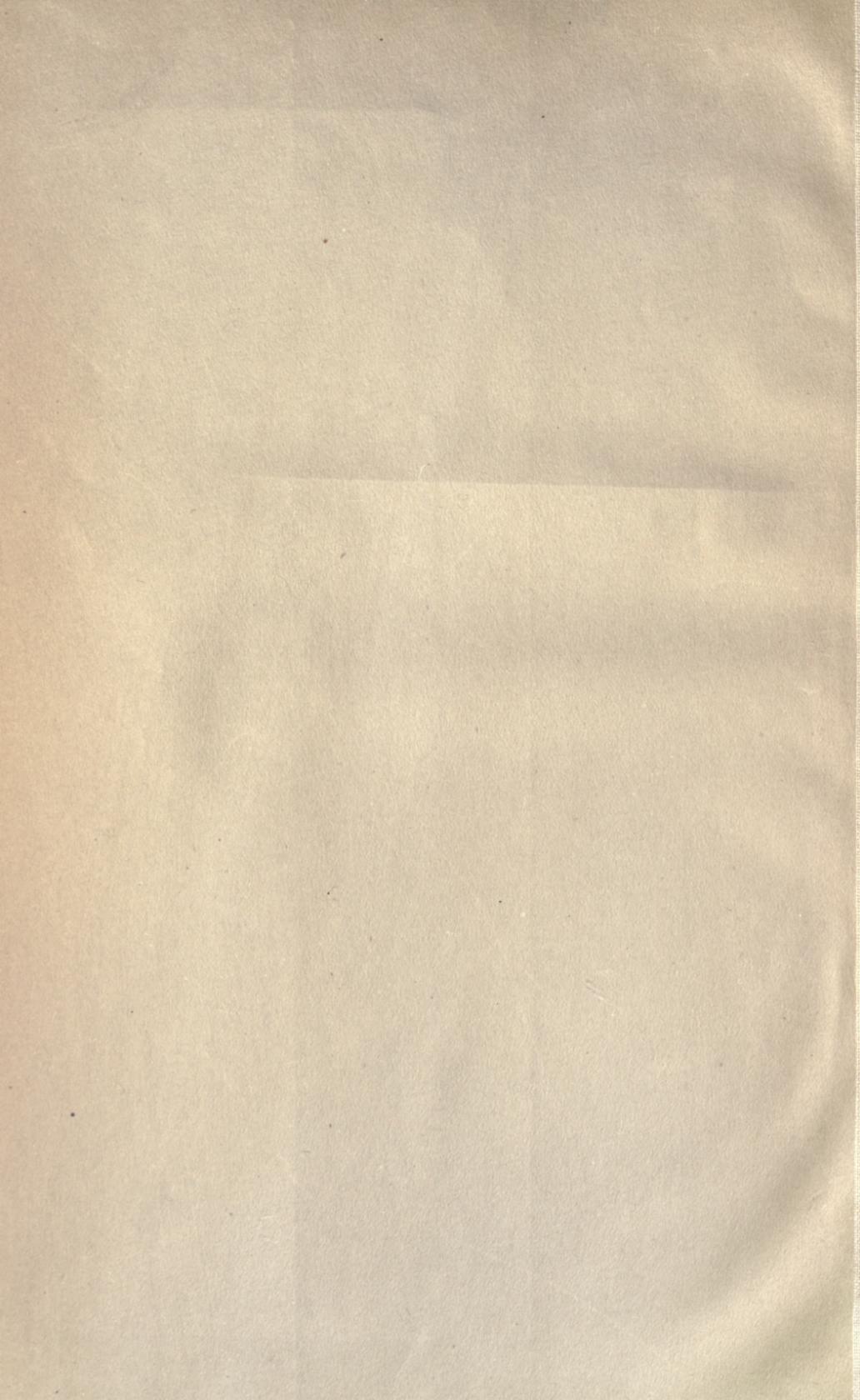


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# THE SCOTTISH HISTORICAL REVIEW



*Volume Fourteenth*

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XII

# The Scottish Historical Review

VOL. XIV., No. 53

OCTOBER 1916

## The Suitors of the Sheriff Court <sup>1</sup>

AS early as the time of King David I. each of the great law officers—the Justiciar, the Chamberlain, the Chancellor and the Constable—had his own jurisdiction; and when, about the same period, Scotland was divided into sheriffdoms, the sheriff acted as the King's minister in the execution of the Royal writs,

<sup>1</sup>The material facts with which this paper is concerned, so far as they have been ascertained by me, are to be found in early legal tracts, in the Scots Statutes, in the charters contained in the Register of the Great Seal, in the Records of the Sheriff Courts, in a few decided cases, and in Craig's *Jus Feudale* (Edinburgh, 3rd ed. 1732, I. x. 32; II. iii. 33, xi. 18), Balfour's *Practicks* (Edinburgh, 1754, pp. 272 ff.), and Skene's *De Verborum Significatione* (s.v. 'Sheriff' and 'Sok'). The lists of absentees and jurors in the MS. Sheriff Court Books of Fife (1514-20) and Linlithgow (vol. i. 1541-61; vol. ii. 1551-54, 1556-59; there are numerous later volumes) are of the first importance in dealing with the matter in hand. I am much indebted to Mr. R. K. Hannay, Curator of the Historical Department of H.M. General Register House, for directing my attention to them, and for his invaluable help, counsel and suggestions. The early sheriff court books of Lanark, Inverness, and Dumfries have not been kept with the same attention to detail as the Fife and Linlithgow books, and are consequently of less service. In the *Records of the Sheriff Court of Aberdeenshire*, ed. by D. Littlejohn, Aberdeen, 1904 (New Spalding Club), the lists of absentees in the earliest sheriff court book have not been printed. The following books have also been consulted: *A Compilation of the Forms of Process of the Court of Session, etc.*, Edinburgh, 1809 (containing two tracts as to the procedure in the baron court); James Glassford, *Remarks on the Constitution and Procedure of the Scottish Courts of Law*, Edinburgh, 1812 (App. II.); *Miscellany of the Spalding Club*, Aberdeen, 1842, ii. (containing extracts from the Register of the Regality of Spynie (1592-1601)); *The Court Book of the Barony of Urie in Kincardineshire* (1604-1747), ed. by R. Gordon Barron, Edinburgh, 1892 (Scott. Hist. Soc.); *The Practice of the Sheriff Courts of Scotland in Civil Cases*, by

and in the conduct of cases both civil and criminal.<sup>2</sup> The sheriff's was thus a delegated jurisdiction, and the sheriff's court was the King's baron court.<sup>3</sup>

By a statute of King William<sup>4</sup> it was enacted that 'at the hed of ilke xl dayis ilke schiref sal hald his mutis, and baronis, knychtis and free haldaris and the stewardis of bishopis, abbotis and erlis at thir schiref mutis thai sal be, and gif ony of thaim cumis not thairto thai sal be in the kingis amercyment.' In a passage of the *Quoniam Attachiamenta*,<sup>5</sup> which deals with the attendance of vassals at the courts of their superiors, it is laid down that 'nullus sectator tenetur venire ad curiam domini sui sine legali summonicione . . . Quilibet tamen sectator ad tria placita capitalia sine summonicione venire tenetur,' and we find a statute of 1430<sup>6</sup> prescribing that 'apone the service of Inquestis and of Retouris agayn to the kingis chapell [that] all frehaldaris dwelland within ony schirefdomis comper at the hede courtis in thar propir personis with thar selis, bot gif it happyn thaim to be absent apone resonable causs. And gif ony be absent, in that case that he send for hym a suffiциende gentillman his attorney with the sele of his

J. Dove Wilson, 3rd ed. Edinburgh, 1883 (Introduction); *The Constitutional History of England*, by William Stubbs, 2nd ed. Oxford, 1877, ii. pp. 205 f.; 'The Suitors of the County Court,' by F. W. Maitland, *The English Historical Review*, iii. (1888), pp. 417 ff.; *Select Pleas in Manorial and Seigneurial Courts*, ed. F. W. Maitland (Selden Society), London, 1889, i. pp. xlvi ff.; *The History of English Law before the time of Edward I.* by F. Pollock and F. W. Maitland, 2nd ed. Cambridge, 1898, i. 529 f., 543, 547 f.

<sup>2</sup> C. Innes, *Lectures on Scotch Legal Antiquities*, Edinburgh, 1872, p. 222.

<sup>3</sup> The courts held by the sheriffs 'were truly the King's baron courts' (Ersk. *Inst.* i. 4. 2). See Kames, 'History of Brieves,' *Historical Law Tracts*, No. viii. Edinburgh, 1758, ii. p. 14. The fact that the sheriff's court was so regarded explains how it was that an appeal lay to it from the decision of a baron court (St. 1503 cc. 41, 46, *Fol. Acts*, ii. 246, 254. See also *Reg. Maj.* i. c. 4; *Quon. Attach.* c. 9, *Fol. Acts*, i. 598, 649).

<sup>4</sup> c. 19, *Fol. Acts*, i. 377. An identical provision occurs in the *Reg. Maj.* iv. 13, *Fol. Acts*, i. 634. The term 'freeholders' is commented upon in the case of *Duke of Argyle v. Murray*, 1740, Brown's *Suppl.* v. 680. As to the attendance of ecclesiastical persons see note 83 below, and relative text.

<sup>5</sup> c. 19, *Fol. Acts*, i. 651. The sheriff's head courts are mentioned in c. 5 (*Fol. Acts*, i. 648) of the same treatise.

<sup>6</sup> *Fol. Acts*, ii. 19. It is to be observed that the fact that the sheriff had, without necessity, put persons beyond his jurisdiction upon an inquest was sufficient to invalidate the subsequent proceedings (*John Fleming v. John of Lawmondston, Sheriff-depute of Argyle*, 23rd Oct., 1479; *Act. Dom. Cons.* p. 34; *Lord Avandale, Chancellor of Scotland, v. Patrik of Cleland, Sheriff of Lanark*, 12th Mar., 1478-9, *Act. Dom. Aud.* p. 74).

armys. And swa in the schiref courtis sett apone xv dais warning. And gif it happynis at the court be wayke and not sufficiande in the Rialte within the schirefdome the gentillis of the Regaliteis sal compeir at the warning of the schiref with outyn prejudice of the Regalite till enfors the courte. And thai that aucht comperance and compeiris not salbe in an unlaw of the courte.'

Both the earlier<sup>7</sup> and the later<sup>8</sup> law recognised the principle that no man owed suit and presence unless he was made liable thereto by the terms of his infeftment. Where the tenure was that of ward, the vassal was bound to give suit and presence, unless he was expressly relieved of the obligation, for that service was of the essence of the tenure.<sup>9</sup> What was the effect of tacking on to a blench holding an obligation to give three suits seems to be somewhat uncertain;<sup>10</sup> and a still more difficult problem is presented

<sup>7</sup> *Fragm. Coll.* c. 19, *Fol. Acts*, i. 732; 'The Second Statutes of King Robert the First,' cap. 2, in Skene's collection of treatises and statutes, hereinafter cited as *Skene*. See 'Provisions of Westminster,' W. Stubbs, *Select Charters*, 9th ed. Oxford, 1913, p. 390.

<sup>8</sup> e.g. St. 1540, c. 6 *s.f.*, *Fol. Acts*, ii. 358.

<sup>9</sup> *Bishop of Aberdeen v. His Vassals*, 1630, *Mor. Dict.* 15005. See the cases of *The King v. Johnstone of that Ilk*, 20th Feb. 1502-3; *Act. Dom. Cons.* xiii. fol. 38; and *Alex. Achesoun v. Sheriff of Lanark*, 27th Nov. 1555; Balfour, *Practicks*, p. 279. Generally the service was not expressed in the charter, the common style of ward-holding being 'reddendo servicia solita et consueta' (Kames, 'Constitution of Parliament,' *Essays*, Edinburgh, 1747, p. 35). Before ward-holding was abolished by the Act 20 Geo. II. c. 50, it was presumed to be the tenure of the holding unless another manner of holding was expressed (Craig, *op. cit.* i. x. 27; Stair, *Inst.* ii. 3. 31; iii. 5. 37; Ersk. *Inst.* ii. 4. 2).

<sup>10</sup> Dr. George Neilson kindly called my attention to the complaint of *John Lord Sempill against John Lord Drummond, Steward of Stratherne*, 18th Nov. 1500; *Act. Dom. Cons.* Edinburgh, 1916, ii. 438, which proceeds on the narrative that the former had certain lands called Cragrossy, lying in the said stewardry 'pertenying til him in heretage and haldin of the kingis hienes as steward of Scotland in blanchferme for thre soitis and a paire of quhite spurris, and his soitair comparand at the Skait of Creif in to the thre hede courtis of the yeire, nevertheles the sade steward has distrenzeit the sade Jhone landis of ane unlaw of xls. because he comperit nocht personalye in his courtis.' Parties compearing, the Lords decern 'that the sade steward aucht nocht to call na persone nor personis duelland utouth the stewardry naithir for ward landis nor blenchferme landis nor unlaw thame for thair presens nor yit that thair present attornais for the sammyn, bot that thare soyteris enter til the sade steward courtis as effeiris, and gif the sadis soitouris beis absent nor compeiris nocht, the sade steward proceide and unlaw thame for thair absense as accordis til the law.' It is easy to understand that where the lands were held in blench farm, the addition of an obligation to give suit would not necessarily be equivalent to an obligation to give suit and presence; but the reference to lands held in ward makes it uncertain what were the grounds of the decision.

where the vassal is bound to give common suit. This term seems to vary in meaning according to the subject matter in relation to which it is used. In many cases it appears to purport suit at all the courts of a sheriffdom, barony, etc. It is in this sense that it is used in the directions for keeping the record of an English baron court:<sup>11</sup> 'Then, in the first place, except in the county court, are entered the essoigns of the court thus: A of the common by S of T . . . and so on with the rest; and this means, A essoigns himself of the common suit by S.' Similarly, in c. 54 of the treatise in Skene's collection, entitled 'The forme and maner of Baron Courts,' we find it stated that 'ilke soyter that aught common soyt in court may be essonzied thrice for soyt of court altogether'; and the corresponding passage of the *Quoniam Attachiamenta*<sup>12</sup> provides: 'quilibet sectator curie potest se ter essoinare a curia,' but excepts from the privilege the case of the 'liber tenens,' who owes three suits only at his lord's head courts. The inference that the obligation to give common suit required a greater number of attendances than three is supported by the terms of a concession in favour of William of Carnys and Duncan his son, which runs as follows: 'Conceditur . . . quod ubi ipsi tenebantur in communi secta ad curiam constabularii de L pro terris suis de E et W, de cetero teneantur tantum in tribus sectis per annum ad tria placita constabularii predicti capitalia apud L tenenda.'<sup>13</sup> The language of a proclamation dated 14th and proclaimed 18th April, 1502,<sup>14</sup> points in the same direction. It proceeds on the narrative that the lieges 'are now gretlye injurit hurt and skaithit be shirefs balzeis and utheris ministeris . . . throw the calling of small portionaris and landit men to commoune soyt to shiref courtis, bailze and utheris courtis, quhilks may nocht be sustenit nor haldin up bot gret skaitht and inconvenientis.' In view of these circumstances the King ordains for all time coming that 'na portionare tennent na uthir tennent immediat to him within the availe of ten pund of new extent present entir nor gif ony soyt or soytouris before ony shiref bailze or uthir officaris in ony courtis bot alanerlye thre soytis at thre hede courtis at the principale court place of the schyre and soyt in Justice aire, and that tennentis within xl. schillingis of new extent entir bot a soytour to ye shiref and bailze courtis and ane soytour

<sup>11</sup> *The Court Baron*, ed. F. W. Maitland and W. E. Baildon, London, 1891 (Selden Society), p. 80.

<sup>12</sup> c. 19, *Fol. Acts*, i. 651.

<sup>13</sup> *R.M.S.* i. 180.

<sup>14</sup> *Act. Dom. Cons.* xi. fol. 138; Balfour, *Practicks*, p. 276.

ye time of ye Justice aire . . .’ In one case the reddendo takes the form of ‘sectam generalem ad omnes curias capitales dicti episcopatus,’<sup>15</sup> and seems to be susceptible of the explanation given above. There are, however, cases to which it does not apply. It does not apply, for example, to a reddendo such as ‘communem sectam ad curias baronie de R ad tria placita capitalia per annum,’<sup>16</sup> or ‘annuatim unam comunem sectam ad curias vicecomitatus de F cum wardis &c., cum contingerent.’<sup>17</sup> It will be seen<sup>18</sup> that if a man had different lands ‘lyand discontigue’ but united in and annexed to a barony, in respect of which sasine taken at a specified place therein was sufficient for the whole of them, he was, nevertheless, bound to enter as many suitors, as if the lands had not been so united and annexed, unless there was special provision in his infeftment that one suitor should be sufficient. It appears that the reddendo in either of the instances quoted above was intended to supply such a provision. Further, when lands in respect of which only one suit was due were split up into parts, and separate parts were conveyed to different persons, provision was frequently made that each of these persons should contribute suit in proportion to the part conveyed to him.<sup>19</sup> Thus we find a reddendo such as ‘dimedietatem communis secte,’<sup>20</sup> or ‘cum tertia parte quarte partis unius sectatoris ad curias.’<sup>21</sup> The reddendo ‘unam sectam ad tria placita capitalia’<sup>22</sup>—a very rare form—seems to be equivalent to ‘unam comunem sectam.’

When the obligation to give suit is expressed the form of the obligation differs in different cases. Sometimes it is couched in the most general terms, such as ‘sal pay . . . the soyte’<sup>23</sup> or ‘reddendo annuatim sectam curie.’<sup>24</sup> Sometimes the court at which attendance was to be given is specified. Thus we find ‘sectam curie baronie de K.’<sup>25</sup> Most frequently not only the court but the number of suits are indicated, thus—‘faciendo quatuor sectas curie vicecomitatibus nostris de A ad quatuor placita nostra capitalia infra dictum vicecomitatum annuatim tenenda,’<sup>26</sup> or ‘tres sectas tantum annuatim ad curiam nostram de E ad tria capitalia placita vicecomitatus tenenda ibidem’;<sup>27</sup> or ‘duas sectas ad duo placita capitalia vicecomitatus de A proximo post festa Pasche et S. Michaelis tenenda’;<sup>28</sup> or ‘unam sectam curie

<sup>15</sup> *R.M.S.* v. 2346.

<sup>16</sup> *R.M.S.* ii. 3680.

<sup>17</sup> *R.M.S.* ii. 3587.

<sup>18</sup> See note 45 and relative text.

<sup>19</sup> See note 44 and relative text.

<sup>20</sup> *R.M.S.* ii. 2776.

<sup>21</sup> *R.M.S.* v. 1829.

<sup>22</sup> *R.M.S.* iv. 2303; vi. 221.

<sup>23</sup> *R.M.S.* ii. 473.

<sup>24</sup> *R.M.S.* ii. 3682.

<sup>25</sup> *R.M.S.* ii. 1729.

<sup>26</sup> *R.M.S.* i. 253.

<sup>27</sup> *R.M.S.* i. 67.

<sup>28</sup> *R.M.S.* ii. 3070.

ad capitale placitum senescallatus de K proximo post natale ibidem tenendum.’<sup>29</sup> The question may be asked, what is the difference, if any, in attendance required by an obligation to give ‘tres sectas ad tria capitalia placita,’ and an obligation to give ‘unam sectam apud A ad tres curias capitales ibidem’?<sup>30</sup> Is the latter equivalent to ‘unam sectam ad quodlibet trium placitorum capitalium’?<sup>31</sup>

In some cases the obligation to give presence is expressed. Thus we find ‘cum presentia ad duas curias capitales apud C in festis Penthecostes et S. Martini in hieme’<sup>32</sup> and ‘faciendo dominis de Ruthven servitium warde et relevii et homagii, venientes cum presentia et facientes tres sectas ad tres capitales curias baronie de R.’<sup>33</sup> The requirement of presence occurs with great frequency in grants by religious persons or communities.<sup>34</sup> In some cases, while suit was required at three head courts, personal presence was required at the other courts;<sup>35</sup> while, in others, the obligation to give suit was transformed into an obligation to enter a suitor. Thus, we find the expressions: ‘regi annum sectatorem pro secta habenda in curiis vicecomitatus de E,’<sup>36</sup> ‘sectam . . . per unum sectatorem’;<sup>37</sup> ‘cum uno communi sectatore . . . ad omnes curias vicecomitatus de R’;<sup>38</sup> ‘cum comparantia ad tria placita capitalia in curia de T per unum tenentem de I. . .’<sup>39</sup> Sometimes the alternative of attending in person or by proxy is given thus: ‘respondendo cum presentibus seu sectatoribus,’<sup>40</sup> or ‘comparendo . . . per ipsos aut procuratores,’<sup>41</sup> or ‘per ipsos vel per essonios seu procuratores,’<sup>42</sup> or ‘sectam et presentiam per ipsos aut inhabitantes dictarum terrarum ad tria placita capitalia.’<sup>43</sup>

In early documents, and in some of the decisions cited by Balfour, we find recorded certain settled points relating to the giving of suit. Thus, it is laid down, in the case of an inheritance (‘hereditas’) owing one suit only, that where it falls to several heirs, he who has the chief part shall make one suit for himself and for his co-heirs; and that where several persons are infeft in it, the superior shall have but one suit only, to which

<sup>29</sup> *R.M.S.* ii. 907.

<sup>30</sup> *R.M.S.* ii. 314, 3406, 3610, 3282, 3296, 3668; iv. 2303; vi. 221; cp. ii. 3035.

<sup>31</sup> *R.M.S.* ii. 3039.

<sup>32</sup> *R.M.S.* iv. 1292; cp. 1708, 1778; v. 1336, 2021; iii. 2157, 2174.

<sup>33</sup> *R.M.S.* ii. 3113, 3125, 3227. <sup>34</sup> *l.g. R.M.S.* iv. 1708; v. 129, 260, 681.

<sup>35</sup> *R.M.S.* vi. 363, 564. <sup>36</sup> *R.M.S.* ii. 600. <sup>37</sup> *R.M.S.* i. app. i. 88.

<sup>38</sup> *R.M.S.* ii. 3060. <sup>39</sup> *R.M.S.* iv. 2120. <sup>40</sup> *R.M.S.* iii. 2545; iv. 2417.

<sup>41</sup> *R.M.S.* iv. 136. <sup>42</sup> *R.M.S.* iii. 2636. <sup>43</sup> *R.M.S.* vi. 567.

each shall contribute for his own part, if they have not a warrant bound to relieve them in giving the said suit.<sup>44</sup> Again, if a man had different lands 'lyand discontigue,' but united in and annexed to a barony, in respect of which lands sasine taken at a specified place wherein was sufficient for the whole of them, he was, nevertheless, bound to enter in the sheriff court as many suitors for the said lands as if the same had not been so united and annexed, unless it was specially provided in his infeftment that one suitor should be sufficient.<sup>45</sup> Again, if a man, holding lands of the King for which he owed suit and presence, put his son in fee of the lands to be held of himself, he was himself bound to enter suit and give presence as the King's immediate tenant.<sup>46</sup> Furthermore, a vassal holding lands by service of ward and relief was bound to give as many several suits therefor in every court as he had several infeftments, 'because multitude of infeftmentis inducis and importis multitude of suits.'<sup>47</sup> It is to be observed that while he who held in blench farm could not be compelled, unless there was express provision to the contrary in his infeftment, to enter suit or give presence in his superior's court, or in that of the sheriff, or in the justice ayre,<sup>48</sup> yet if he entered suit or gave presence, he was barred from alleging that his lands were held in blench farm as before.<sup>49</sup> The suitor, except in the case where he owed three suits only, had the right of excusing himself thrice for non-compearance, and escaped fine if he appeared at the fourth court and warranted his excuses.<sup>50</sup> But if he subtracted suit or refused to give it, he was liable to make good to his superior any

<sup>44</sup> *Fragm. Coll.* c. 20, *Fol. Acts*, i. 732; *Skene*, 'The Second Statutes of King Robert the First,' c. 3, we find identically the same terms used in the 'Provisions of Westminster' (A.D. 1259), *Stubbs, Select Charters, loc. cit. sup.* As to contributions to suit, see notes 20, 21.

<sup>45</sup> *The Lord Fleming v. Lord Zester*, 17th June, 1556, *Balfour, Practicks*, p. 277; cp. *St. 1503 c. 45, Fol. Acts*, 11, 246.

<sup>46</sup> *Balfour, loc. cit.* <sup>47</sup> *Balfour, loc. cit.*

<sup>48</sup> *Alex. Achesoun v. Sheriff of Lanark*, 27th Nov., 1555, *Balfour, op. cit.* p. 279. See 'Provisions of Westminster,' § i. *Stubbs, Select Charters, loc. supr. cit.*

<sup>49</sup> *The King v. the Sheriff of Lanark*, 7th Jan., 1510-11, *Balfour, loc. cit.* This rule is illustrated by the numerous protestations which we find in the early sheriff court books: e.g. David Barclay of Touch protested that he held his lands in blench farm and that he was not bound 'invenire sectam curie pro eis,' and that whatever was done to the contrary should in no wise prejudice his successors (*Fife Sh. Ct. Bk. fol. i.*); cp. cases of *Earl of Drumlanrig*, 1503, and *Crichton of Newhall*, 1503 (*Act. Dom. Cons. xiv. foll. 175, 178*).

<sup>50</sup> *Quon. Attach. c. 19; Fol. Acts*, i. 651; cp. *Balfour, op. cit.* pp. 349 ff.

damage which the latter might have suffered.<sup>51</sup> Where lands which owed suit passed to co-heiresses, suit was given by the eldest or her husband.<sup>52</sup> Lastly, we may note the rule that annexed lands owed suit in the jurisdiction within which they lay by annexation.<sup>53</sup>

It is plain from what has been said above that there were two classes of suitors in the sheriff's court. First of all, there were those persons who were bound to give suit or suit and presence; and, secondly, there were those who were entered by the suitors of the first class to appear in court on their behalf. Every suitor of the second class represented the person of a baron,<sup>53a</sup> and could by reason of his office repledge his lord's men to the baron court as if possessed of a royal letter of authority.<sup>54</sup> He was required, before being admitted by the judge, to present himself for examination in three courts; and, when approved by his co-suitors, he could not thereafter be fined for his ignorance.<sup>55</sup> Further, he was bound to produce a letter under the seal of the person who entered him authorising him to compear on his behalf.<sup>56</sup> A single suitor could act for more persons than one;<sup>57</sup> and it seems that a single person might enter more than one suitor as representing the same lands.<sup>58</sup> Sometimes a suitor was entered for one court only.<sup>59</sup> On being entered, he took the oath de fideli administratione;<sup>60</sup>

<sup>51</sup> *Fragm. Coll.* c. 21; *Fol. Acts*, i. 733; *Skene*, 'The Second Statutes of King Robert the First,' c. 5; *Balfour, op. cit.* 278. See 'Provisions of Westminster,' § 3, *Stubbs, Select Charters, loc. supr. cit.*

<sup>52</sup> *Regiam Maj.* ii. 26; *Fol. Acts*, i. 614; *Balfour, op. cit.* p. 241. *Balfour* observes 'And, attour, thay and ilk ane of tham aw fealtie and suit of court to the superior.'

<sup>53</sup> *Balfour, op. cit.* p. 275; *Lord Semple, Sheriff of Renfrew, v. James Hamilton, Sheriff of Linlithgow*, 31st Aug., 1529, *Act. Dom. Cons.* xl. fol. 113; cp. *St.* 1503, c. 45; *Fol. Acts*, ii. 246.

<sup>53a</sup> 'Quilibet sectator representat personam baronis pro quo fecit sectam' (*Quon. Attach.* c. 9; *Fol. Acts*, i. 649).

<sup>54</sup> *Quon. Attach.* c. 11; *Fol. Acts*, i. 650; *Balfour, op. cit.* p. 275.

<sup>55</sup> *Quon. Attach.* c. 22; *Fol. Acts*, i. 651.

<sup>56</sup> *Balfour, loc. cit.* See *Skene*, 'The form and maner of Baron Courts,' c. 67.

<sup>57</sup> John Baptie was entered for the lairds of Barnbougall and Hilhouse (*Linlithgow Sh. Ct. Bk.* 15th Jan., 1553-54, fol. 69), and John Malgask was entered for the lairds of Cranbeth, Doverly, and Rosseyth (*Fife Sh. Ct. Bk.* foll. 21, 40, 41).

<sup>58</sup> Monypeny of Pitmilly (*ib.* foll. 25, 35) and Ramsay of Clatty (*ib.* foll. 21, 40, 51).

<sup>59</sup> Patrik Patone for Lady Hilhouse, see note A.

<sup>60</sup> e.g. *Fife Sh. Ct. Bk.* fol. 1. As to the terms of the suitors' oath, see note 100 below.

and, in some cases at all events, he received a fee for his services.<sup>61</sup> He could not be fined for making a bad record of a plea or claim presented by litigants in court; for his co-suitors could have corrected him, 'such records lying in the mouth and consent of all and not in the mouth of one unless all consent.'<sup>62</sup> Lastly, it is to be noted that, when the cause came to judgment, the judge left the court; in his absence 'the fre tenandis soytoris of the court' settled the terms of their judgment; and, on his return, the judgment was given forth.<sup>63</sup>

The St. 1540, c. 6,<sup>64</sup> provided that 'all baronis and fre haldaris that aw sute and presens in the saidis courtis<sup>65</sup> be thare personalie and the absentis to be amerciate with all rigor. And quha that aw bot sute that thai send thare sutouris honest and qualifeit menne hable to decide upounn ony causs conformand to the auld law . . .' The terms of this enactment suggest that the privilege of employing a suitor was enjoyed by those only who owed suit—that they alone could send 'an able man to attend and serve upon inquests,'<sup>66</sup> while those who owed suit and presence were required to attend in person, and had, accordingly, no concern with the entering of suitors for the courts at which they themselves were bound to attend.<sup>67</sup> When, however, we turn to the early sheriff court books of Fife and Linlithgow<sup>68</sup>—and it is on these that we chiefly rely<sup>69</sup>—we find that either the statute must be susceptible of another construction, or that the statutory practice differed from the previous practice. In the Fife sheriff court book the record of the proceedings in a head court<sup>70</sup> almost invariably commences with a list of the lands in respect of which no appearance to give suit or suit and presence, as the case might be, had been made

<sup>61</sup> *Rentale Sancti Andree*, ed. R. K. Hannay, Edinburgh, 1913 (Scott. Hist. Soc.), pp. 92, 168, 176; *Rentale Dunkeldense*, ed. R. K. Hannay, Edinburgh, 1915 (Scott. Hist. Soc.), pp. 50, 57.

<sup>62</sup> *Quon. Attach.* c. 22; *Fol. Acts*, i. 651.

<sup>63</sup> *Assize of King David*, c. 4; *Fol. Acts*, i. 317. <sup>64</sup> *Fol. Acts*, ii. 358.

<sup>65</sup> *i.e.* the head courts of stewards, bailies, and sheriffs.

<sup>66</sup> Mackenzie, 'Observations on the Sixth Parliament of King James V.,' *Works*, Edinburgh, 1716, i. 249.

<sup>67</sup> See notes 79, 80, 82 and relative text. <sup>68</sup> See Note A.

<sup>69</sup> Because they are kept with greater care than other such books, and with greater attention to detail.

<sup>70</sup> Such lists are sometimes found in the records of the proceedings of intermediate courts in Fife.

when the suits were called.<sup>71</sup> Prefixed to each entry is the letter 's' or 'p,' or the letters 'sp' (sometimes 'ps'), indicating the nature of the default, and representing respectively the words 'in defectu secte,' 'in defectu presentie,' and 'in defectu secte et presentie.' The record also contains a list of the jurors who served on the inquests; and we find instances in which an entry in the list of jurors seems to be absolutely irreconcilable with an entry in the list of lands. Thus, for example, in the record of a head court held at Cupar-Fife on 12th January, 1517-18,<sup>72</sup> George Ramsay of Clatty and John Spens of Lathalland are entered in the list of jurors, while in the list of lands we see the entries 's. Clatty' and 's. Lathalland.'<sup>73</sup> And the question presents itself why are the lands of Clatty and Lathalland entered as if default of suit had been made on a day on which it is certain that Ramsay and Spens were present? Ramsay and Spens were both bound to give suit and presence;<sup>74</sup> and the only explanation appears to be the explanation suggested by Mr. Storer Clouston, viz. that, while Ramsay and Spens gave presence at the court, the suitors whom they had entered for their lands failed to attend. If this explanation be sound, it follows that the attendance both of the person bound to give suit and presence and of the suitor whom he had entered was required; and this conclusion finds support not only in the analogous procedure in the justice ayre but in the records of the Linlithgow sheriff court.

In the chapter of the *Ordo Justiciarie*,<sup>75</sup> entitled 'The maner of the Justice ayr,' the procedure as to the calling and fining suitors and their lords is laid down in the following terms: 'Fyrst call the soytoure. Syne rede the Justice powere. Syne fens the courtis; than tak the dempstare ande gare him be suorne. Syne call the soytis agane; and jlka man twys; and jlka lard and his soyt, gif ony be absent amercy the absent. Ande gif baith be absent amercy jlk ane be thame self.' The Latin version, which is not so clear as the Scots version in regard to the fining of both

<sup>71</sup> The Aberdeen sheriff court books seem to have been kept in accordance with same method. The Linlithgow sheriff court books were kept in accordance with a method slightly different, but identical in effect (see Note A).

<sup>72</sup> *Fife Sh. Ct. Bk.* fol. 33.

<sup>73</sup> We find several instances of the entry 's. Lathalland' (*Fife Sh. Ct. Bk.* foll. 10, 51, 53).

<sup>74</sup> There are instances in which we find the letters 'sp' prefixed to both Clatty (*Fife Sh. Ct. Bk.* foll. 35, 64) and Lathalland (*ib.* fol. 64).

<sup>75</sup> c. 12, *Fol. Acts*, i. 707. See Skene, *De Verb. Signif.* pp. 73 ff.

lord and suitor, opens with the words: 'In primis vocentur secte cum dominis earundem quia, licet secte appareant, domini tamen earundem comparere tenentur in presentia Justiciarij in suo itinere.' This passage explains two consecutive entries in the record<sup>76</sup> of a justice ayre under date 30th October, 1502: 'Willelmus Douglas de Drumlanrick sepe vocatus pro terris suis de Hawik et non comparens in amerciamento defectu presentie,' and 'Idem Willelmus sepe vocatus pro secta terrarum suarum de Hawik et non comparens in amerciamento defectu secte.' Douglas, it would appear, was fined not only for his own failure to give presence, but for his suitor's failure to give suit.<sup>77</sup> No doubt the passage of the *Ordo Justiciarie*<sup>78</sup> and the entries cited above lend support to the explanation suggested. Still, the procedure in the justice ayre is only helpful by way of analogy, and we find ourselves on firmer ground when we turn to the sheriff court book of Linlithgow. We learn from the record of the head court held there on 19th January, 1541-42,<sup>79</sup> that Alexander Hamilton of Baithcat and Andrew Shaw of Polkemmat served as jurors, while their respective suitors, David Smycht and John Mane were entered on the list of absentees, and found liable to fine. It follows that the presence of the person who entered a suitor did not excuse the suitor from giving suit, or free him from penalty if absent.

It is, of course, to be kept in view that, in many instances, the requirement of the obligation to give suit and presence was limited by the terms of the infestment to a fixed number of appearances, e.g. to three suits at three head-courts.<sup>80</sup> In such cases, a special summons seems to have been necessary in order to secure the attendance of both 'lord' and suitor at courts to which the obligation as limited did not apply.<sup>81</sup>

<sup>76</sup> *Cur. Itin. Justiciarie*, i. 159. Transcript in Register House, Edinburgh.

<sup>77</sup> The obligation to appear ('comparere') is frequently expressed, and, in some cases, it is so worded that it admits of appearance by attorneys or essoigners as sufficient. Thus, we find instances in which persons bound to appear 'ad curias justiciarie et camerarii dicti monasterii' could satisfy the obligation 'per ipsos aut essonios aut procuratores dum requisiti forent' (*R.M.S.* iv. 1631, cp. 1771, 1832).

<sup>78</sup> The terms of the doom of the deemster (judiciarius) of Parliament in the case of *Douglas v. Dundas of that ilk*, 7th October, 1476; cp. *Dischingtoun v. Biset*, 12th June, 1478 (*Act. Dom. Aud.* pp. 57, 66; *Fol. Acts*, ii. 114, 117), in its reference to the practice of the justice ayre seems to point in the same direction.

<sup>79</sup> See Note A below.

<sup>80</sup> See note 27 above.

<sup>81</sup> See note 5 above and relative text. The laird of Lag was bound to give one suit only at the head court of Dumfries (*R.M.S.* iii. 395), yet we find him serving on inquests at other courts (*Dumfries Sh. Ct. Bk. passim*). Whether he did so in obedience to a summons or because it was his pleasure we cannot say.

It is also to be remembered that in some instances the special terms of his charter provided that the vassal might give presence by proxy<sup>82</sup>—a privilege which, in the time of Craig, prelates seem frequently to have enjoyed.<sup>83</sup>

What, then, was the object served by the entering of suitors, and what was the function which they performed? There is abundant evidence to show that attendance in court was regarded in Scotland, as in England,<sup>84</sup> not as a privilege but as a burden. It seems not unlikely that it was a general disinclination to perform this public duty that compelled the Legislature to make special provision for a sufficient supply of jurors.<sup>85</sup> Exemptions from attendance were granted always as benefits<sup>86</sup> and sometimes as rewards;<sup>87</sup> and the numerous protestations to which we have referred above<sup>88</sup> indicate a desire to be freed from the obligation to attend. It is quite true that attendance by proxy was permissible only in certain cases: the privilege was not, except in the cases mentioned above, extended to those who owed suit and presence. Still, it was none the less welcome to those who enjoyed it.<sup>89</sup>

Besides acting as an attorney, the suitor served upon inquests.<sup>90</sup> An interesting example has been pointed out to me by Mr. R. K.

<sup>82</sup> See notes 40, 41, 42, 43, 77 above and relative text. It was perhaps in virtue of some such provision that the sheriff admitted William Bell for Alexander Livingstone 'to keep his presens at the said court for the ladye of Grugfruit' (*Linlithgow Sh. Ct. Bk.* 1551-54, fol. 27). Such a case must have been exceptional, for we find many instances in which women were fined in default of suit and presence, e.g. Elizabeth Keith in respect of the lands of Strabrok (*ib.* fol. 20). Suitors were frequently entered for women (see *ib.* fol. 42).

<sup>83</sup> I. x. 32.

<sup>84</sup> Pollock and Maitland, *op. cit.* i. 537 f., 543, 547. Freeholders who were bound to give suit at the county, etc., or at their lords' courts, were privileged by the Statute of Merton, A.D. 1236, to give suit by attorney. This general concession was new, although for a long time past the greater men had been permitted to send their stewards or a deputation of villagers.

<sup>85</sup> See note 6 above. Not infrequently proceedings were adjourned because of 'debilite of courte' (e.g. *Fife Sh. Ct. Bk.* foll. 14, 15, 27).

<sup>86</sup> See the proclamation quoted above (see note 14 and relative text), and *R.M.S.* ii. 320, 733, cp. 495; iii. 2213.

<sup>87</sup> *R.M.S.* ii. 1809; iii. 2174, 2638.

<sup>88</sup> See note 49 above. It is but fair to say that one instance has been noted in which the protestor asserts that he is the only person entitled to give suit and presence (*Linlithgow Sh. Ct. Bk.* 1556-59, fol. 53).

<sup>89</sup> See note 82 above and relative text.

<sup>90</sup> See note 66 and relative text.

Hannay in the 'Inquisitio regis Alexandri de contencione inter magistrum et fratres de Soltre et Walterum de Moravia super traua bladi de carucis suis,'<sup>91</sup> of which the terms are as follows: 'Inquisitio facta per preceptum domini regis in pleno comitatu comitatus de Roxburgh . . . per antiquiores patrie qui melius veritatem super hoc noverint, scilicet per Ricardum Iambes sectatorem baronie de Ecfurde et per quatuor de fidelioribus hominibus tocius baronie predictae, et per Hugonem sectatorem de superiori Cralyng et per quatuor de fidelioribus hominibus tocius dicte baronie, et per Ricardum sectatorem baronie de Hetoun et per quatuor [de] fidelioribus ejusdem baronie.' It is true that in some sheriffdoms the assize was generally composed of landed proprietors in the case both of inquests held at head courts and inquests held at intermediate courts. This statement holds especially true of Fife; but even there we find exceptions to the rule; and, in other sheriffdoms—Dumfries, for example—the lists of jurors, while they commence with the names of landed men, include the names of many persons without territorial designations. Unfortunately, the documents do not supply us with the means of determining whether the latter were or were not suitors.

The selection of the jurors lay with the sheriff, except in those cases where they were named in the brieve, and it was his duty to choose 'certain lauchfull menne maist worthie and qua beste knawis the verite.'<sup>92</sup> These men described as 'probi et fideles homines patrie,' 'probi et fideles homines antiquiores patrie,' or 'probi, fideles, liberi et legales homines patrie,' were the class of persons from which, according to the directions in the King's brieves,<sup>93</sup> the jurors were to be chosen. It may be observed that these directions were contained not only in retourable but in non-retourable brieves, e.g. in brieves of perambulation;<sup>94</sup> and, if the sheriff put upon the inquest persons not belonging to this class, the whole proceedings were liable to be quashed.<sup>95</sup> A

<sup>91</sup> *Registrum domus de Soltre, etc.*, Edinburgh, 1861 (Bannatyne Club), pp. 38 ff.

<sup>92</sup> Skene, *De Verb. Signif.* p. 24; cp. *Regiam Maj.* i. c. 11, and *Quoniam Attach.* c. 52 (*Fol. Acts*, i. 602, 657).

<sup>93</sup> *Fol. Acts*, i. 99-100, 657.

<sup>94</sup> e.g. the case of *William of Knollis*, 19th January, 1484-85, *Act. Dom. Conc.* p. \*95; cp. St. 1579, c. 17 (*Fol. Acts*, iii. 144).

<sup>95</sup> Cp. the case of the *Abbot of Dunfermline* with that of *William of Sidsersfe*, 19th and 22nd March, 1478-79, respectively, *Act. Dom. Conc.* p. 24. See also *John Flemyng v. John Lawmonstoun, Sheriff-Depute of Argyle*, 25th October, 1479, *ib.* 34.

litigant seems to have been entitled to take exception to the sheriff's choice; but, if not taken timeously, the exception was disregarded.<sup>96</sup>

But the suitors discharged, it is thought, functions more important than those of attornies or jurors. We find instances recorded in the early sheriff court books in which the judge 'avisit' with assessors. Thus, in a complaint by a tenant for wrongous ejection, the sheriff-depute, 'being avisit with his assessoris,' disposed of the case; and, in a question regarding rights of occupation, he 'avisit with ye baronis, frehaldaris and assessoris to thame,' and thereafter gave judgment as to the future possession of the lands.<sup>97</sup> It seems to be little, if at all, short of certain that these assessors were the suitors of court. Suitors were, as we have seen,<sup>98</sup> admitted to office only after they had satisfied those who had already been entered of their knowledge of law and legal practice. The sheriff summoned the court and presided over it, but he did not make the judgment.<sup>99</sup> The judgment was made by the suitors;<sup>100</sup> and, accordingly, if the doom was 'evil gevin

<sup>96</sup> James Hoppringall, 19th June, 1480, *Act. Dom. Conc.* p. 55.

<sup>97</sup> *Fife Sh. Ct. Bk.* foll. 37, 52; cp. fol. 48. See also the fragment of the *Ayr Sh. Ct. Bk.* (1556) and the *Linlithgow Sh. Ct. Bk.* (1541-61), fol. 21.

<sup>98</sup> See note 55 above and relative text.

<sup>99</sup> Cp. Pollock and Maitland, *op. cit.* i. 548, cp. 551; P. Vinogradoff, *Villainage in England*, Oxford, 1892, p. 370. The terms of the St. 1496, c. 3 (*Fol. Acts*, ii. 238), suggest that the sheriffs were wanting in legal acquirements. It provided that the eldest sons of barons and freeholders of substance should attend the grammar schools 'quhill thai be competentlie foundit and have perfite latyne,' and should remain for the next three years at the schools of art and law, 'sua that thai that ar shireffis or jugeis ordinaris under the Kingis hienes may have knowlege to do Justice, that the pure pepill sulde haue na neid to seik ower souerane lordis principale auditoris for ilk smal iniure.'

<sup>100</sup> Balfour (*Practicks*, p. 275) speaks of 'the suitar or dempstar of court' (cp. the case of *James Lord Hamilton*, 10th Oct., 1478, *Act. Dom. Conc.* p. 7). The deemster was one of the suitors specially appointed, and seems in some cases, at all events, to have been the recipient of fees (*Rentale Sancti Andree, ut. supr. cit.* pp. 92, 168, 176). His doom expressed the joint determination of the suitors (see notes 62, 63 and relative text). The terms of the suitor's oath were as follows: 'quod ipse veram et fidelem recordacionem in illa curia faciet; et quod legale et fidele iudicium dabit secundum scientiam sibi a Deo datam; et quod in omnibus aliis articulis ad officium sectatoris pertinentibus secundum intellectum suum legaliter et fideliter deseruet durante tempore' (*Fol. Acts*, i. 683). The observations of Professor Vinogradoff (*loc. cit.*) as to the import and essential character of the judgments given in the manorial court may, it is thought, be applied, *mutatis mutandis*, to the judgments of the suitors in the sheriff's court in Scotland. 'It is,' he says of the litigation in the court of the manor,

and wele again said,' it was, not the judge, but the suitors and those who had entered them who were subjected to penalties.<sup>101</sup>

On a consideration of the evidence adduced, it seems to us that it supports the following propositions :

1. It was obligatory to give suit and presence only when an obligation to that effect was imposed by the terms of the infestment. Where, however, the tenure was that of ward, the obligation was implied if not expressed or explicitly discharged.

2. The obligation to give suit or suit and presence was satisfied only by appearance at all courts held by the sheriff, unless its extent was limited by the terms of the infestment to a fixed number of appearances, e.g. to three suits at three head courts.

'interesting from two points of view ; it involves statements of law and decisions as to the relative value of claims. In both respects the parties have to refer to the body of the court, to its assessors or suitors . . . Inquisitions are made and juries formed quite as much to establish the jurisprudence of the court as to decide who has the better claim under the said jurisprudence. Theoretically it is the full court which is appealed to, but in ordinary cases the discussion rests with a jury of twelve or even of six. The authority of such a verdict goes back, however, to the supposed juridical sense or juridical knowledge of the court as a body. Now it cannot be contested that such an organisation of justice places all the weight of the decision with the body of the suitors as assessors.' The last sentence of the quotation seems to us to apply in terms to the dooms of the Scots sheriff court, although the suitors mentioned in it correspond to those whom we have called suitors of the first class rather than to those who were 'entered' suitors (see note 53a above and relative text). We may note in this connection the opening words of c. 9 of *Quoniam Attachiamenta* (*Fol. Acts*, i. 649) : 'In quolibet comitatu de regno potest quelibet libera persona reddere iudicium pro qua parte litigancium dum tamen non sit suspecta,' etc.

<sup>101</sup> If any one thought himself aggrieved by the 'parcial malice' or ignorance of an assize, he could by means of a summons of error bring the matter directly before the Lords Auditors or the Lords of Council ; and, if he made good his case, the jurors were punishable according to the provisions of the *Regiam Majestatem* 'de pena temere jurancium' (St. 1471, c. 9, *Fol. Acts*, ii. 100 ; *Regiam Maj.* i. c. 13), except those of them who could prove that they had expressed their dissent from the finding (*Morice M'Nesche*, 5th July, 1476, *Act. Dom. Aud.* p. 43 ; *Forbes*, 19th May, 1491, *ib.* p. 159 ; *Lawsonne*, 4th February, 1491-2, *ib.* p. 162 ; cf. *The King v. Persons of Inquest*, 27th December, 1478, *Act. Dom. Conc.* p. 19). Presumably, a baron or freeholder who had served on an inquest and had concurred in its doom, which was afterwards 'falsed,' was also liable to fine. We have not found any express statement on the point ; and it is impossible to construe the word 'sectator' as used in c. 9 of the *Quoniam Attachiamenta* (*Fol. Acts*, i. 649) as including the baron or freeholder who was himself a juror and had not entered a suitor, owing to the terms of the last paragraph of the chapter : 'quod quilibet sectator representat personam baronis pro quo fecit sectam.'

In the case of three head courts requisition by summons to appear was unnecessary; in the case of other courts it seems to have been essential.

3. He who owed suit only could relieve himself of the burden of attendance at court by entering a suitor to give suit on his behalf. But he who owed suit and presence was bound to appear in person. He could enter a suitor and, if he did so, that suitor was bound to appear; but his appearance did not, except in the cases mentioned above, free the man who had entered him from the obligation to give presence.

4. The most important function of the 'entered' suitors was not merely to determine claims of right, but to supply the law upon which the determination was to be rested. It seems probable that the barons and freeholders who were put upon inquests were selected more because of their acquaintance with the facts of the case than because of their legal knowledge; and that it was the suitors' part to keep them right as to the law involved and as to the procedure to be followed;—an advisory function which was gradually displaced as the judges acquired the knowledge requisite to the unassisted administration of the law.

P. J. HAMILTON-GRIERSON.

NOTE A.

EXCERPTS FROM THE LINLITHGOW SHERIFF COURT BOOK  
(1541-1561), foll. 9, 10, 12.

Curia capitalis vicecomitatis de Linlithgw tenta et inchoata in pretorio burgi de Linlithgw coram nobili et potenti domino Henrico domino Methwen et Willelmo Denniston suo deputato xix die mensis Januarii anno domini I<sup>m</sup> v<sup>c</sup> xli. Sectis vocatis. Curia legitime affirmata. Absentes inferius patebunt.

David Archbishop of Sanctandres pro terris de Kirkliston sepe voc. et non comp. am<sup>ct</sup>.

Georgius epis. Dunkelden. pro terris suis de Abircorne sepe vocat. et non comper. am<sup>ct</sup>.

Walterus dns. sanct. Johannis de Torphechyn sepe vocat. et non comper. am<sup>ct</sup>.

Elizabetha priorissa de manwell pro terris quitbalkis sepe vocat. et non comper. am<sup>ct</sup>.

Jacobus comes de arrane pro terris de Kynneill sepe vocat. et non comper. am<sup>ct</sup>.

# The Suitors of the Sheriff Court 17

James Cogburn de langton pro terris de Carridin sepe vocat. et non comper. am<sup>ct</sup>.

The Airis of Thomsone for ye holmis of Strabrok sepe vocat. et non comper. am<sup>ct</sup>.

Maxwell of Calderwod for meikle blakburn sepe vocatus for presens and soit et non comp. am<sup>ct</sup>.

Alex. Hamilton for ye landis of Baythcat quhilk pertenit to umquihile John erle of Levenax sepe voc. for presens and soit and non comp. am<sup>ct</sup>.

James Lawsone for ye landis of Loychtullo, presens and soit sepe voc. et non comper. am<sup>ct</sup>.

Thomas Hamilton for ye landis of Baworny and Burnside sepe voc. et non comper. for presens am<sup>ct</sup>. (for ye landis of Baworny, Thomas Gib Sotar)

The lard of Castelcary for his landis there sepe vocat. et non comper. am<sup>ct</sup> for presens.

The lord Montgomery for ye landis of Poldrait sepe vocat. et non comper. am<sup>ct</sup> for presens and soit.

James Gibson Sotar for Barne-  
bogvall

No<sup>n</sup> Lord Seyton for ye landis of  
Wynscheburgt

The erle of Menteth for Kyn-  
pount

Thomas Law Sotar for ye  
Erle Marischell

Ed. Cunnyngname sotar for  
Thomas Arthur

George Barton sotar for ye  
lady Seton

John Burn sotar for Andrew  
Murray

James Burn sotar for ye landis  
of Strachurd

No<sup>n</sup> The lard of Houston

Alex. Wallace sotar for William  
Fishear

John Mane sotar for Polkem-  
mett

David Smyth sotar for Baith-  
cat

John Baxter for Carriber

Patrik Patone for ye lady Hil-  
hous for this court

Baxter for ye ladye Hilhous

Baxter for John Kincaid of  
Hytlie

John Gibson for ye landis of  
Baworny and all parts thereof  
sotar

Baxter for the lard of Colston

William Quhit for Porterside

No<sup>n</sup> Item for Litill Kettilstoun  
John Baxter

No<sup>n</sup> Patrik Glen

William Thomsone sotar for  
Gleghorne

The shiref decernit the fore writin absentis and ilkane of thame to be in amerciament and unlaw of the court for non compeirance and entering of their soytars for ye saidis landis respective and that is gevin for dome be John Baxter, dempster of ye said court.

\* \* \* \* \*

## NAMES OF ASSISE.

James Young	Robert Thomson	Robert Young
John Paterson	Andrew Schaw of Pol- kemmett	John Gray
John Ewing	Alex. Hamilton of Baithcat	Robert Speddye
Charles Barton	Robert Bruss of Byn- ning	Archd. Bartilmo
James Hamilton	Thomas Arthur	Thomas Mowbray
	Patrik Glen	
	Robert Livingstone of Braidlaw	
	John Kincaid of Hylt- lie	
	Charles Danyelston	

Alexander Hamilton who was fined in default of suit and presence for the lands of Bathgate, which had belonged to John Earl of Lennox, was the son and heir apparent of James Hamilton of Innerwick (*Linlithgow Sh. Ct. Bk.* fol. 3; *R.M.S.* iii. 1815). By two instruments dated 2nd and 28th Aug. 1538 (*R.M.S.* iii. 1819, 1825) the latter had excambed certain lands in Perthshire belonging to him for part of the lands of Bathgate belonging to Thomas Hamilton, which included the lands of Ester and Wester Inche. It seems that half of 'le Bathkat Inche' had been dispond on 19th Febr. 1467-68 by John Lord Darnley, afterwards Earl of Lennox, to his shield-bearer, Michael of Hamilton, from whom presumably the lands passed to Thomas Hamilton, either directly or indirectly. Half of the Inch of Bathgate is described in 1647 as the 'eister Inche of Bathgaitt, in vicecomitatu de Bathgaitt, dominio de Ballincreiff, et infra vicecomitatum de Renfrew per annexationem' (*Inquis. Spec.* Linlithgow, No. 164). As to the annexation of these lands to the barony and sheriffdom of Renfrew, see the case of *Lord Semple, Sheriff of Renfrew v. James Hamilton, Sheriff of Linlithgow*, 31st Aug. 1529 (*Act. Dom. Cons.* xl. fol. 113).

That 'no<sup>n</sup>' prefixed to a name in the list of absentees indicates a cancellation of the entry appears from the entry 'no<sup>n</sup> Patrik Glen.' Patrik Glen was present, being one of the jurors on the inquest, and consequently the entry of his name in the list of absentees was cancelled. As to the methods employed to correct such an entry, see the lists of absentees in the Register of the Regality of Spynie (1592-1601), *Miscellany of the Spalding Club*, Aberdeen, 1842, ii.; and *The Court Book of the Barony of Urie in Kincardineshire* (1604-1747), ed. by R. Gordon Barron, Edinburgh, 1892 (*Scott. Hist. Society*), p. 39 note.

The Struggle of George Dundas  
And his rivals Patrick Panter, James Cortesius, and  
Alexander Stewart  
For the Preceptory of Torphichen

I

THE reigns of James IV. and his son were marked by numerous vindictive contests between the ecclesiastics of the kingdom for power and preferment, but few of these contests have been to moderns so obscure in their origin and so baffling in their various phases as the prolonged and embittered struggle for the wealthy Priory or Preceptory of Torphichen, belonging to the Knights of St. John of Jerusalem in Scotland. The participants in this struggle were George Dundas, the ultimate victor, the nominee of the Knights of St. John as an Order; James Cortesius, the candidate put forward by the Pope; Patrick Panter, the Royal Secretary of James IV., whose support he secured; and Alexander Stewart, the half-brother of the Duke of Albany, Regent of Scotland after the débâcle of Flodden.

That the Preceptory of Torphichen should be regarded as a highly desirable prize, well worth the expenditure of unlimited effort and intrigue, need occasion little wonder when regard is paid to its remarkable position as a dependency of the Order of St. John. As an international organisation the Knights of St. John had been granted privileges of such an extraordinary nature that they enjoyed a large measure of untrammelled freedom in Church and State in the various countries—or 'Languages,' in the technical phrase—in which they had received recognition.

The Order of St. John in Scotland,<sup>1</sup> commonly supposed to have been introduced by David I., was firmly established by his

<sup>1</sup> Many writers on ecclesiastic and kindred topics have alluded to Torphichen. *Ancient Church Dedications in Scotland*, by J. M. Mackinlay, 1910, pp. 327-330. *The Ancient Church of Scotland*, by M. E. C. Walcott, 1874, p. 352. *Scottish Monuments and Tombstones*, by Charles Rogers, vol. i. p. 184. Chalmers'

grandson and successor, Malcolm IV., who granted the Brethren of St. John a 'toft' of land in whatever burghs of the kingdom they chose. Its position was further consolidated by a series of charters granted by successive Scottish kings, by Alexander II. in 1231 and 1236, by Alexander III. in 1284, who granted exemption from various national dues, by James II. in 1448, by James III. in 1482, and on the 19th October, 1488, by James IV., who ratified the charters given by his predecessors, and granted in addition remission of the ordinary customs dues when the Preceptor of Torphichen was paying in goods and merchandise his annual contribution of 200 ducats to the Treasury of St. John at Rhodes.<sup>1</sup> This concession was made by James IV., in the first instance, to Sir William Knowles, who is spoken of in contemporary history as Preceptor of Torphichen in his character as an ecclesiastic, and as Lord St. John in his capacity as a layman controlling an important temporality.<sup>2</sup>

Knowles had received the appointment to Torphichen in 1466 in succession to the previous occupant, but owing to the emergence of difficulties in connection with his claims he was unable to assume the direction of the Preceptory until 1473.<sup>3</sup> During his tenure of office he proved energetic and influential, occupying for a time the post of Treasurer of the Kingdom, besides being on various occasions a member of embassies charged with the duty of negotiating with the King of England.<sup>4</sup> If we could accept the authority of Keith and Chalmers, and of others repeating the statements of these two writers in obvious paraphrases, we should have to conclude that Knowles governed the Preceptory for the long period of forty years before being succeeded by George Dundas in 1513.

Their statements admit of no dubiety. Keith affirms that 'Sir

*Caledonia*, 1889, vol. iv. pp. 581-582. *Sacred Archaeology*, by M. E. C. Walcott, 1868, p. 337. Keith's *Historical Catalogue of Scottish Bishops*, 1824, pp. 436-440. *The Parish of Mid Calder*, by H. B. M'Call, 1894. *Catholic Church of Scotland*, by A. Bellesheim, vol. i. p. 303. *The Scottish Antiquary*, vol. viii. pp. 102-109. 'The Hospitallers in Scotland,' by J. Edwards, *Scottish Hist. Review*, ix. 52-68.

<sup>1</sup> *Reg. Mag. Sig. Reg. Scot.* 1424-1513, No. 1791, pp. 378-380.

<sup>2</sup> For the semi-clerical, semi-laic position of Lord St. John see Riddell's *Inquiry into the Law and Practice in Scottish Peerages*, Edinburgh, 1842, vol. i. p. 88.

<sup>3</sup> *Transactions of Glasgow Archaeological Society*, by J. Edwards, 1899, vol. iii. p. 330.

<sup>4</sup> *Calendar of Documents Relating to Scotland*, vol. iv. Nos. 1567, 1579, 1585, 1586, 1593, 1594, 1612. See also Rymer's *Foedera*, vol. ii. 1377-1654, pp. 716, 718, 724.

William Knows died at the battle of Flodden 1513, and was succeeded by Sir George Dundas, who . . . was chosen preceptor at the appointment of the Duke of Albany, then regent.<sup>1</sup> Chalmers repeats this view in kindred words : 'After being much employed by James IV., Knolls fell fighting by his side on Floddon-field. He was succeeded by Sir George Dundas in 1513.' . . .<sup>2</sup>

As the sequel will show, we cannot endorse the authenticity of these views, which have enjoyed a wide acceptance, due, doubtless, to the lack of information sufficient to shed light on a difficult topic.

Towards the beginning of the sixteenth century, Knowles seems to have felt the burden of increasing years, and secured the appointment of a coadjutor in the person of Patrick Knowles, his nephew—probably in the well-known euphemistic sense of this period. According to Whitworth Porter, Patrick Knowles died before 1500, and Robert Stuart D'Aubigny, nephew of the famous Bernard D'Aubigny, was selected as the successor of Patrick as the coadjutor of Sir William.<sup>3</sup> The aim in view in appointing a coadjutor may have been to prepare the way for the ultimate nomination and succession of such an assistant to the full control of the Preceptory ; but, whatever D'Aubigny's career may have been, he was not destined to be Knowles' successor, for on the 24th May, 1504, George Dundas received nomination by 'Friar Louis Deschalinghe admiral of the Hospital of St. John of Jerusalem and Lieutenant General of Friar Emeric Damboyse Grand Master of the said hospital and Guardian of the poor of Jesus Christ in the East, of George Dundas of Scotland knight to the Ancienitas or right of expectation of the preceptory of Torphichen whenever the same should become vacant by the death or otherwise of Friar William Knolis the then occupant of the office and that on the presentation of the Turcupularius,<sup>4</sup> Prior, Preceptors, and Brethren of the English language of Rhodes.'<sup>5</sup>

<sup>1</sup> *Historical Catalogue of the Scottish Bishops*, by R. Keith, 1824, p. 439.

<sup>2</sup> Chalmers' *Caledonia*, 1889, vol. iv. p. 875.

<sup>3</sup> *Knights of Malta*, by Whitworth Porter, 1883, p. 735.

<sup>4</sup> The Turcopolius was commander of the light cavalry. This post fell to the head of the English Language.

<sup>5</sup> *Inventory (MS.) of the Torphichen Writs*, Gen. Reg. House, p. 5, note 6.

Whitworth Porter gives 1st July, 1504, as the date of Dundas' nomination by Bull of the Grand Master d'Amboise at Rhodes. *Knights of Malta*, Appendix xi. p. 736.

## The Struggle for

Illuminating details of the life of George Dundas are unfortunately few. He was a near kinsman—perhaps a younger son or grandson—of John Dundas of Dundas, who was on terms of intimate friendship with James III.<sup>1</sup> We may assign 1470 as the approximate year of his birth, in view of the fact that his name occurs in the Roll of St. Andrews University among the matriculants of 1484 and among the determinants of the year 1486.<sup>2</sup> He afterwards proceeded to Paris, and was a student at Montacute College along with Hector Boece, whose stay there began not later than 1492, and lasted till 1498.<sup>3</sup>

We are indebted to the much-maligned and much-misjudged Boece for the brief biography of Dundas that has had so many changes rung on it by the writers who have made incidental reference to Dundas. In his *Lives of the Bishops of Aberdeen*, Boece, writing in 1521, more than twenty years after his departure from Montacute College, speaks with all the loyalty of an old student for his alma mater, and recalls the names of several fellow-students well known to his Scottish contemporaries for their varied claims to eminence.<sup>4</sup>

He speaks of Erasmus of Rotterdam as the 'glory and ornament' of literature of his time.<sup>5</sup> He extols John Major, the erudite supporter of the intellectual system of the Schoolmen, and declares that his writings have shed great light on the Christian religion.<sup>6</sup> He mentions in addition three other fellow-Scots, Patrick Panter, Walter Ogilvie, and George Dundas. Boece notes Panter's conspicuous official position at the Court, and affirms that he was praised not so much for his learning as for his sagacity.<sup>7</sup> Walter Ogilvie is commended by Boece for his brilliant Latin, and he must obviously have occupied a prominent place in the estimation of contemporaries to justify his inclusion in a list of notable students of Montacute College. He was

<sup>1</sup> See *Dundas of Dundas*, by Walter Macleod, Edinburgh, 1897. John Dundas succeeded in 1480, got charter of Inchgarvie in 1491, and was succeeded by his son, Sir William, in 1495. Sir William fell at Flodden. George Dundas is not mentioned by Macleod. See also *Histories of Noble British Families*, by William Pickering, part vi. London, 1844. In the Venetian State Papers, 1509-1519, No. 341, in a list of the Scottish knights and nobles, etc., killed at Flodden, there are mentioned two uncles of Lord St. John. Sir Wm. Dundas may have been one.

<sup>2</sup> See St. Andrews University MS.

<sup>3</sup> *History of Humanism in Scotland* (MS.), also *Regist. Episc. Aber.* vol. i. p. 342.

<sup>4</sup> *Lives of Bishops* (New Spalding Club), pp. 88-89.

<sup>5</sup> *Ibid.* p. 88.

<sup>6</sup> *Ibid.* p. 89.

<sup>7</sup> *Ibid.* p. 88.

attached to the entourage of James IV., and was the author of a panegyric on Henry VII., written in support of the projected marriage alliance between the Scottish King and Henry's daughter Margaret.<sup>1</sup>

George Dundas, Boece tells us, was 'deeply learned in Greek and Latin literature,' and became head of the Knights of St. John of Jerusalem in Scotland, 'overcoming his rivals by great efforts.'<sup>2</sup> As Boece was himself not merely an enthusiastic admirer of brilliant scholarship, such as that of Erasmus, but was the real founder of classical humanism in Scotland, his tribute to the culture of Dundas may be taken as proof of undoubted ability on the part of the latter, and as an indication that he felt in some measure the magnetic charm of the ideas of the Humanists, who were gradually ousting the Schoolmen from their supremacy in Paris.

Dundas is the first Scotsman indubitably credited with a knowledge of Greek, which he probably commenced to study in Paris, perhaps under some native-born Greek teacher, who would be sure to follow the pronunciation of the contemporary Greek spoken in the Eastern Mediterranean, where Dundas went when he became a member of the Order of St. John.

Although Dundas received, as we saw, the reversion to Torphichen in 1504, Sir William Knowles continued to administer the Preceptory for several years after that date. On the 1st February, 1506, a commission was appointed by the Pope to hear an appeal by 'William Knollis, Preceptor of Torphichen,' and tenants regarding the teinds of 'Arnaldstoun.'<sup>3</sup> A notarial instrument of the date 4th June, 1507, gives us a glimpse of Knowles as overlord of Templar lands. '... Archibald Weddale, procurator of an honourable man Thomas Fawside ... in presence of a noble and potent lord, William, Lord of St. John, Preceptor of the House of St. John of Jerusalem of Torphichen ... on bended knee ... resigned all and singular the lands of Stobbis Danesnape, with the templar lands and pertinents lying in Arnaldstoun in the barony of Baltredo, within the sheriffdom of Edinburgh, ... into the hands of the said Lord of St. John as superior, with all the right he has or can have in the lands; and immediately the said

<sup>1</sup> In my *History of Humanism in Scotland* (MS.) I have dwelt on his career and work at considerable length.

<sup>2</sup> *Lives of Bishops*, pp. 88-89.

<sup>3</sup> *Vatican Transcripts* (MS.), Gen. Register House, 1435-1535, vol. iii. pp. 123-129.

lord, lord superior of the lands, by gift and delivery of the staff and baton, as the manner is, gave and delivered the whole lands named to an honourable man George Fawside, son and heir of the said Thomas. These things were done within the burgh of Edinburgh, in the lodging of the said St. John, . . . at 4 P.M. on the 4th June 1507.<sup>1</sup>

On 6th November, 1507, King James sent to the Lord St. John the present of a heron.<sup>2</sup> During the period from 23rd August, 1507, till 17th July, 1508, payment was made of the customs duty on eight 'lasts' of salmon to 'William Lord St. John.'<sup>3</sup>

The earliest indication of the arrival of George Dundas in Scotland after his nomination to the Preceptory is in 1508, on the 26th January, when his presence at the Court of James IV. is indicated by the entry of the Lord High Treasurer in his accounts of the advance to the king of a sum of seven shillings to 'play at the tables with Sir George Dundas.'<sup>4</sup>

Later in this year on 15th March, we find an important letter addressed by James IV. to the Grand Master of Rhodes, Emeri d'Amboise, who held office from 1503 to 1512. In this communication the Scottish king acknowledges receipt of the Grand Master's letters, brought to Scotland by George Dundas, a knight of the Order. From these letters James has learnt of the unceasing aggressive and defensive warfare waged with the Turks, and has noted that Dundas, whom the Grand Master praises for 'his learning and virtue,' has taken his share in the struggle of the Christian world against the infidels. It is with pleasure that the king has heard that Dundas has been a member of the Council of the Knights of Rhodes, and has won his way to the Grand Master's favour by his good qualities. Dundas, James says, was long ago an intimate friend and will be all the more welcome now on account of his sufferings for Christianity, although he is a welcome visitor everywhere, seeing that he is 'learned in all kinds of learning.'<sup>5</sup>

We can well believe that Dundas would meet with a hearty reception at the Scottish Court, for he was in a position to give

<sup>1</sup> *The Laing Charters*, No. 264.

<sup>2</sup> *Lord High Treasurer's Accounts*, vol. iv. p. 82.

<sup>3</sup> *Exchequer Rolls, Scotland*, vol. xii. p. 93.

<sup>4</sup> *Lord High Treasurer's Accounts*, vol. iv. p. 97.

<sup>5</sup> *Letters of Richard III. and Henry VII.* vol. ii. No. lii. p. 262.

first-hand information on the Eastern situation to James, who avowed his intention on more than one occasion of going to the Holy Sepulchre, and his preparations to do so in 1509<sup>1</sup> may have received their initiating impulse from the story of the East brought to Scotland by George Dundas.

We noted that Keith and Chalmers assigned the year of Flodden as the date of the death of Knowles. Whitworth Porter—basing his statement probably on documentary evidence open to him—declared that he died before 24th June, 1510.<sup>2</sup> The year of Knowles' decease was unquestionably 1508, and the precise date of his death was prior to July 24th, because he is spoken of as the 'late' William Knowles on that date.<sup>3</sup>

On 30th November, 1508, the precept of admission to the temporality of Torphichen was issued to Dundas. He was granted in the most explicit terms control of 'all and singular lands, rents, and possessions' of the Order, after taking the oath of fealty to King James. He was said to have been 'provided' to the Preceptory by the Grand Master of Rhodes, as was 'contained at greater length in the provision and letters given to him.'<sup>4</sup> The tenants and occupiers of lands belonging to the Preceptory were enjoined to answer, obey, and give heed to Dundas and his bailiffs, officers, and servants in the due exercise of their rights, and instructions were issued to the sheriffs of the various counties in which the possessions of the Preceptory were situated to extend the support of Royal authority to Dundas and his representatives in the legitimate prosecution of their rights.<sup>5</sup>

From the foregoing it will appear that Dundas had vindicated his claim to Torphichen and was entitled to the fullest recognition of his position as Head of the Order in Scotland and as Lord St. John. That such recognition was readily given him is apparent from a variety of sources. In the financial years extending from 17th July, 1508, to 10th July, 1509,<sup>6</sup> and from the latter date until 29th August, 1510,<sup>7</sup> he received payment

<sup>1</sup> *Ibid.* vol. ii. No. lxxvi. p. 278.

In 1506 the Scottish envoy to Venice said James meant to go to Jerusalem, and asked for galleys or workmen to build them. The Venetians agreed to give James what he wanted. *Calendar State Papers, Venetian (1202-1509)*, No. 891.

<sup>2</sup> *Knights of Malta*, by Whitworth Porter, 1883, p. 735.

<sup>3</sup> *Exchequer Rolls, Scotland*, vol. xiii. 1508, p. 8.

<sup>4</sup> *Reg. Sec. Sig. Reg. Scot.* vol. i. Nos. 1771 and 1772.

<sup>5</sup> See Nos. 1771 and 1772.

<sup>6</sup> *Excheq. Rolls, Scot.* vol. xii. p. 237.

<sup>7</sup> *Ibid.* vol. xii. p. 372.

from the Royal Treasury of the dues assigned to the Lords of St. John, comprising the revenue derived from the tax on eight 'lasts' of salmon.

In a document bearing the date of 20th June, 1509, provision was made for the upkeep of two chaplains in the Church of Torphichen, who were to pray 'for the salvation of the souls of the King's deceased father and mother as well as for the prosperity and safety of the King himself and his dearest wife Margaret Queen of Scotland.'<sup>1</sup> Towards the maintenance of the chaplains 'George Lord of St. John promised firmly in the presence of the King to give the sum of six merks annually,' derived from certain lands lying in the burgh of Linlithgow.

In the minutes of the Lords of Council, dated 23rd October, 1509, Dundas was expressly designated Lord St. John when he was upholding the right of his Order to grant sanctuary in Temple lands in opposition to the action of the magistrates of Stirling.<sup>2</sup> On the 24th July, 1510, he received the necessary permission from James to leave Scotland with twenty-four of his men 'to pass to the Court of Rome, Rhodes, and other parts';<sup>3</sup> and later in this year application was made to the King of England for a safe-conduct for the Lord St. John and sixteen followers, who were to accompany him to 'the parts beyond the sea' for the transaction of his business.<sup>4</sup>

## II

There are few, if any, of his contemporaries in official positions whose names occur in the public records with the frequency with which we find that of Patrick Panter, the Latin Secretary of James IV. and of his successor. Panter was born at Montrose<sup>5</sup> about 1470, and was a member of the old family of that name whose seat was at Newmanswalls in close proximity to the town.<sup>6</sup> His university education was acquired in Paris, where he studied at Montacute College in the closing decade of the fifteenth century, when Hector Boece and other Scotsmen, as we saw,

<sup>1</sup> *Reg. Sec. Sig. Reg. Scot.* vol. i. 1488-1529, No. 1899.

<sup>2</sup> *Nugae Derelictae*, by Maidment and Pitcairn, part iii. p. 6.

<sup>3</sup> *Reg. Sec. Sig. Reg. Scot.* vol. i. No. 2105.

<sup>4</sup> *Ibid.* vol. i. No. 2128.

<sup>5</sup> *Letters Henry VIII.* vol. ii. part ii. No. 3254.

<sup>6</sup> *Memorials of Mearns and Angus*, by Andrew Jervise, vol. i. pp. 95, 221; *Land of the Lindsays*, by A. Jervise, p. 239; *Angus or Forfarshire*, by A. J. Warden, vol. iv. p. 438; R. Keith's *Historical Catalogue of Scottish Bishops*, 1824, p. 192.

were also engaged in pursuing their studies there.<sup>1</sup> He took his degree probably before 1497, for we find, in the earliest dated reference to him, mention made of a payment of £6 to him by Andrew Halyburton on behalf of the Archdean of St. Andrews, and in the entry of this payment he is designated 'Master' Patrick Panter.<sup>2</sup>

On his return to Scotland he was entrusted with the superintendence of the education of Alexander Stewart, the boy-Archbishop of St. Andrews, and a pension of £50 a year, of which he was in receipt by the 15th May, 1505,<sup>3</sup> may have been part of his remuneration for his instruction. The manner in which he performed his duties as tutor evidently met with the king's cordial appreciation, with the result that he was invited to become Chief Latin Secretary at some date prior to 22nd November, 1506, when he is spoken of as having been 'lately summoned from the study of good literature to the Palace.'<sup>4</sup>

During his public career he held various offices in Church and State, and, besides those positions which he succeeded in securing, he was on more than one occasion a candidate for appointments which ultimately fell to others. As early as 12th May, 1507, he was anxious to gain the vicarage of Eastwood, in the patronage of the Abbey of Paisley, but the vacant benefice was assigned by the Archbishop Blacader of Glasgow to Archibald Laing.<sup>5</sup> Panter was Chancellor of Dunkeld before 18th May, 1509, 'custumar' of Edinburgh in 1509-1510, and one of the 'custumars-general' for the whole kingdom in 1510.<sup>6</sup> He was Rector of Fetteresso before 2nd August, 1510, and may have been engaged on business abroad in this year, as we find an application made to Henry VIII. on 15th July for a safe-conduct through England.<sup>7</sup> He acquired the Rectory of Tannadice at some date before 10th March, 1511,<sup>8</sup> and was promised, on

<sup>1</sup> Boece's *Lives of Bishops*, p. 88.

<sup>2</sup> *Ledger of Andrew Haliburton*, 1492-1503, p. 159; cf. pp. 163, 249, 251, 254, 267 for other references to Panter.

<sup>3</sup> *Accounts of the Lord High Treasurer*, vol. iii. 1506-1507, p. 117; cf. pp. 120, 125.

<sup>4</sup> *Reg. Sec. Sig. Reg. Scot.* vol. i. 1488-1529, No. 1365; *Letters and Papers Richard III. and Henry VII.* vol. ii. p. 222, No. xxiv.

<sup>5</sup> *Diocesan Registers of Glasgow*, Bain and Rogers, vol. i. p. 15.

<sup>6</sup> *Exchequer Rolls, Scotland*, vol. xiii. pp. 366, 371.

<sup>7</sup> *Letters Henry VIII.* vol. i. No. 1176.

<sup>8</sup> *Antiquities of Aberdeen and Banff*, vol. ii. p. 347; cf. vol. iii. p. 79.

28th September, 1512, the Mastership of the Church of Torrance when it fell vacant.<sup>1</sup> In 1513 he succeeded to his principal post in the Church, the Abbey of Cambuskenneth, for which he paid a tax of 400 florins of gold on 29th June.<sup>2</sup> About this same period there were allotted to him the Archdeanery of Moray and the Mastership of the House of St. Mary's, Montrose.<sup>3</sup>

With the death of his royal master at Flodden he lost his most powerful friend, and his subsequent career was marked by less success in the achievement of his ambitious aims. He managed to maintain his position as Secretary during the turbulent period of Queen Margaret's short-lived assumption of power,<sup>4</sup> prior to the arrival of the Duke of Albany in 1515 in response to the specific request of the most important members of the Scottish patriotic party.<sup>5</sup> For a time Panter retained his office as Secretary, until Albany took strong measures against the open and secret disturbers of the internal peace of Scotland, and in August, 1515, Panter was deprived of his post and committed to prison.<sup>6</sup> The period of his disgrace was by no means prolonged, and he was recalled to his former duties after the reconciliation between the Regent and his chief opponents.

In June, 1517, he set out for France along with Albany and other Scottish representatives,<sup>7</sup> and was busily engaged with the diplomatic correspondence of the Regent for nearly two years. As early as 1516 his health was failing, so he resigned his abbacy in favour of Alexander Milne, retaining the right, however, of assuming control of it again, should he so desire.<sup>8</sup> But no improvement in his health took place, and his death occurred in Paris in 1519.

Our résumé of Panter's career will have afforded some indication of his activity and success in the pursuit of his ambitions,

<sup>1</sup> *Reg. Sec. Sig. Reg. Scot.* vol. i. No. 2435.

<sup>2</sup> *Brady's Episcopal Succession*, vol. i. p. 169.

<sup>3</sup> *Reg. Mag. Sig. Reg. Scot.* (1424-1513), p. 850.

<sup>4</sup> In April, 1514, Queen Margaret tried to discharge Panter from his office as Secretary, but he was supported by the Earls of Arran and Glencairn and Gavin Douglas, who insisted on his retention of office until the Three Estates should dismiss him. *Acta Dominorum Concilii* (MS.), 5th April, 1514.

<sup>5</sup> *Acta Dominorum Concilii* (MS.), 26th August, 1514.

<sup>6</sup> *Letters Henry VIII.* vol. ii. pt. i. No. 788.

<sup>7</sup> *Ibid.* vol. ii. pt. ii. No. 3583. Cf. *Epist. Jacob. Quint.* No. li. p. 281; Michel's *Les Ecosais en France*, vol. i. p. 249.

<sup>8</sup> *Letters Henry VIII.* vol. ii. pt. i. No. 2485.

but his resolute and prolonged efforts to obtain the Preceptory of Torphichen have failed to receive the attention their importance warrants. In his official capacity he must have been aware of Dundas' claim to the Preceptory and of his admission to the temporality, but, presumably, he had doubts as to the validity of the recognition granted to Dundas, and he put in a claim himself to the Preceptory, receiving the provision to it from Pope Julius II. on 5th January, 1509,<sup>1</sup> a date which shows he can have lost little or no time in challenging the position of Dundas. The letter of Julius is addressed to his beloved son, 'Patrick Panter, cleric of the diocese of Brechin,' and alludes in its opening phrases to the watchful care of the Holy See in being accustomed both to grant its Apostolic support to those who desire to lead a Regular life—in order that they may fulfil their pious purpose to the glory of God—and to extend the right-hand of liberality to those whose personal merits are a manifold recommendation for this favour. The letter proceeds to declare that the Pope has learnt that the Preceptory of Torphichen of the Hospital of St. John of Jerusalem in the diocese of St. Andrews—which the late William Knowles, Preceptor of the said Preceptory, held during his lifetime—has become vacant by the death of the same William, who ended his days beyond the Roman Court, and is vacant at the present time, and that Panter wishes, on account of the advantage of a better life, to serve the Lord, in a Regular habit, along with the Master of the said Hospital and the Council of Rhodes. His Holiness desires to favour such a praiseworthy plan in the case of Panter—who is, he understands, the Principal Secretary of his dearest son in Christ, James, the illustrious King of Scotland, and is recommended in many ways by reason of his zeal for religion, by his honesty of life and character, and by his uprightness and virtue—in order that he may be able to support himself more conveniently with the aid of some subvention. Reference is then made to a number of important details, to the annual revenue of the Preceptory, which Panter assured the Pope did not exceed £600 sterling 'according to the common estimate,' to the situation arising from the vacancy in the Preceptory (no matter whether the vacancy was due to the free and voluntary resignation of the said William Knowles outwith the Court of Rome in the presence of a notary public and witness, or otherwise), to the claim of the Holy See to the disposal of the Preceptory in virtue of the

<sup>1</sup> *Vatican Transcripts* (MS), Gen. Reg. House, vol. iii. 1435-1535, pp. 175-186.

regulations of the Lateran Council, and to the litigation which has arisen in connection with the Preceptory and is to remain undecided, provided that no one has a special right in the Preceptory.

Panter is then granted the rule and control of the Preceptory after being in 'peaceful possession' of it for six months, and is vested with authority to handle and deal with its revenues, but is forbidden to alienate any of its property. Then, after Panter has assumed the Regular habit accustomed to be worn by the Brethren of the Hospital, and has made the declaration accustomed to be made by the same Brethren, the Pope declares that he confers the Preceptory itself on him, with all its annexes, rights, and pertinents.

Instructions are next given to the venerable Archbishop of Siponto, the Archdean of St. Andrews and the Dean of Glasgow by Apostolic letters, that all three of them (or two of them or one of them)—after the lapse of the specified six months or even earlier, should Panter so desire, if Panter is suitable and no canonical regulation debars him—are to receive him by the Papal authority into the Brotherhood of St. John of Jerusalem, whether there is a fixed number of Brethren in it or not, and to bestow on him the Regular habit, according to the practice of the Hospital itself, to receive from him, if he wishes to do so voluntarily, the profession accustomed to be made by the Brethren, to admit and induct him into the 'corporal' possession of the Preceptory, its possessions and rights, by the Papal authority, and defend him after his admission, removing from the Preceptory any illegal 'detainer' and causing Panter or his procurator to be admitted to the Preceptory in the customary manner, giving him complete control of all the fruits, rents, revenues, rights, and incomes accruing to the Preceptory.<sup>1</sup>

### III

It was the misfortune of Dundas to find a formidable competitor not merely in Panter but also in James Cortesius, an Italian cleric of the diocese of Mutina, attached to the personal staff of the Pope as 'Solicitor of the Papal Letters.'<sup>2</sup>

The name of Cortesius occurs several times in official documents relating to Scotland,<sup>3</sup> and it was in all likelihood his

<sup>1</sup> *Vatican Transcripts*, vol. iii. pp. 175-186.

<sup>2</sup> *Ibid.* (MS.), vol. iii. p. 216.

<sup>3</sup> *Letters Henry VIII.* vol. i. No. 288. David Arnot, of the Chapel Royal at Stirling, thanks him for his efforts to secure the Pope's recognition of the rights of the Chapel, 10th July, 1509. *Reg. Mag. Sig. Reg. Scot.* 1513-1546, No. 113. Cortesius acts as procurator for Patrick Panter in his arrangements regarding St. Mary's House at Montrose, 14th Nov. 1516.

epistolary connection with Scotland that brought to his notice facts which induced him to endeavour to secure admission to the Preceptory of Torphichen. Like Panter he was provided to the alleged vacancy by Pope Julius II. The Papal missive was issued on 29th July, 1510, and was directed to his beloved sons the Archdean of St. Andrews, the Dean of Glasgow, and James Lyn, Canon of Dunkeld. In its general setting and sentiments it is similar to that given to Panter, although it has distinctive features of its own. It opens with the usual reference to the watchful care of the Holy See in lending the Apostolic support to meritorious sons who wish to lead a Regular life and in extending to them the right-hand of liberality. His Holiness declares he has been informed that the Preceptory of Torphichen has fallen vacant on the death of the previous holder, William Knowles, and is vacant at the present time, although George Dundas, who proclaims himself a Brother of the Order of St. John of Jerusalem, has detained the Preceptory for a year or more, but for less than two years, without any title or right, but simply on his own initiative, and is still holding and occupying it illegally.

Attention is then drawn to the Papal enactment, that whoever held an ecclesiastical benefice in peaceful possession for the year immediately preceding, and professed that it was undoubtedly vacant and then obtained it, ought to declare the rank and nobility of the possessor in the document of 'impetration,' otherwise the impetration and what followed it were of no effect. Specific orders are then given that Cortesius is to be received into the Brotherhood of St. John if he is suitable, and if no canonical regulation is an obstacle. Then if it is found that—when George Dundas and others who must be summoned have been duly cited to appear—the Preceptory is vacant, Cortesius is to be admitted to the Mastership of Torphichen, and put into corporal possession, either personally or through his representative, of all the property of the said Preceptory, after the said George Dundas or any other illegal detainer has been removed from the Preceptory.<sup>1</sup>

## IV

From these two provisions by Julius II. to Panter and Cortesius it will be seen that Dundas' right to Torphichen was openly questioned and stoutly contested.

<sup>1</sup> *Vatican Transcripts* (MS.), vol. iii. pp. 215-224.

## The Struggle for

There were three interested parties in the Preceptory, the Pope as the Head of the Church and final arbiter in all ecclesiastical disputes, the Knights of St. John as an association with comprehensive privileges, and the King of Scotland, alert in guarding the interests of his country, and quick to resent anything that savoured of invasion of his Royal authority.

To us the position of Dundas seems to have been a very strong one. He was the only one of the claimants who was a genuine Brother of the Order of St. John. The others promised to become members if their claims to the Preceptory were recognised. Dundas had fulfilled the stipulation contained in his nomination which conferred on him the right of succession when the vacancy occurred through the death of Knowles or otherwise. He had not supplanted Knowles during his lifetime, but had acquired the Preceptory after the aged Preceptor's death. He had taken part in the actual fighting against the infidels in the East, risking his life, in obedience to his oath as a Brother of the Order, in the effort to stem the ominous progress of the Turks, whereas his rivals were not warriors, but clerics eager to enjoy the emoluments of a wealthy Preceptory. Dundas, as we saw, had done homage to James of Scotland as a temporal lord, and had been granted admission to the Preceptory, over which he had exercised control for a period longer than the 'six months' mentioned in the provisions to Panter and Cortesius, although he can hardly be said to have had peaceful possession.

It is difficult to see why James IV. should come to lend his active support to Panter in view of his earlier attitude of friendliness towards Dundas. He may have been influenced by personal reasons; he may have been anxious to draw the revenues of the Preceptory during the alleged vacancy; perhaps his new point of view was determined by the gradual change in the policies of Scotland and England towards the close of Henry VII.'s reign and at the beginning of Henry VIII.'s energetic rule. Dundas, we must remember, although a Scotsman, was the nominee of the English Knights of St. John, because there was no Scottish 'Language' as a unit of the Order, and the Scottish Preceptor of Torphichen acted in concert with his Brethren of the English 'Language.' Such a procedure would cause little difficulty in times when the relations of the two kingdoms were harmonious, but in times of estrangement and bitterness the position of the Scottish Preceptor was anomalous, because his personal interests and his obligations to his English friends con-

flicted with his duty to his native land. Dundas was in an extremely trying situation. The only policy apparently open to him was one of neutrality, which a Scottish King could not allow him to adopt, seeing he was a freeborn subject of Scotland. If he sided with England he would become an outlaw from Scotland; if he supported Scotland to the detriment of England he was bound to give offence to his English colleagues in the Order of St. John, whose help was indispensable to him in his struggle to maintain the validity of his succession. Dundas thoroughly realised the acute nature of the dilemma in which he was placed, and the impossibility of walking so warily as to avoid all cause for resentment either by the Scots or the English. Accordingly, he left Scotland, as we noted, towards the end of 1510, and as his business demanded his attention abroad for several years, he was able to evade the necessity of choosing sides in the Anglo-Scottish quarrel which culminated in Flodden.

## V

In due course the question of the succession to Torphichen was bound to come up for decision at the Papal Court, and in the interval Dundas, Panter, and Cortesius were, no doubt, actively engaged in promoting their personal interests.

Panter's position in 1512 was not unpromising. He had been provided to Torphichen, subject to certain conditions, by Julius II. He was assured of the strenuous assistance of the Scottish King, and if he could gain the favour of the Knights of St. John he might not unreasonably hope for the consummation of his desires. There is still extant an interesting letter in which he addressed the Grand Master of Rhodes in furtherance of his candidature.<sup>1</sup> He acknowledges receipt of the Grand Master's letters from Blois, bearing the date 20th April, 1512, stating that the arrival of the Prior of England was being awaited. The English Prior, Panter says, is reported to have entered French territory on 6th June. As regards Torphichen, he protests that he has not sought the Preceptory through greed, because he is well provided for through the King's favour, but he has been compelled by his 'jeering adversary' to have recourse to litigation. If he is made one of the Knights he hopes to meet the requirements of the Order; he will give the necessary bonds on the merchants of Florence, and will revive the decayed endowments of the Order in Scotland.

<sup>1</sup> *Letters Henry VIII.* vol. i. No. 3277.

The Papal verdict on the Torphichen case was conveyed to James IV. in a letter from Rome dated the 7th June, 1512, from a cardinal of the Church.<sup>1</sup> His Eminence extends his congratulations to the King on his letter dealing with the deadlock in connection with Torphichen, but intimates that James Cortesius has been successful in vindicating his right against Dundas and Panter, and advises that the victor should have peaceable admission to the Preceptory. The verdict in favour of the Italian was certainly a surprising one, and was hardly likely to be sustained on appeal. The Pope could indeed claim the ultimate decision in all matters that concerned faithful sons of the Church, but far-reaching concessions had been made in the past by different Popes to the Knights of St. John, including the important right of bestowing vacant Preceptories on members of their Order according to seniority. The Knights were tenacious of their privileges and jealous of any encroachments on them, and were not at all disposed to desert their comrade-in-arms, Dundas, and give way to a claimant whose candidature would seem to them highly suggestive of effrontery. From the point of view of Scottish national interests, the case of Cortesius was hopeless, and his appointment stood no chance of meeting with acceptance in Scotland. Cortesius probably had no intention of residing in Scotland, but hoped to carry out the duties attaching to the Preceptory through the agency of a procurator, while receiving, of course, the revenues of the Preceptory and retaining his post at Rome as Solicitor of the Papal Letters.

Such a plan was bound to meet with failure, for the Scots were not at this time on such good terms with Julius II. as to be disposed to hand over Scottish money to an Italian merely bent on increasing his income; and it is possible that Scottish opposition, combined with the hostility of the Knights of St. John, brought home the futility of further effort to Cortesius, who seems to have dropped out of the contest, leaving the field to his Scottish rivals. In this year, after the publication of the decision in favour of Cortesius, Panter wrote to the Papal Protonotary, mentioning his suit with regard to the Preceptory, to which he reminded his correspondent he had been duly collated. Although the first decision had proved adverse, he holds it is contrary to the laws of the Church, and begs his friend to write to the Catholic King on his behalf soliciting his support.<sup>2</sup>

Another important letter must be assigned to this year 1512,

<sup>1</sup> *Letters Henry VIII.* vol. i. No. 3240.

<sup>2</sup> *Ibid.* vol. i. No. 3626.

one addressed by James IV. to a reverend prelate at the Court of Rome.<sup>1</sup> The Scottish King complains that he has received no information about the proposed Lateran Council, although he has not failed in his duty to the Apostolic See. He has made frequent requests to Henry of England for safe-conducts for his envoys, but has met with refusals from the English King, whose agents are attacking the Scots everywhere with an armed fleet, are plundering and making prisoners, and asserting they are the soldiers of the Pope Julius. James goes on to protest against the treatment meted out to Panter. He declares he has learned from his Chief Secretary, who is a candidate for the Preceptory of Torphichen of the Rhodians in Scotland, that the Cardinal of York has offered the greatest opposition in this suit, contrary to the laws of the Church, and has informed his Holiness of James attitude to the controversy, as if he had credence from the Scottish King on this matter. James asserts that the cardinal had no right to act in such a fashion. He asks his reverend friend to beg his Holiness to give instructions that the dispute about Torphichen should be settled according to the dictates of right and law, in order that there may be no opportunity of appealing anywhere else; or if he thinks it proper let his Holiness settle the question according to his own judgment, and graciously compose the affair.

## VI

The preliminary decision in the Torphichen case only marked a stage in the controversy, and the difficulties of the contest were further complicated by the appearance in the lists of a new candidate in the person of the Duke of Albany's brother, Alexander Stewart, who received the gift of the Preceptory from Leo X. on the 19th March, 1513.<sup>2</sup> Stewart was the natural son of Alexander Stewart, Duke of Albany, his mother being Catharine Sinclair, daughter of the Earl of Caithness.<sup>3</sup> Like

<sup>1</sup> *Epist. Reg. Scot.* vol. i. No. xcvi. p. 152. Cf. *Letters Henry VIII.* vol. i. No. 3651. Spinely in a letter to Henry VIII. (dated Malines, 12th January, 1513) says Panter has lost his case through the influence of Bainbridge, Cardinal of York, and is very angry.

<sup>2</sup> *Leo X. Regesta*, No. 1439, p. 80.

<sup>3</sup> *Reg. Mag. Sig. Reg. Scot.* 1513-1546, No. 111, 13th Nov. 1516. From this document, No. 111, it would appear that the parents of Stewart were married, but were divorced owing to being within the forbidden degree of consanguinity. Their son was declared illegitimate to ensure the legitimacy of John, Duke of Albany, who was declared at this time second person in the realm. Alexander,

many others hampered by a similar 'defect of birth,' he was destined for the Church, and was certain to secure promotion through the influence of friends in exalted positions. On 3rd December, 1510, when he was Dean of Dunbar, he was granted an annual pension of 100 merks at the express wish of his kinsman, James IV.<sup>1</sup> He was present at the battle of Flodden in 1513, with many others of the Scottish clergy, and received several years later the Papal absolution for this infringement of his obligations as a Churchman.<sup>2</sup>

On 13th November, 1514, he was granted the 'commend' of the Abbey of Inchaffray by Leo X., who issued instructions on the same day to the Bishops of Dunkeld and Brechin to receive the oath of fidelity on his assumption of the abbey,<sup>3</sup> for which he paid to the Papal Treasury on 22nd December the sum of 100 florins of gold.<sup>4</sup> When his brother Albany took up the reins of government, Stewart's status in the kingdom became more and more important, and it was chiefly due to Albany's advocacy of his claims that he was a dangerous rival to Dundas for the Preceptory of Torphichen. On 5th November, 1518, he was successful in obtaining the 'commend' of the Abbey of Scone,<sup>5</sup> which he held along with Inchaffray, and eleven years later, on 13th September, 1529, he was provided to the Bishopric of Moray, for which he offered, through the agency of his procurator, John Thornton, Canon of Moray, the amount of 1200 florins of gold.<sup>6</sup> In the provision he was spoken of as Dean of Brechin, and kinsman of the King of Scots, James V., whose influence was utilised on his behalf.<sup>7</sup>

In spite of his election to the See of Moray, he was not disposed to give up the emoluments of his other benefices; he

Duke of Albany, was divorced from Catharine Sinclair on 2nd March, 1478. *The Scots Peerage*, i. 152. They seem to have had three sons, of whom the youngest was born about 1477. *The Scots Peerage*, i. 153. The date of Alexander Stewart's birth would be approximately 1473. In his memorial against the Duke of Albany (*Letters Henry VIII.* vol. iii. No. 1808), Gavin Douglas speaks of Stewart as the son of Duke Alexander's first wife, as being 'within no holy orders,' and as 'a man able to marry.'

<sup>1</sup> *Reg. Sec. Sig. Reg. Scot.* vol. i. No. 2146, p. 327. He was Dean of Dunbar as early as 13th November, 1504. *Lord High Treasurer's Accounts*, vol. ii. p. 333.

<sup>2</sup> Brady's *Episcopal Succession*, vol. i. p. 208; *Vatican Transcripts*, vol. iii. (MS.), pp. 241-245.

<sup>3</sup> *Leo X. Regesta*, p. 773.

<sup>4</sup> Brady's *Episcopal Succession*, vol. i. p. 186.

<sup>5</sup> *Ibid.* vol. i. p. 208; *Vatican Transcripts* (MS.), vol. iii. pp. 241-245.

<sup>6</sup> Brady's *Episcopal Succession*, vol. i. p. 209.

<sup>7</sup> *Ibid.* vol. i. p. 136.

contrived to retain both the Abbeyes of Scone and Inchaffray, and paid for this valuable concession 210 florins of gold for Scone and 100 florins for Inchaffray by the hand of John Thornton, his agent in Rome, on 29th September, 1529.<sup>1</sup> He had now reached the final stage of his remarkable advancement in the Church, and spent the remainder of his days absorbed in the many duties that devolved on him as a notable prelate of high birth and a territorial magnate of wide influence. On 16th October, 1532, he resigned his hereditary lands of Pitcairn to his natural son, Alexander Stewart the Younger,<sup>2</sup> and this action was doubtless dictated by his eagerness to see his son's succession assured before his own demise.

In 1533, to meet the pressing financial needs of the Exchequer, a general levy was imposed on the kingdom, and no Churchman, with the possible exception of the Abbot of Arbroath, made a larger contribution than Stewart, whose assessment reached a sum of nearly £530.<sup>3</sup> He remained in active administration of his various benefices for several years longer, exercising his rights at one time as bishop, at another time as abbot. We find him as Abbot of Inchaffray granting a lease of Church lands on 24th April, 1536,<sup>4</sup> and on 19th June of the same year giving instructions, as Bishop of Moray, regarding the completion of a certain notarial instrument.<sup>5</sup> He died on 21st December, 1537,<sup>6</sup> and was succeeded in the See of Moray by Patrick Hepburn, who was acknowledged as bishop on 14th June, 1538.<sup>7</sup>

## VII

Incredible turmoil in civil affairs and conscienceless self-aggrandisement in the Church followed the demoralising defeat of Scotland at Flodden in 1513. Panter, in common with other

<sup>1</sup> *Ibid.* vol. i. p. 209.

<sup>2</sup> *Reg. Mag. Sig. Reg. Scot.* 1513-1546, No. 1230.

<sup>3</sup> *Lord High Treasurer's Accounts*, vol. vi. 1531-1538, pp. 144, 146. For Scone he paid £220 16s. 8d.; for Moray, £176 12s. 3d.; for Inchaffray, £132 10s. Cf. pp. 228, 229, 245, 362.

<sup>4</sup> *Laing Charters*, No. 407.

<sup>5</sup> *Ibid.* No. 410.

<sup>6</sup> *Chronicle of Fortingall. Black Book of Taymouth*, p. 121. Here he is termed Andrew by mistake. 'Obitus Andree Stewart presulis de Murray.' The *Chronicle* is probably correct about the year of his death. That there was dubiety is certain. Lachlan Shaw gave 1535—obviously wrong, as the *Laing Charters* quoted above show. *Province of Moray*, 1827, p. 310. Brady (*Episcopal Succession*, p. 186) gives year as 1538. He has probably not allowed for the delay between Stewart's death and Hepburn's appointment.

<sup>7</sup> Brady's *Episcopal Succession*, vol. i. p. 137.

unscrupulous prelates, continued his ambitious aims, and did not hesitate to ignore his duty to his country when his private interests clashed with the demands of patriotism; and so we find the man who had been present with his King at Flodden appealing for the support of Henry VIII. of England in his efforts to secure Torphichen.

The relations of Scotland and England after James IV.'s death induced Henry, for purposes of his own, to consider Panter's petition favourably, and he addressed a letter to Leo X., probably in 1515, on the Scotsman's behalf.<sup>1</sup> He says Panter is on terms of friendship with him, because he has paid assiduous attention to their common interests and is anxious to be of service to the Pope in these troublous times. Henry reminds his Holiness that Torphichen had been granted to Panter by Papal provision, and refers to the litigation that ensued to settle the question of right. He contends—doubtless repeating Panter's arguments—that the disposal of the Preceptory without the assent of the former possessor and without consulting him is a hateful proceeding, while the donation of the Preceptory to a candidate by men whose authority is inferior to that of the Pope is invalid. He expresses the hope that not merely the fact of his request but the justice of Panter's case will lead the Pope to reverse the present decision, and desires that his protégé, who is also commended by the favour of Queen Margaret of Scotland, may feel that the letters from England have been of service to him in the eyes of his Holiness.

The decision to which Henry refers was the victory which Dundas had gained in Rome over his rivals in 1514,<sup>2</sup> thanks to the sustained support accorded him by his Order, which received on many occasions frank acknowledgment of its privileged position from the reigning Pope Leo X.<sup>3</sup>

On 16th May, 1514, Dundas seemed near to the realisation of his long-deferred hopes when the Archbishop of Glasgow and the Bishop of Whithorn were commanded to ask for the production of the 'executorial' letters (which George Dundas had obtained at the Court of Rome on the question of the Preceptory of Torphichen against Patrick Panter and others who had intruded

<sup>1</sup> *Epist. Reg. Scot. (Jac. V.)*, vol. i. No. x. pp. 194-196.

<sup>2</sup> *Regesta Leo X.* vol. i. p. 553, No. 8817.

<sup>3</sup> *Ibid.* vol. i. p. 424, No. 6685; p. 478, No. 7531; p. 480, No. 7560; p. 490, No. 7721.

into Torphichen), and to induct the said George into the possession of the same Preceptory.

Dundas, however, had not yet seen the end of his troubles, and a further period of bitter uncertainty lay before him. Panter, on his part, was unwilling to admit defeat and give place to his adversary, as may be observed in a series of letters, written in 1515, which voice his reluctance to withdraw his opposition to Dundas. In one of the letters to a friend who was acting as his agent, probably at Rome, he expresses the wish that he had brighter prospects of gaining the Preceptory of St. John. William Knowles, the last to hold it, died, Panter alleges, without nominating an assistant or successor. An old knight named George has succeeded by right of seniority, on the ground that he was granted the reversion by the Lieutenant of Rhodes five years ago.<sup>1</sup> In a second letter to some anonymous correspondent he reverts to the question of Torphichen, and argues that the title claimed by Dundas 'by the pretended resignation' is invalid and that the Preceptory really became vacant on Knowles' death. He has dispatched a messenger from London with the documentary evidence disproving the resignation, and showing that Dundas admitted in a communication to Fabricio de Caretto (the Grand Master of St. John) that he had not possession of the Preceptory.<sup>2</sup>

In the third letter, written after 1st February, he replies to another friend, a cardinal of the Church, who was, it would appear, intimately associated with Panter in his suit for Torphichen. Panter, in meeting some objection advanced by the cardinal, admits that he is aware that the privileges of the Order of St. John are very great. He knows the Preceptories had received Papal sanction, but this sanction was granted with the widest limitations of their privileges. He asks why the question of provision to a Preceptory should not be judged in the same way as a limiting clause is, and cannot understand why a Papal provision should be justified at Rhodes which would not be listened to at Rome. He insists he is seeking nothing but justice for himself, and begs his friend to speed on his cause.<sup>3</sup>

The year 1515 was an important one in Scottish history, for it marked the arrival from France of John Duke of Albany to

<sup>1</sup> *Letters Henry VIII.* vol. ii. No. 87.

<sup>2</sup> *Ibid.* vol. ii. No. 88.

<sup>3</sup> *Ibid.* vol. ii. No. 89.

administer the regency of the kingdom. As his sympathies and tastes were French he became the rallying-point of the national pro-French party in Scotland against those who were disposed to favour the aspirations of Henry VIII. in his persistent endeavours to control Scottish policy. The Regent landed at Ayr on 17th May and was at once immersed in the intricate problems of Church and State.

George Dundas had returned to Scotland by this time, bent on securing the enforcement of the letters he had received at Rome, and resolved to show scant consideration to the opponents whose rivalry must have been so vexatious to him. The only remaining barrier to his resumption of his tenure of Torphichen was the attitude likely to be adopted by Albany and the Lords of Council, before whom the case of Torphichen came up for discussion soon after Albany had reached Scotland. The contemporary minutes of the Lords of Council unfold in detail the resolute insistence by Dundas on his hard-won rights. On 1st June, 1515, according to the minutes, Patrick, Abbot of Cambuskenneth, asked an instrument that he required Sir George Dundas, there present, to produce the Bulls and processes, if he had any, against him touching the Preceptory of Torphichen, in presence of my Lord Governor and Lords of Council, and that he was ready to answer thereto, protesting that he was and is ready to obey the same and to pay the expenses taxed upon him in the executorial letters . . . in presence of the said Lord Governor and Lords on condition that the said Sir George would show the principal executorial letters and the sum contained in them, and after the receipt of the said expenses give him sufficient acquittance of the same.<sup>1</sup>

Alexander, Postulate of Inchaffray, asked an instrument that Sir George Dundas admitted in presence of my Lord Governor and Lords of Council that they never knew of the resignation of the Preceptory of Torphichen in the Master of Rhodes' hands, nor the time nor by whom nor why it was resigned.<sup>1</sup>

My Lord Secretary asked an instrument that the Lords should not proceed further in that matter than the sentence bore, and according to the tenor thereof and not according to the tenor of the breviat or other process.<sup>2</sup>

On 9th June the Lords of Council selected the Bishop of Argyll, the Postulate of Arbroath, the Provost of Crichton, the

<sup>1</sup> *Acta Dominorum Concilii* (MS.), Gen. Reg. House, 1st June, 1515.

<sup>2</sup> *Ibid.* 1st June, 1515.

Official of Lothian, the Provincial of the Preaching Friars, the Provincial of the Minorite Friars, and Master David Seton to advise the Duke of Albany on the question of the process dealing with the Preceptory of Torphichen.<sup>1</sup>

On the same day Sir George Dundas asked an instrument that my Lord Secretary on his own authority spoke against him with the Postulate of Inchaffray, notwithstanding his Bulls and executorial letters.

My Lord Secretary asked an instrument that he spoke nothing against the said Sir George except to interpret the allegation of my Lord Postulate of Inchaffray to my Lord Governor in order that he might understand the same.

Sir George Dundas asked an instrument that my Lord Secretary stood against him and acted as a procurator in the said case of Torphichen.

My Lord Secretary asked an instrument that he answered to the complaints made against him by the said Sir George in presence of my Lord Governor and Lords of Council.

Alexander, Postulate of Inchaffray, asked an instrument that Sir George Dundas admitted in presence of the Lords that the said Alexander was 'intruded' in the said Preceptory and that he desired profession. The said Sir George denied that.

Sir George Dundas admitted in presence of the said Lord Governor and Lords of Council that he desired that the Pope's Bulls and executorial letters should be enforced against the Secretary in all points both as regards cursing him and on other matters as far as was permissible to him according to law. His intention was to curse the Secretary and he protested that he did not accept the Lords as judges in his affairs.

My Lord Secretary asked an instrument that the said Sir George admitted in presence of my Lord Governor and Lords that his intention was to curse him; but, as my Lord Chancellor admitted, no brief had been directed to him on this matter hitherto.

On 11th June, Patrick, Abbot of Cambuskenneth, asked an instrument that he was instructed by my Lord Governor to speak on behalf of Alexander, Postulate of Inchaffray, in the case of Torphichen.<sup>2</sup>

The said Patrick, Abbot of Cambuskenneth, asked an instrument that on 9th June Sir George Dundas admitted in presence of the Lords that he had put no Bulls into execution against him

<sup>1</sup> *Ibid.* 9th June.

<sup>2</sup> *Ibid.* 11th June.

(Panter) except as far as was permissible to him according to law. Notwithstanding, he has produced the said execution against him alleging him under curse, and has expressed the desire that he be expelled from the Lords.

Dundas and Panter were both asked to retire from the Council Chamber until the Regent and his advisers should deliberate on their course of action. The Lords ultimately decided that Panter was not under process of cursing and was not to be expelled from the Council for that reason.

On 12th June, Patrick, Abbot of Cumbuskenneth, asked an instrument that my Lord Governor commanded him to speak on behalf of Alexander, Postulate of Inchaffray, in the matter of Torphichen.<sup>1</sup>

Sir George Dundas asked an instrument that he had been promoted lawfully to the Preceptory of Torphichen, and that Alexander, Postulate of Inchaffray, had intruded himself in the same.

On 16th June, Sir George Dundas asked an instrument that Alexander, Abbot of Inchaffray, had admitted that he had had possession of the Preceptory of Torphichen temporarily.<sup>2</sup>

Patrick, Abbot of Cambuskenneth, asked an instrument that he had spoken in the matter of Torphichen by command of my Lord Governor, and that Sir George Dundas desired letters against him conforming to the executorial letters.

At the sederunt of the Lords of Council on 19th June, the ambassadors of the Pope and of the King of France were present, when it was decided that letters were to be given by the Duke of Albany to Sir George Dundas against Patrick, Abbot of Cambuskenneth, in accordance with the Papal executorial letters which Dundas had obtained.<sup>3</sup>

On 20th June the representatives of the Vatican and of the French were again present at the deliberations of the Lords of Council, who had the Torphichen case once more under review, and succeeded in reaching a decision in part as the minutes of that date show.<sup>4</sup>

Anent the supplication given in by Sir George Dundas to my Lord Governor desiring him to direct his letters conforming to our Holy Father's executorial letters . . . on the Preceptory of Torphichen, . . . in presence of my Lord Governor, the Lords of

<sup>1</sup> *Acta Dominorum Concilii* (MS.), Gen. Reg. House, 12th June.

<sup>2</sup> *Ibid.* 16th June.

<sup>3</sup> *Ibid.* 19th June.

<sup>4</sup> *Ibid.* 20th June.

Council decree and decern that my said Lord Governor shall give his letters to the said Sir George conforming to the said executorial letters in all points; and, whereas it was 'doubted' by the said Lords whether the letters given on behalf of the said Sir George were prejudicial to Alexander Stewart—pretending to have entry to the said Preceptory—or not, and because that point depends on the clause contained in the said executorial letters, viz. 'contra intrusos et intrudendos,' a clause which cannot be 'declared' nor 'decerned' except by our Holy Father the Pope and his Auditors, they therefore refer the 'declaration' of the same to his Holiness, and wish that the said letters be not prejudicial to the said Alexander in the meantime until the said 'declaration' be made.

On 28th June, 1515, Sir George Dundas asked an instrument that Master Alexander Stewart called him Preceptor of St. John.<sup>1</sup>

Sir George Dundas asked an instrument that Alexander Stewart gave in a bill of complaint saying that he was in possession of the Preceptory of St. John.

Sir George Dundas protested that what the Lords did touching the Preceptory of St. John should not prejudice him regarding his right to it.

We have seen that Dundas had definitely vanquished Panter, his most persistent rival, but he was still faced with the hostility of the Duke of Albany, who favoured, as was to be expected, the suit of his brother, and entertained suspicions of the loyalty of Dundas, whose personal interests at this time committed him to an attitude of benevolent neutrality towards England, or at least of lukewarmness to the Regent's vigorous national policy.

Albany's championship of Scotland against the domineering pretensions of Henry VIII. was most earnest and energetic, and the official correspondence of these stormy years remains a permanent memorial to his strenuous defence of Scottish nationalism.<sup>2</sup> He was dissatisfied with the Papal solution of the Torphichen difficulty by conceding frank recognition to Dundas, and he would have much preferred the succession as Preceptor of some one whose fidelity to Scotland could in no way be open to doubt. He wrote to Pope Leo X. on 20th January, 1517, expressing his views on the situation, and his letter gives a

<sup>1</sup> *Ibid.* 28th June.

<sup>2</sup> *Epist. Reg. Scot.* (Jac. V.), vol. i. No. xii. pp. 197-200; No. xiv. p. 201; Nos. xvii., xviii., xx., xxii., xxiii., xxiv., xxvi.

## The Struggle for

concise summary of the controversy as it appeared to him. He explains that George Dundas, who professes to be a Brother of the Order of St. John of Jerusalem, has obtained a decision against Patrick Panter, cleric of the diocese of Brechin, in the case of the Preceptory of Torphichen, which has been a source of dispute for a long time, on the ground that he was provided to Torphichen in accordance with the resignation of the late Preceptor, made at Rhodes by the agency of procurators, and has brought home executorial letters for the expenses of the litigation. On behalf of himself and his adherents, Panter, who has been condemned by the censures and penalties of these letters, has entered an appeal against the enforcement of these invalid and unfair letters, in view of their excessive severity and for other reasons as well. Dundas has also obtained, Albany continues, executory processes of a similar kind against his brother, Alexander Stewart, and has demanded that the provision regarding Torphichen by the late Pope Julius should have effect on the ground that the Preceptory was vacant by the death of the late Preceptor.

Alexander Stewart, on the other hand, argues on his own behalf that transactions carried out by others should not prejudice him, and that the vacancy by resignation was always invalid, and has set himself at once to contest, on legal grounds, the Bulls of the Rhodians which mention, but falsely, the resignation of Knowles. He contends that judgment ought not to be given against one who had never been summoned to the litigation, and had not been heard regarding his own right.

The Regent then informs Leo that a decision was reached in the Common Council of the kingdom that this controversy should be remitted to his Holiness, but owing to the troubled situation at home and abroad, and the apparent imminence of war with England, nothing was done. No one could leave the kingdom, nor could letters be carried abroad. An appellant could not follow up his appeal, and it was impossible for Alexander Stewart to go in person to Rome or send a messenger or letter or a statement of the legal rights of the case.

George Dundas, however, who was formerly received at Rhodes by the votes of the English, and obtained there the Bulls of resignation by the assent of the English (so the letters state), recognising the English Prior of St. John as his superior, has endeavoured, by the commands and instructions of the English Prior, to secure his admission as possessor of Torphichen, and

has lately made his way in safety to Scotland through the midst of the English. He has, moreover, vented his wrath on Scotsmen with fire and sword. He has sent whatever messengers he pleased through England at this time of prevailing suspicion, and has enforced his executory letters against the appellant Patrick Panter and against Alexander Stewart. The Preceptory of Torphichen, compared with the other benefices of the kingdom, Albany says, is valuable to the King, and demands, by reason of its geographical situation, a faithful man, and one who clearly ought not to be the least in the King's Council. As Dundas is not esteemed by the Regent, and as many considerations denounce him as a man to be feared in the councils of the nation, Albany therefore begs with all his heart that whatever harm the unsettled times have done to his brother Alexander and the appellant Patrick Panter should be ignored, and that these two should be granted absolution and restored to their former position. He requests that their pleas should be considered on their merits and heard afresh, especially that of his brother Alexander. Let his Holiness give instructions that Dundas submit evidence of Knowles' resignation (which he has mentioned in the Bulls of the Rhodians) and exhibit the mandate for resignation and the documents showing that the resignation took place.<sup>1</sup>

The preceding letter plainly depicts Albany's hostility to Dundas, and his unwillingness to see him installed in Torphichen. His suggestion that the whole case should be reconsidered was hardly likely to find favour with the Pope's advisers, who must have been growing weary of the interminable controversy; and so no action detrimental to the interests of George Dundas was taken. The legality of his claim necessitated his admission to the Preceptory, but this legality conflicted for the moment with political expediency, and the Regent was not yet inclined to obliterate his cognisance of the alleged anti-national conduct of Dundas. It is indisputable that the weakest feature of the latter's case, from a Scottish standpoint, was his dependence on the English and his acceptance of their support; but it is scarcely probable that he would have jeopardised his chances of ultimate success by proceeding to such an extreme as to wage war on his fellow-Scots. The Regent, too, was a man who did not shrink from strong action when the need became

<sup>1</sup> *Letters Henry VIII.*, vol. ii. No. 2800; *Epist. Reg. Scot.* (Jac. V.), No. xxx. pp. 228-230.

apparent, and his resolute measures against factious Scots much more powerful than Dundas was, go to suggest that he would not have tolerated the latter's presence in Scotland had he been guilty of open warfare against his country.

In administering the affairs of Scotland, Albany naturally desired to have behind him the united will of an undivided people, and so he must have welcomed the opportunity which arose in 1517 of ending, even if only for a time, the bitter partisan struggles he had been forced to face ever since he set foot in Scotland.

The pressure of circumstances made him glad to come to terms with the pro-English party, and in the reconciliation which ensued George Dundas was included, and his right to Torphichen was finally acknowledged, as we know from the minutes of the Lords of Council, in which his presence as Lord St. John is recorded on numerous occasions.<sup>1</sup> The accession of Dundas to the Preceptory was doubtless furthered by the waning opposition offered by his former rivals; for Panter, as we saw, was now in a state of indifferent health, while Stewart was finding consolation for his disappointment by receiving preferential treatment in his candidature for the Abbey of Scone,<sup>2</sup> and in his hopes of adding Whithorn Priory to the number of his benefices.<sup>3</sup>

With the formal recognition of the validity of his succession, Dundas was once more put in control of the considerable revenues of the Preceptory, and was granted, as a matter of right, the usual remittance from the Royal Treasury of the customs duty on eight lasts of salmon<sup>4</sup> which had not been paid to him since the financial year ending August, 1510. Being now assured of a substantial income, he was able to discharge the debts that had accumulated during the years of his exclusion from Torphichen. On 1st October, 1521, John Babington, the Receiver in England for the Common Treasury of Rhodes, acknowledged the payment by Dundas of £100, due by the latter to the Treasury of Rhodes for the years 1519, 1520, and 1521. Babington,

<sup>1</sup> *A.D.* c. 30th March, 1517; 24th May, 7th August, 24th, 25th, 28th, 30th September; 3rd, 4th, 6th October; 20th, 21st November.

<sup>2</sup> *Vatican Transcripts*, vol. iii. pp. 241-245.

<sup>3</sup> *Letters Henry VIII.* vol. ii. No. 1839; Nos. 4641 to 4644; vol. iii. Nos. 615, 616; *Ep. Reg. Scot.* (Jac. V.), Nos. xxx., xlvi.

<sup>4</sup> *Exchequer Rolls, Scot.* vol. xiv. 1513-1522, p. 438; vol. xv. 1523-1529, p. 183.

however, reserved the right to claim for the unpaid arrears from 1510 to 1517, when no payment was made by Scotland to the Rhodians.<sup>1</sup> On 21st October, 1521, Thomas Docra, the English Prior of St. John, gave Dundas receipts for £22 10s. which the Scotsman had received 'at Rome for the defence of his right to his Preceptory,' and for £5 6s. 8d., a sum advanced to pay the expenses of his journey from Rome to Scotland.<sup>2</sup> During the remainder of his life Dundas ranked as one of the notables of Scotland, and sat in the national Parliaments, sometimes as a representative of the barons, at other times of the clergy.<sup>3</sup>

In 1522 he was one of the leaders of a force of 2000 men engaged in patrolling the Borders,<sup>4</sup> at a time when a fresh war with England seemed inevitable, partly owing to Scotland's commitments with France, then bitterly hostile to England, partly owing to the English King's overbearing attitude, which was such as to offend even those members of the Scottish nobility who were usually disposed to favour England. In May, 1524, Albany left Scotland never to return, and on 5th August of the same year, Dundas, along with other members of the pro-English group, definitely repudiated the authority of Albany as Regent, and made at least an outward parade of their patriotism by declaring their devotion to the young King, James V., whose interests they pledged themselves to maintain.<sup>5</sup>

When not occupied with the intermittent calls of public affairs, Dundas was engaged in the performance of his duties as an ecclesiastical dignitary as well as in the exercise of his functions as trustee of the wide possessions of his Order, and we find him, as overlord of the lands of St. John, granting, at different times, charters and concessions to tenants and friends.<sup>6</sup>

His bitter experiences in fighting his rivals seem to have made a deep impression on him, and led him to take steps to safeguard his successor from the possibility of a conflict such as he had himself been compelled to undergo. Accordingly, Walter Lindsay, the son of a sister of Dundas,<sup>7</sup> was nominated as Preceptor-

<sup>1</sup> *Torphichen Writs*, p. 6, No. 9.

<sup>2</sup> *Ibid.* p. 6, No. 8.

<sup>3</sup> *Acts of Parliament of Scotland*, vol. ii. 1424-1567 (1814), pp. 263, 300, 321, 332; *Accounts Lord High Treasurer*, vol. v. 1515-1531, pp. 212, 265, 317.

<sup>4</sup> *Letters Henry VIII.* vol. iii. 1519-1523, No. 2186.

<sup>5</sup> *Letters and Papers Henry VIII.* vol. iv. No. 561.

<sup>6</sup> *Laing Charters*, Nos. 335, 352; *Reg. Mag. Sig. Scot.* 1513-1546, Nos. 234, 984; *Protocol Book of Gavin Ros* (Scottish Record Society), vol. ii. No. 913, p. 612.

<sup>7</sup> *The Scots Peerage*, vol. v. p. 393, footnote 5.

designate by Lisle Adam, the Grand Master of St. John, on 20th February, 1527,<sup>1</sup> and succeeded to the Preceptory five years later, on the death of Dundas in 1532.<sup>2</sup>

With the decease of Dundas there passed away the central figure in an ecclesiastical conflict that was unique even in days when place often received more devotion than principle.

The protracted struggle for Torphichen revealed not merely the inherent difficulties in the position of a semi-autonomous Preceptory, over which neither the Pope, nor the Brethren of St. John, nor the Scottish King exercised an unconditional control, but also the inevitable deadlock that must follow should any of the interested parties be resolutely opposed to compromise. It was not, indeed, until the Protestant Reformation, with its disruptive influences, was accomplished, that the anomalies due to the constitution of the Preceptory were finally got rid of by the repudiation of the claims both of the Church and of the Knights of St. John, when the last of the Preceptors, James Sandilands, seceded from the Church of Rome and was granted, for himself and his heirs, the lands of Torphichen as personal property.

COLIN M. MACDONALD.

<sup>1</sup> *Torphichen Writs*, p. 7, No. 10.

<sup>2</sup> *Laing Charters*, No. 385.

## The Lawrikmen of Orkney

[This paper and another to follow on the Chapels of Orkney are a continuation of that study of the ancient Orkney society and constitution which was attempted in the Introduction to the Records of the Earldom of Orkney. Apart from more hypothetical views, the points established definitely, and which form the 'jumping-off place' for these present essays, are briefly these. We find a multiplicity of odal landowners or 'uthellers' represented on the Lawthing and other head courts by a certain selection from their number styled the 'gudmen,' 'the worthiest,' or the 'gentles of the country.' In their official capacity these representatives were called 'roithmen' or 'lawrikmen' (old Norse logrettu-menn, the members of the legislature in Iceland and of the public courts in Norway). Just as in Iceland and Man, the islands were divided for purposes of representation into large units of area and then subdivided into smaller units, the smallest units discoverable when the Introduction was written being the parishes; though by the end of the Norse period (when evidence is first available) there were certainly several representatives from each parish.]

### THE LAWRIKMEN

THE vast bulk of the documentary evidence concerning any corner of historical inquiry is inevitably confined to corroborative or corrective details, which serve to fill in an outline already sketched, and only occasionally does one have the luck to find something that opens up a fresh vista and takes the whole inquiry a stage further. A certain entry in the Bishopric Court Book of Orkney under the date 22nd April, 1618, is such a key, opening, as it does, the door into quite a new corridor.

On that date a sheriff court was held in the bishopric parish of Sandwick. (It may be recalled that in 1614 Orkney was divided into so many bishopric and so many earldom parishes; bishopric and earldom each having its own separate sheriff.) In connection with this court there is the following entry: 'The quhilk day it is statut & ordanit with consent of the haill parrochine that the persones underwritten sal be oversears, rancellaris, and dittaymen under the bailie in tyme cuming,' and then follows the list of names. On the following day the court moved on to Stromness, and there exactly the same entry occurs.

Though not on this occasion styled 'lawrikmen,' the rancellers actually were identical with the lawrikmen throughout Orkney in the seventeenth century, as is proved by numerous entries in bailie court records and by the contemporary evidence of Wallace. Very possibly the duty of rancelling was put upon the lawrikmen in consequence of the Country Act of 1615 'anent rancelling for thift.'<sup>1</sup> Anyhow the fact is beyond dispute that in the seventeenth century, they were synonymous terms.

The duty of overseeing is illustrated in various of these bailie court records, and consisted at that time in exercising a general control over the behaviour of the parishioners; for instance, in the matter of going on to the hills after sheep, reporting riots, etc.

As to the actual word 'overseer,' it is such an apt translation of the Norse *raðmaðr* in its more common sense of one who rules or is in authority, that we need scarcely look further for the significance of the term 'roithman' found in the early Orkney decrees of court. It might of course bear the sense of councilman—one who sat in the courts (as the roithmen did)—but as both meanings are equally possible and we have here a distinct piece of evidence in favour of one of them, personally I should be inclined to accept that one.

But it is the term 'dittay-men' which really takes one forward. A dittay was a criminal indictment; and not an indictment in the somewhat loose general sense in which the word is sometimes used, but the specific formal charge as drawn up by the procurator-fiscal. Every criminal case entered in the court books at that period has the marginal docket 'Dittay (or dittays), Smith' (or whoever the criminal was). The dittay was read to the prisoner and its points are enumerated in the record, and finally it is always stated that the dittay was put to the knowledge of an assize, whose names follow.

The dittay-men can then only be the assizemen; but to make quite sure of this I went through all the assize lists for several years following, extracting the names of Sandwick and Stromness men on them, and then compared these with the list of the known lawrikmen in 1618, when the fact was at once made certain. And it may be added that even before discovering this entry, a study of the seventeenth century assizemen in the Earldom Court

<sup>1</sup>The actual process of rancelling, or house to house search, was undoubtedly much older, but the mere fact of the passing of the Act shows that a new step was taken in 1615 to regularise it and make it more stringent.

Book had made it plain that the duty of sitting on assizes fell upon certain particular men in each parish, for a limited number of names kept recurring again and again. Further, the record of a Stromness case in the latter part of the century, containing a list of the parish lawrikmen and showing that they formed the bulk of the assize, had already suggested the lawrikman solution. In fact, I was actually looking for this entry (or something similar) when I had the good luck to find it.

We thus find the logretta-men of Orkney actually exercising their old functions in the seventeenth century (even though it was only in the limited field of crime), and it is quite incredible that if they had been replaced on the head court assizes in 1541 by the 'suits of court' of feudal tribunals,<sup>1</sup> they would have been reintroduced in 1618, seven years after the complete abolition of the old Orkney laws. In fact it seems obvious that the office must have existed continuously.

The seventeenth century assizes throw light on the whole question, for they demonstrably consisted partly of lawrikmen, many of whom were also suitors, partly of suitors who were not lawrikmen, and partly of Kirkwall citizens; together with an element of countrymen who had no qualification but presumably were sent as substitutes for absent lawrikmen.

The last element does not seem to have been present at all at the *head* courts in the sixteenth century, so far as one can judge. And, in fact, at that period when the intricate odal law of property still exercised the wits and tested the legal knowledge of the assizemen, it is most improbable that any but the best qualified would be admitted, save perhaps where Earl Robert Stewart had his own fish to fry. We know, indeed, from the complaint of 1575 that packing the assizes with his unqualified dependents was not the least despicable of his habits.

One or two burgesses of Kirkwall are found on the assize lists even before his time, but he clearly increased their number very largely (as can be seen from his assize of 1584), for the reason that many of his tools were citizens.

<sup>1</sup>This opinion was expressed in the Introduction to the *Records of the Earldom of Orkney*. What misled was the fact that in the great majority of cases the descendants and representatives of the sixteenth century assizemen appear on the suit-rolls in 1617. This is even true of the one lawrikman mentioned in the sixteenth century, Robert Isbister of that Ilk, whose descendant Rorie Isbister of that Ilk was on the 1617 rolls. And further, a number of the assizemen about 1570-80 were feuars or tacksmen, and not odallers at all; but, as will be seen presently, these last were added to, and not substituted for, the lawrikmen.

As for tacksmen of the earldom lands, numerous on sixteenth century assizes, they were no doubt an addition made when the sheriff and his courts first appeared in Orkney (in 1541), and were joined by the feuars as soon as feus began to be granted (in 1560). These two classes were the true suitors, giving suit and presence at the sheriff courts as part of the conditions of their tenure. The addition to the suit-rolls of a large number of the chief odallers (most of them lawrikmen) presumably occurred about 1587 when two charters are recorded giving back to 'gentlemen uthellers' estates previously seized by the earl, on condition of their doing service as vassals. There must have been many more such charters about that time, and these no doubt account for the presence of most of the odallers on the 1617 rolls.

#### PARISH DIVISIONS

Since the office of lawrikman was an office continually in existence down to the seventeenth—indeed, down to the eighteenth century, it is very well worth while to examine most carefully any peculiar features presented by the lawrikmen of those centuries, especially of course as early in the seventeenth century as possible. And if any such features are found, then comes the question of whether they were of long standing or recent origin (the natural supposition being always that their origin is to be sought far back, for nothing is more insisted on by all writers who described the Orkneys in the seventeenth and eighteenth centuries—and even in the early part of the nineteenth—than the intense conservatism of the people and the persistence of ancient ways).

The very first noteworthy feature which presents itself, and the feature which has proved most suggestive, is the distribution of the lawrikmen in districts or divisions of the parishes. In Sandwick, in 1618, there were four lawrikmen for the 'north quarter,' four for the 'next quarter,' four for the 'south side,' and three for the 'fourth quarter'; fifteen in all. In Stromness there were six for the urisland<sup>1</sup> of Kirbister, Redland, and

<sup>1</sup>The urisland, eyrisland, or ounceland (consisting of eighteen pennylands) was the Orkney unit of land valuation, and it may be briefly mentioned here that an urisland occasionally consisted of one single large township, and generally of a group of closely adjacent townships. The only exceptions were when the townships were so scattered as necessarily to reduce the urisland to a mere geographically amorphous area of taxation. The urislands are not usually given—as urislands—in the old rentals, except where they coincided with a single town-

Quhome, four for the twenty-six penny quoyland of Cairston ; and five for the four urislands forming Inner and Outer Stromness. Again there were fifteen in all, apparently based on the principle of five for each division, modified owing to the abundance of odallers, still of some traditional standing, in the first third, and the lack of suitable persons in the second third.

These are the two earliest recorded instances of parish divisions, but there are three more examples in the latter part of the seventeenth century. In St. Andrews in 1665 the parish was divided into five parts, with two lawrikmen for each.<sup>1</sup> In Deerness in 1673 each urisland gave its consent to the appointment of two lawrikmen, except that in one case there were three names and in another one was left blank ; there being thus twelve in all.<sup>2</sup> Finally in 1696 the inhabitants of South Ronaldsay were enumerated according to districts and a list of lawrikmen follow,<sup>3</sup> sometimes set out under the same districts, and sometimes under fractions of them, but evidently appointed according to the same districts, for by adding the fractions together the number of lawrikmen per district comes to about the same in each case. The total is twenty for the north parish and eighteen for the south.

As this division into districts is found in all the five parishes where full lists of lawrikmen are given, the same arrangement may safely be taken as existing throughout the islands. But to test this thoroughly, and also to throw as much light as possible on the whole subject, it seemed well worth endeavouring to discover the districts in other parishes from certain obtainable data. These data are as follows: (1) the number of lawrikmen in each district of any given parish was evidently equal, or nearly so; (2) from an analysis of all the Sandwick and Stromness names on assizes for several years beginning with 1618, this fact becomes plain:—that the men whose names appear frequently were the lawrikmen, while the casual assizemen (probably substitutes) very seldom appear more than once.

Thus by analysing the names of assizemen from other parishes, one could tell with considerable accuracy which were the lawrikmen,

ship, but they can easily be traced by adding up the pennylands in the consecutive townships.

<sup>1</sup> St. Andrews Bailie Court Book.

<sup>2</sup> *Ibid.* A page or two at the end contains Deerness Bailie Court Records.

<sup>3</sup> *Church Life in South Ronaldsay and Burray*, Craven.

a name that appeared more than twice being a practical certainty, and a name that appeared even twice being a strong probability. Then by experimental groupings of these lawrikmen into districts, one could know, again with very fair certainty, when the right districts had been discovered by the fact of arriving at an approximate equality of men per district. The vast number of assizes available, the circumstance that the name of the man's township, or even of his farm, is always given, and the very limited choice of divisions in any parish geographically possible, made this method much more reliable than it may perhaps sound. Indeed, in a number of cases it left no reasonable doubt at all as to the divisions.<sup>1</sup>

In Harray, consisting of four and a half urislands, they seem clearly to have been the four urislands, with the half urisland thrown into one of them.

In Rendall, a five urisland, the data are very good, and clearly show three divisions, two along the coast and one inland, consisting of from twenty-three to thirty pennylands each (excluding the island of Gairsay, from which no names are recorded).

In the large thirteen to fourteen urisland of Birsay, the only arrangement that would in the least fit the data is to suppose it merely divided into two, north and south.

In Rousay, a six and a half urisland, there is a little uncertainty, but it seems pretty clear that there were three divisions, the two urislands on the south-west coast forming one, the three urislands on the east coast a second, and the one and a half urisland on the north coast the third.

We have here, and in the five parishes already described, a variety of types of divisions, and the question is suggested: Had they any common basis, or were they merely arbitrary? After studying all the different cases in the light of a map and of some local knowledge of the country, the answer seems to be that the common basis of these seventeenth century divisions was apparently convenience.

Starting with South Ronaldsay, there can be no doubt as to the reason for its divisions. They are actually marked on Mackenzie's Charts published in 1750, where they appear as large patches surrounded by a hill dyke, and marked 'g' (green), and divided from one another by spaces marked 'h' (heather); the colour of the soil and the hill dykes being thus shown to serve as

<sup>1</sup> The Assize Lists are all contained in the Earldom and Bishopric Sheriff Court Books.

landmarks for mariners. In short, they are simply the cultivated areas into which the island was inevitably divided by the exigencies of soil, slope, etc. Hence they do not conform to any urisland standard.

In St. Andrews, which, like South Ronaldsay, is practically all coastline, the divisions are again prescribed largely by nature, and though they happen to correspond rather more nearly to urislands, they do not do so entirely.

In Rendall we have a long coast line almost continuously cultivated (it is marked as continuously cultivated in Mackenzie's charts), and then three or four inland townships. Here the coast seems to have been arbitrarily divided into two portions as nearly equal in pennylands as possible, and three divisions of the parish were the result.

Passing to the inland parish of Harray, with no headlands to break up the cultivated ground or bays to concentrate it, we find the urislands the units, because here they happen to form very distinct geographical districts, and, in fact, are the natural divisions to-day as much as ten centuries ago.

In Deerness the same considerations would apply.

Coming to Rousay, we get again natural areas round a coast.

But in Sandwick and Birsay there was a complication. In each of these parishes lay large areas of early settlements where the urislands were small and crowded together.<sup>1</sup> And we find an apparently arbitrary division of the whole parish into quarters or halves.

Finally, Stromness is a case of three areas naturally divided from one another by uncultivated hills.

These are all the parishes and islands where there is sufficient documentary evidence to judge of the old divisions as they existed in the seventeenth century, but since writing this paper some very interesting local evidence has come to light indicating that the urislands generally were the original divisions, and that for convenience' sake they came to be gradually modified. This evidence will be given in the next paper.

#### NUMBER OF THE LAWRIKMEN

A second feature to be noted in the seventeenth century records is the number of lawrikmen per parish at that date. We have seen that in 1618 there were fifteen in both Sandwick and Stromness, and from the analyses of the contemporary assize

<sup>1</sup> *Records of Earldom of Orkney*, p. xxxv.

lists, that would seem to have been the standard number in each parish. And this is supported by an *a priori* reason which at once suggests itself, namely that fifteen was the regular number of the assizes who tried the dittays in the seventeenth century. As sheriff courts were often held locally in one parish or another, the fifteen parish lawrikmen would provide a complete assize on such an occasion. (For some reason, South Ronaldsay, however, seems always to have been an exception, judging from the large number of assizemen from that island who appear on record.)

But in 1678 there were only ten in Sandwick,<sup>1</sup> and eleven in Stromness in 1679;<sup>2</sup> while we have seen that in 1665 there were ten in St. Andrews, and in 1673 twelve in Deerness, so that it would appear that regularity ceased everywhere after a time, and there came to be no standard at all.

The interesting question is: What was the number in previous centuries? Was fifteen a standard fixed after the abolition of the old laws in 1611 and the descent of the lawrikmen from legal experts to sheepstealing and witchcraft jurymen, and their conversion also into an unpleasant inquisition of rancellors? Or does it represent a surviving fragment of the old constitution?

This question, I think, can be answered by one single but decisive case. A decree of the Harray and Stenness bailie court in 1576 was 'written at the desire of the lawrikman, Robert Isbister.'<sup>3</sup> Robert Isbister is the first name on the list of the assize, and the only name to appear on any of the contemporary Head Court decrees (where he appears in every one of four consecutive surviving decrees scattered between 1558 and 1580). It is obvious that no other member of this bailie court assize was a lawrikman, and yet we find on it almost all the Stenness landowners at that date who are likely to have held the office.

Even in the seventeenth century when their position had so dwindled in importance, the lawrikmen were still the largest odallers of the parish, with an admixture then of the largest tenants, and without going into the *minutiae* of Stenness family history here (though the precaution has naturally been taken) it can be stated with certainty that there is no reasonable probability of more than two or three lawrikmen in the parish in 1576, and that such a number as fifteen is absolutely out of the question. As a matter of fact, two only are found on contemporary sheriff

<sup>1</sup> Deed in Kirkwall Record Room.

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

<sup>3</sup> *Records of Earldom of Orkney*, No. LXIV. All the other sixteenth century decrees referred to are from the same volume.

court records, one appearing twice and the other thrice,<sup>1</sup> and neither being on the above bailie court assize.

But apart from this test case, there is a great deal of evidence pointing the same way. Thus in five Head Court decrees and one precept for summoning an assize between 1558 and 1580, there are only four Harray names; one appearing four times, another thrice, and the two others who appear at an interval of twenty-two years being uncle and nephew of the same family. A decree of 1584 repeats one name and adds two more, but the assize on that occasion is distinctly suspect as being a packed jury.

Again, from Firth there are only three names in that period, one appearing four times and the other two twice each.

Turning to early extant decrees (1500 to 1522), there are fewer specimens to work upon, and there is some doubt as to whether in every case all the names were actually lawrikmen, but we certainly find that three Stennes names appear six times between them—in addition to another who was probably not a lawrikman—and three Harray names also appear six times.

All these instances seem to indicate decidedly that there were very few lawrikmen in the sixteenth century compared with the large number in the seventeenth. A very careful estimate of the probable total number of Lawthing representatives about the year 1500 gives ninety to one hundred as an outside figure, and from seventy to eighty as a more likely number; and either total would make anything even distantly approaching fifteen per parish quite impossible. On the other hand, one lawrikman for each district in each parish, and perhaps two in exceptional cases, like Sandwick or Birsay, would accord excellently with all the facts available.

It would be satisfactory if this could be definitely checked by fitting the known roithmen or lawrikmen of the earlier decrees (when there were no suitors or citizens to complicate the question) into the known divisions. Unfortunately the members of court in these early decrees have, with rare exceptions, no hint of residence attached. In most instances one knows it with fair certainty, but the placing of the doubtful cases gives the theorist a little too much latitude. All he can say therefore is that taking Orkney all over, it is perfectly possible to make the men fit the divisions, and that in a few parishes there is really no doubt about the coincidence. One instance may be given where the data are quite reliable.

In the island of South Ronaldsay the districts of the north

<sup>1</sup> This statement is based upon quite recent information.

parish indicated by the lawrikmen of 1696 were (1) Herston and Widewall, (2) Hoxay and Ronaldsvoe, (3) Cara and Grimness, (4) East Side. The three roithmen on record would obviously be placed, (1) Magnus Cromarty (elder or younger) in Hoxay, the chief property of those Cromartys before Cara came to them by marriage, (2) Magnus Cara in Cara and Grimness, (3) John Berstane in East Side, where lay Berstane and Cletts, the chief properties of the family.

In the south parish the two known roithmen may be equally definitely placed, Andrew Halcro of that ilk in the district containing Halcro, and Magnus Cromarty (younger or elder) either in Sandwick, the chief property of the southern Cromartys, or in the district containing Burwick, where he held a tack. Thus all five fit into different divisions, and all the divisions but three are filled.

In almost all the other parishes similar results can be obtained, though with less certitude; but there is one striking and interesting exception—the parish of South Sandwick. There the known lawrikmen do not at all fit the two halves, *i.e.* two of the four quarters into which the combined parish of North and South Sandwick was divided. That is to say, they do not fit the divisions of 1618, but it will be seen in the next paper that there is curious evidence of quite other divisions about 1500. In fact, the seventeenth century parish divisions represented a very ancient system, which in a few instances had evidently been modified.

#### HEREDITARY CHARACTER OF THE LAWRIKMEN

On a third point these lists of 1618 lawrikmen throw some fresh light. It has been pointed out that the roithman or lawrikman families, as they are found in the earliest available records, were not only the leading land-owning families of the time, but that the office was hereditary in these families.<sup>1</sup> Whether it had merely become so by custom, as not only offices but even occupations inevitably tend to become hereditary in an isolated, agricultural, intensely conservative society, or whether it had express legal sanction, there was nothing in the records to show. But the fact seemed plain, not only from the specific phrase ‘roithmen and roithmen’s sons’ used of the members of one court, but from actual observation of the representative names at different dates.

Striking confirmation of this has been forthcoming in these lists

<sup>1</sup> Introduction to *Records of Earldom of Orkney*.

of early seventeenth century lawrikmen. Though the numbers had swelled to fifteen and tenants were included, yet in parishes like Sandwick and Stromness, where a considerable body of odallers still survived, exactly the same old names are found, with but rare exceptions.

Out of the fifteen lawrikmen in Sandwick in 1618 there were only three surnames new to Head Court assizes, and in Stromness only two; and this is particularly remarkable in the case of Sandwick, a large parish, in which at least forty different surnames can be counted among the odallers entered in the 'Uthell Buik' of 1601, apart from doubtful cases of apparently different surnames which, there seems reason to think, were probably only aliases.

Two of the three new Sandwick names were those of large tacksmen, and even as late as 1678 there was only one more surname added to the list of parish lawrikmen. In Stromness the two new names were those of the eldest son of Gordon of Cairston, a large feuar and the principal proprietor in the parish, and of one of his tenants.<sup>1</sup>

Several instances, both in the seventeenth and in the sixteenth century, of lawrikmen belonging to old representative families in other parishes being appointed evidently in preference to local men with no traditional claim, are interesting as showing still further the association between family and office. But it must be understood that in the seventeenth century all that has been said of the hereditary element and its persistence applies to the comparatively few parishes where a substantial class of odallers still existed. Elsewhere the seventeenth century lawrikmen were nothing more or less than the largest and most respectable farmers. And this was especially the case as the century went on, the old prestige and position of the lawrikmen all over Orkney fading more and more completely away.

J. STORER CLOUSTON.

<sup>1</sup> In North Sandwick the lawrikmen were:—And. Linklater of that Ilk, Henry Linklater, his brother, John Linklater of Scabra, John Kirkness of that Ilk, Hew Hourston of that Ilk, Wm. Cragy of Vetquoy, Magnus Garson, and And. Rolland; and in South Sandwick:—Magnus Sinclair of Gorne, Edward Sinclair younger of Clumlie, Robert Sinclair, James Louttit, Hew Spens, Jerome Beaton, and And. Halkland. In Stromness they were:—John Redland of that Ilk, John and Jerome Redland in Kirkbister, Jerome Tulloch of Quhome, John Irving of Lie, John Cursetter, Harry and James Beaton, James, Magnus, Alexander, and Magnus Brown, Magnus Sinclair, Patrick Gordon younger of Cairston, and Magnus Leask.

## Scotstarvet's 'Trew Relation'<sup>1</sup>

*The act of parl<sup>t</sup> in favors of the vassals of kirklands 8. march. 1649.*<sup>2</sup>

THE estates of parl<sup>t</sup> now presently convened in the 2<sup>d</sup> session in the 2<sup>d</sup> trienniall parl<sup>t</sup> be vertue of an act of the committee of estates qho had power & aucturity from the last parl<sup>t</sup> for convening doe herby ratifie & approve all & qhatsumever acts of parl<sup>t</sup> formerly made anent the superiorities of kirklands declaring the same to pertain to his majestie and his successors and annexing the same to his hienes crowne declaring the hail casualities of the sd superiorities not disponed befor the 17. jan. 1627. with the hail few maills & rents of the sd superiorities since to belong to his majesty reserving always to the lords & titulars of erection mentioned in the 14 act of his majesties first parl<sup>t</sup> the few maills untill they be satisfied in maner therin contened without prejudice to them of qhatsumever ther lands belonging to them in property in maner mentioned in the sd act And farder the sds estats declares the forsd superiorities of all & qhatsumever kirklands etc pertening of befor to qhatsumever bishops pryors etc erected or not erected into temporall llo[rdships] to pertain to his majestie and his highnesse crowne and to remane therwith in all tyme coming and be thir presents casses annulles the reservation of the sd act of the superioritie of the Lands & uthers pertening to the bishops and chapters for the tyme and als declares all & qhatsumever grants ryghts infestments of any of the sds superiorities with all tacks commissions bailzieries granted by his majestie since the surrender anno 1627 or to be made in tyme coming with all other gifts & donations except to the proper vassals null be way of exception or reply reserving to these persons qho have right to the fewduties their ryghts qhill they be redemed be his majestie or the vassals, discharging the treasurer and lords of

<sup>1</sup> Continued from *Scottish Historical Review*, vol. xiii. p. 392.

<sup>2</sup> This is a slightly shortened version of the Act, chapter 199, of 1649, printed in *Acts Parl. Scot.* vol. vi. part ii. pp. 244-46.

exchecker from passing any such ryghts or infestments excepting always herefrom the duke of lennox ryght of the superiority of the barony of Glasgow, all mortifications to universities, schooles hospitals burrowis royall, the ryghts of the Lands of Lurg & Kincardin and 17 aikers of Land lying about the burgh of Culrose pertening to m<sup>r</sup> alex<sup>r</sup> colvill professor of divinity [P. 26] at St Andrews, excepting also the signator granted to the E[rl]e of Eglintoun and the lo[r]d mongomery of the abbacie of Kilwinning, the infestment and ryght of the fewdewties of the abbacie of aberbrothock granted to patrik E[rl]e of panmure in respect he hath not ryght to the few dewties of the sd lo[r]dship] by vertue of his majestie of worthie memorie his decreet arbitrall and reservation contened in the same, but his right to the few dewties was acqyred by him at a very dear rate from w<sup>m</sup> murray his ma[jesties] servaunt qho had right from the kings majestie And farder the estats of parl<sup>t</sup> decernes and ordaines the lords of erections in whose hands the few dewties remanis untill they be redemed be his majestie to accept the soumes from the vassals themselfs whilk they are lyable and bound to accept from his majestie for redemption therof and to dispone all right & titill they have to the sds few fermes of the sds superiorities and to denude themselfs of the samyn within 40 dayis after they sall be requyred therto and in cace of refusall the soumes of money qherupon the sds few maills are redemable sall be consigned in the deane of guilds hands in Ed<sup>r</sup> upon the perrell of the consigner for redemption therof reserving always the ryght to his majestie to redeeme the same upon the sds soumes and it is hereby declared that the vassals sall have the benefit of this act they paying yeirly to his majestie ane 5<sup>t</sup> part more of his few dewtie nor his present fewis and also after retension of the sd few dewtie be the space of 15 yeirs that the few dewtye forsd sall be declared to be Laufullie redemed by his majestie without payment of any soumes of money and his majestie in all tyme thereafter to have full right to the few dewtie and 5 part above written. It is lykwise declared that the vassals of bishops, pryors etc whose few dewties have been disponed be his majestie sall have the lyke benefite of redeming their few dewties and it is herby ordained that the heritors qho gets the buying of their few dewties from the llo[r]ds of erections sall releve him of the blench dewtie payed by him to the king and of the contribution payable to the college of justice proportionally, and ordaines the lords of counsell & session or lords of exchecker at the persewers option to be judges to all

actions to be intended at the instance of the sds vassals after consignation against the lords of erections for denuding them of the sds few dewties And ordaines the lords of erections & titulars of kirklands to accept such pryces as sall be modified by the commissioners of exchecker and ordaines the infestments of all tennents whose yeirlye rents exceeds not 300 marks to be expedie by the exchecker & great seale *per saltum*<sup>1</sup> without any necessity of other seales and ordaines the precept of saisin to be contened in the infestment and declares the same so passed to be als valid as if they had passed the same throw the hail seales, and declares that he in whose hands the same infestment is passed sall only be lyable in payment of the soume of 4 lib. for parchment to wryte the same on & waxe for the seale & 4 marks for wryting the infestment qhilk ten marks is declared sufficient for the pryce of the breiff retour & precept granted in favours of any of the sd vassals at the tyme of entring of airis to their predecessors, and there sall be only one breif retour & precept of airis portioners qhilk is to be given out and expedie for the lyke soume and the compositions of the infestments of the sds meane vassals to be past gratis be the lords of exchecker and to be written out and past the great seal within sex dayis after the giving therof to the director of the chancellarie under the payne of ane yeirs rent of the Lands contened in the infestment to be payed by the wryter therof. And sicklyke ordaines vassals of kirklands qhose tenements being house yards ruidis aickers of Land not exceeding 12 aikers the same being within regalitie or burgh of barrounie sall have licence to expedie the infestments by the baillies of the sd regalities & burghis *respective* qho sall be obliged to make compt and payment to the exchecker for the few dewties & casualities belonging to his majestie furth of the sds tenements and sall receive the sds vassals gratis.

#### Chap 4

Ja. duke Hammiltoun being sent to Scotland with the kings covenant to procure the peoples consent therto begouth firt to crave the hands of the lords of session that they might give example to the rest of the subjects producing to them the kings letter for that effect: they all subscribed it except 4 Sir Jo<sup>n</sup> Scot of Scotstarvet Sir Al. Gibsone of Dury elder, Sir George Erskene

<sup>1</sup> MS. *saltun*.

of Innerteil & Sir Jo<sup>n</sup> Hope of Craighall who made and subscribed ane protestation against subscribing of the same and the nixt morning went down to the abbay and there in his majesties bedchamber tooke instruments upon the protestation against the marquis in the hands of Jo<sup>n</sup> Scot notar publick as followes

Apud Halyrudhouse 3<sup>o</sup> die mensis Novembris anno domini 1638 The qhilk day in presence of me notar publick & witnesses underwritten compered the ry<sup>t</sup> honorabill Sir Geo. Areskin etc 4 of the ordinar senatours of the college of justice and past to the personal presence of ane noble lord the marquis of Hammiltoun his majesties commissioner and presented to his grace there humble remonstrance qhy they abstained in putting there hands to the covenant enjoyned by his sacred majesties proclamation being requyred by his grace to doe the same qherof the tenor followis We four of the ordinar senatours of the college of justice under subscrivand being this day requyred by ane noble lord—the marquis of Hammiltoun his sacred majesties commissioner to subscribe the covenant enjoy[n]ed by his majesties proclamation and having taken the same to our consideration we find that we cannot put our hands therto for many causes qherof the maine is his majesties declared meaning now intimat to us that the novations introduced into this kirk since the year 1580 (qchik we conceive to repugne to the true sense of that covenant as it was first made) may subsist with the forsaid covenant as it was then subscribed in anno 1580 and because the sound interpretation of the forsaid covenant properly belongs to the generall assembly qhilk is indicted by his majestie to the 21 of this instant for clearing of all such doubts and other grounds of distractions qchik hath lately fallen out in this kingdome Therefore we protest (till these doubts be cleared by the determination of that nationall synod so neere approaching) that this our abstaining to subscribe may not be construed to proceede from any disloyalty or disobedience to auct<sup>ty</sup> but meerly from the sollicitude we have to walk warrantably upon a matter of such importance upon qhilk premisses we in all humilitie ask instruments and in witness therof (written be Jo<sup>n</sup> Scot one of the wryters in the chancellerie) we have subscribed thir presents with our hands the first Nov<sup>r</sup> anno 1638.—After delyvery qherof they declared that this was the same remonstrance qhilk they had made in session the day qhen his grace desyred there subscription and in respect that the same was not put then in paper they tooke therefore

this occasion to delyver the same upon the deliverie qherof they asked instruments qhilk the marquis accepting asked also instruments that he accepted the samyn only as a common paper and supplication and not as any judiciall act [P. 27] and declared that his receiving of the same sould not give any approbation therto. The remnant lords taking to consideration after they had subscribed the kings covenant what daungerous consequences were lyke to fall out upon there subscription therof were moved to concurre with the other 4 in sending a message to his majesty with one of there number Sir Jo<sup>n</sup> Hammiltoun of Orbestoun the tenor qherof followes  
Most Sacred soveraigne

The danger of the tymes qherin we live threatning fearfull desolation to this your auntient and native kingdome and the conscience of our humble dewty qhich we ought to your majesty our deare and dread soveraigne and to this realme qherof we are feeling members honoured by your majesty to be counsellors and judges therin hath constrained us in this case so important & pressing to bemoane to your sacred selfe the present calamity & apparant eschewing [?] of more. God qho hath established in your sacred persone the just and lawfull right of the royall inheritance hath also fitted your majestie with all endewments necessar to the royall calling: your majestie under God may solely allay the terrours of the menacing stormes and without the sunshine of your gracious & calme countenance the Land & inhabitants therof will quickly become miserable The causes are better knowne to your majestie then that they need relatione qhen your majestie was pleased to indict a generall assemblee at Glasgow we and the most part of all your good subjects in this kingdome were overjoyed in expectation that the doubts in religious worship & kirk government qhilk hath bein tossed to & fro this tyme bygane sould have bein there clearlie setled and althoight the greater part of your people are well pleased with the constitutions there concluded yet your majesties hight displeasure against that assembly and the proceedings therof and the expresse dislyke of these qho adheres to the samyn and the fearefull consequences therfra lyke to ensue hes turned all the hopes of confort qhilk we expected in sorrowis & terrours When princes stand in doubt of there subjects and the subjects in feare of the prince if not tymely remeaded may prove difficilly remeidable and in such a cace determination is necessar to goe even with deliberation your

majestie may be pleased to pardon us to averre that in this they are but bad counsellors and no better patriots qho will advyse your majestie to adde oyle & fewell to the fyre. Violence & armes are placed among bitter and desperate remedies proving oftner worse then the desease. To speake truth ingenuously becomes all men and us more then others speaking to our king and in a matter importing no lesse then the universal fall or standing of the nation and apprehended by most of your leiges to reflect in religion & conscience qhilk seldome are forced with successe who does insinuate to your majestie that the opposers to the proceedings at Glasgow does surpasse the number and in other considerable respects such as adheres to the samyn we veritable avow upon our alledgeance that they want<sup>1</sup> unwarrantable suggestions qhilk may provoke the wrath of the prince against his people and does foment means for the overthrow of the peace kirk and kingdome It is overbrite foundation qherupon to ingadge the honour and safty of your sacred persone as to build conclusions of warre and we sould not hold ourselfs for loyall subjects if we sould not say that these misinformations are contrare to the truth Your majestie is knowne to the wordle to be a pious prudent & moderate prince qho will not be drawne from your laudable forme of reading qhilk was ever familiar to your majesties selffe and your royall father of blissed memorie qho worthily gloried in the title of a pacifick king for the throne of kings (sayis that wise king) is established by justice & ryteousnesse and therfore we most upon the knees of our hearts supplicat your sacred majestie in the bowels of mercie of our blissed saviour to be pleased to forbear all purpose of armes and so prevent the evils of dispayre & necessity and for that your majestie may be pleased to close your eares against all contrary inducements Your majesty is vicegerent to the almighty God qhose mercies & compassions altho inimitable are proponed as characters of imitation to princes so farre forth as mortall men may resemble therin the immortal god These our groanes and submissive supplications we beg in all humility that your majestie may be pleased gratusly to take to your pious and wise consideration qhilk we have sent to your majestie by this bearer the justice clerke qho is one of our ordinar number to qhom we have committed our instructions with trust and we sall never cease to offer up our fervent prayers to him by qhom kings raigne for preservation of your sacred persone and the continuall felicity of your long & happy raigne over us and

<sup>1</sup> want (?). Perhaps for *vent*.

therafter of your royall posterity swa long as the wordle sall endure.

March 1639

The particulars contened in Mr Saundersons introduction qhilk he makes the ground of the troubles of Scotland are to be considered as false and first is the faction of the erle of Nithisdale with the erle of Menteeth qhilk he affirmes had rying & strenght from his allyance with the duke of Buckingham qherin he is altogether mistaken for Nithisdale had no acquaintance at all with Menteeth nor were they ever in place of state together for at the kings first entry to the croune of England and after the change of the session qherin Nithisdale was a prime agent his majestie finding opposition be the statesmen to the generality of the revocation he took another course with Nithisdale & made him generall of the armies qhilk he sent to asist his uncle the king of Danmark and made him collector of the taxation granted to his majestie and out of the same gave him such share that he medled not therafter with the Scots affairs, all qhich were done before Menteeth came in pley or had anything to doe in the estate. Nether was Nithisdale ever a counsellor being popishly affected or Menteeth had occasion to converse with him either in Scotland or England and what freindship Menteeth had with the duke of Buckingham the same proceeded from Master Maxwell one of the bedchamber at the desyre of Sir Jo<sup>n</sup> Scot who expected great kyndnesse at the erles hands for the same.

As for Sir W<sup>m</sup> Alexander qho at the changing of the session was made secretar in place of Haddingtoun he gott from his majestie the gift of coyning base money that of creating 100 barronnets the lieutenantancy of New Scotland all qhich gifts 7 yeirs preceded the subscribing of the covenant & so would have no contingencie therewith but rather obliged him in thankfullnesse to his master for the great benefits bestowed on him/ but all these were spent in his great undertakings in sending ships to America, and if any actor he was in the bussines after the subscription of the covenant by the people of Scotland it was only as freind to the bishops qhom he saw the king affected whose insolent carriage in aspiring to possesse all the places of estate drew upon them the hatred of the nobility before qhom they were not ashamed to take place and even in publick counsells to revyle them by speaches and therby gave fewell to the fyre that was kindled by that service booke urged by his majestie upon Scotland.

[P. 28] Sir W<sup>m</sup> Alexander associate to himselfe Sir Archb[ald] Achesone and gave him the half of the fees of the signet and procured him to be made a lord of the session and privy counsellor qho died in Ireland. The gift of base money was called in and discharged anno 1640. Sir W<sup>m</sup> the tyme of forming the revocation & some yeirs thereafter lived privatlie at Lithgow and fra the death of Prince Henry had not meddling with any bussnes at court, the revocation was penned by Mr James Scot one of the under clerks of the session and presented by him to his majestie immediatlie after his fathers death for qhilk service he gott a pension of 40 lib. stirlin yeirlie for his lyfe but died within 2 yeirs after.

Another ground he sayis proceeded from the church men & ministers qho he sayis ressave not tithes but a poore pension for their maintainance qhilk is untruth for in the parl<sup>t</sup> 1633 the king gave<sup>1</sup> them allowance of 8 chalder of victuall or 1000 marks of money for there maintainance.

The last concerning the impropriations or erections of kirklands in temporall llo/ [lordships] qhilk he sayis was a cause of these commotions he is mistaken for it obliged the gentry in getting there tithes out of the noblemens hands qho in the same parl<sup>t</sup> act 15<sup>2</sup> thereupon condescended to give his majesty an annuity out of the samyn tithes and for redemption of the samyn voluntarily payed great soumes to Traquair treasurer without any discontent at all. The displacing of the grandees out of the session gave no occasion of discontent to the subjects at all as is shewin in the first chapter, being many yeirs befor the subscription of the covenant, nether can the petition of the gentry concerning superiorities be thocht any, being 9 yeirs after.

FINIS.<sup>3</sup>

<sup>1</sup>'The king gave' apparently altered from 'they gat.'

<sup>2</sup>Words 'act 15' are added in the margin.

<sup>3</sup>This concludes the text of the Scotstarvet MS. A short comment on Chapter 4, which contains matter and document of considerable historical note, may be given in a final article in a future number.

[NOTE. The following very piquant letter of Scotstarvet's to the Earl of Lauderdale in 1665 will remind us of the vicissitudes of the time, from which Lauderdale himself was not free. It is from the British Museum MS. 23122 fo. 253.]

Edr Januar 1665

My Lord

I hope point of honoure will obledge you to (*sic*) to owne your owne Letter and see the favoure ye begune to me in it brought to a full perfection, My Caise is singulare and my Desyre most Just, And albeit I cannot *ϕ*tend for much favoure at your hands, Yet I hope ye will protect my innocence, and stand for your owne act. I was put from my Charge, and had no requitall besyds this Letter from his Ma<sup>tie</sup> under your Lo<sup>ps</sup> hand, and as I have alwayes bein a freind & servant to men of Learning & pairts so I hope in my necessitie (wherin I am no fit object of revenge) I will find your Lo<sup>p</sup> who is both a man of pairts & Learning willing to assist me and suffer me to acknowledge my self

Your Lo<sup>ps</sup> most humble servant

SCOTTISTARVETT

Addressed on back

For the Right honob<sup>ll</sup>  
The Earle of Lawderdail  
Lord Secretarie for the Kingdom of  
Scotland At Court

These

## Murehede or Durisdere

IN 1908 the late Bishop Dowden, Edinburgh, drew attention to the fact that, in contemporary documents, Andrew, bishop of Glasgow 1455-1473, was called De Durisdere; and stated that he thought the name of Muirhead, given to the bishop in the *Glasgow Martyrology*, 'must be an error.'<sup>1</sup>

In 1910 a Glasgow antiquary followed Dr. Dowden's lead; and stated further 'that Andreas Episcopus and Andreas Murehed were different people seems evident.'<sup>2</sup> It is admitted by both writers that there was a connection between 'the family of the bishop and the family of Muirhead.' He had a nephew and a cousin of that name, and he used the Muirhead arms in his seal.<sup>3</sup>

<sup>1</sup>'The Bishops of Glasgow,' by J. Dowden, *S.H.R.*, vol. v. pp. 320-3, also 'The Bishops of Scotland,' pp. 324-8. The *Martyrology* referred to by him as having been written after 1553 was copied from the original in October, 1556. The entry reads: 'Obitus Andree Mureheid episcopi Glasguensis vigesimo die Novembris anno Domini millesimo quadringentesimo septuagesimo tertio qui fuit fundator collegij Vicariorum Chori Glasguensis' (*Reg. Episc. Glasg.*, i. Preface, p. xv, and ii. p. 616). The writer of the article, 'Muirhead of Lauchop,' in Nisbet's *Heraldry* gives the same date, quoting MSS. in the Scots College, Paris (Nisbet's *Heraldry*, ii. Appendix, p. 260). Further corroboration of the accuracy of the entry is afforded by the fact that Bishop Andrew's last recorded appearance is on the 23rd October, 1473, and that the statement that he founded the Vicars' College is correct (*Reg. Mag. Sigill.*, ii. No. 1149; *Reg. Episc. Glasg.*, ii. No. 391). Dr. Dowden accepted the obituary as correct for other entries.

<sup>2</sup>Dr. William Gemmell in *The Oldest House in Glasgow*, pp. 28-34 and 116-118.

<sup>3</sup>Thomas de Murehede, nephew of Andrew, bishop of Glasgow, appeared on record in October, 1460 (Theiner's *Vetera Monumenta*, No. 836); and John Murhed, cousin of my lord (bishop) of Glasgow in 1467 (*Mun. Alme Univ. Glasg.*, ii. p. 205). The bishop's round seal appended to a charter of 1465 bears the Muirhead arms, on a bend three acorns (Laing's *Seals*, i. No. 953 and pl. xvi. f. 5). The same arms appeared on his chapel of S. Nicholas, and are still to be seen on 'Provand's Lordship,' which was the manse of the Hospital of S. Nicholas founded by the bishop (Nisbet's *Heraldry*, ii. App. p. 259; M'Ure's *History of Glasgow*, pp. 57-8 of 1830 ed.; and Stuart's *Views and Notices of Glasgow*, pl. opp. p. 17; Lugton's *Old Ludgings of Glasgow*, pp. 35-6, and Nisbet, ii. App. p. 260).

These two facts should have placed the question of the bishop's name beyond any doubt. It is obvious that, if he had a nephew called Muirhead, he must have been either the brother german or brother uterine of that nephew's father, or the brother of his mother. When there is added to that the fact that the bishop used the Muirhead arms and is known to later generations under that name, it appears certain that his name *was* Muirhead,<sup>4</sup> and



SEAL OF ANDREW MUIRHEAD, A.D. 1455-73.

that De Durisdere was merely an *alias*. Fortunately more evidence than is cited by the two writers, mentioned above, can be produced.

In 1582 Sir Mark Jamieson, vicar of Kilspindy (who appeared on record on the 5th Nov., 1539,<sup>5</sup> fifty-six years after Bishop Andrew's death), referred to his own endowment of £3 to 'the tuelf pwir men in the foir almousous of Glasgow foundit be umquhile bischop Andro Mwirheid bischop of Glasgow.'<sup>6</sup> In 1490 Sir David Stewart of Rossyth, son and heir of umq<sup>le</sup> Sir David, the heir of umq<sup>le</sup> Henry Stewart of Rossyth, summoned Robert Muirhead of Wyndehillis, 'assignay to umquhile a Reverend faider Andro bischop of Glasgow,' to resign the lands of Half-pennyland.<sup>7</sup> Wyndehillis is in Closeburn parish, Dumfriesshire.<sup>8</sup> The Stewarts of Rossyth were barons of Durrisdere; and it is certain that this lawsuit was the result of some bygone transaction

<sup>4</sup> After the decadence of the Science of Heraldry people no longer observed its rules, but in the fifteenth century such was not the case. In 1456 Hay wrote in his *Buke of the Law of Arms* that those who bear others' arms wrangwisly 'suld be wele and cruelly punyst be justice. And gif the contrary war tholit it war grete damage to the realme' (pp. 281-2).

<sup>5</sup> *Charters, etc., of Glasgow*, ii. App. No. 21.

<sup>6</sup> *Ibid.* No. 44.

<sup>7</sup> *Acta Dominorum Concilii*, p. 144, 9th October, 1490.

<sup>8</sup> *Reg. Mag. Sigill.*, ii. No. 3034.

between the bishop and the baron of Durriseir.<sup>9</sup> When it is added that a search through Scottish records reveals the fact that Andrew de Durisdere seems to be the only person bearing this surname, and that there was no family of this designation,<sup>10</sup> it appears evident that the bishop derived his appellation of De Durisdere from having been connected with, or born at Durriseir.<sup>11</sup>

<sup>9</sup>*R.M.S.*, ii. No. 3840; Nisbet's *Heraldry*, ii. App. p. 151; and *Scots Peerage*, v. p. 1. David Broune in *Halpenneland*, and Petyr Broun in *Durisdere*, witnessed a deed relating to lands in Snaid, Dumfriesshire, dated 1st May, 1541 (*MS. Cal. of Marquess of Tweeddale's Writs penes me*). The son and heir of Robert Muirhead of Wyndehills was George, a member of the King's Household (*R.M.S.* ii. 1977), who accompanied the Secretary of State, Mr. Richard Muirhead, Dean of Glasgow, on an embassy to Spain (*Treasurer's Accounts*, i. p. 266; *Cal. of Spanish State Papers*, i. p. 91; and *R.M.S.*, ii. No. 2170). In the article on Muirhead of Lauchop in Nisbet's *Heraldry*, this Master Richard is said to be the bishop's nephew.

<sup>10</sup>Indices of printed records, bearing on the subject, have been examined to ascertain if there was a family called Durriseir, viz. the Record, Bannatyne, Maitland, and Grampian Clubs' publications, all Fraser's Family Histories, Calendar of Laing Charters, several of the Hist. MSS. Commission Reports, and many others; and all have yielded a blank. In the thirteenth century the barony of Durisdere belonged to the Lindsays (*Scots Peerage*, iii. p. 5; and *Cal. Doc. Scot.*, ii. No. 1452, and iii. No. 1159). By 1320 it belonged to the Meyners, from whom it passed to the Stewarts in 1374 (*R.M.S.*, i. No. 32 and 457; Nisbet's *Heraldry*, ii. App. p. 151; and *Scots Peerage*, v. p. 1).

<sup>11</sup>The family of Edward III. of England were distinguished by the names of their birthplaces being added after their Christian names even in records. Thus I find John of Ghent, Edmund of Langly, Thomas of Woodstock, and Joan of Woodstock, the children of this king so termed in Rymer's *Foedera* (*Syllabus*, pp. 301, 330, 347, 420, 425, and 477); and in the accounts for his burial Henry VI. is called Henry of Windsor in 1471 (*ibid.* p. 702). The well-known William of Wykeham (1324-1404), bishop of Winchester and chancellor of England, took his name from Wickham, where he was born, but his father's name was John Long (*Dict. Nat. Biog.*, vol. 63 of 1900 ed.; *Syllabus of Rymer's Foedera*, p. 521). John VI., abbot of S. Albans, 1420-1440 and 1451-1462, was the son of Hugh Bostock, but he appears on record as John of Wheathampsted, from the name of his birthplace (Page and Nicholson's *S. Albans Cathedral and Abbey*, p. 75, and *Annales Monast. S. Albani*, ii. p. 178). In Renfrew Kirk there is the grave-stone of Sir John Moderwel, vicar of Eastwood, who died 3rd October, 1478. Sir John Fenyson was vicar in 1469, Sir John Moderwell in 1470, Fenyson again in 1470, and Moderwel in 1478. The apparent discrepancy is cleared up by a charter belonging to Hall-Maxwell of Darngavel, dated 29th April, 1465, by which Sir John Fynlai, *alias* Modervele, vicar of Estwod, founded a chaplaincy in Renfrew Kirk, proving that it was one man of two names (Hamilton's *Descrip. of Lanark and Renfrew*, 2nd pl. after p. 126; *Reg. Mon. de Passelet*, pp. 323 and 347; *Mun. Alme Univ. Glasg.*, ii. p. 77). John Rede, *alias* Stobo, rector of Kirkcriste, 1488 and 1491 (*R.M.S.*, ii. 1810 and 2033), is claimed by Dr. Gunn as a famous churchman of Stobo (*The Book of Stobo Kirk*, p. 3). A glance at the indices of Cupar Abbey Rental, Rental Books of the Archbishop of Glasgow, and Cuthbert

Further, it is obvious that he was a member of the family of Windyhills, Dumfriesshire, not Lauchop, Lanarkshire, as is asserted by the writer in Nisbet's *Heraldry*, without producing any evidence to support his statement.<sup>12</sup>

There is still another disputed point, the colours of the bishop's arms. The arms of Muirhead of Lauchop are *argent, on a bend azure, three acorns or*;<sup>13</sup> and it has been assumed that these were the colours of the bishop's arms; but the tinctures of his shield, which is carved on the vaulting of the North Aisle of the Nave of S. Kentigern's Cathedral, are gold and red, not silver and blue. His arms depicted there are *or, on a bend gules, three acorns slipped and leaved or*.<sup>14</sup>

There is really no reason to believe that this shield has been repainted with wrong colours,<sup>15</sup> for, as has been shown, the bishop

Simson's Protocol Book, all sixteenth century, shows that it was quite customary to use a man's nickname even in legal documents.

<sup>12</sup> Nisbet's *Heraldry*, vol. ii. App. pp. 258-260; M'Ure, p. 22 of 1830 edition, also says that Bishop Muirhead was of the 'same stock of Muirheads with the house of Lauchop.'

<sup>13</sup> Sir David Lyndsay's *Heraldic MS.*, A.D. 1542, fol. 119. The Muirheads of Lauchop never recorded their arms in the Lyon Register, but Bredisholm registered these arms in 1672-7, with the addition of a crescent in chief for difference, as a 'second son' of Lauchop (Paul's *Ordinary of Scottish Arms*, No. 316; Nisbet, i. p. 438).

<sup>14</sup> The carving is on the second bay of vaulting, west of the crossing. The shield is surmounted by a mitre, and below it there is a salmon. It has been objected that gold and gules are the tinctures of the arms of Ralston of that ilk, who also bore three acorns on a bend, and therefore the arms are those of a Bishop Ralston. John Ralston was bishop of Dunkeld, 1448-1452; but no bishop of this name appears amongst those of Glasgow (Dowden's *Bishops of Scotland*, pp. 74-5). A seventeenth century roll seems to be the only authority for the gold and gules tinctures of the Ralston arms (Stodart's *Scottish Arms*, vol. i. pl. 104, vol. ii. p. 368). Other, better, authorities give the arms of Ralston of that ilk and Muirhead of Lauchop as exactly the same, which should be a heraldic impossibility.

Mackenzie, in 1680, gives the arms of Ralston of that ilk as *argent, on a bend azure, three acorns in the seed or* (*Science of Heraldry*, p. 63); and Wm. Ralston of that ilk registered these arms in 1672-7; but the record seems to indicate that the acorns should be disposed 2 and 1, and not in a line (Paul's *Ordinary*, No. 317, and Nisbet, i. p. 365).

Nevertheless the shield of this Ralston carved on a shield, of date about 1625-1674 (Pont's *Cunningham*, p. 381 of 1853 edition, and Stodart, ii. p. 368), and the drawing in Mackenzie's *Science of Heraldry* (plate opp. p. 63, f. 6) distinctly show the acorns in line; and Nisbet gives the arms of Ralston of that ilk and Muirhead of Lauchop as exactly the same (i. pp. 365 and 438).

<sup>15</sup> On its being shown that the idea that the shield was that of a Bishop Ralston could not be maintained, the next objection advanced was that the shield had been

was connected with Windyhills, Dumfriesshire, not Lauchop, Lanarkshire; and examples can be quoted of families differencing their arms by change of tinctures.<sup>16</sup>

repainted; but there is no proof of this; and it would have involved much trouble and expense, scaffolding being necessary to carry out such work. Again, if the shield has been repainted and altered from silver and blue to gold and red, it may well be asked why this supposititious repainter should have put himself to the trouble and expense of altering this particular shield from the colours blue and silver which he must have been applying to other shields around (which bear these tinctures), and using the more costly gold and red. The shield in question was examined closely from a scaffold by a well-known architect and archaeologist who was making a survey of the carvings on the vaulting, and he expressed his opinion that the shield had *not* been repainted, as I asked him about this point particularly, anticipating such an argument.

<sup>16</sup> Mackenzie says in his *Science of Heraldry*, p. 74, that 'It is irregular to alter the Chiefs Colours, as Campbel of Lundy does . . . : yet this was allow'd of old by Custome, which may defend what was done, though it should be no precedent for the future'; and many mediaeval examples of differencing by alteration of tinctures are to be found. For instance Bruce of Carrick bore on a saltire gules, on a chief of the second a lion passant guardant of the first. Three other Bruces bore azure a saltire and chief or, and another gules a saltire and chief or (Foster's *Some Feudal Coats of Arms*, pp. 34-6). Alexander Balliol bore argent an orle gules, Ingram de Balliol gules an orle ermine, and King John gules an orle or (Foster, p. 8, and Lyndsay's *MS.*, f. 19). The *Armorial de Gelre*, A.D. 1382-1388, gives the arms of Moray and Sutherland (descended from the same ancestors) as azure three mullets argent, and or three mullets gules respectively, Sutherland's arms being given in later rolls as gules three mullets or (*Proc. Soc. Antiq. Soc.*, vol. xxv. plates 3 and 2; Lyndsay's *MS.*, ff. 48 and 42; Paul's *Ordinary*, No. 4453). In the Lyon Register, Campbell of Argyle recorded his tinctures as or and sable; Campbell of Loudon ermine and gules; and Campbell of Otter as ermine and sable (Paul's *Ordinary*, Nos. 3049, 3114, and 3130).

It might still be objected that Bishop Andrew, although the son of a cadet, as an ecclesiastic, would bear the arms of the head of the family, Lauchop; and to this it may be answered that there is not sufficient evidence to prove that the clerk sons of cadets used the chief's arms. The theory is not entirely supported by the arms in the heraldic ceiling of S. Machar's Cathedral. And again there is no evidence that Lauchop was then head of the family. Unless the writer of the article in Nisbet's *Heraldry* is entirely wrong, there were Muirheads of that ilk at the end of the fourteenth century (ii. App. p. 256). The name was De Muirhead, but Lauchop did not hold that estate in the fifteenth century, as is shown by a charter of confirmation dated 1472 to James Lord Hamilton of the lands of Murehede and others in the barony of Bothwell exchanged for Kirkanders by Wm. Lord Monypenny (*Reg. Mag. Sigill.*, ii. Nos. 1054-5).

The writer says that he saw a pedigree which mentions a charter dated 1393 of the lands of Muirhead in the barony of Bothwell to Wm. de Muirhead by Archibald Earl of Douglas. From 1400 to 1409 a Wm. de Murhede, first as an esquire and then as a knight, appears in several transactions of the Earl of Douglas (*Douglas Book*, iii. Nos. 342 and 356; *R.M.S.*, ii. No. 1645; *Book of Caerlaverock*, No. 21; *Cal. Doc. Scot.*, iv. Nos. 654 and 660). On the 13th Oct., 1425, Sir Wm. de Murhede, lord of Lauchope, witnessed a charter by the Earl (*Douglas*

There seems to be no cause to doubt that our bishop was a Dumfriesshire man, Andrew Muirhead from or of Durisdere, and his arms *or, on a bend gules, three acorns slipped and leaved or*.

C. CLELAND HARVEY.

*Book*, iii. No. 383). This is the earliest mention I know of Muirhead of Lauchop, and is, I think, a clear indication that either Muirhead of that ilk and Muirhead of Lauchop were two distinct families, or that the original property had already passed from the family, leaving it only Lauchop, which they cannot have obtained until some time after 1350, as William Batystoun had a charter of confirmation by David II. of a charter to him by Sir Thomas Moray (Baron of Bothwell 1351-1361) of the lands of Over and Nether Lauchop in the barony of Bothwell (*R.M.S.*, i. App. ii. No. 1406; *Scots Peerage*, ii. pp. 129-130). But even supposing, for the sake of argument, that by Bishop Andrew's time Lauchop had become head of the family on the apparent extinction of the main line, and that the bishop did use the chief's arms, there was nothing to prevent the Muirheads from doing what others have done, namely, changing the colours of their arms. For instance the field of the arms of Moray has been changed from argent to or (*Armorial de Gelre, Proc. Soc. Antiq. Scot.*, vol. xxv. pl. 1, and Froissart, Johnes ed., i. p. 27, both give it as argent. Lyndsay's *MS.* gives it as argent for Stewart Earl of Moray, but or for Randulf Earl of Moray, f. 43. The Earl of Moray and eleven Dunbars have registered it as or. Paul's *Ordinary*, Nos. 1753 to 1764). The arms of Broun of Colstoun have been completely changed three times, and Stirling of Cadder, Jardine of Applegarth, Kirkpatrick of Closeburn, Hume of Dunglas, and Abercrombie have all altered their arms (*Stodart's Scottish Arms*, ii. pp. 80, 46, 47, 55, and 297).

## Free Quarters in Linlithgow, 1642-1647

THE following interesting document illustrates the military history of the army of the Solemn League and Covenant. Linlithgow in the period was called on to provide 'free quarters' for several of the regiments passing into or from England. The allowance for every rank is specified in £ Scots, and conforms fairly closely to that in force with Leven's army in England. When 'free quarters' were taken a deduction naturally was made from the pay of all ranks. The raising, composition, equipment, organization, and finance of the army of the Solemn League and Covenant will be dealt with by the present writer in an imminent volume of the Scottish History Society's Publications.

C. SANFORD TERRY.

We the Magistratis of the brucht of Linlithgow wnder subscriyveand doe heirby testifie and declair wpoun our fidelitie and credit that thair was quartered wpoun the brucht of Linlithgow in frie quarteris the number of souldioris and officeris efermentionat at the severall dyettis efter specifeit fra March 1642 to Februar 1646 as followis viz :—

Thair was quartered wpoun the said brucht 1400 souldioris of Generall Major Monro his regiment<sup>1</sup> quhen thay went to Irland ilkane of thame haueing per diem 4<sup>s</sup>.<sup>2</sup> twentiaucht serjandis ilkane of thame haueing per diem 6<sup>s</sup>. 8<sup>d</sup>, 42 corporallis 28 drumeris ilkane of thame haueing per diem 5<sup>s</sup>. 4<sup>d</sup>. with 14 capitane at armes ilkane of thame haueing per diem 6<sup>s</sup>. 8<sup>d</sup> for the space of 48 houris in the moneth of March 1642, all thair pay in that space extending to 618<sup>lib</sup>. 17<sup>s</sup>. 8<sup>d</sup>.

Item thair was quartered within the said brucht the Lord Levingstoun his regiment quhen thay went to England for the space of 24 houris in Januar 1644 consisting of 1000 souldiors haueing ilkane of thame 4<sup>s</sup> per diem, extendis to 200<sup>lib</sup>. : 00 : 00

With 16 serjandis ilkane of thame haueing 6<sup>s</sup>. 8<sup>d</sup> per diem, 24 corporallis, 16 drumeris ilkane of thame haueing per diem 5<sup>s</sup>. 4<sup>d</sup>, 8 capitane at armes haueing per diem 6<sup>s</sup>. 8<sup>d</sup> for the said space of 24 houris extendis to 22 : 18 : 8

<sup>1</sup> The regiment had been kept on foot upon the return of the army from England in 1641. It was called to Ireland by O'Neil's rebellion.

<sup>2</sup> The rates are in £ Scots = £ $\frac{1}{12}$  sterling.

And that thair was quartered in frie quarteris wpoun the said brucht ane troupe of the Marques of Argillis<sup>1</sup> wnder the comand of Ruitmaster Archbald Campbell, 24 hours in Junij 1644 consisting of ane Leiutennet at 1<sup>lb</sup>. 10<sup>s</sup>. per diem, ane quartermaster at 20<sup>s</sup>. per diem, 3 corporallis ilkane of tham haveing 16<sup>s</sup>. per diem, ane trumpiter at 13<sup>s</sup>. 4<sup>d</sup>. per diem and 50 troupper ilkane of tham haveing 14<sup>s</sup>. per diem. In hail extendis to

40 : 11 : 4

And that thair was quartered in frie quarteris in Junij 1644 the Earle of Callendar his regiment<sup>2</sup> consisting of 6 companies 6 leiutennentis ilk ane of tham haveing per diem 20<sup>s</sup>. 6 ensignes ilk ane of tham haveing per diem 16<sup>s</sup>. tuelff serjandis ilkane of tham haveing per diem 6<sup>s</sup>. 8<sup>d</sup>. 18 corporallis, 8 drumeris, ilkane of tham haveing per diem 5<sup>s</sup>. 4<sup>d</sup>. 6 capitane at armes ilkane of thame haveing per diem 6<sup>s</sup>. 8<sup>d</sup>. and 700 souldioris ilkane of tham haveing per diem 4<sup>s</sup>. All thair pay in that space extendis to 167 : 14 : 8

And that thair was quartered wpoun frie quarteris within the said brucht wpoun the 2<sup>nd</sup> September 1644 the Earle of Murray<sup>3</sup> his regiment, consisting of 6 companies, 4 capitanes ilkane of tham haveing per diem 2<sup>lb</sup>. 4<sup>s</sup>. 5<sup>d</sup>.  $\frac{1}{3}$  fyve leiutennentis ilkane of tham haveing per diem 20<sup>s</sup>. 6 ensignes ilkane of tham haveing per diem 16<sup>s</sup>. 12 serjandis ilkane of tham haveing per diem 6<sup>s</sup>. 8<sup>d</sup>. 18 corporallis 6 drumeris ilkane of them haveing per diem 5<sup>s</sup>. 4<sup>d</sup>. 6 capitane at armes ilkane of tham haveing per diem 6<sup>s</sup>. 8<sup>d</sup>. and 150 souldioris 24 hours, extending all thair pay in that space to

121 : 09 : 8

And of the Lord Gordone regiment of horse<sup>4</sup> 1 troupe wnder comand of Major Ogilbie consisting of the Major his pay being per diem 4<sup>lb</sup>. 8<sup>s</sup>. 10<sup>d</sup>.  $\frac{2}{3}$  ane leiutennet haveing per diem 2<sup>lb</sup>. 10<sup>s</sup>. ane cornit haveing per diem 1<sup>lb</sup>. 4<sup>s</sup>. ane quarter master haveing per diem 1<sup>lb</sup>. 3 corporallis ilkane of tham haveing per diem 16<sup>s</sup>. ane trumpit haveing per diem 13<sup>s</sup>. 4<sup>d</sup>. and of 50 troupperis ilkane of tham haveing per diem 14<sup>s</sup>. wpoun the 20<sup>th</sup> September 1644; extending all thair pay to

42 : 17 : 6

And of the Earle of Callendar his regiment quhen thay came from England wpoun the 25<sup>th</sup> September 1644 5 companies consisting of 4 leiutennentis ilkane of tham haveing per diem 20<sup>s</sup>. 5 ensignes ilkane of tham haveing per diem 16<sup>s</sup>. 10 serjandis ilkane of tham haveing per diem 6<sup>s</sup>. 8<sup>d</sup>. 5 capitane at armes ilkane of them haveing per diem 6<sup>s</sup>. 8<sup>d</sup>. 15 corporallis 6 drumers ilkane of tham haveing per diem 5<sup>s</sup>. 4<sup>d</sup>. and 500 souldioris ilkane of tham haveing per diem 4<sup>s</sup>. thrie dayes All thair pay in that space is

351 : 16 : 10

<sup>1</sup> Raised in January, 1644, to accompany Argyll into England. Cf. *Acts*, vi. Pt. i. 65.

<sup>2</sup> Callander marched into England to Leven's support in June, 1644. See Terry, *Alexander Leslie*, 288.

<sup>3</sup> Lord Murray of Gask, second Earl of Tullibardine. His Perthshire regiment accompanied Leven into England in January, 1644.

<sup>4</sup> A unit of Leven's cavalry. Gordon, afterwards second Marquess of Aboyne, encountered difficulties in raising a regiment. A troop appears to have been all that he could muster. See *Spalding*, ii. 293-4; *Acts*, vi. Pt. i. 79.

## Free Quarters in Linlithgow, 1642-1647 77

And tuo of the saidis companies belonging to Capitane Hamiltoun and Capitane Whytheid consisting of 2 leuinententis aither of tham haveing 20<sup>s</sup> per diem 2 ensigns aither of tham haveing 16<sup>s</sup>. per diem, 4 serjandis 2 capitane at armes ilk ane of tham haveing 6<sup>s</sup>. 8<sup>d</sup>. per diem 6 corporallis 2 drumers ilk ane of tham haveing 5<sup>s</sup>. 4<sup>d</sup>. per diem and 200 souldioris ilk ane of tham haveing 4<sup>s</sup> per diem remainit 5 dayes longer. Extending all thair pay in that space to 238 : 13 : 9

And that thair was quartered in frie quarteris wpoun the said brucht the Lord Balcarras his regiment of horsses<sup>1</sup> consisting of 8 trouppis, consisting of ane leuinentent collonell haveing per diem 6<sup>lib</sup>. 13<sup>s</sup>. 4<sup>d</sup>, ane major haveing per diem 4<sup>lib</sup>. 8<sup>s</sup>. 10<sup>d</sup>. ane regiment quarter master haveing per diem 1<sup>lib</sup>. 10<sup>s</sup>. 6 ruitmasteris ilkane of tham haveing per diem 3<sup>lib</sup>. 6<sup>s</sup>. 8<sup>d</sup>. 7 leuinententis ilkane of tham haveing per diem 1<sup>lib</sup>. 10<sup>s</sup>. 8 cornittis ilk ane of tham haveing per diem 1<sup>lib</sup>. 4<sup>s</sup>. 8 quarter masters ilkane of tham per diem 20<sup>s</sup>. 24 corporallis ilkane of tham per diem 16<sup>s</sup>. 8 trumpiteris ilk ane of tham per diem 13<sup>s</sup>. 4<sup>d</sup>. 400 troupper ilkane of tham haveing per diem 14<sup>s</sup>. In the moneth of October 1644 : 24 hours quhen thay cam from Ingland to goe to the north ; all thair pay in that space extendis to 368 : 06 : 2

And that thair was quartered within the said brucht in frie quarteris the comanders following of the commandit pairtie that came from Ingland quhair of Pittscottie<sup>2</sup> was Collonell for the space of 11 dayes in September 1645, ane leuinentent collonell haveing 4<sup>lib</sup>. 8<sup>s</sup>. 10<sup>d</sup>. per diem 6 capitans ilk ane of tham haveing 2<sup>lib</sup>. 4<sup>s</sup>. 5<sup>d</sup>. per diem, 7 leuinententis ilkane of tham haveing 20<sup>s</sup> per diem 7 ensignes ilk ane of tham haveing 16<sup>s</sup> per diem 14 serjandis ilk ane of tham haveing 6<sup>s</sup>. 8<sup>d</sup>. per diem 10 drummeris 2 corporallis ilk ane of thame haveing 5<sup>s</sup>. 4<sup>d</sup>. per diem. All thair pay duiring the said space extendis to 486 : 07 : 0

And that thair was quartered in frie quarteris of the Marques of Argyll troupe that convoyed old Killkittoch to Linlythgow fra the 20<sup>th</sup> of March 1645 to the 27<sup>th</sup> thair of 30 trouppers ilkane of tham haveing per diem 14<sup>s</sup>. Swa for the space of 6 days thair pay in that space is 126 : 00 : 0

Item of the recrwit sent for the regiment in Barwick wnder the comand of Clobberhill thair was quartered in frie quarteris 24 hours in May 1645 80 souldioris ilkane of tham haveing 4<sup>s</sup> per diem. Thair pay extendis to 016 : 00 : 0

And that thair was quartered in frie quarteris 24 hours in October 1645 Major Middiltoun<sup>3</sup> haill regiment being wnder the commandement of Ruitmaster Major Oane consisting of 3 ruitmasteris ilkane of tham haveing 3<sup>lib</sup>. 6<sup>s</sup>. 8<sup>d</sup>. per diem 5 leuinententis ilkane of tham haveing 1<sup>lib</sup>. 10<sup>s</sup>. per diem 5 cornittis ilkane of tham haveing 1<sup>lib</sup>. 4<sup>s</sup>. per diem, 15 corporallis ilkane of tham haveing 16<sup>s</sup>. per diem 3 trumpiters ilkane of tham haveing 13<sup>s</sup>. 4<sup>d</sup>.

<sup>1</sup> Part of Leven's command in January, 1644. Raised in Fifeshire, Forfarshire, and the Mearns. *Spalding*, ii. 293-4.

<sup>2</sup> Colin Pitscottie, Lt.-Colonel of the Midlothian Regiment under Leven's command in 1644. Recalled against Montrose.

<sup>3</sup> Major-General Middleton. The regiment was returning to England after taking part at Philiphaugh.

per diem with 243 trouppers ilk ane of tham haveing 14<sup>s</sup>. per diem. Thair pay extends in the hail to 207 : 12 : 0

And that thair was quartered in frie quarteris within the said brucht the Lord Balcarras his regiment 24 hours in November 1645 consisting of ane Major haveing 4<sup>lib</sup>. 8<sup>s</sup>. 10<sup>d</sup>. per diem 3 ruitmaster's ilk ane of tham haveing 3<sup>lib</sup>. 6<sup>s</sup>. 8<sup>d</sup>. per diem 5 cornittis ilkane of tham haveing 1<sup>lib</sup>. 4<sup>s</sup>. per diem, 4 leiuennentis ilkane of tham haveing 1<sup>lib</sup>. 10<sup>s</sup>. pier diem 15 corporallis ilkane of thame haveing 16<sup>s</sup>. per diem 3 trumpiteris ilkane of tham haveing 13<sup>s</sup>. 4<sup>d</sup>. per diem with 353 trouppers ilk ane of tham haveing 14<sup>s</sup>. per diem. Thair pay in all is 287 : 10 : 10

And that thair was quartered Leiuennent Walter Dennystoun of the Marques of Argyll regiment<sup>1</sup> his pay being per diem 20<sup>s</sup> with his ensigne haveing 16<sup>s</sup> per diem 2 serjandis aither of tham haveing 6<sup>s</sup>. 8<sup>d</sup>. per diem, 3 corporallis ilkane of tham haveing 5<sup>s</sup>. 8<sup>d</sup>. per diem 47 souldioris ilk ane of tham haveing 4<sup>s</sup>. per diem in frie quarteris tuentie four houris in Januar 1645 all thair pay in that space extendis to 012 : 13 : 4

Item thair was depursit for intertenment of prissionaris efter the battell of Phillip Hauch<sup>2</sup> conforme to the particular compt produced, the sowme of 660 : 13 : 4

Item for the keiping of Killkittoch and his tuo sonnys thrie nights in our Tolbuth, and for quartering of the Marques of Argyllis troupe wha came along with tham wnder the command of Capitane Campbell that space the sowme of 044 : 14 : 0

We the saidis Magistratis of the brucht of Linlythgow wnderscryveand doe heirby testifie and declair wpoun our said fidelitie and credit that the saidis officeris and souldioris respective abouenamit all rescrivit frie quarteris fra the inhabitants of the brucht for the quhilk thair was no payment givin to the saidis inhabitantis naither was thair any tickit left be the saidis officeris as the saidis inhabitantis have testified and declared to ws wpoun thair oithes. In witnes quhairof we have subscrivit thir presentis with our hands at Linlythgow the twentie fyft day of Januar 1648.

(Signed) GEORGE BELL, prowest.  
JAMES GIBBISONE, baillie.  
THOMAS EDUARDIS, baillie.  
ANDRO GLEN, baillie.

The compt of the quarteringis of the officers souldioris and horse within the brucht of Linlythgow since the moneth of Julij 1644 according to the testificatiouns thair of following subscrivit be the officeris of the regimentis.

In the first thair was quartered in frie quarters wpoun the said brucht the Earle of Lothians<sup>3</sup> regiment 24 hours in August 1644 consisting of

<sup>1</sup> Argyll's Highland infantry regiment. See *Acts*, vi. Pt. i. 494.

<sup>2</sup> Sept. 13, 1645.

<sup>3</sup> Lothian's Teviotdale regiment formed part of Leven's command in 1644.

## Free Quarters in Linlithgow, 1642-1647 79

700 soldiouris ilkane of tham haveing 4<sup>s</sup>. per diem with 20 serjandis ilkane of tham haveing 6<sup>s</sup>. 8<sup>d</sup>. per diem 30 corporallis ilkane of tham haveing 5<sup>s</sup>. 4<sup>d</sup>. per diem with 10 drumeris ilkane of tham haveing 5<sup>s</sup>. 4<sup>d</sup>. per diem conform to Quarter Master Andro Ker subscrivit tickit thairof daitit last August 1644. Their pay in that space is 168<sup>lib</sup>. 16<sup>s</sup>. 8<sup>d</sup>.

Item thair was quartered wpon frie quarteris within the said brucht conforme to the Estaittis ordouris the Lord Kenmuir's regiment<sup>1</sup> officeris and souldioris fra the 29<sup>th</sup> Maij 1645 to the 29<sup>th</sup> Junij being 31 dayes, and thair pay in that space conforme to the Leiuennent Collonell and his Quarter Masteris testificat of ressuitt thairof extendis to 1300 : 00 : 0

And of the regiment and comandit pairtie that came from Newcastle conforme to Major Hamiltoun thair major thairof his testificat thair was quartered within the brucht of Linlithgow for the space of 11 dayes in September 1645, 550 foot souldiors ilkane of tham haveing 4<sup>s</sup>. per diem extending thair pay duiring that space to 1210 : 00 : 0

Item of dragouns that space 150 dragouns ilkane of thame haveing 9<sup>s</sup>. per diem, and thair pay is 0742 : 00 : 0

Item thair was quartered Collonell Stewart<sup>2</sup> his regiment being ane of the 5 regimentis that came from Inghland quhair of he was commander conforme to Robert Ker, generall quarter master of the saidis regimentis his testificatt fra 28th November to the 9th December 1645 inclusive being 12 dayes 1 major haveing 2<sup>lib</sup>. 19<sup>s</sup>. 2<sup>d</sup>. per diem, 7 capitans ilkane of tham haveing 2<sup>lib</sup>. 4<sup>s</sup>. 5<sup>d</sup>. per diem ane generall quarter master haveing per diem, ane capitan leiuennent haveing 2<sup>lib</sup>. 4<sup>s</sup>. 5<sup>d</sup>. per diem, ane regiment quarter master haveing 20<sup>s</sup>. per diem 7 leiuennentis ilkane of tham haveing 20<sup>s</sup>. per diem 7 ensignes ilkane of tham haveing 16<sup>s</sup>. per diem 14 serjandis ilkane of tham haveing 6<sup>s</sup>. 6<sup>d</sup>. per diem, 9 drummers ilkane of tham haveing 5<sup>s</sup>. 4<sup>d</sup>. per diem 7 capitan at armes ilkane of tham haveing 6<sup>s</sup>. 8<sup>d</sup>. per diem 24 corporallis ilkane of tham haveing 5<sup>s</sup>. 4<sup>d</sup>. per diem and 500 souldioris ilkane of tham haveing 4<sup>s</sup>. per diem. Extending all thair pay duiring the forsaid space to 1794 : 13 : 4

Mair 100 horses ryding and bagag paying that space 0400 : 00 : 0

Item Capitane Harie Bruce troupe<sup>3</sup> consisting of 50 troupperis and the hail officeris thairof except the capitane was quartered in the said brucht 2 nightis in December 1645 conforme to Leiuennent James Pollok his leiuennent testificat swa the leiuennent haveing per diem 1<sup>lib</sup>. 10<sup>s</sup>. cornit haveing per diem 1<sup>lib</sup>. 4<sup>s</sup>. quarter master 1<sup>lib</sup>. 3 corporallis ilkane of [tham] 16<sup>s</sup>. per diem and 50 troupperis ilkane of tham haveing per diem 14<sup>s</sup>. Thair pay duiring that space extendis to 082 : 14 : 0

Item thair was quartered in frie quarters within the said brucht of Capitane Bruce troupe 1 night in December 1645 16 trouppers ilkane of tham haveing 14<sup>s</sup>. per diem conforme to Cornit Bruce his subscrivit testificat thairof. Thair pay in that space is 011 : 04 : 0

<sup>1</sup> A unit of Callander's command, on its way to the siege of Newcastle.

<sup>2</sup> Colonel William Stewart's Galloway regiment, part of Leven's command, was recalled from England in 1645 to oppose Montrose.

<sup>3</sup> One of several cavalry troops in the army of the Solemn League and Covenant, 1644-47.

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Item Cornit Harie Montgomerie wnder Collonell Robert Montgomerie his regiment<sup>1</sup> with 20 horseit dyned in the said brucht wpoun frie quarteris 16<sup>th</sup> December 1645 conforme to the said cornit his testificat thairof. Thay ought to pay thairfoir 007:00:0

Item thair was quartered in frie quarteris wpoun the said brucht of the generall artellaries regiment<sup>2</sup> wpoun the 26<sup>th</sup> and 27<sup>th</sup> dayes of August 1646 400 commone souldioris ilkane of thame haveing 4<sup>s</sup>. per diem conforme to Leiutennent Collonell Andro Leslie and Capitan James Tweidde subscrivitt testificat thairof daitt 27<sup>th</sup> August 1646. Thair pay in that space extends to 040:00:0

Item thair was quartered in frie quarteris within the said brucht the major haveing 4<sup>lib.</sup> 8<sup>s.</sup> 10<sup>d.</sup> per diem ane ruitmaster haveing 3<sup>lib.</sup> 6<sup>s.</sup> 8<sup>d.</sup> and ane leiutennent haveing 1<sup>lib.</sup> 10<sup>s.</sup> per diem of Collonell Barklay<sup>3</sup> regiment for the moneth of Januar 1647. Thair pay conforme to thair testificattis thairof extends to in the said moneth the sowme of 217:00:0

<sup>1</sup> Originally the Earl of Eglinton's and part of Leven's command. It had been recalled from England against Montrose.

<sup>2</sup> General Sir Alexander ('Sandy') Hamilton's Clydesdale regiment. Originally under Leven's command, it had been recalled to Scotland against Montrose.

<sup>3</sup> The Earl of Buccleuch's Tweeddale regiment originally formed part of Leven's command.

## Reviews of Books

THE FOUNDATION OF THE OTTOMAN EMPIRE: A HISTORY OF THE  
OSMANLIS UP TO THE DEATH OF BAYEZID I. (1300-1403). By Herbert  
Adams Gibbons, Ph.D. Pp. 379. With six Maps. Demy 8vo.  
Oxford: Clarendon Press. 1916. 10s. 6d. net.

THIS volume may safely be recommended both as a guide to historical enquiry and as a clear summary of ascertained facts. The student's wants are provided for by an elaborate bibliography of sources and by appendixes which defend the author's special theses. Some readers will be attracted by the evident zest with which Mr. Gibbons points out and corrects the errors of modern historians of repute; everyone should profit by the distinction he makes between uncertainties and reasonably established conclusions.

In every realm of history our current knowledge, the knowledge of 'every educated man,' seems to consist largely of a few hoary legends which will not stand the test of critical examination, and yet eternally hold the field. Mr. Gibbons buoyantly seeks to dissipate two of the fictions that pass for history amongst us. In the first place he denies that the Ottoman power which rules in Constantinople is now or ever has been a Turkish government. The Ottomans, he says, are not and never were Turks, though they themselves have recently accepted the name given to them by an ignorant western world. Further, he refutes the view that the Ottomans were a great Anatolian power which overflowed into Europe and there conquered the remnant of the Byzantine empire and portions of the country adjoining to it. In reality they were a people which had their small beginnings in the north-western corner of Asia Minor and grew to a powerful state in Europe, from which they conquered Asia Minor and finally spread over Syria, Egypt, and Arabia.

These paradoxes, as they must seem to most readers, are, we are told, propositions which it is a main purpose of Mr. Gibbons' work to establish. So far as the present writer can judge, without having made an independent study of the sources, it is true that the Ottoman Sultans before they entered Europe did not govern any considerable part of Asia Minor, were not yet the heirs of the Seljuk Turks, and constructed a powerful state in the first place out of Byzantine and Servian and Bulgarian territory. It is surprising that competent historians should have been betrayed into adopting a contrary view based on uncritical tradition. It would appear that, where proofs were wanting, preconception has filled up the gaps rather than a sober estimate of probabilities. The maps in which Mr. Gibbons clearly

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shows the growth of Ottoman power may be taken as substantially correct, although most likely further research would introduce modifications in detail.

As for the proposition that the Turks, as we call them, are not Turks, it is true and not true. It is true in the sense that the ruling people of this new state even at the beginning was by no means of 'pure Turkish blood' (whatever that may mean), and was forthwith recruited from so many nationalities and races that it very soon ceased to be what it was at the beginning. But this may be said, with varying degrees of application, of every expanding or imperial people. I suppose it may be said of the Romans, it certainly must be said of the Arabs soon after their exodus from Arabia in the seventh century A.D. Character and discipline and tradition make the oneness of a people, not race or mere physical descent. It is permissible to speak of the 'Ottoman Turks,' though we know, and should remember, that Greeks and Bulgarians and Servians, Armenians and Russians (and afterwards Syrians and Egyptians), and many others have contributed notably to the genius and power of the Turkish people.

The reigns of four Ottoman Sultans are sketched in successive chapters in Mr. Gibbons' volume. The founder Osman (Othman) is to be judged, we are told, only by what he accomplished. He 'spent his life in endeavouring to capture three Byzantine cities which were all within a day's journey of his birthplace,' but he forged the instrument with which his son created a mighty state. Brusa was conquered just at the close of his life by his son Orkhan, and became this son's capital. Orkhan was the real founder of the nation. 'He began life as a village lad in an obscure tribe. After a public career of sixty years he died the brother-in-law of the emperor of Byzantium, the friend and ally of Genoa, and potentially master of Thrace.' The three events which smoothed his path to success are given by Mr. Gibbons as the Black Death, the rivalry of Venice and Genoa, and civil war in the Byzantine empire (p. 95). It may be noted that Orkhan's first European conquests were in the peninsula of Gallipoli.

Murad, Orkhan's successor, is described as the most remarkable and most successful statesman and warrior of the house of Osman. 'Osman gathered round him a race, Orkhan created a state, but it was Murad who founded the empire.' He probably established the corps of janissaries, and an ingenious explanation is given of the policy which the measure involved. In his sultanate the main strength of the Ottomans still lay in Europe. He made Adrianople his capital. Murad fell on the field of his great victory over the Servians at Kossova (15th June, 1389). The anniversary is still kept as a day of national observance by the Servians. Murad's successor, Bayezid, made extensive conquests in Asia Minor. The Seljuk sultanate of Konia became a dependency. Bulgaria was finally reduced, war was waged with Hungary, the Greek emperor was made a vassal, and a great crusading enterprise from Western Europe was annihilated at Nicopolis (1396). The closing years of Bayezid's sultanate were occupied by war with the Tartars. The great Ottoman conqueror was at length himself defeated and died in captivity. But his empire was too securely established to be much shaken by this event.

## Borland : Western Mediaeval Manuscripts 83

The interest of the period of which Mr. Gibbons treats is very great. He is to be congratulated on a work which is worthy of its theme.

WILLIAM B. STEVENSON.

A DESCRIPTIVE CATALOGUE OF THE WESTERN MEDIAEVAL MANUSCRIPTS IN EDINBURGH UNIVERSITY LIBRARY. By Catherine R. Borland. Edinburgh: Printed for the University of Edinburgh by T. and A. Constable. 1916. (Illustrated with frontispiece in colour and 24 colotype plates.) 4to. Pp. xxxi, 359.

GENEROUS people lend their books and generous libraries print grand catalogues, that is if they cannot get benefactors to print and edit them. Edinburgh University has many fine manuscripts, especially liturgical and theological, and Miss Borland, 'sometime research fellow in History,' has turned out a capable, interesting, and informing catalogue, in which the many plates are capital insets. The matt surface gives initially an impression of rawness in these most faithful facsimiles, but their firmness of texture and depth of tone quickly convince the critic of their artistic virtue. There are 230 codices inventoried, all described and analysed, and with the contents set out on the liberal scale of nearly a page and a half average to each. There is much liturgy and doctrine; there is logic, law, chivalry, literature, grammar, history; and the man who is charmed by the heterogeneous search heap (what true student is not?) will turn the leaves with ever renewed expectations, which verily shall not be disappointed. Let the reviewer begin with thanks to Miss Borland—*nobis haec otia fecit*. The information editorially given is usually ample: curiosity is often gratified and oftener whetted by the *graffiti* of owners and scribes, carefully gathered; the hand-writings are distinguished and dated; the illuminations described; probable localities of origin pointed out; calendars in books of hours, etc., closely scrutinised; and special facts observed and excerpted. Such things turn a catalogue into a live book.

There are rules of the game which catalogue makers have devised for themselves, such as the abstinence from mention whether a work has been printed. Any disadvantage resulting from gaps in such information would be much more than compensated by the utility of even an incomplete note of known publications. To the worker it is of great moment to know whether a printed text exists; and sometimes the text in question may have been actually taken from the MS. catalogued. Why do catalogues so frequently evade giving such particulars? Miss Borland occasionally furnishes them, and deserves gratitude accordingly for what too many cataloguers regard as a supererogatory labour.

A great fact is the debt of the University to David Laing, whose life-long quest of MSS. has left its trace of unique interest, value, and beauty in so many prizes of illumination and penmanship, which are in number the substance and in artistic worth the glory of the collection. Nothing Scottish seems to have escaped him, for the numerous items in which there is some Scottish association impels one to believe that the fact dominated the choice of his acquisitions. A fourteenth century breviary (No. 27), in its variety of added matter, includes a set of Scottish annals continued to

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1401, in which a few entries (from the transcript given by Miss Borland in an appendix) arrest attention. The apparent inference to be drawn is that these annals as a whole are an abridgement of the *Scotichronicon*, but a detailed collation is necessary. One entry states, under 1303, that in that year *civitas Scocie* returned to the English peace. Query, is this a contraction for *communitas* mistranscribed? In a religious treatise (No. 83) the scribal invocation rendered 'Assit principio *circa* Maria meo' shows another obviously misread contraction, *circa* for *sancta*.

Among the many special MSS. dealt with is a fine copy of Virgil, written and illuminated by a French scribe and bearing the arms of Scotland, probably of James III. The classical penetration of the Renaissance has few more important manifestations than the fact that Scotland was so early in the field with a translation of Virgil, which was at any rate a great poem, however subject to criticism it might be as a rendering of the original. Something in the illuminated picture of the arrival of Aeneas at Carthage suggests an emblem of the arrival of the classical poets on our Scottish shores. The initials 'P. L.', illuminated on the borders of this *Aeneid* picture and united by a lover's knot, pique speculation and demand an effort towards identification. The process by which Bishop Gavin Douglas came to his place among the earliest of translators may not be independent of this probably royal manuscript of the *Bucolics* and *Georgics* and of the *Aeneid* as continued by Vegio Maffei—*poeta facundissimus* and bold continuator!

Miss Borland has derived invaluable assistance from Professor W. M. Lindsay of St. Andrews in regard to the beautiful Scoto-Irish Psalter (No. 56), which he assigns to the eleventh century, and which on every count merits the concentrated scrutiny of Celtic specialists. On the liturgical texts, which bulk so largely in the fine group of MSS. now equipped with an effective introductory apparatus, the reader's thanks, equally with Miss Borland's, are due to Mr. F. C. Eeles for a body of technical and historical notes derivable from no other scholar but himself. Miss Borland has been fortunate in the aids she has enlisted at important turns of a laborious task, and her own performance shows her worthy of these eminent coadjutors. We shall look for useful work on Scottish history hereafter from one who has here adventured with so much of success into a region attainable only by arduous paths.

GEO. NEILSON.

THE DOUBLE CHOIR OF GLASGOW CATHEDRAL. By T. L. Watson, F.R.I.B.A. Pp. ix, 122. With 35 Illustrations and Plans. 4to. Glasgow : James Hedderwick & Sons. 5s. net.

THIS is a condensed and abridged edition of a larger work issued a few years ago by the same publishers.

A student of Glasgow Cathedral for over thirty years, Mr. Watson has after much research taken up the obviously congenial task of tracing the earlier architectural history of the Cathedral of St. Kentigern. The book is primarily an archaeological study of the stone vaulting as throwing light upon the successive dates of building and upon the methods employed by the thirteenth century builders. Mr. Watson constructs a kind of archi-

tectural calendar based upon the character of the rib mouldings of the stone vaulting. By following the descriptions of the several sections of the rib mouldings, which any one can do by the aid of the coloured diagrams, the reader will perhaps be startled to find that the dates of the building of the Lower and Upper Choir may be approximately ascertained. A very reasonable explanation is also given of the varied forms of vaulting, so complex and yet so beautiful, in the Lower Church.

The *raison d'être* for almost all the problems of the vaulting, 'this pretty and instructive puzzle,' as Sir G. Gilbert Scott called it, is given and illustrated:—the Jocelin fragment and the Walter Chapel at the south-west corner, the 'misfit' springers of the vaulting ribs of the centre, the more elaborate vaulting over the Shrine and the Virgin Altar, and even the change of moulding over the later piers of the windows at the north-east and south-east corners.

In the light of Mr. Watson's book *St. Mungo's Cathedral* is a conspicuous example of the value of our ancient buildings as contributory national history.

The book is well printed, and the illustrations, thirty-five in number, five of which are folding plates, are clear and appropriate.

W. T. OLDRIEVE.

**THE FALSE DMITRI: A RUSSIAN ROMANCE AND TRAGEDY.** Described by British Eye-Witnesses. 1604-1612. By Sonia E. Howe. Pp. xvi, 239. With 8 Illustrations. Demy 8vo. London: Williams & Norgate. 1916. 6s. net.

THE history of Pretenders to great thrones are full of tragedy and romance, and the claim of 'the False Dmitri' to the Tsardom of Russia is no exception to this rule, for even after careful examination we do not know whether he was a Prince, as he alleged, or a renegade monk, and whether there were one, two, or even three 'False Dmitris.' The story, put as shortly as may be, is this. In the reign of the feeble Tsar Feodor Ivanovitch, 1584-1598, all power centred in his ambitious and powerful brother-in-law, Boris Godounov. The next-of-kin to the Tsar (who otherwise had no near heir) was his half-brother, a boy-prince, Dmitri Ivanovitch, son of the Tsar Ivan the Terrible by his seventh wife, Maria Feodorovna Nagoi, living with his mother in retirement at Ouglitch. In 1591, this boy-prince was suddenly reported to be dead, some said of plague, some said murdered, and Boris Godounov, naturally suspected of his removal, was now supreme, and the suspicion thickened when he became Tsar in succession to Feodor. Boris ruled well, and favoured foreigners (he had a guard, as we shall see, who went over to his enemy), but in 1604 he became full of fear, for a strange figure had appeared in Poland, that of a handsome (though unbearded) young Russian, who alleged that he was the Tsarevitch Dmitri, miraculously saved from death at Ouglitch. His 'claim' was favoured by the Poles, always anxious to make war on Russia, and two of them, Wiesniowicki and George Mnieszek, Palatine of Sandomir, with whose daughter Marina the Pretender fell in love, gave him active support, and the King of Poland assisted him also,

but more secretly. His army grew, and he advanced on Moscow, and fate favoured him, for in 1605 the Tsar Boris died 'suddenly.' The world seemed at his feet. He was received as Tsar, and welcomed his Polish bride with a vast train of her compatriots. This was unwise, for no sooner had he and she been crowned than, in 1606, a tumult caused by the Russian jealousy of Polish influence broke out, and it was alleged that the Tsar was murdered, in spite of the bodyguard of foreigners he always had about him, being thrown from a window of the Palace.

The Chief Boyar, Vassili Ivanovitch Shuiski (who had been at Ouglitch at the time of the rumoured death of Dmitri Ivanovitch), condemned to death by the False Dmitri in the heyday of his success but pardoned, now put in a claim to the vacant Tsardom. The alleged corpse of the False Dmitri was exhibited (in derision) with a mask on, and burnt by him as that of a 'Nigromancer.' This mask allowed a new story to go forth that the real prince had a second time escaped, and a 'False Dmitri' again appeared, collected a following, and, joined by Marina Mniszek, unwilling to lose her privileges as crowned Tsaritsa, was recognised by her as her husband. Endless troubles now occurred. The new Tsar Vassili called in Swedish help to protect him against the Poles, and a company of mercenaries was sent under Pontus de la Gardie. But fate was too strong for him, and he resigned the crown, and on the capture of Moscow by the Poles in 1610 was led by them into captivity; while the 'second False Dmitri' had a brief reign at Kalouga and Touchino, and, killed by the Tatar Prince Peter Oourov, goes down to history as 'the Brigand of Touchino.'

The story of 'the False Dmitri' (which can be compared with *Der falsche Demetrius*, by Theodor Hermann Pantenius, Bielfeld, 1904) is told in this volume by means of very well selected fragments from the narratives of western eye-witnesses of these confusing times. Mrs. Sonia Howe has done her work excellently (although with perhaps too few comments to help the less initiated in Russian history), and has compiled a valuable and fascinating book on a difficult period. She points out that 'the reader will be somewhat astonished at the discrepancies in facts,' but when the 'facts' are as we have recounted them this is not very surprising.

From the book it is interesting to learn many details of the careers of the foreign mercenaries of the Tsars Boris Godounov and the 'False Dmitri.' It may not be amiss to assist the reader with some further items. Jacques Margaret, a French captain, with David Gilbert, a Scot, Robert Dunbar, another Scot, and Andrew Let, entered the service of the Tsar Boris in 1600-1601. Margaret, Gilbert, Knutsen, and Van Dennen were leaders of the foreign guard of the 'False Dmitri,' whose love of foreigners estranged the Russians from him. Gilbert (part of whose story is given in this book) played some part in the history of the 'Troublous Times' of Russian history. He served 'the second False Dmitri' (whom he thought an impostor, and his testimony is valuable, although that Prince had threatened to drown him in the Oka if Marina Mniszek had not procured his pardon), then subsequently either deserted to the Poles or was taken prisoner by them. He fell into Russian hands, was pardoned by the

intercession of King James VI., came to England in 1617, but returned to Russia to serve the new Romanov Tsar.

In the Swedish troop of Pontus de la Gardie (the first Pontus de la Gardie was from Rousillon, and fought for Marie of Lorraine in Scotland before he entered the Swedish service, in which he died in 1585) that was sent to Russia to assist the reluctant Tsar Vassili in 1609 were many Scots, English and Welsh, whose hardships and fates are told in this book in the *Narrative of an Englishman serving against Poland*. We can add the facts that Robert Carr returned to England in 1619, and that Samuel Cockburn, 'Captain Colbron,' who was present at the capture of Novgorod, 16th July, 1611, died rich in the Swedish service in 1631, and is buried under a monument, erected by his brother, in the cathedral of Åbo.

A. FRANCIS STEUART.

PROMOTION OF LEARNING IN INDIA DURING MUHAMMADAN RULE (BY MUHAMMADANS). By Narendra Nath Law, M.A., B.L., Premchand Roychand Scholar, Calcutta University. With a Foreword by H. Beveridge, I.C.S. Pp. xlviii, 260. With 25 Illustrations. 4to. London: Longmans, Green & Co. 1916. 14s. net.

THIS is the work of a member of a well-known Indian family, a distinguished graduate of the University of Calcutta, and he has had the help of numerous accomplished compatriots. It is divided into two books, the first dealing with the Pre-Mughal Period, with a chapter on the Minor Muslin Kingdoms; the second treating of the Mughal Kingdoms, and including a chapter on Female Education. The author has examined a vast field of native and extraneous literature, much of it in MS. and in recondite archives. As he remarks, Muhammadan historical works mix up fact and fiction in such a manner that they should not be wholly relied on, and their incidental allusions are perhaps more trustworthy than their direct accounts.

He begins with Mahmud of Ghazni (A.D. 998-1030), and reviews *seriatim* the tale of the Muhammadan rulers in India for nearly eight hundred years to Shah Alam II. of Delhi (1757-1806). Mahmud, the Iconoclast, the first Muhammadan prince to place—in defiance of the Koran—images of living creatures on his coins, many times plundered the greater part of India. He did not occupy the territories he conquered, but was content to bring their spoils to his Afghan capital, where he collected unheard-of treasures, not forgetting books. If not Eastern history, at least Eastern romance tells of his court as a centre of literature, where four hundred poets competed for his favours. He was the first to appoint a Poet-laureate, Unsuri, whose duty was to compose panegyrics on his master, and to decide what works of other poets were worthy to be submitted for the royal consideration. On the morning after a night of debauch and cruelty the Laureate cheers his remorseful king with a flattering couplet, and has his mouth thrice filled with jewels. On the authority of Ferishta, who, however, only wrote five centuries later, Mr. Law says that Mahmud set up at Ghazni a University and a Museum, and made Unsuri professor, and he believes that the city rose to be as famous as Bologna or Padua of medieval Europe.

Mahmud indeed kept at his court two immortal writers, Alberuni, the historian of India (a prisoner of war), and Firdausi, the Persian poet, a client for his patronage. But the historian writes of him without the compliments usual in Oriental literature, and the poet with contempt and curses. Promoter of learning or not, the Muhammadan Mahmud, a Sunnite of the Sunnites and descendant of a Turkish slave, made himself, for the Hindu, the impersonation of cruelty, bigotry, and rapacity. Mr. Law acknowledges this, but holds that he was also zealous for education—hardly in *Litterae Humaniores*. Here, and throughout the book, one feels that ‘education,’ ‘schools,’ ‘tutor,’ ‘college’ must not be taken quite in the sense we are accustomed to give them. These words, while perhaps the nearest English equivalents, have in the Oriental original very different associations. Of the Mughal rulers, Akbar the Great, ‘noted for his encouragement of letters,’ appointed Qutbuddin Muhammad Khan tutor to his son Jahangir, and ‘the tutor,’ says Mr. Law, ‘presented the emperor, *as is customary on such occasions*, with rich presents, such as elephants, etc., worthy of his post, and . . . ordered dishfuls of jewels and gold to be scattered to the people.’ Here is no Maister George Buchanan, who at a comparatively modest stipend was tutor to Jahangir’s contemporary, King James VI. Qutbuddin is rather a prince, to whose court Akbar sent his son to be taught the knightly exercises befitting a Mughal ruler, according to Mughal standards.

The great Akbar, as Mr. Beveridge shows in his Foreword, though promoter of learning and the arts as he understood them, did not himself know how to read or write. Nor did he need. Within two centuries of Mahomet’s death the orthodox faith of Islam was fixed, and advance in knowledge ceased for the Muslim. Education for him henceforth was instruction in settled dogma. The ‘colleges’ built by Firuz Tughlaq, whom Mr. Law justly regards as his noblest example, were for Muhammadan prayer and worship, as we know on the authority of Firuz himself. And while it is interesting to know that Muhammadan princes entertained learned men at their courts and founded ‘schools’ and ‘colleges,’ the promotion of learning is the promotion of the advance of learning, and colleges for the promotion of orthodox dogma fixed immutably by law, and for that only, do not promote advance. Sultan Alauddin, 1206-1316, encouraged discussions of literary subjects. But, says Mr. Law, ‘the best-informed men in his court were careful to keep down their knowledge to the level of his acquirements.’ Sultan Sikander, who transferred his capital from Delhi to Agra, was a patron of learning and himself a poet, and loved to be present at discussions among learned men. Mr. Law quotes an illuminative instance. At one symposium a Brahmana having professed the doctrine that all religions, Hindu or Muslim, were equally acceptable to God if followed in sincerity, the Sultan, as final arbiter, closed the discussion with the orthodox argument of decapitation for the heretic. Shah Jahan is included among the promoters of learning, the proof being that it is recorded that after the labours of the day and two or three hours in his harem spent in listening to songs by women, his majesty ‘retired to bed and was read to sleep.’ Travellers’ tales, theology and history were the specifics for inducing

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slumber. Firuz Bahmani has a better case, for it was his practice to send ships annually to different countries in search of learned men. And yet a collector is not invariably a scholar.

The chapter on Female Education tells of schoolmistresses in the harem and of various ladies of literary accomplishment.

The author has collected a great deal of evidence direct and inferential, sometimes sound, sometimes fragile, that many of the rich and powerful Muhammadan rulers of India were, in their own way, promoters of learning as they understood it. It was learning according to the standards of their faith. And even then they lagged behind Bagdad and Cairo and Cordova. India had no Andalusia with its seventy public libraries. But its Muhammadan promoters of learning may compare favourably with many of the Christian rulers of Spain.

Mr. Law is to be congratulated on a work of erudition and industry written with ingenuous and engaging zeal. Mr. Beveridge's discursive and entertaining Foreword is an appreciative and judicious criticism. It has drawn from the author an Addendum on the question of the Emperor Akbar's illiteracy so learned and ingenious that it almost deserves to be convincing.

The volume is admirably equipped with bibliography; subject, literary and chronological indices; and most interesting and beautiful illustrations.

ANDREW MARSHALL.

### THE ENGLISH CIVIL SERVICE IN THE FOURTEENTH CENTURY : A LECTURE.

By T. F. Tout. Demy 8vo. Pp. 32. Manchester : University Press. 1916. 1s. net.

THE origins of civil service are here traced from the personal service of the king, through sergeanties and other tenures on the one hand, and through clerical office-holders whose appointments were largely affected by Crown influence on the other hand, to the improving end of the fourteenth century. By that time the once prevalent clerical staff was being supplanted by laymen; indeed, the laicization of the king's service in Exchequer, Chancery, and Government departments generally appears to have been the direction of progress for the time. Professor Tout, whose work as historian we have followed admiringly for many years, seems to have not only ripened in thought, but to have greatly advanced in capacity of light, clear, interesting expression, sometimes, it is true, a little loose and incorrect in style, with a tendency to use bad phrases like 'on the make' and to work the word 'job' to death. But his combination of fresh material with free and original standpoints gives his essays the first-class quality of historical writing. An interesting and evidently deliberate element in the present paper is its topical allusions to modern things as the parallels of the antique. If one were to object to Mr. Lloyd George as irrelevant to the fourteenth century civil service, a very sufficient answer could be vouchsafed. That form of illustration serves a double purpose when it blends in the exposition of the ancient ways (say, on the matter of nepotism) an apt parallel from the new. One subject of this class dealt with is the contribution of officialdom to literature. The happy Chaucer

and the unhappy Hoccleve and a little known John Winwick, clerk and keeper of the Privy Seal, each have their civil service careers well set forth, and the two first named, of course, give points for modern instances of Pegasus yoking himself in the official team. A pregnant opinion is enunciated about the deposition of kings that 'on the whole the process did as much good as harm.' This surely is polarity of political good and evil in *excelsis*.

**JEFFERY AMHERST : a Biography.** By Lawrence Shaw Mayo. Pp. 344, with seven Illustrations. Demy 8vo. London : Longmans, Green & Co. 1916. 7s. 6d. net.

THERE have been so few complete lives of Lord Amherst that we can welcome this biography of the conqueror of Canada, although it does not add very much to our knowledge. It is adequate, however, and shows how much Amherst owed his promotion in the Army to Lord Ligonier and Lord Chatham. Their trust in him was justified by his eminently successful, if not fiercely brilliant, conquest and administration of Canada. The author prudently keeps himself in hand in his description of Amherst's dealings with the Indians after his partial failure in the war against them, and tries to be fair both to his subject and to the King and Government during the Virginia difficulty and the American War. The book is adequately illustrated, but a map of North America and Canada would have been a useful addition.

A. F. S.

**GENEALOGICAL TABLES, ILLUSTRATIVE OF MODERN HISTORY.** By Hereford B. George, M.A., Fellow of New College, Oxford. Fifth edition, revised and enlarged by J. R. H. Weaver, Fellow of Trinity College, Oxford. Pp. 72. Oblong folio. Oxford : The Clarendon Press. 1916. 7s. 6d. net.

A NEW edition of these well-known Tables is welcome, and the more so because it contains some useful additions. Among these are tables for Belgium, Greece, and the Balkan States.

The value of a volume such as this consists primarily in its accuracy, but also largely on whether the compiler keeps steadily before him the real needs of the historical student. It may be tempting to carry out investigations in interesting by-paths, and perhaps to trace out the children of obscure families: the compilers have kept clear of such errors, and have collected an extraordinary mass of information, not only as to the reigning families of Europe, but also as to the nobles and commoners whose family connections brought them prominently into touch with the great movements of the last thousand years.

The book is a useful work of reference.

**THE CELTIC CHRISTIANITY OF CORNWALL : DIVERS SKETCHES AND STUDIES.** By Thomas Taylor, M.A. Pp. xvi, 184. With one Diagram. Crown 8vo. London : Longmans, Green and Co. 1916. 3s. 6d. net.

IN this little book the author writes pleasantly, if rather discursively, on the later religion of the Cornish Celts, of their monastery-bishoprics

(different in origin from the Saxon idea), of their saints, their hermits, and their holy places. He is able to point out many points of similarity between the Celts of Cornwall and those of Brittany, and is especially interesting when he alludes to and explains the *va-et-vient* between these two old Celtic countries. He relies greatly on the works of Dom Gougaud, H. Jenner, and M. Loth, and pays a well-deserved tribute to M. Joseph Déchelette, the savant in Archaeology who fell in the Great War.

THE WAR DIARY OF A LONDON SCOT (Alderman G. M. MacAulay), 1796-7. With a Review of the Year. By W. C. Mackenzie. Pp. 216. Crown 8vo. Paisley : Alexander Gardner. 1916. 3s. 6d. net.

THE Diary which is presented to us here is that of George Mackenzie MacAulay, a native of Uig, and of the same family as Lord Macaulay. This Highland lad, born in 1750, went to London early and (though we are not told so here) married a rich wife. He became a merchant, and in 1774 was admitted to the Freedom and Livery of the Company of Bowyers, and by 1786 was an alderman. He died in 1803 a man of substance.

To his Diary the editor contributes an interesting review of the political situation, in which he points out many points of similarity *mutatis mutandis* between all great wars, and especially between the Napoleonic conflict and the World War now raging. Had one not known that the author of the Diary was forty-six when it was written, one would have said from its sententiousness that it was the work of a much younger man. The Diary, save certain delicious personal touches (*e.g.* 'I never was Fishing at any Time in my Life but something prevented my catching Fish'), is almost wholly political. It is not very deep, but is distinctly worth reading, if only to see how Mr. Alderman MacAulay viewed the political situation of a very important time.

JOHN BLAW OF CASTLEHILL, JACOBITE AND CRIMINAL. By Christopher N. Johnston, K.C., LL.D. Pp. vi, 154. With eight Illustrations. Crown 8vo. Edinburgh : William Blackwood and Sons. 1916. 3s. 6d. net.

THIS book could have been produced only in Scotland. It narrates exhaustively the life-history, pedigree, and relatives of one John Blaw, a Perthshire laird, who, although a brave Jacobite (and entrusted by the Duke of Perth with a delicate mission to France in 1745), yet was of dissolute life, and was executed for a murder committed in a tavern brawl in 1767. Everything in the book is well done. If the author errs, he errs from over-elaboration. Relatives of the Blaws now, if they are seeking knowledge about their Jacobite kinsman who became unduly famous, will find here every item they can desire to discover collected by the descendant of a neighbour, with meticulous care and accuracy.

A. F. S.

WILLIAM HUTCHINSON, F.S.A., THE HISTORIAN OF THREE NORTHERN COUNTIES. By J. C. Hodgson. 4to. Pp. 21. Newcastle: Andrew Reid & Co., Limited. 1916.

EQUIPPED with a portrait and a facsimile signature, as well as with a bibliography, this sketch of Hutchinson (1732-1814), a diligent and versatile but rather dull antiquary, poet, historian, and topographer, who made Cumberland equally with Northumberland and Durham his province, collects for the first time the biographic details of the north country attorney to whom Northumbrian chronicle in particular owes much. His litigations appear to have been frequent, but his readiness of pen, alike for prose and verse, has kept for him a creditable memory. Needless to say, Mr. Hodgson writes with full knowledge and with essential sympathy.

The projected *History of Cheshire* having been postponed, the Chetham Society wisely decided to avail themselves of matter relating to the Domesday survey which was to have been included in that book. Under the editorship of the president the materials are now presented in a revised and extended form. The Latin text of the survey is given with a translation, and with illustrative notes which contain much valuable information regarding the topography as well as remarks upon difficulties of interpretation.

Professor Tait acknowledges the light thrown on the general understanding of Domesday Book by the labours of Round, Maitland, and Vinogradoff, and by Mr. Brownbill's special elucidations of the Cheshire section; but readers of the very scholarly introduction will find that the editor has used his mastery of the detail as a basis for an important and independent contribution to the progress of knowledge. The introduction contains a full discussion of the contents of the text. Particularly interesting are the remarks on the Salt Wiches and on the classes of the population in 1086. The book is enriched with good indices and an exceedingly useful map.

The Society and its President are to be congratulated on a piece of work which represents much careful industry, and which will be of permanent value to the scholar.

R. K. H.

*Allan Breac Stewart and his Associates, with some Account of Scottish Soldiers under French Kings.* By Tinsley Pratt. London, Sherratt & Hughes. 1916. 1s. net. This is a reprint of two pleasant historical essays, more discursive than critical, contributed to the *Manchester Quarterly*.

*The Battle Fiends.* By E. H. Visiak. Elkin Mathews, London. 1s. net. Some echo of Coleridge, with a grimness added, is in Mr. Visiak's pirate pieces, which have imagination and thrill. Other echoes are repercussions from the hate which we have inspired but do not retort.

In the *History of the Berwickshire Naturalists' Club* (issue completing volume xxii. and containing transactions for 1915) useful bits of Border story are gathered, including descriptive notes on Cessford Castle, the parish of Gordon, and the works put out from Kelso presses.

In the *English Historical Review* for July Dr. E. G. Hardy discusses the table of Veleia in connection with its supposed content of portions of the *lex Rubria* of 49 B.C. His conclusion (against the ultimate view of Mommsen, supporting the conjecture of Puchta, and directly attacking Mr. J. M. Nap's proposal to relegate the *lex Rubria* to Sulla) offers strong grounds for Caesarian conditions and origin. Rev. W. A. B. Coolidge concludes his interesting historical study of the Alpine pass, the Col de Tenda. Mr. R. C. Anderson traces the operations of the fleet in the Atlantic and the North Sea in 1648-52, when home politics as well as the foreign and colonial situation had to be secured. Mr. H. C. Bell examines our commercial policy in the West Indies, 1783-1793. The problem of readjustment after the United States had become independent suggests some recrudescences now when a change of their world policy is on the anvil. Professor Bury dates the 'Notitia of Constantinople' 447-450 A.D., not 413 as the latest German rectifier would have it. Dr. Round detects the actual delivery of the Saladin tithe (the *denarios Decimarum*) at Salisbury in 1189. Professor Tout unwinds some complexities entangling the *Westminster Chronicle* attributed to Robert of Reading, with special incidental reference to a splitting-up of the Exchequer into a northern and southern division in 1324-1326.

*History* (April), 1s. net, has now become the quarterly of the Historical Association. Its opening number under the new auspices has been dedicated to the task of indicating the standpoints of history teaching. The editor, Professor Pollard, believes that educational utilitarianism and the cult of mere science will not serve the highest purposes. Sir Charles Lucas maintains that the great democratic force has been scientific invention. Mr. Julian Corbett and Mr. H. W. Hodges agree in cultivating the great human and political interests, even in studying naval and military tactics and strategy. Perhaps the now official quarterly at first impresses one as more taken up with historical teaching than with history, but in hands so capable as Professor Pollard's the balance will no doubt soon be better adjusted, and *History* will illustrate research as well as didactic method.

In the *Juridical Review* for March, Mr. W. Roughead retells the famous Yelverton marriage case of 1857-1864, with the national leaning towards the view that, as sometimes happens, the House of Lords went wrong, when it refused to affirm the marriage. Mr. Lovat Fraser discusses the trial of Carnegie of Finhaven in 1728, and his acquittal of the charge of murder. Incidentally he refers in the customary general terms to the supposed origin of the verdict Not Proven—which seems never to have been quite historically accounted for.

In the *Revue Historique* (July-August) Paul Gaffarel describes the 'White Terror' of repressive excesses at Marseilles at the close of 1815, when the anti-Bonapartist reaction was at its height. Louis Bréhier with suppressed emotion views the façade of Rheims Cathedral—*aujourd'hui affreusement mutilée*—especially its gallery of kings, as a vision of the history

of France focused upon the baptism and anointment of Clovis. A. Mathiez casts a destructively clear light on the 'legend of Danton,' showing it to be a strange manufacture in part from the enthusiasm of Joseph-Arsène Danton, in the Ministry of Education (1837-1869), in part from a concocted letter of defence drawn up by the sons of Danton in 1846, and from a Memoir on the private life of Danton, written in 1865 by a Dr. Robinet. The unavailing attempts of the last named to induce Michelet to accept the whitewashing of the famous revolutionist are at once interesting in themselves and as evidence against the legend. But it grew prodigiously, thanks, it would seem, to the positivists, who made rather than discovered in Danton a hero of anarchy and liberty. One sympathises with the nineteenth century worshippers, but M. Mathiez does not write as an *advocatus diaboli*, and the legend of a great and honourable Danton is heavily shaken.

## Communications

THE PRIVY SEAL OF JAMES V. (*S.H.R.* xiii. 417). Referring to the late lamented Mr. C. Cleland Harvey's note on the statement in *Scottish Heraldry*, p. 397, I find that the passage begins with James I.: '... two lions support his arms in his Privy Seal, and remain on the Privy Seals almost continuously till the Union.... James V. took unicorns as his supporters on his Privy Seal; and his successor, Queen Mary, while retaining the lions on her Privy Seal, adopted unicorns for her Great Seal,' and so on.

I find that the late Dr. Woodward (*British and Foreign Heraldry*, ii. 280) agrees with the foregoing regarding James V.; but I am sorry that at present I have no opportunity to investigate the statement of either book on its merits. In the meantime, however, the seal on Mr. Harvey's document seems to show that that king (1513-1542) bore lions in 1531.

J. H. STEVENSON.

SIR GAWAYNE AND THE GRENE KNYGHT. With reference to the note by Dr. George Neilson in *S.H.R.* xiii. 420, Mr. A. H. Inman writes to say that his contribution was entirely without reference to any paper that may have been written by Mr. Isaac Jackson; and that it was accepted for this *Review* before the publication in England of Professor Kittredge's work.

*Sir Gawayne and the Grene Knyght* is a subject which the Editor will be glad to see discussed in the *Review*. Meantime he inserts this note saying that Mr. Inman's contribution was an entirely independent one, and not based on any paper of Mr. Jackson's.

ANE NOTE OF THE THINGS NECESSARY FOR THE CASTLE OF EDINBURGH, 9TH MARCH 1696.

Imprimis ane hundred shovells  
Itt fyftie Pick : axes  
It. ane hundered Handle Barrowes  
Itt. fyftie clos bodied Barrowes  
Itt. of Cran ropes thirttie fathom-four inches & ane half thick  
Itt. of small ropes for haleing of Gunes ane Hundred & fyte fathom  
Itt of small whall rope—fyve Hundered fathomes  
Itt of Iron Sextie Stone weight  
Itt of great trees ane Hundered  
Itt of planks fyftie

96      The Castle of Edinburgh, A.D. 1696

- Itt of axes/eaches/formers/Himles/greater & smaller : 6 of each  
 Item of Canvas for sand pocks four Hundered yards  
 Itt of Lym ane Hundered Loads with Sand proportionable therto  
 Itt of Woolen packs two Hundered  
 It of Oxen Hides fyftie  
 Itt of Sheep skines ane Hundered  
 Itt of great & double Naills ten thousand  
 Itt of smaller naills five thousand  
 Itt of Spunge naills sex thousand of Copper  
 Itt of pix tar and tallow  
 It ane Hundered leather Buckets for watter  
 Itt two long and sex shorter leathers  
 Itt Sop  
 It a Chist of Drouges  
 It tobacco & pypes  
 Itt Beds & cleathes conform for ane Hundered men  
 It four buckets for the wele with ane wele rope  
 Itt twelve dozan of Hand Speeck each sex foot long  
 It Kamer heads sex duzone  
 It Spungheads & Staves sex duzon  
 It of tamphines two duzone  
 It of aprones for the Gunes fyftie  
 It of Lint spindles four dozon  
 Itt of Marlin and housing threttie pounds weight  
 Item a great Sway of Twentie stone weight  
 Itt three Gavlocks 2 greater and ane smaller  
 It eight stone Hammers  
 It two duzone of pickes  
 It sex duzone of wedges  
 It three pinches & sex hand pinches  
 Itt a Duzone of Mattocks  
 Itt ane Duzone & ane half of Spades  
 Itt whit Iron for Case Shot two thousand sheet  
 It blocks for loof fakles 26 with ropes conform  
 Item sex Ketles with Disches and Spuones  
 Ther must be 20 : or 30 closs bodied sleidges Employed dayly for Carieing  
     earth from the Hill to make up earthen-works and filling gabions  
 Itt Flour for Batter for the Carriages a puncheon  
 Itt trees to Contane watter ten tun  
                                     Sic subtt Leven  
 Not that salt Butter cheess, fish, pease, groats, & Brandy be not forgotten  
     amongst the provisiones for the garisone nor Coall & candle.  
 (Transcribed from the Tweeddale papers by C. Cleland Harvey, 1914.)

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## Some Letters of Robert Foulis

THE noble array of books issued from the press of Robert Foulis, and of his firm of R. and A. Foulis, is a worthy memorial of his skill and taste as a printer, of his eager desire to promote learning and to diffuse a taste for literature. We have, however, comparatively little information regarding himself and the incidents of his life, and anything which supplements this information is welcome. The following letters tell something of his story, and will be read with interest. The first four are in the possession of Mr. J. G. Burnett of Powis House, Aberdeen; the other two are in my own possession.

The earliest letter is addressed to Lord Aberdour, 1732-74, afterwards (1768) fourteenth Earl of Morton, who was a student at the University of Leyden, under the charge of Mr. John Leslie, 1727-90, subsequently professor of Greek in King's College, Aberdeen, of whom Mr. Burnett gave a sympathetic account in this Review (*S.H.R.* xiii. 30).

Lord Aberdour had been a student at the University of Glasgow during the years 1748 and 1749. The Messrs. Foulis, it will be remembered, were booksellers as well as printers and publishers, and their bookshop was a pleasant lounge, in which professors and students were accustomed to meet, dally with the books, talk over the topics of the day, and discuss questions of philosophy with the printer, criticise his most recent publications, and canvass his proposals for the future. In this way Lord Aberdour no doubt

became acquainted with Robert Foulis. Amongst his fellow-students were Alexander Wedderburn, afterwards Lord Loughborough and Lord Chancellor of England, and a warm friend of the printer; Simon Fraser, eldest son of the Lord Lovat who was beheaded on Tower Hill in 1747, and to whom the Lovat estates were ultimately restored; John Millar, later the celebrated professor of law, and William McGill, who became one of the ministers of Ayr, and whose memory is kept fresh in Burns' verses.

Whether Lord Aberdour had a private tutor in Glasgow as he had at Leyden, does not appear, but it was a common arrangement for young men of fortune.<sup>1</sup> He was a student of moral philosophy under Thomas Craigie, the successor of Hutcheson, with whom he probably boarded. Simson, professor of mathematics, Leechman, professor of divinity, Alexander Dunlop, professor of Hebrew, and William Cullen, then lecturer on chemistry, were all friends of Foulis: James Moor, professor of Greek, was his brother-in-law.

Glasgow had begun to expand, but it still retained the clear, transparent atmosphere for which it was famous, and was still surrounded by the gardens and orchards celebrated by McUre. The West Port, near the head of the Stockwell, still spanned the Trongait; beyond it stood the stately Shawfield Mansion, in which Prince Charlie had made himself an unwelcome guest, and which was then owned by Col. William MacDowall of St. Kitts (d. 1748). He owned the site on the north side of the Trongait between the West Port and Spreull's Land, the property and residence of James Spreull, a prosperous merchant. On this site, a few years before his death, the Colonel built a tenement, one flat of which was occupied till her death in 1763 by Henrietta, Countess of Glencairn,<sup>2</sup> and the other by Miss Lilius Graham and her aunt Lady Montgomerie, widow of Sir Hugh Montgomerie of Skelmorlie, popularly known as Lady Skelmorlie.<sup>3</sup> This tenement,

<sup>1</sup> See, for instance, Miss Elizabeth Isabella Spence, *Sketches of the Present Manners, Customs, and Scenery of Scotland*, i. p. 92, London, 1811, 8vo.

<sup>2</sup> Henrietta Stewart, daughter of Alexander, third Earl of Galloway, was married in 1704 to William, eleventh Earl of Glencairn. He died at Finlaystone, 14th March, 1734. The Countess lived in Col. MacDowall's tenement from 1741 till her death on 4th October, 1763, in her 81st year. Her daughter, Lady Margaret Cunningham, married, in 1732, Nicol Graham of Gartmore; and her daughter, Lady Henrietta, married, in 1735, John Campbell of Shawfield.

<sup>3</sup> She was Lilius Gemmel, daughter of Peter Gemmel, a Glasgow merchant. She was married, in 1687, to Hugh Montgomerie of Hartfield, who succeeded to the

Spreull's Land, and Hutcheson's Hospital to the east, had long gardens behind them stretching to the Back Cow Loan, now Ingram Street, with the lands of Ramshorn and the orchards on Deanside Brae to the north.

When at Leyden in 1750 Lord Aberdour wrote to Robert Foulis at Glasgow to supply him with a copy of the *Adamus Exul* of Hugo Grotius. The literary world was at this time much stirred by the charges brought by William Lauder against Milton of having appropriated much in *Paradise Lost* from modern Latin poets. The charge was originally made in a series of letters in the *Gentleman's Magazine* of 1747. One of the poems particularly mentioned by Lauder was *Adamus Exul*, from which he gave extracts in the February number of that magazine (p. 83). The charges were repeated in *An Essay on Milton's use and Imitation of the Moderns in his Paradise Lost*,<sup>1</sup> published at London towards the close of 1749, or the beginning of 1750, and dedicated 'to the Learned Universities of Oxford and Cambridge.' The book would in ordinary course reach Leyden in the spring or summer of the latter year.

The question was by this time a familiar one, and was presumably discussed in the University circle during Lord Aberdour's residence in Glasgow.

Lauder had invested *Adamus Exul* with a certain amount of

baronetcy of Skelmorlie in 1731. Sir Hugh was a wealthy Glasgow merchant, several times provost, the representative of Glasgow in the Scottish Parliament; a commissioner on the Union, the first representative of Glasgow in the British Parliament, and in 1724 was elected rector of the University. He died in 1735, and his widow in 1755. *Memorials of the Montgomeries, Earls of Eglinton*, i. pp. 166, 167, Edinburgh, 1859, 4to.

Mr. James Clark, 1660-1724, minister of the Tron Kirk, Glasgow, married Christian Montgomerie, daughter of the third baronet, and had a daughter Lillias. It was an impassioned sermon of Mr. Clark that caused the anti-Union riots in Glasgow. Defoe, *History of the Union*, p. 268, London, 1786, 4to.

<sup>1</sup>The book sets out with this curious Advertisement: 'Gentlemen, who are desirous to secure their children from ill examples by a domestic education, or are themselves inclined to gain or to retrieve the knowledge of the *Latin* tongue, may be waited on at their own houses by the author of the following Essay, upon the receipt of a letter directed to the publisher, or the author at the corner house, the bottom of *Ayre Street, Piccadilly*. N.B. Mr. Lauder's abilities and industry in his profession can be well attested by persons of the first rank in literature in the metropolis.' The book concludes with this Appeal: 'Subscriptions for the relief of Mrs. Elizabeth Foster, granddaughter to John Milton, are taken in by Mr. Dodsley in Pall-mall, Messrs. Cox and Collins, under the Royal Exchange, Mr. Cave, at St. John's Gate, Clerkenwell, and Messrs. Payne and Bouquet, in Pater-noster row.'

mystery, for, he says, 'the tragedy, tho' it has passed through no less than four editions, was yet never printed amongst the rest of that great author's works, and was become so very scarce, that I could not procure a copy either in *Britain* or *Holland*; till the learned Mr. *Abraham Gronovius*, Keeper of the public library at *Leyden*, after great inquiry, obtained a sight of one, . . . sent to me (transcribed by his own hand) the first act of it, and afterwards the rest.'<sup>1</sup>

Lauder printed long extracts from the poem in the *Gentleman's Magazine*, and his story of its rarity was accepted. John Douglas, afterwards bishop of Salisbury, completely vindicated Milton, and showed from Lauder's own statements that he had tampered with the text of Grotius.<sup>2</sup> Douglas found that Lauder had tampered with the text of some of the authors from whom, he alleged, Milton had copied; but, although he suspected that Lauder had done the same as regards *Adamus Exul*,<sup>3</sup> he does not seem to have made any exertion to find the original, although, as we have seen, Lauder mentions that it had gone through four editions, and in his *Essay* gives the place and date of its first publication.

On the appearance of Lauder's *Essay*, presumably it occurred to Lord Aberdour that it would be well to refer to the original text of the *Adamus Exul*, and not finding a copy in Leyden, wrote to Foulis to see if he could supply the want.<sup>4</sup>

<sup>1</sup> *Essay*, pp. 49, 50.

<sup>2</sup> *Milton vindicated from the Charge of Plagiarism, brought against him by Mr. Lauder, and Lauder himself convicted of several Forgeries and Impositions on the Publick*, which appeared about the end of 1750. It is mentioned amongst the new books in the number of the *Scots Magazine* for November, 1750 (p. 552), and is reprinted in Douglas' *Select Works*, p. 175 *sqq.*, Salisbury, 1820, 4to.

See note by William Oldys on the answers to Lauder, quoted in *N. and Q.*, 2nd S. xi. 203.

<sup>3</sup> 'We do not in the least doubt of Mr. Lauder's being able to accommodate . . . the *Adamus Exul* to the text of the *Paradise Lost* (for his Skill this way has been observed in repeated Instances).' *Milton Vindicated*, p. 63.

Douglas assumed that Lauder could not produce a printed copy. *Ib.* p. 70.

<sup>4</sup> I have not seen the originals of the letters in Mr. Burnett's possession, but he was good enough to compare the proof with them. He writes that this letter was addressed not to Lord Aberdour, but to his father the Earl of Morton. He adds that the Earl of Morton was a book collector, and brought together a good library, which was sold 'by Messrs. Wheatley and Adlard, On Monday, May 18, 1829, and fifteen following days (Sundays excepted), At Twelve o'Clock.' See further as to Lord Morton, *infra*, p. 113.

In reply Foulis wrote this letter :

My Lord,

I was favour'd with the honour of Your Lordship's Letter. I have not Grotius' *Adamus Exul* at present, tho' I cannot be absolutely sure, till I have search'd among y<sup>e</sup> remains of the late Professor Forbes' Library, who had a large collection of the Modern Latin Poets.

I intended to have had Casimer's *Lyrics* at y<sup>e</sup> Press before this time ; but have not been able to procure a copy of the Plantin Edition in 4to, having seen no small copy that can be depended on for printing from.

I have just publish'd here, y<sup>e</sup> first Book of Milton's *Paradise lost* with notes critical & explanatory, which are wrote with so much learning & Judgment, as I hope will make them acceptable to the Public, & in that case the Author will publish his notes on y<sup>e</sup> rest of y<sup>e</sup> Books. *Paradise Lost* without notes I have likeways printed from the Author's last edition, in the same manner with *Lucretius* & *Horace*.

I have taken y<sup>e</sup> liberty of enclosing a sheet of *Anacreon*, two or three copys of which I am doing upon white Silk. *Pliny's* epistles and panegyrick are within half a sheet of ending, in y<sup>e</sup> same manner with *Cicero*, a few copys are printed in 4to like *Caesar*. *Boetius de consolatione* is likeways finished on a new Letter, except a few various readings we have got from Oxonian M.SS. a few of this Author we have lykeways printed in 4to.

I have just got a Letter cutt in y<sup>e</sup> same size & taste with *R. Stephens* largest Greek Type, with which he printed the *Poetæ Principes* & his *Folio Testament*. With this type we are setting a specimen of *Plato*, with which we join our proposals for printing all his works in Greek & Latin.

I beg Your Lordship will excuse the presumption which your Goodness has led me into, in troubling You with so long a Letter.

I am, My Lord,

with all imaginable respect & gratitude,

Your Lordship's

most oblidg'd & most obedient Servant,

ROBERT FOULIS.

Glasgow Dec<sup>r</sup> 12th

1750

The letter represents the writer's style of familiar conversation, and is very much as he was accustomed to address the habitués of

the shop. He does not refer to Lauder's book, but he must have been well aware of the reason why this poem of Grotius was in request, and this probably prompted the reference to Milton.

While Foulis could not supply a copy of *Adamus Exul*, it cannot be classed as a rare book, although it is one that is not often met with, and is not well represented in public libraries. It was first published at Leyden in 1600 and several times afterwards;<sup>1</sup> but having been written when Grotius was a lad, barely eighteen years of age, it was not generally included in the collected editions of his works.<sup>2</sup>

It seems surprising that, notwithstanding Lauder's statement as to the difficulty in getting the book, no one had made the attempt. A reference to it would have revealed Lauder's amazing effrontery. In the *Gentleman's Magazine* and in the *Essay* he gives us one of the passages in which 'Grotius and Milton are almost wholly parallel':

*Grotius.*                      Nam, me iudice,  
Regnare dignum est ambitu, etsi in Tartaro:  
Alto praeesse Tartaro siquidem juvat,  
Coelis quam in ipsis servi obire munia.

<sup>1</sup> It was reprinted at Leyden in 1608, 8vo; and subsequently with others of his poems; with *Christus Patiens* at Leyden in 1603 and 1608, 8vo; and Paris, 1610 and 1618, 8vo; and in his *Sacra*, Hagae Comit. (Albertus Henricus) 1601, 4to, in Italic type. There is a copy of the last in the Glasgow University library, which I believe was there in 1750. It is the edition mentioned by Lauder, *Essay*, sig. b. 2.

There is a copy of the *Sacra* (Hag. Com. 1601, 4to) which contains *Adamus Exul* in the British Museum, with an inscription in the hand-writing of Grotius. It was acquired in 1850.

*Adamus Exul* appeared in English in 1839 under the title: *Adamus Exul, or the Prototype of Paradise Lost, now first translated from the Latin*. London, 1839, 8vo. The translator was Francis Foster Barham. He translated from a copy of the edition of 1601 which had been in Richard Heber's library.

It had been translated in 1747, but the translation was not published. *Gentleman's Magazine*, xvii. (1747), 302.

Barham's translation was also printed in the *Monthly Magazine* of October, 1839. He promised a reprint of the original, but it did not appear.

Along with the Glasgow University copy of the *Sacra*, above referred to, there is bound up *Syntagma Aratorum opus*, the Greek text with Latin in Latin verse and notes by Grotius. *Ex officina Plantiniana*, 1600, 4to. This Johann Vogt describes (*Catalogus Librorum rariorum*, Hamburgi, 1747, 8vo) as 'liber perrarus,' but gives the date 1604, instead of 1600.

There is a convenient bibliography of Grotius by Dr. H. C. Rogge, librarian of the University of Amsterdam, *Bibliotheca Grotiano*, 'S Gravenhage, 1883, 4to. The poetical works are at pp. 18-60.

<sup>2</sup> Morhof, *Polyhistor*, i. 7: 3. 15, p. 1069, Lubecae, 1747, 4to. As to the scarcity of *Adamus Exul*, see *Das neueste aus der anmuthigen Gelehrsamkeit*, ii. 342, Leipzig, 1752, 8vo.

*Milton.*

And, in my choice,  
To reign is worth ambition, tho' in hell:  
Better to reign in hell, than serve in heav'n.

B. i. 261.

And he adds, 'I have known some much touched with the daring boldness of the thought contained in the last passage, not suspecting that the merit of it was not due to the old English poet, but should have been placed to the account of the illustrious young Dutch bard, from whom *Milton* freely borrowed it, though, as it clearly appears, without any intention of making an acknowledgement.'<sup>1</sup>

The lines quoted from Grotius are given by Lauder in his extracts from *Adamus Exul*: they do not, however, occur in the original, or in his reprint of the original,<sup>2</sup> but are an interpolation of his own. He translated Milton's lines into Latin, and passed them off as the work of Grotius,<sup>3</sup> and adds in a footnote in the *Genleman's Magazine*: 'Milton has these lines literally translated thus,' and then adds Milton's own words.

The editor of *Paradise Lost*, which R. and A. Foulis had just published, was John Callander of Craigforth; but he does not touch upon the Lauder controversy. The work, although praised by competent authorities, did not proceed beyond Book I.; but the remainder is in manuscript in the library of the Society of

<sup>1</sup> *Essay*, p. 58.

Douglas established the converse that Lauder quoted lines from *Paradise Lost* which did not exist, and then showed their parallelism with lines in *Adamus Exul*. *Milton Vindicated*, p. 60, London, 1751, 8vo. See the *Monthly Review* for December, 1750, p. 105.

<sup>2</sup> *Adamus Exsul, Tragoedia*, auctore Hugone Grotio, Londini, 1752. This is described as the fifth edition *prioribus longe emaculatio*. It is part of his *Delectus auctorum sacrorum Miltono facem praeluentium*, Londini, 1752, 8vo, 2 vol.

<sup>3</sup> Lauder was an excellent classical scholar, and an adept in Latin verse; and had published *A Poem of Hugo Grotius on the Holy Sacrament [i.e. the Eucharistia] translated into English verse*, Edinburgh (R. Fleming and Company), 1732, 8vo. In the preface he mentions that he had made 'some few Additions in several Parts of the Poem,' but hoped that 'these Additions are neither foreign to the Author's Meaning, nor the Nature of the Argument.'

Hallam remarks that the *Adamus Exul* suggested much to Milton, which Lauder perceived. Not content, however, with pointing out what may have been suggestions to Milton, he altered the text of the poem to suit many passages in Milton's work, so as to make him appear as a plagiarist. *Literature of Europe*, iii. p. 274, London, 1872, 8vo. See Barham, *Adamus Exul*, p. 5.

Antiquaries of Scotland.<sup>1</sup> Mr. Callander presented a beautiful MS. on vellum of St. Jerome's Vulgate to the University library of Glasgow.

An edition of Plato, worthy of the great philosopher, was the dream of Foulis' life. He had already had it in his mind for some time; it occupied his attention for several later years, and Lord Aberdour must have heard it discussed. As far back as 1746 John Wilkes, then just returned from the University of Leyden, afterwards the notorious M.P. for Middlesex, had written supporting the proposal, and suggesting that Foulis should issue formal proposals on which subscriptions could be obtained. 'This,' he says, 'would be a trifling expense to you, as I imagine you would give the letter and paper of your 8vo Sophocles for a specimen. It would be the greatest honour to your press to print so noble an author, with as few errata as possible; and you would benefit the learned world beyond what Stephens or Aldus ever did.' Foulis, as appears from this letter to Lord Aberdour, was not satisfied to use the Sophocles type even for his *Proposals*, but had a new letter cut after a pattern used by Stephens, and with this type he printed a specimen of Plato, which was issued along with *Proposals for Printing by Subscription the whole Works of Plato*.<sup>2</sup>

The reference to Foulis' letter to Professor Forbes is acceptable.<sup>3</sup>

William Forbes, son of Dr. Thomas Forbes, of Aberdeen, formerly professor of medicine in the University of Pisa,<sup>4</sup> was

<sup>1</sup> See David Laing in *Archaeologia Scotica*, iii. p. 84; and 'Life of Callander,' in Chambers, *Biographical Dictionary of Eminent Scotsmen*, s.v.

<sup>2</sup> These were issued in 1749. Duncan, *Notices and Documents illustrative of the literary history of Glasgow*, p. 54, Glasgow, 1831, 4to (Maitland Club).

<sup>3</sup> I have his Thesis as candidate for admission to the Faculty of Advocates: *Disputatio juridica ad Titulum ff. Qui Testamenta facere possunt, & quem admodum Testamenta fiant*, Edinburgi (Andreas Anderson), 1696, 4to; and his *Oratio inauguralis de natura, fortuna, dignitate, utilitate, atque auctoritate Juris Civilis*, Edinburgi (Anderson), 1714, 4to. This was the Professor's inaugural discourse delivered before the University of Glasgow, 18th February, 1714.

There is an engraved portrait of Professor Forbes.

He married, 23rd January, 1700, Margaret Lindsay, daughter of Alexander Lindsay, merchant burghess of Edinburgh. They had a daughter, Janet Forbes. See Forbes v. Knox, 25th June, 1714, M. 11850. This report is taken from MS. Collection of Decisions made by Professor Forbes, now in the Advocates' Library.

<sup>4</sup> As to Thomas Forbes, see *Scottish Notes and Queries*, xii. (1899), p. 116.

born about 1676, and in 1698 was admitted a member of the Faculty of Advocates. He was a sound and capable lawyer, and a lucid and industrious writer. His earliest work was *A Treatise on Church-lands and Tithes*, published in 1705, and in 1714 he was appointed to the newly-established professorship of law in the University of Glasgow. He was on friendly terms with Foulis. When the two brothers visited Paris in 1738 they carried a letter from the University of Glasgow to Mr. Thomas Innes, Principal of the Scots College, whom they saw frequently, and who wrote very fully regarding them to Mr. James Edgar, the secretary to the Chevalier de St. George at Rome.<sup>1</sup> 'As to our Glasgow gentlemen,' he says, 'they are brothers of the name of Foulis, both young men of very good parts. . . . They know very well your friend M. Will. Forbes, the lawyer, and by the account they give of him, it seems he is not now so peevish as he appears in his *Book of Teinds*, written several years ago, which I have; he hath also published *Institutions of the Scots Law*, and other pieces on that subject.' Again, a month later, he writes: 'Messieurs Foulis, the two Glasgow gentlemen, parted from this 4 or 5 days ago, to return home by London, carrying along with them no less than 6 or 7 hogsheads of books, which they had bought up here. I did not fail to charge them with your compliments for Mr. Wm. Forbes, Professor of Law, and to assure him from you, that you was still the same as to your principles in relation to religion<sup>2</sup> and government, as when you parted with him, and they'll not fail to report it as you desired.'

His book on Teinds was an excellent one, and is still an authority on some points of that somewhat obscure and knotty branch of the law. It was, however, attacked by James Gordon, the minister of Banchory Devenick,<sup>3</sup> to whom Forbes made a

<sup>1</sup> The letters, which were in the possession of Mr. Thomas Thomson, were printed in the *Edinburgh Magazine*, 1822, p. 334; see Dibdin, *Bibliographical, Antiquarian and Picturesque Tour*, ii. p. 762.

The letter by the University to Father Innes and his reply are printed in *The Miscellany of the Spalding Club*, ii. p. 367 sqq.

James Edgar (1688-1764) was born at Keithock in the county of Forfar. There is a sketch of his life in *Genealogical Collections concerning the Scottish House of Edgar*, p. 18 sqq., London, 1871, 4to (Grampian Club), with a portrait.

<sup>2</sup> Edgar was a protestant.

<sup>3</sup> *Some Charitable Observations on a late treatise on church-lands and tithes, by Mr. Forbes, advocate; and tendered to the publick by a moderate son of the Church of England*, Edinburgh, 1706, 4to.

Gordon used the Prayer-book of the Church of England—not the Scotch

vigorous reply,<sup>1</sup> which is no doubt that to which Father Innes refers.

Forbes was a man of undoubted ability, of considerable learning, of good judgment, and of large experience of life; yet nevertheless, in 1730, he treats trials of witchcraft as a serious and undoubted crime, explains its character and the evidence to be adduced in support of a charge, and defends his position against that of Serjeant Hawkins in his *Pleas of the Crown*.<sup>2</sup> It is a curious coincidence that he was appointed to the chair of law on the recommendation of Sir John Maxwell, then Lord Justice Clerk, and a Senator of the College of Justice, under the title of Lord Pollok, and Rector of the University, who had taken an active part in 1697 in the prosecution of the Renfrewshire witches.<sup>3</sup>

It is interesting to know that Professor Forbes had a large collection of the modern Latin poets,<sup>4</sup> and that on his death on 2nd October, 1745, his library was purchased by Robert Foulis.

or Laudian Service book—for some time, and thus esteemed himself ‘a moderate son of the Church of England.’ *New Statistical Account*, xi. (Kincardine), p. 172.

<sup>1</sup> *A few Remarks by William Forbes, advocate, on a scurrilous, erroneous and pedantic Pamphlet . . . by the Author of the Reformed Bishop, under the vizard of a moderat son of the Church of England*, Edinburgh, 1706, 8vo.

The *Reformed Bishop*, 1679, 8vo, it may be explained, caused great offence, and led to Gordon’s deposition for some time.

Gordon followed, in the language of pleading, ‘by a Duply,’ in the shape of another pamphlet, *Some just Reflections on a Pasquil against the Parson of Banchory*, 1706, 8vo; to which Forbes in turn replied in *A Letter from William Forbes, advocat, to a Gentleman in the country, concerning the Parson of Banchory, and his late Pamphlet*, Edinburgh, 1706, 8vo.

<sup>2</sup> *Institutes of the Law of Scotland*, ii. pp. 31 *sqq.*, 370 *sqq.*, Edinburgh, 1730, 8vo.

‘Nothing seems plainer to me,’ he says (p. 371), ‘than that there may be, and have been witches, and that perhaps such are now actually existing; which I intend, God willing, to clear in a larger work concerning the Criminal Law.’

<sup>3</sup> *A Relation of the diabolical practice, of above twenty Wizards and Witches of the Sheriffdom of Renfrew, . . .*, London, 1697, 4to; *Sadducismus debellatus, or a true narrative of the sorceries and witchcrafts exercised . . . upon Mrs. Christina, daughter of Mr. John Shaw of Bargarran*. *Ib.* 1698, 4to.

Sir John Maxwell wrote a curious letter to Professor George Sinclair regarding the bewitching of his father, George Maxwell of Pollok, which the professor printed in his extraordinary work, *Satan’s Invisible World Discovered*.

<sup>4</sup> Sir William Hamilton was a collector of the same kind of literature, and his collection now forms part of the library of the University of Glasgow.

There is an amusing account of an encounter between Dr. Parr and Sir William on the modern Latin poets in *Edinburgh Essays*, pp. 257, 258, Edinburgh, 1857, 8vo.

In 1750 Robert Foulis lost his wife, Elizabeth Moor, sister of Professor Moor. Her death weighed so heavily upon him that he was recommended to leave Glasgow for a time. Acting on this advice, he visited the Continent with the object of furthering two schemes which he had very much at heart: the one his projected edition of Plato, and the other the establishment of an Academy of the Fine Arts in Glasgow. He set out in July, 1751, in company with his brother, James Foulis, and passed over to Leyden in order to consult Hemsterhuys, 1685-1766, the greatest Greek scholar of the day,<sup>1</sup> and Ruhnken, 1723-98, his pupil and successor. Here he had a friend in Lord Aberdour, and no doubt had introductions to members of the University from Professor Rouat and Professor Hercules Lindsay, both of whom had studied at Leyden,<sup>2</sup> and probably from Colonel Joseph Yorke, the British Ambassador at the Hague, or through him from Count Bentinck, who was one of the friends and patrons of Hemsterhuys.<sup>3</sup> From Holland he proceeded to Paris, carrying letters of recommendation to Jean Capperonier, 1716-75, professor of Greek in the College of France, and the Abbé Claude Sallier, 1685-1761, both of the King's library in Paris, from Professor Moor, who had made their acquaintance in 1748 when he visited Paris for material for a new edition of the Greek text of Pappus.

<sup>1</sup> During the first half of the eighteenth century the study of Greek was neglected in the universities of Germany, except by students of theology, and their study of it was but slight. The same professor generally taught Hebrew as well as Greek. The study of Greek, on the other hand, had been pursued with great success in Holland. Wyttenbach, *Vita Ruhnkenii* in his *Opuscula*, i. pp. 531, 536, Lugd. Bat., 1821, 8vo.

According to Jean Bernard Leblanc, Greek at this period was not so much studied in France as it was in England, *Lettres d'un François*, Lett. lxii. vol. ii. p. 464, Paris, 1758, 12mo, 5th ed.

<sup>2</sup> Hercules Lindsay entered the University of Leyden in 1737; and William Rouat in 1741. Gerschom Carmichael, afterwards minister of Monimail, son of Professor Gerschom Carmichael, entered Leyden in 1739. The professor himself was not at that university.

<sup>3</sup> Foulis acknowledges favours received at Leyden from Count Bentinck—William Bentinck of Rhoon—and he had his assistance later in the recovery of his pictures. Murray, *Robert and Andrew Foulis*, pp. 59, 60.

The brothers William and Charles Bentinck—two of the most illustrious of the nobles of Holland—were friends of Hemsterhuys. Ruhnken, *Elogium Hemsterhusii*, p. 29.

As to Lord Hardwicke and Colonel Joseph Yorke, see *Robert and Andrew Foulis*, p. 64, *supra*.

From Paris Foulis wrote to Mr. Leslie :

A Monsieur De Lessly à Leide  
Hollande.

My Dear Friend,

I confess my fault & ask pardon for being so long of returning thanks for the kind letter, I had the pleasure of receiving. The Multiplicity of little affairs in which I have been engaged since I came here & being rarely alone at home has been in a good measure the occasion of my being so long awriting. All affairs go well here with regard to Plato. Mon<sup>r</sup>. L'Abbé Sallier and Mon<sup>r</sup>. Capperonnier honour me with particular Marks of friendship, besides the Collations they are to furnish us from the Kings Library, L'Abbé Sallier has given me a Copy of Plato with a good many notes by Kuster<sup>1</sup> wrote with his own hand, & what is still a great deal more valuable, the learn'd Mon<sup>r</sup>. L'Abbé Fraggier<sup>2</sup>

<sup>1</sup>Ludolf Küster (1670-1716), or as he sometimes styled himself, Neocorus, a celebrated Greek scholar and critic, German by birth and education, and for a short time a professor at Berlin, lived mostly in Holland, and spent some time in France and several years in England, engaged on editing Suidas, which was published at the University Press, Cambridge, in 1705 in 3 vols. folio. He turned Roman Catholic in 1715, and died next year. He was an arduous student and unwearied worker, and is described as 'a tall, thin, pale man, seemingly unable to bear fatigue, but nevertheless indefatigable, and of an uncommon application to letters.' Latterly his thinness disappeared and he became very fat. He is said to have died of an ailment brought on by sitting constantly doubled up writing at a low table with three or four circles of books around him. Monk, *Life of Bentley*, i. p. 404, 2d ed., London, 1833, 8vo.

Comparing Stephan Bergler (c. 1680-c. 1746) and Küster, Ruhnken says: 'ille [Bergler] veteris philosophiae scientia, hic [Küster] critica facultate, uterque Graecis literis tam excellens, ut ambiguum posteris relinquerint, uter utri ea laude praestaret' (Ruhnken, *Elogium Hemsterhusii*, p. 8, Lipsiae (Teubner), 1875, 8vo). Both assisted Fabricius in the preparation of his *Bibliotheca Graeca*: both were numbered by Hemsterhuys amongst his friends.

<sup>2</sup>So Foulis spells the name, but incorrectly, in a letter quoted by Mr. W. J. Duncan, who substitutes T for F, but there is no doubt that the reference is to Claude François Fraguier, 1666-1722, known as l'Abbé Fraguier, poet, scholar, and student of Plato. He entered the Order of the Jesuits in 1683, but retired in 1694. He was for some time professor of classics in their college at Caen, and is said to have read Homer over five times in four years. He contemplated a translation of the works of Plato into Latin, as he thought that the versions of Ficinus and Serranus left much to be desired, but this he did not carry out. He summarised the philosophy of Plato in a charming poem, *Mopsus, sive Schola Platonica de hominis perfectione*, Paris, 1721, 12mo, and wrote some papers on Plato which appeared in the *Mémoires* of the Academy of Inscriptions. Sitting lightly clad by an open window on a summer night, he caught a chill, which

intend to have given an Edition of Plato, & has wrote notes upon the whole. After his death his papers fell into the hands of L'Abbé Sallier who caused them to be fairly transcribed by Mon<sup>r</sup> Capperonnier upon the Margin of the Francfort Edition of Ficinus Plato, & when the page could not contain them the rest he transcribed on papers apart refering always to the page. These papers & the Plato I have just received, & as they seem to be full of erudition, they will certainly be a principle Ornament to our Edition.

I am obliged to you for your good Advice & I shall take care not to hurt the project of Plato by any other. On the contrary whatever I engage in till that is finish'd will be concerted in such a manner as at least not to interfere with it, if they are not of importance in promoting it. What I wrote to M<sup>r</sup> Haak, had something in it, tho' I intended it to be taken in jest, & I beg you will write nothing about it to Scotland, for reasons I shall tell off, when I have the pleasure of seeing you which I hope will be at Leyden.

I have not begun here to make any exchanges, but have purchased some old books which are not very common, & some designs that are Original & of the most celebrated Masters of the Italian, French, & Flemish Schools; Likewise some Antiques in bronze & in Marble & a good many scarce Prints. Since I left you, I have apply'd myself to the knowledge of these sort of things, & more particularly to the history of painting to know the stiles of the great Masters, & what is particular to each School & how to distinguish the Original from the Copy, but on this subject enough at present.

I am very much obliged to you for the copy of Casimir, I beg you will cause it to be sent directed for me at Glasgow to the care of M<sup>r</sup> Dunlop Merchant at Rotterdam.

If you could find leisure to translate the little Pamphlet that pleases you so much with Mon<sup>r</sup> De Boissie's preface,<sup>1</sup> I shall take care to have it printed neatly, & thrown in the way of people to whom it may be useful.

so affected the muscles of his neck that he was never afterwards able to raise his head.

He became a member of the Academy of Inscriptions and Belles Lettres in 1705, and of the Academy of France in 1708.

<sup>1</sup> Probably Jean François Boissie Ephorus, *i.e.* Governor, Overseer, or Tutor of Regteren Almelo Transilianus, who entered the University of Leyden in 1746.

The pleasure I had in the very agreeable Company of the Gentlemen at Leyden, makes me wish much to return that way. I have seen very few so accomplish'd, so polite, with so much solidity of Understanding & benignity of heart as Mon<sup>r</sup> De Boissie; As I am very sensible of my Obligations to his Civilitys, & M<sup>r</sup> Tavel<sup>s</sup><sup>1</sup> I beg you will return them thanks in my name in the warmest manner, & we beg that these Gentle-men would take the trouble of making our Compliments acceptable to their friends, whom we had the honour to be in Company with.

By a letter from Glasgow, I find my Brother is printing Tacitus like Cicero in four Vols: & likewise Pliny's natural history in the same size and manner. By another letter I learn an expedient that M<sup>r</sup> Blackwell has fallen upon to show how much he is admir'd abroad. It is this, he has sent two Letters to Doct: Johnson which he calls Copys from learn'd Gentlemen here. One of them a letter from President Montesquieu so full of gross flattery as they tell me that no one could be Author of it but Blackwell of himself to himself. One Ar[ ]'s which is that a learned friend & he admir'd his letters [on Myth]ology so much that they mete every week to read them together, & in short he had outdone all whoever had outdone others. This seems to me a last & ridiculous shift, not worth detecting & have accordingly neglected it.

Mon<sup>r</sup> L'Abbé Sallier ask'd me whether the Earl of Morton was at London, or in Scotland. He had hear'd that he was not to be London this Session of Parlement. I could not give him any information, but told him that I had the honour of being with Lord Aberdour at Leyden, for whom he asked in so particular a manner, as show'd a very great Regard for the Lord Morton. My Brother & I beg, you will make our Compliments, in the most respectful manner to my Lord Aberdour, I propose to write soon to M<sup>r</sup> Macklane & Mynheer Haak. I would have spoke of M<sup>r</sup> Craigie, of whose death no doubt you have hear'd, the subject is touching. It gives me pain to enter upon it. Adieu. I am &c.

ever Yours

ROBERT FOULIS.

Paris.

Feb: 3<sup>d</sup> 1752

<sup>1</sup> There were two persons of this name at Leyden about this time, (a) David Augustinus Tavel, a Swiss, overseer or governor (Ephorus), or, as we would say, tutor, of Antony Bentinck, and (b) Frederick Solomon Tavel, governor of another Bentinck.

It thus appears that the Abbé Sallier presented Foulis with a copy of the edition of Plato by Ficinus, upon the margin of which Professor Capperonier had transcribed the annotations of the Abbé Fraguier. In addition to these, Foulis procured the annotations of other scholars and several ancient MSS., all of which were placed in the hands of Professor Moor. The latter made his own annotations upon a copy of the Basel edition of 1534. After the death of Foulis and Moor the collection was sold, and fell into the hands of Mr. William Laing, the well-known bookseller of Edinburgh, and was described in his Catalogue for 1792. From him they were purchased by the Bodleian Library, where they now are.

Mr. John Reekie, classical teacher in Glasgow, a student of Professor Moor, and an accomplished Greek scholar, collected an excellent library, which was sold by his representatives after his death. For the purposes of the sale a catalogue was prepared,<sup>1</sup> in which the following entry occurs (p. 4) :

39: Platonis Opera Omnia, Gr. & Lat. Ficini, 4 tom., half bound, full of manuscript notes. Francof., 1602.

*The above is the best edition of Ficinus' Plato, and contains various readings, Scholia and a great many curious remarks most distinctly and beautifully written upon the margins of the whole work, extracted from manuscripts in the Vatican Library in Rome and the National Library in Paris. The above manuscript observations were procured at a very great expense by the late Messrs. Robert & Andrew Foulis, the celebrated printers to the University of Glasgow, for a new edition of Plato's works, to be published by them, similar to the splendid edition of Homer printed in Glasgow in 1756, but the work never was begun, although printed proposals were issued for subscriptions in the year 1751.*

As Professor Moor's notes were made upon the Basel edition of 1534, the copy which fell into Mr. Reekie's hands must have been the identical one which the Abbé Sallier had presented to Robert Foulis in 1752.

Before Foulis set out on his Continental trip he had reissued the *Proposals* for his projected Plato both in Latin and English.<sup>2</sup>

<sup>1</sup> *Bibliotheca Reekiana; or a Catalogue of the curious distinguished library of the late Mr. John Reekie.* . . . Glasgow (R. Chapman), 1811, 8vo, 3 ll. + 56 pp.

Mr. Reekie possessed an inscribed stone from the Roman Wall, found in February, 1803, which was also sold. The inscription is given in the Catalogue.

There are notices of Reekie in *Northern Notes and Queries*, i. pp. 466, 470, 473 *sqq.* ; ii. p. 28. Glasgow, 1852-54, 4to.

<sup>2</sup> See Letter by Dr. William Hunter to Dr. William Cullen, 1st August, 1751. Murray, *Robert and Andrew Foulis*, p. 54, Glasgow, 1915, 4to ; Thomson, *Life of William Cullen*, i. p. 541, Edinburgh, 1859, 8vo.

The *Proposals* of 1751, which were dated 7th January, 1751, are given in

About this time Dr. Thomas Blackwell, 1701-57, Principal of and Professor of Greek in Marischal College, Aberdeen, offered to furnish critical notes for the work, together with an account of Plato's life and philosophy, but his terms were so high that the offer was declined,<sup>1</sup> and Blackwell thereupon published in the *Gentleman's Magazine*<sup>2</sup> proposals, in Latin, for an edition of his own, which, however, he never produced. This may account for the somewhat caustic tone of Foulis' reference to him; but, while Blackwell was a good scholar and an excellent teacher, he was far from being an attractive personality. 'He was,' says Mr. Ramsay of Ochertyre, 'an unpopular character, particularly among his brethren, who could not abide what they called his Bentleian arrogance, which was equally conspicuous in great or small matters—in the College hall, or in a drawing-room. In short, he was regarded by many as a learned coxcomb of some genius and much application.'<sup>3</sup>

On his return to Glasgow in 1753, Robert Foulis was still busy with this project. 'I have not yet begun,' he writes to his friend William Sturrock, 'to print Plato, not only because I would have all prior obligations discharged, but because I would have as few things to repent in the execution as possible. I would have all helps amassed, and at least one Volume entirely ready for the Press before it be begun. I would be thoroughly satisfied with regard to the elegance of the Greek character which I use. I would have some researches for finding a better Ink than ordinary, fully made out in the meantime. I was informed last post that there is a large packet of collations from Plato from the Vatican. Mr. Moor, who thinks to have the first Volume ready for the Press in three months, is greatly pleased with y<sup>e</sup> Abbe Fraguier's Commentary, which perhaps we will print entire.'<sup>4</sup>

English by David Irving, *Lives of Scottish Writers*, ii. p. 296. The Latin version, with a postscript dated 3rd July, 1751, announcing that the work would be edited by Professor James Moor, was published in the *Gentleman's Magazine*, xxi. (1751) p. 430.

<sup>1</sup> *Biographia Britannica*, ii. p. 340, London, 1780, fol. The information for this article was supplied by Professor Gerard of Aberdeen.

<sup>2</sup> xxi. (1751) p. 383.

<sup>3</sup> *Scotland and Scotsmen in the eighteenth century*, i. p. 291. See Lord Woodhouselee, *Life of Lord Kames*, i. p. 166, and Appendix, p. 49. At the latter reference he reprints a character of Blackwell by Professor Gerard, a singularly bald and lifeless notice which gives no picture of the man or appreciation of his qualities.

<sup>4</sup> Duncan, *Notices and Documents illustrative of the literary history of Glasgow*, p. 21. William Sturrock was eldest son of John Sturrock, merchant in London, and graduated M.A. Glasgow, in 1753.

Mr. Duncan by mistake calls him Horrock. See *Robert and Andrew Foulis*, p. 74.

Plato made little progress, and although Foulis hoped for many years to issue what he intended to be a monumental edition, it never appeared.

The brothers were well received at Leyden, they made a good impression on the eminent scholars to whom they were introduced, formed several friendships, and enjoyed their stay. Ruhnken possessed a copy of the *Proposals* in his library, and writing to Ernesti, at the time, speaks of the *fratres Foulisii, bibliopolæ, et arte sua et eruditione fere Stephanis pares*, of their intention to issue a magnificent edition of Plato (*splendissimam Platonis editionem*), and their visit in search of manuscripts of the text and the annotations of scholars,<sup>1</sup> and twenty years later their visit had not been forgotten.<sup>2</sup> Ruhnken undertook to collect material for Foulis, and although Foulis was unable to use it, Ruhnken's labour was not lost, as in 1754 he published for the first time the *Lexicon to Plato* by Timæus, the Sophist,<sup>3</sup> founded upon manuscripts in the libraries of Paris. It may have been through Foulis that his attention was directed to these, and that he made the acquaintance of Capperonier and Sallier. Capperonier transcribed the manuscript on which the text was founded, and Ruhnken in his preface acknowledges his indebtedness to both. Capperonier he styles *cultissimi ingenii nec vulgaris eruditionis vir*,<sup>4</sup> and speaks of Sallier as *singulare Gallicæ eruditæ ornamentum*.<sup>5</sup>

Sallier, it appears, knew the Earl of Morton, 1702-68, father of Lord Aberdour, so that through the latter Foulis had a further link of friendship with the abbé. Lord Morton was a man of

<sup>1</sup> Letter in 1751 by Ruhnken to Ernesti. Ruhnkenii *Epistolæ*, p. 9, Lipsiæ, 1812, 8vo. See also J. T. Bergman in his preface to Ruhnkenii *Opuscula*, i. p. xlii, Lugd. Bat., 1823, 8vo.

Bergman speaks of *fratres Foulisii Bibliopolæ Glasguenses clarissimi*.

Robert was no doubt the chief speaker, and Ruhnken did not realise that it was not James who was associated with him in business.

<sup>2</sup> *Vita Ruhnkenii* in his *Opuscula*, i. p. 698, Wyttenbach writes 'Edinburgensibus,' but this is clearly a mistake for 'Glasguensibus.' It is so corrected by J. T. Bergman, *Supplementa Annotationis ad Elogium Tiberii Hemsterhusii*, p. 47, Lugd. Bat., 1874, 8vo; and Preface to Ruhnkenii *Opuscula*, as in the preceding note.

<sup>3</sup> *Lexicon vocum Platoniarum*, Lugd. Bat., 1754, 8vo; again, with many improvements, *ib.* 1789, 8vo.

Ruhnken also edited *Scholæ* upon Plato, Lugd. Bat., 1800, 8vo.

<sup>4</sup> The MSS. of Capperonier were acquired after his death by the Bibliothèque du Roi.

<sup>5</sup> He also refers to Sallier in a letter to Ernesti, Ruhnkenii *Epistolæ*, p. 9, Lipsic, 1812, 8vo.

culture, a trustee of the British Museum, and President of the Royal Society from 1764 till his death. In 1747, when travelling in France, he, with his wife and child and the Countess's sister, were for some unknown reason imprisoned in the Bastille for three months. It was probably during this visit that he formed the acquaintance of Sallier.

Amongst the other Scotsmen whom the two brothers met at Leyden was Archibald Maclaine, 1722-1804, minister of the Scottish church at the Hague, who had graduated at Glasgow in 1746, and whom Foulis must have known in Glasgow.

Foulis, as will have been observed, contemplated an edition of the poems of the Polish Jesuit, Casimir, as he was generally known in England, more correctly Matthias Casimir Sarbiewski, latinised Sarbievius, 1595-1640. He was popular in this country, and his poems were translated into English by G. Hills in 1646.<sup>1</sup> Foulis' project was no doubt discussed at Leyden, but he had not a copy of the text he had in view—the Plantin edition in 4to. This is the edition prepared by the Jesuits of Antwerp and dedicated to Urban VIII., and issued 'ex officina Plantiniana' by Balthasar Moretus.

This is a handsome, but rare edition. The Plantin edition was republished at Antwerp in 1634, of which there is a copy in the Glasgow University library. It is in 16mo, and in small type, but contains a few more poems than the edition of 1632.

Foulis' scheme was not carried out at the time, and at a later date became unnecessary, an edition having been published at Dresden in 1754, Vilna in 1749 and 1757, and another by Barbou at Paris in 1759.<sup>2</sup>

Mr. Leslie having found a copy—probably of the edition required—offered to forward it. Foulis asked that the book

<sup>1</sup> London, 1646, 12mo. Latin and English on opposite pages.

Casimir in his lyrics is thought to have approached Horace more nearly than other modern poets. He lived for some years at Rome, and was patronised by Pope Urban VIII., who presented him with a gold medal. See Hallam, *Literature of Europe*, iii. p. 275, London, 1872.

The Barbou edition of his poems was reprinted in 1791, and there was another edition published at Leipsic in 1842.

<sup>2</sup> There have been many recent editions of Casimir's poems. The latest is *Stara Tries*, 1892, 8vo, a beautiful and useful edition, with an excellent bibliography, pp. xxi-lxiv. There is also an excellent bibliography of Sarbiewski in De Backer, *Bibliothèque de la compagnie de Jesus*, vii. 627-645; ix. 839, Bruxelles, Paris, 1896, 1900, 4to.

should be forwarded to Glasgow through Mr. Dunlop, merchant at Rotterdam. This may refer to one of the partners of John and Robert Dunlop, who were at that time leading merchants in Rotterdam, and acted as correspondents of several Glasgow houses.<sup>1</sup>

<sup>1</sup>In July, 1755, their affairs fell into disorder; they were declared bankrupt on the 12th of that month. See the Session Papers in Andrew Syme & Co., merchants in Glasgow, *v.* William Andrew, shipmaster in Crawfurdsdike, 1761. John Dunlop was brother-in-law of James Gibson, merchant in Paisley. See Session Papers in George Kippen & Company, merchants in Glasgow, *v.* James Davidson, merchant in Paisley, trustee for the creditors of James Gibson, 1762.

Mr. James Dunlop was for long a leading merchant and an influential Scotsman in Rotterdam. He was brother of William Dunlop, 1649-1700, principal of the University of Glasgow, 1690-1700; and uncle of Alexander Dunlop, 1684-1747, professor of Greek in the University of Glasgow. He was cousin of William Carstairs and also of William Dunlop, third son of James Dunlop of Garnkirk, who was sent to Holland in 1681 for a commercial education. See Dunlop, *Memorabilia of the Families of Dunlop*, p. 21, Glasgow, 1898, 8vo; Story, *William Carstairs*, p. 54, London, 1874, 8vo.

(To be continued)

# A Biographical Sketch of General Robert Melville of Strathkinness

WRITTEN BY HIS SECRETARY

With Notes by EVAN W. M. BALFOUR-MELVILLE, B.A.

GENERAL ROBERT MELVILLE was descended from the Melvilles of Carnbee,<sup>1</sup> in the county of Fife, in Scotland, a branch of the antient and noble family of the same name, of which the chief is the Earl of Leven and Melville.<sup>2</sup> The ancestor of the family is held to have been the first Norman who passed into Scotland. He was a person of distinction of Normandy, named De Malville or De Melville, who accompanied William the Conqueror into England, in the autumn of 1066. Meeting, however, with some cause of disgust from William, he, before the close of that year, secretly withdrew to the court of Malcolm Canmore, King of Scotland.<sup>3</sup> By Malcolm he was courteously received and early put in possession of lands, thence constituting the barony of Melville Castle in Mid-Lothian.

<sup>1</sup> General Robert Melville was the great-great-grandson of Sir John Melville of Carnbee. Sir John, having acquired the barony of Granton in Mid-Lothian in 1580, sold Carnbee in 1598. He was knighted by James VI. and died in the reign of Charles I. (*Baronage of Scotland*).

<sup>2</sup> John de Melville (*floruit* 1260 A.D.; cf. *Rymer*, ii. 471), grandson of Walter (*v. post*), had two sons, of whom the elder, Sir John de Melville (*fl.* 1290-1296 A.D.; cf. *Rymer*, iii. 651), was ancestor of the Earls of Leven and Melville, and the younger, Sir Robert Melville, was ancestor of the Carnbee line (*Douglas' Peerage*). General Melville was also connected with Lord Leven through his mother, whose paternal grandmother was Jean, daughter of Thomas Melville of Murdocairnie, second son of John Melville of Raith (d. 1626) and brother of John, Lord Melville, father of the first Earl of Melville. The second was much the closer connection.

<sup>3</sup> A note in General Melville's handwriting, probably made in 1770, gives a different version, viz. 'The founder of the Melvills in Scotland is said to have been a person of considerable rank, who attended from Hungary Margaret, wife of King Malcolm Canmore.' This tradition is mentioned in *Douglas's Peerage*.

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Galfridus de Melville appears as a witness in many charters of Malcolm the 4th of Scotland, who died in 1165. He even made himself a donation of the church of Melville, in Lothian, to the monastery of Dunfermline, in Fife, in the year 1187.<sup>4</sup> From three sons of Galfridus, namely, Sir Gregory, Philip, and Walter, are respectively descended the Melvilles of Lothian, Angus<sup>5</sup> and Fife.

The parents<sup>6</sup> of General Melville dying when he was very young, the care of his education devolved on his guardians.<sup>7</sup> Placed by them at the Grammar School of Leven, in Fife, he early distinguished himself by a quick and lively apprehension, united to a singularly capacious and retentive memory. From this seminary his rapid progress in his education enabled him to be early removed to the Universities of Glasgow<sup>8</sup> and Edinburgh, where his application was crowned with the happiest success. His fortune being but moderate, he, in compliance with the wishes of his friends that he should follow one of the learned professions, turned his attention to the study of medicine.<sup>9</sup> His genius, however, strongly prompting him to adopt the military life, and the war then carrying on in Flanders<sup>10</sup> presenting a favourable

<sup>4</sup> Douglas's *Peerage of Scotland, and Caledonia*, i. 524, ii. 806.

<sup>5</sup> The male line of Philip became extinct in 1468.

<sup>6</sup> His father was the Rev. Andrew Melville, minister of Monimail, in Fife, from 1705 till his death in 1736. His mother was Helen, daughter of Robert Whytt of Bennoch, Fife, advocate, and Jean, daughter of Anthony Murray of Woodend, Perthshire. The Monimail register of baptisms gives five other children, born between 1720 and 1729, of whom one daughter, Jean, born in 1721, married in 1749 the Rev. Robert Preston, minister of the parish of Arbirlot.

<sup>7</sup> A pencil note gives these as 'Lord Edgefield, one of the Senators of the College of Justice in Scotland, and Dr. Robert Whytt, his maternal uncle.' Of Lord Edgefield the lists of judges give no trace: it may perhaps have been Lord Elchies. Dr. Robert Whytt (1714-1766) was professor of Medicine in the University of Edinburgh, president of Royal College of Physicians in Edinburgh, and a fellow of the Royal Society. In 1761 he was appointed First Physician to the King in Scotland, 'in the room of Dr. Andrew Sinclair deceased' (*Diploma*); the office was not, as the *Dictionary of National Biography* states, specially created for Dr. Whytt. In 1743 he married, as his second wife, Louisa, daughter of James Balfour of Pilrig, by whom he had fourteen children.

<sup>8</sup> He matriculated at Glasgow University in 1737, the same year as Adam Smith and William Dalrymple, the 'Dalrymple mild' of Burns's *Kirk's Alarm*, all three being then fourteen years of age.

<sup>9</sup> In addition to his uncle and guardian, Dr. Robert Whytt, others of his maternal relatives had studied for the medical profession.

<sup>10</sup> War of the Austrian Succession.

opportunity for gratifying his natural and decided tendencies, young Melville was unable to resist the temptation. Concealing his project from his friends, he privately withdrew from Edinburgh to London; and there, after a proper communication of his views and motives, he was furnished with the requisite means of carrying his scheme into effect.

Repairing without loss of time to the Netherlands, he obtained, by purchase, early in 1744,<sup>1</sup> an ensigncy in the twenty-fifth regiment of foot,<sup>2</sup> commanded by the Earl of Rothes,<sup>3</sup> and then encamped at Anderlecht, near Brussels.<sup>4</sup> That campaign he served under Field-Marshal Wade,<sup>5</sup> and all the following, until the peace of Aix-la-Chapelle in 1748, under H.R.H. the Duke of Cumberland, in the Low Countries; with the exception of part of the years 1745 and 1746, when, on account of the political troubles in the kingdom, the twenty-fifth regiment was employed in Britain.<sup>6</sup>

During this last service a detachment of the regiment, under Ensign Melville, formed a part of the garrison<sup>7</sup> of Blair Castle, in the county of Perth, the antient seat of the Duke of Athol,

<sup>1</sup> The commission is dated 26th March, 1744.

<sup>2</sup> Now the King's Own Scottish Borderers.

<sup>3</sup> John, 8th Earl of Rothes, K.T., P.C., b. 1698, was in command of the 25th Regiment from 1732 till 1745, and was subsequently commander-in-chief of the forces in Ireland. He died in 1767.

<sup>4</sup> This base was chosen in deference to the political anxieties of the Austrians, and in defiance of the military advice of the British commanders. The 25th Regiment formed part of the reinforcements sent to Flanders in 1744. General Melville seems to have begun his service with an ill-requited act of kindness, for at the foot of a list of 'old and desperate debts' which he drew up in 1770 appears this note: 'N.B. Due me since y<sup>e</sup> beginning of 1744 by M<sup>r</sup> James Johnston on his note then a Quarter Mr in the Grey Dragoons (lent him at Ghent) with Interest since—£ Sterl<sup>r</sup> 15-0-0.'

<sup>5</sup> Wade was appointed to the command in Flanders in December, 1743, on the resignation of the Earl of Stair, but himself resigned in October, 1744, principally from disgust at the failure of Dutch and Austrians to consent to any vigorous measures.

<sup>6</sup> The 25th Regiment, of which Lord Sempill became commander on April 24th, 1745, took part in the Battle of Fontenoy on April 30th (O.S.), advancing in the second line, and was recalled to Britain in the following autumn to deal with the Jacobite rebellion. Landing at 'Grays in Essex' in November, it proceeded with Cumberland's army to Carlisle, whence it marched across England to Durham, and reached Edinburgh on January 17th, 1746, rejoining the Duke of Cumberland at Linlithgow in February. Thence it advanced to Perth by way of Stirling and Ardoch.

<sup>7</sup> The garrison consisted of detachments from seven regiments, amounting in all to 300 men, and including a 'subaltern's command' from the 25th under Ensign Robert Melville.

commanded by Lieutenant-Colonel Sir Andrew Agnew, Bart.<sup>8</sup> This antique edifice was closely invested and besieged by the enemy for a fortnight together: but by the steady resistance of the small party within the castle, they were compelled to raise the siege.<sup>9</sup> During the whole of the attack Ensign Melville was able to maintain his post, with a small guard, on the flooring of an unfinished part of the castle, then in a state of reparation, and so close to the enemy as to overhear their conversation.

In the course of this service, of itself of little importance, Ensign Melville found exercise for a talent with which he was richly endowed; that of drawing valuable inferences from ordinary occurrences. Red hot shot were thrown from two pieces of artillery through the windows into the castle. This attack, formidable indeed in appearance, he soon discovered to be comparatively innocent in its effects. The hot shot rebounded from the rafters of the roof or from the walls of the apartment it entered, just as a cold shot would have done. Even after it fell on the boarded floor, it only reduced to charcoal the spot on which it lay, but produced no inflammation, and means were soon discovered of extinguishing the shot in vessels of water provided for the purpose. Observing and reflecting on these facts, he was led to the contrivance of various improvements in the construction and application of artillery in similar circumstances, afterwards brought to a high degree of perfection.

Returning with the regiment<sup>10</sup> from Scotland to Flanders in the autumn of 1746, he joined the Allied army just in time to be present at the battle of Rocoux.<sup>1</sup> In the action of Lafeldt<sup>2</sup>

<sup>8</sup> Sir Andrew Agnew (1687-1771), 5th baronet of Lochnaw, had taken part in the battles of Ramillies, Oudenarde, and Malplaquet as a cornet in the Scots Greys, had also been in action at Dettingen, and was at this time Lt.-Colonel of the 21st Regiment (Royal Scots Fusiliers). He was known as the Peerless Knight of Galloway. General Melville in a memorandum, dated 20th June, 1801, describes him as 'very old . . . almost blind yet very robust; passionate and obstinate in temper, who despised and hated the rebels; seemed neither desirous to procure any intelligence nor listen to any advice. . . . He had a perfect confidence in his own good fortune . . . with a very good stock of natural courage.'

<sup>9</sup> The siege began on March 17th and was raised by Lord George Murray's force on April 1st.

<sup>10</sup> The regiment was present at Culloden, where it was stationed on the left wing in the second line, its colonel, Lord Sempill, commanding the brigade. In autumn it embarked at Burntisland for Williamstadt, whence it proceeded to join the army at Maestricht.

<sup>1</sup> September 30th, 1746 (O.S.). The 25th spent the winter at Bois-le-duc.

<sup>2</sup> June 21st, 1747 (O.S.).

his conduct procured for him the privilege of delivering to the Duke of Cumberland the colours of the regiment of Monaco in the French service, which had been taken by the twenty-fifth regiment. On this occasion he was appointed a Lieutenant.<sup>3</sup>

In consequence of the battle of Fontenoy<sup>4</sup> the regiment was thrown into Ath, then garrisoned by only two battalions of Austrians and Dutch. On the retreat of the Allies to Wilworden, Ath was invested by a large body of the French army, under the Comte de Clermont-Gallerande. The town was compelled to surrender; the slender garrison marched out with all military honours; and the British corps received not only the approbation of the Austrian Commandant of the place, but the public thanks of H.R.H. the Commander-in-chief.

During the siege of Ath Lieutenant Melville narrowly escaped destruction. The enemy at first threw their shells at the works alone, but one from an overcharged mortar, passing over the ramparts, in the middle of the night, fell within the town, and actually pierced through his field-bed, while he was absent upon duty in one of the outworks.

Towards the end of the year 1748<sup>5</sup> the twenty-fifth regiment was ordered to Ireland: but from a succession of adverse events, it was upwards of five months on the passage. One delay was produced by the loss of the transport in which Lieutenant Melville, with the principal officers, was embarked. By some inconceivable blunder of the master, as well as by the severity of the weather, the vessel ran in upon the coast of Normandy, bent over the Calvados rocks, and was completely wrecked on the shore to the westward of Caen. Being treated with singular humanity by the people of the country, the troops were received into Caen, and even allowed to mount guard in the quarters allotted to them: an indulgence refused to French troops themselves on a march and in a town occupied by another garrison: an indulgence obtained principally by the private negotiation of Lieutenant Melville with the Commandant: for the indulgence was of such a nature that the British Commander could not with propriety solicit it.

<sup>3</sup>The commission is dated from the Headquarters at Heer, June 25th, 1747 (O.S.). It is not signed by the King, merely by the Duke of Cumberland as Captain-General.

<sup>4</sup>This paragraph and the next are chronologically out of place.

<sup>5</sup>Preliminaries were signed on 19th April, 1748 (O.S.) and the definitive peace of Aix-la-Chapelle in October.

From the spring of 1749 to the summer of 1755 Lieutenant Melville continued with the regiment in different parts of Ireland, with the exception of two periods<sup>6</sup> in which he was employed on the recruiting service in Scotland, having been appointed a Captain in the same regiment in August, 1751.<sup>7</sup>

While on duty at the Cove fort in Cork harbour, applying to certain principles he had previously adopted on the subject of artillery the result of his observation and enquiries concerning the comparative advantages of batteries on land and afloat, Captain Melville was led to project guns, shot, and shells of a nature up to that time unknown to practice. His gun was to be much shorter, therefore much lighter, and consequently much more manageable than any then in use. His shot was so far to partake of the nature of a shell, as to be cast with a hollow in the centre, to receive inflammable substances, while it would be so strong as to answer at a proper distance the purpose of a solid shot. His shot, in fact, was to combine the properties of the shot, the shell and the carcass. Of this species of gun those called CARRONADES,<sup>8</sup> from the great establishment at Carron, in Scotland, where they were first cast, have long been universally adopted. The larger sort, however, the MELVILLADES, have hitherto been seldom employed.

The twenty-fifth regiment having been moved from Ireland to Scotland in 1755, Captain Melville was engaged, while quartered at Glasgow, by his Colonel, the Earl of Home,<sup>9</sup> although out of his turn of duty, to undertake the recruiting service of the regiment, then very low in numbers. By his exertions in this service, on a plan equally new and unexceptionable, he was so fortunate as, within a very short period, to raise one hundred and

<sup>6</sup> One of these was in the autumn of 1751, when, in November, he attended and became a member of the old Revolution Club in Edinburgh; the other was in 1754, the year of his antiquarian discoveries (*v. post*).

<sup>7</sup> The commission is dated 20th August, 1751, and endorsed 'captain in Lord Panmure's regiment in Ireland.' William, Earl of Panmure in the Peerage of Ireland, was M.P. for Forfarshire from 1734 till his death in 1782. He was in command of the K.O.S.B. from 1747 to 1752 and afterwards of the Royal Scots Fusiliers.

<sup>8</sup> Carronades were designed by General Melville in 1759 and were at first called 'smashers.' They were adopted in the British navy in 1779 and their use was extended to other navies also. Somewhat similar in shape to a mortar, they were destructive at close quarters, especially against wooden ships. They were used with effect in the Battle of the Saints in 1782.

<sup>9</sup> William, 8th Earl of Home, became colonel of the 25th Regiment in April 1752. He was governor of Gibraltar from 1757 to 1761.

fifty men, being forty more than could be raised by any other officer in the same time. Such were the maxims pursued by Captain Melville in the course of this service and such was the conduct of all persons acting in it under him, particularly in the capital of Scotland, that his parties were indulged by the magistrates of that city with peculiar privileges, and that the twenty-fifth acquired a fresh title to its original appellation, *the Royal Edinburgh Regiment*.

His services on this occasion procured for him a strong recommendation from General Bland,<sup>10</sup> Commander-in-chief in Scotland, to Mr. Fox,<sup>1</sup> Secretary at War. From this resulted his speedy appointment to be aide-de-camp of General the Earl of Panmure, and to be Major of the thirty-eighth regiment of foot, then lying in Antigua, whither he repaired in spring, 1756.

During his visits to Scotland on public duty, while his regiment remained in Ireland, Captain Melville gave further proofs of the versatility as well as of the extent of his genius. It has been assigned as one reason why military antiquities have been less satisfactorily explained than the other branches of antiquarian research, that scholars and antiquaries have seldom been military men: and that military men have seldom been scholars and antiquaries. Polybius' treatise on Tacitus has unfortunately disappeared; and the other ancient writers who have noticed military affairs have mentioned the legionary arrangement in battle only in a cursory way. . . . Among the enquirers on this point was, and had early been, Captain Melville. In the autumn of 1751, what was considered to be a Roman *gladius* or legionary sword was shown to him in Scotland;<sup>2</sup> he at once discarded his systematic knowledge and, wielding the weapon, asked himself in what

<sup>10</sup> General Humphrey Bland (1686-1763) was appointed governor of Edinburgh Castle in 1752 and commander-in-chief in Scotland in 1753.

<sup>1</sup> Henry Fox, 1st Viscount Holland.

<sup>2</sup> This was at Penicuik House, the so-called *gladius* forming part of Sir John Clerk's collection (Gough's *Camden*, ed. 1790, iii. 414\*). In 1785 the Rev. James Douglas submitted to General Melville a recently discovered Roman *gladius* which the latter believed to be genuine. Their correspondence is published in *Archaeologia*, vol. vii. In his later years General Melville experimented with various weapons modelled upon the Roman sword. Particularly he evolved a type to which he gave the name of 'dashers.' During the French Revolution wars he repeatedly urged their adoption upon the military authorities. Letters are extant from the Duke of York, Sir John Moore, and others, politely refusing to comply. In 1810, the year after General Melville's death, Juan Fernandez in a letter to Mr. John Whyte-Melville announced that four hundred Spaniards were to be armed with 'dashers' 'as a trial.'

manner men armed with such a sword in the right hand, and with the legionary shield on the left, ought to be arranged in order to make the best use of their arms offensive and defensive. He immediately saw that they ought to be placed, not in deep and dense bodies, as had been generally supposed, but in shallow lines of two, or at most three, ranks of men. He discovered also that the men ought to stand not in files or one directly behind another, but those of the second rank opposite to and covering the intervals between the men in the front rank. Those in the third rank would, in the same way, be placed opposite to and covering the intervals of the second rank, and consequently directly behind the men of the front rank. In other words, he found that the legionary soldiers must have been placed in the *alternate* or *quincunx* order of *individuals*, and not of *dense bodies*.<sup>3</sup> . . .

Comparing the relation given by Tacitus of the last campaign of Agricola in Scotland with the features of the country, he was led, from reasons of war, to conclude that the decisive action between the Caledonians and the Romans had taken place in a position very remote from that generally pointed out. The general opinion was that Galgacus sustained that signal overthrow by Agricola in the western parts of the vale of Strathern. Captain Melville, on the contrary, was persuaded that memorable defeat must have happened towards the eastern extremity of what is called the Grampian mountains, near the point where they abut on the German Ocean. With the view of ascertaining this point, in the autumn of 1754 he made a tour through the country he had selected, and had the good fortune to discover in it no fewer than four camps,<sup>4</sup> unquestionably of Roman construction, and corresponding in other circumstances very accurately with the facts stated by the historian of Agricola.<sup>5</sup>

<sup>3</sup>This theory is not generally accepted. It relates only to the position of individual soldiers within the maniples, not to the quincunx arrangement of the maniples themselves, which was not disputed.

<sup>4</sup>These were Lintrose, Battledykes, Kirkbuddo, and Keithock—all in Forfarshire. In the same year General Melville also sketched the 'Roman Camp at Dalginross (Comrie) and the post of Innerpeffry' (near Muthill)—both in 'the western parts of the vale of' Strathearn. In the summer he had carefully examined the Antonine Wall and its forts (*v. Gough's Camden*, ed. 1790, iii. 414\*).

<sup>5</sup>Dr. George Macdonald tells me that General Melville was undoubtedly the first to discover the four Forfarshire camps, although he did not publish anything about them till 1790, when he contributed some account of his discoveries to Gough's *Camden* (iii. pp. 414\* ff.); that Maitland, whose book was published in 1757, was thus really indebted to General Melville for the facts upon which he

The thirty-eighth regiment,<sup>6</sup> of which Mr. Melville was appointed to be Major in the spring of 1756,<sup>7</sup> had been stationed in Antigua ever since its removal from Gibraltar in the beginning of that century.<sup>8</sup> That island had often been made a receptacle for offenders from regiments at home: its military force was of course composed of the most disorderly troops. Excesses of every sort prevailed in the corps, in spite of the laudable exertions of many preceding field-officers to repress them.<sup>9</sup> By the indefatigable zeal of the new Major, who in the summer of 1758 was the only field-officer with the regiment,<sup>10</sup> and from the entire conviction he was able to infuse into the troops that he had their welfare and that alone at heart, Major Melville, with the hearty concurrence of most of the officers, succeeded in rendering the thirty-eighth regiment one of the most orderly in the service, and in restoring it to a state of discipline and spirit requisite for actual duty in the field.<sup>1</sup>

An armament under General (?) Hodson<sup>2</sup> (*sic*) arriving at Barbadoes<sup>3</sup> in December, 1758, for the purpose of attacking the French islands in the West Indies, the governor of Antigua was ordered to detach two hundred men of the thirty-eighth regiment to assist in an expedition against Martinique. In consequence of

based his own theory and his attack on Gordon's Strathearn hypothesis; and that the discovery of the four camps was certainly the basis of Roy's theory that the battle was fought in Kincardineshire or Aberdeenshire.

<sup>6</sup> The 38th Regiment (now 1st Bn., South Staffordshire Regiment) was at that time commanded by Colonel Alexander Duroure.

<sup>7</sup> The commission is dated 8th January, 1756.

<sup>8</sup> The 38th Regiment was sent to Antigua from Gibraltar before the death of Queen Anne.

<sup>9</sup> 'At St. Kitts, again, [a detachment of] the Thirty-eighth Foot, which for years had formed the garrison, was in a miserable condition; not forty per cent. of the men were fit for service; their clothing was in rags; they had neither hats nor shoes nor cartridge-boxes nor swords' (Fortescue, *H.B.A.* ii. 565).

<sup>10</sup> Colonel Sir James Lockhart and Lt.-Colonel Talbot were at home on leave.

<sup>1</sup> In the spring of 1757 General Melville was sent to organise the defence of St. Kitts. Early in 1758 he was instructed to examine the condition of the French prisoners in Antigua, and in doing so he formed friendships to which he attributed an important influence on subsequent events in the French islands.

<sup>2</sup> Major-General Peregrine Hopson commanded the land forces and Commodore Moore the naval forces. Hopson, who had been governor of Nova Scotia before the war, died during this expedition, on 27th February, 1759.

<sup>3</sup> Barbados was the recognised starting-point of British enterprises in the West Indies.

Major Melville's earnest solicitation, the governor<sup>4</sup> permitted him, although the commanding officer of the regiment, to proceed on the expedition with the detachment, leaving the command of the corps in the island in the hands of the senior Captain.

On his arrival at Martinique Major Melville found that the attack had failed,<sup>5</sup> and that the troops were re-embarked to proceed for Guadaloupe. During the attack on this island<sup>6</sup> Major Melville commanded at the advanced posts with the light infantry, in which the detachment from the thirty-eighth regiment was included, and was completely successful in all the partial actions in which his troops were engaged. In one of these, after a night march and the surprise of a post very near the enemy's camp, Major Melville, leading on his men, was entering a house just left by the enemy. Precisely at that instant the building exploded, by which he was blown to some distance, and conceived to be killed. From the immediate effects of this accident he soon recovered: but to it must be attributed the decay of his sight, with which in his latter years he was afflicted, and which at last ended in total irremediable blindness.<sup>7</sup>

In recompense for his various services in Guadaloupe,<sup>8</sup> Major Melville was appointed by the Commander of the Forces, General Barrington,<sup>9</sup> to succeed Lieutenant-Colonel Debrisey,<sup>10</sup> unfortunately blown up, as Commandant of Fort Royal.<sup>1</sup> In this

<sup>4</sup> Sir George Thomas, Bart.

<sup>5</sup> The attack took place on January 16th-18th, 1759.

<sup>6</sup> The attack on Guadaloupe began on 24th January, 1759: the whole island had capitulated by May 1st.

<sup>7</sup> In a memorandum drawn up for the Treasury in 1806, General Melville says: 'In consequence of that accident G. M. was confined at the time for some weeks but entirely recovered from its effects except that of a weakness of vision which gradually increased baffling all attempts towards cure and ultimately terminating about 17 years ago in the total loss of sight of that once active now veteran officer.'

<sup>8</sup> His services, in addition to those mentioned above, consisted chiefly of cutting off enemy communications between the two halves of Guadaloupe and defending Fort Royal against attempts at recapture.

<sup>9</sup> John Barrington, second in command under Hopson and commander-in-chief after his death, conducted the expedition with great skill. He was a brother of William, 2nd Viscount Barrington, who was Secretary at War from 1755 to 1761 and again 1765-78.

<sup>10</sup> Lt.-Colonel Desbrisey received a salary of £1 per diem as governor of Fort Royal (*Calendar of Home Office Papers*, 1760-5, No. 59).

<sup>1</sup> His commission as Commandant of Fort Royal, signed by John Barrington only, is dated 24th March, 1759.

situation he remained until the final reduction of the island, when, besides being continued in the command of Fort Royal,<sup>2</sup> he was made Lieutenant-Governor of the island of Guadeloupe<sup>3</sup> and its dependencies, and was promoted to be Lieutenant-Colonel of the sixty-third regiment.<sup>4</sup>

On the departure of the army under General Barrington for Britain,<sup>5</sup> Lieutenant-Governor Melville remained as second in command in Guadeloupe under Brigadier-General Crump, then appointed Governor-in-chief, until early in 1760, when, by the sudden death of that officer, the government of the island, with the chief command of the troops, devolved on Governor Melville.<sup>6</sup>

In this situation he exerted himself to the utmost, and that at very considerable expense, to impress the new French subjects of the British Crown with favourable notions of the justice and liberality of the British Government. In this attempt he was so successful, not only in the colony immediately under his care, but in Martinique and some other French islands, that a correspondence was established with various individuals among the enemy, by which the surrender of those colonies to the British arms was greatly accelerated.

A Governor-in-chief<sup>7</sup> arrived from England in Guadeloupe in the beginning of 1761, and Lieutenant-Governor Melville, whose

<sup>2</sup> Commission dated 15th September, 1759, and signed by the King.

<sup>3</sup> Commission dated 20th June, 1759. The salary attached to this post was ten shillings per diem (*Calendar of Home Office Papers, ibid.*).

<sup>4</sup> His commission, dated 14th May, 1759, appoints him Lieutenant-Colonel in the 38th Regiment, in which he had served since 1756. His new commission on the accession of George III., dated 27th October, 1760, also appoints him Lieutenant-Colonel in the 38th Regiment, 'commanded by David Watson Esq., Major-General.' General Watson, who had been in the 25th Foot when General Melville was an ensign in it, was appointed Colonel of the 38th Regiment on October 23rd, 1760. On the other hand, a memorandum drawn up in General Melville's old age refers, as does this passage, to his appointment being to the lieutenant-colonelcy of the 63rd (the Manchester Regiment): Fortescue (*H.B.A.* ii. 356) states that the 63rd remained with Crump in Guadeloupe—which General Melville did, though not in a regimental capacity—while the 38th returned to Antigua.

<sup>5</sup> Only three out of the seven regiments actually returned with Barrington to Britain: three others remained in Guadeloupe and one returned to Antigua.

<sup>6</sup> This was only intended as a temporary arrangement. 'The King is persuaded that till the proper arrangements shall be taken with regard to the government of Guadeloupe, you will exert your utmost zeal and abilities for the safety and peace of that part of His Majesty's dominions which is, for the present, devolved to your care' (W. Pitt to Lieut.-Governor Melville, May 2nd, 1760).

<sup>7</sup> Colonel Campbell Dalrymple.

health was then seriously impaired, was naturally desirous to return to his native climate: he had also received an additional testimony of His Majesty's approbation of his conduct by being advanced to the rank of a Colonel in the army.<sup>8</sup> Anxious, however, for the completion of the scheme he had long had in agitation respecting the conquest of the French islands, to this object he sacrificed every consideration of interest and conveniency. The understanding he had established in the neighbouring French islands might be entirely cut off by his absence; nor was it of such a nature as that the management of it could possibly be transferred to other hands.

With such views Colonel Melville as second in command, with a part of the garrison of Fort Royal,<sup>9</sup> joined the armament arrived at Guadaloupe from North America under Lord Rollo.<sup>10</sup> The object of the expedition was the island of Dominica, which was surprised and taken, with very little loss on the part of the victors.<sup>1</sup> The hill and battery commanding Roseau were taken by Colonel Melville at the head of the grenadiers of the army.

With such caution and skill was this attack concerted and conducted that Dominica had surrendered before the French governor of Martinique, although the islands are within sight the one of the other, was informed of the attempt. The importance of Colonel Melville's services in the attack,<sup>2</sup> and particularly in the previous arrangements with persons in Dominica, was publicly acknowledged by Admiral Sir James Douglas<sup>3</sup> and Brigadier-General Lord Rollo, the two commanders of the expedition.

In the beginning of 1762 Colonel Melville commanded a division under (?) General Monckton<sup>4</sup> at the reduction of

<sup>8</sup> 'To be Colonel of Foot in America only,' 18th February, 1761.

<sup>9</sup> Three hundred of the garrison of Guadeloupe (Fortescue, *H.B.A.* ii. 538 note).

<sup>10</sup> Andrew, 5th Lord Rollo, had distinguished himself at Dettingen. In the Seven Years' War he had already served in North America under Lord Amherst who now appointed him to the command of this expedition (Fortescue, *H.B.A.* ii. 537). Lord Rollo arrived on June 3rd and sailed on June 4th, 1761.

<sup>1</sup> On June 7th, 1761.

<sup>2</sup> He commanded the front division.

<sup>3</sup> Admiral Sir James Douglas (1703-1787) served at Quebec in 1759 and in the West Indies, 1756-62. He was Commander-in-chief in the West Indies, 1763-1770.

<sup>4</sup> Monckton had served under Braddock in 1755, capturing Fort Beauséjour. At Quebec he was Wolfe's second-in-command.

Martinique ; and notwithstanding severe illness from the climate, was present at the successful assault on the hill and battery of Tortenson. This success was speedily followed by the fall of Fort Royal.<sup>5</sup> But a very small portion, however, of Martinique was yet in the power of the British ; by far the greater portion, with the capital, St. Pierre, a number of important fortifications, all the strong natural fastnesses in the interior of the island, still remained in the hands of the French commander. No sooner, however, did a party of the British arrive at a certain point within the island, one of three previously marked out by Colonel Melville's intelligence with the colonists,<sup>6</sup> than a general defection among them took place, accompanied with a demand for an immediate surrender. In such circumstances the French Commander was compelled to accede to a capitulation,<sup>7</sup> and a great waste of British blood was prevented : for such was the strength, natural and artificial, of the island, and such were the qualifications of the Commander of the island and his means of defence, that the reduction of Martinique, if at all practicable by the British armament employed, must have been purchased by a very heavy loss of the troops. This rapid conquest was the more important and precious that, within a few days after the surrender, a French squadron, filled with troops, appeared off Martinique : but on learning of the fall of the colony, the Commander, without any attempt for its recovery, immediately returned to St. Domingo. In the fate of Martinique were speedily involved the other French islands, St. Lucia, St. Vincent, Grenada and Tobago,<sup>8</sup> yielded up on terms equally liberal and encouraging with those granted to Martinique.

The conquest of Martinique being thus effected, Colonel Melville returned to his post in Guadeloupe, chiefly that he might

<sup>5</sup> The army landed at Martinique on 16th January, 1762. Morne Tortenson was captured on January 24th, and Morne Grenier on the 28th. Fort Royal surrendered on February 3rd.

<sup>6</sup> 'Before the end of the year 1760 three persons of note from Martinico came to Guadeloupe in a vessel of truce with passports and recommendations from Mons<sup>r</sup> de Boharnois on different ostensible grounds of private business, but in fact to settle a confidential Plan with G<sup>r</sup> M. under the strictest engagements to inviolable secrecy between the parties, in order to effect a surrender of Martinico by a general defection in the case of its being attacked by British troops' (Memo. by General Melville).

<sup>7</sup> On 12th February, 1762.

<sup>8</sup> Of these islands only Grenada was strictly French ; the three others, with Dominica, had been declared 'neutral islands' at the Peace of 1748.

avoid the chance of intercourse with the persons in the island, by whose means the defection of the inhabitants and the prompt surrender of the island had been brought about. With such skill and caution had this defection been projected and conducted as to defeat every enquiry into the persons concerned in it. On the restoration of Martinique and some other of the islands to France,<sup>9</sup> the most rigid inquisition was made respecting the leaders of the correspondence with the British. That such a correspondence and intelligence did exist it was impossible, from the clamour for a capitulation, to doubt. It is nevertheless remarkable that of the number of persons in the island suspected and even punished on the occasion, not even a hint was ever directed against any one of those with whom Colonel Melville had been connected. Nor indeed could any disclosure of this sort have taken place, for the whole understanding was maintained by verbal communication: not a word upon the subject was ever committed to writing: the inhabitants of Martinique themselves conducted the whole business by confidential members of their own number who, under various pretexts, both avowedly and clandestinely, found their way to Guadaloupe and to convey to Colonel Melville the information and resolutions with which they were charged.

Many years afterwards, when General Melville was employed on a mission to the court of Versailles, application was made to him, but in the manner the most delicate, from different quarters, to know whether certain persons, whose names were laid before him, had been in any way connected with him in the West Indies. To General Melville it gave no small satisfaction to be able to assure the applicants that, of the persons so pointed out, not one had been in any shape or measure concerned in his schemes, nor even by accident personally known to him. By his solemn testimony to this effect, the persons on whose account application had been made to him, or at least the descendants of some of them, were soon relieved from the obloquy and losses they had long endured, from suspicions entertained concerning them, by the Government of France.

To convey some notion of the spirit by which General Melville was actuated in the conduct of affairs, civil and military, during his command in Guadaloupe, the following specimen may suffice.

By the capitulation granted to the island the French Royal Council was preserved in the full enjoyment of all its functions and privileges; and the French laws, civil and criminal, remained

<sup>9</sup> Martinique and Guadeloupe were restored to France at the Peace of 1763.

in their original obligation and force. Of the Royal Council the Governor was *ex officio* the president: and he was the only British subject in that powerful body. A meeting of this Council was held, in the capital of the island, in 1760, in which Governor Melville presided.<sup>10</sup> The board was complete, all members present, and the Crown lawyers were engaged in conducting the business of the day. In the midst of this business the Governor's ears were assailed by a horrid shriek from a human being, proceeding from an inclosed area under a window of the Council Chamber. Springing instinctively from his seat to the window, the Governor beheld a miserable being fast bound to a post fixed upright in the ground. One leg of the sufferer was violently strained back towards the thigh by means of an iron hoop passed over the bended knee and inclosing both the leg and the thigh at some distance from the joint. Within this hoop and along the front of the leg was an iron wedge driven in by the executioner with a sledge hammer. Near the tortured man at a small table sat a person habited like a judge or a magistrate, with a secretary or clerk, to mark down upon paper the declarations or confessions of the wretch in agony.

Filled with horror at such a spectacle, careless as to the consequences to himself of his act, forgetful even of the assembly around him, the Governor, throwing open the window, ordered a serjeant upon duty to rush forward to prevent a repetition of the stroke upon the wedge, and to release the sufferer from his torture.

While this was doing the members of the Council had drawn round the Governor at the window, and the Attorney-General of the colony respectfully but firmly remonstrated against the interruption given to the customary course of justice. This he styled an infraction of the capitulation, which, in every other point and circumstance, he acknowledged had been most religiously observed and fulfilled by the Governor, to whose humanity the whole assembly could bear ample testimony, and whose conduct in the colony had given universal satisfaction.

To this representation Governor Melville answered that he had always been, and would always be, most solicitous, by the conscientious discharge of his duties, to merit the esteem and approbation of the colony, but that neither from his natural feelings as a man, nor from his education as a Briton, could he be reconciled to the practice of torture. He added that whether

<sup>10</sup> The incident occurred during the interregnum between the governorships of Crump and Dalrymple, when General Melville was acting-governor.

the employment of torture in judicial proceedings were or were not authorised by the French laws, a point which he did not presume to determine, such a practice, where he commanded, he never would endure. He concluded by declaring that if his interference on that occasion were really an infraction of the capitulation, it would be the only kind of infraction of which it would ever be in their power to complain.

Perfect harmony was instantly restored; the whole members of the Council dined that day with the Governor: and the business was never more brought into discussion. The object of his clemency was reported to be singularly undeserving of favour; and the members of the Council, as gentlemen of liberal and humane minds and habits, were secretly well pleased with this temporary abrogation of a practice so hostile to every sentiment of nature and to every principle of justice. The effect produced on the minds of the inhabitants at large of Guadaloupe and the neighbouring French colonies by this singular incident was precisely what it ought to have been; to increase to the highest degree the popularity of their new British Governor. It deserves also to be stated that during the whole time of General Melville's residence in the West Indies he never once learned that the French governments there had ever again resorted to the practice of torture, neither in Guadaloupe after its restoration to France at the peace of 1763, nor in any other of their colonies.

The conquest of the French islands in the West Indies, an object lying near the heart of Colonel Melville, being at last happily accomplished, he returned to England,<sup>1</sup> where his services were highly approved. The measures, however, which he had previously taken to secure the success of the British arms, imperfectly known, could neither be duly appreciated nor openly acknowledged. The whole had been conducted with profound secrecy; nor was the secret ever divulged.

The favourable impression made on the minds of His Majesty's ministers by the conduct of Colonel Melville was speedily and abundantly manifested. He was in 1763 promoted to the rank of a Brigadier-General.<sup>2</sup> But the most unequivocal testimony of the confidence placed in his zeal and ability was his appointment to be Captain-General and Governor-in-chief [of] all the islands in the West Indies ceded by France to Britain by the peace of

<sup>1</sup> He arrived in England before the end of September, 1762.

<sup>2</sup> This is inaccurate. His commission as Brigadier-General is dated '26th September 1761 in the first year of our reign.'

1763. His commission under the Great Seal was dated on the 9th of April, 1764. For this appointment he always believed himself to have been principally indebted to the good opinion of the Earl of Egremont,<sup>3</sup> then Secretary of State for the Colonies. In that capacity his Lordship had the best means of penetrating into the views and character of Brigadier-General Melville, and upon the observations he there made (for they were not ever personally acquainted) was his recommendation to His Majesty alone founded.

The islands comprehended within General Melville's government were Grenada and the Grenadines, Dominica, St. Vincent and Tobago,<sup>4</sup> and to the particularly important and arduous duties of the government of so many separate colonies and islands, inhabited by a people from education, institutions and habits either hostile or at best aliens to the British government and nation:—colonies which, after the termination of General Melville's charge, were conceived to require each a separate governor and establishment:—to all these duties were added those attached to the appointment of the Commander-in-chief of the Forces within the bounds of his government.

So many and so important were the interests and objects, public and private, to be combined in forming the arrangements for the new government, that it was not until the close of October, 1764,<sup>5</sup> that Governor Melville arrived in the islands entrusted to his administration. He was attended by storeships loaded with articles requisite for forming or improving settlements in the West Indies.<sup>6</sup> Tobago was then uninhabited by Europeans, and generally covered with wood. Thither, therefore, Governor

<sup>3</sup> Secretary of State for the Southern Department from October, 1761, till his death in August, 1763.

<sup>4</sup> Of these islands only Grenada and the Grenadines had strictly been ceded by France; Dominica, St. Vincent, and Tobago had been 'neutral' islands since 1748, the fourth neutral island, St. Lucia, being annexed by France in 1763. The Earl of Cardigan had a claim to St. Vincent which caused some discussion as to the form of General Melville's commission (*Cal. Home Office Papers*, 1760-65, No. 1057).

<sup>5</sup> He was thus at home for almost exactly two years.

<sup>6</sup> His request for ordnance for the islands was granted in April, 1764; the original estimate of the expense was £23,319 18s. 1d., but this was reduced to £9295 12s. 11d. (*C.H.O.P.* 1760-5, No. 1279). In 1763 he proposed the erection of barracks in the Ceded Islands and was granted a warrant in April, 1765, for the erection of barracks for 500 men at St. Vincent (*C.H.O.P.* 1760-1765, Nos. 678, 1005, 1219).

Melville first repaired, after a short stay at Barbadoes, from which island he was accompanied by some colonists, resolved to make the experiment of a settlement in that new establishment. Dispatching with the due expedition the business in Tobago, he proceeded to Grenada, the seat of his government, there to enter on the great objects of his mission; carrying into effect His Majesty's instructions respecting the introduction and establishment of the British government, followed by legislatures in each colony, similar to those in other British colonies.<sup>7</sup>

During the whole of his government, which lasted no less than seven years, General Melville only once quitted his post, and that was in 1769, when he returned to England,<sup>8</sup> by the direction of government at home, to be consulted on business of the highest importance to the prosperity and even the security of the colonies under his charge. The difficulties he had to encounter and to surmount, in a government so extensive and so complicated, were numberless and perplexing. He had the satisfaction, however, to perceive that his administration was always the most approved when it was the most understood.<sup>9</sup> Some partial complaints, by a few disappointed persons who had formed extravagant expectations under his government, were preferred, while he was in London in January, 1770, nominally and *pro forma*, against him as Governor, but really against His Majesty's Council in Grenada. The grounds of these complaints, however, were found by government at home to be utterly frivolous and vexatious, and as such were entirely disregarded.<sup>10</sup>

<sup>7</sup> There was a separate council for each island and a house of representatives for Grenada, Dominica, and St. Vincent (*Acts of the Privy Council (Colonial)*, 1766-83, p. 7).

<sup>8</sup> He was away from the West Indies from July, 1768, till April, 1770.

<sup>9</sup> The Lords of the Admiralty, writing to Shelburne on 1st June, 1768, enclose a letter from Pye to the following effect: 'The Ceded Islands are in a most flourishing condition. The activity and vigilance of General Melvill, their Governor, does not a little contribute to it. The French are very quiet' (*C.H.O.P.* 1766-1769, p. 345). In his leisure hours, General Melville took considerable interest in various societies. As an English freemason, he was appointed Provincial Grand Master of the Ceded Islands and in this capacity founded the Britannick Lodge in 1766. He was also appointed in 1760 'Grand Master within the tropics' or the 'Beggars Bennisson and Merryland'—a society which he had joined at Anstruther in 1755. In 1764 he became 'Patron of all the Hob or Nob Societies' within his government. A 'Hob or Nob society or School of Temperance' was pledged to drink seven toasts in bumpers at each of its meetings.

<sup>10</sup> He was accused of unconstitutionally permitting the Council to exercise legislative powers after he had prorogued the Assembly, of unfairly shielding

On the subject of a charge not the least uncommon against persons in his position, *peculation*, not even a hint was ever insinuated to the prejudice of Governor Melville. It was, on the contrary, well known, at home as well as abroad, that with opportunities of amassing wealth in the sale, the settlement and the administration of so many newly-acquired colonies, such as had never fallen to the lot of any other governor, he practised an honest and honourable abstinence. He firmly withstood the frequent and pressing proposals made to him by speculators to enter into their schemes of acquisition at the sales of the lands; although in these schemes he was at liberty, with perfect propriety, to embark. He even retired from his long and laborious administration, as a civil and a military commander, much poorer than many persons under his government, who had acquired extensive property on no other original foundation than credit and speculation. Even in the small purchases of land which he chose to make, in some of the islands under his command, Governor Melville was swayed much more by considerations of public advantage than by those of private emolument. Tobago almost a desert, and Dominica situated between and within view of the great French islands, Martinique and Guadeloupe, presented so few attractions to new colonists that unless the Governor, by selecting plantations in them, had evinced his confidence in their security as British possessions, few or no adventurers would have hazarded their property in establishments on either of those unpromising colonies.<sup>1</sup>

It is but justice to add that although his annual salary from home, as Governor of so many colonies, scarcely exceeded one thousand pounds,<sup>2</sup> yet he not only refused to accept the usual

'Augustine, a negroe man slave,' from punishment, and of permitting the use of torture for extracting confessions from negroes (*Acts of the Privy Council (Colonial)*, 1766-83, pp. 221-8).

<sup>1</sup> General Melville's Dominica estate, known as Melville Hall, was valued in 1770 at £33,190 16s. od. (currency), and consisted of 1037 acres, with buildings, and 128 slaves. In Tobago, his estate of Carnbee consisted of 200 acres, valued at £4200 sterling. In Grenada, he also possessed in 1770 property in land, houses, and slaves, valued at £7770 4s. od. current money. This 'appraisal was reckoned very moderate' (*v.* General Melville's note-book). Referring to the Tobago settlement, General Melville's cousin, John Whyte Melville, wrote on his behalf in 1806: 'From the influence he had with his countrymen of N. Britain he saw it assume a most flattering appearance . . . and left it in a high state of improvement.'

<sup>2</sup> A Privy Seal dated 6th July, 1764, gave him a salary of £1200 from the 4½ per cents. His salary was brought up to £3000 by the addition of £1200

and proffered additional salaries from each colony under his charge, but also freely relinquished many customary fees and perquisites, when he conceived such a step conducive to the benefit of the new colonists.

The duties of a Major-General, a rank to which he was raised in 1766,<sup>3</sup> he punctually discharged over the whole extent of his command, without any pay, allowance or remuneration whatever from the public on that account.

Overcome by the earnest and repeated solicitations of Mr. George Grenville, then First Lord of the Treasury, Governor Melville, before he left England,<sup>4</sup> undertook the inspection of all receipts and expenditure of public money belonging to the department of the Treasury within his government. The opportunity of enriching himself, by even the fair and legitimate advantages, arising from the disposal of monies requisite for the service of so many colonies:—this opportunity for him possessed no charms. It seemed besides singularly incongruous that the inspection and controul of services and expenditures should be lodged in that very person upon whose opinion and recommendation the incurring of such expenditures would chiefly depend. For these and other reasons the urgent requests of the Minister he resisted until resistance seemed to verge into obstinacy. Carrying into this branch of his administration the same zeal for the public service and the same hostility to private peculation, which pervaded every other, he was able to confine the expenses of his government within a very moderate sum. It will hardly be believed that, for four separate colonies, during a period of seven years—in which too considerable extraordinary charges were necessarily incurred in the apprehension of a rupture with Spain<sup>5</sup>—the whole expenditures came short by some thousands of *fifty thousand pounds*.

For undertaking and executing the extraneous duties of a paymaster in his government General Melville, relying with implicit

from the local capitation tax and £600 from fees, etc. When the capitation tax was remitted by the King, the amount lost to the governor was made up from home (*C.H.O.P.* 1771, No. 687).

<sup>3</sup> His commission 'to be major-general in the West Indies only' is dated 7th August, 1766.

<sup>4</sup> *i.e.* before he left England to assume his command in 1764. George Grenville was First Lord of Treasury from 10th April, 1763, to 10th July, 1765. He was not in office during General Melville's leave of 1768-1770.

<sup>5</sup> Over the Falkland Islands, 1766-1770. In 1769 General Melville and Captain Bennet offended the Spanish government, which was asked if it would be satisfied with the dismissal of the latter (*C.H.O.P.* 1770, No. 47).

confidence on the honour of the Minister, neither asked nor ever received any written permanent authority.<sup>6</sup> When his accounts came to be examined and passed at home Mr. Grenville was no more.<sup>7</sup> The existing Administration formally and publicly recognised the characteristic purity and the distinguished merits of General Melville's government in all its parts, and their entire conviction of the correctness of his statement respecting the verbal understanding and arrangement with Mr. Grenville. General Melville, however, had no regular written document of that arrangement to produce: other gentlemen under Mr. Grenville, acquainted with the transaction, who could have established the fact, had likewise quitted the world. By the *retroactive* application of an *ex multo post facto* regulation of the Board of Treasury,<sup>8</sup> General Melville's demand, merely to be indemnified for the expenses he had unavoidably incurred for clerks, books, etc., requisite for conducting the business of the paymaster, was declared to be inadmissible. He had therefore the consolation to know that, in addition to all his former sacrifices of private to public advantage, the whole pecuniary concerns of his widely extended and intricately complicated government had been satisfactorily conducted, at his own personal risk and charge, without the public being called upon for one farthing of the expence of the management of these concerns.<sup>9</sup>

In another case where to personal exertions he united considerable pecuniary risk, General Melville's motives and services were more adequately appreciated. In an early period of his government he conceived the public service might derive important benefit from the establishment of a Botanic Garden in one at least of the islands committed to his care. With this view a portion of the Crown lands in the island of St. Vincent was set apart for the purpose. The establishment was formed, conducted and maintained at his own personal charge: at last, however, it was

<sup>6</sup> The agreement was to the effect that General Melville should be allowed the difference of exchange on all bills drawn by him, as indemnification for his trouble and expenses. In the event, this amounted to the sum of £4427 1s. 4½d.

<sup>7</sup> George Grenville died on 13th November, 1770. The audit of General Melville's accounts for his governorship (1764-1771) began in 1785, but was not completed till about 1800.

<sup>8</sup> The regulation was made in September, 1790—nineteen years after the close of General Melville's governorship.

<sup>9</sup> General Melville estimated that he had suffered the loss at least of £13,784 by being 'a servant of the public.'

taken under the special protection of His Majesty; and the expenses of its support are now defrayed out of the public purse. Richly stored with the most useful and ornamental vegetable productions, under the able management of Dr. Anderson, the Botanic Garden of St. Vincent has long enjoyed a very distinguished reputation.

From the day on which he retired from the islands of his government in the summer of 1771,<sup>10</sup> General Melville, adhering to his favourite maxim of *taking nothing for doing nothing*, never received nor courted nor wished for any provision, salary, pension, or emolument whatever out of the public purse. His eminently useful and disinterested services, his much impaired health, his total loss of sight, originated by the exercise of his military duties, might, however, have abundantly warranted claims on his part, such as in similar circumstances are so commonly preferred and so usually admitted and gratified.

It was on his voyage home to Britain from his government that General Melville had the fortune to discover the solution of the embarrassing problem respecting the manner of distributing the oars and the rowers in the ships of the antients. To the theory of navigation, as founded on the principles of Geometry and Astronomy, his repeated courses across the Atlantic, aided by his frequent consultations with some of the most distinguished officers of the British Navy, had enabled him to join much more extended practical knowledge than commonly falls to the lot of a landsman. With the antient authorities and the modern comments on the subject, he had been long intimately acquainted. . . .

Laying the different theories entirely aside, General Melville proposed to himself two questions. . . . The first objects of enquiry were the purposes contemplated by the antients in the arrangement of their oars and rowers. To this question the evident answer was that their purposes were to obtain celerity and impetus in their movements. The next question, springing out of the first, was how this celerity and impetus were best to be obtained: and the answer seemed to be that the greatest possible quantity of motive power should be introduced into the smallest possible space. . . .

It occurred to General Melville that by adopting a double obliquity every possible advantage might be obtained. He therefore supposed the side of the ship, instead of rising vertically

<sup>10</sup> General Melville's departure took place on 17th July, 1771. He was succeeded by Governor Leyborne.

or nearly so from the water, as in modern construction, to have spread outwards, at the distance of a few feet above the surface, diverging from the perpendicular with an angle of perhaps forty-five degrees. Upon this inclined side the seats for the rowers, each rower having his own short seat, were to be placed, in a diagonal alternate order, forming an equal angle of forty-five degrees with the base line of the inclined side. The effects produced by this double obliquity would be, that one row or tier of oars and rowers would be elevated only from fifteen to eighteen inches above the inferior tier, instead of four or five times that distance, as would have happened according to some other schemes; that each individual rower would be able to sit and ply his oar without impeding or being impeded by others in his labour; and that the uppermost tier of oars, even in a quinquereme, would not be of an unmanageable length or weight.

By this theory . . . multitudes of passages in antient authors were rendered intelligible. In it was discovered a perfect uniformity with the figures of ships preserved on antient coins and sculptures, and in the paintings discovered in the subterraneous ruins of Herculaneum.

The relations between General Melville and the Ceded Islands of America as a Governor and a Commander-in-chief of the forces were now finally closed. His conduct in these capacities had secured to him the approbation not only of his own heart, but of all persons with whom he was concerned, both at home and abroad. That this should be the case, in the management of affairs coming more directly within his competency, as a military man of genius and experience, it will not be difficult to believe. That he should be equally successful in the administration of civil and particularly of legal affairs, must be considered as his peculiar felicity. That he was singularly successful in these branches of his duties is nevertheless placed beyond all controversy by the remarkable fact that, from his decisions in the quality of Chancellor, within the bounds of his government, not a single appeal was ever made to His Majesty in Council, the ultimate resource in such cases, according to the constitution of the British Colonies.

To qualify him for the discharge of the difficult and delicate duties of a Chancellor, General Melville possessed a head clearly discriminating, a heart liberal and humane, a spirit far removed beyond even the suspicion of possible perversion, by motives of interested advantage, of hostility or of friendship. He was him-

self in the habit of accounting for much of his expedition and success in conducting the business of the Court of Chancery by his ignorance of the technical practice of that court. A stranger to the formalities and nicely balanced distinctions, which length of time and multiplied and various business had introduced into the courts at home, his constant object and aim were to distribute sound, substantial justice between man and man. His suitors were, in general, plain men of business: and that no measures were ever taken to obtain a reversal or even a revision of his decisions is the most unequivocal proof of their conviction, that his decisions were founded on the genuine principles of equity and integrity.

In discussions involving questions of technical import, General Melville availed himself of the knowledge possessed by the established lawyers of the Crown in the different colonies. Of these gentlemen Mr. Piggott,<sup>1</sup> His Majesty's Attorney-General in Grenada, father of Sir Arthur Piggott, who, a few years ago, filled the corresponding high and arduous office in England, enjoyed the Governor's peculiar esteem and confidence.

The three years of General Melville's life subsequent to his return from his government were occupied in arrangements necessary on the termination of his extended and complicated relations with the public. His own private affairs, much neglected during his long residence abroad, required no small portion of his time and attention.<sup>2</sup> When all these matters were placed in a state permitting him to turn his mind to other subjects, his attention was powerfully engaged by what had always been his favourite occupation—the study of military history and antiquities.

Paris, Spa, Flanders, Holland he had already visited: but the years 1774, 1775, and 1776 were devoted to a more complete tour through France, Switzerland, Italy, Germany, the Low Countries, etc. In this tour the subjects of the fine arts, in which he professed a very delicate taste, with great sensibility of their beauties and defects, were particularly examined. His leading

<sup>1</sup> John Piggott, 'of Barbadoes.' His son, Sir A. Piggott, was Attorney-General, February, 1806—May, 1807, and in that capacity conducted the impeachment of Lord Melville; he commenced practice in Grenada, and, like his father, became Attorney-General there.

<sup>2</sup> His 'attornies' for Scotland 'appointed under a full power of factory dated August 12th, 1770, had been '1<sup>st</sup> Samuel Charters Esq', Solicitor to his Majesty's Customs, at Edinburgh; 2<sup>nd</sup>, Major John Melvill of Cairny at Cupar; 3<sup>rd</sup>, Dr James Simson Physician at St Andrews; 4<sup>th</sup> Robt Whytt of Bennoch, at Edinburgh.' The last was the son and successor of Dr. Whytt.

object, however, which drew him aside into many a wandering from the customary tract of travellers, was to visit and verify the scenes of the most memorable battles, sieges or other military exploits recorded in antient or in modern history. Of these objects of his curiosity it may be sufficient just to say that, from the *Portus Itius* of Caesar, on the margin of the British Channel, to the *Cannae* of Polybius, on the remote shore of the Adriatic; from the field of Ramilies, on the (sic), to that of Blenheim, on the Danube, no scene of interest to the military scholar escaped at least a cursory view. With Polybius and Caesar in his hand, and referring to the most authentic relations of later warfare, he traced upon the ground the dispositions and operations of the most distinguished commanders of various periods. Noting the circumstances in which their judgment, skill and presence of mind were the most conspicuous, he treasured up, for future use, the evidences of the mistakes and errors, from which even the most eminent among them were not exempted.

By a careful personal examination of the shores of Britain and France, he satisfied himself respecting the points where Caesar embarked, and where he landed, in his expeditions to Britain. The former he fixed at and in the vicinity of the harbour of Boulogne, and the latter at and in the vicinity of Deale.<sup>3</sup>

Another point of military antiquity which strongly attracted the attention of General Melville was the course pursued by Annibal, from Gaule across the Alps into Italy. . . . That he might trace the route of the Carthaginian hero, in circumstances as similar as possible, General Melville chose for his researches a period of the year as near as prudence could allow to that in which Annibal traversed the Alps. He passed over the Little St. Bernard on the twenty-fourth day of September, when the approaches of an Alpine winter were already sufficiently manifest: and Annibal must have followed the same course only a few weeks later in the season. By this management the general face of nature and of the country, the distances and situations of the rivers, rocks and mountains, were found most accurately to tally with the relation of Polybius.

Not satisfied, however, with all these striking coincidences, General Melville crossed and recrossed the Alps, in various other directions, pointed out for the track of Annibal. Of these he

<sup>3</sup> These places are probably correct for the first, but not for the second landing of Caesar. Cf. Oman, *England before the Norman Conquest*, and Rice-Holmes, *Caesar's Conquest of Gaul*, 2nd edition, on 'Portus Itius.'

found that not one could, without doing great violence indeed to the text of the Greek historian, be brought, in any rational way, to correspond with his authentic narrative.

As an important branch of the military art of the antients, their warlike machines occupied no small share of the curiosity and attention of General Melville. His ideas on the construction of those implements of war led to the explanation of various passages in antient authors, which had baffled the penetration of the ablest commentators.

When the contest between the British Colonies and the Mother Country began to assume a serious aspect, General Melville found it proper to return to England rather earlier than he had purposed. In consequence of the recognition, on the part of France, of the independence of the British American Colonies, hostilities with that kingdom seemed to be unavoidable. General Melville was early consulted by Administration,<sup>4</sup> on the means and the measures to be employed for protecting our own settlements in the West Indies, and for the conquest of those belonging to France. The impression on the minds of individuals connected with Administration, respecting his conduct in preparing the way for the conquest of the latter and in the government of a number of the former, was sufficiently recent and powerful to secure to his opinions a favourable reception. Had these opinions accorded with the views entertained by leading persons in His Majesty's counsels<sup>5</sup> General Melville's local and military knowledge would again have been applied in his country's service, in an important command beyond the Atlantic. With the nature of that service, and with the qualifications of the distinguished officer at the head of the French force in the West Indies, he was too well acquainted to embark in projects of which it was impossible for him to augur a favourable issue. By personal intercourse with the Marquis de Bouillé during his government, as well as by public report, General Melville had formed too just an estimate of the talents and dispositions of the commander to whom he would be opposed to engage in the contest unless accompanied by a force far more respectable than that which it seemed to be in contemplation to place at his disposal.

To the opinions of a man who had filled the stations General Melville had filled, who had acted as General Melville had acted,

<sup>4</sup>On August 29th, 1777, he was promoted to be 'Lieutenant-General in the West Indies only.'

<sup>5</sup>Principally Lord George Germaine.

some attention, it may be thought, would have been due. When honoured with an offer of employment in the service of his country, it was his duty, it may on the other hand be thought, implicitly to accede to the terms on which that employment was to be conferred. Rank, influence and emolument were the sure companions of his service: his conduct, whatever might have been the result, would probably have ensured to him the approbation of all competent judges: popular applause he might in such a case have disregarded. For even total failure in the objects of his employment, he might perhaps have consoled himself with the consciousness that, engaging in it solely by the authority of his superiors, he had in it discharged his duty to the full extent of his powers. Considerations of this sort were of no importance in his judgment. The interests, the reputation of his country could never, he was confident, be promoted, they could not even be preserved, by the projects in agitation at home: in those projects he therefore declined being in any shape concerned. A system very discordant with his ideas was adopted: the result is well known: in a short time M. de Bouillé became the master of many a valuable British American island.<sup>6</sup>

The resemblance between General Melville and the Marquis de Bouillé was striking. Both men of approved valour and military skill; both distinguished by a high sense of honour; both actuated by motives the most disinterested, generous and humane; both accustomed to service in the probable scene of action; both inflamed with zeal in the cause of their respective countries; and each with a determination to recommend himself to his antagonist by a faithful discharge of his duties. A contest on proper terms between two such commanders must have furnished ample materials for the instruction of the politician as well as of the soldier.

The last service rendered to his country by General Melville, in a public capacity, related to Tobago, a colony originally planted by him at the commencement of his government, and long fostered by his peculiar care. This island, in the course of the conquests of M. de Bouillé, fell into his hands. In the defence the inhabitants, with the civil governor, George Ferguson, Esq., at their head, by their patriotic conduct merited and obtained

<sup>6</sup>The French captured Dominica in 1778, St. Vincent and Grenada in 1779, Tobago in 1781, and St. Kitts in 1782, while the Spaniards took the Bahamas in 1782. On the other hand, a small British force, sent on the advice of Rodney, captured St. Lucia with its excellent harbour in 1778.

from a generous victor a most liberal capitulation. By the intercepted dispatches of the French general it was known that, because the Governor and colonists had distinguished themselves in their own defence, he felt it to be his duty, as the representative of a beneficent sovereign, to grant every possible indulgence to the new subjects. Of his opinion concerning the professional defence of the island, some notion may perhaps be formed from his silence.<sup>7</sup>

By the preliminary articles of peace, arranged in the beginning of 1783, Tobago was ceded by Britain to France,<sup>8</sup> without the customary stipulations securing the rights of the British settlers, proprietors, and traders, connected with the island. To remove as much as possible the alarm excited by this circumstance, equally unexpected and apparently unmerited by colonists who had so zealously exposed themselves in their country's cause, measures were taken by their friends at home for obtaining from the court of France some amelioration of their condition.

In prosecuting this design the first step was to select a proper negotiator. In such a case men whose personal interests are deeply involved seldom make an improper choice: favour and fancy give place to judgement. The attention of all interested in Tobago was turned towards General Melville, who was requested to repair to Versailles, there to solicit for the unfortunate colonists of Tobago indulgences to which, by the terms of the cession, they could form no claim. In acceding to this request, that the application from the new subjects to their new master might be the more decorous, General Melville himself suggested that a coadjutor should be given to him; and Mr. Young (afterwards Sir William Young<sup>9</sup>) was joined with him in the mission.

Of the application to the court of France the success surpassed the most sanguine expectation: and to the benevolent magnanimity of the ill-fated Lewis the Sixteenth, on the liberal suggestions of his enlightened Minister of the Marine and Colonies, the Marshal Duke de Castries, that success was by General

<sup>7</sup> There were barely 200 British troops against 1200 French. Fortescue (*H.B.A.* iii. 350) attributes the surrender to the pusillanimity of the colonial militia, which was 'unable to endure the trial of seeing their houses in flames.'

<sup>8</sup> The Peace of Versailles restored the *status quo ante bellum* in the West Indies, with the sole exception of Tobago, which was ceded to France, but which finally passed into British hands during the Napoleonic wars.

<sup>9</sup> Sir William Young, 2nd Bart., was the son of Sir William Young, 1st Bart. (d. 1788), governor of Dominica, and the grandson of Brook Taylor. He was governor of Tobago from 1807 till his death in 1815.

Melville uniformly attributed. Let another circumstance, however, be added by one, the writer of these pages, who as secretary of General Melville on that mission, had unquestionable evidence of the fact. The representations of the minister, and the consequent decisions of the sovereign, were very materially influenced by esteem for the character of General Melville, and by confidence in the manly, candid and honourable conduct he displayed in every part of the negotiation. The humanity, liberality and disinterestedness which had marked the whole of his administration in Guadaloupe, while it remained under the British flag, and the whole of his general government of the French ceded islands had, in the persons of many individuals and in the connections of others of distinction in France, prepared for him a cordial, a confidential reception, such as it may have been the happiness of few negotiators to possess. At his last interview with M. de Castries, the minister expressed his royal master's entire satisfaction with the manner in which General Melville had conducted a very delicate negotiation. He concluded with declaring that His Majesty was convinced the General had, throughout the whole business, performed the part not only of a genuine friend of Tobago, but of an impartial umpire between that colony and France: *vous avez agi en vrais tiers* was the expression.

However extraordinary it may appear, it is yet unquestionably true that in disquisitions into the nature of the human mind and into the foundations and principles of moral science, General Melville found peculiar delight. His inherent and fearless love of truth, his natural acuteness and talent for discrimination, found in these researches ample occupation. He had remained at the University just long enough to acquire a relish for such exercises of the understanding; but not so long as to contract an overweening fondness for any particular system of reasoning and inquiry respecting such exercises. From the twentieth to the sixtieth year of his age he had been, in public and in private life, entirely devoted to pursuits of a very different nature. '*Naturam expellas furca tamen usque recurrit.*' . . .

The unfortunate decay and loss of his sight seemed peculiarly favourable to the pursuit of metaphysical researches. His internal vision gained every day more and more strength in proportion as his external vision tended to extinction. In this it was his peculiar happiness that the moments of solitude, which usually lie heavy on the hands of the blind, were by him employed in

exercises at once delightful to himself and instructive to his fellowmen. . . .<sup>10</sup>

To close these imperfect outlines of the life, character and pursuits of General Melville it must be sufficient just to add that, while in private he was the friend 'of the widow, of the orphan and of those who have no helper,' in public he was a ready and a liberal contributor to the support of many of the most valuable charitable establishments.<sup>1</sup> The *Scotch Corporation* in London, by its management as well as by its constitution perhaps the least susceptible of abuse in the multitude of similar benevolent institutions in the capital, will long remember the services and regret the loss of its venerable recruiting General.<sup>2</sup>

The patron of unassuming merit, the encourager of ingenuous youth, his stores of knowledge were ever open to the candid enquirer. A genuine and ardent lover of truth in every pursuit in which mankind can be interested, and from whatever it proceeded, truth was by him ever most cordially welcomed. The conscientious and unshaken friend of the radical principles of liberty, religious and civil, General Melville evinced himself to be, in the fullest sense of the terms, the true friend and lover of his country and of his kind.

General Melville was a member of the Royal and Antiquarian Societies of London and of the Royal Society of Edinburgh. By the University of the latter city, his *alma mater*, he was honoured with the title of a Doctor of Laws.<sup>3</sup> He was also an honorary member of the British Board of Agriculture, and an active associate of the London Society for the Encouragement of Arts, Manufactures and Commerce.<sup>4</sup>

Although he never had a regiment, a home government, or any other military employment whatever, after he quitted the West Indies, he was appointed a full General on the 12th of

<sup>10</sup> Twelve pages of the MS. follow explaining General Melville's system of philosophy; they are not of sufficient interest to be reproduced here.

<sup>1</sup> He was appointed a governor of the Magdalen Hospital in June, 1764.

<sup>2</sup> General Melville was 'a zealous supporter of the institution and founder of its spring meeting' (*Extract from Minutes of the Court of Governors*, 2nd January, 1811). The same minute records the acceptance of General Melville's portrait, 'to be put up in the Hall.' It was destroyed in the fire of 1877.

<sup>3</sup> On February 6th, 1798. The diploma describes him as 'inter duces copiarum Regiæ Majestatis Britannicæ insignem, doctrinaeque elegantioris, et præsertim Antiquitatis Romanæ scientissimum.'

<sup>4</sup> He was made a burgher of Kirkcaldy (August 6th, 1754), of Edinburgh (July 6th, 1763) and of Dundee (October 14th, 1780).

## 146 General Robert Melville of Strathkinness

October, 1793<sup>5</sup>; and at his decease he was, with one exception, the oldest general in the British Army.<sup>6</sup>

General Melville, when his infirmities began to encrease, retired from London,<sup>7</sup> where he had long resided, to Edinburgh, on the 6th of August, 1807, there to have the society of his nearest relatives. He died at Edinburgh at his house in George Street in the New Town, after a short illness, with little apparent pain, on ——<sup>8</sup> the 29th day of August, 1809. He had nearly completed the eighty-sixth year of his age, having been born on the 12th of October, 1723, at Monimail, in the county of Fife, of which parish his father was minister. His mother was a daughter of Robert Whyte of Bennoch, near Kirkcaldy, in the same county, Esquire, and a sister of the late celebrated Dr. Robert Whyte (Whytt), one of His Majesty's physicians for Scotland, and Professor of Medicine in the University of Edinburgh.

Dying a bachelor, General Melville is succeeded in his name<sup>9</sup> and estate by his cousin, John Whyte Melville of Bennoch, Esquire.<sup>10</sup>

<sup>5</sup> His commission is dated as above. Surely the promotion of a totally blind septuagenarian to be general in time of war is an unsurpassed example of eighteenth-century methods in the British Army.

<sup>6</sup> This is repeated in Mr. Whyte-Melville's letter to the Scottish Hospital of 14th December, 1810. The *Dictionary of National Biography* wrongly describes him as the oldest general.

<sup>7</sup> His London houses were in Brewer Street, Golden Square. On August 26th, 1797, he wrote that he was 'moving furniture, &c., into the next house No. 32, which I believe I had informed you of my having hired for one year.'

<sup>8</sup> Tuesday.

<sup>9</sup> His cousin John Whyte, only surviving son of Dr. R. Whytt, had in point of fact assumed the name of Melville, out of compliment to the General, on 1st September, 1797. The General had in his early years spelt his name Melvil; during his public life, Melvill; and during his later years, Melville.

<sup>10</sup> The estate of Strathkinness, as it existed at the death of General Melville, had been partly bequeathed to him by Janet Tennant, widow of Andrew Melvill, Doctor of Medicine, 'of the family of Pittachope,' partly acquired by the purchase of neighbouring lands. It was left by General Melville to John Whyte Melville of Bennoch and his heirs male, failing whom to the male heirs of John Whyte Melville's three sisters—Louisa, Jean, and Martha—in the order of their seniority. On the death of John Whyte Melville's youngest son, without surviving male issue, in 1883, the estate accordingly reverted to James Mackintosh Balfour, grandson of Jean Whytt, who in 1773 had married her cousin, James Balfour of Pilrig.

## Jean de Villiers Hotman

THE influence of François Hotman on the legal and political thought of Europe was sufficiently marked to reach Great Britain and to exercise a lasting influence there. His eldest son, Jean, inherited little of his father's genius, but the course of his varied career led him to form relations with some of the leading personages of the Court of Queen Elizabeth, and he played a minor part in one of the most critical passages of British history. His writings had some vogue in his lifetime, but they have long since been forgotten. He was the first translator of King James' *Basilikon Doron*, and his French version may be said to have introduced the royal author to the literary circles of the Continent. It had passed through four editions by 1604, and an equally favourable reception was accorded to Hotman's *Traité de l'ambassadeur*.<sup>1</sup> This treatise has the qualities and limitations which belong to a collection of observations and reflections interlarded with reminiscences collected over a period of years by an active diplomatist. It appears to have been in circulation in manuscript in England before Hotman published it, and an English version of Books ii.-v. was printed in London in 1603 without the name of author or editor, and with a dedication to William, Earl of Pembroke.<sup>2</sup>

The life of Jean Hotman represents a revulsion from the Ishmael-like isolation of his father back to the family tradition of honourable service to the Crown. He was born at Lausanne in 1552, and shared the fugitive life of his parents. His father

<sup>1</sup> 'Don Royal de Jacques Roy d'Angleterre, Escosse et Irlande, traduit de l'Anglois par le Sieur de Villiers Hotman,' and 'De la charge et dignité de l'Ambassadeur, par Jean Hotman, Sieur de Villiers,' in *Opuscules Françaises des Hotmans* (Paris, 1616), 331 and 455.

<sup>2</sup> *The Ambassador*, printed at London by V. S. for James Shawe. The second edition of the original version was published in Paris in 1604, and a subsequent edition appeared at Düsseldorf in 1613. In a pamphlet, *Notes sur un petit livre intitulé l'Ambassadeur* (Paris, 1604), le sieur de Calazon charged Hotman with plagiarising Pascal's *Legatus*, and evoked Hotman's *Anti-Calazon*.

brought him up on a mixed diet of jurisprudence and the Scriptures. 'Hottomannus vero,' wrote Gravina, 'quamquam palam Cujacio detrahebat, tantum tamen ei tacito iudicio tribuit, ut filio natu maximo in mandatis dederit, ne Davidis Psalmos et Cujacii Paratitla e manibus umquam deponerit.'<sup>1</sup> He studied under his father at Valence, and obtained his doctorate at that University. He was subsequently *Prieur du collège des droits* at Caen, but he relinquished the post owing to some failure in the payment of his emoluments.<sup>2</sup> He was attached for some time to the household of Henry of Navarre. In 1579 he was tutor to the sons of Sir Amyas Paulet, the English Ambassador in Paris.<sup>3</sup> Paulet was a noted Calvinist, and is known to history as the last gaoler of Queen Mary of Scotland. On 6th March, 1581, Jean Hotman was incorporated in the University of Oxford on the same day as Alberico Gentile.<sup>4</sup> He had made the acquaintance of Alberico through Matteo Gentile, who had followed his brilliant son to England.<sup>5</sup>

At Christ Church Hotman continued his relations with the Paulet boys, who were there under his guardianship.<sup>6</sup> His letters

<sup>1</sup> *Gravinae Orationes*, iv. 158.

<sup>2</sup> Daresté, *Revue Historique*, ii. 423 n.

<sup>3</sup> Poulet to the Secretaries from Paris, on 21st October, 1579: "Otteman, a professor of the civil law, not unknown to you as I think, has his eldest son dwelling with me, and is schoolmaster to my children. He has lately written to his father that his friends here advise him to agree with his brethren for his portion of heritage; the father being a native of this town of good parentage and having a good right to lands of good value. 'Otteman,' the father, writes back from Basle on the 30th ult. that he could 'like well with' the advice mentioned if it were not that it would be better or worse very shortly, as all the world would know without delay. Further, having lately received a letter from one of Normandy, dwelling in this town, he forbears to write to the Norman, but commands his son to assure him that if those of his country would do their endeavour they should not want assistance, and that, doubting the messenger he durst not write as plainly as he would. It seems by this that there is something in brewing in that country.'

Mary to Beton (22nd August, 1582): 'Do not leave anything behind you of that which will be ready to send me, and principally of the affairs of Hotman of which you wrote me' (*Cal. of Scottish Papers*).

<sup>4</sup> Wood, *Athenae Oxonienses* (3rd ed.), ii. 217.

<sup>5</sup> Hotman to M. Gentile, from Oxford (February, 1581): 'Sed eximia ejus in Jure Civili doctrina facit ut eum loco praeceptoris habeam, colam et observem' (*Hotmanorum Epistolae*, 261).

<sup>6</sup> In April, 1581, Hotman wrote to Arthur Wake, a Canon of Christ Church who had been deprived of his living for nonconformity in 1573, that he had often heard of him since, 'in D Pouleti familiam receptus sum.' 'Credo,' he adds, 'Patris

give an interesting picture of sixteenth-century Oxford. The accommodation provided for himself and his charges at Christ Church was not satisfactory, and the health of the boys suffered,<sup>1</sup> but he was charmed with the warmth of his reception and the doctorate which was conferred upon him.<sup>2</sup> He noted, however, the entire cessation of work during the summer months,<sup>3</sup> and the insular want of interest in foreign politics which prevailed.<sup>4</sup> He gained a reputation at Oxford as a polyglot, though he protested that his linguistic facility was superficial,<sup>5</sup> and the weight of his father's name added to his own personal charm led him to become an intermediary between the scholars of Oxford and the Continent.<sup>6</sup> His intimate relations with the Paulet family soon brought him under the notice of the Earl of Leicester, to whose

mei nomen aliquando ad aures tuas pervenisse. Unus est ex Gallis exulibus, qui postquam Christo nomen dederunt, multas aerumnas perpessi sunt, et jam in exilio consenuerunt. Ego Calvinii et Ecclesiae Genevensis alumnus, quia te eidem ecclesiae addictissimum esse profiteris, non possum quin te eo magis amem, colam et observem' (*ibid.* 262).

<sup>1</sup> 'Adhuc inferiora duo coenacula habuimus, quae insalubria satis, et istorum adolescentum valetudini hac hyeme non fuerunt admodum consantinea. Egi multis verbis cum Jansone inquilino, ut superiorum aedium partem nobis concederet, quia et ipse frequens Londini est, et Pouletis abs te optionem datam intellegebam: Verum homo ille, ut mihi ex ipsius moribus animadvertere licuit, durus et agrestis, neque tui, neque adolescentum rationem unquam habere voluit' (*ibid.* 263). 'Major natu ex Pouletis fratribus, qui tuae humanitati a Patre peramanter et studiose commendati sunt, incidet in morbum, cujus causam, omnes una voce tribuunt, ejus loci quem nos inhabitamus et frigiditati et insalubritati,' etc. (*ibid.* 333).

It is interesting to note that this complaint is addressed to Tobie Matthew, the future Archbishop of York.

<sup>2</sup> 'Academia vestra mihi multis nominibus placet: et nullam in Gallia scio, neque in Germania, quae ei merito possit aequari' (Letter to Wake: *ibid.* 267). Cf. Letter to Bishop of Oxford: *ibid.* 268.

<sup>3</sup> 'Hoc praesertim aestivo trimestri quo mera et mira ab omni opere cessatio' (Letter to Bodley: *ibid.* 265).

<sup>4</sup> 'Hoc unum affirmare possum, nullam esse gentem, minus harum rerum studiosam. Itaque sollicita nostra curiositas, ridetur ab illis: Verum causa est in promptu, otium' (Letter to his father: *ibid.* 325).

<sup>5</sup> In a charming letter to Sir Thomas Saville, Hotman enlarges on his own failings (*ibid.* 279).

<sup>6</sup> We find him writing to Basle at the request of the University to recover John Caymond's schola on the First Two Books of Pliny's *Natural History*. The MS. had been sent years before by Dr. Caius, now dead, to Oporinus, the Basle printer, who had not printed it, and had probably lost it (Letter to Zuingerus: *ibid.* 267). Again he introduces some young Germans to Hovenden, Vice-Chancellor of Oxford (*ibid.* 287), and Cevallerius, a Hebrew scholar with letters from Beza, to a wide University circle (December, 1582); cf. *ibid.* 276.

party Sir Amyas belonged, and the son of the famous Calvinist pamphleteer and politician found favour in the eyes of the Queen's favourite. Leicester, in the course of his tortuous political career, found it expedient to support the Calvinist party in England, and Jean Hotman was of use to him as representing the leaders at Geneva and as a friend of their English disciples.

Before the end of the year 1582 Hotman was one of Leicester's secretaries, moving from the Court in London to Windsor and Nonesuch in attendance on 'illustrissimus Herus meus, Comes Leicestrensis.'<sup>1</sup> His Oxford friends envied his supposed political influence, and applied to him when in difficulties.<sup>2</sup> His situation, however, was far from brilliant, and in March, 1583, he was forced to apply for a loan to keep him going until Easter, when his stipend would be paid.<sup>3</sup> He was in Paris in December of the same year.<sup>4</sup> He accompanied Leicester on his expedition to the United Provinces (1585-7), and complained bitterly of the treatment which he received. He was refused a horse, and another took his place in the coach, while he had to go unarmed through poverty.<sup>5</sup> His activities as Leicester's secretary were regarded with an unfriendly eye by the national party, and Motley, whose *History of the United Netherlands* is written from this point of view, refers to Hotman as 'Leicester's eaves-dropper-in-chief' and as 'a non-descript, whom Hohenlo characterised as a 'long lean Englishman with a little black beard.'<sup>6</sup> He narrates with verve and humour the dangerous predicament in which Hotman found himself as the result of his indiscreet gossip with the Princess de Chimay, and the disastrous effect of his *gaucherie*.<sup>7</sup> It is apparent,

<sup>1</sup> *Ibid.* 309.

<sup>2</sup> In May, 1582, Henry Cuffe, the future Professor of Greek at Oxford, who was executed for his share in the conspiracy of the Earl of Essex, wrote to Hotman to obtain the protection of Walsingham and others against 'fundatrix nostra' (*ibid.* 277).

<sup>3</sup> *Ibid.* 320; cf. 330.

<sup>4</sup> Stafford to Walsingham, 6th December, 1583: *Foreign Cal.*

<sup>5</sup> Letter from Utrecht of 1586: *Hot. Epist.* 342: 'Pecuniam per Morum petii ab illustrissimo Comite, responsum, ut ex tripode, ambiguum.'

<sup>6</sup> 'This meagre individual, however,' writes Motley, 'seems to have been of somewhat doubtful nationality. He called himself Otheman, claimed to be a Frenchman, had lived much in England, wrote with great fluency and spirit, both in French and English, but was said, in reality, to be named Robert Dale' (*The United Netherlands*, ii. pp. 136, 140, etc.). Motley's failure to identify Hotman is a striking illustration of his marked limitations.

<sup>7</sup> *Ibid.* p. 142.

however, that Hotman's position, especially during his master's absence in England, was a responsible one, and he was in direct correspondence with Queen Elizabeth. Leicester wrote to him with indignation of his presumption in addressing the queen, and the rebuke was perhaps well merited.<sup>1</sup> Hotman's activities during the period of his diplomatic apprenticeship display a combination of eager and tactless self-assertion and exaggerated subserviency, which he inherited from his father and which was characteristic of his age. The scholar whose latinity made him a useful political instrument, found it difficult and irksome to limit himself to the narrow field to which his employers sought to confine him. Conscious of intellectual superiority, he was apt to exceed his mandate, and his doctrinaire cast of mind made him a dangerous representative of his country or his cause. The United Provinces, unlike the United States of America of our day, offered no happy hunting ground to the professor statesman and diplomatist. On the other hand, Hotman's wide relations in the Calvinist world rendered him peculiarly useful to Leicester, and he was probably responsible for the abortive conspiracy to deliver Leyden to the Earl, in which Donellus, Saravia and Lipsius were involved.<sup>2</sup>

On Leicester's return to England, he turned his attention to Hotman's reiterated claims, and obtained for him a prebend in Salisbury Cathedral worth £28 a year. Hotman was not satisfied, and wrote bitterly to Camden that his patron was about to cast him off with the usual miserable pittance.<sup>3</sup> It was all that he was destined to receive, and he had to find the recompense for his work in England in the personal relations which he formed there. The atmosphere of Tudor despotism was not congenial to this cosmopolitan exile,<sup>4</sup> but the scholars

<sup>1</sup> Broersma and Huet, 'Brieven over het Lycestersche Tijdvak,' in *Bejdragen en mededeelingen van het historisch genootschap* (Amsterdam, 1913), pp. 139, 157, 170, 207, 238.

<sup>2</sup> Ch. Nisard, *Juste Lipse*, etc. (Paris, 1852), 72 and 81.

<sup>3</sup> *Hot. Epis.* 349; cf. Wood, *op. cit.* For a judgment of Leicester's ingratitude, vide *Leicester's Correspondence*, Camden Society, 1844, p. xlii *et seq.*

Hotman still cherished hopes of further reward on the eve of his departure from England. 'Expecto tamen,' he wrote to Amerbach in 1590, 'in dies felicem ejus negotii exitum, quod me hic nimis multos jam menses detinet: munus aliquod sive honorarium a Regina, cujus spem faciunt mihi Magnates istius Aulae, amici mei praecipui' (*Epistolae*, 354).

<sup>4</sup> With reference to an attack on the Duke d'Alençon, he wrote: 'Scio quam sit in Anglia periculosum hujuscemodi libros tractare' (*ibid.* 276).

that illuminated it were fascinating and took the exile to their bosom. Soon after his settlement in England Hotman found himself on terms of intimate friendship not only with his University colleagues, but also with some of the most influential figures in the world of English scholarship, including the Saville brothers, Camden, Bodley, Hakluyt and Sir Philip Sidney. The letters printed in *Hotomanorum Epistolae* present a charming picture of Elizabethan England. Sir Thomas Saville wrote him playfully regarding his supposed matrimonial intentions,<sup>1</sup> and Hotman supplied Camden with reports on foreign politics.<sup>2</sup> He wrote enthusiastically to John Saville of Sir Philip Sidney and of Ascham's Letters,<sup>3</sup> and Thomas Saville consulted him regarding Bodin.<sup>4</sup> Hotman was with Leicester on his 'semiaulica et semimilitare peregrinatione'<sup>5</sup> at the date of the Battle of Zupthen, and in a letter to Justus Lipsius paid a glowing tribute to the fascinations of Sir Philip Sidney.<sup>6</sup> His relations with the Sidney circle had been and remained of an intimate character. When in England he married Jeanne de Saint-Martin, a young Frenchwoman who was *dame de compagnie* to Penelope Rich, and the Hotman correspondence at Haarlem contains four affectionate letters from 'Stella' to Mme. Hotman, 'ma chère servante.'<sup>7</sup>

<sup>1</sup> 'Tibi si nuptiae animo fuerint, uxorem atram velis an albam, certiore me facias. Si formosam, etiam pecunias mitte. Probae enim et formosae in pretio sunt. Sin speciem haud ita spectes, uxorem accipies simul et pecunias' (*ibid.* 269).

<sup>2</sup> *Ibid.* 275. Camden in his *Annals* notes under the year 1581 the commencement of his friendship with Brisson, the distinguished French jurist, then on an embassy in England. On 6th February, 1589, Camden, like Hotman, obtained a prebend at Salisbury: vide *Gulielmi Camdeni et illustrium virorum Epistolae* (1691).

<sup>3</sup> 'Multus de te mihi sermo cum Sidneio, cujus in te amando iudicium cum meo plane consentit... Incidi in Aschamii vestri Latinas Epistolas, quem hominem, ne natum quidem existimabam: valeant Longolianae, ceteraeque pueriles omnes Epistolae... Aschamius vester puritate Latini Sermonis cedere paucis, argumenti gravitate omnes mihi superare visus est' (*ibid.* 294).

<sup>4</sup> 'De Bodino rogo quid, salutandum an praetereundum' (*ibid.* 300).

<sup>5</sup> *Ibid.* 340.

<sup>6</sup> He asks for tributes from Lipsius and Douza, and closes: 'Unum hoc in ipsius vita singulare animadverti: Cum essent in eo viro summae virtutes, ab omnium hominum invidia et obtreactione immunem fuisse, ut merito deliciae generis humani diceretur. Deus nos tanti viri praesentia indignos iudicavit' (*ibid.* 341).

<sup>7</sup> 'Je baisse en toute humilité,' wrote Lady Rich to Jean Hotman in 1590, 'les mains de ma chere clarté et a monsieur de Busanval. Je lui souhaite les bonnes graces de sa maistresse et à monsieur Palevesin bon vant, et a monsieur de

The recently recovered correspondence of Jean Hotman throws some additional light on the enigmatic personality of Henry Constable, whose sonnets were published with others from the pen of Sir Philip Sidney, under the title *Diana*.<sup>1</sup> His verse has the Franco-Italian quality of the English poetic school of the period, and merits attention mainly as one of Shakespeare's sources. Constable became a convert to Roman Catholicism in early life, and endeavoured to mitigate the lot of his co-religionists in England by bargaining with James VI. He visited Scotland with a commission from the Pope, and spent six months there in 1598-9 without obtaining an audience.<sup>2</sup> The Scottish king was not prepared to promise concessions to English Catholics in return for papal support of his claim to the English succession. Constable was eager to attach himself to the party of the Earl of Essex, and the affectionate reference to him in Lady Rich's letter seems to indicate that he succeeded. The exhortation to him, 'qu'il ne soit plus amoureux,' seems to indicate that 'Stella' inspired him no less than Sidney and to determine the question of the inspiration of *Diana*. The correspondence also reveals Constable in the rôle of a pamphleteer on behalf of a *modus vivendi* between Roman Catholics and Protestants. This was probably his common interest with Jean Hotman, who sent a copy of Constable's lost treatise to Pierre l'Oyseleur, chaplain of William of Orange, and author of the famous *Apology* of his master. Hotman's letter evoked an interesting reply, in which l'Oyseleur deplored the conversion of Constable to Romanism, and cast doubts on the efficacy of his attempt at reconciliation.<sup>3</sup>

Sydnye, qui ne croye pas tout ce que l'on luy dict, et à monsieur Constable qu'il ne soit plus amoureux, et à vous mesme d'aymer bien vostre femme et à tous d'estre constants jusques à vanderdy. La plus constante de ceux, qui sont nommez en ce papier, hors mis une, Penelope Riche' (Blok, *Correspondance de Leycester*, Musée Teyler, Haarlem 1911, 256). The Constable referred to is Henry Constable (*vide infra*). The other references are to the French Ambassador and the diplomatist Palavicino.

In 1587 François Hotman wrote in affectionate terms to his daughter-in-law, and referred to an interesting family event then anticipated (Blok, *op. cit.* 224). According to Blok her maiden name was de la Viennigne.

<sup>1</sup> London, 1588, reprinted in Lee's *Elizabethan Sonnets*, ii. 75; cf. *ibid.* i. lxi. and Lee's notice in *D.N.B.*

<sup>2</sup> Thorpe, *Calendar of State Papers*, ii. 766, etc.

<sup>3</sup> Blok, *op. cit.* p. 257. The letter is dated November, 1590. In it l'Oyseleur protests against reports which had been spread abroad that he had spoken disrespectfully of James VI. Cf. letter of Constable to Anthony Bacon from Rouen,

After the death of Leicester, Hotman attached himself to the Earl of Essex, and soon gained his confidence. When Essex fled secretly from Court to join the expedition of 1589 against Spain and Portugal, Hotman was apparently in the circle of the initiated, and received a letter of farewell from Don Emanuel, the son of the Portuguese pretender, written from Plymouth when the fleet was on the point of setting sail.<sup>1</sup> In the same year he visited Scotland under the auspices of Archibald Douglas, the Scottish Ambassador in England, and in the interests of the Earl of Essex. On 29th July Hotman wrote to Douglas from Edinburgh that 'in two or three days we hope to start to find where the king will be. People think it will be at Aberdeen.'<sup>2</sup> The mission on which he was engaged was probably concerned with the dark intrigues which were excited by expectations of the death of Queen Elizabeth. Henry Constable was in Scotland at the same time on behalf of the Roman Catholic interest, and since the death of the Earl of Leicester, Hotman had acted as one of the semi-official agents of Henry of Navarre, occupying an anomalous position by the side of the French Ambassador. On 7th October Thomas Fowler, an English political agent, wrote to Lord Burghley that 'the said Ottoman had many secret conferences with the king which pleased him exceedingly.'<sup>3</sup> The affair had some importance, and the letters of Fowler veiled the exalted names of the persons concerned in the terms of a Latin cypher. Hotman's relations with King James at this period probably resulted in his translation of the *Basilikon Doron*, to which reference has already been made.

Either in Scotland, or previously in the Low Countries, Hotman had made the acquaintance of William Fowler, the secretary of Queen Anne, and the author of a large body of pedestrian verse only recently printed.<sup>4</sup> After Hotman's return to Basle, Fowler wrote him an interesting letter from Delft.<sup>5</sup> He had forwarded to King James Hotman's gift of some of his

dated January, 1596, in which the former refers to 'a copy of a little encounter between the ministers of the French gospel' (*Diana*, ed. London, 1859, p. xi).

<sup>1</sup> Blok, *op. cit.* 249; cf. Cheyney, *History of England from the Defeat of the Armada, etc.* (London, 1914), i. 153 *et seq.*

<sup>2</sup> MSS. *Marquis of Salisbury*, iii. 426; cf. *Epistolae*, 361.

<sup>3</sup> Murden's *State Papers*, 639 and 640.

<sup>4</sup> *Works of W. Fowler*, ed. Meikle (Edinburgh, 1914).

<sup>5</sup> *Epistolae*, p. 379. The letter is written from 'Delfos non apud Apollinis, sed Bacchisanum,' and is dated 25th December, 1593.

father's writings, including his treatise, *De castis nuptiis*. The gift was very opportune, the Scots Estates being exercised on the subject of clandestine marriages.<sup>1</sup> He refers to the Catholic earls and the position of Bothwell. He had apparently been asked by Jean Hotman to dispose of some of his father's alchemical preparations in Scotland, but he had found the traders indifferent.<sup>2</sup> In an undated letter, probably written from Paris in the early years of the seventeenth century, Hotman complained to Fowler of the failure of King James to reward him for his translation of the royal masterpiece. He had not found it possible to dedicate his collected edition of his father's works to the king, but he had sent him a well-bound copy, and understood from the relative of the English Ambassador in France, who had presented it in his name, that the gift had been well received. He had translated the Βασιλικὸν δῶρον at the king's command, and had been promised a rich reward, but he had received nothing. His wife, he added, was going to England, and he had asked Sir Robert Sidney and Lady Rich, the brother and the 'Stella' of Sir Philip Sidney, to aid her to obtain a reward. He urged Fowler to assist, and wrote of his favour with the queen and at Court.<sup>3</sup>

During Jean Hotman's residence in England his attention was mainly devoted to affairs, but he did not leave the country without breaking a lance on behalf of the cause of juristic humanism, with which his father's reputation was bound up. His opponent was his quondam friend, Alberico Gentile, and the publication by the latter at the end of the year 1582 of his *De juris interpretibus*

<sup>1</sup> 'Praesertim cum ministri nostri conarentur, ut publica Edicta in publicis Comitibus fierent, quibus rescinderentur hujusmodi clandestina matrimonia, quae absque Pastorum legitima vocatione, per obscuros et exauctoratos Presbyteros Anglos et Papistas in nostris confinibus et alibi crebro fierent. Tum etiam cum legitimum non interveneret divortium, spretis legibus et uxoribus, iniqui ex damnato coitu consensus assurgerent.' This passage is an interesting piece of evidence on the interest taken by the king in the painful development of Matrimonial Law which followed the Reformation. Cf. *S.H.R.* ix. 10.

<sup>2</sup> Jam expeditionem paramus in patriam, ibi ego curaturus illud negotium vestrum de Hydromele commodiori occasione quam antea. Quosdam mercatores tamen conveni, sed stolidos et parcos. Nihil illos istae utiles inventiones movent. Qui non 500,000 aureorum spem 50 aureis vellent emere, sed tamen non disistam, nec dissideo quin homines cordatiores ad hoc opus utilissimum attraham.'

<sup>3</sup> *Ibid.* 368. The letter is addressed *cuidam anglo*, but the internal evidence clearly indicates that it was written to Fowler. Another Scottish friend of Jean Hotman was Archibald Douglas, the notorious parson of Glasgow and Ambassador to Queen Elizabeth (*Salisbury MSS. H.M.C.* iv.).

*dialogi sex* seems to have permanently alienated Hotman.<sup>1</sup> The ground of offence was probably the criticism of François Hotman in which the author indulged.<sup>2</sup> Jean Hotman's protests first find expression in a letter to Bergmann from Windsor of November, 1582, in which, with reference to his correspondent's *Liber Iconum omnium Jurisconsultorum*, he denounces those who would divorce jurisprudence from history and letters, and quotes many of the expressions employed by Alberico Gentile without naming him.<sup>3</sup> Alberico is named and denounced in unmeasured terms in a letter to a foreign friend whom I cannot identify.<sup>4</sup> In March of the following year Hotman wrote to Sir Henry Saville of Gentile: 'Scribunt ad me e Germania et Gallia viri docti, mirari se quod Anglia asinorum expers, tantum ferat et alat asinum.'<sup>5</sup> Gentile apparently learned of the indignation which his treatise had excited, and wrote gushing letters to his friend without entering on dangerous ground.<sup>6</sup> He received no reply, and at length wrote in plain and rather anxious terms for Hotman's opinion.<sup>7</sup> No reply has been preserved, and probably none was sent.

It is an ungrateful task to rake the ashes of dead controversies, but Alberico Gentile's *Dialogues* are interesting, not only as the first treatise of a great jurist, but also as the academic summing up of a controversy which had lasted for a century. The quarrel began between the degenerate Bartolists and Alciatus and his followers, between the mere *practiciens* and those who would

<sup>1</sup> Printed in Panziroli, p. 540. The treatise is dedicated from Oxford to the Earl of Leicester. In January, 1582, some months before its publication, Henry Cuffe wrote to Hotman with reference to the arrival of Niphus, the opponent of Scaliger, from Padua: 'Sed nosti naturam Italarum. Non sunt multi Itali Gentili nostro similes, id est non sunt simplices et aperti, sed vafri et versipelles' (*Epistolae*, 272). Hotman's breach with Alberico Gentile did not alter his relations with his brother Scipio. Ten years later he applied to the latter for a set of memorial verses to his father (*ibid.* 357, etc., and 394).

<sup>2</sup> Jean Hotman's filial devotion extended to his father's friends, and we find him writing indignantly to Lipsius of the unworthy treatment which Donellus received at Leyden (*ibid.* 345).

<sup>3</sup> *Ibid.* 297.

<sup>4</sup> 'Ceterum quaeris ex me, quid de Gentiliano Scripto iudicii mei sit: Quasi vero non satis memineris ejus sermonis qui mihi tecum aliquando fuit ad multam noctem istic in ambulatione nostra. Certe si quid mei iudicii est, ridiculum stylum, absurdas opiniones, rationes ipsius nullas, verbosam et inanem orationem, cetera insulsa, illepida, nullius momenti esse arbitror, etc.' (*ibid.* 306).

<sup>5</sup> *Ibid.* 321.

<sup>6</sup> *Ibid.* 328 et 329.

<sup>7</sup> 'Tu vero siles Hotomanne? Quid ais de Libello meo? Sat scio non probari opiniones, qui coram refutare solebas...' (*ibid.* 333).

colour jurisprudence with history. It ended with the positions reversed. The historians had become antiquarians, and the *practiciens* had changed places with them. Just as in the field of political theory the Jesuits of the second generation adopted the theories of the early Huguenots,<sup>1</sup> so in the realm of the law practical lawyers adopted the theories of an earlier age and opposed to doctrinaire humanism the freedom of practice.<sup>2</sup> The change was typical of the sixteenth century, in which every combatant was on the alert to grasp the weapon that his opponent dropped and plunge it in his heart. In the course of many a contest the *secutor* seized the spear of the *retiaris*, and the latter cast off his net and donned defensive armour. The operation of this empirical rule is clearly traced in Gentile's pages.

The legal humanists of the preceding generation, in opposing the *mos Italicum* of the Bartolists, had often been dubbed *grammatici* and *sophistae* by the members of the older school,<sup>3</sup> but they had gained the day, and, in spite of the opposition of Dumoulin, reigned supreme in Northern Europe. In Italy, however, the old tradition maintained itself, and Alberico Gentile reached Oxford bearing the stamp of the law schools of Perugia. He found the French fashion of juristic humanism in vogue, and an element of national sentiment coloured his polemic. The fifth Dialogue closes with a reminiscence of his studies at Perugia, when the students drowned the voice of Rudulfus discoursing on history. The tumult only ceased when he mentioned the name of Bartolus.<sup>4</sup> The principal thesis of

<sup>1</sup> 'Voyez l'horrible imprudence dequoy nous pelotons les raisons divines : et combien irreligieusement nous les avons et rejettees et reprises selon que la fortune nous a changé de place en ces orages publiques. Cette proposition si solenne : S'il est permis au subject de se rebeller et armer contre son Prince pour la defense de la religion : souviennne vous en quelles bouches ceste annee passee l'affirmative d'icelle estoit l'arc-boutant d'un party : la negative, de quel autre party c'estoit l'arc-boutant : et oyez à present de quel quartier vient la voix et instruction de l'une et de l'autre . . .' (Montaigne, *Essais*, ii. 12).

<sup>2</sup> Cf. the struggle between the Ciceronians and anti-Ciceronians in the field of classical studies.

<sup>3</sup> Douaren, the distinguished follower of Alciatus, deals with such criticism in his *Epistola de ratione docendi discendique Juris conscripta* (1544), *Epistola de suo in Biturigum civitatem reditu* (1550), and *Oratio habita in cooptatione Domini Hugonis Donelli* (1551) : vide *Opera*, Frankfort, 1607, pp. 1100, 1108 and 1112.

<sup>4</sup> *Op. cit.* p. 636. Cf. 'Dum Perusii, dum alibi post doctoratus lauream in Italia vixi, semper his politioribus tribui aliquas horas : non enim multas potui prasi deditus ; et vix Hottomanni tunc temporis quaedam transierunt Alpes ;

Gentile, however, is summed up in the contention that jurisprudence is a science which cannot be divorced from practice, that it had fallen into the hands of professors,<sup>1</sup> and that students were overwhelmed with textual criticism, dialectical subtleties, and antiquarian disquisitions,<sup>2</sup> and knew nothing of law in the proper sense of the term at the end of their course. The pretensions of the professors knew no bounds. 'Sunt isti etiam,' he wrote, 'Theologi, Metaphysici, Astrologi, Musici, Rhetores, Poetae, Dialectici et nautae etiam. Postquam placet et agricolae, venatores, et fabri et quarumcunque mechanicarum periti. Dii boni, qualia monstra!'<sup>3</sup> Their humanistic claims had produced a kind of legal Ciceronianism, and had ended in the formation of a dialectical school of commentators as barren as the glossators whom they despised.<sup>4</sup> *Isti encyclopedei*, he calls them, *grammaticali, logicoconsultissimi, historiarum consultissimi*.<sup>5</sup> The serious study of Civil Law alone is sufficient to occupy a lifetime, 'nam de fortunis et capite hominis agimus.'<sup>6</sup> Canon Law

aliorum nec nomina cognoscebamus' (*ibid.* 542); and '... quaerulus item clamitat Baro: et colophonem apponit Hottomannus, qui Baldum ipsum, non alios solum, ait, scripsisse fere nihil, nisi quod prius tractaret Bartolus, ac hujus etiam mores furaces, plagiorosque incusat' (*ibid.* 622).

<sup>1</sup> 'Alter, qui Augiae stabulum dicit nostram scolam, et illud quoque potest, *aurum colligimus quasi ex stercore Ennii* . . . Triumphant igitur in suis scholis, aut Academiis, ipsi in foro, in luce civitatis nulli sunt' (*ibid.* 620). This is a shrewd thrust at François Hotman.

<sup>2</sup> 'Saepissime de lana caprina rixantur. Tres menses in una rubrica ponunt; in cujus continuatione usque etiam ad superstitionem sunt studiosi. An vel ex his verum non est, quod dicitur, jurisprudentiam ex matrona esse meretricem?' (*ibid.* 619).

<sup>3</sup> *Ibid.* 562. Gentile expressly includes François Hotman in this category. Cf. p. 552. Cujas was frequently subjected to the same kind of criticism. 'Quand on vouloit mespriser Monsieur Cujas, on l'appelloit Grammairien, mais il s'en rioit, et disoit que telles gens estoient marris de ne l'estre pas' (*Scaligerana*, 116).

<sup>4</sup> 'Ait Cicero, artes omnes se ipsas per se singulas tueri: nam Oratorium excepit solam. Credant suo Ciceroni recentiores et huic auctoritati' (*Panziroli*, 563). Cf. p. 579.

<sup>5</sup> 'Alciatum vocare Ciceronianum, et ex albo jurisconsultorum expungendum, dicere solitus est clarissimus Decius. Quid credam de aliis, qui scholia in Caesarem, Commentaria in orationes Ciceronis, similia multa ediderunt?' (*ibid.* 579). The reference is clearly to François Hotman. Again, 'Et pessime quoque faciunt, qui nos ab ista simplicitate conantur deducere in illos Dialecticos labyrinthos, Hottomannus, Vigelius, caeterique logicographi' (*ibid.* 612). Again, 'Accursianos Realas, Nominales Alciatios' (*ibid.* 582).

<sup>6</sup> *Ibid.* 550.

must be left to specialists, and the adaptation of Civil Law to the needs of the day is the most fruitful task for the jurist.<sup>1</sup> The *Dialogues* have an academic tone, and cannot be taken as evidence of a widespread reaction from the spirit which had directed legal education for a generation, but they have some evidential value as coming from the pen of one of the great jurists of modern history.<sup>2</sup> The note of hostility to the work of François Hotman which pervades them, is sufficient to explain the indignation excited in the breast of his son.<sup>3</sup>

In spite of the coldness which existed between Jean Hotman and Alberico Gentile, they were associated as legal advisers on the delicate questions which arose out of the complicity of Bernardino de Mendoza, the Spanish Ambassador, in the intrigues for the liberation of Mary Stuart. The government of Elizabeth sought the joint opinion of the two foreign jurists on the extent to which a foreign ambassador was free from pursuit at the instance of the criminal authorities of the country to which he was accredited.<sup>4</sup> This affair was probably of importance in the intellectual life of Gentile in fixing his attention on the untilled field of international law, in which he became a pioneer, but to Hotman it was simply an episode. His interest was in practical life and in the lighter side of scholarship. Before his arrival in England he had obtained some experience of diplomacy, and had been in the household of the English Ambassador at Paris. His residence in England was varied by visits to Scot-

<sup>1</sup> 'Placent maxime mei interpretes, qui ad sua tempora accommodarunt leges Justiniani: nam dubium non est quod si ille hodie viveret, nec faceret omnino aliter' (*ibid.* 627).

<sup>2</sup> Holland treats the *Dialogues* as a serious expression of their author's abiding view on the questions discussed (Holland, *Studies in International Law*, p. 16).

<sup>3</sup> e.g. 'Hottomannus inculat etiam durius, quod sui potius acumen ostentare, quam lectorum studiis consulere velle videantur' (*Panziroli*, 644). Cf. p. 657, where Gentile criticises Hotman's *Anti-Tribonian*. It must be noted, however, that in his *De jure belli*, Gentile frequently refers to F. Hotman as an authority on legal questions.

<sup>4</sup> 'Me trouvant pour lors en la Court d'Angleterre, quelques Seigneurs de Conseil et des plus grands, me firent l'honneur, comme pareillement au feu Docteur Alberic Gentilis, d'en vouloir entendre nostre avis; bien que ce Royaume la ne manque de personnes d'experience et d'erudition...' (*Traité de l'Ambassadeur: Opuscules des Hotmans* (Paris, 1616), p. 559). Cf. Bernardino de Mendoza to King Philip (26th January, 1584), *Calendar of State Papers* (Spanish), 1580-6. Cf. *Traité de l'Ambassadeur*, pp. 507 and 591. This episode is treated by Gentile in his *De Legationibus* (London, 1585), Bk. ii. c. 18, 'Si legatus in principem conjuraverit apud quem legatus est?' (p. 77).

land<sup>1</sup> and France,<sup>2</sup> which were probably semi-official, and by his experiences in the Low Countries with Leicester. His prebend at Salisbury seemed a meagre reward for years of service, the death of his patron cut off the hope of more, and the rising star of Henry of Navarre seemed to offer a field of fruitful activity in France for the son of one of the Old Guard of the Huguenot party.<sup>3</sup> Further, his father's death and an embarrassed inheritance rendered his presence necessary at Basle. In June, 1590, he wrote to Amerbach from London that he was setting out for Switzerland *via* France,<sup>4</sup> and in December, 1592, he addressed a friendly letter to Scipio Gentile from Basle.<sup>5</sup> In the interval he had joined Henry of Navarre before the walls of Paris, having been entrusted with a small commission by Queen Elizabeth.<sup>6</sup> He apparently found no opening there and proceeded to Basle, where he occupied himself with the publication of his father's collected works and the attempt to recover something of his dissipated patrimony.<sup>7</sup> In turning over the family papers, his thoughts were directed, as in the case of his father, to his unknown relatives in Silesia, and he corresponded with Monavius on the subject, but the old men were dead, and the boys that were left had no interest in their French kinsmen.<sup>8</sup>

On his return to France he played a worthy part as a diplomatist, and represented France under Henry IV. and Louis XIII. at the Courts of the German princes. He reverted to the family type, and became in course of time M. de Villiers Hotman, having apparently obtained possession of the family estates.<sup>9</sup> He effected a reconciliation with the various branches

<sup>1</sup> *Ut supra.*

<sup>2</sup> *Epistolae*, p. 343.

<sup>3</sup> As early as June, 1587, Hotman had written to Leicester from Holland for permission 'to goe to my old master ye King of Navarre, whose fortune I would rather runn with danger, than to remaine here in such a disgrace as I have ben.' Broersma and Huet, *op. cit.* 238.

<sup>4</sup> *Epistolae*, 355. In December, 1590, he wrote to Archibald Douglas from Dieppe, where he was awaiting the arrival of Biron (*Salisbury MSS. H.M.C.* part iv.).

<sup>5</sup> *Ibid.* 357.

<sup>6</sup> *Traité de l'Ambassadeur*, p. 469: '... comme la dernière Reine d'Angleterre m'en fit porter parole au feu Roy, quand je retourney le trouver durant le siege de Paris, sur le sujet d'un gentilhomme de qualité qui avoit esté envoyé aux Princes protestans d'Allemagne, et qui n'y estoit pas le bien venu.'

<sup>7</sup> *Epistolae*, p. 359. 'Labor, tamen, quia nemo me in eo juvare potest: etenim bonus senex non tam scribebat quam notis soli mihi cognitis animi sensa signabat' (*ibid.* 376). *Franc. Hotmani Opera* (Lugduni, 1599-1600), 5 vol.

<sup>8</sup> *Epistolae*, 332, 361 and 372.

<sup>9</sup> *Ibid.* 402.

of the Hotman family, and was on most intimate terms with his uncle, Antoine Hotman, the old Leaguer, until the death of the latter in 1596. In 1597 he accompanied another uncle, François, sieur de Mortefontaine, on a diplomatic mission to the Swiss Cantons, and remained with him until the death of the ambassador in 1600. Hotman was slowly but surely reaping the modest harvest of a life spent behind the scenes of the diplomatic stage. Henry IV., with his unflinching penetration, appreciated the value of his unique preparation for the political situation which was slowly defining itself in Europe. Hotman was heir to his father's prestige in the Calvinist world, and in Switzerland and Western Germany. He was well known in England and to King James, and he was well acquainted with the inner political life of the United Provinces. The verdict of modern historians has been given against the reality of Sully's *Grand Dessein*, and in any event the death of Henry IV. relegated it to the realm of unfulfilled projects.<sup>1</sup> Had it been attempted, Hotman would certainly have been an important instrument in the hands of the French king, and even if we neglect the implications which Sully in his retirement attempted to impose on the political situation at the opening of the seventeenth century, that situation gave Hotman his chance.<sup>2</sup> The disputed succession of Clèves and Juliers, which threatened to embroil Europe, led to his appointment as French resident minister at the Court of Düsseldorf. The position was one of great delicacy and responsibility, in which the status of the Protestant party in the Empire was involved.

During his residence at Düsseldorf and immediately before the death of Henry IV., Hotman sent a report to Paris, dealing at length with the manner in which the king's death was anticipated, in speech and writings, in the Low Countries and in Western Germany. This report was subsequently extensively used by Cardinal Richelieu in the preparation of his *Mémoires*.<sup>3</sup> In the following year Hotman was despatched by the French queen to Aix-la-Chapelle, where a tumult had been caused by

<sup>1</sup> Lavissee, vi. pt. ii. p. 119 et 199.

<sup>2</sup> Schickler, 'Hotman de Villiers, et son temps,' *Bulletin de l'histoire du Protestantisme Français*, xvii. 145. Cf. Delaborde, 'Correspondance du Dumaury avec Hotman de Villiers' (*Bulletin de la Société de l'histoire du Protestantisme Français* (1866), xv. pp. 401 and 497).

<sup>3</sup> *Mémoires du Cardinal de Richelieu* (ed. Paris, 1907), i. 75 n. Hotman was in Paris in July, 1607, as a guest of Casaubon. *Casauboni Ephemerides*, ii. 535.

quarrels between Romanists and Protestants regarding the establishment of Jesuits. He was accompanied by the Marquis de la Vieuville, and a settlement was reached in October, 1611.<sup>1</sup>

Hotman accomplished his difficult task with success, until the death of Henry IV. changed the policy of France. Marie de Médicis had no sympathy with German Protestantism, and, while Hotman retained his post and was treated with confidence by the government, he felt that his position was becoming a false one. A quarrel with the Count Palatine, in which the diplomatic dignity of the French resident was involved, resulted in Hotman's recall in 1614. He was now sixty-two years of age, and, though he lived to be eighty-four, the records of the period contain no trace of further diplomatic activity on his part. He resisted the current which was sweeping the Huguenot leaders back to the Roman communion, and his Protestantism was probably sufficient ground for his exclusion from public office. He had relations with Lord Herbert of Cherbury, who was English Ambassador to France during the Protestant Civil War of 1621-22; the collection of the Earl of Powis, whose ancestor married the last of the Herberts, containing a long account of an attack on 'M. de Villiers Hotman' at Villiers, near Verneuil, on 27th September, 1621.<sup>2</sup> His relationship with this extraordinary personage probably dated from his residence at Düsseldorf. Herbert, having volunteered for service with the English expeditionary force, took part in the struggle before Juliers, and, on his appointment in 1619 to the Embassy at Paris, he was glad to make use of Hotman's wide relations in the Protestant world. 'In Paris,' he wrote, 'I had the chief intelligence which came to . . . Monsieur Villers, for the Swiss.'<sup>3</sup> Hotman's old Oxford friend, Sir Isaac Wake, was then ambassador in Switzerland, and this casual reference gives some indication of the discreet but influential part played by Hotman in his later years.

The summary account of the activities of Jean Hotman to be found in, e.g., the *Biographie Générale* contains a reference to his interest in the reconciliation of Catholics and Protestants, but it was left to an Englishman to elucidate his activities in this field. In the year 1867 Dr. Pusey, who carried on an

<sup>1</sup> *Richelieu*, 179.

<sup>2</sup> *H.M.C. Report*, x. part iv.

<sup>3</sup> *Autobiography* (ed. Lee, London, 1886), 233. Cf. Rémusat, *Lord Herbert de Cherbury* (Paris, 1874), 79. Like Hotman, Herbert was a friend of Casaubon and Grotius.

active propaganda in France during the years which preceded the Vatican Council, presented to the *Bibliothèque du Protestantisme Français* a collection of the writings of Jean Hotman. This new material aroused the interest of the French Protestant world, and recalled Hotman from the oblivion into which he had fallen.<sup>1</sup> It revealed him as participating in the aspirations for reunion of Casaubon and as a predecessor of the High Anglicans of the last generation.<sup>2</sup> The beginnings of his attitude reveal no more than the pacific aspirations of a political character which marked the *politiques*. He observed the tendencies of Henry IV. and regarded them from the national point of view, in which religious considerations were subordinate to political aims. So far, he was in line with a distinctively French development, but when Henry had made what was from the Huguenot standpoint *il grand rifiuto*, Hotman did not weary in well-doing, and his activities had a distinctively ecclesiastical note. In this second stage of his progress he may be characterised as an Anglican of the type which was evolved during the latter years of Queen Elizabeth.

In his earlier pamphlets and memoranda on reunion, Hotman found the point of contact between Roman Catholicism and Protestantism in the primitive church. 'A ses yeux, en effet,' writes M. Schickler, 'la Réforme n'était pas un schisme mais un retour au christianisme primitif, une rénovation à laquelle tous étaient appelés à participer sans sortir de l'Eglise universelle dont personne n'entendait se séparer. Il s'agissait donc uniquement de ramener la religion à son origine dont nul ne contestait la divinité, et dès lors le rapprochement devait être facile.'<sup>3</sup> The means by which a reconciliation would be effected was a national council which would find a common ground in the revival of Gallicanism. This conciliar idea was the expedient favoured by Henry of Navarre, who regarded the question of religion

<sup>1</sup> Liddon's *List of Pusey* (2nd ed.), iv. 95 *et seqq.* During his residence in Switzerland, which followed his departure from England, Hotman was absorbed by the religious question. It was considered by him in the first instance from the liturgical point of view—an illuminating side light on the influences to which he had been subjected in England. In October, 1593, Bongars wrote to Camerarius, 'Hotmanus editionem parat liturgiarum veterum. Et in illo tuo volumine libellus est, ipsi novus. Cuperet aut exscribi, aut editum, ut est, ad se mitti. Quod petit in publicum utile est.' *Lettres de Jaques de Bongars* (La Haye, 1695), 311 and 620.

<sup>2</sup> Pattison's *Isaac Casaubon* (ed. 1875), p. 300 *et seqq.* Schickler, *op. cit.* xvii. 401 and 513.

<sup>3</sup> *Op. cit.* p. 402.

from a purely political point of view, but as the years passed and the Bull of Sixtus V. placed Henry beyond the pale, the latter realised that the situation was too serious for what may be described as a local application of Gallicanism. He found it necessary to advocate the summoning of a General Council. The differences between the two religious parties were becoming more bitter under the influence of the League, and the reaction which it evoked from the Calvinist supporters of Henry's claims, and the abandonment by the pamphleteers of the idea of a National in favour of that of a General Council, were tacit admissions that a *transaction religieuse* had become impossible. Henry's abjuration removed the controversy from the political plane and for some years previous to that date his unconcealed Romeward tendency had made it clear to the supporters of reunion projects that their cause had become exclusively theological or ecclesiastical.

The king's gradual abandonment of the search for a *via media* did not distract Hotman from the enterprise. His Calvinist brethren called him 'moigneur, pacificateur, reconciliateur, appointeur et brouillon,' and he received no encouragement from the opposite camp, but he had confidence in the existence of an intellectual aristocracy in France, 'bons Français, vrais enfants de l'Eglise catholique et vrais membres de la gallicane.'<sup>1</sup> In the year 1585 one of his Catholic relatives, Jean Hotman, sieur d'Infendie, had published an anonymous pamphlet in favour of reunion,<sup>2</sup> and Hotman carried on the tradition and sought to defend the common ground on which he believed a reconciliation to be possible, from the assaults of Cardinal du Perron and his school. His tone is largely theological, and he relies on a conception of the Church which would embrace both Romanists

<sup>1</sup> 'Je sais d'ailleurs,' wrote Hotman, 'qu'il y a prou de gens qui font mieux leurs affaires dans le désordre et parmi la confusion, suivant le dire de Tacitus : Omne desperatis in turbido consilium. J'en connais d'autres desquels les opinions sont aussi vieilles qu'eux, et qu'ils pensent leur être malséant s'ils ne les portaient avec eux jusqu'au tombeau, ne plus ne moins que les femmes, lesquelles font enterrer quant et elles quelque bague ou autre chose qu'elles ont affectonné de leur vivant. Mais le plus grand nombre est de ceux dont j'ai tantôt parlé qui ont le cerveau faible et qui s'offense à chacun changement de temps, et l'estomac si débile qu'il ne peut digérer autre viande que celle qu'il a accoutumé' (Hotman MSS. 51, quoted by Schickler, *op. cit.* 411). He is dealing with Protestant critics.

<sup>2</sup> Schickler, *op. cit.* 464. This Hotman was probably an uncle, and may have been tinged with Protestantism. (Cf. 'Hottomanus Calvino,' 25th March, 1556 : *Calvini Opera*, xvi. 81, n. 4 ; *ibid.* 497 ; *ibid.* pt. ii. 15.) He was the author of some philosophical treatises which were published by Jean Hotman after his death under the title, *Trois divers traittez du feu Sieur d'Infandie Hotman* (Paris, 1597).

and Protestants. Internal disputes, in his view, must be referred to a General Council, and the reformation of abuses is the task not of the Papacy, but of each branch, e.g. the Gallican Church, in its own jurisdiction.<sup>1</sup> He maintained that the Jesuits were not 'recevables à donner avis dans une assemblée de l'Eglise gallicane, ou les seul prélats, évêques, docteurs et pasteurs de la dite Eglise doivent avoir séance.'<sup>2</sup> On the other hand, he urged his co-religionists to agree to concessions, and protested against the deification of the early Reformers, which tended to create a Protestant Papacy with dead popes at its head.

The fateful abjuration of the king did not dash Hotman's zeal for the cause of reunion, and he engaged in controversy with Palma Cayet, who had hastened to follow his master's example. Four years later he sent some of his writings to the pope by the hands of Oratio Ruscellaï, a Florentine abbé of doubtful reputation whose acquaintance he had made in Switzerland, but his *Tableau de l'Eglise catholique* fell upon stony ground. As time passed the optimistic advocates of reunion fell into disrepute with their co-religionists, and Hotman's attention was diverted during the latter part of his life to the studies and political interests which he shared with the *illuminati* of France and England. He was an honoured friend of Camden and his circle on the one hand, and of Casaubon, de Thou, Pithou, Labbé and Pirescius on the other, and a correspondent of Lipsius and Grotius.<sup>3</sup> The daughter of the last spent some time in Paris in the care of Mme. Hotman, and Hotman's son paid a return visit to Grotius.<sup>4</sup> Hotman remained on terms of friendship with Leicester's widow,

<sup>1</sup> 'Response à la Supplication adressée au roy pour se faire catholique, et aux moyens nouveaux pour induire Sa Majesté d'aller à la messe': Hotman MSS. 29, cited *ibid.* 469. This is a reply to Cardinal de Perron's *Remonstrance d'Angers*.

<sup>2</sup> 'En France, nous tenons tous, ou la pluspart, même tous les grands de notre religion, que suivant la définition de Saint Augustin et le consentement de tous les anciens, il n'y a qu'une Eglise chrétienne et catholique, épandue par tout le monde, et composée de tous ceux qui connaissent et reconnaissent Jésus-Christ comme l'auteur de leur salut; que l'Eglise romaine fait partie de cette Eglise, ores qu'elle soit pleine d'erreurs, d'abus et de superstitions' ('Projet de réponse à quelques ministres de Genève': Hotman MSS. 41, *ibid.* 515).

<sup>3</sup> 'Avis et dessein nouveau sur le fait de la religion en l'Eglise gallicane, pour être proposé au prochain concile national,' etc. (*ibid.* 518, 522).

<sup>4</sup> *Epistolae*, 389, 391, 393 et *sqq.*; *Camdeni Epistolae* (London, 1691), ix. xlvi. 21, 99, 108, 174, 187, 195, 202 and 264; and *Original Letters* (Camden Society, 1843), p. 105.

<sup>4</sup> *Epistolae*, 410 et *sqq.*

whose son Charles lived with him for some time in Paris.<sup>1</sup> As the years passed death thinned the circle of *illuminati*. The great Thuanus vanished from the stage, and Camden voiced the sorrow of his English friends.<sup>2</sup> In his turn Camden announced the deaths of Raleigh and Archbishop Bancroft. In an undated letter, probably addressed to de Thou, Hotman draws a charming picture, after the manner of Etienne Pasquier, of his retirement in his country house, cheered by royal approval and by the society of his wife. He confesses the fault of writing long letters, but he is old and claims a license for verbosity. He finds peace and consolation in reading the Scriptures, and sympathises with his friend in the losses which every booklover sustains at the hands of ignorant servants. It is a far cry from the misery of his father's declining years in exile, broken with poverty and racked with the vain dreams of the alchemist. The circle was complete, and the Hotman family tradition had been re-established.<sup>3</sup>

DAVID BAIRD SMITH.

<sup>1</sup> *Epistolae*, 390 et seq. In a letter to Balzac Hotman bore witness to the value of Queen Elizabeth's assistance to the Huguenot party. 'Plusieurs de vos amis eussent désiré,' he wrote, 'que votre plume se fut abstinée de toucher à la vie d'une grande princesse qui est et sera louée en tous les siècles, et laquelle n'a pas peu contribué, par l'assistance de ses moyens, au rétablissement de cet Etat lors de la Ligue, et vous en pourrois montrer une douzaine de lettres de remerciements du feu roy, cela étant non-seulement de ma cognoissance, mais la plupart de ma négociation, lorsque je servais Sa Majesté en Angleterre' (Schickler, 'Hotman de Villiers et son temps': *Bulletin de la Société de l'histoire du Protestantisme Français*, xvii. 106).

<sup>2</sup> *Epistolae*, 403 and 408.

<sup>3</sup> *Ibid.* 408. The tradition was maintained by succeeding generations. Mention may be made of Vincent Hotman, seigneur de Fontenay, son of Timoleon Hotman, *tresorier de France*, who was *intendant des Finances* in 1666. He married Marguerite Colbert, the sister of the great minister of Louis XIV., and died without issue in 1683. *Mémoires du P. René Rapin* (Paris, 1865), iii. 386 n.

## Reviews of Books

ORIGINS OF THE FORTY-FIVE AND OTHER PAPERS RELATING TO THAT RISING. Edited by Walter Biggar Blaikie, LL.D. 8vo. Edinburgh, printed by T. & A. Constable for the Scottish History Society. 1916.

THESE papers are interesting and important, and the Editor's introduction is not less interesting and important. No one else knows so much about the Forty-Five as Mr. Blaikie, and no one else can write about it so well. He has unearthed some valuable material, and he has explained its significance both in his masterly introduction and in a series of useful notes, which supply an answer to every reasonable question. When this has been said—and it is certainly no more than justice requires—the reviewer's task is restricted to an attempt to indicate briefly the lines of interest in Mr. Blaikie's book. He has called it *Origins of the Forty-Five*, and the name which he has added to the historiography of the Rising is that of John Gordon of Glenbucket. The Jacobite revival may be said to have begun with the sale of an Aberdeenshire estate and the visit of the laird to Rome, in January, 1737-8, as an emissary of a group of Scottish Jacobites, including Glengarry, who was Gordon's son-in-law. Murray of Broughton, in a series of memoranda, printed by Mr. Blaikie, belittles Gordon's mission, but he himself was sent from Rome to Scotland soon after Gordon's arrival, and the French State Papers which appeared in 1901 in Captain Jean Colin's *Louis XV. et les Jacobites* tell 'how the Chevalier de St. George was living tranquilly in Rome, having abandoned all hope of a restoration, when about the end of 1737 he received a message from his subjects in Scotland.' The French State Papers and Murray of Broughton's contemptuous reference gave Mr. Blaikie his clue; he searched for, and discovered, the date of the sale of Glenbucket in 1737, tracked Gordon to Paris and then to Rome, and proved his point. From the collection of documents used by Captain Colin, Mr. Blaikie has printed, for the first time, a 'Letter from some Scottish Lords to Cardinal Fleury,' written in 1741, which throws fresh light upon the development of the movement, and is naïf and amusing as well as enlightening. These two MSS., in Mr. Blaikie's expert hands, justify the title of the book, and they—and he—have made a real contribution to our knowledge of the topic.

Of the 'Other Papers relating to the Forty-Five,' the one which will attract most attention comes also from the French archives, and is an account of the events immediately preceding Culloden, written by the Marquis d'Eguilles, the official representative of France in the Jacobite army. It was a disputed question among the Jacobites themselves whether the Prince or Lord George Murray was responsible for fighting the battle

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of Culloden. Captain Daniel, an English Jacobite whose *Progress with Prince Charles* is here printed, asserts that Lord George insisted upon fighting that day, and that the Prince was compelled to yield to him. Neil Maceachain, the Prince's guide in the Hebrides, ascribes the statement to Charles himself, and says that he often spoke about the way in which, in spite of all his own 'rhetoric and eloquence,' Lord George out-reasoned him, and left him with no choice if he was to avoid a dissension in the army. There is no reason to doubt Maceachain's statement, and Charles Edward was neither the first nor the last Prince to avail himself, in this way, of the 'responsibility of ministers' as an explanation of disaster. But Mr. Blaikie quotes the definite and detailed statement of D'Eguilles that the decision to fight was made by Charles himself :

'The Prince, who believed himself invincible because he had not yet been beaten, defied by enemies whom he thoroughly despised, seeing at their head the son of the rival of his father, proud and haughty, badly advised, perhaps betrayed, could not bring himself to decline battle even for a single day. I requested a quarter of an hour's private audience. There I threw myself in vain at his feet.'

The arguments which D'Eguilles says he addressed to the Prince were sufficiently strong ; who were the bad advisers he does not say. Andrew Lumisden, in another of the narratives, remarks that Charles had either to fight or to starve, but he adds that he 'resolved to risk the event of an engagement altho above 3000 men were expected every hour,' a remark which tends to confirm the statement of the French envoy. It is difficult to believe that D'Eguilles was not speaking the truth, for it is difficult to suggest any reason for his distorting the facts, and Mr. Blaikie's reference to the French State Papers has settled a long-standing dispute.

There is plenty of local colour and local incident in the book. An Inverness minister, whom Mr. Blaikie identifies with the author of *The Highlands of Scotland in 1750*, edited by Mr. Andrew Lang in 1898, gives a lively account of the Highlands, and the minister of Tain tells of the progress of affairs in Ross and Sutherland. Of these ministerial narratives, the most valuable for the military history of the Rising is a narrative dealing with the counties of Aberdeen and Banff, from which we learn many details about the skirmish at Inverurie in March, 1746. In a valuable series of appendices, Mr. Blaikie deals with several interesting topics. His 'Genealogical Tables showing the kinship of certain Highland Chiefs and Leaders in 1745' will surprise even those who know about Highland relationships. It was very much of a family business, and some of the chiefs must have entered the Rising from similar motives to those of Hector M'Intyre in his repudiation of the Antiquary's gibe at writers.

Perhaps the most pathetic document in the book is the Appendix, which gives the protest of Cardinal York, made when, at the death of James in 1766, Clement XIII. refrained from acknowledging King Charles III., and thus abandoned the traditional policy of the Papacy towards the exiled house. At great length the Cardinal convicts the Pope of 'five serious inconsistencies,' and in the course of his exposition of the argument he tells a characteristic anecdote of King James III. It was usual for the Pope, at

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an interview with an heir to a throne, to offer him an arm-chair, and it was important that this recognition should be accorded to Prince Charles Edward. But in deference to 'the custom of the Kingdom of England where even the eldest son in the presence of his father is not allowed to sit in a seat equal to his,' James desired that when he and his son were received in audience together, the Prince should be given an 'easy chair, but without arms.' Fortunately, the good Cardinal was able to say that, when the Prince visited the Pope alone, he was provided with an arm-chair.

ROBERT S. RAIT.

EUROPE IN THE NINETEENTH CENTURY : AN OUTLINE HISTORY. By E. Lipson, M.A. Pp. iv, 298. With eight Portraits and four Maps. Demy 8vo. London: A. & C. Black, Ltd. 1916. 4s. 6d. net.

MANY people in these days are looking about them for something to read on the development of modern Europe, and their wants have called forth a generous supply of literature varying from outline histories to special studies bearing on particular aspects of the great war. Those who are not specialists in Modern History have, no doubt, found that general accounts too often leave but a slight impression upon the mind; and they may have wondered whether this was due to the fault of the reader, the complexity of the subject, or the method of exposition. Mr. Lipson seems to have felt that the traditional manner of dealing with the matter from the standpoint of international politics did not give either the student or the general reader so good a grasp as he might expect to gain within the limits of a manageable work and that something might be done to remedy the defect.

Apart from any innovation in the method of exposition, his book would have commanded attention from the quality of the writing. It is eminently clear; it is forcible and epigrammatic without exaggeration; it carries the mind along without jolts; and it creates an impression of mastery. In a sense, of course, it is a fugitive work, written under the shadow of events whose issue is not yet clear and at a time when many of our historical judgments are undergoing rapid revision. That is in the nature of the case. On the other hand, while the book is, and cannot but be, an appreciation of modern developments and events in Europe from the British standpoint—Mr. Lipson assumes the history of Great Britain as read, and does not affect to stand outside the drama as a merely disinterested critic and spectator—it is tolerant without being in the least colourless. Unlike many outline histories, too, it is not in the least sketchy; on the contrary, a great amount of detail is filled in with ease and skill, rendering it attractive to the general reader and useful to the student.

The fundamental problem is to expound international relations in their necessary correlation with the internal development of the particular States. Mr. Lipson gives the key to his method in the chapter dealing with the European Concert. The wars of the eighteenth century were attributed to dynastic ambitions; and so the French Revolution aroused hopes, especially in England, of a lasting peace. The Napoleonic struggle, indeed, belied these hopes; but it none the less stimulated the search for pacific contrivances against the menace of the future. The theoretical

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doctrine of the equality of the powers, great and small, was *de facto* overborne by the political superiority of the strong and by increased rivalry among them. Diversity of ideas and institutions prevented any solid international structure. The Concert of Europe threatened to introduce the tyranny of the directing powers, and by reactionary interference to repress the instincts of nationality and destroy the very peace which it was the avowed object to maintain. 'England,' said Canning, 'is under no obligation to interfere, or to assist in interfering, in the internal concerns of independent nations.'

If, then, it was diversity of ideas which made Alexander I.'s Holy Alliance 'a piece of sublime mysticism,' and which became fatally apparent at the meetings instituted by the Quadruple Alliance, it is necessary to understand the inner development of the individual States which wrecked the project of European federation.

In the case of France, Germany, Austria, and Italy, the year 1870 marks the end of the formative period in their history. For the French, after Waterloo, the problem was 'the establishment of a form of government acceptable to France combined with the pursuit of a policy which was acceptable to Europe.' The downfall of the Second Empire leads naturally to an account of German unification. It was in Germany that Napoleon cleared the ground of many petty divisions and awakened nationalism in opposition to his dominance. But was Germany to be united under Prussia or under the Habsburgs? Thus the internal problem involves the policy of Metternich and relations with Austria. Then Bismarck, depriving Prussia of liberty and substituting glory, ousts Austria and completes his work—if it be complete—with the French war of 1870. He comes into contrast with Cavour, though the story of Italy is postponed: the reactionary who declined to merge Prussian nationality with the statesman who was content to see Piedmont absorbed.

The Russian story is brought down to the present day: it is only now that she 'stands upon the threshold of a new life.' And so on to Austria-Hungary with her racial complexities, the 'mouldering edifice' which Metternich said he devoted his life to maintain. We follow the history to the *Ausgleich* of 1867, when, determined to recover influence in German affairs, Austria took the Magyars into partnership and conspired with the stronger races to dominate the weak, a plot of which the *dénouement* is being enacted. To speak of Austria is to think of Italy, and we pass to the story of how the 'geographical expression' became all but the Italy of the Italians.

A useful account of the Balkan States leads us back to the chapter on the European Concert, and so on to the 'New Era,' where the outstanding features are clear; the shaping of the French Republic; the consolidation of Germany; the Alliances; the Eastern Question; and, finally, German *Weltpolitik*.

Readers will be grateful to Mr. Lipson for an illuminating and attractive book. Teachers ought to find it exceedingly useful, and not least because it exhibits in an eminent degree what is most valuable to the student, the gift of historical style.

R. K. HANNAY.

THE HOLYROOD ORDINALE, A SCOTTISH VERSION OF A DIRECTORY OF ENGLISH AUGUSTINIAN CANONS, WITH MANUAL AND OTHER LITURGICAL FORMS. Translated and edited by Francis C. Eeles, F.S.A.Scot. The Book of the Old Edinburgh Club. Vol. VII. 4to. Pp. ciii, 221. Edinburgh: Printed by T. & A. Constable, Printers to His Majesty. 1916. 21s. net.

MR. MOIR BRYCE has put students of liturgical forms under great obligation by allowing the Holyrood manuscript in his possession to be printed, and no more suitable channel could have been selected than *The Book of the Old Edinburgh Club*, of which he is president. Mr. Bryce has been fortunate in having at hand an editor like Mr. Francis C. Eeles, whose literary gifts and wide acquaintance with medieval church customs eminently qualify him to undertake the supervision and interpretation of one of our ancient Service Books.

The contents of the manuscript are so varied and of such unequal value, showing signs of addition and erasure, that one hesitates to believe that it ever ranked as one of the official or principal books of Holyrood Abbey. It begins with a form of Bidding Prayer for benefactors, with special mention of several of the Scottish Kings, and ends with an inventory of *instrumenta ecclesiastica* dated in 1493. The body of the manuscript comprises a kalendar, martyrology (which for adequate reasons has been omitted in the printed book), gospels and homilies for use in chapter, a legendary history of the founding of the abbey, the rule of St. Augustine (so often printed that it is here omitted), an ordinale or directory for the services throughout the year, a manual of occasional offices which include only the visitation of the sick and burial of the dead, with some special forms of blessing, and a litany for canons on travel or pilgrimage. Like the manuscript itself, the principal contents have no titles. The headings of the offices or sections as well as the title of the printed volume are the work of the editor.

No exception can be taken to the editor's decision when he selected the Ordinale as the chief title of the book. The section is not only the longest but the most important of the manuscript in whatever relation it may be viewed. Without this form the remainder would be of slender interest in the history of Augustinian liturgical services. The Holyrood Ordinale, too, has characteristics which make it to a certain extent distinctive. It does not include directions for the performance of ordinary services, being almost wholly adapted for special days, and may therefore be regarded as supplementary to the Consuetudinary, which dealt more with rules and regulations embracing the whole inner life of the convent. As our knowledge of such matters, so far as the Augustinians are concerned, is very meagre, the importance of the Holyrood publication cannot be exaggerated. It is true that the study of the manuscript has led Mr. Eeles to presuppose that it is a fifteenth century copy of a document or documents of much earlier date written for some English house, scarcely for a group of houses, as he believes. But the source cannot detract from its value as a Scottish liturgical book. The Order of St. Augustine was not an insular or national institution. Its framework, ideals and aims were constant in

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every clime where it got a footing, but their adaptation to local needs followed not the law of the Medes and Persians. Mr. Eeles has shown in more than one instance that the Holyrood canons clung tenaciously to their own peculiarities and variations as best suited to the northern kingdom. For all practical purposes, as it seems to us, the Holyrood collection of liturgical documents may be accepted as a Scottish book.

It is a pleasure to bear testimony to the careful editing and faithful exposition of the contents of this most interesting manuscript. The full introduction, covering over a hundred pages, holds the reader's attention throughout as the editor unfolds the significance of the successive parts of which it is composed. It is a veritable mine of Augustinian lore. Though here and there one may take a view other than the editor's on some side issue, such difference of opinion only increases respect for the work as a whole. Mr. Eeles may be specially complimented on the list he has given of English Service Books belonging to the Augustinians, in manuscript and in print, at present known; it is a very useful addition to the introduction. The four photographic facsimiles of parts of the original form a link between manuscript and printed book.

JAMES WILSON.

THE REGISTER OF THE PRIVY COUNCIL OF SCOTLAND. Edited and Abridged by P. Hume Brown. Third Series. Vol. VIII. A.D. 1683-84. Pp. xxvi, 883. Imp. 8vo. H.M. General Register House, Edinburgh. 1915. 15s. net.

THIS volume in its contents throughout is a faithful sequel of that immediately before (see *S.H.R.* xiii. 84). 'As in the preceding years of the reign,' says the Introduction, 'the main business that occupied the Council was the suppression of disaffection on the ground of religion, and towards the achievement of this end continuously severer measures and sterner enforcement of them were its persistent policy.' The chief heads of historical interest under which the editor groups his survey of the period covered include, besides the staple of repressive measures, the English conspiracy known as the Rye House Plot, the legality of torture, the state of the Borders and the Highlands, and a series of developments of manufacture and foreign trade. We learn more fully than hitherto the circumstances under which Sir James Dalrymple (afterwards Lord Stair) consulted his personal safety by flight to Holland after some menacing from Claverhouse. Cloth and sugar were particular subjects of manufactory, as were beaver, half-beaver, and castor hats, in which last an Edinburgh merchant trading to America had a monopoly, stipulated, we are rather naively told, to 'do no prejudice to any felt makers.' Copper mines in Currie were wrought by a German. Foreign trade, however, even from Ireland, was penalised wherever it was likely to compete to the disadvantage of the Scottish lieges, protected interests being inclusive of the trappings of coffins and the garments at funerals.

The ferries from Kinghorn and Burntisland across the Forth to Leith vigorously opposed the pretensions of Kirkcaldy in setting up 'small boats of purpose to intercept the complainers' passengers in fair weather.' The

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case was remitted to the Court of Session, and Professor Hume Brown does not follow it further. Lord Fountainhall, it may be noted, was interested in the suit, which involved knotty points. 'The Lords being unclear,' he tells us, they committed it to three of their number to accommodate the difference if they could. This committee of amicable compositors failed, but ultimately a submission to arbitration was arranged, and Sir John Cunningham's decree-arbitral restricted Kirkcaldy to four boats and Dysart to two, leaving Burntisland and Kinghorn free to have as many as they pleased.<sup>1</sup>

As usual, the miscellaneous social facts are most informative and interesting. Sittings of judiciary accomplished a considerable amount of hanging, the victims being often highlandmen 'pannold for theft.' These courts also saw to the enforcement of many provisions for the peace, including the taking of bonds wholesale to that end by heritors, chiefs of clans, and heads of families.

The separate section (pp. 531-588), covering judiciary proceedings from 1682-86, contains in its array of disorder a telling picture of the state of the Highlands. But it is surpassed in volume and variety of unique information by the section which follows (pp. 591-713), consisting of over 200 summonses, statements, interrogatories, lists of fugitives, depositions, and schedules of recusants, etc., especially from the disturbed districts and covenant centres of Lanarkshire. Several very singular letters are amongst these papers, some of them written from 'irone hous' or tolbooth prison by zealous covenanters whose ardour of theology glows through their sometimes deficient spelling. Among them are 'confessions' made under sentence and expectation of death, notably those of John Whitelaw and Arthur Bruce in 1683 (pp. 633-38). There are 'Dying Testimonies' uplifted against many persons and proceedings—against the King, against the Test, 'which is so redicklows,' and above all against 'popry and pralicy and Erastien swpramisy.' The type of these personal covenants and death-bed confessions is well known, and their intensity of significance is not obscured by their occasional uncouthness of expression. Other letters describe the prison experiences of the writers. Those of Archibald Stewart in January-February, 1684 (pp. 67-77), recount not only his cross-examinations concerning his complicity in Bothwell Bridge, Hamilton Muir, and Drumclog, but tell of his and other prisoners' relations with the soldiers on guard over them apparently at Glasgow. Looking forward to his execution there, he wrote to his brother, his 'loving billey,' in a strain of wonderful exaltation of spirit over 'swch a honrabell death as to dea a marter.'

Tragic things like these alternate with less tragic, such as bonds to keep away from conventicles, to attend the parish church and 'live regularly,' or to carry to the Plantations of America or to Holland persons who had been sentenced to transportation. Domestic matters like the petition of the tailors against importers of English cloth are rarer among the miscellaneous papers than in the general minutes of the Council. Unexpected themes of interest constantly crop up there. Now it is a 'translatione of the

<sup>1</sup> Fountainhall's *Decisions*, i. 261, 268 ; Morison's *Dictionary*, Supplement III. 497.

Psalmes into Scottish-Irish meetter,' a proposal for ransom of a Scot seized by Turkish or by Salee pirates, a charge of 'contumacious absence' from the King's host, or a too forcible artifice of recruiting for the Dutch war service from Scottish prisons. At other times demands of access to charter chests occupy the Council, or the much-vexed rights of fishing on the Don, the repair of highways and bridges in Perth, Lothian, and Carrick, proceedings against accomplices of 'John Balfour the bloodie murderer of the late Lord Primate,' the long-winded tale of the burning of Sir Robert Sibbald's house in Edinburgh by the negligence of Lady Rosyth, the unlicensed export of brass from broken up artillery, the summoning of the 'generall rendezvouz' of the militia, or the bribing of a sheriff. Occasionally there emerges an illuminating claim such as that the fishermen of the North are by custom under the same servitude as 'coall-hewars and salters' in the South. We have the prohibition of penny weddings, a remission recommended for a rebel, and the application of a collection made for prisoners with the Turks towards the nearer if hardly cognate distress caused by a fire in Kelso. Variety is the order throughout these extremely interesting proceedings. A note should be made of the offer (page 433) to the Council of certain manuscripts, written by the late Sir John Scott of Scostarvet, and reckoned to be of service in searches of the land registers, etc. An endless store of history is in these minutes, papers, and memoranda, as full of matter for our domestic annals as for that great subject still awaiting its historian, viz. the Privy Council in its medley of functions as a court, both civil and criminal, and as a cabinet of administration. Flexible and formidable as an engine of autocracy, the Privy Council of Scotland perhaps outrivals the Parliament itself as a constitutional organisation. Before Professor Hume Brown concludes the long editorial task he has so finely discharged already in so many volumes it may be hoped that he will, in some future preface, return to the beginnings to trace 'at the long breath' the growth and development so fateful for the national destinies. We hope to have from the patient, safe, and lucid pen of the editor of so many books of this great record his reasoned survey and estimate of the Privy Council, the most powerful of Scottish political institutions.

GEO. NEILSON.

IRELAND UNDER THE STEWARTS AND DURING THE INTERREGNUM. By Richard Bagwell, M.A. Vol. III. 1660-90. Pp. xi, 351. With Map. 8vo. London: Longmans, Green & Co. 15s. net.

WITH this volume Mr. Bagwell completes his valuable and distinctive study of Ireland under the Stewarts, of which the earlier volumes have already been noticed here (*S.H.R.* vi. 407). The period is a fairly definite and compact one in Irish history. It comes between the old Ireland and the new, and is the stage of the main part of the transformation. It opens, under James I., with the destruction of the ancient tribal constitution and the substitution of the English legal and social framework. During its course, by successive forfeitures and plantations, added to those of Tudor origin, by far the greater part of the country had passed into the

hands of men alien in every sense to the natives. And it closes on the verge of what Burke called 'that unparalleled code of oppression,' the penal laws.

Within this period, too, the reign of Charles II., the chief share of the present volume, had its own characteristic features. There was little active troubling of the Catholics in respect of their religion; the persecuting machinery of the Tudors had become ineffective. Of course, as a result of Cromwell's treatment of the corporations, the Catholics remained politically powerless: the Parliament of Charles II. was as wholly Protestant as that of James II., through similar manipulation, was Catholic. The outstanding fact is, that with some readjustments of ownership, the Cromwellian land settlement was accepted and maintained, and the least possible done, and that amid no small outcry, to meet the legitimate expectations of the dispossessed Irish, who had had the solemn obligation of Charles and his father to replace them in their properties. It is true that the English Parliament and the settlers' interest would have proved too strong even for a more scrupulous monarch, yet Charles could find estates for his mistresses—Lord Essex just saved Phoenix Park from Lady Castlemaine—though an O'Dempsey was left in beggary. The brighter side of things is a prospect of industrial development. But even 'the maintenance of the Protestant interest' had to yield to the maintenance of English industrial monopoly, and, one after another, Ireland's natural avenues of development—shipping, cattle, food products, wool, cloth—were deliberately and conclusively closed. An Irishman might as well be a mere Papist as a competitor in business; the English Parliament saw to it that neither should raise his head.

Unfortunately, Mr. Bagwell has allowed himself to be bound too strictly by his dynastic limits. The result is that, at his close, we do not reach the real end of any subject except Stewart rule. Even the military section thus remains incomplete. The narrative proper ends at the Battle of the Boyne, a dramatic rather than an historical finish. The Act of Settlement drags its slow and involved length throughout the volume, but the closing up of that complex piece of land legislation and of the plantation policy as a whole necessitates reference to the measures of 1698 and 1700; and Mr. Bagwell does not take us so far. The full story of the massacred industries also carries us forward to the same time, and is really more significant and more germane to the essential subject than references to Irish passivity during the eighteenth century Jacobite risings. To leave such things at a loose end, out of respect for mere dates, was a mistake. A more intimate treatment of these economic factors might have spared us an allusion to 'reliance on the potato' (p. 318) as an explanation of delayed improvement and starvation: people do not rely upon the potato out of malicious preference. Sir Wm. Petty saw deeper.

As for the Stewart kings, they acted after their kind: they were ready to treat with Ireland, but it was for their own limited interest. Charles II. was sympathetic to the Irish as Catholics, but not as Irish. James II. was partly bored and partly alarmed by the spirit he had roused among them, but only because it endangered his interests in England. The loyalty of

the Irish Catholics, again, was not specifically dynastic; it regarded their own interests first, their lost lands and their proscribed religion, and, for the sake of these, might even be perverted to alliance with a foreign power such as Spain or France. This was the inner terror of Irish rebelliousness, since the Catholics were still about two-thirds of the population. But there was another centre of potential rebellion, namely, the Protestant dissenters, and particularly the Presbyterians of the north. These ignored the laws against their religious practices; and the Presbyterians further carried on an anti-Episcopal propaganda, while they kept in touch with their native Scotland, which was not at this time conspicuously submissive. 'Ormonde,' writes Mr. Bagwell, 'thought the most dangerous party in Ireland to the King's government was that of the Protestant Nonconformists 'taken simply by themselves without the consideration of foreign incitement or assistance'' (p. 325). A strange government to which the minority of a minority, the 'legal Protestants,' as Petty called them, could alone be looked upon as loyal. And if the Catholic Irish failed to recover their lands as the reward of their Stewart loyalism, neither did the Presbyterians win toleration by their devotion to the Revolution. Confiscations and penal laws drove from Ireland the best of the Catholic population; religious intolerance and industrial selfishness on the part of England provoked the great Nonconformist emigration of the close of the century. On this phase, too, we see how Mr. Bagwell might have profited in completeness had he carried his story, even in outline, down to that time. The more dynasties changed, the more they were the same thing in Ireland.

Mr. Bagwell's characteristics as an historian are now well known. He is singularly detached in attitude, as he is clear and unimpassioned in style. On the line he follows he is thoroughly and soundly informed. On Parliamentary and official affairs generally, on the intrigues of Whitehall and the intricacies of political factions, on the personalities implicated in Irish affairs, and many interesting details, personal and social, he writes out of the fulness of his knowledge and appreciation. The adroit, patient and dignified Ormonde is, rightly enough, the most attractive figure on his crowded stage. But Ormonde's efforts to further the cloth industry are neglected, and still await the attention they deserve. Similarly the placing of Ireland under the ban of the Navigation Acts, which excluded her from all direct trade with the Colonies, was a step, or rather a series of steps, grave enough to warrant more than a passing allusion. There are several references to the 'prosperity' of the island under Charles II., but the details are too general. The military chapters, however, are both fresh and full and excellently done.

Scottish readers will be interested in the appearance of *tulchan* or stuffed calf skin of their ecclesiastical history as the Irish *puckan*. But while the *tulchan* was used to draw the milk of the benefices for laymen, the *puckan* represented the worthless title-deeds to their lost lands which the Catholics licked 'over and over in their thoughts' (p. 33). The *tulchan* soon disappeared, but Mr. Bagwell suggests that the Irish variety may still survive.

Of late years there has been a tendency to magnify the international

## Blagden-Hill : Catalogue of Manuscripts 177

importance of the Battle of the Boyne as a factor in the struggle against the ambitions of Louis XIV. No doubt King William's freedom of action was of the first importance, and every little helped. But it is going rather far to say with Mr. Bagwell that 'The great French victory at Fleurus and the great English disaster of Beachy Head were both neutralised on the banks of the Boyne' (p. 300). The Dutch defeat at Fleurus, on the same day, was 'neutralised' by the timely arrival of the Elector of Brandenburg with his army, and the defeat off Beachy Head, on the day before, not till 1692 by the Battle of La Hogue. The point was that William should be free to leave England, and that could not be till the supremacy of the sea had been achieved. The wider political effects of the Boyne are to be sought in England, not on the Continent.

W. MACKAY MACKENZIE.

CATALOGUE OF MANUSCRIPTS IN EUROPEAN LANGUAGES BELONGING TO THE LIBRARY OF THE INDIA OFFICE. 2 vols. Vol. I., Pt. I.; Vol. II., Pt. I. Vol. I. by C. O. Blagden; Vol. II. by S. C. Hill. Vol. I., pp. xxxii, 302; Vol. II., pp. xxxv, 421. 8vo. Oxford: University Press. 1916. Vol. I., 10s. 6d. net; Vol. II., 12s. 6d. net.

THESE publications are the first instalment of what promises to be a most important and valuable bibliographical enterprise. A catalogue of India Office manuscripts was contemplated about thirteen years ago, but the scheme did not become practicable until 1911, when specialists were found prepared to undertake the task, and the sanction of the Secretary of State for India in Council was granted for the necessary expense. The first volume is to be devoted to the three collections formed by Lt.-Col. Colin Mackenzie, R.E., 1753-1821, who was created Surveyor-General for India in 1815, and two of them are comprised in the part now issued—the one known as the '1822' Collection and the other as the 'Private' Collection. The manuscripts embraced in these collections relate almost entirely to the East, and include many items relative to Java and other Dutch possessions. They have been catalogued by Mr. C. O. Blagden, late of the Straits Settlements Civil Service.

The first part of the second volume is devoted to the collection made by Robert Orme, 1728-1801, author of *A History of the Military Transactions of the British Nation in Indostan from the year 1745* and *Historical Fragments of the Mogul Empire*. The positive value of this large and somewhat varied collection is considered to be very great, because (1) it contains a large number of documents, with an almost complete set of military journals, no other copies of which are known to exist; (2) it contains copies of official and semi-official documents which have now been lost; and (3) it gives us much information about the very interesting personality of Orme himself. It has been catalogued by Mr. S. C. Hill, formerly Officer in Charge of the Records of the Government of India.

In the case of both volumes the work of cataloguing has been done with extreme care and a scholarly appreciation of the relative importance of the documents dealt with. Besides the lists of manuscripts (many of which are described and quoted from at considerable length) helpful introductions

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have been provided by Mr. Blagden and Mr. Hill, as also explanatory Prefaces by Dr. F. W. Thomas, librarian of the India Office Library. A full index accompanies each part. These Catalogues are issued in a very convenient form.

J. MAITLAND ANDERSON.

HENRY DUNDAS, VISCOUNT MELVILLE. By J. A. Lovat Fraser, M.A. Pp. x, 146. With one Portrait. Crown 8vo. Cambridge: University Press. 1916. 3s. 6d. net.

It is not at all amiss that the present century should be reminded of the sway—beneficent in the main—Henry Dundas, the colleague and friend of the younger Pitt, wielded over his native Scotland. One has frequently heard tourists in Edinburgh pointing to the monument in St. Andrew Square in Edinburgh in honour of Lord Melville and saying, ‘Lord Melville, who was he?’ and yet, as this biographer in his excellent sketch points out, in Lord Melville’s own day Sir Walter Scott wrote that the Edinburgh streets were ‘thought almost too vulgar for him to walk upon.’ He was no ‘adventurer,’ as an English writer dubbed him, but the son of an old Scottish family, *une famille de la robe*, who owed much to the law. Born in 1742, he became an advocate twenty-one years later, and a successful one, rising in 1766 to the rank of Solicitor-General. He entered the House of Commons in 1774, and next year he was Lord Advocate. As ‘The Advocate of Scotland,’ he annoyed George III., and rapidly trimmed his sails to please the Court better. He became the friend of Pitt, and after 1783, when the latter became Minister, his most faithful, valuable, and astute *soutien*. His political acumen was very useful to his chief, and this friendship (which was not without some subservience) had a great place as a factor in Pitt’s successful career, and there was affection too, though it waned a little before Pitt’s death.

We need not go through Melville’s career, which is, for good or ill, admirably described in this book, but we will mention the complete submission of Scotland to him when Home Secretary and so ‘manager.’ He was popular in his native land on account of his ‘Restoration of the Forfeited Estates’ in 1784, and his flooding the rich employments of the East India Company with the scions of Scottish families, and so bringing a lot of grist to the home mill. His all-including patronage was also fairly used, and in that age, particularly as on several occasions he showed liberality of mind, no one saw very much to object to in his omnipotency.

This was shown soon after his impeachment in 1806 and his acquittal. When the cloud had passed all his power in Scotland came back again. He was the ruler the Scots were accustomed to, and once he was acquitted they fell anew willingly under their old bondage.

It is not for us here to talk of his failures in the War Office or the Admiralty. The author has done his work well on these points as in the other phases of Melville’s life. He does not tell, however, of the agony of mind Melville endured during the impeachment, which caused the fallen Minister to number (in marks which still show) the trees at Melville lest they had to be sold to defray the legal defences, an extremity only avoided

## Green : Short History of the English People 179

by the sale, ultimately, of his other seat—the beloved Dunira. Nor does the writer allude to Lord Melville's unsuccessful courtship of the brilliant Lady Louisa Stuart, the youngest daughter of the favourite Lord Bute, of whom he has already been the biographer.

A. FRANCIS STEUART.

A SHORT HISTORY OF THE ENGLISH PEOPLE. By John Richard Green. Revised and enlarged, with Epilogue by Alice Stopford Green. Pp. xlvii, 1040. With six Maps. Crown 8vo. London : Macmillan & Co. 1916. 5s. net.

No one who recalls the thrill which came into the spirit of English history with the original edition of this work in 1874 will turn without sensations of pathos suffusing a readiness to welcome this revised reissue with Mrs. Green's Epilogue, which, carrying forward from 1815 to 1914 the tradition of her husband's canon of interpretation, claims anew for Green's *Short History* a unique place in national narrative. True enough, the forty-two years may have left some of us less warmly receptive than we once were of a few principles which kindled the historian's enthusiasms, but Green's instincts as an interpreter of the soul of movement in English popular history assure his continuing lure and charm. He remains alone in his category ; his picturesque, emphatic, patriotic book has still no parallel. And for the Epilogue, there is only one question : is it faithful to the lines the original work laid down ? Probably few open-minded critics will deny that Mrs. Green's picture of the British people since Waterloo shows the traits of that portentous century in essential conformity to the antecedent vision her husband saw. Some readers may feel that while Mrs. Green's keynote of nationalism to explain the discordant aspirations and action of Europe during the last half-century is a sound unifying canon of generalisation, her application of it to the case of Ireland incurs the danger of hostile criticism and the stigma of partisanship. But the Epilogue no more than reflects the attitude of the original history towards Ireland under the Georges, and were it otherwise, even if Mrs. Green's well-known Irish ardour had carried her a little beyond the restraints of British orthodoxy, it would be churlish to deny her in the execution of a sort of trust for her husband's standpoint a reasonable latitude of exposition. As a whole the Epilogue very successfully and clearly registers the history of the century which untoward but not wholly unpurposed fate was to conduct towards the terrific culmination of which we now grimly abide the issue. The new chapter, written in the same libertarian spirit as that in which John Richard Green 'died learning,' is worthy of comparison with any chapter which precedes it in the *Short History*. Circumstances have necessitated fresh constructive work on colonial development and on British relations with foreign powers. State-building and federation are now the commanding institutional themes, which call for and sustain the animating historic fire. In synthetic compression of the facts, and in an energetic yet orderly grouping of the influences which have moulded the age while contributing to the disaster or our existing world, Mrs. Green writes like one who has found her true mission as historian of her own time.

GEO. NEILSON.

## 180 Longman : Tokens of Eighteenth Century

TOKENS OF THE EIGHTEENTH CENTURY CONNECTED WITH BOOKSELLERS AND BOOKMAKERS (Authors, Printers, Publishers, Engravers and Paper-makers). By W. Longman. Pp. 90. With fourteen Illustrations. Demy 8vo. London : Longmans, Green & Co. 1916. 6s. net.

THIS is a piece of research work very satisfactorily accomplished. The subject is a clearly defined and limited one, but it has many points of interest, and Mr. Longman contrives not only to give a scholarly account of the issue and use of this copper coinage, but he throws many interesting sidelights on the issuers and users of these tokens.

The period dealt with is from 1787 to 1801. Prior to 1787 coins were few in number and many of them debased. It is probable that the success of the pieces used by traders led to the Government taking the question of twopenny, penny and halfpenny coinage seriously in hand. The plentiful supply issued from Soho works in Birmingham in the closing years of the eighteenth century supplied the need, and traders' tokens were doomed.

Besides the genuine pieces which were used in trade, it is curious to notice the varieties which were struck for sale to collectors, and those specially made by collectors. In the end of the eighteenth century communication in this country, and especially with other countries, was slow and difficult, and it might have been expected that the sale to collectors would have been so small as to have discouraged the producer. But the number of people who had leisure and means and interest to buy books or collect works of art or of historical interest must have been much greater in the seventeenth and eighteenth centuries than is commonly supposed.

We know that in the middle of the seventeenth century the great geographical publishing family of Blaeu, in Amsterdam, published an atlas of the world in eight folio volumes, including maps of the counties of England and of Scotland on so large a scale that several of the counties each filled two large maps. This work was issued in numerous editions, with text in French, Latin, Dutch and Spanish.

Lackington, again, who was one of the principal issuers of the tokens treated of in this volume, built up in a marvellously short space of time a great bookselling business ; the catalogue issued by this firm in 1806 consisted of more than 500 pages. What classes of people purchased these costly atlases, these books and tokens, at a time when we are accustomed to think that interest in such matters was both limited and local ?

A considerable number of issuers of these tokens were booksellers, who were the authors of political pamphlets, which they also published ; most of these represented advanced views, and more than one of the authors were brought to the Law Courts.

There are many indications also of the varied occupations of these booksellers who issued tokens. They often combined publishing, bookselling and printing in addition to authorship, and William Gye of Bath left his family a printing business with which was combined the sale of stationery, tea and State lottery tickets, while Frederick Fisher, the Brighton bookseller, owned also a circulating library and news room, in which he conducted auctions of 'goods, estates and pictures.'

JAMES MACLEHOSE.



EIGHTEENTH CENTURY TOKENS.



SHAKESPEARE'S ENGLAND: AN ACCOUNT OF THE LIFE AND MANNERS OF HIS AGE. 2 vols. Vol. I. xxiv, 546. Vol. II. x, 610. With many Illustrations. 8vo. Oxford: Clarendon Press. 1916. 25s. net.

THESE two volumes, containing thirty chapters by forty separate authors, are worthy of their subject and the occasion. Issued in the tercentenary year, they were planned by Sir Walter Raleigh as early as 1905. A first editor was found in Sir Sidney Lee, who after five years' labour was forced in 1914 to relinquish the work, happily completed in 1916 with Mr. C. T. Onions as final editor. As each contributor is an expert or specialist, each chapter may be expected to prove interesting and helpful. Bibliographies attached to every chapter remind us of other authorities, but never before within the compass of a single book has a Shakespearean introduction been put within our reach so generous in conception and contents and so stimulating and illuminative in effect. It is Shakespeare's England the experts are depicting. They show the life of the age reflected in his plays. Never before on this circumstantial level was such a collection of the relevant facts provided, facts bearing on the greatness and identity of the poet.

A simple test of personal identity may be found in the dramatist's knowledge of Music, illustrated by a glossary of sixteen pages, embodying the musical terminology of the poems and plays. Other chapters reveal Shakespeare's love of animals in general, but especially of birds; he knows the fallow deer better than the red; among hounds he prefers the cry of the basset to that of the beagle; among horses his favourite is the barb. With regard to the use of his knowledge, he is contrasted in the realm of Botany with Spenser, who often did not know the plants he named; in Folklore with Lyly, who is as pedantic as Shakespeare is natural; and in Hunting and Woodcraft with Ben Jonson, who, eager to show the extent of his knowledge, crams in every detail he can gather from books. But though the dramatist is not disagreeably bookish, he owes much to books; and in the chapter on Scholarship we find a list of those actually reflected in his works. Yet who shall tell us of the great field of literature in which he must have browsed, if only for a vocabulary such as in itself to distinguish him from all other English authors?

But it was impossible that *Shakespeare's England* should without a flaw run the gauntlet even of a kindly criticism. Already our knowledge is being enlarged by works of later date. Among these may be mentioned *Shakespeare and Precious Stones*, by G. T. Kunz, a New York scholar and expert, who devotes twenty-nine pages to a list of references in the plays to precious stones; and the *Birds of Shakespeare*, by Sir Archibald Geikie, who assures us of the dramatist's intimate acquaintance with birds. Although the chapter on Medicine declares that mental disease is more skilfully handled in the plays than any other medical subject, that reference is, strangely enough, the only allusion to madness, to which a separate chapter might well have been devoted. The matter of Ghosts and ghostlore has obtained but meagre attention, and the contributor would surely have had more to say had he consulted such a work as Lavater's *De Spectris*, a translation of which was printed in London so early as 1572. Further,

the writer on Duelling might have enlarged, and on some important points corrected, his knowledge by reference to *Trial by Combat*, by George Neilson. To other inaccuracies pointed out in previous criticisms may be added that the words attributed (vol. i. 209) to 'Mine host of the Garter' were spoken by Sir Hugh Evans, and that Ophelia bids Laertes (ii. 89) (instead of the Queen) wear his rue with a difference.

The three Indexes at the end have been very carefully prepared. In search for light on disputed passages the present critic has verified all the quotations from fourteen of the plays, an investigation confirming the right of *Shakespeare's England* to rank as a most valuable commentary on the text. If this was felt to be so in one play above the others, it was in *Hamlet*, and in this connection reference may be permitted to a single detail. The King's *rouse*, accompanied by the firing of guns, finds appropriate illustration in a note (vol. i. 109) where the French ambassador, writing of a meeting in London between James the First and Christian the Fourth of Denmark, says that the most remarkable ceremony was the healths they drank, each accompanied by a volley of cannon. A passage in Pitscottie's *Chronicles of Scotland* should be noted as even more apposite, inasmuch as it records a banquet to the King of Denmark on board English ships lying before the Castle of Elsinore, at which feast every health drunk was emphasised by 'six, aught, or ten shott of greatt ordinance, so that during the Kingis abode, the ship dischaigned ane hundreth and fyftie shott.' Once only (i. 452) was the Index thus consulted found at fault. There is no trace of any passage from Henry V. answering to the reference. Acknowledgment must be made of the wealth and beauty of the illustrations, selected with almost faultless judgment.

JAMES D. FITZGERALD.

**THE SUCCESSORS OF DRAKE.** By Julian S. Corbett. With eight Portraits and eight Maps. New Impression. Pp. xiv, 466. Post 8vo. London: Longmans, Green & Co. 1916. 10s. 6d. net.

IN his Preface, written sixteen years ago, the author says that the period with which his book deals, 1588-1603, has been neglected and misunderstood by historians. That reproach has been partly removed, but his work has not been superseded. It and its predecessor, *Drake and the Tudor Navy*, remain standard authorities. The fulness, masterly ease, vigour and freshness of their narrative and comment are as attractive as ever.

The re-issue of a book so brilliant, so accurate and so fascinating would always have been welcome. Just now it is peculiarly opportune, for it is a study of events which in some respects curiously parallel those in which we are living. In the last years of Elizabeth, England and her allies, Holland and France, were fighting for national existence. The enemy aimed at world dominion. Spain was ruled by a fanatic obsessed with lust for England's ruin, and later by his fatuous but equally malignant son. She made use of savage atrocities. She had succeeded in seizing a footing within sight of our shores. She had sent agents to foment, and armed forces to raise, rebellion in Ireland; and she had a system of spies so



DURHAM SEALS.

- WILLIAM THE LION (obverse and reverse).
- DUNCAN II.
- ALEXANDER I. (obverse and reverse).
- ALEXANDER II. (obverse and reverse).



efficient that their reports are still indispensable to the historian. England was risking embroilment with neutrals by seizing at sea the munitions and food which they were sending to the enemy, and by her action was setting up the precedents on which international Laws of Contraband have been founded. Even the idiosyncrasies of the censorship were anticipated. Whitgift, Archbishop of Canterbury, held the office. The Cadiz exploit of 1596 has been called the Trafalgar of the war. The most impartial and fullest account of it seems to have been sent to him for license. It was pigeon-holed at Lambeth, and withheld from publication for—three centuries!

Mr. Corbett does not omit to urge the 'moral' of his history. And perhaps it has a concern as instant as the story. It is the need of an effective army as well as an effective fleet. The end of the war at Elizabeth's death saw Spain far more powerful on the sea than she was before. For Mr. Corbett the real importance of Nelson's victory at Trafalgar two centuries later was what it afterwards enabled Wellington to do, for he holds that the true value of 'sea-power' lies in its influence on the operations of armies. Drake's successors failed. He thinks this lesson more interesting than victory would have been.

ANDREW MARSHALL.

ARCHAEOLOGIA AELIANA. Edited by R. Blair. Third Series. Vol. xiii. Pp. xxxiv, 348. Newcastle-upon-Tyne: Andrew Reid & Co., Limited. 1916.

THIS collection of 'matter of Northumberland' contains many capital pieces, inaugurated, as is were, by Mr. J. C. Hodgson's editing of a MS. by the herald John Warburton, in which notices occur of numerous ruined towers, chapels, castles, and family seats in the county *circa* 1715. Mr. Richard Welford abstracts and annotates sixteenth and eighteenth century Newcastle monuments. Rev. J. F. Hodgson deals with a defaced female effigy at Darlington and a St. Anthony panel at Barnardcastle, the latter showing the saint's well-known porcine protégés as big, fierce, bristled and ramping. Professor Haverfeld describes an exceptional Roman bronze measure from Carvoran (*Magna*), on the Wall. Parallels from Herculaneum and Corunna add interest to the description. Rev. Dr. Gee writes a notice of a Latin poem on a journey from Oxford to Durham in 1583 by 'a certain Dr. Eedes.' This diary in hexameters includes an account of the arrival and sojourn at Durham of the ambassador and secretary, Sir Francis Walsingham, on his way back from his abortive mission and 'Bye-course' in Scotland. At Durham, the diarist tells of his hearing a choir boy who sang Scottish songs in Scottish fashion. The historical interest of this poem must be considerable, and it is to be hoped that Dr. Gee will soon find a place for the original text of the poem, the writer of which was a friend both of Walsingham and of the well-known dean of Durham, Toby Matthew. A second contribution by Mr. Welford is a worthy tribute, full of biographical matter in the form of an obituary notice and bibliography of the late Mr. R. O. Heslop. It well reflects the antiquarian and literary energy which Mr. Heslop so genially generated around him, and it reflects

the affection he inspired. Mr. Hodgson's life sketch of William Hutchinson, 1732-1814, has been separately noticed (*S.H.R.* xiv. 92). Dr. Frederick Bradshaw, writing on the Lay Subsidy Roll of 1296, interprets it by a commentary aptly styled 'Northumberland at the end of the thirteenth century.' An important inference, eminently intelligible but requiring to be closely tested, is set forth: 'It seems an undoubted fact that Newcastle as a flourishing industrial centre is the product of the long Scottish wars.' On Dr. Bradshaw's own evidence alone the direct negative to this proposition may well be maintained. May we suggest his withdrawal of that question-begging word 'undoubted'?

Reserved for the final item to be noticed here is what we may confess to having with reluctance accepted as the last fasciculus of the Catalogue of Seals at Durham from a manuscript made by the venerable Dr. William Greenwell, collated and annotated by Mr. C. Hunter Blair. Equipped with eight full-page plates and some figures in the text, it may fairly be considered a royal conclusion, as it contains sixty seals of English kings and princes, from William Rufus to Charles II., and fifteen seals of the kings of Scotland, from Duncan II. A.D. 1094 to James II. A.D. 1457. These seals send us back to that great English book, which ranks so high as—incidentally—an invaluable repository of faithfully edited Scottish charters, viz. Raine's *North Durham*. Great is the debt of Scots history to the chapter of Durham for the preservation of these splendid vouchers with their seals. Dr. Greenwell and Mr. Blair confine themselves rigidly to the sigillary subject, and abstain from all discussion of the fine questions of authenticity of the charters to which they are either attached or attributed. As regards the admittedly forged charter and seal of Edgar (No. VIII. of Raine's Coldingham appendix to his *North Durham*), Dr. Greenwell, with the courageous frankness which has always characterised him, not only declares it a 'forged charter and seal,' but seemingly suppresses the seal from the catalogue altogether, a course which, perhaps, like most sentences of excommunication, opens a door to objection, as undoubtedly the existence of one forgery is a factor in the challenge of a related deed. Probably the time is ripe now for a re-examination of the whole of the problems raised by the fascinating set of very early Scottish charters at Durham, in which, whether with the artlessness of truth or the artfulness of unscrupulous claims to suzerainty, there occur acknowledgments not very easy to get round, made by Scottish kings who in each case indubitably had something to gain at the time by concessions to English kings. For this re-scrutiny the new catalogue, by its exact descriptions and its magnificent series of plates of the seals, furnishes the most admirable aid to the new generation of exponents of diplomatic science, which with immensely improved opportunities has come into the field since the days of Raine, Cosmo Innes, E. W. Robertson, Freeman, and Skene. One who has seen Dr. Greenwell, Dr. Maitland Thomson, and the late Sir Archibald Lawrie together in the precincts of Durham with certain of the charters under their critical cynosure, without visible breach of the peace, may cherish the hope that the added light now shed on them by Greenwell and his coadjutor in this catalogue will carry us yet further in definitive illumination.



DURHAM SEALS.

- EDWARD I. (obverse and reverse).
- EDWARD BALIOL (Privy Seal).
- JOHN BALIOL (obverse and reverse).
- ROBERT I. (obverse and reverse).



*Eirspennill. Noregs Konunga Sögur. Udgivet av den norske historiske Kildeskriftskommission.* Kristiana. 1916. The fourth yearly volume of this reissue, in the original Old Northern tongue, of the Sagas of the Kings of Norway, by Norwegian and Icelandic scholars, under the auspices of the Norwegian Historical Commission, with Finnur Jónsson as editor, contains the completion of the Hákon Saga, and fully maintains the excellence of its predecessors.

*Fornvünnen. Meddelanden från K. Vitterhets Historie och Antikvitets Akademien.* Stockholm. 1915. The report for last year of the proceedings of the Royal Academy of Sweden, edited by Emil Ekhoff, contains papers in different departments of art and historical interest in Sweden, including one on a collection of English embroideries, some of them of the medieval period, described and illustrated. In a classified catalogue of a large collection of ancient silver money, with figured examples, we note products of English mintages (London and provincial) to the number of 801, from the time of Edgar (959-975) to William II. (1087-1100), with a few from Dublin, of Siktric III. (989-1029). Those of Ethelred (978-1016) are no fewer than 404, while 285 are attributed to Knut (1016-1035); and the places at which the different coins were struck number 56. Continental mints are more largely represented. A summary of the whole work of the Academy for the year is given in German; and particulars of the acquisitions by the Royal Historical Museum and for the coin collection, for the same period. The volume is an important one for all who are interested in northern archaeology.

GILBERT GOUDIE.

The latest issue of the *Proceedings of the Royal Irish Academy* (Vol. xxxiii., Section C, Nos. 6-11) contains articles of varied interest, one at least of which will appeal to scholars outside of Ireland. Professor Macalister has contributed a full and careful survey of 'The History and Antiquities of Inis Cealtra' (No. 6), an island in Lough Derg, close to the boundary of the counties of Galway and Clare, the site of early Christian institutions, replete with archaeological survivals of a type happily common in Ireland. The slabs have been classified in groups chronologically, beginning with the eighth century and ending with medieval and early modern monuments, a bold adventure which may invite contradiction as well as admiration. The survey, which covers some eighty pages, is extremely well illustrated.

Mr. John L. Robinson, in his calendar of 'The Ancient Deeds of the Parish of St. John, Dublin' (No. 7), should have been more generous in reproducing the Latin for technical words and phrases. As it is, the omission lays him open to suspicion of inconsistency in his translation. Are there two Latin words for 'churchyard' and 'cemetery,' for 'a piece of land' and 'a plot of land,' and so on? Why should he translate the Latin of John and William and leave such names as Johanna and Alianora untranslated? On the other hand, 'the Street of the Fishers' seems to us a schoolboy way of rendering *vicus Piscatorum*, which we assume to be the Latin phrase, for he does not give it. It is quite certain that no medieval Dublin man, who spoke English, would refer to the street by Mr. Robinson's name. In more deeds than one in this collection the true

vernacular for the Latin is found. That the official of the archiepiscopal court of Dublin or of the archbishop of Dublin or of the diocese of Dublin should be called 'the official of the city of Dublin' (p. 192) seems to require some explanation. The official of Dublin, in shortened form, would be the proper style according to English usage. Anyway, how does *the city* come in? In 1530 there was a guild of St. Mary and St. Cythe in the church of St. Michan (p. 206). A note on the identity of St. Cythe, a very rare name in charter evidence, would be welcome. The deeds, which range from about 1230 to 1700, are quite local, though some of them are helpful in checking the list of Dublin mayors.

Mr. M'Clintock Dix, in furtherance of his history of the Irish printing-press, discourses on 'an early Dublin almanack' of 1636 (No. 8), and Professor Macalister interprets 'an Ogham inscription recently discovered in County Wicklow' (No. 9), both papers being well illustrated. Dr. R. H. Murray prints with useful comment two hitherto unpublished letters of William Penn (No. 10), dated in 1705 and written after the famous Quaker's final return to England, but they mainly refer to his financial difficulties.

Professor Lawlor's contribution on 'the Cathach of St. Columba' (No. 11), a manuscript now in the museum of the Royal Irish Academy, is an illuminating study in literary criticism of special interest to students of Celtic Scotland. The manuscript was discovered early in the last century by Sir William Betham in a way that afterwards entangled him in a suit at law. It was inclosed in a casket or shrine, believed to contain a relic of St. Columba and on that account too sacred to be opened, which was lent to him by its owner for the purpose of description. The temptation to examine its contents was too strong for the curious antiquary who opened the cumdach or box and found, not a bone or a finger of the saint, but a very early text of a large portion of the Psalter. Only few references have ever been made to this manuscript, and most of these are of very little value. The script is now printed in its entirety by Dr. Lawlor with a learned introduction on its history, contents and significance. The introduction comprises some ninety pages, text fifty-eight, and appendices forty-six. In addition there is a sheet of the codex in facsimile with another of the Turin Bible for the sake of comparison, while the ornamental casket, in which it is enshrined, dating from the eleventh century, is illustrated from every view-point.

The text of the Psalter approaches very closely to St. Jerome's Gallican recension, and has little in common with the Old Latin. This affinity is ascertainable chiefly from the fact that it is provided with asterisks and obeli, the plan which Jerome adopted to denote respectively words in Hebrew but not in the Septuagint, and words in the Septuagint but not in Hebrew. As these symbols were only employed in the second or Gallican version made by Jerome, the inference is fairly obvious. Dr. Lawlor does not suggest that his manuscript is a pure Gallican Psalter: all that he insists on is that it has a Gallican text as its ultimate basis. But his conclusions are not based on a mere dogmatic authority: the process by which they were reached is set out by a minute analysis of the text and rubrics,

the latter of which show undoubted similarities to the corresponding rubrics of the Northumbrian Codex Amiatinus written at Wearmouth or Jarrow about the year 700. With this connection between them, the further inference is reasonable that the rubrics of the Amiatine Bible came from an ancestor of the Cathach. There is nothing improbable in this supposition in view of the paramountcy of Irish influence in Northumbria in the middle of the seventh century, when books were introduced there in considerable number from Iona or from Ireland through Iona, always assuming, of course, that the Dublin manuscript is a century or two older than that in the Laurentian Library at Florence.

It may be here stated that Dr. Lawlor seems to have no doubt that the Cathach, as the manuscript came to be called, was actually written by St. Columba in 560: in other words, that the traditions, which Manus O'Donnell embodied in his well-known biography of the saint compiled in 1532, are in the main worthy of belief. After the first perusal of the argument incredulity may be excusable, but on further acquaintance with the sections in all their interrelations, the evidence accumulates till it becomes overwhelming that the author has some justification for his implicit faith. It must not be assumed that he accepts O'Donnell's narrative as a whole: far from it. One of the most valuable sub-sections of his introduction is the method by which he applies the winnowing fan to sift the chaff from the wheat.

It is interesting to learn Dr. Lawlor's view of the cause or causes which sent Columba on his mission to Scotland. Here again he appeals to O'Donnell's narrative, and points to the battle of Cooldreivy in 561. Can the familiar story be accepted as true? There is genuine history, he avers, beneath the embellishments of the old traditions. The battle marked an epoch in Columba's career, and was in some way the cause or one of the causes of his missionary journey to Scotland. Adamnan's statement of the saint's excommunication by the Synod of Teltown is quite consistent with it. But Dr. Skene's view that 'Adamnan had no idea that Columba was actuated by any other motive than a desire to carry the Gospel to a pagan nation when he attributes his pilgrimage to a love of Christ,' is not warranted by Adamnan's words. Columba had got to cross-purposes with the Irish priests, and seized the earliest opportunity of withdrawal from Ireland to his own kinsfolk on the west coast of Scotland.

Incidents of this kind are only symptomatic of the wealth of historical matter which Dr. Lawlor has crowded into his pages in support of his contention that the script is Columba's work a few years before his flight to Iona. But the whole argument must be studied in all its bearings before the amazing conclusion can be fully appreciated. The literary exposition is happily fortified by the palaeographical notes, added as an appendix, of such an expert of early script as Professor W. M. Lindsay, who says that 'there seems no valid reason why we should refuse to the script of the Cathach the early date which Dr. Lawlor's theory assigns to it.' Few students of Celtic Scotland can afford to be unacquainted with this new chapter in its history.

JAMES WILSON.

The last issued Bulletin of History and Political and Economic Science in Queen's University, Kingston, Canada, is by Mr. W. E. Macpherson, on *The Ontario Grammar Schools*, tracing the history of secondary education from 1807.

A penetrating critique and estimate by Professor Roland G. Usher will be read with mixed feelings by many admirers of a great modern historian usually regarded as the mirror of impartiality and the last word in scientific presentment of historical evidence. *A Critical Study of the Historical Method of Samuel Rawson Gardiner* (Publications of Washington University, St. Louis, Series IV. vol. iii. No. X. pp. 159. Price one dollar) may not surprise the reader by its indications of inconsistent and inadequate characterisation of great actors in the period of Charles I., but it will demand attention for the gravity of its challenge to the standpoints from which the verdicts of Gardiner were delivered, as well as to his failure to produce evidence for certain fundamental positions upon which these verdicts were based. 'The English Revolution of 1640,' says this American critic (who pays notwithstanding many a well-turned compliment to Gardiner's industry and determination to be fair), 'is as much an enigma to-day as it was to Charles himself. It is a riddle which has yet to be solved.' This contention emerges from Professor Usher's two propositions that Gardiner's condemnations of Charles rest upon unproved assumptions (1) that there were certain standard or accepted constitutional tenets which were held by the 'nation,' and which the king wilfully or blindly violated, and (2) that there was a 'national' and informed public opinion on the disputed issues, the actual ultimate formulation of which was the result of the struggle, not truly its antecedent. Put otherwise, the critic argues that the principles for which Charles fell were *ex post facto*, that at any rate their priority is not established, and that Gardiner, often failing even to recognise the necessity to prove assumptions of such magnitude, constantly contradicts himself and confuses his own judgments. Rarely in historical criticism does one find a bolder challenge on grounds so broadly and logically reasoned, and so close to the heart of a great contribution (in eighteen volumes) to English history. But a first impression of the criticism leaves one questioning (1) whether Gardiner's body of proof of public discontent is not far weightier than the critic allows, (2) whether the contumacity of kings is not indictable, and (3) whether there is not in the great issues a 'common law' of politics which operates *retro* and gives to inferences of culpability, really arising from results, a just status among the grounds of judgment. Bacon's endorsement of the condemnation of his accepting presents from litigants, while yet maintaining the precedents of excuse and his own honesty of judgment, is a case in point. There may be 'crowns to be broke' before a historian like Gardiner is compelled to remember at every stage of the case that the ruling was not declared till the end.

The *English Historical Review* for October opens with Miss Caroline Skeel's account of the 'Canary Company,' under a charter granted in 1665, with primary view to trade in Canary wines. In 1667, owing to the

bitter opposition of a group of rival merchants, the charter was cancelled. Mr. E. R. Turner continues (see *S.H.R.* xi. 115, 329) his studies of Cabinet and Privy Council evolution, in a paper on the 'Committees of the Privy Council, 1688-1760,' which brings out the subtle divergence of a waxing Cabinet from a waning committee. Under the title 'Bractoniana' Dr. J. H. Round picks many holes in the biographical sketches of Henry of Bratton, and, after educing a number of fresh facts, seems to locate him pretty securely as a man of Devon holding estates on the east coast of Barnstable Bay. Mr. J. C. Davies edits a valuable find from an unsorted bundle of Chancery miscellanea. It is the record of an assembly of wool merchants in 1322, summoned by a writ of Edward II. at York on May 18, while Parliament was sitting there. The date of the meeting was in the octaves of Trinity (June 13-20). The answers of the Sheriff of Cumberland to the order for summoning was that there were no great merchants of wool in his county, while the Sheriff of Northumberland replied that the only merchants in his shire belonged to the bounds of Newcastle, and that they said they durst not leave the town on account of the imminent danger of Scottish raids into the March, and many of the town's men at arms being 'in two ships on the sea in the king's service.' Unfortunately, there is no record to determine whether the assembly actually met or what, if any, advice it tendered on the question of the staple, which is believed to have been the projected theme of deliberation. A Dutchman's diary of a cattle-buying expedition (*i.e.* for buying cattle by barter) among the Hottentots in 1707 is edited by Mr. J. L. W. Stock.

*The American Historical Review* for July has a paper by Mr. Tenney Frank grouping evidence from inscriptions, literature, and history on the orientalising and other elements of race mixture in the Roman Empire, with the concurrent bearing on religion and politics. Mr. A. B. Hulbert deals with the development of Western shipbuilding, *i.e.* on the Mississippi side, *circa* 1799-1811. Mr. C. C. Pearson describes the 'Readjuster movement' of Virginia after her restoration to the Union in 1870, with its opposition, the 'Fundlers,' a party which had more conservative views of state reconstruction. Mr. D. J. Hill, well known as a historian of diplomacy, gives a rather striking account of the French estimate of Benjamin Franklin from his arrival in France in 1776 until his death in 1790. The enthusiasm which, as an apostle of 'liberty,' he aroused was no doubt significant and prophetic, and his election as the 'Vénéral' of the 'Nine Sisters' was probably neither very eccentric nor at all extreme in placing him at the head of a most brilliant intellectual circle.

In the October number Mr. H. Van der Linden discusses anew the famous bulls of Pope Alexander II. in 1493, with their glorious arrogance in the demarcation of a new hemisphere, treating them not as arbitral decisions, but as grants by a papal sovereign. Mr. George M. Wrong, building his essay much on Canadian foundations, traces the growth of Nationalism in the British Empire. He describes with refreshing vigour the inspiration and resolve which came with the present crisis. 'War,' he says, 'has blown away mists of disunion. It has shown a reality in the spiritual unity of the British peoples which makes it a great force of nature.'

In the *Iowa Journal* July and October numbers Miss Ruth A. Gallacher continues her special study of the curious frontier office of Indian Agent by a detailed history of the 'Indian Agents in Iowa' in relation to the native tribes, the Sacs, the Foxes, and others. The trail of whisky is over it all in a story of chronic incompatibility between redskin and white man, due to the vices of both. The lot of the nether-millstone is sad. Mr Jacob Van der Zee describes the 'Opening of the Des Moines Valley to Settlement,' beginning dimly about 1806, but developing into a great immigration in 1843-45, when the Sacs and Foxes moved west to make way for the whites.

*The Journal of Negro History* for October (vol. i. No. 4) is a solid enough reminder that there is a point of view not represented on this side of the ocean. It is issued by the 'Association for the Study of Negro Life and History.' Well written and moderate articles deal with the Christian propaganda in the American colonies in the eighteenth century, and with negro conditions in Louisiana, Kentucky and Guatemala. A reprint is given of certain travellers' impressions of slavery in America, 1750-1800. The magazine, albeit historical and not political in its design, leaves a strong impression of the potentialities of what may be called colour-nationalism in the United States.

Charles Carroll of Carrollton, born 1737, was at the College of St. Omer in France from 1748 until 1765, and his letters to his father make excellent material for the *Maryland Historical Magazine*, June 1915—June 1916. By the time he was twenty, his accounts of himself have a mature and very intelligent character, with a keen interest in Roman Catholic problems and in matters affecting his native Maryland. Roman law he found dry and tedious, and he alternated monotony with French satires on the English

(Ces braves insulaires  
qui sont sur mer les corsaires),

with the services of a dancing master, with book acquisitions (including 'two little pocket Horaces of the Glasgow edition,' as well as Boileau, 'Rousseau,' and Voltaire), and with much observation of current history. In 1760 he was in London, and sent on gossip about politics, Lord George Sackville's trial, and the shipment of Highland troops for the East Indies.

In 1761 the interest grows. 'Our new Monarch seems to please all parties: There have indeed been some complaints of his countenancing the Scots.' The coronation was impending: 'single front seats I am told will let for 12 guineas each.' The acute young Marylander makes numerous allusions to events current, the movements of the King of Prussia, Laudon, and the Russians, Pitt's resignation and possible reinstatement. He has subscribed to the new edition of the Statutes at Large, and has 'bought Hume's History which is now completed.' He reports on December 19 that 'the Parl<sup>t</sup> is unanimous in supporting the measures of our late great Minister, and seems determined to prosecute the German war with the utmost vigour.' At this date General Ramanzoff is still besieging Colberg. News of its fall three days before could not yet have arrived.

In the part of this *Magazine* for June 1916 there is begun a good journal of a voyage in 1811 from Annapolis to Cherbourg on the frigate *Constitution*,

by David Bailie Warden, a native of Ireland and a graduate of Glasgow University. A dinner at Annapolis displayed animosities between Republicans and Federalists. Sailing on August 1, the ship quickly slipped down the land-locked bay to Norfolk, and some days later put out to sea. The capture of a shark on August 8 is the prime adventure of this first instalment of the diary.

In view of the share that French models had in the making and working of English burghal constitutions, M. Ch. Bémont's article in the *Revue Historique* for September-October on the municipal institutions (*mairie* and *jurade*) of Bordeaux will exhibit the spirit, ingenuity, and tenacity with which the burgesses stood to their liberties against encroachments by Henry III. and Edward I. Particularly adroit was a contention that their tenure was ancient and allodial, not a fief which, as a holding, only came into being, they said, 'au temps des Sarrasins.' M. Chr. Pfister extracts from a memoir on Alsace in 1735, the facts of the ecclesiastical state of the province as between Catholics, Lutherans, and Calvinists. A survey (first section) by G. Glotz of the Greek historical literature of 1911-1914 summarises recent works on the classical periods.

*Bulletins de la Société des Antiquaires de l'Ouest.* These transactions (Tome III. No. 9, Tome IV. No. 1) exhibit the calm persistence of archaeology at Poitiers in 1915 and 1916. No surprise need be felt that the antiquary's thought, equally with the patriot's, returns to Joan of Arc. A vague popular tradition prevailed that the Maid was brought before the Parlement de Poitiers and interrogated either in the Gothic chapel of the Tour-Maubergeon, or in a chamber of the still existing Palace of Justice, anciently the residence of the Counts of Poitou. There was, however, quite definite evidence that the examination took place at a hostel near the Cathedral, and that it was made not by a court of the Parlement, but by special commissioners, all clergy, named by Charles VII. An unexplored record has now emerged containing extracts from the register of the Parlement for the period, but quite silent about the Pucelle, a negative fact taken as decisive. These references to the incident are of interest as bearing on an unanswered query in this Review (*S.H.R.* viii. 217) about the curious reference to Sir Thomas Erskine, sorely wounded in the face at the battle of Otterburn in 1388:

And schir Thomas of Erskin was  
Woundit thar felly in the face ;  
He may weill, syne the weme apperis,  
Eit in the gret hall of Poyteris.

Wyntoun's *Chronicle*, ed. Amours, vol. vi. p. 336.

The riddle is now read, at least so far. A report to the *Antiquaires de l'Ouest* expressly mentions this historic house of Parlement as '*Le grand Hall du palais de justice où les comtes de Poitou recevaient l'hommage de leurs vassaux.*' The hall therefore is fully identified: may we not yet recover the more recondite sense of the allusion to the wounded knight, whose 'weme' or scar was obvious, thereby rendering him eligible to sit down to table there?

## Communications

WRECK AND WAITH (*S.H.R.* xiii. 215). The meaning attached to 'wreck and waith' in Orkney and Shetland (and Scotland?) is given in an Act of the Privy Council of Scotland of 1611, abrogating certain unlawful acts in the islands, including one dealing with 'wrake or weith casten up be the sea,' evidently wreck and cargo.—(Peterkin's *Notes*, app. 69).

A. W. JOHNSTON.

THE 'LAWRIKMEN' OF ORKNEY (*S.H.R.* xiv. 49). There is no difficulty in the identification of the lawrightmen of Orkney. The designation *lögrettumenn*, lawrightmen (which, in Scottish documents in Orkney of the sixteenth century, is sometimes rendered in the corrupt and illiterate form 'larikmen'), was originally applied to the members of the *lögretta*, assize, of the *lögþing*, lawthing, in Norway, Orkney and Shetland, excepting in the case of the assize of the town of Bergen, the members of which were, in the thirteenth century and after, called *ráðsmenn*, town-councillors, derived from the German *rathmann*, and not from O.N. *ráðmaðr*. In Orkney and Shetland the designation 'lawrightman' was afterwards, under Scottish rule, transferred to a single parochial official who looked after the interests of the people, while the 'foud,' or bailie, represented the government. The members of the assize were thereafter called 'goodmen,' and they were chosen from the 'roithmen and roithmen's sons,' a term which will be explained below. The single parochial lawrightman survived in Shetland down till the eighteenth century, but there is no evidence of his existence or who, if any one, took his place in Orkney after the new régime was set up, in 1611, by royal proclamation. The last recorded notice of the single parochial lawrightman in Orkney occurs in 1576, when Robert Isbister is referred to as 'the larikman' in the bailie court of Stennes which was held by the bailie, William Sklater (*Ork. and Shet. Records*, i. 271).

*Rancel* is a North English, Caithness, Orkney and Shetland word, meaning to search for stolen goods, and it and the English *ransack* and the Gaelic *rannsaich* are all derived from the O.N. *rann-saka*, to search for stolen goods. The Scottish and English *ransackle*, and its variants, may preserve the transition from *ransack* to *rancel*. Undoubtedly the Orkney form, *rancel*, was borrowed from England, *via* Scotland. In Orkney and Shetland the man who was appointed to *rancel* was called a *rancelman* or *rancellor*. Ranselmen, as parochial constables employed in searching for stolen goods, were in active service, in Shetland, in 1602, under the Norse

form of government (Peterkin's *Notes*, app. 33). In 1611, after the abrogation of 'foreign laws' in Orkney, a royal commission was issued to Commissioners to hold sheriff courts, at which all the inhabitants were to attend, to pass acts, statutes, etc., for the better government of the islands. In accordance with that commission the 'Country Acts' of Orkney and Shetland were adopted, which ordained the *parish bailie to choose honest men, called rancellars or, latterly, lawwrightmen, 'to raise, search and seek all houses and suspect places within the samen, and, if neid beis, in case of suspicion, to pass to the next paroch or beyond the samen.'* The rancellors were 'solemnly sworn upon their great oath... and strictly examined by the sherreif and his deputs in their current courts... anent their declairioun of all thifts, bloods, royots, witchcrafts, and other transgressions of the saids acts,' etc. They had also to take trial of 'wrack and waith goods' (Barry's *History*, 1808, app. 464, 482, 483).

The rancellors of the seventeenth and eighteenth centuries, therefore, did not replace the lawwrightmen, but were a continuation of the same rancellors of the old régime, and of the Old Norse law which enacted that *heraðsmenn, bændr* or neighbours, should be appointed *rannsaka*, to ransack, or search for stolen goods, in accordance with prescribed methods. Their continuity as searchers is proved in Shetland, where the single parochial lawwrightman was contemporary with the numerous parochial rancellors down till the eighteenth century—and those Shetland rancellors exercised precisely the same functions as their namesakes in Orkney. As the single parochial lawwrightman ceased to exist in Orkney after 1611, it is not surprising that the vacant title was latterly sometimes applied to the rancellor.

The three terms: (1) 'Roith,' O.N. *ráð*, rule, the distinctive Orkney and Shetland term for complete udal ownership (the possession of *roith* gave the owner an unchallengeable title to his estate, and to redeem it should it be alienated); (2) 'Roithman,' O.N. *\*ráð-maðr*, the Orkney designation for the man who possessed the 'roith' of an estate; and (3) 'Roithmen and roithmen's sons,' udal-men and udal-born, the Orkney qualification of the members of the assize of the lawthing<sup>1</sup>—these three terms all flourished in the same period, the late fifteenth and early sixteenth centuries, when there was abject ignorance, in Orkney, of Norse laws and terminology; e.g. the Rental of 1500 explains 'forcop' (O.N. *fararkaup*, the fee of the levy) as 'girse male,' rent for grazing. Under Norse law, all 'goodmen,' i.e. householders, tenants and landowners, were eligible as members of the *þgretta* or assize, while under Scottish rule, in the fifteenth century, the membership of the assize was apparently restricted, through Scottish influence, to the udalmen, the 'goodmen' in the Scottish legal sense of the term. It was an easy

<sup>1</sup>The coincidence of the late thirteenth century Norse term *ráðsmaðr* (derived from the German *rathmann*), town-councillor, and the Orkney 'roithmen and roithmen's sons' who were chosen as members of the assize of the Orkney lawthing, at first misled me into interpreting the Orkney term as meaning [town-]councillors. They were not town-councillors, and Kirkwall had its own town council and 'bailies' while still under Norway.

transition, as the members of both the Scottish and the Norse assizes were nominated by the government. The members of the Orkney *hirðmannastefna*, formerly a meeting of the earl's bodyguard, but latterly, under Scottish rule, a sheriff court, were appropriately styled 'gentles,' corresponding with the 'gentlemen' of the Scottish large jury, and with the *bestir-menn*, best men, of the higher Norse courts of the king, archbishop and earls. The members of this Orkney sheriff court were gentlemen landowners, and the term 'gentles' is never applied to the members of the assize of the lawthing, which included poor owners of single pennylands, the rent of which would not buy a cow of the period. There is a contemporary notice, in 1438, of the 'gentiless' of the *hirðmannastefna*, presided over by the earl, as compared with the 'goodmen' of the assize (*Ork. and Shet. Records*, i. 45. The term is 'gentiless,' not 'gentiles,' as in *Records of the Earldom of Orkney*, lvii.).

A. W. JOHNSTON.

The assumptions in the above note which are at direct variance either with the conclusions arrived at in my recent paper on the Lawrikmen of Orkney, or with the postulates on which those conclusions were based, appear to be these :

1. That the legal and social systems in Orkney and Shetland were identical (for it is on this alone that the assumption of 'the single parochial lawrightman' in Orkney depends).

2. That in Orkney the title of lawrikman became 'vacant' after 1611.

3. That the term 'roithman' was ever used of an odaller with direct reference to his odal ownership; in other words, that it ever meant odal-man.

4. Either that the Sheriff Court, termed the 'hirdmanstein,' differed in constitution from other Orkney Sheriff Courts, or that the assizes of all the Sheriff Courts differed in social standing from the earlier Lawthings and other head courts (for it is not quite clear on which of these assumptions Mr. Johnston proceeds).

5. That the Norwegian laws, in all their minute details as to formation of assizes, etc., were in force in Orkney, without even any local modifications.

6. That the assize of the Lawthing included 'poor owners of single pennylands.'

Mr. Johnston quotes no documentary evidence in support of any of these assumptions, and I can only say that in the course of my own researches through early Orkney records (and I have not wittingly allowed any extant deeds to escape unsearched) I have discovered no single bit of evidence supporting any one of them; but, on the other hand, very many pieces of evidence clearly and directly at variance with them all.

J. STORER CLOUSTON.

*The Editor is aware that Mr. Johnston does not accept Mr. Storer Clouston's views as printed in the above paragraph. The subject may be reverted to in the next number of the Review, but this will depend upon the space which may be available.*

ED. S.H.R.

## The Old Church of Gorbals, Glasgow 195

THE OLD CHURCH OF GORBALS, GLASGOW. Impressed with the inadequacy of baronial supervision to meet the requirements of an increased and increasing population, the feuars and inhabitants of Gorbals formed themselves into an association for the better management of their common affairs, and by voluntary taxation and contributions they raised a public fund for expenditure on sewers, wells, street cleaning and lighting, and other useful and necessary purposes.<sup>1</sup>

Of heritable property acquired by the Association the first portion of the old burial ground in Rutherglen Road was purchased in 1713. A few years later one of the feuars gifted the site for a church, the establishment of which was a great boon to the inhabitants as their parish church of Govan was situated at an inconvenient distance from the village. But Glasgow town council, 'as lords and justiciars' of Gorbals, at first withheld their consent to a disjunction from Govan parish, and it was not till the year 1771 that the new church and parish obtained official recognition. Meanwhile a chapel had been erected on the gifted site, and between 1729 and 1771 it was supplied by no fewer than twelve preachers in succession.<sup>2</sup> The chapel stood on the west side of Buchan Street, opposite a new road opened from Main Street on the east, and appropriately named Kirk Street. After the congregation removed to the existing parish church, which was erected about the year 1810, the old building was occupied as a Gaelic Chapel of Ease and subsequently as a *quoad sacra* parish church till 1842. At the latter date the Buchan Street congregation removed to the newly-built Knox's Church in Portugal Street, which in its turn was transformed into the John Knox Free Church. The old building was purchased by the Society for erecting additional parochial churches in the city and suburbs, but after being five years in their possession it was sold to a commercial firm. Latterly the property was acquired by the Glasgow Improvement Trustees, who formed through the site a prolongation of the widened Kirk Street to join with Oxford Street, the name now borne by the thoroughfare throughout its whole length from Main Street to Bridge Street.

The practice of 'kirk burial' was still in vogue when the original church was built, and the donor of the site, either considering the place unsuitable for such a purpose or unwilling to divert burials from the

<sup>1</sup> In 1846, when the village of Gorbals and surrounding district, then developed into a populous suburb, were annexed to Glasgow, the liabilities of the associated feuars exceeded their assets, and the heritable creditors tried to hold the Magistrates and Council responsible for the former on the ground that the feuars' property had been transferred to the city by the annexation act. The law courts, however, decided that there had been no such transfer, and rejected the claim. One consequence of this repudiation of liability was that the minute-books of the association, which, to judge from the samples printed in the law proceedings, contain many interesting local items, did not find a place in the city's archives, where they would have been readily accessible for purposes of research. Information as to the present custody of the books would be welcomed. About thirty or forty years ago they were in the hands of the late Mr. George Strang, writer, the feuars' agent.

<sup>2</sup> *Fasti Ecclesiae Scoticanæ*, vol. ii. pt. i. pp. 46, 47.

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common ground, stipulated that the feuars and inhabitants should continue to bury in that ground and not in the church or its surroundings, without the permission of himself and of the preses and assessors in Gorbals for the time.

The preacher in the old chapel from 1764 till his death in 1769 was Hugh Wallace, some irregularity in whose appointment the feuars refrained from challenging as he was 'a man agreeable to all concerned.'<sup>1</sup> Added to this estimate of the preacher's worth his last will and testament, from which the following passages are taken, affords pleasing indication of his devout feeling and amiable disposition: 'I Hugh Wallace, preacher of the Gospell in Gorbals of Glasgow, being long afflicted in body but sound in memory and judgement, not knowing when it may please Almighty God to call me from this frail life, I consign over my body to the grave in the hopes of a glorious resurrection, thro' Jesus Christ, and commit my spirit to God who has given it . . . I bequeath to Miss Jeanny Warrender, lawful daughter to Sir John Warrender, baronet, of Lochend near Dunbar, all my written papers and manuscript books whatsoever, together with all these English books in print that pertain to me which fall under the name of quartos, octavos and duodecimos whatsoever. I also bequeath to the said Miss Jeanny Warrender my bay shelty, now in my custody, or any other horse or mare that may be in my property at my death, together with my silver watch, half a dozen silver tea spoons, two pair of silver hand band buttons, together with every picture and print that may be found in my property at my death. I also leave to the said Miss Jeanny Warrender two fine lawn handkerchiefs, one of muslin with red borders, and my bible . . . I also bequeath to Mrs. Muirhead, spouse to Mr. Muirhead, merchant in Gorbals, as a small testimony of the many favours I have received from that family, Hopkins' Works, one volume folio. I moreover ordain and appoint that all my other books, cloaths, and whatsoever other things pertain to me be rouped off, that all my due debts and funeral charges may be paid off. And if anything over and above remain I leave that to Jeanny Carnochan, my niece, servant at present to Lord and Lady Semple. And that my just and honest creditors may suffer no inconvenience by my death I appoint my body to be carried to the grave without any show or unnecessary expenses. Only, according to the ancient manner, let a few pipes and tobacco be distribute among those who shall convey my body to its long home. This my last Will and testament I have wrote with my own hand, upon stamped paper, the 28 day of May 1766 years.' The executors of the Will are named, and power is reserved to make any changes and alterations.<sup>2</sup>

The author, a copy of whose works was bequeathed to Mrs. Muirhead, was the contemporary American clergyman, Samuel Hopkins, founder of a theological system which still has its adherents. ROBERT RENWICK.

<sup>1</sup> Minute of Feuars, 11th June, 1765, printed in law proceedings already referred to.

<sup>2</sup> The will is recorded in the MS. Register of Probative Writs kept for the Burgh of Glasgow, 21st July, 1766.

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## Thoughts on the General Assembly of the Church of Scotland under the Constitution of 1690 (1690-1707)

ANY constitutionalist, who wishes to understand the passing in 1707 of the Union with Scotland Act must examine with care the position and influence under the Constitution of 1690<sup>1</sup> of that General Assembly of the Church of Scotland which has well been called the true Parliament of the Scottish people. But no man can reach the right results of such an examination unless he bear in mind two considerations which are often overlooked.

The first is that the 'Revolution Settlement'—to use an old term—of 1689 was in its nature a different movement, and produced different results on each side of the Tweed. In England it was at bottom a conservative movement, and this statement is specially true in relation to the National Church. The King had attempted to give to Romanism in England a position at least equal to the position of the Protestant and Episcopalian Church of England. In resistance to this attempt Churchmen and Dissenters united; the Seven Bishops (Tories

<sup>1</sup>This term describes the really new constitution established in Scotland in 1690 under the Revolution Settlement; it lasted from 1690 to 1707 when it came to an end, as at any rate a political fabric, by the passing of the Act of Union between England and Scotland. See *Quarterly Review*, April, 1916, No. 447, p. 438, especially pp. 446-448.

as they were) became for the moment popular heroes, and have nearly been enshrined by the genius of Macaulay in the political hagiology of the Whigs. Neither the Church of England nor its clergy were deprived by the Revolution of property or of religious prestige. The Revolution, indeed, conferred, gradually and indirectly, something approaching complete religious toleration upon most English Dissenters, but it confirmed to the Church all its existing rights or privileges.

In Scotland, on the other hand, the Revolution Settlement was in the strictest sense a revolutionary movement. It closed once and for all the conflict, carried on with varying fortunes on each side for more than a century, between Kings determined to force Episcopalianism on the people of Scotland, and the Scottish people, who were equally determined that Presbyterianism should be the national and the established religion of their country. From the Restoration till 1685 the triumph of the Crown seemed to become more and more complete. The Revolution gave a final victory to the Scottish people. It established or re-established Presbyterianism as the one national religion. As a visible sign and consequence of this triumph the General Assembly of the Church, which had never been allowed to meet for between thirty and forty years, was reassembled, and has met year by year to the present day as the acknowledged representative of the National Church. Let an Englishman never forget that in 1690 Scotsmen still remembered the 'killing time' (1680-1687), when Archbishop Sharpe, Claverhouse, and 'Bloody Mackenzie' made martyrs of Covenanters who commanded the veneration of every Presbyterian.

The second consideration is that Presbyterianism, at the end of the seventeenth century and during a great part of the eighteenth century, was, among the mass of the Scottish people, supported by two beliefs which were then common to most Protestants. The one was the conviction<sup>1</sup> that every word in the Bible, from the first verse in Genesis to the last verse of the Revelation of St. John, was dictated by Divine inspiration. The next belief, or rather assumption, was that every honest reader of the Bible could find revealed therein a divinely appointed form of self-government which ought to be accepted by every true Christian; and from these premises Scottish Presbyterians then deduced the conclusion

<sup>1</sup> See *Rise and Development of Presbyterianism, etc.*, by Lord Balfour of Burleigh, p. 38. For suggested modifications of this statement see Lindsay, *History of the Reformation*, pp. 453-467.

that Presbyterianism, as practised in Scotland, was of divine origin. Each of these beliefs has now lost much of its hold on the Protestant world; they are not apparently shared by the authorised leaders of the Established Church of Scotland.

‘The government of the Church by Kirk-Sessions, Presbyteries, Synods, and the General Assembly, stands midway between Episcopacy and Congregationalism, and gives an organic unity to the Church in all parts of the country. Each form of government may have certain advantages over the others, and sometimes may meet individual preferences, and in practice does advance the higher religious life of the souls of men, though none can claim exclusively a Divine sanction or authority.’ This is the language of the *Church of Scotland Year Book*, 1916; it is the expression of common sense and of Christian charity. But would it not have provoked the stern denunciation of Andrew Melville?

My aim in this article is, whilst bearing these considerations in mind, to bring forward in the form of separate thoughts, accompanied by comment, three or four different aspects of the General Assembly of the Church of Scotland, and thereby to show that the history of that Assembly records a singular and successful experiment in the practice of representative government, and also an early attempt to carry into practice a definite theory as to the relation between Church and State. It is my hope further to prove that the action of the Assembly decisively contributed towards the carrying of that Act of Union which both created Great Britain and laid the foundation of the British Empire.

*First Thought.*—Under the Constitution of 1690 the General Assembly of the Church of Scotland was, as it still is, one of the most representative and popular forms of Church government.

The Assembly was really representative, since it from time to time gave expression to the predominant opinion of Scottish Presbyterians; it was popular since it admitted all classes of Presbyterians to a share in the government of the Church.

The truth of the two statements contained in this thought is best established first, by a consideration of the electoral system under which the General Assembly was chosen; and, secondly, by the consideration of the evidence of history as to the character of the Assembly.

*As to the Electoral System.*—First, the Presbyterian plan of Church government under the constitution of 1690 depended

on the existence of certain Courts<sup>1</sup> or Assemblies, which each, though in different degrees, combined governmental, legislative, and even executive action,<sup>2</sup> and in 1690 and before that date Scotland was divided for ecclesiastical purposes into districts which may conveniently be called presbytery districts, and each such district consisted of parishes. The Courts with which we are concerned were (going from the lowest to the highest):

(i) *The Kirk-Session*. It consisted of the parish minister, or, to use English terms, the parish clergyman or parson, who was *ex officio* the moderator or chairman thereof, and of elders. These, be it remarked, were not in the ordinary sense elected. They were rather selected by the existing Kirk-session; the Kirk-session were, in other words, filled up by co-optation, and it lay in the power of each Kirk-session to fix its own number, nor was it obliged to fill up vacancies when they occurred. The elder chosen was always a man—no woman could be an elder—and a communicant; before acting as an elder he was set aside to the office by the minister. He held office as long as he fulfilled the conditions thereof.

(ii) *The Presbytery*. It consisted of (a) the ministers of the several parishes in each presbytery district over which the Presbytery had jurisdiction, and of the Professor of Divinity of every royal university, if any, within such district, and (b) one elder for each Kirk-session within such district, elected annually by the Kirk-session.

(iii) *The General Assembly*. It was annually elected, and at the end of its sittings annually dissolved. It consisted of (a) ministers and elders elected by each of the several presbyteries in Scotland; (b) two elders annually elected by the town council of Edinburgh, and one elected by the town council of each of the other 69 royal burghs; (c) a minister or an elder elected annually by the four royal universities.

Secondly, Every member of the General Assembly sat there by virtue of election. No one of them owed his seat to his holding any office, whether ecclesiastical or civil, whilst, on the other hand, no man who was a Presbyterian was ineligible to the Assembly by reason of his rank or of his holding any office. A Duke, a Judge of the Court of Session, a lawyer, could be, and often has been, a

<sup>1</sup> The Provincial Synod is purposely omitted since it had no connection with the election of the General Assembly.

<sup>2</sup> Compare Rait, *Scottish Parliament*, pp. 95, 96, and Balfour, pp. 47, 48, 64-67, and see also *Report of Archbishops' Committee*, pp. 192-197.

member of the General Assembly, and so might be the poorest of parish clergymen, a laird possessed of a small estate, or a gardener who was not a landowner at all. The General Assembly again was no mere clerical body. It has generally, if not invariably, contained a majority of parish clergymen, but it has always contained a large body of laymen. Herein it has differed entirely from the English Houses of Convocation, which have never represented any class of Englishmen except clergymen.

This bare outline of the manner in which the General Assembly was elected under the Constitution of 1690 suggests the likelihood that the Assembly would in fact represent the dominant opinions of Scotland in so far as any rate as Scotland was a Presbyterian country. The Assembly was, on the face of it, a body far more fitted to represent national opinion than was the Parliament of Scotland, for the Parliament, though it did in a rough way, at any rate under the Constitution of 1690, give better expression to Scottish feeling and opinion than it is often supposed to have given, did technically represent nothing but the opinion of the King's tenants *in capite* and of the close and non-representative councils of the Royal Burghs. And the same outline of the plan on which the Assembly was chosen also shows that it admitted, though in unequal degrees, Presbyterians of all classes to a share in the government of the Church.

*As to the Evidence of History.*—The action of the Assembly has in general harmonised with the course of Presbyterian opinion. The Assembly was active in promoting the education of the people; the Assembly saw to the distribution of poor relief; the Assembly took in hand the provision of religious instruction for the Highlands, and effectively converted the large number of Roman Catholics to be found there in 1690. Add to this that on secular topics, not falling wholly within spiritual matters to which alone the authority of the Assembly extended, parliamentary legislation was often clearly carried at the instigation of the Assembly. In 1697 the Barrier Act<sup>1</sup> passed by the General Assembly anticipated the principle of the Referendum, and in effect provided that no law passed by the General Assembly which permanently affected the rules or the constitution of the Church could become a law until the Act, or, as we should say, the 'Bill,' having first been passed by the Assembly, had been ratified by the

<sup>1</sup>The laws enacted by the Assembly were under the Constitution of 1690, and still are called Acts. The word 'Act' in England is confined to laws passed by Parliament.

majority of the presbyteries and had then been passed again by the Assembly which met in the next year. No provision could be more obviously popular than a law which makes the sanction of the presbyteries necessary for the enactment of any important piece of ecclesiastical legislation. The representativeness of the Assembly under the Constitution of 1690 is visible even in its errors. The Church of Scotland shared the universal enthusiasm in favour of the calamitous Darien scheme. The General Assembly did not protest against the intolerance, the cruelty, and the gross straining of the law which ordered the execution of Aikenhead for the alleged but unproved crime of reviling or cursing the Supreme Being or some Person of the Trinity. The case disgraced every man connected directly or indirectly with the government of Scotland in 1696, and any one must painfully regret to find no record of a protest by William Carstares against this act of iniquity. But who can doubt that whatever intolerance was to be found in the General Assembly represented (in so far as it did not fall short of) the intolerant spirit prevalent among the mass of Scottish Presbyterians? One effect of the Act of Union was that the Scottish national Church outlasted the Parliament and remained substantially unchanged until the present day. But it is worth noting that, if we allow for the indirect effect of the Disruption in 1843, the General Assembly has continued to display its representative character for the two hundred and more years elapsing since 1707. The ill-fated restoration of Church Patronage by an Act of the British Parliament in 1712 gives, curiously enough, an opportunity of tracing the extent to which the General Assembly inevitably represented the course of public opinion, or, in other words, the precision with which the feeling of the Assembly on the whole corresponded with the feeling of the nation. The Assembly at first protested year after year against the restoration of Church Patronage by the British Parliament in 1712. But the gradual predominance of secular interests told after a time no less upon the Assembly than upon the people of Scotland. The rule of Robertson and the Moderates, which was in many ways of benefit for the country, for it discouraged intolerance and encouraged the cultivation of literature and science, checked the growth of religious fervour, so that in 1783, when the power of the Moderates reached its utmost strength, the Church Parliament refused any longer to treat patronage as a grievance, or, in other words, the General Assembly reflected the prevalent sentiment of the day. The gradual rise of

the High-flyers or Evangelicals, which from about the end of the eighteenth century till 1843 became more and more visible in the Assembly, represented a change of religious sentiment or conviction, both in the Assembly and in the country. Even the Disruption of 1843, more accurately than was then perceived, either by the Free Churchmen who conscientiously left or by their opponents who with equal conscientiousness remained within, the Established Church, represented a deep-rooted difference of opinion which inevitably split into two parties the Scottish nation.<sup>1</sup> That the Constitution of 1690 in regard to the Scottish Church had succeeded both in representing the Scottish people and in giving each class thereof an active interest in the management of their own Church is proved by one consideration. The Reform Act of 1832 swept away the last relics of the Scottish Parliament. The Act was passed amid much excitement and discord, but, even at a time of almost revolutionary passion, hardly a single eminent Scotsman, and certainly no Scottish party, demanded a change in the constitution of the national Church.

Why, it may be asked, have I not summed up my first thought in the statement that the General Assembly was one of the most democratic forms of Church government? My avoidance of the ambiguous word 'democratic' is, however, intentional. The term democracy is connected with ideas foreign alike to the spirit and to the working of Scottish Presbyterianism. Calvinism indeed, in Scotland and elsewhere, has inspired resistance to political and religious oppression. But it is at least as much an aristocratic as a democratic creed. The conviction that the blessing of Heaven is reserved for the Elect points to the conclusion that the Elect, that is, the good and the wise, are the rightful rulers of a Christian State. This belief condemns off-hand the *vox populi vox Dei* which is latent in modern democratic sentiment. The constitution again of which the General Assembly is the final outcome rests at bottom on the self-elected Kirk-sessions, *i.e.* bodies not depending on popular election. And that constitution, be it observed, attained two objects rarely if ever achieved under modern forms of popular government. The one is that both the members and the electors of the General

<sup>1</sup>'The whole commotion... arose from the spirit of the eighteenth century attempting to crush the worn-out spirit of the seventeenth, and the spirit of the seventeenth lifting up its head and leaving its sting before it died. It was the battle of progression and retrogression' (Mathieson, *The Awakening of Scotland*, p. 147, citing Cunningham's *Church History of Scotland*, ii. 446).

Assembly were men all of whom could read, and many of whom had received a good substantial education and had felt the stimulus of ardent theological controversy based on Biblical knowledge ; the second object was that the Scottish peasantry should be accustomed to active participation in matters concerning the Church, in which term was included the education of the people and the management of poor relief.

*Second Thought.*—*Under the Constitution of 1690 the Parliament and the General Assembly of the Church of Scotland each gave effect to the doctrine of Scottish Presbyterianism with regard to the relation of Church and State.*

‘The [Scottish] State indeed was a Christian State, and had duties as such, in co-operation with the Church. But already the Reformed Church in Scotland was beginning to develop its characteristic view of their relations as independent, co-ordinate and co-related powers. No churchman was to haunt courts or to accept civil office ; the civil magistrate had his own place divinely appointed ; but so had the Church ; and in its own place it must be free.

‘Yet when two divinely appointed institutions are working in the same country towards the same end, human frailty and corruption inevitably produce friction. The attempt to establish a line of demarcation between their respective jurisdictions, and the settlement of disputes arising from alleged transgressions of that line by one side or the other, form a large part of Scottish history, both political and ecclesiastical.’<sup>1</sup>

These words describe, from an historical rather than a logical point of view, the doctrine entertained in 1690 by the Scottish Church as to the relation which, in Scotland at any rate, ought to exist between Church and State : they are in a very special sense applicable to the opinion on this matter held between 1690 and

<sup>1</sup> Balfour, *Rise of Presbyterianism*, p. 41.

This doctrine of ‘the separation of powers’ in the relation between Church and State, as understood in 1690, may roughly but logically be thus summed up :

1st. There has from an early date in the Reformation existed, and there ought always to exist, in Scotland a national and Presbyterian Church of Scotland maintained by, and existing in alliance with, the State.

2nd. Such Church and State ought each to be, the one in the spiritual sphere, and the other in the temporal sphere, supreme ; the Church, being ultimately represented by the General Assembly thereof, and the State by the Parliament of Scotland.

3rd. Such Church and State ought each to support the other within its proper sphere.

1707 by the best and wisest of Presbyterians either in the Parliament or in the General Assembly.

The following points deserve notice :

(1) In 1690 the history of Scotland singularly facilitated the attempt, which on the face of it involved great difficulty, to maintain at the same time in one and the same country a national Church and a national Legislature which should be each in its own sphere of supreme and co-ordinate authority. For the success of such an experiment it was a great advantage that for a century and more the Scottish people should have been accustomed to the co-existence of two representative bodies, whereof the one (the General Assembly) was concerned with the religious interests, and the other (the Parliament) was mainly concerned with the political interests of Scotland. But Scottish history proved also that these two bodies might easily come into hostile collision with each other. The peculiarity of the situation is that in 1690 the General Assembly (which for our present purpose may be identified with the Scottish Church) and the Parliament each stood in mutual need of each other, and were each inclined not to press too far this claim to supremacy. The General Assembly had for a century and more been a far truer representative of popular feeling than the Parliament which usually had registered the decrees of the King. But the days when the Assembly could nullify an Act of Parliament and prohibit all persons from obeying it 'as they would not incur the wrath of God and the censures of the Kirk,'<sup>1</sup> were past and gone. The guidance of the Church had led to disaster. The defeat of Dunbar was due to the influence of the Church and its ministers. The credit of the Assembly was injured by the lasting feud between Resolutioners and Protesters. The attempt, first to enforce Presbyterianism upon England, where it was almost equally hateful to Cavaliers, to Independents, and to the mass of the English people, the fighting for Charles II. as a Covenanted king, and the childish confidence which leading Presbyterians displayed at the Restoration towards the most untrustworthy of kings, whereby they failed to obtain any security whatever either for the maintenance of the Presbyterian Church in Scotland or for the toleration of Presbyterian dissenters in England, had hopelessly shaken confidence in the political wisdom of the Church. Sincere Presbyterians, moreover, must have felt that the interference of the Assembly in merely secular politics was as much

<sup>1</sup> Mathieson, *Awakening of Scotland*, p. 8.

opposed to Presbyterian doctrine as was the interference of the Parliament or ordinary law courts with the spiritual or religious concerns of the nation. To every Scottish Presbyterian, however, the revolution would have been worthless had it not re-established the national Church and re-assembled the General Assembly. The Parliament had, on the other hand, through the abolition of the Lords of the Articles, for the first time become, from a legislative point of view, a supreme legislature; but the Scottish Parliament had not behind it, as had the Parliament of England, an immemorial tradition of legislative sovereignty, nor had it the popular authority which belonged to the General Assembly as the defender of national Presbyterianism against the aggressions of the Crown, which were supported by the wealth of England. Parliament had joined in the expulsion of James, but this tardy patriotism could not obliterate from popular memory recent acts of parliamentary and judicial subserviency to the will of despotic kings. From 1690 to 1707 there were thousands of men living who remembered the Restoration of Charles II. (1660). The authors too of the Revolution, whether in the Parliament or in the Assembly, had everything to fear from the not improbable restoration of the Stewarts. Hence every Whig and Presbyterian felt that the Assembly and the Parliament must act in harmony with one another.

(2) It was a time for compromise, and both the Assembly and the Parliament wished to obviate any conflict between Church and State. They were each prepared to make concessions. It is often assumed that the clergy were constantly bent on the increase of their own authority. But this idea is opposed to plain facts. The Assembly acquiesced in restrictions imposed by Presbyterian doctrine on the power of ministers of religion. No Presbyterian minister ever took a direct part in parliamentary or official life. We shall find that even during the utmost heat of the controversy over Church Patronage it was admitted that, while the induction of a minister might concern the Church and the Church Courts, the due payment of his salary was a matter within the jurisdiction of the civil Courts, and subject to the control of Parliament; yet the parish clergymen in Scotland certainly were and remained for many years miserably underpaid.

In 1693 Scotland was threatened with a direct conflict between Church and State. The once terrible question whether the General Assembly could of its own authority determine its meeting and its dissolution, or could be summoned and dissolved only

by the Crown, called for decision. A compromise was arrived at which suited either view, and thenceforth has been followed. When the session comes to an end the Moderator fixes a date at which the next Assembly should meet, but he does this without reference to the Royal Commissioner who represents the Crown. The Royal Commissioner immediately afterwards also announces the date, being the same as that already fixed by the Moderator, at which the next Assembly will meet, and makes no reference to the Moderator. The General Assembly under these proceedings is dissolved and the next General Assembly is summoned to meet. The rights, whatever they may be, of Church and State are treated with due respect. The acceptance by the General Assembly of this pleasant fiction of constitutionalism is a visible sign of the spirit of compromise. Parliament, on its part, went far to meet the wishes of the Presbyterians. In 1690 the General Assembly was assembled or re-assembled after having been in abeyance for well nigh forty years, and has met yearly ever since. In 1693 Parliament passed an Act establishing or re-establishing Presbyterianism as the national religion of Scotland. In 1690 it abolished Church Patronage. In 1697 it passed an Act for the settling of schools which permanently regulated the education of the country in accordance with the wishes of the Church. No attempt was made accurately to define the limits which divided the authority of the Church in spiritual matters from the authority of the State in secular matters. But it was clearly understood by all Presbyterians that in all matters purely spiritual, *e.g.* matters of religious doctrine, the General Assembly had supreme power, and that in all matters purely secular, *e.g.* questions of property, the Parliament had supreme power, and further that the Assembly and the Parliament, or, in other words, the Church and the State, should co-operate for the benefit of the nation.

One reaches therefore the following conclusions: The Constitution of 1690 gave practical effect to the Presbyterian doctrine of the proper division of powers between Church and State; and this result was achieved because it was favoured by the historical position both of the General Assembly and of the Parliament.

*Third Thought.*—*Under the Constitution of 1690 the General Assembly possessed, both legally and morally, high authority.*

An Englishman of the twentieth century finds it difficult to realise how extensive was this influence. The General Assembly possessed, as it still possesses, wide and indisputable legal powers.

On all matters of religious doctrine the General Assembly had, as the supreme and final court of appeal from every lower Church Court, final and absolute jurisdiction. The Assembly, again, possessed on all religious matters and on all matters purely concerning the Church a very large amount of legislative authority. The Barrier Act, as already pointed out, showed its indisputable power to regulate the government of the Church. The Assembly had in its hands every matter connected with either popular or university education throughout the country. The Assembly could direct inferior Courts to give effect to its own powers, and it was certain that its directions would be obeyed. The Assembly, unlike the Parliament, was elected every year. Each Assembly, in this too unlike the Parliament, before its dissolution appointed a Commission chosen from its members which, until the meeting of the next Assembly, could exercise many of the powers of the Assembly, and was bound generally to provide for preserving and maintaining all the rights and privileges of the Church. This Commission perpetuated to a great extent the governmental power of the General Assembly during the time which elapsed between its annual meetings. But the moral power of the General Assembly transcended its extensive legal powers. Around the Church and the Assembly as its representative had collected all the romance of Presbyterianism and its martyrs. Formal excommunication by the Church Courts was, it is said, little used after 1690, and after 1712 the civil Courts completely ceased to enforce civil penalties upon excommunicated persons. But through the exclusion of a parishioner from the Communion and by other means the Church Courts could impose very severe punishment upon a man deemed open to the censure of the Church. We all now know by recent experience the true meaning of a boycott. The victim who 'was left severely alone' underwent a more agonising punishment than could be inflicted by any Court known to the law of the land. Imagine a boycott in the south of Ireland backed by the authority of every Roman Catholic parish priest. One can thereby form some idea of the position of an offender who during the seventeenth and a great part of the eighteenth century was repelled by the Kirk-session from communion and was proclaimed unworthy of the society of his fellow Christians. Add to all this that under the Constitution of 1690, and indeed for many years after the Union, the Presbyterian pulpit influenced Presbyterian opinion at least as strongly as does the press of Great Britain now influence the opinion of the electors, and the

Presbyterian pulpits were under the control of the General Assembly.

*Fourth Thought.*—*Under the Constitution of 1690 the authority of the General Assembly told decisively in favour of passing the Act of Union.*

The Act of Union was unpopular in Scotland in 1706-7. At that date the opinion prevailed among Tories, and also among many Whigs, that the policy of Union was a ministerial chimera, for it was certain that a coalition of extreme Presbyterians with Jacobites might at any moment cause the Scottish Parliament to throw out the Act of Union, and both Jacobites and Presbyterians had solid grounds for disliking the Act. The Jacobites saw in it a bar to the possible restoration of the Stewart kings. To Presbyterians the creation by the Act of a British Parliament, in which the representatives of Scotland would form an insignificant minority, inspired the not unreasonable dread of an attempt by that Parliament to force Episcopalianism upon the Scottish people, and the legislation of 1712 proved that there were plausible reasons for a fear which turned out to be a mere panic. In this state of things it depended upon the action of the General Assembly whether the Bill for creating the Union should become the law of the land. The Jacobites were only too ready to form a coalition with the Church, but the General Assembly was in reality alarmed by the ominous enthusiasm of Jacobites for the rights and privileges of the Presbyterian Church. The Assembly acted with consummate foresight and prudence. It secured the passing of an Act passed by the Scottish Parliament for securing all the rights and privileges of the national and Presbyterian Church of Scotland. Having obtained for that Church every safeguard which an Act of Parliament could possibly give for the security of the Church, the General Assembly in fact, if not in form, gave its support to the Act of Union. To the Whigs of England and of Scotland and to the General Assembly is due the creation of the United Kingdom of Great Britain.

*Fifth Thought.*—*How far has the Presbyterian doctrine as to the relation between Church and State, established and worked out under the Constitution of 1690, been beneficial to Scotland?*

It is, in the first place, objected by some modern jurists that it is impossible at one and the same time to maintain the sovereignty and the independence of the Church, and also the sovereignty and independence of the State. The best reply to this objection is afforded by history. During the existence of the Constitution of

1690 (1690-1707) Church and State in Scotland did in reality keep within their respective spheres as understood by Presbyterians. True of course it is that if in one State two persons, or two bodies, each are considered to be in the strict sense sovereign, *i.e.* each to have power of legislating on every topic whatever, a logical contradiction may lead to constant conflict. But the further dogma of Austinian jurists that in every State there must of necessity exist some absolutely sovereign power, is not in fact true. If, as may often happen, the citizens of one State habitually obey one sovereign, *e.g.* the Pope, on one class of matters, *e.g.* matters of religious doctrine, but also habitually obey another person, *e.g.* the King, on another class of matters, *e.g.* political matters, there may well exist for an indefinite time a system which may properly be called one of divided sovereignty, and this was in fact the state of things in Scotland under the Constitution of 1690. The vast majority of Presbyterians were prepared to obey the General Assembly on matters, *e.g.* of religious doctrine, which such Presbyterians deemed spiritual, and were prepared to obey the Parliament, including in that term the King, in regard to matters which such Presbyterians deemed temporal. Whether this condition of things may or may not be called a condition of divided sovereignty is a question of words and of no great importance. That the verbal or logical difficulty of determining the different spheres within which Church and Parliament had respectively supreme authority was perceived in the seventeenth century both by Parliamentarians and by Divines, is shown by a curious fact. The Parliamentary Act of 1690, intended to settle the government of Christ's Church in Scotland, uses language which clearly intimates or hints that the establishment of Presbyterian Church government was originally settled by, and still depended upon, an Act of Parliament. In 1698 there was published under the authority of the General Assembly 'for the satisfaction of uneasy members of the Church a Seasonable Admonition,' and this Seasonable Admonition uses language which implies that Presbyterian Church government was instituted by Christ, and therefore not by the authority of any mere Act of Parliament, and suggests that what Parliament did not create Parliament could not alter.<sup>1</sup> In other words, the Parliament and the Assembly each declared its own belief in its supreme authority, but were each determined that verbal controversies should not give rise to real conflict.

<sup>1</sup> See Balfour, *Rise and Development of Presbyterianism in Scotland*, p. 114.

It is urged in the second place that Presbyterianism led in Scotland to gross religious intolerance, combined, in many cases, with constant inroads upon personal freedom of action, and with that most desirable freedom of opinion, which, by the way, should always be called, if we are to avoid confusion of ideas, freedom of discussion.

This charge contains within it a considerable amount of truth. Religious toleration was in the sixteenth and seventeenth centuries no part of the Presbyterian creed. The execution in 1797 of Aikenhead for the unproved crime of reviling the Trinity was a brutal act of intolerance which was the disgrace of the Scottish Courts, and indirectly of the Scottish clergy, whilst in 1831 the deposition of Macleod Campbell of Row, in which Moderates and Evangelicals united to expel from the Church a man of great spiritual activity and devoted Christian character, for alleged heresy in regard to the Atonement,<sup>1</sup> suggests that Scottish Presbyterianism, if it had given up the ferocity of the early eighteenth century, retained even in the nineteenth century the intolerance of the seventeenth century. It is indeed the conviction that neither the dogmas nor the sentiment of Presbyterianism in Scotland promoted the growth of toleration, which has hindered critics devoted to freedom of thought<sup>2</sup> from judging the faults of the Scottish Church with fairness, or doing justice to the services which that Church has rendered to the world. It was this sense of Presbyterian intolerance which made Englishmen, who agreed in nothing else, offer, even in the seventeenth century, vehement opposition to the attempt to introduce Presbyterian Church government into England. That a Church which detested Episcopacy should be hated by James, by Charles I., or by Laud, was inevitable, but it was Cromwell who addressed the Scottish divines the remonstrance, 'I beseech you in the bowels of Christ to think it possible that you may be mistaken.' It was Milton who declared that 'New Presbyter is but Old Priest writ large.' It was, we may say, the whole English people who looked askance, even though strong Protestants, on anything like the establishment of Presbyterianism in England. Yet all that can fairly be alleged against the Presbyterian statesmen or the Presbyterian clergy who lived under the Constitution of 1690 is that they were in the matter of toleration and in their ideas of the

<sup>1</sup> Balfour, p. 158.

<sup>2</sup> See Buckle, *History of Civilization in England*, III. chaps. ii. and iii.

respect due to liberty of opinion or discussion a good deal behind some of the best and most enlightened of English or Continental moralists or thinkers, but on the whole did not in these respects fall much below either the humanity or the toleration generally practised in other Protestant countries.

The third, and by far the strongest, objection to the Scottish doctrine of the separation of powers lies in the attempt then made in almost every Protestant country to combine two convictions, namely, that every country, and especially Scotland, ought to have a national religion, that is a religion professed and believed in by the whole of the nation, or at any rate by the rulers of the nation, and by the vast majority of their subjects, and also that every individual is responsible for his own religious belief. The perplexities caused by the effort to give effect to these two beliefs are by no means peculiar to Scotland. They equally apply to any country where there exists an established or national Church, e.g. to England. In each case they have almost inevitably led to the result that the national Church has gradually ceased to be the Church of the whole or of anything like the whole of the nation.

At the end, however, of the seventeenth century it seemed quite conceivable that Scotland might become a land where, if not the whole, yet the vast majority of its inhabitants should be Presbyterians. And the Established Church of Scotland did certainly, with great energy and with very considerable success, labour to attain this end by bringing over to Protestantism the Roman Catholics of the Highlands. But of recent times an eminent Scottish lawyer has laid down that 'Knox's descendants have found what that great man strove not to see, that a Church with both independence and nationality, to him the most beautiful of all things, may at any rate be found to be practically impossible. The shining of that devout 'Imagination' has fascinated the eyes of many generations in Scotland, but will do so no more.'<sup>1</sup> A critic, however, who is not a Scotsman, may decline either to affirm or to deny the truth of this assertion, and content himself with insisting upon two facts. There exists, in the first place, a marked current of opinion in Scotland towards the reunion of all Presbyterian bodies into one national Church, and such a reunion might go far enough for practical purposes towards identifying the Established Church of Scotland with the Scottish people or nation. It is in the next place highly probable that if such

<sup>1</sup> Innes, p. 90.

reunion cannot be achieved this failure must lead to every Church throughout the country becoming by law a voluntary association, deriving its existence from an actual or implied contract between the members thereof. No doubt the success of religious Voluntaryism throughout the United States points to the probability or possibility of such a solution of the relation between Church and State.<sup>1</sup> Yet an impartial judge will observe that Voluntaryism denies the existence of a problem rather than solves it, and that the marked tendency by the statesmen, the thinkers, and the people of Great Britain to extend the control of the State over matters really belonging to the sphere of morality and sometimes of religion, suggests that before the end of the twentieth century the ideas which identify Church and State in the mind of Knox, in the mind of Chalmers, and of Dr. Arnold, may revive in a new form.

Turn now from the criticism to which the Presbyterianism of Scotland is open, and consider the benefits which the Church of Scotland has all but admittedly conferred on her people. Let me call as witnesses to the reality of some of these blessings four men, each from different points of view, acquainted with Scottish history, and of whom two have been the severe censors and two the appreciative critics of Scotland and her Church.

The Scottish clergy, we are told by Buckle, covered the great ones of the earth with contempt, and thus discountenanced 'that pernicious and degrading respect which men are too apt to pay to those whom accident and not merit have raised above them,' and that 'herein they did a deed which should compensate for all their offences, were their offences ten times as great,' for they facilitated the growth of proud and sturdy independence.

Macaulay insists in the most emphatic language that the prosperity of Scotland is to be attributed, not indeed solely, but principally, to the national system of education, and that this national system depended at bottom on an Act of Parliament passed in 1697 whereby Scotland, 'in spite of the barrenness of her soil and the severity of her climate, made such progress in agriculture, in manufactures, in commerce, in letters, in science, in all that constitutes civilisation, as the Old World had never seen equalled, and as even the New World had scarcely seen surpassed.'<sup>2</sup> And this scheme of education was, as is well known,

<sup>1</sup>The fairest statement of the success of Voluntaryism in the United States is given in Bryce's *American Commonwealth*, ii. (3rd ed.), 601-712 and 812.

<sup>2</sup>Macaulay, *Hist. of Eng.* iv. 780-781.

favoured by and due to the Church of Scotland. Nor can any one doubt that the highest standard of education attained by the poorer classes in Scotland, combined with the popular discussion of theological problems in connection with the management of Church business, kept alive among Scottish farmers, labourers, and workmen, an aptitude for political affairs which was little, if at all, cultivated at any rate before the Reform Act of 1832 among the rural labourers of English parishes or the artisans of English cities.

Consider next the judgment of one of the latest and one of the most authoritative of writers on the history of Scottish Presbyterianism :

‘ Beyond doubt, the principal services of the Scottish theological schools’—or we may say of the Scottish school system generally—‘ have been in the formation of a thoughtful and reverent people accustomed to great themes and serious reflection upon them, by the ministrations of an educated clergy, whose first vocation has always been held to be the preaching of the Gospel in its fulness, and the elucidation of the mind of the Spirit in the Word of God.’<sup>1</sup>

Listen lastly to the most ardent and the most famous of Scottish Nationalists—Sir Walter Scott. He was a member and had been an elder of the Scottish church, though probably in later life he preferred the Episcopalian form of worship. He entertained an imaginative interest in Jacobitism, though thoroughly loyal to the Union, which he was sensible to have been a wise scheme.<sup>2</sup> He realised to the full the weaknesses of Presbyterian government. He was a Tory who hated any change even in the institutions and even in the minor habits of Scotland, but he appreciated to the full the virtues of the Scottish peasantry, which without doubt suggested to him the following words :

‘ I have read books enough and have observed and conversed with enough of eminent and splendidly cultivated minds too in my time, but I assure you I have heard higher sentiments from the lips of poor uneducated men and women when exerting the spirit of severe yet gentle heroism under difficulties and afflictions, or when speaking their own simple thoughts as to circumstances in the lot of their friends and neighbours, than I have ever yet met with out of the pages of the Bible. We shall never learn to feel

<sup>1</sup> Balfour of Burleigh, *Rise of Presbyterianism*, 163-164.

<sup>2</sup> See letter to Miss Edgeworth, 16th July, 1825 ; Scott’s *Familiar Letters*, ii. 312.

or respect our real calling or destiny unless we have taught ourselves to consider everything as moonshine as compared with the education of the heart.'<sup>1</sup>

A. V. DICEY.

<sup>1</sup>Sir Walter Scott, in a letter to Miss Edgeworth, cited in the *Spectator*, Dec. 31, 1892, p. 950.

## The Royal Regiment of Scots Dragoons (now the Scots Greys)

**A**MONGST a number of papers which lately came into the possession of Colonel F. J. Agnew Wallace, late of the Scots Greys, a collection of letters written in the years immediately before the Union by Lord John Hay, Colonel of the Royal Regiment of Scots Dragoons (now the Scots Greys), came to light, and I am indebted to Colonel Wallace for permission to publish a selection of extracts from them. Colonel Wallace is a descendant of the Major Agnew to whom they were written, and it is curious that after so many years the documents should be in the hands of one who had himself commanded the regiment to which they refer. The letters are principally concerned with regimental matters, but Lord John Hay and Major Agnew were personal friends, and after the military affairs are discussed, Lord John fills the paper with social and political news, and as his birth and army rank gave him the intimacy of the prominent men of the time, and as he was writing quite frankly to a trusted correspondent, the letters are often interesting.

In making extracts I have endeavoured to include chiefly the references to public matters of interest, and also some of the more personal and private occurrences which seem characteristic of the time. On the military side, however, the letters also throw light on the methods in vogue in Scottish regiments of recruiting and of matters of organisation, etc. They are filled, like all correspondence of the period, with laments about the delay and mismanagement of those in authority, and of complaints of speculation or worse on the part of the agents, who as a class were always credited with rapacity and carelessness; indeed, Lord John, when he obtained the colonelcy of the regiment, dispensed altogether with an agent in London, but the system was again reverted to. Some matters of antiquarian military interest are mentioned. For example, the presence of a cadet or volunteer in the colonel's troop, who served without pay and in the hope

of distinguishing himself and of obtaining a commission. The young man in question seems in this instance to have been dependent upon the generosity of his commanding officer for everything, even shirts and cravats. Lord John moots a scheme for obtaining a commission in the Foot for him, but the plan came to nothing, and the young aspirant finally obtained a cornetcy in his own regiment in 1705.

In another place a reference is made to the widow of 'poorr Captain Harry Hay,' of Stanley's regiment, who begs to have her son placed on the roll of the regiment that she might draw his pay, which Lord John directs to be done, apparently without the lad joining the service at all, as he orders the pay to be put to his own account, to be charged against himself, not paid by the public.

The period covered by the later letters is that during which Lord John was endeavouring to obtain the colonelcy of the regiment from Lord Teviot, who does not seem to have paid much attention to its well-being, at least in Lord John's opinion, for he rather takes credit to himself for the improved appearance and condition thereof when he obtained the control.

Lord John Hay was the second son of John (Hay), second Marquess of Tweeddale, by Mary, only daughter and heir of John (Maitland), first Duke of Lauderdale, K.G. We get our first glimpse of the future Colonel of the Greys from a letter written by the Marquess, his father, to the Duke in December, 1670, when, describing his reception by his children at Yester after a journey, he says: 'I askid Jhon if he knew me; he said I, I, and clapid my cheek and kissid both of them.' 'Jhon' was then about two years old, having been born in 1668. Little is known of his boyhood and education, but he received a commission as Captain in the Royal Scots Dragoons in July, 1689, he became Major in 1692, Lieutenant-Colonel in 1694, and Colonel of Horse in 1702. He purchased the Colonelcy of the Royal Scots Dragoons from Lord Teviot in 1704, and the same year became Brigadier-General. His military services were many and valuable; he distinguished himself at Schellingberg, Blenheim, and Ramillies. From the Blenheim Roll it appears that he acted as Brigadier there, and received a bounty of £105 as Colonel of the Royal Scots Dragoons, as well as one of £90 as Brigadier. He was twice married, first to Elizabeth, daughter and heir of James (Dalzell), fourth Earl of Carnwath, and secondly, to Elizabeth, daughter and heiress of Sir Charles Orby of Croyland,

second Baronet. He died of fever at Courtrai, 24th August, 1706, lamented by the whole army. He had no issue by either marriage, and his widow remarried Major-General Robert Hunter, afterwards Governor of Jamaica, and had issue by him.

Major Andrew Agnew was the eldest son of Alexander Agnew of Croach, in Wigtownshire, descended from the house of Agnew of Lochnaw, of which family the Agnews of the Croach claimed to be the eldest cadet branch. The family was long settled in Wigtownshire, at Challoch, near Dunragit, and later at Croach, on the eastern shore of Lochryan. The lands of Croach now form part of the estate of Lochryan, which is still held by a descendant of Major Agnew through the female line. The date of his birth is not exactly known, but he obtained a commission in the Royal Scots Dragoons or Livingston's regiment in 1689. He saw service in the north of Scotland after Killiecrankie, and was made a burghess of Aberdeen in that year for his services. He was put to the horn as cautioner for a debt in 1694, and in the letters of horning is described as 'Lieutenant in Collonell Livingston's regiment.' In 1698 he petitioned the Treasury for some compensation for damage done to his tenements and lands by French privateers who infested the coast of Galloway, the petitioner having been abroad on His Majesty's service when the mischief was done. Later he served through several of Marlborough's campaigns, was second in command of his regiment at Blenheim, receiving a gratuity of £61 10s. for his services there. Dalton says that he was also at Ramillies, but this is probably a mistake, for amongst his papers is a letter from a Mr. Drummond, merchant in Rotterdam, addressed to him in Scotland, giving an account of that battle and of its effects, and there is also one from Colonel Hay, likewise addressed to Scotland, condoling with him on his ill health, and dated 1706, so that it is unlikely that he was present. Agnew retired from active service in the army as Regimental Major and Brevet Lieutenant-Colonel in 1706, and settled on his property, which he spent much time and money in improving. He held many public offices in the county, and his life seems to have been a busy and useful one. He was Admiral-Depute of the neighbouring coasts, and had many disputes with the lawless maritime inhabitants of Carrick. He was one of the commissioners appointed to raise the Fencibles in 1715, and appears to have had a very short way with objectors and shirkers. He was twice married, first to his kinswoman, Margaret Agnew of Lochnaw, and secondly to Agnes, daughter of Sir Francis

Kennedy of Kirkhill. He died in 1733, and was succeeded by his son Robert.

EDWARD RODGER.

### LETTERS FROM LORD JOHN HAY.

“Edin january .25. (1700)

Sir

i was not mutch surprysed to fynde that misrepresentations werr meade of mee seeing i guess by whome it is donne, and in my last to my Lord Teviott i insinuated so mutch, but seeing it is gone that lenth and licke to doo mee a prejudice, i shall give you a just accownt of what passed in this Company, towit my Lord Anandeall<sup>1</sup> major Generall Ramsay<sup>2</sup> Cornell Hamilton my Lord Craffort<sup>3</sup> and major preston<sup>4</sup> and i. after wee hade played

<sup>1</sup> William (Johnstone), Marquess of Annandale, second but eldest surviving son of William, first Earl of Annandale and Hartfell. Succeeded his father in 1672 when eight years old. Educated at Glasgow Grammar School and University. In 1684 was appointed member of commission directed against conventicles, but took no active part. In 1688 received a commission as Captain in a troop under Claverhouse, but did not serve, and at the Revolution received a new commission under Major-General Mackay, but again did not serve. He became involved in a plot hatched by his brother-in-law, Sir James Montgomery of Skelmorlie, but made confession and was not proceeded against. He next became zealous for the Government, and was appointed a Lord of Session and President of the Privy Council, created Marquess of Annandale 1701, and the next year made Privy Seal with the salary of £1000 sterling. He was opposed to the Union, but after its passing did what he could to render its working easy. In 1715 was nearly taken prisoner by a band of Jacobites at Dumfries, but by the help of Lord Lovat and the townsmen escaped, and after the close of the rising took little part in public affairs, and died at Bath, 1721. He was apparently a man of fickle and unbalanced opinions, and his record explains Lord John Hay's remark about his own steadfastness to the King.

<sup>2</sup> George Ramsay of Carriden, third son of George (Ramsay), second Earl of Dalhousie, commanded a battalion of the Scots Brigade at Killiecrankie, where he was abandoned by his men and apparently taken prisoner. He became Brigadier-General in 1690, Major-General in 1694, Commander-in-Chief in Scotland in 1700, Lieutenant-General in 1702, and died at Edinburgh 1705.

<sup>3</sup> John (Lindsay), nineteenth Earl of Crawford, born before 1672, Privy Councillor 1702, Brigadier-General 1703, Major-General 1707, died 1713.

<sup>4</sup> Major George Preston of the Royal Scots Dragoons was the second son of George Preston, sixth of Valleyfield, co. Perth, descended of Craigmillar. George Preston the elder was created a baronet of Nova Scotia in 1637. George, his second son, was born c. 1659, and served in Holland in the service of the States General. He was a Captain in 1688, and attended William of Orange on his expedition to England, and was appointed Captain in the Royal Regiment of Scots Dragoons, 8th September, 1692, Bt. Lt.-Col. in 1702, Regimental

att Gawff wee went in to Lith and dyned, after dinner wee tocke a glass off wyynn pritty hartily, till sutch tyme that my Lord .A. who hade been drincking the night befor and having drunck more than i hade donne was gott pritty clear. so evry one named a halth rownde and when it came to mee i named to all those that wishes well to ther cowntry upon whitch my Lord said i doo not understande that halth i mean the King att whitch all of uss was not a litle surprysed, and i fynding what turn he meade replyed that i did not understande his meaning for i wisht the Kings interest as well ass anny man dead and have sarved him with ass mutch zeall as he or anny man cowld pretende to and i was sewr with more steadfastness than he. whitch so pickt my Lord .An. that he went owt in a greatt pett, and since i never have spocke with him and this was abowt two months ago or six weacks. so that i have all the reason to belive that it is upon this accownt that i ame misrepresented and by him, who will not stick to doo mee that diskynndness and is capable to macke his owen turn upon it, though i confess i cowld hardly imadgin anny man showld bee guilty of so mean and turty a thing, so shall suspende my thought till i know who it is that

Major in 1704, and Regimental Lt.-Col. the same year, and Colonel 1706. He was appointed Colonel of the Cameronian Regiment in August of that year, He commanded the Scots Greys at Blenheim, receiving a gratuity of £78 10s. was severely wounded at Ramillies, and was also at Malplaquet; became Brigadier-General in 1711, was Governor of Nieuport 1713, and Lieut.-General 1739. He was Commander of the Castle of Edinburgh in 1715, and was finally appointed Lieut.-Governor thereof at a salary of 10s. per diem. He was superseded by General Guest in 1745, but remained in the Castle, and it is said that his firmness was the means of preventing Guest surrendering to the Prince's army, for although Guest was in nominal command, Preston, in spite of his years, superintended the defence, and is reported to have had himself carried round in a chair every two hours at night to make certain that all the sentries were alert and at their posts. When threatened by the Jacobite army that if the Castle were not given up they would burn Valleyfield, he replied that if they did so he would instruct King George's ships in the Forth to destroy Wemyss Castle in retaliation. He died on 7th July, 1748, aged about 88 years. He is frequently confused with Robert Preston, who served in the Scots Greys during the same period; indeed, some of the printed histories of the regiment say that Robert Preston commanded the regiment in Marlborough's wars, but this is a mistake. The name of the officer who so ably commanded at Blenheim and in Flanders was *George* Preston. 'Dalton's Army Lists' seems to indicate that the two were brothers or half-brothers. This is probable, but I have failed to find proof of it. Another source of confusion arises from the fact that a second George Preston commanded the regiment in the middle of the eighteenth century, and was present at Minden and (I think) Dettingen, but the three persons are perfectly distinct.

hath done mee that diskynndness and i ame hopfull that those who are my frindes will doo mee that kyndness ass to plainly to tell the matter of fact, whitch upon my honowr is just what i have incerted hear. this you may show to my Lord Teviott<sup>1</sup> and anny other he thincks fitt ore that you doo, for i have meade it publick anuff hear what passed betwixt my Lord and mee and will still more since i fynde it so. i will not trowble my Lord with a letter upon this head but show him i hope hee will doo mee that justice ass to ewse his interest with my Lord Albemarle<sup>2</sup> ore anny other he thincks proper to vindicat mee and plainly what passed if he thincks fitt. and what he adviseth mee to doo aither by wryting ore otherways i shall bee verry ready to obey. i can say no more till i have a further accownt frome you or him to whome pray give my most humble sarvice so i remain

Sir your assewed frende and humble sarvant

JOHN HAY

“what further vexed my Lord upon what past was major Generall .R. lickt thumbs with mee and saide he knew mee to bee ane honest man i fynde all to whome i have spocke to are of the same oppinion that it is Anandeall who hath donne mee that injury whitch when i know to bee so i shall know what to say.”

The above paragraph is written at the bottom of the letter beside the signature.

The letter is sealed with black wax, with an impression of the crest of the Hay family, a Goat's head with the motto “Spare nought.” and is addressed:—“To Captain Agniew off the Royall Regiment off scots Dragowans att London.”

<sup>1</sup>Thomas Livingstone, second baronet, son of Thomas Livingstone (descended of Newbiggin), by the daughter of Col. Edmund. Thomas the elder was created a baronet in 1627, and died before 1673. He served in Holland in the service of the States General. Thomas the younger was born in Holland about 1651, and entered the service of the Prince of Orange as ensign in his father's company. He became Lieut.-Colonel of Balfour's regiment in 1684, and accompanied William of Orange to England. He was appointed Lieut.-Colonel of the Royal Scots Dragoons in December, 1688, served under Mackay in Scotland, commanded at Inverness, and defeated the Jacobite army under Buchan and Cannon at the Haughs of Cromdale in 1690. In 1696 became Major-General, and Lieut.-General 1703; gazetted Colonel of the Scots Greys in August, 1703, but sold his commission, 1704, to Lord John Hay. Was created Viscount Teviot and Lord Livingstone of Peebles 1695; married a Dutch lady, Macktellina Walrave, but had no issue. He died in 1711, and was buried in Westminster Abbey. He had charters of the lands of Lethington in 1702, and of the lands of Houghton in 1709

<sup>2</sup>Arnold Joost van Keppel, Earl of Albemarle, the courtier and favourite of William of Orange.

London Martch .2. (1703)

Sir

... you have donn well to sende my horses to Utricht for i ame sewr both the stond horse and that Gray Guelding will mutch the betterr they be ride if so be the fellow tackes cairr of them. Seing that those Chairrs have not ben proveyded for me macke a dozen sutch as Collonell Prestons werr that arr handsom and easie. And i hope particular cairr hath ben tacken that the timberr of my waggon hath ben well seasond for in saving a litle in the price i showld be loth to be att the trowble i was last yearr always mending them and i ame mutch affrayed the harnise will not prove near so good as what i might have brought frome this for the Lather is not near so good. you must see to gett annother Waggonerr. And Captain Campbell must doo me the favour to secewr a batt. man for me owt of his Company i mean what he hade for Generally amongst the foott ther arr good ones to be gott. And in the mean tyme lett one of those fellows appointed for my Grooms be Lerning to drive my Chaise for i dissign only two led horses upon a martch and thre att a review. i have putt my selff to morr chardges than i wowld have donn if i thought i hade benn postponed of my Brigadirrs pay whitch i belive i shall this Campagn, for betwixt you and me it is a scandall to see how all relaiting to the Armmy is manadged, being they sharp all they can of uss. And even in the particularr of bownty monny whitch wee thought hade ben ordered as the Generall officerrrs concerted, i ame informed that is to be Clipt so as that wee shall macke i belive litle of it for his Grace as i ame informed comes in for a snack as Captain Generall and so downnwards. Captain Gardner was with me just now and tells me that the remainder of owr monny for the dead horses is to be payed to morrow. As to affairs in scotland i fynde Seafield is to be Chancellor again my father refewsing to continew in that post and Annandeall secretary conjunct with Rox. and my father president of the Councell, whitch is all att present frome,

Sir, your assured frinde

JOHN HAY.

My Lord Teviott and i shall orde all befor i part frome this, but ther is no dealing with that fellow Livingston<sup>1</sup> so that i will

<sup>1</sup>Livingston was agent for the regiment in London, and seems to have been as rapacious as the army agents of the time all were. Col. Hay's letters are full of complaints about his laziness and greed.

advyse what cowrce to tacke with him to bring him to reason.

Edin jully .17. (1703)

Sir

. . . in all probability ther must be vacancys for the Marquis of Lowthian doeth all alongst go along with the cowntry parties measseurs so that he will certainly lose his Redgiment<sup>1</sup> ass my Lord Teviott doeth likways his if this party still continew in favour and if not i ame pritty well stated with the Cowntrie partie you may bee sewr, who att present doo carry things overr the belly of the Cowrt for instance that Clause which was presented by my Lord Roxborough of whitch i gave a full accownt in my Last to Captain stewart the parlament hath hade two sederints att whitch i was not present having benn indisposed this weack past occasioned by a cold i gott and a vyolent fitt of the Gravell but now i thank god ame mutch better. The first day they satt and did nothing for the cowntry partie fynding that bissness was not in that concert they cowld wish tryfelt of the tyme by making spetches mal a propos and so prevented bringing anny thing to a vott that night in speigh of all the Cowrt cowld doo, so that they werr forced att ten a clock att night to adjurn till yesterday wher the bissness was then tacken upp and after some tyme spent in reading overr both Roxborughs clause and the advocats it came to the vote whitch showld bee considered first and carried Roxborughs by six votes and so it was a little amended and added to the act of secewryty and then they voted add the advocats to the act whitch is mutch mended likways and it caryed add by seventy votes though the Court oppost it and voted no and the president of the Cowncell and Duke of Argyll entered ther protests and some others adheard, so that i doo assure you this is a home strock for they neverr werr so baffled. . . . My Lord Teviot is now begun a law sew with Blantyr for the interest of Lidingtoun<sup>2</sup> whitch i belive will cost them both a great deall of monny, so he is lyke to pay for his folly in entring to that bargain without advysing with frindes.

Sir

i have benn in town now these fowr days bygonn and have ben employed paying my devoirs to some of owr Cowrtiers and

<sup>1</sup> Lothian's Regiment of Dragoons, the present 7th Hussars, raised in 1690.

<sup>2</sup> Lord Teviot had charter of the lands of Lethington in 1702.

making my Cowrt to my Lord Malborigh who by appointment gave me ane audience yesterday in the afternoon. i have fully talkt with him in Generall of affairs in regard as to my father and then i came to my owen particular wherin i showed him how uneasie i was that i cowlde not have the satisfaction to be under his command last Campagn, but that that i cowlde not i thought with Credit doo upon this he said that frome the Carrecterr he hade of me from severalls and by what he saw and knew of me when with him abroad he hade a kyndness for me and did locke upon me to be ane honest man but that hade i benn his brother he cowlde not but have condemd me for not being overr last summer so hoped i wowlde exceuse him for seing so. this he did in a verry frindly manner so that i thanked him and towld him i was very censible of his kyndness but that to continew in the post i was and sarve one so was what i cowlde not with honour doo anny morr. unless i hade a Redgiment of my owen i cowlde not think of sarving anny morr, and to kepp what i hade and not to sarve was what i neverr intended, so that if ane occasion for my preferment did not offer this winter i wowlde then leave it to his Grace to doo with my Commission what he thought fitt. he said severall kynde things and assured me of his frindship when occasion offerd so that i ame perswaded if a Red Redgiment fall vacant i will gett it. i towld him further that i understood they dissyned to dispose of Teviots Redgiment and that so farr they hade declaired it that they hade already mead ane offer of it, and that to my Lord Crafford in particular who towld me of it himself whitch i thought verry strange that befor her Majestie hade declaired it vacant they showld take upon them to dispose of it. He said for that he was sewr the Queen wowlde doo nothing with the tropes abroad without speacking to him and that i might depende upon. all i cowlde say i have and ame now att ease, and i must needs say i neverr mett with morr civility frome anny boddy in my liffe, perhaps that will be all. The divisions hear amongst our great ones continew and the Duke of Atholl Chancellor and Crommartie go togaither. Queensberry and his tutor Stairs Annandeall and Ross arr of the other partie hear and Leaven is writ for, if the others stik i belive some honest menn may be brought in to the Government for the ballance no dowbt will bee of ther syde since the Cowntrie partie will recave them if things continew in the hands they werr. the nixt session of parlament will dowbtless be hotter as this, but it is expected some change will be and condeshentions granted, this mutch for

politiks. . . . direct your letters for me to be left att whyts jocolat house in st jameses streett. i shall be glade to hear you arr perfectly recovered.

adiew

London Novem<sup>br</sup> .9. (1703).

Sir

since my last ther is nothing further as to owr scots affairs but only that the Queen hath promised ther showld be a conferrence whitch the Duke of .Q. declyns if obtaind i dowbt not but that it may have good effect Ther is one thing whitch occasions evry boddy to inqueir mor particularly anent my Lord Stairs, and that is a full accownt of the Murder of Glenco whitch is printed and publickly sowld hear withall its particulars and what the parlament did upon it, this is what doeth expose him to the hiest degree, so that for his estate i wowld not have so mutch laid to my chardge. . . . i cann informe you of no other news frome this but what is verry bade. that is daily wee have accownts of morr loss att sea whitch was occasioned by a vyolent storme of wynde whitch wee hade hear upon saturday morning last, and hath donn a great deall of damidg to the howses both in town and Cuntrie. wee have accownts of Admirall Byronts being lost and nyne men of warr morr besyde a vast manny martchant menn so that it is comduted that .1000. sea men may bee lost owt of the wholl whitch cannot be recovred in hast.<sup>1</sup> i wish you may not hade the same effect with you of whitch we arr apprehensive. if things go right and i bee proveyded for as i dissyr i shall sarve my frindes so farr as i cann in doing them justice if otherways i bee to quit you shall bee sewr to hear frome me whitch is all at present frome  
your assured frinde and humble sarvant

J. H.

London Decem<sup>br</sup> 3 (1703)

London Decm<sup>br</sup> .17. (1703)

Sir

. . . Ther is still a stand as to owr affairs upon the accownt of this plott<sup>2</sup> whitch hath benn now befor a Cabinet Cowncell and

<sup>1</sup> This was the 'Great Storm' of Nov., 1703, which caused immense damage; the name of the admiral who was lost was Basil Beaumont, whose flag-ship, the 'Mary,' was lost on the Goodwin Sands.

<sup>2</sup> The 'Scots' or 'Queensberry' plot: a scheme devised by Frazer of Lovat to discredit the Duke of Athole, which caused great excitement, but came to nothing. It was however the cause of a long and acrimonious dispute between the two Houses of the English Parliament.

## The Royal Scots Dragons

some of our Ministers with the Queen upon it. and will be mead publick in a few days some are taken up upon it those that have been in France lately and our Scots Councillors hear are to have a meeting upon it. and her Majesty hath acquainted the House of Lords that she will lay it before them. this is all we know of this matter as yett. and I am persuaded nothing will be mead out but a contrivance to insnare some people. time will detect the Knavery of it and I hope they will meet with their reward. my service to all friends with you adieu.

Sir

... As to our affairs hear they are not come to a Crisis, and the Chancellor who intended to be gone for Scotland this week is stopt upon this account, that it seems those of our Privy Council hear are to meet and have what informations have been given in relation to our sham plot laid before them so that accordingly instructions will be given him. the Court was never so much puzzled as at present about our affairs, and the divisions hear continue much the same, I hope some good may come out at last. what further happens you shall know and I will take care to order the payment of what will be due Lieutenant Kith, pray send over my buttons I mean what I wrote for that is a set of the best style double Gilt buttons of the newest fashion can be got at the Hague. this I mention to you again least that my former might have miscarried which is all at present frome

Sir, your assured friend and humble servant

JOHN HAY.

London January .14 (1704)

London January .25. (1704)

Sir

since my last there was a meeting of all our Privy Councillors hear where her Majesty and the Prince were present. The Duke of Atholl did there read a narrative that he had drawn up of all in relation to the discovery of the plot, which did touch upon the Duke of .Q. upon which my Lord Stair rose up and spoke with a great deal of warmth and there told that there was one went down to Scotland who rid it in three days which was the greatest dispatch could be mead, and upon his arrival that meeting was, where it seems measures were taken as might appear by some of the highland Clans going to the hills with

ther followers, and further said he did not think that the french King would have ingadged to sende menn or monny to scotland unless some peopell of Quality werr concerned in that dissyn so that it was his oppinion and advice that her Majestie showld augment her forces in scotland to fyve thowsand menn and that ships showld be sent to guard the cost, and that fiftie thowsand pownd sterling sent down now might be of morr euse than .500. thowsand pownd would be able to retriue att another tyme, as also that it was easie to distinguish what partie was for her majesties interest. so runn owt for a long tyme. the Duke of Atholl answered that as for the sending down one it was trew his sons governour went down being he hade no further occasion for him his son being now of Edge and that he did tacke above fyve days to macke the jurnny so that her Majestie from that might judge the rest what that noble Lord asserted. And as to the higland Clans he said that when she was pleased to call them some tyme ago befor her his oppinion then was that they showld be cited to swear to the peace according to custom, but it seamd thē Councell thought fitt to sende orders to brigadir Maitland<sup>1</sup> to apprehend Clengarie and thre morr, upon witch they seeing some of the forces coming of a suddenn among them did fly to the hills but that not one of ther rascalls did stirr, and it was no wonderr but that they werr apprehensive being they hade still a remembrance of the horrid murder was committed upon the Glenco menn, upon witch stairs answered that that was a reflexion upon the laitt King and his ministers, the Duke said it was non as to the laitt King being the parlament hade given their oppinion ass to that, but upon those who contryved and manadged it. so you may judge by this how warm they werr. as also how this will be tacken in scotland wher i doo assewr the bottome of the plott and dissyned invasion will be sufficiently inqueired into, and things arr brought to that pass that i believe ther neverr was sutch a ferment in the nation as att present, and no wonder considering what accusations arr mead against the best and honest part of the nation. Owr affairs will not come to a finnal determination till this parlament raise and my Lord Malborough returnn, but i ame of oppinion all owr great folks will go down in the same station as they came upp, and as to my owen particular i must have patience till the Duke come back. . . . if you cann not gett that sett of bottons verry good you may lett it

<sup>1</sup> James Maitland, son of Robert Maitland of the Bass, was for some time Governor of Fort William ; d. 1716.

## The Royal Scots Dragoons

alonn and if not already proved so as they bee hear the first of the nixt month doo not send them me. . . . i have nothing further to add but that Levenn is to go down Comissioner to the Generall assembly and so i belive they intend to putt of the sitting of owr parlament some tyme till they try peopells pulcys. so with my sarvice to all frinds with you adiew.

London february .8. (1704)

Sir

. . . by a letter i hade from Captain stewart last night i fynde that they have great difficulty to gett menn and pay them thre Gyneas in hand to them owr affairs arr all att a stand att present but yesterday being her Majesties birth day she hath mead six knights of the order of st Andrews who arr the Duke of Argyll Atholl M. Annandeall L. Dalkith E. Orkny and the Chancellor and the Ribban is now greann. so that ther is still thre remaining to be given as matters comes to be settled.

London february .13. (1704)

Sir

. . . The only thing i can informe you of is that ther is now ane accownt come frome scotland that one Baillie a brother of Monerhalls hath depond befor the councell that the D. of Q. and Mar. An. did endeavowr by promising both monny and imployment to ingadge him to declair and swearr that severalls of the Cowntrey partie werr in a plott and named the men of best Quality in it to have hade a correspondence and a common banck of monny for bying of arms and ammunition to sarve the french interest and bring in the prince of wails. D. H.<sup>1</sup> D. A.<sup>2</sup> the Chancellor and some others werr named to him but my father is not nor anny of owr relations, this that Gentleman hath donn upon a chock of consience and hearing the noise the plott mead did wreitt to Duke .Ha.<sup>3</sup> and discovered all that past betwixt .Q. A. and him and hath signed it, whitch i have senn and it is the most villanows contryvance evver was heard of. . . .

London Martch .10. (1704)

. . . by the degree of the Lord of the session i fynde Blantayr is ordered to consignn his monny for Lidington by the tenth of

<sup>1</sup> Duke of Hamilton (?)

<sup>2</sup> Duke of Atholl (?)

<sup>3</sup> 4th Duke of Hamilton, who was killed 1712 in a duel with Lord Mohun.

junn otherways Teviott is to keep it. Rothes Roxborough and Gerviswood who werr sent upp by the cowntry partie have hade ther owndice of herr Majestie and she towld them that the parlament showld sitt ass soon as conveniently she cowld appoint it and that that affair of y<sup>e</sup> plott showld be layd befor them. All as yett is not determined in owr affairs but i ame perswaded the D. of .Q. will go donn Commissioner and the rest in ther places likways for he undertackes the setling of the succession this session of parlament whitch others will not ingadge to doo, and it is what the Queen towld Rothes and the others att therr awdience, when the report of the Committee to the howse of Lords is mead we then shall be att a certainty as to all owr affairs and this we expect will be in a few days. . . .

London Martch .28. (1704)

Sir

. . . i was yesterday afternoon with my Lord Malborough by his appointment who askt me particularly anent the condition of y<sup>e</sup> Redgiment of which i gave him ane accownt and then did tacke occasion to speack to him as to my owen particularr he was mighty Civill to me and towld me that beforr he parted he would give his directions thereanent and bed me not be uneasie, but dissyred i showld come overr with y<sup>e</sup> troppes being he dissigned they showld tacke y<sup>e</sup> filde verry sonn upon that i towld him least that his Grace showld be dissappointed that ther would bee a necessity for living a good manny menn to loock afterr the supernumerary horses till whitch time owr recrewts werr landed frome scotland whitch wee cowld not sonner expect than the beginning of may. he said it was a fault owr recrewts owght to have marched by Land to newcastell and so have benn transported from thence hitherr, i towld him that it was what wee neverr did all y<sup>e</sup> last warr besydes that wee cowld not undergo the expence, but that if his Grace did think that the properest method to be tacken herafterr some meassewrs showld be tacken for that effect against nixt yearr att whitch he was satisfyed. you can not imadgin what difficultys i meat with to gett monny advanced upon y<sup>e</sup> accownt of the two additional tropes, whitch i ame affrayed will not bee gott in a good condition this Campagn, howeverr for Armes that shall be donn hearr, but Cokards and other things proveyded with you for the sixt tropes y<sup>e</sup> lyke must be proveyded for them likways, and cloth for the officers Cloths and howsings conforme to y<sup>e</sup> rest of the officers, which you must cause tacke cairr of, and what monny

belonging to my Lord Teviott must be applyed for that ewse, and when i come over we shall adjust all. . . .

Tents for the subaltairns must be bespock sutch as y<sup>e</sup> rest i mean for the two additionall tropes. i hope owr horses arr landed saif for i ame affrayed they have suffered for wee have had verry stormy waitherr hearr, and i ame sewr y<sup>e</sup> recrewts horses werr naiverr so good, and y<sup>e</sup> Clothing i will likways answeerr but better hade i hade y<sup>e</sup> absolwtt manadgment. owr scots affairrs will now be determined in a few days so sonn as y<sup>e</sup> parlament hear is upp. . . .

“ Sir

Least my former may have miscaried i shall again recomend to you that so soon as you arryve att Gorcum you wreit to mr Drummond to whom i have wrote myselff some tyme ago, that he wouold be pleased to bay a pice of y<sup>e</sup> best Clarett he can fynde and lett it be botteled of aither in flasks orr other bottells as he fyndes most proper for y<sup>e</sup> easier transporting of it, but particular cairr must be tacken in seeing that it (*sic* “is” omitted) well Corkt, and let him sende it by y<sup>e</sup> first good occasion he can fynde to Engelland, and according as he advises you, you may then wreit to Captain Garner to tacke cairr of it and kepp it for me till i arryve att London. you must likways tacke a particular review of those two additionall troppes, and see what is wanting and what horses to be changed and men. and accordingly make up a list of what proveyded last year for y<sup>e</sup> Redgiment and what (*and what* erased) will be wanting for the nixt, that i may accordingly show my Lord Teviott it or sende him a dowble therof in cace he be in scotland. what in y<sup>e</sup> wholl i know is wanting is Britches hats and Gloves and belts, saddells a good many. for this i will represent to his Grace befor i leave Holland that so it may not be imputed to my neglect. Owr officers have not as yett gott ther forloff signd by mr Cardinalls neglect who is now gon alongst with my Lord Duke, so that i belive i may go as soon frome this as they now for till my Lord Duke come back they can not sturr and he is not expected till about six days hence. wee have suffered morr then befor you left uss for want of furradge so that the Redgiment when i past it in review the other day lockt most misserable and i doo assewr you i locke upon the half as lost and by y<sup>e</sup> returns of other Redgiments non hath escaped this distemper so well as yett but it still continews, and y<sup>e</sup> list given in of y<sup>e</sup> men and accutremnts

to be transported from this by boat arr already above thre hundred of y<sup>e</sup> English horss and Dragoons. i ame resolved now to euse my interest for Livt Nix having that vacant troope, but he must see to macke it upp both as to men and horses this you may insinuatt to him that you belive i will be his frinde in it, for now that i have considered upon it i wovld be thought partiall if i disposed of it otherways besydes i know not if i showld happen to give it to a prittier young fellow orr to one that cowl'd putt it in a good condition, and i think these tarmes arr easie anuff that he getts it so. this tacke your owen way to lett it fall to him but lett it go no further least that Collopp make interest with Carduggan to putt a stopp to it under hande, and examine particularly as to Collops caracterr for i ame towld he can naither read nor wreitt and besydes hath hade a mynde to disposs of his livtennency some tyme ago. inqueir likways as to y<sup>e</sup> caracterrs of y<sup>e</sup> subaltarn officerr in those tropes and and lett me know them that accordingly i may know how to advance accordingly. As to all other accownts of y<sup>e</sup> Redgiment those i expect to fynde readdy and clearr upon my arryval att y<sup>e</sup> Hague that " (hole under seal here) " may not be detaind anny tyme upon that accownt, and so farr as y<sup>e</sup> Redgiment is cleared by y<sup>e</sup> publick lett all y<sup>e</sup> officerr be cleared till then for i will have no back accownts and full dischargdes given by etch particular officerr till that tyme. you may likways wreitt to mr Lillie that i expect he will tacke cairr of what letters comes to his handes directed for me, and show him that i did wreitt to him some tyme ago to sende to his correspondent aither att parris or wher he can have the newest patterns of imbroderie for a sewt of cloths to me and i will not have the sewt mutch imbroydered but lett it be gentille and gowld upon a fine blew cloth vest and britches y<sup>e</sup> same. if he thinks he can mynde my measewr exact lett him orderr the imbroydery to be putt in hande but lett him tacke cairr the Goold be fyenn and a fyenn blew the Colowr of y<sup>e</sup> cloth. lett me know if this comes saif to your handes, for i belive we shall be hear this fortnight yett for they arr not masters of y<sup>e</sup> Cownterscarp as yett. which is all att present from

sir

your hum<sup>ble</sup> sarvant

JOHN HAY.

Octo<sup>br</sup> .31. n.s.

(1704)

Addressed :—"A Monsiewr Monsiewr Agniew Major D'e Redgiment Royall Ecossois Cologne."

Sealed with the head of a unicorn and motto "Praesto ut praestem," the crest of the Preston family. It does not seem to have been twice sealed, perhaps Hay borrowed Colonel Preston's seal for the occasion. The letter is dated very illegibly from a place which looks like Cronwecherberg or Cronwechenborg, but it is quite uncertain, and no place of these or similar names can be traced. In 1704 the allies were besieging Landau and Traerbach; the former surrendered in November, and the latter on 20th December of that year. Possibly the letter may have been written from some place in the vicinity of one or other of these towns, as from the last sentence of the letter it appears that siege operations of some kind were being conducted.

This letter is given in full, as it is the first of the series written after Hay received the colonelcy, and it shows that he had found some slackness and confusion in the accounts.

Mr. Cardinal is evidently Adam Cardonel, secretary to Marlborough. He was son of Adam de Cardonel, a French Protestant, and was a chief clerk at the War Office prior to his appointment as secretary to the Captain-General. He countersigned all the commissions signed by Marlborough, and is frequently mentioned in the Marlborough dispatches. He amassed a considerable fortune, but not without strong suspicion of having taken bribes from army contractors. He died in 1719, leaving an only daughter, who married William, 1st Earl of Talbot.

"London january .2. (1705)

Sir

... though i mentioned in my last to you of sending a letter inclosed for brigadir Hamilton yett i raither chuss to sende it under covert to mr Lillie and have by this post, dissyring that he would sende as formerly one hundred bottells of etch sort of y<sup>e</sup> same wynn he sent me to your cairr and advertiss you therof that accordingly you might pay the chardge. it is for my Lord Roxborghs ewss, but direct it for Captain Garderr and lett it be sent overr hither by the first sewr occasion mynn goes of a pace being extream good and good fellows arr not wanting hear to drink it, as i hade occasion the other day to take a hartly bottell with a sempell of them that dynd with me Rox Teviott shipio hill<sup>1</sup>

<sup>1</sup> Captain Scipio Hill, of the Earl of Leven's Regiment (the 25th Foot, K.O.S.B.), was appointed adjutant-general in Scotland in 1690, and being subsequently sent on a mission to King William at Chester to unfold General MacKay's plans for a new fort at Inverlochy it is highly probable that Scipio Hill and John Hill, commander at Inverlochy, were brothers. He petitioned Parliament, and in 1691 was recommended to the Treasury for payment of a month's pay to refund him for certain extraordinary expenses arising from his being made captain of 'Bennet's troupe of horse' when it was 'turned Dragoons,' but in 1696 'never one sixpence had been payed thereof,' and he is again recommended to the King and 'if his case falls under the act of parliament appointing

Muntjoy y<sup>e</sup> Registerr huntter<sup>1</sup> Dirlton<sup>2</sup> and another sutch sett i ame to have to morrow by whome all your healths arr and will be mynded. you have i supoose sent overr to Captain Gardnerr ane account how to pay the officers and men whylst hear, if not doo it by y<sup>e</sup> first. Robison and Grant arr to part frome this this weak for scotland, and i have allowed Grant all jannuarrys pay by advance to carry him down, so you may stopp the same (or the some) frome being payd to him in scotland. pray dispatch my Lord Teviots accownts, so that all y<sup>e</sup> bissiness of y<sup>e</sup> Redgiment may be upon a clear foot. for preventing imbroyling of accownts i will alow no monny to be stopt hear, but have it returnd overr by you, if anny thing morr occur to me you shall hear by y<sup>e</sup> nixt which is all att present

adiew ”

“London january .9. (1705)

Sir

... Having recaved some days ago a letterr frome mr Lowthian my cadett showing me that he wants both linings and Cloths i dissyr you wowld cause proveyd him in a dozen of shirts and as manny cravats, and a plain ride sewt sutch as my Quartermasters hade lett y<sup>e</sup> Cloth be fitt for anny Gentleman to weairr, and what else you fynde he wants to equip him owt pray lett him have it. i must likways put you in mynde to be sewr to wreitt to mr Drummond to secewr a hogshead of Claret for me the best can be gott and lett it be botled of, when you think it properr, and the wynn proveyded according as you arr advised by him. i dissyr to know what horses you have proveyded for me owt of those two tropes and how manny that i may accordingly regulat my selff therupon. ther is one thing i must recomend to you so that you may make experiment of it, which i have ben adveysed to, and that is a pice of rosett sutch as the fidders ewse that prayd to powther and give a Lardge spunfull of it amongst your horsse

arrears to be paid out of the hearth-money’ he is referred to the Commissioners. He was created a baronet in 1707, and on his death the title is believed to have become extinct. He was alive in 1714, when his name appears in the list of officers on half-pay. ‘Muntjoy’ is probably William, 2nd Viscount Mountjoy.

<sup>1</sup> Robert Hunter of the Hunterston family; is said to have had a command at the siege of Derry; Brevet Lieut.-Colonel in Ross’s Regiment of Irish Dragoons, 1703; appointed Governor of Virginia in 1708, of New York, 1709, of Jamaica, 1729, and died there in 1734; married Lord John Hay’s widow.

<sup>2</sup> Son of Sir John Nisbet of Dirleton, the lawyer, and author of *Law Doubts*.

corn, but wait with warm watter y<sup>e</sup> corn that so it may stick and go y<sup>e</sup> easier down this ewse for thre tymes once a day and give them warm watter to drink after ther corn, and it is ane unfall-able cewr for the morty shain<sup>1</sup> farcy or anny smitting distemperr ewse it a fowrt tyme if it doo not doo y<sup>e</sup> third it can doo no harm. so make ewse of it if this distemper be still amongst y<sup>e</sup> horses, this i was adveysed to by a verry understanding phesitian who towld me he hath hade experience of it and if it doo it is a verry easy cewr i think and ought to be tryed, as i dissyr you may upon anny of my horses that arr ill i always forgett to wreit to you to see to proveyd Livrys for my Grooms plain blew Coat westcot and britches y<sup>e</sup> same colowr with ther big coats that they have now, and lett them (have) hats with a silver lace abowt ane inch broad this you may cause immediatly to be proveyded for them. . . .

Unsigned and addressed :—"To Major Agnew Major to the Royall Regiment of scots Dragowns in Quarterrs att Gorcum  
Hollande "

"London january .16. (1705)

Sir

. . . for the standards i have bespok them and they will cost me a good deail of monny being of the same bigness as major Generall Rosses arr imbroydered upon blew Dammas, but the two staffs you must proveyd and make them mutch laighterr as y<sup>e</sup> owld ones and lett them be painted blew. for y<sup>e</sup> Drums you must likways by them with you. the officers cloth for ther Livry Coats i shall sende overr with y<sup>e</sup> first transport and some of them shall carry overr ther coat mead for to be a patern how to make the rest by. it is to be payed by y<sup>e</sup> beginning of May, and y<sup>e</sup> Captains skarfs likways by that tyme. the subaltarns arr to proveyd themselves in laced belts and the Quartermasters arr to have plain rid Coats as formerly ther cloth i shall sende overr likways, but all ar to have laced hatts. . . . i doo assewr you that as matters stande with my Redgiment i shall be owt of pokett in proveyding all what i fynde i ame oblidged to make up this year and that considerably if y<sup>e</sup> Goverment doo not allow me for the lost accutremments, for you know how small a fonde is remaining of y<sup>e</sup> Clothing monny. so i hope cairr will be taken hearafter to know wher y<sup>e</sup> fawlt lays in lossing y<sup>e</sup> accutremments whitch i ame

<sup>1</sup> "Mortersheen, a fatal species of glanders."—JAMIESON.

confident hath ben donn this yearr as many by negligence and morr than in y<sup>e</sup> battells. . . .

Unsigned, and addressed :—" To Major Agniew Major to the Royall Redgiment of scots Dragoons in Quarters at Gorcum

Holland "

" London february .16. (1705)

Sir

I have pereussed all the accownts you sent me overr, which agree with those the Agent hath gott. i belive ther will be no occasion for remitting anny morr monny being wee expect to have the monny payed uss whitch her Majesty hath given as a gratuity to all those that served in Germany last Campagn. And all the Generall officers hear in town mett upon it by my Lord Dukes direction to see to proportion it so as the some might bearr. whitch is sixty fyve thowsand pownds sterling, owt of whitch the Generall officers and all other officers conforme to ther stations arr to recave three month full pay. those that werr dissabled so as to live (*sic* for leave) the Camp arr to recave six months pay, and all the soldiers arr to recave in proportion so mutch a foot soldier 20 shillings. a Corporall .30. and sardjant .40. A Dragonn .30. Corporall .40. sarjant .50. tropper .40. Corporall .50. and the non Commissionat officers ther pay for three months. All soldiers dissabled to recave owt of that some wherupon to be subsisted for two years, till proveyded for in Chelcy Colledge, so that you must immediatly return me ane accownt what men of my Redgiment that arr not fitt for sarvice. this is to be given and signed by me upon honnowr, and those officerr that werr killed and dyed of ther wownds who have left widdows or Children behynd them doo recave six months pay, whitch i must nead say is a great aknowledgment and owght to satisfy all. . . . This day Cornett Grant hath signed his demission to me for .100. Gynneas whitch i have payed him. . . . so at last i have gott ride of that worthless fellow who is married hear to a Millaner notwithstanding his wiff his (*sic*) i ame towld still alyve. Collop i fynde is to continew this Campagn, but Cornet Trent is in expectation to gett a Company in one of the new Redgiments, so i hope att last to gett ride of all the hum drum fellows in my Redgiment. . . .

Unsigned and addressed :—" To Major Agniew Major to the Royall Redgiment of scots Dragowns in Quarters att Gorcum

Holland.'

“ Heleshem August .7. <sup>n.s.</sup> (1706)

Sir

i hade your letter daited the .16. of junn with the inclosed i ame sorry to fynde by it that still you continew inddisposed, since so and that the season of the yearr is so farr advanced that you can not be hear now till the latter ende of the Campagn, you nead not think of it but remain att home, and so endeavowr to putt your selff in a condition to sarve again nixt yearr, for now that in all appearance wee may have a peace in a twelvemonth i wOULD not have you by disposing of your Commission throw away so manny years sarvice. of this you have tyme to considerr and if so be you still resolve to live the Ridgiment think of what will be most convenient for your present circumstances and i wil endeavowr to sarve you so farr as in my powerr, and anny thing of that Nattewr will be better manadged dewring the winterr than att this tyme, besydes Major Campbells frindes may be assisting to you uppon that accownt to sarve him, for i know Boyd will ewse all the interest he cann by underlars (?) as i fownde he wass doing last yearr, whitch in somme measewr i will prevent by kepping him in this cuntrie this winterr. i have att last preaveaild with his Grace to sign the Breavets that is Prestons and yours will be to night they arr all daited the first of january and i have placed Cornett King livtennant and my Lord Montjoys brother Cornett in his place, and the troppe sir Robert Hay hath gott it and a son of mr francis Mogomry hath gott his Companny. That Redgiment of whitch Lallo is now Cornell having mead a chandge with my Lord Mordant is one of those six that arr sent to reanforce the detachment that besidges Menin. Wee brocke grownde two nights ago with litle loss not having above fifteen men killed and wounded and since the Ennemy have mead two sorties but have ben repulsed with loss, i doo not hear wee have anny officerr of distinction as yett wounded only one Cornell Chambrier a Swiss Cornell. wee expect all owr batteries will be readdy to fyrr in thre days hence, but in short i ame affrayed it will be the latter ende of the month befor wee can be masters of it for therr arr above fyve thowsand menn in it and it is well proveded in evry thing and ther arr severall mynns whitch will costt uss Dear.<sup>1</sup> The Duke of Vandome is now come and hath hade ane interview with the Electorr but as yett they have drawn

<sup>1</sup> Menin capitulated on 22nd August, 1706, the garrison being allowed to retire with war-like honours; the reduction of the fortress cost the Allies about 3000 casualties.

together no considerable boddy of troppes, though they give owt they will in a short tyme, whitch if they doo you may depende upon this that his Grace will march towards them and endeavour to give him battell. our Army hear whitch was reviewed the other day is in the best order i have senn it this long time particularly the Prussian and hanover troppes, and wee arr now hear .29. (?) squadrons and .74. batalions besydes those att the sidge, wherr wee have .36. battalions and .24. squadrons. This Campagn i hoppe will putt ane ende to the warr, for now that i am married and considering how litle regard is hade for uss who arr constantly in sarvice others who stay att home advancing to higher stations than wee i am not a litle uneasie upon it so dissigns befor i live this Cuntry to lay my presentations befor his Grace and press it home. this is all i can informe you of att present so wishing you better halth i amewithall sincerity

Sir

your assured frinde and  
hum<sup>ble</sup> sarvant

JOHN HAY."

Addressed :—"To Livt Collonell Agnew of the Royall Redgiment of scots Dragonns to the cairr of Captain Aitkin secretarry att Warr to be left att his howse in Edinbrough

scotland"

This letter, probably the last to Colonel Agnew, was written within three weeks of Lord John Hay's death, which took place on the 25th of August, 1706, at Courtrai, in Flanders, from fever. The letter is sealed with red wax with an impression of the Hays' goat's head and the motto "Spare nought," but it is a different seal from that used on some of the earlier letters.

## Alexander Farquharson of Brouchdearg and his Farquharson Genealogies

THE period between the Restoration and the 'Forty-five' was prolific of genealogical work in Scotland. It was the period of students and collectors such as Martine, Sibbald, and Macfarlane, and it witnessed the production of most of the clan and family genealogies which have appeared in print, as well as others which are still only in manuscript form in private hands, but are well known to the initiated. Among these latter, not the least important or deserving of consideration is the 'Genealogy of the Name of Farquharson' down to the year 1733, by Alexander Farquharson of Brouchdearg—commonly known as the Brouchdearg MS.—in which the writer traces the descent of practically all the members of his clan in his time, scattered though they were through four counties, with a completeness and accuracy which leave little to be desired, and with a modesty and frankness not always observable in such performances.

Alexander was the only son of Robert Farquharson of Brouchdearg, the fourth of a line of Farquharsons sprung from a younger son of Finla Mor (the founder of the clan, killed at Pinkie in 1547), which had been in Glenshee since about the middle of the sixteenth century, and had held the lands of Brouchdearg and others there since at least 1588. Robert was killed at the Moss of Forfar in January, 1673, in an affray with some of the Mackintoshes *alias* M'Comies of Forter, with whom he had been at feud for a few years previously. Details of this feud and of Robert's death are found in the second volume of the *Justiciary Court Records from 1661 to 1678*, published by the Scottish History Society. At his father's death Alexander was a child of about six years of age, and his affairs fell under the administration of two of his uncles in succession as tutors. These affairs were at the time gravely complicated, owing in great measure to the feud with the M'Comies and the heavy legal expenses arising therefrom, but due also to bonds and engagements which had been entered into

by his father. The complication was increased by his mother, who had married again within a few years of her widowhood, and in 1678, apparently oblivious or destitute of parental feeling, actually raised an action in the Court of Session against her young son for full satisfaction of the provisions of her marriage contract with his father, and obtained judgment. The result was that by decret of 6 January, 1683, all his lands—Brouchdearg, Coul, and Dunmay in Glenshee and Downie and Dalnakebbock in Glenisla—were adjudged from him, for debts amounting to £4501 16s. 8d. Scots, in favour of a certain Andrew Small, who had acquired the numerous outstanding bonds upon them, and the young heir was left to fight the battle of life with such aid as he might receive from friends and well-wishers, who, however, were fortunately not lacking.

Although from the genealogy compiled by him, and from other circumstances to be noted, we are enabled to gain a fair insight into his individuality, there is still much of obscurity surrounding his career, and this is not illuminated by the legends which have gathered round his name. Some of these may be seen in the 'history' of him given on pp. 224-5 of *Legends of the Braes of Mar* (1876), all of which, with the sole exception of the appellation 'Fear na Bruaich,' is pure myth, while the statement that 'the young man was one of the Prince's surgeons' in 1745 is discounted by the fact that at that time he must have been nearly eighty years of age, besides being in all probability a dependant on the laird of Invercauld, who was opposed to the Rising. It is possible, however, that he had accompanied Invercauld as surgeon in the Rising of thirty years earlier. But gleams of light are obtained from his occasional appearances in record and from a Memorial and Claim by Francis Farquharson of Finzean addressed to the Lord Lyon in 1774—less than thirty years after Brouchdearg's death. In this it is stated that Alexander was 'bred and educated with the late Invercauld [John] and his brother William at schools and colleges, and remained mostly in the family of Invercauld and died in the house,' from which it may be assumed that after the death of his father in 1673 the young laird had been removed from the danger zone of Glenshee and his turbulent relatives there, and taken in charge by the amiable and clannish Alexander of Invercauld, whose family had come to be regarded as chiefs of the name. The boy must have been a few years older than Invercauld's sons, the eldest of whom, William, was born in 1671, but in the

circumstances of his family it is hardly likely that he would have had much if any advantage over them educationally. In 1681 his patron, Invercauld, died, presumably not without making provision for his maintenance and education. It does not appear where his education was obtained, whether at home or abroad, but its main purpose was probably to enable him to earn a living as a surgeon, and with this in view he may have been sent abroad, though, as he styles himself a 'country surgeon' and seems to have spent nearly all his life in Braemar, it is likely that he was merely one of the tribe of 'chirurgion apothecaries' whose qualifications were chiefly a three years' apprenticeship to one of the fraternity and the ability to 'bleed and give a clyster, spread a plaister, and prepare a potion,' as in Roderick Random's case. But apart from this, it is evident, both from his being 'at schools and colleges' with Invercauld's sons and from his quoting Virgil and Juvenal, that his education included the usual classical instruction of the period as afforded by the grammar schools, while a reference to the *Tatler* and *Spectator* of Steele and Addison, whom he describes as 'followers at a distance of the good old Roman moralist,' shows that he was not unacquainted with the literature of his own day. The mere fact of his having devoted so much time as must have been necessary in the preparation of his genealogy shows that he was a man of refined tastes and studious habits.

From the references to him in contemporary documents, as well as from the intimate knowledge of family history and genealogy which he displays, it may be assumed that the whole of his manhood was passed in and about Braemar, and the statement of Finzean, already referred to, that he 'remained mostly in the family of Invercauld' is probably quite correct. It is somewhat curious that he does not appear in the list of Pollable Persons in Aberdeenshire made up in August, 1695, and revised in April, 1696, but in October of the latter year he is found in the country, on the 26th, at Aberarder, witnessing an assignation by Elizabeth Mackintosh, widow of Alexander Farquharson of Invercauld, to her son John of Invercauld, of some bonds for money due to her by her brother, the chief of Mackintosh. The document, which is preserved at Moy Hall, bears the signatures as witnesses of Mr. Arthur Farquharson of Cults, bailie of the Regality of Mar, Charles Farquharson of Balmurraile, Alexander Farquharson of Brochdargue, and Mr. John Shand, preacher of the Gospel. Eight years later, in the list of Apostats, Popish Priests, etc.

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furnished on 10 May, 1704, to the Presbytery of Kincardine O'Neil by the Rev. James Robertson and printed as an Appendix to the preface of Blakhal's *Breiffe Narration* (Spald. Club, 1844), he is set down as a witness concerning James Michy in the Muir of Tullich. As already suggested, he may have accompanied Invercauld on the march of the Jacobites into England in 1715, but if so, as he does not appear in the list of prisoners taken at Preston, he may have been among the 'great many' who, according to Patten, 'found means to escape.' Anyhow, he is found in Braemar ten years later, unfortunately under circumstances of a regrettable character. The records of the Kirk Session of Crathie and Braemar show that on 7 March, 1725, Isobel Coutts admitted herself to be with child, and 'y<sup>e</sup> y<sup>e</sup> Bruchderg is y<sup>e</sup> father y<sup>o</sup>f'; on 5 April Alexander Farquharson of Brughdearg confessed his guilt, and on the 18th was rebuked before the congregation, the minister being appointed by the Session 'to discourse Brughdearg,' who on 4 May 'payed in his penalty,' £5 6s. 8d., 'appeared before the congregation professing his repentance and was absolved from y<sup>e</sup> scandal.' Isobel Coutts made a similar appearance and profession on 6 June, and was rebuked and admonished.

The next date which can positively be connected with him is that of his MS. Genealogy of the Name of Farquharson, which, as its heading states, is 'from their first taking that surname to the present year 1733.' The close and accurate knowledge of the Farquharson families at the time in and about Braemar shown in the MS. could scarcely have been obtained unless the writer had been long resident there, and from the corrections and additions made to one of the copies after 1733 it is tolerably certain that he remained there. Finzean's Memorial of 1774 says that he made his home with the Invercauld family, and that 'he was a man *universally known in this country* to be of as great knowledge and integrity as ever was in his name or any other name.' From 1733 nothing further is found concerning him until after his death, which, according to Finzean, took place in the house of Invercauld in 1747 or 1748, at the age of eighty years. Probably among the valuable and interesting papers in the Invercauld archives might be found some evidences of his connection with the place, but nothing beyond a rather vague allusion appears concerning him in the *Records of Invercauld*, published by the New Spalding Club in 1903: the volume, however, is admittedly not exhaustive.

Of his ability and success as a healer nothing definite is known, though it is said that his fame still lingers in the Braes, and that some of his recipes are still in use. His title to the grateful recollection of his clan and of all interested in its history rests chiefly on his elaborate genealogy of the whole race of Farquharson, known generally as the 'Brouchdearg MS.' and even this has not always been placed to his credit. For a long time the prevalent belief was that its writer was the 'Tutor of Brouchdearg,' Alexander's uncle and namesake, who became 'of Brouchdearg' by purchase of the property in 1700. The assumption on which this belief was founded was perhaps a natural one in view of the preponderance of the elder Alexander's interest in Brouchdearg and the almost entire ignorance which prevailed as to the younger one's career; but there is no doubt that the younger Alexander, and not his uncle—who died some twenty years before the date of the MS.—was the writer, and this is explicitly stated in Finzean's memorial of 1774. The MS. was written in 1733, when Alexander was about sixty-six years of age, but a love of genealogical and historical pursuits usually begins much earlier in life, and there can be little doubt that he was the compiler of a Farquharson Genealogy of some thirty years before, of which three copies are preserved at Invercauld, and that he was the 'scribbler' and this genealogy the 'rapsodie' on which Sir Æneas Macpherson in 1704 made his famous and terrific onslaught in *Vanitie Exposed* (Scott. Hist. Soc. vol. 41). To make this sketch of Alexander Farquharson complete, therefore, it seems necessary to say a few words on this earlier genealogy and on Sir Æneas Macpherson's strictures.

The genealogy mentioned is indicated by the letter C in *Records of Invercauld* (p. 1), and according to the editor 'seems to be the document on which all the others are founded'; of two copies, which the editor marks D and E, one contains 'some variations and notes,' while in the other 'the original is not closely followed.' The heading of the principal genealogy is given in the *Records* as follows: 'Genealogy of the Family of Farquharson of Invercauld from the original Manuscript History of Gentlemen's Families in Scotland wrote about the time of the Union by . . . found in the Repositories of the late Baron Maule and now in the possession of Mr. David Deuchar, Seal Engraver, Edinburgh, No. 109 of the Manuscript.' David Deuchar flourished as a seal engraver towards the close of the eighteenth century, when he superintended the execution of the shields of arms in Douglas' *Baronage*

(1798), while 'the late Baron Maule,' in whose repositories the MS. History of Gentlemen's Families was found, was evidently John Maule of Inverkeillor, of the Panmure family, who was one of the Barons of Exchequer in Scotland, and died unmarried in 1781. Thus the document at Invercauld is merely a copy, and affords no means of tracing the authorship of the original, 'wrote about the time of the Union'—that is about a century before. The 'Manuscript History' itself might possibly give a clue, but it has so far escaped my search, and does not appear to be among the MSS. preserved in either the Advocates' or the University Library in Edinburgh or in the Lyon Office. I would suggest, however, that the compiler or collector of the various family histories—which must have been numerous, that of the Farquharsons being No. 109—may have been Sir Robert Sibbald, the well-known antiquary, who died in 1712, and who would appear from the genealogy of the Maules in Macfarlane's Collections (ii. 153) to have been in close communication with some of that family. Whether by Sir Robert or another, the MS. History was presumably a collection of family histories supplied to the collector by members of the families dealt with, a collection, in fact, somewhat similar to Burke's *Landed Gentry* of our own time, and the most—or only—likely person to furnish a history of the Farquharsons of Invercauld at about the close of the seventeenth century was Alexander Farquharson of Brouchdearg, who had been brought up in the family, and, as his subsequent production shows, had the enthusiasm and literary ability required for such a task. That he had some responsibility in the matter seems to be implied by the introductory words of his genealogy of 1733, as will be more particularly noticed later. It is not unlikely that the writer of the earlier genealogy had some assistance from information left by Robert Farquharson of Invercauld and Wardes, the father of Brouchdearg's early patron, who is described by Sir Æneas Macpherson (*Van. Exp.* p. 235) in his usual inflated style as 'the greatest genealogue and antiquarian in the whole kingdom,' and in the Brouchdearg MS. of 1733, more modestly, as 'a man much esteemed for his wit and learning.'

The date of the genealogy cannot be definitely stated, but it can be narrowed within the compass of a few years. It is given on one of the copies as 'about the year 1707'—an obvious paraphrase of 'wrote about the time of the Union'—but the real date must be placed a few years earlier. Its giving the blazon of a coat of arms granted by the Lord Lyon to Invercauld in July, 1697, is

proof of its having been written after this date, while a comparison of the extracts quoted from it in *Records of Invercauld* (pp. 4-13) with those quoted by Sir Æneas in *Vanitie Exposed* leaves no room for doubt that it was the 'genealogie' which came under the knight's lash, so that it must have been written before 1704, the date on the title-page of *Vanitie Exposed* and a year before the death of Sir Æneas. As has already been shown, Alexander of Brouchdearg was in the Farquharson home country in 1696 and 1704, and it may reasonably be inferred that he was there in the intervening years, while his intimate connection with the Invercauld family would facilitate his acquisition of information and would account for much of the tendency shown in the genealogy to magnify that family.

This genealogy of 1697-1704 appears to have been submitted to Sir Æneas Macpherson for his opinion, perhaps as one known to be acquainted with Highland clan history and as a connection of the family of Invercauld. In all probability the person who submitted it was the compiler of the 'Manuscript History of Gentlemen's Families,' and if this was Sir Robert Sibbald, as has been suggested, the two knights might easily have become acquainted during the period 1702-4, as both were then in Edinburgh, Sir Robert as a permanent resident and Sir Æneas—previously in hiding in London—having taken up his abode there after the passing of the Indemnity Act of March, 1702, and apparently being still there in 1704, the date of *Vanitie Exposed*.

Although much of what Sir Æneas says in correction of the 'Genealogie,' especially the early part of it, is fully justified, some of his remarks are both inaccurate and unjust, and can only be accounted for either by his ignorance of the facts<sup>1</sup> or by his unwillingness to allow any credit to the Invercauld family—even although

<sup>1</sup> Thus he scoffs at the idea of Finla Mor's having anything to do with the royal banner (or 'standard,' as he calls it) at the battle of Pinkie in 1547, except that as a 'common soldier' he may have 'snatched it up upon the standard bearer's fall.' Yet, looking to known facts, there is nothing improbable (rather the contrary) in the genealogist's statement as to Huntly's 'procuring him the banner royal to carry' in the battle, and Sir Æneas' elaborate arguments are worthless. Not only was Huntly, the Scots commander-in-chief, as administrator of the Earldom of Mar, Finla Mor's overlord, but Finla was his bailie or representative in the Earldom, and as such would presumably have the leadership of his Highland vassals (it is well known that a force of Highlanders was present at Pinkie); while Queen Mary's commission of lieutenantandry of the North, granted to Huntly on 30th March, 1543, gave that noble '*plenam potestatem . . . nostrum vexillum gerendi, levandi, et explicandi,*' and for him to place the banner under the charge of his own officer and his Highlanders would be a most natural thing to

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it was the family of his own mother. And there is no ground for the warmth of temper which he displays, or for the depreciatory and even contemptuous tone in which he refers to the Farquharsons. But he was nothing if not perfervid—like Bob Acres, he ‘must be in a passion’—and his writings generally convey the impression that he was so puffed up by a belief in his own infallibility and importance, and in the antiquity and glory of his clan—these latter in the main the offspring of his own exuberant imagination—as to lose all sense of proportion when treating of other persons and other clans. As a consequence his writings abound in misrepresentations and audacious flights of fancy and are disfigured by gross egotism and assumption. Besides those of them which have been printed by the Scottish History Society (vol. 41), he furnished an account of the Clan Chattan and Macphersons for Jeremy Collier’s *Great Dictionary* (1701), and wrote a genealogy of the Macphersons, still only in MS., which, so far as the historical part of it goes, *i.e.* from the sixteenth century, is all that could be desired. But we have only to read the earlier ‘history’ in the *Dictionary* and in this MS. genealogy to see at once that the writer was either a most credulous enthusiast or a most audacious romancer. The man who could gravely try to palm off such an ‘Arabian Nights’ story as that of his assumed ancestor Muirich—priest, Highland chief, palmer, king of Leinster, and founder of a royal dynasty—was scarcely in a position to throw obloquy on the comparatively mild ambition (if ambition at all, and not honest blundering) displayed in claiming for the Farquharsons a more direct descent from the Earls of Fife than he himself acknowledged—that is, through the Mackintoshes. And in this connection it is curious that the very fault which he charges against the Farquharson genealogist is charged against himself by the Rev. Lachlan Shaw, who, referring in his *History of the Province of Moray* (1775) to do. Then the genealogist has a short paragraph concerning Colonel Finlay Farquharson, a grandson of Finla Mor, who served in Buckingham’s Expedition to the Isle of Ré, and was killed at the battle of Worcester fighting for Charles II. Sir Æneas, because he had never heard of Colonel Finlay and had not seen his name in a list of Buckingham’s officers, implies that there was no such person, and declares that ‘this whole paragraph is nothing but a sham and downright imposition, this Colonel being brought in by this vain scribbler to make a false muster of his loyall gentlemen.’ The genealogist, however, had not said that Finlay was a colonel in Buckingham’s Expedition in 1627; but that he was a lieutenant-colonel twenty-four years afterwards at the time of the battle of Worcester is certain. See references to him in *Spald. Club Misc.* v. 340; Macfarlane’s *Genéal. Coll.* ii. 250.

the story in Collier's *Dictionary*, remarks: 'I am sorry the author of it *discovereth more vanity* than historical knowledge... the sending one of the clan on a pilgrimage through a great part of Europe and Asia, and then making him King of Leinster in Ireland is such knight-errantry as none but the Irish should commit to writing, and yet not one of their Historians mentioneth it.' Then the contempt with which Sir Æneas seems to regard the *status* of the Farquharsons—'a family of their standing'; 'but sixty years or thereby since any of them had a foot of heritage,' etc.—not to mention his attempts to defame their origin, seems somewhat ludicrous in view of the facts that the founder of the Farquharsons appears in record as a 'King's tenant' in Braemar, and a person of distinct and ascertained importance there, more than fifty years before the first appearance of the Badenoch Macphersons in record, and that Invercauld and other Farquharsons had several years' start of the Macphersons as heritable proprietors.<sup>1</sup> His heading to *Vanitie Exposed* states that it is 'by no enemy of theirs [the Farquharsons] but a friend to truth.' He may not have been an enemy of the Farquharsons, but his remarks concerning them can scarcely be termed friendly; that he was 'a friend to truth' is apparent only from the considerable liberties which he takes with it in his writings.

Whether the 'Genealogie' of 1697-1704 was a youthful performance of Brouchdearg or not, it is tolerably evident that that individual had an opportunity of seeing what Sir Æneas had said of it, for he prefaces the later and more complete 'Genealogy of the Name of Farquharson' in 1733 with the suggestive words: 'I shall give an account of their marriages, possessions, and descendants, *leaving all that's controverted or obscure* about their descent from the Thanes of Fife and their actions and alliances at their first appearance to such as can find clearer evidence for them

<sup>1</sup> Finlay Farquharson is mentioned as occupying Invercauld, Keloch, Cluny, and part of Inverey in the list of King's tenants in Aberdeenshire in 1539 (*Exch. Rolls*, xvii. 656-7) and previously, as a King's tenant and a principal man in Braemar, in 1527, 1532, and 1538 (*Chiefs of Grant*, iii. 68, 71, 365). The first distinct appearance of the Badenoch Macphersons is in 1591, in a band to Huntly (*Spald. Club Misc.* iv. 246). The Farquharsons of Invercauld, Allanaquoich, Inverey, and Monaltric obtained feus of their lands in 1632, having previously held them on wadset from 1611, while none of the Macphersons in Badenoch acquired wadset rights until 1626 or feu rights until 1638, and even Macpherson of Cluny was merely a removable tenant in Cluny until as late as 1680, when he became feuar.

than I am able to get by conversing with the oldest men [cf. the 'oldest and wisest' men of Sir Æneas] and comparing what has been wrote before on the subject.' So timorously careful is he that he not only omits the controverted and obscure particulars which he mentions, and which were those specially dealt with in *Vanitie Exposed*, but he does not insist on or repeat others which he might easily have justified. More than this, he refrains from any reference even to the cadency of the Farquharsons from the Mackintoshes and from the renowned Shaw Sgorfhiachlach of Robert the Third's time, although these were matters of common knowledge and fully admitted by the critic of 1704. It is evident that he had been thoroughly frightened, and was determined to avoid saying anything which might afford the smallest target for objection. He accordingly opens the genealogy with the plain unvarnished statement that 'Farquhar Shaw, whose name first gave rise to this surname, came over from Rothimurcus and took up his residence near the Linn of Dee'—a statement in which Sir Æneas himself could scarcely have found a word to question.

His work throughout shows evidence of great industry and care in the collection and ascertainment of his facts, as well as a scrupulous desire to be honest and to give the fullest particulars of the various families and the actions of their members without anything which might seem like glorification of the race. It may, indeed, be thought that he has been unnecessarily modest in this respect, and that he might with advantage have enlarged on the doings of such distinguished Farquharsons as Donald Og of Monaltrie, Montrose's captain, or John of Inverey, the famous Black Colonel, the latter of whom he probably knew personally, and the recollection of whose stirring career must have been still fresh in the district when he wrote. But he dismisses Inverey, after mentioning his marriages and family, with the brief statement that he 'was Colonel of the Marmen at the Revolution under my Lord Dundee,' and is scarcely more communicative concerning the Jacobite services of the Colonel's brother and sons. Not only is he reticent in regard to matters on which he might reasonably have been expected to expatiate—though perhaps his reticence may have been in deference to the Whig views of his friends at Invercauld—but he is not ashamed to include in his genealogy members of the clan occupying very humble positions, as shoemakers and other craftsmen. Honesty, indeed, may be said to have been one of his characteristics; it is apparent in some measure in his conduct on the occasion of his 'lapse' in 1725; and if he

was the writer of the genealogy of 1697-1704 we may perhaps fairly absolve him from any desire to deceive, and put down the errors and extravagancies in that production to misinformation or misunderstanding. Testimony to his honesty is borne by the laird of Finzean in the memorial to the Lord Lyon in 1774 already referred to, in the statement that 'notwithstanding all the strong obligations' he was under to Invercauld's family, 'he would not deviate from telling the truth of the genealogy of his name' even although it showed that family to be of junior descent among the Farquharsons.

It remains only to say a few words on the MSS. of the 1733 genealogy, of which there were at least two. The earlier of these, for a long time kept in the Finzean family, was produced in evidence in the Breda Succession Case in 1859, when a leaf (pages 5 and 6) was declared to be missing from it and it was shown from another paper produced to be an '*original* manuscript' which had been given by Brouchdearg himself to the laird of Finzean. Unfortunately this MS. cannot now be found, but an old and perhaps almost contemporaneous copy, without any portion missing, is in the possession of Lieut.-Colonel W. Lachlan Forbes of Inverernan. The other original MS., belonging to Andrew Farquharson of Whitehouse, also formed part of the evidence in the Breda case. It is described in the 'process' as 'a stitched manuscript book of the shape of a small quarto, paged as containing thirty-four pages and upon every one of which pages there is writing.' It, too, is missing, but several copies are in existence, made from one belonging to the late Dr. John Stuart, Secretary of the Spalding Club, about fifty years ago. It is more full in some of its details than the earlier MS., and has the additional difference that it refers to persons and circumstances of several years' later date than 1733, and omits various particulars of description and other matters which then no longer held good, a difference which seems to point to the fact either that it was written at a later date than 1733 or that its writer made additions and alterations on his original, so as to keep it up to date.

A. M. MACKINTOSH.

## Some Letters of Robert Foulis<sup>1</sup>

**F**OULIS did not neglect the other great object of his visit to the Continent, the collecting of pictures and other objects of art for his intended Academy of the Fine Arts in Glasgow, and the engaging of teachers to carry it on. The collection mentioned in the preceding letter was despatched to Glasgow in the early summer by way of Rouen and Rotterdam; but was held up in the Custom-house, and was only released through the intervention of the British ambassador and Count Bentinck. By June he had another large collection at Paris consisting of fine drawings, books on painting, prints after the great masters of the different Italian Schools, and plates, many of which were the originals, of celebrated engravers. These were ready to be despatched, but his misfortune over the first consignment made him hesitate, but ultimately they were despatched, and both lots arrived safely in London about January, 1753. He then proceeded to London, and wrote as follows to Mr. Leslie :

(*Endorsed*) from R. Foulis 1753 6. Feby.

To M<sup>r</sup> LESLY,  
Gouverneur to Lord Aberdour  
at Leyden.

Dear Sir,

You will find by the place this is dated from, that I still continue to be much out in my calculation of time. I expected, you know, to have had the honor of waiting upon my Lord Morton in Scotland. Having heard that he was come to London, I called a few evenings ago, and had the good fortune to find his Lordship all alone, and at Leisure; and as he was dispos'd to keep me, you may imagine he wou'd find that no difficult matter. His Lordship dropp'd several things in the course of conversation, that fell in so much with my own way of thinking in relation to the different designs in which I am engaged, that his conversa-

<sup>1</sup>Continued from *S.H.R.* xiv, 115 (January, 1917).

tion confirm'd me in hope of success ; and I likewise improved by his hints.

Among several things that were started by his Lordship, there is one that I found myself more ignorant of, than I imagined : if Lord Aberdour, and you, have leisure to analyse it, I shou'd be glad to hear your decision, with your first conveniency. The question is, what is the precise meaning of the word *Gloria*, among the Romans. Lord Morton regretted the loss of Cicero's treatise on that subject, as what must have explain'd it more fully to us.

. . . [A long dissertation on the subject follows] . . .

I ventured these extempore Reflexions in hopes of drawing of something from you on the same subject ; for I want to be equip'd for preaching powerfully upon it, otherwise you know there will be no Buildings to Partick.<sup>1</sup> The Proposals for M<sup>r</sup> Hutcheson's System of Moral Philosophy, are published ; and Plato will be set a going as soon as I can get to Glasgow. My humble duty to my Lord, and most affectionate compliments to M<sup>r</sup> Maclane, and to all friends at Leyden, as you have occasion to see them. My being still from home, keeps my Brother so busy, that I doubt he has little time for corresponding with the Booksellers. The Chancellor obtain'd the favour that I wanted for my Pictures, & the delay is occasioned by their throng of business : I am in hopes of being dispatch'd soon.

I am, Dear Sir,

with the most sincere regard,  
and affection,

Yours

ROBERT FOULIS.<sup>2</sup>

London Feby 6. 1753

The favour from the Lord Chancellor—the Earl of Hardwicke, —here referred to, was the getting of the pictures through the Custom-house in London. This was during the month of February, or the beginning of March, as on the 16th of this month he wrote to Lord Hardwicke, thanking him for his intervention.

The collection was then brought to Glasgow ; the University took the Academy under its patronage, provided it with accom-

<sup>1</sup>The meaning is not clear, and those words are possibly a mistake of Foulis' secretary.

<sup>2</sup>The signature alone is in Foulis' handwriting.

modation in the new Library Hall ; the pictures were hung, and all necessary preparations were made, and the Academy was opened in the early part of 1754.

Robert Foulis had been absent from Glasgow for two years. During that period the work of the printing press had been carried on by his brother Andrew.

The *Natural History* of the elder Pliny, referred to in the above letter of 3rd February, 1752, never appeared, but the *Epistolæ* and *Panegyricus* of the younger Pliny and the *De Consolatione* of Boethius had been published in 1751 before Robert left Glasgow, and when on large paper are attractive books. The *Poetæ Latini Minores*, Velleius Paterculus and Pomponius Mela were issued in 1752, and Tacitus in 1753, in 4 volumes, 12mo, a convenient and pretty edition.

A large number of English books were published in 1751, 1752 and 1753, but the Messrs. Foulis, like other printers in Scotland, were greatly hampered by the state of the law of literary property and the efforts of the London publishers to destroy the Scottish book trade, which was seriously interfering with the monopoly which they claimed.<sup>1</sup>

Robert Urie, a contemporary of the Messrs. Foulis, and an excellent printer, issued a large number of standard English works, and, between 1750 and 1769, likewise printed translations of nine pieces by Voltaire,<sup>2</sup> and of others by Rousseau, D'Alembert, and Fenelon. The editions were probably not large, but all seem to have found a ready sale. He also published, in 1764, a translation of the *Essay on Painting* by Count Algarotti, which shows that the Foulis Academy was stimulating an interest in art.

Shortly after his return to Glasgow Foulis wrote again to Mr. Leslie :

TO M<sup>r</sup>. JOHN LESLIE

Dear Sir,

I am much obliged to you for the favour of your kind letter, and the hopes of seeing you here gives me a great deal of pleasure. I am glad to hear that Lord Aberdour is well, his manners and application has done you a great deal of honour both at home and abroad, and I hope will one day do you a great deal more not

<sup>1</sup> See Murray, *Robert and Andrew Foulis*, p. 41 sqq.

<sup>2</sup> One of these was *The Philosophical Dictionary*, published in 1766.

only by the private ; but the public virtues which form the truly good and great man. In the Letter which I had from the Abbe Salier he mentions a preface to the Medals of Lewis 14 which he sent to My Lord Morton about a year ago & he wants to know if it came safe to my Lord's hand. I have been proposing every day to write about this but my undertakings here engross me so intirely that I can get few letters wrote till matters are further advanced.

I am greatly oblig'd to Lord Morton for interesting himself so kindly in what may contribute to the success of the design of sowing the seeds of the fine arts. I have lately got an apprentice for designing & engraving a Cousin of Provan's whome Lord Selkirk sent to Italy ; he discovers a very uncommon Capacity for drawing accompanied with sobriety & modesty and wou'd make an excellent companion & rival for M<sup>r</sup> Donaldson.

The plan I propose for taking apprentices for Designing, History : painting & engraving is much the same with that for printing which is giving them board wages instead of Board. If you will take the trouble of sending me any drawing of M<sup>r</sup> Donaldson's you think most proper to give an idea of his improvement, with some account of the time he has practised and how many years he will engage with the age he is of, I will immediately return an answer and I am persuaded you will not doubt but I will do all in my power to make him sensible of the influence of his recommendation, & of the zeal that I have for rendering this attempt beneficial & honourable to the country.

The Collation of the Vatican MS. is compleated, I am Dear Sir with great truth & affection

Yours, ROBERT FOULIS.

Glasgow

21<sup>st</sup> Sep<sup>r</sup> 1753

The Academy, it will be seen, was engaging much of Foulis' attention. It had not yet, however, exhausted his pecuniary resources, and he was buoyed up with the hope that it would eventually prove successful commercially, and educate his countrymen in the love and appreciation of the Fine Arts. In the years 1756 and 1758 he produced his magnificent folio edition of Homer, in four folio volumes, which still stands pre-eminent as a specimen of Greek typography. The edition of Plato which he contemplated was to equal the Homer in its printing, and was to

<sup>1</sup> This letter is written in another hand and signed by Robert Foulis.

contain a new text based on the most reliable editions, collated with the best available manuscripts.

The next letter is thirteen years later, and is addressed to Dr. William Hunter, 1718-83, the collector of the celebrated museum and library which he bequeathed to the University of Glasgow.

To

DOCTOR WILLIAM HUNTER,  
Physician  
in  
London.

Sir,

In obedience to your order by Mr. Pitcairn<sup>1</sup> we have sew'd in blue paper as complete a set of the Books we have printed (the folio Homer excepted) as we could possibly furnish. As this is one of the best Commissions we have had from any gentleman we beg you will accept our most grateful acknowledgments. We have inclos'd the Shipmaster's Receipt for the parcel which is in a Box cover'd with canvas. The Catalogue of which you will likeways find inclos'd in this. To prevent breaking in upon you oftener than needful We have drawn upon you sixty five days after this date in favour of David Elliot for £28. 7 shil. in full. We have taken the liberty of inclosing two proofs on satin of a print lately engrav'd by Mitchell, one of the young men bred in the Academy, after the Duke of Hamilton's famous picture by Rubens of Daniel in the den of Lions.<sup>2</sup> The one you'll find address'd for yourself and the

<sup>1</sup> He [Dr. Wm. Hunter] brought with him [to London] a letter of recommendation to his countryman Dr. James Douglas, from Mr. Foulis, printer at Glasgow, who had been useful to the doctor in collecting for him different editions of Horace.' Dr. S. F. Simmons, *Life of Dr. William Hunter*, p. 4, London, 1783, 8vo.

<sup>2</sup> 'Nor can I neglect on this occasion, to do justice to James Mitchell, who, although the nearness of his sight disqualified him for a common profession, yet in a few weeks made a surprising progress, and his engravings, after he attained experience, have been favourably received by the public. Several of his performances in Raphael's Bible are much superior, both in conception and execution, to Chaperon. His print of Daniel in the Den of Lions, after Rubens' picture in his Grace the Duke of Hamilton's collection, has been well received. He engraved also four of the Cartoons, Mount Parnassus, and the School of Athens, and has laboured with success both after Raphael and Corregio.' Robert Foulis in Preface, vol. i. pp. xv, xvi, to *A Catalogue of Pictures . . . humbly offered for the impartial attention of the public*, London, 1776, 8vo, 3 vols.

Dr. Hunter entrusted Mitchell with the engraving of many of the plates in his

other for Dr. Pitcairn.<sup>1</sup> As you are both well acquainted with the Picture We fancied it would be the properest Specimen by which we could convey to you some idea of the present state of graving in the Academy.

The fine Arts do not ripen quickly, especially in a cold climate; but if once brought to maturity it is to be hoped they will naturalize and leave Successors wherever they are blown.

Besides several little English works, we are at present printing Xenophon's Cyropaedia, Which when finish'd will make 12 volumes of Xenophon's Works. We propose to go on with the whole in 16. Mr. Pitcairn likeways acquainted us with a very generous offer of his Uncle's and yours, of your subscribing, each of you, £100 to help forward the long intended edition of Plato. This unsolicited generosity is very encouraging to us, and very much nonplusses us to express our gratitude. We have already gone thro' very considerable expences in large provision of Types, Collations of Manuscripts, and other particulars, as preparatory to printing that Work. Upon our first plan all these expences would have been saved, and the Work would have been long ago in the hands of the public. For we propos'd to have printed Stephens' Text, substituting Ficinus' Translation in the place of Serranus', in the same form with Serranus, and shifted into small octavos like the Greek Historians; But the Homer type swells the number of Sheets, which with other expences amounts to so capital a sum, that neither in the midst of War abroad nor factions at home durst we venture to go on, but rather to employ ourselves in lesser works, in hopes of being strengthened by them, and of times more favourable to a pacific contemplative Philosopher.

We are as much dispos'd to labour as ever, but feel a call to retire from anxious cares which are inseparable from expensive undertakings. As this Letter is already too long, I shall only beg leave to return Dr. Pitcairn thanks for the encouragement we

great work *Anatomia Uteri humani*, Birmingham, 1774, 4to. See Murray, *Robert and Andrew Foulis*, p. 88.

<sup>1</sup> William Pitcairn, M.D. (1711-91), physician in London, son of the Rev. David Pitcairn, M.A., minister of Dysart; educated at Leyden; M.D. of Rheims and Oxford; President of the College of Physicians, London; physician and afterwards treasurer of St. Bartholomew's Hospital.

The sale catalogue of Messrs. Benjamin and John White of London, of 11th February, 1793, contains part of his library. Of this I have a copy.

receive from him thro' his nephew, who does honour to the University.<sup>1</sup>

I am, Dear Sir,  
 with the most affectionate gratitude  
 Your very much oblig'd & most humble  
 Servant,

ROBERT FOULIS.

Glasgow, 11th Novr.  
 1766.

The Draught is subscribed by Robert and Andrew Foulis.

Plato had made no progress since Foulis returned from the Continent. Its publication would entail greater expense than he had anticipated, and the times seemed unfavourable for securing a return by the sale of the book; but it was probably the setting up of the Academy which was the real cause of the abandonment of the publication. All the available funds of the two brothers, and all that they could borrow, were absorbed in carrying on the Academy, and there was no money left for the production of an expensive and it might be unremunerative publication. Dr. Hunter's order for books was no doubt a delicate means of affording some pecuniary assistance; and the offer of £200 from himself and Dr. Pitcairn to assist in the production of Plato would have gone far towards this end, but the work of the Academy it may be assumed made it impossible for Robert Foulis to give the necessary time and thought for carrying through the enterprise, and the drain it made upon his finances no doubt likewise stood in the way of carrying out the project.

An unfortunate quarrel broke out between the two brothers and Professor Moor, but this was at a latter date, and the publication of Plato seems to have been abandoned before it occurred.

The great fortunes of England date from the economic revolution inaugurated between 1750 and 1785 by the inventions of Arkwright and Hargreaves, of Watt and Kelly, and carried forward later by the introduction of canals and railways. A new world was called into being; the population of the United

<sup>1</sup> The nephew, the Mr. Pitcairn mentioned in the letter, was David Pitcairn, eldest son of John Pitcairn, Major of Marines (*Ordinum ductor in classe in Anglia*, as he is styled in the Matriculation Album), who entered the University of Glasgow in 1764, graduated M.B. at Cambridge in 1779, and M.D. in 1784; became the leading physician of London in his day. Physician to St. Bartholomew's Hospital 1788-93. Died at London 16th April, 1809.

Kingdom was trebled in less than a century: new towns sprang up; the old centres of commerce were extended; new ones were created. After 1750 English society was in a great measure reorganised, a new life was evolved very different from the old.<sup>1</sup>

John Gibson, the historian of Glasgow, has fixed upon the same year, 1750, as the date at which the expansion of Glasgow became marked, when the simple life and restricted outlook of a small provincial town began to fade away, and the broad and comprehensive views of a vigorous commercial community began to assert themselves.<sup>2</sup> The commerce of Glasgow had become great and steadily increasing; her merchants were in touch with every region of the world; banks had been established, and manufactories set up, wealth increased, domestic life became easier, social life developed, public amusements were introduced and were patronised. The West Port, which marked the western limit of the old town, was removed in 1751, and the East or Gallowgait Port, its limit on the east, was removed in 1754, and the life of the city flowed beyond the old limits in both directions.<sup>3</sup>

Want of roads or bad roads produced isolation. Travelling was slow and tedious, few people moved from home;<sup>4</sup> goods were transported on pack-horses.<sup>5</sup> Road improvement was

<sup>1</sup> See three articles on 'The Rise of the Great Fortunes in England,' by M. C. de Varigny, in the *Revue des deux Mondes*, lxxxvii. (1888), p. 872; lxxxix. (1888), p. 70; xc. (1888), p. 166.

The reference to Kelly (xc. p. 166) is to William Kelly, of Glasgow, at that time manager of the New Lanark Mills, who invented the self-acting mule in 1792. See lxxxvii. p. 883.

<sup>2</sup> *History of Glasgow*, pp. 114, 120, 131, 245, Glasgow, 1787, 8vo.

<sup>3</sup> See Denholm, *History of the City of Glasgow*, p. 113, Glasgow, 1804, 8vo, 3rd edition.

<sup>4</sup> The description of Roderick Random's journey to London is no exaggeration.

In 1739 two Glasgow merchants going on horseback to London found no turnpike road until they reached Grantham, 110 miles from London. *New Statistical Account*, vi. (Lanarkshire), p. 206.

<sup>5</sup> Glasgow Bridge, 'one of the most remarkable monuments within the kingdom,' and praised by all early travellers, was for foot passengers and horses only, wheel carriages being then unknown. It was accordingly so narrow that no two-wheeled carriages 'of any kind could pass,' and a one-wheeled carriage could not have passed along with safety to other traffic but for some recesses into which foot passengers and horses could retire. See Murray, *Early Burgh Organization in Scotland*, i. p. 303

The bridge was widened when wheel traffic increased.

It was only in 1752 that the first private carriage was started in Glasgow

urgent, and an Act of Parliament was obtained in 1753<sup>1</sup> for the improvement of the roads in the neighbourhood of Glasgow, and other districts obtained similar Acts. In 1765 it is recorded that 'the good roads lately made in many places of Scotland have produced another accommodation for travellers. Stage-coaches and other carriages are established between Edinburgh and several other towns. A coach sets out every day, Sundays excepted, at eight o'clock in the morning, from Glasgow and from Edinburgh, and makes the journey from the one city to the other in a day.'<sup>2</sup>

Glasgow was rapidly becoming the centre of the tobacco trade in the United Kingdom. The 'Tobacco Lords,' arrayed in scarlet cloaks, were a feature of the city as they paced the plain-stanes of the Trongate, while all lesser men stood by and paid respect to them. Many of them were men of culture, and studied commerce as a science. About the year 1740 Provost Andrew Cochran had established a club for discussing questions relating to trade and political economy, which still flourished in 1750, and it was no doubt in consequence of the impulse thus given that Foulis, beginning in 1750, reprinted a number of the works of the principal English economists. At this time a Literary Society was established in the College, embracing not only professors and literary men, but also several leading merchants, and the two printers Robert and Andrew Foulis, which turned its attention to economic questions as well as to those of a literary and philosophical character. A new generation of teachers was growing up in the University, wider views and fresher ideas were gaining ground. Old John Loudon, the last of the Regents,

<sup>1</sup> An Act for repairing several roads leading into the City of Glasgow (26 Geo. II. c. 90); and an Act for repairing the roads from Livingstoun by the Kirk of Shotts, to the City of Glasgow; and by the Town of Hamilton to the Town of Strathaven (26 Geo. II. c. 81). See Murray, *Early Burgh Organization*, i. p. 419.

The preamble of these Acts bears that the 'roads by the softness of the soil in some places and ruggedness of the roads in others, are in many parts become impassable in winter for wheel carriages and horses, and very dangerous for travellers.' When I was a boy 'to travel' meant in Ayrshire to walk on foot: 'How did he come?' 'He travelled,' meant he came on foot; a 'traveller' was a pedestrian.

In 1750 there was passed an Act for repairing the High Roads in the County of Edinburgh, to and from the City of Edinburgh; and from Cramond Bridge to the Town of Queen's Ferry in the County of Linlithgow (24 George II. c. 35).

<sup>2</sup> *The Scots Magazine*, xxvii. (1765), p. 273. The fare from Glasgow to Edinburgh was 12s.

In 1766 the Edinburgh Fly left Glasgow and Edinburgh respectively each

who had become Professor of Logic when the regenting system was abolished in 1727, died in 1751, and was succeeded by Adam Smith. Thomas Craigie, who had succeeded Francis Hutcheson as Professor of Moral Philosophy, died, as mentioned in Foulis' letter, formerly quoted, in December, 1751, and Adam Smith took his place. For the vacancy thus caused in the professorship of Logic, David Hume, and it is said Edmund Burke, were candidates, but the choice fell upon James Clow, a graduate of the University, a man of solid learning, an excellent mathematician, and a capable teacher, but lacking the brilliancy or originality of either of his competitors. At the same time Dr. Robert Dick was appointed Professor of Natural Philosophy. His eminence as a man of science and as a teacher, and his efforts to popularise the subject of his chair, have been overshadowed by the noisy self-assertion of his successor—John Anderson—who adopted his ideas, which have been assumed to be his own. In 1747 William Cullen became Lecturer on Chemistry, and in 1750<sup>1</sup> Professor of Medicine, and on his resignation in 1757 he was succeeded by Joseph Black.

In 1756 Robert Simson published, through R. and A. Foulis, in Latin and in English, his edition of the *Elements* of Euclid, which has held its place down to our own day as the best representation of the celebrated Greek geometer.

Literature was beginning to find a place in Scotland. In 1748 Tobias Smollett gained a prominent place in the literary world by the publication of *Roderick Random*, in which he sketched his early years as a medical student in Glasgow. His friend, Dr. John Moore, author of *Zeluco*, after leaving the University of Glasgow, served for some years abroad, returned to Glasgow in 1750, and practised here for the next twenty years. His ready wit and brilliant conversation brightened every gathering in which he was present. William Craig, 1709-84, the minister of St. Andrews Church, was an accomplished classical scholar, a man of parts, an eloquent and earnest preacher. Crowds went to listen to his sermons, which were thoughtful

morning (Sundays excepted) at six o'clock, and arrived between one and two, in time for dinner. *The Glasgow Journal*, 19 June, 1766.

The Glasgow dinner hour until after 1770 was two o'clock; it then moved on till three o'clock, and by 1818 it reached six o'clock. *New Statistical Account*, *supra*, p. 230.

<sup>1</sup> His Commission by King George III., dated 12th December, 1750, is in the Hunterian Museum.

and had much literary charm. William Leechman, who became Professor of Divinity in 1744, was also an excellent preacher, an admirable teacher, and for more than a generation one of the principal leaders of opinion in Scotland.<sup>1</sup>

One of the most remarkable efforts of the period was the Glasgow Academy of the Fine Arts. Opened by Robert Foulis in 1754, it was carried on by him with extraordinary energy and perseverance until 1775, when it had to be closed for want of support, and the gallery of pictures dispersed.

The University took the Academy under their patronage, and provided it with accommodation; individual professors endeavoured to further it, influential friends made strenuous efforts to obtain assistance for it, but while it was praised, it did not obtain the financial support that was required to establish and carry on so great an undertaking. The funds provided by Foulis were swallowed up, the revenue he anticipated from the sale of works of art failed, debts accumulated, the collapse of the Academy brought him to bankruptcy, crushed his spirit, and caused his death.

Notwithstanding the labour and anxiety entailed by the Academy, the printing business was prosecuted as energetically as before. Foulis was a bookseller before he became a printer, and this branch of business was never abandoned, but was carried on concurrently with the business of printing and publishing.

In 1771 they issued a catalogue of books and manuscripts which they had for sale.<sup>2</sup>

<sup>1</sup> Simson [*i.e.* John Simson, Professor of Divinity in Glasgow, 1708-40], the father of Moderatism, Wishart, Hutcheson, and Leechman, the most distinguished of its early exponents, were all connected with Glasgow; and this city may thus be said to have anticipated the creative influence, material and intellectual, which in the latter half of the century was to be felt throughout the land.' W. L. Mathieson, *Scotland and the Union*, p. 345. Glasgow, 1905, 8vo. As to Leechman, see *Ib.* pp. 235, 276; and *The Awakening of Scotland*, pp. 166, 188, 195, 203, 217. Glasgow, 1910, 8vo.

Leechman was a warm friend of Robert Foulis.

<sup>2</sup> Glasgow, 1771, 4to. Printed books pp. 76, with 1255 numbers: MSS. pp. xviii with 87 numbers. The prices are in a list at the end, pp. xix-xxviii. I have three copies of this catalogue all purchased at the sale of Mr. David Laing's library. One of these is perfect, and in the state in which it was issued. The second is imperfect, but has been completed in MS. from a perfect copy. This copy formerly belonged to Archibald Constable, who has made some notes upon it. He assumed that this was a catalogue issued by James Spottiswoode of Glenfernat, bookseller, Niddrie's Wynd, Edinburgh, who acquired the quire stock of the firm after the death of Robert Foulis, but this is not so.

An order came from Dr. Hunter which resulted in the following invoice and letter :

INVOICE FROM ROBERT AND ANDREW FOULIS TO DR. WILLIAM HUNTER.

1771 Decr. 11.

No. 1255.	L'Estrif de Fortune	-	-	-	-	£5	5	0	
4.	Theodoret on the Psalms 4to.	-	-	-	-	4	4	0	
5.	Sapientia Jesu	-	-	-	-	1	1	0	
6.	Acts of the Apostles, & Revelation	-	-	-	-	1	11	6	
7.	Mathematici Veteres	-	-	-	-	12	12	0	
8.	Aristotle's Politics & Ethics	-	-	-	-	3	3	0	
9.	Aristotelis Analytica priora, &c.	-	-	-	-	1	1	0	
10.	Seneca	-	-	-	-	5	5	0	
11.	Priscianus	-	-	-	-	2	2	0	
12.	Sopholegium	-	-	-	-	3	3	0	
17.	De Diversitatibus Febrium	-	-	-	-	2	2	0	
70 & 71.	Iamblichus	-	-	-	-	3	3	0	
72.	Les Institutes	-	-	-	-	1	1	0	
50.	Saddi	-	-	-	-	1	1	0	
51.	An Arabic M.S.	-	-	-	-	1	1	0	
							<u>£47</u>	15	6

Sent you a sight of the following MSS.

- 36. Abulsind.
- 38. Hierocles.
- 40. La Vray Histoire de Troye.
- 52. A Prayer Book.

Sir,

In obedience to your generous and most obliging Letter of the 5th current, we sent the above by land in a Waggon on the 11th, and we have enclosed the Waggoner's receipt, and as they usually arrive in ten or twelve days we hope you will have receiv'd the MSS. before this reach you. We have presumed to take the Liberty of drawing payable thirty days after this date for £47 15 6 Sterling, being the value of the Books furnish'd. The Draught is in favour of David Elliot. We offer no other apology for this Liberty, but the knowledge we have of your Generosity, and the weight of our engagements causing a perpetual drain. Petrus de Crescentius was sold to an English Gentleman passing this way, before your order came to hand. The Sea-casts were likewise sold. We had lent the Chronicle of Melros to Dr. John Boswell of Edin<sup>r</sup>, who seems to have mislaid it or lost it. He promises to us in a Letter to search anew for it. If found, it shall be sent with the Index Vocum Hippocratis which

we have mislaid. *L'Estrif de Fortune & de Vertu* is undoubtedly printed. It was shown to Dr. Franklin at Dr. Wilson's. Both these Gentlemen thought it rather block than moveable Types.

Any Manuscripts you desire to see shall be sent to you. We are greatly obliged to you for the encouragement of Milton, and we propose to begin Virgil as soon as we have two hundred subscribers. We have got near half that number.

We are, Dear Sir, with affectionate gratitude Your  
most obliged & most humble Servants,

ROBERT & ANDREW FOULIS.

Glasgow Decr. 25th 1771.

The first on the list is the only printed book in the order ; the others are manuscripts.

*L'Estrif de Fortune* is a remarkable book, and is thus described in the Catalogue :

'1255. *L'Estrif de Fortune et Vertu*. par Martin le Franc Prevost de Lausanne Secretaire de Pape Nicolas, a tres-haut, tres-puissant et tres-excellent Prince Phelippe de Burgoingue &c. This book was purchased as a manuscript, but upon nearer examination it appears to have been printed. It is without doubt that a number of letters are join'd together in the same piece, but whether the whole pages are in one block, is not so easy to determine with certainty. The character is large, black and strong, the initials painted. Corrections appear through the work, but they are the author's, not the Printer's. They are made in the way which Caxton used in some of his books.

This book has neither place nor year, signature, page, or running title. It is not mention'd by Maittaire in his *Annales Typographici*, nor in any other history of Printing. The work is a Dialogue between Fortune and Virtue in prose, and intermix'd like Boetius, with poetry. There's an account of the author in Moreri's Dictionary in the following words :

'Franc (Martin le) étoit d'Arras, felon Jean le Maire et Valere Andre, ou du Comté d'Aumale en Normandie, comme veut Claude Fauchet. La Croix du Maine dit qu'il étoit Poëte, Philosophe, Historien, et Orateur très-estimé pour sons tems. Il fut Protonotaire du saint Siége, Prévôt et Chanoine, de Lauzane, et puis Secretaire de L'Antipape Felix et du Pape Nicolas V. Il fit un Livre contre le Roman de la Rose, intitulé *Champion des Dames* ; un en prose et en vers, intitulé *L'Estrif de la Fortune et de la Vertu* : et plusieurs autres.'

As will be seen from the letter, Dr. Benjamin Franklin, who visited Glasgow in 1771, and Dr. Alexander Wilson, the type-founder, then Professor of Astronomy, thought that the printing

was from block, not movable types, but, as Foulis points out, this was a mistake. There is no doubt upon the point.

There is a long note inserted at the beginning of the volume, which I was at first inclined to think was in the handwriting of Robert Foulis, but I have now come to the conclusion it is in that of Dr. Hunter.

This note is as follows :

‘This book is a religious and moral disquisition on Virtue and Fortune, often in the way of Dialogue, mostly in Prose, yet a good deal of it in rhiming verse.

The author was secretary to Pope Nicholas, and addresses it to Philip, Duke of Burgundy. Therefore it must have been Nicholas Vth, who was Pope from 1447 to 1455, during which period this work must have been composed.

(Philip D. of B. from 1419 to 1467.)

It appears probable that it was one of the first improved Essays in the art of Printing while that art was yet a secret, that is, before the art was divulged through the quarrel and Law-suit between Fust and Guttenburg in 1455, or by the Edition of the Psalter in 1457 which avowed the art. And that the copies of this book were intend to be passed upon the world for MSS.

But since I wrote the above, I think it might be printed later.

1. It is evidently printed—and with the improved ink, which did not sink into the paper ; and thence, upon both sides of the sheet ; and not with Gumm, but oil, because rubbing it with water does not dissolve the ink.

2. It is very like some French MSS. which I have of those times, in the black or Gothick letter. It differs from MSS. principally in the following circumstances

(1) The paper is not ruled : but in some MSS. there is no ruling—or hardly apparent.

(2) The margin at the ending of the lines is more even or regular, than almost any MS.

(3) The small strokes of the letters are not so slender, or delicate, as those which are made with a pen. This is the most essential difference.

3. The paper is thick and coarse—and there are at least four different marks.

(1) A hand ; sometimes upwards, sometimes downwards.

(2) A Shield.

(3) Do. different.

(4) Something which I cannot yet make out.

4. It has only three different marks in pointing viz.

(1) which never comes below the line, and is commonly close to the first letter of the following word.

A Rhomboidal point, with the angles upwards

Two points of the same sort.

5. It has capitals at the beginning of every line of verse : and after a full stop : but not for proper names.

6. It has no catch-word, or register either of sheets of Paper, or of pages. Nor any account of the art, or of the place or time.

7. *It begins thus \**

8. *It ends thus \**

9. It has a great number of double letters ; no less than 55 different in the first page, such as bo, co, cu, ci, &c., and even treble, such as ere, iva, &c.

It might appear to have been printed in blocks either of wood, or soft metal ; not types ; for

(1) *The form of the same letter in different parts is different.\**

(2) *The same word is of different length in different parts.*

(3) *The lower ends of the letters in the upper line in many places come lower down than the upper ends of the letters in the lower line.*

(4) *The letters in many places encroach upon one another thus (drawing) that is the squares upon which they stand are blended.*

(But it is certainly, I think, printed in types ; much of the same sort of those of the first German and Flemish Printers, and very nearly such as Caxton brought into England. There was an MS of this in Gaignat's Catalogue<sup>1</sup> and De Burre<sup>2</sup> did not know if the book had ever been printed.)<sup>3</sup>

To make it pass for an MS. or to conceal the art.

(1) Not only the large capitals and all the marks of paragraphs are done with a pen in red ink, but

(2) In every page many letters, particularly F and f and l are mended with a pen to make them more like writing ; such corrections are now very evident, because the writing ink has changed to a browner colour.<sup>3</sup>

The book is without place, date, or name of the printer, but there is no doubt that it issued from the press of Colard Mansion, of Bruges, about 1477. Brunet records only two copies. One is in the library of Sainte-Geneviève, Paris ; the other was purchased by Heber at the Van de Velde sale at Ghent in 1832 ; at Heber's sale it fetched £28, and passed into Prince d'Essling's collection, at whose sale, 1847, it brought 1500 fr. It was bought at the Esseling sale by Tilliard for N. Yemeniz of Lyons ;

\* The words in italics have afterwards been drawn through with a pen by the writer.

<sup>1</sup> *Catalogue de feu M. Louis Jean Gaignat*, Nos. 1775, 1776, Paris, 1769, 4to.

<sup>2</sup> *Bibliographie instructive*, No. 2990\* (Belles Lettres: Poètes François), Paris, 1765, 4to.

<sup>3</sup> This paragraph between brackets is at the side of the MS., and has evidently been written after the above lines marked 1, 2, 3, 4 had been deleted.

Yemeniz sale, 1867, 7000 fr. to Asher of Berlin; at Didot sale the same copy (1878) was bought for 19,000 fr. by Baron James de Rothschild and now belongs to Baroness James de Rothschild, Paris. No other copy than those quoted is known, but there are three single leaves at Cambridge.

The Foulis copy is in perfect condition, and would command a very high price if it were now in the market.

The books printed by Mansion were comparatively few in number, and all are rare. Dr. Hunter's library contains a copy of the Boccaccio of 1476, which is said to be the first book printed at Bruges with a date.

Van Praet, who writes upon Colard Mansion, had the Foulis Catalogue before him, but did not recognise *Lestrif de fortune* as a product of his press.<sup>1</sup> Presumably he had not seen a copy of the book, and did not appreciate Foulis' hint of the resemblance of the type to that of Caxton.

He draws attention, however, to the fact that the catalogue contains a manuscript of *Le Penitence d'Adam* translated from Latin into French by Colard Mansion.<sup>2</sup>

The Hunterian copy of *l'Estrif de Fortune* was examined by the well-known Belgian expert, M. Seymour de Ricci, in 1908, who is now with the British Expeditionary Force in France, and writes a very interesting letter from 'the front' upon the book, in which he says:

'For some time the name of printing and printer remained unknown; but when the book was exhibited at Paris, previous to the Essling sale in 1847, French experts recognized the types to be those of the celebrated Bruges printer, Colard Mansion (1475-1484), who almost certainly worked with Caxton. Blades believed him to have been Caxton's teacher, but modern bibliographers, e.g. Mr. Gordon Duff, have given good reasons to consider him as Caxton's pupil.

Books from his press are bibliographical diamonds of the finest water, and the two or three examples which have come into the market in the last forty years have commanded enormous prices.

Scotland may therefore be proud of the ownership of no less than five Colard Mansions, two being in the Hunterian: 1. The *Estrif de Fortune*. 2. *Boccaccio*, obtained by Dr. Hunter

<sup>1</sup> *Notice sur Colard-Mansion*, pp. 16, 96, Paris, 1829, 8vo.

<sup>2</sup> Van Praet, *Recherches sur Louis de Bruges, seigneur de la Gruthuyse*, p. 94, Paris, 1831, 8vo.

at Hoblyn's sale. 3. *Coarsinus*, at Aberdeen, no other copy being known. 4. *Boccaccio*, in the Advocates' Library, Edinburgh. 5. Another copy of *Boccaccio*, with contemporary engravings, formerly belonging to the Marquis of Lothian, now to the Marquis of Bute.

The *Estrif de Fortune* is undoubtedly printed from metal types, made of some fusible lead alloy. A few years ago (1900) was discovered in a copy of Gutenberg's Bible belonging to the Episcopal Seminary at Pelplin the impression left by a single type which had dropped on to a page by the printer and had been pressed between two sheets of paper. It was similar in shape to modern types, the only difference being that the lower end tapered off on one side (the side corresponding to the top of the letter). This device (similar to the little semi-circular nick in modern types) showed the printer at a glance if his types were placed right side up on his rule.'

Where or when the Messrs. Foulis acquired the book there is no record. They had imported books at various times for nearly thirty years. It no doubt formed part of one of these lots, and probably came from Paris, where most of their purchases were made.

The manuscripts in the invoice are fully described in the Sale Catalogue, as follows :

'4. Theodoret on the Psalms.

ΤΟΥ ΜΑΚΑΡΙΟΥ ΘΕΟΔΩΡΗΤΟΥ ΚΥΡΟΥ  
ΕΠΙΣΚΟΠΟΥ ἙΡΜΗΝΕΙΑ ΕΙΣ ΨΑΛΜΟΥΣ.

A very ancient MS. of Theodoret's commentary on the Psalms in vellum. In the beginning of the MS. the transcriber has wrote the text of the Psalms with red ink. The writing of this book resembles the specimen given by Dr. Pearce of the MS. of Longinus. The leaves of this MS. are 167. large 4to.

There's a Lacuna in the 18th psalm, and the MS. ends at the 100 verse of the CXIX., the rest of the manuscript has perished through the injury of time. this commentary has been only once printed.'

This is No. 19 in the Official Catalogue.<sup>1</sup>

The description of the MS. in the Foulis Catalogue has been cut out by Dr. Hunter and pinned in the MS., and is now quoted in the Official Catalogue, but without any indication whence the slip came.

<sup>1</sup> *Catalogue of Manuscripts in the Library of the Hunterian Museum in the University of Glasgow*, Glasgow, 1908, 4to.

'5. Sapientia Jesu filii Sirach que Ecclesiasticus appellatur. This MS. is wrote on paper, the initials painted in various colours, or gilt. This book has probably been wrote about the time of the invention of Printing. 8vo, bound in yellow turkey, and gilt on the leaves.'

This is No. 321 of the Official Catalogue.

The slip from the Foulis Catalogue has been cut out and attached to the MS., and is quoted in the Official Catalogue.

'6. An ancient MS. of the Acts of the Apostles and of the Revelation on vellum, beautifully wrote with the initials painted and vignettes. It is well preserved, gilt on the leaves and bound in red Turkey. small 8vo. This MS. has the prologues of St. Jerome prefix'd to the books, and some readings in the margin, probably about 350 years old.'

This is No. 348 of the Official Catalogue.

The slip from the Foulis Catalogue has been cut out and attached to the MS., and is quoted in the Official Catalogue.

'7. A beautiful Greek Manuscript of the most of that collection of Greek Writers printed in the Louvre, Paris 1693, under the title of Mathematici Veteres, viz. Athenaeus de machinis, Bito de constructione belliorum instrumentorum et catapultarum, Heron de constructione et mensura Manubalistae. Heron Ctesibius Belopoeica, Poliorcetica ex libris Apollodori, Philonis liber IV. de telorum constructione, ejusdem liber V. de constructione.

This MS. is beautifully wrote on glaz'd oriental paper, with the figures of the machines well drawn, it has formerly belonged to Foucault, in whose library Montfaucon observes there were most valuable MSS. As these authors have been but once printed, it is probable this MS. might be of good use in a new edition. The book is in folio, and bound in vellum.'

This is No. 220 of the Official Catalogue.

The slip from the Foulis Catalogue is inserted in the MS.: it is cut partly from the foot of p. ii and partly from the top of p. iii, and being thus in two parts is described in the Official Catalogue as cuttings from two sale catalogues.

Dr. Hunter has noted on the MS. the price paid, £12 12/.

'8. A beautiful Manuscript of Aristotle's Politics and Ethics, translated from ancient Greek Mss. by Leonardus Aretinus, with curious prefaces, dedications and marginal notes. The Ethics were translated by Aretinus 18 years before the Politics, and inscribed to Pope Martin the V. Leonardus says, that he translated this work in the time of the Council of Constance, while there was a vacancy in the papal chair. This book is wrote on vellum, in a most legible and beautiful hand, the initials are gilt and otherways ornamented. These words are wrote at the end, *Ethicorum Aristotelis liber decimus et ultimus explicit feliciter in civitate Florentie, anno Domini nostri Jesu Christi, 1440, de mense Januarii die xxviii.*

This MS is in excellent preservation, bound in vellum, and formerly belonged to Charles Lord Halifax.'

This is No. 245 of the Official Catalogue.

The slip from the Foulis' Catalogue is pasted on the MS. and quoted in the Official Catalogue.

'9. Aristotelis Analytica Priora et Posteriora. A very ancient MS. on vellum, probably wrote in the 11th century. there are bound up with it 4 leaves of a Dictionary French and Latin, in which the changes that the French language has undergone may be observed, as for example, *estrif, lis, rixa, contentio, controversia, jurgium*. this word is not in use now in the French language, tho' the English retain it from the Normans.'

This is No. 292 of the Official Catalogue.

The slip from Foulis Catalogue is inserted in the MS., and quoted in the Official Catalogue.

'10. Senecae Tragoediae decem, cum scholiis in margine. this MS. is beautifully wrote on vellum, the initials painted or gilt. it was probably wrote in the 13th or 14th century. the first page and beginning of all the tragedies ornamented with vignettes, and by some old French verses at the end this MS. seems to have been wrote in France.'

This is No. 297 of the Official Catalogue.

The slip from the Foulis Catalogue is inserted in the MS. and quoted in the Official Catalogue.

'11. Liber Prisciani de Constructionibus, a beautiful MS on vellum, very ancient, and well preserved, 4to. bound in Russian leather.'

This is No. 296 of the Official Catalogue.

'12. Sophilogium Poetarum, a beautiful MS. on paper, with vignettes at the beginnings of books, and initials of chapters painted or gilt. besides a great variety of other subjects, we find the following: De philosophia, de studiis et sectis philosophorum, de rhetorica, de poetis famosis, de inventione arithmeticae, de astronomia, etc. this work consists chiefly of quotations from ancient Greek and Latin authors.

At the end of this MS. are the following words: *Explicit tabula capitulorum decem librorum Sophilogii Poetarum. Completa in Montepessulano (Montpelier) xxx<sup>o</sup> die mensis Julii anno Domini millesimo quadringentesimo quinquagesimo nono. Deo gratias.*

*Hunc librum feci scribi ego Anthonius de Mala Rippa notarius regius Montispessulani et solvi pro eo sex scuta auri.* This is an example of the price of books at that period. Folio, and in ancient binding.'

This is No. 62 of the Official Catalogue.

Dr. Hunter had apparently only one copy of Foulis' Catalogue. The above description is on the verso of the slip containing No. 7.

'17. De diversitatibus Februm et pluribus aliis in medicina auctoris incerti. citat Antonium Musam, Possidonium, et librum de medicamentis venenosis. a very ancient MS. on vellum. its antiquity is evident from the form of the write. it is imperfect in the beginning and end. 8vo. bound in red Turkey.'

This is presumably No. 96 of the Official Catalogue.

'70. Jamblichus de vita Pythagorae, Gr. Lat. printed at Franequer 1598, 4to. collated with the MS. of this work in the King of France's Library, with other important corrections. Tho' Kuster in his edition has given many corrections from this MS. yet many are also omitted, which cannot well be accounted for, unless the collation's not being so fully transmitted to him as in this copy.

The collation and corrections are wrote in the margin, and the book bound in vellum.

71. Jamblichi Pythagorici commentarii seu orationes adhortatoriae ad Philosophiam, Gr. Lat. printed as the former, and in 4to.

This volume is interleaved, and has the collation most distinctly wrote of an ancient MS. there are arguments of each chapter in Greek taken from the MS. which arguments have not yet been printed, as well as a number of important corrections in almost every page, and sometimes larger passages. the collater observes what corrections have been wrote in the margin with a different hand, and what space words effaced have taken up. in page 30 he says, *Alia manus incipit in MS. priore deterior longe quoad emendationem.* the collater has likeways accurately pointed out what the MS. wants of the printed copy. this book has not been reprinted since the edition with which the MS. is collated.'

These volumes are in the library of printed books in the Museum.

'72. Les Institutes a l'Empereur Justinien. wrote most regularly in two columns on paper, the initials painted in red. there are bound up in the same volume the following Chronicles :

De Chronicis Romae.

De Chronicis Angliae.

Chronicon a nato Christo ad annum 313. fol.

The binding of this volume is antique, fortify'd with plates of brass on the four corners and in the middle of the boards.'

This is No. 63 of the Official Catalogue.

The slip from Foulis' Catalogue is pasted on the MS. and is quoted in the Official Catalogue.

'50. A Manuscript of the Persian Poet Saddi, with an interlineary Arabic version, in oriental binding. 4to.'

This is No. 154 of the Official Catalogue.

'51. An Arabic manuscript on Arithmetic and divisions of time, small 8vo. bound in red Turkey it is wrote on the glazed Oriental paper.'

This is No. 173 of the Official Catalogue. The slip from Foulis' Catalogue is pasted on the MS. and is quoted in the Official Catalogue.

The manuscripts sent on approbation were :

'36. Liber bene scriptus, continens plurima Juris Mahomedici capita tam de Jure Canonico quam civili, et a quodam nomine Abulsind, conscriptus Turcice; et in quo capita tantum ponuntur Arabice. a most beautiful manuscript on Oriental paper. 4to. elegantly bound in red Turkey, gilt on the back, boards and leaves.'

Whether this was retained is not clear. It may be No. 163 of the Official Catalogue.

The price was £2 2s.

'38. Hierocles in Aurea Carmina, Gr. Lat. Paris 1583. collated with two Mss. one on vellum, the other on paper, by Marchantius advocate of the Parliament of Paris. Jacobus Mentellus has likewise communicated to Monsieur Menard, former possessor of this copy, the collation of two other Mss. one of which was wrote by the hand of Michael Apostolius a learned Constantinopolitan.'

There is a copy of this edition of Hierocles with copious MS. notes in the Hunterian Library catalogued amongst the printed books, which may be the copy in question.

The price in Foulis' Catalogue was £1 1s.

'40. La vraye Histoire de Troye. an old manuscript on paper, the arguments of each chapter in red, and the initials painted in various colours. at the end of the book, the author gives an account of it in the following words: Jay ores mené a fin la vraye histoire de Troye en la maniere qu'elle fut trouvée escripte en la main de Saint Pierre d'Orient en Gregois language et de Gregois fut mise en Latin et j'ay lay translatée en Francois non pas par Rimes ne par vers ou il convient par fine force, maintes mensonges comme font ces menestrels de leur langues pompus plair mainte-fois aux Roys et aux Contez. a large 4to, most regularly wrote, and in antique binding. the author observes that the Greek is still spoken in many places in Sicily, and that the peasants in Calabria speak nothing but Greek.'

This does not appear to have been retained by Dr. Hunter. The price was £3 3s.

'52. Prayer and public Devotions throughout the year, with the lessons and psalms, in the German dialect used about Cologne. this is probably one of the books of the followers of Wickliffe. It seems to have been wrote in the century preceding Printing, in a hand that has all the uniformity of Printing.

The pages that begin different subjects are adorn'd with initial letters of extraordinary size, painted with gold and variety of colours, and

accompany'd with flowers in the margins. the other initials are likewise done with red, blue and other colours. this manuscript is on the finest vellum, in compleat preservation and original binding.'

The MS. of Petrus de Crescentiis referred to in the letter is thus described in the sale catalogue :

'33. Liber ruralium commodorum a Petro de Crescentiis cive Bononiensi compilatus ad honorem Dei Omnipotentis et serenissimi Regis Karoli et utilitatem omnium gentium.

This work is dedicated to Charles II., King of Jerusalem and Sicily. he reigned from 1284 to 1308. after Columella and Palladius, this author is next in antiquity on agriculture, and does not confine himself to any one branch of it but treats of them all. he also takes in every part of rural oeconomy. In composing his work he has made use of all the ancient authors on agriculture and natural history before his time.

The MS. is in folio, on a fair vellum, the contents of the chapters wrote in red, and the capitals painted. the hand is very legible, and the margins large and well disposed.'

There is a MS. of de Crescentiis (No. 75) in the Hunterian Library; it is in folio, on vellum, beautifully written in single columns with rubrics and rubricated initials.

Whether this is the Foulis MS. it is impossible to say.

Dr. Hunter had the two Louvain editions printed by Johannes de Westfalia of *circa* 1473 and 1474, which are now in the library.

The Sea carts was

'46. Sea-carts drawn and painted on vellum, with gold and variety of colours, with the arms of different kingdoms, states and cities, comprehending the Mediterranean and other sea-coasts of Europe, Asia and Africa, with representations of animals peculiar to Asia and Africa, and many other ornaments, probably not copied or engraved. these sea carts are on six large skins of fine vellum, pasted on boards and bound in a volume.'

The Chronicle of Melrose borrowed by Dr. John Boswell and mislaid by him is described simply as

'76. The Chronicle of the Abbay of Melros in manuscript, 4to.'

It does not seem to have been found, as it is not in the library.

The Index vocum Hippocratis, which had been mislaid by Foulis, was

'80. Index vocum omnium Hippocratis quae reperiuntur, tam in Herodoti dictionario quarundam dictionum Hippocratis: Erotiani dictionum Hippocratis collectione: Galeni dictionum Hippocratis ἐξήγησις seu expositione: Foesii Oeconomia Hippocratis quam in operum Hippocratis editione Graeca Basileensi, anni 1538.

This MS. is most plainly and neatly wrote in 4to in four columns. at the beginning of the MS. is wrote, 8 October 1706. at the end, 20 April 1707.'

As it is not in the library it does not seem to have turned up.

The foregoing letters extend over the period 1750-71, the most active and fruitful in the life of Robert Foulis. In 1750 his eminence as a printer had been established, not only in Scotland and England, but also on the Continent. Eight years later his reputation was enhanced by the publication of Homer, and he hoped to surpass this in his long meditated edition of Plato.

The Academy of the Fine Arts was opened in 1753, and was carried on for more than twenty years with amazing energy under ever increasing difficulties.

The publication of Plato, although still under discussion in 1766, was abandoned shortly afterwards. The Academy had then been in existence for thirteen years, and while it had not achieved the success which its projector had anticipated, he could write playfully about it: 'The Fine Arts do not ripen quickly, especially in a cold climate; but if once brought to maturity it is to be hoped they will naturalize and leave successors wherever they are blown.'

Things did not go better with the Academy during the next five years. The letter of 1771, however, reveals Foulis as attentive to his own proper business and full of interest in it. The catalogue of books and manuscripts issued by the firm in that year was evidently prepared by Robert, and shows that he was well acquainted with his books, and able to describe their contents. The invoice gives a pleasing glimpse of Foulis as book-seller and Dr. Hunter as collector, and affords some authentic information as to the acquisition of a few volumes in his great library.

Andrew Foulis died suddenly on 18th September, 1775. His brother was deeply affected by his death; other troubles thickened around him, and in order to provide funds to meet pressing claims he resolved to sell a number of the best pictures in the Gallery he had collected for the use of the Academy. They were sent to London, but were brought to sale at the dullest period of the year, and realised miserable prices. Deeply grieved by the estimate placed by the public on his collection, disappointed of the funds he hoped to obtain, he returned broken hearted to Scotland, and died at Edinburgh on his way to Glasgow on 2nd June, 1776.

DAVID MURRAY.

## Mercantile Shipping in the Napoleonic Wars

With some Statistics of Mercantile Shipping Losses  
a Hundred Years Ago

THE submarine campaign has directed much attention to losses of British shipping, and the interest of historical students turns to what happened during the wars at the beginning of the nineteenth century. And here we find an instance of the limitations of judging from final results without paying close attention to the processes by which those results were reached. Many are content with the general impression that our shipping increased during the first years of the nineteenth century, and are satisfied to leave it at that. Indeed, it is not easy to form a judgment as to how the final result was reached, since there are few returns, and it is necessary to construct a method for forming an estimate. This process is rendered difficult by the destruction of the Customs House records by fire for the years 1812 and 1813. Still it is possible to present a broad outline of the effects of that war upon the mercantile marine, which removes some misapprehensions and conveys both comfort and warning.

It may be premised that the difference between the position of Great Britain before 1815 and at the present time as regards supplies of imported food must be fully recognised, as well as the probably greater importance of shipping in the operations of this war, though this is by no means certain, since delays of transports over a hundred years ago seem to have been very great indeed.

The first point to be noted is an interesting parallel, namely, that the number of ships belonging to the United Kingdom and the Colonies in 1803 was almost the same as that registered under the Merchant Shipping Act in 1913. It was 20,893 in 1803 and 20,938 one hundred and ten years later. Needless to say, there was a vast difference in the tonnage, which had increased almost ten times (from 2,167,863 tons to 19,604,900 tons), and the substitution of steam for sailing ships has made modern vessels much more efficient. The tonnage relation might be expressed

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roughly by saying that in 1803 the average was a little over 100 tons, in 1913 nearly 1000 tons.

It is often supposed that the progress of shipping up to 1815 was associated with the capture of prizes from the French. This, however, is a delusion. In fact, command of the sea militates against the capture of prizes. The nation which keeps the sea risks its ships, while the one confined to its ports may save its vessels. As a matter of fact, from 1803 to 1814 our losses in prizes, as far as recorded, were twelve times as great as those of the French, the figures being: British ships captured by the French, 5314; French captured by the British, 440. We did better in the short American war. It was stated in Parliament towards the close of hostilities that American merchant ships taken by us numbered 1900, and historians in the United States put their losses at a higher figure.

These data show that the war was by no means without anxiety as regards our mercantile marine. In fact, at the beginning the total tonnage showed a tendency to decline, which must have been disquieting. The following are the returns for 1804, 1805, 1806:

### *British and Colonial Tonnage.*

1804,	-	-	-	-	-	2,268,570
1805,	-	-	-	-	-	2,283,442
1806,	-	-	-	-	-	2,263,714

The losses from all causes between 1803 and 1814 were very great. At least 40 per cent. of the tonnage of 1803 had disappeared from the British registry, and the final satisfactory position was only secured by new construction. Between 1803 and 1814 more than 50 per cent. of the tonnage in existence at the earlier date had been launched from British and Colonial shipyards. The position may be stated in the following form:

### *Course of British Mercantile Shipping, 1803-1814.*

Tonnage of ships, 1803,	-	-	-	-	-	2,167,863
Built, 1803-1814, <sup>1</sup>	-	-	-	-	-	1,119,644
Increase prizes on register, 1803-1812, <sup>2</sup>	-	-	-	-	-	205,674
Total,	-	-	-	-	-	3,493,181
Tonnage on register, 1814,	-	-	-	-	-	2,616,965

<sup>1</sup> Owing to the loss of the Customs House records, it has been necessary to estimate shipbuilding for 1812 and 1813. These are taken at the average of 1811 and 1814.

<sup>2</sup> Increase of prizes on the register is obtained by deducting the number at the

The effect of new construction can be shown best in another form, namely, by deducting the total of building and prizes from the tonnage of 1814, so as to show the importance of the former in making good losses.

Total tonnage, 1814, -	-	-	-	-	-	2,616,965
Shipbuilding and prizes, -	-	-	-	-	-	<u>1,325,318</u>
Ships remaining apart from building and prizes, -						1,291,647

Approximate losses, 1803-1814, from all causes, at least 875,000 tons.

These figures, in which the losses tend to be under-estimated, show in the clearest possible manner that it was new construction which saved the situation. The average losses in tonnage were about 4 per cent. per annum. These were not evenly distributed; and, as already shown, there was a decrease in the total tonnage between 1804 and 1806. In broad outline the general result was that we built during the twelve years more than half the tonnage of 1803. This made good the losses, and left a small surplus. To that had to be added the surviving prizes, which yielded almost an amount equal to that surplus. In other words, the excess of the tonnage of 1814 over 1803, amounting to 450,000 tons, is made up roughly as to one half by the surplus of building over losses, and as to the other half by the prizes then on the register.

There is another aspect of the shipping position which is complementary to that just described, namely, the variations in foreign vessels plying to British ports. In 1802 the latter were only 36.02 per cent. of the British ships. By 1810 the proportion had risen to 131.27 per cent.

For purposes of comparison with the lists of ships arriving and departing, which is issued weekly at present, the following table is of interest, when it is remembered that the average tonnage (gross) of all registered British ships is now about 1000 as compared with about 100 in 1803. In the subjoined figures, ships sailing from and to Ireland and employed in the coasting trade are omitted, and the average tonnage was close upon 200.

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earlier date from that at the later one. This method (which is the only one available) under-estimates the losses, since some prizes would have been entered on the register after the first date and have been lost or captured before the second, and so would disappear.

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*Sailings, 1802 to 1806.*

	Inwards.			Outwards.		
	Number of Ships.			Number of Ships.		
	British.	Foreign.	Total.	British.	Foreign.	Total.
1802.	7,806	3,728	11,534	7,471	3,332	10,803
1803.	6,264	4,254	10,518	5,523	3,672	9,195
1804.	4,865	4,271	9,136	4,983	4,093	9,076
1805.	5,167	4,517	9,684	5,319	3,932	9,251
1806.	5,211	3,793	9,004	5,219	3,459	8,678

W. R. SCOTT.

## Reviews of Books

THE INSTITUTION OF THE ARCHPRIEST BLACKWELL. A Study of the Transition from Paternal to Constitutional and Local Church Government among the English Catholics, 1595 to 1602. Pp. x, 106. 8vo. By John Hungerford Pollen, S.J. London: Longmans, Green & Co. 1916. 5s. net.

The death of Cardinal Allen, who in the years succeeding the downfall of the ancient English hierarchy was practically the absolute ruler of the penalised English Catholics, marked the beginning of an exceptionally unhappy period in their chequered history. Allen, whose high character, administrative talents, and sympathetic temperament had made his patriarchate as much a success as it could be in those troublesome times, died in 1594. He had governed as an autocrat, if a wise one, and the distracted church was now left, not only without a head, but without organisation, or any of the ordinary machinery of government. The only English ecclesiastic of outstanding ability was Robert Persons, a Jesuit, and the Jesuits had at that juncture, both at home and abroad, more enemies than they have perhaps ever had since. Allen had, and could have, no successor as a benevolent despot; what was obviously wanted was local self-government at home, not *actio in distans* by a cardinal of the Roman Curia.

So far there was pretty general agreement; but what neither the Marian clergy (all that was left of them) nor the seminary priests, most of whom were shut up in Wisbech Castle, could agree about was, should the Catholic remnant be placed under a bishop, or under a simple priest with extended powers? and if the latter, who should it be? Father Pollen tells, and tells very well, the story of the efforts and intrigues, the plans and counterplans, petitioning and counterpetitioning, which ended in the appointment of George Blackwell, not as bishop, but as archpriest over the English secular clergy. The dissensions did not end with his nomination, against which more than thirty of his clergy promptly appealed to Rome. Blackwell as promptly visited the appellants with censures and suspensions, and branded them as schismatics, only to be himself severely censured by the Holy See for undue harshness and severity. The high feeling on both sides, fomented by polemical writings of a far from temperate kind, long continued unabated, notwithstanding the Pope's effort to pacify the opposing parties.

It is a curious and rather pathetic episode, this outburst of internal dissension among those who might seem to have had more than enough to do in standing up against the violence of the penal laws which then

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oppressed them. And Blackwell's whole career is pathetic. With many gifts—culture, learning, piety, and the power of making and keeping attached friends—he yet lacked those most necessary for his thankless and difficult office. His end, too, was tragic; for he brought himself (no doubt sincerely) to accept King James's oath of allegiance, advised his clergy to do the same, in the teeth of Cardinal Bellarmine's denunciations, and in consequence (for the oath in question had been twice formally condemned by Rome) was deprived of his office as archpriest, and died in obscurity four years later.

The story has been told before, by Gallicans like Father Berington, dry and cautious historians like Dodd and Tierney, violent anti-Jesuits like Ethelred Taunton, and cynics like the late Signet Librarian, who loved to catch Catholics at fisticuffs, especially if the fight was between seculars and regulars. Father Pollen, who has done so much good work in similar fields, has dealt with his subject in his own careful, accurate, and unimpassioned way. He has brought all the strings of the narrative together in masterly fashion, and gives us in this interesting volume perhaps the first really impartial, as well as complete, account of an important episode in the still too obscure history of post-Reformation Catholicism in England.

D. OSWALD HUNTER BLAIR.

LE STRANGE RECORDS: A CHRONICLE OF THE EARLY LE STRANGES OF NORFOLK AND THE MARCH OF WALES, A.D. 1100-1310, with the lines of Knockin and Blackmere continued to their extinction. *Undique reperta* by Hamon le Strange. Pp. xiv, 407. With ten Illustrations. 4to. London: Longmans, Green & Co. 1916. 21s. net.

THIS is a thoroughly sound scholarly work. It is pleasant to see from the statement of the author in the preface that 'nothing not susceptible of strict proof has been admitted, so as, if possible, to avoid the intermixture of fact and fable usually found in family histories.' The system on which the work has been compiled is on the whole excellent, though perhaps it is open to question whether the dates should have been reduced to the new style, with the year beginning on 1st January, or the place-names been generally modernised. In this case it might have been as well to give the old form in brackets, as for local readers the history of place-names is full of interest.

The progenitor of the family did not come over with the Conqueror. The first of the name who settled in England married the daughter and heiress of the lands of Hunstanton, in Norfolk. Two generations after, four brothers were transferred, in the reign of Henry II., to the borders of Wales, in Shropshire, though the Hunstanton property was still retained, and indeed is yet, in the possession of the family. Their principal place of residence, however, came to be the Castle of Knockin, in Shropshire, and at the close of the thirteenth century the fifth John le Strange was summoned to Parliament as a baron, and this title continued in the family down to the time of an heiress who married about 1480 Sir George Stanley, afterwards first Earl of Derby. The peerages then remained united for four generations further, when the baronies of Strange of

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Knockin and Stanley fell into abeyance between the three daughters and co-heirs of the fifth Earl of Derby. His brother succeeded to the earldom as heir male of the body of the granter, but not to the other honours of the family. By some misapprehension, however, his son James, afterwards seventh Earl of Derby, was summoned to Parliament in the lifetime of his father as Lord Strange in 1628, and this, however inadvertently done, was held to have had the effect of creating a new barony of Strange, which is now held by the Duke of Atholl: though the fourth duke got a British peerage under the title of Earl Strange.

Another peerage in the family, Le Strange of Blackmere, was constituted in the person of Fulk le Strange, a grandson of John le Strange, the third of the name, in 1309: it did not last quite a century in the male line, and ultimately became merged in the earldom of Shrewsbury, finally falling into abeyance in 1616.

The Le Stranges led a stirring life as Lords Marchers of the Welsh Border. They administered their offices strenuously and ably, and were distinguished above all for unswerving loyalty to their sovereign. So much, indeed, was this so that John le Strange the second was one of the only four knights on the border who did not side with the barons in extorting from King John the great charter of their liberties. This John was one of the most remarkable men of his family: for fifty-six years he served successively under Henry II., Richard I., John, and Henry III., and it says much for his wisdom and tact that, even though he did not join with the other barons, he did not lose their respect or incur their enmity, but seems to have prospered and flourished in the reign of Henry III. just as much as he had done in those of that king's predecessors.

A younger grandson of this John, Hamon by name (there were Hamons in nearly every generation of the family), was in Scotland in 1255. Alexander III. had married a daughter of Henry of England; much friction arose between her followers who had come from the English Court and the Scottish nobility, and it was said that the young queen was very harshly treated and practically confined in a fortress by the Cumyn party. Of course in a book like this history must be treated on a very condensed scale; but it is perhaps hardly accurate to say that Henry, taking Hamon le Strange with him, went to Scotland and 'released the young king and queen from their tutelage.' As a matter of fact the English king had, shortly before, sent the Earl of Gloucester and others to Scotland, and it was they who released the royal couple from their real or pretended durance. Henry himself did not go north till August, 1555, and by that time the Scottish king and queen had been removed to Roxburgh Castle. Their interview with Henry took place at Kelso, where the Cumyn party were temporarily deprived of their political influence.

Hamon le Strange, however, had a very brief experience of Scotland. His was an adventurous and indeed a romantic career. He went to the Crusade of 1270, and two years afterwards married no less a person than Isabella de' Ybelin, Queen of Cyprus. He was her second husband, and she had two more before she died.

Few English families can have a better or fuller record of their achieve-

## Pearce : The Monks of Westminster 279

ments during the two centuries with which this book deals. Of course the history is largely political, and, though interesting in its own sphere, the book can hardly be called light reading. This is necessarily unavoidable, as at such an early period it is difficult to find sidelights which would illuminate the personal and private life of the different members of the family. They must be judged mainly by their public and political actions. The whole story, however, is told with so much care, and so much honest labour is everywhere apparent, that we trust on some future occasion to see the Hunstanton charter chest laid under further contribution. We shall not then be dealing with medieval shades, however compelling and inspiring, but shall be able to clothe them with some shreds at least of real flesh and blood. We shall see not only their abstract position in relation to the events of their time, but how they talked, wrote, eat, drank, and made love or war.

JAMES BALFOUR PAUL.

THE MONKS OF WESTMINSTER, BEING A REGISTER OF THE BRETHREN OF THE CONVENT FROM THE TIME OF THE CONFESSOR TO THE DISSOLUTION. With Lists of the Obedientiaries and an Introduction. By E. H. Pearce, M.A., Canon and Archdeacon of Westminster. Pp. x, 236. Large 8vo. Cambridge: University Press. 1916. 10s. net.

THIS book, though little more than a skeleton of names, forms No. 5 of 'Notes and Documents relating to Westminster Abbey,' in pursuance of the great design to tell the story of the abbey in all its details. The section written by Archdeacon Pearce is in many ways a remarkable production, not only from the novelty of the task he has undertaken, but more especially by reason of the success with which his labours have been rewarded. Students of monastic institutions are satisfied if they can give fairly exhaustive lists of superiors, abbots or priors as the case may be, but it rarely occurs to them to enquire about the other denizens of the precincts with which they are dealing. Dean Stanley did not stand alone when he wrote that the names of the monks of Westminster 'are still more obscure' than those of the abbots. Most editors of monastic chartularies, who pride themselves on modernist methods, would feel compelled to say the same thing if they had the candour of the learned dean.

Apart from the colossal labour of Archdeacon Pearce, for which he is entitled to the fullest credit, it may be said that he had an unique opportunity, that is, an opportunity denied to other scholars working in the same field. The wealth of muniments in possession of the Chapter of Westminster is unrivalled: of no monastic house in Great Britain has a greater store been preserved. Out of these materials the Archdeacon has re-peopled the abbey during the medieval period. Without a doubt he has made good use of his opportunities and constructed a record of considerable value. But it would seem that he has purposely confined his attention almost exclusively to the original documents in the Capitular muniment room, seldom going outside in search of additional names. For instance, he does not include the name of William Gailard, a monk of Westminster in 1257, in his list, though it has been in print for nearly a quarter of a century. A more

useful work, however, has been done: the unprinted archives of Westminster have been carefully explored and short biographies of all the *incolae* of the monastery, whose names are found there, have been compiled in chronological order, leaving additional information about them and new names to be gathered from the accessible sources.

We have no hesitation in saying that Archdeacon Pearce has produced a record of great interest and value to students. It may well serve as a model for investigations of a similar kind elsewhere. His introduction raises many subsidiary points that cannot be discussed here, though one would wish they had been more thoroughly examined. The migration of monks from one house or one order to another and the percentage of Benedictine monks in Holy Orders, as determined authoritatively by the ample records of Westminster, would have been of historical value. Then, too, the constitutional relations of English monasteries to the universities at home and abroad need further elucidation, and though the Archdeacon touches lightly on the relations of Westminster to Oxford and Cambridge, our debt to him would have been greater had he worked out this portion of his theme with more fulness and precision.

It is seldom, if ever, that the dedication of a book is worthy of notice in a review, but an exception must be made in this case. The Latin inscription is composed of phrases individually descriptive of his brethren of the present Chapter drawn from the records as borne by certain of their predecessors in distant centuries. It is a gem of its kind, happy in the selection and admirably suited to the occasion.

JAMES WILSON.

CHURCH AND REFORM IN SCOTLAND: A HISTORY FROM 1797 TO 1843.

By William Law Mathieson, LL.D. Pp. xii, 378. 8vo. Glasgow: James MacLehose & Sons. 1916. 10s. 6d. net.

THIS is the latest volume relating to Scottish history produced by Dr. Mathieson, who has well established his claim to a high rank amongst our national historians. We trust that it is not, as its author would indicate, the conclusion of his work. In the period between 1843 and the end of the last century much affecting Scotland both from an ecclesiastical and a political point of view has occurred. There has been an extension of the franchise, the introduction of the ballot, and of a national and compulsory system of education. The Church has witnessed the resurrection of the Establishment, the abolition of Patronage, that source of troubles in the past, the introduction of 'human' hymns and instrumental music, and finally the union of the two great dissenting bodies. Great battles for freedom, and victories won by men such as Dr. Lee and Dr. Robertson Smith, are all well worth recording, and Dr. Mathieson could tell the story well.

He acts rightly in giving the first place to the Church. In Scotland, ever since the Reformation, till comparatively recent times, ecclesiastical interests have quite eclipsed the secular. Until the influence of the French Revolution began to tell, Scotsmen never seem to have realised that they were the slaves of an antiquated feudal system, without political freedom or representation. But if one touched their Kirk they were up in arms.

Had the Stuarts left Presbyterianism alone, even the corrupt government of the Restoration could have ruled undisturbed, and, so far as Scotland was concerned, there might have been no Revolution. England had its Church questions also, but an arbitrary attack upon the taxpayers' pockets was sufficient to call forth armed opposition.

Viewing the period covered by this volume, there is not much to make a Scotsman feel proud of his country. The finer and more intellectual type of Moderatism, the type with which our author evidently sympathises, had in great measure died out; Dr. Robertson had passed away. The Moderates largely consisted of men who had interest with the Crown or the private patrons, tenants' sons, ex-tutors, and the like. When it suited them they could pose as the champions of orthodoxy, as witness the scandalous persecution of Sir John Leslie in the interests of one of their own number. But they opposed foreign missions, because in some grotesque way they associated them with political sedition, and they discountenanced Sunday schools and all evangelical efforts, apparently upon the same absurd ground. The Evangelicals, on the other hand, while their religious zeal rendered them more consistent with their creed, were painfully narrow upon many points. An illustration is afforded by what is known as the Apocrypha controversy, in which Dr. Thomson greatly figured, and indulged in the language of a fanatic.

Politics and religion got strangely mixed up, not always to the advantage of either. Of all kinds of bigotry, that is surely the most contemptible which rests upon no religious foundation, but is the outcome of political or personal spite. It is unlikely that the worldly-minded and jovial contributors to the *Blackwood* of that day were really interested in the subject of theology, but they rejoiced in having a stone to cast at the *Edinburgh Review* by denouncing 'its bold blasphemies or impious grins.' On the other hand we find nonconformist ministers, liberals in politics, almost unanimous in support of Catholic emancipation.

The outstanding ecclesiastic was Chalmers, whose ministry covered a full half of the period with which this volume deals. He is likely to be longer remembered as a social reformer than as a divine or preacher. But, in his lifetime, his oratory carried much weight, and his influence upon the Disruption movement must have been great, although he may not personally have been so ready to bring it about as were some of his younger and more pugnacious assistants.

The story of this great conflict is well told by Mr. Mathieson, who seems to consider that the claims of the non-intrusionists could never have been realised, and were in their very nature inconsistent. He admits, however, that 'it does not detract from the heroism involved in the making of so hard a choice, that it had been made in the pursuit of an unpracticable idea.' It must always be remembered that in introducing the Veto, the Evangelicals had the highest legal authority on their side. The sacrifices subsequently made can call for nothing but admiration. Even a Moderate such as Jeffrey felt proud of his countrymen.

We are somewhat surprised to find that in telling the story of the Church no notice is taken of certain events which were at least as

important as the Apocrypha controversy. We look in vain for any reference to the Row miracles and tongues, or to the expulsion from the Church, as heretics, of Edward Irving and John Macleod Campbell. Irving was in some respects a greater man than Chalmers, and although his work was mainly done in London it was by a Scottish presbytery that he was first ordained and subsequently deposed. Campbell's case, as bearing upon the state of religious belief, is surely most important. His sentence was the last triumph of the stern old Calvinism which in a very nominal fashion is still recognised by the Church, but is now as feeble as Bunyan imagined Pope and Pagan to be. His condemnation was brought about by a union of Moderates and Evangelicals, who united their packs to run in this heresy hunt, and to expel a man whose spiritual nature was beyond their comprehension.

Our author rightly attributes the awakening of a popular political spirit in Britain to the influence of the French Revolution, following upon a period of industrial expansion. To that great event must also be set down the extreme measures adopted for the suppression of every liberal movement. While one party regarded the Revolution as 'the nemesis of repression' and a warning to all those who would resist reform, others saw in what was taking place in France only a natural result of the triumph of democracy. Perhaps at present, when we are again faced by a great danger from abroad, we may be able to find something like an excuse for the rulers of a century ago. We can better understand the sheer panic which then prevailed, and we are getting accustomed to restrictions upon our liberty which would have surprised even our ancestors. It was after all danger had passed away that a steady movement towards reform made itself felt, and finally overcame an opposition which, as time went on, was becoming more and more unreasonable.

The events dealt with in this volume are familiar. Cockburn's *Memorials* and *Journals* deal with the same period, and Dr. Mathieson's point of view is very much that of the learned Judge. Nevertheless we welcome this able and clear narrative, and the valuable views of an author so well able to express them.

W. G. SCOTT MONCRIEFF.

**BALLAD CRITICISM IN SCANDINAVIA AND GREAT BRITAIN DURING THE 18TH CENTURY.** By Sigurd Bernhard Hustvedt, Ph.D. Pp. ix, 335. 8vo. New York: American Scandinavian Foundation. London: Oxford University Press. 1916. 12s. 6d. net.

In this treatise we have a considerable addition to America's ever-growing contribution to Scandinavian study and a valuable piece of research-work. The volume constitutes a useful supplement to the great collections of Grundtvig and Child.

It is a careful survey of the ballad-collections and the development of ballad-criticism in Scandinavia (chiefly Denmark) and Britain from Syv and Reenberg to Nyerup and from Addison to the rise of the Romantic movement. A chapter on earlier attempts at ballad-collecting shows that the hobby was more common among aristocratic folk in Denmark than it

ever was here, although some of the material in Child's *Thesaurus* is found in MSS. of the thirteenth, fourteenth and fifteenth centuries. Ballad-criticism, however, ran a singularly parallel course in the two countries. We now give the ballad its natural niche beside the epic; but that is a very modern judgment. Sir Philip Sidney, it is true, manfully confessed: 'I never heard the old song of Percy and Douglas that I found not my heart moved more than with a trumpet'; yet even he considered that it would have been infinitely finer had it only been 'trimmed in the gorgeous eloquence of Pindar.' So, when Addison in 1711 ventured a defence of *Chevy Chase* as good poetry, and supported his novel thesis by strained analogies between its style and spirit and the classical models, his attempt was overwhelmed with universal ridicule. Dennis scoffed at the notion that there could be any 'Shadow of Likeness . . . between *Virgil* and *English Dogrel* . . . the *Dogrel* being utterly destitute both of Figure and Harmony and consequently void of the great Qualities which distinguish Poetry from Prose.' The Ballad fared no better at the hands of Holberg or Doctor Johnson: and only with the advent of Cowper and Sir Walter was it given its rightful place. No reference is made to the continuous stream of ballad verse (subject to the strictest rules of rhyme and rhythm) poured out in Iceland under the name of *rimur* from the end of the fourteenth century to the present day; but the omission is negligible. The *rimur* are little known and for the most part still unprinted. One would, however, have welcomed a discussion, had the author deemed it relevant, of the unique place held by the Danish Ballads. Professor W. P. Ker has already pointed out in these pages<sup>1</sup> how, in the otherwise barren centuries of the early Middle Age, they reflected and expressed the best life of Denmark, much as the sagas did in Iceland.

An excellent bibliography and index enrich a compendious and indispensable work of reference.

R. L. BREMNER.

THE RACES OF IRELAND AND SCOTLAND. By W. C. Mackenzie, F.S.A. (Scot.). Pp. xiii, 396. Demy 8vo. Paisley: Alexander Gardner. 1916. 7s. 6d. net.

In this bulky volume the author sets out to disentangle the ethnology of Ireland and Scotland by the aid of etymology, applied to the place-names of their chief natural features. He is aware that this method of inquiry is not original, and that previous writers had misapplied this infallible test with unsatisfactory results. His references to Dr. Skene's *Celtic Scotland* are very numerous, and they are too frequently made with an asperity of expression, misplaced in a serious historical study. Had the author adhered to his declared intention, the book would have been more interesting and more valuable. Of its twenty-eight chapters, four deal with the etymologies of place-names. These are acute, ingenious, and suggestive, although it must be admitted that many are uncertain, and not a few ancient difficulties remain unsolved.

<sup>1</sup> *S.H.R.* I. 357-378; V. 385-401.

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The greater part of the book, occupied by discussions and restatements of Irish, Scottish, and Scandinavian mythology, folklore, and tradition, does not materially advance our knowledge of the island races. In his review of origins from Irish and Scottish early literature he must necessarily follow previous workers in this field, and his discussions are less complete than Dr. Skene's survey. The best and most suggestive parts are those relating to the beliefs and practices of Beltine, serpent worship, and the origin of the term Picts. He concludes that the customs of Beltine arose from Phœnician influences. It would have been more complete to have carried the inquiry another step beyond and related the Beltine cult to the system of Mithraic beliefs which swept over the states of the Mediterranean area about three centuries B.C.

Serpent worship is illuminated by personal observation of remains in the Highlands of Scotland. The discussion on Picts should end the belief that our ancestors painted their bodies. The spelling of proper names requires amendment.

A. L. DAVIDSON.

OF REFORMATION TOUCHING CHURCH-DISCIPLINE IN ENGLAND. By John Milton. Edited, with Introduction, Notes and Glossary, by Will Taliaferro Hale, Ph.D. Pp. lxxxix, 224. Yale University Press. 1916.

THIS stout volume forms No. LIV. of the *Yale Studies in English*, and was produced by Dr. Hale 'in candidacy for the degree of Doctor of Philosophy.' The well-known tract of Milton, by means of which he obtained his doctorate, has been frequently reprinted, and its place in the literature of ecclesiastical controversy required no further definition. The elaborate introduction and critical apparatus provided by the American editor are only justified by his desire to fill up the *cadre* of a 'Yale study.' The former consists of a short historical sketch and a series of jejune observations on Milton's point of view and English style. His own point of view is expressed in his observation: 'To-day we believe that the entire question of church-government is a matter of expediency,' and it may excuse his apparent ignorance of the rudiments of the Presbyterian system. 'Such topics,' he writes, 'as Episcopacy, regicide, and Christian doctrine are not very alluring to the modern reader.' But this is a *Yale Study in English*, and as such must not be judged on its historical merits. Dr. Hale may believe that before the advent of Archbishop Laud 'the communion-table had degenerated into a receptacle for hats and umbrellas,' and yet have something of value to say on Milton's prose style. Let him speak for himself. 'And yet,' he observes, 'it must not be supposed that Milton always writes long, loosely constructed sentences. Although they constitute the main body of his prose, he frequently uses short ones, and employs them with a telling effect that reminds us of Macaulay.' Dr. Hale's *Notes and Glossary* may be of some assistance to American readers.

DAVID BAIRD SMITH.

## Morris: The Stirling Guildry Book 285

THE STIRLING GUILDRY BOOK. EXTRACTS FROM THE RECORDS OF THE MERCHANT GUILD OF STIRLING (A.D. 1592-1846). Edited by W. B. Cook and David B. Morris. Pp. vii, 297. 4to. Stirling: Printed for the Glasgow Stirlingshire and Sons of the Rock Society. 1916. 10s. 6d.

It is very unfortunate that the earlier records of the Stirling Guildry have disappeared, like the materials for the early history of many of the Scottish burghs, but this volume now published contains a great deal that is of interest, both general and local. Many entries show the efforts of the Guildry to maintain their trade privileges, both in the town itself and in the larger area over which their rights extended. Guild brethren were frequently fined for trading with unfreemen, cordiners for buying hides within the liberty of the guildry, chapmen and craftsmen for selling staple wares and for keeping open shops. A long controversy with the crafts about the privileges of selling staple wares was ended in favour of the merchants. The Guildry was successful in 1697 in getting a decision from the Court of Session upholding its privileges and declaring that the Dean of Guild Court might apprehend a transgressing tradesman and punish him upon application to the Magistrates. Prosecutions of unfree tradesmen were made as late as 1826, though in the eighteenth and nineteenth centuries licenses to open shops were sometimes sold to non-guild brethren. In 1835, however, it was decided that licenses should no longer be required, *i.e.* trade was freed from restriction.

There are no traces in the seventeenth century of any struggle of the crafts for fuller representation on the Council. The relations of the Guildry and the Town Council seem to have been quite amicable until the latter part of the eighteenth century, when there was a difference of opinion on the subject of burgh reform. Affairs in Stirling had apparently been better managed than in many towns, partly because of the passing of the Long Act in 1695, which provided for the auditing of the town's accounts. Nevertheless, towards the end of the eighteenth century the magistracy seems to have got into the hands of a small clique, and the Guildry urged further reform and the abolition of the 'absurd system of self-election,' and supported the reform movement of 1783 and 1787, and the later efforts of Lord Archibald Hamilton and his friends. The Council was 'inimical to reform.' The Guildry protested against the administration of the Common Good, and especially of the funds of Cowane's Hospital, but was told by the Council that 'they might protest to all eternity, as their protests were not worth a damn.'

During the Napoleonic wars the Guildry co-operated with the Council in schemes for buying meal, Indian corn, etc., to sell to the poor, as prices had risen greatly, and also recommended the patrons of the hospital to increase the amount of the pensions. There are few references to contemporary politics, none to the religious strife of the seventeenth century nor to the Jacobite risings, but the volume contains much of interest and value for the student of the social history of Scotland.

THEODORA KEITH.

## 286 A List of Works Relating to Scotland

A LIST OF WORKS RELATING TO SCOTLAND. Compiled by George F. Black, Ph.D. 4to. Pp. viii, 1233. The New York Library. 1916.

THE curators of public libraries at home, cramped in their efforts to make their office of greater utility by the lack of cash to carry their ideas into practice, must often regard with wonder and envy the money placed at the disposal of their professional fellows abroad. United States librarians seem to be particularly fortunate in the amplitude of the sums devoted to printing; but a non-librarian may be pardoned for harbouring an occasional doubt whether the use to which these sums are put quite justifies their expenditure.

No doubt on this point will arise in Scotland over the work at present under notice, for its compilation must be of the greatest use to students of Scottish affairs in America, while its bulk is flattering to our country as a begetter of books.

One is spared the necessity of examining the work as a complete bibliography of Scottish literature by the intimation that it only professes to be a list of works relating to Scotland owned by the New York Public Library on December 31, 1914. But the compiler has no illusions about the completeness of the collection. It is far from being complete—the gaps are many and serious. Particularly is this true of local history and genealogy, and of the publications of the early book clubs—the Abbotsford, Bannatyne, Maitland, and Spalding Clubs. As they stand, however, the library's resources form an excellent foundation on which to build up a collection worthy of the country whose influence on the settlement, formation and progress of the United States has been adequately recognised only within recent years.

Dr. Black's enthusiasm for his subject glows with all the perfervidity of the Scot abroad—he is, we believe, a West of Scotland man; and indeed, neither the Scot abroad nor the Scot at home can help being fired by the lists of names on Dr. Black's roll of Scots to whom the world has been indebted in literature, history, philosophy, science, art, and commerce. Only a burning enthusiasm could have carried him through the labour of compiling a work in bibliography extending to over 1200 pages, and have inspired the high quality of the work throughout. Titles, descriptions, annotations and shelf marks, with a fairly exhaustive index, make the work of the highest reference value. That Dr. Black may soon have more work of the same character to undertake by the growing completeness of the collection is a wish which carries with it the most hearty congratulation upon what has already been accomplished.

W. STEWART.

STATE POLICY IN IRISH EDUCATION, A.D. 1536 to 1816, exemplified in documents collected for lectures to post-graduate classes, with an Introduction by the Rev. T. Corcoran, D.Litt., Professor of Education in the National University of Ireland. Dublin: Fallon Bros. Ltd. London: Longmans, Green & Co. 1916. 6s. net.

WE have need for more information regarding Ireland, and Prof. Corcoran has done a service in making accessible important fresh material in the history of her education.

The documents, which form the main part of the book, are drawn from State papers and other public records, publications of the Hist. MSS. Comm., the 'Hogan Transcripts,' local histories, and pamphlets. Though dealing primarily with political-religious elements, the compilation has much incidental matter for the student of the social order, especially if a wider historical horizon be allowed to lend perspective and render the varying fortunes of Catholic and Protestant educational endeavour and relationship less parochial.

This central problem is never absent, but towards the end of the eighteenth century policy and coercion, distrust and evasion, become less obvious before a growing enlightenment.

A comprehensive account of the development of Irish education is given in the Report of Commission of Inquiry, 1791, first printed in book-form in this publication. It outlines the purposes and methods of the different types of 'English' free schools 'introduced' into Ireland : parish, in 1537 ; diocesan, 1570 ; Royal Free Schools for Ulster, 1608 ; and in the following century, 1733, 'the English Protestant Schools.' It shows the foundation of Trinity College, Dublin, 1592, and the gradual coming of a need and desire for vocational as well as for general training. It indicates what private munificence, such as the Erasmus Smith endowment, has done.

Many problems arise in the mind of the reader. It is a calamity that only through constantly being reminded 'that questions of education in Ireland often have their roots in the past history of the land and its people' can we read between the lines for what counts educationally. It is, however, to education we must look for the realisation of Ireland's future.

Father Corcoran's researches into educational sources need no emphasis. To a valuable task he brings a logical mind, a scholarly thoroughness and enthusiasm, and a gift of clear expression. The plan of this volume will commend itself to students, the indexes and introductory résumé guiding without permitting them 'to dispense themselves from personal work upon the texts.' Having in memory the worth of the author's *Studies in the History of Classical Teaching, Irish and Continental*, 1500-1700, we await with interest the publication of his later volumes on Irish learning and education.

CHARLES CULLEN.

AN INTRODUCTION TO THE HISTORY OF DUMFRIES. By Robert Edgar.  
 Edited, with an introduction and extensive annotations, by R. C. Reid.  
 Pp. iv, 302. With 10 Pedigree Charts. Royal 8vo. Dumfries :  
 J. Maxwell & Sons. 12s. 6d. net.

ROBERT EDGAR was a lawyer in Dumfries, and held the office of Clerk to the Incorporated Trades of the burgh for the forty-five years ending with 1746. He projected a history of these incorporations ; and it was by way of introduction to the work, which he never executed, that he wrote the four chapters which are here published for the first time. These are in themselves a mere fragment, and much more of the nature of partisan criticism of the doings of the burghal rulers of his period than of historical

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narrative. The criticism is envenomed. Edgar detects a motive of personal advantage in every public action of the 'administrators' or 'governors,' as he variously terms them; he attributes to them a 'sordid and coward disposition.' They cannot even encourage the erection of dwelling-houses without being accused of a mercenary design to find a market for building materials of which they are vendors. Both narrative and criticism are often obscure, and the latter is unconvincing in the absence of any clear understanding of the facts on which it proceeds.

Edgar advocates two ambitious schemes: one, that a castle or fort should be erected, on the rising ground adjoining the Moat, in defence of the town; the other, that a University should be founded and endowed.

Mr. Reid has furnished an 'introduction' of his own which, in a few pages, presents a succinct and intelligible survey of the probabilities regarding the origin and early development of the town; and he has utilised the earlier text as a thread on which to string a series of notes, closely packed with information regarding persons, places, and incidents in the burghal history. These embody the fruits of diligent research in the Town Council minutes and other town records and original sources, in addition to careful collation of the published authorities.

A good deal of fresh light is thus thrown on some disputed questions. One of these is the controversy concerning the age and origin of the Old Bridge. Dumfries has been accustomed to pride itself on possession of an architectural relic of the twelfth century, and to ascribe its erection to the Lady Dervorgilla, of pious memory and the 'sweet heart' tradition. Mr. Reid, however, is disposed to believe that the Dervorgilla bridge, if it ever existed, must have been constructed of wood; that the first bridge of stone was built in the first part of the fifteenth century; and that only one arch of the existing structure is as old as 1620. The materials for a judgment are admittedly scanty and inconclusive.

The trade of the burgh in the sixteenth century, smuggling practices, Acts of Council regulating workmen's hours and wages, the origin of the burgh's 'common good,' the ecclesiastical establishment of St. Michael's prior to the Reformation, are among other interesting topics dealt with. And we learn from an entry in the Council minutes of 1749 that 'the ancient and royal game' was then established in the south of Scotland; for in that year liberty was given to certain gentlemen to play at 'goaff' on the lower Kingholm, which was at that time, as it again became, a place of public resort and recreation.

Embodied in the volume are pedigree charts of ten families which figure prominently in the early history of the burgh.

In a notice of writers on the history of Dumfries, Mr. Reid attaches exaggerated importance to a short and incomplete series of papers contributed by William Bennet to the short-lived *Dumfries Magazine*, and he is in error in stating that M'Dowall, author of the standard history of the town, makes no reference to or acknowledgment of Bennet's work.

It is intended that this volume should form the first of a series to be published under the general title of *Records of the Western Marches*, and announcement is made that the second volume will embody a calendar of

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the charter chest of an old Dumfriesshire family from 1390 to 1660. This is useful work undertaken under the auspices of the Dumfriesshire and Galloway Natural History and Antiquarian Society.

W. DICKIE.

A HISTORICAL GEOGRAPHY OF THE BRITISH DEPENDENCIES. Vol. VII. India. Part I. History to the end of the East India Company. By P. E. Roberts. Pp. iv, 415. With 9 Maps. Oxford: University Press. 1916. 6s. 6d.

THE period covered in this book is so long and needs such careful arrangement of historical facts that we must congratulate the author on his success. In addition to making the history a very complete account of the existence of the East India Company, which, 'founded by a little body of pioneer traders in the reign of Queen Elizabeth, under whom our Colonial dominions had their small beginnings, ended its career in the time of Queen Victoria, under whom grew up the British Empire of to-day,' the author, by his excellent style, has written a historical work of the first rank which it is a pleasure to read. Always carefully fair, he sees but does not magnify the faults of the great rulers, like Clive and Warren Hastings, and after these, he enumerates as the greatest Governors-General the famous names of Lord Wellesley and Lord Dalhousie. The beginnings of the East India Company are particularly well sketched, and the trials the factors had to endure through misunderstandings, want of support at home, and their long exile in a hot country can be read all through this story. It seems extraordinary that the Company grew and prospered so well, considering its early rivals and the haphazard character of its government, policy and growth. The geography of India will be given us in another volume, of which this is a welcome forerunner.

A. FRANCIS STEUART.

THE ANCIENT CROSS SHAFTS AT BEWCASTLE AND RUTHWELL. By the Right Rev. G. F. Browne. Pp. xii, 92. With three Photogravures and twenty-three Illustrations. 4to. Cambridge: The University Press. 1916. 7s. 6d. net.

ENLARGED from the Rede Lecture, which was delivered at Cambridge in May last, this monograph by Dr. Browne, quondam Bishop of Stepney and of Bristol, is a return after many years to a theme which has held its fascination for him since 1884, when he maintained in the *Magazine of Art* that the Ruthwell cross dated from the time of St. Wilfrid. In 1888 it gave him the subject for his inaugural lecture as Disney Professor of Archaeology, and he has touched the matter incidentally more than once since then. Meanwhile, other contributions to the problem have made it a controversy. Professor Albert S. Cook published two books in 1912 and 1914 assigning the twin crosses to the monastic epoch of King David I., and in the latter year was issued the Rev. Dr. James King Hewison's volume, in which he ascribed these 'Runic Roods' to the influence of St. Dunstan and to the tenth century. These two latter writers, far apart as they were in the dates they chose, at least concurred in attacking the older

view that the two pillars or cross shafts, with their Anglo-Saxon runes, belonged to the end of the seventh century, and were products of the great age of St. Cuthbert and the Venerable Bede and of the 'fervour of Northumbria,' as Dr. Browne finely styles the triumphant movement of Christianity and culture from Cuthbert to Alcuin of York.

It is not wholly the fervour of a Dumfriesian or a native of Ruthwell that visualizes the controversy as chiefly waged about the Ruthwell cross, with its rune poem of the rood, almost romantically transliterated by J. M. Kemble in 1840, and found in 1842 to tally with an ancient Anglo-Saxon text in the Vercelli codex first brought to light ten years before. The witness of Symeon of Durham early in the twelfth century is distinct, that just such memorials, stone crosses graven with ornament and inscribed, were still extant, 'standing sublime' in memory of eighth century Northumbrian saints. On this rock is built the argument of which Dr. Browne is, after thirty-two years, the insistent maintainer, learned in all the literature and archaeology of the problem, and supported by comrade archaeologists like Professor Baldwin Brown. Difficulties not a few, however, withstand certitude, and particular considerations urged by Hewison and Cook for a later age would probably have overborne the more general basis for the earlier date, had there been adduced any real proof that in the tenth or twelfth century the art of such crosses was still prevalent, whether on record as among the triumphs of early Norman monasticism or evinced and paralleled by examples from architectural foundations sufficiently late. The turning point must be found in the existence of analogous workmanship of a date and provenance to settle the art character, the decorative style, the sculptural themes, and the period.

The fact is a truism, that the art is exotic and the execution either not native at all, or, if native, so absolutely a Roman tradition that the craftsman following it could only by courtesy be reckoned a native artist. This simplifies the whole problem, and makes finality of opinion possible the moment adequate parallel is shown to the wonderful repose of that spiral interlacing tracery, to its assured self-possession and mastery on the runic sides, and to the clearly defined and dignified sculptural conventions and lettering of its Latin sides.

The cross at Ruthwell seems to cry out from its whole sculptural characteristics that it is an end much more than a beginning; its calm and easy grace can hardly be imagined as possible save as the maturity of a high tradition, such, for example, as the Roman sculptor-masons brought over to England in the seventh and eighth centuries could alone exemplify. That ease of technique, that type of inscription, and that stereotype of human form and garment unite in pointing inevitably to Romano-Byzantine sources.

It is here that at last there is brought forward concrete evidence of the first order. The ivory chair of Maximianus, Bishop of Ravenna, is indeed a magnificent *pièce justificative*, adduced to determine along with its own date, viz. Maximian's tenure of the see between A.D. 546 and A.D. 556, almost everything necessary to establish the art, both of the Bewcastle and the Ruthwell cross shafts as direct sequels indistinguishably related in stone

to the tradition and model exhibited in the ivory *cathedra* of Ravenna. Such a proposition, however, would have lacked an essential foundation so long as it remained seriously problematical whether the monogram on the chair was that of Maximian. It is matter of ancient record that in the year 1001 a certain ivory *sedile* was a diplomatic present made by the Doge of Venice to Otto III., who made an imperial gift of it to Ravenna. An ivory *sedile* which on the very face of it showed itself the chair of Maximian might well be an appropriate gift to Ravenna, and worthy of an emperor. But until quite recently there was room to gainsay the inference that this was the chair; there was no proof to associate the chair definitely with Ravenna. Archaeology, however, has a way of keeping its vouchers for production in due time. In the autumn of 1915, in the removal of some marble rubbish from the archiepiscopal palace at Ravenna, there turned up a *pulvino* of Greek marble, bearing a monogram almost absolutely identical with the monogram on the chair. No link of evidence could have been more cogent. A critic who reveres many memories around the Ruthwell Cross and who cherishes many friendships on both sides of the long argument, must simply and gratefully own that to him the proofs offered by Dr. Browne appear convincing and complete. Three magnificent photogravures of the chair and over twenty excellent renderings of the crosses and of certain cognate monuments give a beautiful equipment to the thesis.

GEO. NEILSON.

MACKINTOSH FAMILIES IN GLENSHEE AND GLENISLA. By A. M. Mackintosh. Pp. iv, 86. Demy 8vo. Printed for the Author by George Bain, Nairn. 1916. 6s. 6d. net.

THIS is of the nature of a supplement to *The Mackintoshes and Clan Chattan*, and is the work of a painstaking and accurate family historian. He deals with the Mackintoshes of Dalmunzie, who called themselves MacRichie up to the beginning of the seventeenth century and even later; the Mackintoshes of Ballachraggan, an offshoot of the above; the Mackintoshes of Craigton in the Stormont, who may also have been cadets of Dalmunzie; the Mackintoshes of Fenegend in Glenshee and Forter in Glenisla, who were originally MacThomies or MacComies; and the Mackintoshes of Laws, whose original patronymic was MacInlie.

It is not easy to account for these families having assumed the name of Mackintosh, as there is no direct proof that they were actually connected with the Clan Chattan, but the author is of opinion that there are some grounds for referring them originally to that parent stock. On the other hand, as the name Mackintosh merely means sons of the 'Toiseach,' thane, chamberlain, or seneschal, it is possible that the name in their case only indicates descent from some local officers of the kind above mentioned.

However they may have subsequently attained the name of Mackintosh we find Robert MacRichie of Dalmunzie mentioned in the *Privy Council Records* so early as 1584. His son Duncan is noticed at the same time with the 'tee' name 'Cattanach.' Duncan's grandson is in 1641 styled Robert Mackintosh *alias* M'Ritchie, and from his time onwards the

family seems to have been known by the name of Mackintosh only. Two of their members attained to somewhat eminent positions: Lachlan, minister successively of Dunning and Errol, was Moderator of the General Assembly in 1736, and refused re-appointment for a second term of office. In connection with his wife, Margaret Murray, daughter of the minister of Trinity-Gask, the author states that she was a granddaughter of Bishop Freebairn of Edinburgh, but this is impossible. The minister of Trinity-Gask married Jean Jarden, and their daughter Margaret must have married the Rev. Lachlan Mackintosh before 1717, the date of the birth of their eldest recorded child. But Bishop Freebairn only married in 1699, and would not therefore have a granddaughter who was beginning to bear children in 1717. Lachlan's son Robert was called to the Scottish Bar in 1751, and attained distinction as the junior counsel for the defence in the famous trial of James Stewart of Aucharn, for being accessory to the supposed murder of Colin Campbell of Glenure. Robert was in the fair way of attaining a name and position both in politics and law, but had constitutional faults of temperament which nullified his undoubtedly great abilities. He ultimately got into financial difficulties, his lands were sold, and he died, an old and disappointed man, in 1805.

John Mackintosh of Forter is another outstanding man whose history is detailed in this volume. He had a busy and eventful career so far as he himself was concerned, though the incidents thereof are not of much public interest. He also died a disappointed and impoverished man.

This is a book which will be indispensable to the investigator into Mackintosh family history: it belongs to a class of works which deserves every encouragement, for to the serious student it is more important to have the history of even small families given in detail than to have a more generalised and 'popular' account of a wide-spread race. Much patient and laborious work has been put into this little volume, and it will sustain the reputation of the author as a very competent genealogist.

JAMES BALFOUR PAUL.

ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND. Edited by Sir James Balfour Paul. Vol. XI. A.D. 1559-1566. Pp. lxxx, 683. 8vo. Edinburgh: H.M. Stationery Office. 1916. 10s.

THESE royal accounts had in volume x. (reviewed *S.H.R.* xi. 436) been brought down almost to the close of the dowager-queen's regency and life; volume xi. may be said to open with her death and to close with the birth of James VI. It registers the young Queen Mary's return from France, and gives the finance of her half-dozen years of sovereignty before the troubled comedy was ended and the tragedy began. The editor refrains from moralising on the fates of which these years were the prelude, but he has found relief in a fling at the prince as an 'infant whose destiny was so great and whose person was so contemptible.' The saying is rather hard.

The Lyon King has made a few significant items in the accounts serve as annals of the queen's reign, so that its character and its episodes alike reveal themselves, whether in such movements as reached their head at Corrichie, or such apparently casual facts as the furtive and brief return of

Bothwell in 1565. The editorial centre of observation is social rather than political: the personages and costumes of the court are touched in to the sketch; and the general personal current of the queen's life is presented in an attractive light. Political problems are just hinted at, such as the proclamation issued eight days after Mary's arrival, charging the lieges 'to mak na alteratioun in the religioun uthir nor wes at the arrivale of our Soverane Ladeis hamecuming.' Perhaps it might have been pointed out with what almost fervid earnestness in his letter of 10th June, 1561 (*S.H.R.* ii. 161), Moray warned his sister: 'Abuiff all things, madame, for the luif of God presse na maters of religion not for ony man's advise on the earth.' The sincerity of this remarkable letter has been impugned without convincing everybody that the counsel given was not as honest as it was wise. The proclamation almost suggests that the letter had convinced Mary of its wisdom too. We could have wished to have an examination of the financial position of the Crown on Mary's accession, the more so, since unfortunately 'the exigencies of public affairs' have stopped further volumes meantime, and Sir James with regret is laying down a task which he has fulfilled with care and distinction. Changes are obvious enough even in the frame of the accounts as compared with what Dr. Thomas Dickson of genial memory had to deal with when he started the publication forty years ago. Now, however, as then, the interest is greatest on the expenditure side, with its medley of royal outlays on clothes, furniture, messengers, missions, and gifts to courtiers and ambassadors. An odd sidelight on fashion comes out in the editor's remark about the queen's dresses: 'It is but rarely that Mary got any frocks: she evidently distrusted the Edinburgh dressmakers of the day.' Domestic interest is always of details. Public interest often centres on historical possibilities, such as the consideration of what might have happened if Mary's projected visit to Elizabeth (for which the Scottish nobles were summoned to be the escort) in 1562 had been accomplished. General administrative interest emerges everywhere in the accounts. A pirate ship, called 'the Andro,' appears off the mouth of the Solway: 'being ane sea theif,' a mandate was issued for its seizure; but the entry in the index that the arrest was actually made is hardly warranted by the passage (p. 236) referred to. An escheat of a suicide's goods (p. 139) is a rare example of an exchequer law once widely prevalent. Letters of legitimation occupy a considerable place in the income. The main sources of revenue, however, were (1) the crown confirmation of charters, among which those of monastic feus were prominent, and (2) escheats, fines and compositions for crimes, etc. Several special accounts concern artillery, but the old order still lived on, as seen in a payment (p. 405) to a 'bowar' (or bowmaker) 'for foure dosane of arrowis.' Aitchison, mintmaster of the time, gave (doubtless by no virtue of his own) his name to a coin (cf. *S.H.R.* v. 220). The border fort of Annan, first a steeple and then a tower, has more than once had a bearing upon these accounts (cf. *S.H.R.* ix. 320, xi. 437); it now appears (p. 59) as military headquarters for horse, foot and guns to keep the West March. Sir James Balfour Paul, whether he has ended, or only suspended, his always interesting editorship, has won the gratitude of all who need to consult these accounts.

## 294 The Book of the Old Edinburgh Club

THE BOOK OF THE OLD EDINBURGH CLUB. Eighth Volume. 4to. Pp. xii, 218-30. With 28 Illustrations. Edinburgh: Printed by T. & A. Constable, for the Members of the Club. 1916.

THE Old Edinburgh Club devoted its previous volume to a study of the Holyrood Ordinals; the recent volume reverts to the former practice of presenting to the members a variety of papers on Edinburgh places and people. Throughout, the Club has been fortunate in enlisting the support of authors whose contributions give a real value to the volume as historical and archaeological records, and in the present issue the illustrations are unusually successful. With one exception these have reference to the Magdalen Chapel, Cowgate, which they illustrate with a clearness and excellence and with a regard to pictorial effect that add materially to their value and interest.

Dr. Thomas Ross and Professor Baldwin Brown are jointly responsible for the opening paper on *The Magdalen Chapel*—a pre-Reformation building intimately associated with the Guild life of Edinburgh, and for about three hundred years in possession of the Hammermen's Incorporation, who used it as their meeting place. The paper gives a full account of the architecture and of the details of the building, and also valuable historical information in the additional light thrown on the Confirmation Charter of 1547.

Mr. R. K. Hannay contributes *The Visitation of the College of Edinburgh in 1690*, in which he continues his studies of Scottish University Life in olden times. It is as racy and as illuminating as Mr. Hannay's *Visitation of St. Andrews University in 1690*, contributed two years ago to the pages of this *Review*. Of Professor David Gregory, the Professor of Mathematics, it is recorded 'his method is to demonstrat a propositione once and againe, and enqyres if the boys understand it; and they for shames saik must say yes, and then there is no more of it.'

The remaining articles in this volume are: *John Wesley in Edinburgh*, by Mr. Foster Gray, a further instalment of Extracts by Mr. Fairley from the *Original Records of the Old Tolbooth*, and a few transcripts with reference to the Regalia of Scotland, to which Mr. Moir Bryce has added an explanatory note. Dr. W. B. Blaikie's *The Defence of Edinburgh in 1745*, which had been looked forward to as likely to appear in this volume, is postponed.

The Old Edinburgh Club is to be congratulated on its vitality, and on the value of its annual contributions to Scottish history.

ANCIENT TIMES: A HISTORY OF THE EARLY WORLD. An Introduction to the Study of Ancient History and the Career of Early Man. By James Henry Breasted. Pp. xx, 742. With Illustrations and Maps. Crown 8vo. London: Ginn & Co. 1916. 6s. 6d. net.

MEDIEVAL AND MODERN TIMES. An Introduction to the History of Western Europe from the Dissolution of the Roman Empire to 1914. By James Harvey Robinson, Ph.D. Pp. x, 777. With Illustrations and Maps. Crown 8vo. London: Ginn & Co. 1916. 6s. 6d. net.

It is impossible to criticise these beautifully and profusely illustrated books in a short space. It must be sufficient to say that they are designed to be

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simple enough for first-year high school work, and they are admirably planned. In the first of the two, Professor Breasted commences with early mankind in Europe, then reviews the Orient from Egypt, to Medo-Persia and Palestine, and ends with the Greek and Roman Empires and the triumph of the Barbarians, a huge epoch to cover. Professor Robinson in the second begins with the Destruction of the Roman Empire and continues his preliminary work on the history of Western Europe as far as the beginning of the World-War of 1914. The style of both books is above praise, and the appositeness of the illustrations, as well as their artistic reproduction, cannot be too highly extolled.

BRITISH COLONIAL POLICY. 1783-1915. By C. H. Currey, M.A. Pp. 266. Fcap. 8vo. Oxford: University Press. 1916. 2s. 6d.

In this short book the author divides his subject into three periods: (1) 'The Period of Centralization,' which in Charles Buller's phrase was 'the rule of Mrs. Mother Country,' and included the racial troubles in Canada and South Africa, and the social grievances in Australia. (2) 'The Policy of Devolution,' which began with the ideas and ideals of Edward Gibbon, Wakefield, and a few other colonial enthusiasts, and was forced very gradually upon the Home Government, which went on as usual in the haphazard way dear to the British spirit of go-as-you-please compromise until the principle of autonomy was finally recognised. (3) 'The Policy of Co-operation,' which is in being at present and may have greater developments. It is a well written book, and one which should be read by every student of the history of Greater Britain.

CHRISTIANITY AND NATIONALISM IN THE LATER ROMAN EMPIRE. By E. L. Woodward, M.A. Pp. vii, 106. Demy 8vo. London: Longmans, Green & Co. 1916. 3s. 6d. net.

SHORT though it is we have here an admirably written study of a difficult subject. The author traces the various 'movements' in the early Church, such as the Donatist, the Catholic, and the Arian, and shows how each and all were affected by national feelings and to some extent were the expression of national aspirations, and 'it is probable that the strife would have been less bitter had the instruments been less dangerous.' It is a very fascinating book.

ENGLAND'S FIRST GREAT WAR MINISTER. By Ernest Law. Pp. xxvi, 273. With Five Illustrations. Demy 8vo. London: George Bell & Sons Ltd. 1916. 6s. net.

THE author has written this book with one eye on 1513 and the other on 1916, and the result is not very satisfactory. His style is ultra popular and not very well suited for his subject, but the book has a certain value in placing Cardinal Wolsey's career as a great Minister of War before us. When holding only the position of King's almoner it fell to him to raise an army and fit it out for Artois and Flanders, and in spite of almost insuperable difficulties it was done. Stress is laid in this book on the rigid adherence by King Henry VIII. to the laws of chivalry, in contrast to Froissart's verdict on the contemporary Germans, 'ce sont gens sans pitié et sans honneur.'

A SHORT HISTORY OF AUSTRALIA. By Ernest Scott. Pp. xx, 363. With 24 Maps. Crown 8vo. Oxford: Humphrey Milford, University Press. 1916. 3s. 6d.

NOT only is this a satisfactory short historical sketch, but it contains some useful bibliographical notes on Australia. It brings the history down to the Commonwealth and to the glorious deeds at Anzac. In the last chapter, 'Imperial Relations,' there is a short review of Australian literature, which is welcome.

*The Eighteenth Century*, by W. P. Ker (pp. 15), being his address as President in 1915 of the English Association, is a glowing word in season for a heroic age, as great in literature as in art. Fitly in the middle of it is the 'wonderful year' (1759) sung of in *Hearts of Oak*. Professor Ker has a genius for sympathy. Swift, Pope, Addison, Johnson, Gibbon, Burns, and many between, he toasts them all, and finds each a right good excuse for the glass.

It is heartsome to be shown so many convincing and new reasons for the old admiration with which some of us, half a century ago, were adventuring into criticism.

*Hitherto Unprinted Manuscripts of the Middle English 'Ipotis,'* by Josephine D. Sutton. Reprinted from the *Publications of the Modern Language Association of America*, 1916. This text-study prints four versions for the first time, and one Bodleian fragment (Rawl. Q. b4, fol. 90) dates, in the opinion of Mr. F. Madan, early in the fourteenth century, to which period accordingly the composition is pushed back. The essay is a most creditable bit of collation, and the fresh readings materially assist interpretation. A certain archaism in the little poem tempts one to throw back the origin almost half a century more.

In the new number of the *Proceedings of the Royal Irish Academy* (vol. xxxiii, Section C, No. 12), Mr. Westropp continues his survey of the Ancient Forts of Ireland, the present contribution being the second instalment 'on certain typical earthworks and ring-walls in County Limerick.' In addition to a descriptive account of their archaeological features, the author has given all the available references to them in legend and record. It is premature to forecast Mr. Westropp's final opinion on the period or periods to which the field phenomena of Ireland belong, but we certainly agree with him in supposing that the rectangular fort at Ballygillane 'is very probably of Norman origin,' if not much later. There is an archaeological map of the district with several ground-plans and photographic reproductions of the principal forts.

In the *English Historical Review* (Jan.) Professor C. H. Firth surveys 'Modern History in Oxford, 1724-1841.' Camden in 1622 founded a Chair of Ancient History. The Chair for Modern History was founded on the advice of Bishop Edmund Gibson (editor of Camden's *Britannic*) in 1724. A distinguished occupant was Spence of the *Anecdotes*; a disappointed candidate was Warton, historian of English poetry.

Mr. Malcolm Letts writes an exposition of the 'Hodoporicon' or 'Wanderbush' of a very odd character 'Johannes Butzbach, a wandering scholar of the Fifteenth Century.' Born about 1478 Butzbach, after his journeys from his native Miltenberg to Nuremberg, Prague, and in the Rhineland, found the resting-place of his heart among the Benedictines of Laach, where his book was written. He died in 1526. Mr. E. R. Adair discusses the Statute of Proclamations passed in 1539, for what object the critics are not agreed. Mr. Adair concludes against a supposed purpose of giving proclamations the force of law. Mr. A. G. Little returns to the Lanercost Chronicle with a suggestion to identify Friar Richard of Slickburn with Friar Richard of Durham as possible author of the part of the chronicle ending in 1297. Mr. W. E. Lunt edits an extensive series of writs on the Papal Tenth levied on the British Isles from 1274 to 1280. Among them is a *Ratio Decimarum Regni Scotie* by no less famous a person than Baiamund, whose roll of the returns from the bishoprics of Scotland in 1287 well deserved study along with the various reports, etc., on the subject recently dealt with by Professor Tout. Madam Juna Lubimenko edits letters of James I. and Charles I. and II. to the Czars of Russia. Mr. C. E. Fryer discusses the royal veto under Charles II.

In the January issue of *History*, our latest and most life-like contemporary, formal debate is started against the editor's views on the 'mode of becoming' to be desired in the Making of an Imperial Parliament. Is that consummation to arrive by 'growth' or by 'manufacture'? Professor Ramsay Muir and Mr. D. O. Malcolm are emphatic in thinking that Professor Pollard's caution against premature organic federation has carried him too far.

In the *Revue Historique* (Nov.-Dec.) M. Babut traces the history of the ceremony of 'adoration' of the Roman emperors (especially in the army) from its institution by Diocletian, bringing out the gradual development of hostility among the Christians, large numbers of whom declined to serve in the army on that account. The ceremony thus led directly to the persecutions. M. Bémont's concluding section of his paper on municipal institutions of Bordeaux has, almost crowded into it, a mass of burghal particulars on the offices, populace, administration, crimes, oaths of mayors and jurats, and the popular rights of the community down to the fifteenth century. Of special Scottish interest are the provisions whereby burghership could be claimed by a stranger, free or unfree, after a residence of a year and day in the city. In the study of the relative functions of the Jurade (mayor and jurats) the Trente (an inner elective council of thirty) and the Trois cents (a body at first charged with the general police functions, latterly consultative and occasional only), much new light is thrown on the life of an essentially self-governing French city under English dominion for two and a half centuries.

Several very important reviews are in this number. One discusses the evolution of *pelleterie* and the history of skin and fur for garments. Another appreciates M. Bréhier's propositions now in volume form on Reims

Cathedral (see *S.H.R.* xiv, 191). An extremely interesting critique of books on Napoleon tends to discard all other theories of his failure at Waterloo in favour of the view that he had come to reckon himself invincible. *Le mot de l'enigme est, Orgueil*. A specially valuable notice occupying six pages estimates M. Renaudet's important thesis on *Préréforme et humanisme*, 1494-1517, and debates with some detachment the relationship of Humanism and the Reformation. *Sont-ils bien connexes?* is his question, and we seem rather to wait for the answer.

The January number of the *Revue Historique* opens with the first instalment of a study by M. Lucien Romier on 'Les protestants français à la veille des guerres civiles.' Readers of M. Romier's *Les origines politiques des guerres de religion*, the two volumes of which were favourably noticed in our pages when they appeared, will welcome this indication that the learned author is continuing his work in a field in which he has already proved his competence. In the present article he gives a résumé of the position of the Reform movement in the different regions of France from north to south, and concludes that the estimate which Coligny made in 1561 of 2150 protestant congregations existing throughout the country may be accepted. He attributes the growth of the movement entirely to the abuses and corruption of the Church, though economic, fiscal, and humanist influences cannot be altogether ignored. Its negative character resulted in its subjection for political purposes to a section of the nobility and the continual quarrels among the pastors weakened it as an ecclesiastical organisation.

In the first number of a series of critical studies on the history of Charlemagne, M. Louis Halphen deals with the composition of the *Annales royales*, with special reference to the theories of Kurze. He takes the view that the minor monastic annals of the period are not the sources but rather clumsy summaries of the *Annales royales* which may be regarded as a contemporary document written at first hand over a period of years. M. Vander Linden deals with 'Les Normands à Louvain' during the period 884-892, and indicates the real causes of their departure, with special reference to the claims of German historians, who have treated it as a Teutonic triumph.

The *Bulletin Historique* contains a detailed estimate of recent studies of the Revolution, including an appreciative notice of Miss Bradley's *Life of Barnave*. Among the reviews may be noted a somewhat critical notice of the third volume of Mgr. Duchesne's *Fastes Episcopaux*, and an appreciation of the fourth volume of the *Histoire des doctrines cosmologiques* of Pierre Duhem, whose recent death robbed Europe of the most distinguished Catholic scholar of our generation. It affords some consolation to students to learn that the posthumous issue of a number of unpublished works is anticipated. Much space is given to notices of books on the war, some of them of an ephemeral character, but the editors probably aim at the provision of a critical bibliography for the student of future generations. The number closes with the usual exhaustive summary of historical periodicals.

## Communications

BARBOUR'S 'BRUCE': TWO ERRORS? Barbour's *Bruce* maintains, as it ought, its place of attraction and importance both as literature and as history. Recently (*S.H.R.* xiii. 307, 424) the Rev. J. F. Leishman proposed to set up the authority of Barbour against that of the Great Seal as to the presence of King Robert at Berwick on 16th July, 1328, the day before the marriage, in that city, of the future David II. The suggestion that when in doubt the great seal should give way to Barbour opens up wonderful possibilities of historic doubt. Most students of chronology will prefer to follow the older light. Mr. Leishman apparently is unaware that Barbour (whose general accuracy has had few more convinced supporters than the present critic) was clearly in error about Bruce being bedfast at Cardross from before the marriage (17th July, 1328) till his death (7th June, 1329). The evidence is to be found in the series of charters referred to in the *Scottish Antiquary*, 1898, vol. xiii. 48-54; 1899, vol. xiv. 25-26, some of which are now duly placed in the new edition of the *Great Seal Register*, vol. for 1306-1424, edited by Dr. Maitland Thomson (1912), pp. 477, 478. These show that Bruce made a journey of pilgrimage to Whithorn in March-April, 1329: they will perhaps satisfy Mr. Leishman that his note scarcely appreciates the force of the criticism he has assailed.

Another and much discussed Barbour point is brought up once more by Professor W. H. Schofield, of Harvard University. He has reprinted from the *Publications of the Modern Language Association of America* (vol. xxxi.) his paper on *The Chief Historical Error in Barbour's 'Bruce.'* In the errant line (book I, line 478) 'Thys lord the Brwyss I spak of ayr'—he proposes to read the last word as meaning heir. This forced construction will never do. The poet was committed to the blunder by line 67, which made the competitor Earl of Carrick, which he was not.<sup>1</sup> The question is far broader: it involves the problem of Barbour's source or sources. To the present writer it has long seemed essentially probable that Barbour's wonderful poem was built upon a contemporary chronicle, whether in Latin or French, perhaps a metrical history or *chanson de geste* written at the time. Jehan le Bel, it must be remembered, cited a '*hystoire faite par le dit roy Robert*' himself (*Vraies Chroniques de Messire Jehan le Bel*, ed. Polain, 1863, vol. i. p. 106), in which was contained the story of the bloodhound pursuit of the king by the English. The historical problem is to account for the

<sup>1</sup> Besides he had also already referred to Bruce in the same locution when (concerning Balliol and Bruce) in line 75 he wrote—'Off thir twa that I tauld of ar.'

extraordinary accuracy of Barbour about names—an accuracy which some of his admirers reckon impossible to a compiler of remote facts in 1375-76, unless he were extensively following a full contemporaneous narrative. Such records by laymen as well as clerics were abundant in that century. Instances are the rimed *Vœux de l'Epervier*, telling of the Emperor Henry VII.'s expedition to Rome in 1307-1313; Pierre de Langtoft's *Chronicle*, so far as relating to the Scottish wars of Edward I.; Jehan le Bel's prose story of his own part in the North English campaign of 1327 in chapters vii. to xiii. of his chronicle, and Chandos Herald's *Black Prince*. A foreshortened summary of events introductory to the main action is apt to leave room for the possibility of blunder such as, grateful but unconvinced, one watches Professor Schofield's endeavour to explain away.

G. N.

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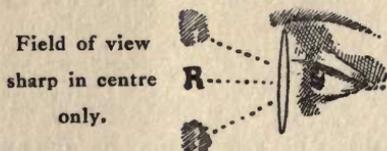
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# The Scottish Historical Review

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## Duel between Sir George Ramsay and Captain Macrae

CLEARING some old papers out of a closet the other day I came upon a packet endorsed 'Duel between Sir George Ramsay and Mr. Macrae.' The contents furnished a solution to something I had puzzled over without success, namely, whether Sir George Ramsay had as his second in the said duel my paternal great-grandfather Sir William Maxwell, 4th baronet of Monreith, or his contemporary my maternal great-grandfather Sir William Maxwell, 3rd baronet of Springkell. There is a detailed account of the duel, and of the circumstances which led to it, in the *Scots Magazine* for 1790, drawn up by the friends of both parties, but containing no indication as to which Sir William Maxwell acted as Sir George's 'friend.'<sup>1</sup> I applied to that erudite historian, the present Sir James Ramsay, 10th baronet of Bamff and grand-nephew of Sir George; but he could not give me the information I sought. It was, therefore, with some satisfaction that I found it had lain unsuspected in my own possession all the time. The narrative illustrates so vividly the manners of fashionable society in Edinburgh little more than a hundred years ago that it may contain some interest for readers in the present generation. Moreover, it seems no more than fair to the memory of Sir George Ramsay to place on record a plain statement of the facts, whence it may appear who was the aggressor in this bloody affair.

<sup>1</sup> The rough draft of the report sent to the *Scots Magazine* is among the papers in the above-mentioned packet.

Towards the close of the seventeenth century there lived in Ayr a 'violer' or musician named Hew M'Quyre or Macguire, who, being of benevolent disposition, befriended one James Macrae, the son of extremely poor parents in the same town, and provided him with education. Macrae went to sea in 1692, entered the East India Company's service, rose to be Governor of Fort St. David, and in 1725 was appointed Governor of the Presidency of Madras. Now in those days India lay a long way distant from Downing Street; the governorship of a Presidency was far from being merely an administrative office and honourable distinction; those who were fortunate enough to obtain such a post seldom failed to enrich themselves by means which probably would not stand scrutiny in our austere age. Anyhow, Governor Macrae returned to his native Ayrshire in 1731, having amassed a pretty capital of £100,000 in specie and diamonds, which he invested in landed estate and took up his abode at Orangefield, nice and handy for Prestwick links. None of his own kith or kin could be found, so the nabob, being a bachelor, sought out and adopted the five grandchildren of his old benefactor, Macguire the fiddler of Ayr. He had them well educated and, at his death in 1744, left to the eldest of them, James, the barony of Houston in Renfrewshire, on condition that he took the name of Macrae.<sup>1</sup> The new laird of Houston begot a son, of whom we have now to take account as one of the principals in this duel.

In 1790 Captain Macrae (alternately styled James Macrae of Holmains, Esq.) lived during the Edinburgh season at Marionville near Restalrig Kirk. Here, being a handsome young fellow of fortune and the *ton*, with a clever and pretty wife, many fashionable folk accepted his frequent invitations to amateur theatricals and other forms of entertainment. Others, however, among them, as will appear in the sequel, Sir George Ramsay, fought rather shy of Marionville, for Macrae had earned the reputation of a dangerous duellist. He was known to be a deadly shot, practising constantly at a barber's block in his garden.

On the night of 7th April, 1790, Macrae attended a performance at the Theatre Royal. When the play was over he

<sup>1</sup>Three of the fiddler's grandchildren were girls: the eldest, Elizabeth, married the 13th Earl of Glencairn and received from Macrae as tocher the barony of Ochiltree in Ayrshire; the second, Margaret, married the Judge, Erskine Lord Alva, and the third married Charles Dalrymple, Sheriff of Ayr, who became owner of Orangefield through his wife on Macrae's death.

went out to secure a chair and got into altercation with Lady Ramsay's footman, who was there on a similar errand. The footman seems to have expressed himself somewhat freely; anyhow Macrae considered that he had been insulted and gave the man a severe thrashing. Next morning Captain Macrae met Sir George Ramsay by chance on the street and told him that he was just on his way to call upon him to express regret for having been obliged to correct his—Sir George's—servant at the Playhouse on the previous night. Sir George replied that the man had been but a short time with him, and that, as he was Lady Ramsay's footman, he did not feel concerned in the matter. Macrae then said he would go and tender an apology to Lady Ramsay, and did so.

It was quite according to the spirit of the time that the matter was considered at an end, for nobody seems to have considered the footman's feelings. But strange and novel notions were afloat. Burns had not yet penned the defiant lines about rank and the guinea stamp, but it was nine months since the Paris mob had levelled the Bastille. On Monday, 12th April, a summons was served on Captain Macrae to answer a charge of assault on the person of James Merry, footman to Lady Ramsay.

Now, although the gallant captain (in what corps does not appear) was the great-grandson of a fiddler in Ayr and beneficiary of an Indian nabob, he was imbued with very aristocratic principles. Nothing could be further from his social creed than that a man—a footman! was 'a man for a' that.' So he sat down and wrote as follows to Sir George Ramsay:

MARIONVILLE,  
Tuesday.

SIR,

I received last night a summons at the instance of James Merry your Servant, whose insolent behaviour to me at the Theatre on Wednesday I was obliged to punish very severely, which was the reason for my not insisting on your turning him off. But as he has chosen to prosecute me, I must now insist that you shall immediately turn him off. As to his being Lady Ramsay's footman, it is of no consequence to me. I consider you as the master of your family, and expect that what I have now demanded shall be complied with by you.

I am, SIR,

Your humble Serv<sup>t</sup>

JA. MACRAE.

SIR GEORGE RAMSAY, BART.  
St Andrew Square.

Sir Herbert Maxwell, Bart.

To this mandate Sir George Ramsay replied thus;

TUESDAY

 $\frac{1}{2}$  past three.

SIR

I am just now favoured with your letter. I was ignorant that my servant had commenced a prosecution untill your letter informed me. He met with no encouragement from me on the occasion, and I hope, on considering the matter farther, you will not think it incumbent on me to interfere in any respect, especially as the man at present is far from well.

I am, SIR,

Yours obediently

GEORGE RAMSAY.

In the evening of the same day, Macrae sent his friend Mr. Amory in his carriage to deliver the following letter to Sir George:

MARIONVILLE

Tuesday

SIR

I must now once more insist on your servant being turned off; and have in consequence sent my friend, Mr. Amory, to know your final determination. In case you refuse to comply with what I have demanded of you, he will inform you of the opinion I entertain of your conduct.

I am, SIR,

Your humble servant

JAS. MACRAE.

SIR GEORGE RAMSAY BART  
St Andrew Square.

It is incredible that Macrae could expect that Sir George, whose subsequent conduct proves him to have been a man of spirit, would submit to this dictation. Sir George had offended Macrae by repeatedly declining invitations to the festivities at Marionville, and here was an opportunity to fix a quarrel upon him. After reading the letter, Sir George told Mr. Amory that no good reason had been given for turning off Lady Ramsay's footman, and until such had been made to appear, he positively declined to do so. Thereupon Avory delivered the message in writing with which he was charged, namely, that Captain Macrae looked upon Sir George, not as a gentleman, but, on the contrary, as a scoundrel. Sir George replied that further talk was unnecessary, and that nothing remained except to appoint a place of meeting. He requested Mr. Amory to name some coffee-house where they might arrange matters more conveniently than in Sir George's own house. Accordingly, Sir George met Amory that

evening at 9 o'clock in Bayle's coffee-house and was informed that Macrae desired him to come to Ward's, Musselburgh, at noon on the following day. Sir George agreed, and left the house; but Amory followed him and said that he had made a mistake in fixing the place of meeting, for Captain Macrae considered that Sir George was the challenger and therefore had a right to choose time and place. Sir George replied that this did not affect the main point at issue, and that he was willing the appointment should remain as fixed.

That evening, Macrae, understanding that high words had passed between Sir George Ramsay and Mr. Amory, endeavoured to obtain the services of Captain Haig of the 35<sup>th</sup> Regiment as his second. This Haig declined; but agreed to go with Macrae and Amory to the ground, and to use his influence as mediator.

The remaining incidents are set forth as follows in the Declaration of Sir William Maxwell before the Sheriff of Edinburgh. In that declaration only one detail of this deplorable affair seems to be wanting, but it is supplied in another document, namely, that the combatants were posted at a distance of 'about fourteen yards.'

*Declaration by Sir William Maxwell before Sheriff Cockburn.*

*Edinburgh 16 April 1790.*

Which day compeared in presence of the Sheriff of Edinburgh Sir William Maxwell of Monreith, Bart., who being examined and interrogate Declares—

That the Declarant having been indisposed and confined for some time past, Sir George Ramsay was in use of calling frequently upon him. That some time last week, as the Declarant thinks, Sir George Ramsay in one of his calls told the Declarant that one of his Servants had been used very ill and much hurt by Capt. Macrae at the Theatre. That the Declarant understood that the Servant was Lady Ramsay's own footman, and that he had been endeavouring to secure a chair for a Miss Congalton, as he thinks, in whose family he had either served or been a Servant in a family where she lived. That the Declarant told Sir George that perhaps the man might be in the wrong and that the Declarant did not think it was incumbent upon him to take any notice of what had happened. That some time after this Sir George told the Declarant that he had met Capt. Macrae, who had made an apology for what had been done to the Servant, and that he had just come from meeting Mr. Macrae on the Street accidentally, when the said apology was made, and that Capt. Macrae had told Sir George at parting that he would then go to Lady Ramsay to make an apology to her.

Declares—That upon Tuesday last the thirteenth curr<sup>t</sup> Sir George Ramsay called upon the Declarant about two o'clock, as he thinks, &

shewed to the Declarant a Letter dated that Day at Marionville, signed James Macrae, which Letter was directed to Sir George Ramsay & received by him that Day. The said Letter is now produced by the Declarant & subscribed by him and the Sheriff as relative hereto of this date and is marked No. first. That to this Letter Sir George Ramsay wrote an answer in the Declarant's room and in the Declarant's presence, a Copy of which answer holograph of Sir George Ramsay the Declarant now produces, and the same is signed by the Sheriff and the Declarant as relative hereto of this date and marked No. Second.

That between eight and nine o'clock, as he thinks, of the same Day Sir George Ramsay came to the Declarants Lodging & shewed him a second Letter dated Marionville, Tuesday, signed by James Macrae & directed to Sir George Ramsay, which Letter the Declarant was informed by Sir George had been delivered to him by Mr. Amory mentioned in the Letter; which Letter was also signed by the Declarant & Sheriff as relative hereto of this date and marked No. Third.

That after reading this last Letter from Mr. Macrae the Declarant was told by Sir George that he had told Mr. Amory that there had been no good Reason, in his opinion, assigned why he should turn off his Servant, and untill this was made appear, he certainly would not do so; upon which Mr. Amory informed Sir George that the message he had to deliver to him was that Mr. Macrae looked upon him not as a gentleman, but the contrary—a scoundrel.

That Sir George left the Declarant a little before nine o'clock and returned in a short space, informing the Declarant that he had been at Bayle's Tavern and had seen Mr. Amory, and shewed to the Declarant a writing holograph of Mr. Amory, as the Declarant was told by Sir George, from which the Declarant perceived that Sir George Ramsay & Mr. Macrae were to meet at Wards at Mussleburgh the following Day, being Wednesday the 14<sup>th</sup> at 12 o'clock noon: which writing is signed by the Declarant & Sheriff as relative hereto of this Date, and marked No. 4<sup>th</sup>.

Declares that Sir George Ramsay remained with the Declarant for some time after coming from Bayle's, and left him some time before twelve, as he thinks. That Sir George, before his Departure, wrote a Statement of facts of what had occurred between him, Mr. Amory and Capt. Macrae: That this Paper which Sir George told the Declarant was his own writing, was delivered to the Declarant & is now produced by him & signed by the Declarant and Sheriff as relative hereto of this date, and marked No. fifth.

Declares that all the before-mentioned Writings were put in possession of the Declarant by Sir George Ramsay, in order, as Sir George said, in case any accident should happen, it might appear he was not to blame.

Declares—That on Wednesday the 14<sup>th</sup> the Declarant at the request of Sir George Ramsay went with him in a Chaise to Wards at Mussleburgh, where they arrived about half-past eleven, and the Declarant believes that Capt. Macrae, Mr. Amory and Capt. Haig of the 35<sup>th</sup> Regiment were there before them. That the Declarant, a little after his arrival, was called out of the Room by Capt. Haig, with whom having gone into another Room

he found there a Gentleman whom he afterwards found to be Mr. Amory. That after conversing over the Matter the Declarant & the other two Gentlemen agreed that it would be a pity if matters were not accomodated between Sir George Ramsay & Mr. Macrae. That the Declarant, being an acquaintance of Mr. Macrae's, desired Capt. Haig to let Mr. Macrae know that he would wait upon him if it was agreeable, and the Declarant having gone to Mr. Macrae and expressed his Distress at such a Misunderstanding having taken place and used such arguments with him as occurred to the Declarant to satisfy Capt. Macrae that matters ought to go no farther and that he would now see the Propriety of making an apology to Sir George Ramsay for the Treatment it appeared from Macrae's letter and the message delivered by Capt [*sic*] Amory he had given him; that the expression of Scoundrel made use of by Capt. Amory was so shocking to every Gentleman that he was persuaded Mr. Macrae would now see the Impropriety of having used it.

Declares—That Capt. Macrae admitted to the Declarant that he had ordered Mr. Amory to use that Epithet to Sir George Ramsay and appeared to the Declarant in some degree inclined to be convinced by what the Declarant had said, but told the Declarant at the same time that the first step in accomodation was that Sir George Ramsay should turn off his Servant or get the Prosecution stopped. By which the Declarant understood Mr. Macrae to mean that if the Man insisted in the Prosecution Sir George should turn him off. That the Declarant told Mr. Macrae that he did not believe Sir George, after what had happened, could be prevailed upon to turn away his Servant as an indispensable Preliminary. Declares that the Declarant went from Mr. Macrae to Sir George Ramsay & communicated in general what had passed between Mr. Macrae and the Declarant. That Sir George, as the Declarant expected, absolutely refused to dismiss his Servant as a necessary Preliminary, but told the Declarant that if matters could be settled without this, he would trust the management of the whole to the Declarant. That the Declarant then returned to Macrae, with whom some more Conversation took place, after which the Declarant told Mr. Macrae that if he would make an Apology to Sir George for the horrid Epithet which he had caused Amory use, he—the Declarant—should become bound that Sir George would either prevail with his Servant to pass from the Prosecution or dismiss him his Service. That Mr. Macrae said to the Declarant that as Sir George had given the first affront, it became him to make the first Apology.

Declares—That by the first affront the Declarant understood Mr. Macrae to mean Sir George having refused to dismiss his Servant when first applied to for that purpose. Declares—That matters not having been accomodated after all the Exertion the Declarant & the other Gentlemen could make for that purpose, Sir George Ramsay & Capt. Macrae walked out. That Mr. Macrae went first accompanied by Capt. Haig & Mr. Amory, and the Declarant in a very little after followed with Sir George Ramsay. That the Declarant went up to Mr. Macrae when on the field and took him aside, used the strongest Expressions the Declarant could think of on the Occasion, and entreated him to recollect what he was

about—that he had admitted he bore no ill will to Sir George Ramsay, and the Declarant could assure him Sir George had none to him, and that he might do a Thing in two minutes that he would never forgive himself for all his Life. That the Declarant does not recollect what answer was made to him, and that the Declarant rather inclines to think there was none intelligible made. That the Parties having taken their Ground, the Declarant again attempted to go up & speak to Mr. Macrae, but he waved his hand to the Declarant as a Sign to keep off, bidding the Declarant take care of himself, for he was in the Line of fire. That it had been agreed between Sir George Ramsay & Mr. Macrae that they were to fire at one time. That accordingly Each of them did fire, and the Declarant inclines to think that Sir George Ramsay fired first; but the other followed as fast as possible, insomuch that the People at Wards thought it was one shot. That Sir George fell, upon which the Declarant ran up and asked him where he was hurt. That Sir George said he could not tell, but he had got it. That Mr. Macrae having come up, seemingly in great agitation, said—‘Good God! I little thought it would come to this,’ adding—‘O Maxwell! I wish I had taken your advice.’ That Macrae & Amory immediately went off. That the Declarant is satisfied that Sir George Ramsay was wounded by Macrae and by no other person then present.

Declares—That in going to Mussleburgh Sir George told the Declarant that it was the first thing of the kind he had ever been engaged in in his Life and that he never had a Quarrel before.

Declares—That when Sir George first mentioned to the Declarant Macrae’s having beat his Servant, he told the Declarant that he had reason to think Macrae was not pleased at him—Sir George—he having behaved dryly to him when he had brought to Sir George’s House, where a particular company had been invited, a Capt. Hunter & Mr. Amory, neither of whom had received any Invitation from Sir George, and that on this Occasion he—Sir George—had behaved rather dryly to Mr. Macrae, and very much so to Mr. Hunter. That Sir George at the same time informed the Declarant that he had avoided in the Course of the last Winter the Company of Capt. Macrae or of going to his House, making different Excuses, and particularly that Marionville was too far out of Town at night.

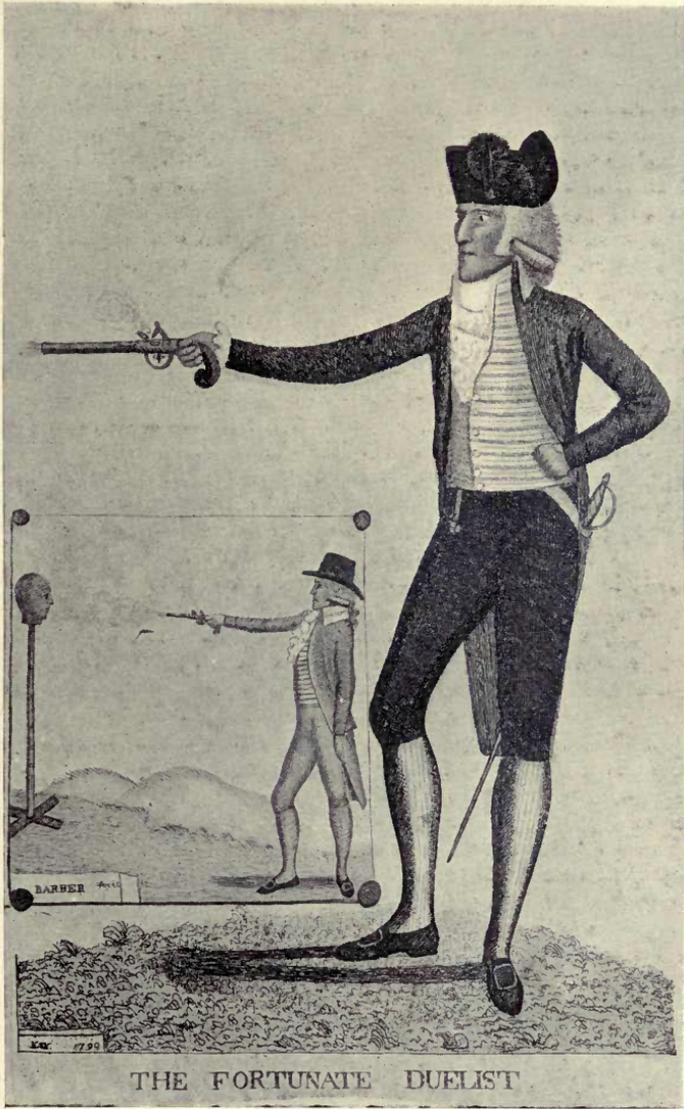
Declares—That on the Tuesday forenoon when Sir George Ramsay shewed the first Letter from Mr. Macrae before mentioned, he said to the Declarant that he thought Something of this kind would happen, and that he had hinted as much to the Declarant before.

This he Declares to be truth.

(Signed) · WILL. MAXWELL  
AN. COCKBURN.

The statement drawn up by the friends of both parties ends thus. ‘Have since heard that Mr. Macrae was slightly wounded in the cheek. We have only to add that no men ever behaved more like men of honour on this occasion.’ Sir George Ramsay

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THE FORTUNATE DUELIST

CAPTAIN MACRAE

*From Kay's Portraits*



seems to have been taken to his own house in St. Andrew Square, where he died of his wound on Friday, 16th April. The following note from Lady Ramsay to Sir William Maxwell is among the papers :

I hope you dont feel the worse of the *severe* day you spent yesterday. Sir George is much the same this morning. He has got no rest, and is in great pain. He desires me to mention *to you* that he wishes all the letters that pass'd between him and Mr. Macrae concerning this unhappy affair may be published in the newspaper of this day.

Yours with much esteem

E. RAMSAY.<sup>1</sup>

Thursday.

The footman's action against Captain Macrae was not decided until February, 1792, when the Sheriff's judgment, awarding damages and costs, came before the Inner House and was affirmed. Some of the judges expressed their difficulty in reconciling the laws of the land with the laws of honour, but the Lord President reminded the Court that they were sitting as a Court of Law, not as a Court of Chivalry.

It is doubtful whether the aggrieved footman obtained more than nominal redress by this judgment, for Macrae, who was cited in criminal letters to take his trial for murder, had escaped to France and was proclaimed outlaw on 26th July. He had previously taken the precaution of vesting his estates in trustees, who carried out his instruction to execute an entail. He was seen no more in Britain, and at his death in 1820 left a son and daughter by his wife, Marie le Maistre.

HERBERT MAXWELL.

<sup>1</sup>The Hon. Eleanor Fraser, youngest daughter of George 14th Lord Saltoun, married Sir George Ramsay in 1786, and 2ndly Lieut. Gen. Duncan Campbell of Lochnell in 1792. She died *s.p.* in 1821.

## Thomas Mudie and his Mortifications

IN 1649, the year of the execution of King Charles I., and when men's hearts in Scotland were stirred within them as to what would happen to their country, there lived in Edinburgh one Thomas Mudie, a burghess of 'credit and renown.' The name had been well known in civic circles of the capital for many years. So far back as 18th April, 1516, a John Mudie was on a Committee to enquire into the conditions of leases in the Burgh muirs, and in 1530 he is found sitting as a member of the Burgh Court.<sup>1</sup> Later in the same century Archibald Mudie, an apothecary and an esteemed elder and deacon of Christ's Kirk at the Tron, was sued by the Incorporation of Surgeons 12th April, 1587, for a breach of their exclusive privileges, inasmuch as he had exercised the art of surgery in applying 'toopicks and utheris emplasteris' to an ulcer on the foot of Matthew Weiche, in contravention of an Act of Council. He was fined forty shillings, and made to feel the inferiority of his professional position.<sup>2</sup>

In 1630 there was a certain John Mudie, a goldsmith in Edinburgh, who, along with some others of his craft, got into trouble with the Lyon Office. It was then, it appears, the practice for these tradesmen (a practice which still, I am afraid, to some extent obtains) to keep books of armorial bearings in their shops, and when enquiries were made by a customer as to what were his arms, with the view of getting them engraved on his plate, to consult these books and ascertain what arms appeared as belonging to any one of his name quite irrespective of whether the customer had any personal right to them. Such matters were then much more seriously dealt with than they are now, and accordingly we find that in 1630 the Privy Council ordered John Mudie and his fellow-craftsmen to submit their books of arms to the Lyon, and when they did so they probably got some enlightenment, vigorously given through Sir James Balfour, as to the law of arms.

<sup>1</sup> *Extracts from Records of the Burgh of Edinburgh* (Burgh Record Society), i. 160; ii. 25.

<sup>2</sup> *Ibid.* iv. 489.

It is impossible to say with certainty whether this John Mudie, goldsmith, was identical with that John Mudie, merchant, to whom Thomas Mudie, son to John Mudie in Calder, was apprenticed on 16th February, 1614. We may, however, be pretty sure that the master and apprentice were in some way related.<sup>1</sup> We do not know what position John, the father, and Thomas occupied. Thomas himself has been traditionally represented as a person of obscure origin and humble occupation, a cadger or carrier of eggs between Calder and Edinburgh. But whatever his father may have been, it is clear that he himself could not have followed this calling long, if at all, as we may presume that he was not more than fifteen or sixteen years old when he was first entered as an apprentice.

The boy then came to Edinburgh to seek his fortune in business, as so many country lads did at this period. He was more fortunate than many in having a relative for a master; and though his pay would be small, his conduct and moral welfare would be very strictly looked after, as was the fashion of the day when apprentices resided in their master's house and became to all intents and purposes one of his own family. Thomas fulfilled to a high degree the rôle of the Industrious Apprentice, because, though he did not marry his master's daughter, he found himself in a position before he had been many years out of his apprenticeship to take to himself a wife in the person of a certain Jean Jamieson, with whom he lived for many years in happiness and comfort. She was not probably of Edinburgh stock, as the marriage does not appear either in the Edinburgh or Canongate Registers: there may have been a boy and girl attachment between the two in his native place, as there was a family of that name at the Walkmylne of Midcalder. The marriage probably took place about 1623, and the only issue of it was a daughter Janet, about whom something will be said shortly.

As Thomas grew in years his wealth increased, and we find him lending money to various people, a natural enough proceeding, as goldsmiths were the most usual moneylenders of the period. On 4th August, 1631, William Alexander, a burghess of Dundee, was arrested at his suit, probably for the non-payment of a debt. The matter was referred to the Privy Council, and they ordered the Magistrates of Dundee to set him at liberty, as he had letters of protection, though it is not clear that these excluded Mudie's claim. In 1635 he appears as a creditor of a Jean Chrystie,

<sup>1</sup> *Edinburgh Apprentice Reg.*

though whether he was successful in recovering that debt is not stated.<sup>1</sup>

But the true Scottish craving for land soon asserted itself. On looking about him, Mudie discovered that portions at least of the lands of Saughtonhall were to be purchased. Saughton or Salectuna, to give it its ancient name, first appears in history as having been granted to the Abbey of Holyrood by its founder, King David I. Some time after the Reformation, on 28th July, 1587, Sir Lewis Bellenden, who had succeeded his father Sir John of Auchnoll as Justice Clerk in 1547, had a grant of an immense quantity of lands belonging to Holyrood Abbey, of which Sir John had in his lifetime been Bailie. They comprised many possessions in Mid-Lothian, East Lothian, Peebles, Linlithgow, and Stirling, which were all incorporated into the larger barony of Broughton. The lands in the vicinity of Edinburgh comprised such widely separated places as Broughton, Wrichtislands, Godbairnsroft, Harlaw, Barbourland, Saughton, Saughtonhall, Pendreich, Friertoun, Backspital, Foirspital, Lochflat, Meldrumsheuch, Coates, Lodbank, Whitecroft, Fergusonsroft, Warriston, Bonnington, Hilhousefield, Pilrig, Fleuris, Grenesyde, St. Leonards lands, Deiraneuch *alias* Pleasans, Disseflat, Meadowflat, and Canonmills.<sup>2</sup>

All these remained with the Bellendens for some years, but the fortunes of the family began to fail, and in 1625 Sir William Bellenden, afterwards first Lord Bellenden of Broughton, sold Saughton to Sir George Forrester of Corstorphine, and in the following year he resigned the Smithlands of Saughtonhall in favour of Alexander Watson, an Edinburgh burgess.<sup>3</sup> The lands, however, must have changed hands several times within the next few years, as on 3rd February, 1637, Mudie got a charter of novodamus of these Smithlands of Saughtonhall. He seems to have acquired them from William Thomson, merchant, who in his turn had got them from Alexander Johnston, advocate.<sup>4</sup> The estates both of Saughton and Saughtonhall had evidently been disposed of in small lots by Sir William Bellenden and had thus got into the hands of a number of 'portioners,' as they were called. As regards Saughtonhall, for instance, we find that in the year before Mudie's acquiring the Smithlands he had, along with his wife, a charter which illustrates the many subdivisions into which the

<sup>1</sup> *Privy Council Reg.* 2nd Series, iv. 330 ; v. 455.

<sup>2</sup> *Reg. Mag. Sig.* v. 1304.

<sup>3</sup> *Ibid.* viii. 944.

<sup>4</sup> *Ibid.* ix. 729.

estate was cut up. The charter included half the 'tenandry' of Saughtonhall of old possessed by Thomas Pratt, and with the manor place acquired by the late Adam Lawtie, writer, from Thomas Wilkie, portioner of Saughtonhall; a portion acquired from George West by the late George Wilkie, father of Thomas Wilkie, and from Thomas Wilkie by Adam Lawtie; another portion acquired from the late Nicholas Dalyell by Thomas Wilkie and from him by John Watson, portioner of Saughtonhall, and from him by Adam Lawtoun (*sic*); another portion acquired from Nicholas Dalyell by John Watson and from him by Adam Lawtoun; another portion possessed by the said Nicholas and John Dalyell his brother and Adam Syme his sub-tenant; the vill acquired by Adam Lawtie from Nicholas Dalyell, except 58 acres allocated by John Watson to the late John Morrison, merchant burghess, Edinburgh; all which tenandry was resigned by Mr. Adam Lawtie, son and heir of the late Mr. James Lawtie, advocate, son and heir of Adam Lawtie, with consent of his wife Euphemia King.<sup>1</sup>

All these small holdings thus acquired by Thomas Mudie must have made up a considerable aggregate; but he continued to purchase further portions of the estate as they came into the market, the details of which need not be gone into. It may, however, be mentioned that in 1639 he acquired, along with other lots, the mansion-house itself, which had been occupied by Margaret Stewart, the mother of the Nicholas Dalyell above mentioned. Whether or not he actually took up his residence there or preferred to stick to his less pretentious home in the burgh itself is not known, but it is interesting to note that at this time he was as 'portioner of Saughtonhall' appointed to collect contributions for the repair of the bridge of Saughtonhall, 'which is the most frequented passage from Edinburgh to the West Countrie.'<sup>2</sup> He had also, as became a wealthy and leading burghess, entered the Town Council, where he attained by 1643 the position of Treasurer of the City. Under this designation he is found contributing £1000 to the maintenance of the Scottish army in Ireland, but whether this was a subscription from his private fortune or was made officially from the funds of the City is not clear.<sup>3</sup>

But Thomas was not satisfied with merely acquiring such pendicles of lands. Another considerable estate near Edinburgh

<sup>1</sup> *Reg. Mag. Sig.* ix. 538.

<sup>2</sup> *P.C. Reg.* 2nd series, vi. 482.

<sup>3</sup> *Ibid.* viii. 88.

came into the market, and in 1642 we find him purchasing a considerable portion of the lands of Dalry, including, besides the village and lands of Dalry itself, certain crofts at Tolcross outside the West Port, some teinds of Coates and other portions of that estate. These were disposed to him by Sir George Touris of Garmiltown and his son Alexander, younger of Inverleith, from which barony they were disjoined.<sup>1</sup>

We may conclude then that by this time Thomas Mudie had prospered exceedingly. He now began to look about him to find a suitable husband for his only child Jean, who had grown up to marriageable age. He sought an alliance with some family of position and standing in the country. Accordingly we find John Boyle, the laird of Kelburne, writing to Sir John Maxwell of Pollok on 28th June, 1643, to the effect that he hears Alexander Maxwell to be 'verie far on in ane marriage with Thomas Mudie's dochter, *the rich man in Edinburgh*.'<sup>2</sup> The marriage, however, though perhaps put in train in 1643, did not actually take place till June, 1645.<sup>3</sup> The bridegroom was a younger son of Sir James Maxwell of Calderwood, and was born, along with a twin sister, on 14th June, 1614. His mother was Lady Margaret Cunningham, third daughter of James Earl of Glencairn and sister of Anne Marchioness of Hamilton. He was therefore of unexceptionable birth, but like so many cadets of good Scottish families in these days he entered into business, and in due time became a burges of Edinburgh, which accounts for the intimacy between the Mudie family and himself. He had, the year previous to his marriage, acquired the estate of Mauldslie in Lanarkshire from his brother Sir James, the first Baronet of Calderwood, and though he ultimately succeeded to the latter estate it is under the designation of 'Mauldslie' that he appears at the time of his marriage. It may be mentioned here that in their turn Alexander and his wife Jean Mudie had no male heirs, but only four daughters, of whom the first, Jean, married her cousin Sir William Maxwell, second Baronet of Calderwood, the second, Anne, Sir William Denholm of Westshiel, and the two others died unmarried.<sup>4</sup>

But the time of the old couple (though indeed they cannot have been very old at the time of their death) was approaching a close. The first to go, in 1650, was Mistress Mudie, and Thomas

<sup>1</sup> *Reg. Mag. Sig.* ix. 1062.

<sup>2</sup> *Fraser's Maxwells of Pollok*, i. 485.

<sup>3</sup> *Edin. Mar. Reg.*

<sup>4</sup> *Fraser's Maxwells of Pollok*, i. 485.

himself only survived her about two years. Previous to his death he executed two deeds or 'mortifications,' as they were termed in Scottish phraseology, which are of some interest and to which we shall now turn our attention.

In the first place he left a bequest of 4000 merks (£2666 Scots or about £222 sterling) to the school of his native place, Calder, to be employed in giving instruction in Church music<sup>1</sup> to the children of the parish.

On 26th November, 1655, a bond of corroboration was granted by Alexander Maxwell of Saughtonhall (as he was now termed) and his wife Janet Mudie securing for the purpose of the original bequest an annual rent of £160 Scots from the lands of Saughtonhall corresponding to the above principal sum of 4000 merks; in 1666 the security was changed from the lands of Saughtonhall to those of Dedridge. About 1838, when Dr. Somers wrote the admirable account of the parish, the schoolmaster received annually £11 2s. 2½d. from this source. We are told too by the same historian, that the Patrons and Managers of the mortification were 'Lord Torphichen, Sir William Maxwell of Saughtonhall, and one or two of the ministers of Edinburgh, who have a right to present a person fit to teach the four parts of grammar and art of music, or at least should be obliged to keep a "doctor" for teaching the music art as the deed of mortification more fully bears.' Whether this teaching of music continued down to 1870 or not I have not ascertained,<sup>2</sup> but after the passing of the Education Act the money was apparently devoted to the education of the children of the deserving poor of the parish. After elementary education was provided free the whole matter of the bequest was remitted to a reporter, who recommended (in 1884) that it should be transferred to the School Board and devoted to the establishment of a school bursary for two years of £4, and that £2 or £3 should be spent on paying the fees for

<sup>1</sup> So it is generally stated; but it is evident from Dr. Somers' account quoted below that the teacher was to instruct his pupils both in grammar and music, and that the latter branch of education was not to be confined wholly to Church music. It is impossible to conceive an Edinburgh citizen in the middle of the seventeenth century leaving money for the teaching of Church music exclusively. Unfortunately, I have been unable to trace the deed of mortification in the Records: when the deed is mentioned there is no indication given by the writers who refer to it, as to the volume of the many thousand in the Register House in which it is to be found.

<sup>2</sup> An enquiry of the Clerk to the School Board of Midcalder has failed to elicit a reply.

instruction in higher branches of learning. Thus the whole benevolent intention of the testator for tuition in music was entirely lost sight of and the money applied in the most commonplace way. Things remained in that footing till the passing of the Education (Scotland) Act, 1908, Section 30 of which enacted that the Governors of Endowments with an annual income of less than £50 should, instead of administering the money direct, pay their net income applicable to bursaries over to the bursary fund of the Secondary Education Committee, the right of preferential treatment for children of the parishes originally concerned being reserved, and such is the position of his bequest to-day.<sup>1</sup>

A still more handsome benefaction of Thomas Mudie met with a somewhat similar fate: at least it was not employed in the precise way in which he intended it. On 26th December, 1649, not long before his death, Mudie 'mortified' the sum of 20,000 merks (about £1333 stg.) for the purpose of building a church in the Grassmarket. It is stated in Grant's *Old and New Edinburgh* that the bequest was intended to be employed in re-building the church partially erected on the Castle Hill, which was destroyed by the English in the siege of 1650, but as the siege of the Castle did not commence till September, 1650, and the deed of mortification is dated the previous year, this is impossible. The money was left to the Town Council to carry out the granter's intentions, but it does not seem to have been paid over to them till about 1660. Even then nothing was done with it: it seems a habit for Town Councils to adopt this *non possumus* attitude and to lay up such pious benefactions indefinitely; we have had at least one example of it in our own time. It was not till 1681 that a move was made in the matter, but to do the Council justice the money had been accumulating at interest all the time. On the 16th September of the year last mentioned a Petition was presented to Parliament by the Town Council of Edinburgh and Sir William Maxwell of Calderwood, who had, as previously stated, married his cousin, the daughter of Alexander Maxwell and Janet Mudie. They represented to Parliament 'that this pious and worthy donation has become altogether ineffectual because the said Grassmercat is now absolutely necessary, for want of other places, to be a mercat for pitch, tar, grass, herbs, horse, nolt, sheep and other things which can be exposed for sale in no other place.' They also stated that as the Crown had taken over the south bank of

<sup>1</sup> I am indebted for this information to Dr. George Macdonald of the Scotch Education Department.

the Castle, which was the ordinary place for public executions of malefactors, they had no other place besides the said Grassmarket. They then proceeded to say that, as in these circumstances the intentions of the testator could not be specifically carried out, they proposed to employ the bequest in building a steeple over the West Port and hanging a peal of bells thereon. The reason apparently for selecting the West Port was that people of the west country, of which Mudie was a native, entered the city by it. Parliament was sufficiently satisfied with these rather audacious proposals, and seemed to think that there was already an ample provision of kirks in Edinburgh, and that the deceased, though providing for the erection of a church, had not provided for its endowment. The august body, however, did not absolutely commit itself, but recommended the Privy Council 'to see the soume employed by the Town Council as near the wishes of the defunct as can be.'<sup>1</sup>

Sir Thomas Lauder of Fountainhall gives us some more particulars as to this application. He says that the Town offered to use the money for the purchase of a peal of bells to hang on St. Giles' steeple, and to build a Tolbooth above the West Port of Edinburgh with Thomas Mudie's name and arms thereon. 'Some thought it better to make it a stipend to Lady Yesters Kirk, or to a minister to all the prisoners to preach at the Canongate and Edinburgh Tolbuiths and the Correction House Sunday about.'<sup>2</sup>

Nothing seems to have been done in the matter of the application of Mudie's mortified money; but in an entry dated 20th July, 1685, Fountainhall notes that the Bishop of Edinburgh procured a letter from the King to the Town Council of Edinburgh requiring them to take the 20,000 merks of Mudie's mortification in their hands and therewith to build a lodging and chapel to to the said Bishop. This endeavour had evidently been going on for some time, as we are told that 'it was in the High Commissioner's instructions to last Parliament but was stopped there . . . this being represented to His Majesty as an inversion of Mudie's pious donation.' Public opinion was no doubt stirred against this application of the money, as was indeed natural, but the Bishop pressed the matter and was to some extent, though to a lesser degree than he would have wished, successful, 'The Bishop's friends,' it is stated, 'prevailed so far as to procure a new order from the King that till the houses were built (that is,

<sup>1</sup> *Act. Parl. Scot.* viii. 357.

<sup>2</sup> Fountainhall's *Historical Notices*, i. 325.

the Bishop's 'lodging' that he wanted) the Town Council should pay him the annual of that sum yearly (that is, the interest on the 20,000 merks), viz. 1,200 merks, which will do more than pay,' Fountainhall says, 'two house maills.' So the Bishop in the meantime did not come so badly out of the contest. He did not get his house built for him, it is true, nor did he get his chapel, but he got enough money to pay his house rent twice over, which was to him no doubt very comforting.

But he was not to enjoy his success very long. Three years after the application of the money was finally settled. The battle of the sites, a kind of contest which has from time to time done much harm in Edinburgh, was finally settled by its being resolved to use the money in building a new church in the Canongate. Formerly the chapel at Holyrood had served as a parish church for that district, but the King had announced his intention of taking it into his own hands and making it a private chapel for the Court exclusively. 'This,' says Fountainhall, with a certain amount of quaintly malicious satisfaction, 'should deprive the Bishop of Edinburgh of his house rent, which was paid out of the annual rent of that mortification.'

Building operations were commenced before very long: the work was entrusted to a certain James Smith, who seems to have been a very ordinary builder with no pretensions to be an architect. He proceeded to erect one of the most inelegant structures that disgrace the City of Edinburgh, and he did not even build it well. He could not even make a correct estimate of the cost; on 30th June, 1690, he petitioned Parliament for help to enable him to complete his contract. He says that the 20,000 merks originally left by Thomas Mudie had now increased to 50,000 or 60,000 merks, and that the Town Council had entered into a contract with him to build a church in the Canongate for the sum of 25,000 merks, exclusive of the cost of the ground for the church and the churchyard. Smith had now completed about threequarters of the work, but found it impossible to complete the work at the price fixed by contract. He gave the usual excuses of a builder in such circumstances: the foundations had proved unexpectedly bad, the price of timber had risen since the contract had been entered into, etc., etc. He therefore implored Parliament to grant him a further advance from the balance of the money left by Mudie still in the hands of the Town Council.

This Petition was remitted to a Committee, who got a report from several practical men. Ultimately, having considered the

matter in light of the report, they found that the original sum paid to the Petitioner for the purchase of the ground and building of the church was 34,000 merks: that the ground, including the actual site of the building, and the churchyard had cost 9000 merks, which left 25,000 merks for the building of the church. But it appeared that the expense of the building when finished would really amount to 36,162 merks, being 11,162 merks more than the original contract price: so the Committee were of opinion that Smith should either get the whole of the additional sum or alternatively the sum of £6000 Scots, which was all he had apparently asked for in his Petition. Parliament having duly considered the report of the Committee agreed that he should be paid the £6000 Scots.<sup>1</sup>

Smith, we would imagine, was probably much annoyed that he had not asked for the larger sum, which was what the Committee of practical men had estimated to be the cost of completing the building in a satisfactory manner, and it may have been owing to this that the church, when finished, was found to be anything but a creditable piece of work. It cannot indeed have been much more than two years old when, on 13th June, 1693, the Kirk Session approached Parliament, stating 'that the edifice is so vast and large that it will require a great deal of money to maintain its roof and windows and to preserve it from the violence of stormy weather.' The Session had already incurred debt to the amount of 4000 merks for repairs, and the church wanted much more to be done, both to its roof and floor, 'that it might be made more easie for the preacher and more useful, commodious and comfortable for all the hearers, especially for persons of honour that does frequent the same.' The acoustics too were bad, and there was an echo or 'great resonancy' in it, 'which does now exceedingly obstruct and hinder the hearing.' The Session having no funds of its own except the collections, which did not suffice to maintain the poor of the parish, implored Parliament to give them the balance of the Mudie money still unappropriated, which amounted to 9000 merks. Parliament, which was probably tired of the subject, took a favourable view of the application and ordered the Town Council to pay the Session as much of Mudie's money as was still in their hands, to be applied at the sight and with the advice of the keeper of Holyroodhouse or his deputes, the Lord Provost of Edinburgh and the Baron and Gate Bailies of the Canongate.<sup>2</sup>

<sup>1</sup> *Act, Parl. Scot.* ix. 159.

<sup>2</sup> *Ibid.* App. 90.

This is the story of Thomas Mudie's mortification ; but the greatest mortification of all (in another sense) must have been that to his own spirit if he had been permitted to realise the misapplication of his bequests. It may have been perfectly proper to endow bursaries for general proficiency in Midcalder or to build a much-needed church in the Canongate ; but these were not the purposes for which the money was left, and so long as it was at all possible to carry out the testator's express wishes it should have been done. Why should not the children attending the Board School at Midcalder not be taught to sing Church music now ? Perhaps 'my Lords' would object to the time occupied by this being taken away from other subjects which they deem of more importance. But as the children are probably taught singing at any rate, it would not be amiss to teach them psalms, hymns, anthems, etc., not necessarily to the exclusion of secular music but along with it. This would be 'education' in the best sense of the word.

As to the church in the Grassmarket, we can well understand that Mudie, as a cultivated and observant burgher of Edinburgh, saw that there was a real need for a church in such a place. The excuses put forward by the Town Council for not building a church there were flimsy in the extreme. Even though the actual site of the 'mercat' was required for the sale of 'nolt, sheep and other things,' surely at that period there was ample space for the purpose within a stone's throw. As to their other plea, that as the Crown had taken over the south side of the Castle Hill they had no other place for public execution, it can only be characterised as disingenuous in the extreme. It is doubtful whether executions ever took place on the actual southern slope of the Castle rock ; they were no doubt often carried out on the site of the present Esplanade. Persons were executed there down to at least 1650, and even if the Crown had prohibited further ceremonies of the kind taking place there, the Town had often used the locality about the Market Cross in the High Street for a place of execution. It was only about 1676 that the Grassmarket, or rather a small portion of it at the bottom of the West Bow, came to be used for the erection of the gallows.

JAMES BALFOUR PAUL.

## The Master of Sinclair

The Master with the bully-face,  
And with the coward's heart, man,  
Who never missed, to his disgrace,  
To act the traitor's part, man.

—*Jacobite Song.*

IN the twenty-fourth chapter of *The Heart of Mid-Lothian* Mrs. Saddletree breaks to Jeanie Deans the pronouncement of her sister's doom. The jury, while finding Effie guilty of the crime with which she was charged, have recommended her to the Royal mercy; but Jeanie wonders whether in such a case the King can exercise his prerogative. 'Can he gie mercy, hinny?' says Mrs. Saddletree. 'I weel I wot he *can*, when he likes. There was young Singlesword, that stickit the Laird of Ballencleuch, and Captain Hackum, the Englishman, that killed Lady Colgrain's gudeman, and the Master of Saint Clair, that shot the twa Shaws, and mony mair in my time—to be sure they were gentle blood, and had their kin to speak for them. And there was Jock Porteous the other day—I'se warrant there's mercy, an folk could win at it.' Of the cases cited by the worthy dame, those of young Singlesword and Captain Hackum are, I fear, insusceptible of further reference, and with that of Captain Porteous I have already elsewhere rather exhaustively dealt; but the Master of Sinclair's is another story, which is both curious and interesting.

The Master's claim to the consideration of posterity rests upon his *Memoirs of the Insurrection in Scotland in 1715*.<sup>1</sup> Gifted with a sharp tongue and a pen no less pointed, this *advocatus diaboli* of the Rising conducts his case with marked ability, complete self-confidence, and great satirical power. Intended as an apologia for the author's conduct, which had not escaped the strictures of his party, the *Memoirs*, in the opinion of Sir Walter Scott, are more successful in exposing the shortcomings of others

<sup>1</sup> Abbotsford Club, 1858.

than in justifying his own behaviour. Mr. Andrew Lang has described them as written with the bitterness of Sir Malachi Malagrowther, and it may be that the Master was unduly prejudiced against such of his associates as had the misfortune to differ from him in judgment. Not even Flaubert himself nursed a fiercer scorn for the stupidity of his contemporaries than did the Master of Sinclair. But he certainly possessed the foresight, sagacity, and military skill so conspicuously wanting in the counsels of the insurgents; his vivid sketch of Mar is admittedly a life-like portrait; and his own inactivity at Sheriffmuir at least enabled him to give the best account we have of that debatable and doubtful field.

There is little likeness between the Jacobite risings of 1715 and 1745 beyond the collapse of their common effort—the rebuilding of the fallen house of Stuart. *Nisi Dominus ædificaverit domum*: and all good Whigs and Presbyterians were persuaded that Providence had plainly declared against the enterprise. No ray of the glamour which gilds in the retrospect the fine failure of the Forty-five illumines the dismal business of the Fifteen. Ill-timed, ill-planned, half-hearted, and misguided, the earlier attempt lacks the high heroic note; and in the romantic fame attaching to the vain endeavour of Prince Charles, Old Mr. Melancholy's tragi-comedy has neither part nor portion. The frigid image of the Chevalier de St. George, the gallant glowing figure of the Young Adventurer; the vacillation and incompetence of Mar, the boldness and resource of Lord George Murray; these contrasts but exemplify the very different fates of their respective ventures. Regarding Mar's ineptitude as a commander Sir Walter Scott has observed: 'With a far less force than he had at his disposal Montrose gained eight victories and overran Scotland; with fewer numbers of Highlanders Dundee gained the Battle of Killiecrankie; and with about half the troops assembled at Perth Charles Edward in 1745 marched as far as Derby, and gained two victories over regular troops.' But in the Fifteen, by that strange fatality which dogged the fortunes of the Stuarts, they lacked a leader of military talent at the very time when for once their forces were adequate to the occasion: they had the means but not the man.

The Hon. John Sinclair, eldest son of Henry, eighth Lord Sinclair, and his wife Grizel, daughter of James Cockburn of that Ilk, was born, probably at Dysart, the family seat in Fife, on 5th December, 1683, and was called by Scots custom the Master of Sinclair. 'It is well known,' he writes in commencing his

*Memoirs*, 'that I am of a Familie who, at all times and upon all occasions were attached to the crown of Scotland, and who have sufficientlie suffer'd for it, and that I was earlie instructed in the principles of an indispensable duty and fidelitie towards my Prince; and I must own that from my infancie I had an innate zeal and affection for all the remains of the old Royall Familie of Scotland.' When a lad of twenty-three he attended, as a Peer's eldest son, the debates in the last Scots Parliament upon the Treaty of Union, 'that infamous surrender of our rights and liberties,' which, he tells us, made a deeper impression on no Scotsman than on himself. He saw, 'with horreur,' the descendants of noble ancestors, whose glory it had been to sacrifice life and fortune for their country's freedom, solicitous to reduce it into the contemptible province of a neighbouring nation. There was indeed among these 'a hideous mixture of such whose names had no place in storie, and who, haveing no share of the honour of their Countrie transmitted to them, were not so much to blame if they bartered it away for profit or preferment, or to secure the ill-got wealth they had alreadie purchased, being conscious of their own guilt. There were wretches of a mushroom growth who, like the false mother before Solomon, had no other way of getting a part but by destroying the whole; and they now flourish and lord it in peace, haveing swept away all marks of power and distinction, and thereby put themselves on a levell with those whose vassals they were not longe before.' One is reminded of Flamineo's gibe in *The White Devil* of Webster: 'If [there were] gentlemen enough, so many earlie mushrooms, whose best growth sprang from a dunghill, should not aspire to gentilitie.'

Such being the views of this incisive critic upon the vexed question of the Union, little wonder he had no liking for Mar, who, as Secretary of State, was so indefatigable in furthering it.

The *Memoirs* show the author to be an accomplished scholar, on familiar terms with the Latin classics, from which his numerous quotations seem to have been made from memory. Where he received his education is not recorded, but being a 'Fifer,' it was probably at St. Andrews. Soon after the consummation of the Union young Sinclair left Scotland and went abroad, intending to join the army of the Allies under the Duke of Marlborough in Flanders. He did so 'without recommendation, support, or the least acquaintance there,' and also outwith the knowledge of his father, who had designed him, in view of his studies, for some other state of life. Either at the bar or in the pulpit the

Master would have made a formidable figure, but apparently a civil career had no charm for one of his contentious spirit. 'In my way to the armie,' he writes, 'while I was meditateing how I should carrie a firelock, I had the good luck to meet with a colonall, a gentillman of note of my countrie, who had the generositie to attache himself more to me than I did to him—[a characteristic touch, this]. He made me some time after a captain in his regiment, where I served till I was oblidged to quit for tuo misfortunes that happened in a very short time, one after the other.' The circumstances which led to his leaving the Duke's army are fully set forth in the Report of the Court-Martial held upon him at the camp at Rousselar (Roulers) in Belgium, on 17th October, 1708. The proceedings thereat, printed by Sir Walter Scott from an attested copy in his possession, were presented by him to the Roxburghe Club in 1828.

From these it appears that the Master, who then held the rank of Captain-Lieutenant in Colonel Preston's Regiment of Foot, was accused, first, of challenging Ensign Hugh Schaw of the same Regiment, in breach of the 28th Article of War. Captain Drummond produced the letter of challenge, 'which the Prisoner disowns.' Lieutenant Simpson stated that he was with Ensign Schaw at Moorseele, in West Flanders, when a corporal brought him a letter, which having read, the Ensign said was a challenge from the Master of Sinclair. Schaw declined to send an answer at the moment, 'being then to look after his Brother, who was wounded before Lisle'—he had just heard that his brother George had been mortally wounded at the siege of Lille, and was about to leave the camp to see him. Before doing so, however, he commissioned Simpson to tell the Master why he could not wait upon him that day. If a meeting should take place later, he would be prepared to defend himself, and 'after all he had really said nothing but what he thought he could prove.' To Simpson, Sinclair admitted sending the challenge, and swore that he and Schaw must meet that night. The witness 'desired him for God's sake to rule his passion and be reconciled,' but Sinclair said he would not, for his honour was concerned. Simpson remarked that it was his duty to inform the Colonel, and Sinclair answered that if he did he would be a 'Rascall.'

Upon this evidence the Court were unanimously (and unaccountably) of opinion that it did not 'sufficiently appear' that Sinclair had challenged Ensign Schaw, and the prisoner was acquitted accordingly.

The second charge, of killing Captain Alexander Schaw of the Royal Regiment of Foot, commanded by the Earl of Orkney, at the camp of Rousselar on 13th October, 1708, in breach of the 19th Article of War, was then gone into. Captain Alexander was the elder brother of Ensign Hugh. Patrick Sclater, a private in Ensign Schaw's company, stated that at Moorseele he saw the prisoner meet the Ensign, and heard him call out that he wanted to speak to him. When they came close together the prisoner took a stick from under his coat and struck the Ensign two blows on the head. They then drew their swords and fought. The witness tried to intervene, and failing to stop them, was about to call the guard, when the prisoner's sword broke. Sinclair went behind the witness, telling him to keep Schaw off; the latter said, 'I am more a Gentleman than to persue you when your sword is broke.' The prisoner then went away, calling Schaw 'a murdering Rascall,' and saying that he had sent him a challenge the day before. The witness observed that Schaw's sword was bent. Another private, named Logan, who also had been present at the duel, corroborated.

No mention is made of the wounds inflicted by the Master, but it otherwise appears that the unfortunate Ensign was mortally hurt, and succumbed to his injuries shortly after the close of the inquiry.

In answer to this evidence the prisoner stated that Ensign Schaw had blemished his reputation by giving out that he misbehaved himself at the battle of Wynendael, fought on 28th September. Ensign Colville of the same Regiment stated that while under fire at that engagement Ensign Schaw called out something to the prisoner, and next day he heard him say that during the action Sinclair had 'bowed himself towards the ground for a considerable time together.' Ensign Blair stated that he also heard Schaw say that the Master 'stoop'd in time of action, and that he [Schaw] had told him of it.' Captain Ruthven, of the Royals, stated that on the 13th instant, between seven and eight in the morning, he had a conversation with Captain Schaw, who remarked, 'I find the Master of Sinclair is to attack me; he may come and attack me now in my Tent, I have a Pair of charged Pistols for him.' Ruthven said, 'God forbid, Schaw, he should treat you so brutally; I hope, if he has a mind to attack you, he will treat you lyke a Gentleman, and with honour.' 'I don't know,' replied the Captain; 'he treated my Brother otherwise, for he had [a pad of] paper on his breast, and my

Brother's sword bent against it; however I believe my ball will pierce his breast better than my Brother's sword.' They parted soon after, and he saw the deceased no more. John Moore, servant to the late Captain Schaw, stated that on 13th instant, as he was riding with his master at the head of Major-General How's Regiment, the Master of Sinclair galloped up and told the Captain to go to the front, as he wanted to speak to him. This the Captain declined to do, remarking that if he had anything to say, he might say it there; whereupon the Master said, 'If I fire at you here I may kill some other Bodie;' to which the Captain answered, 'You may fire if you please, for I have no ill-will against you.' The Master then demanded an apology from the Captain, who replied that he would not beg his pardon, having done no offence. Sinclair then drew his pistol, and before the Captain's was half out of the holster, fired, Schaw falling dead from his horse 'with his pistoll in his hand not drawn out of the bag.' Sergeants Bell, Sharpless, Mackulla, and Glasby, all of Major-General How's Regiment, gave substantially the same account of Captain Schaw's death, from which it appeared that the attack was entirely unprovoked, and that Sinclair fired before Schaw had time to draw his weapon. Two of them heard the prisoner say before he fired, 'I would shoot you on the spot, if it were not for these two Gentlemen,' referring to two officers who were passing at the time. Corporal Hanks, of the same Regiment, stated that, being in his tent, he heard a pistol shot, and running out, saw the Captain lying dead upon the ground. His pistol, though charged, was neither primed nor cocked. 'The Prisoner says for himself, the deceas'd Capt. Schaw has defam'd him upon severall occasions, and in severall Regiments; that he was forced to do what he had done with a great deal of Reluctancy.' No indication of this reluctance, however, appears in his atrocious action.

The following witnesses were then examined for the prisoner. Lieutenant Sir Archibald Cockburn, of the Royals, stated that when he was with his Battalion at Moorseele, Captain Schaw described Sinclair to him as a rascal or villain, adding other 'scurrilous expressions' against the prisoner, 'which the deponent not caring to hear, was going away,' when Schaw called to him, 'Sir Archibald, you need not go away, for I say nothing here but what I desire to say very publickly.' Captain Home, of the same Regiment, stated that as Captain Schaw rode past him at the head of the Battalion, he asked if there was any news, to which

Schaw replied that all the news he had was of that villain the Master of Sinclair, who had committed a villanous and barbarous action upon his brother. Ensigns White and Colville stated that they had heard Captain Schaw say the Master was a rascal and villain, who should be chased out of the army.

This concluded the evidence, upon which the Court was unanimously of opinion that the prisoner was guilty as charged, and therefore sentenced him to death; but in consideration of the 'high provocation' given by the deceased to the prisoner they humbly recommended him to the Duke of Marlborough 'as a fitt object of mercy,' and prayed his Grace would be pleased to pardon him accordingly.

Mrs. Saddletree's 'twa Shaws' were scions of the ancient and honourable house Sauchie, to which was annexed the barony of Greenock. There were in that generation five brothers: Sir John, the holder of the title; Alexander and Hugh, accounted for by the Master of Sinclair; and George, mortally wounded before Lille, who all died within a few days of each other; and Thomas, killed within the year at the battle of Mons. Sir John had issue one daughter only, and at his death in 1752 the estate passed to another branch. Along with the proceedings of the Court-Martial Sir Walter Scott published a series of letters written by Sir John Schaw to sundry great folk with a view to having the sentence enforced against the slayer of his kindred. 'When I think of the Loss of my Brethern,' he writes on 28th October, 1708, to the Earl of Stair, then British ambassador to France, 'and that he who destroyed them should survive, and that endeavours should be used for his Escape, my perplexion is beyond Expression.' On receipt of the news Sir John had come post to London, intending to proceed at once to Flanders, but by the advice of his friends he remained there, and 'having an entire dependance on the Duke of Marlborough's Justice,' entered into correspondence with that nobleman and others regarding the rumoured pardon of the condemned Master. In a dignified appeal to the Duke, enclosed in his letter to Stair, he reminds his Grace how his four brothers ventured their lives in the army under Marlborough's conduct, of whom three are now dead; the Master's 'misbehaviour' in presence of the enemy could hardly, he remarks, be repaired by insulting and killing two fellow-soldiers who were ever ready and willing to fight for their country; finally he pleads for a speedy sentence, and hopes 'that no sollicitation may be suffered to stop the execution thereof.'

On the same day he writes to the Duke of Argyll, and beseeches him—'knowing that Courage and Humanity are your Grace's peculiar Virtues'—to see justice done for the murder of the two brothers, whose loss, had they fallen in battle, he would have borne with patience, as he did that of the other, killed before Lille. What action the Duke took is not recorded.

Writing to Stair on 2nd November, Sir John says that he has entered caveats with the Secretary of State against a pardon being granted without his knowledge, and that he is advised that the Queen will not interfere with the sentence. He had presented a petition to Queen Anne, praying her Majesty to give orders for bringing Sinclair to condign punishment for his barbarous and bloody crimes. Later, at a personal audience, Anne assured him that she would not meddle in the matter.

As a result of Sir John's importunities, the Duke remitted the Court-Martial proceedings for the opinion of the Attorney-(Montagu) and Solicitor-General (Eyre), who on 15th November reported that had Sinclair been tried in England, the Court, upon the evidence given, must have directed the jury to find him guilty of murder, 'for no Provocation whatever is sufficient to excuse malice, or can make the Offence of killing less than murder, when it is committed with Premeditation.' How far such provocation might be a ground for mercy they left to his Grace's consideration. Marlborough apparently decided that justice must take its course, for on 17th April, 1709, he signed an order to that effect, but the execution was delayed to enable the prisoner, on parole, to participate further in the Flanders campaign, and, if we can believe the Master, Marlborough himself urged him to escape, and gave him credentials to the King of Prussia.

The issue of the affair is briefly recorded by the author. After mentioning his 'two misfortunes,' he complains of being 'obliged to quit' on account of them, 'notwithstanding of the court-marishall's recommending me to the Generall, his Grace the Duke of Marlborough's mercie, which was always lookt on as equall to a pardone, and which, I can aver, was never refused to anie but myself; nor was his allowing me to serve at the sieges of Lille and Ghent precedented, on my giving my word of honour to return to arest after those sieges were over, which I did, and continued till his Grace of Marlebourough sent his repeated orders to make my escape, which I disobey'd twice; but at last, being encouraged by his promise to recommend me to any Prince in Christendom that I pleased, for these were his

words, I went off, and procured his recommendation to the King of Prussia, in whose service, which I may say is of all the strickest, I came back to serve in the Low Countries, where I continued untill the end of the war ; at which time her Majestie Queen Ann, haveing, as it was said, turned Tory, vouchsafed me her pardon.' The Schaws, by the way, were zealous and active Whigs.

Whatever be the truth of the allegations regarding the Master's bowing down in the field of Mars and his unsportsmanlike use of a paper breastplate, there can be no question of the savage brutality of his behaviour to the brothers, and it seems strange that a British commander-in-chief should have countenanced such proceedings to the extent of favouring the offender's escape.

On 12th August, 1710, Sir John Schaw, having learned that Sinclair was reinstated in his regiment, addressed a strong protest to the Duke. He pointed out that when the death sentence had been confirmed by Marlborough, and the prisoner made his escape to Prussia, he was content to pursue him no further ; but to his surprise and sorrow he has of late been informed that Sinclair 'has added to the repeated murthers the impudence of returning, an officer in a Prussian regiment, to the army where he was condemn'd, as it were to affront Justice and glory in what he has done.' He begs that the sentence may yet be executed, and concludes with a pathetic picture of his bereavement.

To these entreaties Marlborough turned a deaf ear ; and at the end of the campaign the Master, crowned with Prussian laurels, came home, and received in 1712 the Royal remission of his sentence. He was advised to pay court to Mar, then Secretary for Scotland, as 'the riseingist man of that Nation,' but he found that Mar had used all his influence to hinder the granting of the pardon, which accounts for the extreme rancour which he henceforth cherished against that nobleman. He left London, disgusted with the intrigues of the Scots nobility, and retired to Fife 'and the innocent amusements of a countrie life, resolving rather to put my hand to the plough than ever prostitute myself and the honour of my familie by truckeling or cringeing to any insolent or deceitful courtier.'

While the Master at Dysart was cultivating the rural virtues and giving his Tory friends offence by attending the Kirk, where, by the way, he found he was but seldom edified, the death of Queen Anne took place on 1st August, 1714, and the Elector of Hanover peacefully succeeded to the British throne. Mar, dis-

trusted and disgraced by the new monarch, to whom he had proposed to dedicate his devotion, was busy intriguing with the Highland chiefs for a Jacobite rising in the North. The Duke of Berwick advised the Chevalier that he must either go in person to Scotland or lose his honour; the date of the rising was fixed, and then countermanded; but Mar, without a commission from his exiled sovereign, left London for Scotland to raise the Royal standard.

Dining one day with the laird of Grange, Sinclair learned from him that Mar and General Hamilton had landed 'out of a coale barck' at Elie the night before; that they came to pave the way for the Duke of Berwick's coming, if not the King's; that all was ready in England; and that ten thousand men, with great stores of arms and ammunition, would shortly arrive from France. *Timeo Danaos*, was the Master's comment upon Mar's good tidings. The gentlemen of Fife, misled by what he roundly terms Mar's 'lyes,' were ready to join the rising at once; the cautious Sinclair, however, advised delay: it were better to wait until the King came, and they saw the Highland chiefs unanimous—Mar was at work among the clans, proselytizing with varying success. Summoned by him to repair to the King's standard so soon as it was set up, our Cincinnatus declined to leave his plough. 'I took the freedom to tell the companie,' he writes, 'that they might depend upon it there was no such thing as a commission; that my Lord Mar's disappointments at Court haveing rendered him miserable, had made him desperate, and to my certain knowledge, haveing nothing to loose, his designe was to make himself a great man abroad by riseing on our ruins at home.'

The death of Louis XIV. at this juncture disposed, in Sinclair's view, of any chance of aid from France. It meant more than that: Louis, whom Bolingbroke termed the best friend the Chevalier ever had, was the life of the Cause, and with him died all chance of its success. 'The Highlandmen would rise out of hopes of plunder, and would doe as they had always done': either they weary and desert, or if victorious, retire with the spoils; 'if they are beat, they run straight home.' In any event the Lowland gentry would have to pay the piper. Sinclair's cynicism was justified.

Meanwhile the 'Tinchal' called by Mar had been so well attended by the chiefs that it was decided to raise the standard of James III. and VIII., which was accordingly done at Braemar on 7th September, 1715.

Next day a hopeful scheme, designed by Lord Drummond and approved by Mar, for surprising the Castle of Edinburgh, failed through the incompetence and folly of those entrusted with its management. One Forbes, 'a little broken merchant,' was selected by Drummond as engineer and conductor of the affair. A sergeant and soldier of the garrison were bribed; when the former had the guard, he was to place the latter at a post on the Castle wall as sentry, who would let down cords, which the conspirators could attach to scaling-ladders, and so gain entrance to the fortress. Drummond furnished forty Highlanders, and fifty young apprentices, advocates' clerks, writers, and some servants to those in the Government, were Edinburgh's contribution. The night was arranged, and the rendezvous fixed for nine o'clock at the West Kirk, below the point of attack; but Forbes and others, who were to bring the ladders from the Calton, where they were being made, lingered in the city till after ten (the hour determined for the assault), drinking to the success of the undertaking. Those on the spot, impatient of delay, climbed the rock, and tried to effect their purpose with grappling irons, but after an hour spent in fruitless effort, the sentry called out, 'God damn you all; you have ruined both yourselves and me. Here comes the round I have been telling you of this hour; I can serve you no longer.' Whereupon, shouting 'Enemie!' he fired his rifle, and, in the Master's phrase, 'everie man shifted for himself, the round fireing over the wall after them.' What time Mr. Forbes, the engineer, and his merry men, with the ladders, had only got the length of Bearford's Parks, half way along the modern Princes Street. The wife of one of the conspirators, Dr. Arthur, had given to Lord Ormiston, the Justice-Clerk, a hint of what was afoot; 'but all agree,' says the Master, 'that had the ladders come in time, the Justice-Clerk's advertisement had come too late.' So indiscreet were the Forbes contingent that one who had been in their company, but not of it, that night in a tavern, told Sinclair the hostess informed him they were 'poudering their hair to go to the attack of the Castle.'

The failure of this attempt, so typical of the methods that rendered the rising abortive, was a vital blow to the Chevalier's cause, which thereby lost the chance of gaining not only the greatest stronghold in the kingdom, with all the military stores, but also the sum of £60,000, Scotland's 'Equivalent,' which had lain there unappropriated since the Union.

The occupation of Perth by the insurgents on 28th September

made it impossible for Sinclair longer to hold in the Fife Jacobites, who were already straining at the leash; so against his better judgment he decided to join them, and, numbering fifty horse, they marched for the Fair City, then and afterwards the headquarters of the rebel army. He gives a caustic account of what he found there. Mar, with the main body, was still in the North, and to the Master's experienced eye the military dispositions at Perth were ludicrously inadequate to meet the expected attack of the Government forces assembled at Stirling under the Duke of Argyll. Colonel Hay, the officer in command, 'was a young lad who stood much in need of advice, being latelie come from schoole'—his knowledge of the art of war was derived from having mounted guard once or twice at St. James's Palace. Sinclair was not sparing of advice. In the end he got his own way, the Colonel telling him to 'make what changes about the place he pleased.' Divers noblemen and lairds, with their following, began to come in, of whom Lords Strathmore and Panmure alone secured the Master's commendation for capacity, and at length Mar himself arrived to take the supreme command. Of his companions in arms the Master's account is far from flattering. The Highlanders he classes with Negroes and Laplanders. 'If by nature,' he remarks, 'they are distant from the state of beasts, nevertheless they differ very little from them;' the horse is only capable of eating, drinking, sleeping, running, and returning to his stable: 'you need not add much to form a Highlandman.' To the Lowland lairds and gentlemen he is little kinder; and he objected to the signatures of those who were members of the Society of Writers to the Signet being appended to Mar's address to the Duc d'Orléans, on the ground that 'it look't like mocking the Regent,' and would give the impression that 'we were all made up of such canaille'! He gives a scathing account of the jealousies and factions which rent the counsels of the army. 'While everie one was building castles in the air,' he writes, 'and making themselves great men, most of our armes were good for nothing,' and though the ammunition, of which so much had been promised, was not forthcoming, Mar—'a Generall by Divine inspiration'—was still 'full of lyes and great hopes.' Argyll, who had only about 2000 regular troops, bidding his time, remained at Stirling, 'and tho' a younge man, full of fire,' says the Master, 'acted, in my private opinion, the part of ane old wary Generall.' The inactivity of Mar, on the other hand, with some 12,000 broadswords at his disposal, was less commendable.

But one fruitful and effective exploit, of which the credit is due to our hero, need be mentioned. A marked weakness of the host assembled at Perth was the shortage of munitions. At six o'clock on Sunday morning, 2nd October, a Fife friend of Sinclair's came to him at Perth, having ridden all night, to tell him that there was a vessel in the harbour of Burntisland loaded with ammunition and arms—'at least three thousand.' The cargo had been shipped at Leith, and was intended for the loyal clans under the Earl of Sutherland, then commanding the King's forces in the North; but the skipper, with whom domestic affection outweighed the sense of duty, had first put in to Burntisland to visit his wife. The Master was transported with the news, though he knew enough of his friend's imaginative powers to accept his estimate with reserve. He at once awakened Mar, who, after making difficulties and wasting valuable time—the ship was to sail with the evening tide—at last authorised the Master to attempt the *coup*. Accordingly Sinclair set out at five o'clock with eighty horse. Avoiding villages, and taking along with him such persons as he met upon the road, for if Argyll got word of the affair the dragoons from Stirling might easily cut off his retreat, the Master reached Burntisland. The ship had already drawn out of the harbour, but her captain yet lingered in the family bosom. No time was lost in securing the harbour heads and the person of the uxorious mariner; all available small boats were commandeered, and the services of the townfolk requisitioned to man them; the ship was boarded with ease, 'but the wind being contrarie,' it was hard work towing her back to her berth. Meanwhile the Master had his own to do ashore, for the amateur troopers, having loosed their horses' bridles, 'went a strouling thro' the toun' in quest of alehouses, a practice which, as their leader complains, 'confounds at all times, but more at night, the unlucky officer who has the command of them.' Standing in the water up to the middle, Sinclair with his own hands received the arms from the ship's side, and found to his great grief 'but three hundred, wanting one.' There were also a few barrels of powder and ball, and some cartridge boxes, which, with twenty-five firelocks and a barrel of powder seized on board another vessel in the port, and thirty more appropriated from the Town Guards' armoury, completed the haul. It was well that the Master had allowed a margin. His volunteers were slow to load the fifty baggage horses; 'after humblie begging the favour of these fellows to put on more, to no purpose,' says Sinclair, 'I

gave them round without distinction a heartie drubbing, the most persuasive and convincing argument to those sorte of men, and with my own hands tyed on the greatest part of them.' The Master knew his business. After sundry exciting adventures by the way, due mainly to the indiscipline of his troopers, Sinclair brought his booty into Perth 'at five of the clock, without either eating or drinking or sitting down,' so far as he was concerned. 'All these particulars I have mentioned,' he characteristically remarks, 'tho' about a thing of no consequence, to sheu the trouble one has with such fools, and how great a misfortune it is to be concerned with them.' He was not one to suffer fools gladly.

The Master was next commissioned by Mar to visit the fringes of Fife, proclaim the King in various towns, levy taxes, seize all arms and ammunition, and also to inspect and secure the fishing-boats required for the prospective crossing of the Firth by a strong force under Mackintosh of Borlum. The very partial success by which the latter venture was attended is attributed by Sinclair to the mismanagement of Mackintosh, who, he says, was 'fudled' at the time of embarkation, and was, moreover, personally unpopular with his men—they called him 'a baptized brute.' 'Of the twenty-five hundred who were designed to pass, eleven hundred got over, and a thousand were so frightened with the terrour of the sea and the expedition that they deserted to their hills.' The further fortunes of the enterprise were known to the Master only by hearsay. Forth is proverbially said to bridle the wild Highlandman; but there seems no question of the soundness of Sinclair's opinion that instead of detaching so many men for the passage of the Firth, Mar should have moved his whole force to the Fords of Frew, near Aberfoyle, where Prince Charles passed in 1745; 'but I never heard,' he says, 'of anie man of our armie who knew any thing of those foords except Rob Roy, who, they themselves said, they could not trust.' Honest Rob had occasion to know the Fords, as readers of Sir Walter will remember.

On 12th November the Highlanders under Mackintosh, with their English adherents, surrendered at Preston, and on the following day at Sheriffmuir the fate of the Rising was practically sealed. For a month after Mackintosh had crossed the Firth Mar sat still at Perth, mainly occupied in dictating despatches and issuing proclamations demanding supplies. On 10th November, however, the rebel host at long length began to move

towards the Fords of Frew. Next morning Argyll, having learned of the advance, marched through Dunblane to intercept it, and took up his position on Sheriffmuir. We cannot here fight over again that disputable battle, in which each side claimed a victory. It is interesting to note, though Sinclair makes no mention of the fact, that Sir John Schaw fought with distinguished courage as a volunteer in King George's cause, and was twice wounded. Mar's force outnumbered Argyll's by more than two to one. The brilliant attack by the Highlander's on Argyll's left was entirely successful; on the right wing the advantage obtained by the Government troops was equally complete. In the centre the insurgents, as appears, might also have triumphed had their cavalry charged at the proper time. As it was, two squadrons went off in pursuit of the fugitives whom the Highlanders had scattered, while those under command of Huntly and Sinclair remained inactive on the field, and never engaged at all. The popular view of the conduct of those leaders is thus expressed by the contemporaneous ballad-monger—

Huntly and Sinclair

They baith played the tinkler

With consciences black as a crow, man.

Mr. Andrew Lang, in his *History*, remarks that Sinclair takes great credit for preventing his men from charging, and has been blamed in consequence: 'But what could three squadrons do against an undemoralised line of bayonets? Really, he seems to have shown judgment.' The Master himself in his *Memoirs* replies to his critics with undaunted spirit.

Whether or not Sinclair's fellow-officers did him less than justice, their mutual recriminations could not fail to damage the common cause, and the state of matters at Perth, to which the army returned, became yet more confused and hopeless. In the North Lovat had raised his clan, and captured for King George the Castle of Inverness; Glasgow was in the hands of the English regiments fresh from their success at Preston; and 6000 Dutch troops had reinforced Argyll. Sinclair, as president of what was known as 'The Grumblers' Club'—an institution for which the circumstances must have afforded a fine field—was in daily conflict with Mar. He saw that the game was up, and advocated an attempt to make terms with Argyll; he carried his point, but the Government would accept nothing short of unconditional surrender. Huntly went North upon his own affairs—his country

was threatened by Sutherland; and the Master, shaking the dust of Perth from his feet, followed soon after, glad, in his own forcible phrase, 'to be out of that hell.' His position had become unendurable. It was 'agitated' in Mar's cabinet council whether he should be sent to Dunnottar or to the Western Isles; and apart from the 'calumnious prosecutions' of which he complains, so bitter were the Highlanders against him that he was like to be 'cut down' on the street. He was 'adverticed' both by friends and foes that his life was in danger. One night an ambush was laid for him in a tavern, but his bold bearing carried him through. He exonerates Mar from participation in these designs for the reason that 'he could gain nothing by my murther, which must certainlie doe him more harm than good, except he could bring it about by my undescretion and then throw the blame on myself'! A less prudent man than Sinclair must have realised that it was time for him to go.

By Christmas Day the Master was with Huntly at Castle Gordon, where he found a quiet refuge, 'after being wearied to death with fighting that monster with many heads, many hands, many feet, and (worst of all) many tongues, which St. George's dragon was a jeast to, nor could his conflict be so well proven as mine;' having struggled, he protests, with as much zeal for his country in Perth as did St. Paul for his faith with wild beasts at Ephesus. News of the Chevalier's landing at Peterhead on 22nd December disturbed his well-earned repose. 'Now ther's no help for it,' said Huntly; 'we must all ruine with him. Would to God he had comed sooner.' They learned further that if James found matters 'on a bad foot,' he was resolved to return immediately, leaving his poor subjects free to make what terms for themselves they could—'a very just and reasonable thought,' comments the Master bitterly. Mar, however, 'captured' James—'that unhappie Prince, intirelie a stranger to his oun affairs, as much as he had dropt out of another world or from the clouds'—and had him 'carried triumphinglie up to Pearth,' where the Royal presence, so long anxiously looked for, failed of its anticipated effect. 'If he was disappointed in us, we were tenfold more so in him,' writes an eye-witness, in a tract erroneously ascribed to Sinclair, who did not meet the Prince. Old Mr. Melancholy, the pamphleteer reports, was never seen to smile; with the ague, and a price upon his head, amid the *agréments* of a Scots winter, and the general ruin of his cause, it is not surprising.

Sinclair declined Mar's invitation to rejoin the standard, Huntly did nothing; and finally, when word came of the evacuation of Perth, the retreat to Montrose, and the flight of Mar and his master to France, our hero resolved upon the course which, in the last resort, he had long envisaged: to make for the Orkneys, where he hoped 'to skulk till I got some ship to waft me over to some forraigne shore.' Fugitives, 'extreamlie dumpish and melancolie,' began to arrive; and the Master prudently desired to secure an early boat, as, if Sutherland laid an embargo on shipping, his retreat would be cut off except from the Highlands, where it was not proper for him to go—'by Mar's particular care they had got so bad an impression of me that I was sure to be murder'd, otherwise I should not be one of the first to follow his scandalous example of deserting my Countrie.'

Passing the Moray Firth to Caithness, Sinclair and his companions reached the wild shores of the Pentland Firth. Of the terrors attending the passage to Orkney he retained a vivid memory, which found relief in sundry apt quotations from the *Æneid*, illustrative of the perils of such waters. At Kirkwall the melancholy prospect of the castle ruins—'the seate of the old Earles of Orkney, my ancestours'—was a depressing sight for one 'in whose veins the blood of Robert Bruce run as fresh as in his oun,' and this reminder of the fallen fortunes of his house did not improve the Master's temper. His fellow-travellers had a bad time of it. The curse of confused counsels was still upon the Jacobite remnant, but Sinclair, as usual, got his own way. At Stromness, with six companions, putting off in a small boat, he seized in the bay a sixty-ton ship 'loaded with beef, very fit for our purpose,' and having impressed a pilot, with a fair wind set sail for Calais. Some of the fugitives would have preferred a different destination; but, as the Master philosophically observes, 'it was not possible to please all, everie one belching out what his follie dictated.'

Per varios casus, per tot discrimina rerum,  
Tendimus in Latium: sedes ubi fata quietas  
Ostendunt,

quotes the Master, in concluding his *Memoirs*. 'And as may be seen by the sequell,' says he, 'we, still more unstable as the winds, not onlie 'Incerti quo fata ferant, ubi sistere detur;' but as we had begun our affair, so this part of us were to end it, 'in tam diversa magister, ventus, et unda trahunt.'" It was the epitaph of the Fifteen.

Of the subsequent career of the Master there is little left to tell. Duly attainted for his share in the ill-starred Rising, he continued to live abroad. In 1723 Lord Sinclair died. Though a Jacobite and Tory, he had kept clear of the entanglements of Mar, but while obliged to disinherit John, the heir, in favour of James and William, his younger sons, with a resourcefulness which must have earned the approval even of that hypercritical exile, he had caused them execute a back bond, binding themselves to manage the property under certain trustees, to whom the rents should be paid for behoof of their outlawed brother; and in the event of the latter becoming 'free of his present inconveniences,' or having lawful issue, they were further bound to reconvey the estate to him or to his children. As it would never have done to set forth the true consideration, the deed declared the cause of granting to be the 'unfortunate accidents that some years ago fell out abroad between the said Master and two sons of the deceased Sir John Schaw of Greenock.'

In 1726 the Master of Sinclair obtained a pardon for his life, which, however, did not remit the penalties of the forfeiture. The incapacity was mainly a technical one, for on his return to Scotland he settled down at Dysart, and entered, in all but name, upon the peaceable enjoyment of his patrimony. By reason of this pleasant legal fiction the Master spent his remaining years in the dignified leisure he had professed so often to envy, which he now put to profitable use in the composition of his *Memoirs*. He seldom visited Edinburgh, but on the rare occasions of his doing so he always went *incognito*, well armed and attended, either to anticipate the vengeance of the Schaws or reprisals by former friends. Had the *Memoirs* seen the light in his lifetime, verily would the author have stood in need of defensive weapons to meet the criticisms of his contemporaries. On one such visit he proposed to hire a running footman, and interviewing an applicant, asked the man as to his qualifications for the office. 'Sir,' said the candidate, 'I ran beside the Master of Sinclair's horse when he rode post from the English camp to escape the death to which he was condemned for the murder of two brothers.' Sinclair, we read, 'much shocked, was nearly taken ill on the spot.' It is improbable that the appointment was obtained.

The drums and tramlings of the Forty-five failed to rouse the Master from the studious peace of Dysart: doubtless he deemed himself already sufficiently a martyr to the Cause, and found that he could do better execution upon his enemies by

sharpening his quill against them than by reverting to the doubtful arbitrament of steel. He died at Dysart on 2nd November, 1750, in the sixty-seventh year of his age. He was twice married, his first wife being the Lady Mary Stewart, eldest daughter of James, fifth Earl of Galloway, his second, Amelia, eldest daughter of Lord George Murray. There was no issue of either marriage. One wishes that these ladies had recorded their experiences of their lord, which could hardly have been other than interesting.

If few Scots patriots have been more roundly abused than the author of these *Memoirs*, none has hit back with better heart and to greater effect. And though his counterblast be posthumous yet is he assured of victory; for whatever can be said against him, the balance is still in his favour.

WILLIAM ROUGHEAD.

## Political Ballads illustrating the Administration of Sir Robert Walpole

**SIR ROBERT WALPOLE** is one of the most interesting figures in British politics. A statesman far in advance of his time, he was the only Minister of his day who had made a special study of finance and commerce, and may be said to have laid the foundations of Free Trade and modern Colonial policy. At home his policy was to leave quiet things alone, while abroad he steadily pursued a course of non-intervention. He saw clearly that the Protestant succession must be maintained, and with that object sedulously cultivated the French Alliance. That the country prospered under his rule is undoubted, and after his death it was generally allowed that he was right, but during his lifetime his aims were not only misunderstood but persistently misrepresented. Few Ministers have had to contend with an Opposition so hostile and unscrupulous, while at the same time the mob, who counted for a good deal at that period, were bitterly opposed to measures they could neither understand nor appreciate.

Walpole is the more interesting from the fact that, however advanced his political views may have been, he was emphatically a man of his time. His manners, mode of life, and morals were altogether those of the first half of the eighteenth century. In his love of field sports he ranked with the Squire Westerns of the period. He kept a pack of harriers at Houghton, and also a pack of beagles at his house in the New Park, Richmond, where he used to hunt twice a week. His conversation was of the same school, as we learn from no less an authority than his son Horace, being indeed coarse even for his day. We find all these traits touched upon, exaggerated, and satirized in the ballads reproduced in Dr. Percival's book.<sup>1</sup> In the very lucid and informing introduction by the Editor the man and his times are very clearly brought before us, while the circumstances in connection with which the

<sup>1</sup> Edited by Milton Percival, Ph.D. Oxford: at the Clarendon Press. 1916.

ballads came to be written are dealt with in detail. Walpole had taken a leading part in political life from his first entrance to the House of Commons, and was soon an outstanding figure in the party warfare that preceded and followed the accession of George I. to the British throne. After holding various positions he acquired supreme power in 1721, when he became Chancellor of the Exchequer and First Lord of the Treasury, offices which he held for over twenty years, in spite of every effort to overthrow him. During the whole of that period he was constantly opposed and thwarted by an able and bitterly hostile Opposition, which was from time to time recruited by the ablest of the politicians of the day, owing in no small part to Walpole's persistent refusal to share his power, or have for colleagues men of outstanding ability.

Dr. Percival devotes some space to the different methods by which, in Walpole's time, politics and politicians could be publicly discussed and satirized, and popular opinion concerning them aroused. The chief agencies were :

PAMPHLETS, which were still much in vogue. These were by no means confined to hack writers, many prominent statesmen, including Walpole himself, lending a hand when occasion arose.

NEWSPAPERS. The Opposition had the best of it in this field, their chief organ *The Craftsman* being ably conducted, and as a rule far in advance of the numerous journals that from time to time appeared on the side of the Government.

THE DRAMA. Gay's *Beggar's Opera*, which was produced in 1728, gave a lead to the use of the Stage for the purpose of political satire. It was followed by a number of pieces in which Walpole was mercilessly lampooned. In the hands of Fielding the political play became a formidable weapon, and it was largely owing to his attacks on the Ministry in *Pasquin*, the *Historical Register*, and *Eurydice Hissed*, that in 1737 the Playhouse Bill was passed, which required all plays to be licensed before they could be produced on the Stage.

BALLADS. It must be remembered that the newspapers of the day had not yet developed into what they became later, the reporters and retailers of news of all kinds. The ballads dealt freely with subjects which the newspapers were afraid or unable to touch, while their method of treatment was far more popular and intelligible. They were, in fact, the direct descendants of the ballads which in the sixteenth century had to a certain extent supplied the want of newspapers. Many of those produced at

this period were sold by hawkers, and sung in the streets and places of public resort, such as coffee-houses and 'Mug' houses, as well as round political bonfires and at electioneering meetings. They were not, however, confined to such circles. They were handed round and circulated, both in MS. and in print, in all classes of society, including the Court itself. We cannot, of course, expect to find in these ballads the imagination, the diction, and the poetical charm of the romantic and legendary ballads, nor are they of such a nature as to move the heart, 'more than with the sound of a trumpet.' It would nevertheless be a mistake to regard them as nothing better than doggerel. Some of them, no doubt, are of that type, but many, on the other hand, show considerable literary ability, great power of versification, and a fine turn for satire. This is not to be wondered at when we find that among the authors were men like Pulteney on the side of the Opposition, and on the Ministerial side Lord Hervey. Lord Chesterfield is credited with the authorship of one at least, while more have been attributed to his pen. Among other names associated with them are those of Sir William Yonge, Budgell, Mitchell, and George (afterwards Lord) Lyttelton. It must, besides, be kept in mind that they were meant not to be read, or even recited, but to be *sung*. The tunes to which they were written were all well known at that time, and many that read poorly enough must have sounded very differently when sung to familiar and appropriate strains.

The ballads included in the present collection may be arranged under the following heads :

(1) Ballads directly attacking or satirizing Walpole himself. In these everything connected with him, whether as a man or a politician, is attacked in turn. His manner, appearance, and morals. His alleged cowardice in foreign affairs. His reputed corruption and peculation, and his methods of maintaining his position by the wholesale abuse of places and pensions. What, however, seems to have aroused the strongest resentment was his long continuance in power, and his unwillingness to share it with anyone. Good specimens of this class are :

*Robin Hood and the Duke of Lancaster* (No. II); *The Norfolk Game of Cribbage* (where Cribbage = Politics) (XXXIII); *The Projector's Looking-Glass* (XXVIII); *The Compleat History of Bob of Lyn* (LXVII).

The last named may be taken as typical. Its sub-title is *A New Ballad to the tune of Bonny Dundee : Proper to be sung at*

*Elections*, while the date is assigned by Dr. Percival to February, 1741. The name is derived from the fact that Walpole was member for the Borough of King's Lynn.

He stood for a Borough, to the House he got in,  
And thence came the name of *Bob of Lyn*.  
He scribbled without, and he speeched it within,  
And a bustling Member was *Bob of Lyn*.

*Bob of Lyn*, during twenty long years,  
Directed, perplex'd, and mismanaged affairs :  
A *Whig* out of place, and a *Tory* when in,  
And a very great *Trimmer* was *Bob of Lyn*.

*Bob of Lyn*, tho' a Man of great might,  
Was born with a mortal aversion to fight :  
He preach'd up the sleeping in a whole skin,  
And a very meek *Christian* was *Bob of Lyn*.

The ballad ending up with the lines :

Lend your Aid, O Electors ! to drive up the pin,  
And rescue poor *Britain* from *Bob of Lyn*.

(2) Ballads dealing with prominent questions of the day, such as the Anglo-French Alliance :

*Great Britain and Glory* ; or *The Stay-At-Home Fleet* (X) ; *The Sailor's Song* ; or *Dunkirk Restored* (XIII).

The Excise Project :

*Britannia Excisa* (XXIV) ; *Britannia Excisa, Part II* (XXV) ; *The Congress of Excise-Asses* (XXVI) ; *An Excise Elegy* ; or *the Dragon Demolished* (XXVII).

The *Excise Elegy* was a poem of Victory on the abandonment of the Excise proposals, which Walpole, who knew when to yield, gave up because he found 'it could not be carried without an armed force.' It has all the exaggeration and bitterness with which the Minister was opposed.

Oh ! have you not heard of the Wantley Great Dragon,  
Which poor helpless Children did not leave rag on ?  
Or great Trojan Horse, which contained in his Belly,  
Twice thirty-five Greeks, at the least, let me tell ye ;  
    *This Monster Excise,*  
    For so say the wise,  
More fierce would have been, and occasion'd more cries ;  
By nature so cruel, ill natur'd and wild,  
He resolv'd to devour Man, Woman and Child.

But what do you think was this Dragon's Design ?  
 To eat your *Tobacco*, and drink up your *Wine* ;  
 To live at Free-cost, and devour ye All,  
 Not having regard for the *Great* or the *Small* :  
     Thro' Pantry and Grange,  
     Resolv'd, he would range,  
 Your *Money* he'd take, but would give ye no *Change*,  
 He next would lay hold of your *Pullets* and *Mutton*,  
 In *England* sure never was seen such a *Glutton*.

The Spanish War : *The Negotiators* (XLII) ; *A Political Touch of the Times* (XLVI) ; *A New Song* (XLVII).

The first of these is attributed to Pulteney, and aims at discrediting negotiations and negotiators, as represented by the Walpoles. It tells how 'Blue String the Great' took with him his brother to 'Balance the Scale.'

For long had he known  
 What all men must own,  
 That two Heads were ever deemed better than one :  
 And sure in *Great Britain* no two Heads there are,  
 That can with the *Knight's* and his *Brother's* compare.

The Spanish envoy receives their proposals with contempt, and flouts them :

Sir Knight, quoth the Don, 'tis in vain to discourse,  
 For words are with me no manner of Force ;  
 If you mean to convince me, Sir *Blue String*, you must,  
 Without further prating, *come down with your Dust*.

No. XLVII illustrates the eagerness and light-heartedness with which the nation entered into the Spanish War.

A number of ballads are given dealing with the expedition to and the taking of Porto Bello, including that which is perhaps best known to the general reader, viz. No. LVII, *Admiral Hozier's Ghost*, by Richard Glover. This, which was printed by Percy in his *Reliques of English Poetry*, came out on May 21st, 1740, and was sung to the tune of *Come and Listen to my Ditty*.

(3) Another class consists of ballads written in connection with elections. Nos. LIX, LX, and LXI deal with the election of Lord Mayor in 1740, No. LXIV with the General Election of 1741, while there are several that were written during the election for Westminster in that year, when Admiral Vernon was put up in opposition to the nominee of the Court Party.

(4) Ballads, on various events, written with the object of annoying Walpole or damaging his reputation. Of these, *Le Heup at Hanover* (VII) is a scurrilous ballad dealing with a

scandalous incident at the Court of Hanover, of which Isaac Le Heup, envoy to Sweden, was the hero. He was a brother-in-law of Horace Walpole, Sir Robert's brother. It begins :

When *Robin* ruled the British land,  
With Gold and Silver bright,  
To put his kindred all in place,  
He ever took delight.  
Forth from the *Venal Band* he called,  
*Horace* and *Isaac* came.  
He bid them go to foreign Courts,  
And raise immortal fame.

*A Bob for the Court* (IX), written in 1728, after the suppression 'for reasons of State' of *Polly*, a sequel to the *Beggar's Opera*,—Dr. Percival thinks may have been written by Dr. Arbuthnot.

*The Honest Jury, or Caleb Triumphant* (XI), one of the cleverest and most vigorous of the ballads, was written by Pulteney in connection with the *Craftsman* trial, 1729. It was sung to the old tune of *Packington's Pound*, and was characterized many years afterwards by Lord Mansfield as 'famous, witty, and ingenious.' It contains some plain, if unflattering, allusions to Walpole :

You may call the man *Fool*, who in Treaties does blunder  
And stile him a *Knave*, who his Country doth plunder.  
If the *Peace* be not good, it can ne'er be a *Crime*  
To wish it were *better*, in Prose, or in rhyme ;  
For Sir Philip well knows,  
That *Innuen-does*

Will serve him no longer in verse, or in Prose ;  
Since *Twelve honest men* have decided the cause,  
And were Judges of *Fact*, tho' not Judges of *Laws*.

*A New Norfolk Ballad* (XV), by Sir Francis Walsingham's Ghost, has a double theme—one the profusion and corruption of the Prime Minister, and the other what was popularly supposed to be the precarious state of affairs at home and abroad, consequent (according to the writer) on Walpole's policy. Its object was to rouse suspicion and put people on their guard.

But what is the *Ultimate End and Design*,  
Of the States-man so great, you nor I can Divine ;  
Some say it is one thing, and some say another,  
Surmises are fruitless, and vain is a Pother.

So let all that pass ;

He sure is an Ass,

Who can, and will not see a Snake in the Grass.  
Then *Englishmen, Englishmen*, be not perplex'd,  
But raise up your spirits, and stand to the Text.

The last two ballads in the book, *Bob Booty's Lost Deal, or the Caras Shuffled Fair at Last* (LXXIV), and *The Secret Committee* (LXXV), deal with Walpole's fall from power, and the subsequent attempt to enquire into his past conduct and alleged misdemeanours by means of a Secret Committee of the House, an attempt that signally failed.

That long, very long,  
 Things all have gone *wrong*,  
 We knew, and we said, 'twas a Pity ;  
 But now we shall know  
*How* and *Why* they went so,  
 When we read what they do in *Committee*.

*Excises, Conventions,*  
 And more *good Intentions,*  
 Might yield me whereon to be witty ;  
*Great Posts* held by *Patent*  
 With *Perquisites latent* ;  
 But these I refer to *Committee*.

The book is not only entertaining but instructive ; the ballads show the mind of the people, and how easily it was worked upon by a clever but unscrupulous Opposition. The so-called *Patriots* as a matter of fact were no better than disappointed place-men, infuriated at being kept out of office so long. That Walpole appreciated the situation, and knew very well why he was so persistently attacked, is obvious. It was the 'Patriots' that he alluded to when he made his famous remark, 'All these men have their price'—a statement that, in the incorrect form of 'All men have their price,' has often been quoted as an instance of his cynicism. Proof of what he really said is afforded by one of the ballads, *An excellent Court Ballad, entitled Sir Blue String's Expostulation with Admiral Vernon, upon the taking of Porto Bello* (No. LV).

In this Sir Robert is represented as saying :

You seek nought but the Good  
 Of your Country—Ods Blood !  
 How I laugh at these *Rhodomontades*.  
 There's not one, but whose Price,  
 I could name in a Trice,  
 Among all these fine *Patriot Blades*.

Altogether they throw very valuable as well as amusing side-lights on the history of the period.

T. F. DONALD.

## Glasgow Burghal Records, 1718-1833<sup>1</sup>

WHAT place will burghal records ultimately hold in the study of history in Great Britain? That the store of national fact of all kinds, but especially regarding the social phenomena of successive periods, must in future be more and more drawn from municipal sources seems certain. Whether for their politics, their industries, or their civic amenities, grievances, or aspirations, it is only in the autobiographies of the cities and burghs that the central movement of action and thought is reflected with the constant variety and the frequent vicissitude which the unending forward thrust of mankind makes inevitable. The work which over so many years Dr. Robert Renwick has been doing for the City of Glasgow in editing the minutes of the town councils and the relative charters and papers of the municipality is in its essence the editing of a biography, self-recorded from century to century in the registers of the town's business.

While it is impossible to calendar here even the chief heads of the contents of so many volumes, a few points may well be set in chronological sequence. These are not chosen necessarily because of their importance in the annals but rather for their illustrative significance.

We find the lieges vexed in 1718 by the imposition of the Malt Tax, which occasioned the Shawfield riots in 1725. A bond in that year by the inhabitants of Port-Glasgow embodies an obligation by them towards Glasgow as superior of Port-Glasgow with its harbour, quay, and dock, under which they thirled themselves to the Glasgow mills and restricted their brewing of malt on condition of Glasgow erecting mills to serve Port-Glasgow. The

<sup>1</sup> *Extracts from the Records of the Burgh of Glasgow, with charters and other documents.* Vol. V. 1718-38, pp. xxx, 621. 4to. Glasgow, 1909. Vol. VI. 1739-59, pp. xxxviii, 635. 4to. Glasgow, 1911. Vol. VII. 1760-80, pp. xlvi, 705. 4to. Glasgow, 1912. Vol. VIII. 1781-95, pp. xlvi, 737. 4to. Glasgow, 1913. Vol. IX. 1796-1808, pp. liv, 751. 4to. Glasgow, 1914. Vol. X. 1809-1822, pp. liv, 813. 4to. Glasgow, 1915. Vol. XI. 1823-1833, pp. lxx, 736. 4to. Glasgow, 1916.

thirlage dues were to be employed in building a dry dock. At this period Port-Glasgow was a great feature in the policy of Glasgow. The city was passing through an important phase of its evolution—the phase in which the idea of the Clyde as a first-class waterway up to the Broomielaw was not yet conceived, and in which Glasgow's aspiration for the freedom of the seas was by way of its vassal harbour at Port-Glasgow.

Population grew slowly; the yearly rate of increase from 1712 until 1743 was not quite 150. Trade reviving about 1735 flourished from 1750, considerably assisted by the commerce with America, which had fostered manufacturing projects in Glasgow. By 1771 the value of goods manufactured there was about £500,000. Mercantile and intellectual activities went hand in hand; typefounding began in 1718; the first newspaper appeared in 1715; the coffee-house, with the journals for its frequenters, was in full vogue in the second quarter of the century.

When Prince Charles Edward, in September, 1745, requisitioned Glasgow for a loan of £15,000 he indicated his willingness to accept 2000 broadswords as equivalent of part of the sum. In December following the further demand was for 6000 short cloth coats, 12,000 linen shirts, 6000 pairs of shoes, pairs of hose, and blue bonnets. These two 'iniquitous fines,' as the magistrates afterwards called them, were with some modification paid; but the Jacobite day was short, and in 1746 much good town's money was spent in wine toasting Cumberland's birthday and 'solemnizing the victory at Culloden.' Besides these celebrations 'after the battle of Culloden where the rebels were defeated' there was a gold box for the Duke's burgh ticket, with his arms and the town's together thereupon. A new set of market buildings begun in 1753 shews that the two years of civil strife had not long interrupted progress. They were reckoned, we learn, 'the completest of their kind in Britain.'

Many references to the road system and the building and repair of bridges, as well as to revision of bridge dues, point to the continued importance to Glasgow of the conjunction of highways there. Historians have shewn that the Bridge of Glasgow (in Blind Harry's day still recalled as having in Wallace's time been made 'of tree') was the essential making of the city as a commercial resort and centre. The time was now arrived, however, when the waterway was to come into being on a scale such as to constitute a heavy challenge of comparison with the traffic by land. A new epoch began when in 1740 the council agreed 'that

a trial be made this season of deepening the river by carrying away the banks below the Broomilaw,' with the result that the process of 'deepening some shoals in the river' became a set policy, which was to develop mightily after Smeaton, the engineer, was called in to advise in 1750. This scheme, however, was not of exotic origin; Glasgow itself originated the engineering of its greatest and most distinctive enterprise. Not yet, however, was the resolution taken—of final moment for future development—that the Clyde up to Glasgow was to be made navigable without any lock or dam and solely by narrowing and deepening the channel. Credit for this decisive and fateful counsel appears to have been primarily due to John Golborne, whose recommendation to that effect in 1768 was strengthened by James Watt's report in 1769, and received the confirmation of parliamentary sanctions in 1770.

As the eighteenth century drew to a close new movements were actuating the public mind, and some of the citizens found themselves drawn into the vortex of high politics, in which temperamental as well as traditional concepts of liberty, right, and privilege came to sharp issue. The records from 1781 to 1795, therefore, arouse particular expectancy. In the 'glorious revolution' of 1688 Glasgow had at last obtained its full civic franchise by its good service to Protestantism and King William. In 1745 its loyalty to the Hanoverian dynasty had been unshaken. A tidal wave of radical thought flowed over Great Britain in the French Revolution time with momentous effects there and then; with yet more momentous consequences, even when they seemed to be the mere wreck and waif of a spent hurricane. Great as is the interest of the material advance of Glasgow, its discovery of iron and steel and steam, its sea changed from an inland cathedral town to a primary Atlantic port, these elements of the annals suggest an even deeper interest in the mentality out of which these remarkable things came. What political continuity, what constant yet developing fabric of mind connected the men who favoured William of Orange, the opponents of Prince Charles Edward, the supporters of the Government in the critical epoch of 1793, and the party of Reform (not forgetting its Radical wing) that carried the amended Representation of the People in 1832?

It is this question which gives Dr. Renwick's eighth volume a commanding significance. If on the one hand the loyalty of the municipal representatives is conspicuous in the entire actings of

the council, the apparently instinctive opposition to the new proposals of Police Acts, the sudden emergence of what was called sedition, the formation of political associations, the prevalence of a large degree of sympathy with the Revolutionary principles in spite of all the formal votes and resolutions affirming unabated confidence in the King's Government, the necessity of repressive prosecutions, of which that of Thomas Muir of Huntershill was historic and notorious—all these things disclosed that during that strange seed-time of political change Glasgow was seething with the fervour of the new speculations on the arts of government and the rights and functions of the citizen.

To us at the present time the fierce hostility to the Police Bills might seem difficult to understand if we did not recognise that the opposition stood for individual liberty, believing itself endangered by autocratic power. The apprehensions formed were not more extravagant than those upon which authority acted to stamp out revolutionary tendencies. Prosecutions coloured by politics and a cry of the country in danger have seldom been free from the bias of passion. When the magistrates in 1793 protested against the unjust attempt of France to disseminate destructive principles it was the beginning of a long struggle which left its mark on the Council registers, in condemnations of Napoleon, in approval of the peace with him in 1802, in support of the monument to Pitt, in approval of renewed war in 1803, in felicitations on Camperdown and Trafalgar, and in the column to Nelson, the statue to Sir John Moore, the bonfires of joy over the late glorious events in France in 1814, and—strange to say—the silence with which Waterloo is passed over.

Glasgow, like the country generally, was in the back-water of the great reaction. In the American War of 1812-1815 Glasgow merchants and the citizens with them had suffered much. Industrial and social discontents swelled into the squalid and hopeless Bonnymuir rising of 1819. Distresses of weavers, problems of the poor, recurrent 'seditions' and riots, growth of mendicancy—a national sore intensified by the influx of Irish practitioners of the art—these are sombre intermediaries between the down-putting of Napoleon and the advent of popular franchise. Yet over these shadows of strife and misery new dawns were breaking. Progress surprisingly often takes the form of improved means of communication. Canal development had accompanied the exploiting of the Clyde. Steam and James Watt arrived in time to push the consequences of new positions.

In 1803 the engine was improved so as to consume its own smoke. In 1812 Henry Bell's triumph, the *Comet*, started a new cycle of mechanical advance. Coaches were getting forward, but before long the locomotive was superseding coach and canal. From 1824 Glasgow had entered upon the great competition chiefly directed towards securing the conveyance of minerals. A certificate in 1826 recommended Henry Bell to the Chancellor of the Exchequer for his great ingenuity and as first introducer of the steamship practically applied; but the public treasury made meagre response, and the pension which secured a measure of comfort to Henry Bell's later years came chiefly from Glasgow subscriptions and—appropriately enough—the Clyde Trustees.

Phases of transition visible in Dr. Renwick's concluding volume of extracts include the parliamentary preliminaries for the new bridge which Telford was to design and which was not completed until 1836. No symbol 'carries on' through the ages more significantly than the bridge. A new type of social force had manifested itself in the work of Dr. Thomas Chalmers, whose administration of relief among the poor had been a triumph of sessional organisation, for the first time turned to public use on a large scale to meet the exigencies of distress, which were the wake of Napoleonic war. Industrial invention and experiment changing the conditions of working-class life, impatience of numbers of men with their helplessness to amend an ill-ordered world, the reactions of peace after the twenty years' wrestle with France, the instincts which the revolutionary programme at its best had nurtured, all acted together upon the Scottish mind to produce a spirit of reform controlled by practicable aims. In the prelude of the movement towards really representative government the Glasgow records, while quite inadequate even as a bare recognition of the ferment produced by revolutionary and radical cults in Scotland, exhibit the coexistence of old systems and new in surprising confusion.

Port-Glasgow, at earlier periods of its history an anomaly of feudalism in a new mechanical and maritime day wherein feudalism had no part, had ceased to be a vital interest of the suzerain city before even its docks were equipped. Its Atlantic motto, *Ter et quater anno revisens æquor*, carefully devised in Glasgow, became really a mere memory of a past project when there was dredged a draught of 8 feet low water, and 12 to 15 feet high water, up to the Broomielaw. Feudal nexus, strange enough at Port-Glasgow, held place too in the relations with Gorbals, of

which the Provost, Magistrates, and Council were 'Barons and Superior.'

The Police Act nexus came in lieu of the baronial, starting the policy of annexation which in these modern days has lost none of its adaptability. In 1830 the whole art, process, and advantage are admirably described, setting forth the efficient unity, salutary economies, and manifold benefits of an incorporation with Glasgow of 'the adjacent burghs of Calton and Anderston, the barony of Gorbals, the village of Bridgeton, and other suburban districts.'

When we remember the opposition to the various Police Bills forty years earlier, the republican or 'seditious' tendency of revolutionary associations, and the overt indications of political dissent, of which Bonnymuir was a glaring though abortive expression, it becomes easy to understand in the Address to the King in 1831 the town council's declaration that the tranquillity of the country demanded salutary political reforms securing 'a full, free and fair representation in parliament.' Beneath all the capering and vapouring of political enthusiasms and republican rhetoric there was in Glasgow a sturdy democratic force of opinion which could vote 40,000 strong in 1816 against grievances and could claim the franchise in 1831 in a trades' procession numbering 150,000. It is an odd commentary on the effect of enfranchisement that the efforts of the municipal body in 1833 were earnestly directed against municipal reform, which was the foremost sequel of a reformed parliament—the proof of the pudding being the 'preeing o't.'

These seven quarto tomes, printed for the Corporation of Glasgow, well annotated and fully indexed, complete one more stage of the service of municipal Glasgow to national history. The prodigious and sustained industry of Dr. Renwick for at least 44 years, has equipped Glasgow for historical purposes, on its municipal sides at least, to a degree of completeness probably beyond that attained with regard to the archives of any other city in the United Kingdom, except London. And the many books (including over 45 quarto volumes) on which he has laboured, whether under the chief editorship of Sir James Marwick or as sole editor himself, did not exhaust his activities. His *Historical Glasgow*, written for the British Association in 1901, was an admirable and succinct general sketch. His *Glasgow Memorials* in 1908 grouped in its crisp chapters a series of monographs on aspects of the city's annals. But besides these independent essays

every one of the prefaces to Glasgow charters, records, and protocols incorporated contributions of his, derived through his unique familiarity with the registers and documents of which he is officially in departmental charge. His unrivalled knowledge is maintained by his studied interest in and attention to every new point of topography or burghal constitution which emerges in archaeological discussion.

Why therefore, it may well be asked, should such intimacy of local knowledge have concentrated itself in him alone? Surely the answer is clear. It remains for him to assemble and array this knowledge as a continuous narrative of the rise, growth, constitution and life of Glasgow. He ought to be asked under the highest learned, and civic auspices to dedicate his ripe historical faculty and his unique accomplishment in the annals, topography, and institutions of Glasgow, to a full general history of the city. The community would honour itself not less than Dr. Renwick by such an invitation, to which the adhesion of the Corporation possibly at the same time conferring some honorific office to cover the task, would be an appropriate and official act of grace. Not perhaps for many generations need Glasgow expect the recurrence of such an opportunity to recognise—if not rather to constitute specially *ad honorem*—so meritorious and so modest a historiographer.

GEO. NEILSON.

# The Political Philosophy of the Marquis of Montrose

## I. THE POLITICAL PHILOSOPHY OF A MAN OF ACTION

THE Marquis of Montrose played such a remarkable part in the history of Scotland that it is singular that his political philosophy has attracted so little attention. It has indeed been examined with care by Napier, who first printed the letters in which it is contained, and by Mr. John Buchan in his recent monograph. But though literary men might have been attracted by the beauty of his style, and philosophers might have appreciated the wisdom of his thoughts, his writings have secured little attention. He lived in a period of transition, but he had no pretension to be, like Bartolus of Sassoferrato, 'one of those minds which help to carry over to one age the thoughts of another, and transmit by transmuting the intellectual heritage of their day.'<sup>1</sup> The writings of Montrose have been ignored by the historians of political thought, but after all he put on record in them the principles on which he acted; it may be contended that the men who express their principles in action should not be forgotten by those who are tracing the progress of the art of government. Some writers, like More and Harrison, who had literary successes, and drew Utopian pictures which have never been realised, had little influence on the actual life of their own generation or on succeeding ages. Political science does not seem to give much guidance in regard to the practical problems of our own day, such as Home Rule for Ireland; the consideration of the laws of social evolution gave us no warning of a coming European convulsion and little help to wise action in a new emergency. The art of government is not to be treated as a mere literary affair which philosophers think out in their studies, its progress is similar to that of other arts. Improvements in the art of cotton spinning imply a knowledge of the

<sup>1</sup> Figgis, *Royal Society Trans.* n.s. xix. 168.

principles of mechanism; and improvements in the art of government imply a knowledge of principles of human conduct, but what is really important for progress is that new suggestions should not remain on paper but should be put in practice. The importance of mere literary men in shaping and perpetuating political ideas may easily be exaggerated; it is thought as expressed in action that has established precedents and called forth imitation; 'political thought is very pragmatist.'<sup>1</sup>

Just because Montrose was above all a man of action, there is a special fascination about the political writings attributed to him. They were first identified by Napier, no question seems to have been raised about their authenticity, and they are accepted by such a careful critic as Dr. S. R. Gardiner.<sup>2</sup> Montrose did not write a formal treatise, or analyse the conception of Sovereignty, but he put on record, as occasion required, the opinions which were shaped in his mind as the results of conversation with his familiar friends Napier of Merchiston, Stirling of Keir and Stewart of Blackhall.<sup>3</sup> One of his letters is addressed to the king, warning him against the treasonable aims of certain partisans.<sup>4</sup> He communicates to a noble friend his views on the nature of Sovereignty and the conditions of good government;<sup>5</sup> and he has put on record, in his defence, the grounds on which he regarded himself as innocent of the charges brought against him.<sup>6</sup> These papers have an extraordinary personal interest; they show the reasons which guided his conduct and enable us to judge how far he was consistent; they raise the question whether similar reasons did not explain the conduct of those who were under his influence and acted with him. In a later generation men like Graham of Claverhouse consciously took him as their model, and it does not seem possible to attempt to lay down the limits within which the political ideas of such a national hero were operative.

The few who have studied him with care appear to have been tempted to give him praise which he does not wholly deserve. Thus Gardiner writes that he 'was attempting to anticipate the

<sup>1</sup> Figgis, *From Gerson to Grotius*, p. 1.

<sup>2</sup> *D.N.B.* vol. viii. p. 317.

<sup>3</sup> *Memorials of Montrose* (Maitland Club), vol. i. 285 n. 2, 368; vol. ii. 35.

<sup>4</sup> *Memorials* (Maitland Club), vol. i. p. 268; *Memoirs*, vol. i. p. 311.

<sup>5</sup> *Memorials* (Maitland Club), vol. ii. p. 43; *Memoirs*, vol. i. p. 280.

<sup>6</sup> *Memorials* (Maitland Club), vol. i. p. 215; *Memoirs*, vol. i. ap. xlv.

freer life of modern Scotland,'<sup>1</sup> and even Mr. Buchan claims him as a 'modern man,'<sup>2</sup> and says that 'there is scarcely an idea that is not modern, and what is far rarer, the application is modern too.'<sup>3</sup> To me it appears that his aloofness from democracy severs him completely from modern thought with its attachment to parliamentary sovereignty,<sup>4</sup> and that he was not before his time, but emphatically a man of his time. He was great because what he wrote in regard to the difficulties of his own day was put so clearly and forcibly, and was in itself so wise, that it is of value for all time.

## II. THE CONSISTENCY OF MONTROSE IN HIS ATTACHMENT TO THE NATIONAL COVENANT

Montrose found himself face to face with what had been the great political problem of the Middle Ages, though it was now presented in a new form. The relations of the temporal and spiritual powers was the problem of the Middle Ages,<sup>5</sup> and it was set in a new light at the Reformation by the revolt from Rome. Charles V. and Philip II. exercised their temporal powers for what they thought was the good of the Church, in disregard of the Pope. It had been maintained in England that that Kingdom was an Empire, and that the King was entitled to exercise the power of an Emperor, under the advice of the spirituality of the realm. The assertion of Gallican Liberties tended to increase the royal authority in France at the expense of the Papacy,<sup>6</sup> and the claims of the temporal prince to decide on the religion in his own territory was frequently urged; this appears to have been the ground taken by Queen Mary in the recorded conversation with Knox in 1561;<sup>7</sup> but such a maxim was abhorrent to the conscience of a nation which had come to believe that they had accepted a form of Christianity in which Christ was recognised as the direct Head of the Church, and where all details were administered in accordance with the scriptural models. The assertion of the sovereignty of Christ in His Church and submission to Him was not felt, by the sixteenth century Scots, to be in any way prejudicial to the recognition of the sovereignty

<sup>1</sup> *D.N.B.* vol. viii. p. 317.

<sup>2</sup> J. Buchan, *Montrose*, p. 275.

<sup>3</sup> *Ibid.* 278.

<sup>4</sup> C. H. M'Ilwain, *The High Court of Parliament*, 93.

<sup>5</sup> Wolf, *Bartolus*, 210.

<sup>6</sup> Pithou, *Libertez de l'Eglise gallicaine* (1594).

<sup>7</sup> Knox, *History* (1731), p. 323.

of the monarch in civil affairs; his rule was accepted as inviolable, and his authority regarded as God given. Article XXIV. of the *Scots' Confession of 1560* runs as follows: 'We confess and acknowledge Empires, Kingdoms, Dominions and Cities to be distincted and ordained by God; the power and authority in the same be it of Emperors in their Empires, of Kings in their Realms, Dukes and Princes in their Dominions, and of other Magistrates in the Cities, to be God's holy ordinance, ordained for the manifestation of his own glory, and for the singular profit and commodity of mankind. So that whosoever goeth about to take away or to confound the whole state of Civil policies now long established, we affirme the same men not only to be enemies to mankind, but also wickedly to fight against God's expressed will.'<sup>1</sup> Similar language was used in the band of maintenances of 1587,<sup>2</sup> and in the National Covenant of 1637<sup>3</sup> the doctrine is laid down that the 'cause of God's true Religion and his Highness' Authority are so joined as the hurt of the one is common to both.' This was the principle to which Montrose heartily assented. He was never conscious of wavering in his attachment to this Covenant, and he took up arms in its defence<sup>4</sup> when he believed that there was encroachment upon the spiritual power by the advisers and instruments of the crown, and especially by Archbishop Laud in forcing the Prayer Book and Canons on the Scottish Church. The King's advisers had, as Montrose felt, induced him to go beyond the proper sphere of temporal power; the scope of temporal sovereignty, as traditionally defined by the schoolmen, gave no excuse for such claims, and they might be set aside without impugning any of the essential points of sovereignty.<sup>5</sup> The encroachment could only be justified by some such principle as *Cujus est regio, illius est religio*; and though this maxim sounded blasphemous to Scottish ears, it might be good law in England,<sup>6</sup> where the king was recognised as Head of the Church and supreme in spiritual jurisdiction; but in Scotland it was certainly unconstitutional in 1625, whatever it might have been in 1560; and Montrose took up arms to resist unconstitutional encroachment upon the spiritual power.

But during the next three years the state of public affairs had entirely changed. Charles had given most liberal concessions to

<sup>1</sup> Dunlop, *Collection of Confessions*, ii. 90.

<sup>2</sup> *Ibid.* ii. 109.

<sup>3</sup> *Ibid.* ii. 129.

<sup>4</sup> Napier, *Memoirs*, i. 190.

<sup>5</sup> *Memoirs*, i. 280.

<sup>6</sup> On differences between the Constitution in England and in Scotland, see King James' Speech, 31st March, 1607, *C.J.* i. 362.

the aggrieved Covenanters, both personally and through his commissioner Traquhair;<sup>1</sup> though he had not abandoned his personal claims explicitly, he had at least ceased to press them. Montrose was completely won over, and became full of enthusiasm<sup>2</sup> for a King who could act with such 'prudence.' On the other hand, there was a considerable change among the Covenanters: claims to a very large interpretation of the rights of the ministers in the exercise of spiritual power had been put forward by Andrew Melville in the *Second Book of Discipline*;<sup>3</sup> and this, though not formally accepted by Parliament, had exercised an increasing influence. The ministers, by the spiritual authority they claimed over the monarch personally, were in danger of stepping out of their sphere; and their claim to teach the Magistrate how civil jurisdiction should be exercised was not easily reconciled with the recognition of the monarch as exercising an authority given by God Himself. 'Where the Ministry of the Kirk is once lawfully constituted, and they that are placed do their Office faithfully, all godly Princes and Magistrates ought to hear and obey their voice, and reverence the Majesty of the Son of God speaking through them.'<sup>4</sup> This exaggerated language was repellent to Montrose; but the doctrine was diffused by Buchanan<sup>5</sup> from a humanist point of view, and it expresses the attitude of mind of the forward party among the Covenanters, who carried through the Solemn League and Covenant, made with the parliamentary party in England. When this was followed not merely by intrigues against the king himself in Scotland, but by an 'overt act' of treason in taking up arms against the king and invading England, Montrose felt that the time had come for him to act vigorously in opposition to those whom he regarded as undermining the authority of the civil power. To his mind the forward party among the Covenanters were not only traitors to the National Covenant by their failure to recognise the authority of the civil power, but traitors to the Kirk,<sup>6</sup> by treating the form of government, which they had declared to be in accordance with Christ's direction, as a thing indifferent, and by entering into agreement to act along with Brownists and Independents. From 1640 Montrose was a vigorous supporter

<sup>1</sup> Napier, *Memoirs*, i. 225, ap. xlv. n.

<sup>2</sup> *Ibid.* i. 311, ap. xxviii.

<sup>3</sup> Dunlop, *op. cit.* ii. 761. Similar views had been held by John Knox, *History* (1731), 382.

<sup>4</sup> Dunlop, *op. cit.* ii. 789.

<sup>5</sup> *De jure Regni apud Scotos.*

<sup>6</sup> Napier, *Memoirs*, i. ap. xlvi.

of Charles I. and of his claims to authority; and it is easy to understand that in thus changing sides he did not feel that, whatever others might be, he was himself untrue to the principles of the National Covenant.

It is alleged that Alexander Henderson<sup>1</sup> sympathised with him, and he himself believed that the mass of his countrymen were influenced by interested parties and seditious preachers to enter on a course which was against their better judgment. Certainly Scotland was to pay a heavy price for the manner in which treason was condoned at this time. A suspicion of treason attached to the Presbyterian after the Restoration; and religious enthusiasts regarded the Presbyterianism which was established after the Revolution as latitudinarian and moderate. It was not till 1876, when the surviving remnant of Covenanters were fused in the Free Church, that they ceased to be a standing protest against the duty of obedience to a Civil Power which claimed to be independent of spiritual authority.

### III. SOVEREIGNTY, AND THE STRENGTH OF A TEMPERATE MONARCHY

So far we have seen Montrose forced into opposition, first by the 'papistical prelates' and the High Commission, which encroached on the spiritual power, and then by those who in his judgment were undermining civil government altogether and introducing mere anarchy; but it is worth while to look more closely at his positive statement of his principles.

He insists on Sovereignty as essential to the welfare of human society. 'Civil Societies,' he says, '(so pleasing to Almighty God) cannot subsist without government, nor government without a Sovereign Power, to force obedience to laws and just commands, to dispose and direct private endeavours to public ends, to unite and incorporate the several members in one body politic, that with joint abilities they may the better advance the public good. This Sovereignty is a power over the people; above which power there is none upon earth; whose acts cannot be rescinded by any other; instituted by God for his glory, and the temporary and eternal happiness of man. This is it that is recorded so oft, by the wisdom of ancient times to be sacred and inviolable—the truest image and representation of the power

<sup>1</sup> Murdoch and Simpson, *Memoirs of James, Marquis of Montrose*, by Wishart, p. 30 n.

of Almighty God upon earth—not to be bounded, disputed, meddled with at all by subjects, who can never handle it, though never so warily, but it is thereby wounded, and the public peace disturbed. Yet it is limited by the laws of God and nature; and some laws of nations; and by the fundamental laws of the Country, which are those upon which Sovereign Power itself resteth, in prejudice of which a king can do nothing, and those also which secure to the good subject his honour, his life, and the property of his goods.<sup>1</sup> Sovereignty, or the divine authority to exercise power and demand obedience, is not attached exclusively to any one form of government. It is not inherent in monarchy, and Montrose differs from James I.<sup>2</sup> and many other royalists, who seem to identify Sovereignty and monarchy; but according to Montrose, Sovereignty 'is still one and the same, in point essential, wherever it be, whether in the person of a Monarch, or in a few principal men, or in the Estates of the People.' Since Montrose is writing chiefly about practical questions in the affairs of Scotland, which was undoubtedly a kingdom, he has very little to say about oligarchies or democracies, and confines himself almost exclusively to the discussion of good government in those countries where Sovereignty is exercised by a monarch.

The essential points of Sovereignty are 'to make laws, to create principal officers, to make peace and war, to give grace to men condemned by law, and to be the last unto whom appellation is made.' 'These prerogatives are inalienable, indivisible and incommunicable.' The laws of a realm are treated by Montrose as the privileges of the people granted by the king: 'The King's prerogative and the subjects' privilege are so far from incompatibility that the one can never stand unless supported by the other. For the Sovereign being strong, and in full possession of his lawful power and prerogative, is able to protect his subjects and maintain their liberties entire; otherwise not. On the other side, a people enjoying freely their just liberties and privileges, maintaineth the prince's honour and prerogative out of the great affection they carry towards him, which is the greatest strength against foreign invasion, or intestine insurrection, that a prince can possibly be possessed with.'<sup>3</sup> Montrose admits

<sup>1</sup> Napier, *Memoirs*, i. 281.

<sup>2</sup> 'Trew Law of Free Monarchies,' in *Works* (1616), p. 193.

<sup>3</sup> Napier, *Memoirs*, i. 287.

that to those who hold these doctrines 'the proceedings of these times may seem strange'<sup>1</sup> and that 'it requires more than human sagacity to go so even a way betwixt the prince's prerogative and the subjects' privileges as to content both, or be just in the matter. For they can never agree upon the matter, and when it hath been attempted as in some places it hath, the sword did ever settle the question, which is to be avoided by all possible means';<sup>2</sup> and therefore to procure a good and temperate government it is necessary that both the king and the people should play their part. The power of the Prince 'is strong and durable when it is temperate, and it is temperate when it is possessed (with the essential parts aforesaid) with moderation, and limitation by the laws of God and of nature and the fundamental laws of the Country.'... 'The effects of a moderate government are Religion, Justice and Peace, flourishing love of their subjects towards their Prince in whose hearts he reigns, durableness and strength against foreign invasions and intestine sedition, happiness and security to King and People. The effect of the Royal Power restrained is the oppression by tyranny of subjects (the most fierce, insatiable and insupportable tyranny in the world) where every man of power oppresseth his neighbour without any hope of redress from a Prince despoiled of his Power to punish oppressors. The effect of a Prince's power too far extended is tyranny, from the king (if he be ill), or (if he be good) tyranny or a fear of it from those to whom he hath entrusted the managing of public affairs... but failure must follow let a prince command never so well, if there be not a corresponding obedience among the people. Patience in the subject is the best remedy against the effects of a prince's power too far extended.' Throughout Montrose regards the weakness of the monarchy as the greatest possible evil, inasmuch as it results in mere anarchy; and the best security for good government seemed to him to lie in the prudence of the monarch who tried to attach his subjects to his rule by his moderation. In all this we see the direct influence of Bodin, but also the effect of Montrose's personal experience of Scots affairs: the anarchy which resulted from the ambition of nobles, and the contentions of families seemed to him the greatest evil from which a civil society could suffer, and one which it was necessary at all hazards to avoid.

<sup>1</sup> Napier, *Memoirs*, i. 287.

<sup>2</sup> Napier, *op. cit.* i. 285; *Memorials* (Maitland Club), ii. 47.

History has condemned the personal monarchy to which Montrose pinned his faith, and it has passed away altogether from Scotland. Montrose hoped that there might be co-operation for the common good between royal prerogative and the subjects' privileges, but he did not anticipate a practical transfer of Sovereignty, so that it is no longer placed in the monarch, but in the people.

#### IV. TESTS OF A GOOD GOVERNMENT

(i) THE EFFECTIVENESS OF THE STATE

(ii) THE CHARACTER OF THE CITIZENS

Apparently it was inconceivable to Montrose that the Sovereignty of the people could ever be realised, or that men could be honest in advocating it; but the sentences in which he dismisses the suggestion raise an interesting question. 'And thou, seditious preacher, who studies to put the sovereignty into the people's hands for thy own ambitious ends—as being able, by thy wicked eloquence and hypocrisy, to infuse into them what thou pleasest—know this, that this people is more incapable of sovereignty than any other known.'<sup>1</sup> It is perhaps not very profitable to speculate on the grounds of this remarkable *obiter dictum*: the Scotsmen of the seventeenth century were not lacking in intelligence: education was certainly more general throughout the country than it was in England, and they had been trained for the government of trade in the national interest, by the Convention of Royal Burghs in a way of which Englishmen, with their exclusive companies, had no experience. It might have been supposed that the Scot was exceptionally fitted to undertake the responsibility of popular sovereignty. But still Montrose seems to have felt that the conditions were not present which were necessary for a successful experiment in self-government.

Mr. Terry, in his book on the Scottish Parliament,<sup>2</sup> calls attention to the extraordinary political apathy in Scotland during the seventeenth century. There was little national feeling; the Lowlands and the Highlands had little in common, and even the Lowlands were the prey of competing factions, while the great families were very jealous of one another. There was little solidarity throughout the country as a whole, hardly any sense

<sup>1</sup> Napier, *Memoirs*, i. 288. He had already noted on the same page, that the people of Scotland, for many grave reasons, are not capable of a republic.

<sup>2</sup> *The Scottish Parliament*, 37, 163.

of common interest among those who were severed from one another by great physical features, and still less consciousness of common sentiment; the conditions under which the consciousness of nationality can arise were wanting. But Montrose's opinion that democratic government was unthinkable in Scotland, as he knew it, at least raises the interesting question as to the tests which should be applied to decide whether a government is good or bad. He does not discuss this question explicitly, though he is throughout much more interested in the goodness of a government than in its form. Political organisation may be said to be good or bad according to the efficiency of the community in any action it undertakes, and as to the influence it exercises on the individuals who compose it. The war has raised many unexpected questions, and it is commonly said that democracy is on its trial, that there has been a gradual recognition of the fact that the fundamental issue in the present contest is that between autocracy and democracy, and that the decision taken on the continent of Europe must affect the world at large for generations yet to come. It seems that the principles, discussed by the Marquis of Montrose, may at least assist us to analyse the present situation. Montrose was not much interested in the mechanism of government; but he thought it important that the government of the monarchy, which existed in his day, should be wise in judgment and strong in action; and these questions must be faced by democracies. The war is an ordeal by which many established institutions are being tried, and it has raised the practical question as to how far democratic self-government is good government and shows itself able to stand a strain.

(i) Montrose laid stress on Sovereignty and the recognition of Sovereignty as essential to the existence of any political community. 'The essential points of sovereignty,' he says, 'cannot exist in one body composed of individualities.'<sup>1</sup> There is need of an effectual power such as a head, 'to unite and incorporate the members into one body politic that with joint endeavours and abilities they may the better advance the common good.'<sup>2</sup> Sovereignty was intended, as we should say, to form the country into an organism, without it there would be a mere aggregate of 'individualities.' In a democratic state there need be no monarchy, but popular Sovereignty is essential for its good government,

<sup>1</sup> *Memorials* (Maitland Club), vol. ii. p. 45; *Memoirs*, vol. i. p. 281.

<sup>2</sup> On the importance of Sovereignty, see the speech on 7th July, 1907, of the Speaker of the House of Commons (*C.J.* i. 254).

and there is quite as much call for obedience and for sacrifice as in any other type of political community. The importance of Sovereignty was recognised by Hobbes, who regarded the state as a Leviathan or super-man to which the rules of conduct that were laid down for private persons were not directly applicable. Milton also seemed to recognise that an oligarchy in whom Sovereignty resides has a right to compel unwilling citizens for their good.<sup>1</sup> The doctrine that the recognition of Sovereignty is essential for a political community underlies the political writings of Burke, and finds clear expression in Austin; but though there has been such a consensus of opinion in support of Montrose's characteristic doctrine, there has also been a school of political thought founded by Locke, who in attempting to describe how political authority could be derived have explained it away. His *Civil Government*<sup>2</sup> shows how men, who were conscious of gaining by the change, might form a Civil Society into which they were drawn by common interests and sentiments. But such a community would be a mere aggregate of 'individuities,' not an organism, and though such a community may work harmoniously for many purposes, especially for industry and trade, there is sure to be occasion sooner or later for common action, which involves personal obedience and personal self-sacrifice, and Locke fails to show the grounds on which, or the limits within which, these can be reasonably rendered. His doctrine was very popular however, and found an enthusiastic disciple and clear exponent in William Paley, who again met his antagonist in Adam Sedgwick, the Professor of Geology at Cambridge. 'On Paley's principles civil obedience cannot continue to be regarded as a duty; and if civil order be maintained at all, it can only be through selfishness and fear on the one hand, and by corruption and brute force on the other. Such a state of things can only lead to ruin and confusion, or the establishment of a despotic executive.'<sup>3</sup> There has thus been re-assertion, from time to time, of Montrose's principle that the recognition of Sovereignty was essential for the good government of a community.

The present war has shown us great communities in action, and has given us an opportunity for comparing by a practical test the

<sup>1</sup> F. W. Maitland, *Collected Papers*, i. 16.

<sup>2</sup> Locke, *Civil Government*, ii. §§ 131, 135.

<sup>3</sup> *Discourse on the Studies of the University of Cambridge*, 5th ed. p. 172.

communities which are dominated by the teaching of Locke with those where the doctrine of Montrose is heartily accepted. The strength of Germany, which has been such a surprise to the Allies, has lain in the general recognition of Sovereignty throughout the country. The population are accustomed to submit to be organised, and they have shown themselves not only extraordinarily efficient in industrial enterprise and in peaceful penetration by commerce, but also in waging war. They have recognised the importance of organisation and have accepted it with all its possibilities, and have shown an extraordinary trust in the sovereign power; the accord between the Emperor and his people is most remarkable; they have not only been most patient in terrible privations and sacrifices, but for years past they have sympathised with the ambition for an industrial Empire which has been built up since the time of List, and they have welcomed the steps by which the realisation of that dream has come within the reach of practical politics.

None of the Allies can claim to have shown any similar powers of steady purpose and rapid and organised action. Among those who are working together to maintain that there shall be opportunities and scope for the development of democracies, no nation has shown itself less efficient as a nation than America; and it is precisely there that the recognition of Sovereignty and the sense of nationality has grown most slowly; though it may have been implicit throughout, it has only come to assert itself occasionally. There has been little sense of any common interest throughout the whole area of the United States, except in the sense that the freedom of their commerce should not be interfered with by vested interests or militant powers, a determination which has found fitting expression in the Stars and Stripes.<sup>1</sup> The enthusiasm which might have been devoted to the good government of the country as a whole, and to her influence on the world, has often expended itself in mere party loyalty.<sup>2</sup> The population has been drawn from such different sources that there has been but little common sentiment, which moves the people alike; though the determination to do away with slavery, through the length and breadth of the land, has produced a similarity of social conditions. There have besides been leaders, like Jefferson, who were definitely opposed to the national ideal and hold firmly to State rights.

<sup>1</sup> Cunningham, *English Influence on the United States*, p. 69.

<sup>2</sup> M. Ostrogorski, *Democracy*, vol. ii. p. 77.

This party can be traced through all the changing history of American politics, and its principles have determined the action of Dr. Woodrow Wilson, who maintains that while in other countries the executive leads, in America the executive obeys.<sup>1</sup> He has been in the unfortunate position of trying consciously to obey a people who did not know their own mind ; but in spite of his fear that any attempt at leadership is out of the province of an American statesman, there has at least been a recognition of popular Sovereignty and of the duty on the part of individual subjects to make personal sacrifices to give effect to the national will. Mr. W. J. Bryan, unconvinced as he appears to be personally, yet feels it is right to throw himself actively into the enterprise which is being undertaken by the nation. There could not be a more striking contrast in regard to the promptness of action and power of action than there is between the country where Sovereignty is habitual and the other where this recognition is only occasional.

(ii) Dr. Woodrow Wilson appears to treat democracy as in itself a good thing, and though he admits it may have an old age of degeneracy,<sup>2</sup> as it had in ancient Rome, he does not discuss whether it is possible to guard against this tendency. He is content to consider that governments are good or bad according as they are in a greater or less degree democratic in form, but he does not consider the circumstances under which it can be introduced or the conditions under which it works are the best. There can be no doubt that the institutions of a country have a great effect in moulding the habits and character of the citizens,<sup>3</sup> and to many people this would appear by far the most important test which we can apply. Dr. Woodrow Wilson draws a contrast between the democracies of the ancient and of the modern world in this respect, that 'the citizens of the former lived for the state, and the citizen of the latter lives for himself, and the state is for him.'<sup>4</sup> And even those who regard this contrast as exaggerated may feel that the one test which ought to be applied to a state is that of the character of the individuals who grow up under it, and that much is to be said for a community in which the individual has before him the possibility of attaining the fullest personal life.

The test, however, is somewhat difficult to apply, as the citizen in a democratic state may be looked on in two different aspects.

<sup>1</sup> *The State*, 571.

<sup>2</sup> *The State*, p. 578.

<sup>3</sup> Sedgwick, *Discourse*, p. 87.

<sup>4</sup> *The State*, p. 582.

Occasionally he is called on to give his voice and to exercise some of the functions of Sovereignty, he has to vote for particular officials or to help to decide a particular policy ; in his degree he must be a ruler, and the question as to his capacity for ruling must be considered ; but on the other hand, since general elections are only occasional while law and order are permanently enforced by the police, he is habitually called upon as a good citizen to obey the law of the land.

Much anxiety has been expressed, both in ancient and modern times, as to the education of a king. George Buchanan devoted himself to the education of James VI., and Montrose felt that it was all important that the monarch should exercise prudence. All parties were agreed that the king, who did not act for the public good, but merely with regard to his personal pleasures, was a tyrant and not a king ; and if the democratic citizen is to play his part in ruling rightly, there is at least a danger that he may not view the matter that comes before him with proper detachment, but may use his power of ruling in his personal interest and without thought of the public good. The fact that he is called upon to consider the public good and to give his voice opens up an enormous vista ; the action of the nation must affect for good or evil the most distant generations and influence remote places. There is no limit to the thought and enquiry which he may give to public affairs if he really desires to do his best to form an opinion for himself and to exercise his part in the power of ruling ; but, on the other hand, his personal interests may often lie on the surface and be easy to note ; it is not easy to lay them aside in regard to any contemplated legislation. The citizen is not well fitted for trying to lay them aside when called on to rule unless he habitually disregards them in readiness to obey. It is by learning to obey that he shows at least one element of fitness to rule.

But while the subject, in a community where Sovereignty is recognised, is habituated to discipline and ready to be organised, no such habit is likely to be formed in a community which is only conscious of itself as an aggregate of 'individualities.' The self-centred 'individuality' can find no intellectual justification for the claims of personal self-sacrifice which may be made by the State, he does not respond readily to the call of duty towards either God or his neighbour, if that call is incompatible with personal self-development ; and hence he may feel that he is consciously right to refuse to be either disciplined or organised. On this

doctrine there is plenty of excuse for the conscientious objector, who claims not only to have an opinion of his own, but to express it in word and deed, without regard to the effect it may have in hampering the action of the State or in undermining its authority. From the point of those who think that the individual attains the best of which he is capable in civilised society, it is a positive disaster that the cohesion and solidarity of the State should be undermined because of the private opinion of some individual.

#### V. THE INFLUENCE OF RELIGION

Montrose in his enthusiasm for personal monarchy failed to recognise the great possibilities which lie in democratic self-government. Democracy gives the opportunity for the highest development of intellect and character on the part of the citizen ; but though democracy gives this opportunity, it does not provide a guarantee that that opportunity shall be well used : it will be well used or not according to personal character ; it is on this, that the possibility of good government in a self-governing community really depends, and it is generally recognised that religion is a powerful force in moulding character. The really religious man will recognise his responsibilities in all his actions as a ruler, not only to his neighbours or to the community, but to God. This is the completest possible safeguard against arbitrary or selfish action on the part of the citizen in the exercise of his right to rule ; and the Christian religion, both in the New Testament and in its influence throughout the ages, has inculcated the duty of obedience. But we cannot forget that religion is not in itself and under all circumstances an influence which makes for good in the State, or that it necessarily forms the character of a good citizen. Montrose was a devoutly religious man, but he was keenly alive to the mischief which was done by 'seditious preachers,' and had a horror of those Brownists who regarded Sovereignty as a matter of mere indifference and claimed a right to go their own way. How far any religion is a power for good in the State or no, must depend on the question as to how far its influence is exercised to form amongst its adherents the character of a good citizen.

Montrose, in examining the confused political issues of his own day, asked the right question in regard to the programme of each party—'how will it work?' He did not think that the programme of the Covenanting ministers would work, and he stated

the conditions under which he believed that personal monarchy would prove itself a good government. He was mistaken in his forecast, but it is doubtful whether he did not state the only conditions which could have given it a chance. We shall have the best prospect of solving the problems of the day if we are not content with asserting that democracy is always the best form of government, but are willing to ask the right questions and to enquire under what conditions it is possible, and under what conditions it is at its best.

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## A Hitherto Unprinted Charter of David I.

THE record of any transaction in which a king of Scots was concerned during the first half of the twelfth century must, from the rarity of such documents, be of interest; the unusual length of the charter printed below, together with the number of witnesses, renders it of particular value. The original text is unfortunately lost, but an early fourteenth century copy is preserved in the *Registrum Antiquum* in the Muniment Room of Lincoln Cathedral. The *Registrum Antiquissimum*, the cartulary of that foundation dating from the early part of the thirteenth century, contains none of the Paxton charters.

One may fairly argue from the appearance of Alwin in the attestation clause as chaplain that the charter was issued some time between the year 1124, when David became king of Scots, and 1128, the year in which Alwin, the king's confessor, became first abbot of Holyrood.<sup>1</sup> The names of the other witnesses in no way conflict with this. Grimbald was tenant on the Countess Judith's lands in 1086, and two at least of those who witness with him were sons of Domesday tenants.<sup>2</sup>

<sup>1</sup> Lawrie, *Early Scottish Charters*, pp. 380 and 381.

<sup>2</sup> For Grimbald cf. *Victoria County History, Northamptonshire*, vol. i. pp. 352a and 352b. Guy de Cahagnes was the son of William de Cahagnes, who held half a hide in Northamptonshire as tenant in chief and other lands as tenant of the count of Mortain: *ibid.* pp. 325a, 325b, 326b, 336b. Godwin, whose son Alwin appears as witness, was a pre-conquest Northamptonshire land-holder, who apparently suffered as a result of the conquest; for in six out of the eight entries in which his name occurs one reads 'Godwin held freely': *ibid.* 322a, 322b, 323a, 326a, 328b, 352a. In 1086 he only held two hides in Cold Higham of Walter d'Aincurt and half a hide in Silverstone of Ghilo de Picquigny: *ibid.* 341a, 344a. Walter son of Winemer (the Fleming) appears in the Northamptonshire Survey as holder of the land held by his father in 1086: *ibid.* 375b, 376a. Robert son of Viel was of the second generation to Domesday. Viel, his father, appears in the Northamptonshire Survey, *temp.* Henry I.: *ibid.* 572a, 385a, 386b; and one finds Robert himself mentioned in a charter assigned by Lawrie to *circa* 1126, in which King David grants to the monks of Northampton lands in Scalford (co. Leicester) to be held freely as Robert son of Viel holds his land: Lawrie, *Early Scottish Charters*, No. LXXI. Between the years 1144-1147 Robert son of Viel issued a charter to Daventry Priory: *Add. Chart.* 21204.

The present charter records the grant by the king of Scots to the church of Holy Trinity of Paxton of seven virgates in Great Paxton in return for the nine virgates possessed by the church in Little Paxton and 'Accadena.' The document further defines the rights of the church to tithe. The phrasing of the charter suggests the existence at Paxton of a community of clerks under the rule of a prior; there seems to be no other evidence for the existence of such a body at this place. Paxton, with three unnamed berewicks, presumably Little Paxton, Toseland, and 'Accadena,' in 1086 formed part of the fee of the Countess Judith,<sup>1</sup> from whom it passed to David I. of Scotland by his marriage with Maud, Judith's daughter. In the Domesday survey of Huntingdonshire it is recorded that there were in Paxton a church and a priest, 'Ibi ecclesia et presbyter,' and also that 'de hac terra pertinēt ad ecclesiam una hida'; before 1128 the church possessed nine virgates in Little Paxton and 'Accadena' alone.

A series of original charters, also preserved in Lincoln Cathedral, records the history of the church of Paxton in the latter half of the twelfth century. William, king of Scots, in a charter apparently granted early in his reign, confirms the gift of Malcolm his brother of the church of Paxton to the abbey of Holyrood.<sup>2</sup> Four other charters deal with the institution of one master Peter as parson of the church of Paxton.<sup>3</sup>

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#### CHARTER.

David<sup>4</sup>. dei gratia Rex Scottorum Episcopo Lincolniensi omnibusque baronibus suis 7 amicis salutem. Notum sit vobis me excambuisse ecclesie sancte Trinitatis de Paxtona totam terram suam quam habebat in parua Paxtona 7 in Accadena<sup>5</sup> ( scilicet .ix. virgatas terre pro .vii. virgatis in magna Paxtona ( scilicet .ii. virgatas de me dominio 7 .v. de terris villanorum cum ipsis villanis terras illas tenentibus ( 7 pro suo herbergato cum suo virgulto quod habebat in parua Paxtona : dedi eidem ecclesie meam dominicam curiam in magna Paxtona sicut fossatum circuit . Et hoc excambium feci petitione Orgari presbiteri 7 Osberti

<sup>1</sup> Domesday, f. 207a.

<sup>2</sup> D. & C. Linc. 90/3, 23.

<sup>3</sup> D. & C. Linc. 90/3, 20, 21, 24, 25.

<sup>4</sup> D. & C. Linc. *Registrum*, f. 49.

<sup>5</sup> This place has not been identified.

capellani mei. Et concessi liberaliter in elemosina eidem ecclesie omnem decimam tocius dominici mei ( 7 omnium hominum meorum de magna Paxtona 7 parua Paxtona ( 7 de Toleslunda<sup>1</sup> ( 7 de Accadena ( Et omnem decimam pasnagii mei ( . 7 piscinam ( 7 dominici porci eiusdem ecclesie 7 dominica animalia 7 dominice oues 7 capre liberaliter habeant pascua cum dominicis meis. Deinde dedi eidem ecclesie de cremento quamdam croftam ex altera parte ecclesie veluti quoddam fossatum circumcingit ( Et totam decimam molendinorum de Paxtona ( 7 de mortuo nemore meo ad arandum in ministeriis ecclesie quantum necessarium fuerit 7 similiter clausturam de nemore meo. Et quicumque de hominibus meis dederit predicte ecclesie aliquid in elemosina in terra aut in redditibus aut in aliis rebus ( volo 7 concedo quod ipsa ecclesia habeat 7 teneat. Denique pro anima mea 7 Matildis uxoris mee 7 animabus antecessorum 7 heredum nostrorum volo 7 firmiter precipio quod predicta ecclesia omnia prescripta liberaliter in elemosina inperpetuum habeat 7 teneat sicut aliqua ecclesia liberalius tenet. Et prior 7 clerici eiusdem ecclesie in religione canonicis eidem ecclesie seruiant. Et ex quo prior obierit ( si de clericis eiusdem ecclesie religiosus prior repperiri poterit ad seruendum religiose: ponatur Sin autem consilio meo 7 episcopi aliunde religiosus prior perquiratur ( ut in ipsa ecclesia semper religio honeste 7 attente conseruetur. Omnes autem predictas consuetudines 7 rectitudines 7 quietationes ( 7 libertates quas predicte ecclesie de Paxtona concessimus inperpetuum in elemosina ecclesie de Canbestuna<sup>2</sup> easdem concedimus 7 confirmamus. Huius autem donacionis 7 concessionis 7 confirmacionis sunt testes Walchelinus capellanus Alwinus capellanus ( Robertus de Brus ( Willelmus Peuerellus Robertus de Umframulla ( Hanenaldus de Bidun ( Hugo vicecomes ( Hugo de Moruilla ( Grimbaldus Robertus Dapifer Wido de Cahaines<sup>3</sup> ( Robertus filius Vitalis ( Robertus Foliot ( Walterus de Lindeseia ( Robertus Corbet ( Galfridus Ridel ( Hilbertus (Walterus filius Winemer ( Tailebos Galfridus Andegauensis Esmundus clericus ( Willelmus prepositus ( Ailmarus prepositus ( Thurcillus ( Edredus Alwinus filius Godwini apud Huntendunam.<sup>4</sup>

<sup>1</sup> Toseland, co. Hunts.<sup>2</sup> Kempston, co. Bedford.<sup>3</sup> MS. Cahames.<sup>4</sup> The punctuation is given as in the manuscript.

## Trade after the Napoleonic War

WITH SOME COMPARISON BETWEEN PRESENT CONDITIONS  
AND THOSE OF A HUNDRED YEARS AGO

**N**EXT to the war itself the subject that is perhaps most discussed at the present time is trade after the war. Trade is taken in its largest sense as covering practically all the economic activities of the nation: *e.g.* agricultural and manufacturing production, transport and markets both home and foreign, employment and wages of labour, employment and profits of capital, the burden of war debt and taxation, credit and banking and the effects on prices. All these topics are closely interconnected, and all and more must be drawn in due proportion for a proper picture of 'trade after the war.' When the picture has to be drawn largely from conjecture the general effect will vary according to the stress laid on the different elements. From the same facts and conjectures the economic forecast may be black or bright according to variations in stress.

The application of the historical method to what occurred after the great Napoleonic wars ought to be useful in suggesting lines of inquiry and in realising the complexity of the subject. There are points of resemblance and of difference well worthy of consideration, both in general and in particular.

A point of general interest may be first noticed. It was commonly believed in the Napoleonic period that the return of peace would create an immense foreign demand for the goods of this country and its colonies. Accordingly as soon as peace seemed probable there was an outburst of speculation in all kinds of exportable commodities. It may be said to have reached its height just after the abdication of Napoleon in the spring of 1814. The extravagant speculation for British manufactures caused an unusual demand for labour with rising wages. Incidentally there happened to be a fall in the prices of provisions, so that the manufacturing workers were much better off.

So far the first general comparison is favourable to our optimistic prophets who foresee a great peace boom both for capital and for labour. It soon turned out, however, that as regards trade the prosperity was artificial and ephemeral. The shippers found that the effective demand for British goods and colonial produce had been greatly over-rated. The desire element in the demand was strong enough. The foreigners intensely wanted our goods both home-made and colonial—there was a great demand in the sense of desire to possess, but the means of purchase were proportionately limited. Accordingly great losses were incurred on goods shipped to the Continent in 1814, and towards the close of the year numerous failures took place, which continued in increasing numbers in 1815 and the early part of 1816.

The popular belief of that time in a peace boom is well brought out in the evidence of a hand-loom weaver before a select Committee of the House of Commons in 1833, quoted by Tooke.<sup>1</sup> 'Can you remember what was the reason that the price of weaving sixty-reed cambrics was so high in 1814?' Answered, 'It was in consequence of the battles of Leipzig and Dresden. A general opinion prevailed that if we could succeed in destroying the power of Buonaparte, wages would get up and prices would be confirmed to this country for ever; and prices got up to an enormous height, and they came down as fast.'

The fall in the prices of produce from the highest in 1813-14 to the lowest in 1815-16 was remarkable. Raw cotton fell to just one-half, sugar to less than one-half, logwood and pepper to one-third of the highest points. Copper fell from £140 per ton in 1813-14 to £85, lead from £33 to £18, and tin from £174 to £102.

The fall in the prices of produce was irregular, but the lowest point of depression between 1814-17 was in general touched at the end of 1816 and the beginning of 1817.

In this period there was also a considerable depression in the shipping interest. There was indeed a more extended field for tonnage, but voyages were quicker through the removal of the impediments of war, a large mass of shipping was liberated from transport, and the cost of shipbuilding fell with the cost of materials, and with it the price of ships.

The general conclusion of Tooke<sup>2</sup> is well worth quoting in full. 'Thus there was from 1814-1816 a very general depression in

<sup>1</sup> Vol. ii. p. 6 n.

<sup>2</sup> Vol. ii. p. 12.

the prices of nearly all productions, and in the value of fixed property, entailing a convergence of losses and failures among the agricultural, and commercial, and manufacturing, and mining, and shipping and building interests which marked that period as one of the most extensive suffering and distress. Of that great and memorable fall in prices the principal part beyond what was the effect of the seasons and a recoil from the extravagant speculations in exportable commodities is clearly attributable to the transition from war to peace; not from war as having caused extra demand, but as having obstructed supply and increased the cost of production; nor to peace as having been attended with diminished consumption but as having extended the sources of supply, and reduced the cost of production.'

When it is stated in the foregoing passage that the period 1814-16 was one of most extensive suffering and distress, the reference is to the employers' capital and profits and not to the general conditions of the masses of the people. As regards the labouring classes, Tooke goes on to say that in '1814-15 and until the renewed rise in the price of provisions they were in a comparatively satisfactory state; as the price of labour had not fallen in anything like the proportion of the fall of the prices of necessaries . . . the great bulk of the working population were in an improved state compared with that which they experienced in 1812.'

One of the most important results of the application of the historical method to economics is the observation that with a general rise in prices from whatever cause as a rule the working classes suffer more as consumers and gain less as producers than the employing classes. Conversely, in the case of a *general* fall in prices the working classes benefit relatively to the employers—money wages do not fall so rapidly as prices, and in some cases do not fall at all, *e.g.* from 1876 to 1896. Like all other empirical laws, however, this law of prices must not be rashly extended in time or place without full consideration of the attendant circumstances. Accordingly before any application can be made of the effects of the changes in the price-level of the Napoleonic period regard must be paid to the causes of the changes.

On this subject a very keen controversy arose which has been prolonged down to our own times. The origin and the progress of the controversy are displayed in full detail in Tooke's great *History of Prices*, and indeed this work itself was undertaken in the first place with special reference to this controversy. The

*magnum opus*, the first two volumes of which were published in 1838, was founded on earlier essays which arose directly out of the controversy.

As is observed by Tooke in his *Introduction*, in the publications without number on the subject of the high range of prices during the great wars and the low range in the following period, the explanations offered fall into two great classes, or are concerned with two great causes, namely, the War and the Currency.

During the first two years of our present great war people were content to ascribe the continuous rise in prices to the War simply, but in the beginning of 1917, with the issue of the great consolidating loan, more attention was directed to the rise in prices as consequent on the inflation of currency and credit.

It seems probable that in the near future the old controversy between War and Currency will be revived with reference to price movements in and after the present war. The analogies and contrasts with the former period cannot fail to be instructive.

Tooke himself began with a preliminary inquiry into the effects of war and currency on prices in former epochs of English history. He proved, as regards war, that the popular idea that war always raised prices was not well founded historically, inasmuch as ranges of high and low prices were about evenly divided between periods of war and peace. In the same way he showed that the nature and extent of the effects of variations in the quantity of money had been too easily taken for granted even by Adam Smith himself.

War is a very short word, but a state of war involves a multitude of causes and conditions acting in different ways on the economic state of the nation. Similarly as regards currency, there is no simple connection between the aggregate of the various forms of currency and of credit on the one side and prices on the other. Just as the state of war must be analysed so must the state of the circulation of money and its representatives.

In this short paper no more can be attempted than a statement of the principal results of the former controversy, with a brief indication of some of the points of contrast with present conditions.

First of all, Tooke himself called attention to a cause of high and low prices which, in his opinion, often altogether outweighed the effect of war or currency, namely, the state of the seasons. One of the most valuable parts of his work is the detailed examination of the effects of the seasons on prices. England during the Napoleonic war period was practically dependent on

its own food supplies. A shortage due to bad weather raised prices out of all proportion to the deficiency. As a consequence, a period of bad seasons was the very best for the farmers, and also for the landlords, if it was long enough to allow for an adjustment of rents. The Corn Laws<sup>1</sup> were practically inoperative in the whole Napoleonic period. The great cause affecting corn prices was the weather. People were too much struck by the rise in prices to observe that even in this period there were years of low prices. Tooke showed in general and in particular that just as scarcity unduly raises, so abundance unduly lowers, prices. Part of the excess supply of one or two good years may be stored, but a continuance of good seasons will cause prices to fall still more by the release of the stored grain.

The best way to see the full effect of the seasons in this Napoleonic period is to take account not only of the average prices of the year but of the fluctuations. The average price of wheat in 1801 is given in the usual tables as 115s. 11d. Certainly a high price, but 'before the harvest of 1801 was secured the price of wheat in the London market reached 180s. and the price of the quartern loaf was for four weeks 1s. 10½d.'<sup>2</sup> In 1812 the average is given as 122s. 8d., but the price in August reached 155s.<sup>3</sup> By December, 1813, the price had fallen to 73s. 6d., less than half of August, 1812, but the average for 1813 was 106s. 6d.

It is quite clear from Tooke's *History* that the average high prices of corn were due to the bad seasons. A single good season was sufficient to break the prices, and with two good seasons prices fell greatly. Between March, 1801, and March, 1804, wheat fell from 155s. to 49s. 6d., the sharpest fall on record.

Before the present war the influence of British weather had ceased to be of any practical importance as regards the price of grain, as was shown by the great agricultural depression in the early seventies, in which bad seasons received no compensation from high prices, which indeed made a low record for modern times. Even during the course of the present war it cannot be said that British weather has been the chief cause of the rise in food prices. The world harvest of 1916 was deficient,

<sup>1</sup> Cf. my *History of the English Corn Laws* (Social Science Series).

<sup>2</sup> Porter's *Progress of the Nation*, p. 452.

<sup>3</sup> Tooke, ii. p. 342.

and the destruction of tonnage and the demand for transport had increased. In 1917 the submarine menace has been intensified, and the available supply of cereals depends most upon importation. Steps have been taken in this country to enlarge greatly the area of tillage and restore our food independence. If the new cultivation were protected by import duties the price of British wheat would again be governed by British weather. It seems probable, however, that minimum prices will be maintained by bounties (direct or indirect) and not by import duties. After the war it is hardly likely that world harvests will be deficient. It is more probable that the recent great advance in agricultural scientific work will rapidly bear fruit under the stimulus of exceptional demand. Hitherto agricultural practice on a large scale has lagged behind scientific discovery, especially in the United States.

It seems probable also that after the war the relative shortage of ships will soon be made good, partly by new construction and partly by the liberation of tonnage from naval requirements.

So far as the conditions of supply are concerned, the cause of most importance in the time of Tooke, namely, the seasons, will take a second or much lower place. It is also possible that the foreign peace demand for our goods may not be so ephemeral or defective as in the earlier peace period.

But there remains for comparison one point of vital importance, namely, the currency. Tooke showed very clearly that the effects on prices of the Bank Restriction (that is to say, the adoption of inconvertible notes) during the war were exaggerated. Very often a rise in prices occurred, due to bad seasons or other obstructions of supply, which was ascribed to excessive issues of notes when, in fact, no excess had occurred. Tooke's examination of the actual conditions of the circulation is a model of judicial inquiry. All the same it is now generally agreed that the Restriction (or the inconvertibility) had more influence than he supposed.

An impartial investigation of monetary conditions in the present war shows that there has been considerable inflation. I have written at length elsewhere on this matter.<sup>1</sup> Here it need only be said that inflation is now so generally admitted that the main concern of financial authorities is to discover the best means of deflation.

<sup>1</sup> Cf. 'Inflation and the Rise in Prices,' *Economic Journal*, Dec. 1916, and the 'Statistical Aspects of Inflation,' in the *Journal of the Royal Statistical Society*, July, 1917.

Granted present inflation, it follows of necessity that if the gold standard is restored to its pre-war simplicity and efficiency, there must be a great fall in prices. The present high level is largely due to the *de facto* abandonment of the gold standard.

After the Napoleonic wars the principal feature in the economic situation was the fall in prices. There was some recovery from the fall already described (1814-16), but from 1818-22 there was another great fall—according to the index numbers of Sauerbeck—a fall from 142 in 1818 to 100 in 1822. There was a reaction up to 1825, and then the depression of prices was renewed. The general result was that the cessation of war was followed by a long period of falling prices.

This fall in prices was ascribed by many to the re-establishment of the gold standard, and the resumption of specie payments by the Bank of England, in accordance with the Report of the famous Bullion Committee of 1810. All the well-known arguments in favour of inflation were brought forward in opposition to the reversion to the gold standard in its old form. Many argued that in effect the war had established a new level of prices and that it would be most unjust to resort to the old level. Contracts, it was urged, had been entered into which would be vitiated by being interpreted in terms of the old standard. The results of this old controversy were incorporated in all the text-books on political economy. The rugged arithmetic of Ricardo was transmuted into the thin lucidity of Mill (in Mr. Balfour's unhappy phrase). All this learning, however, had been forgotten before the present war, or rather it was branded as academic and therefore non-practical. It was forgotten that Ricardo made a fortune in business, that Tooke was a great merchant, and that the old controversy on inflation and deflation was waged by practical men interested in practical results. There can be little doubt, however, that the old controversy will again break out after the war, and no better preparation could be made than a careful study of the great war and the great peace a hundred years ago.

J. SHIELD NICHOLSON.

## Reviews of Books

THE EVOLUTION OF COINAGE. By George Macdonald, C.B., F.B.A., LL.D., Honorary Curator of the Hunterian Coin Cabinet. Pp. vi, 148. With seven Plates. Small 8vo. Cambridge: The University Press. 1916. 1s. 3d. net.

No class of objects belonging to the ancient world or medieval times has come down to us as a whole so unchanged as coins. Earthquake and fire, war and civil commotion have done their best to obliterate cities and peoples, but still we possess staters of Philip of Macedon or such splendid tetradrachms as Kimon struck for the Syracusans, showing but little trace of the wear and tear of centuries. It is due to the very causes to which we owe their preservation—their intrinsic value and the ease with which they could be concealed—that the examples which have survived must perforce remain immured in cabinets to which few penetrate. Mr. Macdonald unlocks the doors, and lays his treasures before us.

Although the Far East can boast of very early coin issues, European coinage must trace its beginnings in the Greek lands by the Eastern Mediterranean. In Mr. Macdonald's pages we follow the gradual process by which, from the early incuse coins with the badge of a city as their type, there were evolved such unsurpassed examples of the moneyer's art as issued in the fourth century B.C. from the mints of Syracuse or Lamp-sacus. We trace also in the money of the Greek cities the process by which the badge of the town, originally the sole type, became the reverse of the coin, while its place upon the obverse was taken by the representation of a god, to be displaced later by that of the deified king or emperor, which is the origin of the modern portrait type. In these early coins, too, we see the gradual elimination of the coinage struck for the trader by the issues bearing the guarantee of the king, and the consequent establishment of coinage as a sovereign prerogative, or how, as illustrated by the rise of Athens in the fifth century B.C., the currency of a strong power ousted the coinage of weaker communities from the field. How widespread was the influence of Greece and her colonies is shown in the wanderings of the coins of Philip of Macedon, which gave the types to the earliest British coinage.

Mr. Macdonald shows very clearly that the evolution of coinage does not present a picture of continued progress. Economic changes, religious movements, the widening of the world's markets, the crumbling of empires, are reflected in periods of advance and retrogression, and although the achievement of the Greeks has never been surpassed, the phases observed

in the evolution of their coins have their parallels in many subsequent periods. Rome, like Athens, ousted the other mints of the peninsula. The magnificent coinage of the early Empire gradually deteriorated as the central authority weakened. To what depths it fell is illustrated by the money of the later Byzantines. Once again in England we can trace the gradual elimination of the provincial moneyers as the power of the monarchy increased, and the improvement of the coinage as discovery widened the world's markets, and produced new sources of metallic supply.

But although the coinage of every people passes through its evolution, the various systems are continuously influenced by each other. The high relief, the careful modelling of the early Roman coins was a heritage from Greece. The solidi of the Byzantine Empire drifting across Europe gave the types to the money of the Saxon heptarchy. The stream of silver dirhems which flowed from the cities of the Caliphate through Russia to the shores of the Baltic is reflected in the coin types of Pepin and Charlemagne. The same influences are at work to-day, though for the time facilities for intercommunication and mechanical processes tend to a more uniform type of coinage.

Mr. Macdonald has much that is interesting to say on the material of coinage, on types, and upon the gradual evolution of the legends on coins. Lastly, the plates are excellent.

As a whole, the volume is a study in comparative numismatics by a thoroughly competent hand. It is a long story from the days when the Lydians borrowed the art of the gem engraver to mark their stocks of precious metals, down to the modern press turning out a hundred pieces a minute. To tell it adequately involves much research; to tell it clearly in a manual such as this requires a gift for compression. The book is full of suggestion. To those who are beginning the study of coins, to many who have already passed its threshold, this little volume will bring a wider horizon to their ken.

JAMES CURLE.

THE HOUSE OF LYME, FROM ITS FOUNDATION TO THE END OF THE EIGHTEENTH CENTURY. By The Lady Newton. Pp. xvi, 423. With 38 Illustrations. 8vo. London: William Heinemann. 1917. 21s. net.

THIS is a fascinating book: being the work of a lady, we are not given the early charters, which would have been a delight to some dryasdust antiquaries, but to them alone. On the other hand, after a short chapter on the early history of the family, the story is started with the building of the house in the middle of the sixteenth century, and is continued with much interesting wealth of detail through the later generations down to the end of the eighteenth. It is the personal and domestic side of the history which naturally appeals to Lady Newton more perhaps than the historical and political. And, indeed, the Leghs do not seem to have played any very outstanding part in the events of their respective times: but they were wealthy and influential people in their part of the country; they lived in a beautiful and imposing mansion on a large estate, to which they were all

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devotedly attached; they sat in Parliament and heard debates in the most stirring times, and generally kept up the reputation of the family as squires who did their duty, and did it well, in the sphere to which they were more immediately called.

The first of the House of Lyme was Sir Piers Legh (the progenitor of a long line of Piers or Peter Leghs), who is said to have rescued the standard of the Black Prince at Crecy or Caen and to have got a grant of Lyme from Richard II. His fortune, however, soon turned, and he was executed in 1399 by order of Henry IV. Whether or not he was at Crecy he got a grant of beautiful arms in 1397 from the king—*gules a cross engrailed argent*. Nothing could have been simpler or more dignified, but the English Heralds could not let well alone, and in 1575 an escutcheon of honour was plastered on the top of it in commemoration of the incident at Crecy, for which it is doubtful if there is any real historic foundation. Still the coat is a fine one, and though it has undergone some further slight alterations at a subsequent period, it is one of which any family might be proud.

The present House of Lyme dates, as mentioned above, from about 1550, when it was commenced by Sir Piers Legh, the seventh of that name. It has undergone many alterations and additions since that date, but it is now one of the largest and handsomest houses in England, which is saying a great deal. Such a house too is, it goes without saying, full of interesting relics and fine family portraits. Among the former may be mentioned a pair of gloves which belonged to Charles I., and his agate handled dagger with 'Carolus' inscribed on the blade. There are also the remains of a cloak which belonged to that king, but some vandal has had it cut up to cover six Chippendale chairs. Lyme, too, claims to be one of the many houses in which Mary Queen of Scots stayed, and she is supposed to have been there on her way either to or from Buxton, where she went to drink the waters. She occupied a very small room and had a very grand bed, still extant in a somewhat mutilated condition. At the conclusion of her visit she presented her host with a beautiful little reliquary, in coloured wax and needlework, worked, it is said, by her own hands, which still remains a cherished and precious heirloom.

The portraits are most interesting, and many of them are reproduced in the book. Chief among them is one of Charles I. as he appeared at his trial. It is said to be one of those portraits called 'the Black Charles,' because the hair is much darker than it appears on other likenesses of the king. One does not notice this in the black and white reproduction, and any one who knew the late Duke of Buccleuch will be struck by the likeness which the portrait bears to that nobleman. It has been noticed before in actual life. A friend of the present writer was standing next the late Mr. Pierpont Morgan at the Coronation of Edward VII. Morgan asked him who the Peer with the ducal coronet was who was standing not far off. On being informed that he was the Duke of Buccleuch, he said: 'What an extraordinary likeness he has to Charles I.' The remark was curious, as the duke was the direct descendant of that king through eight generations.

After the beginning of the seventeenth century details concerning the family became more full, and there is a wealth of letters throwing much light not only on the individuality of the writers themselves, but on the manners and customs of their times. The character of each possessor of the house comes out very clearly. Sir Peter, who died in 1635 at the age of 72, and who was one of the ablest of his race, seems to have been rather a terror. Proud, fiery, and with an indomitable will, he quarrelled bitterly with his eldest son, who made a marriage which displeased him, though the lady seems in every way to have been unobjectionable. He ruled his household and dependants with an iron hand, but with all that he was much respected, if not loved, and many acts of piety and kindness testify to there having been a better side to his sterner nature.

The best of all the family was Richard Legh, who married Elizabeth, daughter of Sir Thomas Chicheley. His was a very fine character, and his wife, though of a masterful nature, held him in love and adoration all through their married life of twenty-six years. He was succeeded by his son Peter, who, if amiable enough, was perhaps the weakest of all his race, and with his death in 1792 the story is brought to an end.

It is impossible within the limits of a review to point to a tithe of the many good things in the volume. The correspondence is interesting, though the reader will fail to find some things in it which he might have expected. Letters from London, for instance, written at the time of the events contain no notice of the execution of Charles I. or of the Plague or the Great Fire of London. Evidently the Leghs were a cautious family; and, as a matter of fact, they never but once got into political trouble, nor were their lands ever confiscated. But it is the domestic details of the life of a wealthy, though not noble, English family in the years dealt with that the reader will find most to his taste, if it lies in that direction. Lady Newton tells us, and tells us admirably, about the things in and round about Lyme: about the wild cattle (now extinct), the great herds of deer—large and fierce—which were every midsummer for centuries driven across a pond: about the famous mastiffs of immense size, a kennel which still exists: and about a great keeper, Joseph Watson, who was in the service of the family for sixty-four years. He once drove twelve brace of stags from Lyme to Windsor Forest: he drank a gallon of ale every day of his life for sixty years, but he rather exceeded due limits towards the end of his life. As, however, he did not die till he was 104, this indulgence did not interfere with his vitality.

With regard to the inside life of the house, there is even more minute detail, and Lady Newton discourses pleasantly on a great variety of subjects connected with it, such as the expenses of various commodities, the furniture (much of it quite remarkable), clothes, medicine, entertainments, and other amusements; and there is much information as to what the family ate and drank at the various periods of their history. Few books, indeed, throw more light on the manner in which a family of this class lived during the sixteenth, seventeenth and eighteenth centuries.

There is a map of the district in which Lyme is situated, though the house itself is put very much in a corner of it; it has the effect, however,

of showing its topographical relation to such places as Manchester, Liverpool and Crewe. A good tabular pedigree makes the relationships in the family easy to follow, and there is a sufficient index.

JAMES BALFOUR PAUL.

CELTIC MYTHOLOGY AND RELIGION, with Chapters upon Druid Circles and Celtic Burial. By Alexander MacBain, M.A., LL.D. With Introductory Chapter and Notes by Professor W. J. Watson, M.A., LL.D. Pp. 252. Crown 8vo. Stirling: Eneas Mackay. 7s. 6d. net.

THE Celtic revival in literature, culminating with the foundation of Professor Watson's Chair in Edinburgh University, may be said to have begun with the labours of the Rev. Dr. Cameron of Brodick, who died in 1888, eight years after MacBain had been appointed Rector of Raining's School, Inverness.

MacBain was born in 1855 in the remote district of Glenfeshie, in Badenoch; he was without influence and without means; when he died in 1907 he was a scholar of European reputation in the region of Celtic lore and literature.

Professor Watson's introduction at the beginning of this volume is a worthy tribute to MacBain's memory, and it could not have been done by a better hand, generous in the appreciation of MacBain's contributions to Gaelic literature, and just in the criticisms of his methods and views on points of Celtic controversy. When MacBain was Rector of Raining's School, Dr. Watson was Rector of the Inverness Academy. Both had the common ground of friendship and the keen interest of Celtic study in company with other enthusiasts at that time in Inverness, the late Fraser Macintosh, M.P.; the late Alexander Mackenzie, of the *Celtic Magazine*; Mr. James Barron, of the *Courier*; 'Nether-Lochaber,' Dr. William Mackay, Dr. Alexander Ross, and many more.

MacBain may be said to have educated himself. His early school-days in Badenoch were fragmentary and intermittent. When he was nineteen, he secured one of the Macphail Grammar School Bursaries, which carried him to the 'Barn' in Old Aberdeen, then under the direction of the famous Dr. Dey. The 'Barn' or Grammar School of Old Aberdeen was then for the 'lad o' pairts' the recognised means of entering the University *via* the Bursary Competition—or 'Comp' as it was generally known. And the 'Barn' has produced more First Bursars at Aberdeen University than any other school in existence. MacBain was second Bursar in 1876.

He took his M.A. degree in 1880, and immediately became Rector of Raining's School, Inverness, where for more than twenty-five years he turned out a steady stream of young men who have since become distinguished in University and professional life.

The present volume consists of three parts, the first and largest dealing with Celtic Mythology and Religion; the other two are short essays on the Druid Circles and Celtic Burial. All have appeared before in the *Celtic*

*Magazine*, the *Transactions of the Gaelic Society of Inverness*, or the *Transactions of the Inverness Scientific Society and Field Club*, publications not very readily accessible to the general public.

His account of the Celtic Mythology and Religion traverses a wide field, and exhibits a close and reasoned knowledge of the character, sources, causes and spread of myths in all countries, co-ordinating and identifying the Aryan and Classical with the myths peculiar to the Celts and Gaels. It is of course no new theory that most if not all myths have a common origin. By divergence of language, custom and race they become distorted out of recognition, and although other writers have dealt with this subject in whole or in part with more detail and more minute investigation, MacBain's conclusions are the logical results of verified facts, so far as facts relating to prehistoric times can be verified at all. He hated nothing so much as guess-work. And even if he had survived the completion of Sir J. G. Frazer's *The Golden Bough*, it is doubtful whether MacBain could or would have recanted anything. Professor Watson, however, no doubt from personal knowledge, says that since 1883, when this paper first appeared, MacBain, in the light of later research, was prepared somewhat to modify his earlier conclusions—but in what respect he does not say. Be it so, this essay on Mythology and Religion is a valuable contribution towards explaining the popular traditions, legendary tales, and fabulous exploits of our Celtic ancestors.

The essay on the 'Druid' Circles will appeal to most people. MacBain denies that the Druids were priests at all, and in the light of modern research he is probably right. They were undoubtedly necromancers, diviners, wizards and magicians of extraordinary influence and authority—(gipsies, in fact, as one bold writer asserts). Whatever may be the truth of the controversy regarding their character and mysteries there is, as MacBain points out, no real evidence to connect them with the stone circles. And so one of what MacBain calls the 'three frauds' of Scoto-Celtic history goes by the board.

His conclusions are 'that the stone circles were built by the prehistoric races—in this country probably by the Picts; that they are connected with burial, though built independent of mounds and other forms of tomb; that they are also connected with ancestor worship, and that the whole difficulty resolves itself into the question of why they are of circular form and why the stones are set at intervals.'

This is an excellent book, but it would be better if it had an index.

P. J. BLAIR.

INTOLERANCE IN THE REIGN OF ELIZABETH, QUEEN OF ENGLAND. By Arthur Jay Klein. Pp. xii, 218. 8vo. London: Constable & Co. Boston and New York: Houghton Mifflin Co. 1917. 7s. 6d. net.

It is interesting to read this careful and well-written study, which shows that the 'Intolerance' which existed during the reign of Queen Elizabeth was due more to the idea that it was politically essential to have a State Church than to any particular partiality as to its religious tenets. The

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Anglican Church began with antagonism—political not religious—to the Papacy, but was forced by political pressure to open its arms to the Reformed Churches abroad. Later it developed a set form and a wide doctrine of its own which could embrace all the reformers who would submit to its government, and which (it was vainly hoped) might also bring into the fold the milder Catholics. In this way the Church of England became a national church which attracted people by its ceremonies, not too widely different from what went before, with an Episcopal government, almost wholly Erastian, which suited the needs of the time, under bishops whom the writer happily describes as ‘eminently practical men in a worldly sense, good men also, but not religious enthusiasts, not unreasonably pious.’ The unflinching hostility showed to this church by even the loyal Catholics (and they did yeoman service to the State) on the one hand was the cause of persecution, and the growing power of the ‘Puritans,’ who detested ceremonies and longed for a Presbyterian form of church government was another; and, this growth within the Anglican Church forced the church itself to draw away from the Reformed Churches on the Continent and to give more insistence on the beauty of its own government and ceremonies, and to regard as vital and necessary to a church and to religion generally, what in the earlier movements had only been considered more or less as temporary expedients. It is strange, at this distance of time, to find Archbishop Whitgift writing ‘If it had pleased Her Majesty with the wisdom of the realm, to have used no bishops at all, we could not have complained justly of any defect in our church,’ and to assert that she might even have ‘assigned the imposition of hands to the deans of every Cathedral Church, or some other numbers of ministers, which in no sort were bishops.’ The author rightly points out that the spiritual life of the church, though existent and deeply rooted, was ‘religiously quiescent’ during Elizabeth’s difficult reign, and he wisely says of English Presbyterianism that having adopted ‘a system of church government and the carefully articulated process of reasoning and argument upon which that system rested. . . . All its direct influence was towards greater intolerance.’ This intolerance reacted on the Established Church in its turn, but it was not until the Stuarts succeeded to the throne that the storm burst. In the days of Elizabeth ‘governmental policy not only for the time freed England from the more savage manifestations of religious hatreds and thus released her energies’ to other world-wide fields of expansion, but ‘the religious aspects of governmental policy also directly contributed to that development by giving to the nation a great Church in which centered much of high national pride.’

A. FRANCIS STEUART.

EDINBURGH: A HISTORICAL STUDY. By the Right Hon. Sir Herbert Maxwell, Bart., D.C.L., LL.D. Pp. xiv, 317. With 66 Illustrations. Demy 8vo. London: Williams & Norgate. 1916. 10s. 6d. net.

MANY books have been written about Edinburgh, but Sir Herbert Maxwell has approached the subject from a fresh point of view. He does not profess to have written a guide book, nor to go into details regarding the topography

of the city itself or the personality of its inhabitants. But, of course, the town was so intimately associated with the general history of the country that for a long series of years it touches it at every point. It must be kept in view, too, that Edinburgh was not the real official capital of Scotland until a comparatively late period : in early times it was only one of the four Royal Burghs who together held a Council or Parliament of their own, though it gradually forged its way ahead till it became the principal of these. The first Provost is not mentioned till so late as 1377, and it did not attain the dignity of a titular metropolis till many years after that date.

And the story of these early years is but a sorry one. The country was miserably poor, it was torn by faction, and the streets of Edinburgh ran with blood in the fierce brawls between contentious nobles and their adherents. In the Stuart kings the country had a race of men of charming personality, and above the average in intellectual attainments. With average luck Scotland should have developed into a prosperous and well-governed state : but their sovereigns, who generally succeeded to the throne as mere children, were often for years mere pawns in the hands of the turbulent nobles, and when they grew up lacked the strength and ability to rule with a strong hand. James IV., however, might have done this, had he not thrown his chances away on the field of Flodden.

All these stirring scenes are lightly touched upon and skilfully sketched in by the author. But it is probable that it is the second half of the book, including the period from the accession of Queen Mary, that will most appeal to the general reader. Here we come into closer touch with the city itself. It cannot to our modern ideas have been a very delightful place in which to live. Even in 1707 it contained only 20,000 inhabitants, but these were all crowded into the medieval town which lay stretched along the ridge from the Castle to Holyrood. There were no hotels, and the stranger had to find what accommodation he could in very doubtful taverns or lodgings. There was no sanitation whatever, and all chroniclers bear testimony to its having been a filthy and stinking place. On the other hand, to correct this insalubrity, it was surrounded by open country exposed to all the winds of heaven, and must have been one of the most beautifully situated towns on earth. It was, however, not till 1767 that the constricted city burst its bounds. The North Bridge was begun, but was built so badly that it collapsed, and was not open for traffic till 1772 : but a beginning had been made with Princes Street, and the new town rapidly assumed a semblance of its present form.

On the whole, considering the period, the extension of the town was well carried out, but some dreadful mistakes were made and several actual outrages perpetrated. Chief amongst these were the pulling down of the beautiful old Trinity College Church, the filling up a part of the picturesque valley to the north of the town with a hideous accumulation of rubbish now called The Mound, the destruction of the venerable Abbey Church at Holyrood, and the complete obliteration of the Nor' Loch, which was intended by the architect, whom the Town Council consulted, to have been made into a sheet of ornamental water which, as the author remarks,

would have added untold beauty to the capital of Scotland. Some of the streets built could hardly have been bettered. Royal Terrace on the east and Charlotte Square on the west are specimens of architecture which would be a pride and glory to any city. But elsewhere the builders were not so fortunate in their designs. When the Earl of Moray's lands were feued, instead of the houses being made to face the lovely ravine through which the Water of Leith flows, their backs were placed to it much to the detriment to the beauty of the scene. We have, indeed, thrown away a priceless heritage, and can only imagine what a glorious effect it would have been had the Mound and the railway not been where they are now, and in their places a shady tree-bordered drive running from the west end of Princes Street to Holyrood, partly along the side of the sparkling waters of the renewed and purified Nor' Loch. Even in our own day, while there has been an immense improvement in our public gardens and other civic undertakings, what are we to say of a town whose representatives permitted the erection of a monstrous hotel which blocks the whole of the view at the west end of Princes Street, and who ruthlessly pulled down one of the most picturesque old houses in the town opposite the Assembly Hall?

But we are getting away from Sir Herbert Maxwell's book. It is written with all that facile and elegant literary craftsmanship of which he is so much a master. It is full of engrossing interest, and will be read with both pleasure and profit.

There are some seventy illustrations, which go far to enhance the beauty and usefulness of the book, and a frontispiece, consisting of a view of Liberton's (not Libberton's) Wynd, is excellently reproduced in colour; there is a delightfully quaint portrait of Margaret Tudor, which we do not remember to have met with before.

The plan of the Castle shown on p. 36 is said on p. 12 to be dated 1725, but as it shows the existence of Johnston Terrace and the King's Bridge, it is impossible that it can be of that year. And should 'Muttress Hill,' on p. 238, not be 'Moultrie's' or 'Moutray's'? Perhaps a wind-mill stood on the site in old times.

Readers should take this book to the country and browse upon it leisurely under trees. It may make them ponder on the manners and customs of the old time and the present, and the comparison will not always be to the advantage of the latter.

JAMES BALFOUR PAUL.

THE FALSE DECRETALS. By E. H. Davenport, B.A. Pp. xxiv, 111. Crown 8vo. Oxford: B. H. Blackwell. 1916. 4s. 6d. net.

It is well to have this clear and concise account of the False Decretals, the adoption of which by the Church gave them a *cachet*, which they would not otherwise have gained. Written about 850 to correct certain abuses in the Church in Gaul, the Decretals were afterwards made to support the policy of Rome. As the author points out 'The False Decretals were based upon ancient custom. So were the doctrines of Papal supremacy. There was no need for them to be based on the False Decretals.' Written

by 'Isidorus Mercator' they purported to contain the decretals of the Popes from Clement I. to Melchiades and well as canons of the different councils, and also papal decretals from Sylvester to Gregory I., and all tending to exalt the rights of the priesthood and the independence of the Church. Incidentally they put the Bishop on a high pinnacle and held in small account that almost forgotten dignitary the 'Chorepiscopus.' To a dispassionate and learned dissertation the author has added a useful chronology of the time to which the decretals relate, and points out that these so-called 'forgeries' really fall into much the same category as the *Lives of the Saints*, which were facts and legends written 'to edify.' The False Decretals were facts and fiction blended, compiled by the zeal of a reforming monk, who desired to do his Church a service in a way not thought immoral in the age in which he lived.

THE ANNUAL REGISTER. A Review of Public Events at Home and Abroad for the Year 1916. Pp. xii, 226. Demy 8vo. London: Longmans, Green & Co. 1917. 21s. net.

It is more than interesting to read this clear and excellent account of the year that has just passed, compiled in spite of the 'singular difficulties' that the editor has had in gathering international news during a world war. The result is absolutely satisfactory, and the book is most valuable as a work of reference, both for the political events and the literature of the year. Some of the names in the obituary owe their insertion more perhaps to their rank than to their fame.

THE LEVELLER MOVEMENT. A Study in the History and Political Theory of the English Great Civil War. By Theodore Calvin Pease, Ph.D. Pp. x, 406. Post 8vo. Washington: American Historical Association.

THIS admirably written study of a difficult part of English History gives a detailed account of the group called the 'Levellers,' who from 1646 to 1653 preached to the nation the need for a sovereign law to bind the Parliament. This movement has, the author justly thinks, 'importance for both English and American constitutional history,' and he has succeeded very well in setting it before his readers in a manner that holds them. The movement was closely connected with the 'Independent' section of the Church, who were in sharp conflict with the Presbyterian and Erastian parties on Church government and the ecclesiastical supremacy of Parliament. The Levellers desired a check on Parliament, and a continued struggle was the result. Lieutenant-Colonel John Lilburne is taken by the author as their best known representative. His criticisms of the Parliament in 1643 led to his imprisonment. A man of great power and some turbulence, who began life as a soldier and died a Quaker, he was always at variance with Parliament, which eventually illegally tried and banished him. On re-trial, the popular feeling embodied in the lines:

And what, shall then honest John Lilburn die?  
Threescore thousand will know the reason why,

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prevailed, and he was acquitted; but this triumph of legality was overruled by Cromwell who, by imprisoning him almost until his death, under military law, and by strict censorship of their pamphlets, suppressed the open propaganda of the Leveller party. Still that party has wielded much influence, its ideals are to-day very much our ideals, and it is worth while studying the genesis of these ideals in a book so excellent as this is.

**SOME PROBLEMS IN ENGLISH HISTORY.** By Albert Beebe White and Wallace Notestein. Pp. xviii, 422. Crown 8vo. New York and London: Harper & Brothers.

PROFESSOR DANA C. MUNRO, in a few lines of introduction to this contribution to a new series—*Harper's Parallel Source Problems*—discusses the value of sources in teaching history. He congratulates the reader on two specialists of repute being found to undertake an illustrative volume of source-studies in the development of English government, from Alfred and the Danes to the Parliament Act of 1911, with—sandwiched into the scheme—two sections which correlate the English Parish and the New England Town-Meeting, and give the material authorities for the peace overtures in 1782, which opened the door for the passage of the treaty acknowledging the Independence of the United States in 1783. Other sources studied include the antecedents of trial by jury, and of the House of Commons, as well as the contemporary passages on labour and law legislation, 1252-1358, and freedom of speech, 1566-1667. In each the prime authorities are presented (the medieval ones in translation) with a historical setting, introduction and questions. Thus, by a sound method the student is familiarised with the evidence at first hand, which to a somewhat surprising degree is independent of chroniclers or historians, and comes directly from official writs, acts, records, correspondence and speeches. Professor Notestein (see *S.H.R.* x. 409) is responsible for the more modern, Professor White for the medieval, chapters. Modern and medieval both make good reading and good teaching of history.

**FRENCH POLICY AND THE AMERICAN ALLIANCE OF 1778.** By Edward S. Corwin, Ph.D. Pp. x, 430. Demy 8vo. Princeton: University Press; London: Humphrey Milford; Oxford: University Press. 1916. 8s. 6d. net.

THE mixed motives that made France recognise the Independence of the United States of North America are recounted in this study. They included the desire to restore the old diplomatic supremacy of France, the expectation of humbling Britain, the maintenance of the strangely persistent 'family compact' with Spain, and the hope of a new fillip to French trade. The negotiations—curious and protracted—between France, the unwilling Court of Spain, and the envoys of the rebellious American 'colonies' are reviewed here with care and accuracy and the shifting policy of Spain well narrated. It is a careful study of a critical time. We cannot say, however, why the writer calls Louis XVI. of

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France and Charles III. of Spain 'uncle' and 'nephew,' unless in the sense of *neveu* and *oncle à la mode de Bretagne*. We notice, too, in one place he writes of Lord George Germaine as 'Lord Germaine,' and in another calls the French politician the Count de Maurepas, the 'Count de Maurapas.' These inaccuracies need correction.

THE TUDOR PRIVY COUNCIL. By Dorothy M. Gladish. Pp. vi, 148.  
4to. Retford: Printed at the Office of *The Retford, Gainsborough and Worksop Times*. 1915. 4s. net.

THESE times furnish fresh proofs that whenever a crisis arrives some council or cabinet rather than the fully-functioning parliament has the real decisive force and is the historical centre of interest. It might even admit debating that in British history the King's Council, especially in its later phases as the Privy Council, is a greater, as it is certainly a much more individual and characteristic subject of history than parliament itself. Increasing attention has of late been paid to the subject, both as regards the general evolution and differentiations of the King's Council under its early medieval conditions, and as regards the particular movement of the Privy Council by which the modern Cabinet was specialised.

In centring her elaborate essay upon the Tudor phases, Miss Gladish chose, as it were, a definite point of arrival in a unique constitutional process which halted for a long time at the autocratic stage of Tudor monarchy. The system adopted is a comprehensive examination of the various phases of the Council from Henry VII. to Elizabeth, tracing its composition, officials and meetings, its relations with the sovereign and the parliament, its mingled *imperium* and *jurisdictio* (as the medieval legists would have styled them), the subordinate bodies and tribunals it constituted in its diverse capacities and the records in which its many-headed doings were set down. Under Henry VII. the Council was being resolved more and more into a body of royal officials, and under Henry VIII. it had become wholly dependent upon the King: this was the Tudor concept of sovereignty. The setting aside of the old nobility remained a fixed principle with Henry's children. Under Elizabeth the position of the crown was further strengthened by the secularisation of the Council, over which the Queen maintained a very arbitrary and masterful control when the matter concerned her own definite interests. In the functions of the Council, its judicial jurisdiction (appellate, criminal, and as a civil court of first instance) emerges from critical scrutiny with some commendation for sound justice. There certainly is this to be said for justice by royal or parliamentary committee, that the corrupt element has less chance to win its way were it only because the forces are at work to neutralise each other.

In public administration a standing feature was the use made of proclamations, which, while they usurped a good deal of the authority both of parliament and the common law, had the whole machinery of the crown to carry them into effect. On the great theme of the direct influence of the Council on Parliament there is scarcely ground for pointed general conclusion, so much turning upon particular times and particular parliaments. Of the subordinate courts, dominant over all, of course, was the Star

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Chamber, gradually, and one may say insidiously, acquiring a dangerous power of trespass upon liberty alongside of an aptitude for much necessary and useful public service. When to the consideration of these multiform commissions of justice and government there is added a brief notice of such bodies as the Councils of the North, of the March of Wales, and of Calais, there appear ample foundation for Miss Gladish's conviction that in spite of much harshness there was true greatness in Tudor administration, and 'that England and the English people owed more to Consiliar government under the Tudors than they will ever realise.'

This essay does high credit to Miss Gladish. In spite of some defects of printing, including a form not very convenient to the reader, it must command respect and tribute for its full and practical survey of a large tract of constitutional history, and for the clear perception with which the tendencies of a quickly evolving century—or rather more—have been elicited from a scattered body of official registers for the most part in print, but inclusive of some manuscript sources. It was a task of the first order of historical quality, such as perhaps no woman since Miss Mary Bateson has attempted. The results merit hearty congratulation.

Miss Gladish has the courage of her own inferences, and freely challenges, for instance, Mr. J. F. Baldwin's deductions as to the relative power of the section of the Council following Henry VIII. and the section which was permanently at Westminster. Style is lacking a little: a phrase like 'a memoranda' is distressing, but the diction is straightforward and clear. It is first of all for the virtue of industry that this ambitious effort of a young student is to be commended. To industry she adds a sense of judgment which should carry her well forward in historical criticism. To have proved herself equal to handgrips with a theme so high would have been something of note: she has gone further in proving her power to communicate the attraction and stimulus of research in a deep and complex institutional pedigree.

STONEHENGE TO-DAY AND YESTERDAY. By Frank Stevens. With Plans and Illustrations. Pp. viii, 96. 8vo. London: Sampson Low, Marston & Co., Ltd. 1916. 1s. net.

ARCHAEOLOGISTS, who like definite propositions and determinate chronology, will be glad to have this concise, well-written descriptive account by the curator of the Salisbury Museum. The latest facts and influences of archaeology, conforming with astronomical calculations, point to a bronze-age date *circa* 1700 B.C., and to a religious purpose, in which the marking of the summer and winter solstice was a primary element. Some details, such as the stain-spot counted on as the direct sign of bronze, may be perilously thin proof, but the system of the argument is coherent and not the less persuasive because Mr. Stevens does not labour the objections possible to conclusions he accepts from Sir Norman Lockyer and others. The compact historical and archaeological booklet, with many diagrams and sketches, takes a critic—who first felt the 'weight of awe' fall on his spirit at sight of the Sarsen Stones of Stonehenge twenty years ago—with that desire to see them again, which is the prime virtue of a guide.

*The Academ Roial of King James I.*, by Ethel M. Portal (Humphrey Milford, for the British Academy. 1s. 6d. net), is an excellent and entertaining account of James's scheme for an Academy which he had in mind from 1621 onward, until it was almost ready to materialise in 1625, when his death postponed a British Academy for nearly three centuries. Edmond Bolton was the prime mover in this learned project, which had as one of its aims 'that the history of our country may rescue itself from the shears and stealths of tailors.' Miss Portal might have reproved the projector for this rather unworthy cut at honest John Stow and the scarcely less industrious John Speed. The intended first list of Academicians, eighty-four in number, derives enhanced significance from Miss Portal's critical and biographical notes upon their unincorporated personalities.

Mr. James Cappon, Dean of the Faculty of Arts, Queen's University, sends us reprints on *The Scandinavian Nations and the War*, and on *Current Events*. The problems of Scandinavia and of President Wilson's diplomacy are evidently no more 'penetrable stuff' to Canadian political thinkers at present than they are to us here.

*Some Early Treatises on Technological Chemistry. Supplement V.* By John Ferguson, LL.D. Pp. 35. Glasgow, 1916. This, from the Royal Philosophical Society's transactions, sharply reminds a reviewer that no future offprints can come from the unwearied bibliographer himself. Unexhausted by supplement after supplement his bibliographic catalogues of these rare and uncanny treatises are wonderful memorials of his zeal as a bibliographer and his success as a collector. The immense value both of his collection itself and of his contributions to the bibliography of the mysteries of chemistry, popular as well as scientific, assures his perpetual reputation as a classic authority on chemical and alchemical antiquities. By many readers of this review, not in the least forgetful of his unique learning, there will first and foremost be remembered his genial and companionable personality.

*Thomas Carlyle. An Appreciation* by Lord Guthrie (pp. 24. Glasgow: Printed by Aird & Coghill), delivered at the unveiling of the bust in Kelvingrove Park, Glasgow, urges Carlyle's high originality as a critic, his dramatic pictorial power as a historian, and his living force as a human inspiration.

Dr. Macalister contributes three articles to the latest issue of the *Proceedings of the Royal Irish Academy* (Vol. xxxiii. Section C, Nos. 13-5), the most interesting of which is perhaps the account of his discovery of a Runic inscription at Killaloe Cathedral, 'the only Runic inscription on stone as yet found on the mainland of Ireland.' In Mr. Armstrong's paper (No. 16) will be recognised a useful study on the bronze celts and their moulds recently discovered in Ireland. Archbishop Bernard reprints letters patent of King John confirmatory of the foundation charter of Tintern Abbey, Co. Wexford (No. 17), with explanatory comment.

Dugdale (*Monasticon*, vi. 1136) got his copy of this deed from Sir James Ware, which is probably the identical script now reproduced. The venerated Provost of Trinity (Dr. Mahaffy) discourses 'on the introduction of the ass as a beast of burden into Ireland' (No. 18). His earliest distinct reference occurs in 1642, but has he explored the history of the *Festum Asinorum*? If observed in Ireland as it was in the sister island, the origin of the Irish ass may be carried back to a remoter date. In No. 19 Mr. Kane returns to 'The Black Pig's Dyke' which 'formed once a continuous frontier fortification defining the southern boundary of Uladh at some early date.' A good map helps to elucidate his additional researches.

*Somersetshire Archaeological and Natural History Society. Proceedings during the Year 1915.* (Pp. lxxviii, 271. Taunton, 1916.) These transactions include a description by Alfred C. Fryer of monumental effigies in Somerset with many illustrations, inclusive of the figures of the Saxon bishops in Wells Cathedral. The Rev. F. W. Weaver, in a series of Notes, quotes many good extracts from Wells wills, dating 1539-1541. Somerset trade tokens are catalogued. The eighth report on excavations at Glastonbury Abbey is given by Mr. F. Bligh Bond, who has drawn a very graphic 'plan in projection,' showing in elevation the ruins in relation to the whole site. Local biographies, ancient and modern, eke out a creditable volume.

*Proceedings of the Berwickshire Naturalists' Club* (Vol. XXIII. Part I. pp. 241) contain, besides sundry reports of meetings for 1916, the Presidential Address by the Rev. R. C. Inglis on Halidon Hill Battle—a paper in which the occurrence of important quotations without their sources being indicated somewhat vexes the enquiring spirit. The larger part of this volume is filled by the late Thomas Wilkie's elaborate collection of 'Old Rites, Ceremonies and Customs' of southern Scotland, a gathering of folklore eminently worthy of preservation. Mr. J. C. Hodgson contributes a careful genealogical sketch of the family of Foster of Berwick and of Warenford.

In the *Juridical Review* (Dec.) Dr. W. S. Holdsworth constructs a valuable series of propositions on the Early History of Commercial Societies, especially notable as tracing the part played by the *Commenda* (a sort of factorage adventure commitment) and the *Societas* in the evolution of the Joint Stock Company. Mr. Wm. Roughead, in his article 'The Pack of the Travelling Merchant,' tells again the queer and dream-detected murder story of Hugh Macleod and the luckless packman at Loch Tor-na Eigin in Assynt in 1830.

In the *American Historical Review* Professor G. L. Burr discusses presidentially and rather transcendently the Freedom of History. Mr. Victor Coffin describes the censorship under Napoleon I., his new facts only confirming the impression left by Mme. de Staël's experiences. Mr. A. B. White adduces general indications contrary to a recent contention of

Mr. Edward Jenks about the Oxford feudal assembly of 1213. A sort of studied reserve appears in the allusions throughout this number to the European War.

*Maryland Historical Magazine* (Sept.) contains Charles Carroll's letters in 1762, the most interesting being that in which his father advises him on the choice of a wife.

A historical bulletin from Queen's University, Kingston, Canada (No. 22, January, 1917), is *The Royal Disallowance in Massachusetts*, by Mr. A. G. Dorland. It sets forth the few occasions, only 59 in all, between 1692 and 1775 on which the British Crown refused its assent to Massachusetts Acts. Scarcely any of the cases involved any large question. One in 1695 was for the incorporation of Harvard College and a second Act to the same end in 1697 was disallowed also. In 1765 the provincial Act for pardon to the Boston harbour rioters was passed; it was disallowed by the Crown in 1767. Generally Mr. Dorland, whose standpoint is critical but not censorious, considers the British attitude as essentially moderate.

The *Negro History Journal* for January has an article by Jerome Dowd tracing the history of the Slave Trade in Africa, and one by Henry E. Baker contradicting the statement often repeated that the negro has done nothing in invention. Mr. Baker, an examiner in the U.S. Patent Office, demonstrates that more than 1000 patents have been granted to negroes, and he instances among them notable inventions in shoemaking machinery, automatic lubrication, electric apparatus, and cotton-picking mechanism. Hard facts like these affect the prevalent inference of intellectual deficiency in the coloured race.

The second part of the *Revue Historique* for the current year contains the second and concluding instalment of M. Romier's study of French Protestantism at the eve of the Religious Wars. This weighty contribution to the analysis of a fascinating subject is marked by the qualities and method which readers of M. Romier expect to find,—discrimination, pungent comment and study of official and diplomatic sources, with exclusion of the polemical literature of the period. By ruling out such gladiators as François Hotman he may appear to obtain a ready means of simplifying the problem with which he deals, but, on the other hand, his method has the advantage of avoiding the rock on which many Protestant historians have been shipwrecked. The tendency to ignore the political and social origins of French Protestantism, and to identify Humanism with religious Reform, has shrouded the sixteenth century in a mist of prejudice which the Protestant school of Monod and Hauser has done much to disperse. M. Romier carries on the tradition of the *Revue Historique* with a clarity which he brought back with him from Italy, and if the religious element may appear to be strikingly absent from his pages, he is only redressing a balance which has weighed too much on the other side.

In his historical study of *La Slavisation de la Dalmatic* M. Emile Haumant reaches conclusions at which travellers in that region have arrived

by more summary methods. The *Bulletin Historique* contains an interesting account of the collection of the Acts of Henry II. of England, on which Delisle was engaged at the time of his death, and the number devotes five pages to a discriminating review by M. Fournier of the third volume of Carlyle's *History of Mediæval Political Theory*.

The third part opens with an article by M. Augustin Fliche on *Les théories germaniques de la souveraineté à la fin du XI<sup>e</sup> siècle*, in which particular attention is paid to the political theories of Petrus Crassus, the author of the *Liber de unitate*, the German canonists of the period, and Manegold of Lautenbach. The full analysis of the theory of the last is of particular value, and the author is able to correct a number of misconceptions as to the nature of the contract which forms its basis. In particular, he demonstrates that an important province was left to the Papacy in Manegold's theory, and indicates the debt which he owed to St. Augustine's *City of God*. No student of political theory can fail to benefit by M. Fliche's important contribution to mediæval history. The part also contains an account by M. Saulnier of the Siege of Orleans in 1589, and an article by M. Georges Pariset on Napoléon Bonaparte's early history, in which he produces evidence that he studied at Strasbourg under Lorenz and Brakenhoffer in 1788.

## Communications

**FURTHER DISCOVERIES OF CELTIC CROSS-SLABS AT ST. ANDREWS.** In St. Andrews there appears to be an inexhaustible supply of memorials of the Celtic church. Other three incomplete cross-slabs have been recently dug up by Mr. James Mackie, to whose credit there now stands a full score. Like so many of the others, these three were found in that part of the burying ground which lies immediately to the east of the Cathedral and to the north of St. Rule's, and therefore very near the site of the original parish church. All the three were standing upright when found, and two of them appeared to be *in situ*. The first of them was discovered on the 26th of December, and the other two on the 12th of March. They had all been damaged, two of them very seriously, by earlier grave-diggers.

The one found in December had been broken across at an angle, and the upper portion is missing. Looking at the obverse, it is 29 inches high at the left-hand corner and only 25 at the right-hand corner. The breadth varies from 21 to 22 inches, and the thickness from  $4\frac{1}{2}$  to  $6\frac{1}{2}$ . The shaft of the cross has been plain, and between the border lines is  $4\frac{1}{2}$  inches broad. The panel on either side of the shaft is filled with a spiral pattern, but, with that contempt for rigid uniformity which characterises the work of the old sculptors, the pattern in the one panel is not exactly the same as the pattern in the other, and the one panel is half an inch broader than the other. The unsculptured portion forming the base is 17 inches in depth. As usual, there has also been a cross on the reverse. Its shaft is  $4\frac{1}{4}$  inches broad within the border lines, and on each side of the shaft are the remains of a small panel filled with a zig-zag or angular fret pattern. The unsculptured portion is 5 inches deeper than that of the obverse. The left side of the slab is plain. On the right side there are badly-weathered traces of what may have been a key pattern. The accompanying illustrations are from photos by Mr. J. Wilson Paterson, of H.M. Office of Works.

The two cross-slabs found in March were both in one grave. The taller of the two was near the foot or east end of the grave, and the lower end of the base was about 7 feet below the present surface of the ground. It is 4 feet in height at the right-hand corner, and 11 inches less at the left-hand corner. In breadth it is about 21 inches, and in thickness from 5 to 6. The shaft and arms of the cross have been plain. Within the border lines the shaft is only  $2\frac{1}{4}$  inches broad, and the remaining arm is rather less. The pattern of the panel on each side of the shaft is very similar to that on the obverse of the slab found in December. The unsculptured base is 18 inches in depth. The shaft and arms of the cross on the reverse

are plain, and are 3 inches broad within the border lines. The limbs of the cross are connected by a quadrant. There is a zig-zag pattern on the quadrant and also on the small panel on either side of the shaft. The unsculptured base is 22 inches deep on the reverse. The sides of this slab are plain.

The other slab, though standing upright when found, lacks both top and bottom. Only the central portion remains. It is 24 inches in height, 17 in breadth, and  $4\frac{1}{2}$  to 5 in thickness. The whole of the obverse is covered with sculpture, but very weathered. The shaft of the cross has been decorated with interlaced work. Indications of the border lines of the shaft are barely discernible. The side panels appear to have been filled in with a scroll or spiral pattern. There have been rectangular recesses at the intersection of the arms. The cross on the reverse has had a quadrant. Both cross and quadrant are plain. Within the border lines the arms are 5 inches broad and the shaft  $4\frac{1}{2}$ . At the intersection of the arms there are semi-circular recesses, and there are small decorated panels above and below the arms. Both sides of the slab are also sculptured, one with a scroll or spiral pattern, and the other with what may have been a zig-zag pattern.

D. HAY FLEMING.

#### SCOTTISH HISTORY AT THE UNIVERSITY OF PARIS.

The *Conseil de la Faculté des Lettres* of the University of Paris took an interesting step in the year 1915 in authorising M. J. B. Coissac to deliver a series of Lectures on Scottish History at the Sorbonne. The first course consisted of nine Lectures on 'Les Origines de l'Écosse jusqu'à la mort d'Alexandre III.' This course was followed in the spring of this year by a second series of twelve Lectures, in which the history of Scotland was sketched from the death of Alexander III. to the death of David II. The Council of the Faculty of Letters has invited M. Coissac to deliver a third series in the course of the Session 1917-1918. The Lectures, which have been marked by the solid erudition associated with the place in which they were delivered, were closely followed by a considerable body of serious students, and it is not too much to hope that this movement may ultimately result in the foundation of a Scottish Chair at the University of Paris. M. Coissac is the author of an excellent study of *The Scottish Universities in the Middle Ages*, which was reviewed in the *Scottish Historical Review* (xiii. 92).

LA BELLE ÉCOSSAISE. In the year 1578 the English college at Douai was suppressed at the instance of Queen Elizabeth, and transferred by William Allen under the patronage of the Guise family to Rheims.<sup>1</sup> This town became a centre of Scottish exiles, including in particular the followers of Queen Mary, who immediately before her death expressed the desire that she might be buried by the side of her mother in the Church of St. Pierre de Reims. The Benedictine Abbey of the same name formed one of the centres of the resurrection of the Order which

<sup>1</sup> *Letters and Memorials of Cardinal Allen*, London, 1882, 39, etc.

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CELTIC CROSS-SLAB AT ST. ANDREWS

*Scale one-fourteenth*



marked the last quarter of the sixteenth century, and flourished under the successive rules of Renée de Lorraine and Marguerite de Kircaldi.

The long list of saintly women who restored the rule of St. Benedict to a distracted and war-weary France contains many illustrious family names, but among them the Scottish abbess can hold her own by the side of Marie de Beauvilliers, Louise de l'Hospital, Ann-Bathilde de Harlay, Claude de Choiseul-Praslin, and even Marie and Renée de Lorraine. For the name, Marguerite de Kircaldi, probably veils the identity of Margaret, daughter of Sir William Kirkcaldy of Grange. In his recent *Histoire littéraire du sentiment religieux en France* l'Abbé Henri Bremond has directed attention to this forgotten Scotswoman, and she deserves a short notice in the pages of this *Review*.<sup>1</sup> She played no part in her native country which she left in early childhood, and from the date when she was entrusted by the Lorraine family to the care of their sister Renée, the Abbess of St. Peter, her life was devoted to religion. Jacqueline Bouëtte de Blémur, who wrote her *Eloge*, knew nothing of her family, and her origin was only betrayed by the name by which she was familiarly known by those who visited the abbey in her youth, *la belle écossaise*.<sup>2</sup>

In 1874 the Historical MSS. Commission catalogued a letter of hers of 18th November, 1629, as full of 'civility and gratitude, but mysterious,' and identified her as 'the daughter of Grange and Abbess of Rheims.'<sup>3</sup> 'Elle estoit originaire d'Écosse,' wrote J. de Blémur, 'sortie d'une des plus anciennes familles du País, et tellement favorisée de la nature et pour le corps et pour l'esprit, que nulle autre ne la surpassoit en grace et en beauté. On ne sçait pas si ce fut la morte, ou la persecution de ses parens, qui l'obligerent de passer en France, mais il est certain que des personnes de tres grand qualité se meslerent de sa retraite, et qu'estant informées de la pieté de Madame Renée de Lorraine, premiere du nom, Abbess de Saint Pierre de Reims, ils confierent ce tresor entre ses mains; on ne la nommoit alors que la belle Écossoise et il estoit bien à propos que ce beau lys fut mis dans un jardin ferme.' She took the vows on 10th July, 1588, when she was seventeen, and died on 3rd February, 1639. 'Comme la solitude est la vertu particuliere des Religieuses de St. Benoist, cette fidelle disciple la pratiqua avec un grand soin; et parce que la clôture n'estoit pas encore établie dans le Monastere de Saint Pierre, lors qu'elle prit l'habit, et que par consequent l'entrée en estoit libre aux personnes seculieres, nostre petite colombe se cachait dans les mazures et dans les trous de la pierre; elle fuyoit dans les greniers et dans les caves, lors qu'il entroit quelqu'un de remarquable dans la maison, sçachant bien qu'on demandoit toûjours à voir la belle Écossoise.'

After taking an active part in the life of the community, she was sent to Paris with a view to becoming the head of an English Abbey, which

<sup>1</sup> Paris, 1916, ii. 418-426.

<sup>2</sup> *Eloge de feuë Madame Marguerite de Kircaldi, Abbess du Royal Monastere de St. Pierre de Reims: Eloges de plusieurs personnes illustres en pieté de l'ordre de St. Benoist*, Paris, 1679, ii. 587.

<sup>3</sup> H.M.C. Almack MSS., 1st Report, 55.

Mdles. de Longueville and de Touthville projected. Marie de Beauvilliers, Abbess of Montmartre, met her there and designed her as her successor, but neither project came to anything. On her return to Rheims she was entrusted with the education of the novices, and while she proved a strict disciplinarian, her reputation was such that Madame Renée gave her the charge of her nieces, Mdles. de Guise and de Joinville. On the death of Mme. Renée, the younger, she was unanimously elected Abbess, 'excepté quelques anciennes, qui ne goûterent aucunement cette élection.' The Duke de Guise had obtained the nomination, and while he left the election in the hands of the sisters, he was delighted with the result which gave effect to his wishes and immediately sent her the *brevet* by the hands of 'Pere Archange de Pembroke, Capucin.'<sup>1</sup> Her benediction took place in her fifty-sixth year, and her sweet humility gradually overcame the opposition of the 'anciennes,' but she was a strict observer of the Rule. 'Elle estoit,' writes her biographer, 'fort severe en ce qui touche le silence, ne violant jamais cette loy, et ne souffrant pas que l'on commit de faute en cette nature, parce qu'elle ouvre la porte au desordre et à l'indevotion; d'ailleurs elle estoit douce et prévenante. . . . En effet, elle estoit si ferme dans les choses de son devoir, et empeschoit les moindres desordres avec tant de chaleur, qu'ayant sceu qu'une jeune fille de qualité, que l'on avoit confiée à son soin, s'estoit mise à la fenestre pour entendre les violons qui jôüoient à un Echo derriere les murailles du Monastere, elle quitta toute autre occupation pour luy en aller faire le reprimende, ne pouvant pas souffrir qui dans la Maison de Dieu l'on prit plaisir à nulle autre musique qu'à celle des Anges, ou des Vierges.'

After reigning almost twelve years, she died in the odour of sanctity on 3rd February, 1639, aged 68. It is interesting to note that a month after her death the Castle of Edinburgh, for the defence of which her gallant father had laid down his life, was again taken from the Sovereign by the art of Leslie.

The conclusion that Marguerite de Kircaldi was a daughter of Sir William by his wife Learmonth is supported by a considerable body of circumstantial evidence. Grant, whose *Memoirs and Adventures of Sir William Kirkaldy* was published in 1849, prints in an Appendix a letter which obviously refers to her appointment as Abbess, and is probably that catalogued by the H. MSS. Commission. He attributes it to her mother, but he has to admit that the attribution presents difficulties. Lady Kirkaldy and a daughter went to France after the execution of Sir William, and Queen Mary sent instructions for assistance being given to the latter. Grant states that a daughter of Sir William married Sir Thomas Kerr of Ferniehirst, but the daughter's name was Janet, and she died young. He dates Sir William's marriage as having taken place in 1564, and this date agrees with the age of Marguerite at her death, as given by J. de Blémur. Perhaps some student of Scottish family history may be able to throw some light on the question.

DAVID BAIRD SMITH.

<sup>1</sup> Regarding whom *v.* Sainte-Beuve, *Port-Royal*, i. 177 *et seq.*

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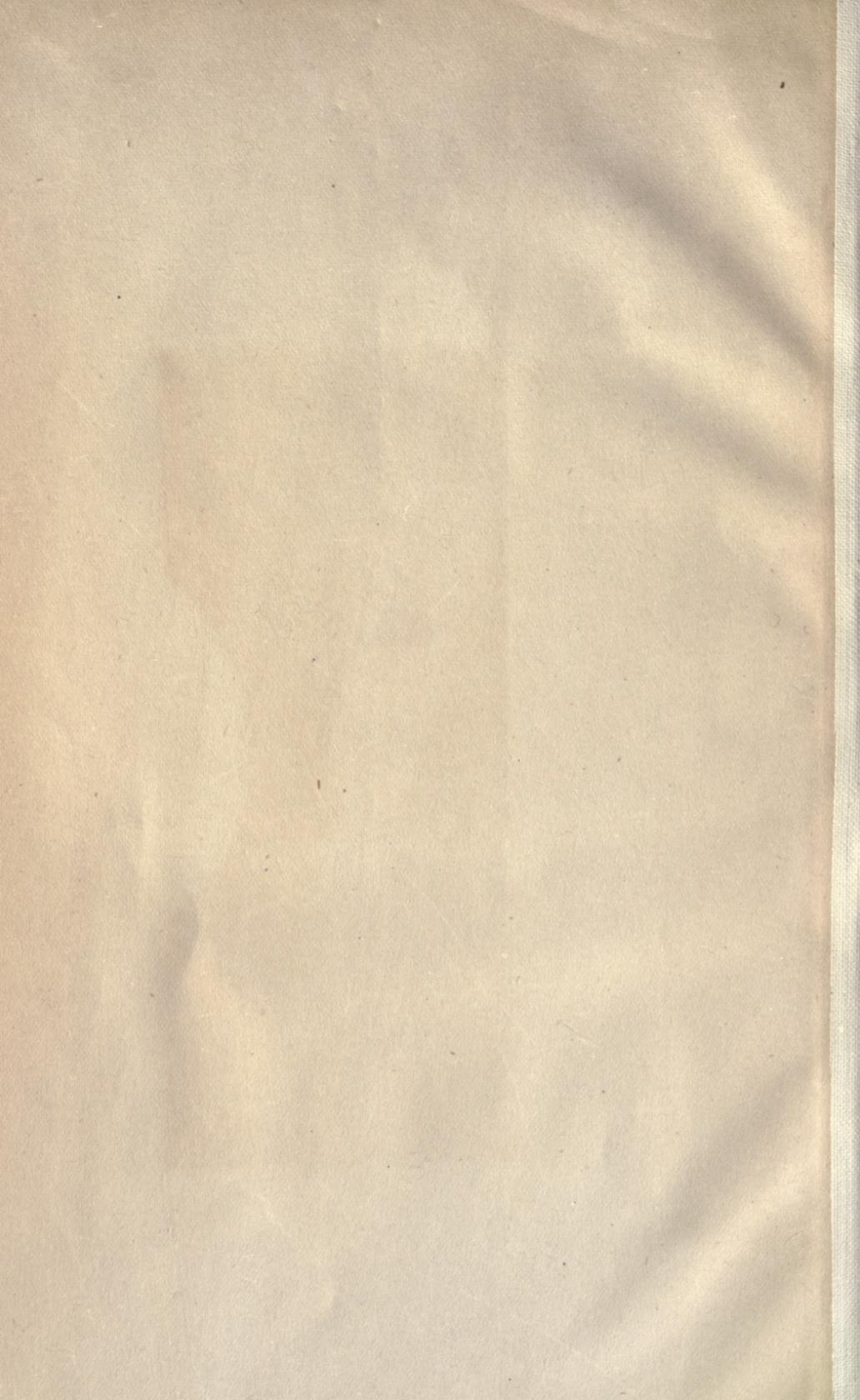












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