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The Old Chapels of Orkney

IN the year 1701 a very worthy and pious divine called John Brand published an account of a tour of inspection into the state of the Church in Orkney and Shetland. While finding much that pleased him, this extremely Protestant gentleman was greatly scandalised by one shocking discovery. It seems that the islands were afflicted with a veritable plague of ancient popish chapels, and that in the shelter of their ruinous walls anti-Christ still lingered, tempting the parishioners to do all manner of ungodly things. They made pilgrimages to the more notorious of these chapels, laid votive offerings on their moss-grown altars, and even (adds Mr. Wallace, another divine, in his *Discription*) celebrated their saints' days, each district still venerating the memory of the papistical person to whom its particular chapel was dedicated. There could be no true Christianity in the Isles, said the Rev. Mr. Brand, till Government had taken the scandal in hand and razed the chapels to the ground, 'which might prove as the taking away of the Nest Egg.'

Since then time has done all too thoroughly the work which Government neglected. With only one or two exceptions, the Orkney chapels are no more, but it has fortunately proved possible to rescue a considerable body of information about them. From Wallace we learn that in his time (the latter half of the seventeenth century) there were thirty-one kirks in which public worship was still being conducted, and 'above a hundred' chapels. As he first held a charge in the North Isles and then was minister

of Kirkwall, and was, besides, a writer of high character and scholarly attainments,[1] this estimate of the number of chapels may safely be taken as something more than a loose guess. If we take the total number as certainly over 100 and probably not above a third more (*i.e.* 133) we shall be within pretty safe limits; and this estimate is supported by the known number in South Ronaldsay in the year 1627. As one of the South Ronaldsay parishes had five and the other four, and as both were rather larger than the average of the thirty-one parishes extant in Wallace's day, a figure, say, between 110 and 120 is suggested from this analogy.

The first step clearly was to identify as many of the sites as possible, and the means of information used have been: (*a*) The *Report* on the island of South Ronaldsay in 1627,[2] which gave a full list of the chapels at that date—a list that served as an invaluable basis for the study of other parishes.

(*b*) Various later works dealing with Orkney, which contain references to the chapels. Chief among these is the old *Statistical Account*, and the most important of the others are Wallace's *Discription* and Brand's *Tour*.

(*c*) The 6 inch to the mile Ordnance Survey maps. These have proved a mine of information; the sites of chapels and burying grounds being marked in large numbers all through the islands. To test their accuracy one naturally turned to South Ronaldsay. There the whole nine chapels, with their correct dedications, are recorded; and, in fact, with very few exceptions, all the other individual chapels mentioned in the old *Statistical Account* and other places are in the maps. As a further test, the adjacent place-names were noted, and, in many cases, a 'Kirk Taing,' 'Kirk Geo,' 'Chapel Taing,' etc., confirmed the site. In some instances such a place-name served, further, to indicate a lost site.

(*d*) Personal inquiry, supplemented by information very kindly given me by correspondents. Almost the whole Mainland of Orkney and the island of South Ronaldsay have thus been

[1] See the account of him in Appendix ii. *History of the Church in Orkney*, vol. iii. Craven.

[2] Printed in Peterkin's *Rentals*. The questions which the *Reports* of 1627 had to answer included an inquiry concerning any 'chapellanries' in the various parishes. By this was clearly meant any 'kirklands' attached to chapels or altars in the cathedral and possessing solid value, and in that sense all the other parishes answered it. South Ronaldsay gave a list of the local chapels as well.

covered (most parishes pretty thoroughly), and the majority of the sites have been visited and examined.

The total number of sites collected by these various methods amounts to 102, there are one or two other probable but not yet fully established sites, and the existence of two more on Stronsay is known from the old *Statistical Account*; while the whole of the North Isles and most of the South are yet unvisited, and may have sites not shown on the map or mentioned elsewhere. It thus seems pretty certain that in those parishes where a thorough investigation has been possible, practically all the chapels are now located, and it also seems probable that even outside these parishes there remains no very great number to be found.

TWO TYPES OF CHAPEL.

A general survey of these 102 chapels, simply looking at them on the map, shows that they can at once be divided into two classes on mere geographical lines: (1) Chapels on very small, sometimes uninhabited, islands or on desolate seaboard promontories. (2) Chapels evenly distributed all over the cultivated districts—and this class includes the vast majority.

With regard to the first class, Dr. Craven, author of the *History of the Church in Orkney*, gives the valuable opinion that they were of two kinds. (*a*) Chapels of Pilgrimage, such as the chapels in the Brough of Birsay, the Brough of Deerness, and Enhallow; the oldest religious foundations in the islands. (*b*) Votive Chapels.

It is certain that neither of these two kinds could have been intended for anything in the nature of public worship. Their isolated position forbids this intention, as also the fact that they had no kirklands or emoluments appertaining to them. Their lonely situation also shows that they were never attached to any private estates or mansions. This class of chapel falls outside the scope of these papers.

Coming to the second, and by far the more numerous class, they present two salient features. In the first place, they were certainly secular or private chapels in the great majority of cases, and not part of the regular Church organisation. Direct documentary proof of this is to be found: (*a*) In the case of the South Ronaldsay chapels. In 1627 seven of the nine chapels with their lands were in the possession of private landowners, while the ownership of one other, being unknown, must be

presumed to have been in private hands likewise. Three of them, it will be seen later, stood apparently on 'kirklands,' that is to say, lands belonging to religious foundations, apart from the bishopric estate; and in these cases the chapels may either have been built by lay landowners and piously bequeathed to some religious foundation, or erected by churchmen. One stood on 'auld-earldom' land, but the others were certainly not only owned by private landowners in 1627, but stood on odal estates.

(*b*) In the sale of the chapel of Essenquoy along with the lands by William Sinclair of Warsetter in 1550.[1] (*c*) In the reference to the Lawman's 'church' which was broken into and pillaged by order of the governor, David Menzies, before 1425.[2]

Equally convincing is the negative evidence of the different bishopric rentals, and of the 'Charge of the Temporality of the haill Kirklands,' none of which include these chapels or any lands attached to them.

Finally, there is the very significant fact that in the great majority of cases the chapels demonstrably stood on odal land.[3] In other cases, there is some doubt as to the exact nature of the land, owing to the mixture of odal, earldom and church lands in the townships where the chapels stood, and only in very few instances were chapels certainly erected on bishopric lands.

The second feature is the peculiar distribution of these chapels. This distribution will be shown presently in detail, but its general character may be gathered from two passages in the old *Statistical Account*. In his description of Orphir, the parish minister states, 'Roman chapels are to be met with in every district of this parish.' And it may be mentioned here that the specific and almost technical use of the term 'district' in connection with parochial affairs is illustrated in every book of kirk-session records, as will be realised better later.

[1] *Records of the Earldom of Orkney*, No. cxxix.

[2] *Ibid.* No. xviii. This was probably the chapel of Kirkness in Sandwick. In 1438 in the record of certain proceedings taken some unspecified number of years previously, John of Kirkness (alive evidently in 1438) is described as 'then lawman of Orkney,' implying that for some reason he had vacated the office. We also know that about 1421 the lawman of the plundered chapel was removed from office and William Thorgilson appointed instead, and further, that the former had a kinsman, John of Baddy. As 'Baddy' was tacksman of the links of Sandwick in 1492 and the name is not found elsewhere, and as the site of the chapel of Kirkness is right among the foundations of the other buildings forming the House of Kirkness, it seems likely that John of Kirkness was the dispossessed lawman in question.

[3] In a few cases these lands had been 'conquest' by Earl William Sinclair between 1434 and 1471, but were odal previously.

Still more significant is this quotation from the report of Mr. George Low, minister of Harray and Birsay: 'Remains of popish chapels are many, because every eyrsland of 18 pennyland had one for matins and vespers, but now all are in ruins.'[1]

It is this last clue that led step by step to the elucidation of the relationship between the chapels and the districts or divisions of the parishes, and though the discovery of the existence of *burial districts* actually come somewhat late in the inquiry, the whole question will be illuminated most clearly by dealing with them now.

THE BURIAL DISTRICTS.

A generation or two ago invitations to an Orkney funeral were issued as a matter of undeviating routine to all the neighbours living in the same district as the deceased. Relatives from a distance might of course be included, but otherwise the company was limited to the inhabitants of that district, who all made a point of attending. So much is remembered by the older people probably in every parish. In most parishes the precise districts are still known to a few, and in at least one parish the actual custom still persists.

But a few inheritors of ancient lore will tell one more than that. They say that at one time attendance at a funeral was *compulsory* for the inhabitants of the district, and they quote the specific case of a death from infectious disease, when people shrank from performing this duty but were compelled to do it.

And this is proved by a couple of entries in the Orphir kirk-session records under the year 1715. On January 2nd a man in the township of Kirbister was cited to appear before the session because he 'had not laid down the burial warning and had not sent the same to Tuskerabist (another "town") which occasioned few to be present for carrying the corps of the deceased Jennet Gune to her burrial place, and those that came were but weak boyes.' On June 17 the session, after considering the case, decreed that thereafter the relatives of the defunct should send word to the elder of the bounds telling him the time of the funeral (when obviously the duty fell on him of summoning all within his bounds). And it may be added that other entries

[1] In connection with this may be quoted this passage from a report on the island of Unst in Shetland given by the minister to Low, and published in his *Tour*. 'There have been in the days of popery no less than twenty-two chapels, the island being divided into twenty-two parts called Scathills (skatalds).'

show that Kirbister and Tuskerbister formed one of the parish 'districts' or 'quarters.'

So much light can be thrown on the old ecclesiastical and social constitution of Orkney from a study of these burial districts in connection with the chapels that it seems well worth while dealing with the ascertainable facts parish by parish, in every case where a parish has been at all thoroughly examined. But first, to make clear the bearing of the data, a few facts of general import may be stated.

1. In the parishes of Harray, Birsay, St. Andrews, Rendall, and Firth (these for certain, and there may be others) the old burial districts are still remembered to-day under the names of 'erselands' or 'urslands.' In Harray and part of Birsay the 'erselands' are actually 18 penny lands; and we have already seen that there was traditionally a chapel for each 'eyrsland of 18 penny lands.'

2. We have also seen that in Orphir these burial districts were the elders' bounds, and further that there were chapels in every 'district.'

3. That, in certain cases at least, the elders were appointed for the urislands appears from several references. In the Holm Kirk-session Records, on January 19, 1701, it was decreed that money was to be uplifted for the seats in church by the elders 'in their several urslands and bounds.' And on Feb. 29, 1763, James Cromarty was nominated 'to supply the vacancy of an elder in the usland (*sic*) of Acrobister.' Again, in the account of a visitation of Westray by Bishop Mackenzie in 1678, occurs the passage; 'whereupon the Elders were ordained that each should bring the Inhabitants of his Urisland with him.'[1]

4. Wallace, in describing the lawrightmen and their duties, says that they 'are commonly the Kirk Session Elders of the parish.' This from a parish minister is an authoritative statement, and its accuracy is proved by a comparison between lists of Sandwick lawrightmen and elders in the same year (1678), and of Deerness lawrightmen and elders in the years 1673 and 1680.

From these premises alone three conclusions already begin to emerge: That the burial districts being the elders' bounds were also the lawrightmen's districts. That there was at least one chapel in each of these districts. That in some parishes, anyhow, the districts were the urislands.

How far these conclusions are borne out when the islands are

[1] Craven, *History of the Church in Orkney*, vol. iii. p. 74.

examined parish by parish can only be seen by going into the parishes in some detail. To reproduce in a paper like this the full tabulated results would give it rather too much the instructive but depressing aspect of an income-tax return. One such fully detailed example may, however, serve to show the method in which the information has been arranged.

Parish of Harray.—Traditional 'erselands' or burial districts, with their chapels :

I. (*a*) Knarston, 4½ penny land, Mirbister 3d. land = 7½d. land, (*b*) Garth 4½d., Corston 4d., Corrigall 2d. = 10½d. According to some witnesses these are known to-day as separate erselands, but it will be seen that added together they form one true urisland of 18d. land, which no doubt came to be divided for convenience sake. At least one witness regarded them as a single erseland. One chapel, in Corston. Site plainly visible on top of a mound, which seems at least partly artificial. Foundations now flattened out into an irregular parallelogram lying east and west. Outside dimensions of this, 42 ft. by 24 ft,[1] but these probably exceed considerably the real dimensions of the chapel. Tradition strong. Adjacent field called Kirkbrek. All Corston was odal land.

II.—Noltclet 4½d., How and Ramsgarth 4½d., Hunscarth 3d., Binbister 6d. = 18d., combined with Over Brough 9d. The only kirk in this erseland is the parish kirk in Overbrough. Negative evidence of all witnesses strong that no other traditional site exists. Over Brough was all odal land.

III.—Netherbrough 12d., Rusland 6d. = 18d. Two chapels. 1. Marykirk at Kirkquoy in Rusland. Site now obliterated, but part of the chapel walls were standing within living memory. 2. Chapel at Kirkabrek in Netherbrough. Traces of various buildings, but actual foundations of chapel cannot be identified. Tradition good. All this urisland was odal.

IV.—Grimeston 18d. One chapel, Marykirk in Isbister, on promontory running into loch. Foundations quite visible. Built either on top of or close beside an ancient broch. Lies east and west. Inside dimensions roughly about 30 feet by 15 feet, and

[1] The dimensions in the case of this and all the following chapels are only approximate. The foundations being in every instance grass-grown (save in the chapels of Thickbigging and Grimbister) one could only guess the inside lines of the walls, and this being so, it scarcely seemed worth while using a tape, and the measurements were simply obtained by pacing. They are, however, probably correct within a foot or two, and serve to give a good general idea of the size and proportion of these chapels.

might be a few feet longer at west end. Possible chancel in addition, but indications are very vague. Anyhow it was a larger chapel than the average. All Isbister was odal land.

The erselands were clearly the four true urislands, with the odd half urisland thrown into one of them. They are exactly the same as the lawrikman divisions already deduced from independent evidence before this chapel investigation was begun.

There also seems to have been a chapel of the other sort. It is traditionally known as the 'Kirk of Cletton.' Reputed site is on a promontory on the loch shore quite away from all the inhabited townships. I found quantities of large stones clearly belonging to something more like a broch than a chapel, but a chapel may very well have existed there as well.

The other parishes examined may now be dealt with more briefly; it being always understood, however, that each of them has been, so to speak, blue-booked in the same way.

South Ronaldsay.—This island (consisting of two parishes) was not personally visited. Inquiries were made by letter, but so far I have not got in touch with anyone who remembers the old burial districts. The divisions of the parishes and their proved connection with the lawrikmen were, however, dealt with previously.[1] We also know the nine chapels recorded in the Report of 1627, besides the two parish kirks.

Taking the *North Parish* first. In district I. was the chapel of St. Ola in North Widewall; in II. were the two chapels of St. Colme in Hoxay and St. Margaret in the Hope; in III. the chapel of St. Colme in Grimness, and in IV. the parish kirk in Paplay, besides the chapel of St. Ninian in Stows, which from its isolated position may perhaps have been one of the older type of chapels; though according to the report it apparently had kirklands attached. Anyhow, there were kirklands in Stows.

St. Ola was either on odal or 'pro rege'[2] land; St. Margaret and St. Colme in Grimness were on odal land; and St. Colme in

[1] *Scot. Hist. Review* for Oct. 1916, p. 58.

[2] The earldom estate consisted of 'bordlands,' 'pro rege,' and 'conquest' lands. The 'bordlands' were the remains of the original Norse earldom estate. They paid no scat and had never been odal. 'Conquest' were the odal lands acquired in the fifteenth century. 'Pro rege' presumably meant odal lands gradually acquired by the earls at intermediate dates. All three were strictly speaking 'pro rege' after their acquisition by the Crown in 1471, but the distinctions between them are always insisted on in the 1502-03 rental. The term 'auld earldom' covers bordlands and pro rege.

Hoxay seems probably to have been on kirkland. The parish kirk was either on odal or pro rege land.

The *South Parish* had four divisions. In the district of Sandwick, etc., was the Rood Chapel of Sandwick. In Burwell, Windwick, etc., stood the two chapels of St. Andrew in Windwick and Our Lady in Halcro. In Isbister, etc., were the parish kirk at Burwick and the chapel of St. Colme, also in Burwick. In the fourth district of Gossigar, etc., no chapel was recorded, but there are two 'kirkgeos' on the shore, which seem clearly to indicate a chapel which had vanished before 1627.

The Rood and St. Andrew's chapels were on odal lands, the parish kirk and St. Colme on 'auld earldom,' and Our Lady seems to have been on kirkland.

In every case where there were two chapels, or a kirk and a chapel, the district was unusually large, well over an urisland. It seems likely also that the three extra chapels (judging from the lands they stood on) may have been church foundations and not secular chapels of the usual type.

As the sites have not been visited, such foundations as may exist could not be measured, but the dimensions of Our Lady in Halcro are given by Petrie (quoted by Dryden) as 21 feet by 14 feet inside, with walls 2½ feet thick.

So far I have not been able to learn that the term 'ursland' is known in the island. The actual divisions, as given above, varied from 9d. land to 27d. land.

Firth.—There are four traditional 'erselands,' which consist respectively of 15d., 11d., 16½d., and 13½d., apparently a case of the term urisland being by analogy used of districts somewhat less than 18d. land. In the first (beginning at the Rendall border) was the chapel of Redland, now altogether vanished. In the second was the chapel of Burness. A fragment of the foundations can be seen on the side of a large mound covering a broch.

In the third stands the parish kirk, and also a very small ruinous building at Thickbigging in Finstown, said to be actually part of a surviving chapel, and traditionally called the 'Black Chapel.' The fragment is roughly built; it lies about E.S.E. by W.N.W. and measures 10 feet 6 inches across. Almost 8 feet 6 inches of the side walls remain, but at that point a wall has been built across it, and beyond this hardly anything remains.

In the fourth 'erseland' is the most interesting find of all. This is the chapel of Grimbister, a fast decaying little building, of which the west gable and most of the side walls still stand. If I

am right in thinking that a fragment of masonry marks a dividing wall between nave and chancel, the dimensions are: nave about 22 feet by 13 feet, chancel about 10 feet by 13 feet. The side walls were originally about 6 feet 6 inches high and are 3 feet thick. The chapel lies E. and W. Like the Black Chapel, it is a very rude piece of masonry.

All the sites were on odal land, with the possible exception of Burness. That township consisted of 3½d. odal and 2½d. pro rege.

There is one more chapel in this parish, though clearly of the older type—the traditional chapel on a little uninhabited holm in in the loch of Wasdale. This was not visited.

Reliable data regarding the lawrikman divisions in the seventeenth century are lacking, but the known roithmen at the beginning of the sixteenth century fit the four erselands very strikingly.

Rendall.—Here the three lawrikman divisions deduced from the assize lists[1] are actually the three traditional burial districts. They are much larger than urislands, running from 23d. up to 30d. lands, yet tradition remembers the term 'ursland' being applied to them. In each of the three there was one kirk or chapel. The district of North Side (to which, from its geographical situation, the isle of Gairsay must have been attached) had the chapel of St. Thomas near the Hall of Rendall. The foundations are well marked, they lie E. and W., and are close to a large broch. The total length is about 30 feet, including a nave of something under 21 feet, and a chancel of about 9 feet, with a wall between: width of nave about 11 feet, and of chancel about 9 feet.

In the district of Gorsness stood the old parish church, and in the district of Isbister, etc., the site of St. Mary's Chapel is well marked. It lies E. and W. on top of a broch, and as the east end of the mound has been cut away, a section is displayed showing the interior of the broch with the chapel above it. This seems to have been about the usual width, but as the east end has gone, the length could not be told.

St. Thomas was on odal land, the parish church might have been on odal or pro rege, and St. Mary's was on pro rege.

There is also a tradition of a small chapel called the 'Kirk of Cot' in the isolated hillside township of Cottascarth. As this was kirkland it was very possibly a church foundation.

[1] *Scottish Historical Review* for October, 1916, p. 54.

Stenness.—Interesting and unusual conditions obtained here, and in regard to them I have been fortunate enough to have my own inquiries supplemented by a very thorough independent examination of all the available facts by the Rev. G. R. Murison, minister of Stenness. There were only two kirk sites in the whole parish known to tradition—the parish church in the township of Stenness and a chapel in the township of Ireland. 'Nowhere else in the parish is there a relic or a popular belief in support of a theory of more than these two kirks,' writes Mr. Murison. Though the chapel has now vanished, 'a *side* of the building was clearly visible, running east and west, almost—along the burn which passes the Mill and the Hall of Ireland,' Mr. Murison tells me, and he adds that one witness can remember when a gable was also standing. Furthermore, the cornyard of the hall was once known as the 'grave-yard,' and contained 'numerous flat stones under the earth, overgrown by the grass.'

Both this chapel and the parish kirk stood on what was originally odal land, the site of the kirk having been bequeathed to the church by 'ane uthale woman' (Rental of 1502-03).

It is equally certain that tradition knows of only two burial districts, one comprising the towns of Ireland, Ottergill, Clouston, and Onston (1½ urislands), and the other the rest of the parish (2 urislands), which correspond to these two sites.

The feature of the two sites and the two large districts will be seen presently in North Sandwick also, but what was quite peculiar to Stenness was the existence of two separate and contemporary parish bailies, the 'bailie of Stenness' and the 'bailie of Ireland.'[1] It seems difficult not to associate this with the existence of a district entirely odal, having a private chapel, and a district mostly bishopric or kirkland possessing the parish church. There is no evidence regarding lawrikman districts, apart from this; and there is no reliable tradition of the use of the term 'urisland' for burial district in Stenness.

North Sandwick.—The conditions here were like those in Stenness, except that there is no sign of two bailies. There are only two kirk sites known, the parish kirk in North Dyke and the chapel of Kirkness, the burial districts were two areas of wide extent corresponding to these, and—in this case—these two districts are definitely the same as the known lawrikman districts in 1618.

Though both in North and South Sandwick exceptionally good

[1] Stenness Kirk-session Records.

traditional evidence was available, no trace can be found of any use of the word urisland. And this is not surprising, for the two districts of North Sandwick consisted, one of six urislands odd (most of them of very low value), and the other of about two; while those in South Sandwick were in no case less than two urislands.

The foundations of the chapel of Kirkness are to be seen on a mound apparently covering some prehistoric buildings. They lie E. and W., and seem to include both a nave and a chancel. Both are about 11 feet wide; the nave seems about 21 to 23 feet long, and the chancel about 9 feet.

The chapel stood on odal land, but North Dyke contained so many varieties that it is difficult to form any opinion regarding the parish kirk. Apparently it was not on bishopric or kirklands, but there is one striking fact which seems to connect its district peculiarly with the Church. The teinds of the whole of the district—and of no lands outside it—formed the endowment of the 'stouk' or Prebendary of St. Lawrence. The parish kirk itself, it may be added, had no connection with this prebendary, being dedicated to St. Peter. There is no other instance, so far as I know, of one of these districts being treated as a unit for any kind of ecclesiastical purpose—unless the separate bailie in Stenness comes under that head.

South Sandwick.—The evidence here is very contradictory. We have two lawrikman 'quarters' in 1618, three large traditional burial districts, and five known chapel sites, so distributed as to suggest as many districts at one time; and that is all it is safe to say.

The five sites are at Tenston, Lyking, Voy, Yesnabie, and Skaill. Tenston and Lyking were chapels of the average smaller size, about 20 feet by 10 or 12; while Voy seems to have been a somewhat larger building. Tenston and Voy were on odal land, and Lyking apparently on bordland.

Of the other two chapels, one at Skaill, close beside Skaill House, has vanished entirely, but it is on record in 1679 when a circuit court was held in it.[1] It stands on bishopric land, a most unusual feature in these chapels. The last is the chapel of Yesnabie, referred to in the account of Sandwick by the Rev. Charles Clouston. I did not visit this site. It was on odal land.

Orphir.—The Kirk-session Records, taken in conjunction with

[1] Deed in Kirkwall Record Room.

traditional evidence, show six districts: I. Tuskerbister and Kirbister (12d.); II. Groundwater and Hobbister (15d.); III. Swanbister and Smoogro (12d.); IV. Bu of Orphir and Threepenny land of Orphir (12d.); V. Midland and Houton (12d.); VI. Petertown and Clestrain (11½d.).

The kirk and chapel sites are these: In district I. (*a*) Marykirk in Tuskerbister. This was a very small building about 11 to 12 feet long by 8 to 9 feet wide, lying almost due E. and W., and close to the old site of the houses of Oback. (*b*) 'The Kirk o' Lian' in Kirbister, a vanished site, but remembered by tradition. The stones and bones of the graveyard were removed within living memory, and there is a very precise story of one large stone which used to be in the 'chancel' of the kirk, and which had two footprints in which the clergyman is said to have planted his feet when officiating.

In district II. was the now vanished chapel of Groundwater, and in III. was the chapel of Swanbister, the foundations of which are just visible.

In IV. was the parish church on auld earldom land. In V. were two chapels: (*a*) 'The Kirk o' Myre' at Myre in Midland. It was apparently on top of other foundations, and from the little that can be seen seems to have been very small, about 15 or 16 feet by 9. It lies E. and W. and was on auld earldom land. (*b*) Chapel of Houton, known as the 'Kirkhouse.' It also was apparently very small, but the traces are extremely indistinct. It probably stood on that part of Houton which was odal land.

In VI. was the chapel of Orakirk in Petertown, which stood on auld earldom land. The site can only just be distinguished.

There was also a chapel on the small island of Cava.

The chief features in this parish are the apparently small size of the districts as measured in pennylands, and the fact that in two of these seemingly small districts there were two chapels. The Orphir pennylands, however, contained a quite unusual number of merklands in them, and so these districts were actually of greater value at one time than the average urislands elsewhere. Also, it will be noticed that in the two districts which have two chapels each, one at least of these chapels was extremely small; while in No. I. district the two towns forming it are separated by nearly two miles of moor.

There is no recollection of the term urisland in the parish, and no evidence as to lawrikman divisions.

Deerness.—This parish I have not visited personally, but Mr. Magnus Spence has most kindly—and very thoroughly—collected all the available information for me. No one is so well qualified to deal with Deerness, and his researches are extremely unlikely to leave much of an aftermath.

The circumstances here are exceptional and significant. There were six urislands (true urislands and also traditionally known as 'Yureslands') to which the lawrikmen in the seventeenth century were allotted and the deacons to-day are likewise appointed, while the roithmen about 1500 fit them very strikingly. No parish, in fact, has more continuously and better defined districts. And yet there seem as definitely to have been only three kirk or chapel sites, apart from the remote dedications on the Brough of Deerness and the little isle of Cornholm. These three are: (1) The parish kirk; (2) the chapel at Kirbister on the farm called 'Bishops'; (3) a chapel at Newark (anciently the 'town' of Meal).

Equally exceptional is the fact that every one of these three stands on bishopric land, and it is difficult to avoid the conclusion that these two exceptional features are closely related to one another, and also to a third feature, namely, that a large part of Deerness consisted of bishopric land.

There are a few more parishes which have been by no means thoroughly investigated, but of whose chapels or districts enough is known to justify a brief note regarding them.

St. Andrews.—Here the five lawrikman districts are definitely known.[1] I. In the district of Campston, Oversanday, and Stembister was the chapel of St. Peter in Campston. II. In Essenquoy and Yenstay was the chapel of Essenquoy. III. In Tankerness, Linksness, Whitclet, and Fea was the parish kirk. IV. In Tolhop was the chapel of St. Ninian. V. In Sabay and Foubister there is a place on the shore known as 'Chapel Taing,' pointing to a vanished chapel there. Of these, the chapels of St. Ninian and St. Peter were in use at the end of the seventeenth century for the holding of bailie courts.

The term 'urslands' was applied to these districts in one bailie court record, and is traditionally remembered in connection with burial districts. Not one was an actual 18d. land; some were larger and some smaller, yet that was much about their average size.

Birsay.—In this, the largest, parish there seem to have been

[1] See *Scot. Hist. Review*, Oct. 1916, p. 53.

seven burial districts. The two large districts of North Side and South Side appear to have had only the parish kirk between them (Birsay, it may be recalled, was once the episcopal see), and all Marwick had only one chapel. These were the regions of small and crowded urislands.[1] There was a fourth straggling district of less than an urisland in value, with the chapel of Hundland in it, and another isolated chapel on the burn of Kirkgeo amid the moors beyond the Hillside—a curious, lonely site, and yet with a traditional kirkyard hard by. Even more isolated and deeply embedded in the moorland was the chapel on the burn of Etheriegeo, between this straggling district and the first houses of Evie, but far removed from both.

And then there seem to have been three true urislands, one containing the chapel of Kirbister, another the chapel of Ingsay, and the third two chapels, one in Beaquoy and the other in Greenay. So that the tradition of a chapel in every eyrsland of 18d. land in this parish was only partially correct. These Birsay burial districts, however, whatever their size, are traditionally remembered as 'erselands,' so that if Mr. Low had not been so careful to mention that they contained 18 pennylands, he would have been right enough.

In addition to these eyrsland and moorland chapels, there is in Birsay the well-known chapel on the uninhabited tidal islet of the Brough.

Evie.—Only three sites are known to map or tradition in this parish. On the shore stood the old parish kirk of St. Nicolas, upon the farm of Orquil, behind the present village of Evie. Further north along the shore in the district of Costa was the chapel of St. Peter, or 'Peterkirk,' as it is known to-day. The foundations of the east end can just be seen on top of a large broch. They measure 15 feet across, outside, indicating an inside width of 9 to 10 feet, but the ruinous walls of a modern enclosure have obliterated all the rest. St. Peter's stood apparently on the odal lands once known as Pow, while the four pennylands of Orquil can be identified as an early bequest to the Church by the pious odaller Gudbrand.

The third site is the remote chapel of St. Mary far up the burn of Woodwick, hidden in the moorland some way beyond the limits of cultivation, and yet traditionally endowed with a burial ground. It seems to be known to few in the parish, and though the site is clearly visible, nothing of the foundations can now be

[1] See *Scot. Hist. Review*, Oct. 1916, p. 55.

traced. In the O.S. map it is styled 'The Kirk of Norrisdale,' but the correct local pronunciation is 'Norrensdale.' Undoubtedly it must have been connected with the chaplainry of Our Lady of Woodwick, an endowment which included most of the township of Woodwick.

The coincidence of the three chapels of Kirkgeo and Etheriegeo in Birsay and St. Mary in Evie, all erected by their pious founders on lonely moorland sites far up the burns that descend from this particular group of hills, is very curious and noteworthy. One seems to be here on the scent of something very different from a system of district chapels. The proximity of the three to the episcopal see at Birsay was pointed out to me by Dr. Craven. Possibly this may give a clue, and possibly also this wide and lonely region of moors may at one time have been credited with inhabitants more sinister than grouse and curlew.

As yet I have no information as to the districts of Evie, but it would seem pretty certain that only St. Nicolas and St. Peter can have been district kirks.

Stromness.—Only three lawrikman divisions are enumerated in 1618, but there were certainly five kirk sites, one in Cairston, one in each of the quite separate districts of Kirbister and Quholm (which together formed a division), and two in the extensive district of Inner and Outer Stromness—a district containing four urislands. Both here and in South Sandwick the chapels correspond so well with the natural divisions of the parish that they probably record the original system of districts, several of which subsequently became merged into their neighbours. Indeed, one would naturally expect to find a few such changes here and there in the course of centuries.

North Ronaldsay.—This island is divided into three parts by two long turf dykes running right across it, and the tradition is that a one-time owner divided it thus between his three sons. The tradition seems rather like an obvious popular explanation of something that calls for a story, but there the dykes still are (or bits of them, anyhow), and they are shown as entire in Mackenzie's charts. In the Ordnance maps three sites are given: The parish kirk of St. Ola (thus designated in Blaeu's Atlas); the chapel, evidently of St. Bride, at Bridesness; and a chapel near the loch of Garsow; and these three stood one in each of the three divisions.

TWO GENERAL FEATURES.

To conclude this detailed survey of the parishes and their chapels, two general features may be noted.

In the first place, a tradition of a burial ground is generally associated with the chapel sites, and in a number of cases bones and what are said to have been stone coffins or tomb-stones have actually been found. This at once suggests the obvious origin of the burial districts. No doubt at one time each district buried its dead beside its local chapel, and then when the Church constrained or induced the people to bury in the parish graveyard, the duty of carrying the corpse thither was laid upon the inhabitants of the chapel district it came from. In fact, the same company simply had to make a longer journey.

The second feature is the proximity of almost all of these chapels to a broch or other prehistoric building of stone. Allowing for the complete disappearance of many such prehistoric habitations, it is quite possible that there are no exceptions. Not infrequently the chapels are actually erected right on top of them. Personally, I cannot doubt that this was simply for the utilitarian purpose of securing a handy quarry. Indeed, I believe that in this class of chapel there was rarely any other reason for the choice of a site.

A striking illustration is St. Thomas's Chapel near the Hall of Rendall, which was evidently built by the ancient owners of the Hall; but instead of erecting it close to their house they built it three or four hundred yards away, beside a large broch, a senseless arrangement were it not for the excellent quarry they found there ready to their hands.

Sometimes, it is true, a chapel will be close beside what was once an important house, and very frequently it will be on the sea or loch shore, and these situations naturally suggest other reasons for the choice of site. But then again the chapels are often very far from the shore, and a field or two away from any dwelling. The one thing they did keep near was a ready-made quarry in the shape of a mass of masonry bequeathed to the wood and steel loving Northman by the vanished race of stone-hewers.

J. Storer Clouston.

(To be continued.)

The Pretender's Printer

ROBERT FREEBAIRN came of good Scottish clerical ancestors, who for at least four generations had occupied Scottish pulpits. His father was that David Freebairn, M.A., who was successively minister of Gask, Auchterarder and Dunning, and who died Bishop of Edinburgh on December 24th, 1739. He had been married at least twice. His first wife, Jean Graham, was buried in Greyfriars Churchyard, Edinburgh, on July 27th, 1697.[1] She was probably the mother of Robert Freebairn, but nothing further seems to be known about her. On March 5th, 1699, the widower married Anna, daughter of the deceased Richard Dobie, and niece of Sir Robert Dobie of Stanihill.[2]

When David Freebairn settled in Edinburgh after the Revolution, he betook himself, like some others of his brethren in misfortune, to bookselling for a livelihood, and accordingly became one of those who were known in the city as the 'Killicranky Stationers.'[3] So far as known his children consisted of Robert, James and Helen, besides a son John who died in 1700.[4] James Freebairn took an active share in the Rebellion of 1715. He was an officer of excise in Perthshire and, along with almost all his fellow-excisemen in the county, joined the Pretender. On the collapse of the insurrection he sought refuge in France, and for a time resided in Italy. He ultimately returned to Scotland, where he made use of his continental experiences by becoming a teacher of French in Edinburgh. He was the author of at least three books and died in 1733. His sister Helen married William Ged, of stereotyping fame, and so was the mother of that James Ged who joined Prince Charlie, and was taken prisoner at Carlisle. Jacobite blood accordingly flowed strong in Freebairn veins.

[1] *Reg. Inter. Greyfriars, Edin.* (Sc. Rec. Soc.), p. 210.
[2] *Register of Marriages, Edin.* (Sc. Rec. Soc.), p. 221.
[3] *Master Clark Defended*, p. 2.
[4] *Reg. Inter. Greyfriars* (Sc. Rec. Soc.), p. 210.

It is generally agreed that Robert received a liberal education. Even Mrs. Anderson, while strenuously opposing him in her struggle to retain the office of King's Printer for Scotland, acknowledged that he had the credit of being a scholar. He places the honorific 'Mr.' before his name in his imprints, and seems thereby to claim a university degree. A 'Robertus Freebairn' appears in the list of those who graduated Master of Arts at Edinburgh on April 29th, 1701,[1] and he was probably our printer. From his earliest manhood he had a somewhat sinister reputation for being a wild and turbulent fellow. Mrs. Anderson, who at the time was by no means an unprejudiced witness, refers to his character as if it were well known, and even makes merry over the frequency of his potations. 'If his learning in the school of Bacchus,' she says, 'should be found to overcome his Grammar Learning or that his Luxury masters his Philosophy, he will not prove himself better qualified by his scholarship for a Printer, and his friends desire him by all means to avoid passing Tryals that Way.'[2] It is to be feared that his later history showed little improvement on these early days.

About 1704 Freebairn started in business as a bookseller on his own account, his shop being in the Parliament Close. In February, 1706, he published a newspaper, the only venture he seems to have made in this direction. Trace of only two numbers has been found, and they bear the imprint: 'Edinburgh: printed by James Watson and sold at Mr. Freebairn's shop in the Parliament Close'[3]—a form of words which seems to make certain that at that moment Freebairn was without a press of his own. The defect, however, was remedied in the same year. In his well-known Preface, James Watson says: 'In 1706, Mr John Spottiswood Advocate, and Professor of the Law, brought Home a neat little House for printing his Law Books: But in a little time after, dispos'd of it to Mr Robert Freebairn Bookseller, who has very much enlarged the same and done several large Works in it, at Edinburgh.'[4] Watson's dates cannot always be trusted, but there is no reason to suspect his accuracy in this case. If 1706 be correct Spottiswood's possession of a printing establishment cannot have been of long duration, for Freebairn's name as printer occurs on books of that same year. We have the authority of Mrs. Anderson for saying that he was not bred to the trade,

[1] *Cata. Grad. Univ. Edin.*, p. 170. [2] [Mrs. Anderson's] *Brief Reply*, ... p. 23.

[3] *Edinburgh Periodical Press*, i. 222. [4] P. 18.

for he served no apprenticeship to it. But his irregular entry did not prevent him having apprentices immediately after he began business. It is interesting to find that Walter Ruddiman, brother of the Grammarian, was probably the first he so employed, and that he indentured him in the very year that he acquired a press.[1] It is also apparent that at the beginning of his career, Freebairn relied much on the judgment and learning of Thomas Ruddiman himself, the connection ceasing only on the outbreak of the '15. Ruddiman acted as his editor and literary adviser, and placed all his stores of erudition at his disposal. Among the books issued from his press was Ruddiman's own *Rudiments of the Latin Tongue*, a famous school book that has only recently been displaced in the favour of teachers. So close, in fact, were the relationships between the two men that George Chalmers writes: 'Ruddiman's connection with Freebairn and printing induced him to think that he too might exercise an art, the handmaid to that literature to which he had dedicated his life.'[2] For several years after his start, Freebairn published many books of importance.

The printing gift made to Andrew Anderson in 1671, and afterwards worked by his widow to the manifest detriment of the art in Scotland, fell to expire in May, 1712, and a determined effort was made to wrench the monopoly from her. It is needless to go minutely into the history of the struggle, for it has already been dealt with at length.[3] Freebairn's part, however, in the various transactions may be indicated. In 1711 he entered into an arrangement with James Watson and John Baskett of London that conjunct application for the office should be made in his name on the understanding that in the event of success one-third share of the grant should belong to each of the partners. In spite of determined opposition on the part of Mrs. Anderson, they secured the patent on August 11th, 1711, and in October it passed the seals. But the pockets of the ousted printer were deep, and she was not discouraged by the apparent success of her rivals. She laid siege to the cupidity of Freebairn, whom she found in no wise above an accommodation. For what Watson affirms was a sum of between five and six hundred pounds sterling he was prevailed on to throw in his lot with her, the intermediary being a Mr. Campbell, an Edinburgh merchant, who had married one of Mrs. Anderson's grand-daughters.[4] The result of the new com-

[1] Chalmers' *Ruddiman*, p. 78.
[2] *Ibid.* p. 78.
[3] *Scot. Hist. Rev.*, vii. 255-9.
[4] Watson's *Preface* [*Ed.* Couper], p. 75.

pact was that Freebairn, aided by Baskett, 'obtained a warrant from his Majesty King George to be his sole printer for Scotland, which warrant was on 8th December 1714.' Watson, however, made a 'humble Representation' to the authorities, and 'a stop was put to the passage of the said grant.'[1] The contest was then transferred to the Court of Session, and after repeated decisions in Watson's favour he was at last successful in establishing his full right to call himself 'One of His Majesty's printers,' while no question was raised as to Freebairn's equal right to the same designation.

Long afterwards Freebairn said that in consequence of the 1711 gift 'a printing House was set up by Messrs Freebairn and Baskett in Edinburgh, furnished with all proper Materials, better than any Printing-House in Scotland ever was or has been; as also a large convenient Warehouse; and they began immediately to print (upon Expiry of the former gift which happened in the 1712) patentee Books &c.,'[2] but it is hard to believe the statement, unless it refers to the printing establishment Freebairn already possessed and which he continued to work.

To the ordinary business of a bookseller and printer Freebairn added that of auctioning books. An incident that happened at one of his sales, during the winter of 1711-12, had curious results. Keen bidding had taken place for one of the volumes exposed but no offer was received for a Bible which followed, a circumstance which drew an irreverent remark from Dr. Archibald Pitcairn, who was well known throughout the city and far beyond it as a skilful physician, a poet and a freethinker, and who was a personal friend of the auctioneer. Shortly afterwards the Magistrates of Edinburgh gave a public dinner, at which Freebairn and James Webster, one of the city ministers, were present. Webster, who seems to have been of a choleric disposition, took the opportunity, somewhat inappropriately it must seem, to complain that Freebairn 'in his auction sold wicked and prohibited books and particularly Philostratus's Life of Apollonius Tyanaeus, [the book for which there was such competition,] wherein that vile impostor and magician is equalled, if not preferred, to our blessed Saviour and his miracles, and which were greedily bought up by atheists and deists.' Freebairn instantly called for particulars, and Webster named Pitcairn. Freebairn forthwith carried the story of the

[1] John Baskett *v.* Watson—Respondent's Case.

[2] *Information for Mr. Robert Freebairn and Mr. John Baskett* v. *Representatives and Assignees of James Watson, deceast*, June 16th, 1740, p. 2.

accusation to his friend, who immediately instituted a process against Webster in the sheriff court. The case dragged on for some weeks, but at last, on the recommendation of the judges of the Court of Session before whom it had ultimately come, it was privately settled.[1] Along with Pitcairn, Freebairn was a member of the ancient Royal Company of Archers, which in spite of its name had distinct Jacobite leanings. In August, 1712, he had the good fortune and skill to win the blue ribbon of the Company, the famous Musselburgh Silver Arrow, an event which Pitcairn duly celebrated in verse,[2] and which is still commemorated on the medal affixed by the successful competitor to the arrow. The verse also appears in *Selecta Poemata Archibaldi Pitcarnii ... et Aliorum*, a book of which Freebairn declares himself to be the editor, and in which he included Latin lines of his own composition.

Freebairn never seems to have made a secret of his political opinions, and sometimes even took provocative methods to declare them. Mrs. Anderson has a trenchant paragraph in which she describes his obstinate determination not to take the oath to the new Government, and yet his willingness to take 'Forty Oaths to any King and Queen in Europe,' if thereby he could receive the privilege of Royal Printer for Scotland.[3] The time had now come to put his protestations to the proof.

The last of the actions brought by Watson to vindicate his rights under the gift of 1711 was decided on 29th June, and on the 6th September following the Earl of Mar raised the standard of revolt against the House of Hanover. On the 8th he issued his Declaration, in which he detailed the ills from which the country suffered, and for which he promised an efficient remedy when James III. was firmly seated on the throne. A few days thereafter he sent out a manifesto, and it was considered necessary to have this document in type. It was accordingly sent to Edinburgh where, within a few days of its preparation, it was printed at the press of Robert Freebairn.[4]

That same 8th of September had been destined by the rebels for a startling *coup de main*. They had concluded that their cause

[1] Fountainhall's *Decisions*, ii. 756; Bower's *Hist. of Univer. of Edin.*, ii. 133; Wodrow's *Analecta*, iii. 307.

[2] *Poems in English and Latin on the Archers and Royal Company of Archers.* By Several Hands. Edin. 1726. Cf. Paul's *Hist. Royal Co. of Archers.*

[3] [Mrs. Anderson's] *Brief Reply*, ... pp. 8-9.

[4] Rae's *Hist. of the Rebellion*, p. 194.

would be materially assisted if they could procure immediate possession of the castles of Dumbarton, Stirling and Edinburgh. The first, and as it turned out the only, attempt made was on Edinburgh Castle. An elaborate plan had been arranged by which a scaling party was to be admitted within the walls on the night of the 8th. The scheme, however, was betrayed and in other ways miscarried, and four of the party were captured, all of them being wounded. It is evident that Freebairn was one of the group of conspirators. On the 28th the Earl of Islay wrote to the Secretary of State: 'I think the dispute I have had some time about Mr. Freebairn, the King's Printer, is now a plain case: I believe he has fled'; and on the following day he sent word again: 'I have been busy all the day in searching for the persons concerned in the designed attempt upon this town. I have seized some of them, but the King's Printer and others have fled.'[1] The double offence of having taken part in such an overt act of rebellion as well as having printed the Manifesto of the Pretender was sufficient justification for action on the part of the Government, and it was little wonder that Freebairn was denounced a 'rogue' by the Court of Session.

Mar took possession of Perth on the 28th of September, and Freebairn must have joined him not many hours later. He was certainly with the rebel army on the 14th of October. There is evidence to confirm the belief that his flight from Edinburgh was in haste. He was well aware how useful a printing press would be to the insurgents, but apparently he had neither time nor opportunity to take the necessary apparatus with him. At any rate he reached the camp without it.

Having now a printer and realising the need of printing, Mar took steps to procure the mechanical means for it. According to the Master of Sinclair, the suggestion to have a press came from the Earl of Breadalbane. 'He told some of the politicians,' he says, 'among other things, that it was a shame to them to be idle at Pearth, loseing their time doeing nothing, and, since they did not fight, he advised them to get a printing-press, and if they had nothing else to say, print Gazets; he said it was inconceavable the good that printing neus would doe them, and the value of these papers. They took it in earnest.'[2] Aberdeen had weakly surrendered to the Jacobites, and a Town Council composed of men favourable to the movement had been installed. Mar accordingly sent a

[1] Papers in Record Office.

[2] '*Memoirs of the Insurrection of 1715*' (Abbotsford Club), p. 186.

requisition to the Magistrates that they should provide his force with a complete printing outfit. The messenger arrived some time before 20th October, for on that day the Town Council met and agreed to do as Mar has asked. The minute runs that the Provost produced an order from the 'commander-in chiefe of his Majesties forces in Scotland' ordering the Magistrates of Aberdeen 'furthwith to deliver to Robert Drummond,[1] servant to Mr. Robert Freebairne, the best printing press, with such typs, utensills, and other materialls as Mr. Drummond should choise and find necessary, and to see them paiked up in good order, and to provyde horses and proper carriages for transporting them to Perth, or where the army should be at the tyme.' The Provost was careful to note that seeing 'the said press, typs and other utensills, did not belong to the town, but to James Nicoll, printer, it was just and reasonable that he should be secured for redelivery thereof, or the value of the same.' The treasurer was at the same time authorised to provide what money was necessary to make the requisite boxes for the carriage of the goods, and to cover the expense of transportation to Perth, as well as to compensate Nicoll for loss and deterioration of his plant.[2] It is refreshing to read how the Council took for granted that the printer would part with his property, but the Provost had probably previously discovered his willingness. Mr. J. P. Edmond was in doubt as to whether the press ever left Aberdeen,[3] but it is certain that both it and its appurtenances duly reached Perth. On the 4th of November another minute records the arrangement made for obtaining the sum necessary to provide three hundred Lochaber axes, also demanded from the Council by Mar, and 'for defraying the expenses in transporting the same and the said printing press to Perth.'[4] Rae is equally explicit. In noting Freebairn's arrival in Perth he says that he 'set up as the Pretender's Printer there, with the Instruments the Rebels had brought out of the Printing-House at Aberdeen.'[5] No further reference is made to the matter in the Aberdeen Council Minute Book, and one is left to conjecture what recompence Nicoll received for the summary seizure of his goods.

[1] Probably the same Robert Drummond, who was printing in Edinburgh during the '45, and who suffered prosecution at the hands of the authorities for printing some politically objectionable literature.

[2] *Extracts ... Records ... Aberdeen*, p. 355.

[3] *Aberdeen Printers*, p. lix.

[4] *Extracts ... Aberdeen*, p. 359.

[5] Rae's *Hist. of Rebellion* (2nd edit. 1746), p. 297.

Perhaps the Council remembered its faults when the cause it supported had collapsed, and considered that in the circumstances silence was advisable. It is possible that Nicoll recovered his plant. The retreating rebel army reached Aberdeen on 6th February, 1716, and there broke up, the several detachments going each its own way. A printing press would be a cumbersome addition to flight, and it is not improbable that Nicoll had it restored to him as the easiest way of getting rid of it. That he may not have been personally unwilling to serve the Pretender is suggested by the fact that James's Proclamation at Scone on January 10th, 1716, was reprinted at Aberdeen.

By the end of October the press was at work, for proclamations then began to come from it. They usually bear the imprint: 'Perth, Printed by Mr. Robert Freebairn.' The use Mar made of the press is thus summed up by Rae. 'The Earl,' he says, 'caused false News to be printed and dispersed to keep up the Spirit of the People and to perswade the poor, misled Highlanders to come down and assist him,'[1] and he gives instances of the kind of facts that were dished up to capture the interest of possible adherents. The Master of Sinclair says that the main purpose for which the press was procured was to produce newspapers more or less regularly, and he tells how it was 'spread in toun [*i.e.* Perth] that we were to print Gazets,' but with his inveterate prejudice against Mar he questions the sincerity of the alleged object. 'I was not allowed to say,' he says, 'that I did not believe it, knowing that Mar, on second thoughts, would not love to have so many testimonies of his integrity standing in against him.'[2] That news sheets were sparingly printed, if at all, is evident from the fact that the surviving prints are mainly army orders, proclamations and such like documents, many of them being single sheets. One of the longest, if not the longest, is entitled *Scotland's Lament, Confabulation and Prayer*. It is a twelve-paged quarto, and bears the colophon: Perth, Printed by Mr Robert Freebairn, For the Benefite of all Lovers of God and their Country. 1715.' It refers to the Battle of Preston, which was fought in the middle of November, and indicates that there had elapsed enough of time between the battle and the date of publication for panic to set in. 'Nothing,' it says, 'is now talk'd off amongst us, but Gibbets, Forfeitures, Plantations, Annexations to the Crown, no Quarters by public Orders: Nay, we talk of these Things with Delight; and lately exulted, That

[1] Rae, *op. cit.*, p. 297. [2] *Op. cit.*, p. 186.

there was not so much of our Country Men left at Prestoun as the Devil left to Job.' In spite of the lugubrious outlook, however, the pamphleteer, who showed considerable knowledge of Scripture, serenely argued the righteousness of the cause in which he and his friends were engaged.

Freebairn seems to have been something more than a mere operative printer in the rebel army. Indeed, it is difficult to believe that he ever actually worked as a mechanic at case or press, unless in an emergency. He was entrusted with the distribution of monies, and the frequency with which his name appears in the *Stuart Papers* seems to indicate that he held a responsible post among the less prominent officers. Near the beginning of the campaign, the rebels addressed a communication to the French Regent informing him that they had taken up arms, and among those who signed the document was our printer —a sufficient indication that he was considered a person of some importance. In noting this fact in his *Memoirs*, the Master of Sinclair adds a pungent reflection. Speaking of the signatories, he says that there was 'amongst others, one Frebairn, a printer, which a gentleman of rank and distinction of the Court of France assured me he read at full length, "Robert Frebairn, printer at Pearth," as well as some other who signed "Writer to the Signet" which was not takne notice of, though the other was.'[1] The Master's comment is that the signatures of such persons must have reduced the value of the intimation, as the French Regent would think 'we were all made up of such canaile.' There are other indications that he had taken a violent dislike to Freebairn.

When the Jacobite army found it necessary to retreat from Perth, Freebairn went north with it. He attached himself to those who put themselves under the leadership of Lord Duffus, and by one route or another he reached the far north of Scotland. Duffus had some notion of raising his compatriots in Caithness, but if he made the attempt, he met with no success. Ultimately Freebairn found himself in the Orkneys. There he came into contact with another band of fugitives under the Master of Sinclair, who was on no friendly terms with Duffus. To facilitate his escape the Master seized a vessel, and when the news of the capture got abroad, 'then a part of Duffus' crew,' Sinclair says, 'deserted him, after some night's heartie drinking; and though they had refused to goe alonge with us at first came now to us, a day before we were to sail and having no time to provide

[1] *Op. cit.*, p. 126.

for themselves, pretended they'd goe with us and were to take their hazard of the little bread, bear, and water, which we had calculated onlie for ourselves.' Freebairn was one of those who had been intemperate, for the Master goes on, 'That night another of their partie, one Mr. Freebairn, a printer, haveing got himself drunk, inclined to be impertinent; it seems it was to be a merite; but on my speaking to him next morning, when coole, he thought convenient to beg pardon.'[1] There is nothing to indicate that the request of the suppliants was refused, and all sailed for the south.

The fugitives landed at Calais, and by April 7th Freebairn was in Paris along with his brother James. In a letter he wrote to Mar on the 23rd of that month, he says that he is prepared to bear all present and future hardships without the least grudge, and that he had paid to General Gordon 400 pistoles of public money entrusted to him by 'his Grace' when the army left Perth. In May he had migrated further south, and thence-forward he spent his time between France and Italy. From the record of his movements it is apparent that he was largely employed as a courier between the scattered Jacobite exiles, for repeated reference is made to him as the bearer of letters and confidential reports between James and his followers. It is probable that he even ventured across the Channel, for on April 12th, 1718, William Gordon wrote to John Paterson: 'I am told that Robert Freebairn is gone safe to the other side.'[2] For these services he drew on the Jacobite exchequer, but he did not altogether depend for a livelihood on this source of income: he still did something by way of carrying on his old business of bookselling, and made every endeavour honourably to discharge debts he had incurred before his flight. In an unsigned letter sent to his father, Feb. 11th, 1721, he wrote: 'In May next I shall have occasion to be att Paris, and after a short stay I go for Holland. I desire that there may be no time lost in sending to the first one hundred Copies of Buchanan's works and two to the latter, which I shall have ane opportunity to dispose of in both places to the advantage of my Creditors either for money or Books as best I can. I leave the powers and restrictions to themselves for Gods my witness they cannot receive their money with half the pleasure that I have desire to pay it. And had it not been the present disorders in England I had a fair prospect of makeing them and my self easy att

[1] *Op. cit.*, p. 376. [2] *Stuart Papers* (Hist. MSS. Com.), vi. 304.

once haveing had Credit from a friend for 500 lib. Sterl. which I have laid out here in Books and MSS to a very considerable advantage.'[1]

The immediate steps taken by the authorities against Freebairn after his escape included his removal from the office of King's Printer. An action of 'Declarator was brought at the instance of his Majesty's Advocate against Mr. Freebairn, That he had forfeited his Office of King's Printer, by neglecting to take the Oaths to the Government in the Terms of the Statutes made in that Behalf and by acting as Printer to the Pretender at Perth in the 1715.'[2] No appearance was made on behalf of the fugitive, and decree in absence was given against him.

This forfeiture of Freebairn gave a renewed opportunity to Mrs. Anderson and John Baskett to make plausible application for the office that had thus apparently become vacant. The patent of 1711 knew officially of the existence of Freebairn only, and on the ground of his amazing adhesion to the late rebellion, of his presumption in setting up as a rival King's Printer at Perth, and of his being at that moment a fugitive, his patent was recalled and annulled.[3] On July 6th, 1716, a new gift was made out in the name of Baskett and Mrs. Anderson, but the applicants had still to deal with Watson, whose rights had in no way been infringed by Freebairn's actings. The new grant had evidently been kept secret, for Watson did not come to hear of it until the following December. The steps he immediately took to vindicate his claim before the Court of Session were successful, and the defendants had merely reserved to them the right to sue on their new patent if they saw fit. But Mrs. Anderson was now dead and Baskett had still his share in the Freebairn gift of 1711, and the Anderson-Baskett patent was quietly allowed to drop out of existence. In later days Freebairn was good enough to approve the steps Watson took to maintain his claims. Had he not been 'abroad,' as he euphemistically describes his exile, he also would have opposed the application made by Baskett to have the whole gift set aside, and indicates his obligations to Watson for strenuously resisting the scheme—which almost amounted to effrontery on the rebel's part when his treachery to the same man is recalled.

Some interesting tales are preserved by George Chalmers in his

[1] Unpublished letter in possession of Col. Greenhill Gardyne.

[2] *Information for Thomas Heriot*, July 1, 1740, p. 4.

[3] Lee's *Memorial for the Bible Societies*, App. xxxi. p. 70.

MS. Collections for a History of Scottish Printing about the doings of Freebairn while he was on the Continent. They are drawn mainly from a missing MS. memoir of William Ged, written by Dr. Charles Webster, which Chalmers takes great pains to discredit, even while he quotes from it, but which it would be interesting to have in our hands to-day. It is said that Freebairn's printing-house was handed over to the care of Ged, who it will be remembered was his brother-in-law, and that it was the latter's experiences of the high prices paid for labour within it that set him to devise some system for reducing the expenditure and so made him think of stereotyping. On the same authority Chalmers states that the Freebairn printing business was for a time carried on on his behalf by Blair of Ardblair and Nairn of Greenyards, and that they contrived to make 'decent fortunes' all the time that their partner was swaggering at Rome and living at ease, but it is evident that here there is confusion with a transaction that took place later. Finally, it is stated that Freebairn took part in that famous journey made by the Princess Clementina Sobieski when she proceeded to Italy to unite herself to the Pretender, although Chalmers does his best to show that there is no truth in the story.

There can be no doubt, however, that Freebairn formed part of the Princess's escort when she started on her journey, although he was not with her when she was forcibly detained at Innsbruck by the Emperor, nor had any direct share in her escape. In a letter which his brother James sent to his father from Rotterdam on November 26th, 1718, he thus writes: 'You need not be anxious about my Brother, he is well & has been both well and honourably employed for some time past. Brigadier Hay and He were the only two of the K Subjects who were sent to Prague in Bohemia to accompany the Q on her journey to Italy. Robert left them on their journey and came post to Urbino to acquaint the K of their being on the road and next day was dispatched back to meet them.' That his services were considered of some importance is certain, for three years later, writing from the same town, Sept. 10th, 1721, Freebairn himself had the satisfaction of being able to say to his father: 'Having so favourable an opportunity I take the Liberty to send you enclosed a medall that was struck att Rome on the Q—ns escape from Inspruck. I had the honour to receive one of Them from her Majesty, in the most obligeing manner imaginable, so great a value was she pleased to put upon my poor Invention of it, and so good as to give me

that mark of her favour for my weak endeavours to serve Her in her confinement.'[1]

The precise date when Freebairn returned to Scotland is unknown. The Act of Indemnity of 1717 promised pardon to all who had taken part in the rising with the exception of a few specially named. Freebairn does not appear immediately to have taken advantage of the amnesty.[2] George Chalmers says he came back in 1721. In 1721-2 much wrangling took place over the proper persons to be consecrated episcopal bishops in Scotland—a matter on which those interested took the advice of the Pretender. Freebairn's father was one of the candidates for the Edinburgh see and was impatient at the delay in making the appointment. He appealed to the 'King,' and Lockhart says that the representation was made either by himself 'or his son then at Rome.'[3] He was, however, back in Edinburgh in 1722, for in that year his name, with the designation 'Bookseller in Edinburgh,' appears in the list of subscribers to the third volume of Mackenzie's *Writers of the Scottish Nation*. In 1724 he and Baskett, his old partner, set up a printing house in the capital. But though Freebairn had thus returned to Edinburgh, and as it were resumed office under the usurper, he did not give up all relations with the exiled court. There is the evidence of his own handwriting that he was on the Continent during some part of the year 1730, and was in close consultation with James over the affairs of the Episcopal Church in Scotland, and especially with regard to the filling up of two vacant archbishoprics.

It has always been difficult to understand how Freebairn was allowed quietly to resume the post of King's Printer and even to print Acts of Parliament. Principal Lee declares it is a mystery, 'which it is not of much consequence to resolve.'[4] The

[1] Unpublished Letter in possession of Col. Greenhill Gardyne.

[2] Hill Burton, Prof. Hume Brown and the Editor of the *Stair Papers* are all mistaken in affirming that the Commission of Oyez and Terminer, which met at Perth in the autumn of 1718, attempted to bring in a bill against the printer. The delinquent was his brother James (*Scots Courant*, Sept. 19-22, 1718).

[3] Lockhart's *Papers*, ii. 76. The reference may be to James Freebairn.

[4] Lee's *Memorial*, p. 183. The problem nevertheless interested Lee greatly. In his own copy of the *Memorial* he entered the following jottings: 'If the gift to Baskett and Campbell as King's Printer in 1716 was set aside, how does it happen that it is recognised both in Kincaid's patent in 1749 and in that of Blair and Bruce in 1785? If Freebairn's gift (in conjunction with Watson and Baskett) in 1711 had been sustained it would have expired in 1752, but Kincaid

explanation is quite simple. Baskett still held the third share of the Watson-Freebairn-Baskett gift of 1711, and even if that grant could not be recognised, he could still claim under the Baskett-Campbell grant of 1716. When the pair therefore resumed copartnery, all that required to be done was that Baskett should hand over to Freebairn a share in his third, which he did, and Freebairn resumed the place and privilege of 'One of the King's Printers,' with none to question the legality of his claim. In 1725 Brown, [Stewart] and Mosman, who had acquired James Watson's rights from his widow, did indeed attempt to dislodge Baskett from his privilege on the ground that he had never qualified by taking the oath of allegiance, but they lost their cause,[1] and in Baskett's triumph Freebairn's position was made secure. He died King's Printer.

The remaining twenty years of Freebairn's life were full of disappointments and petty wranglings, while his business was always on the verge of bankruptcy. In 1727 he entered into an agreement to print for James Blair of Ardblair and John Nairn of Greenyards, who had succeeded to the share in the gift of King's Printer originally held by James Watson. Evidently neither side was sure of the other, for it was arranged that the paper and money needed for the work were to be lodged in the hands of Thomas Ruddiman, who was also to give out the paper as it was required, and to receive the sheets as they were printed. All finished books were also to remain under his care until Blair and Nairn had been repaid the money they had expended, and in addition a further sum of..., or alternatively a third share of the actual profits. If they accepted the former alternative Freebairn was to receive all the unsold stock when Blair and Nairn's expenses had been met; if the other they were to receive two-thirds of the profits on the whole after sale.[2] Some difficulty was at first experienced in settling the provisions of the contract. 'The agreement was wrote down on a blotted piece of Paper and sent to a certain Gentleman to have extended, which he refused to do; as being usurious and taking advantage

did not enter upon the enjoyment of his right till 1757, exactly 41 years after 1757, viz., in 1798 Kincaid's patent expired. If Freebairn continued to be King's Printer subsequently to 1715, it must have been in consequence of some compromise, or a new contract of partnership.'

[1] Edgar's *Decisions*, p. 190.

[2] *Narrative of the Proceedings of the Arbiters in the Submission betwixt Mr. Robert Freebairn ... and Blair ... & Nairn*, Edin. 1736.

of Mr. Freebairn's situation at that time, from the Demands that were made on him, arising from Disorder of his Partner, Mr. Baskett's, Affairs at London.' If Baskett's affairs were not at the moment actually involved, they soon afterwards became precarious, for he was bankrupt in 1731.[1] The arrangement, however, was at last made and was shortly after extended to other books. It is probable that it was to cover the terms of this contract that books printed by Freebairn have in the imprint 'Robert Freebairn and Company.' In the course of a year or two disagreements broke out over the partnership, and if the averments on both sides can be trusted the terms of the contract did produce some queer situations. Thus Freebairn could obtain no copy of the books he himself printed unless by the written order of Blair and Nairn. Even with that permission his shop trade was badly handicapped. He complained that they shut up the books in the warehouse and only with difficulty could he get copies for booksellers who were his customers, and only a 'very inconsiderable' number for himself. He also claimed to have 'praemium on account of his Patent as King's Printer,' thus ignoring the equal right of his partners as assignees of James Watson.[2] At length the whole matters in dispute were referred to arbiters, who gave their judgment on January 20th, 1736. They found that Freebairn owed Blair and Nairn £1200 on their whole transactions and ordered him to make good that amount to them. Freebairn refused to accept their settlement and appealed to the Court of Session to have the decreet reduced. He failed, however, to convince the bench, and final judgment was given against him.

In 1738 Freebairn raised an action in the Court of Session which, in all the circumstances of the case, bordered on the impudent. In the preceding May, Richard Watkins had bought the share of the patent of 1711 held by James Blair, being a sixth of the whole. It was an opportunity which Freebairn could not miss, and going back to the terms of the original gift, he claimed that the condition of copartnery, now so long in abeyance, should be implemented, and that all who held assignations of the shares in the original gift should join together in one business as King's Printers and should share all profits earned. To make sure that all parties were summoned, he called every

[1] *D.N.B.*, *s.v.*

[2] In Freebairn's *Narrative of the Proceedings of the Arbiters*, Blair and Nairn are described on the title-page as 'now aspiring to be King's Printers in Craig's Closs, Edinburgh,' Watson's old premises.

one who had at any time held James Watson's share and was still alive—Watson's wife, now Mrs. Heriot, Nairn of Greenyards, Blair of Ardblair, and Richard Watkins. In answer to the objection that it was impossible to go back on the various printing transactions that had occurred since 1712, he airily argued that they 'could easily compute the indebtedness' since that date. The sum of his case he rested on the ground that the agreement provided for one printing house and one only. He tried to turn to his own advantage the fact that from the beginning this condition had not been observed. ''Tis very true,' he said, 'if the other two Partners had given up the Business of King's Printer, had kept no Printing-house for that purpose, the managing Partner might have Reason to complain upon being brought to account by the other two Partners, they would, in Effect, by such Conduct, have renounced the Office, and left it entirely to the other who continued to exercise it by himself: But that's by no means the Case; the other two Partners had still their Printing-house, which they at first erected, furnished with all Necessaries, as it is at this Day, and printed all kinds of Books and Papers that fell under the Patent, as Occasion offered.'[1] Strange to say the Court 'found the pursuers had no claim for their bygone profits, but that they could insist the defenders should concur in a joint management for the future.' Freebairn brought the case again into Court two years later on the ground that he had discovered new evidence in his favour that was material to a sound judgment, but the verdict was allowed to stand.

In January, 1741, Watkins still further increased his interest in the 1711 patent by acquiring from the heirs of Baskett all the rights the latter had in it. Freebairn thereupon renewed his pleas before the Court and urged that the judgment of 1740 should be obtempered by Watkins as from 1738. The case lingered on till 1746 in which year Watkins began to issue books in his own name as one of the King's Printers. In his defence he had argued that the original agreement had been departed from, and that as 'he had at great expense provided materials to set up a printing house he could not be obliged to enter of new into a society with Mr. Freebairn.' A suggested compromise that they should account to one another for the profits came to nothing, and finally on 26th June, 1746, the Lords of Session held, as common fairness seemed to demand, that the pursuer had no case.

[1] *Information for Freebairn and Baskett*, June 16, 1740, p. 9.

During these years of litigation Freebairn never seems to have succeeded in placing his affairs on a sound financial basis. He was unable to meet the payment of money he was judged to be owing to Blair and Nairn, and the debt hung like a millstone round his neck for years. It involved him in several pleas before the Courts, and was the means of helping to waste what little stock he retained, for his books had to be disposed of to his great disadvantage. Once at least a lien was made on his rights as King's Printer, and apparently he had to surrender the privilege to his creditors for a time. In 1739 an action was brought against him by an Edinburgh printer, and in his reply he stated that the matter involved was 'a doing' while he 'was debarred the Liberty of the coming to Town, on account of the Decreet Arbitral in favour of Messrs Nairn and Blair.'[1] This doubtless is a veiled way of informing the Court that he had been forced to betake himself to the debtors' sanctuary at Holyrood. It was part of Watkins's argument against him that he was not in circumstances to enter into partnership with him as he claimed to do. 'A great Outcry,' declared Freebairn, was made, 'That your Petitioner's Circumstances were such, as made it impossible for him to advance what sums were necessary for establishing a joint Printing-house, or purchasing a sufficient Stock of necessary Materials; that the insolvency of a Partner was at common Law a sufficient Ground for dissolving the Society.' Freebairn denied the truth of the statement—'Your Petitioner's Circumstances and Credit are such, as sufficiently enables him to implement all that is prestable by him,' and offered to advance penny for penny. It is to be feared, however, that the printer was never far from the borders of bankruptcy, a condition which was considerably aided by his numerous litigations.

It has been asserted that Freebairn took part in the '45' to the extent of 'assisting in printing Prince Charlie's manifestos,' but no evidence can be obtained to support the statement. It is true that the renegade John Murray of Broughton tells how one Saturday morning in July, 1745, he received anonymous notice that the Pretender had landed in Moidart, and how 'after having conveyed away two large boxes containing the Chevalier's manifestos which he had procured to be printed some time before in Edinburgh,'[2] he hastened north to join the Prince. Murray

[1] *Answers for Mr. Robert Freebairn, His Majesty's Printer, to the Petition of Alexander Alison, Printer, in Edinburgh.*

[2] *Memorials* (Sc. Hist. Soc.), p. 159.

almost boasts that though several had to do with the printing of these manifestos, 'yet who was the printer [of them and of others] still remains a secret.' If Freebairn had anything to do with their production it is unlikely that he would have gone undetected, for the authorities could not have forgotten his share in the ''15,' and must have kept a watchful eye upon him.

It is indeed hard to believe that Freebairn took any active share at all in the Rebellion, however much he may have sympathised with its object. He must have been a man well over sixty years of age, and what gain, either in purse or in honour, was likely to come to him by taking the field a second time? It is also hard to reconcile any secret or overt act of disloyalty with the fact that he was pursuing an action in the Court of Session probably at the very moment Culloden was being fought, for the decision was given only three months after the battle. Thomas Ruddiman kept aloof from the movement simply because of his advanced years, and in this cautious policy he was no doubt followed by his fellow-craftsman. The only suspicious fact that can be urged against Freebairn is that a printer named Robert Drummond was at the time repeatedly prosecuted for what amounted to active sympathy with the Jacobite cause, but whether this was the Robert Drummond who was associated with Freebairn in working his press in the '15 or whether Freebairn had any connection with him, being that person, during the '45, is altogether uncertain.

Freebairn did not long survive the collapse of the second Jacobite attempt, for he died on May 10th, 1747. His death removed some of the romance from his profession. In the long roll of adventurous printers he occupied a prominent position, and whatever may have been the defects of his character, he had the courage to take all the risks that attended the expression of strong political opinions. As a printer he was always on the side of sound work, and the majority of the books he prepared were of the standard class. The monopoly of which he held part did not expire till 1753 and it was carried on by his assignees up to that date.

W. J. Couper.

Sir John Hay, the 'Incendiary'

SIR JOHN HAY of Lands and Barro was one of Charles I.'s most devoted adherents in the fight for Episcopacy against Presbyterianism. Most of the contemporary writers were Presbyterians, and their references to him are bitterly hostile, but when the evidence is examined dispassionately it shows that he was consistently loyal and courageous in serving his King, even if his aims were misguided and his methods sometimes unscrupulous.

John Hay was a younger son of William Hay (d. 1597), of Barro, East Lothian, by his wife, Margaret Hay, daughter to the laird of Monkton.[1] He was probably born about 1581, for in 1602 he became a notary public, presumably on reaching his majority. In the same year he was also appointed deputy to Alexander Guthrie, common clerk of Edinburgh,[2] whose wife was a Hay.[3]

The earliest recorded incident in his career reveals his combative nature and strong Episcopalian sympathies. On 21st July, 1608, a complaint against him was brought before the Privy Council.[4] During the trial of an action in the Burgh Court, to which he acted as Clerk, the defender pleaded that the Commissaries alone had jurisdiction, and obtained from them an inhibition, a copy of which was served upon two of the magistrates as they were sitting in judgment in the Low Tolbooth. Thereupon Hay 'tuke and maist unreverentlie rave the samyn, and thairefter tuke the said principall inhibitioun and rollit the samyn verie informalie up as gif it had bene ane kaitch ball, and pat the samyn in his poutch, uttering and declairing maist disdanefull and contemptuous wordis.' The Lords found the charge proven, and committed Hay to ward in the Castle.

[1] *Hayes of Tweeddale*, by Father Richard Hay (Sir John Hay's grandson), ed. Maidment, p. 39; *Edinburgh Testaments*, 26th July, 1600.

[2] His protocol books from 1602 to 1631 are preserved in the City Chambers.

[3] *Great Seal Register*, 1593-1608, No. 2072.

[4] *Privy Council Register*, viii. 135, 137, 138.

The incident did not end there. Two days later a complaint was made to the Privy Council by Hay against Mr. Patrick Lindsay, a kinsman of Mr. John Arthur, one of the Commissaries, with a cross-complaint by Lindsay and Arthur against Hay. Hay stated that while he was on his way to the Council Chamber to answer the previous complaint, Lindsay threatened him, 'horriblie sweiring he sould tak the said complenair be the nose, and, gif he had him out of that place, he sould have the best blood of the said complenairis body.' This charge was found proven, and Lindsay was committed to the Tolbooth.

Lindsay and Arthur averred that Hay had uttered 'mony impertinent and uncomelie speitcheis aganis the Commisaris, calling thame unhonnest personis' and refusing to acknowledge them or their jurisdiction, 'bot onlie the bischopis as ordinarie judgeis in spirituall causis.' This charge was dismissed as not proven.

A year later the Privy Council had to investigate a complaint by John Forrest, tailor burgess of Edinburgh, that on 22nd July, 1609, at midnight, David Johnston, bailie, and Mr. John Hay, with others, violently entered his house, took him out of his 'naiked bed,' and carried him to the Tolbooth, where they 'pat his craig [neck] and feit in the yrnis' and 'held him thairin lyand upoun his bak all that day quhill aucht houris at nicht without meit or drink.' So far from punishing the accused the Lords 'allow of the said punishment' and ordained further punishment, because Forrest was 'accessorie to the awayganging of David Johnnstonis dochter.'[1] The lady was probably a kinswoman of John Hay's wife, Marion Johnston.

On 12th June, 1612, Hay bought an estate called Lands in the barony of Kinderloch, Kirkcudbrightshire,[2] 'a poor piece in Galloway,' says the spiteful Scotstarvet.[3] It marched with the property of Sweetheart or New Abbey, which was acquired by Sir Robert Spottiswoode, son of the Archbishop, and afterwards Lord President. Hay was a close political associate of Sir Robert, and they were related by blood through Jonet Spottiswoode, Hay's paternal grandmother.[4]

Nothing more is heard of him till May, 1617, when he took a prominent part in the reception of King James VI. on his State

[1] *Ibid.* viii. 334. [2] *Great Seal Register*, 1609-20, No. 830.

[3] *Staggering State of Scottish Statesmen*, ed. Rogers, p. 101.

[4] *Hayes of Tweeddale*, p. 39; *Edinburgh Testaments*, 22nd June, 1588; *Calendar of Writs at Yester* (Scottish Record Society), Nos. 598A, 758, 772, 808.

visit to Scotland after fourteen years' absence in England. The royal progress was marked at every stage by the presentation of addresses of welcome and complimentary odes in English, Latin, and Greek, all in terms of the most fulsome flattery.

Hay was employed by the Town Council of Edinburgh to prepare and deliver an oration in English on his Majesty's arrival at the West Bow on 16th May. He also composed a Latin speech, which, owing to *angustia temporis*, could not be delivered. These many effusions were collected and published in a folio volume entitled *The Muses' Welcome*. Hay's panegyric covers almost five pages, and a few passages may be selected as specimens. It begins :[1] 'How joyfull your Majesties returne is to this your M. native Towne the countenances and eyes of these your M. loyall Subjects speake for their harts. This is that happie Day of our New birth . . . wherein our eyes behold the greatest humaine felicitie our harts could wish, which is to feide vpon the Royall countenance of our true Phœnix, the brigt Starre of our Northerne Firmament, the Ornament of our Age, wherein wee are refreshed.'

The orator goes on to describe the dismal state of Scotland during his Majesty's long absence : 'the verie Hilles and Groves, accustomed of before to be refreshed with the dewe of your M. presence, not putting on their wounted Apparrell ; but with pale lookes representing their miserie for the departure of their Royal King.' Then follows a paragraph of outrageous personal flattery : 'Your M. most noble progenitoures were indeede all Princes renowned for their vertues, not inferior to any Emperoures or Kinges of their time ; they mainteined & delivered their Virgine Scepters vnconquered, from age to age, from the inundation of the most violent floods of conquering Sworde which over-whelmed the rest of the whole Earth, & carried the Crowns of all other Kings of this Terrestrial Globe captives vnto thraldome ; But farre short of your Majestie, nature having placed in your sacred person alone what in everie one of them was excellent. . . . Posterity shall blesse the Almightie our God, for giving to vs their Forefathers a King in hart vpright as David, wise as Salomon, and godlie as Josias.'

Finally his Majesty's services to the Established Church are duly recognised : 'What reformed Church doeth not blesse your M. Birth-day, and is not protected vnder the wings of your M. sacred authoritie from that Beast of Rome and his Anti-

[1] P. 39.

christian locustes, whose walles your M., by the soveraigne wisedome wherewith the Lord hath endewed your sacred person, hath battred and shaken more than did the Goths and Vandales the old frame of the same by their sworde.'

Hay's performance seems to have given satisfaction to his employers, and on 15th May, 1618, on the resignation of Alexander Guthrie, he and Alexander Guthrie the younger were appointed conjunct Common Clerks. He held this office for over thirteen years.

He soon became involved in the bitter ecclesiastical controversy caused by King James's attempt to impose the Five Articles of Perth upon an unwilling people. The ministers of Edinburgh, who had accepted the Articles, wrote to the King complaining that certain members of their congregations had spoken 'unreverentlie' of them and of his Majesty. They were summoned to a meeting of the Town Council in June, 1619, and though they admitted writing the letter they refused to disclose the names of their detractors. The Council resolved 'to send Mr. John Hay, a man that had great credite with the Bishop of St. Androes',[1] and had kneeled himself,[2] to informe the king. It was thought he might weill doe something for the magistrats and the bodie of the toun. But if he did noe worse, at least he wold leave everie particular man against whom the king, bishops, or ministers had exception, to beare his owne burden. But worse was suspected, becaus he did what in him lay to maintaine the corruptions of the time.'[3]

Hay returned early in July and reported 'that the king wold not tak anie evill conceate of the people of Edinburgh, howsoever he was hardlie informed of them; but wold beare with them a whyle, till they were better informed.'

The controversy smouldered for some years, and broke out again in 1624. On Tuesday, 23rd March, in accordance with an ancient custom, a public meeting was convened in the Little Kirk as a preparation for the Communion, and, also in accordance with custom, the Provost, Alexander Clark, directed John Hay as Clerk of the Session to ask those who had complaints against any of the ministers to make them. The challenge was accepted by one John Dickson, who objected to Dr. William Forbes for

[1] Archbishop Spottiswoode.

[2] A reference to the first of the Five Articles, which enjoined kneeling at the Communion.

[3] Calderwood's *Historie of the Kirk of Scotland* (Wodrow Society), vii. 382, 389.

having stated in a sermon that the differences between the Papists and the Reformed Church might be reconciled without difficulty. Objection was taken by other speakers that a public meeting was not a suitable place for discussing questions of doctrine, and an angry debate followed.[1]

'Mr Johne Hay said it was not formall proceeding. He was a clerk and he sould know formalitie or informalitie. Thomas Macallow answeired that he was a clerk also, and somewhat before him; and that he thought publict uttering of uncouth novelties, such as that was, and in such a place, sould be likewise delated publictlie, and speciallie to that meeting. Mr Johne Hay replyed that there was great difference betwixt him and the said Thomas, and that he was a hote litle man. Thomas answeired he knew noe difference, but that he was a meikle man, and he a litle.' Eventually it was decided that the opinion of the other ministers should be sought, but when a deputation went to interview them 'nothing could be obtained of the ministers but quarrelling at their informalitie, in that they did not first admonish Mr Forbes privatelie.'

The matter reached the ears of the King, who ordered the Privy Council to hold an inquiry, which resulted in William Rig, a bailie, and John Dickson, an elder, being deprived of their offices. 'This punishment no doubt was devised by David Aikenheid[2] and Mr Johne Hay, who wold rule both counsel and session as they please, and therefore wold be ridd of all such as they think will oppose to their corrupt courses.'[3]

At the end of the year Hay, who had been sent to London with sundry petitions to the King, returned with instructions to the Town Council to subscribe obedience to the Articles of Perth. Sir William Nisbet, ex-Provost, refused, but most of the others complied.

By this time Hay had begun to be chosen for public duties beyond those of Common Clerk. On 20th February, 1623, he was appointed one of six Scottish Commissioners 'to heare the propositiouns and overtouris to be made to them be the Commissioners for England anent the wooll of this kingdome, and that so much therof as sall not be wrought and drapped within the same may be broght to England and there fra tyme to tyme boght for the furtherance of the draperie of that kingdome.'[4]

[1] Calderwood's *Historie*, vii. 596, 597.
[2] Ten times Provost. [3] Calderwood's *Historie*, vii. 619, 628.
[4] *Privy Council Register*, xiii. 172, 176, 177, 233.

He was voted £2000 Scots for his expenses, and his passport to London is still in existence.[1]

On 5th June he and Sir Andrew Murray of Balvaird attended the Privy Council and reported verbally that after 'sindrie trystis and meetingis' at which the Scots Commissioners 'caryed thame selffis verrie honnorablie and with grite respect and credite to this thair native Countrey . . . it wes aggreit be commoun consent that the treatie sould desert without ony recorde at all to be maid therof in write.'

Another Commission was immediately appointed to consider the best way of developing Scottish industries of all kinds, especially the woollen manufacture, and Hay was one of sixty-nine nominees, drawn from the three estates.[2] Several preliminary meetings were held, but it does not appear that any practical result followed.

When Charles I. succeeded to the throne, Hay received many appointments which brought him into close relation with the Court. From December, 1625, he was repeatedly commissioned by the city of Edinburgh and by the Convention of Royal Burghs to carry petitions to the King in support of their trading rights and their privileges of self-government, and he was generally able to report that he had been successful in his missions.[3]

Maitland alleges that he abused his trust.[4] He says that on 5th August, 1629, 'the Town Council of Edinburgh, to their no great Honour, made an Act perhaps not to be paralleled :[5] For John Hay, one of their Town Clerks, being sent to London to transact certain Affairs belonging to the City, they obliged themselves and their Successors to receive and pay his Accounts upon his own Declaration, either by Word or Writ. Now Hay having been no less than seventeen times at London on the City's Account, he, by such Management, had a fine Opportunity to inrich himself at the Expence of the injured Citizens.'

Edinburgh, however, obtained reimbursement from the Royal Burghs of £24,000 Scots incurred by Hay as travelling expenses on their account, and the Burghs made no demur.[6]

One of his visits to London was in connection with the will

[1] *Memorials of the Earls of Haddington*, Sir W. Fraser, ii. 224.

[2] *Privy Council Register*, xiii. 234, 300.

[3] *Records of the Convention of Royal Burghs*, iii. 187, 192, 213, iv. 532.

[4] *History of Edinburgh*, p. 64. [5] *Council Register*, xiv. fol. 135.

[6] *Records of the Convention of Royal Burghs*, iv. 533.

of George Heriot, the King's jeweller, who left the residue of his fortune to the Town Council and the ministers of Edinburgh for founding a hospital for poor children. Hay, who had been appointed Clerk to the Trust on 19th July, 1625, was instructed to receive payment of the realized estate from the executors, who were all in England, and there is a letter from him written on 3rd January, 1626, with a description of his doings since he left Edinburgh on the 5th of December. He writes[1]: 'I came to London vpon the threttein in the forenone and stayed thair till the sexteine, during the quhilk time I delyvered my letters to Mr Johnstoun,[2] bot could not have the occasioun of meting with the rest, for they were scarse sett doun and Mr delawney[2] his shop wes infected and his twa prenteissis deid, swa that he wald not admit any, albeit he come himselffe and speak with me. Upon the sexteine I went to Hamptoun Court. The king come thither from Wyndsore the 17. The xx I had ane kisse of his Majesties hand and delyvered my letter and by his Majestie wes ordained to attend till the Lords come, which I did till the 23, which day they come to Court; the 24 they kyiste his Majesties hands, and since we attendit till the last of the last moneth, quhilk day we were adverteist that his Majestie wald not midle with Scottish effaires befoir his cuming to Whitehall. Swa I come to London upon Setterday last. Upon Mononday last I met with the executoris in Mr Delawney his chop. They have agreed to give me accompt quhilk is to be drawn up this oulk [week].'

The accounts were not finally adjusted till 12th May, 1627, when Hay received payment of £23,625 10s. 1½d. sterling. He resigned his clerkship in January, 1634, before the Hospital was opened.

He was appointed to at least two important Royal Commissions. The first was the Commission on Surrenders and Teinds, which was appointed in July, 1626,[3] to work out the situation created by Charles's great Act of Revocation cancelling all grants of church lands since the Reformation. Their main duties were twofold—first, to settle the terms upon which the alienated lands were to be transferred to the Crown, and second, to place the whole system of teinds upon a new footing by eliminating the tacksmen or middlemen. His own property of

[1] *History of George Heriot's Hospital*, 3rd Ed. p. 40.

[2] Robert Johnstone, LL.D., and Gideon de Laune, apothecary, were two of the executors.

[3] *Great Seal Register*, 1620-1633, No. 969.

Lands was surrendered and annexed to the bishopric of Edinburgh.[1]

The other important Commission was appointed[2] 'to determine anent the trew sense, meaning and interpretation of all such lawes and actes of Parliament quhilks are unclear and doubtsome in the selff and may receave divers interpretationes, . . . and anent the printing of such lawes and statuites as ar not zett printed, and anent the omissioun of such actes and statuites as ar abrogat or become in desuetude.' The Commission was renewed in successive sessions of Parliament down to 1633, and seems to have edited the statutes for publication as they were passed, but not to have undertaken any comprehensive scheme of Statute Law Revision.

Hay appeared as procurator for the City of Edinburgh in several important litigations, notably in 1629 and 1630, when the town of Leith presented a list of eighty-four grievances, raising the question of Edinburgh's right of superiority over her neighbour.[3] The case was heard in London, before the English section of the Scots Privy Council, and Leith's pleas were repelled. The responsibilities of counsel were very heavy in those days, for it is recorded that when Leith's 'grievances, prejudeices, and oppressiones' were laid before his Majesty, they were denied by Mr. John Hay on behalf of Edinburgh 'wpon the perrell off his lyff and the lusse of the libertey off the said brugh of Edenborrouhg, and his said lyff, landis and goodis for ever.'[4]

In June, 1628, Charles granted a patent to the Earl of Seaforth for the erection of Stornoway into a Royal Burgh, on condition, however, that the existing Royal Burghs should be consulted before the patent was sealed.[5] Seaforth anticipated matters by settling a colony of Dutch fishermen at the place, and at once the Burghs were up in arms at this invasion of their privileges. They sent John Hay to London to use every means to stop the issue of the patent.[6] The negotiations were protracted, and he had

[1] *Ibid.* 1634-1651, No. 1010.

[2] *Ibid.* 1620-1633, No. 1287; Thomson's *Acts*, v. 47.

[3] *Privy Council Register*, 2nd Ser. iii. *passim*, introduction, pp. xxvii-xxix; iv. introduction, pp. xxix-xxxi.

[4] *Ibid.* 2nd Ser. iii. 639.

[5] *Ibid.* 2nd Ser. iii. *passim*, introduction, pp. xxv-xxvii.

[6] *Records of the Convention of Royal Burghs*, iii. 257, 265, 266, 300-4, 308-9, 318, 319, 323.

to fight hard to gain his case, but on 10th August, 1630, he was able to report that the patent had been cancelled.

The incident opened the whole question of the rights of strangers, especially Englishmen, to fish off the Scottish coast, and on the 11th November, 1630, the King, on the narrative that foreigners had been reaping the benefit of 'the great blessing whairwith it hes pleased god to inriche his Ma^ties^ dominions of Scotland, England and Ireland in the abundance and plentie of fishe upon all the coasts,' appointed six commissioners for Scotland, including Hay, to confer with six English representatives, with a view to founding a fishing association for control of the whole industry.[1] The Scots proposed that the fishings off their coasts should be closed to all except Scotsmen, and as their English colleagues objected to the proposal, John Hay was sent to report the matter to the Royal Burghs for their suggestions. The Burghs supported the proposal and suggested a fourteen mile limit all round the coast. The point was referred to the King, who replied that he could not understand the necessity for such a reservation, and that he would only reserve to natives 'suche fishing without whiche they cannot weill subsiste, and whiche they of themselves have and doe fully fishe.'[2]

A Royal Charter was signed on 19th July, 1632, erecting a company with a council of twelve—six to represent Scotland, John Hay being one, and six to represent England and Ireland.[3]

Hay's efforts were rewarded with a knighthood, and on 19th October, 1632, he and four of his colleagues appeared before the Privy Council at Edinburgh to report the result of their negotiations. They mentioned that 'his Majestie, out of his royall and princelie regarde of the honnour, credite and weale of this his ancient kingdome, honnoured almost the haill meetings for this treatie with his royall presence'; and they were thanked by the Council, who entered on their Register a finding that they had 'verie honnourablie and faithfullie caried themselfes therein for the honnour, credite and weale of this kingdome.'[4]

The next stage of Sir John Hay's career was reached on 12th December, 1632, when he was appointed Clerk Register. Sir James Balfour's comment upon the appointment was, that he was 'one altogider corrupte, full of vickednesse and villaney, and a suorne enimey to the peace of his countrey.'[5]

[1] Thomson's *Acts*, v. 230.
[2] *Ibid.* v. 234, 237, 239.
[3] *State Papers* (*Domestic*), 1631-3, p. 543; 1635, p. 271; 1636-7, p. 12.
[4] *Privy Council Register*, 2nd Ser. iv. 554.
[5] *Historical Works*, ii. 193.

On 31st December he presented his commission to the Lord President, and received his patent 'with all dew reverence upon his knees,' and the keys of his offices in the Castle and the Exchequer were handed to him. On the same day he was admitted a Privy Councillor, having taken the oath 'in most submissive reverence upon his knees, his hand lying upon the halie evangell.'[1] He sat regularly during the year 1633 as an extraordinary Lord of Session, and on 7th January, 1634, was admitted an ordinary Lord. The King's letter of appointment, dated at Whitehall, 23rd December, 1633, contained a passage of explanation. Within two months of his accession Charles had, in reconstituting the Privy Council, laid down the principle that no Privy Councillor should also hold office as an ordinary Judge of the Court of Session, his object being to control both judicatories. There was no question of his right to nominate his own Council, and when all Privy Councillors had been removed from the Session, the vacancies gave him the opportunity to appoint a majority of his own adherents. Subsequent appointments were made on this principle, but Sir John Hay's loyalty was so well established that an exception was allowed in favour of him, and also in favour of Sir Robert Spottiswoode, who was at this time appointed Lord President. Accordingly the Royal Letter stated that the King conceived 'that the placeing upon that judicatorie some of our officers of Estate quho ar no noblemen is not derogatorie to the distinguishing of the two judicatories, bot will be steadable to our service.'[2]

Sir John Hay sat in Court regularly until March, 1639. He never took a judicial title, but always appears in the sederunt as 'Clericus Registri.'

In December, 1633, he bought part of the lands of Barro, the family estate in East Lothian, about five miles south-east of Haddington, and on 22nd March, 1634, he obtained a Crown Charter.[3]

On 21st October, 1634, he was nominated a member of the reconstituted Court of High Commission, and his son William was appointed Clerk.[4]

He took a conspicuous and most injudicial part at the famous trial of Lord Balmerino. In the Parliament of 1633, where the King was present, great hostility was aroused by the proposal

[1] *Privy Council Register*, 2nd Ser. iv. 590-2.

[2] *Books of Sederunt*, 7th January, 1634.

[3] *Great Seal Register*, 1633-1651, No. 95.

[4] *Ibid.* No. 228.

to confer upon the King the right to determine 'the apparel of Kirkmen,' and when the statutes for the session were put to the vote *en bloc*, it was widely believed that the opposition led by Lords Rothes and Balmerino had outvoted the King's party. Hay, however, in his capacity of Clerk Register, had the duty of counting the votes, and reported that the government programme was carried. 'A worthie gentleman [Rothes] stood up and quarrelled the Clerk Register for not marking the votes rightlie; but the King (who had also marked them himself) commanded the gentleman to be silent, or else, upon the perill of his life, make that good whilk he had spoken; whereupon the gentleman satt doune and was silent.'[1]

The dissenting nobles gave vent to their feelings by drawing up a 'supplication' to justify their opposition, and Charles soon had an opportunity of showing his displeasure. A copy of the supplication with Balmerino's own notes was found in his possession, and he was brought to trial on the charge of 'leasing' in failing to communicate a treasonable document to His Majesty. The Earl of Erroll, Justice General, was appointed to preside at the trial, and the King directed the Lords of Session to select three of their number to act as assessors. By Act of Sederunt on 2nd December, 1634, they chose Lord President Spottiswoode, Sir John Hay and Sir James Learmonth of Balcomy, whom Sir James Balfour describes[2] as 'men suorne to the bischopes and fauorers of the corruptions of the tyme.'

If Hay had any tendency to judge impartially, it would have been removed by a letter which was addressed to him by the King on 20th November. His Majesty wrote:[3] 'The tyme appoynted for it [the trial] being now so neir at hand, we have thoght good heirby to recommend vnto yow the continuance of your accustomed diligence in adverting to everie occasion [which] may occure in a thing so neirlie concerning ws, which we will tak as acceptable service done vnto ws.'

The trial began on 3rd December, and by the 20th the objections to the indictment had been repelled, but it was not till the following March that the case went before a jury.

The official report[4] is supplemented by a graphic account in

[1] Row's *History of the Kirk of Scotland* (Wodrow Society), p. 367.

[2] *Historical Works*, ii. 218.

[3] Earl of Stirling's *Register of Royal Letters* (Grampian Club), ii. 808.

[4] Cobbett's *State Trials*, iii. 593-711.

one of the Wodrow manuscripts.[1] The writer describes how Balmerino in his speech complained that he had been refused the benefit of either a preacher or a physician, and had not been allowed to take exercise in the 'yeard.' 'Sir Johne Hay in great rage arose, blaiming the King's Advocate[2] for not interupting that part of the speiche. . . . After some hard words past betwixt them, then said Sir Johne Hay to Balmerino, "Ye speake untruelie. . . . First, as to a minister, my Lord St. Androes offered to preach to yow himselfe; 2. as for a physician, it was fatall to prisoners indicted as yow wer to want a physician; 3. as for libertie to walke out, the Constable knew his dewtie." To quhom Balmerino answered, "I wonder that the Clerk of Register should be so forgetfull, and to jugle and smoir the truth."'

By a majority of one (eight votes to seven) Balmerino was found guilty. 'Quhich being so concluded, Sir Johne Hay, out of a nimious diligence, caused Johne Bannatyne wryte the doome without the advyce either of the King's Advocate or of [the Justice deputes], viz: to be taken that day, being Saturday afternoone, to the mercat-crosse of Edinburgh, and there his head to be stricken off, quhilk Sir John Hay and the Lord Justice contended to have done that day.' The King's Advocate, hearing of their haste, delayed the execution till his Majesty's pleasure be known, though Sir John Hay still urged summary execution of the sentence and even opposed a petition by the prisoner that a minister might be allowed to visit him. In the end the Earl of Traquair persuaded the King to give way to the popular clamour and grant a pardon.

The climax of the struggle between Episcopacy and Presbyterianism was reached in 1637, when the King attempted to introduce Laud's Prayer Book into general use in the churches. Hay was one of the Privy Councillors who signed the proclamation authorising its introduction.[3] The 23rd of July, 1637, was the day appointed, and the incident of Jenny Geddes and her cutty-stool at St. Giles was typical of the state of feeling throughout the country. The Privy Council was soon deluged with 'supplications' from every district and every class of the community, and Edinburgh was thronged with delegates who came to express the protests of the people. The city was without a Provost owing to the recent death of David Aikenhead, and Charles

[1] *Hayes of Tweeddale*, Appendix, pp. 95 *seq.*

[2] Sir Thomas Hope.

[3] *Privy Council Register*, 2nd Ser. vi. 352.

realized that if the situation in Edinburgh was to be controlled he must secure the appointment of a strong man whom he could trust. Accordingly on 10th September he wrote to the Town Council:[1] 'In regaird of severall thingis especiallie at this tyme concerning oure service and in particular the peace of that citie We have thocht it expedient that one of whose sufficiencie from oure awin knowledge we haiv assurance may at this tyme haive that chairge amaingst you, And as we have been hithertill gratiouslie pleased to construe favourablie of what has fallin out amiss of the prosecution of oure ordinancies laitlie there, so we ar willing yitt heirby to express our cair over yow, And thairfore we doe especiallie recommend unto your caire that oure Trustie and Weilbelouit Sir Johne Hay, knycht, our Clerk of Register, be putt in leitt and maid choyce of for your Proveist for this yeir coming.'

Hay produced this letter in person to the Council on 18th September, and he presided at the meetings on 29th September when he was put on the leet, and on 3rd October when he was formally elected. Maitland says[2] that to show their independence the Council 'chose men for their other Magistrates and Members of their Council who had different Views from those of the Court.'

The Presbyterians were furious at the appointment. Dr. John Bastwick's information about Hay was that he was[3] 'a man well acquainted with all the mercinarie wayes that could bee used for working upon that Community, and therefore the fitter man to bee chosen for furthering the execution of their deepe plots and designes; being plots and designes so contrary to and against their Acts of Parliament, Confession of Faith, and the Publick Worship of God in that Church, as they durst not discover the same to any one man that was knowne to be honest or religious, or free from that Corruption which that Hay for these many yeares in the whole course of his life hath beene generally noted for.'

The new Provost was present at the meetings of 11th and 13th October, when only routine business was transacted, but the next meeting, on 18th October, was memorable.[4] It was his policy to prevent Edinburgh, if possible, from joining in the general

[1] *Town Council Register*, xv. fol. 25.

[2] *History of Edinburgh*, p. 72.

[3] *The Beast is Wounded*, p. 7.

[4] Baillie's *Letters and Journals* (Bannatyne Club), i. 22; *Correspondence of the Earls of Ancram and Lothian* (Bannatyne Club), i. 95.

supplication against the Service Book, and to gain time for the Privy Council to devise another attempt to introduce it into use. On 17th October a proclamation was issued by the Privy Council ordering the concourse of people to return to their homes and removing the Court of Session to Linlithgow. The same day the Provost on the King's instructions cancelled by proclamation an undertaking which he had given to allow commissioners to be chosen by the Town Council to unite in the general supplication.

The citizens were greatly stirred when they 'found their Provest unwilling they should joyne with the rest of the countrie in the commone way of supplicating, altho he profest his own great dislyke of the book, and assured them to obtaine that it should not be urged on Edinburgh; yit dealling underhand with many of the counsell and other speciall men in the toun, onlie to draw in a privat way by his advyse. . . . This made the people conveine when the Magistrats went to Counsell upone the eightein day of October, and ther with many earnest cryes beseeching them for Gods sake to care for the preservatione of true religione. . . . The Provest assured them his Majestie had alreadie discharged the Service-book by proclamatione, which wold be found at James Prymrose chamber, who is clerk to the Counsell. They sending to try the same, found ther was never word of any such proclamatione, which, with the Provest's slighting of their desires and his still pressing of his own private way, did justlie irritate the people that nothing was done by their Magistrats to hold out the Service-book which they believed to be idolatrous.'[1]

By this time 'the whole streets were pestred with disorderly people, their Councell House was beset without and thronged within with their owne threatning Citizens, who had vowed to kill all within their house unlesse they did presently subscribe to a paper presented to them.'[2] This included three demands, (1) that the magistrates should appoint Commissioners to join in the general supplication against the Service Book, (2) that they should restore two 'silenced' ministers, (3) that they should restore a 'silenced' reader. The Provost had no option but to give way and sign the undertaking.

Meanwhile another disorderly crowd was besetting the Privy Council Chamber, where the Bishop of Galloway, the most un-

[1] Rothes's *Relation* (Bannatyne Club), pp. 13, 14.

[2] *A Large Declaration concerning the late Tumults*, attributed to Dr. Walter Balcanquhall, pp. 34 *seq.*

popular man in Edinburgh, had gone to examine witnesses at a trial. The Earls of Traquair and Wigton with their retainers went to his relief, but were compelled to take refuge along with him, and sent a message to the magistrates to give them protection. The magistrates sent back word 'that they were in the same, if not a worse, case,' so eventually Traquair and Wigton escorted by their retinue made their way to the Town Council House, where the tumult had somewhat subsided, since it became known that the Provost had yielded to the popular demands.

'The Treasurer[1] told Rothes what extreame fear the Provest was in when he came up to the Town Counsell house to him; how he wold have made ane holl in the roofe of the house and stollen out for fear of the people.'[2]

Traquair decided that under protection of his retainers he and the Provost should force their way through the crowd, but he himself was thrown down and narrowly escaped being trampled to death. They reached the Privy Council Chamber, where they waited a considerable time, 'and being past two efternoon could not think how to gaine their lodging for getting some refreshment of meet safelie and without pain.'

A message was sent to some other noblemen to come with their servants to their aid, and at length under convoy Traquair reached his house in Niddry's Wynd, and the Bishop his lodging at Holyrood. 'The Provost was againe set upon as he was entring his owne house, and was so pressed upon by the multitude that they crouded with him into his owne yard, railing upon him and throwing stones at his windowes, untill some of his servants discharging a Peece, which had nothing but powder in it, they retired for feare.'[3]

Later in the afternoon he attended a meeting of the Privy Council at Holyrood, and went that night to Leith 'curseing the Town of Edinburgh, swearing never to come amongst them againe, and professing he wold the next morning be gone for Court.'[4] He did not carry out his threat, but merely stayed in Leith and about the town for some dayes till the calmeing of the peoples mindes.'[5] He reappeared at the Town Council on 3rd November, but after that was absent until 29th December.

At this meeting he had again to face bitter opposition. In the interval since 18th October he had been using his influence

[1] Traquair.
[2] Rothes's *Relation*, pp. 19, 21.
[3] *A Large Declaration*, p. 38.
[4] Rothes's *Relation*, p. 21.
[5] Baillie's *Letters and Journals* (Bannatyne Club), i. 38.

privately to induce the citizens to present a separate petition to the King asking for favour and pardon. Principal Baillie thus describes his procedure:[1] 'He gives them full assureance, will they bot use these formalities, the King shall freely pardon them, shall quyte them of the Service Book for ever, except the whole Kingdome be moved willingly to take it, which he thought would never be; for in all his discourses from the beginning he enveighed against the Booke as much as any; also that Counsell and Session should presently be restored to them, and their priviledges much augmented. It seems the man had undertaken to make that towne come in the King's will; and so, for the effectuating of his promise, did give assureance of many things which neither he could nor would be any wayes carefull to have performed.' The Commissioners from the rest of Scotland exposed his scheme, so 'the Provest's dealings evanished.'

Rothes gives an account of the Town Council meeting of 29th December, 1637.[2] The Provost urged the Council to present a separate supplication, and stated on the authority of 'a nobleman' that if the town were 'perseued criminallie for their tumults' the nobles 'wold leave the toun to themselves.' The meeting was adjourned till next morning in order that the statement of the nobleman (presumably Rothes himself) might be verified, and next day it was reported 'that what their Provest had spoke was bot a lie.'

The Provost unabashed continued to press his motion, 'alledging that he had a commission fra the Chanceller, Thesaurer, and Privie Seall, to deall with them for that effect. It went to voteing, and ther was not one vote to second the Provest. My Lord Thesaurer and Privie Seall also professed that he had no such commissione from them.' 'And so,' says Rothes,' 'the Provest was twyse taken with a lie.'

He attended meetings on 3rd and 5th January and 2nd February, 1638, but never appeared at the Town Council again, and, so far as the special purpose of his appointment was concerned, he had completely failed.

Meanwhile the Privy Council had been anxiously watching events. In November they had again ordered the 'supplicants' to return to their homes, but had agreed to treat with 'Tables' or delegates representing the nobles, lairds, burgesses, and ministers. On 21st December the 'Tables' presented a demand to the Council at Dalkeith that the bishops should be removed from the

[1] *Ibid.*, i. 46. [2] *Relation*, pp. 52, 53.

Council and no longer be judges in their own cause. Several of the members 'did discover themselves more clearly for the Supplicants than formerly they had ; . . . but none of the States-Men spoke cordially for the Bishops except Sir John Hay.'[1]

Two days later, in spite of the opposition of Hay and the bishops, the Council commissioned Traquair to go to London and represent to the King the dangerous state of affairs ; and they also sent up by the hand of the Justice Clerk an 'Historical Information.' Hay had been in constant communication with the King, and on reappearing at the Privy Council on 15th February Traquair complained that 'whyll Privie Seall and he wer dealling with the Chanceller for drawing things to a pacificatione, and had condiscendit upone sum articles, and wer writting accordinglie to Court, letters wer written underhand to the contrair.'[2] Five days later he stated specifically that 'he had sein sum of the Clerk Register's letters to the prejudice of himselfe and the cause, so that he wondered how any that loved him could bear the other any good countenance, insinuating that everie one sould hold him in a great deall of despite.'

On 19th February the King's proclamation in answer to the supplication was read. It announced that the service-book would be retained, and that the supplication itself was illegal. The Council were greatly alarmed, and even Sir John Hay was a party to their unanimous resolution at Stirling on 2nd March 'that the feares apprehended be the subjects of innovation of religion and discipline of the Kirk upon occasion of the Service Booke, Booke of Canons, and High Commission . . . ar the causes of this combustion.'[3] He also signed the instructions to the Earls of Traquair and Roxburghe on 24th March 'to remonstrat to his Majestie the heavie and fearefull estate the countrey is brought unto be the feares conceaved be the subjects.'[4]

The reply of the people to the proclamation was the signing of the 'Solemn League and Covenant,' and at this point the King so far gave way as to send down the Marquis of Hamilton to act as conciliator. One of the concessions which he was authorised to make was to bring the Court of Session back to Edinburgh, but the 'Tables' intimated that the change would not be acceptable unless Sir Robert Spottiswoode and Sir John Hay were

[1] Bishop Guthry's *Memoirs*, p. 27.

[2] Rothes's *Relation*, pp. 56, 66.

[3] *Privy Council Register*, 2nd Ser. vii. 8, 18.

[4] *Historical Manuscripts Commission*, 9th Report, p. 254.

removed from the bench 'as being episcopally affected, and promovers of the Service Booke, and enemyes to the Covenant.'[1]

They also alleged that they had been guilty of bribery and corruption, and asked Hamilton to remove them on that ground. He very rightly refused, and pointed out that the allegations must be proved before he could act upon them. Accordingly Alexander Gibson of Durie, who succeeded Hay in the office of Clerk Register, prepared a bill which boldly set forth[2] that they had 'frequentlie and diverse tymes themselves, their servants, and others, receaved money, gifts, or brybes from his Majesties leidges haveing actiones and causes depending before the Sessione, contrair to conscience and honesty and their dewtie, lawes and Acts of Parliament of this kingdome.'

The Court was opened by Hamilton in person on 3rd July 1638, but the protest was not presented, and Hay continued to sit till the end of the winter session of 1638-1639.

A much more important concession was made by the King in summoning a General Assembly, which met at Glasgow on 21st November, 1638. It very soon got beyond the control of the Episcopal party, and Sir John Hay was one of the twenty-two Privy Councillors who signed a proclamation on 29th November dissolving it and nullifying its Acts. The Assembly, however, ignored the proclamation, and proceeded to depose the bishops and sweep away the whole fabric of Episcopacy.

There is a reference to Sir John Hay in a doggerel poem called the 'Kailwyfe's Communing,' published about this time. It is an attack upon the alleged coolness of the Presbyterian leaders in face of an apprehended revival of Popery, and it contains a tribute to his consistency at the expense of his popularity.[3]

> For weill remember I that day
> Wherein we followed Sir John Hay,
> And I think weill ther worsse then he
> That now turnes coate so shamfully.
> For he was never our profess'd freind,
> The country never to him lean'd,
> For enimie wee tooke him still
> Expecting nought from him bot ill.

In March, 1639, the First Bishops' War broke out. Hay sat for the last time in the Privy Council on the 1st, and in the

[1] Gordon's *History of Scots Affairs* (Spalding Club), i. 73-5.

[2] Rothes's *Relation*, pp. 172, 178. [3] *Scottish Pasquils*, ed. Maidment, p. 82.

Court of Session on the 16th, and the same day left to join the King at York.[1] He remained there until the end of April, and attended a meeting of the Scots Council at Durham on 1st May, when His Majesty announced that he intended to invade Scotland 'to reclaim such as were refractory.'[2] He proceeded with Charles to Berwick, and was present when Commissioners were appointed by both sides to arrange a pacification. The truce was only temporary, and during the year 1640 the Covenanters were preparing for war.

The Scots Parliament sat for only eight days, but passed thirty-nine statutes. Chapter 17 was an Act against leising-makers, which, as Sir James Balfour explains,[3] 'was purposlie made to catche Traquaire, the Thesaurer, S^r^ Johne Hay, Clercke Register, S^r^ Robert Spotswood, President of the Session, Maxswoll, Bischope of Rosse, and otheres, quho by rantring and lying had done muche mischeiffe to this kingdome, and in effecte had given maney bad informations to his Majesty and Counsell of England, contrarey to the treuthe and quhat was really done and acted by the Covenanters.'

The Second Bishops' War broke out in the summer of 1640, and ended like the First in the appointment of Commissioners. They met in London, and Principal Robert Baillie, who was one of the Scots representatives, records that Sir John Hay did his best to put obstacles in the way of an agreement.[4] He wrote on 2nd December, 1640, that on the demand for publication of certain Scots Acts the King raised objections which were successfully removed. 'Thereafter, as we were informed, Register, President, Secretar, Galloway, Airly, etc., put the King with their despytefull words in ane evill mood.'

On 12th December he reported that the Scots had demanded the punishment of the 'Incendiaries,' as they were now officially called. 'Our method in it was syllogistick. We proponed first a major, 'Whoever shall be found incendiaries, that they may be proceeded against by the two Parliaments *respective*.' When this was made fast, we were readie to assume, 'But so it is, we instruct by such and such reasons, that . . . the Theasurer, Register, President, Balcanquall, are such.' The conclusion of sentence we were to leave to the two Parliaments. As yet we have not gone beyond the major.'

[1] Sir Thomas Hope's *Diary* (Bannatyne Club), p. 87.
[2] *State Papers* (*Domestic*) 1638-9, p. 628; 1639, pp. 25, 104, 273.
[3] *Historical Works*, ii. 378. [4] *Letters and Journals*, i. 276, 279.

The negotiations dragged on through the spring and summer of 1641, and on 12th June the Scots Commissioners on the instructions of their Parliament formulated a petition to the King[1] 'to send home, or at least remove from your presence and from Court, such persons as are cited before them as incendiaries . . . for their evil offices done against their country, and for hindering by their bad counsels the progress of this treaty of peace, that they may no more have access to attempt the like in time coming.' After some delay the King gave way and wrote to the Commissioners on 21st July:[2] 'As for Sir John Hay and S^r^ Robert Spottiswood His Ma^tie^ declares it is long since they tooke their leave of him. But they ar forced to stay throughe want of money, And his Ma^tie^ hes given thame adverteisment that they come no more to Court.'

On 29th July, 1641, the Committee of Estates nominated a committee to try the Incendiaries, and on 3rd August issued a proclamation that when they arrived in Scotland they were to be arrested.[3] The Articles of Peace between the King and the Scots people, as finally adjusted at Westminster on 7th August, included an undertaking that the Scots Parliament would pass an Act of Oblivion, excepting therefrom the Incendiaries and the Bishops.

Charles himself came to Edinburgh on 14th August accompanied by three of the Incendiaries. Sir Robert Spottiswoode and Sir John Hay 'war schortlie takin and wardit in the castell of Edinburgh.'[4] Hay petitioned the Estates on the 19th to be allowed to stay at his own house for a few days for reasons of health, and the request was granted on condition that he submtted to examination by one of three doctors named. Next day he replied: 'my waikenes is bettir knawine to my selffe than can appeire to them,' and surrendered to immediate imprisonment. It was not until 16th November that he was liberated on caution.[5]

The same day the Estates nominated a new commission to try the Incendiaries, but the trial was reduced to little more than a farce by a resolution that 'taking into ther consideracion his Ma^ties^ gratious goodnes towardis this his native kingdome and his fatherlie

[1] *State Papers* (*Domestic*), 1641-3, p. 10.

[2] Thomson's *Acts*, v. 630. [3] *Ibid.* v. 319, 320, 342.

[4] *Memorialls of the Trubles*, John Spalding (Spalding Club), ii. 64.

[5] Thomson's *Acts*, v. 644, 645, 710.

cair and wisdome in composing of all past differances and provyding for the future to the great joy and happines of his subjects, and that his Ma^tie may joyfully returne ane contented prince from a contented people . . . efter tryell they will not proceed to a finall sentance nor insist upoun the punishment of those persones, Bot that they doe for the reasonnes foresaid freelie remite them to his Ma^tie.'[1]

On 12th July 1641 Hay resigned office as Clerk Register on compensation of £5,000 sterling being paid to his son William, and on 13th November an Act of the Estates was passed removing him and Sir Robert Spottiswoode from the Court of Session.

The trial of the five Incendiaries—Traquair, Spottiswoode, Hay, D^r. Balcanquhall, and John Maxwell, Bishop of Ross, the last two being absent,—began on 4th January, 1642, and lasted almost two months. The proceedings were secret, but it became generally known that Traquair was found guilty.[2] The result in Hay's case can be inferred from the fact that on 24th September the King granted him a free pardon.[3]

He took no further part in public affairs until Montrose came south with a Royalist army. Although he was about sixty-four years old, he joined the Royalists and fought at the battle of Philiphaugh (13th September, 1645), where he and Sir Robert Spottiswoode were taken prisoners. They were confined in Dumbarton Castle,[4] and Father Hay says:[5] 'His life had been in great danger, had he not by a private convention with the Earle of Lanerick granted him the rents of the lands in Galloway, whereof he was proprieter, during all the days of the said Sir John's lifetime, to have his life sav'd.' Scotstarvet says that he owed his escape to the Earl of Callander, and to his own son, Mr. William Hay, who paid £500 sterling to some of the officers for his release.[6]

Father Hay concludes his narrative thus: 'After this Sir John took himself to a quiet life, and retired to Duddingston, where he died upon Munday 20 of Novembre 1654, from whence his corps were transported to Edinburgh and laid in the Tron Church and convayed the 24th of the same month, being Friday,

[1] Thomson's *Acts*, v. 409. [2] *Memorialls of the Trubles*, Spalding, ii. 99, 138.

[3] *Hayes of Tweeddale*, p. 41.

[4] Thurloe's *State Papers*, p. 72. [5] *Hayes of Tweeddale*, page 41.

[6] *Staggering State of Scottish Statesmen*, page 101.

to the Greyfriers Church-yeard, where he was buried upon the west side of the Church-yeard in the ordinar buriall-place of the Hayes.'

He married (1)[1] Marion Johnston, daughter of a second son of the laird of Newby, Dumfriesshire, and by her had four sons —Sir Henry, Commissary of Edinburgh, Mr. William of Aberlady, Clerk of Session, Lieutenant Colonel John,[2] and Alexander —and a daughter Janet, who married Mr. John Adamson,[3] advocate: (2)[4] Rebecca, daughter of Alexander Thomson of Duddingston and by her had four sons—Mr. Thomas, Mr. Andrew, Captain George (father of Father Hay) and Patrick— and two daughters—Margaret, who married John Stewart, Admiral Depute of Scotland, and Anna, who married David Aikenhead.

JOHN A. INGLIS.

[1] *Edinburgh Proclamations of Marriage*, 26th May, 1602.

[2] Dalton's *Scots Army*, p. 52.

[3] Contract dated 5th June, 1621—*Register of Deeds* (Brown), 8th March, 1653.

[4] Contract dated April, 1622.

The Coffin in the Wall

THE fascination which clings to every episode in the dramatic life of Mary Queen of Scots has attracted the pen of many writers; much has been brought to light to lift the stigma cast upon her by the crafty nobles who surrounded her, each with his own axe to grind, but there are still some obscure points. The birth of James the Sixth and his individuality is one of these. The key to the mystery seems to the present writer transparent, and it was one in which Mary bore no part.

King James, I think, was never quite satisfied as to his legitimacy, and rewarded those who reassured him. His fear, that Rizzio had betrayed his mother's honour, was doubtless hinted by his tutor, George Buchanan, who was vindictive against her and her ladies. The improbability of this is great. Rizzio was a grey-bearded man of fifty, unattractive in appearance and deformed; though an able secretary and man of affairs, he was too well versed in the intrigues of the Court to suit Darnley and his co-conspirators; and Mary, well trained in her early youth, was, in spite of her sojourn at the French Court, of a chaste disposition, and her religion was a very real part of her life. From the time of an attempted intrusion into her chamber by an infatuated lover until her marriage with Darnley, to prevent any such recurrence, she made Mary Seton her bedfellow.

The letter written by Throckmorton to Queen Elizabeth after the death of Francis shows the impression formed of her character and judgment by that experienced statesman:

'Since her husband's death she hath shewed (and so continueth) that she is of great wisdom for her years, and of equal modesty, and also of great judgement in the wise handling herself and her matters; which increasing with her years cannot but turn greatly to her commendation, reputation, honour and great benefit of herself and her country. Already it appears that some such as made no account of her do now, seeing her wisdom, both honour and pity her. Assuredly she carries herself so honourably,

advisedly and discreetly that one cannot but fear her progress. As far as I can learn she more esteemeth the continuance of her honour and to marry one that can uphold her to be great, than she passeth to please her fancy by taking one that is accompanied with such small benefit or alliance as thereby her estimation and fame is not increased.'[1]

To unravel the secret we must have recourse to the oft-told tale of Rizzio's murder. Without entering into the reasons for what took place, which are very accurately given by Miss Strickland in her *Life of Queen Mary*, we need only picture the scene and its effects upon the Queen, who was seated at supper with her household in her private apartments at Holyrood Palace when Ruthven and his accomplices broke roughly into the room.

Rizzio, divining their intentions, took refuge behind his mistress; the supper table, laden with dishes, was violently upset, and struck Mary, then six months gone in pregnancy, as it fell, while Ruthven thrust with his dagger over her shoulder at his victim; she heard the cries and groans of the unfortunate Italian as he was dragged from the room and down the stairs—a dead man before he reached the bottom; she did not know if her own life was safe. Then, when the fiends were gone, she found herself a prisoner in her apartments, in terror of what might follow and in ignorance of what was going on outside, until her hot-headed and ambitious young husband, the author of much of the mischief, made his way to her by the private stair which connected their rooms and confessed to his intrigue with the Lords which had ended in the undoing of them both. How Mary set her ready wits to work and contrived their escape is described by Claude Nau, her secretary, in his *Memoirs*.[2]

Mounted on a pillion behind Arthur Erskine, accompanied by Darnley and the few faithful Peers with whom the Queen managed to communicate, they set off under cover of night for Dunbar. To make all safe, some soldiers were posted on the road. Darnley, thinking they were there to intercept them, took fright, put spurs to his own horse, and flogging that upon which Mary rode, cried, 'Come on! By God's blood they will murder both you and me if they can catch us.' Mary reminded him that in her condition such violent exercise was impossible; but never heeding, he cried again, 'Come on, in God's name! If this one dies, we can have

[1] *Calendar of State Papers.* Foreign 1560-61. 833(3). See Strickland's *Queens of Scotland*, vol. iii. p. 142.

[2] Claude Nau's *Memoirs*, ed. by Rev. Joseph Stevenson, S.J., Preface, p. 96.

others.' Her powers of endurance becoming exhausted, she told him to save himself without regard to her. The gentlemen in attendance coming up, quickly closed round, and brought her in safety to the Castle. This incident is sufficiently characteristic to show of what stuff Darnley was made.

A few days later the Provost and citizens of Edinburgh, who were on her side, saw to her safe return to Edinburgh Castle. After a short stay, she returned to Holyrood until within a few weeks of her confinement, when, according to arrangement, she went back to the Castle. What some of the Lords said or this plan is told by Chalmers, a contemporary writer:

'However well intended it might be by the Privy Council of Scotland, to advise the Queen to return to the Castle for her accouchement,—Yet was it averted by matchless artifice into a plot, which had for its end the transfer of the Queen's sceptre to Murray's guilty hand. The grey-bearded statesmen reasoned in this manner: Recollecting the assassination of Rizzio in the Queen's presence and considering the Queen's period of pregnancy; the probability was that she would be delivered of a Monster, or a still-born child pretty certainly; and knowing how subject child-birth is to accident, they inferred, with great appearance of reason, that the Queen would never leave her bed alive.'[1]

But the Queen had her faithful ladies around her, who, equally concerned in her condition and fully alive to the consequence which hung upon the issue, were ready to take any steps necessary to avert a calamity which would lay the throne open to Darnley or the epileptic Arran.

Those selected to accompany her to the Castle were limited to the Countess of Atholl, Lady Reres and Mary, the newly-wedded wife of Ogilvy of Boyne, niece of Lady Reres and daughter of Robert Bethune of Creich, Master of the Household.[2] The Lords in waiting were the Earls of Moray, Mar, Atholl and Argyll, all of whom were nearly connected and, with the exception of Moray, who was playing for his own hand, equal in their loyalty and devotion. The Countess of Atholl was the Queen's first cousin, being a daughter of her Aunt Lady Fleming, and by inter-marriage in the previous generation between the Atholls and the Forbes was also connected with Margaret Bethune, known

[1] Chalmers' *Mary Queen of Scots*, vol. i. p. 171.

[2] Macfarlane's *Genealogical Collections*, Scottish History Society, vol. i. p. 31.

as Lady Reres, the wife of Arthur Forbes of Reres, a cadet of the House of Forbes.[1]

The Earl of Argyll's wife was Lady Jean Stewart, daughter of James the Fifth, by Elizabeth Bethune, elder sister of Lady Reres, and was therefore her niece, also half or bastard sister to Queen Mary. Mary Boyne and her father completed the clique.

It would appear that Lady Reres gave birth to a son in the Castle very shortly before the Queen was confined.

The Countess of Atholl was credited with occult powers, of which fact full use was made. Allusion to this will be found in *Douglas Peerage* and Sir James Balfour Paul's *Scots Peerage*.

The royal apartment consisted of a large outer or anti-chamber leading into a small bedroom about eight feet by eight, with one small window. Here, says Claude Nau, writing from information probably supplied to him by one of those present—as he only became secretary to the Queen after she was in captivity—the birth took place.

'Le dix neuf Juin, jour de Mercredi, entre les dix et onze heures du matin, sa Majesté accoucha d'un fils, avec grand travail et douleurs, en présence de pleusieurs dames,[2] lesquelles la voyans en danger et luy remonstran le hazard ou elle était et son enfant, elle les supplia de sauver l'enfant sans aucun respect d'elle. Le prince vint avec un fort grande coiffe fort deliée qui lui couvrait tout le visage.'[3]

Other than this, not one word is said as to his condition, which is curious. It is the doctor's custom to consider the mother.

The first description of the child comes from the pen of the English Ambassador, but not until some eight or ten days later.

Meanwhile what of Lady Reres? A conversation is reported by Richard Bannatyne, secretary to John Knox, in his *Journal*,[4] which took place five years after the event, between Andrew Lundy, a cousin of Lady Reres, and John Knox, which gives a clue to the plan that, in its simplicity and confidence in the credulity and superstition of the people, was apparently so successful.

[1] *Idem*, vol. ii. p. 219. Ch. Arthuro Forbes de Reres et Margaretae Betoun suae sponsae in conjuncta Infeodatione et Ioanni Forbes filio et heredi app. Arthuri de terris de Westhouse in Baronia de Leuchars infra Vic de Fife. 21 Feb. 1550.

[2] Owing to the size of the room it is unlikely that there could have been more than two.

[3] Claude Nau's *Memoirs*, edited by Rev. Joseph Stevenson, S.J., p. 236.

[4] Bannatyne's *Journal*, p. 238.

'On Tuysday, the 3 of Julij, 1571, Andro Lundie beand at dener with my maister, in a place of the lard of Abbotshalls, called Falsyde, openlie affirmet for treuth, that when the quene was lying in ieasing of the king, the Ladie Athole, lying (lodging) thair lykwayis, baith within the Castell of Edinburgh, that he come thair for sum business, and called for the Ladie Reirres, whom he fand in her chalmer, lying bedfast, and he asking hir of hir disease, scho answrit that scho was never so trubled with no barne that ever scho bair, ffor the Ladie Athole had cassin all the pyne of hir (the Queen's) child-birth vpon hir.'

That such belief was prevalent is illustrated in the reign of James VI. in the trial of one Eupham McCallyum some years later—'For consulting and seeking help at Anny Sampson for relief of your pain at the time of the birth of your two sons and receiving from her to that effect ane bored stane to be laid under the bowster put under your head, enchanted moulds (earth), and powder put in ane piece of paper to be usit and rowit in your hair, and at the time of your drowis (throes) your guidman's sark to be presently ta'en aff him and laid wimplit round your bed feet the whilk practisit, your sickness was casten aff you unnaturally upon ane dog, whilk ran away and was never seen again. And in the birth of your last son, the same practise was usit, and your natural kindly pain unnaturally casten aff you upon the wanton cat in the house; whilk likewise was never seen thereafter.'[1]

It would appear that the babe scarcely drew breath, but that eventuality was prepared for. To have told the Queen the truth in her exhausted condition might have broken her slender hold on life.

The midwife was doubtless in the secret, and to dispose temporarily of the infant was a simple matter. The other was ready at hand. Any inconvenient questions regarding Lady Reres' offspring could easily be parried.

Apparently neither Darnley or the Lords in waiting were present. It was Mary Boyne who gave the news to Sir James Melville, who was waiting, with horse ready saddled, to carry the tidings to Queen Elizabeth.

The dislike of Darnley by the bedchamber clique is notorious; that they had good grounds for their feelings, apart from his dissipated habits and neglect of the Queen, is shown in the letters of Randolph to Leicester.

'I know there are practises in hand contrived between the

[1] Chambers' *Domestic Annals* (1858), vol. i. p. 218.

Father and the Son (Lennox and Darnley) to come by the Crown against her will.'

Secret articles had also previously been drawn between Darnley and the banished Lords in return for his securing their pardon and recall, 'that they would procure for him the Crown Matrimonial of Scotland and that in the event of the Queen's death he should be declared her rightful successor and his Father the next heir after himself and that the Lords should pursue, stay and extirpate all who opposed this ressolution.' The best laid plans, however, gang aft agley.

That Mary was aware of these intrigues is apparent by the steps she took between July and December to frustrate them in causing 'a Bond of Dismission of the Crown and Government'[1] to be drawn up in favour of the infant Prince, which was signed by the principal Lords and gentlemen, Arthur Forbes of Reres being one of these.

We are indebted to Lord Herries for the continuation of the scene in the Queen's bedchamber. 'This which follows,' he writes, 'is worth observing. About 2 o'c in the afternoon the King came to visit the Queen and was desirous to see the child. 'My Lord,' says the Queen, 'God has given you and me a son begotten by none but you.' At which words the King blusht and kissed the child. Then she took the child in her arms and discovering his face said, 'My Lord, here I protest to God and as I shall answer to him at the great day of Judgement, this is your own son, and no other man's son, and as I am desirous that all here, both ladies and others bear witness, for he is so much your own son that I fear it may be the worse for him hereafter.'[2]

Darnley, being implicated in the murder of Rizzio, had set tongues wagging, and he was consequently forced to declare publicly that the child was his.

One of Bedford's spies tells of Darnley's jealousy and how he disliked 'that the Queen should use familiarity with man or woman, especially the ladies Argyll, Mar and Moray, who keep most company with her.'

The next to visit the Queen was the English Ambassador, Killiegrew, who arrived some eight or ten days later, bearing a message from Queen Elizabeth. Writing to Cecil, he describes how 'at 3 o'clock this afternoon Murray sent a gentleman and took me from his logging to the Castle, where the Earl of Mar's

[1] Hume Brown's *History of Scotland*, vol. ii. p. 113.

[2] Strickland's *Life of Mary Queen of Scots*, vol. i. p. 311.

Captain met us and by both without pause I was brought to the Queen's bedsyde where her Highness received thankfully her Majesty's letters and commendation, desiring her to excuse her proceedings further, and as soon as she could get strength I should have access again. I took leave and was brought to the young Prince sucking of his nouryce and afterwards saw him as good as naked. I mean his head, feet and hands, all to my judgement well proportioned and lyke to prove a goodly prince.'[1]

Of the Queen he remarked 'her delicate condition and that she spoke with a hollow cough.'

The nouryce, according to Chambers,[2] was the redoubtable Lady Reres; certainly it was she who took the infant to Stirling, when Mary left the Castle, and afterwards to Alloa, where the cradle and nursing chair are still preserved. Later the French Ambassador Du Cros describes the infant Prince, 'then three months old and so fat and fine for his age that by the time of his christening his Godfathers will feel the weight of bearing him in their arms.'[3]

The long-delayed christening took place on the 17th December in full state at Stirling, the child receiving the names of Charles James. After various banquets and other festivities, 'Our Sovereign Lady past to the Castle and there made the infant James Prince of Scotland, the Duke of Rothesay, Earl of Kyle, Carrick and Cunnynghame, and Baron of Renfrew,'[4] thus ensuring his position.

Before the Queen and her Court left Edinburgh Castle in July 1567 for Alloa, and the 'Prince' in Lady Reres' charge for Stirling, a means had been found for the disposal of the body of the royal infant. This was first brought to light in the year 1830 by the discovery of a coffin in the wall of the royal apartments.[5]

In 1835-36 a fire broke out in that portion of the Castle, which necessitated repairs to be made to the walls.

[1] *Idem*, p. 314. [2] Chambers' *Book of Days*, vol. i. p. 796.

[3] Strickland's *Life of Mary Queen of Scots*, vol. i. p. 323. [4] *Idem*, p. 361.

[5] '*Account of the discovery in the wall of the Ancient Palace in the Castle of Edinburgh of the remains of a child wrapped in a shroud of silk and cloth of gold and having the letter* J *embroidered thereon*,' by Capt. J. G. Alexander, Cor. Mem. S.A.S., *Archaeologia Scotica*, iv. App. 2, p. 14, Edin. 14th February, 1831.

See also *Synopsis of the Antiquarian Museum*, Edinburgh, 1849, p. 100, 19 B., 'Portions of the shroud in which the remains of an infant were wrapped, when discovered built up in the wall of the old Palace Edinburgh Castle 11th August 1830. Presented by Capt. J. G. Alexander, 16th Lancers, to the Museum of the Society of Antiquarians of Scotland.' This relic has been lost, possibly in the removal of the Society's quarters to Queen Street.

Mr. P. H. M'Kerlie, in his pamphlet on the *Earldom of Mar*, writes: 'If the new Royal residence in the Castle was created by James V., as believed, it must have been between 1524 and 1542; that King made no secret of his illegitimate offspring.' 'The coffin was built into the centre of the anteroom wall, now called the Crown room, which leads into Queen Mary's room . . . I was a boy at the time and being drilled in the garrison was constantly there. I was present at the fire, going into the room, and I also obtained some small fragments to add to a small museum. The wall was built up and my story remains unrevealed. From the coffin being built into the wall, concealment of the closest character was evidently the object, and being wainscotted no trace was shown.'

A short correspondence took place in the *Scotsman* the last week of December, 1888, throwing doubt upon Mr. M'Kerlie's information, which drew from him the reply that 'No one well acquainted with ancient family history, together with a knowledge of early times—even to the eighteenth century—is ignorant that changlings are known to have been substituted, and there is therefore nothing extraordinary that various surmises should have arisen as to the infant whose remains were found.' . . . 'I may state the last person I met who knew all about the discovery was the late Hon^ble. Augustus Erskine, uncle of the late young and regretted Earl of Mar and Kellie. This was about 5 years ago, and being a good many years my senior he reminded me that he was then grown up, with friends (military) in the garrison.'

An article in the issue of 20th December, 1888, makes the following reference to the discovery of 1830: 'Nearly in a line with the Crown room and about six feet from the pavement to the Quadrangle the wall was observed to return a hollow sound when struck. On being opened a recess was discovered measuring about 2 ft. 6 by 1 ft., containing the remains of a child enclosed in an oak coffin, evidently of great antiquity and very much decayed. The remains were found wrapped in a cloth believed to be woollen, very thick and somewhat resembling leather, and within this the remains of a richly-embroidered silk covering. Two initials were wrought upon it, and one of them an I was distinctly visible. By order of Colonel Thackeray the remains were restored and the aperture closed up.' The same information is given by Grant in his *Old and New Edinburgh*, also by the late Major Gore Booth in the *Scotsman* of 7th June, 1884, entitled 'Recent Explorations in Edinburgh Castle.' Here

they still lie. The curious enquirer can verify the spot, as it is well known to the Castle custodians.

The Hamiltons, as those most nearly affected by the issue of events, were rigorously excluded from the Castle, and apparently, beyond the general suspicions of the period, no definite information of any sort was gleaned by them.

History shows that Lady Reres continued in constant attendance on the Queen after her duties of nouryce were over. She was with her on the fatal night to Darnley at The Kirk o' Field, she rode at her side at the Battle of Langside, and when kept a prisoner at Borthwick Castle it was her eldest son, John Forbes, who carried the messages from the Queen to Sir James Balfour enjoining him to hold out the town of Edinburgh for her, and 'to fire on the Lords if they attempt to enter.'[1]

John, Master of Forbes, was one of 'the assyse before whom Bothwell was tried for the murder'[2] of Darnley, and Arthur Forbes of Reres was amongst those who signed the Roll in the Parliament House at that time.

It was perhaps the caustic tongue and ready wit of Lady Reres that made Buchanan so bitter in his palpably untrue and coarse statements in regard to her and the Queen. Sir James Melville's description of his character shows how little reliance can be placed on his information. 'While a man of notable endowment and learning, he was easily abused, and so facile that he was led by every company that he haunted, which made him factious in his old days, for he spoke and wrote as those who were about him informed him, for he was become careless, following in many things the vulgar opinion; for he was naturally popular, and extremely revengeful against any man who offended him, which was his greatest fault.'[3] By others he was plainly called 'a liar.'

That the Queen was unaware of the substitute, placed in her arms on the 19th June, is apparent by a letter written by her to Mauvissière, while a prisoner in Sir Ralph Sadler's charge at Tutbury, regarding her son's declining to associate himself with her as sovereign of Scotland.

'Without him I am and shall be of right, as long as I live, his Queen and Sovereign, but he independently of me, can only be Lord Darnley, or Earl of Lennox, that being all he can pretend

[1] Strickland's *Life of Mary Queen of Scots*, vol. i. p. 458.

[2] Tytler's *History*, vol. vii. p. 97.

[3] Sir James Melville's *Memoirs*, p. 256.

to through his Father, whom I elevated from my subject to be my consort, never receiving anything from him.'[1]

It is a curious coincidence that it was the result of Cardinal Bethune's policy that eventually brought Mary and Darnley together, and it seems still more curious that the offspring of a Bethune and a Forbes should supplant Darnley's son, especially on account of the relationship which existed between the Hamiltons, Forbes and Bethunes by intermarriage.

The theory here put forward as to the 'coffin in the wall' is, I believe, the correct explanation of the mystery.

ALICE FORBES.

ON a *prima facie* consideration of the theory which the Dowager Lady Forbes so ingeniously maintains, I had some doubt whether it could stand close examination. As she has raised points of interest, I readily accede to your suggestion that a few of the difficulties which occur to one should be stated. It does not seem necessary to undertake an exhaustive criticism of detail: there are several fundamental objections which may occur also to your readers, over and above the number of assumptions which are required.

We are asked to believe that the prince died immediately after he was born: that the body was secretly buried in the wall: that the infant son of Lady Reres played the part relinquished by the true James, and, like Moses, enjoyed the unusual privilege of being suckled by his own mother in the official capacity of nurse. The identification of the prince with the remains found in the coffin is not easy. The purpose of the conspirators was, *ex hypothesi*, secrecy and concealment; yet the body was wrapped in a shroud which, according to the account given, was embroidered with two letters, one of them legible as I or J. Presumably this initial is regarded as a support to the desired identification; but, unless there was some burial superstition at work, the embroidered shroud would be a mistake which a thoughtful conspirator would not commit. The objection is not fatal, though it is grave.

[1] Labanoff's *Lettres de Marie Stuart*, 1563-1587, vol. vii. p. 107.

Another difficulty suggests itself in connexion with John Hamilton, Archbishop of St. Andrews. His policy after the death of Cardinal Betoun was consistently directed to securing for his family the first place in the realm. The projected marriage of Mary to Arran's son, which became impossible after Pinkie, was designed to ensure the desired result, since Arran was the next heir in the event of the Queen's death. At the present juncture, with the house of Lennox almost within reach of the Crown, it is hardly conceivable that Hamilton, if he had the faintest suspicion that the prince was dead, would have neglected the opportunity. He was not a very satisfactory churchman; but he had all his wits about him.

The most serious difficulty is partly suggested by evidence which Lady Forbes has furnished. She quotes a charter of 1550-1 (see *R.M.S.* iv. 584-5) which shows that John Forbes, the eldest son of Lady Reres, was then in existence. Lady Reres had two sons, John and Arthur; and, if the elder was in life at least fifteen years before the prince was born, while the second was a man in 1570 (Pitcairn, *Criminal Trials*, i. 40), it seemed important to make further investigations. Dr. Maitland Thomson pointed out a deed (*Acts and Decreets*, xxiv. 285) in which John Forbes is definitely stated to have been twenty-two years of age on July 16, 1562. He was born, therefore, on or before July 16, 1540. Hence it is startling to find the redoubtable Lady Reres giving birth to a son in 1566!

George Buchanan, as Lady Forbes indicates, did not like Lady Reres, and said extremely unpleasant things about her; but there seems to be no reason for rejecting his general description of her person. The Queen and her maid, according to an anecdote related by Buchanan, were giving Lady Reres mechanical assistance in surmounting a wall, when she came with some violence to the ground, being 'a woman verray hevie, baith be unweildie age and massie substance' (*Detection*, in Anderson's *Collections*, ii. 8). Dr. Hay Fleming points out that the incident is described as taking place in September, 1566. Lady Reres cannot have been much under forty-five.

'But,' it may be urged, 'she acted as wet-nurse to the prince, or the supposed prince.' I do not know who is the ultimate authority for the statement, which is rendered doubtful by the evidence of the official documents. In the Treasurer's account for 1566, under September 14, we find linen supplied to 'the ladie Reres and maistres nureis,' who, it is evident, were sleeping

in two beds in the prince's nursery. Again, on December 10, in the account of arrangements for the baptism, the two women are distinguished more clearly still. In the following February there is a grant of a pension (*R.S.S.* xxxvi. 54) to Helen Little and her spouse, Alexander Gray, burgess of Edinburgh, because of her good and gratuitous service *in nutritione*; and in a later writ (*R.M.S.* v. 1511) James speaks of her as tending him 'from his infancy.' The evidence points to the conclusion that Lady Reres was *gouvernante* and Helen Little *nourrice*.

What, then, is to be made of the story with which Andrew Lundy regaled John Knox at dinner? Two points should be noted. First of all, we have here Bannatyne's report of the tale he heard: consequently there is room for misunderstanding, and it is dangerous to lay too much stress upon the wording. Secondly, the statement 'she was never so troubled with no bairn that ever she bare' carries at first sight the implication that she has a child of her own. It is important to observe the general drift of the tale. Had Lady Reres been about to bear a child after so pronounced an interval, the unexpected news would surely have passed into Fife and reached Andrew Lundy's ears—and George Buchanan, looking about for something venomous to say, would hardly have been silent. Lundy, however, the burden of whose discourse seems to have been Lady Atholl's prowess in the occult, represents himself as going up to the Castle on a matter of business. He hears that the Queen is in labour, but is surprised to learn that Lady Reres is also in bed. On being admitted to her chamber, he inquires what is the matter, and learns that she has been under the management of the Countess, who has 'cassin all the pyne' of the Queen's child-birth upon her. If Lady Reres meant that her suffering had been more than doubled, she deserves to rank high among devoted women and to receive all the credit due to her loyal endurance. But her words, while they imply that she was in pain, do not necessarily mean more than that Mary was worse than she herself had ever been in similar circumstances. It seems very improbable, all things considered, that Lady Reres had a child of her own at all.

If that be so, how are we to explain the condition she was in, or alleged herself to be in? Sir Halliday Croom acutely conjectured that it might be a case of spurious pregnancy, likely enough at the time of life she had reached. That may be the solution. Again, her illness may have been due to other causes. Or, acting under the instructions of Lady Atholl, she may have

been pretending—the interview granted to Lundy forcibly suggests it—in the hope of easing the Queen.

If Lady Forbes has not cleared up the mystery of the coffin in the wall, she may fairly challenge other investigators to solve it. One may speculate but not conclude where evidence fails. I have heard it said that a distinguished professor used to propound, in this connexion, a theory of twins. Twins have done noble work in some desperate historical situations. At all events they have no bearing on the hypothesis now in question.

R. K. Hannay.