city was to have relief of 'ye Remanent of ye burrowis of ye Realme awing any part of ye soume.'<sup>4</sup>

Turning to foreign trade, the burgesses and merchants of Scotland made a contract with those of Middelburgh in 1347.<sup>5</sup> And in 1348 a letter was sent to Bruges from the aldermen, bailies, etc., of Aberdeen, Edinburgh, Dundee, and Perth, 'les quatres grosses villes de Escoce,' and 'des toutes les autres grosses villes du royaume d'Escoce,' who declared themselves ready for an agreement with the German merchants and with Flanders.<sup>6</sup> In 1387 privileges were granted by the Duke of Burgundy 'a la humble supplication des marchans du Royaulme

<sup>1</sup> *Ibid.* i. 2.

<sup>2</sup> *Ancient Laws*, i. 194-9.

<sup>3</sup> *Charters, etc., of Aberdeen*, 22-4. *Charters of Edinburgh*, 56-61. *Charters, etc., of Dundee*, 19.

<sup>4</sup> *Acta Dominorum Concilii*, vii. f. 34.

<sup>5</sup> *Acts, Scotland*, i. 514-5.

<sup>6</sup> *Hansisches Urkundenbuch*, iii. 64-5.

d'Escosse.'<sup>1</sup> The contract with Middelburgh about the staple, which was repudiated in 1526, had been made by commissioners having 'procuratioun' from Edinburgh, Aberdeen, Stirling, St. Andrews, Perth and Dundee, as well as from the king.<sup>2</sup>

It has been said that there was also a confederation of burghs in the north, a theory based on William the Lion's charter granting to the burgesses of that burgh, and to his burgesses of Moray and those north of the Mounth, their free hanse.<sup>3</sup> There seems to be no other evidence in support of this theory, and Professor Gross does not uphold it, considering that the charter more probably refers to a general grant of a gild merchant or of right to take a payment from merchants.<sup>4</sup> Aberdeen probably took a leading part amongst the northern burghs, as a petition from Banff also shows. The provost and burgesses entreated the guardians of the kingdom to enforce the observance of Alexander III.'s charter granting that certain fairs might be held in Aberdeen 'for the benefit of us and of other burghs lying to the north of the mountains.' The burgesses of Montrose had been in the habit of disturbing these fairs to the no small prejudice of Aberdeen and of all the northern burghs.<sup>5</sup> Though no doubt Aberdeen was a centre for the northern burghs, there is no indication that there was any organisation in the north which could be regarded as a predecessor of the convention.

With such scanty material as is available it is difficult to decide the exact degree of the relationship of the convention to these earlier burghal assemblies. Considering the functions and constitution of the court of the four burghs as a court of justice, and the decline of the power of the chamberlain, it seems reasonable to conclude that it came to an end sometime in the early sixteenth century, and that it was not a direct predecessor of the convention. Then the court in its other aspects also differed from the convention, in the presence of the chamberlain, and in being representative only of four burghs, unless it is possible to assume that the name was applied to an assembly with an increased number of members. For Edinburgh, Aberdeen, Perth, and Dundee were

<sup>1</sup> M. P. Rooseboom, *Scottish Staple in the Netherlands, Documents*, ix.-x.

<sup>2</sup> *Acts, Scotland*, ii. 305, and see J. Davidson and A. Gray, *Scottish Staple at Veere*, 151-5.

<sup>3</sup> *Acts, Scotland*, i. 87.

<sup>4</sup> C. Gross, *Gild Merchant*, i. 197.

<sup>5</sup> *Annals of Banff* (New Spalding Club), ii. 373 (1289). The charter granting to Aberdeen the right of holding a fair does not make any allusion to other burghs. *Charters of Aberdeen*, 8-9.

decidedly the 'quatre grosses villes de Escoce,' and only Edinburgh was one of the original four burghs. It is not likely that an assembly which did not include these important towns would be able to make regulations and to carry on negotiations concerning the trade and affecting the general common weal of merchants and of burghs. The commissioners of these and of other burghs did meet to transact business independently of the chamberlain, and the assemblies which were authorised in 1487 seem to have been of this kind. The convention absorbed all the functions of the parliament of the court of the four burghs and of these other meetings of the burghal commissioners. There is also an echo of the chamberlain's jurisdiction in his ayres in the proceedings of the convention, for it was appealed to for permission to alienate the common good and to change the sets of burghs, though there was some doubt as to its legal authority in these matters.<sup>1</sup> It also made regulations about weights and measures which the chamberlain did in his ayres as well as in the parliament of the court of the four burghs.

The most reasonable conclusion seems to be that early in the sixteenth century, partly no doubt owing to the decline in the power and the activity of the chamberlain, there was an amalgamation of two assemblies concerned with the administration and regulation of burghal affairs, and that the convention, the result of the union, preserved the functions of both and the composition of the one, without the presence of the president of the other.

THEODORA KEITH.

#### NOTE ON THE CONNECTION OF THE CHAMBERLAIN WITH THE BURGHS.

The Scottish royal burghs were kept in touch with the central authority by the extensive jurisdiction exercised by the king's chamberlain over their affairs. This office was in existence as early as the reign of David I., and was one of great importance, for the chamberlain had charge of the king's revenues, in this capacity receiving all payments from the royal burghs, and also paid a yearly visit to the king's burghs to hold a court of justice, to inquire if burgh officials were exercising their proper functions and if the king's rights were being maintained. The first mention of this visitation or ayre seems to be in a law of William the Lion's which orders

<sup>1</sup> Morison, *Dictionary of Decisions of the Court of Session*, iii. 1861-3, 1839-40, 1842-8. See Sir James Marwick's Preface to the *Miscellany of the Scottish Burgh Records Society*.

no merchant to usurp the liberty of another burgh in buying and selling, lest he be convicted and punished in the chamberlain's ayre as a forestaller.<sup>1</sup> Then at the beginning of the fourteenth century the burgesses of Scotland petitioned the English king and council that no sheriff or other king's officer should interfere in their burghs, but that they should only answer to their chamberlain.<sup>2</sup> A few years later Robert Bruce ordained that the burghs should be controlled by the chamberlain and his deputies only.<sup>3</sup> Receipts from the ayre are mentioned in one of the earliest surviving Exchequer Rolls (1327),<sup>4</sup> and the first list of points to be inquired into by the chamberlain, the *Articuli Inquirendi Camerarii*, dates from about the same time. A later document, the *Iter Camerarii*, supplements this. Unfortunately there are no records of the ayre, except a very few references in burgh records. From the rolls in which receipts from the ayres appear, sometimes directly in the chamberlain's accounts and at others in the accounts of the provosts and bailies of the burghs, it does not seem that they were held regularly every year in each burgh. It is recorded that few ayres were held in 1380, and none in 1392, because of the pestilence, but for several other years there are no accounts, partly of course because the rolls are not a complete series.<sup>5</sup>

James I. took away from the chamberlain much of his power, especially as regards the revenue, handing over some of his duties to the newly-appointed treasurer and comptroller, but he did not interfere with his connection with the administration of the burghs. In fact the ayres seem, as far as one can judge by the accounts, to have been held more regularly and in more burghs than usual during his reign. They seem to have continued till late in the fifteenth century or the beginning of the sixteenth. In 1511 Dundee obtained a remission from James IV. of all transgressions of which they might be accused in the chamberlain ayres and in the justice ayres, and the burgesses were ordered to keep the weights and measures which they had received at the last ayre until the chamberlain gave them new ones.<sup>6</sup> Next year people were chosen in Aberdeen to extent the sum of £500 Scots 'for the releving of the justice ayr and chavmerlane ayr of the burghe . . . and the expenss and propynis gevin to the clerkis and lordis.'<sup>7</sup>

The ayres<sup>8</sup> were ordained to be held in summer to avoid expense. Before the chamberlain arrived in any burgh a precept was sent to the alderman and bailies informing them of the date of his coming, and commanding them to summon all the burgesses to appear before him, also all and sundry officers of the burgh, who were to present all the weights and measures used by them in their offices. All the names of 'soyts of court,'

<sup>1</sup> *Ancient Laws*, i. 60.

<sup>2</sup> *Calendar of Documents relating to Scotland*, iv. 380 (1303-7).

<sup>3</sup> *Charters of Ayr*, 19-20 (1313).

<sup>4</sup> *Exchequer Rolls*, i. 70.

<sup>5</sup> *Ibid.* iii. 310, 650.

<sup>6</sup> *Charters, etc., of Dundee*, 26.

<sup>7</sup> *Aberdeen Burgh Register*, i. 442.

<sup>8</sup> Information about the holding of the ayre and the lists of the points into which inquiry was made are given in the *Articuli Inquerendi Camerarii* and the *Iter Camerarii*, *Ancient Laws*, i. 114-26, 132-54.

of those who held swine 'vtought keping in the law statut' and those who had merchant booths were to be enrolled. The bailies were to cry openly that pledges should be taken by them that all who wished to follow or defend a cause before the chamberlain would be there to follow or defend their pleas. All who forestalled and who did 'purprisioun in propirte or in commoun of our Lorde the King' were also to be warned to be present. The chamberlain brought with him a clerk who was deputed by the king, and had to swear to 'do nocht at the bidding of the chalmerlan to the Kingis skaith.' The clerk carried with him weights and measures, and had to see that all the tron weights agreed with his.<sup>1</sup> But apparently the chamberlain was wont to travel with a more numerous retinue, for in 1449 it was ordained that chamberlains and others who 'makis coursis throu the lande ryde bot wt competent and esy nowmer to eschew grevans and hurting of the pepill the whilk nowmer of auld tym was statut and modifit.'<sup>2</sup>

The provision of supplies for a large following must have been a difficulty, and some burgesses 'abstract their geir at the cumming of the chalmerlan or his clerks' that they should not have to sell it. In 1457 all three estates exhorted the king to reform the chamberlain ayres by which "all the estatis and specialy the pur commownis ar fairly grevyt,"<sup>3</sup> but no action seems to have been taken after this petition. In the late fourteenth and fifteenth centuries the chamberlain generally gave the work to two deputies who each visited the burghs on one side of the Forth. When the chamberlain or his deputy arrived the first proceeding was to call all the burgesses of the burgh, the absent being fined, and to affirm the court. Then the bailies were summoned, and then 'ane assyse . . . rasyt for the inquest to be maid apou the articles of the chawmerlane ayr.' These articles, which were very numerous, were chiefly concerned with inquiries as to the maintenance of the king's rights, the conduct of the officers of the burgh and its general administration.

The chamberlain inquired if the king's rents were duly paid, if any one revealed the counsel of the neighbours or of the king, used the freedom of the burgh to the hurt of the king or his burgh, disposed of lands in mortmain without the king's leave, abstracted suits owing to the king's court or gave annual rent to any other lord than the king. He asked, too, if any of the king's bondsmen were hiding within the burgh, and if any body took the king's multures from his mills. Then the chamberlain proceeded to inquire if the bailies, as judges, administered justice 'equallie to the puir and the ritch,' and without 'fauour, hatrent or luf of personis,' if judgments had been properly presented and executed, and if any matters which should have been tried before them had been taken to the ecclesiastical court. He also asked if any one 'purches a lord duelland to landwart to cum to the court of the burgh in preiudice or scath of his nychtburis,' and if there were any confederation in the town by which the 'nychtburhede is wrangwisly greffyt or pur men oppressyt.' Most minute inquiries were made as to the enforcement of regulations on economic matters. Did the bailies cause the weights and measures to be duly examined, and did they keep the assize of

<sup>1</sup> *Ancient Laws*, i. 184.

<sup>2</sup> *Acts, Scotland*, ii. 36.

<sup>3</sup> *Ibid.* ii. 50.

bread, ale, wine and fish. Did all the various officers—prisers of flesh, customers of the great and small customs, gaugers, troners, purveyors, ale-tasters—do their duty. Questions were also asked about the behaviour of those who supplied goods to the community—the browster wives, bakers, fleshers, millers, sellers of fish, shoemakers, skimmers, maltsters, sadlers, cooks, who kept flesh and fish in pastry too long, then heated it again and sold it ‘to the manifest deception of the people.’ The tailors were wont to offend by making ‘our mekill refus and schredis of mennis claith, whiles for greit haist and vther whilis for faut of cunningg . . . thai mak mennis garmentis otherwayis than men ordanis thaimself or biddis.’ Then it was necessary to ask if merchants coming to the burgh were properly treated or ‘hardlie’ handled so that they ‘leave thar cumming to burghs . . . to the damage of our Lord the King, and the manifest wrack of the communities of burghs.’ Those bugbears of mediæval authorities, the regraters, who bought goods before the lawful hour, and the forestallers, who bought and sold gild merchandise which they had no right to use and other goods without paying custom to the king, were not ignored. The head burgh in each sheriffdom had the right of indicting all the forestallers in that district before the chamberlain, a right confirmed to Dundee in a quarrel with Montrose about the liberty of so doing in the sheriffdom of Forfar.<sup>1</sup>

Some miscellaneous points were raised, whether the bailies had the burgh properly watched at night, and made the rich watch as well as the poor, whether they searched the town thrice in the year for casting out lepers, if there were any common slanderers unpunished, if strangers were kept longer than one night without some one giving pledge for them, if the fixed prices were kept.

The inquiry into the administration of the common good was one of the most important of the chamberlain’s functions. It was to be asked by the assize if ‘the comone purs be weil kept and even pertit as it sulde be,’ if ‘there be a just assedation and uptaking of the common gude of the burgh,’ and if it is bestowed in the business of the community, and, if not, who has got the profit. This seemed to include some inspection of the common property of the burgh. In Peebles and Haddington in 1330 the mills were being rebuilt at the command of the chamberlain.<sup>2</sup> These burghs had not yet got feu farm charters, and so the mills were still the king’s property. The act of 1491 reaffirmed the jurisdiction of the chamberlain, ordering inquisition to be taken yearly in his ayre of the expenses and disposition of the common good, and also at the same time forbade any of the yearly revenues to be set for more than three years.<sup>3</sup> Later it was asserted that the chamberlain had probably given setts to the burghs or altered them, and that the convention, which was said to take his place in the superintendence of burghal affairs, had the same power.<sup>4</sup>

The chamberlain’s duties did not end with making inquiries, for he seems also to have assisted in making regulations, being present with the alderman,

<sup>1</sup> *Registrum Magni Sigilli*, ii. 139-40.

<sup>2</sup> *Exchequer Rolls*, i. 274, 302.      <sup>3</sup> *Acts, Scotland*, ii. 227.

<sup>4</sup> Morison, *op. cit.*, iii. 1861-3. The court decided that the Convention had no power to alter the setts of burghs.



bailies and council in Aberdeen in 1454, when several ordinances were made about bakers, fleshers, etc.<sup>1</sup> He was also entrusted with the duty of carrying out some of the legislation which affected burghs. He had to see that inns were provided in towns, that trons for weighing wool were set up in burghs,<sup>2</sup> to ask if the statute of 1424 about beggars was kept, and fine the alderman and bailies forty shillings if they had broken it.<sup>3</sup> As late as 1524 it was ordained that the chamberlain and his deputies were to see that the acts about taking salt out of the realm were put into execution.<sup>4</sup> Burgesses and merchants were not allowed to leave the country without permission of the king or the chamberlain.<sup>5</sup>

The judicial function of the chamberlain was not unimportant. Cases were referred to him from the burgh courts, and he was at the same time a judge ordinary,<sup>6</sup> besides presiding in the court of the four burghs. He seemed to have jurisdiction in matters concerning the privileges of burghs, for, in 1478, in the action of the bailies and community of Inverkeithing against the Earl of Caithness about raising a petty custom in Dysart which was said to be within the freedom of Inverkeithing, it was decreed that in future anyone who prevented the lieges within the freedom of Inverkeithing from passing to the burgh and market was to be 'delit to the chamberlain Are' and punished.<sup>7</sup> Mackenzie says that 'The Chamberlain was an Officer to whom belonged the judging of all crimes committed within burgh, and he was in effect Justice-general over the borrows, and was to hold Chamberlain Aurs every Year for that Effect.'<sup>8</sup> He was a supreme judge, and his sentences could not be questioned by any inferior court. Bailies had to answer before him in any question regarding the execution of their office.

It was not for want of a policy of supervision that the Scottish medieval burgh could fail to be a highly regulated and well-ordered community, where all wares were of good quality and sold at a just price, and every inhabitant got justice and no one oppressed his neighbour or defrauded the king. But, owing to the want of records, it is difficult to tell how far the chamberlain attempted to put these regulations into execution and how far his efforts were successful. From the point of view of burghal history, the most important side was the chamberlain's supervision of the disposal of the common good, and the decay of his office seems to have given an impetus to the process of malversation by which so much of the property of the burghs has disappeared. The act of 1469,<sup>9</sup> which allowed the old council to choose the new and 'erected the standard of Despotism, where liberty had so long resided, and which covered the face of the country with the darkness and torpitude of slavery, in place of the light and spirit of freedom,' was said to open a wide door for the 'waste destruction and private pecu-

<sup>1</sup> *Aberdeen Burgh Register*, i. 390-1.

<sup>2</sup> *Acts, Scotland*, i. 499, 497.

<sup>3</sup> *Ibid.* ii. 15.

<sup>4</sup> *Ibid.* ii. 290.

<sup>5</sup> *Ibid.* i. 509.

<sup>6</sup> See *Aberdeen Burgh Register*, i. 372, 379-80, 400-2; and *Burgh Records of Peebles* (Scottish Burgh Records Society), 123-4, 129-30.

<sup>7</sup> *Acts of the Lords of the Council in Civil Causes*, 12.

<sup>8</sup> Sir George Mackenzie, *Works*, ii. 196.

<sup>9</sup> *Acts, Scotland*, ii. 95.

## The Chamberlain

lation of the common good,' because the burgesses had no longer the same control over their magistrates, the head courts, which had elected magistrates and auditors of accounts and prosecuted defaulters in the chamberlain's ayre, being no longer of the same importance.<sup>1</sup> The act of 1491 was probably passed in consequence of some alienations of property, and by this time the chamberlain's activity and authority may have been waning. The act of 1503 authorising the substitution of permanent tenures in feu farm for short leases, although it did not apply to burghal property, seems to have increased the mismanagement, and soon after it was passed the burghs began to get licences from the king to convert common property let under short leases into heritable estates to be held in feu farm, Edinburgh obtaining one of these in 1508.<sup>2</sup>

If the chamberlain had ceased to visit the burghs there was now no control over their administration—'when the Chamberlain ceased to carry the engines and the terrors of justice to the boroughs, their Magistrates no longer confined themselves within the line of their duty. They appear to have broken loose like felons from their fetters, and to have committed the most enormous waste and dilapidation of the property of the boroughs.'<sup>3</sup> By 1535 the burghs were 'putt to pouertie waistit and distroyit in thair gudis and polecy and almaist Ruynous,' partly because people who were not resident had become magistrates, 'for thare awine particular wele In consummyng of the commun gudis of bwrrowis.' Therefore the provosts and officers were ordered to make yearly account in the Exchequer of their disposal of the common good. But this was not so effective a check as was an auditor who visited the burghs, the inhabitants could not travel to Edinburgh to challenge the accounts of their officers, and so the dilapidation of the common property continued.

Here the chamberlain's administration seems to have had some result, but it is difficult to draw any general conclusions from the scanty existing material. Nevertheless, the existence of such an officer with such functions shows an attempt to secure good administration in the burghs and to maintain the connection of the king's burghs with the crown, and it may also have made more possible the union of the burghs in their burghal assembly.

<sup>1</sup> *State of the Evidence contained in the Returns to the Orders of the House of Commons . . . By the London Committee for conducting the Regulation of the Internal Government of the Royal Burghs* (1791), 19-20.

<sup>2</sup> *Report of the Commission on Municipal Corporations, 1835-6. General Report, 23; Local Reports, 13.*

<sup>3</sup> *An Illustration of the Principles of the Bill Proposed to be Submitted to the Consideration of Parliament, For correcting the Abuses and Supplying the Defects in the Internal Government of the Royal Boroughs . . . By the Committee of Delegates* (1787), 48-54.