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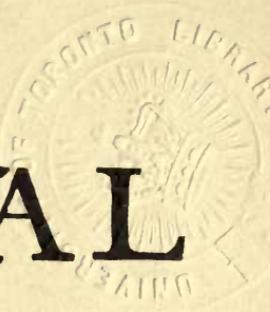
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THE SCOTTISH HISTORICAL REVIEW



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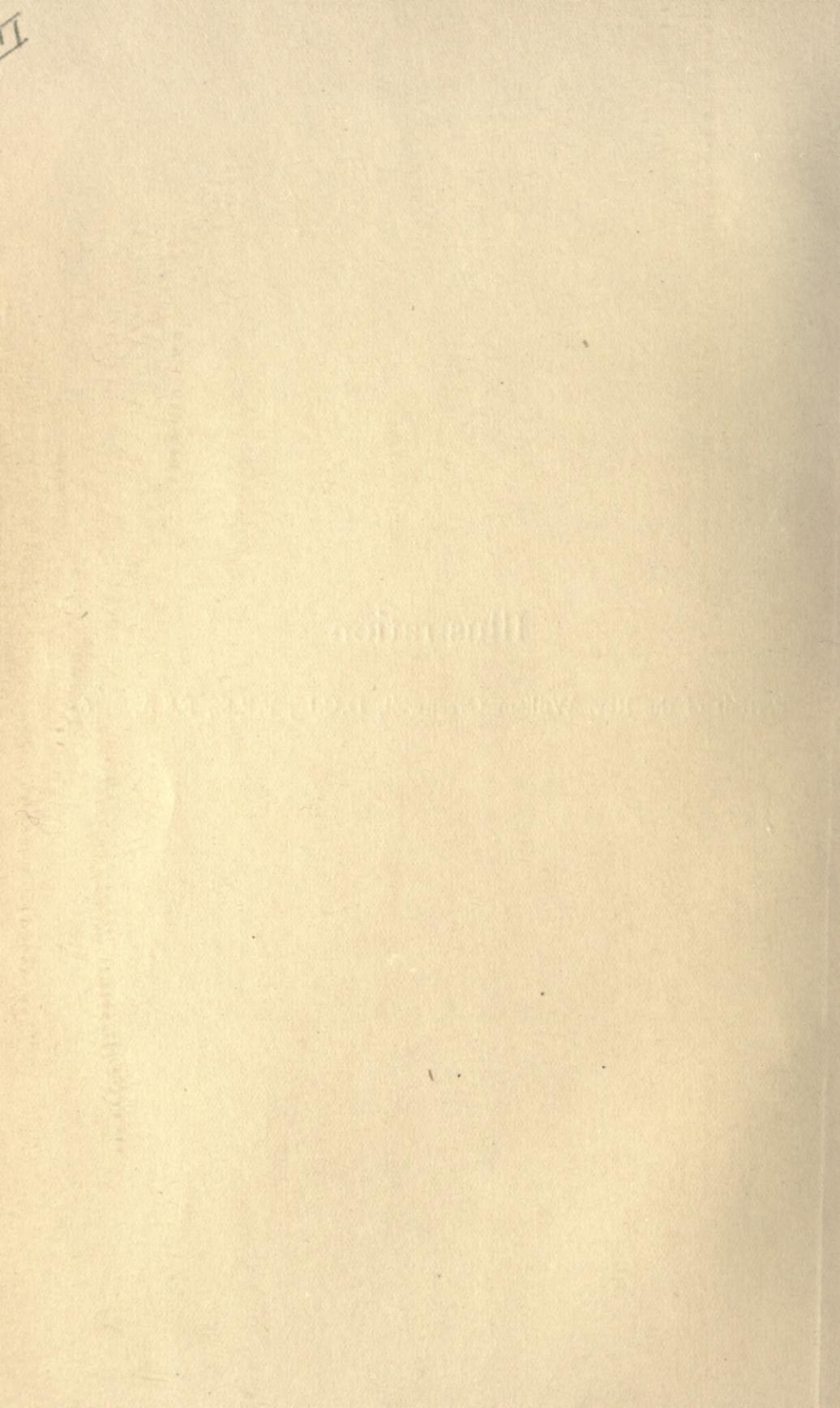
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Illustration

Portrait of the Rev. William Greenwell, D.C.L., F.R.S., F.S.A.

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A Neglected Source for the History of the Commercial Relations between Scotland and the Netherlands during the 16th, 17th and 18th Centuries

IT is well known that during the sixteenth and, in a lesser degree, also during the seventeenth and eighteenth centuries the trade with the Netherlands was the most important part of the commercial relations between Scotland and the European Continent. During the greater part of this period the Scottish trade had its official centre at Veere, and although the monopoly of the staple port was continually infringed by many Scottish merchants, Veere and the neighbouring ports of Middelburg and Vlissingen (Flushing), remained the centre of the intercourse between the two countries.

The Scottish staple at Veere has lately been the subject of two bulky volumes. At almost the same time appeared the thoroughly worked book of Davidson and Gray: *The Scottish Staple at Veere*, and M. P. Rooseboom's *Scottish Staple in the Netherlands*, whose principal merit lies in the great mass of documents printed in the Appendix. Both authors have studied the documents of the State Archives at Middelburg. Unhappily they both left untouched a series of documents containing a valuable source for their work. Neither of them seems to have been aware that the accounts of the 'Waterbaljuw' (Sheriff of the Waters) of the province of Zeeland contained an almost

uninterrupted list of all foreign ships entering one of the ports of Zeeland from 1517 to 1807.

This 'baljuw' collected the so-called 'ankerage-geld' (anchor duty) a recognition due for the use of the harbours. In his accounts of this duty the baljuw had to make a separate entry for every ship entering one of the ports. In this entry is mentioned the name of the ship, the name of its captain, its bulk, the port of departure, and the nature of its cargo.¹ Although these instructions were not always obeyed to the letter, it is clear from the beginning, that these accounts contain very valuable materials for the history of the commercial relations of the Netherlands with other countries. The duty had to be paid by the master of every ship not being 'free.' Although there is nowhere to be found an enumeration of the nations and towns whose inhabitants had acquired this freedom,² and the successive instructions of the waterbaljuw direct this functionary uniformly to conform himself to the 'customary rules,' it may be taken for granted that at least since the beginning of the seventeenth century only the inhabitants of the province of Zeeland and of the other United Provinces³ enjoyed this privilege.

This was the conclusion to which I came during a short stay at Middelburg in the summer of 1918. Afterwards my opinion was endorsed by Dr. Z. W. Sneller, now vice-director of the Royal Commission for the Publication of Historical Documents at the Hague, who⁴ is perhaps the best authority in this matter. At any rate all Scottish vessels since 1581 had to pay the anchor duty. This is made clear by the superscription of the accounts of these years, which state uniformly that the account

¹ E.g. Den XXI. Novembris 1644 is ingekomen Jan de Ridder van Zandwitz met zijn schip geladen met hout en appelen, groot vii lasten . . . 1 Sch. vii gr. vl.

Dito is inghekomen Olivier Danijs van Zandwitz met 't schip de fortuin of London met smeekolen, groot xii lasten, facit . . . 1 Sch. vls.

(7 Maart 1645) is inghekomen Codbert Dunneton komende van London met chip de Spidwell groot vi lasten, facit Sch. vls.

² All I am able to say on this subject is that the 'Easterlings' enjoyed this privilege up to 1477, but in the port of Veere only. The English seem to have been exempt of the payment still longer. In which year they lost it, is not clear, but at any rate they had to pay since 1581, as they are specially mentioned in the instructions of the waterbaljuw issued in that year.

³ Even this last exemption was not always maintained. In a few cases the duty was paid by inhabitants of the province of Holland as well.

⁴ Cf. Sneller: *Walcheren in de 15^e eeuw*, 1917, p. 66.

contains the duty paid by 'English, French, Scottish and other unfree ships.'

Although the terms of this superscription may lead to the assumption that it was the nationality of the ships, *i.e.* of the owners of the vessel, which decided whether the ankerage-geld was due or not, practically only the nationality of the skipper was inquired into. Among the documents, sent in by the waterbaljuw to substantiate his accounts, there are to be found a great many of the original declarations, written and signed by the skippers on their arrival, which declarations served to calculate the amount of the fee, due in each case. As in these declarations only the nationality of the captain is mentioned, it is impossible that any other standard was used to determine whether the ship was free or not. It seems probable however, that the difference practically was not very great. As most skippers in those days held one or more shares in the ship they commanded, the captain was rarely of a nationality different from that of the majority of its owners.

Still a certain number of Scottish ships escaped the payment of the duty. Scottish skippers could be admitted to the freedom of the city of Veere, and so acquired the freedom of the ankerage-geld. There have been years when not a single ship paid this duty at Veere, although many must have arrived at this port.

In 1660, for instance, it is noted in the account that no anchor duty was received in the last named port, 'all the Scottish skippers arriving at Veere declaring themselves citizens of this town.' What were the conditions required to obtain the freedom of this city, whether the line of conduct of its magistrates was always the same, and whether the freedom of Veere exempted the skippers who had acquired it also from payment at Middelburg and Flushing, are things still to be investigated. It seems probable that the magistrates of Veere became more liberal as the custom of frequenting other Dutch ports became stronger.

It must be remembered, furthermore, that the accounts do not mention the Scottish goods carried to Zeeland in Dutch bottoms. According to Rooseboom¹ this had been prohibited by the Privy Council of Scotland in 1617. This resolution cannot, however, have been long in force, or must have been neglected openly. In the account of the conservator of the Staple from 1627² we find an entry: 'resavit for guids comit into sundrie dutch busses L-4/8.' And since 1649 it was certainly allowed, as a

¹ Page 156.

² Rooseboom, Appendix, 119.

4 Relations between Scotland and Netherlands

resolution (of the Convention of the Burghs?) of that year¹ permitted expressly, to use foreign ships for the exportation of Staple wares, provided security was given that these goods were transported to the Staple Port.

I do not pretend to have answered all questions which may offer themselves to the student, who uses these accounts as a source for the history of commerce. Probably there remains more than one problem to be solved. It might, for instance, prove of interest to establish a careful comparison between the only account still extant of the conservator of the Staple² and the accounts of the waterbaljuw of these years, 1626-27. By comparing the two documents I was surprised to find that, while the entries in both accounts are fairly the same in 1626, there are a great many differences in the following year. Nearly half of the vessels which, according to the conservator, entered one of the three ports of Walcheren, are omitted from the accounts of the waterbaljuw. I cannot explain this.³ But whatever be the result of later investigations, it is clear that the accounts of the waterbaljuw contain vast and valuable material for the student of the history of commerce, and with an eye to the preponderant place that the intercourse with the Netherlands has taken in the commercial history of Scotland; I think I am justified in specially calling the attention of Scottish scholars to this too little known mass of documents.

S. VAN BRAKEL.

Utrecht, Holland.

¹ *Ibid.* No. 148, 2nd article.

² The above-mentioned document, printed by Rooseboom under No. 119.

³ It is the more surprising as the administration of the waterbaljuw was evidently kept with more care than the conservator bestowed on his.

Bellenden's Translation of the History of Hector Boece

HECTOR BOECE, first Principal of the University of Aberdeen, is remembered as a Latin author, as the writer of a History of Scotland which, however inaccurate, commanded the attention of the scholars of the Renaissance.

It was in vain that Leland, resenting the long line of mythical kings adopted by Boece, declared his lies to be as innumerable as the waves of the sea or the stars of the sky. Much later, Scotsmen, according to Lord Hailes, though reformed from popery, were not reformed from Boece: even Dr. Johnson, while admitting his 'fabulousness and credulity,' applauded the 'elegance and vigour' of his history.

But the work of Boece has a further claim to attention, which has been well expressed by Professor Hume Brown: ¹

'Boece's *History* is memorable for another reason besides its wide currency and its audacious fictions: it gave occasion to the first book in Scottish prose which has come down to us. At the instance of James V., who thus followed the example of other princes of the renaissance, it was translated into Scots (1536) by John Bellenden, archdeacon of Moray, one of the many versifiers who haunted the court. Bellenden proved an admirable translator—his flowing and picturesque style doing full justice to his original, while he added so much in Boece's own manner that he further adapted it to the tastes of the time.'

The claim of this Scottish version of Boece to be 'the first book in Scottish prose which has come down to us' might perhaps be disputed. But assuredly it is the first book of any great literary value or interest: as a monument of noble Scottish prose it has never been surpassed: and it would probably be difficult to exaggerate the influence which both Latin original and Scottish translation have had upon the national feeling of Scotland.

¹ *Cambridge History of English Literature*, iii. 156.

6 . Bellenden's Translation of the

The *Scotorum Historiæ* of Boece had been printed in Paris in 1526-7; it was some ten years later that the Scottish translation was issued from the press of Thomas Davidson¹ in a magnificent quarto. In the colophon, this work is described as compiled by Boece and lately translated by Bellenden, but at the beginning it is described as :

'compilit *and newly correckit* be the reuerend and noble clerke maister Hector Boece . . . Translatit laityly be maister Johne Bellenden.'

This description is regrettably vague and ambiguous. But if the translation was 'correkit' by the author, it is at least possible that he was responsible for the additions, and he may have corrected the style of his translator. Yet the whole credit of the translation, and of the numerous additions and alterations whereby the translation differs from the Latin original, has always, so far as we know, been given solely to John Bellenden : and this from the earliest times.

Thus, in the latter half of the sixteenth century, William Harrison wrote :

'How excellently, if you consider the arte, Boethius hath penned . . . his Historie in the Latin, the skilful are not ignorant : but how profitably and compendiously John Bellenden, Archdeacon of Murrey, his interpretour, hath turned him from the Latin into the Scottish tongue, there are verie fewe English men that know, bycause we want the bookes.'

We have seen that Dr. Hume Brown believed that the additions found first in the Scottish translation, although 'so much in Boece's own manner' were due, not to the revising pen of Boece, but to the translator.

There is indeed a natural tendency to suppose that a prominent scholar of the early sixteenth century must have scorned the vernacular. 'Major and Boece,' says Mr. Anderson, 'wrote in Latin : being scholars of the sixteenth century, they would not write in any other language.'²

Yet More and Colet, Fisher and Skelton suffice to prove that the vernacular was not necessarily despised by scholars ; it is difficult to decide whether the numerous additions and alterations which characterize the Scottish translation should rank as the

¹The book unfortunately bears no date, and is sometimes attributed to as late a year as 1541.

²*Studies in the History of the University of Aberdeen*, 1906, p. 29.

work of the translator, or were made when the translation was 'newly correckit' by Boece himself.

Now when the old printed copy of 1536 was reprinted in 1821-2, the editor, Thomas Maitland (later Lord Dundrennan), called attention to a manuscript of the translation in the library of Auchinleck. This was known to differ in one or two important particulars from the printed copy, but the editor unfortunately had no opportunity of collating it, though some information about it was supplied to him by Sir Alexander Boswell.

The Auchinleck MS. has now passed into the library of University College, London. The following facts about it are significant :

(1) It contains a dedication to James V., dated 'the last day of August the 3eir of God ane thowsand five hundreth and thretty ane 3eris.' The MS. accordingly represents a translation prepared, and presumably issued in manuscript, a good many years before the printed copy 'newly correckit be the reuerend . . . Hector Boece' was issued.

(2) The Auchinleck MS. makes no mention of Boece's correction. Its title runs :

'Heir begynniss the cornikyllis [*sic*] of Scotland, compylit be the reuerend clerk maister Hector Boece, and translait in oure commoun langaige be maister Jhone Ballentyne . . .'

(3) The Auchinleck MS. differs materially from the translation as printed some half dozen years later. Many of the passages which were added to the printed translation are found to be wanting in the Auchinleck MS. The Auchinleck MS. frequently adheres to the Latin text in places where the translation, as printed later, departs from it. A close comparison shows that almost every sentence of the printed translation 'newly correckit be maister Hector Boece' differs from the earlier translation as preserved in the Auchinleck MS. In some instances, too, when the translation in the Auchinleck MS. removes personal references of Boece, these are reinserted in the 'correckit' printed text. For instance :

(a) Boece, in his Latin text, expressed his indebtedness to the University of Paris as well as to that of Aberdeen. The passage was omitted by Bellenden in his translation of 1531, presumably as being merely personal : but it is reinstated in the printed revision :

This nobil vniuersite [of Paris] (that is sa worthy to be louit in euery world) suld be honorit be ws, for thought we studiit sum part in Aberden,

we tuk our first erudition in this foresaid vniuersite of Paris, and thairfore we wyl haif na les reuerence and luf to it, than the barn hes to his natiue moder.¹

(b) In the Latin text Boece mentions how he procured some amber. The passage does not occur in the Auchinleck MS., but in the printed translation it runs :

Als sone as I wes aduertist thairof, I maid sic deligence, that ane part of it wes brocht to me at *Abirdene*. (There is no mention of Aberdeen in the Latin.)

Omissions are made which seem to imply an authority over the translation which only the original author would have assumed. Boece limits the use of the word 'Britain,' 'British' to South Britain, using 'Albion' for the whole island. At the same time he inserts into his History, verbatim, certain passages from Tacitus in which *Britannia* is used with reference to North Britain. This discrepancy worried Bellenden, who inserts the following note into his translation :

Verba translatoris. Becaus the compilar of thir cornykillis makes ane gret difference betwix Albioun and Britane throw all the process of his buke, I haue translaitit the wordes in the said orisonis according to that samyn difference, putting for Britonis Albianis, for Britaine Albioun; uther wais the wordes of the saide orisonis myght haue generit gret errorr to the rederss.²

In the printed translation this note is cancelled, and the reviser deals with the problem as he thinks fit, altering in certain places Bellenden's *Albioun* to *Britane*, *Albianis* to *Britonis*. It is difficult to see why Bellenden should have removed the note he thought it necessary to insert: it is easy to see why Boece may have thought it pedantic and superfluous.

In the Dedication to the King, Bellenden had apologized for his translation, which he had undertaken at the King's command :

And thoth the charge wes importable throw tediuss Laubour and feir of this huge volume, quhilk hes Impeschit my feble engyne, havand na crafty wit nor pregnant eloquence to decore the samyn, zit I am constraint for schort tyme to bring this my translatioun to lycht, nakit of all perfectioun and rethory, as Inplume birdis til flytth; nought the les I lawlie beseik thi magnificence to accept my Laubour with sik beniuolence as thai bene dedicat to thi grace.

This passage is omitted in the printed revision, presumably because such an apology is no longer called for, when the translation has been revised. Bellenden's Dedication to the King is

¹ Book X. cap. 4, end.

² Bk. IV. cap. 21.

removed from its place at the beginning, and put at the end of the printed volume: a liberty towards the translator which is more intelligible if it be the work of the original author.

But it would probably be rash to suppose that all the differences between the Auchinleck MS. and the printed text are due to the correcting pen of Hector Boece himself. The fact that Bellenden's own verse 'Proheme' has undergone correction, suggests that translator as well as author had a share in the revision, and this is supported by certain entries in the Treasurer's accounts:

1531. Oct. 4. To Maister John Ballentyne, be the Kingis precept, for his translating of the Croniclis £30. . . .

1533. July 26. To Meister Johne Ballantyne for ane new Cronikle gevin to the Kingis Grace £12.

Since the epistle dedicatory to the King in the Auchinleck MS. is dated, as we have seen, Aug. 31, 1531, it seems likely that the book was presented to the King between that date and Oct. 4, when Bellenden received his reward: and that in July, 1533, he presented a revised edition: 'ane new Cronikle.' In that case the great bulk of the additions may have been made, not by Boece, but by Bellenden himself between 1531 and 1533. Already, even in the Auchinleck MS., there are long passages inserted which are not in the original Latin, and are therefore presumably the work of Bellenden: chief among these are the animadversions upon the excessive liberality of King David to the clergy, with the saying of King James I. that he was 'ane sore sanct for the croun,'¹ and a very interesting passage about the family of Douglas. Boece had recorded the downfall of this family without any expressions of sympathy: and had stated that they had in some measure brought their misfortunes upon themselves.² Bellenden had been an adherent of the Douglas family: and he bears bold testimony to their merits:

Of this James descendit the illuster surname off Dowglass, quihlk wer ever the sickir targe and weirwall of Scotland aganis Inglismen, and wan never landis in it bot be thair singular manheid and wassalaige. It is said in the Brucis Buke,

Sa mony gud as of the Dowglass hes bene
Of ane surname wes never in Scotland sene.

Nought the less thai increseit sa gret sone efter, that thair hitht and gret

¹ Bk. XII. cap. 16.

² Douglas insignis familia . . . sui sibi exitii nonnulla ex parte in causa fuerit (fol. cccxi).

pussance bayth in manrent and landis wes sa suspect to the kinges quhilkes succedit efter thame, that it was the causse of thair declinatioun. It is said, sen that surname wes put done Scotland did never ane vailzeant deid one England.¹

These additions are, then, presumably the work of Bellenden himself, since they are found in the Auchinleck MS., which makes no allusion to any revision by Boece. But if Bellenden was capable of making them, there is no intrinsic impossibility in his having been partly or even mainly responsible for the numerous additions which we find for the first time in the printed copy as 'newly correckit' by Boece himself. Such additions are the story of the White Hart which attacked David I. while hunting,² and the anecdotes about the nickname and the wounds of Archibald, Earl of Douglas.³

The printed copy differs from the Auchinleck MS. in certain alterations of names or facts. For example, the Sir Hugh Cressingham who fell at Stirling is called *Cassingauiensis* in Boece's Latin, and Cassingham in the Auchinleck MS.: the name appears in the printed revision in the more usual form Cressinghame.⁴ In Boece's Latin, Bruce, after his flight from England, comes to Lochmaben, where he meets *fratrem Dauidem cum Roberto Flemein*. This is followed by Bellenden in the MS. 'Dauid Bruse and Dauid [*sic*] Flemyn.' But in the printed revision it is corrected: Bruce came

to Lochmaben, quhare he met his brothir Edward, quhilk had gret meruel of his haiste cummyng.⁵

This correction is evidently based upon Barbour: ⁶

 Cummyn till Louchmaban ar thai.
 Hys brodyr Eduuard thar thai fand
 That thocht ferly, Ic tak on hand
 That thai come hame sa priuely.

Some of the most noteworthy alterations made in the translation relate to Bruce and Wallace. The printed translation differs from both the Latin and the Auchinleck MS. in excusing the early career of Robert Bruce: was not Saint Paul in his youth 'ane gret scourge of crystyn pepyll'? A comparison in parallel columns is instructive:

¹ Bk. XIV. cap. 8.

² Bk. XII. cap. 16.

³ Bk. XVI. cap. 14.

⁴ Bk. XIV. cap. 4.

⁵ Bk. XIV. cap. 7.

⁶ Bk. II. l. 18.

BOETHIUS, 1526.

Tradunt quidam Robertum Brusium cladis huius causam extitisse. Initio enim pugnae, iam ante collocutum cum rege secessionem necessarii suis, qui cum Scottis erant imperitasse: qua re territi reliqui Scotti, videntes se a suis proditos esse, fugae initium fecere, ubi veluti peiora omnes abiectis armis mactandos se iugulandosque praebuere. Sed Robertus Brusius praemium proditionis ab Eduardo regnum Scotiae postulans (ignorans proditores dum usui esse possunt benigne ab hostibus excipi, verum ubi quod potuere perfererunt, etiam illis in quorum gratiam eafecere, execrandos ac detestandos haberi) haud aequum responsum retulit. Nec enim minus Eduardus regnum Scotiae quam ipse Brusius affectabat. Quam ob rem verbo Robertum reiiciens, 'Credis', inquit, 'non habere nos quod agamus aliud nisi vobis regna semper subiugemus?'²

¹ Read *perora*, as in edition of 1575.

² Bk. XIV. cap. 3 (Fol. ccciii. b).

AUCHINLECK MS. 1531.

It is said that Robert Bruce was the cause of the discomfiture of this last feild at Dumber; for in the begynnyng of the battell he promittit to king Eduard to cum fra king Balioll with all his freyndes and kynnismen quhilkis wald assist to him; throw quhilk the Scottis war discomfist. For, quhen that saw thame self betrasit be thair awin marrowis levand thame at sic extreme danger of enemess, thair tynt curraige and wer slane lik miserable creaturis but ony defence. Efter this discomfitour Robert Bruce come to king Eduard desiring the reward of his tressoun, quhilk he belevit suld have bene the realme of Scottis, according to Eduardes promess. Bot he was dissavit, nocht knawing all tratouris (sa lang as thair may profit) plesandlie tretit with thair enemess, bot quhen thair haue done thair tressoun thair haldin nought onelic abhominable to thair freyndis, bot als to thair fayis, in quhair favour thair tressonis war committit, and gettis nought bot repulss of thair desiris. Attour king Eduard had na less desire than the Bruce to conquss the crown, as aperit be his wordis said in this maner: 'Belevis thow that we haue na uthir errandis ado bot to conquss realmes in thi favour?'⁴

⁴ Bk. XIV. cap. 3.

EDINBURGH EDITION, c. 1536.

It was said, be thame that followit the opinion of Balliol, that Robert Bruce solistit al his freindis in the begynnyng of the battall, to leif the Balliol, and was be that way the cause of this discomfitour. Bot thair wordis war fals; and said be the freindis of Balliol allanerly for malyce; to that fine, that the Bruce suld cum in hatrent to the Scottis. Robert Bruce efter this victory past to King Edward, and desirit hym to fulfil the promes, maid be him afore undir his gret aith. Nochttheles, he gat bot ane wycket answer: for King Edward had na les desire to be King of Scotland than the Bruce had. His answer was 'Belevis thow, that we haif na othir besines ado bot to conquss realmes and kingdomes to the?'³

³ Bk. XIV. cap. 3 (Fol. ccv. b, col. 1).

Robertus Brusius non satis habens Contribules oppugnare armis (Is enim eo die Anglorum partes sequebatur) flagitium perfidiæ adiciens, circumductis paulum suis a tergo Scotos aggreditur, nihil minus quam tale quippiam expectantes. Fœde igitur ex omni parte trucidabantur: Nec enim quoquam effugium erat.¹

Ad ea, tua (inquit Vallas) perfidia me quo minus patriæ libertatem aduersus tyrannum superbissimum pariter & crudelissimum defendam in æternum terrere non poterit. Abi quo dignus es in malam crucem iterum patriæ desertor ac proditor: inueniet aliquando scelerum tuorum exitum dignum, quando minime credes, deus, nec impune toties patriæ proditor lætaberis. Mihi sane mors pro patria accepta, in qua liberanda nec dies nec noctes vnquam cesso, gratissima ceciderit. Te viuentem furia cruciату vel morte tupissima [*sic*] peiore, dum scelerati tui oculi patriam a te bis proditam intueri poterunt, perpetuo vexabunt. Huiusmodi victoria Anglis feliciter pugnantibus die Magdalenæ sacra obtigit:

Robert Bruse (quhilk wes this tyme with the army of England) thinkand nought eneuch to Invaid the Scottis with battell, to eik his Iniuris with more tressoun come one the bakkis of Scottis quhen thai suspekit na thing less than his Invasioun throw quhilk thai war miserably slane one all sidis.³

To this ansuerit Wallace: 'O Robert, thi falsset and tressonable slyghtis may na wayis effray me to leif the defence of my native cuntre aganis the maist proude tyrane Eduard, enemy therof. Thairfor, maist tressonable dissaver and leuar of thi realme (quhen maist danger occurrit) pass to the gallous, for thow sall nought fail be pvnitioun of God ane mischevis deid quhen thow belevis leist, for the frequent Iniuries done sa ofymes aganes thi native cuntre, certifeing the that I compt na paine nor displeseir that may efter follow in defence of my cu[n]tre, and sall neuer ceiss fra defence thereof; how-beid maist shamefull torment is ordanit for the, baith deid and quik, for thi manifest tressone done sa

Robert Bruce wes this tyme with the army of England and myght thairfor mak na support to Scottis. And so that wer miserable slane on all sydis.⁵

To this answerit Wallace, O Robert thy febyll cowardy and sleuth mouis me to assailze so mony parellus icoperdis in defence of thy rycht and delyuering of the realme of Scotland fra tyranny of Inglismen. Thir woundis war sa deip inprentit in the Bruceis hart, that he determit to abide na langar at the opinion of England. Treuth is that sendill or neur ar the Scottis vincust be Inglismen without sum diuision amang thaym self. For thocht the Scottis at this tyme stude in sic array, that thay war inuincibyl, and culd nocht be brokyn afore, 3it Robert Bruce come with ane buschement of Inglismen on thair bakkis. Be quhilk thay war miserably discomfist and slane. This battall was strykyn on the

quamobrem diem eam veluti fatalem
 felici pugnæ exinde obseruant. Ex
 fuga vbi Perthum venisset Vallas . . .
 magistratu se abdicauit.²

¹ Fol. cccvii. line 17.

² Fol. cccvii. b, line 44.

oftymes aganis thi realme.³ This
 battell was strikin one the Magdaleen
 day fro our redemptioun j^m.ijc.
 lxxxxvij j^{eris}, thairfor the Inglis men
 nobmerit [*sic*] the samyn ay efter for
 ane happy day to fecht aganis Scottis.
 Wallace efter this discomfitour come
 in Perth.⁴

³ Bk. XIV. cap. 5, 2nd page.

⁴ Bk. XIV. cap. 5.

Magdalen day fra our redemptioun
 ane M. ii. C. lxxxxviii. j^{eris}. Thair-
 fore the Inglis men held it ay efter,
 for ane happy day to fecht aganis
 Scottis. Forthir thought Robert Bruce
 (quhilke was efter king of Scottis) was
 baith at the battall of Dunbar, and
 the battall of Falkirk at the opinion
 of Ingland aganis the Scottis, na crime
 mycht be imput to hym thairfore.
 First becaus he had na refuge in Scot-
 land. For the Ballioll persewit hym
 to the deid, becaus he was contendand
 with hym for the crown. Secoundly
 he held the lordship of Cleueland of
 the king of Ingland, and was ane
 Inglisman born, howbeit he was
 nerest air be proximate of blud to the
 crowne of Scotland, and be reasoun
 thairof behuitt to make hym seruice.
 Als kyng Edward promittit to retreat
 the sentence he gaif for the Ballioll
 and to make the said Robert kyng.
 Attoure sanct Paule (as we fynd) was
 ane gret surge of Crystyn pepyll and
 persewit thaym with maist cruell
 ennymyte. [*&c. &c.*]⁵

⁵ Fo. ccvii. a, col. 2, line 1.

⁶ Fol. ccvii. b, col. 1, line 11.

A growing tendency towards advanced ideas in religion can be noticed. Following the Latin, the Auchinleck MS. says of S. Gilbert :

mony sindry miraculis ar daylie kythit be him to our dais : his body lysis in Ross haldin amang the peple in gret veneratioun.¹

The later printed translation limits itself to the more cautious statement :

His body lysis in Ros, haldin in gret veneration of pepyll.²

The references to the friars become increasingly hostile. Boethius, in his Latin, had recorded how, at a General Council, the formation of any new order of friars (beyond the recognized four) was forbidden :

ne populo nouæ religionis titulo imponentes, alienis viuant ociosi laboribus.³

The Auchinleck MS. translates this (somewhat unkindly) that

na man suld attempt to begyn ony new gise of sic vane superstitionis, desiring to leif in ydilnes apone the frutis of vther mennis lauboures.

But the printed edition becomes much more violent :

And generall edict maid, that na man suld attempt to begyn ony new gyse of sic vane superstitious pepyll, quihilkis ar set to eschew labouris, that thai may leif in lust and ydilnes apone the frutis of othir mennis handis.⁴

To sum up : Bellenden's Boece is extant in two versions. The first, best represented by the Auchinleck MS., shows the form in which the translation was presented to the King in 1531.

The second version, contained in the printed edition of c. 1536, differs in almost every sentence from this earlier version. It claims to be 'newly correckit' by Boece himself, and some of the corrections seem indisputably to proceed from him. On the other hand, the fact that the verse 'proheme,' avowedly written by Bellenden himself, has also undergone correction, as compared with its earlier draft in the Auchinleck MS., suggests that Bellenden had a hand in the revision of his work : and this is confirmed by the fact that he seems to have been rewarded by the King for the presentation of a revised translation. It may be further noted that the revision of Boece was not so thorough as

¹ Bk. XIII. cap. 15.

² Fol. clxxxix. col. 1.

³ Fol. ccci. b.

⁴ Bk. XIII. cap. 21.

to prevent some gross mistranslations (first found in the Auchinleck MS.) from persisting into the printed edition.¹

Bellenden's Boece is one of the two or three most noteworthy examples of the noble Scottish prose of the sixteenth century, not yet contaminated by the influence of Southern English ; and it is most desirable that a modern edition should be forthcoming, giving the text both in the original and the revised form. The Scottish Text Society has printed an elaborate edition of Bellenden's Livy, though the editor admits that this work 'in point of general interest falls far short' of the Boece.

Both versions of Bellenden's Boece should be made as accessible as, thanks to Dr. Craigie and the Scottish Text Society, Bellenden's Livy now is.

R. W. CHAMBERS.

WALTER W. SETON.

¹ Compare for example Latin text fol. cccvii. with Book XV. cap. 5, of the Scotch version, where the statement that Wallace deserted John Stewart is a mistranslation.

The Orkney Townships

I.

THE earliest extant Rentals of Orkney (1492 and 1502-03) show all the lands throughout the isles arranged first into parishes, and then, under each parish heading, divided into certain named parcels. Thus under 'Parochia de Deirnes' one finds 'Sanday iii d terre... Holland iii d and iii farding terre... Brabustare ane uris terre,' etc.; each followed by a detailed statement of its duties, and, if there was any land *pro rege*, of the rents. These divisions—Sanday, Holland, etc.—were the 'towns' or 'townships,' once divided from one another and from the commonalty by dykes—high ramparts of turf—and still known as distinct districts to-day. Within the dykes were all the houses, all the arable lands, and most of the meadows; saving only certain outlying lands called 'quoys,' cultivated at a later date—though many of them were old enough at the time of the first rentals.

The houses in each town varied in number and the lands varied greatly in extent; the extent of the lands being indicated originally by the number of pennylands in the town. In the instance quoted above we get a 3 pennyland, a $3\frac{3}{4}$ pennyland (this odd number is accounted for by part of the town being bishopric and kirkland, and so not entered in the king's rental), and an urisland, or 18 pennyland. But long before 1492 the pennylands had come to vary very much in value and the merkland was the true test; so that one finds pennylands with only $\frac{2}{3}$ of a merk in them and others with 8 or 12 merks. These, however, were extremes, and the rough general rule in the seventeenth century was supposed to be four merks to a pennyland in the Mainland and South Isles and one merk per pennyland in the North Isles.

More or less corresponding divisions of the land are found everywhere, and the word 'villa,' *i.e.* town or township, was a kind of standard term; but an exact analogy to the Orkney

townships I have been unable to discover. Indeed, they may fairly be said to be the most characteristic and (together with the winds) the most permanent feature of the islands. Yet though they persist as distinct entities and retain certain traditions, the last sixty or eighty years have wrought devastating changes within their dykes. In some cases all traces of the past have been swept away by their conversion into a single large modernised farm; in all, the multitude of old terms and old customs have been mostly forgotten.

Fortunately, however, a great many records survive in the shape of 'perambulations,' 'divisions,' and 'plankings,' dating as a rule from the seventeenth century; though both the sixteenth and the eighteenth are represented. Most of these were found scattered through myriads of odd bundles of papers in the Sheriff Court House at Kirkwall, and in this paper where no footnote reference is given the document quoted always came from that collection. Various private collections yielded treasure trove also, and here and there through charters and sasines odd bits of information cropped up. It has thus been possible to piece together a fairly complete picture of the old Orkney towns. One or two points still remain obscure, yet the general principles emerge from the accumulation of evidence pretty distinctly.

The first differentiation of township lands to be noted is the distinction indicated in the very earliest of these documents, a division of the town of Thurrigair in South Ronaldsay on October 17th, 1508.¹ The point to be settled was 'the decerning and devyding of *inskyftis*, *touneland*, and *owtchistis* pertening to the fyff d. land of the Trinite Stuk and ane d. land pertening to the said David and his aris' (the whole town being a 6d. land). The inquest examined and testified to 'ilk penny land *inskyft* and *towmal* be itself' of the 5d. land, and then found that the '*thowmalis* and *inskyft* of the pennyland pertening to the said David and his aris beginnys and extendis...' (boundaries are given). They ordained that David and his heirs were 'to bruk his *towmalis*, as weil with outpastor as with inpastour, extendand to the hille, within the dyk and without the dyk.'

Of these terms, *owtchistis* is never met again, but it may perhaps refer to this inpasture and outpasture extending to the hill. 'Inskyft,' however, is actually defined (by implication, at least) in a couple of contemporary dooms of court. In one of these, dempt in 1519, occurs this passage: 'be ressoun that the nyne

¹ R.E.O., (*Records of the Earldom of Orkney*), No. xxxvii. A.

penny land of Saba and fredome thairof lyis within ane *ainisskopft* within it selff, and nather the nichtbouris of Thoepe nor na utheris lyis in curig (*sic*) nor rendall, girse pairt nor wair pairt, nor ony other pairting of fredomes within ony parsoneis bot onlie within thameseluis, etc.’¹ And in a dome of 1509, giving an earlier decision to precisely the same effect concerning the same lands, an abbreviated version of this passage runs: ‘be resone that the ix penne land of Saba lyis in ane *inskeyft* within hyttself in lentt and breyd,’ etc.² Whether ‘curig’ be simply an error for runrig or not, there is no doubt anyhow about the standard Scottish term ‘rendall’ for runrig land, and we see that an inskyft was a parcel of land not lying in runrig with other lands but belonging solely to one owner.

There are various other references to inskyfts, none of them contradictory to this and at least two of them confirming it. In an undated complaint by Alexander Louttit in Mirbister against his nephew James Louttit (evidently soon after 1600),³ Alexander states ‘that quair the said James hes his *enskiftis* lyand within the town of Mirbister occupied be him and the ane half of the dyks biget and posed and uphaldin be me, and thereby the said James aucht and schould big and uphald the ane half of the dykis of Browllskethe quhilk is my *enskiftis*, as weil as I uphald the dykis of his *enskiftis*,’ etc. Here again we have the inskiftis as personal and individual parts of the township, very much larger than mere rigs. The difficulty as to the upkeep of the dykes evidently implies that each man was responsible for a certain considerable stretch, which would occasionally include a neighbour’s inskift.

Another instance occurs in a letter of 1st September, 1677, from James Louttit of Mirbister, bailie of Harray, to Arthur Baikie of Tankerness, Steward Depute of Orkney, from which it appears that a certain John Hervie was ‘troubling’ three of Baikie’s tenants in the town of Grimeston, ‘and promises to enter in their *inskiift* land, quhilk belongis to y^{or}self, George Ritchie, and Breknes, and pairtlie to themselfis, and thinkis to bost them with that law borrowis, quhilk he hes for veritie (*i.e.* has taken out as a matter of fact) to get possessione in that land and grass, he haveing his awin *inskiiftis* be himself.’ In this case it will be noted that the inskift consisted of a mixture of arable land and grass, and further evidence that this was usually the case is to be seen in a sasine of land in Mirbister, 5th September,

¹ R.E.O. No. xli., where it is printed ‘amisskopft.’

² *Ibid.* No. xxxvii.

³ Skaill Charters.

1643,¹ where the purchaser gets '9 riggs or spelds called Quoynabrenda' in satisfaction of all that he wanted of the grass of his *inskiftis*.

Some years ago, before all this evidence had been collected, the late Prof. Jakobsen suggested to the writer *engja-skipti*, a division of meadow land, as the probable origin of *inskift*; but this clearly cannot be the case, and it would seem in all likelihood to be derived from *einskipti*, a single or sole division (though this actual combination of *ein* and *skipti* is not in the Icelandic dictionary).

Coming to 'towmalls' and 'townland,' a very interesting perambulation of the town of Paplay in South Ronaldsay in 1677 throws light on this question.² Paplay was a 9d. land, and the inquest began by dealing with the towmalls of each of the nine pennylands in turn. Here are a few examples:

(Number one pennyland.) 'The peney land *towmell* or *hill back* of Lalley, hawing the *uppa* or beginning of the towne, we left heall (whole) as formerlie, belonging to Hellin Stewart, Captone Peither Winsister her husband for his entres, and Allexander Stewart of Masseter.'

(Number two.) 'The peney land of Birstone we have devydit in twa, the one halff, being the *uppa* or easter *back* of the said peney land, to Johne Birstone and his perteners, and the wester halff peney land *back* to James Kynnard of Burwick.'

(Number six.) 'The nixt peney land thereto called Straittie *towmell*, devydit also in twa to Archibald Stewart of Burray, Alex^r Flait of Grwtha, and their perteners.'

(Number seven.) 'The peney land of Hootoft devydit in mener efter specifit; fyw (five) rigis from the easting to Allex^r Fflait of Grwtha for the *towmell* or *hill balk* of ane farding there pertening to him. The uther twa fardings thereof pertening to Hellin Stewart and her husband for his intres and Allex^r Stewart forsaid and ane farding to James Kynnard of Burwick, which three fardings *towmell* or *hill balk* is to contene in rig rendell for this yer as formerlie, allowing the said Hellin Stewart and Allex^r Stewart forsaid, the *uppa* and *ulla* for their halff peney land or twa farding thereof, and the said James Kynnard the *midla* or midmost rig for his ane farding *towmell* thereof.'

After dealing with all the nine separate pennylands in this fashion the deed runs: 'Wee went lykways on the *townesland*, and we found the peney land of Laley to have the first rig of the towne, and the second rige to the peneyland of Birstone, and swa

¹ *Reg. Sasines*, vol. 6, fol. 271.

² Hedde of Cletts Charters.

fwrth to ewerie heritor conform to their proportione in ewerie each peneyland.'

A vast deal of curious information is buried in this deed. Unearthing it, we find in the first place a clear distinction between the *towmall*s or lands set apart to the proprietors of the various pennylands, and the *townlands* which went rig about to all the pennylands. We find one towmall had previously been in rig rendall and was to continue so for the rest of that year, but evidently, by implication, was then to be divided into solid slices among the proprietors. What is very extraordinary and quite peculiar to this town, we also find that the hill backs or balks, usually strips of waste ground or rough pasture above the arable, were identical with the towmall; the towmall elsewhere being even to this day remembered, and in some cases pointed out, as small fields close to the houses in the best parts of the arable land (the word is always pronounced 'tumult' to-day). As will be seen later, many houses were built on hill backs—though not the chief houses, but here we get all the houses perched up at the top of the town, and as a matter of fact there they still stand to-day, the name of each of the old pennylands being borne by a farm.¹

The 'uppa' will be met with frequently again, and in the meantime it need only be noted that it was associated with the idea of the *beginning* (in geographical order) of the town and that the first rig of the rendall lands accompanied it. At the other end was the 'ulla' (often found in the form 'nulla,' 'nullay,' or 'nurley'), and 'midla' meant the middle when there were three. With larger numbers, however, one only finds the 'uppa' and 'ulla' applied to the first and last rigs, those between being simply called 'second,' 'third,' etc.

Another South Ronaldsay deed, still further illustrating several of the same points, is the division of the 3d. land of Uray (a semi-township forming part of some larger town—probably Holland), made on 23rd March, 1642. The inquest 'devydit the haille south town in thrie thirds, quhair of the ane penny land called Flaws has the *uppa*, Hollandis pennyland has the midrig, and the pennyland called Coulls has the *nulay*. And ordains all within the saids merchis as they rin to be devydit also in thrie thirds be coulter and sock (*i.e.*, by plough), alsweill *tounland* as *towmale land*, being maid all *tounland*.' This means that the whole town was thrown into the melting pot, the towmale land

¹ With one or two exceptions, where other names appear instead of the penny land names. There is just one farm, however, for each of the penny lands.

being made for this purpose into townland or rendall land. No doubt fresh towmall would then be laid out for the various houses. As will appear from other instances, this re-rendalling of the whole town seemed to be the standard cure for all ills.

From these instances there can be no doubt what the townland was, namely, all the land lying in rig rendall or runrig and shared by the whole town.¹ In contradistinction, the towmall were the portions set apart for the exclusive use of the respective houses to which they were attached. A common error that has crept into more than one work in which they are referred to, is that they consisted of grass only. This is amply disproved by one set of facts alone:—the rents of various towmall in the 1502-3 and 1595 Rentals, which were invariably to be paid either in malt or bear, are conclusive evidence that they were arable land. And various other references to the rigs of which towmall were composed confirm this. We have seen one instance in Paplay, but a still more conclusive bit of evidence is afforded by an inquest on the laws of Swartaquoy in Holm, 20th February, 1678. The inquest found 'the said John Voy to be wronged and prejudged be the said Nicoll Talzeor in the *towmall* underneath the said Nicoll his hous in the third part of two riges, quhilks two riges are at the neather end 30 foot in breadth and at the upper end 33 foot, quhilk the said seven men has esteemed and valued, and esteems and values the growth thereof to be zeirlic *communibus annis* worth ane settin of malt.' It may be added that the reason why John Voy had a share of the towmall beneath Nicol Taylor's house evidently was that the land concerned was a certain halfpenny land within the town of Swartaquoy which would appear to have formed a farm divided between these two men.

Turning back to the division of Thurrigair in 1508, it will be remembered that the towmall and inskift of one specific pennyland had their boundaries defined, while the townland, one now knows, went in runrig with the other pennylands. The question arises; was the inskift composed of the towmall, or was it a slice of non-runrig land apart from the towmall? There seems to be no evidence to answer this question definitely,

¹ Since this paper was written, a deed has come into possession of the author (through the courtesy of Mr. J. W. Cursiter) illustrating particularly clearly various of the points dealt with. It is a perambulation of North Wideford in St. Ola parish, 23rd February, 1686. The phrase 'townland or rendall land' occurs several times, in specific distinction to the towmall lands.

but it will be seen later that though all the townland was rendall land in theory, it was held to some extent in 'planks' or whole fields for the sake of obvious convenience, and it is possible that the term *inskift* referred to these. In fact one or two references point distinctly to this being the likelier solution and suggest that it was used pretty loosely and generally of any parcel of land (larger than a rig) not shared with other heritors in the town.

Such parts of the town and such rights connected with it as were the exclusive property of one proprietor are constantly referred to as his 'freedoms,' in exactly the same sense in which 'liberties' was once used. His towmall or towmall is one instance, and another continually met with is his 'house freedoms,' a term which evidently covered all the ground necessary for his house, farm buildings, and corn, kaill and stack yards. A division of the town of Corrigall in Harray on 15th April, 1601,¹ between James, Robert, and John Corrigall refers to an earlier decree of 1572, 'decerning James and Robert Corigilles to have thair entres and house fredomes on the wast syed off thair houssis, with barne or corneyaird, and siclyik ordening John Corrigill to have his entres and house-fredomes on the eist syed of his hous,' an arrangement apparently implying a group of buildings (a mansion or large manor farm divided up among the family) with 'freedoms' stretching on both sides. And there are various other instances of the same sort of thing.

The most curiously minute and detailed case is the decree in favour of James Beaton of Pow of his 'right to the twelfth part of the saids housses and biggings of Clouk (in the town of Inner Stromness) quich twelfth aggries with his interest of land, being ane halfe penney land there.' The date of the decree is 18th February, 1679, and the deed quoted in it, and now ratified, is a division of the houses of Clouk between Marion and William Beaton dated 1566, the consequence being that James Beaton's 'twelfth part' was in a sadly delapidated condition after the lapse of a hundred and thirteen years, and, indeed, had partially vanished. What his predecessors had set apart to them is thus described:—'The innermost part of the fyre house and two sellars (rooms) nixt thereto, quich wes possed be umquhile William Beaton, father to the said James fiftie yeires since, and of the quhilks two sellars there is ane alltogether and the other almost ruinous; and that umquhile William Beaton father to the said James hade his kaill yaird pertening to his halfe

¹ R. E. O. No. lxxx.

penney land in the northmost pairte of the corneyaird of Clouk now quere the steith (steeth or foundations) of the dyck thereof is yet extant ; and nixt thereto westward stood the said umquhile William Beaton his barne, killne and stables which is since taken down and turned into ane kaill yaird ; and that the said umquhile William Beaton his byre wes on the west syde of the new chamber of Clouk which is now made in ane long barne ; and that the said umquhile William Beaton his cornes of the said halfe penney land stood in the corne yaird of Clouk, but the saids witnesses could not condescend on any particular place.' So that all the heir of the said umquhile William Beaton seems to have recovered of his patrimony was the ruins of one room, the steeth of his kaill yaird dyke, and a few general directions where to look for the sites of the rest. Nevertheless, he had recovered his 'house freedoms' and was no doubt as happy as a successful litigant deserves to be.

No term is more constantly used in connection with these old township lands than 'hill back' or 'hill balk.' Its general meaning as a strip of waste ground or hill pasture outside the arable and good meadow land has already been referred to, and with the exception of Paplay where they were identical with the towmall, the hill backs are found in all recorded cases as such outside strips.¹ The fullest and most minute account we have of them is contained in a perambulation of the town of Clouston in Stenness on the last day of February, 1681. First, the inquest took the declaration of the heritors 'anent the mairches of the uppa balk, beginning at the entrie of the little burne at the loch within the picka dyke, and up throw Quoy Anna following the old balk to the turne of the picka dyke at the grip or little burne of the Fidges, containing nyne faddomes to each two fardings balk.' With the same particularity the course of the balks is traced right round the town and back to the loch shore at the other end of it, three of the farms being mentioned as points at which balks began or ended. Clouston was a six pennyland and one finds six balks or long strips of heather or rough pasture stretched end to end round three sides of the township (the fourth side being the loch shore where the best old arable land still lies), filling the space between the uppermost houses and the 'picka dyke.' Each of these six long balks was divided into two sections (*i.e.*, by a cross division), and each section was then

¹ Another similar exception has since turned up in the case of North Wideford. (See foot-note p. 21.)

split into a series of small balks given to the various farms in rotation.

Nothing is more striking in the large assortment of deeds dealing with township divisions than the variety of these divisions in all matters of detail. The broad distinction between rendall lands, meadows, towmall, and (except in Paplay) hill balks is common to all, but one can never take a detailed account of what happened in one town as applicable in all points to all towns. For instance, the principle of laying one balk to each pennyland was acted on in each of the very few cases in which we have an exact record of how balks were apportioned, but there is no proof that this was followed by the subdividing that took place in Clouston. It is certainly not mentioned in the records.

Sometimes backs or balks were cultivated and became outlying parts of the town arable lands, for the crop of a certain balk in the town of Onston in Stenness is mentioned in a bailie court decree of 1576,¹ and one may pretty confidently assume that this had been the history of the 'towmall or hill balks' in Paplay. No doubt they were simply cultivated balks.

Closely connected with the question of balks is that of the 'out freedoms.' The best record connected with them is contained in the perambulation of the town of Kirbister in Orphir in 1694. That part of the verdict begins:—'After considering of the *out freedoms* of the said Toun upon the north east side of the said burne of Kirbister, they (the inquest) all sitting at the said merchston, fynd that Breiknes haveing the *uppa* of the rendall and laboured land ought first to be payed of the out freedom, which out freedom begins at the loch called the Loch of Groundwater, and so east and southeastward till he be satisfied and payed of the fourth part upon the north east side of the said burn.' The next heritor began where Graham of Breckness stopped, and all had been 'payed' by the time the mouth of the burn was reached; whereupon they began with a fresh succession of out freedoms for the rest of the way round the town, till they reached the Loch of Groundwater again. There were six such sections in all, each divided among the various proprietors.

The resemblance to the procedure in Clouston is at once apparent, and as no hill balks are mentioned in the whole perambulation of Kirbister, it would look as though the out freedoms stood in their stead. They are termed, however, in one place the 'out-dycks,' whereas in Clouston the balks were certainly

¹ R. E. O. No. lxiv.

within the dykes, and though Kirbister was only a 3d land, there were six sections of out freedom. It would seem as though towns differed as to the proximity of their dykes to the arable, some having no balk space left; and in this connection it is perhaps significant that Kirbister had the exceptionally high number of 8 merklands to the pennyland, and it rather looks as though this result had been attained by cultivating every acre out to the dykes.

It is in connection with township dykes that we come upon the most mysterious of all these old forgotten terms—the ‘Auld Bow.’ At first sight Bow seemed manifestly to be the same word as Bu or, in old deeds, Bull, the chief farm or mansion of a township, and the Auld Bow simply to be this manor farm as it had once existed. In fact, in the record of an action concerning land in the town of Ireland in Stenness, 18 March 1617,¹ we find both the Auld Bow and the Bow of Ireland mentioned, the former meaning apparently the whole arable lands of the town, and the latter certainly meaning the lands of the ancient ‘Head House’ (now the Hall of Ireland) within it; but the actual word ‘Bow’ being to all seeming the same word in each case. Even then it seemed difficult to understand how in the case of a town containing one of the best preserved old Bus in Orkney, the term Auld Bow should be used in a somewhat different sense, but the mystery began to thicken fast as the phrase kept cropping up in other records.

Here are a few examples of its usage. In a charter of lands in Quholme in Stromness, 19 January 1584/85,² mention is made of a house ‘biggit upoun the kingis baik outwith (outside) the *auld bow*’; the sense clearly being outside the township arable lands. A precept of 2 Sept. 1607,³ to the bailie of Harray directs him to possess Alexander Louttit in his proper part of the balks of Mirbister, ‘conform to the rendall rigs outwith the *auld bow*’; and here, if the phrase be taken to mean what it seems to mean, the auld bow was a most circumscribed area, not even including the rendall lands of the town. In a perambulation of Clouston in December 1666, the arable lands are first reviewed, and then the inquest deals with ‘the backs without the *old bow*’; but in an earlier part of the record among the ‘sheads’ or fields of arable land enumerated (all of them within this area), we find ‘the 6 rigs lyand within the *old bow*,’ so that in the same deed

¹ Sheriff Court Book, Orkney and Zetland, 1612-1630.

² R.E.O., No. clxxxviii.

³ Nisthouse charters.

we apparently have the phrase employed in both these senses—the whole arable land and a circumscribed area. In a paper headed ‘Information for Williame Sinclair of Saba, contra Johne Craigie,’ undated, but evidently in the first half of the seventeenth century, comes a passage that throws an entirely new light on the question. Craigie had been accused of illegally extending his dykes, and ‘there was ane inquest led for tryell quhair the *steith of the auld bow* stood last.’ Here we have the auld bow identified as a dyke of some sort, and in two more records we again find it unmistakably as a dyke. In a division of certain meadows that lay between the towns of Burness and Whatquoy in Firth, 30 Nov. 1714, it is stated that these meadows were ‘interjected within an *old bow* betwixt the said lands of Burness and Whatquoy.’ And again in the planking of Inner Stromness in 1765,¹ mention is made of the kirkyard ‘*bow*,’ evidently the dyke round the kirkyard; and also the ‘*bow dyke*’ is referred to in another part of the township.

In every case where an ‘auld bow’ is mentioned, a dyke would fill the bill, and if one assumes a dyke round the old arable lands of the town, *within* the hill dyke or ‘picka dyke,’ and in some cases another round the old Head House or Bu and its ‘freedoms,’ all the difficulties would be met. And it may be added, in support of this suggestion, that the old *outside* dyke of Kirbister (to which, in this particular case, the town arable lands apparently stretched), is called to-day the ‘bu dyke.’ But whether the actual word ‘bow’ is simply ‘bu’ or ‘bull’ in a transferred sense, or whether it was originally another word altogether, seems a question for etymological experts.

A very complete and detailed account of the methods and principles involved in the division of a township among the heritors is given in the Bishopric Court Book of Orkney, under date 9 January 1624. The town was the large district of Inner Stromness, which contained no fewer than 36 pennylands or two whole Urislands, and the method, briefly summarised, was this. First it was ordained ‘that everie uddaller, tenant, or occupier of the lands of Inner Stomness posses his hous fredome within the bow according to his landis, conforme to use or wount.’ Then they ordained ‘sex towmales, ane for ilk sex penny land merchit,’ and the boundaries and exact positions of the six towmall are laid down, all of them near certain named houses, so that one could identify the towmall pretty exactly to-day. All but one

¹ Papers of Mr. J. A. S. Brown.

half towmall lay in the heart of the town among the best old arable lands.

Then all the 'sheads' or fields in the town were taken in geographical order from east to west, and were generally divided into six, one-sixth to each sixpenny land, or sometimes into three for the three sixpenny lands of one of the Urislands. In the latter case the other Urisland would get the next shead all to itself. Among the sheads occurred a large meadow which was 'devydid in twa to the twa Urislandis to go about yeirlic.' Under each shead it was stated where the uppa was to begin, and in all but one or two exceptional cases it began at the east. The hill balks and out freedoms were not dealt with on this occasion.

Another record that gives valuable information about the apportioning and constitution of towmall is the perambulation of Graves in Holm on 14 January 1631.¹ In this case only the 'girsland (grassland), towmales, and houses of the 3d land of Gravis' were dealt with—not the rendall land. Each 6 farthing land had its towmall and grass apportioned, and the first 6 farthing lands share is thus defined: 'that hail plank of girsland quhair-upon the hail houses of Eister Gravis stands, with the samin hail houses, togidder with aught riggis of labourit land nixt adjacent to the said plank, betuix the rendall land and the auld bow on the southeast and northwest, and the landis of Brecon on the southwest and northeast, togidder also with the labourit towmale and houses thair of in Wester Gravis, with the girs belanging thairto' (the marches of this last being likewise given). It will be noted from the boundaries specified that the 'auld bow' must have been either the grass plank with the houses of Easter Graves on it, or a dyke bounding this.

II.

The main framework of these old townships is now apparent, and we come next to the working arrangements of the land. Taking first the grasslands or meadows, one fact has already been noted in Inner Stromness, and from several other references it would appear to have been a general custom; and that is the feature of meadows going year about among the proprietors and tenants of the town. On the other hand, we have seen grass included in inskifts and going with towmall, and in these cases

¹ Graemeshall charters.

it presumably did not go year about, unless two proprietors shared a farm.¹

A deed that throws a certain amount of light on the holding of meadows is a decision with regard to Ninian Meason's share of the rendall and grass lands in the same town of Graves in Holm, on December 5, 1605. It was printed in the *Records of the Earldom of Orkney*, and puzzled the editor considerably, but he now perceives the drift of it. Meason, owning 3 farthing land in the 3d land of Graves proper (which, together with Breckan, made up the 4½d. of Graves, as entered in the Rentals), got a fourth part of the rendall land. Two out of the three penny lands had had their grass 'drawin off' by the occupiers previously, and he got his fourth of this. The grass of the third pennyland, however, required some looking for, and a special inquest was convened to find it and give him his share. Thus we see that the various pennylands might or might not have their share of the meadows specially earmarked, and that according to a man's proportion of the whole town, he got a proportion of the grass of each pennyland.

Of the arable land, by far the greater proportion was, as has already been seen, in run rig among the various heritors. Did this imply in Orkney, as it did in some places, that the rigs changed hands every year? This question, I think, can be answered decisively. The rigs never changed hands, except perhaps when the whole town was re-rendalled, and then probably only to a very small extent. Of the many small pieces of evidence all to the same effect, another complaint by the ever-complaining Alexander Louttit in Misbister (undated, but soon after 1600)² gives very specific proof. He says he has a piece of land lying in run rig with the lands of James Velzian, and for five years past Velzian has complained that the march stones were over far in upon his lands, 'albeit my grandshir, guidshir, and father hes bene in peaceable possession these many years bygane of the said run rigs.' The run rigs were 'found,' and the march stones set by an inquest of twelve men. Whereupon the complaint meanders into James Velzian's subsequent misdeeds. Here we have evidence of march stones dividing the rigs, and of certain

¹ A very clear distinction is made in the North Wideford perambulation between 'common grass friedomes' attached to 'ilk pennyland,' and the 'meadows of the hail town.' These last 'goe about yeirlic . . . according to the vulgar country terme called meadow skift.'

² Nisthouse Charters.

rigs having been in one family's possession down to the fourth generation ; and similar proof of division by march stones and of each man's owning and continuing to own the self-same rigs for periods of years is to be found in several other deeds ; while no suggestion of interchange is ever met with.

At the root of the old run rig system was the idea of fairness, the giving to each portioner of the township an equitable mixture of good and bad land, but this was assuredly its only virtue. Anything more inconvenient, more destructive of all possibility of agricultural development, and more productive of quarrels and litigation the wit of man has probably never evolved. Its disadvantages, indeed, were so obvious that even in those conservative days a common-sense solution—or rather a partial solution—had been discovered. Though theoretically all in run rig, the town lands were actually held, to some extent, in 'planks' or compact parcels. One has no evidence on the point that can enable one to judge what proportion of the town was usually held in planks, but there are various references to the custom. Thus the division of Uray, already noticed, was the result of an action against certain persons for intruding on 'sundry rigs, planks, and hill balks.' Again, an entry in the Circuit Court records of South Ronaldsay for 1683 deals with a charge against a man for 'leading and takeing away corns to his own barne yaird and uther mens, under silence of night contrair to the custome and lawes of this country, his corns lyeing rigg in rendall with uther mens and not planked.'

A curious instance of the theory of run rig accompanied by the practice of planking is to be seen in the perambulations of Clouston in 1666 and on 17th January, 1680. In the first a heritor, Thomas Omand, who had recently acquired land amounting to one-ninth of the town, was given the ninth rig of every nine rigs in every single shead in the town ; which implies inevitably that every field was held run rig among all the proprietors. Yet in the second case, further disputes having arisen, a certain whole shead was adjudged to be the joint property of two other men, portioners of another farm ; though this very field was one of those named in 1666. Evidently Thomas Omand got a *theoretical* collection of ninth rigs and then adjusted matters with his neighbours on more common sense lines.

Yet one passage in the verdict of the perambulation of Kirbister shows that the run rig principle was constantly at work, in the

guise of an angel of justice, undoing all efforts to lift agriculture out of the rut. 'Because of the great enormities that they have found quhilk formerly has been committed within the said toun' the inquest ordain 'that the haill arable lands of the toun, as wel lands which were formerly rendalled as outbreck and planked lands should of new be rendalled, and that ilk shead of the said land should have an uppa, and that the samen shall begin at the east; or as near thereto as they can.' Thus back went the hands of the clock every time an inquest descended upon an unfortunate township.

But though this was the law and the prophets, some of these old township records show curious exceptional features. In Clouston, for instance, the 1666 perambulation gives a list of fifty sheads, each with its name—Tursland, Lindego, Keldebreck, Skeda, and the rest, almost all forgotten to-day; but of the sheads that lay under the old 'Head House' (which were remembered some years ago and fortunately preserved) not a single one is included. Evidently one has here an 'inskift' inviolate through some old right or custom, and certain other facts confirm this. There is no record of how it came about, but in other townships a feature has already appeared several times, which, one would think, might readily bring about some such result. And this is the differentiation of the various pennylands that made up the town.

We have seen it in Paplay, in Thurrigair, and in Uray. Another case is Mirbister in Harray, where in a sasine of 1643, already quoted, the seller's title is founded on a disposition by the one time owner of a pennyland in Nether Mirbister, and the land sold included a half merk udall land of the said pennyland, which was more particularly specified as the 'third rig of every aucht rig of the said pennyland.' In other words, it included no part of the other two pennylands making up the town. And again in the planking of the town of Netherbrough in Harray in 1787 the oversman 'compared the pennylands as they stood planked.'

But the two most striking cases hail from South Ronaldsay—the division of two pennylands in the town of Hoxa, 14th March, 1645, and the division of one pennyland in Lythes, 4th January, 1669. In neither case did the pennylands in question form the whole of the township, but started by being known divisions of land within it; and then the inquest set to work in as business-like a fashion as any modern land surveyor. In Hoxa they began by dividing 'the hill balkis of the forésaid 2d. land in halferis, laying fyve scoir nine shaftis to ilk pennyland, the lenth of ilk

shaft being seven futtis of ane futt in measure and four inches mair.' This gave them the width of each pennyland along the top end. Then they proceeded to divide the north pennyland 'equallie in halferis conforme to the goodness of the land,' setting up march stones from the 'moss and loch' (which lie in the middle of Hoxa) to the hill. And finally they divided one of these halves into four parts by boundary lines running likewise from the moss and loch to the hill.

In Lythes they cut the one pennyland up into four farthing lands, each precisely measured. The 'southmost and eastmost' farthing land, for instance, consisted 'at the neather end of 12 shoftlongs (*sic*) in breidth, each shoftlong containing seven foots in length, and runs forward to the hill called Sunmyre, and consists of 14 shoft longs of the lyk length in breidth anent the midla thereof or thereby, and lykwayis consists of 14 shoftlongs of the said length within the neather end of the quoy and of 16 shoftlongs at the over end of the quoy' (*i.e.* the farthing land took in part of a quoy at its upper end). The next two farthings were of exactly the same dimensions, and the fourth was a little wider when it reached the quoy. Finally, march stones were set up at each of the 'said four places in breidth, betwixt ilk farding land of the said penny land.'

Two conclusions seem to emerge pretty clearly from all these cases. One is that though this differentiation of the penny lands, and even of the farthing lands, was not allowed to interfere with the cherished principle of run-rigism, they certainly modified it, as, for instance, in the Mirbister case where one pennyland was run rig, but only within itself, and obviously formed a separate parcel from the others. And in this connection may be mentioned a wadset of 19th June, 1596, by John Voy of 3 farthing lands 'lying contigue and together' in the town of Easter Voy.¹ The second conclusion is that, contrary to an opinion one has seen expressed,² the pennylands must have included everything—grass lands, arable, and balks right up the hill.

Coming down to the smallest denominations of land within the township, we find the 'sheads' and 'rigs' incessantly referred to in all manner of documents. The shead (pronounced to-day 'sheed,' but often spelt in the old deeds 'shade') was simply the old field, as is specifically indicated by the phrase 'shead or field' occurring several times in the planking of Inner Stromness, and,

¹ Skaill Charters.

² 'What is a Pennyland?' *Proc. Soc. of Ant. Scot.* April, 1884.

indeed, it is still remembered by a few in this sense. In the absence of any system of drainage, one would naturally suppose that the sheads must have been an irregular and untrimmed assembly, the land being cultivated where it was dry and left alone where it was boggy. Yet when one goes through a large number of these township records, it becomes increasingly clear that (so long, at least, as there were several portioners in a town) the fields must have been symmetrical in shape and presented a more or less 'squared' appearance, for nothing was more jealously insisted on than uniformity among the rigs comprising the shead, both in length and breadth. But even so, I was certainly not prepared for a very surprising fact disclosed by the report of the planking of Netherbrough in Harray, issued 3rd Sept., 1787. In this report is given not only the number of arable planks allotted to each heritor, but the names of the sheads in which these planks lay. Sometimes these sheads would be divided between two or more proprietors, though generally they went entire to one, but, whether divided or not, the vast majority of the sheads consisted exactly of one single plank; a plank as used in these Orkney plankings at that time consisting of 40 fathoms square = 1600 square fathoms = $1\frac{1}{3}$ English acres approximately (though there is one mention of an earlier unofficial planking where the planks were 50 fathoms square). Two or three sheads consisted of 2 planks, a few of a plank and a fraction; $\frac{7}{12}$, $1\frac{5}{16}$, and 1 plank 67 fathoms being the most irregular.

The heritors of Netherbrough were a thorny proposition, one of them—Magnus Flett of Furso—being a particularly combantant gentleman, who considered he was unjustly deprived of certain four rigs, and swore 'By his God he was going to grip them again!' so that no fewer than three plankings took place before the dust of conflict settled. Under these circumstances the long-suffering plankers were driven to the most meticulous accuracy, and it may be safely taken that this coincidence of sheads and planks was no mere approximate estimate, especially as we do find a few odd fractions. There seems, therefore, to be no getting away from the conclusion that instead of being irregular patches, these old sheads were, with some exceptions, cut to a precise measure.

As a plank was evidently of whatever size one chose to make it, it appears to follow that 40 fathoms square was chosen because that was the size of the Orkney fields. In all the official plankings this was the size. And there are one or two other bits of evidence

confirming this measure as the usual area of a field. In the report of an action concerning land in Redland in Firth (26th July, 1770) one witness testified that 'the shead of the Irons was among the best sheads or planks in the town.' In the case of Clouston 50 sheads were named, all but two or three being certainly arable, and some are known to have been omitted; and, going by a planking of 1766, about ten planks may be allowed for these last. The total arable area was 60 planks odd in 1766, which leaves roughly 50 planks for nearly 50 sheads, an estimate which is certainly not very far out, and affords a further bit of confirmation. It may be mentioned, by the way, that in Netherbrough the total arable area was 66 planks odd and the number of sheads 64.

In the town of Inner Stromness the sheads were of considerably larger size, as is proved by a few cases mentioned in the planking of 1765, but that this was the exception and the other the rule seems clearly indicated not only by the three cases mentioned, but by an observation made by the minister of Evie and Rendall, under date 1797, in the old *Statistical Account*. He says that even after the plankings of the old run rig lands, farmers were apt to hold their farms in scattered patches of ground 'of a plank each'—evidently scattered sheads or fields, since there could be no other reason for giving them scattered patches of exactly a plank each.¹

Another interesting fact is that these Netherbrough sheads were very often evidently divisions of a larger shead, or anyhow of a larger area all going under one name. Thus one gets West Gullow, East Gullow, Chin of Gullow, Gate of Gullow, and Crown of Gullow (or Crawn a Gullow in another place); Muglafurs, Mid Muglafurs, Nether Muglafurs, and Over Muglafurs; and many other such instances. These were not divisions simply for the purpose of this planking, since we find one man more than once getting two such sheads. Thus Furso (he who gripped the rigs) got both the plank of East Tufta and the plank of West Tufta, so that there would have been no point in dividing Tufta under these circumstances. Evidently these large fields had been carefully split up into sheads of a plank each at some unknown date previously.

This rigidly exact and symmetrical method of laying out the fields is at first sight very surprising and seems to argue a

¹ The North Wideford perambulation (23rd February, 1686) gives proof at an earlier date of the general identity of sheads and planks, for the phrase 'shed or plank' is twice used.

systematic method of agriculture much at variance with the impressions of it one gets from its critics in the old *Statistical Account* and other works of the period, who condemn it in no measured terms. When one comes to think of it, however, the fact is—with little question—that this precision had no agricultural basis at all, but was simply necessary to work the run rig system. For whether the various proprietors held their share of the town actually in run rig or in the form of ‘planks’ (*i.e.*, any kind of compact area), the apportioning of their interests would have been well nigh impossible otherwise. How, for instance, could one have extracted one pennyland, one farthing, $\frac{1}{6}$ farthing, and $\frac{1}{24}$ farthing (which was one of the actual heritor’s shares) from the 6d. land of Hoxa had the fields been all shapes and sizes, as well as of varying qualities of soil?

The final constituent of the town was the oft-mentioned rig. One also frequently meets with ‘spelds,’ but the phrase ‘rigs or spelds,’ already noted, shows that this was either merely another name for rigs, or (perhaps more likely) it described some species of rig. The rig was, and still is, a long and narrow strip of arable, but as both length and breadth varied, it is manifestly impossible to suggest even an average area. Shirreff in his *Agriculture of the Orkney Islands* (p. 65), published in 1814, says, ‘Ridges (rigs) are of various breadths, often irregular. Perhaps the most proper breadth, for the generality of Orkney soils, may be eighteen feet.’ This is a very vague and cautious statement and no length is even indicated, but one may take it that 18 feet wide represented something like the Orkney average. As for length, ‘long rigs’ or ‘short rigs’ are so often mentioned that this dimension obviously varied very considerably. Of actual recorded measurements I know only two; one, the two rigs in Swartaquoy already cited, which were 30 feet broad at the lower end and 33 feet at the upper, but whether each was that width or the two together, there is nothing in the context to show. Probably both together was meant. In the other case full measurements are given of a rig of land ‘called the sched of the sound’ (presumably ‘in the sched’ has been omitted in error before ‘called’), lying beneath the house of Toft Inges in St. Margaret’s Hope, bought by Alexander Sutherland, 13th August, 1623.¹ It lay rig and rendall with Magnus Cromarty’s land there and measured ‘sixteen scoir futtis and ten’ in length, $32\frac{1}{2}$ feet

¹ Heddle of Cletts charters.

in breadth at the over part of the rig, $25\frac{1}{2}$ feet 'in the midis of the rig,' and $17\frac{1}{2}$ feet at the nether end. So that a rig had considerable individuality.

Under these circumstances there was naturally a good deal of variety in the number of rigs that went to make up a shead or plank. This is demonstrated in the case of Clouston, where the number of rigs in every shead is given. Taking the numbers in the first twelve sheads by way of a sample, we find 9, 17, 9, 10, 12, 9, 18, 9, 10, 6, 9, 18. A great variety in the size of the rigs is manifest, and, no doubt, the main difference between them was in their length, some of the fields being presumably more or less square and others long and narrow.

Before leaving this part of the subject, one more of these old township records may be cited as throwing a strong light on the question of whether cultivation tended to increase or decrease in Orkney during the centuries preceding the plankings of the seventeen sixties which sounded the death knell of the run rig system. This record is dated 3rd March, 1707, and is headed 'Ane nott off the Queens ley landes in the town of Skeatown (in Deerness), in quhat sheads and skifts it lyes,' the queen being Queen Anne and her lands the 'pro rege' or old earldom estates. Thirty-one sheads are included, and in them a total of 198 rigs and spelds can be counted, besides a certain number illegible owing to the state of the paper, probably twenty or thirty more. This was a considerable amount of land to have gone out of cultivation all through the town, and there is no reason why it should have been peculiar to Skeatown. Taking this in conjunction with the Reports of the Parishes in 1627, in which from parish after parish comes the same tale of land having gone ley, and with the earliest rental, that of 1492, where a very high proportion of land is described as ley, I think there can be no doubt that a considerable shrinkage in the old cultivated lands took place. To some extent this would be made up for by breaking out new ground, but the outbreaks play a very small part in these township records and seem unlikely to have made up much of the leeway.

III.

All the evidence goes to show that in the great majority of the townships the names and the sites of the houses of to-day are pretty nearly as they were in the seventeenth century (earlier than that there are no sufficient records by which one can judge).

The earliest available maps date from the first half of the nineteenth century, but before then there are a number of Compt Books and Rentals and many individual allusions to houses in charters and other deeds, and also several lists of inhabitants, or sometimes householders, in the various towns of certain parishes. And then too, good oral tradition can give much valuable information; so that there is no doubt on this point. Naturally the number varied considerably according to the size of the town, but one would be giving a fair enough impression of an average township if one described it as having anything from three to six or seven farms in it, besides two or three cots.

Such a group of farms we can now picture ringed in by its dyke (with, it seems likely, a 'bow dyke' somewhere within that), a towmall beside each house, patches of arable cut into little sheads, generally of a plank in area, interspersed with patches of meadow; the balks—sometimes barren, sometimes grassy, and occasionally cultivated—stretching up to the outer dyke with the long slopes of the heather hills beyond, and on the other side of the town generally water, salt or fresh. Each 'house' itself we can see as a group of buildings; in the case of a 'head house' or 'manor place' a group of some dimensions, such as the 'principal and head house of Foubister,' described as 'the hall, sellaris, chambers, berns, byres, stabiles, under and aboue, with the yaird, taill, and pertinents thereof.'¹

But what was the early history of these towns? How long had they been like this, and how did they come by all these characteristics.

To a very considerable extent these questions can be answered by the houses themselves.

In the first place, their position is to be noted, and over and over again we find significant evidence of certain houses having been built on hill balks. The curious case of Paplay where *all* the houses occupied this position has been remarked; but this is quite exceptional. It has also been mentioned that a certain house in Quholme was 'biggit' on a balk, and that several houses in Clouston were given as points where balks began or ended. Among other cases actually recorded in documents may be mentioned a disposition of land in Hourston in Sandwick together with a quarter of the 'baik of land whereon the houses of Uphouse are biggit' (2nd December, 1630),² also a disposition of land in Hensbister in Holm, by William Kettill (8th

¹ Reg. Sasines, 27th July, 1648.

² Reg. Sasines.

November, 1615),¹ with this addendum, 'and siklyck the said William giffis and dispones to the said Robert alsmeikle ground about the town of Hensbister appertening to the half pennie land about the said town as will big ane hous and yaird thereon'; and, again, a similar disposition (February, 1626),² of a farthing land in Paplay in South Ronaldsay, 'with a balk for bigging houses on.'

The original houses would, of course, be in the best land and generally near the shore, and there the chief farms are actually found. Houses built up on the balks would naturally be later additions, and in the last two cases quoted we find balks bought in the seventeenth century for the express purpose of building new houses; the reason, no doubt, being that the good land—especially as it became divided into smaller portions—was too valuable to be used as building sites. Thus if one is studying any particular township one can eliminate houses known to have been erected on balks as not being part of the original town.

The next point to be noted is the names of the farms, which give the clue to the story of a great many Orkney townships. This clue was first suggested by noticing that in certain towns several of the houses—in some cases all—bore such names as Midhouse, Nisthouse, Overbigging, and the like; while in others there was no trace of this type of place-name. For instance, apart from one or two obviously outskirt houses or cots, there are only three farms in the $4\frac{1}{2}$ d. land of Grimbister in Firth—Overbigging, Midbigging, and Netherbigging; in the 3d land of Linklater in Sandwick, only three—Nether Linklater, Over Linklater, and West Linklater; and in the 3d land of Mirbister in Harray, only three—Nisthouse, Midhouse, and Northbigging. Knowing the effect of the old odal laws in cutting up land among the heirs, there can be only one rational explanation of such names. A single large manor farm or 'bu,' embracing the whole township, has been divided into three among the sons of the family. And, in confirmation, one knows that the whole town of Linklater was actually once the property of the Linklaters, and the town of Grimbister, of the Grimbisters.

This, as I have said, is the only rational explanation of such groups of names on *a priori* ground, for if one tries to think out any other reasons the difficulties become apparent—especially in view of the fact that the majority of townships, taking the isles all over, are without them. And the fact that almost all

¹ Graemeshall charters.

² Heddle of Cletts Charters.

the chief native landed families originally owned and took their name from a township of this type is a clinching argument. But, furthermore, in one early record we can actually see the process happening. The town of Sabay in St. Andrews parish, was acquired by Cristie Irving and Edane Paplay, his wife, about 1460, and this couple had two sons. The heiress of their eldest son married William Flett, and in 1522 the estate was divided between him and the heirs of John Irving, the younger son, when William Flett was found to be the eldest heir and to have first choice, 'and gyf (if) the said Williame chesis the Over Houss, the foirsaid aris till pay to the said Williame thre poundis of vsuall money of Scotland; and gyf he chesis the Nedder Houss, the airis till byde still intill thame ay and quhill the said Williame ontred thame the sum of twel poundis.'¹ Thus the mansion of Cristie had already become two houses, the Over and the Nether.

It may be added that in this particular case the township became reunited in the hands of a later William Irving, and remained for a couple of centuries the seat of first one, and then another of the larger landed families, so that the two houses soon became one again, and all trace of a second has long disappeared.

We thus find at the outset two distinct types of township, one in which these 'house' and 'bigging' names are found, with the implication that they were once single large farms, and the other without this feature.

Apart from their association with the larger odal families, towns of the first type have one or two other distinctive characteristics. For one thing one finds, as a rule, little earldom and bishopric land in them at the period of the earliest rentals, evidently because the wealthier families owning them retained their land more tenaciously. Also when parcels of land in them were sold in the seventeenth century (when we first get full record of sales in Orkney), these parcels are almost always described as 'in Grim-bister,' 'in Mirbister,' etc., and not 'under' any particular house or in any particular farm. On the other hand, in the other type one finds rather oftener than not the house or farm specified. For example, in Netherbrough and Above-the-Dykes in Grimeston, the particular house is practically always mentioned.

The three instances given of this first type were selected because they were very clear and obvious cases, and a number more as obvious could be mentioned, but a good many have complicating

¹ R.E.O. No. xlii.

features, and in order to test the whole question I made sketch maps of almost all the townships in the Mainland, South Ronaldsay and Rowsay, working from old maps where they existed, and otherwise from the six-inch Ordnance Survey sheets, and checking the houses from the various sources of information mentioned above. One thus got plenty of material for making comparisons and realising the possibilities in apparently exceptional and puzzling cases.

Before going further, a brief general glance at these 'house' and 'bigging' names may be useful. 'Bigging' means in Orkney a group of buildings; probably it originally implied in most cases that the houses and farmsteads for more than one family stood close together in a group. A bigging was thus usually a large farm, though this was by no means always the case, for the joint owners or tenants might both have been in a very small way. It implied no contradistinction to 'house,' for one finds a farm in Knarston in Harray first called Nisthouse, and afterwards Nistaben (a contraction for bigging), and one in Clouston styled first Newhouse, and then Newbigging; and, in fact, a dual homestead was frequently styled merely 'house.' Most of the prefixes, such as Mid, Over, Upper, Nether, Est (East), explain themselves. Nist was pure Norse, and meant Nether; one actually finds Nistahow in Gorsness in Rendall appearing on an old record as Nythershaw. Near or Neir is the Norse *nȳr*=new, and we find Nearhouse and Newhouse used interchangeably for the same farm in Sands in Deerness. Upper often took the form of Appi or Ap, as in Upperhouse in Hourston, which is found under the one form just as often as the other. In many cases, very likely in all if early enough evidence were available, the houses with these names stood at one time within a short distance of one another—in some cases practically adjoining. In course of time, however, they always came to be rebuilt further apart, and it is only where old maps exist, or early sites are remembered, that one discovers their ancient proximity.

A recognition of the significance of these various names led to one interesting little discovery. In the town of Germiston in Stenness there is both a Nisthouse and a Nistaben, besides an Eastaben and an Aphouse. As Nisthouse and Nistaben mean the same thing, the logical conclusion seemed to be that two towns must here be rolled into one, and the presence of a burn running through the midst, with one of these two farms on either side, gave some colour to this theory. Shortly afterwards, in going

through a collection of old township maps in the Kirkwall Record Room, there appeared first a separate map of 'Germiston, Be-north the Burn,' and then one of 'Germiston, Be-south the Burn.' Which shows that one can occasionally be logical and yet right.

The fact that both these old bus, each found in this divided condition, have always gone under the common name of Germiston, suggests strongly that even they were originally one, but that this division of the town into two occurred at a considerably earlier period than that at which the Nisthouse, Aphouse etc. names appeared. And another clear example of the same thing has a further argument which suggests the same conclusion. This is the town of Overbrough in Harray, where one finds in 1835 a Nisthouse and an Upperbigging, evident 'opposite numbers,' and then at the very highest part of the town an Overhouse and two farms called Upper Town. Clearly Overhouse was the highest house of the Upper Town (which it actually is geographically) and Upperbigging and Nisthouse formed the Nether Town. Furthermore, one finds in 1649 a Thomas Taylor, as grandson of Magnus Taylor of Nisthouse, selling the 'Head House of Overbrough,' *i.e.* of the Nether Town¹; while the family of Brough, who took their name from Overbrough, sold, 15th Oct., 1617, land beside St. Michael's Kirk, *i.e.* in the Upper Town. The connection of the family of Brough with only one of the two old bus adds point to the idea that the bus were separated at an early date.

We come now to a very common species of township belonging to this first type; towns in which we find the house and bigging names predominant, but also with other houses which are not mere obvious cots on the hill. Thus a sketch map of the 6d. land of Redland in Firth as it used to be, accompanying a very instructive paper on that township by Mr. J. Firth which appeared in the *Old Lore Miscellany*, shows a Nistaben, an Estaben, two 'houses of Redland'—North and South (no doubt the 'Head House of Redland' sold by James Flett, eldest heir of the Fletts of Redland in 1634,² and afterwards divided into two houses), four cots, and two other farms called Langalour and Badyateum. What were these two farms; original components of the town, or houses built on slices of the Head House lands, cut off and sold? And the same question can be asked about a number of other townships.

¹ Reg. Sasines, 1649.

² Reg. Sasines, Vol. iv. fol. 126.

Generally speaking, it may be said that the towns which were quite certainly single bus (all the names being of the house or bigging kind) run from a 3d to a 4½d land, and that, apart from a few of the old earls' bus in the North Isles, the largest odal bus known are the 9d lands of the Hall of Ireland and of Sabay. Sabay, however, had one or two smaller places of some sort in it at one time; while the 9d land of Rendall, containing the Hall of Rendall, the old seat of one of the most conspicuous of the native odal families—the Rendalls, turns out from the record of an action in 1768, to have been composed of a 6d land called the North Town, containing the Hall and the other chief house, the Breck, and of a smaller South Town.

In one such township it has been possible to trace fully the histories of all the houses, and a brief account of what happened there provides some instructive facts. This town is the 6d. land of Clouston in Stenness, where I have been able to trace all the land to its various owners at the beginning of the seventeenth century, and there happen to be also an unusual number of perambulations and plankings preserved. From the middle of the seventeenth century onwards it contained Netherbigging, also styled 'the House of Clouston,' and both from its name and its position (quite by itself on the best old land on the loch shore), manifestly the old head house, besides seven other houses. These included an Appihouse, which on the surface seemed surely to signify the other half of a divided bu. All these seven, though small farms, were (with perhaps one diminutive exception) more than mere cots.

Then in the list of sheads appeared a lost Overbigging, also in the good old land a little above Netherbigging. And then, one after the other, all the other houses, with one single exception, were found to be certainly built either on the hill balks or on the edge of them (no doubt in all cases actually on balks), Appihouse as well as the rest. The lands that lay under them were found to be bought for the most part from various Cloustons, chiefly daughters, and at the time of their purchase were 'possessed and occupied' (*i.e.* farmed) by men who certainly did not live in those houses. They were thus all new farms and new houses in the early part of the seventeenth century. Some of the land forming them was probably part of Netherbigging, and most of the rest may safely be taken to be the lands of the vanished Overbigging. Netherbigging, the old House of Clouston, alone remained in the male line of the family.

The one exception which stood not on the balks but in the middle of the town, a little above the two 'biggings,' was called Barnhouse, and the history of this farm is revealed in a disposition of 10th May 1654, where the owner gave to his son 'the kill berne and berne house.'¹ A kiln barn was an extra barn attached to some at least of the larger farms, which always stood a little distance above the homestead. One thus gets the township reconstructed as a large bu with its manor house, subsequently divided into a nether and an over bigging, and a kiln barn standing above. This, it may be added, is all on charter evidence, the only deduction being the very obvious one that a great part of the land must have come out of the vanished Overbigging.

Applying what we know from this case to townships where such detailed evidence is lacking, the chances seem to be that the odd farms in a place, for instance, like Redland would have the same origin as cuts so to speak, from the joint of the bu. The history of this particular Appihouse is also instructive (especially remembering the Appihouse in Hourston also built on a balk) as showing that a single specimen of a house or bigging name found in a town—as one occasionally does find one, may not in the least have the usual significance.

Another point is that the most diminutive of these farms (probably a cot) was styled Blackha' or Blackhall. The ha' or hall names are very common in Orkney, given in a derisive or jocular spirit. Gowdenha applied to a peculiarly miserable cot, Wrangleha to an ex-alehouse where quarrels were frequent, Tarryha to a small wooden house covered with tar, are actual instances, and this type of ha' must not be confounded with the true halls or head houses. It is also to be noted that the house 'biggit upoun the Kingis baik' in Quhome was even then (1584/85) styled the Hall of Quhome, evidently because it was the residence of Mr. Jerome Tulloch, the most considerable magnate in the district—an exceptional and deceptive case.

Turning now to the other type of township, where no such house or bigging names are found, there is pretty plain evidence in a certain number of cases that the reverse conclusion applies to them and that they were formed not by the division of a single large bu but by a grouping together of several farms.

In a few instances this is obvious simply from their size. Districts such as Inner and Outer Stromness, North Side and South Side and Marwick in Birsay are too large to have ever been the

¹ Reg. Sasines.

lands of one house. And, in fact, the 1622 division of Inner Stromness already cited was conducted on principles that in themselves suggest quite another sort of township from the house and bigging kind.

Then there are other cases which are actually treated as collections of separate farms in the earlier rentals. In 1595 the $4\frac{1}{2}$ d. land of Beaquoy in Birsay is entered as 'Beaquoy, Housbie, and Cloke,' and these three are still the chief farms; Beaquoy from which the whole town took its name, lying right at the one end. In the same rental the 6d. land of Tingwall in Rendall is given under separate headings, the farms of Tingwall and Howaquoy being entered as a $4\frac{1}{2}$ d. land, and Crook and Banks as $1\frac{1}{2}$ d. The case of Graves in Holm composed of Graves and Breckan has already been noticed, and several similar towns are found in the two earliest rentals, such as Midland in Rendall, entered as Garsent and Mydland, and Garth in Harray, entered as Garth and Mydgarth. In all these instances it will be seen that the name of one of the farms has been given to the group forming the town, but that that farm has not been split up to make the town.

Other composite townships are found without any name-farm. Thus in all the rentals from 1492 onwards Swanbister and Midland in Orphir are entered not as a whole but farm by farm, and Kirbister in Deerness is given under several component parts in 1595; there being no farm or house with those names in any of them. As showing the complete independence of the various parts of Swanbister, we even find that their pennylands held varying numbers of merklands.

Those are all clear cases, but in certain other townships, such as Netherborough in Harray and Scabra in Sandwick, the regularity with which parcels of land in them are described as 'in Bea,' 'under the hous of Tofts,' etc., and very seldom simply 'in Netherborough' or 'in Scabra,' points very strongly to the same conclusion.

With regard to the multitude of towns of this type where there is little evidence available so far, one can but continue to look for it, and meanwhile judge tentatively in the light of the known cases, which certainly make it look as though the majority, anyhow, of such townships had been groups of farms at a time when the first type of town had been single bus.

Returning for a moment to the single bu type of township, one general feature is very noticeable, and that is that they are by

no means found all over the islands, but are almost confined to certain parts of the mainland, especially Harray, Stenness, and Firth. As almost all the larger native odal families took their surnames from them, naturally these families are found where the towns are, but what is decidedly interesting is that this seems to argue that this had been the distribution of the chief odal families for a very long period.

Another interesting thing is that 'house' and 'bigging' place-names of this kind are scarcely found in Norway at all. The Norwegian law was that head bus went to the eldest son and were not divided. The Orkney law presumably started by being the same, but when we first get records to test it we find that it permitted division, though only among sons. The time at which this change took place (a date to which we have no clue) would seem not at all unlikely to be the period at which the large odal bus were divided and these place-names arose in Orkney.

When this division came about, and instead of one house, two or three arose, it was evidently the eldest son's lot which came to be styled the Head House, Manor House, or simply the House of the township (and presumably he would choose the original mansion house). In regard to several head houses, certainly, there is evidence to this effect. Thus in 1580 William Sinclair, eldest son of the deceased Magnus Sinclair of Stank, sold 'the housses and bigingis with toftis, croftis, and barne yaird liand adjacent with the said houss of Stank, with the rycht and roith broukit be me efter father, guidschir and grandschir, that is to say the heid house callit Stank, with all maner of houses thairto belangand respective.' The purchaser also got the right to redeem any land belonging to William or his brothers 'haldin of that heid house of Stank.'¹ It will be noticed that not only had the eldest son a hereditary right to the Head House, but that some rights and privileges seemed to go with it.

There is also documentary proof of the 'Manor Place' of Corrigall, the 'Head House' of Redland, the 'Bow' of Rendall, and the 'Head House' of Knarston being sold by (or in one case having an earlier sale confirmed by) the eldest sons of the eldest branches of the families of Corrigall, Flett, Rendall, and Knarston; and in one case a definite privilege attaching to the head house is stated. In 1683 a disposition of certain lands in Knarston in Harray included the Head House sometime pertaining to Gilbert Knarston of that ilk (afterwards sold by his

¹ R.E.O., No. clxxx.

eldest son), 'with the roith and uppa' of the same.¹ So that the constantly mentioned right of the 'uppa' seems to have been a privilege belonging to the head house—when there was one.

It thus becomes possible to trace the evolution of this kind of Orkney township from a single large farm with a single mansion house into a condition in which two or three sons occupied different houses standing close together, and shared the land for fairness sake on the run rig principle; and finally, as parcels were sold to strangers, and the town got more and more broken up, into a maze of sheads and rigs and balks and freedoms, yet with certain faint reminiscences—such as the head house with its uppa—of its lost unity. And as for the other sort of town, one would be inclined to surmise that they were run rig only in sections in early days, as portioners arose in the various farms; and then as land changed hands and sometimes broke up and sometimes amalgamated, things grew so complicated that the whole town became rendalled together. Those, at least, are the likeliest lines of development that seem to emerge from what survive of these old township records.

J. STORER CLOUSTON.

¹ Smoogro charters.

Lord Guthrie and the Covenanters

IN his note appended to my criticism of his paper (*Scottish Historical Review*, xvi. 307), Lord Guthrie says: 'Dr. Hay Fleming. . . convicts me of an undoubted error, which he himself, however, calls a trifling one, I having given credit to one Covenanter, Sir Thomas Hope, which belongs to another Covenanter, Alexander Henderson.' I did not call that a trifling error; but characterised it, and the one concerning the subscribing of the Solemn League and Covenant by the Scottish Parliament and the General Assembly, as trifling compared with some of his other errors.

Among the more serious of these which I pointed out were the following:

(1) That the subscribers of the National Covenant swore to be 'careful to root out of their empire all hereticks, and enemies to the true worship of God, who shall be convicted by the true Kirk of God of the foresaid crimes.'

(2) That the Covenanters 'bound themselves, under the National Covenant, not only to resist the imposition of Laudian or Anglo-Catholic Episcopacy upon Presbyterian Scotland, but to compel all Roman Catholics in Scotland to become Protestants, and all Episcopalians in Scotland to become Presbyterians.'

(3) That 'the Scottish Covenanters understood that both they and their English coadjutors were pledged [by the Solemn League and Covenant] to force Episcopal England to adopt the Presbyterian system of Church Government as it existed in Scotland.'

In his note Lord Guthrie wisely refrains from attempting to defend any of these three errors. To the first alone he alludes, and in doing so he evades the point at issue, and changes his position as if he had merely said that the Covenanters were 'expressing their own conscientious convictions when they quoted the series of Scots Acts providing that all rulers shall be careful to root out of their empire all heretics and enemies to

the true worship of God, who shall be convicted by the true Kirk of God of the said crimes.' There is an important difference between his previous allegation, that the Covenanters swore to root out heretics, and his present one that they held that their rulers should root them out. So far as I am concerned, his introductory remarks about toleration are altogether irrelevant. I neither said nor suggested that the ideas of the Covenanters on toleration resembled those of the present day.

Other three of his statements to which I drew attention, he does not venture to vindicate :

(1) That the citizens of Aberdeen were compelled to swear that they subscribed the National Covenant 'freely and willingly.'

(2) That because the use of the Lord's Prayer did not commend itself to the English Puritans, it was 'dropped from the worship of the Scottish people.'

(3) That Burns confounded the Solemn League and Covenant with the National Covenant.

He tries, however, to justify his suggestion that sordid motives influenced the Scots in their decision to help the English Parliament against the King ; but here also he changes his ground. Previously he suggested that 'the glitter of English gold' helped to explain 'the action of the Scots Estates and the Scots people.' Now he restricts its influence to 'the Scots Covenanting army,' which he boldly alleges was induced 'to support the English Republican army, in England, against the Scots King.' It may not be amiss to remind his Lordship in passing that the English Parliamentary army was not a Republican army at that time, and did not become so until several years afterwards. Again, he further narrows his indictment : 'In the case of the body of the army I do not place "the glitter of gold" as the determining motive ; in the case of the large number of Scots officers, who flocked back from the continent, where they had been subjected to the demoralizing life of a mercenary soldier, . . . I am afraid mercenary motives must have bulked much larger.' It is not clear whether he believes that these officers flocked back to Scotland after the Solemn League was drafted, or at an earlier emergency and remained. Anyhow they constituted neither 'the Scots Estates' nor 'the Scots people'. If the officers of fortune, who served in Scotland in 1640 and 1641, did not magnify their hardships, they had little temptation either to remain in Scotland or to flock back to it. Some of them had no pay for sixteen months, some eighteen, some twenty ; and not only had they been neces-

sitated to sell or pawn all their belongings and to use their credit to the very uttermost, but they had been driven to an extremity which shame doth rather pass by in silence than proclaim.¹

In his notice of *Papers relating to the Army of the Solemn League and Covenant*, Lord Guthrie said: 'His Majesty's meagre exchequer could not afford the golden bait held out by his rebellious English subjects. Besides, the Scots had ample experience of the small reliance to be placed on His Majesty's most solemn promises, whereas, two years before, as already mentioned, the Scots in the army of the National Covenant had received £200,000 from England.' In more striking and picturesque language he had previously put it: 'The Scots army went home with £200,000 of English gold in their pockets.' This argument was ignored in my criticism; it may be glanced at now. The statement that the Scots army went home in 1641 with £200,000 of English gold in their pockets is a grotesque exaggeration. The English pay was not only irregular, it was usually if not always in arrear, and the Scots suffered much in consequence. In July, 1641, General Leslie wrote: 'Our armie hath susteined hunger and nakednesse with ane invincible patience, in the midst of plentie, that we might not give offence to our common adversaries.'² The balance due to the Scots in June, 1641, was stated at £115,750, and they were informed that they would speedily have paid to them £200,000, whereof £80,000 was to be the first instalment of the brotherly assistance; but out of this sum they were to pay the debts owing to the northern counties.³ The balance fluctuated, and as it increased so would the debts of the Scots army. By the 4th of August it was reduced to £52,300;⁴ and by the 6th that also was paid; and, before the Scots army left England, the £80,000 of the promised brotherly assistance was likewise to be paid, less £38,200 to be deducted as the sum *salvo calculo* due by the Scots to the counties of Durham and Northumberland and the town of Newcastle.⁵ So far from being overburdened with English gold, the Scots found, a month after

¹*Acts of Parliament*, v. 675.

²*Acts of Parliament*, v. 627. In the previous March the Scottish army was 'reduced to great straits' (*Domestic Calendar*, 1640-1641, p. 503.)

³*Journals of the Commons*, ii. 177, 187.

⁴*Journals of the Commons*, ii. 235.

⁵*Acts of Parliament*, v. 641, 642. A few days later the precise amount due by the Scots was put at £38,888 os. 8d. (*Journal of the Commons*, ii. 248, 255), which in Professor Terry's *Alexander Leslie* (p. 152) is misprinted £33,888 os. 8d.

marching out of England, that they had not money enough to pay the common soldiers.¹

Had I merely wished to point out the errors in Lord Guthrie's paper it would have been an easy matter to run up a lengthy list, as for example :

(1) That, in Knox's time, superintendents co-existed with presbyteries. There were no presbyteries in Scotland in Knox's time.

(2) That the National Covenant 'enacts.' The framers of that covenant did not claim that by it any Acts of Parliament could either be enacted or re-enacted.

(3) That Alexander Henderson is not mentioned in the *Papers relating to the Army of the Solemn League and Covenant*. There is at least one reference to him (ii. 395), and it is rather a pathetic one.

Lord Guthrie deems it 'curious' that I treated his paper 'as an attack on the Covenanters, instead of a defence, on different lines, by an admirer.' It did not occur to me that it was intended either as an attack or defence. I charitably supposed that, despite its many faults, it was meant as a deliverance from the bench, not a pleading from the bar.

D. HAY FLEMING.

¹*Acts of Parliament*, v. 673.

Reviews of Books.

ACTA DOMINORUM CONCILII, ACTS OF THE LORDS OF COUNCIL IN CIVIL CAUSES. Vol. II., 1496-1500, with some Acta Auditorum et Dominorum Concilii, 1469-1483. Edited by George Neilson, LL.D. and Henry Paton, M.A. Pp. cxxxv, 587. Royal 8vo. Edinburgh: H.M. Stationery Office. 1918. (Issued 1919). 21s. net.

THIS book has been long and eagerly waited. The date on the title-page of Volume I. is 1839, so that eighty years have elapsed since Thomas Thomson hurriedly printed off his text, and did not wait to illuminate it by the introduction which he was so well fitted to write. The circumstances of the publication of the first volume constituted nothing less than a disaster to the study of Scottish legal history, and it matters little to a later generation whether the blame is to be attached to the Home Secretary of 1839 and his advisers, or to the great master of Scottish record scholars himself. What does matter is that the Deputy Clerk Register and the Curator of the Historical Department of the Register House have been wise enough to obtain for the second volume the services of two editors who are pre-eminently fitted to record and to illustrate the evidence which it contains. Mr Paton's name is ample security for an accurate text, deciphered by an expert palæographer, and printed with scrupulous exactitude, and everyone who knows Dr. Neilson's distinguished work must bring to the reading of the Introduction the very highest expectations.

These expectations will not be disappointed. As to the text, the present writer cannot do more than express his personal confidence in its value and importance for the history of Scottish institutions. The field is practically new. Not many years ago, the late Sheriff Mackay, whose work and whose personality are still remembered with gratitude and respect, declared that 'before James V. instituted the Court of Session in 1532, there was no system of jurisprudence to which the name of Scots Law could properly be applied.' Here are 500 pages in which we have the records of the application to individual cases of what was indubitably a legal system; even a glance at the twenty pages of Legal Analysis which the editors have confined to illustrative examples of points of law is sufficient evidence on that score; and the period covered by the volume ends more than thirty years before the date selected by Sheriff Mackay. It is obviously impossible to discover at a first reading the whole value of this new material, even when, as with myself, interest and knowledge are confined to its historical, as distinguished from its more strictly legal, implications.

The value and importance of the Introduction are not less notable, but more easily recognisable. It falls into three sections—information about the MSS. and their publication; suggestions about the Committees of the Scottish Parliament, their practice and their history; and a discussion of the *origines* of Scots Law. The first of these draws attention to, and explains the significance of, the method adopted by Robertson in the suppressed first volume of the Parliamentary Records, and states the principles which have governed the preparation of the present volume. In the second section, Dr. Neilson traces the history of the Auditores and of the Domini Concilii, insists upon the importance of Parliament as a Court of Law, and illustrates from contemporary poetry the demand for a better administration of justice, based on the institution of committees ‘buttressed with *jurisperiti*,’ and selected by the Estates of the Realm in Parliament assembled. He shows the steps, not always following a precise course of evolution, by which the Auditors were gradually replaced by the bodies known as Session and as Council, until, at the close of his period, we reach the Continual Council, which was the precursor of the Court of Session. The place of Auditors in English and French legal history is explained, and the explanation leads to an interesting association of the Scottish Lords of the Articles with the English delegates on petitions appointed in the reigns of the first three Edwards. The general line of the ingenious and suggestive argument may be gathered from the following sentences:

‘Parliament deputed to a committee in two divisions (one comprehensive and general in scope, and the other specialized for judicial functions) the unfinished business of the Parliament until the ensuing session. The commission for each division ran only during the adjournment. The provinces of the two committees often overlapped, and there is reason to believe that the Auditors acted with and were part of the general committee ‘hafand the power of Parliament.’ . . . In the occasional sittings of the full committee there may thus be recognised the simple exercise of parliamentary authority and control by the ultimate committee deputed to hold the Parliament. In the meetings of the Auditors, whether with or without other members or coadjutors, equally with the analogous meetings of the Council, there is the less difficulty in understanding the situation when emphasis is once more laid [as in Robertson’s suppressed volume] on the unity and indivisibility of the record of Parliament. Differentiation of function often goes far without separation of records, but the tendency is for the differentiation to become absolute only by the setting up of a separate record. . . . King and Parliament were [in the fifteenth century] together evolving from auditorial antecedents, and were before long to succeed in definitely establishing the Court of Session, indubitably the supreme achievement of the Scottish parliamentary system.’

Much knowledge, reflection, and insight are crowded into the paragraph from which these sentences are taken, and the discussion represents a very distinct advance in the investigation of the origins of our institutions.

In the last portion of the Introduction we have a not less important discussion of the origins not merely of our institutions but of Scots law

itself. The period covered by the text evinces 'no great novelty of principles, but a constant, though gradual, change of detail,' and this change affords 'the weightiest and most extended evidence we have for the Reception of Roman Law in Scotland.' Among the influences, the working of which is traceable in this connexion, a high place is assigned to the beloved and revered name of William Elphinstone, a Glasgow student and the Founder of the University of Aberdeen, one of the very ablest, as he was also one of the very saintliest, of the whole group of College Founders on both sides of the Tweed. An earlier date than is usually assigned to the Reception is one of the noteworthy results of the research which has gone to make this Introduction, but the Reception was never, in Dr. Neilson's view, complete in the sense that the Common Law of Scotland could be taken as an equivalent term for Roman Law. An acute analysis of French parallels leads Dr. Neilson on to his two most important suggestions. The first of these is that the Scottish Parliament may be analogous, not to 'the English Parliament making for a primarily legislative object,' but rather to 'the French Parliament culminating in a court of law.' 'That the king's subjects should be 'servit of the law,'—may this not have been the dominant function of Parliament in theory as in fact?' The second is that the affinities between French and Scottish ideas and methods of procedure may have had 'something directly to do with the gradual change which was coming over the law, and conducing to the incorporation with the old laws and customs of a considerable body of doctrine from the civilians.' With a further expression of this illuminating and attractive idea we must close our attempt to survey the outlines of these invaluable introductory pages :

'Is the speculation too rash that the legal unities and affinities of France and Scotland are part of the great chapter of the Reception of Roman Law, that they are the footprint, still sharply clear and recognisable, of that triumphant movement over the juristic mind of Europe, and that they promise some day, when these initial hints are supplemented by the studies of other investigators, to make good, as a self-evident proposition, the inference that in the fourteenth and fifteenth centuries the Reception came into Scotland by way of France? And when in 1532 the Court of Session was founded on the model of the Parlement of Paris, was that by any means the first time the pitcher had been sent to the well?'

ROBERT S. RAIT.

THE COLLECTED WORKS OF SIR FRANCIS PALGRAVE. Edited by his son, Sir R. H. Inglis Palgrave. In ten volumes.

THE HISTORY OF NORMANDY AND ENGLAND. In four volumes. Vol. I. Pp. lvi. 560. Vol. II. xxxix. 588. R. 8vo. Cambridge: University Press. 1919. 30s. net each.

It is sixty years since the *History of Normandy and England*, the latest of Sir Francis Palgrave's works, partially saw the light; yet recently the piety of his last surviving son, Sir Inglis Palgrave, boldly planned a complete edition of his father's chief works, though he unfortunately did not live to

witness the publication of the first instalment of this enterprise in the two noble volumes now before us.

There is no danger of some aspects of Palgrave's work being forgotten : every medievalist has had, and will long have, occasion to make use of the great series of texts which he edited for the Record Commission. The comparatively few, who are interested in the growth of historical science in this country, appreciate the importance of the work of the man who, as first Deputy Keeper of the Public Records, inaugurated the new system by which most of the public records of England and Wales were centralised under his care in the new Record Office in Chancery Lane. Yet Palgrave's personal contribution to constructive history has fallen into greater oblivion than it deserves. The extraordinary diffuseness of his style, his excessive discursiveness, and some looseness of scholarship, which tended to conceal the wide range of his learning, have, along with the inaccessibility of the old editions of his works, done something to militate against his fame. Palgrave too was a thorough going advocate of extreme and sometimes unpopular views of history. Thus Scottish readers will remember how he upheld Edward I.'s claims to overlordship over the northern kingdom with the fervour and conviction that the hot partisan brings into the discussion of modern politics. In a similar fashion Palgrave's sturdy but somewhat one-sided and over-eager maintenance of extreme 'Romanistic' theory did harm to his reputation in a generation addicted to the maintenance with almost equal one-sidedness of the 'Germanistic' view of the origin of most English institutions. But the whirligig of time has its revenges, and the modern reaction against Germanism, heightened, but not initiated, by the recent facts of political history, will perhaps seek in this reprint some justification for a faith which our fathers would have spurned.

It may be doubted, however, whether Palgrave's big books will ever be widely read or exercise much influence. It would perhaps be better if they were more studied than they are likely to be. Palgrave was a pioneer, and had with the qualities some of the defects of a pioneer. But he had gifts of imagination and insight, a wealth of vision and colour, a zeal for constructive work, and a scorn of narrow pedantry and mere detail which are too often found somewhat to seek in the more meticulous scholarship of the modern generation. He was always the man of letters. He not only wrote historical novels, but in his more sober books it is hard to say where the science ends and where the fancy comes in. Accordingly his outlook seems to us extraordinarily old-fashioned. Yet a hasty scamper through his diffuse pages must leave in any scholarly reader's mind a strong conviction that he was often working on the right paths, and some of his wildest flights of imagination are extremely suggestive. He was a pioneer of historical travel ; he taught that history must be written from records ; he upheld the doctrine of historical continuity ; he believed in the importance of constitutional and even of administrative history. He emphasized, often in quaint fashions, the essential interconnection between the mediæval history of France and England, the importance of the Church as an institution and as a spiritual influence, the value of the 'dark ages' as a period of

progressive and rapidly ripening civilisation. Those to whom his books will now perhaps for the first time become familiar will be pleased to recognise in his *obiter dicta* truths long familiar to them from other channels. How many of us have quoted the chance remark of Stubbs that the medieval chancery was the secretariat of state for all departments. But if we turn to i. 47 of the present reprint we shall find that Palgrave wrote a generation earlier than Stubbs that 'the chancery was the great secretariat of the realm, the chancellor being the secretary of state for all departments.' In 1824 he contemplated an outline of the history of the chancery. That outline has not yet been written by Palgrave or anybody else. And is not almost the last word of Anglo-Norman history expressed in two other chance sayings of Palgrave's in i. 58: 'William the Conqueror's government was not so much a system of innovation, as one which prepared the way for a system, new equally to Normandy and England'; 'England gave to Normandy more than she borrowed.' The curious reader will find many shrewd anticipations of modern scholarship in Palgrave, half concealed by the verbose rigmarole in which they are sometimes imbedded. Let us then recognise his great qualities the more, since his defects are so patent. It is the fate of the pioneer not to get his deserts, especially from the latter generations which have climbed to greater heights by mounting on his shoulders. In the same way scholarly travellers in Northern Italy have learnt much from their Murray's Guide. But how few of them know that Palgrave was himself the author of Murray's *Handbook for North Italy*, which he began as early as 1839.

The personality of Palgrave was a very vivid and considerable one, and our gratitude to Sir Inglis is due not only for reprinting the sketch of his father's life, which his brother, Sir Reginald, wrote for the Royal Society, but for amplifying it with some personal pages of his own. In particular, the copious extracts from Palgrave's letters are extremely well worth reading. They show his zeal, his force, his impetuosity, his varied interests, his immense curiosity, the width of his information and the eye for local colour, both for its own delight and as an embellishment for his histories. Not the least impressive among his travel impressions is his holy terror of the restoration of ancient buildings. 'Never restore, only repair' was his doctrine. 'Restoration is impossible' he says again. 'You cannot grind old bones new. You may repeat the outward form,' but 'there is an anachronism in every stone.' These are surely sound sayings for a man writing in 1847.

Sir Inglis Palgrave has also told us something of his father's historical ideals and methods of work. He has also aspired to bring his father's works up to date, but the attempts which have been made in this direction are not very successful. The maps, tables, and similar helps to the reader are useful enough, though some of them are guilty of strange lapses into obsolete doctrine. But in truth the scholarship of a work written two generations ago cannot be modernised. The attempt is as impossible as the restoration of an old building. Heroic efforts have been made to bring the bibliographies of Palgrave into some relation to modern scholarship, but the effort has been directed by somewhat inadequate knowledge of what has

been done since Palgrave wrote, and with all the scholarship in the world it could hardly be successful. The elaborate notes appended to Palgrave's texts are largely unnecessary. When they tell us what is true they tell us what every intelligent reader of a book like this could supply for himself. When they occasionally attempt to call upon the resources of modern scholarship to elucidate Palgrave's text they are less effective. In subsequent volumes the Cambridge Press would be well advised to drop all these attempts at the impossible task of bringing Palgrave up to date. But the republication of the texts of Palgrave's own works is a worthy enterprise and deserves every encouragement.

T. F. Tout.

THE BARONIAL OPPOSITION TO EDWARD II.: ITS CHARACTER AND POLICY. A Study in Administrative History. By James Conway Davies. Pp. x, 644. Cr. 4to. Cambridge: At the University Press. 1918. 21s. net.

In publishing in revised form the thesis which gained the Thirlwall Prize in the University of Cambridge in 1917, Mr. J. C. Davies has made a substantial contribution to the administrative history of the reign of Edward II. Only some 200 pages of his book are devoted to the narrative of the action of the baronial opposition; the remaining 400 contain a minute analysis of the household system in which the royal power entrenched itself against baronial attack, and an appendix of 139 illustrative documents.

This proportion of treatment is inevitable and significant. It arises from the fact that Mr. Davies holds the view which was advocated by Professor Tout in his book on *The Place of Edward II. in English History*, and which is borne in upon every student of the period, namely, that the key to the political events of the reign must be sought in the history of administration. That fact once grasped, the historian will be able, with relief, to readjust his ideas of relative values. He will be able to avert his eyes from the sordid tragedy in which Edward II. lost his throne, his self-respect, and finally his life. He will see in that revolution, based on spite and jealousy, only one, and that by no means the most significant, of contemporary attacks on royal power. He will find that bigger issues cling about earlier and less startling actions, beginning with the far-reaching claims of control made in the Ordinances, and continuing through a series of baronial experiments. Moreover, he will realise that though the individual perished, the system lived, and that Edward III., for good or ill, inherited almost unimpaired that household system which gave strength even to the weakness of his father.

Mr. Davies' work is well documented. He has made careful use of printed sources, and he has despoiled the records in the British Museum, the Public Record Office, and the libraries of Canterbury Cathedral, Cambridge University, and elsewhere. Particularly notable are his researches in the Memoranda Rolls of the Exchequer, which have enabled him to tell us much that is new with regard to the persons forming the so-called Middle Party, the only organisation in which there seemed for a time to lie some hope of a dignified settlement of quarrels and a successful

conduct of affairs. From the same source come valuable particulars with regard to the king's council and its relation to the exchequer. The series of Ancient Correspondence, also, has furnished much illustrative material and some new details, such as those concerning a personal quarrel between the Earls of Lancaster and Pembroke about Thorpwaterville Castle—one more of the many instances in the reign where private disputes intensified political antipathies. Mr. Davies has compared with the printed editions two manuscript copies of the Ordinances of 1311, which formed the starting-point of baronial attack, and were quoted by contemporaries with almost pathetic frequency in the same breath with Magna Carta. Detailed treatment has also been given to the so-called 'additional ordinances,' with various suggestions on the puzzling question of their relation to the main document.

As a whole, Mr. Davies' book is full of interesting information. There may be some divergency of opinion on certain points. For example, we must know more than we do as yet with regard to the organisation and personnel of noble households before we can safely conclude that the royal court 'had a monopoly of administrative talent' and that 'the barons' administration of their lands was not efficient' (p. 66). Compare with this the evidence in the correspondence of the younger Despenser as to his minute supervision of the administration of his estates in Glamorgan (pp. 102-3), or, again, the important place taken in the royal service by John Walwayn, who started his career as an official in the household of the Earl of Hereford (pp. 355-6).

Readers will find some slight loss of clarity due to the fact that Mr. Davies follows an unfortunate precedent set by Stubbs in an early edition of his *Constitutional History*, and generally confines the term 'administration' to what Professor Tout called 'national administration,' that is, the work of the great public departments of State, council, chancery and exchequer, as opposed to the more personal instruments of 'court administration,' chamber, wardrobe, and so forth. Mr. Davies prefers to oppose 'administration' to 'household.' The point is a mere difference of term, for Mr. Davies himself knows well, and, indeed, his whole thesis is dependent upon the fact, that the administration of the country was a single unity, in which the work of the public and personal instruments was inextricably intertwined. That being so, the artificial restriction of the term 'administration' to one part of the machinery jars upon the reader as somewhat unhistorical.

No review of Mr. Davies' book would be complete which failed to call attention to the value of the appendix of documents. Most of these have not been printed before, and together they form a repertory of administrative practice suggesting numerous points of interest. They show amongst other things the amazing length to which the use of the privy seal, and even of the verbal order, might be carried in matters of State. As a whole, they not only constitute the justification of the statements made in Mr. Davies' book, but also furnish the raw material for many possible investigations in the same field.

HILDA JOHNSTONE.

THE PICTISH NATION: ITS PEOPLE AND ITS CHURCH. By Archibald B. Scott, B.D. Pp. xiv, 560. 4to. Edinburgh: T. N. Foulis. 1918. 25s. net.

IN this interesting volume Mr. Scott pursues in greater detail and over a wider field his researches in Celtic history, with especial reference as before to the Picts of Alba. The origin and development of the Pictish Church in what is now Scotland fills the greater part of his book, and a very absorbing tale it is: but scarcely less so is the account of the desperate struggle of the Picts and their successive kings against Angle, Dane, and Gaidheal: in the end a losing struggle in which they went under: but in the course of which many events and personalities emerge from the northern mists into the light of day.

Mr. Scott's own shorter works on St. Ninian and St. Moluag might be said to form the basis on which these later studies have amplified themselves, and he has ransacked the treasuries of old Celtic Literature to bring before us a lifelike picture of Pictish saints and warriors from the fifth century to the ninth. There are shorter general chapters on the language and customs of the people, and later on the Viking invasions and the survival of the *Cele De*: but the central part of the book is concerned at length with the founding of the Pictish Church in Galloway by St. Ninian in the fifth century: its debt to St. Martin and his community at Tours, and its history as the sole church of the Picts of Alba for four hundred years and more, until it was gradually incorporated with the Gaidhealic church after the fusion of the two kingdoms under Kenneth MacAlpin. Mr. Scott gives account of many *Lives of the Saints*, and tells of the foundation of other great Pictish communities such as those at Glasgow, Culross and St. Andrews: and in Ireland at Bangor and Maghbile, intimately associated as they were with the church of Ninian in Alba. He deals with many problems, and sheds light on varying and disputed matters in the lives of Palladius and Paul Hên, St. Patrick, St. Kentigern, and others.

Mr. Scott makes also further deduction from the facts already known about the Ptolemaic map of Britain: showing how the twisted position assigned to Scotland has led to falsification of the extent of the work of Ninian and his followers, and also of Columba, in Pictland. What we should call *West* Pictland was *North* for both Ptolemy and Bede, and Drumalban the line, not of the so-called Grampians, but of the mountain chain running from Loch Lomond to Ben Hee; Ninian therefore christianised *East* Pictland (not *South* as Bede has it): that is, East of Drumalban: and Columba's missionary journeys lay to the west of that line, viz. the Gaidhealic border.

Further, the author emphasizes the significance of Columba's introduction to the Pictish king by two great Pictish ecclesiastics, his conclusion being that St. Columba did not convert any extent of Pictish country, nor its king, owing partly to the difficulty of language which did not exist to the same degree between St. Ninian (a Briton) and the Picts.

After the fusion of the Gaidhealic and the Pictish churches, the Gaidheals edited Pictish manuscripts in their own interest, and as on the

Continent of Europe 'Scot' came to stand for any Irishman, the Picts tended in historical writings to become merged in the other branch of the Celtic family, and thus to lose their identity.

Mr. Scott supports his various contentions by much archeological detail : he gives useful tables of the Celtic Church communities with their origins, founders, and approximate dates, as also of the parallel Scotie and Pictish kings.

In the eighth century, when the organisation of the Pictish Church was complete, came the Viking invasions, which presently made an end of colleges, libraries and schools, and forced the ecclesiastics to flee for their lives to the European Continent. The Celtic people that emerged from these onslaughts were the Gaidheals, not the Picts : and with the ruin of the latter, and their absorption by Scandinavians, Gaidheals, and Angles, Mr. Scott's tale comes to an end.

Of the spirit which animated the early Pictish missionaries, and their devoted zeal, he gives a glowing account : and his exhilarating enthusiasm is infectious enough to incline the reader to condone his unsparing condemnation of everything Teutonic, though he cannot but wish the unguarded ethnological deductions of the Preface had been omitted.

MARY LOVE.

THE HISTORY OF EUROPE FROM 1862 TO 1914, FROM THE ACCESSION OF BISMARCK TO THE OUTBREAK OF THE GREAT WAR. By Lucius Hudson Holt, Ph.D., Professor of English and History, United States Military Academy, and Alexander Wheeler Chilton, Assistant Professor of History, United States Military Academy. Pp. xvi, 611. Demy 8vo. New York : The Macmillan Company. 14s. net.

THE obscurity of the international situation in Europe previous to 1914 rendered it very difficult for a concise and clear account of the relations between the Powers to be written. Any account given of the causes and effects of such incidents as the Austrian annexation of Bosnia or the appearance of the *Panther* at Agadir was of necessity tentative and disputable. The revelations of the last five years with regard to German aims and national characteristics have illuminated the whole field of modern history, and have rendered a more authoritative and connected account of the complicated international relationships both possible and desirable. The American authors of this book write with the advantage of a full knowledge of occurrences in Europe up to the end of 1917 ; their standpoint is one which, to the British reader, will seem amply justified by facts, namely, 'that the chief interest in international affairs in Europe during the half-century preceding the outbreak of the Great War revolves about the political ambitions and methods of the Prusso-German State.' They commence their account from the year 1862—significant in that it marked the appointment of Bismarck to the Chancellorship of Prussia. When Bismarck assumed office the Prussians were apparently an industrious, unambitious power, content with their international position ; under his guidance they embarked on a policy of aggression, which finally, after his death, developed into the mad lust for world dominion, the revelation of

which startled Europe in 1914. A clear, careful and interesting account is given of the steps by which Bismarck established firstly Prussian hegemony among the German states and then German hegemony in the councils of Europe. The German pre-eminence established after 1870 was maintained throughout the period of the Russo-Turkish War and consolidated by the formation of the Triple Alliance in 1882. After the adhesion of Italy to the Alliance France inevitably felt her isolation insupportable; the next step is consequently the formation of a defence against German hegemony by the accomplishment of an Entente between France and Russia, and later between France and Britain—steps which had their logical sequence in a rapprochement between Britain and Russia. The influence of colonial rivalries and of the Turkish and Balkan questions on the international situation are described in detail, and the story is finally closed by an account of the negotiations preceding the outbreak of war in August, 1914. The whole book is impartial and eminently clear; it is thoroughly to be recommended as a readable history of the Europe of pre-war days, written in the light of recent and sinister knowledge of German policy and methods.

W. D. ROBIESON.

LATIN EPIGRAPHY: AN INTRODUCTION TO THE STUDY OF LATIN INSCRIPTIONS. By Sir John Edwin Sandys, Litt.D., F.B.A. With fifty Illustrations. Cambridge: University Press. 1919. 12s. 6d. net.

THIS manual is furnished with a very full guide to the literature of its subject, though the bibliography is, perhaps, somewhat ill-balanced here and there. Thus, the note to *C.I.L.* xiii. (p. xx) gives references to the French regional collections, but says nothing of Haug and Sixt's work on the inscriptions of Wurtemberg, or of the Rhine Museums catalogues by Lehner (Bonn) and others; Ruggiero's *Dizionario* is mentioned, but not his *Sylloge*; Haverfield's Chester catalogue, but not his Carlisle catalogue; and so on. However, considering the scope of the manual, one would rather have the balance restored by excision than by addition.

But it is not on the bibliographical side that this handbook most invites criticism. There are certain defects one would expect to find in a manual of epigraphy not written by an epigraphist, and these the author's practised skill in compilation has not enabled him to avoid. The choice of illustrations and examples does not speak to any familiarity with Latin inscriptions, but to what the author himself describes (rather oddly) as 'a first-hand acquaintance with the general literature of the subject.' Even when he remarks (p. 198) that on a weathered stone the horizontal strokes of certain letters are often worn away, Sir John Sandys is not relying (apparently) on his own observation, but on the authority of Hagenbuch in Orelli. The fact that British inscriptions are rarely cited in the existing (foreign) manuals is the reason, one must suppose, why so few find a place in this book; but surely a British scholar, writing for British students, might have ventured here to modify his authorities. The Cheshire Military Diploma, for example, might have been illustrated instead of an Italian one (Fig. 49), even if Daremberg-Saglio is more accessible than The British Museum. And if British inscriptions are few, so also are inscriptions from the provinces akin

to our own, while not many of the examples given are of the kind that British students are specially concerned with. Indeed, there is not much interest of any sort (as there might easily have been) in the subject-matter of the 'sixty inscriptions exemplifying abbreviated phrases.' The author explains that his work is intended for students whose interest is literary. This may account for certain omissions, but much, even most, of the detail does not answer to such a design. It is, in fact, hard to see what class of student this book would suit. It is much easier to name the class of student for whom an epigraphic manual in English really is required. There are many interested in Roman imperial studies who should know something of epigraphy as an historical instrument. These include archæologists who take part in our excavations and find themselves confronted with new epigraphic documents of their own discovering, without having had any opportunity for a regular training in epigraphy, such as is now given at some of our universities. A manual which would help such students to decipher, date and interpret inscriptions and employ them as historical material would be really useful. But it would have to be written by an epigraphist.

S. N. MILLER.

FARQUHARSON GENEALOGIES. No. III.: EARLY FARQUHARSONS AND CRAIGNIETY FAMILY. By A. M. Mackintosh. Pp. iv, 56. 8vo. (Impression of 100 copies. Printed for the Annotator. Nairn: George Bain.) 1918. 5s.

MR. MACKINTOSH'S diligence in commentary and exposition upon the BROUCHDEARG MS. of 1733 has on previous occasions been commended in our columns (*S.H.R.* xi. 443; xii. 210). His present instalment edits in six pages the text of the Farquharson pedigree from that MS., and follows up with the critical notes on various steps of the descent. The MS. starts the pedigree with the allegation that Farquhar Shaw, 'whose name first gave rise to this surname,' came from Rothimurcus about 1435. Apart from the problems of clan relationship, which we must leave to those it concerns, we note the discussion of two interesting and more general questions. First is an examination (cf. *S.H.R.* xv. 53) of the well-known story of the 'Race of the Trough,' orphan captive children fed, according to the story, 'from a long trough made for the purpose,' the date somewhere about 1527. Sir Walter Scott's statement that the orphans were Farquharsons is very unwelcome to Mr. Mackintosh, who says 'Sir Walter had no authority for introducing that name into his story,' and denies their being Farquharsons. According to Chapman, whose MS. *circa* 1729 Scott is supposed to have consulted, the parentage of the orphans was unknown. Another question debated is whether Finla Mor, killed at Pinkie in 1547, could have had, as affirmed in an early genealogy, 'the banner Royall to carry' in the battle, so that he fell 'with the same in his hand.' Some considerations favouring this statement include a grant of arms by the Lyon King in 1692 based upon it (compare the Grameid, line 442). Clan Farquharson has a watchful guardian of its honours and interests in Mr. Mackintosh, who shrewdly and boldly formulates both his beliefs and his doubts.

GEO. NEILSON.

ELIZABETHAN ULSTER. By Lord Ernest Hamilton. Pp. 352 and Map. 8vo. London : Hurst and Blackett, Ltd. 1919. 16s net.

Too much cannot be known about the commencement and continuation of the 'Plantation of Ulster,' which has rendered one province of Ireland different in race and feeling from the rest, and we are grateful therefore for this book, which is a narrative written *currente calamo*. Whether a less modern style, which bears traces of haste and leaves the reader rather breathless, would not have been a better vehicle, is a matter of opinion. The book, for all that, has a value of its own. It has not enough references to be of great historical weight, but the matter it has to deal with, the plot and counterplot between the 'Irishry,' the Scottish Highlanders—McDonnells of the Glynnys,—and the representatives of Queen Elizabeth in Ireland, always attempting to increase the English in Ulster by fresh settlements, makes it very interesting to read. The struggle in Elizabeth's time lay between her Lords Deputies and other officers, her pet Irish noble, Hugh O'Neill, Earl of Tyrone, and 'The O'Neill,' Tirlough Luineach. Interwoven were the plots and plans of the tribes of O'Donnell, Magennis, *et hoc genus omne*, and the too little known Scots-Gaelic settlement of the McDonnells in Antrim. These at once fused with the Irish, but until treated unwisely by Queen Elizabeth—jealous of all things Scottish—were not originally very hostile to the English influence.

It is curious to see how continuous was the traffic between Argyllshire and Ireland, and how the power of the Earls of Argyll—through ladies of his family—had spread in Ulster; and the lives of Katharine Maclean, Countess of Argyll, and of Lady Agnes Campbell, wife first of a McDonnell then of an O'Neill, would make very tragic studies. The writer tries to be fair to all parties. He points out that barbarous warfare and land-wasting was the practice of the time, and not of one side only, that although the Tudor rulers looked askance at Tanistry as a bad Irish custom, their officials connived at it as a way of ruling and of making their fortunes. The book ends with the collapse of the Spanish invasion, the submission of Tyrone, the death of the Queen, and Tyrone's flight in 1607 under her successor, when the real Plantation of Ulster from Scotland (begun by Sir Hugh Montgomery, James Hamilton, and Con. McNeil Oge in 1603) took place. It is a stirring period and full of extraordinary episodes. We wish we could say that it was easy to understand, but the Irish customs (many extinguished by the rival English culture) alone make it difficult. The continuous and contemporaneous marriages of the Chiefs, and the want of certainty as to their succession, enhances this. Nor does this book simplify the difficulties. The titles given are not always the same and are sometimes incorrect (*e.g.* there was no 'Lord of the Isles' in 1570). There are no pedigrees to throw light either on the Irish Chiefties or the Scottish Clansettlers. There are too few dates, and there is no index.

A. FRANCIS STEUART.

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PROCEEDINGS OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND, session 1917-1918. Pp. xxx, 295. 4to. Edinburgh: Printed for the Society. 1918.

ARCHÆOLOGICAL objects studied here include fibulae, cists, pottery, cup-marks, a stone cresset, a cruise, and food-vessel urns, as well as some mediæval and more modern articles, such as Celtic cross-slabs at St. Andrews, pieces of needlework from Dalmahoy and from Rushbrooke Hall, Suffolk, four ancient Scottish standards and a thirteenth century chapter seal of Glasgow.

In his notice of the standards of Cavers, Keith Earl Marischal, Bellenden and Marchmont, Sir James Balfour Paul discusses the heraldry and lettering. The needlework from Rushbrooke is a 'cloth of estate' supposed to have been worked by Mary of Scots while in England. Mr. W. Balfour Stewart shows that the royal tradition is in every way probable. The tapestry at Dalmahoy is collated by Mr. R. Scott Moncrieff, with pieces from the late Sir Noël Paton's collection, and a date circa 1560 is suggested for both. Dr. Hay Fleming adds to his already long list of similar stones at St. Andrews; the three now described, characteristically decorated, were, like many others, discovered in the burial ground north of St. Rule's tower and chapel, and east of the east gable of the cathedral. Dr. James Primrose concludes that the chapter seal, circa 1280, is a rude diminutive sketch of Glasgow cathedral, with a figure of Bishop Wishart added, but unfortunately he cannot furnish fresh reasons for this rather robust interpretation. Sir James Balfour Paul's analysis of the connection between Scottish saints and fairs brings out some useful facts about these market dedications. Mr. Storer Clouston illustrates old Orkney armorials of the families of Halcro, Flett, Menzies, Fraser, Cragy and Sinclair. Dr. George Macdonald presents an elaborate and carefully revised list of Roman coins found in Scotland.

A paper on *Agricola and the Roman Wall*, by Professor Haverfield, the latest of so many learned and acute constructive studies of Roman Britain from the same pen, cannot fail to be a mournful reminder of the great loss which his recent death has occasioned. No student in Europe had a greater mastery of Roman archæology, and so far as Britain, and especially England, is concerned, his wonderful store of historical knowledge and epigraphic science, balanced and buttressed by his experience in actual exploration of Roman sites, gave him a place easily foremost among the specialists on Roman Britain of his own or any previous epoch.

He was a great scholar of antiquities, taken from us while still relatively in his prime.

THE BOOK OF THE LEWS: THE STORY OF A HEBRIDEAN ISLE. By W. C. MacKenzie, F.S.A. Scot. Pp. xv, 276. Demy 8vo. With 23 Illustrations. Paisley: Alexander Gardner. 1919. 12s. 6d. net.

THE author, who has done excellent work in the same field before, being a native, brings to the work an enthusiasm of local patriotism akin to that of Hugh Miller for Cromarty. Mr. MacKenzie had already given a

regular chronological history of the Highlands and Isles, and now he discusses in a series of 'Historical Sketches' the chief periods in the story of the Lews. The book is for the general reader, and attractive in style. He does not quote Norse Gaelic or Latin passages of his authorities, though he freely gives references in notes, but he lucidly and racily states the conclusions he draws from them, which, though in some cases novel or open to question, are always interesting.

The book ought to have a wide circulation among those interested in Highland history or in the Long Island, which at present has a good share of public attention while political economists await with friendly interest the result of Lord Leverhulme's experiment.

The sketches begin with the Norsemen in Lewis, as before them there is no mention of it in written history, and to them are owing the great majority of its place-names. Next, sketches deal with the Macleods, long the Lords of Lewis, with the ill-fated Fife adventurers and the history of the island's greatest industry—the fishings. The rule of Cromwell and his fort at Stornoway are sketches showing great research, and that on the period of Seaforth proprietorship gives occasion for a recital of the Stewart risings. Then he deals with the religion and the daily life of the people. In the latter he says, 'We have no contemporary statement of rent and taxation in the Hebrides during the sixteenth century.' But there is extant and quoted in *Old Ross-shire* a tax roll for all the north of 1612, giving 'M'Cleod Lewis and all lands yr of xl lib.' It gives Cromarty at the same amount, though it has not a hundredth of the area, and Belladrum, 6 pleuches (about 480 acres), is given at £2 12s. 6d. or one-fifteenth of the tax to one eight-hundredth of the area, showing the comparatively low average of Lewis land. The chapters on the Callernish Standing Stones, the Brochs and the Isle of Pigmies do ample justice to the island's prehistoric remains.

The work is well illustrated, but the sketch map of Lewis might with great advantage have been on a much larger scale, so as to show all places mentioned, and it would have been a very great help to the description of Callernish if there had been reproduced Mr. James Fraser's plan and illustration from his paper in the *Transactions of the Inverness Scientific Society*.

W. MACGILL.

HISTORY OF THE CIVIL WAR, 1861–1865. By James Ford Rhodes, LL.D., D.Litt. Pp. xxii, 454. Demy 8vo. New York: The Macmillan Company. 1919. 12s. 6d. net.

DR. RHODES sets out to write a history of America during the war. His viewpoint is Washington, not the battlefield; the main heroic figure is Lincoln, and the changing atmosphere of Washington throughout the four years the war continued is faithfully and skilfully described. As a well-documented account of the political and social situation Dr. Rhodes's history is of great value. His research has been profound, so profound, indeed, that his pages tend to become overloaded with avoidable detail. The book is a mine of information on such subjects as inflation of

currency and conscription and the various social and economic difficulties which beset both North and South. The delicate problem of the relations between the Northern States and Britain is treated with sympathy and understanding.

But the reader who turns to this volume in the expectation of finding a concise and ordered history of the campaigns between the Northern and Southern States will be disappointed. Dr. Rhodes has much to say of military operations, and his history is provided with many excellent maps, but he fails to describe in any detail either armies or armaments, he neglects the geography on which tactics depend, and he leaves the reader without any clear idea of the strategical development of the successive campaigns. Apparently, as a layman, he considers he is disqualified from pronouncing on problems which are within the domain of the soldier. Yet his obvious learning and knowledge of the authorities would have enabled him, had he so desired, to present a readable and logical account of the various steps which led to the hemming in and surrender of the Southern forces. As it is, the account given must be confusing to anyone without some previous knowledge of the struggle. A good index and an excellent bibliography are appended.

ARCHÆOLOGIA AELIANA. Third series. Vol. XV. Pp. xxx, 224. 4to.

Printed for the Society of Antiquaries of Newcastle-upon-Tyne.
1918.

THE Antiquaries of Newcastle-on-Tyne have 'carried on' through the war with a vigour only whetted by the restraints and obstacles of the time. Yet signs proclaim a certain shortage of contributions. Mr. Crawford Hodgson is responsible for no fewer than five biographical papers, the subjects being John Horsley, the historian, Richard Dawes, a Newcastle schoolmaster, George Tate, historian of Alnwick, the seventh Duke of Northumberland, and perhaps most interesting of all, Canon William Greenwell. These notes on distinguished Northumbrian lives are replete with genealogical lore and personal facts, gleaned with ingenuity and persistence, and often rescued from very evanescent and casual repositories.

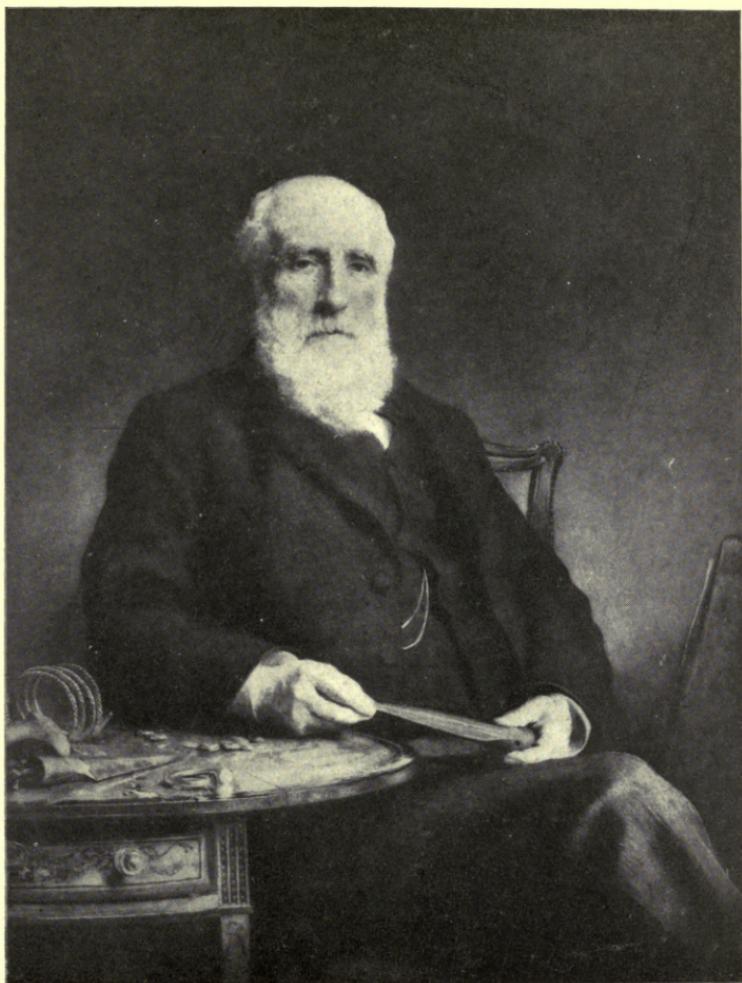
Professor Haverfield, dealing with the altars to the *Di Veteres*, a common cult along the Hadrianic Wall, concludes from readings *HVETERI* and *VHETERI* that the name cannot be the Latin adjective *vetus*, but is a German word. But the major purpose of Prof. Haverfield is to group the forty Northumbrian examples of this suggestive type.

Mr. C. H. H. Blair continues the grand catalogue of Durham Seals, dealing in this considerable instalment with seals of ecclesiastics, hospitals, universities and monasteries. One of these is the extremely interesting seal of Baliol Hall, Oxford, of which Mr. Blair has written a very carefully detailed description.

The portrait of Canon Greenwell which illustrates Mr. Crawford Hodgson's valuable memorial sketch is here reproduced by permission.

GEO. NEILSON.

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THE REV. WILLIAM GREENWELL, D.C.L., F.R.S., F.S.A.

From the painting by Sir A. S. Cope, A.R.A.

THE STIRLING MERCHANT GILD AND LIFE OF JOHN COWANE, FOUNDER OF COWANE'S HOSPITAL IN STIRLING. By David B. Morris, Town Clerk, Stirling. Pp. xiv, 367. 8vo. Stirling: Jamieson & Munro, Ltd. 1919.

ANYONE who knows Stirling knows the fine old Cowane's Hospital or Gild Hall, but it is only when one has read this very complete study that one learns to what and to whom it owed its being. Stirling was one of the old burghs of Scotland, four of which, Edinburgh, Roxburgh, Berwick, and Stirling, had a code of law, the *Leges Quatuor Burgorum*, as early as the time of King David I. The town had a charter from King Alexander II. in 1226, and the Gildry was then a going concern. The author points out the historical differences between the Gilds in Scotland and the Guilds in England, one important result of which was to prevent the settlement of Lombard bankers and Jews in the former country. He also recounts the usual trouble with 'unfreemen,' and the constant struggle with the 'crafts,' which were the cost of the progress of all such communities. Stirling conquered most of its local rivals, quashing their fairs and otherwise vanquishing them. The Gildry had a high estate. It had hautboys; it had official robes; and the Dean of Gild's ring was perhaps given by King David II. It tried its members for wearing 'bonnets,' and exercised very salutary discipline, as well as dispensed charities. It was this last category which leads one on to the exhaustive life of John Cowane, one of Stirling's best of sons and citizens, whose biography and friendly connections are given to us with a delightful wealth of detail.

Born in Stirling about 1570, he died there in 1633. He held every office which was desirable, from Dean of Gild to M.P., and ruled well, and saw everything that was to be seen in his time. He (by his brother's piety) founded in 1634 the hospital for 'tuelf decayed gildbroder,' and we are told that the Town Council accepted the gift, giving God thanks 'quha movit the said umquhile Johannes mynd to sa gude a worke.' The writer shows how good the work was. He tells too of the causes of John Cowane's wealth, his loans to his well-born 'friends,' and his privateering, and how he gave his ships 'to fight the Germans.' He traces his genealogy, his relics, and his possessions, which include a 'Taed Stane,' now located at Kirkcudbright, and his memorials. This book is a noble tribute to his excellent memory.

HISTORICAL PORTRAITS, 1700-1850. The Lives by C. R. L. Fletcher, formerly Fellow of All Souls and Magdalen Colleges. The Portraits chosen by Emery Walker, F.S.A., with an Introduction by C. F. Bell. 2 vols. Vol. I., pp. xliii, 268, with 114 portraits. Vol. II., pp. viii, 332, with 137 portraits. 4to. Oxford: Clarendon Press. 1919. 12s. 6d. net each volume.

THESE two volumes complete a work which was begun many years ago. The volume of *Historical Portraits*, 1400-1600, was published in 1909, and the second series covering the years 1600-1700, appeared in 1911 (see *S.H.R.* VI., 401, and IX., 332). The Lives for the second series were

contributed partly by Mr. H. B. Butler, and partly by Mr. Fletcher. For the two new volumes Mr. Fletcher is their sole author, but with this exception, the responsibility for the selection of the portraits and the writing of the Introduction and of the Lives, remains the same throughout.

During recent years, students of portraiture have received much assistance not only from books dealing solely with the subject such as the great Catalogue of the National Gallery, but also from general works like the illustrated edition of Green's *History of the English People*, and Mr. Firth's wonderful collection in his edition of Macaulay's *History of England*. Such special studies as Mrs. Lane Poole's *Catalogue of Oxford Portraits* are also of peculiar value. But this scheme which the Clarendon Press has now happily carried to completion is the most useful as well as the most comprehensive work of its kind which has been issued for very many years. The reproduction of the portraits have not the beauty of those in Lodge, and those in the present series are less well reproduced than the portraits in the first and second volumes issued ten years ago. There is a purply-blue tint in the prints which detracts from their beauty, and also from their life-like appearance, but it may be that time will improve these reproductions as it has improved many of the originals.

On the other hand, the excellence of the choice of portraits, and the wide range of interest which they cover, as well as the value of the biographical sketches will for long make this work a standard work of reference, which ought to be in every Public Library of importance, and to which successive generations of students will turn with gratitude.

In these two new volumes many of the portraits are, as in the former volumes, full-page plates, while other plates combine two or four portraits. By far the larger number come from the National Gallery, but a considerable proportion are portraits which still hang in the historic collections which the artistic taste of former generations provided with care and with pride. So many of these collections are now being scattered that there is additional reason for gratitude to the Clarendon Press and to Mr. Emery Walker for preserving this very valuable record of the moving spirits of the last five centuries.

A SOURCE BOOK OF AUSTRALIAN HISTORY. Compiled by Gwendolen H. Swinburne, M.A. Pp. viii, 211. 8vo. With a map. London: G. Bell & Sons, Ltd. 1919. 5s. net.

WE are given here accounts of different phases of Australian History Geographical, including fine and strenuous exploration and land travel, and General History. The latter includes the discovery (or rediscovery after Torres) of Tasmania by Tasman, and goes down to the landing at Gallipoli, and 'what Anzac means' in the Great War. The original sources are all interesting; but one must not forget they do not include everything. For example we are given an indignant description of the planning of the infant town of Adelaide by an early settler of South Australia, but with no indication of how successful the scheme ultimately became when controversy died away.

THE MASERES LETTERS, 1766-1768. Edited, with an Introduction, Notes and Appendices, by W. Stewart Wallace, M.A. Pp. x, 135. 8vo. Oxford : University Press. 1919. 5s. 6d. net.

FRANCIS MASERES, an Englishman, born of pure Huguenot descent, was sent out to Quebec in 1766 as Attorney General. Speaking French, he was best equipped of the early officials for intercourse with the French-Canadians; but against that there was the barrier of religion, he being a stout Protestant. Still he became an important link between Canada and London, whither, through religious difficulties, he retired in 1769, and died there in his ninety-third year in 1824. He tried to act as Mentor to the Government in Canadian affairs, and the Editor thinks usually for good. The letters he wrote during the three years, and very critical years they were for Canada, are here reprinted, and are valuable as they are full of information and outspoken comments. They are very well placed before the studious reader.

A GENTLE CYNIC: being a Translation of the Book of Koheleth, by Morris Jastrow, jun., Ph.D., LL.D. Philadelphia : Lippincott Co. 1919

THE writer of this book intends to treat the 'Book of Job' and the 'Song of Songs' in the same way as he has here done 'Ecclesiastes,' and we hope he will find it worth doing. In this recension, even though he may have purified the text, we cannot regard the new translation as an improvement in diction on the old. Professor Jastrow holds that the book of 'Koheleth' is 'a strange book in a sacred canon' written by King Solomon, according to tradition, but really much later, and interlarded with glosses by commentators to make the work more moral from their point of view. The author strips the book of these emendations, and professes to restore the original text.

COMMEMORATION OF THE CENTENARY OF THE BIRTH OF JAMES RUSSELL LOWELL. 4to. New York. 1919.

THIS is an account of the Symposium held in New York under the auspices of the American Academy of Arts and Letters, February 19-22, 1919, in honour of one of America's great Men of Letters. It includes excellent speeches in memoriam by Elihu Root, John Galsworthy, M. Hutton, and Brander Matthews; Literary exercises by, among others Alfred Noyes and Stephen Leacock. Due mention was made of Lowell's paternal English Stock, and one speaker, at least, pointed out the Orcadian descent of his Mother. Her progenitors being Spences and Traills of Westness.

THE AMERICAN MUNICIPAL EXECUTIVE. By R. M. Story. Pp. 231. University of Illinois : Urbana. \$1.25.

STUDENTS of 'civics' may with advantage turn to this, which is one of the University of Illinois Studies in the Social Sciences. It traces the development of 'mayoralty' in the United States, finding the stem in the English pattern of mayor, but shows the American new departures especially in

(1) the veto widely given to the transatlantic variant ; (2) the necessity of his 'approval' of numerous measures ; (3) 'the drift towards executive domination' ; and (4) the recent new types, the 'mayor-commissioner' and the 'city manager,' which are current exemplifications of the devolution of large civic authority to individuals, who, on the German plan, have professional qualifications for the task of administration. The mayor system, says Dr. Story, is not only on its trial, but 'has before it a struggle for existence.' Some Americanisms and spellings attract attention, 'thru,' 'tho,' 'brot,' among the latter ; while among the former, 'blanket' appears to be used to cover general powers not excluded.

The Household of a Tudor Nobleman, by Paul van Brunt Jones, Ph.D. (University of Illinois Studies, vol. vi. No. 4, Urbana, 1917) is a useful piece of work by a young American scholar, who, under Professor E. P. Cheyney's direction, has put together a composite description of a great nobleman's household in the fifteenth and sixteenth centuries from the numerous printed accounts available. The medievalist will be struck with the continuity of the medieval aristocratic establishment into the period which is generally supposed to have destroyed the power of the old nobility, and even with its recrudescence in the case of new men, such as William Cecil, Lord Burghley, who kept house like a Percy or a Neville. Mr. Jones has done his work well : his clearness, scholarship, and method leave little to be desired. A little more care in putting place names in their modern forms would have been desirable. But the side of the book that wants most strengthening is the lack of emphasis to the administrative as opposed to the domestic side of the nobleman's household. We are told more of what he ate and where he ate it, than we are of how he managed his estates and his domestics. More constant reference to the analogies presented by the government of the royal household would here have been useful. Henry VII. and Henry VIII. to some extent governed their realm through the administrative department called the King's Chamber. Was there nothing in the chamber or wardrobe of the noble of the period that corresponded to the King's domestic administrative offices? How then did the noble rule his estates, and control the huge following that attended him? Even the store of arms and armour which Dr. Jones notes in the armoury of the Tudor nobleman's household had sometimes its use. So accessible a source as Bacon's *Essays* records as 'almost peculiar to England' the 'state of free servants and attendants upon noblemen and gentlemen' as much 'conducting unto martial greatness.'

T. F. TOUT.

For a series of *Helps for Students of History*, published at sixpence each, which the Society for Promoting Christian Knowledge has undertaken, the editorial service of Mr. C. Johnson and Mr. J. P. Whitney is a guarantee of good contributors and good work. Mr. R. C. Fowler starts with 'Episcopal Registers of England and Wales.' Mr. F. J. C. Hearnshaw follows on 'Municipal Records.' Mr. R. L. Poole describes 'Medieval Reckonings of Time.' Mr. Johnson takes for his own province 'The Public Record Office.' These works cover lightly a wide

field. Sometimes one feels that the Englishman has a remarkable faculty of not looking over his own garden wall. On municipal records, for example, it might have been noted how far behind Scotland the English boroughs were in publishing their records. Our old Scottish Burgh Records Society deserved well of its time, antedating in its publications, by thirty years, the admirable work of Miss Mary Bateson, Mr. W. H. Stevenson, and Mr. Ballard on the archives of the chief English boroughs. The latter as compared with the former show a great advance of method on the modern editorial lines of exposition, a function which Sir James Marwick and his collaborators fifty years ago scarcely considered as falling definitely into their task. Mr. Poole's medieval data, presented simply and clearly, embrace in outline the chief computations in use in the middle ages, for many elements of which he shows the origins. Numerous instances of complexity show the traps for the unwary computer of day, month, year, era, or indiction, including the calendar full moon, which is not guaranteed to be true to fact. Mr. Johnson's sketch neatly summarises and classifies the infinite contents of the Public Record Office, explaining the relationship with Parliament, Exchequer, and the Law Courts, from which the records came. This new venture of the S.P.C.K. merits welcome.

The English Historical Review for July opens with Mr. William Foster's account of the acquisition of St. Helena, and its preliminary fortification in May, 1659, by Captain John Dutton, acting under orders of the East India Company. The development of the inner cabinet of George II., 1739-1741, is dealt with by Mr. R. R. Sedgwick, who shows how regular and formal its meetings grew during those years. A laborious and invaluable task has been accomplished by Dr. W. Farrer in the preparation of an 'Outline Itinerary of King Henry the First.' On principles akin to those of Eyton's well-known Itinerary of Henry II., Dr. Farrer has calendared all Henry's charters, and all chronicle references available to prove his movements; and the result is a wonderful body of new relationships of the documents, the places of granting, the witnesses, circumstances, occasions, and dates of multifarious writs and transactions. This first instalment of the Itinerary embraces 378 entries between the years 1100 and 1117. It is scarcely too much to say that the complete work will be virtually a new chronicle of Henry I., accomplished for a very dark and difficult reign in a manner which, in its modern method with extended possibilities of research, outstrips even the monumental performance of Eyton forty years ago for the life and time of the second Henry. Rev. H. E. Salter has ferreted out some fresh documentary evidences concerning that piquant and important personage, Geoffrey of Monmouth, and his residence in the neighbourhood of Oxford between 1129 and 1151.

History prospers under Professor Pollard's ferule. Mr. Norman Baynes is subtly suggestive and finely interesting in a compact, much-referenced, and closely reasoned essay on 'Greek Religion and the Saviour King.' He traces the course of recent historical studies of the Oriental phases of European concepts of divinity. An old tribulation, 'The Evils of

Examinations,' is discussed by Professor Firth. The present reviewer is still young enough to rejoice that this learned 'examiner re-examined' favours for history (1) a limited access to books at examinations; and (2) intimation of one half the questions to the candidates beforehand. Mr. Geoffrey Callender in a revision of the sea fight of the *Revenge* in 1591, on the whole sides with the doughty Sir Richard Grenville rather than with his more cautious captain and master of the ship in the matter of the policy at first of retiral and at last of surrender.

The French Quarterly: Manchester at the University Press: Volume 1, Nos. 1-3. The French Professors who conceived this project, and the Manchester University Press which has enabled it to be realised, deserve every encouragement. A publication of this kind has many difficulties to face. It will not attract readers who have access to the leading French periodicals, and it is apt to become a vehicle for the expression of the views of special political and literary movements, the merits of which the uninformed reader is not able to estimate. On the other hand, the number of readers who keep in touch with French periodical literature, is limited, and the Editors have managed on the whole to avoid the second difficulty. The contributions by Mm. Boutroux and D'Estournelles de Constant are inevitable and welcome, but the most solid feature of the French Quarterly is to be found in the *Variétés* which contain a number of interesting literary articles of the solid kind which one associates with *The Modern Language Quarterly*. The reviews and bibliography are interesting and useful. The first three numbers of the French Quarterly justify the hope that, if sufficient support is obtained from contributors and readers, success may be achieved.

The preparation is announced of a General History from Antiquity to Modern Times under the direction of MM. Halphen and Sagnac. The work will be in twenty volumes, and will be published by Alcan. An interesting notice is devoted to the fifth volume of the fascinating work of the late M. Pierre Duhem, *Le système du monde, histoire des doctrines cosmologiques de Platon à Copernic*. The latter number contains an obituary notice of M. Gaston Bonet-Maury, 'le plus aimable des hommes et le meilleur des amis.' M. Bonet-Maury, who was Secretary of the French branch of the Franco-Scottish Society and an honorary graduate in Divinity of Glasgow University, was a contributor to this *Review*. The late Dr. Neville-Figgin is not unfairly judged: 'Il a remué beaucoup d'idées, mais sans rien creuser à fond; sa personne a été supérieure à ses écrits.'

In *The Anglo-French Review* (London: Dent & Son, Ltd., monthly 2s. 6d.) for July, André Lichtenberger, in a fantasy after Kipling, not only makes Mowgli speak French, but sends him to the front, where again he hunts, never to return among men. Mr. Lewis Melville prints fresh letters of Beckford about his youthful mystifications, but chiefly on Vathek. M. Henri Malo utilises his knowledge of the *corsaires* of Dunkirk in an account, with many new details, of the voyage of Prince Charles Edward to Scotland in 1745 in the *Du Teillay*, (as—perhaps correctly—he names the vessel familiar to us as the *Doutelle*), as well as of the subsequent marine

part played by the French ships and sailors in the expedition, down to the defeated Prince's return in 1746 on the *Heureuse* to Roscoff.

The Juridical Review for July opens with Lord Guthrie's estimate of R. L. Stevenson's personality and character. The article is only a first instalment, but the incomplete appreciation seeks to reconcile the bohemian who was on the surface in Stevenson with the puritan who was beneath. A facsimile of a charming letter to 'Cummy' would of itself attract the admirers of R. L. S., whose portrait, for once conventional in wig and gown, presented to Lord Guthrie by his 'old comrade,' appears as frontispiece. A very technical, but copiously collected, analysis and contrast of *Jus* (a ratio for judges) and *Lex* (a command to subjects) in Roman law, is an anonymous compendium of historical and juristic development.

The 31st Bulletin of Queen's University, Kingston, Canada, is *Economics, Prices, and the War*, by Mr. W. A. Mackintosh (Jackson Press: Kingston, pp. 15). While denying that economic theory has gone to pieces, the essay confirms the view of some and the suspicion of many that the price charged to the consumer has little logical relation to the price paid to the producer. Two basic reasons of discontent during the war are given: (1) the consumer's knowledge that prices were rarely beyond the dealer's control; and (2) that rising prices induced unequal distribution of the burden of war. Statistics of excess-profit taxation would, it is urged, give surest light and guidance as to where the shoe pinched, and where the profits went wrong.

Although a little reduced in size, the *Somersetshire Archaeological and Natural History Society Proceedings during the year 1918* (pp. lxxviii, 124) may be cited as proving the vitality of antiquarian work and thought in an English county while the great War was being brought to its stern close. The transactions represent all classes of study. The Dean (Dr. Armitage Robinson) of Wells, collates the foundation charter and other documents of Witham Charterhouse, founded by Henry II. circa 1181-1182. Dr. A. C. Fryer describes and extensively illustrates the monumental effigies of thirteenth and fourteenth century civilians, male and female, in the shire. A paper by Prebendary Harbin on a land-charter area 1300 is posthumously edited. Short papers deal with architectural points—'two early English responds,' a piscina and part of a reredos; and a wider theme, the 'Heronries of Somerset,' is dealt with from Dr. Wiglesworth's combined standpoints of an antiquary and an ornithologist. His horror at the suggestion of possible destruction to the ancient heronry of Pixton will be shared by every archaeologist to whom the broad-winged, heavy, slow, yet powerful flight of the heron is a sight of never failing charm in the landscape of our river valleys.

Old Lore Miscellany of Orkney, Shetland, Caithness, and Sutherland (January, 1919, vol. vii. Index) is the terminal part of a very useful Viking Society collection, edited by Alfred W. Johnston and Mrs. Amy Johnston. An index of subjects, as well as of places and names, greatly facilitates reference. Mr. George Bain, Wick, has made the index very intelligently.

The Future (July-August, 1919) is the official organ of the English Language Union, an association 'to promote the study of the English language in foreign countries.' Popular in aim, it has portraits and pictures, and its matter, though scrappy and not well focussed, includes several excellent quotations.

The Bookman (New York: G. H. Doran Co., 35 cents) for May is a favourable sample of that light, bright, and comprehensive literary journal. There are no profound articles, but F. Dilnot's sketch of Philip Gibbs will gratify many British readers of that vivid war-correspondent; Dr. D. J. Hill's survey of Dr. Egan's experiences of ten years on the German frontier as U.S. Ambassador to Denmark is enlightening, and the 'Gossip Shop' has lively wares.

Yale Review (April, 1919) blends much contrary thought, often in forms of airy banter. One of the best examples of this is the late Randolph Bourne's 'History of a Literary Radical,' which cleverly and refreshingly sums up, not without satire, the shifts of opinion on the classics and the study of them. Articles on Henry Adams, and on the 'Chronicles of America' contain penetrative criticisms of United States method in history.

In the *Iowa Journal of History and Politics* for April appears a survey by C. R. Aurner of the movement in that State since 1857 for formal education in the principles, art, and practice of self-government. The demand for 'Civics'—that the community should be taught citizenship, including local history—is styled 'a great text for all Americans.'

The numbers of the *Revue Historique* for March-April and May-June contain a further instalment of M. Louis Halphen's weighty examination of the history of Charlemagne, in which the learned archivist studies the sources available for the history of the conquest of Saxony. In two articles M. Maurice Courant provides an interesting article of the history of Siberia during the period from the Russian colonisation in the seventeenth century, to the construction of the Trans-Siberian Railway. The 'Bulletin Historique' in the latter number is devoted to recent works on the history of the Low Countries, and that in the earlier number to Roman antiquities. Mention may be made of the publication of the first volume of M. Montauson's *Bibliographie générale des travaux paléthnologiques et archéologiques* (Leroux), which promises to be an indispensable work of reference. An appreciative review is devoted to the last work of the late M. Vidal de la Blaché on *La France de l'Est*, which will form a worthy companion to the distinguished author's contribution to *Lavisse*, and there is an estimate of the *Private Correspondence* of Earl of Granville.

The Scottish Historical Review

VOL. XVII., No. 66

JANUARY, 1920

The Causes of the Highland Emigrations of 1783-1803

THE first great period of Highland emigration ended in 1775¹ with the outbreak of the American War of Independence. Then followed a perceptible pause, not broken until the Treaty of Versailles, which formed the starting-point of a fresh movement.

The emigration proceeded, not in a steady unbroken stream, but in waves, separated from each other by intervals of comparative inactivity. It was extraordinarily active between 1786 and 1790; it slackened² again during the early years of the Wars of the Revolution, which provided a temporary alternative for the discontented, or, as one contemporary put it, 'changed the coat of those who emigrated'; while it reached a fever heat during the opening years of the new century.

The new phase differs in many respects from that which preceded the American War, most noticeably in the different social status of the bulk of the emigrants. This difference can of course be over-emphasised. Tacksmen, the instigators of the movement of the seventies, still existed in many parts of the Highlands and Islands, and some certainly emigrated after 1783 for reasons similar to those moving their fellows before 1775. So also, the independent emigration of the lower classes, the characteristic mark of the new period, had its parallels earlier in

¹ See *Scottish Historical Review* xvi, p. 280, 'The Highland Emigration of 1770.'

² *Caledonian Mercury*, March 15th, 1792. Walker, *Econ. History of the Hebrides and Highlands of Scotland*, 1808.

the century. Still, in the main, it is true to say that before 1775 the chief impulse to emigrate came from above, and the people most affected were the semi-aristocratic holders of large farms; after 1783 the impulse was from beneath, and it was the peasant class whose diminished numbers marked the force of the new movement.

As in the previous phase of emigration, it is neither easy nor possible to get precise figures. The *Old Statistical Account* mentions definitely the departure of four thousand persons between 1785 and 1793, but it also abounds in vague references to emigration from parishes for which no exact details are given. Additional data supplied by the *Caledonian Mercury* and the *Scots Magazine* of the corresponding years brings the total nearer six thousand.

For the first three years of the nineteenth century some exact figures are given by Robert Brown,¹ Sheriff Substitute of Western Inverness-shire. According to his statement, between 1801 and 1803 twenty-three ships left for America with Highland emigrants, carrying altogether five thousand, three hundred and ninety-one persons on board. Of these vessels all but one sailed from Highland or Island ports.

Brown's figures are corroborated by the engineer Telford writing in the *Scots Magazine* of May 1803, and there seems no reason to doubt their substantial reliability. Allowing then for some emigration during the early part of the war, the total number of Highland emigrants between 1782 and 1803 cannot have been less than twelve thousand, and may have considerably exceeded it.

To turn now to the causes of this upheaval, the suggestions made by contemporaries resolve themselves into attempts to explain two different things. The impulse to emigrate is the product of two factors—the desire or necessity of the emigrant to leave the home-land, and his willingness to go to the new one. The restlessness of the late eighteenth century Highlanders naturally supplies an essential condition for the movement of population, but the restlessness might, quite well, have taken other forms than that of emigration to America. There are thus two things to be explained, the causes that lay at the root of the Highland discontent and the special reasons that led to the drift of population westwards.

¹ Brown's *Strictures and Remarks on the Earl of Selkirk's Observations on the Present State of the Highlands of Scotland*, 1806.

of the last; the Arran exiles found a new home in Megantic County; while Skye, Sutherland, Ross and Argyllshire found their way to the Carolinas; and then after 1782 to various destinations in Canada, of which Pictou appears to have been the favourite. Possibly the settlement of the 82nd Highlanders at Pictou, after their disbandment in 1783, helped to turn attention in this direction.

Undoubtedly the clannish instinct was a powerful contributory force in promoting emigration, and a force which appeared to gain increased strength with the departure of each fresh batch of emigrants.

The persuasive powers of the emigration agents did a similar work for those districts which had hitherto been unaffected by contact with America. All contemporaries were agreed that their influence was enormous. The Highland Society,¹ in particular, thought it so important that it declared the most effective method of stopping emigration, would be to cut down the profits of the agents and shipping companies, by strict government regulations in the interest of the passengers; and, indeed, the condition of the emigrant ships was such that it might well be wondered why people were induced to go.

In essentials, the trade in emigrants was not new. The eighteenth century emigration agents had their seventeenth century prototypes in the captains of such notorious ships as the 'Ewe and Lamb' and the 'Speedwell.' To the seventeenth century skipper no one had come amiss; sturdy vagabonds, religious refugees, political offenders, voluntary emigrants, prisoners from the Tolbooth or unconvicted criminals, all were accepted, mingled together, and any deficiency in numbers made up by persons kidnapped for the purpose. In the eighteenth century the agent had to rely less on force and more on persuasion, but it is doubtful if the emigrants gained much by the apparent march of civilisation. Though the hardest indictment of the emigrant ships never quite reached the appalling grimness of Woodrow's picture of the New Jersey passage, the fact remains that their death-roll was a challenge even to the West African slavers of the same period.

But however horrible the ships, and however unscrupulous the agents, they are essential links in the chain of emigration. Previous emigrants might represent America as a place of refuge, but it was the agents that supplied the means of getting there.

¹ *Highland Society Transactions*, 1803.

Together, they brought emigration into the mental and physical horizon of the class which, earlier in the century, had found its only outlet in migration to Ireland, or to the manufacturing towns of Western Scotland.

But these suggested causes of emigration only explain half the truth. They explain why part of the Highland population preferred to remove to America, rather than anywhere else; they do not explain why a people so notoriously conservative and attached to their native soil should have chosen to move at all. Here we are dealing with causes of quite a different kind, some of which were very general in their operation, and some of minor importance, affecting only small areas, or special years.

Amongst the particular causes, the periodic famines stand out with special prominence. A typical example was the terrible year of dearth which occurred just at the beginning of our period, when the bad harvest of 1782 spread distress of a painful kind throughout the north and west of Scotland.

Trail, the Sheriff of Caithness and Sutherland, writing in April 1783, said that the condition of northern Scotland was lamentable, and in Ross-shire people were dying in great numbers for want of food. Macpherson of Badenoch gave similar evidence for his district. Everywhere the fields were waste, the rents were unpaid, and even substantial farmers went begging their bread.¹ During the crisis most of the greater landlords appear to have behaved with generosity, many supporting the whole of their tenantry throughout the difficult time, but the smaller proprietors were themselves too hardly hit to be able to do much to help the farmers.

The distress of 1782 and 1783 undoubtedly helped the revival of emigration. In a letter appearing in the *Caledonian Mercury* of November 29th, 1784, a Halifax correspondent described the arrival of thousands of emigrants as a result of the famine. It is true that many of these were drawn from the Lowland districts of Banff and Aberdeenshire, and do not therefore come within the scope of this enquiry, but it seems probable that the affected Highland areas also contributed their share.

Another local cause of rather a novel kind was suggested by Sheriff-Substitute Brown of Inverness-shire. Brown attributed the emigration from certain areas to a movement which took its rise along the valley of the Caledonian Canal, and ultimately

¹ *Report on Distress in Scotland presented to the House of Commons, May 1783, printed May 1846.*

formed an interesting and unusual blend of religious revival and French Revolutionary propaganda.

‘The late flame of emigration first began to be kindled along the tract of the Caledonian Canal, by certain religious itinerants who addressed the people by interpreters, and distributed numerous pamphlets, calculated, as they said, to excite a serious soul concern. The consequence was that men who could not read began to preach, and to inflame the people against their lawful pastors, whom they never had suspected of misleading them. They next adopted a notion that all who were superior to them in wealth and rank were oppressors whom they would enjoy the consolation of seeing damned. Lastly, many of them took into their heads that all labour not necessary for the support of existence was sinful. When the fumes of discontent had thus been prepared, through the medium of fanaticism, to which, it is known, the Highlanders are strongly attached; at last those levelling principles which had long been fermenting in the south made their way among them, and excited an ardent desire of going to a country where they supposed all men were equal, and fondly flattered themselves they might live without labour.’¹

This passage sheds a rather new light upon the psychology of the Highland emigrant, but there is unfortunately not sufficient evidence from other sources to enlarge upon it. Still, Brown was a contemporary, living practically on the spot he was describing, and it seems reasonable therefore to suppose that his statements were not made without some foundation.

Interesting, however, as these local causes of emigration may be, it is obvious that we must go further afield to account for the general restlessness of the Highland people during the twenty years in question.

Both then and since the three most popular explanations put forward have been rack-renting, the union of farms, and the displacement of cattle and tillage by sheep, all three being generally regarded as symptoms of the greed and tyranny of the landholding class.

Viewed more closely the three suggested causes tend to merge into each other. In the late eighteenth century it was not usual to find Highland farms being united except for the purpose of adapting them better to sheep-runs. Hence the second and third causes of emigration are hardly distinguishable. The question of

¹ Brown, *Strictures*, 1806.

the rise of rents is more complex, but is still closely associated with the introduction of sheep.

To start with, it may be granted that rents in the Highlands did rise throughout the whole of the eighteenth century. That rise can be attributed to various circumstances: to the special conditions created by the French Wars, to the substitution of commercial rents for the nominal ones hitherto paid by the tacksmen, to the abnormal competition for farms caused by the rapid growth of population, and sometimes to pure greed and stupidity on the part of the proprietors.

But in many cases it will be found that the rise in rents accompanied the introduction of sheep, and the charge of rackrenting against the landlord is simply the charge of sheep substitution put in another form, the truth being that the proprietor could get, without difficulty, rents from the sheep farmers that would certainly appear as rackrents if applied to ordinary tenants.

Telford, the engineer, said that the sheep farmer could pay with ease three times the rent normally given, and Sir George Mackenzie¹ gave an example from the Balnagown estate which bears out Telford's statement.

Three small farms were let about 1760 to nine tenants at a total rent of £9, *i.e.* £1 per head, the farms including a hundred acres of meadow, a big stretch of hill and heath, and a tract of moss and moor providing coarse pasture. As time went on the rent was gradually increased until the total for the three farms stood at £30, which some of the tenants thought so excessive that they gave up their holdings. At the time Mackenzie was writing the farms had been turned into one sheep-run, the tenant of which considered a rental of £100 as a moderate valuation of his farm.

It is true that some of the sheep farmers were unable to pay the rents they had light-heartedly offered, a fact which Mackenzie attributed to want of skill, knowledge and capital on the part of the native farmer. In any case, it was inevitable that as more land passed from cultivation into pasture the abnormal profits of the sheep farmer must decline, and he might find himself at the end of his lease quite unable to pay the rent he had willingly offered at the beginning.

In general, however, the landlord was not accused of rackrenting the sheep farmers, since it was plain that most of them prospered notwithstanding the high rents. But it may be admitted that what were fair rents to the big sheep farmers

¹ Mackenzie, *Agricultural Report of Ross and Cromarty*, 1813.

would certainly be excessive when applied to the small cattle farmer or cultivator. The outcry of the philanthropist against the rise in rents was thus in essence a protest against the proprietor revaluing his estate on a basis of sheep, instead of tillage or cattle farming.

The most common view then of the general causes producing this phase of emigration tends to resolve itself into these three propositions—that emigration was chiefly the result of the creation of sheep runs ; that the introduction of sheep was due solely to the greed of the landowner, and his callous indifference to the interests of his original tenants ; that the landlord, therefore, is to be held primarily responsible for the great exodus of population from the Highlands westwards.

To take these points in order, there certainly exists a certain amount of evidence pointing to sheep farming as the cause of emigration. The following contemporary writers all give some support to this view : Sir John Sinclair,¹ James Anderson,² the Rev. Mr. Singers,³ Sir George Mackenzie,⁴ Telford,⁵ Captain Henderson,⁶ as well as several ministers in the *Old Statistical Account*. The value of these particular authorities lies chiefly in the fact that most of them were not unfriendly disposed towards the landowners, while both Sinclair and Mackenzie were supporters of the introduction of sheep, and hence not likely to prejudice their case by exaggerating its effects upon depopulation. Further, it must be added that some of the authors were speaking from first-hand knowledge ; the minister of Loch Broom was drawing his conclusions from his own parish ; while Captain Henderson gave from his experience two authenticated cases in 1806 of small tenants evicted to make way for sheep, one in Strathnaver and one in Edderachylis.

Admittedly, then, some emigration must have resulted from the introduction of sheep, but the extent of such emigration is an extremely debateable point. The majority of the writers who favoured sheep farming as the sole, or even the main cause of

¹ Sir John Sinclair, *General View of Agriculture of the Northern Counties and Islands of Scotland*, 1795.

² James Anderson, LL.D., *Present State of the Hebrides and West Coasts of Scotland*, 1785.

³ Singers, *Highland Society Transactions*, vol. iii. 1807.

⁴ Mackenzie, *Agricultural Report of Ross and Cromarty*, 1813.

⁵ Telford, *Scots Magazine*, May, 1803.

⁶ Henderson, *Agricultural Report of Sutherland*, 1812.

emigration based their case, not on definite examples, but on general principles.

Sheep-farming, they argued, compelled the enlargement of farms, and must therefore have led to the eviction of small tenants. Sheep-farming raised rents, and the small farmers who were unable to pay must have been weeded out. Sheep-farming required less labour than cattle or tillage, and by diminishing employment must have caused depopulation. Finally, sheep were introduced in large numbers into the Highlands during the eighteenth century, and simultaneously emigration from the Highlands took place on a large scale, hence the one must have been the cause of the other.

There is a certain amount of truth at the back of all these assertions, but the case for the causal connection of sheep and emigration is far from complete, and there were not wanting writers even in the eighteenth century to show flaws in the arguments. They also in many cases, like the minister of Kilninver and Kilmelfort, were writing from direct observation of the effects of sheep introduction in their own parishes. The opponents of the sheep-farming thesis were far from being agreed in matters of detail, but collectively they produced the following counter-assertions.

They denied that sheep-farming, in most cases, displaced cultivation or even cattle-farming, much of the land brought under sheep having hitherto been entirely waste. They denied that such displacement, where it did take place, necessarily produced emigration. They denied that cattle-farming, as practised in the Highlands, gave much more genuine employment than sheep-farming. Finally, they suggested alternative causes for the emigration of the period.

Some of the facts offered in support of these statements are worth giving in detail.

As against the depopulation theory there was the argument from statistics. The *Farmers' Magazine* of 1800, basing its figures on Webster and the *Old Statistical Account*, stated that in 1755 the population of Argyllshire, Inverness-shire, and Ross-shire was 170,440; by the *Old Statistical Account* (1792-8) it was 200,226, a substantial increase for an area in which there were no expanding towns of any size, and in which sheep-farming was developing rapidly.

Secondly, there is the significant fact that Argyllshire, which took strongly to sheep-farming, provided comparatively few of

the late eighteenth century emigrants, while the Hebrides, which were much less affected by sheep-farming, provided many.

Again, a writer in the *Caledonian Mercury*, of December 1781, pointed out that at the last tryst at Falkirk the number of black cattle presented exceeded all previous records, despite the fact that they were drawn from districts into which sheep had been largely introduced. His statement is borne out by the *Agricultural Report of Perthshire*, 1799, and the conclusion seems reasonable that the sheep were an addition to and not a substitute for the original stock. The following passage from Duncan Forbes might be quoted in the same connection :

‘Of this large tract of land [from Perth to Inverness] no part is in any degree cultivated, except some spots here and there in Straths and Glens, by the sides of Rivers, brooks, or lakes, and on the Sea Coast and Western Islands. The grounds that are cultivated yield small quantities of mean Corns, not sufficient to feed the inhabitants, who depend for their nourishment on milk, butter, cheese, etc., the product of their Cattle. Their constant residence during the harvest, winter and spring is at their small farms, in houses made of turf; the roof, which is thatched, supported by timber. In the summer season they drive their flocks and herds many miles higher among the mountains, where they have long ranges of coarse pasture. The whole family follow the Cattle; the men to guard them, and to prevent their straying; the women to milk them and to look after the butter and cheese, etc. The places in which they reside when thus employed they call shielings, and their habitations are the most miserable huts that ever were seen.’¹

Apparently it was possible to introduce sheep to some extent without disturbing anything but the summer pastures, and such a disturbance was not entirely a matter for regret, since the existence of these pastures generally tempted the Highland farmer to overstock his farm, with disastrous results during the winter months.²

So far then, sheep-farming did fill a blank in Highland estate economy, and involved no necessary displacement of population. This, however, was not invariably the case. The high rents offered by the sheep farmers were a strong temptation to the landlord to turn into sheep walks not only the vacant high

¹ Culloden Papers, *Thoughts Concerning the State of the Highlands of Scotland*, by Duncan Forbes, probably 1746.

² O.S.A. *Kilniver and Kilmelfort*.

ground, but also the occupied and partly cultivated lower slopes, and in any case the sheep-farmer needed some low ground for crops and enclosures. Displacement of population in these cases undoubtedly took place, but it must be noted that the displacement did not necessarily lead to emigration, or even to migration to a distance.

Captain Henderson, for example, admits that the tenants evicted from Strathnaver and Edderachylis were given the option of taking farms on lower ground nearer the sea, though most of them refused the offer, and preferred to emigrate. So also the minister of Criech in Sutherland (O.S.A.), in describing the farms being conjoined and turned into sheep walks, added the information that the evicted tenants were simply transferred from one part of the parish to the other. A similar case was that of Alness in Ross-shire. In that parish so many farms had been united to make sheep runs that riots had occurred, and public attention had been excited; yet the minister makes it clear that here also the evicted tenants had been offered other farms, either on the same estate, or on neighbouring properties.

The general conclusion we draw from the evidence on both sides is that sheep-farming did displace population; and hence did cause a certain amount of emigration, but that the extent of the displacement has been exaggerated, and where emigration occurred it was not inevitable, but was largely the result of the inability or unwillingness of the native farmer to adapt himself to the new conditions.

These facts also form a partial answer to the second proposition, that the introduction of sheep was evidence of the callous and selfish attitude of the Highland landlord towards his tenants. That the self-interest of the proprietors was the chief motive power in the change seems undeniable, but it must be remembered that the temptation to convert the Highlands into sheep runs was extraordinarily strong. The superiority of the rents offered has been already noted. As Knox said:

‘It need be no matter for surprise if gentlemen should embrace the tempting offers from sheep-farmers. One man will occupy the land that *starved* fifty or more families; he gives a double or treble rent, and is punctual to the day of payment.’¹

We have emphasized the word ‘starved’ since it calls attention to a point continually touched upon by all eighteenth century travellers through the Highlands. All were agreed that the

¹ Knox, *Tour through the Highlands*, 1786.

climate was entirely unsuited to tillage, especially in cases where the farmer was too poor to tide over the effects of several disastrous seasons in succession. The frequency of the bad years was for ever threatening ruin both to the farmer and the owner, and there seemed no hope of betterment while they continued to place their dependence upon grain crops. This fact had been brought prominently before the eyes of the landlords by the great famine of 1782. One estate then dropped no less than £4000 in arrears of rent, and it was typical of many. No proprietor could reasonably be expected to view this state of things with enthusiasm or even with acquiescence. The Highland landlord was in general neither more brutal nor more disinterested than the rest of mankind, and he lived in days before the social and ethical problems involved in private landownership had become matters of common discussion. He saw, or could see if he were sufficiently intelligent, that the existing system brought neither profit to himself nor prosperity to his tenants.¹ The alternative had its painful side, though emigration seems on the whole a lesser evil than hopeless poverty, but at all events it offered certain tangible benefits to the owner, to the farmer and to the community.

The landlord got higher rents and more security for their payment. The new type of tenant could pay the increased rent and yet enjoy a prosperity unknown to his predecessors.² The community gained by the development of natural resources hitherto untouched, and by the increase of its food supply at a time when the latter was urgently necessary.³ It seems scarcely fair to charge the proprietors with abnormal greed

¹ 'But indolence was almost the only comfort which they enjoyed. There was scarcely any variety of wretchedness with which they were not obliged to struggle, or rather to which they were not obliged to submit. They often felt what it was to want food; the scanty crops which they raised were consumed by their cattle in winter and in spring; for a great part of the year they lived wholly on milk, and even that in the end of spring and the beginning of winter was very scarce' (*O.S.A. Lochgoilhead and Kilmorich*).

² 'A farmer can pasture a large extent of inaccessible grass, not safe for black cattle; that he can maintain a stock, with less danger of heavy losses by famine in winter and spring; and that sheep as a stock are managed at less expense and are more marketable than any other' (Rev. Mr. Singers, *Transactions of Highland Society*, vol. iii. 1807).

³ 'The produce of this parish since sheep have become the principal commodity is at least double the intrinsic value of what it was formerly, so that half the number of hands produce more than double the quantity of provisions for the support of our large towns' (*O.S.A. Lochgoilhead and Kilmorich*).

because they yielded to these arguments. No doubt the first weighed most heavily with most of them, but the most advanced opinion of their own day was with them.

Men like Sir John Sinclair who were eager advocates of sheep-farming may have been entirely wrong in their opinions; they were certainly partly influenced by economic theories which can no longer be accepted as absolute. Yet they stood for public spirit and enlightenment in their own time, and their freedom from purely personal and sordid considerations was above dispute. It is not unreasonable then to suppose that other motives mingled with self-interest in the promotion of sheep-farming, and we have already given evidence to show that many landlords made an honest effort, as in the cases of Creich and Alness, to prevent the inevitable hardships of the transition period from falling too heavily upon their original tenants.

Some proprietors there were who went further, and in spite of all inducements refused to introduce sheep walks, deliberately sacrificing their own interests and the economic development of their estates to the immediate needs of their tenants.¹ It was an action which compels admiration, but it also brings us to the answer to the third proposition, and, in fact, to the crux of the whole question. Suppose all Highland landowners had followed the example of these self-sacrificing Hebridean gentlemen, would the tide of late eighteenth century emigration have been held back, and would the tenants have received any permanent advantage from this self-denial?

Our answer to both questions is no.

The real cause of Highland distress and Highland emigration in the late eighteenth century is to be found in circumstances which the landlord did not create, and which were entirely apart from the introduction of sheep. Briefly, the Highland population was over-running its resources, and, unless positive preventive measures were taken, emigration or migration on a fairly large scale was inevitable.

No one, of course, can lay down an arbitrary limit to the number of persons the Highlands were capable of supporting. Had all the resources of civilisation, even eighteenth century civilisation, been applied to the problem no doubt the limit might have been considerably extended. But the fact remains that as things were, a large and increasing number of the Highland

¹ Anderson, *Present State of the Highlands*, 1785; MacDonald, *Agricultural Report of the Hebrides*, 1811; O.S.A. *Ardochattan and Muckairn*.

inhabitants were superfluous, that is, there was not enough work for them to do, nor enough food for them to eat.

To come to the evidence, there are, in the first place, the rather remarkable population figures supplied by Sinclair's *Analysis of the Statistical Account*, 1825, and by MacDonald's *Agricultural Report of the Hebrides*, 1811 :

| | | POPULATION. | |
|--------------------|---|------------------|------------------|
| | | <i>Cir.</i> 1755 | <i>Cir.</i> 1795 |
| Sutherlandshire, - | - | 20,774 | 22,961 |
| Inverness-shire, - | - | 64,656 | 73,979 |
| Argyllshire, - | - | 63,291 | 76,101 |

The Hebridean figures are more sensational :

| | | CHURCH RECORD. | |
|-------------------------------|--|----------------|--------|
| | | 1750 | 1808-9 |
| Total population of Hebrides, | | 49,485 | 91,049 |

The particular parishes show this remarkable increase in detail :

| | | 1750 | 1808-9 |
|-------------------|---|-------|--------|
| Coll and Tiree, - | - | 2,704 | 4,390 |
| N. Uist, - | - | 1,836 | 4,012 |
| S. Uist, - | - | 1,958 | 5,500 |
| Duirinish, - | - | 2,685 | 4,100 |
| Gigha, - | - | 463 | 850 |
| Harris, - | - | 1,993 | 3,420 |
| Kilfinichen, - | - | 1,616 | 3,500 |

These figures are sufficiently striking by themselves ; they are more so when we remember that they leave out of account the remarkable emigrations of our own period which removed part of the surplus. Keeping in mind what the Hebrides were like, their natural limits under the best of cultivation and their want of all expanding manufactures, it seems impossible to avoid the conclusion that the greater part of the increase must have been nothing but a dead weight upon the scanty resources of the islands, and a means of lowering the general standard of living of all the inhabitants.

The problem of unemployment is of course one which necessarily arises in any rural area where land is the sole or almost the sole means of support. The aggravated character which it assumes in the Highlands, and especially in the Hebrides, is due partly to the temperamental peculiarities of the Highlander, and partly to the geographical isolation in which he lived.

In the Lowlands, a person who found himself without work moved off to the town to look for it, and the problem, therefore, never developed to an extent that attracted public attention. In the Highlands the people were to start with more prolific; the tie of kinship was sufficiently strong to allow an able-bodied man to live for some time on the charity of others, without any feeling of shame;¹ while his attachment to the soil, and his remoteness from the manufacturing areas, increased the moral effort required of the Highlander who would leave his home in search of work. Some did make the effort, but it is obvious from the population figures that many did not, or at least not until things had come to such a pass that only emigration in numbers would relieve the situation.

Most eighteenth century writers were agreed that the rapid increase of population in the Highlands was a comparatively new phenomenon, not dating back much before the opening of their own century. The time of its appearance is not difficult to explain; the removal, or partial disappearance, of such checks to population as private war and the small-pox scourge did so much; the introduction of the potato, and the natural fecundity of the Highlander did the rest.

One of the earliest allusions to it comes in Martin's *Western Islands*, published in 1703.² He describes the population as having the utmost difficulty in subsisting, though then it only numbered some forty thousand as against MacDonald's ninety-one.

By 1747 the *Scots Magazine* was appealing vigorously for the establishment of manufactures in the Highlands that would give work to the unoccupied inhabitants, while twenty years later Pennant,³ who was never a sympathiser with the landlords, found himself unable to refrain from commenting upon the abnormal number of idle able-bodied adults to be found in many Highland households.

References of this kind multiply as the problem itself becomes more acute.

'There is no doubt,' wrote Anderson, 'that one-tenth part of the present inhabitants (of the Highlands) would be sufficient to perform all the operations there, were their industry properly exerted.'⁴

¹ MacDonald's *Agricultural Report of Hebrides*, 1811.

² Martin, *History of the Western Islands*, 1703.

³ Pennant, *Tour in Scotland*. Pt. I., 1772.

⁴ Anderson, 1785.

An article appearing in the *Caledonian Mercury* of October 21st, 1791, for the purpose of *denouncing* those responsible for the emigrations, included the sentence, 'It must at the same time be admitted that with the best management pasturage and agriculture alone can never find subsistence for Highland fecundity.'

In the *Old Statistical Account* the ministers of Lochgoilhead and Kilmorich, of Glenelg, of Duirinish, of Bracadale, of Lochalsh, of Jura and Colonsay, of Tiry, and of Kilniver and Kilmelfort, all testify to the growth of their parishioners beyond the resources of their parishes.

To quote at random from their accounts: 'Emigrations to America have proved once and again a drain to this island, but in the present mode of management it may be said to be still overstocked with inhabitants' (Jura and Colonsay); 'they must go somewhere for relief unless manufactures be introduced to employ them' (Tiry).

'A principal cause of this emigration was that the country was overstocked with people, arising from frequent early marriages; of course, the lands were able to supply them but scantily with the necessaries of life.' (Small Isles.)

'The inhabitants are now become so crowded that some relief of this sort [emigration] in one shape or another seems absolutely necessary.' (Lismore and Appin.)

These quotations seem to make the connection of the redundancy of population with emigration fairly evident, but we might add two more, the one from Mr. Kemp, who, after a prolonged tour through the Highlands, drew up a careful analysis of the causes of emigration for the *Scots Magazine* of 1792; the other written ten years later by the Minister of Rannoch, also as the results of personal observation.

Kemp concluded as follows:

'An attentive and general observation of the present state of the Highlands and Islands, it is imagined, will warrant the assertion that the great and most universally operating cause of emigration is that, in comparison with the means of subsistence which they afford, these countries are greatly overstocked with inhabitants.'¹

The same general idea was expressed by Irvine of Rannoch in 1803 with rather more forcibleness.

'In some valleys the population is so excessive that it is a question with many discerning people how the one half of the

¹ Kemp, *Tour to the Highlands* (S.P.C.K.); *Scots Magazine*, Feb. 1792.

inhabitants could subsist though they should have the land for nothing. Those who would be tenants are so numerous, and the land fit for cultivation so scanty, that all cannot be satisfied. The disappointed person, feeling himself injured, condemns the landlord and seeks a happy relief in America.’¹

The cumulative effect of this evidence seems fairly obvious. The late eighteenth century emigration was not primarily due to any changes in Highland estate economy. The introduction of sheep, and the other factors already mentioned, no doubt helped to bring matters to a head, but even had there been no change from cattle and tillage to sheep, emigration must still have taken place, and taken place on a large scale.²

It is possible, of course, to argue, as many have done, that the landlords ought to have been able to think of preventive measures that would have held back the tide. In point of fact many did make an effort, and some, as MacDonald testified, sacrificed a considerable amount of rent in their attempts to cope with the problem. But the generous feeling which allowed tenants to partition their little farms to provide for their families, until the sub-divisions became so small that the holder could neither live on his produce nor pay any rent, could only end by aggravating the situation.

If it is essential to bring a charge against the average eighteenth century landlord for what he did or left undone in connection with this phase of emigration, it can mostly be resolved into the admission that he possessed neither the capital nor the brains to solve a problem which, in a rather different form, is still perplexing the statesmen of the twentieth century.

MARGARET I. ADAM.

¹ Alex. Irvine, Minister of Rannoch, *Scots Magazine*, Feb. 1803.

² ‘Every candid observer of things will admit that from the Highlands, even under the old system, emigration must have taken place to a certain extent, unless the growing population had been reduced by worse causes than the one complained of—by the sword, the small-pox, or other destructive maladies.’—*Highland Society Transactions*, 1807.

Old Edinburgh

TWO books have recently been published dealing with the history of the Scottish capital.¹ One is the history of the Burgh Muir, compiled from the Records by Dr. Moir Bryce, and it is a pathetic circumstance that the learned author lived only just long enough to see the publication of his book, but not long enough to be able to appreciate the welcome which it received. The other volume is the outcome of that interesting exhibition of old maps of Edinburgh, which was held under the auspices of the Royal Scottish Geographical Society at Edinburgh in the summer of 1919. To all lovers of Edinburgh and students of its ancient history these maps will shed an illuminating light on obscure questions of locality.

Mr Moir Bryce's book is, as might be expected from the author, a very thorough piece of work from the archivist's point of view. In it we can trace the succession in the various lands which were included in the Burgh Muir, and in those properties which, though within its boundaries, were yet in a sense outside of it. The whole book is really concerned with the progress of titles, and these are detailed with meticulous care. The entire area under discussion is clearly displayed in a map setting forth the boundaries of the Muir and the sites of the different places mentioned in relation to the streets and buildings of to-day. If any exception can be taken to it, it is that the limits both of the Muir itself and the separate properties within it are all indicated by red lines; it would have been preferable if some other colours had been used to show the extent of the lands lying within the Muir, such as Bruntsfield, Whitehouse and the Grange of

¹ *The Book of the Old Edinburgh Club for the years 1917 and 1918*, vol. x.: the Burgh Muir of Edinburgh from the Record. By William Moir Bryce, LL.D., President of the Club. Pp. xiv, 278, 37. With 4 Plans and 3 Illustrations. 4to. Edinburgh, printed for the Old Edinburgh Club, 1918 (issued 1919). *The Origin and Growth of the City of Edinburgh, and the History of its Cartography*, with 11 Maps and 21 Illustrations. Royal 8vo. Edinburgh: The Royal Scottish Geographical Society, 1919.

St. Giles. These did not form part of the great gift of David I. to the city of Edinburgh, which is believed to have been made in the twelfth century.

The Grange of St. Giles was not indeed in King David's power to grant, as it had in all probability been assigned by his predecessor Alexander I. to his new church of St. Giles, which he seems to have founded about 1120. But by 1151 the lands of the Grange had come into possession of the monks of Holm Cultram, a Cistercian convent in Northumberland, founded by David's eldest son Henry, Earl of Northumberland. These English monks, however, fell out of favour, and in David II.'s time were turned out of their possessions, and the lands were annexed by the Crown, and ultimately formed part of the lands belonging to the Principality of Scotland. In 1390 Andrew Wardlaw had a charter of Grange on a blench holding, the reddendo being a pair of gloves delivered annually in the Church of St. Giles. It is interesting to note that the pair of gloves has been commuted for a sum of five shillings, which is now payable by the proprietors of the Grange Cemetery, a most inadequate equivalent in these days.

The Wardlaws held the lands till 1506, and then it went to a family of Cant, and in 1632 to Sir William Dick, Provost of Edinburgh, whose tragic story is well known, and has been related in detail by the author of *The Grange of St. Giles* and other writers. The daughter of the last Dick laird of the Grange married Sir Andrew Lauder, the fifth Baronet of Fountainhall, and in their descendants, the Dick Lauders, the property still remains.

The lands of Bruntsfield were originally an appanage of an official called the King's Sergeant. In 1381, one Richard Browne, in whom the office was both heritable and hereditary, parted with it and the lands to the Lauders, the progenitors of the Lauders of Hatton, but the property continued to be called by the name Brounesfield or Bruntsfield. In 1603 Sir Alexander Lauder sold the place to John Fairlie, a burghess of Edinburgh, who added to the mansion-house, where his initials and those of his wife, Elizabeth Weston, may still be seen over the windows. In 1695 Bruntsfield was purchased from the Fairlies by George Warrender, afterwards Lord Provost of Edinburgh, in the possession of whose family it still is. In connection with this Mr. Moir Bryce deserves credit for exploding, once and for all, the extraordinary story related by Grant, in his *Old and New Edinburgh*, that

Warrender, probably from his civic influence, 'got it as a free gift from the magistrates.'

Coming to the Muir proper, there is good reason for supposing that it was gifted to the Burgh by David I., and that the forest of Drumselch, which then covered it, lost its distinction as a royal hunting place. One of the most interesting traditions connected with the locality is the terms by which the lairds of Penicuik held, and still hold, these lands. This was to blow three blasts of a horn on the common muir of Edinburgh; where these blasts were blown is somewhat doubtful; it may have been at the Buckstane on the Old Braid Road, but as this is outside the limits of the Muir, our author thinks it more likely to have been at the Harestane, now placed in the wall close to Morningside Church, and called the Borestone from a tradition that the King's standard was placed on it when his army assembled for the march which ended at Flodden. But this story is, as Mr. Moir Bryce clearly shows, without foundation.

What historic scenes the old Muir has witnessed. It heard the tramp of the serried ranks of the army of Edward I. as it swept onwards towards victory at Falkirk. It saw a Scottish triumph in 1335, when the Earl of Moray and the Earl of March defeated the foreign mercenaries under Guy, Comte de Namur. Half a century later a Scottish army of thirty thousand horsemen assembled on the Muir preparatory to a raid into England, and a century after that James III. headed a large army which started from the same place for a similar purpose; but it did not get further than Lauder, where an insurrection among the nobles resulted in the disbandment of the army and the hanging of the ill-fated favourites of the King over the bridge. But brighter and gayer scenes than the mere panoply of armed men were enacted on the Muir. Under the umbrageous shelter which its trees afforded, rode the girl Princess Margaret Tudor when, surrounded by a glittering escort, she came to Edinburgh as the bride of James IV., and her reception was worthy of her suitor. Little did the young Princess think that the last time her gallant husband would set foot on the Burgh Muir would be at the head of his army as they set forward to the fatal field of Flodden.

With Flodden much of the romance associated with the Muir disappears. In 1508 the King had granted a feu charter of it to the Magistrates of Edinburgh, and had given them jurisdiction over it. This, no doubt, was felt to be necessary in view of the many rogues and vagabonds who found shelter amidst its leafy

glades. We can hardly blame the municipality for neglecting the chance of securing for the burgh such an admirable place of recreation for the inhabitants. Such ideas had not permeated the minds of sixteenth century councillors. Far from preserving the Muir in all the glory of its magnificent foliage, the first thing they did was to begin to cut down the trees to such an extent that there was a very glut of wood in the Edinburgh market. It could not, indeed, be used in an ordinary way, so we are told by a local historian that the magistrates gave leave to the burgesses to build wooden fronts to their stone houses in the High Street, with a projection of seven feet, so that the width of that highway was reduced fourteen feet. They also excavated parts of the ground in search of sandstone for building material. And the cutting up of the Muir into small feus, on which were 'dwelling-houses, malt-barns, and cow-hills,' tended to obliterate any former picturesqueness it may have possessed.

But one or two ancient features survived the passing of the Muir into comparative modernity. In 1513 Sir John Crauford, a prebendary of St. Giles and one of the earliest of the town's feuars, erected on the west side of what is now Causewayside a little chapel dedicated to St. John the Baptist. It was served by himself, and he presented to it a breviary according to the Sarum use, a book which is now one of the most treasured possessions of the University Library. He also appointed a hermit who was to live at the chapel, keep it clean, and generally to assist the chaplain in the services. He was to be vested in a white robe with a picture of the head of St. John the Baptist on his breast, and to have an acre of land with a house for his support. But this foundation did not last long; within four or five years the chapel was acquired by certain Dominican Sisters as an adjunct of a nunnery of the Order, which was erected not far off on the grounds of the Grange. Here the Sisters lived in peace but in strict seclusion till they were temporarily dispossessed by the damage done to the convent during the invasion of Hertford. Shortly after, however, they were back again, and continued their placid and uneventful life till the great storm burst upon them in 1559. At the time of the Reformation there were only eighteen of them, 'the maist part thereof aigit and decrepit.' It must have been a sad breaking up for them, but they were warned in time, and were able to fly before any personal harm could reach them. They faded away into obscurity, and the last of them, Sister Beatrix Blacater, seems to have died in 1580. The further

history of their lands is traced in minute detail, and it is curious to note that part of them is now held by the Church of Scotland.

One other ecclesiastical edifice on the Burgh Muir deserves notice. The little chapel of St. Roque was erected by the Town Council in a remote but beautiful part of the Muir sometime in the early years of the sixteenth century for the benefit of the sufferers from 'the pest' who were segregated outside the city walls. It has not much of a history, and the Reformation brought destruction upon it, though its ruined walls were still standing in Grose's time, who sketched them in 1788. He says that about thirty years before, some men who had been employed to pull down the walls were killed by the collapse of a scaffold, and that since then no workmen could be induced to continue its demolition. It was not until the beginning of the nineteenth century that 'the whole of this interesting and venerable ruin was swept away as an unsightly encumbrance to the estate of a retired tradesman.' The adjoining lands now go by the name of Canaan, and it is thought that that and other scriptural names in the district may have been introduced by Puritan or Covenanter, but Little Egypt, also in the vicinity, appears so early as 1585.

The Western and Eastern Muirs are next discussed, but they need not detain us. The chapter on 'The Fellowship and Society of Ale and Beer Brewers of the Burgh of Edinburgh,' however, is worthy of special note. It was established by charter from the Town Council in 1598, and was the first commercial public company to be incorporated in Scotland. The Brewers were granted extensive privileges over the Burgh Loch, now represented by the Meadows, from which they drew their main supply of water for brewing, Bruntsfield Links and part of the South Muir. Disputes, however, soon arose between the Society and the Magistrates, and in 1619 it was dissolved. But it had done some good work in the way of draining the Meadows and other undertakings, so that the City magnates felt justified in paying over to it the not inconsiderable sum of upwards of £26,000 Scots. Its memory still lingers in the name of 'Society,' a part of the town which was the scene of its principal operations, but which, we are told, is now 'a sad, unsavoury slum.'

Enough has been said to show how replete with interest this volume is. It is an *edition définitive*, and must be the last word on its special subject. It is, too, the work of a great local antiquary, and has been written with loving care. If it errs in

anything it is in superabundance of detail, and some of the matter which is more or less irrelevant to the actual history might without great loss have been omitted.

The other book to which attention has been directed is a very different one. Instead of an intensive study of a small portion of the liberties of Edinburgh, it takes cognisance of the whole city through all its known life. To those interested in maps and town planning this slim volume, which owes its origin to the public spirit of the Royal Scottish Geographical Society, will be more than welcome. Both articles and maps are full of suggestion. We have, in the first place, a characteristic paper dealing with a survey of Edinburgh and the civic eugenics connected therewith, from the capable pen of Professor Patrick Geddes. It is not always quite easy reading, but what Professor Geddes does not know about town planning is not worth knowing, and if he had been our municipal aedile when greater Edinburgh was beginning to expand we would have been spared many of the atrocities which now offend our eye and taste. For one thing, we should not have had the railway brought through the most beautiful part of the town, and it is certain that we should not have had that accumulation of rubbish called 'The Mound' tilted into one of the most beautiful valleys in Scotland. A true lover of his native town, the late Lord Justice Clerk Macdonald once called up to the eye of the writer the unparalleled chance we had, ere the railways and Mound came into existence, of having a great drive, fringed with umbrageous trees, beginning at the west end of Princes Street, passing below the hoary Castle rock, along the margin of a purified and ornamented Nor' Loch, and ending at Holyrood with its majestic background of Arthur's Seat. But it is useless to cry over spilt milk, and we must adapt ourselves to conditions as we now find them.

But Professor Geddes is not merely aesthetic, he is quite utilitarian as well. He does not wish Edinburgh to be merely a city of lawyers and parsons, doctors and professors. Much industrial development may be carried out without doing any real damage to the residential and academic aspects of the town, if only it is gone about in a proper way. What that way is Professor Geddes expounds in some detail, and, whether we agree with him or not, we are bound to get some practical good from his lofty ideals. We sincerely hope he is right in believing 'that the municipal policy and the civic statesmanship of Edinburgh may increasingly rise beyond such present promise as that of concealment under

tramway wires and adornment by their poles : and even beyond its suburban industrial developments.'

'Primitive Edinburgh' is the subject of an able paper by Captain F. C. Mears, who deals with the very beginning of the city and with times even before that. He discusses minutely the topography of the district and the system of roads or tracks in relation to the contours of the country. While there are many evidences of elaborate ancient earth works on the south-eastern slopes of Arthur's Seat and even on the south side of the Old Town ridge, the author does not think that there is any indication of a large peaceful settlement close to the fort (which is undoubtedly more ancient) before the twelfth century. This is a later date than most historians give it, and it is hardly likely that King Malcolm III. brought his wife, the saintly Margaret, to live in a primitive fortress in the midst of a lonely waste. Even as a matter of getting protection through the vicinity of the castle, it is more probable that the eastern spine was at all events to some extent peopled in Queen Margaret's day.

It is not, however, the articles, important and interesting though they be, contributed to this special number of the Geographical Society's magazine that will make the principal appeal to most readers. It is rather the wonderful series of maps dealing with the town that will form the chief attraction. The earliest authentic representation of Edinburgh is believed to be from the pencil of an officer attached to Hertford's army in his invasion of 1544. In the foreground we see three bodies of troops marching up the northern slopes of the Calton Hill bearing amongst them eight standards, while two other bodies are drawn up as supports in the rear. In the middle distance three regiments are seen advancing to the Watergate at the foot of the Canongate, near Holyrood. The city itself is clearly represented with the spacious High Street, stretching from the Castle to the Nether Port, which is shown as an imposing gateway flanked by two towers. Beyond this lies the Canongate, with its semi-rural houses and gardens on each side. To the south, parallel with the High Street, is the Cowgate ; a church on the east with a pointed steeple may be that of the Dominicans or Blackfriars, while a large building on the sky-line may be either the Kirk o' Field or the monastery of the Greyfriars. The contours of Arthur's Seat and Salisbury Crags are unmistakable ; we can see St. Anthony's Chapel nestling on the slopes of the former, overlooking the palace and abbey of Holyrood. Justice is hardly done to the Castle, which is repre-

sented as a rather slim fortress perched on the extreme east end of the rock, but to make up for that an enormous cannon is placed in front of the gate ready to rake the High Street from end to end, which, as a matter of fact, it did. In the original map all the houses within the walls have red or tiled roofs, while those in the Canongate have a covering of dark grey, probably indicating that they were thatched. This is a very valuable map, and it is not for a century after that we get anything like such a faithful delineation of the town. The one next in order to that of Hertford's officer was 'made in Germany,' and appeared in Münster's *Cosmographia*, dated 1550. It may have been drawn from a description, but it is difficult to believe that it is anything else than a creation of the artist's brain. No indication of any street is given, and the whole town is covered with spires and towers, the names of some of which are noted. But we cannot put faith in a map which places St. Giles immediately to the north of the Castle, with St. Cuthbert's close beside it. The fairly well-known picture of the murder of Darnley can hardly be called a map, but it has been included on the ground that while its topography is far from accurate it shows the general style of houses of the period with their crow-stepped gables and occasionally outside stairs. The next map is really an attempt to give a bird's-eye view of the town with its streets and houses in detail; it is from Holinshed's *Chronicle*, and is believed to represent the siege of the Castle when held for Queen Mary by Sir William Kirkcaldy of Grange in 1573. It is certainly full of incidents and entertainment. One thing only can be mentioned here: in the middle of the High Street, at the Tron, we see an immense pair of scales into which two men are preparing to put some goods with the utmost nonchalance, notwithstanding that the streets are full of armed men and that they themselves are in the direct line of fire from the Castle. This map is evidently the source from which the next two are taken, one from the Dutch *Civitates Orbis Terrarum* and the other from an unknown German source. The former was published about 1580, and it is not till nearly seventy years after that that we get the first satisfactory perspective views of Edinburgh, those of Gordon of Rothiemay drawn in 1647. They consist of two sketches of the town, one from the north and another from the south, showing the line of the street running from the Castle to Holyrood. The scale is so small that much detail cannot be made out, but we see all the steeples towering at disproportionate height above the

roofs of the houses. Another view from the south by Holler, published in 1670 but probably executed a good deal earlier, is much superior, and we can clearly see the façade of Holyrood and its courtyard and the fine large gardens of the Canongate houses sloping down to the valley. A picture of Edinburgh published in Paris in the eighteenth century is about as fanciful as the one produced two hundred years earlier, and as valueless as regards any information which may be got from it.

From these tentative representations of Edinburgh we arrive at last on a really good bird's-eye view of the town, drawn by Gordon of Rothiemay in 1647, and engraved in Holland by De Wit; it has been thrice reproduced since. The scale is sufficiently large to give plenty of detail, and it is interesting to note that, crowded though the town undoubtedly was, there are still many spacious pieces of ground unbuilt on. There are some delightful gardens in the middle of a cluster of houses to the east of the West Bow, and the Parliament House stands very free in a large courtyard. The fronts of the long row of houses on the north side of the High Street show their crow-stepped gables fronting the street and breaking the skyline in a most effective manner; how public taste ever came to change so much as to transform this simple and picturesque style into the hideous straight-lined monotony of the present day is difficult to understand. Occasionally, too, it seems as if the ground flats of the houses were arcaded, which would add to the variety and charm of the scene.

Two maps, or rather two editions of the same map, were published by Edgar, one in 1742 and the other in 1765. Little change is observed during that period, but by the latter year the project of extending the town to the north was 'in the air.' In the next map, that of Ainslie in 1780, we find not only George's Square, Brown Square, and Argyle Square to the south, then all quite new acquisitions to the town, but we have the North Bridge, the Register House, and practically all the new town from Princes Street to Queen Street, and from St. Andrews Square to its sister square at the other end of George Street, which was to be called St. George's Square, either built or in the process of building. But too much faith cannot be put in this map as indicating the actual completion of the buildings and streets shown. The Register House was begun in 1774, but it was not until 1789 that the national archives were deposited in it. The American War interfered much with the progress of building at this time.

Part of another map of Ainslie's, of date 1804, deals with the Leith Walk portion of the town. Fine streets which still remain show that it was originally the intention to make the east end into a good residential locality, but Edinburgh ultimately succumbed to the inevitable tendency of most towns to extend to the west. Ainslie, therefore, must not be trusted in his lay-out of this part of the town, *e.g.*, the fine elm tree avenue which stretched from Pilrig House to Leith Walk, and which many yet alive can remember, is not indicated, and in its place is Balfour Street, which did not come to be built for two generations later. It is curious to note the names of several small streets running across Pilrig Street. They were to have been named St. Cuthbert Street, probably because the lands of Pilrig were in that parish, Whyte Street and Melville Street, evidently after the laird's wife, who was a Whyte-Melville of Strathkinness. Even in Lothian's map of 1825 these hypothetical names are still retained. But all these merry misleadings of the cartographer can be checked by the ingenuous reader himself if he will turn to Dr. Bartholomew's excellent chronological map prefixed to the volume, where he will find not only an exact survey of the City but a clear scheme in colour showing the date at which each part of the town was built, and also, in the case of most of the streets, the exact dates at which they were erected.

To all who like maps, to all who love Edinburgh, to the historian, the antiquary, and the practical town-planner, this interesting production of the Geographical Society can be cordially recommended.

JAMES BALFOUR PAUL.

Scottish Middle Templars

1604-1869

ALTHOUGH the history of the four Inns of Court does not show any special relation with Scotland, as there was with Ireland,¹ the list of Scotsmen admitted to the Middle Temple is of interest. The record of admissions to the Inn begins early in the sixteenth century, but it is not until 1604 that there occurs the name of a Scotsman. On 26th October, 1604, Robert Fowlis was admitted to membership as the third son of James Fowlis of Colinton, Lothian. Sir David Foulis, who was a favourite of James VI., is generally described as the third son,² and probably the Middle Templar was his younger brother.

At that period the Readers' Feasts were an important feature in the life of the Inn.³ The Reader was the Master of the Bench responsible for the education of the students. The 'reading' consisted of a dissertation upon some statute, and was made the occasion for a series of festivities during which the Reader invited distinguished men as his guests, and, if he desired to do them especial favour, was allowed by the customs of the Inn to invite them to become members *honoris causa*. In that way, during the reading of 'Mr. Wrightington,' were admitted on 27th Feb., 1604-5, Sir Robert Stewart,⁴ brother of the Earl of Orkney, and Sir John Skene,⁵ Clerk Register at the same time as Peregrine Bertie, Sir Thomas Edmondes (one of the Clerks of the Privy Council), Sir John Gilbert and Sir Roger Jones, Sheriff of London. A copy of Sir John Skene's famous codification of *The Laws and Acts of Parliament* is in the Middle Temple Library and two

¹ See *Irishmen at the Inns of Court*, by the present writer; *Law Magazine and Review*, vol. 37, pp. 268 *et seq.*

² See *Dictionary of National Biography* and Douglas, *Baronage*, p. 87.

³ For a full account of Sir James Whitelocke's Reading in 1619 see his *Liber Famelicus*, p. 70, published by the Camden Society.

⁴ See *Scots Peerage*, vol. vi. p. 574.

See *Dictionary of National Biography*.

copies of his *Regiam Majestatem*, of which one bears the signature of Fabian Philipps on the title-page.

In 1608 King James granted a patent, dated August 13th, to the Inner and Middle Temples, which is the only formal document concerning the relations between the Crown and the Inns. In it they are said to have been 'for a long time dedicated to the use of the students and professors of the law, to which, as to the best seminaries of learning and education, very many young men, eminent for rank of family and their endowments of mind and body, have daily resorted from all parts of this realm, and from which many men in our own times, as well as in the times of our progenitors, have by reason of their very great merits been advanced to discharge the public and arduous functions as well of the State as of Justice, in which they have exhibited great examples of prudence and integrity, to the no small honour of the said profession and adornment of this realm and good of the whole Commonwealth.'¹

No doubt the admission of a number of the king's Scottish friends was connected with this event, and there is a strong presumption that the king accompanied them. One of the number was the Duke of Lennox,² Gentleman of the Bedchamber and holder of many high offices of State, who had been made a Master of Arts at Oxford when the king went there in 1605. David Murray,³ who occupied a similar domestic relationship to Prince Henry, was admitted at the same time, together with Sir James Kennedy and Sir James Hamilton,⁴ afterwards Viscount Claneboye, who was entrusted with several confidential missions.

In course of time, however, these Readers' Feasts became so elaborate and extravagant⁵ that the four Inns, at the suggestion of the king, limited the expenditure to £300.⁶ They seem, however, to have been continued on a considerable scale, as when the Duke of Hamilton became a member in 1683 there accompanied him the Duke of Ormonde and his grandson, the Duke of

¹ See Appendix 'B' to the *Report of the Commissioners appointed to inquire into the arrangements in the Inns of Court and of Chancery for promoting the study of the law and jurisprudence*, 1855, p. 207.

² Cokayne's *Peerage*, p. 66 *sub tit.*; see also *Dictionary of National Biography*.

³ See *Dictionary of National Biography*.

⁴ See *Dictionary of National Biography*.

⁵ See, for example, the account of Francis North's Reading Feast in *Lives of the Norths*, vol. i. p. 97. Bohn.

⁶ *Middle Temple Records*, vol. iii. p. 1312.

Somerset, the Earls of Carlingford and Radnor and the Marquess of Halifax.

Occasionally ecclesiastics were admitted to membership of the Inn, and in 1612 the name of the Dean of Salisbury, John Gordon,¹ as a guest of the Reader, John Lowe, is recorded in the minutes.

Probably Alexander Blair, who was admitted on 14th August, 1671, was the first Scotsman to come to the Inn to study law, and Archibald Johnstone was the first to be called to the Bar—'by reason he is Master of Arts of Edenborough'—23rd Nov., 1711.

Under date 16th May, 1740, there is an Order in the minutes of Parliament of the Inn authorising the call to the Bar of a Scottish advocate simply upon a certificate of his admission and practice at the Scottish Bar. It is as follows :

At the Parliament holden the 16th day of May, 1740.

Ordered that Mr. Lookup J. having produced a certificate dated at London the 9th of February, 1739 signed by James Erskine, Esq. late one of the Lords of Session in North Britain and by Charles Areskine, Esq., Lord Advocate for North Britain certifying that the said Mr. Lookup had for several years been at the Barr in Scotland and was orderly admitted Advocate by the Lords of Session, and having also produced another certificate dated at Edinburgh March 28th 1740, signed by John Pringle, Esq. now one of the Lords of Session in North Britain certifying that the said Mr. Lookup served at the Bar of the Lords of Session in the station of Advocate for the space of six years or thereby and that he was neither suspended nor deposed from his employment and service before the Court of Session, and producing an affidavit of James Hutchinson, clerk to the said Charles Areskine, sworn the third of May one thousand seven hundred and forty before Francis Eld Esq., one of the Masters of the High Court of Chancery, proving the subscriptions of the said Charles Areskine and James Erskine for the said first mentioned certificate and producing his own affidavit sworn the sixteenth of May one thousand seven hundred and forty before the said Mr. Eld proving likewise the subscription of the said James Erskine to the same certificate, and also proving the subscription of the said John Pringle to the last mentioned certificate be called to the degree of the Utter Barr.

There does not appear to be another example, and, in fact, Scottish advocates have not enjoyed the right of admission to the English Bar. There is no reciprocal arrangement, owing, no doubt, to the fact that the Scottish system of law differs so widely from the English that a knowledge of it is not necessarily an

¹ See *Dictionary of National Biography*.

equipment for practising in England. It is easier, for example, for a New South Wales barrister to practise in the English Courts of Justice than it is for a Scottish advocate. Nevertheless, Scottish advocates have come to the English Bar and attained eminence in the profession.

The list may be closed suitably with the name of Lord Young, who, just fifty years ago, on 24th Nov., 1869, was called to the Bar while holding the office of Lord Advocate without any of the customary formalities, with a view to forming a link between the Bars of the two kingdoms, which is continued at the present time by Lord Dunedin and Lord Shaw as honorary Benchers of the Inn.

C. E. A. BEDWELL.

LIST OF SCOTTISH MIDDLE TEMPLARS

The Editor has to thank Sir James Balfour Paul, Lyon King of Arms; Professor R. K. Hannay, Mr. George Neilson, Mr. A. Francis Steuart, the Hon. Robert E. Boyle, Miss Haldane, Mr. David Baird Smith, Mr. J. M. Bulloch and others for additional information, printed in small type after the names in the following list, which has been compiled by Mr. Bedwell in the course of preparing for publication the Admission Registers of the Middle Temple.

1604. 26 Oct. Robert Fowlis, third son of James F. of Colinton, co. Louthian, Scotland.

Advocate 1606. Douglas (*Baronage*, p. 87) says David was the third son, and being in great favour with King James VI. accompanied him to England in 1603, created a Baronet 1619. Ancestor of the family of Ingleby in Yorkshire. The fourth son is not named.

1604-5. 27 Feb. Robert Stewart, Knight, brother of the Earl of [Orkney].

See *Scots in Poland* and *Scots Peerage* (Orkney).

John Skeene, Knight, Master of the Rolls in Scotland.

Advocate 1575. Sir John Skene, Lord Clerk Register.

1608-9. 16 Mar. Louis, Lord Lenox, Knight of the Garter and member of His Majesty's Privy Council.

Murray, David, Gentleman of the Chamber to Prince Henry.

Son of Robert Murray and brother of William Murray of Abercairny.

Kenedy, James, Knight.

Hamilton, James, King's Serjeant.

1612. 13 Aug. Lord John Gordon, Dean of Salisbury.
Lord of Longarmes in France. Son of Alexander Gordon, Archbishop of Athens and bishop-elect of Galloway.
1615. 10 Aug. John, Earl of Cassilis.
1671. 14 Aug. Alexander Blair, third son of Robert Blair of St. Andrews, decd.
- 1682-3. 9 Feb. James Hamilton, Earl of Arran, son and heir of William, Duke of Hamilton.
1707. 17 May. Archibald Johnstone, son and heir of Patrick J. of Edinburgh, Knight.
Called 'by reason he is Master of Arts of Edenborough,' 23rd November, 1711.
1708. 9 Nov. John Cuming, son and heir of John C. of Edinburgh, North Britain, merchant.
Called 15th May, 1713.
1709. 1 Dec. George Montgomerie, son and heir of John M. of the City of Edenborough.
1713. 13 Apr. David Cannedy, second son of Archibald C. of Edinburgh, North Britain, Knight and Baronet.
Kennedy of Culzean. Advocate 1704.
1716. 12 May. Alexander Cumming, son and heir of Alexander C., Baronet of Cultyr, Mar, Scotland.
Advocate 1714. Chief of Cherokee Indians.
- 7 Aug. Hugh Dalrimple, second son of the Rt. Hon. David D., Lord Advocate of Scotland, Baronet.
Advocate 25th February, 1718. Afterwards H. D. Murray-Kynnynmond of Melgund and Kynnynmond. Died 1741.
1718. 21 Nov. Patrick Haldane of Edinburgh.
Of Gleneagles. Advocate 1715. Professor, University of St. Andrews. M.P. for St. Andrews Burghs and Solicitor-General.
- 1720-1. 7 Feb. William Grant, second son of Francis G. of Cullen, Aberdeen, Baronet.
Advocate 1722. Lord Prestongrange 1754.
1721. 6 Nov. Patrick Turnbull, second son of James T. of Newhall, Teviotdale, Scotland.
Advocate 1702. Called 26th November, 1725.
- 1722-3. 2 Jan. Lewis Gordon, second son of Robert G. of Gordon's Town, Moray, Scotland, Baronet.
Called 31st May, 1728.

1727. 1 June. Robert Haldane, fourth son of John H. of Gleneagles, Perth, decd.
Purchased Gleneagles from his half-brother Patrick. M.P. Of Airthrey.
- 23 Oct. James More, only son of James M. of Earnslaw, Berwick, N. Britain, decd.
1728. 15 July. Gilbert Campbell, sixth son of Archibald C. of Nairn, N. Britain, Knight.
- 1732-3. 9 Jan. George Morison, only son (by his wife Aminta) of William M. of Preston Grange, North Britain.
Of Little Chalfield, Co. Wilts, and thereafter of Sundridge, Kent. Died 1788.
1733. 24 Aug. Charles Erskine, son and heir of Charles E., Solicitor General for Scotland. (Admitted Lincoln's Inn 22 June, 1743.)
Called 26th October, 1739. M.P. for Ayr Burgh, 1747-9. Born 1716. Died unmarried 1749.
- 1733-4. 19 Jan. Andrew Mitchell, only son of the Rev. William M. of Edinburgh, clerk, decd.
Advocate 1736. Called 12th May, 1738. Sir Andrew Mitchell. M.P. for Aberdeenshire and for the Elgin Burghs. Ambassador to Prussia 1756.
1735. 6 May. John Dalrymple, alias Hamilton, second son of Robert D. of Castleton, Haddington, N.B., Knight, decd.
Of Bargany. M.P. Advocate 1735.
- 15 Dec. Gilbert Buchanan, son and heir of Gilbert B. of Glasgow, merchant, decd.
Called 25th April, 1740.
1739. 11 Oct. John Lookup, son and heir of Rev. John L. of Med-calder, Midlothian.
Advocate 1731. Called 16th May, 1740.
- 12 Nov. William Baird, son and heir of William B. of Auch-medden, Banff.
Called 20th May, 1748. Died 1750.
1740. 24 Apr. Thomas Finlay, son and heir of James Finlay of Balchnystie, Fife.
1742. 5 Nov. James Brebner, son and heir of James B. of Towie de Clatt, Aberdeen, N.B.
Called 28th November, 1746.

1744. 8 Aug. David Dalrymple, son and heir of James D. of Hales, Haddington, N.B., Baronet.
Sir David. Born 1726. Advocate 28th February, 1748. On the Bench as Lord Hailes 6th March, 1766. Died 1792.
- 1750-1. 9 Jan. The Hon. Lockhart Gordon, son of the Rt. Hon. John, Earl of Aboyne, Scotland.
See *Gordons under Arms* (New Spalding Club), No. 1103. Called 22nd November, 1754. Judge Advocate, Bengal.
1752. 7 Jan. James Douglass, second son of John D. of Killhead, Annandale, Scotland, Baronet.
Called 25th November, 1757. Collector of Customs, Jamaica.
1757. 25 Jan. Hon. James Lyon, second son of Rt. Hon. Thomas, late Earl of Strathmore.
H.E.I.C.S. Murdered.
1759. 17 May. Hugh Dalrymple, eldest son of Robert D. of Edinburgh.
Advocate 1752. Called 8th February, 1771. Attorney-General, Bahamas.
1771. 3 May. William Alexander, son and heir of William A. of Edinburgh.
20 May. James Stephen, third son of James S. of Aberdeen, decd.
4 June. Edward Maxwell, eldest son of Robert M. of Dumfries.
1772. 1 Feb. James Trail, third son of Rev. William T. of Fife, North Britain, clergyman.
Called 8th February, 1782. M.P.
1773. 1 Apr. The Hon. Charles Cranstoun, fourth son of the Rt. Hon. James, Lord C. of Cranstoun, Scotland.
1774. 11 June. Charles Dundas, second son of Thomas D. of Fin-gask, N.B.
Called 13th June, 1777. Created Lord Amesbury, 1832.
1775. 14 Nov. John Richardson, third son of George R. of Edinburgh.
Called 26th January, 1781.
18 Dec. Thomas Durham, second son of James D. of Largo, Fife, N.B.
Afterwards Calderwood of Polton.
1776. 8 June. John Cuming Ramsay, eldest son of William R. of Temple Hall, Angus, N.B., LL.D.
Advocate 1768.

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1777. 11 July. John Melvill, only son of Rev. Thomas M. of Scoonie, Fife, clerk, decd.
- 14 Nov. James Johnston, eldest son of Robert J. of Irvine, N.B. Called 30th May, 1783.
1778. 9 Nov. Robert Waddell, eldest son of Robert W. of Crawhill, Linlithgow, decd.
1782. 2 Mar. Archibald Cullin, youngest son of William C. of Edinburgh, doctor of medicine. Called 27th April, 1787.
- 8 Apr. Thomas Beath, only son of Patrick B. of Edinburgh, decd. Called 8th June, 1787.
- 15 June. Stuart Kyd, eldest son of Harie K. of Arbroath, Angus. Called 22nd June, 1787. Politician and legal writer. See *Dictionary of National Biography*.
- 4 Nov. Kenneth Francis Mackenzie, only son of Colin M. of Kirkcudbright.
- 12 Nov. William Graham, second son of William G. of Edinburgh, N. Britain.
1783. 1 Feb. Charles Alexander Macrae, second son of James M. of Houston, Renfrew, decd.
- 18 June. John Lewis, third son of John L. of Merchiston, Midlothian, N.B.
- 2 July. Philip Callard Ainslie, second son of Philip A. of Edinburgh, Kt. Called 22nd June, 1792.
1784. 5 Nov. William Barkley, eldest son of James B. of Cromarty, Ross.
- 15 Nov. David Finlayson, eldest son of William F. of Edinburgh.
- 11 Dec. James Gordon, third son of Harry G. of Gordonfield, Aberdeen.
Keeper of the Middle Temple Library. See *Gordons under Arms* (New Spalding Club), No. 615.
1786. 9 Jan. Alexander Stephens, eldest son of Thomas S. of Elgin, Murray.
- 24 June. William Anderson, second son of James A. of Edinburgh.
- 25 Oct. Henry Kyd, youngest son of Henry K. of Arbroath, Angus.

1788. 10 Apr. Andrew Alpine, third son of Alexander A. of Airth, Stirling, N.B., decd.
1789. 5 Feb. Charles Maitland Bushby, second son of John B. of Dumfries, N.B.
1792. 29 Nov. William Johnstone, eldest son of Archibald J. of Dumfries.
Called 27th November, 1812.
1793. 30 Apr. William Moncreiff, eldest son of Harry Moncreiff Wellwood, of Tullybole, Kinross, Baronet.
Called 7th February, 1800, King's Advocate, Admiralty Court, Malta.
1794. 26 June. Andrew Cassels (admitted to Lincoln's Inn, 14 Aug., 1787), second son of Andrew C. of Edinburgh, merchant.
Called 11th November, 1796. Judge of Admiralty Court, Cape of Good Hope, 1809.
1798. 8 May. Robert Morehead, third son of William M. of Herbertshire, Stirling, N.B.
1804. 6 Nov. David Robertson, eldest son of the Rev. John R. of Jedburgh, Roxburgh.
1806. 8 July. Alexander Harper, only son of James H. of Aberdeen, decd.
1811. 13 July. James Robertson, eldest son of James R. of Elgin, Forres.
1813. 14 June. Joseph Douglas, youngest son of the Rev. George D. of Tain, Ross, Esq.
Called 6th November, 1818.
- 7 July. Samson Sober Wood, eldest son of Samson Tickle W. of Edinburgh.
1814. 28 June. James Dewar, second son of David D. of Gilston House, Fife, army instructor.
Called 6th July, 1821.
1816. 29 June. James Traill, second son of James T. of Hebister, near Thurso, Caithness.
Called 24th November, 1820. Succeeded to Rather and Hobbister 1821. Was a Metropolitan Police Magistrate. Born 1794. Died 1873.
1819. 19 Nov. Thomas Dunbar, second son of George D. of Mochrum, Wigton, Knight baronet, decd.
Died 1831.

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1822. 11 June. William Hugh Scott, second son of Hugh S. of Harden, Roxburgh.
Called 23rd November, 1827. Prebendary.
1824. 7 May. James Colquhoun, eldest son of Frederic C. of Edinburgh.
Called 3rd July, 1829.
- 2 July. Charles Hope Maclean, sixth son of Alexander M. of Ardgour, Argyle.
Called 3rd July, 1829.
- 19 Nov. Hugh Campbell, eldest son of Archibald C., Kenzean-cleugh, Ayr.
- 27 Nov. George Gordon, third son of Alexander G. of Newton, Aberdeen.
Entered Scots Greys as Cornet 1830. Lieut. 1835.
1825. 5 May. Thomas Spears, only son of Robert Spears of Edinburgh.
- 18 June. John Farley Leith, eldest son of James Urquhart Murray L. of Barrack, Aberdeen, decd.
Called 25th June, 1830.
1827. 17 Feb. Ronald Macdonald, fourth son of Alexander M. of Carvabeg in the parish of Laggen, Inverness.
1828. 21 July. Francis Scott, fourth son of Hugh S. of Harden, Roxburgh.
Called 15th June, 1832. M.P. for Roxburgh and Berwickshires.
1831. 21 Apr. John Manson, eldest son of John M. of Edinburgh.
- 23 Nov. Hugh Fraser, second son of Alexander F. of Morven, Argyle.
- 19 Dec. George Birrell, eldest son of George B. of Albany Street, Edinburgh, decd.
Writer to the Signet 1824. Attorney-General, Bahamas.
1833. 15 May. Alexander Cumine, fourth son of Adam C. of Aberdeen.
Advocate 1836.
- 13 Nov. Charles Arnott, second son of James A. of Arbickie, N.B.
1834. 13 May. William Dunlop, third son of George D. of Edinburgh.
1837. 24 Feb. John Drummond, third son of James D. of Comrie, Perth, decd.
Advocate 1831.

1838. 26 Jan. John Hosack, third son of John H. of Glengaber, Dumfries, decd.
Called 29th January, 1841. Police Magistrate, Clerkenwell. Author of *Mary Queen of Scots and her Accusers*. See *Dictionary of National Biography*.
- 3 May. James Whigham (admitted to Lincoln's Inn 10 May, 1825), fourth son of Robert W. of Halliday Hill, Dumfries.
Judge of County Courts.
- 3 Nov. Alan Ker, eldest son of Robert Dow K. of Greenock.
Called 25th November, 1842.
- 16 Nov. James Logan, third son of George L. of Edrom, Scotland, lieutenant.
Advocate 1837. Called 28th January, 1842. Died in Jamaica 1844.
1839. 17 Apr. George Robinson (admitted to Lincoln's Inn 7 May, 1835), only son surviving of George Garden R. of Banff.
Advocate 1823. Called 3rd May, 1839.
- 19 Apr. James Anderson, eldest son of David A. of Bellfield, near Edinburgh. (Admitted to Lincoln's Inn 20 April, 1835.)
Called 7th June, 1839. Q.C. Examiner in Court of Chancery. See *Middle Temple Bench Book*, p. 304.
- 25 May. William Campbell Gillan, second son of the Rev. Robert G. of Edinburgh, decd.
Called 3rd May, 1853.
1840. 15 Jan. Alexander Duguid Johnston, second son of James J. of Glasgow.
Called 27th January, 1843.
- 2 Mar. William Weir, only son of Oswald W. of Mount Hamilton, Ayr, Scotland.
Advocate 1827.
1841. 16 Apr. Charles Forsyth, second son of Robert F. of Royal Circus, Edinburgh, advocate.
Advocate 1837. Called 7th May, 1841.
- 12 June. Titus Hibbert Ware, eldest son of Samuel Hibbert W. of Edinburgh, doctor of medicine.
Called 11th June, 1844.
- 6 Nov. Henry Riddell, eldest son of the Rev. Henry R. of Longformacus, Berwick, Scotland.
Called 22nd November, 1844.

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1842. 25 Apr. Andrew Kennedy Hutchison Boyd, eldest son of the Rev. James B. of Ochiltree, Ayr, clerk.
D.D., LL.D., Minister of St. Andrews, Fife.
- 21 May. William Gowan, only surviving son of William G. of Leith, merchant.
Advocate 1831. Called 10th June, 1842.
- 21 Dec. Alexander James Johnston, eldest son of James J. of Wood Hill, Kinellar, Aberdeen, Esq. (admitted to Lincoln's Inn, 12th November, 1838).
Called 27th January, 1843. See *Dictionary of National Biography*.
1843. 10 Nov. David Cato Macrae, legitimated son of Ivie M. of Ayr.
Called 20th November, 1846.
1844. 28 May. Archibald Campbell Barclay, sixth son of the Rev. Peter B. of Kettle, Fife, D.D.
Called 11th June, 1847.
- 2 Nov. James Brown, only son of Neil B. of Greenock, Scotland.
Called 19th November, 1847.
- 16 Nov. John David Bell, fourth son of George Joseph B. of Edinburgh Academy, Scotland.
Called 12th May, 1848.
1845. 9 Apr. Edmund Drummond, third son of Viscount Strathallan of Strathallan Castle, Perth.
Called 12th May, 1848. K.C.I.E. Lieut.-Governor North-West Provinces, India.
- 19 Apr. John George Tollemache Sinclair, eldest son of George S. of Ulbster, Caithness, Baronet.
Third Baronet. M.P. for Caithness.
1846. 9 Nov. James Stewart Thorburne, youngest son of the Rev. William T. of Troqueer, Kirkcudbright.
Called 23rd November, 1849.
1848. 7 Sept. John Cameron Macdonald (admitted to Inner Temple 9 Nov., 1841), eldest son of Thomas M. of Fort William, Inverness.
1849. 24 Feb. Gilbert Mitchell Innes, youngest son of William Mitchell I. of Parson's Green, Edinburgh.
- 23 Apr. John James Lowndes (admitted to Inner Temple 22nd November, 1833), eldest son of John L. of Arthurlie House, Renfrewshire, decd.
Murdoch Robertson McIver, sixth son of Lewis McI. of Gress, Island of Lewis, Scotland, decd.

1849. 26 Apr. James Graham, youngest son of Alexander G. of Limekills, Lanark.
Called 17th November, 1865.
- 28 Apr. William Peddie, third son of James P. of Edinburgh.
Son of James Peddie, Writer to the Signet. Advocate 1851.
- 5 Nov. David Maclachlan, youngest son of James McL. of Dundee.
Called 7th June, 1852.
1850. 18 Apr. John Stuart Glennie, fourth son of Alexander G. of May Bank, Aberdeen.
Called 17th November, 1853.
- 4 May. John Dickie, only son of John D. of Glasgow, decd.
Called 26th January, 1856.
- 8 June. John Robson, third son of John R. of Kelso, Roxburgh.
Called 3rd May, 1853.
- 7 Nov. Fitzgerald Lockhart Ross Murray, youngest son of William Hugh M. of Pitcazean, Ross, decd.
Called 30th April, 1855.
1851. 9 Apr. Henry Arkley Eglinton, second son of Robert E. of Castle House, Dunoon, Argyleshire, merchant.
Called 9th June, 1854.
- 12 Apr. George Campbell, eldest son of George C., Knight, of Edenwood, Fife.
M.P. Kirkcaldy. Judge Supreme Court, Calcutta. K.C.S.I.
1856. 31 Oct. Robert Greenoak, 7 Bellevue Terrace, Edinburgh (20), only son of Robert G. of Edinburgh, aforesaid, Esq.
Called 10th June, 1859.
1859. 31 Oct. Charles Grey Wotherspoon of 8 Great Stuart Street, Edinburgh (22), youngest son of William W. of Hill Side, Fife, Solicitor, Supreme Court.
Advocate 1861. Called 11th June, 1862.
- 16 Nov. Charles Noel Welman Begbie of Edinburgh (26), fourth son of James B. of Edinburgh, physician.
Called 11th June, 1862.
1861. 16 Apr. Alexander John Robertson of Portobello, Member of Edinburgh University Council (20), second son of John R. of Edinburgh, solicitor.

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1861. 10 May. Robert Mitchell of Glasgow University and of New Galloway, Kirkcudbright, Scotland, second son of John M. of Ayr.
- 14 Oct. John Macrae Moir, M.A., Aberdeen, 6 Torriano Avenue, Camden Road (35), third son of David M. of Thornton, Kincardine, decd.
Called 6th June, 1864.
- 21 Oct. John Andrew Shand, 24 Royal Circus, Edinburgh (18), second son of John S. of Edinburgh, Midlothian, writer to the signet.
Called 6th June, 1864.
- 2 Nov. George Kennedy Webster of the University of Edinburgh and of Burnside House, Forfar (20), third son of George W. of Burnside House, Forfar, Sheriff and Commissary Clerk of the said County.
Called 17th November, 1863.
- 18 Nov. Donald Grant Nicolson (admitted to Inner Temple 24 Jan., 1860), Member of the General Council of the University of Edinburgh (35), second son of the late Malcolm N. of Glendale, Inverness, J.P.
Called 11th June, 1862.
1862. 8 Jan. Robert Baird, 51 London Street, Fitzroy Square, Middlesex (23), eldest son of Robert B. of the City of Glasgow, Lanark, decd., solicitor.
Called 17th November, 1864. Judge of District Court, Jamaica.
- 8 Jan. Alexander Kennedy Isbister, M.A. Edinburgh University, of Bolt Court, Fleet Street (37), eldest son of the late Thomas I. of Hudson's Bay, N. America, gent.
Called 17th November, 1864.
- 25 Apr. Alexander Muirhead Aitken, Edinburgh University (39), eldest son of William A. of Ward, Torphichen, Linlithgow, proprietor and farmer.
Called 26th January, 1865.
- 12 May. Lauchlan Mackinnon of Billany House, Mill Hill, Middlesex (44), second son of the late Rev. John M. of Strath, Isle of Skye, Inverness.
Of Duisdale, Skye. Went to Melbourne.

C. E. A. Bedwell

1862. 4 Oct. Henry James Sumner Maine of Calcutta and of the University of Cambridge, LL.D. (40), eldest son of James M. of Kelso, Roxburgh, physician, M.D. (Admitted Lincoln's Inn 4 June, 1847.)
D.C.L., K.C.S.I. Professor of Civil Law, Cambridge.
- 4 Nov. Henry Seton, B.A. Cambridge, and of 15 Lower Berkeley Street (22), third son of Sir William S. of Pitmedden, Aberdeen, Baronet.
In Holy Orders.
1863. 2 Jan. George Watson Coutts of London (30), fourth son of the late John C. of Fraserburgh, Aberdeen, surgeon.
- 14 Jan. Henry Graham Lawson of Wadham College, Oxford, M.A. (27), fourth son of the Rt. Hon. Charles L. of Borthwick Hall, Edinburgh, Lord Provost of the City of Edinburgh. (Admitted Inner Temple 29 April, 1859.)
Called 26th January, 1863.
- 5 May. Lord William Montague Hay of 100 Eaton Place (37), third son of the Most Noble the Marquis of Tweeddale of Yester House, Haddington.
Tenth Marquess of Tweeddale.
- 30 Oct. Alexander Gerard of Rochsoles, Lanarkshire (18), third son of Archibald G. of Rochsoles, Lanark.
Called 18th November, 1867. Died 1890.
- 2 Nov. George Smeaton of the University of Edinburgh, first son of the Rev. George S. of Edinburgh, Midlothian, professor of divinity.
- 3 Nov. William Baxter of the University of Edinburgh, youngest son of the late James B. of Clockserie, Perth, distiller.
1864. 31 Oct. William Scott Forman of the University of Glasgow, eldest son of James F. of Drummond Place, Edinburgh, advocate.
In Indian Civil Service. District Judge, Bombay.
- 8 Nov. John George Charles, Trinity College, Dublin, and of Kirkcowan, Wigtonshire (21), third son of the Rev. James C. of Kirkcowan, Wigtown, Scotland, D.D.

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1865. 28 Jan. Robert Bannatyne Finlay, Edinburgh University (23), eldest son of William F. of Cherrybank, near Newhaven, Edinburgh, M.D.
Called 18th November, 1867. Viscount Finlay. Lord Chancellor.
- 20 Apr. William Alexander Hunter, University of Aberdeen, M.A. (20), eldest son of James H. of Aberdeen, granite polisher.
Called 18th November, 1867. Professor of Roman Law, University of London.
- 6 June. John Cameron Macgregor of Wiltshire House, Angell Road, Brixton (19), youngest son of James M. of Fort William, Inverness, banker.
Called 30th April, 1868. Receiver of High Court, Calcutta.
- 4 Nov. Donald Ninian Nicol, Queen's College, Oxford (22), only son of John N. of Ardmarnock, Argyll.
Called 26th January, 1870. M.P. Argyllshire.
- 20 Nov. Colin Campbell Grant, member of the General Council of the University of Edinburgh, and of 18 Great King Street, Edinburgh (35), second son of the Rev. James G., D.D., D.C.L., of the City of Edinburgh, Midlothian, Scotland, minister of St. Mary's church and parish, Edinburgh.
Writer to the Signet 1860. Called 17th November, 1868.
- 22 Nov. James Moffatt, Glasgow University, of Calderbank, Airdrie (21), sixth son of William M. of Calderbank, Airdrie, Lanark, merchant.
Called 6th June, 1868.
1866. 20 Apr. Andrew Duncan, 7 Great College Street, London (21), second son of Andrew D., of Glasgow, Scotland.
Called 26th January, 1870.
- 20 Apr. Archibald Morrison, M.A., LL.D., of Glasgow (44), eldest son of Alexander M., of Dunblane, Perth, decd.
Called 26th January, 1869.
- 7 Nov. James Stoddart Porteous, formerly of Edinburgh (37), only son of James P., of Kilmarnock, Ayr, Esq.
Called 26th January, 1870.

1866. 7 Nov. John Richard Davidson, M.A., Edinburgh University, Member of the Faculty of Advocates, Edinburgh, and of 32 Rutland Square, Edinburgh (30), second son of the late Charles Forbes D., Esq., of Edinburgh, Writer to the Signet.
Called 30th April, 1870.
1867. 28 Jan. Andrew Jackson, M.A., University of Edinburgh, and 42 West Square, Southwark (28), fourth son of Thomas J., of Edinburgh, Midlothian, decd.
- 17 Apr. Henry Forester Leighton (late H.M. Indian Army), of St. Andrews, Fife (25), only son of Henry John L., late of Calcutta, merchant.
Called 26th January, 1870.
- 26 June. David Sutherland, of Calcutta (39), seventh son of the late Patrick S., of Scotland, and late of Calcutta, Unconvenanted Service of Government.
Called 17th November, 1870.
- 9 Nov. Fendall Lewis Charles of Kirkcowan, Wigtonshire, Scotland (19), selected Candidate for the Civil Service of India, youngest son of James C., D.D., of Kirkcowan, Wigton, N.B., Minister of the Established Church of Scotland.
1868. 13 Jan. John Hutton Balfour Browne, of 5 James Place, Leith (22), second son of William Alexander Francis B., of Broomlands, in the Stewartry of Kirkcudbright, M.P. and one of H.M. Commissioners in Lunacy for Scotland.
Called 10th June, 1870.
- 6 June William John Cuninghame, 9 Chester Street, Edinburgh (19), sixth son of Alexander C., of Edinburgh, Writer to the Signet.
- 9 Nov. Gavin Parker Ness, of Aberdeen University (20), tenth son of Robert N., senr., of Aberdeen, carriage manufacturer.
Called 6th June, 1871.
- 19 Nov. John Brown Thomson, of Edinburgh University and of 4 Jamaica Street, North Leith (19), eldest son of the Rev. John T., of 4 Jamaica Street, North Leith, Edinburgh, clergyman of the Free Church of Scotland.
1869. 3 May. Patrick Blair, member of the Faculty of Advocates in Scotland, now District Judge in Jamaica (39), second son of Patrick B., of Irvine, Ayr, banker.

1869. 6 May. James Crommelin Brown, of Edinburgh University (20), only son of John Campbell B., of 16 Carlton Street, Edinburgh, Midlothian, Bengal Medical Service.
Called 7th June, 1873.
- 18 Nov. Julius Wood Muir, M.A., Edinburgh, of Dumfries, Scotland (20), younger son of Robert M., of Dumfries, Scotland, Solicitor.
Called 10th May, 1876.
- 19 Nov. Alexander Henry Grant, M.A., Aberdeen, and of 58 Bartholomew Road (36), younger son of David G., of 58 Bartholomew Road, Middlesex, and of the Marsh, Long Sutton, gent.
- 24 Nov. The Rt. Hon. George Young, of Edinburgh (50), only son of Alexander Y., of Rosefield, Kirkcudbright.
Called 24th November, 1869. Lord Young. Edinburgh.

The Fenwick Improvement of Knowledge Society

‘Knowledge is the treasure of the soul’

1834-1842

THE Editor of the *Scottish Historical Review* has to thank Mr. Hugh Fulton, Pollokshields, Glasgow, for the opportunity to print the following crisp, concise and racy record of winter-night debates in the village of Fenwick, in Ayrshire, in the years between the Reform Act and the repeal of the Corn Laws. The minute book of the little debating Society of young men in Fenwick belongs to Mr. Fulton, and its significance was indicated to the writer of this note by Mr. William Gemmill, Writer, Glasgow, who shares with Mr. Fulton a keen ancestral interest in Fenwick and its Reform debates. Accordingly there is now printed *verbatim et literatim* the text of the curious little minute book. It is six inches by four inches, in several hand-writings, often ill spelt, and worse punctuated, but always brisk and entertaining, instructively disclosing a decisive and robust mentality among the young artisans of the Ayrshire village, situated about four miles from Kilmarnock. The parish, eight miles in extreme length, and from two to five miles broad, had, in 1831, a population of 2018. The almost coterminous villages of Fenwick and Low Fenwick, best known as Laigh Fenwick from which probably the membership of ‘The Fenwick Improvement of Knowledge Society’ was mainly recruited, can hardly have contained more than 500 inhabitants, whose prevalent industry was weaving.

It is perhaps not surprising that, in the generation which followed Burns, we should find in an Ayrshire village, sympathy alike with liberty and literature, yet the intensity of feeling manifest throughout, argues the existence of dominating inspirations in the minds of the leaders of the coterie which,

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from 1834 until 1842, discuss so many attractive and important themes. The minutes are a remarkable interpretation of their time, and could hardly have better conveyed than they have done, what these village politicians and social critics thought and said and sang.

GEO. NEILSON.

THE following persons meet in the house of Hugh Thomson on the 16th Decr 1834 and agreed to form themselves into a Society to be called the Fenwick Improvement of Knowledge Society, when they agreed to the following articles

| | |
|----------------|------------------|
| Andrew Gemmell | Robert Howit |
| John Kirkland | Alexander Armour |
| James Taylor | Alexander Fulton |
| John Gemmell | William Morton |
| Daniel Love | John Fowlds |
| John Anderson | |

Article 1st. The Club shall meet at Fenwick every second Friday night when a Question on any subject shall be proposed (Doctrines of Religion excepted) which Question is to be discussed in the Club each member taking whatever side he thinks proper.

2nd. The Society being meet the one who presides being chosen the night previous opens the meeting by stating the subject formerly given out for discussion, those haveing written Essays shall have the precedance.

3d. When the President reads from the Society's Book the Question to be discussed the Member next the preses on the right hand shall speak first then the Member next on the other side shall reply and so on till all the Members shall have given there opinions and when a smaller number shall be on one side than another the first speaker on the last side shall be allowed to reply and so on untill all the opposite side shall have spoken and are answered no person allowed to speak out of his order without leave from the precess.

4th. In the time of a debate one only shall be heard at once and not above fiveteen minutes at a time when he shall give place to another and so on untill it is finished¹ any majority shall determine what side has the merit of the Question.

5th. When the discussions of the Meeting are finished for night the business of the meeting shall be to choose a President for next meeting when the President or any other Member shall

¹ See Supplement.

be at liberty to propose any member he thinks fit : if more than one is proposed the one who has the majority of votes will be considered elected.

6th. That all private conversation during the debate shall be strictly prohibited—and all profane and obscene & abusive language shall be reproved by the president and if persevered in shall exclude the offender from the Membership of the Society.

7th. That no person shall be allowed to make known any of the Society's debates for the purpose of ridicule or jest out of the Society on pain of exclusion.

8th. Any person applying for Membership will be admitted only by consent only of three fourths of the Society : those having objections to admittance of any individual as a member are not required to give his reasons for so doing.

9th. Every person alternately may propose any subject he chooses for the next discussion, which shall be adopted provided his motion meet the approbation of the meeting.

10th. Any Member absenting himself from the Meeting for one night forfeits one halfpenny ; for two nights, one penny ; for three nights, two pence ; four nights, exclusion from the Society without giving a reasonable excuse.

Abrogated.

11th. That at the close of the debate if any Member have anything valueable to communicate connected with the object of the Society will be at liberty so to do.

12th. No Member who has an Essay the property of the Society for perusal shall be at liberty to give it in loan or otherwise shew it to any person who is not a member of the Society.

13th. That no fundamentall article of the Society can be altered or abrogated, nor any of the Society's funds disposed of for any purpose whatever, without a majority of votes agreeing thereto and passed for two successive nights of regular meeting, nor any new article adopted.

SUPPLEMENTARY ARTICLES.

Supp. to Art. 4. Number of votes on each side of any question to be entered in the minute of meeting and no decision to be given when they are on a par.

Supp. to Art. 5th. The President shall have a vote along with the other members, and on a par shall have the casting vote : this applies to all cases except what comes under Article 4th.

A STATEMENT OF THE SUBJECTS DISCUSSED BY
THE SOCIETY.

- 1st. The Utility of Societys for the Improvement of Knowledge.
- 2nd. That whither the greatest amount of happiness flows from Implicit belief or rational and enlightened Conviction.
- 3d. Whither Riches or genius are most desirable.
- 4th. Whither Religion supported by voluntary means or by a civil Establishment is best fitted to promote true Religion.
- This last subject was debated three successive Nights: decided in favour of voluntary means.
- 5th. Whither the death of Archbishop Sharp was Murder or Patriotism.
- Decided in favour of Patriotism.
- 6th. Whither Celibacy or a Conjugal life is best fitted to promote individual happiness.
- 7th. Whether Monarchial or Republican forms of Civil Government are best fitted for the People's Welfare.
- Decided in favour of Republicanism after two Nights Debate.
- 8th. What is the best method of Replacing Monarchial Governments by Republican and Whither by Moral or physical means.
- Decided in favor of moral means.
- 9th. On general Literature.
- 10th. Whither Open Voting or By Ballot gives the Purest Elections.
- After two nights debate decided in favour of Open Elections.
- 11th. A Contrast between America and Britain.
- 12th. Whither Abstinence or a Temperate use of Ardent Spirits is most productive of good.
- Decided in favor of Abstinence.
- 13th. Whither human Friendship or Love is most permant.
- Decided in favor of Love.
- 14th. Whither Improvement in Machinery would tend to promote the benefit of Mankind.
- Decided in favor of the Improvement of Machinery.
- 15th. The best Method of turning the Benefits of Machinery to the Interests of the Working Classes.
- Decided in favor of the Restrictive Laws being Repealed and Equality of Priviledge given to all.
- 16th. Octr 19th. On the motion of Jas Taylor Whither fictitious Writings has been beneficial or not in general.
- Decided that they have not.

17th. Nov 2nd 1835. On the Motion of Wm Morton Whither is a Town or Country Life Productive of Most Happiness. Decided in favour of a Towns Life.

18th. Novr 16th 1835. On the Motion of John Kirkland it was Agreed to hold a General Conversation on the State of Society. Thomas Fulton President.

19th. Nov 16th 1835. On the motion of Robert Howat that the Subject for discussion be for the 30th Novr That Whither Real or Imaginary Pleasure in Love and amusement affords most satisfaction, was agreed to.

Thomas Fulton reelected President for 30th Novr next night.

20th. 30th Novr Agreed by the Society that John Kirkland's motion relative to the preasant state of society be resumed on the 14th Dec. Thomas Fulton President.

21st. 14th December. On the motion of William Morton it was agreed that the subject of debate be Whether the Drunkard or the Miser is most miserable.

28th Dec. Alex Fulton President.

Decided that the Drunkard is Most Miserable.

22nd. 28th Decr 1835. On the Motion of James Taylor, agreed to take a Retrospective View of 1835, for Janr 11th 1836. Alex Fulton, President.

23rd. 11th Janr 1836. On the Motion of John Kirkland agreed that it be debated on the 25th of Janr Whether the once popular Doctrine of Ghosts and Witches have any claims on the beleif of Mankind.

Robt. Orr President.

Decided that they have none.

24th. 25th Janr 1836. On the Motion of John Kirkland agreed that it be debated on the 8th Febr Whether Poetry or Music has the strongest effect on the passions. Robt Orr President.

Decided that Poetry has the strongest effect.

25th. 8th Febr 1836. On the Motion of William Morton, agreed that the utility of Abstinent Societies from all ardent spirits be discused on the 22nd Febr. Alex Armour President.

Decided to be of great utility.

26th. 22nd Febr 1836. On the Motion of James Taylor agreed that it be debated on the 7th March whether Tobacco so extensively used as at preasant be beneficial to the Community. Alex Fulton President.

Decided that it is highly prejudicial.

27th. 7th March 1836 On the Motion of John Brown agreed that it be debated on the 21st March What denomination of Christians is most scriptural and best suited for the benefit of mankind in government and discipline. Alex Fulton President.

Decided in favour of Presbyterianism.

28th. 21st March 1836. On the Motion of William Morton agreed that it be debated on the 4th April Whether a public speaker possessed of great oratorical powers with common talents or one possessed of great talents but destitute of oratory is most beneficial to his hearers. John Brown President.

Decided in favour of the one possessed of great talent.

29th. 4th April. On the Motion of James Taylor agreed that it be debated on the 18th April Whether is generally the most successful in Life the Modest or the Impudent Man.

John Brown President.

Decided in favour of Modesty.

29th. 18th April. On the Motion of John Brown, Agreed that it be debated on the 2d of May 1836 Would it be Beneficial to Britian to extend the Franchise and to what extent.

John Kirkland President.

Decided that household Suffrage in present exigences is most expedient but universal every man's right and most Beneficial.

30th. 2d May. On the Motion of Robt Howat 2nd May agreed that it be debated on the 16th May 1836 Whether the loss of love or the loss of Riches is the worst to bear.

James Taylor President.

Decided that the loss of Love is worst to bear.

31st. On the Motion of James Taylor 16th May, agreed that it be debated on the 30th May 1836 How does missfortune generally operate upon Mankind? whether does it increase or diminish the energy of the soul?

Thomas Fulton President.

Decided that it generally diminishes the energy of the soul.

32nd. 30th May. On the Motion of John Gemmell agreed that it be debated on the 13th June 1836 Whether the feeling that the cultivation of natural science is inimicall to the interests of religion be a prejudice or a well-founded opinion?

Alexr Armour President.

Decided that it is a prejudice.

33d. 13th June. On the Motion of John Kirkland agreed that it be debated on the 27th June 1836 Whether the brightness of the rising morn or the calm serenity of closing day are

best calculated to awake contemplation and excite the finest and most pleasing sensations and enjoyments.

Alexr Armour President.

Division Equall.

34th. 27th June 1836. On the motion of Danniell Love agreed that it be debated on the 11th July Whether generall Sociality or general Solitude is productive of most happiness to Man. Decided in favour of general Solitude.

35th. 11th July. On the Motion of Wm Morton agreed that it be debated on the 25th July 1836 Whether trades Unions as at present existing in this Country be advantages or inimicall to the Interests of trade. Alexr Armour President.

Decided that they are inimicall.

36th. 25th July 1836. On the Motion of Andrew Gemmell, agreed that it be debated on the 8th Agust Whether Marriage ought to be a Lay or a Clericall ceremony.

Alex Fulton President.

This subject postponed till the 22nd Agust was decided to be a civil Ceremony.

37th. 22nd Agust 1836. On the Motion of William Morton agreed that it be debated on the 5th Sept Whether Mankind will use the greatest exertions to obtain good or avoid evil. Alexr Armour President.

Not Decided.

38th. 5th Sept. On the Motion of James Taylor Agreed that it be discussed on the 19th Sept 1836 Whether War or Intemperence has been most hurtful to the Human Race for the last hundred years. Alexander Armour President.

This discussion was left over till the 3d of October.

Decided that Intemperance has been most hurtfull to the human race for 100 years past.

Octr 3. Oweing to want of accomodation the Society agreed to postpone all Discussion untill proper accomodation is secured.

39th. 31st Octr. On the Motion of James Taylor Agreed that it be debated on the 14th Novr Whether Superstition or Enthusiasm are most to be dreaded in Society.

Robert Howat President.

Decided that Superstition is most to be dreaded.

40th. Nov. 14th. On the Motion of James Taylor to be debated Whether it would be most beneficial to Britian to dispense with the house of Peers or with Ireland, on the 28th of Nov. William Fulton Chairman.

Novr 28th. Discussion postponed till Decr 12.

Decr 12th. Further postponement till the 26th.

41. Dec 26th. The Society took into consideration their present languishing condition when after hearing various suggestions for a revival it was agreed to resume the subject on Janry 9 1837 Janry 9.

42. Janry 9. In pursuance of the recomendation of last meeting the society again took up the subject of a revival, when it was decided that in future each member should have a particular department of science or literature on which he should speak or write as convenience might dictate.

43. Janry 23rd. The society met when an essay on the seasons was read by James Taylor.

Robert Orr President.

44. February 6. The society met when an essay on the effects of litterature on society was read by Andw Gemmell William Morton President.

45. February 20. The motion of John Kirkland that the society resume the practice of having a specific subject of discussion was carried for a first time.

46. Also on the motion of James Taylor agreed that on March 6 it be discussed what is the best method of dealing with opinions based only on prejudice.

Robert Howat President.

Decided in favour of sound argument properly expressed.

47. March 6th. The society met and finally carried John Kirklands motion, at the same time resolving to hear any essays though not connected with the subject of discussion.

On the motion of William Morton agreed that on the 20th March the lawfulness and propriety of blood-eating be discussed.

Robert Orr President.

Decided that as far as the subject is at present understood, it is lawful.

48. March 20th. Agreed that on April 3 the society shall hear whatever miscellaneous essays may be brought forward. James Taylor President.

William Fulton to be next President.

49. April 3rd. The society heard an extract from an essay on the moral state of London, read by Willian Morton. Also a discourse on Astronomy by Thomas Fulton and agreed that he resume the subject on April 17 William Fulton President.

Robert Howat to be next President.

50. April 17th. Thomas Fultons discourse postponed and an essay read by Andw Gemmell on the influence of litterature in the formation of character.

On the motion of John Gemmell agreed to discuss on May 1st the comparative advantages of a metallic or a paper currency. William Fulton to be President.

51. May 1st. Decided in favour of a paper currency, so regulated, that the fabrication and issue would be confined to the government.

Agreed that on May 15th Thos Fulton resume his discourse on Astronomy William Fulton to be Presid.

May 15. No meeting.

52. May 29. Heard an essay by Andw Gemmell on the influence of early habits and associations in the formation of character.

Agreed to hear on June 12th specimens of poetry from any or all of the tory poets read by Jas Taylor with an equal number of equal merit from L——d Byron alone to be read by Andw Gemmell. Willm Clark to be President.

53. June 12. After hearing extracts from Coleridge on the part of the tories decided in favour of L——d Byron.

On the motion of Alexr Fulton agreed to discuss on June 26th the propriety of legislation for the Sabbath. Willm Clark to be Presid.

54. June 26th. Decided that all civil interfearence with the sabbath is improper, but unanimously reject the absurd notion that there is no moral obligation for its observance.

On the motion of John Kirkland agreed to discuss on July 10th whether love is productive of most pain or pleasure John Kirkland to be President.

55. July 10th. No decision numbers being equal.

On the motion of John Kirkland agreed to discuss on July 24th the utility of having all the land public property. Matthew Fulton to be President.

56. July 24th. No decision but adjourned the discussion till August 21st.

On the motion of Willm Morton agreed to discuss on August 7th whether the fashionable amusements of the present day are entitled to the appellation of innocent and whether they are strictly moral in their nature and tendencies and how far they are so.

John Gemmell Junr to be President.

57. August 7th. Unanimously adopted the following resolution: That some amusements are not entitled to the appellation

of either innocent or moral but that many are so, in so far as they are conducive to mental or physical health and do not encroach upon the time which should be devoted to religion ; or business.

Agreed in pursuance of the adjournment from July 24th to resume the subject of that night's discussion on August 21st Robert Howat to be President.

58. August 21. Decided for the negative by 4 against 2, one not voting present 7.

On the motion of Robert Howat agreed to discuss whether the greatest amount of pleasure is afforded by the eye or the ear William Fulton to be President.

This discussion to be on Sept 4.

59. Unanimous that the eye affords most pleasure ; present 8.

September 4. On the motion of John Gemmell Senr agreed to discuss on Sept 18 whether (with religion excepted) the European discovery of America has been beneficial or prejudicial to be the oborigenes of that continent. John Gemmell Junr to be President.

60. Sept 18 : 7 voted that it has been prejudicial ; 2 did not vote ; present 9.

On the motion of John Kirkland agreed to discuss on Oct. 2 what effect the present embarrassments in Britain may have upon the peoples morals. John Kirkland to be President.

61. Oct. 2. Decided unanimously that temporary embarrassment may have a good tendency, but if long continued will invariably produce immorality.

On the motion of Willm Morton agreed to discuss on Oct 16 that subject formerly treated No 3 whether riches or genius are most desirable Robert Howat to be President.

62. Oct. 16. Unanimous in favour of genius.

On the motion of Alexr Fulton agreed that the subject of discussion for Oct. 30 be Who has the right to determine when a people are fitted for the full possession of their political rights. Thomas Fulton to be President.

63. Oct. 30. Unanimous that the people themselves are the only judges.

On the motion of James Taylor agreed to discuss on Nov 13 whether Worth—Beauty—or Riches is most likely to be an inducement to the mass of mankind in choosing a partner for life John Gemmell Junr to be President.

64. Nov. 13. Beauty 5, Riches 1, Worth 0 ! present 6.

On the motion of John Kirkland agreed that Nov 27 be devoted to literary conversation Willm Fulton to be President.

65. Nov 27. After hearing several pieces in prose and verse, and discussing their merits; agreed on the motion of John Kirkland that the question for Decr 11 be what has been the moral effect of the poetry of the last 100 years Willm Fulton to be President.

66. Decr 11. Agreed that the subject be resumed on Decr 25 Willm Fulton to be President.

67. Decr 25. Decided that the moral effect of Poetry during the period specified has been upon the whole good.

No subject of discussion appointed for next meeting on Janry 8 1838.

1838

Janry 1st. The society in conjunction with the Fenwick vocal club met in John Kirkland's house and sat down to an excellent supper after which the following toasts were given and duly honoured.

From the chair: The sovereignty of the people. John Kirkland then gave The new year, prefaced by a talented original poem commemorative of the events of the past year and anticipating those of the ensuing, in a most graphic and poetical style, after which the Club sung the New Year: the chairman next called on John Kirkland to read an original poem on the late elections.

John Gemmell then gave universal suffrage prefaced by an essay intended to prove the peoples right to that privilege: the Club then sung an anthem on the 23rd psal.

William Taylor then sung the lass of Gowrie in fine style. James Taylor then read an essay on the question whether Worth, Beauty, or Riches is most likely to influence mankind in making matrimonial treatys. The Croupier then gave The speedy separation of Church and State.

The club next sung Fair Flora decks, &c Robert Howat then sung, How sair's my heart nae man shall ken.

An anthem from the 7th chap of Job was next sung by the Club.

James Taylor then gave success to the Canadians in their patriotic struggle for independence which he accompanied with a speech detailing their wrongs and proving their right to self-government. An essay was then read by Robert Howat drawing a paralel between the pleasures derived from the eye and the ear.

John Gemmell then gave the memory of Sir William Wallace the immortal defender of Scotland's independence accompanied by some remarks animadverting on the ungrateful conduct of Scotsmen in too much neglecting the memory of one, from whose patriotic sacrifices they derive all the political privileges they enjoy.

Alex Dunlop then sung in fine style Wallace's lament after the battle of Falkirk.

Willm Taylor then sung John Anderson my Jo, John.

Jas Taylor then read an essay from the pen of Willm Morton.

The Club next sung Conquest.

Willm Taylor then gave the health of Dr. Bowring, prefaced by a speech detailing the many services rendered to the country by that patriotic gentleman.

John Kirkland Senr being called on for a toast gave Health, Wealth, and Freedom, a freind at hand but seldom need him.

Alex Fulton then after an eloquent speech gave the health of R. Wallace Esqr M.P. for Greenock and Post office reform, followed by the song, the Greenock post in splendid style by Alexr Dunlop.

John Kirkland read an original poem on winter, which was received with enthusiastic applause.

Ayrshire lasses was next given by William Fulton, prefaced by an elegant speech every way worthy of the toast, followed by the song she says she loe's me best O' a' by Alexr Dunlop. In the absence of the fair sex R Howat made a most humourous, and at the same time most appropriate reply.

John Hamilton then proposed the health of Baillie H Craig Kilmarnock.

James Taylor proposed the healths of the Drs Black and Baillie Willm Craig of Glasgow.

James Kirkland proposed the health of Mr Robertson Writer Kilmarnock.

Alexr Dunlop then proposed the memories of the last Scottish martyrs for liberty Baird, Hardie, and Wilson.

Matth Fulton gave the memories of the Scottish reformers of 1793 and 4.

The healths of Mr Hume and the other radicals of the house of Commons was then given by Alexr Fulton.

Honest men and bonny lasses was then given from the chair.

James Taylor then gave the speedy adoption of republican principles throughout the world.

Robett Howat then proposed the health of the chairman and James Taylor that of the Croupier.

Thomas Fulton Chairman

Robert Orr Croupier

Robert Howat

Alexr Fulton

James Kirkland

John Hamilton

William Taylor

Matth. Fulton

Alexr Dunlop

John Kirkland Senr

John Kirkland Junr

John Gemmell

William Fulton

James Taylor

Andrew Fulton

1838

68th. January 8th. There being no subject for discussion Hazlett's Essay on the conversation of authors was read and highly approved.

On the motion of James Taylor agreed to discuss on Janry 22nd Whether man will sacrifice more for his country, or the object of his fondest affection.

William Fulton to be President.

69th. Janry 22. From the annual business of the society taking more time than was expected, the subject for discussion was postponed till Feb 5.

William Fulton to be President.

70th. Feb. 5th. The subject postponed from January 22 was taken up, when the numbers were, for the influence of Love being strongest 6, for Patriotism 3, present 9.

On the motion of John Kirkland agreed that on Feb 19 the question for discussion be Whether selfishness in the rulers; or ignorance in the people has most retarded the progress of liberty.

John Anderson to be President

71st. Feb 19. For attaching blame to rulers 5, ignorance of the people 3, Neutral 1, present 9.

Agreed on the motion of William Morton that on March 5th the question for discussion be What is the * sphere which the female sex ought to occupy in society—Do they at present occupy it—And if not what will be the result upon the destinies of mankind when they shall do so. John Anderson to be President.

72. March 5th. That they enjoy all the political privileges to which they are entitled 5, that they do not 3, neutral 1, present 9.

* Word 'proper' has here been erased but is still legible.

Agreed that the meeting on March 19 be occupied by reading a portion of Hazlett's Plain Speaker. John Gemmell Junr to be President.

73. March 19. Read the 4th and 5th essays of the fore-mentioned work.

On the motion of John Kirkland agreed to discuss on April 2nd whether in such times as the present; passive obedience or active resistance; is most a people's duty.

Matthew Fulton to be President.

74. April 2. Unanimous that the existing greivances of Great Britain fully justifies active resistance.

On the motion of John Gemmell Senr agreed to discuss on April 16th whether the works of Dr Smollett or those of Sir Walter Scott are most likely to raise a spirit of rational enterprise in the mind of reader. John Gemmell Junr to be President.

April 16th. Meeting postponed to the 30th.

75. April 30th. In consequence of other business regular discussion not entered into.

76. May 14th. No discussion. Agreed to present James Kirkland with a copy of the life and poems of Michael Bruce (by McKelvie) as a small token of gratitude for the accomodation he has given the society during the past year.

77. May 28th. The committee appointed to purchase the foresaid book reported their having done so and were reappointed to have it suitably inscribed and forwarded to its destination.

June 11th. No meeting.

78. June 25th. Discussed the question standing over since April 16th see minute of 74 meeting.

No decision.

Agreed on the motion of R. Howat that the question for discussion on July 9th be Whether the works of nature or art are best calculated to produce admiration. William Fulton to be Presid.

79. July 9th. After hearing one of Foster's essays, adjourned the discussion till July 23rd. Willm Fulton to be President.

80. July 23rd. Decided that the works of nature are best calculated to produce admiration, by 5, against 2, present 7.

On the motion of John Gemmell Senr agreed that on August 6th Howit's essay on the radical tendency of almost all the modern poetry of Great Britain, be read. John Gemmell Senr to be President.

August 6th. No meeting.

81. August 20th. Read the essay ordered by 80th meeting and unanimously found it to prove the position assumed.

On the motion of John Kirkland agreed to discuss on Sept. 3rd whether a high toned morality is most likely to be preserved in an agricultural ; or a manufacturing and commercial ; community. Willm Fulton to be President.

Sept 3rd. No meeting.

82. Sept 17. Discussed the subject ordered by 81st meeting and concluded that in a community where justice is done to all classes there will be very little difference.

Agreed that Octr 1st be devoted to a geological conversation and that all members bring forward whatever specimens of petrifications or other mineral productions they can procure as illustrative of the opinions they may propound (James Taylor to be Chairman).

83. Oct 1st. The society met for the geological discussion, when there was a splendid exhibition of petrifications, chiefly from the channel of the Fenwick rivulet with some very fine pebbles from various parts of Scotland. From want of time to read several scientific articles, it was agreed to resume the subject October 15th. James Taylor to Preside.

Oct 15th. No Meeting.

84. Oct 29th. The society met when an essay was read (from 'Chambers Journal' No 336 of date July 7th 1838) on travelled stones, or the probable means by which large fragments of rock were moved to places far remote from their original site, and became what are called boulders. There was also read extracts from the Edinburgh Journal of Natural History on the formation of sandstone.

Agreed that the subject be resumed November 12th. James Taylor to be President.

85. Nov 12th. The society met when the members in turn gave their opinion on several facts brought under notice in the Geological articles lately read in the meetings.

Agreed that on November 26th the Resolution of Oct 29th be brought into operation viz That every member bring forward, and read to the meeting some written article either original or copied. Peter Gemmell to be Chairman.

86. Nov 26. In consequence of the resolution referred to in minute of last meeting there was forward 9 papers, 8 copied, 1 original, attendance 9.

Agreed to discuss on Decr 10th the advantages likely to result

from frequent exercise in writing and original composition John Fulton to be Chairman.

87. Decr 10th. After hearing a good deal in favour of writing the members were unanimous in opinion that besides advantages too numerous to be specified it improved the style, promoted the concentration of ideas and altogether enabled an individual to reduce more readily to a system of principles, whatever knowledge he may have an opportunity of acquiring.

Agreed that on Decr 24th each member bring forward a piece of writing either original or copied John Blundell to be Chairman.

88. Decr 24th. Forward 9: papers, copied; attendance 11.

Made arrangements for a social meeting with a few friends, not members of the society on the night of Janry 1st.

1839

In conformity with the practice introduced at the commencement of 1838 of having an annual social meeting at the beginning of each year the Society along with a few friends met in the house of John Taylor Lower Fenwick when after an elegant supper the following toasts were given and duly honoured

From the chair, The sovereignty of the people, prefaced by a speech on the bad effects of governments being founded on any other basis.

Robert Howat then gave, The speedy adoption of a general and reformed system of National Education. Accompanied by a speech drawing a paralel between our present parochial system and that adopted by some of the continental states greatly to the advantage of the latter.

John Kirkland gave, The Messrs Chambers and their cheap publications, prefaced by a speech contrasting the advantages enjoyed by the mass of the people in the present time with those of the commonly called Augustan age of Addison, Swift, and Steele.

Recitation Eliza, by William Morton.

John Fulton Junr gave, The speedy diffusion of Scientific Knowledge among the body of the people. Introduced by a speech shewing the advantageous Revolution, moral, mental, and physical, to be expected from such diffusion.

Alexr Dunlop then gave, Elliot and the other living British Poets. Accompanied by a speech in which he shewed that though civilization has derived signal advantages from the cultivation of

poetry in every age, yet the poets of the present day are pre-eminent for a spirit of genuine liberty and pure morality and the great Elliot,—unlike many who have ‘heaped the shrine of luxury and pride with incense kindled at the muses flame’—has taken the sacred fire to blast and destroy those institutions which have been the means of holding in slavish subjection the major part of mankind to a domineering minority.

A song, by William Taylor.

Willm Morton gave the speedy triumph of the National movement, prefaced by a speech of which the following resolution is an epitome. Moved by W Morton, and carried unanimously to be entered in the societys book

Resolved, That we as a society formed for the improvement of knowledge hail with the most intense feelings of approbation, satisfaction, and delight the present movement characterised as the national movement, for universal suffrage &c which we believe to be founded upon the immutable principles of truth and Justice, calculated to promote—to an untold of extent, and in the most emphatic sense of the words—the improvement of knowledge, and destined to raise man to that state of freedom and dignity which his nature bespeaks him entitled to occupy.

A Song of Liberty by Alexr Dunlop.

Andrew Gemmell then gave the memory of Milton with the speedy adoption of Republican principles, accompanied by a luminous speech depicting the character of that great man and shewing him worthy of being the glory and boast of England; whether viewed as Poet, Prosaic author, Patriot, or Statesman, as also the good effects likely to ensue from the universal adoption of that form of government which is identified with his great name.

Song, Bruces address, by Alexr Dunlop.

John Gemmell Senr then gave, the memory of Sir William Wallace and the other martyrs for British liberty. Prefaced by a speech shewing that the benefits secured by this Prince of political martyrs extend to the most remote age and country, and that by him were the British islands freed from the chains then forging for them by the subversion of Scottish independence, nay even Europe, & America are in no very remote degree indebted to his splendid sacrifices for what liberty they possess. An attempt was also made to free the Revd Jas Renwick from the charge lately preferred by a popular writer of being rather a martyr to his own bigotry than to the cause of religious liberty.

Song, Wallace's lament, by Alexr Dunlop.

James Taylor gave, The speedy success of the Canadian struggle for emancipation from British thralldom, Introduced by a speech shewing the evil effect at all times of a people being subject to a foreign power and the governors no way responsible to the governed, but particularly when that power is directed by a faction who have trampled on every principle of Justice at home, and sent out such bloodhounds as Sir George Arthur & Sir John Colborne to subdue and govern what they are pleased to call an insurgent colony. After giving a vivid picture of the distresses of the people under such management he sat down, and the toast was most enthusiastically honoured.

Song The Tyrólese song of liberty, by A Dunlop.

Alexander Fulton gave Mr John R. Robertson of the Ayrshire Examiner, and the liberal press. Prefaced by a speech, shewing that writers on national affairs have had an influence over them at all times either malignant or benign, as they happened to be the friends or foes of rational liberty, but particularly since the invention of printing, the press has become a most powerful engine in leading a people either to the dungeons of despotism or the fresh green fields of freedom. And particularly the Ayrshire Examiner, deserved our warmest support from its adaptation for exposing tyranny and fraud in our own locality.

An original Poem, recited by John Kirkland.

¹ Andrew Gemmell gave the memory of Robert Burns, the Ayrshire Poet.

Prefaced by a speech, in which the tory claim lately put forth by Dr Memes (that the republican bard was a tory) had its absurd fallacy exposed and ridiculed.

Song Bruce's address, by Alexr Dunlop.

James Kirkland gave the memory of

Lord Byron

In doing which, he took the opportunity to make some remarks on the nature and tendency of his writings, in which he shewed that though some parts were objectionable, yet taken, all in all, they were highly calculated to improve human nature, morally, intellectually, and physically.

Song The Arabian Maid, by Willm Taylor.

William Fulton Senr gave the speedy repeal of the Corn-laws.

In doing which he remarked, that besides the evils moral, and physical, entailed upon the country by our commercial system, it

¹ Andrew Gemmell proposed Byron & James Kirkland, Burns.

was very impolitic, as in the sacrifice of all other interests for the good of one, it also would fall.

Recitation by Andw Gemmell.

John Gemmell Junr gave The Revd Patrick Brewster and the other clergymen who have taken a part in the present movement In doing which he shewed that this little band deserved our esteem, from having come forward in the cause of liberty, when most of their order stood aloof, and that the gentleman named was the only endowed clergyman, that we were aware of, taking any part in the peoples cause.

William Taylor gave William Howat, and the downfal of Priestcraft ;

Introduced by a speech shewing the enormous evils inflicted on mankind in all ages by priestcraft, and the consequent obligation we lie under to the man, who having rent the veil of superstitious veneration, that enshrouded them, has laid bare their enormities and made it the peoples own fault ; if they are longer imposed on, by them.

Peter Gemmell gave, Dr Bowring and Universal philanthropy.

Prefaced by a speech, shewing what a paradise this world would become, were such a principle the prevailing motive of action, and proving from his services that the distinguished individual named has a claim to be ranked among the greatest pioneers in clearing away the barriers that oppose the introduction of such a felicitous era.

John Blundell gave, The prevalence of Harmony and Peace, throughout the world.

Prefaced by some pertinent remarks on the evils of War, and consequent happiness attending a state of universal peace.

James Taylor gave the memory of
Shakespeare.

Introduced by some critical remarks on the liberal tendency of his writings, for though he lived in a semi-barbarous age patronised by an imperious queen and in consequence had to be a flatterer of royalty, he has also been its satirist, shewing most of its representatives whom he has brought upon the stage as weak, foolish, or wicked ; and thus considering time and circumstances, deserves to stand in the same niche, with Milton, as a great and glorious emancipator of the human mind.

Matthew Fulton gave The health of Hugh Craig esqr the county delegate to the National Convention. Which he introduced by a speech shewing the importance of the present movement,

and the Convention to which it has given rise, with some remarks on the wisdom of the people of Ayrshire in choosing for their representative a man ever ready to promote not only this, but every movement likely to benefit the working classes.

The old man's address to the moon, recited by John Kirkland, Its Author.

Robert Howat gave the speedy elevation of the fair sex to their proper place in society.

Introduced by a speech depicting the evils resulting from female depression as exhibited in the savage state, and though they have not yet attained their proper place in civilised Christian society, yet what they have gained and the happy effects resulting therefrom prove that both christianity and civilization are in their favour, which certainly would with this society be decisive proof, that woman should be no longer held as inferior to her bearded compeer.

Recitation, The mothers address to her son on enlisting for a soldier by Andrew Gemmell.

John Taylor, John Fulton Senr, Andrew Fulton and Matthew Dunlop, who favoured the meeting with their company, gave each a toast but not being in the previous arrangement they cannot be got for insertion.

Thomas Fulton Chairman John Fulton Senr Croupier

It is thought unnecessary to add a list of the names as they are to be found in the report.

(To be continued.)

Reviews of Books

DIARY OF SIR ARCHIBALD JOHNSTON OF WARISTON. Vol. II. 1650-1654. Edited from the Original Manuscript, with Notes and Introduction by David Hay Fleming, LL.D. Pp. lii, 336. Demy 8vo. Edinburgh: Scottish History Society. 1919.

THIS is the third instalment of the Diary of Lord Wariston to be edited by the Scottish History Society. A fragment, belonging to the period from May 1639 to August 1640, was printed in a miscellaneous volume for the years 1896-97, and a more substantial portion, dealing with the years 1632-1634 and 1637-1639, was edited by Sir G. M. Paul in 1911. The present volume, covering (with gaps) the period from 1640 to 1654 is printed from MSS. known to exist when Sir George Paul's volume was being prepared, but, in the interval, the Society has made an unfortunate alteration in the appearance of its publications, and the subscriber is irritated by possessing Vol. I. of the Diary in the familiar blue binding and Vol. II. in the red of the second series, and is left to speculate what a third volume will be like should the Council decide (as we hope it will) that the rest of the MS. is worth printing.

We cannot understand why there should have been, or should be, any hesitation about printing the whole Diary, subject to such wise discretion as the editor of this volume has exercised. 'Will any human soul ever again *love* poor Wariston, and take pious pains with him in this world?' asked Carlyle. Dr. Hay Fleming may be able to answer the first part of the question; he and Sir George Paul have given an adequate reply to the second part. It is not a question of loving Wariston, but of loving historical investigation, and Wariston's Diary is a most important source for a troubled period of Scottish history. His personality is, of course, not without its interest, partly as a study in religious psychology. The present volume contains no such remarkable revelation as his acknowledgment, in 1638, of the Lord's particular care and providence 'in casting in my lap, during al my wants and sumptuous expenses of building and spending, ever abundance of moneys albeit pertaining to uthers'—trust funds which he hoped, by further providences, to be able to repay. Indeed, the effect of this statement (it can hardly be called a confession) is distinctly lessened by some of his estimates of his own short-comings in the later portion of the Diary. General and vague confessions of sinfulness rarely give the impression of genuine feeling, but Wariston accuses himself of definite sins of which he was obviously guilty, and the passages in which he does so are written with an honest regret which disposes, at all

events, one sinner to think more kindly of another than he was inclined to do.

Wariston was certainly one of the men who allow their good to be evil spoken of, and he created an atmosphere of distrust of his character and intentions, a distrust which was frequently, or even usually, unjustified, and probably arose from a habit of foolish talking. He could not, he complained, tell anything, past, present or future, without 'som act of my fancye and carnal affection adding or pairing or chaynging circumstances unto what I would haive.' A congenital incapacity to tell the plain truth about things indifferent is not incompatible with trustworthiness in things that matter, but the outer world tends to pass a harsh judgment about that incapacity. The suspicion that Wariston was a traitor in 1651 probably originated in some impatient and unadvised expression. We agree that there is no convincing reason for entertaining this suspicion, and if the accusation is true, the Diary becomes unintelligible. Wariston, indeed, seems to have been bold enough to beard Cromwell himself. When Cromwell told him that he would not turn his foot to gain Lord Wariston or any other in Scotland, Wariston retorted that he was not worth the gaining, but that Cromwell's gain, such as it was, would be the loss of a better master, and added the pertinent comment that reflections on nations are not civil.

Perhaps the most interesting information in the Diary is that Wariston helped to draft the Solemn League and Covenant, but it contains much that is of interest in connexion with the relations between the Covenanters and Charles II., the rise of the Remonstrants, the treatment of the Scottish records by Cromwell, and other topics. It is needless to praise the editor's Introduction and Notes; possibly Dr. Hay Fleming might be able to detect errors in them, but they certainly give the reader the help he requires.

ROBERT S. RAIT.

BRITISH SUPREMACY AND CANADIAN SELF-GOVERNMENT, 1839-1854.

By J. L. Morison, M.A., D. Litt., Professor of Colonial History in Queen's University, Kingston, Canada; Late Lecturer on English Literature in the University of Glasgow. Pp. xiv, 369. Post 8vo. Glasgow: James MacLehose & Sons. 1919. 8s. 6d. net.

A DISTINGUISHED historian affirms that in the sixteen years of Canadian administration, 1839 to 1854, the experiment was made which decided for centuries the future of the British Empire. Britain had lost her American colonies in the eighteenth century, Spain her splendid possessions early in the nineteenth. But a new and greater British colonial Empire was growing up. Was it too to be lost to the mother-country? Many believed it was. When Queen Victoria succeeded in 1837 there had just been an armed rebellion in Canada, and her ministers postponed a coercion act that it might not be the first act of her reign.

Professor Morison begins with an account of the Canadian community. In Roman Catholic Lower Canada education and politics were dominated by the priesthood. The majority could not read or write, though the

women were trained in the convents to activity and usefulness. In Protestant Upper Canada there was an enterprising newspaper press, but ecclesiastical sectarian controversy did 'infinite harm' to the cause of education. In politics the 'Loyalists,' a minority, had long been supreme. They held to a Conservative upper house, an executive council chosen from their own class, the suppression of French Canadian feeling as rebellious and un-English, and power to be shared between themselves and the Governor-General. All the officers of government were independent of the elected Assembly. Meanwhile immigrants were flocking in from the United States accustomed to free institutions, and from Britain and Ireland determined to have them. The majority wished the union of the two provinces, for British Canada was cut off from the sea by the French province, which got more than its share of the duties and profits of the overseas commerce, and they demanded, what had hitherto been denied to the colony, Canadian control of Canadian finance, trade and land ; and, of this last, especially of the 'Clergy Reserves,' which hampered every settlement. These agrarian troubles were the worst. The ecclesiastical sects quarrelled and fought over the Reserves with the tenacity of the lady in Sancho Panza's famous judgment. Lord Sydenham, when Governor-General, called them 'the root of all the troubles in the province, the cause of the rebellion, . . . the perpetual source of discord, strife and hatred.' But more than half of the population called for representative government because they hoped by means of it to get rid of the British connection. Many wished union with the democratic United States. The French of Lower Canada, wedded to their feudal seigniorial government, and confirmed in it by their priests, were stubbornly opposed to British and United States alike.

In 1839 Lord Durham was made Governor-General of the two Canadas, and commissioned to enquire into all questions depending with respect to their future government. His famous Report, made with the help of his secretaries, Buller and Wakefield, is one of the ablest documents ever laid before Parliament. But it pleased neither province. It recommended their union, and the grant of responsible government, with reserves. Britain kept the control of all money votes, the administration and the revenues of public lands, and the regulation of trade with herself and with foreign countries. The French Canadians were to be absorbed and ruled by the British, the colonial executive was not to be fully subject to the colonial parliament. Upper and Lower Canada were duly united by act of the Imperial Parliament in 1840.

Professor Morison devotes a chapter each to an account of the labours, the difficulties and the disappointments of the three Governors-General who in succession followed Durham—Sydenham, the would-be benevolent despot ; Bagot, the genial diplomatist, and Metcalfe, the able and honourable public servant. Each had a brief career marred by physical suffering. All three came and went within six years, the last completing in confusion and failure the demonstration of the impossibility of the position. The alternative in Canada was now clear—self-government, or rebellion to be probably followed by annexation to the United

States. Lord Elgin, the hero of Professor Morison's book, became Governor-General in 1847.

The conditions in Canada during these years cannot be reduced to the simple proposition of a people believing themselves oppressed struggling for liberty. They were as complex as human desires. To be understood they must be studied with assiduity and patience in the contemporary records. Thus Professor Morison has studied them. And the result is his picture of the evolution of the policy which shaped the unimagined future of the British Empire.

Lord Elgin, in his seven years of office, changed all the currents. He was shrewd, tactful, genial, and gifted with a sense of humour and the capacity to see the other side of any question. One-third of the colony were his fellow Scots, and he knew, as the author says, that Britons, abroad as at home, must have liberty to misgovern themselves. Gradually applying, with cautious skill, the principle of *laissez faire*, which Great Britain had adopted with Free Trade in 1846, he established democratic government in Canada. That government consisted in practical Home Rule, theoretical and vague supremacy. He allowed free institutions to evolve themselves. British supremacy remained a pious opinion.

In his last chapter Professor Morison eloquently describes the consequences of Canadian autonomy, which confirm Burke's teaching that a free government is what the governed think free, and that people do not trouble much about logical theory so long as they are happy. Liberty increased loyalty by removing every motive for separation, and Canada, proudly conscious of being a free individual nation, scouted the possibility of annexation to the United States, and recalled old ties and affection, and the old debt to the mother-country for protection and help.

No country takes more pains than Canada to collect and preserve its historical records, and none is more courteous in opening its archives to the competent enquirer. Professor Morison has availed himself of the collections in Ottawa, Kingston and elsewhere, and has written what is not only a brilliant historical treatise, but an opportune contribution to the solution of the problem of national self-determination. To erudition he adds a happy literary skill. He engages the interest of his readers. And while he affects neither preciosity nor paradox, one turns back occasionally to re-read a passage or a sentence for the pure pleasure of its epigrammatic felicity.

The book has a fine portrait of Lord Elgin and a good Index.

ANDREW MARSHALL.

THE HISTORY OF THE MONASTERY OF THE HOLY-ROOD AND OF THE PALACE OF HOLYROOD HOUSE. By John Harrison, C.B.E., LL.D. Pp. viii, 274, with ten Illustrations. Crown 4to. Edinburgh: William Blackwood & Sons. London, 1919. 25s. net.

THE history of Holyrood has cast as it were a magic spell over many writers. More than a score of books have been published about it, not to speak of such full descriptions as that by James Grant in his *Old and New Edinburgh*, or slighter ones to be found in many books of reference. They are of all characters and qualities, from the weird *Nocturnal Visit to*

Holyrood (rarely to be met with now) published in French by the Comtesse de Caithness, Duchesse de Pomar, in which she relates an interview with the shade of Queen Mary, down to the latest guide-book. Not that the latter are to be despised, as the official guide-book to the Palace is from the pen of an eminent Scots writer, and is a model of what such books should be. Just before the war, too, Dr. Moir Bryce, one of the most learned of local antiquaries, published a delightful little monograph on the place, but it perhaps appealed more to the collector of dainty editions than to the serious historical student. And now we have Dr. Harrison's beautiful volume, written with loving appreciation and diligent care.

When all is said, we do not really know very much about the actual buildings of Holyrood. A little, no doubt, about the ecclesiastical edifices, and particularly about the Abbey Church, of which we can actually draw a plan showing the nave still so far preserved, the now vanished choir with the little primeval church within it. From the analogy of other monasteries we know where the cloisters and other adjuncts of the Abbey must have been, but who could draw out a detailed ground plan of the whole monastic buildings? Of the Palace, though later in date, we know almost as little: almost nothing of the actual buildings erected by James IV., though we know that he not only built a lodging worthy of the young bride he brought home to it in 1503, but also that he furnished it handsomely. The work of his successor, James V., is still to some extent at least with us, as we may fairly attribute the present north-west tower to his inception. He builded well, and his work resisted the flames kindled by Hertford's soldiery in their invasion of 1544. The alterations made in Queen Mary's time are nebulous, though there is little doubt that the Palace must have been much extended to accommodate the large following of the Queen. But it is not till the last rebuilding of the Palace in the middle of the seventeenth century that we can trace with certainty the various stages in the building, and the alterations which were from time to time made on it.

Dr. Harrison, however, has worked diligently on his subject, and from the entries in the treasurer's accounts, and those of the master of works, he has added something to the sum of our knowledge. We know the cost of the 'eastland buirdis,' the 'oaken geistes,' the stone and iron work, and the 'glassin werk,' which were provided at several times for the building or rebuilding of the Palace. And there is a shrewd estimate given of the situation of two apartments, both now disappeared, the two Chapels Royal within the Palace, and entirely distinct from the church of the Abbey itself. One of them was built by James IV. and the other by his son. The latter is believed to have been the chapel in which Mary was married to Darnley, while the former became the hall in which the Privy Council held its meetings.

But if we do not know a great deal about the actual buildings, we have plenty information about the people who inhabited them. The fascinating story has been told before, but it loses nothing of its interest and picturesqueness in the glowing pages of Dr. Harrison's book. Few walls, indeed, have witnessed such thrilling scenes: the splendid entry of the

child bride of James IV.; the coming of the gentle and fair Madelaine of France, only to find a grave within its precincts in little more than a month; the bright opening of Queen Mary's reign, when the walls echoed to the strains of Riccio's lute and the roundelays of France; the dark doom of the unworthy favourite; the encounters between the clever queen and the stern zealot Knox; and the last scene in the great tragedy when she was, after a few hours' detention in Holyrood, taken away from the Palace, which she was never to see again, on the night of the 16th June, 1567.

The personality of James VI. is well known, but it was too feeble to make much impression on Holyrood: it is not from his connection with that house that he will be remembered; but it is to the credit of his grandson, Charles II., that he took much interest in the building, and we owe its present appearance very much to him. Had he let his architect, Sir William Bruce, have his own way, the result would have been better than it actually is; but considerations of cost apparently necessitated economy.

The great event in the history of the Palace in the eighteenth century was of course the residence in it of Prince Charles Edward, then in the zenith of his popularity, and the darling of all Scottish Jacobite hearts, but this is a twice told tale. The occupation of it by the Bourbon refugees is a more prosaic story, and it is not till Queen Victoria took up her residence for a time there that it again becomes historically interesting. With her the author brings his book to a close, though he might have mentioned the visits of King Edward VII. and our present king, as on these occasions the old Palace displayed more state than it had seen since the days of the Stewarts.

We may ask if there is anything more to be found out about Holyrood. Probably not, though what would happen were our Public Records made more accessible and indexed as well as they are in England one cannot say. Even within the walls of Holyrood itself some surprises may yet be awaiting us. Only the other day an interesting relic was discovered in an attic in the shape of the funeral hatchment of Mary of Lorraine, containing her arms done in plaster and wood, and coloured. They were presumably put above the door of the Palace after her death.

A word about the illustrations. The five views of the present Palace by Mr. W. D. M'Kay, R.S.A., are charming, and have a grace combined with accuracy of detail which is beyond praise. The coloured reproduction of parts of the view drawn by an officer in Hertford's army (not a spy, as he has been sometimes called) is from a historical and archæological point of view of the utmost value and interest. Its being coloured gives it a special value, as it shows that Holyrood had a red roof like the houses in the city itself, while the dwellings in the Canongate were either slated or thatched—more probably the latter. There are also Gordon of Rothiemay's views, which are better known, and an excellent view of Edinburgh and Holyrood in 1670 by Hollar.

Himself an eminent citizen of Edinburgh, Dr. Harrison had laid his fellow-citizens under an obligation to him by the production of his excellent work.

J. BALFOUR PAUL.

144 Hill : The Story of the Scottish Church

THE STORY OF THE SCOTTISH CHURCH FROM THE EARLIEST TIMES.
By Ninian Hill. Pp. xii, 263. Crown 8vo. Glasgow : James
MacLehose & Sons. 1919. 7s. 6d. net.

MANY years have passed since Wakeman wrote his *Introduction to the History of the Church of England*, and even yet no one has emulated his example and produced a similar book on the history of the Church of Scotland. Wakeman has set a high standard, but a warm welcome awaits the Scots historian who will follow him in narrating the story of a sister Church. Good as is Mr. Ninian Hill's volume, it leaves the gap unfilled. Its aims are definite and modest, and the author contents himself with telling in short chapters the main incidents of a tale that begins with S. Ninian and ends with a pen-picture of a General Assembly of modern days. To do this well—and Mr. Ninian Hill has done it well—is a valuable service to all who like to ponder the strange, chequered story of the *Ecclesia Scoticana*. It seems ungracious to mention what the author might have done when he has done so much. We needed a history of ecclesiastical Scotland in short compass, and now we have it. The late Principal Macewen left a rich legacy in his large history of our Church from its earlier days to those of the Reformation, but between his *magnum opus* and slender primers there was almost nothing to satisfy the general reader.

Mr. Ninian Hill's book is in the best sense of the word a war volume. He is rightly impressed by the tradition of Scotland, a tradition of patriotism and religion; and, like Flint, he believes that the Church has done more than any other institution to make Scotland what it is. It is characteristic that his monograph is dedicated to a gallant churchman who gloriously upheld the tradition—Gavin Lang Pagan of S. George's, Edinburgh, and of the Royal Scots. Mr. Hill, therefore, has written a story that is a sermon.

Accordingly, one has no right to expect many tokens of original research in what is really a series of pictures of the Scottish Church at selected periods. Yet there are indications in the Appendix notes that the author has read widely, and can give illustrations of his reading. His knowledge of law is often happily used in these notes.

In twelve chapters Mr. Hill completes his task, and ten of these are occupied with the history of the Church from the foundation of the *Candida Casa* till the classic scene of Carstares' courageous patriotism. This disproportionate division of ecclesiastical history leaves only one chapter for a discussion of events and movements in the Church during the eighteenth and nineteenth centuries, and, as these were stormy times, Mr. Hill must expect considerable criticism of his summaries and interpretations. His is a robust mind, and he is sturdily loyal to his own Church in its stand against secession and reproach.

Mr. Ninian's book is not free from mistakes, but these are mostly minor, and detract but little from the value of the story. There are one or two expressions that one would like to change, and there are places where one would like at times more and at times less emphasis. Judged by the aims Mr. Hill sets before himself his volume is a useful, readable, and opportune contribution.

ARCHIBALD MAIN.

PIECES FROM THE MAKULLOCH AND THE GRAY MSS., TOGETHER WITH THE CHEPMAN AND MYLLAR PRINTS. Edited by the late George Stevenson. Pp. xix, 303. With portrait and twelve facsimiles. 8vo. Edinburgh: Scottish Text Society, per William Blackwood & Sons. 1918.

THE frontispiece portrait must accentuate the regrets of the Scottish Text Society for the loss of an editor whose record was so brilliant a promise of service to early national literature. His discoveries, for instance, regarding the personal career and literary attainments and method of Montgomerie had made all students of Scottish poetic biography his debtors. Son of the Town Clerk of Portobello, he graduated at Edinburgh and Oxford, and in 1908 was appointed lecturer, and in 1913 a professor in English in the University of Toronto. He died suddenly in 1915 at the age of 47.

The present book, which expressed his recognition of the immense literary importance of three poetical collections, two in MS. and the other in black-letter prints, was not completed when he died, and Mr. Henry W. Meikle has faithfully seen the work through the press equipped by him with a short notice of Stevenson's life, an introduction and a modicum of notes. In this apparatus is adequately outlined the claim for the collections as sources and authorities for the tradition of Scottish poetry in and about the period of James IV.

The Makculloch MS. proper consists of lecture notes taken at Louvain by Magnus Makculloch in 1477, but the poetic addenda were written by a later, perhaps early-sixteenth-century, hand, on blank leaves and fly sheets. The pieces include three by Henryson and one by Dunbar. The Gray MS., written by James Gray, a clerk to successive Archbishops of St. Andrews, is a miscellany including six vernacular poems, of which four were transcribed probably before Flodden, while other two from a different pen were insertions possibly forty or fifty years later. The poems are of secondary note, and of a religious character. Some correspondence on the MS. in the *Athenæum* in December 1899 might have been referred to as part of the discussion of date, authorship and literary connexion. It is a manuscript of central significance not only for the *Kingis Quair*, but also as indicative of a probable St. Andrews scriptorium, the bearing of which on some of our problems will not be clear until the whole Gray MS. is edited with sufficient facsimiles. The Scottish History Society might consider such a project.

Third and chief, however, in the sources of this composite publication under review is the Advocates' Library unique volume, *Porteous of Noblenes and Ten Other Rare Tracts*, printed in 1508 by W. Chepman and A. Myllar, a great credit to the Scottish press, and a monument of the early editor, whoever he was, who presumably guided the selection of the poems, and may have otherwise forwarded the enterprise of printing. It was marrow of Scots poetry that was thus finding its salvation, for the list included 'Golagros and Gawane' by a great alliterative romancer, 'Syr Eglamoure,' of entirely unknown authorship, various minor pieces of Henryson, and a series of Dunbar's finest performances, including the

'Goldyn Targe' and the 'Lament for the Makaris.' Of Chepman and Myllar's collected prints only a single example survives, the fine workman-like and tasteful characteristics of which are well conveyed in the facsimiles. The service thus rendered to the poetic culture of the Scottish vernacular at so early a date was beyond calculation, and for critical purposes the present volume must be of not less utility. The air is full of problems, and the issues are ripening for solutions in which this triple collection of texts will be a factor. Incomplete though it be—closed with inevitable abruptness by a most loyal and competent fellow-worker—the volume, set firmly on the stocks by George Stevenson, will, as an indispensable instrument of study, carry forward his name through the century among those whose labours their countrymen cannot forget.

GEO. NEILSON.

FIFTY YEARS OF EUROPE, 1870-1919. By Charles Downer Hazen, Professor of History in Columbia University. Pp. viii, 428, with 14 Maps. 8vo. London: G. Bell & Sons. 1919. 14s. net.

THE thesis amplified in the numerous volumes which this year has seen produced, dealing with the history of Europe in the last two generations, is the same in each case, namely, a description of the growth, maintenance and decline of German ascendancy. The variations are variations of treatment. Professor Hazen's aim is not too ambitious. He presents a summary of the period in narrative form, concerning himself with facts rather than with theories, and with events rather than with movements of thought. The result may not be very profound, but it is pleasantly readable. Certain aspects of the period are treated with a prominence unusual in a volume of this kind, more notably the attention devoted to an account of the constitutional system prevailing in even the lesser countries of Europe and in the British Colonies. The limitations and inequalities of the German pre-war franchise are specially well described. A long chapter concerns the internal history of Britain, and another sketches British colonial development. Like all Americans, Professor Hazen is too imbued with democratic theories quite to appreciate the Unionist view of the Home Rule question, or the cross currents which led to the rejection of the Budget of 1909 by the House of Lords. In dealing with the General Election of January, 1910, he makes the remarkable and surely inaccurate statement that 'the campaign was one of extreme bitterness, expressing itself in numerous deeds of violence.'

When Professor Hazen turns to the Colonies he finds himself on surer ground, except that when he traces the unhappy course of events in South Africa, he uses the word independence in an apparently absolute sense as referring to the status of the Transvaal Republic after the Sand River Convention of 1852, oblivious of the fact that by that Convention the 'suzerainty' of the British Crown was still maintained. The root of all future South African difficulties lay in disputes over the content and implications of that vague term.

The last hundred pages are devoted to a summary of the main events of the War, up to the date of the Armistice. Though necessarily scrappy, it

is unbiassed and useful in correcting the perspective of a generation whose sense of proportion has been impaired by too close contact with epoch-making events.

W. D. ROBIESON.

ADDRESS DELIVERED BY M. RAYMOND POINCARÉ, Lord Rector of the University of Glasgow, on November the 13th, 1919. Pp. 14. Folio. Paris : Imprimerie Nationale. 1919.

FOR nearly five hundred years the University of Glasgow has elected a Rector, whose post has for long been an honorary one, entailing no greater labour than the delivery of one address during the three years' tenure of office. The post, during the last century or more, has usually been held by a distinguished statesman—in earlier days by ecclesiastics; and it is curious that the highest honour which the undergraduates of the University have in their power to bestow, has rarely been offered to a man on account of his scholastic or literary or scientific work. The last holder of the office, however, was probably the only Lord Rector who was the head of a Great Nation, and M. Poincaré's address, which was delivered in excellent English, was of unusual interest as expressing the feeling of France towards Great Britain, and especially towards Scotland. The tributes of praise to Scottish soldiers, sailors and nurses are as generous and as discriminating as those to Scottish scholars, statesmen and institutions, although the place and circumstances of the address naturally led the speaker to adopt a laudatory rather than a critical tone throughout. But what gives the address its peculiar value is the intimate estimate by the President of the French Republic of one great Scotsman, the British Commander-in-Chief, whom M. Poincaré singled out as possessing typical national characteristics. Withdrawing for a moment the veil which usually hides the proceedings at critical conferences, M. Poincaré told the story of his consultation with Field-Marshal Haig on two occasions, when the fate of the Western Powers seemed to be hanging in the balance, and when the Field-Marshal not only showed his clear-sightedness and moral energy, but acted with 'a patriotism and a loyalty which will make him still greater in the world's history.' The sincerity of this personal tribute is unmistakable.

In addition to the print of the Rectorial Address, the French Government has also issued in their 'Petite Collection Historique' a series of eleven charming booklets containing speeches by the President on various public occasions during the last two years. These cover a wide field, including an oration in memory of authors who have died during the War, an address delivered at the Sorbonne, and speeches at Verdun and Nancy.

THE RIGHT TO WORK : An Essay Introductory to the Economic History of the French Revolution of 1848. By J. A. R. Marriott, M.P. Crown 8vo. Oxford : Clarendon Press. 1919. 1s. 6d. net.

MR. MARRIOTT has re-issued his introduction to the edition of Louis Blanc's *Organisation du Travail*, and Émile Thomas's *Histoire des Ateliers Nationaux*, which was published in 1913, as he considers that a study of both the economic theories and the practical experiment is valuable to-day.

Mr. Marriott describes vividly and concisely the ideas and the events of the Revolution of 1848. Louis Blanc's work was inspired by the effects of the industrial revolution in France. His practical proposal was to use the power of the State to start national workshops, democratically organised, which should compete with private enterprise so successfully as to substitute the principle of association for competition, without violence or confiscation.

His proposals have therefore something in common with both Syndicalism and State Socialism. He also preached the doctrine of the right to work, and it was this idea which attracted the Paris workmen, who were not satisfied with the political revolution of 1848. Only in this way can Blanc be considered responsible for the experiment of the national workshops which he vehemently disowned, and their failure. The recognition by the Government of the right to work, and its inability to provide enough work, led to the payment of thousands of unemployed. Émile Thomas was appointed Director of National Workshops, and attempted to organise the masses of working men, but he could not supply work. The Government's resolve to end the experiment led to the terrible street fighting of June 23-26, which paved the way for the rise to power of Louis Napoleon and the end of the Republic.

THEODORA KEITH.

JUDICIAL SETTLEMENT OF CONTROVERSIES BETWEEN STATES OF THE AMERICAN UNION—CASES DECIDED IN THE SUPREME COURTS OF THE UNITED STATES. 2 vols. Collected and edited by James Brown Scott, LL.D. Pp. xlii, viii, 1775. Large 8vo. New York: Oxford University Press. 1918. 25s. net.

MR BROWN SCOTT, in carefully bringing together from the many volumes of American law reports these cases relating to controversies of various kinds in which the different States have been concerned, has had a practical object in view. He thinks such cases should be readily accessible, 'not only to the lawyer, but to the layman as well.' Obviously they are of great importance to every student of American constitutional history. But at the present day, when a league of nations is contemplated, it is possible that such decisions may be even of a more *wide* world value. 'To many,' Mr. Brown Scott says, 'it seems that the Court of the American Union—in which coercive measures are not taken to compel the appearance of the defendant State, but, in its absence, permission is given to the plaintiff State to proceed *ex parte*, and in which hitherto no judgment against a State has been executed by force, either because it was felt that no power existed so to do, or its exercise was not considered necessary—is the prototype of that tribunal which they would like to see created by the Society of Nations, 'accessible to all in the midst of the independent powers.''

It is certainly to be hoped that America, which thus sets the example of such a Society, will not be found to be the stumbling block in the way of the proposed League of Nations.

We have, perhaps, been too much inclined to look upon America as one nation, instead of being a society of States, each with its own special

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interests, but all subject to an international tribunal. The present arrangement dates from 1787, when the newly emancipated republic drafted its constitution, and 'devised a Court of the States in which they consented to be sued for the settlement of the controversies bound to arise between and among them, denouncing the right of settlement by diplomacy, and wisely eschewing the resort to force.' Mr. Scott is sanguine enough to think that what the forty-eight States of the American Union do, a like number of States forming the Society of Nations can also do.

The decisions here collected are arranged under different headings, as, for example, suits by individuals against States and controversies between different States—often over questions of boundaries. Copies of the leading documents which form the written constitution of the American republic are supplied.

For the publication of these volumes we are again indebted to 'the Carnegie Endowment for International Peace,' which has already contributed so much to what may be called the constitutional literature of the United States.

W. G. SCOTT MONCRIEFF.

THE RIDDLE OF THE RUTHVENS, and other Stories. By William Roughead. Pp. 544, with 13 Illustrations. 8vo. Edinburgh: W. Green & Sons, Ltd. 1919. 25s. net.

THIS volume, of delightful and luxurious form, is full of Scottish story. It may be described as the happy result of the lucubrations of one of our lawyers, the most skilled perhaps (*teste* the late Mr. Andrew Lang) in placing Scottish yesterdays before us. Generally he does this with historical subjects, but not always, otherwise we would not have had his admirable poetic criticism (placed last in this book) on Robert Fergusson, the Edinburgh prototype of Burns. Still, it is with historical or legal subjects he is generally connected, at least in this collection. He begins with 'The Riddle of the Ruthvens,' an examination of the baffling 'Gowrie Conspiracy.' We now wonder with him whether the plot was not as much on the King's side as on that of the victims. Many 'trials,' judicial or else so-called, help to fill the book. We get a magnificent view of legal Nemesis in the remote Highlands when the Pack of the Travelling Merchant is accounted for through a dream. Witchcraft is dealt with in three studies. Auld Auchindrayne's Murder of an innocent boy is narrated, as is the modern case of 'Antique Smith' who 'uttered' forgeries of the works of the great Dead—some of which may still unhappily be current. Scottish and Irish Law finds its crux in the curious tangle of the Yelverton Marriage Case. Two important papers on Lord Braxfield (whose portrait is twice given to show his different aspects), soften a little his fierce contours, and one on Lord Grange, who deported his ill-willy-wife to St. Kilda, are all well worth study. It is impossible to read the book—which contains many other essays of interest—without delighting in the writer's thoroughness, his knowledge of Scottish History, his skill in unfolding the half forgotten past, and his quaint humour.

A. FRANCIS STEUART.

THE STORY OF PETERLOO. Written for the Centenary, August 16, 1919.
By F. A. Bruton, M.A. Pp. 45. 8vo. With 7 Illustrations.
London : Longmans, Green & Co. 1919. 1s. net.

THE 'Massacre of Peterloo' was one of the sad aftermaths of the Napoleonic War. In 1819 the government of the manufacturing town of Manchester was still the archaic manorial court—a wholly unrepresentative body entirely incapable of understanding the aspirations, grievances and desire of Liberal principles held by the progressive operatives of the city. That some of the latter held 'dangerous' opinions is admitted; but the fact remains that a perfectly peaceful public meeting of 'Reformers,' with the eloquent 'Orator Hunt' as chief spokesman, was dispersed in a violent manner by two bodies of soldiery, who left almost six hundred of the crowd seriously wounded and many of them, some being women, killed. Although this was at first regarded with congratulatory equanimity by Lord Sidmouth, and backed up in an arbitrary manner by the law, the Liberal principles for which the meeting stood very soon triumphed, and its sanguinary end was immortalised in Shelley's *Mask of Anarchy*. This tract supplies all essential details and authorities in commemorating the event a hundred years later.

PALMERSTON AND THE HUNGARIAN REVOLUTION. By Charles Sproxtton,
B.A., M.C. Pp. xii, 148. Cr. 8vo. Cambridge : At the University
Press. 1919. 7s. 6d. net.

THE author of this brilliant brochure (one of these young savants whom we can so ill spare,—fell in the War in 1917) has presented to us an interesting study of Palmerston's diplomacy. Not concealing any of Palmerston's defects, his undiplomatic and hectoring straightforwardness, his rudeness to foreign courts, and his blind touching the nerve of their susceptibilities, he yet shows his love of liberality and justice. He manages in the mazes of a tortuous and revolutionary epoch to tell us how Palmerston, though he would not recognise an independent Hungary for fear of weakening Austria unduly, yet, when the Hungarian cause had, by Russian help, failed entirely, he, by his influence, saved the Magyar insurgent leaders from Austrian ferocity.

A HANDBOOK OF GREEK VASE PAINTING. By Mary A. B. Herford,
M.A. Pp. xxii, 125. Royal 8vo. Manchester : At the University
Press. 1919. 9s. 6d. net.

THIS book, which is beautifully illustrated with pictures of vases of the highest degree of Greek artistic excellence, is written to meet a definite want, as until its appearance there has been no work on Greek vase painting as a whole, although there have been many books and brochures on Greek ceramics. We congratulate the writer on her historical scholarship, her knowledge and her skill in collection. The book abounds with instances of all these qualities on every page, and the shapes and designs of the Greek vases—so often misnamed 'Etruscan'—which she has reproduced, are a joy to the eye.

M'Lachlan : Methodist Unitarian Movement 151

THE METHODIST UNITARIAN MOVEMENT. By H. M'Lachlan, M.A., B.D. Pp. xii, 151. Crown 8vo. Manchester : At the University Press. 1919. 4s. 6d. net.

THE history of the movement of 1806-1851 begins with the difference between Joseph Cook and the rest of his Church on the difficult subject of 'The Witness of the Spirit' and on 'Justification,' which led to the formation of the new sect 'The Cookites,' the *loci* of which were at Rochdale, Oldham, and a few other centres. The writer styles the adherents 'humble pioneers of religious and political liberty,' and draws the materials for his study from the records of their chapels and schools.

FÖRNVÄNNEN. MEDDELANDE FRÅN K. VITTERHETS HISTORIE OCH ANTIKVITETS AKADEMIEN. 1916. Under redaktion av Emil Eckhoff. Wahlström & Widstrand, Stockholm.

THIS is an interesting and well-illustrated collection of articles on Old Lore in Sweden. The papers include observations on the Roman Vessels in the Upland burial grounds, the gold ornaments of the Bronze Age found in Sweden, the farm equipments of the Stone Age in Upland; queries whether certain stone work is Swedish or Byzantine, and other art owes its existence to Cologne or Gotland, remarks on Stone-Age axes, etc., and an article of wider interest by M. Snittger on the old traditions of the Stork as the 'lifebringer' in the Northern Counties.

IRELAND THE OUTPOST. By Grenville A. J. Cole, F.R.S. 8vo. Oxford University Press. 1919.

A SHORT and interesting study founded on the statement in 1436 that Ireland 'is a boterasse and a poste.' The essayist treats the history of Irish difficulties from the point of view of a geographer, and so accounts for the settlements of the different waves of population that have passed over the country. He points out the gate of Ireland is at Dublin, on the friendly and 'narrow seas.'

CAUSES AND CONSEQUENCES : a Book for To-day. By George Gordon Samson. Pp. iv, 126. Crown 8vo. London : Simpkin, Marshall, Hamilton, Kent & Co. 1919. 2s. 6d. net.

THE present difficulty that 'Money is not Wealth' is the keynote of this booklet, which deals with the problem of cost and labour; autocracy and democracy, and such like topics. It is notable that in his short account of Roman democracy the author does not mention slave ownership or labour.

PAX, THE QUARTERLY REVIEW OF THE BENEDICTINES OF CALDEY.

A PLEASANTLY got up brochure which contains an article on Santa Sophia at Constantinople, one on a Coptic hymn, by Henry Jenner, and what to us is of greater local interest as Scots 'Some early Religious Memories,' by Abbot Sir David Oswald Hunter-Blair, O.S.B., now Abbot of Abington, who writes interestingly about his religious education in Scotland.

CATALOGUE OF THE LIBRARY OF THE GLASGOW ARCHÆOLOGICAL SOCIETY.
Pp. viii, 140. 4to.

THIS handy and well-planned list has been prepared by Mr. Frederic Kent. It is, as the honorary secretaries of the Society, Mr. A. H. Charteris and Mr. J. Arthur Brown, recognise, the necessary key to about 1700 books. Their hint that the Catalogue may stimulate donations deserves success.

An interesting special list of MSS., mainly legal and historical, reaches us from Norway. It is the *Catalogue of Norse Manuscripts in Edinburgh, Dublin and Manchester*, drawn up by Olai Skulerud (Kristiania, 1919. Pp. viii, 76. 8vo). It is a systematic list, briefly setting forth the contents of all Scandinavian manuscripts in Trinity College and the Royal Irish Academy, Dublin, in John Ryland's Library, Manchester, and in the Advocates' Library and Edinburgh University Library. Attention of Scottish antiquaries may be drawn to pp. 41, 44-46, and 54-55 for about a dozen entries, chiefly of minor, but not negligible, note.

In the *English Historical Review* for October the most considerable article is Dr. Farrer's second half of his *Outline Itinerary of Henry I*. It completes a sustained chapter of first-class British history which will evoke the gratitude of all who have occasion to work through the obscure period of the opening twelfth century. Scottish investigators will find a good many important references to international relations, and particularly to the movements of David I. at the English Court. Presumably the Itinerary will ere long be issued in a separate volume. Its mass of detailed names of persons and places, its incidental notices of events, and its careful chronological arrangement throughout its solid 155 pages as now printed, will make it an indispensable adjunct in the study of early feudal English biography and politics. Other contents this quarter include Carl Stephenson's discussion of the Aids exacted by the Crown from English boroughs, largely turning on the problem whether *tallagium* and *auxilium* were not indistinguishable. Malcolm Letts furnishes lively notes of Frenchmen's travels in sixteenth-century Naples. Edward IV.'s ship, *Grace de Dieu*, building in 1446, and 'spoken,' as it were, in the records of freightage in 1449, has a note by R. C. Anderson all to itself, and its voyages, until broken up in 1486. V. H. Galbraith recovers certain *Articuli* laid before Parliament in 1371. Found in a Bury chartulary, they have a Wicliffite connotation. Mary D. Harris adds to the minor historical sources from James II. to George II. by introducing the Memoirs of Edward Hopkins, M.P. for Coventry.

In *History* for October, Edward Armstrong surveys the Dawn of the French Renaissance largely under the lights hung out by A. Tilley, who has made the period his own. Ernest Barker contrasts three concepts of Nationalism. Alice Gardner, in a striking and persuasive examination of ecclesiastical policy under Constantine, shows that Dioclesian, having by instituting the 'adoration' of the Emperor, caused disaffection among

the Christians in the army, Constantine, by the altered *adoratio* of the standards aimed at restoring the discipline of the soldiery while securing the supremacy of the emperor and the reverence for the *Labarum*. The bearing of this on the interpretation of Constantine's adoption of Christianity as the State religion, is a subtle and far-reaching political speculation, considerably influenced by the important article of E. C. Babut, noticed in these columns (*S.H.R.* xiv, 297) in 1917.

The *American Historical Review* for July had solid papers on English ecclesiastical and political problems. A. H. Sweet on the English Benedictines and their bishops in the thirteenth century, deals at large with the episcopal visitations by which, with difficulty, the moral oversight was asserted and maintained. W. C. Abbott traces the definite origin of English political parties under representative government, and their final transformation over the question of succession to the throne, to the decisive period of 1675. Edouard Driault, not without an eye on the fates of 1914, re-examines the successive coalitions of Europe by which Napoleon was put down.

In the same Review for October, fresh and clear new issues are raised by A. B. White: 'Was there a 'Common Council' before Parliament?' His answer is that before Parliament became both in name and reality the classical body we know, there was no such thing as the *Commune Concilium*, 'predecessor of the modern parliament,' as Professor M'Kechnie styles it. The challenge is not a mere denial; it is a sort of collation or bibliography of 258 passages, between the Conquest and the middle of the thirteenth century, the outcome of which is (1) that, on the instances tabled, *commune consilium* did not pass out of its signification of 'general counsel,' and did not become an assembly name in England; and (2) that *concilium* was no transition from *consilium*, and 'Common Council' had no prevalence before 'Parliament.'

Witt Bowden shows how largely English manufacturers opposed the commercial liberalism of the reciprocity treaty of 1786 with France. Bernadotte E. Schmitt reconstitutes the Diplomatic Preliminaries of the Crimea, and blames the Czar for precipitating the conflict from his belief that Europe would not unite against him. The article makes plain that Kinglake's elaborate interpretations of the policies and diplomacies of the war must at many points be qualified and questioned in the new lights available, which make the attitude even of Stratford de Redcliffe much less absolute and definite than was long supposed.

Aeronautics have become a most popular new subject of research, and George E. Hastings has found in the records of the late eighteenth century much readable and curious matter on 'the Affair of the Balloons,' especially the designs for their application to war purposes.

The *Iowa Journal of History and Politics* for July is almost monopolised by a Historical Survey of Militia in Iowa. The institution itself in America was inherited from England, and antedates the Revolution. In Iowa, created a Territory in 1838, the Militia was set up in the same year, Cyril B. Upham making himself its historian, traces its annals with large

masses of local fact, as far down as the close of the civil war, pausing in 1866, when militia law had become almost a dead letter.

The number of the *Archivum Franciscanum Historicum* (xi, 3-4) for July-October, 1918, contains an account by P. L. Oligier of the treatise of Fr. Petrus Johannis Olivi (+ 1298), *De renuntiatione Papae Coelestini V.*, some illustrated notes on portraits of Christopher Columbus, by Maurice Beaufreton, and a German metrical version of the Legend of St Clare, edited by Walter Seton. The instalment of the *Bullarium* of Assisi, and the first part of an *Index regestorum Familiae ultramontanae*, which the number contains, do not offer anything specially Scottish.

The number of the same periodical for January-April, 1919 (xii, 1-2) contains an account by P. J. Goyens of a school of biblical study founded at Antwerp in 1768, including an interesting catalogue of books on Oriental languages then to be found in the convent libraries of that province. Auguste Pelyer deals with a commentary on Aristotle's *De meteoris*, which was one of Roger Bacon's sources, and which he attributes to Alfred of 'Saneshel,' an Englishman, discarding a number of previous attributions.

P. Th. Plassman devotes forty pages to Bartholomaeus Anglicus, the author of the popular encyclopædia, *De proprietatibus rerum*, of the middle of the thirteenth century. He concludes that the author was 'a scion of the illustrious family of the Glanvilles, who were most likely of Anglo-French origin, and who were settled in the county of Suffolk.' As a laïc he entered the Franciscan Order, studied at Oxford and Paris, and afterwards taught at the convent in the latter city. He is last heard of as a teacher at Magdeburg. P. Plassman gives an interesting summary of Bartholomaeus' *De proprietatibus rerum*, and quotes some rather 'superior' references to Scotland and Ireland. Of the inhabitants of the former he writes: 'cum populus sit satis elegantis figure et faciei pulcre tamen eos deformat proprius habitus sive Scotica vestitura.'

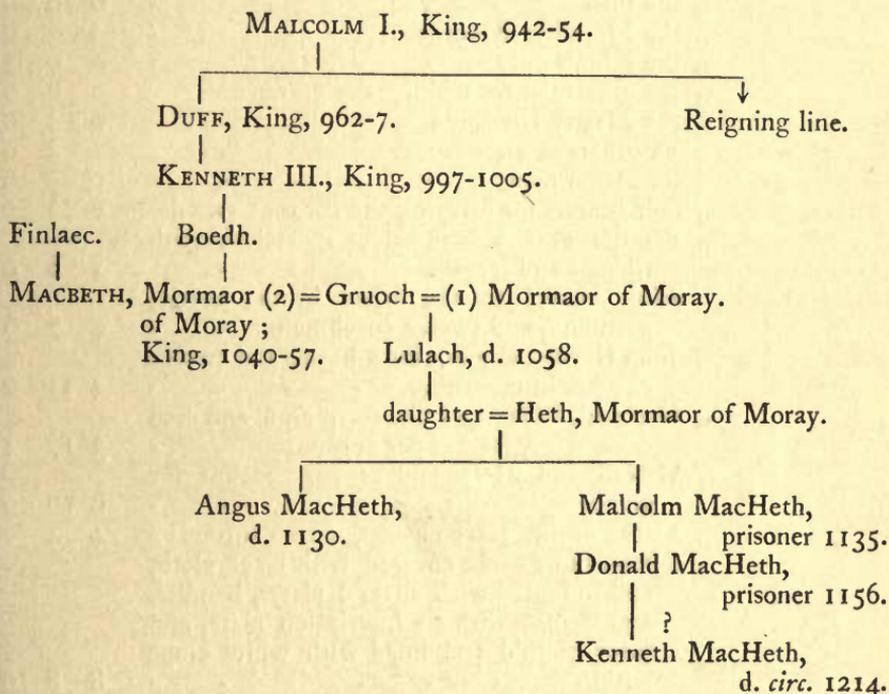
P. Oligier pursues the inquiry begun by Mr. Seton in the previous number, and prints a charming Latin version of the *Gaudia S. Clarae Assisiensis*, which he judges to be earlier than the German. Both versions belong to the period 1350-1380. P. Salvatore Tosti studies *Alcuni codici delle prediche di S. Bernardino da Siena*, including some very vivid contemporary accounts of the effects of his preaching. Both numbers are full of interesting material.

D. B. S.

Communications

MACBETH *or* MACHETH. I venture, for my own instruction, to propound a problem which is either absurdly simple or insoluble.

Here, so far as I can reconstruct it, is the genealogy of the MacHeth pretenders who vexed Canmore's line in the eleventh, twelfth, and thirteenth centuries :—



What is MacBeth, Mormaor of Moray, doing in this otherwise exclusive gallery of MacHeth under-rulers of that province? I am told that MacBeth = Son of Life (Vita)—Is MacVittie alternative? What is the signification of MacHeth? or are the two names interchangeable? But MacBeth, not MacHeth, survives. Is the fact due to MacBeth's preference in literature? If so, why do our historians confuse us by associating both forms? Or, after all, are the two names, and therefore the two local dynasties, distinct?

C. SANFORD TERRY.

AN EDINBURGH FUNERAL IN 1785. The following account was found among the papers of the late Mr. Alexander Hutcheson, F.S.A. Scot. Woodend is in the parish of Madderty near Crieff; but Robert Watt, who was a writer, died in Edinburgh on the 17th of March 1785. As will be noticed the coffin was 'sheer cloth'd.' According to the *New English Dictionary*, a man who removed the superfluous nap from cloth in a manufactory was called 'a shearman'; and 'sheer' is descriptive 'of textile fabrics—thin, fine, diaphanous.'

D. HAY FLEMING.

ACCOUNT OF THE FUNERALS OF ROBERT WATT OF WOODEND, Esq^{RE},
TO WILLIAM BUTTER.

1785.

| | | | | |
|-------------|---|---------|----|---|
| March 21st. | To cash paid for a warrant to break ground in the Grayfriars Churchyard for a hearse burial | £1 | 5 | 0 |
| | „ the Charity Workhouse - - - - - | 0 | 5 | 0 |
| | „ the turff - - - - - | 0 | 10 | 0 |
| | „ the Mortality Recorder - - - - - | 0 | 3 | 0 |
| | „ the King's duty - - - - - | 0 | 0 | 3 |
| | „ the gravemen for making the grave - - - - - | 0 | 8 | 0 |
| | „ the Master Houshold - - - - - | 0 | 5 | 0 |
| | „ six ushers at 4s. - - - - - | 1 | 4 | 0 |
| | „ six batton men - - - - - | 0 | 6 | 6 |
| | „ four bearers for carrying the corps at 1s. 6d. - - - - - | 0 | 6 | 0 |
| | „ the use of the best velvet mortcloth with ribbons and servant - - - - - | 1 | 6 | 0 |
| | „ drink money to the driver of the hearse, postillion, and twelve coachmen - - - - - | 0 | 7 | 6 |
| | „ John Hay per account for a hearse and twelve coaches in mourning - - - - - | 4 | 11 | 6 |
| | „ Husband, Elder and Co. for plumb and seed cake, wine, &c., as per account - - - - - | 3 | 17 | 4 |
| | „ McNab and McDonald as per account for gloves - - - - - | 0 | 16 | 6 |
| | „ a suite of fine grave cloaths, with a shroud - - - - - | 4 | 4 | 0 |
| | „ a large mort coffin covered with black cloth, and mounted with silver'd plates, handles, and lacing, with an inscription plate, and sheer cloth'd and lined with white crape within - - - - - | 8 | 8 | 0 |
| | | £28 3 7 | | |

COINS IN USE IN SCOTLAND IN THE SIXTEENTH CENTURY. Among a collection of sixteenth century Orkney documents recently discovered, there is one that throws some interesting light on the relative values of Scottish and foreign coins at the period. It is a charter, dated at St. Andrews (Fife), 8th July, 1556, by which 'Maister Magnus Halcro, chantor of Orknay,' admits the right of Magnus Cragy, eldest son and heir of the deceased James Cragy, of Burgh in Rolsay

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(Rousay), to redeem the six penny land of Burgh, with its pertinents, for the following sums of money :—‘The sowme of thretty thre roisnoblis or ellis thre pundis and ten schillings for ilk pece thairof, twenty angell noblis or ellis fourty four schillings for ilk pece thairof, twenty dowble ducats or ellis thre pundis for ilk pece thairof, thre Portugall ducats or ellis fyvetene pundis for ilk pece thairof, sex Scots rydars of gold or ellis thretty schillings for ilk pece thairof, fyve licht Frenche crownis or ellis fourtene schillings for ilk pece thairof, four dymmijis (demys) or ellis twenty twa schillings for ilk pece thairof, fourscoir Inglis grotts, for ilk pece thairof achtene pennes; the priceis of the gold and grottis above expremitt to be usual money of Scotland haiffand courss and passage thairin for the tyme.’

These were the actual sums of money paid to Magnus Cragy by Mr. Magnus Halcro for the sixpenny land of Burgh, as set forth in the charter of sale, and the variety of coins indicates the difficulty of finding a large slump sum of money in Scotland at that time. In addition, the extra sum of ‘eivin scoir twelf pundis twa schillings’ had to be paid for the redemption of the land.

J. STORER CLOUSTON.

KILMARON FAMILY OF FIFE. With reference to the enquiry of your correspondent, Mr. E. B. Livingston, in *S.H.R.*, xvi, p. 174, I may be allowed to quote a Tack of the lands of Torer in Fife, granted on 11 November, 1293, by Thomas de Kilmeron in favour of Alexander ‘called Schyrmeschur.’ The original is in the hands of the Earl of Lauderdale, and came to light in the litigation of some years ago between the Earl and the late Captain Scrymgeour-Wedderburn regarding the right to the Royal Standard-bearership.

The Tack is printed almost in full in the Appendix of Documents which follows the House of Lords Cases of the Parties, pp. 1 and 2, as follows :—

Omnibus hoc scriptum visuris vel auditoris Thomas de Kylmeron eternam in domino salutem. Nouerit universitas vestra me assedasse ac dimisisse Alexandro dicto Schyrmeschur filio Colyni filii Carun totam terram de le Torrer cum omnibus pertinenciis suis interius et exterius usque ad terminum nonem annorum continue sequentur plene complendorum pro quadam summa pecunie quam dictus Alexander in mea urgenti et inevitabili necessitate in pecunia numerata in pre manibus tradidit et peccavit. de qua quidem pecunie summa teneo ac tenebo me bene contentum. Tenendam et habendam dictam terram de le Torrer dicto Alexandro et heredibus suis seu assignatis bene et in pace libere quiete pacifice et honorifice. in domibus edificiis et ortis. in moris et maresiis. in pratis et pascuis in viis et semitis et cum omnibus pertinenciis libertatibus et aysiamentis et commoditatibus cum libero introitu et exitu ad dictam terram spectantibus seu de iure aliquo spectare valentibus quousque predicti nonem anni plene et integre fuerint completi et quousque dictus Alexander et heredes sui seu assignati de anno in annum et de termino in terminum de dicta terra de le Torrer nonem vesturas sine alicuius condicione aut impedimento integre receperint volo et et [sic] concedo pro me et heredibus meis quod liceat dicto Alexandro et heredibus suis seu assignatis habere

liberam potestatem sine aliquo impedimento ad fodiendas petas in marisco de le Torrer prout indignerint infra predictos nonem annos et illas petas ubicunque voluerint vel manserint ad domos suas cariare et abducere. Termino ingressus dicti Alexandri in dictam terram de le Torrer incipiente ad festa Sancti Martini in yeme anno domini millesimo ducentesimo nonogesimo tercio * * * In cuius rei testimonium sigillum meum una cum sigillo dicti Patricii de Rankeloch et sigillo decanatus de Fyff et de Fotherith ad instanciam dictorum Ade de Rankeloch et Willelmi de le Torrer cissoris fidejussorum meorum et principalium insolidum debitorum ut predictum est procuratum per eosdem que sigilla propria tempore confectionis scripti presentis non habuerint, hinc scripto est appensum. Hiis testibus domino Johanne dicto Abbate tunc decano Christianitatis de Fyffe et de Fotherith, Hugone de Lochor tunc vicecomitatum de Fyff, Constantino de Lochor Johanne dicto Gylbuy Michaele dicto Redhode burgensis de Cupro et multis aliis.

The parchment tag, to which at one time has been appended the seal or this Document, is a part of an earlier tack by the same Thomas to the same Alexander.

In an early Inventory of Scrymgeour writs, which was also produced in the case just mentioned, and has been printed since by the Scottish Record Society, edited by Dr. Maitland Thomson, occurs on p. 25, the following entry of apparently the tack now printed:—

(395) 'Tak maid be Thomas of Kilmaron to Alexander Scrymgeour, the sone of Colene, the sone of Careyne, of the landis of Tor for the space of nyne zeiris.'

On a later page of the print of the Inventory, p. 41, an entry is as follows:—

(667) 'Transumpt of ane charter maid be Richard of Kilmaron to Alexander the sone of Colene the sone of Carrone, of the landis of Kilmukir callit Woddislat and Hillokfield, daittit 5 Januar anno 1^m v^oli. Johne Durie, Notar.'

The date here is of course the date of the transumpt.

J. H. STEVENSON.

ALEXANDER CALLED THE SCHYRMESCHUR. The mention of this personage in the thirteenth century tack quoted above is interesting in view of the accounts of our historians of the name of the first Scrymgeour, and the date at which he won his surname. *Fordun*, with *Bower's continuation*, lib. v. cap. xxxvi, p. 285; *Boece*, lib. xii, fol. 267; *Buchanan*, ed. 1751, p. 265.

J. H. STEVENSON.

A SCOTTISH PUPIL OF RAMUS. The current number of the *Revue du Seizième Siècle* (v. 209) contains an article by M. Maurice Roy on *L'Entrée de Henri II. à Paris et du sacre de Catherine de Médicis en 1549*, which deals with the share of the distinguished architect, Philibert de Lorme, in the preparations for the entry of the new King. In a foot-

note M. Roy refers, among other contemporary accounts, to an *Oratio* which he, or possibly the printer, assigns to 'Joannes Stevantis,' and records as having been delivered 'in Collegio Pullenum.' The correct description of this rare pamphlet is:—*De adventu Henrici Valesii Christianissimi Francorum Regis in Metropolim Regni sui Lutitiam Parisiorum Oratio habita à nobilissimo et generosissimo juvene Joanne Stevarto Scoto, Nonis Julii, In gymnasio Prelleorum; Parisiis, Ex typographia Matthæi Davidis, via amygdalina, quae est é regione collegii Rhemensis, ad Veritatis insigne, 1549.* Brunet describes it as an 'opuscule d'une grande rareté,' and my copy contains the following note in the handwriting of David Laing, to whom it belonged: 'In the only copy in the B.M. the title ends thus—*cum privilegio regis.* Mr. Barwick thought that this copy of mine was probably one struck off to go to Scotland, where no license would be needed.'

It will be observed that the *Oratio* was delivered by John Stewart, a Scotsman, at the Collège de Presles, on the seventh of July. The royal entry took place on the sixteenth of June, and the *Oratio* is an appreciative narration of the event. The author is stated by Father Forbes-Leith to have been a native of Glasgow, President of the Collège de Montagu, Vice-Rector in 1550 of the Scots College, and Rector of the University, and to have died in Paris on 6th May, 1581.¹ The external history of the earlier years of John Stewart at the University of Paris can be reconstructed from the *Conclusions de la nation a'Allemagne, Livre des Procureurs* (Bibl. Univ. Paris, MSS. Reg. No. 16). He was admitted bachelor and licentiate in 1535 and 1536 respectively, each entry containing a note 'cujus bursa valet quatuor solidos parisiensium.' On 19th November, 1537, he was elected 'Procurator of the German nation,' which included Scotland, for the first time; on 1st June, 1541, for the second time; in October, 1541, for the third time; and on 18th November, 1549, for the fourth time. On 13th January, 1549/50, Stewart demitted office, handing over 'sigillum dictae nationis cum duobus libris et quatuor clavibus' to his successor, but he again held office from April to June of the year 1551, and from January, 1552/3, to March following. (Ff. 382^{vo}, 393^{vo}, 411^{vo}, 452, 542^{vo}, 521^{vo}, 537^{vo}, 538^{vo}, 548, 548^{vo}, 553, and 554^{vo}.)

There is a certain irony in the fact that a Scotsman should have chronicled the royal entry of Henry II. into the capital in which ten years later he was to meet his death at the hands of the Captain of the Scots Guard; but the tract has a greater interest than that of coincidence. The Collège de Presles, in which the *Oratio* was delivered, was under the direction of Ramus (Pierre de la Ramée), who had been summoned in 1545 by Nicolas Lesage to revive a decaying institution, and succeeded in a few years in making the college one of the most active centres of intellectual life in the University. The ruthless attack which Ramus directed against the Aristotelian dialectic had led to the condemnation in March, 1544, by royal authority of his *Animadversiones Aristotelicae* and his *Dialecticae*

¹ *Pre-Reformation Scholars* (Glasgow, 1915), 51. Cf. F. Michel, *Les Ecosais en France*, i. 279 n.

institutiones, and on his appointment to the Collège de Presles he avoided philosophical speculation, and confined his teaching to rhetoric and mathematics.¹ During his persecution at the hands of the scholastics who had gained the ear of Francis I., Ramus was encouraged by the faithful support of his colleague, Andomarus Talaeus (Omer Talon), Professor of Rhetoric, whose writings on dialectic also attracted the malevolent attentions of the conservative school. In his youth Ramus had received encouragement from Tusanus (Jacques Tousan), Royal Reader in Greek, who supported him until his death in 1547. In the same year, on the accession of Henry II., the restrictions under which Ramus had laboured for three years were removed by the King through the influence of the future Cardinal de Lorraine, an old friend and fellow-student. In 1548 he republished his two condemned treatises, his publisher being Mathieu David.² David also produced the kindred treatises of Omer Talon.³

Turning to Stewart's *Oratio*, we find that it is published by David, and that the dedication to Henry II. refers in laudatory terms to Ramus and Talaeus 'praeceptoribus meis.' In the body of the tract the author refers with regret to the recent deaths (1547) of Jacobus Tusanus and Franciscus Vatablus. The former (Jacques Tousan) had been the protector and life-long friend of Ramus, and the latter, a learned Professor of Hebrew, had been a pupil of Alexander, and was in sympathy with the new school.⁴ There is also a discreet reference to Léfèvre d'Étaples, which, with the other reference, is sufficient to indicate the intellectual sympathies of Stewart. His *Oratio*, further, on examination, yields some echoes of the *Oratio de studiis Philosophiae et eloquentiae conjungendis* which Ramus delivered in 1546 and published in 1547, and again, with a Dedication to the Cardinal de Lorraine, in 1549.⁵ In the same year another Stewart, James, the future Regent Moray, became a pensionnaire of Ramus, and it is probable that other Scottish students came under his influence. He was a friend of George Buchanan and of Andrew Melville, who 'heard' him 'in Philosophie and eloquence,' and whose biographer places him among 'the lightes of the maist scyning age in all guid lettres.'⁶ When Melville came to Glasgow College in 1574 he taught his pupils 'the Dialectic of Ramus, the Rhetoric of Taleus, with the practise thair of in Greik and Latin authors,' and 'the Arithmetic and Geometric of Ramus,' and his nephew James, when he became regent at Glasgow in his nineteenth year in 1575, 'teatched . . . the Dialectic of Ramus, the

¹ Christie, *Etienne Dolet* (London, 1899), 437 n., but cf. Waddington, *Ramus*, p. 57.

² Waddington, *Ramus* (Paris, 1855), *passim*.

³ *Ibid.* and *Catalogue of Christie Collection* (Manchester, 1915), s.v.

⁴ Rénaudet, *Préréforme et humanisme* (Paris, 1916), 613. He helped Marot with his translation of the Psalms. Waddington, *op. cit.* 128.

⁵ *Parisiis, Apud Martinum Juvenem, sub insigni D. Christophori, e regione gymnasii Cambracensium.*

⁶ *James Melville's Diary*, 39.

Rhetorik of Taleus, with the practise in Cicero's Catilinars and Paradoxes, &c.¹ Ramism had an important place in the Melville system of education, and, for a time at least, prevailed in Scotland.²

The intrinsic interest of Stewart's account of the royal progress is slight, and even a Scottish reader may be pardoned if he prefers Brantome's 'digression' on the 'très belles singularités' which marked Henry's entry into Lyons in the preceding year. Even a Latin veil cannot conceal the grotesque quality of a civic-academic-legal-clerical procession, but a pleasant note is sounded in the description of the King's passage, 'viginti quatuor Scotis custodibus undique stipatus.' The value of the *Oratio* lies in the light which it casts on the influence of French humanism on a typical Scottish student, and on the forces which went to the making of sixteenth century Scotland.

DAVID BAIRD SMITH.

UNIVERSITY OF NANCY. A few weeks before war was declared in 1914 the Franco-Scottish Society met at Nancy. On the 31st October, 1918, the University Library there was destroyed by bombardment. How great was the destruction is seen by some photographs which the University has prepared, showing the scattered leaves of print and MS. lying in heaps among the ruins. It is gratifying to know that a few sympathisers in Scotland have, thanks mainly to the energy and influence of Mr. J. T. T. Brown, LL.D., collected and presented to the University of Nancy a very considerable collection of works on Scottish history. The gift was formally accepted on behalf of the authorities of Nancy University by M. Poincaré on the occasion of his recent visit to the University of Glasgow.

SEIGNEUR DAVIE. The Italian, David Riccio, or Rizzio, was murdered by the irate Scottish Lords at Holyrood on the night of March 9, 1566, and thus gave to Scotland an Italian tragedy to be followed by the equally tragic fates in France of the Italian favourites, the Concini and Monaldeschi. But what do we know to-day of David Rizzio, his origin, aims, and position? It is strange, but true, that though for a brief period he exercised a high political position in Scotland, we have hardly any authentic information about him. We only know that he was the son of a musician of Pancalieri, in Piedmont, and as he was attracted to the Embassy of the Marchese di Moretta, the Savoy Ambassador to Scotland, was probably of noble origin. Moreri, on this head indeed, says:—

'Una famiglia Ricci è computata fra le antiche nobile Piedmontesi e gode de' feudi di S. Paolo, e Cellarengo nell' Astigiana. Esisteva par anche un altro ramo degli stessi Ricci Signori di Solbrito, i soggetti del quale

¹ *Ibid.* 49, 53; cf. Waddington, *op. cit.* 396, and Murray, *Lawyers' Merriments* (Glasgow, 1912), p. 234.

² Rait, 'University Education in Scotland': *Glasgow Archaeological Society Transactions*, v. (2) 30, and 'Andrew Melville and Aristotle in Scotland': *English Historical Review*, xiv. 250.

dicesi, che usasero sovente del nome di Davide, e da questo è tradizione antica in Astigiana, che sia disceso Davide Ricci, ma in linea spuria. Gli oltremontani lo chiamano David Riz. e Rizzio.'

He came to Scotland with the Savoy Ambassador, and, having a good voice, it is said, insinuated himself into the choir that the Queen might hear and notice him, and the ruse succeeded. She did notice him, and as (as Birrel says) he was 'verey skilfull in music and poetry,' he soon made a conquest of the artistic Queen, who advanced him to be her French Secretary, and heaped favours on him. As such he assisted in helping on her marriage with her worthless cousin, Henry Lord Darnley; some said in the pay of the Pope, and others as a priest, others, as the nobles thought, as an intriguing Italian busybody. But now we come to a difficulty. It is stated that one of the Queen's Guise uncles recommended Rizzio to the Queen for her familiar, as his deformity would shield her from scandal. As the sequel shows, this was not so, and we have no certainty that the Italian was a hunchback. One later writer certainly says he was 'disgracié de corps,' but Lord Herries, who knew him, simply calls him 'neither handsome nor well faced,' and, of course, the Reformers saw no beauty in him either body or soul.

All through his short career are difficulties left uncleared. Queen Mary wished to give him Lord Ross's estate Melville (where Rizzio's oak is, from near which he is said to have serenaded the Queen) on the North Esk, and attempts at compensation embroiled Lord Morton, who saw his Court appointments threatened. The King-Consort grew jealous—it seems without cause—and a conspiracy followed.

Even the favourite's behaviour was the subject of misapprehension. At the tragic supper party he was surprised, seated in the Queen's presence with his cap on his head, which the Scots took to be Italian insolence, but which the courtiers knew to be *à la mode de France*.

Then came the terrible scene of the murder; as the ballad describes it—

Some Lords in Scotland waxed wondrous wroth,
And quarrilled with him for the nonce;
I shall you tell how itt befell
Twelve daggers were in him all att once.

and he was despatched and thrown downstairs, and laid to rest on the chest which had been his bed when he arrived at the Palace before his elevation.

Another dubiety exists about his burial. The Spanish State papers stated—'Secretary David was buried in the Cemetery, but the Queen had him disinterred and placed in a fair tomb inside the Church [of Holyrood], whereat many are offended, and particularly that she has given the office of Secretary to David's brother.' Popular discontent about his burial grew, and the tradition is that his body was removed and laid in the Canongate Church; but this is, as far as can be traced, mere tradition.

One wishes some reader would write a monograph on Rizzio. It is much wanted. Several portraits which are called by his name exist, and his handwriting must exist also, but has not yet been reproduced. His brother Joseph, by the Queen's favour, succeeded him, as we have seen,

as French Secretary, but, being involved in the Darnley murder, wisely remained in France. A Frenchman who is named 'frère dudict Joseph,' perhaps brother-in-law of the last, bore the name René Bonneau,¹ and this may be a clue to some future searcher. It would be a great addition to historical knowledge to roll back all the mists that surround this dark period of Scottish history.

A. FRANCIS STEUART.

THE MINT OF CROSRAGUEL ABBEY. Dr. George Macdonald has recently presented to the Society of Antiquaries of Scotland a very valuable report on the coins found at Crosraguel in the spring of 1919, and he has also contributed a paper on the subject to the *Scotsman* of 27th December, of which an abridgment is noted here.

The ruins of the Abbey of Crosraguel lie in a hollow about two miles south of the town of Maybole in Ayrshire. During the past five years operations necessary to prevent further decay have been in progress. A minor feature of these was the clearing out of a choked-up drain which ran in an easterly direction on the south of the cellars. Originally it had been the bed of a small stream, whose current had been utilised to flush the latrines. In removing the rubbish the workmen lighted upon a few fragments of glass and a large number of objects of metal, including many coins. The bulk of the finds were embedded at irregular intervals in the twelve inches of silt composing the lowest stratum of the 4½ feet of *débris* with which the drain was filled.

The larger proportion of the finds evidently had been jettisoned simultaneously, and of deliberate purpose. The coins numbered 197 in all, 20 being of the base alloy of silver known as billon, 156 of bronze or copper, and 21 of brass. The billon pieces are much discoloured. But those of copper and of brass, though sometimes presenting a wholly or partially blackened surface, are frequently not far from being as fresh and bright as if they had been recently minted. The striking is almost invariably bad. It proved possible to distinguish five separate classes, some of them containing several different varieties. One of these classes is entirely unknown elsewhere, while another has hitherto been regarded as native to the Continent. The weights are anything but uniform, even when the types are identical, and the shapes are in many instances irregular, sometimes approximating to the square. The coins, we seem bound to conclude, were minted close to the spot where they were found. That opinion is confirmed by the presence in the *omnium gatherum* of one or two copper blanks that have never been struck. It is further borne out by the character of the remaining oddments of metal, of which there are as many as 385, chiefly of brass. They give the impression of being raw material out of which blanks were intended to be fashioned. In short, coins and oddments combined go to form a medley which cannot be explained satisfactorily except on the hypothesis that we are face to face with the sweepings of a moneyer's workshop which had to be hurriedly abandoned.

¹ Teulet, *Papiers d'État*, 1566-67, ii. 125.

The Mint at Crosraguel Abbey

The Crosraguel coins can be dated with certainty to the latter part of the fifteenth century. That was one of the great periods in the history of the establishment. Abbot Colin, who was head of the community from 1460 to 1491, enjoyed the special favour of James III., and was a regular attender at his Parliaments. It is not unlikely that, in view of the remoteness of the district from the centre of administration, the King may have allowed his friend the Abbot to minister to the needs of the numerous dependants of the monastery by supplying them with a special currency. No serious abridgment of the royal prerogative would be involved, so long as the concession was strictly limited (as it appears to have been) to the issue of small change. That, however, is mere conjecture.

While the facts as to the inauguration of the Mint of Crosraguel Abbey are obscure, there can be little doubt as to the manner of its end. Presumably its suppression was one of the steps that James IV. took to ensure that his authority should be respected throughout the length and breadth of the land. His activity in that direction is notorious. The annals of the coinage of France present us with more than one picture of what we may suppose to have happened. At Mâcon, for example, in 1557, and again at Autun twenty years later, the officials of the *Cour des Monnaies* made a sudden descent on the premises of the chapter, and seized the dies and other implements that were employed for the production of the tokens used in connection with ecclesiastical ceremonies. The monks had infringed the jealously guarded privilege of the king by allowing the tokens to be diverted from their proper purpose, and to pass current among the townfolk as ordinary coins. The pretext for the raid upon Crosraguel would be somewhat different. Its upshot was very much the same. The dies and everything of value would be carried off, while the rubbish was thrown hurriedly into the latrine trench. It was an ignominious close for an institution that seems to have been unique in Britain. Yet, if the rubbish had received more honourable burial, even the zeal of the Office of Works might have failed to unearth it. In that event we should have been left in ignorance of a singularly interesting episode. As it is, the long-standing puzzle of the *Crux pellit* pieces has been definitely solved, and a new footnote has been added to Scottish monastic history.

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The Spanish Story of the Armada¹

I HAVE twice been led to discourse on Spain in this, my native town; and once it was my own choice: the Philosophical Society left it to me to find a text anywhere in the wide world, and I chose *Don Quixote*.—It may have been the success of that lecture that brought about an invitation from the School of Art to come and address the students there on Spain and the Renaissance. I did not find in myself any particular qualification for the task, but it was an adventure, and I look back on it with pleasure, and with perpetual gratitude to the small and very honourable company who helped me through, with their cheerful countenance, on one of the ugliest winter afternoons I can remember in Renfrew Street.

Now again I am challenged to come out and speak about Spain, and I find it no easier than it was the last time, and harder to get the right ground to start from. I have not been altogether idle lately, and there are many things I have learned, and more that I hope to find out, in the inexhaustible literature of Spain. But, though it is nearly fifty years since I first read a play of Lope (it was *El Acero de Madrid* in a volume borrowed from the College Library), I have not yet read enough even to make a traveller's story out of it—I mean such a story as one brings back from a summer holiday in new countries and landscapes. Reading Lope de Vega is very like such a holiday, but it is

¹ A paper read to the Spanish Society of Scotland in Glasgow, December 17, 1919.

difficult to say what it all amounts to, when the music has to stop—the melody of the *quintillas* and *redondillas*, that never fails, whatever the story or the scene may be : how is one to describe it ?

I thought again of the poem of the *Cid*—*El Cantar de Myo Cid*—and in that there was something more easily comprehensible, easier to describe, than the manifold changing pageant of Lope de Vega and his companions in the great age of the Castilian drama. One might compare the poem of the *Cid* with the *Song of Roland* ; there is enough in that for one sermon, and the themes are such that, without going very deep, it is possible to arrive at a sane and sensible opinion regarding these two wonderful old heroic poems. But, for one reason or another, I refused to take up the old epic of Castile.

There was another part of Spanish history, namely the Armada, which seemed to me to bring out, through all the deadly conflict of England and Spain, an agreement or likeness in taste and temper between England and Spain, while I remembered the passage in the Memoirs of the Rev. James Melvill, which gives Scotland a share in the story, and introduces, on the coast of Fife, personages whose lives and adventures are illustrated in the Spanish State Papers on the Armada, in the Spanish story of the Armada published in 1884 by Captain Cesáreo Fernandez Duro. The Spanish story of the Armada—Froude had told it in his own way, but there were many things which Froude had passed over in his selection of points of interest ; Froude did not quote James Melvill, and did not show how Fernandez Duro's documents supplemented the Scottish narrative.

James Melvill, minister of Anstruther-Wester in 1586, also of Kilrenny, Abercromby, and Pittenweem, had gone to Glasgow in 1574 with his uncle Andrew, the Principal, and there taught as Regent.

'1576, the second yeir of my regenting, I teatchit the elements of Arithmetick and Geometrie out Psellus for schortnes : the Offices of Cicero ; Aristotles Logic, in Greik, and Ethic (and was the first regent that ever did that in Scotland) also Platoes Phaedon and Axiochus ; and that profession of the Mathematiks, Logic and Morall Philosophie, I keipit (as everie ane of the regents keipit thair awin, the schollars ay ascending and passing throw) sa lang as I regented ther, even till I was, with Mr. Andro, transported to St. Andros.'

Mr. James Melvill tells a story of College life in Glasgow in those days, one of the vivid, true things that keep the body

of the bygone time. This digression may be allowed. One summer evening, as he was coming home from his fencing lesson in the Castle (a gentleman detained for manslaughter was his instructor), Mr. James Melvill was attacked by a student, Alexander Boyd, whom he had corrected for absenting himself from the Kirk and playing the loon on the Sabbath day. Along with the loon was an older friend of his, Alexander Cunningham, armed with sword and whingar. Mr. James closed with Cunningham :

‘I gripped his sword arm under my left oxter, and with my right hand caught his quhingar, haiffing na kynd of wapean upon myselff, and bids him stand.’

There was a mighty noise about this ; all the Boyds came to town to bully the College. But the Principal was firm, and the loon broke down, and the dispute ended in laughter. The loon, Mark Alexander Boyd, was afterwards a scholar and poet of repute ; you will find him in the Oxford Book of English Verse, and in Mr. Bowyer Nichols’s *English Sonnets*.

And here is James Melvill’s story of the Spanish Armada.

MDLXXXVIII. ‘That wintar the King was occupied in commenting of the Apocalypse, and in setting out of sermontes thairupon against the Papists and Spainyartes. And yit, by a piece of grait owersight, the Papists practeised never mair bisselie in this land, and maid graitter preparation for receaving of the Spainyartes, nor that yeir. For a lang tyme the newes of a Spanishe navie and armie haid bein blaisit abrode ; and about the Lambes tyde of the 1588, this Yland haid fund a feirful effect thairof, to the utter subversion bathe of Kirk and Polecie, giff God haid nought wounderfullie watched ower the sam, and mightilie fauchten and defeat that armie be his souldiours, the elements, quhilk he maid all four maist fercelie to afflict tham till almost utter consumption. Terrible was the feir, persing war the pretchings. earnest, zealus, and fervent war the prayers, sounding war the siches and sobbes, and abounding was the teares at that Fast and General Assemblie keipit at Edinbruche, when the newes war credibly tauld, sumtymes of thair landing at Dunbar, sumtymes at St. Androis, and in Tay, and now and then at Aberdein and Cromartie first.¹ And in very deid, as we knew certeanlie soone efter, the Lord of Armies, wha ryddes upon the winges of the winds, the Keipar of his awin Israell, was in the mean tyme convoying that monstruus navie about our costes, and directing thair hulkes and galiates to the ylands,

¹ *Sic*, meaning Cromarty Firth.

rokkes, and sandes, whareupon he haid destinat thair wrak and destruction. For within twa or three monethe thairefter, earlie in the morning, be brak of day, ane of our bailyies cam to my bedsyde, saying (but nocht with fray), 'I haiff to tell yow newes, Sir. Ther is arryvit within our herbrie this morning a schipefull of Spaiyardes, bot nocht to giff mercie bot to ask!' And sa schawes me that the Commanders haid landit, and he haid commandit tham to thair schipe againe till the Magistrates of the town haid advysit, and the Spaiyardes had humblie obeyit: therfor desyrit me to ryse and heir thair petition with tham. Upe I got with diligence, and assembling the honest men of the town, cam to the Tolbuthe; and efter consultation taken to heir tham and what answer to mak, ther presentes us a verie reverend man of big stature, and grave and stout countenance, grey-heared and verie humble lyk, wha, after mikle and verie law courtesie, bowing down with his face neir the ground, and twitching my scho with his hand, began his harang in the Spanise toung, wharof I understud the substance; and being about to answer in Latine he, haiffing onlie a young man with him to be his interpreter, began and tauld ower againe to us in guid Einglis. The sum was, that King Philipe his maister haid riget out a navie and armie to land in Eingland, for just causes to be advengit of manie intolerable wrangs quhilk he had receavit of that nation; but God for thair sinnes haid bein against thame and be storme of wather haid dryven the navie by the cost of Eingland, and him with a certean of capteanes, being the Generall of twentie hulks, upon an yll of Scotland, called the Fear Yll, wher they maid schipewrak, and whar sa monie as haid eschapit the merciles sies and rokes, haid mair nor sax or sevin ouks suffered grait hunger and cauld, till conducing that bark out of Orkney, they war com hither as to thair special frinds and confederats to kiss the King's Majestie's hands of Scotland (and thairwith bekkit even to the yeard), and to find releiff and comfort thairby to him self, these gentilmen Capteanes, and the poore souldarts, whase condition was for the present most miserable and pitifull.

'I answerit this mikle, in soum: That whowbeit nather our frindschipe quhilk could nocht be grait, seing thair King and they war frinds to the graitest enemie of Chryst, the Pope of Rome, and our King and we defyed him, nor yit thair cause against our nibours and speciall frinds of Eingland could procure anie benefit at our hands for thair releiff and confort; nevertheless, they sould knaw be experiance that we war men, and sa

moved be human compassione and Christiannes of better religion nor they, quhilk sould kythe, in the fruicts and effect, plan contrar to thars. For wheras our peiple resorting amangs tham in peacable and lawfull effeares of merchandise, war violentlie takin and cast in prisone, thair guids and gear confiscat, and thair bodies committed to the crewall flaming fyre for the cause of Relligion, they sould find na thing amangs us bot Christian pitie and warks of mercie and almes, leaving to God to work in thair hearts concerning Relligion as it pleased him. This being trewlie reported again to him be his trunshman, with grait reverence he gaiff thanks, and said he could nocht make answer for thair Kirk and the lawes and ordour thairof, only for him selff, that ther war divers Scotsmen wha knew him, and to whome he haid schouin courtesie and favour at Calles (*i.e.* Cadiz), and as he supposit, some of this sam town of Anstruther. Sa schew him that the Bailies granted him licence with the Capteanes to go to thair ludging for thair refreshment, bot to nane of thair men to land, till the ower-lord of the town war advertised, and understand the King's Majestie's mynd anent thame. Thus with grait courtesie he departed. That night, the Lard being advertised, cam, and on the morn, accompanied with a guid number of the gentilmen of the countrey round about, gaiff the said Generall and the Capteanes presence, and after the sam speitches, in effect, as befor, receavit tham in his hous, and interteined tham humeanly, and sufferit the souldiours to com a-land, and ly all togidder, to the number of threttin score, for the maist part young berdles men, sillie, trauchled, and houngered, to the quhilk a day or twa, keall, pottage, and fische was giffen; for my advyse was conforme to the Prophet Elizeus his to the King of Israel, in Samaria, 'Giff tham bread and water,' etc. The names of the commanders war Jan Gomes de Medina, Generall of twentie houlkes; Capitan Patricio, Capitan de Legoretto,¹ Capitan de Luffera, Capitan Mauritio, and Seingour Serrano.

'But verelie all the whyll my hart melted within me for desyre of thankfulnes to God, when I rememberit the prydfull and crewall naturall of they peiple, and whow they wald haiff usit us in ceas they haid landit with thair forces amangs us; and saw the wounderfull wark of God's mercie and justice in making us sie tham, the cheiff commanders of tham to mak sic dewgard and curtesie to pure simen, and thair souldarts sa abjectlie to beg almes at our dures and in our streites.

¹ Estéban de Lagorreta, in the *Capitana de las Urcas*, Fernandez Duro, ii. 39.

‘In the mean tyme, they knew nocht of the wrak of the rest, but supposed that the rest of the armie was saiffie returned, till a day I gat in St. Androis in print the wrak of the Galliates in particular, with the names of the principall men, and whow they war usit in Yrland and our Hilands, in Walles, and uther partes of Eingland; the quhilk when I recordit to Jan Gomes, be particular and speciall names, O then he cryed out for greiff, bursted and grat. This Jan Gomes schew grait kyndnes to a schipe of our town, quhilk he fund arrested at Calles at his ham-coming, red to court for hir, and maid grait rus of Scotland to his King, tuk the honest men to his hous, and inquiryt for the Lard of Anstruther, for the Minister, and his host, and send hame manie commendationes. Bot we thanked God with our hartes, that we haid sein tham amangs us in that forme.

[*Autobiography and Diary of Mr. James Melvill*, ed. Robert Pitcairn, Wodrow Society, 1842, pp. 260-264.]

Now among the papers published by Fernandez Duro is a narrative of the whole expedition, anonymous, which is plainly the story of Juan Gomez de Medina.¹ The Spanish historians have not read James Melvill; the English historians, Froude and Sir John Laughton, leave him unmentioned, and thus Juan Gomez de Medina, also, has received less than his due. Here is a small contribution of my own to the history of the Armada, produced by ‘combining his information.’ The earlier part of the story, in the narrative of Juan Gomez, I will not repeat, as it is not my purpose to go over again the main history of the great sea battle. But there are points worth noting: as when he speaks of the English fleet coming out of Plymouth on the morning of the 1st of August:

‘*venía en ella el Capitan general: dicen se llamaba Invierno.*’

This is Spanish for Sir William Wynter.

And he has a note on the loss of the great man of war, *Nuestra Señora del Rosario* (1,150 tons), and the surrender of Don Pedro de Valdes. To us, at this distance of time, the meeting of Don Pedro de Valdes, a shipwrecked sailor, with Sir Francis Drake, and the dignified and considerate treatment of the prisoner, makes a picture of honourable war in the spirit of Velasquez his surrender of Breda, where the victor Spinola and the surrendered Justus van Nassau have part in the same world of true honour. Juan Gomez at the time recognises this, and salutes the enemy:

¹ *Op. cit.* ii. pp. 279-293.

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'The ship was taken by the enemy that night, so we heard, and was more mercifully treated by them than by us ; D. Pedro was sent to London to the Queen, and the rest of the prisoners distributed all through the Island, it was reported.'

The same generous spirit shines through here as was to be shown by Juan Gomez, not long after he put the finishing words to his paper, writing with too much time to spare in the Fair Isle.

The abandonment of D. Pedro de Valdes was felt as a disgrace all through the Spanish fleet, and the shame is deepened through contrast with the generosity of the English. The abandonment of Pedro de Valdes and the explosion of the *San Salvador* were the beginning of ruin ; bad omens :

'Estas dos desgracias fueron el anuncio de nuestra perdicion. Sucedió esto dentro de dos horas, que fué harto pesar á toda la Armada por el mal agüero.'

What was obvious to everyone in the great action is not left unnoted by Juan Gomez ; the great skill and daring of the English navy ; their superiority in sailing, and their consistent policy never to close, and always to keep the weather gauge—*teniendo siempre gran cuidado de tenernos ganado el barlovento.*

I take two entries in the Journal :

'9th August. Nothing fresh ; the two fleets continuing to sail in sight of one another, the enemy keeping to windward.'

'10th ,, We sailed on, with no certain knowledge of our destination, and always the enemy fleet in sight, keeping us to leeward.'

On the 13th, the writer tells of the Duke's order to throw horses and mules overboard ; there was no water on board to spare for them.

'On the 14th, we saw many horses and mules swimming past : they kept on throwing them overboard, and it was pitiful to see, because they all made for the ships, looking for help. This was the first day that we had no sight of the enemy fleet.'

On the 17th, there was a gale and thick weather.

On the 18th, they lost sight of the Spanish fleet and the Duke's ship. Only three ships were in sight, the *Veneciana* and two hulks (*urcas*), besides the *urca* (*Capitana*) in which the writer was.

On the 31st of August, one of the hulks gave in, and called for help ; the pumps had got choked with ballast ; the men were

taken off, but the weather was too bad to allow of any stores being taken.

From the 18th of August to the 2nd of September, they were tacking to weather Clare Island, 'but it pleased God not to allow us.'

On the 2nd, they lost sight of the other two vessels, and went on beating up for the Cape: the wind was all the time against them.

On the 17th, in a storm, their hulk sprang a leak, and they had to run before the wind for Norway, 18th to 20th September.

Then the wind turned fair, lat. $57^{\circ} 30'$ N., in sight of Scottish islands, and they took their old course again, with hope to see 'our dear Spain,' more particularly as it was new moon.

21st to 23rd September: the leak getting worse, and the wind and sea too strong. Then, in a lull, they were able to stop the leak with hides and planks, so that one pump was enough to keep them fairly dry.

On the 24th, head wind: they turned for Scotland.

26th, got among islands, and had great trouble at night, in rough weather, finding islands ahead of them—'trouble which will be understood sufficiently by those who have seen the like.'

At last, late on the 27th, at sunset, they made the Fair Isle:

'We found 17 households (*vecinos*) living there in huts; wild people (*gente salvaje*); their food is mostly fish, without bread, except it be a little of barley, baked in cakes: their fires are fed with such fuel as they have in the island, which they simply take out of the earth; they call it *turba*. They have cattle of a sort, enough for them; they seldom eat meat: cows, sheep, swine: the cows are the most profitable (milk and butter): they use the sheep's wool for their clothes. They are not a clean people; neither Christians, nor yet utter heretics. They say they do not like the preachers who come to them yearly from another island near (*lo que les vienen à pedricar cada año*); but they say that they cannot do anything: it is a pity.

'We landed 300 men in the island, with no provision. From the 28th of September, Michaelmas Eve, to the 14th of November, 50 have died, the most part of hunger—*que es la mayor lástima del mundo*. We determined to send messengers to the neighbouring island, to ask for boats to convey us to Scotland, where we might find a passage, or other help. But from the 28th of September to the Eve of St. Simon and St. Jude, the 27th of October, there was no possible chance: the weather was too bad. On that day, the weather was fair (*un tiempo afable*), and they

were able to go. They have not yet returned, for the violence of the sea (*por la braveza de la mar*).

There the story breaks off, November 14th. James Melvill tells the rest. Many stories of the Spanish fleet have a less happy ending.

The interest of all this is what our own poet, John Barbour, explained at the beginning of his *Bruce*—it is all a good story, and it is true. The advantage of true stories is that they compel you to make them yourself: you do not get the good of it unless you do a little work. Here one part of the story is in the Minister's Diary, another part in Spanish archives and the published work of the Spanish naval historian. You bring the two together, and suddenly you find that you are looking at the real life of the past, you are admitted to see the working of Fate or Chance or Providence through the weary wash of the Northern seas—bringing about, at some expense, the meeting of those two very estimable gentlemen, James Melvill and Juan Gomez, and something of generous life and good feeling to put on the other side of the account, against the merciless treatment of the shipwrecked Spanish on other coasts, by Sir Richard Bingham, Governor of Connaught, and Sir William Fitzwilliam, the Deputy in Ireland.¹

Of all the stories of the Armada, there is none to beat Captain Francisco de Cuéllar's adventure in Ireland, as narrated by himself in a letter to an unnamed correspondent. Cuéllar's letter is freely used by Froude, but Froude leaves out many things, and much of the spirit is lost. The truth is that 'none but itself can be its parallel'; it cannot be paraphrased or diluted, and the much praised literary art of the English historian does no more than make neat English sentences through which the irrepressible high spirits of the man himself are not revealed as they are in the original. It is one of the true documents that rather put the reader out of conceit with the humour of novels and plays. His trials were about as much as any one could stand; shipwrecked and half drowned on some shore in Sligo Bay; barely escaping the knives of the wild Irish wreckers and the strictly legal executioners of Fitzwilliam and Bingham; stripped and plundered. Froude gives one specimen of his wit, speaking of the pretty Irish girl, who told him she was a Christian—'and so she was,' says Cuéllar, 'as good a Christian as Mahomet.' Froude does not tell the occasion; the Irish girl had taken Cuéllar's string of relics

¹ Note A, Appendix.

that he always wore round his neck, and put it round her own, with the religious motive which is thus estimated by the Spanish captain. By the way, Cuéllar, before his shipwreck, had nearly been hanged by the Duke of Medina Sidonia out of pedantry; Cuéllar's ship had gone ahead in the North Sea, and was thought by the Duke to be deserting. Another gentleman was hanged for deserting, on no better grounds; Cuéllar was got off with difficulty. His good luck is as frequent as his trials, though, in the usual fashion of good luck, it mostly seems only to take a little off the accumulated score of affliction and misery. Still, he got through the wretched country, helped by priests in disguise, away from the ruined monastery where bodies of Spaniards were hanging from the gratings. He was guided to O'Rourke's country, and found assistance there. One is rather disappointed to find him not very much impressed, though not ungrateful. He had reason to join in the song:

‘O'Rourke's noble fare
Will ne'er be forgot,
By those who were there,
Or by those who were not.’

I will not repeat his adventures, but it is worth noting, and it is not noted by Froude, that he writes down in Spanish the name which the Irish used for the English; the name is ‘Sasanas,’ and it does not need a commentary.

Cuéllar at last got over to Scotland; there was no help to be found in the King: *El Rey de Escocia no es nada*; he has no authority, nor the manners of a king. But the Spanish captain found his way to the Low Countries, fresh dangers springing up, even at the very end of his travels.

Then he sits down, and writes his story; and the curious thing is that he knows, and sets down in words, the same contradiction between reality and the description of reality that we feel to-day when we go through these old memoirs, and think that once the writers of them were toiling for their lives in the salt water, though their story now is scarcely more than a dream. Cuéllar, at the time, writes to his correspondent, ‘All this will serve to amuse you after dinner, like a passage in the books of chivalry.’

‘y porque V.m. se ocupe un poco despues de comer como por via de entretenimiento en leer esta carta, que casi parecerá sacada de algun libro de caballerías, la escribo tan larga para que V.m. vea en los lances y trabajos que me he visto.’

That is the humour of it. *Y los sueños sueño son.*

The Spanish records of the Armada let you in to all sorts of real life, adventures like those of the books of chivalry, or, as we should say, like a novel, but with the inexplicable force and meaning that belongs to reality, that shows the thing 'richt as it was'—to come back to Barbour's phrase again. I have a Spanish picture here¹ of a little old Scotch tramp, held up by the Spaniards off the Cornish coast after the first unlucky sailing of the Spanish fleet. The Scillys were the rendezvous, and when the fleet was dispersed by the storm, some captains made their way there, and spent some time scouting about the Land's End. There, two small vessels were taken, Saturday, 2nd July, n.s., one of them going to France with coal. It had two friars on board, fugitives from the north of Ireland, where the English had burnt two chief monasteries, one Bernardine, the other Franciscan, and the friars as well. This Scotch ship was twenty-two days out from a port named 'Durat.' What is this? Dunbarton? All spellings are possible in these documents, and it may have been Dunbarton. It may have been Gourcock.

What shall we say to the skipper's story that, when he left, the common talk was that a nobleman named 'Bilonmat' from Spain had been in Scotland enlisting men (*que hacía gente*) and that the King of Scotland had imprisoned him? Was the skipper providing his Spanish entertainers with such news as he thought would please them, and did he throw in 'Ben Lomond' as a well sounding name in default of a better? Anyhow, there is the little Scotch coal gabbert, sailing in company with an Irish boat of a similar build, the two of them caught off the Long Ships by Spanish men-of-war on the 2nd July, n.s., 1588, in wild weather, blowing hard from the north-east and the sea running high. Juan Gomez with his hulks, as it happened, was not far off (*op. cit.* ii. p. 164).

The moral is that the rivalry of England and Spain includes a great and real likeness between the two nations. They belong to the Ocean stream, and the Spanish yarns are of the same sort as the English reports of voyages in Hakluyt. The people of the Peninsula made a more direct attempt to turn their voyages into poetry; England has nothing to compare with the great Portuguese epic of the voyage of Vasco da Gama, the Spanish epic of Chile. But I do not believe that any foreign nation is better qualified than the people of this island to appreciate *Os Lusíadas* of Camoens or *La Araucana* of Juan de Ercilla. W. P. KER.

¹ Fernandez Duro, ii. p. 161.

NOTE A.

SIR RICHARD BINGHAM, GOVERNOR OF CONNAUGHT, TO THE QUEEN,
December 3rd, 1588.

Laughton, *Defeat of the Armada* (Navy Records Society), ii. p. 299.

. . . I have adventured, in the consideration of my duty and bounty of your Highness's favour toward me, your poor and faithful soldier, to present your Highness now with these humble and few lines, as a thanksgiving to Almighty God for these his daily preservations of your sacred person, and the continual deliverance of us, your Majesty's subjects, from the cruel and bloody hands of your Highness's enemies, and that lastly from the danger of the Spanish forces, defeated first by your Majesty's navy in the narrow Seas, and sithence overthrown through the wonderful handiwork of Almighty God, by great and horrible shipwrecks upon the coasts of this realm, and most upon the parts and creeks of this province of Connaught, where it hath pleased your Majesty to appoint my service under your Highness's Lord Deputy. Their loss upon this province, first and last, and in several places, was 12 ships, which all we know of, and some two or three more supposed to be sunk to seaboard of the out isles; the men of which ships did all perish in the sea, save the number of 1,100 or upward, which we put to the sword; amongst whom there were divers gentlemen of quality and service, as captains, masters of ships, lieutenants, ensign-bearers, other inferior officers, and young gentlemen, to the number of some 50, whose names I have for the most part set down in a list,¹ and have sent the same unto your Majesty; which being spared from the sword till order might be had from the Lord Deputy how to proceed against them, I had special direction sent me to see them executed, as the rest were, only reserving alive one, Don Luis de Cordova, and a young gentleman, his nephew, till your Highness's pleasure be known.

NOTE B.

I offer an emendation in the text, in a very interesting paper printed by Fernandez Duro, ii. p. 163: report of the *Alférez* Esquivel who sailed in a pinnace, June 27 n.s., from La Coruña to look for the scattered ships. He came in for the wild weather off the Land's End a few days later; running south before the wind on July 2 they were pooped:

. . . nos dió un golpe de mar que nos sobrepujó por encima de la popa de medio en medio, de manera que quedamos á ras con la mar, anegados y del todo perdida la pinaza que con la mucha diligencia que se puso á agotar el agua con barriles que desfondamos y baldes, y la hecha con [*sic*] que se hizo de todo lo que habia dentro, fué nuestro Señor servido de que hiciese cabeza la pinaza . . .

For 'la hecha con,' which is no sense, read 'la hechaçon.' The word, printed 'echazon,' comes a line or two later in the narrative, and is clearly required in this place: 'We were pooped by a heavy sea, swamped and the pinnace done for, but that doing all we could to bale with barrels, knocking the tops out, and buckets, and with jettison (*echazon*) of all the stuff on board, by the favour of God we brought the pinnace up and got way on her.' The whole story is worth reading.

¹[Juan Gil, *alférez* (ensign, 'Ancient') was one of them, who picked up the Falmouth boatmen, July 20th, scouting in a *zabra*, Fernandez Duro, ii. p. 229.]

Clerical Life in Scotland in the Sixteenth Century

A WRITER in a recent number of the *Scottish Historical Review* has wisely remarked that, even making allowance for the loss of our national records in 1660 and other internal circumstances which led to the destruction of many valuable documents, 'it is evident, when we compare such scraps as have survived with the wealth of documents in England and France, that as a race we were bad at writing down.' Admitting that our records of the transfer of lands are fairly good from the sixteenth century, there is still a real lack of information about the ordinary life of the people in medieval times. Our literary and historical clubs have now published most, if not all, of the more intimate diaries and letters relating to that period which can be found, and even these do not amount to very much. But there are some documents to which one would not naturally go for information of the kind, which nevertheless, on closer examination, prove quite a wealthy mine. Such, for instance, are the Protocol Books of the notaries in various parts of the country, of which a hundred and fifty-nine are preserved in H.M. Register House, though many of them have been so carelessly kept that there is very little of any sort in them. Five of these books have been printed in abstract by the Scottish Record Society—a body which is far too little known even to students of history, and which has for the last twenty-two years done a great deal in the way of making many valuable sources of information accessible.

Notaries in Roman times were originally shorthand writers, generally slaves or freedmen. The Emperor Constantine ultimately constituted them into a kind of imperial chancery, and they transacted much important public business. Our present-day notaries are, however, the direct descendants of a body of men organised by the Pope in the early days of Christianity for the primary purpose of preserving the records of

the Church, though afterwards for many other purposes entirely secular. They were papal officers, but in Scotland after the Reformation the appointment of notaries was vested in the Crown, and by an Act of 1563 they had not only to get a Royal Warrant to practise, but also to be examined and admitted by the Lords of Session. A notary on his admission was given a book in which he had to note all the deeds executed by him and to exhibit his subscription or signature. Some of these latter were fine specimens of handwriting with elaborate ornamentation. A notary was the depository of all kinds of curious information. Persons in a community, whenever in doubt, flew to a notary, and these recorded not only what they wanted done at once, but what they thought might be done under certain future and problematical contingencies. A large part of a notary's business consisted of transfers of lands; but in addition to this there is a great deal of incidental information about the manners and customs of their clients, how they lived, loved, quarrelled, worshipped or died, and in this way some insight is given to the social and religious life of our ancestors.

The Scottish Record Society has published five of these Protocol Books, which cover a period extending from 1512 to 1578. They have the advantage of relating to various parts of the country: the earliest of them is that of Gavin Ros (1512-1532), who resided in Ayr, but also had business connections in Lanarkshire; Alexander Gow (1540-1558) was vicar pensioner of Abernethy, where he probably lived, but he had an office in Strathmiglo also; 'Sir' William Corbet (1539-1555) was a Border man, and his deeds deal almost entirely with matters pertaining to the counties of Roxburgh and Berwick; Gilbert Grote (1552-1573) was a native of Caithness, but practised in Edinburgh and had a widely extended *clientèle*; Thomas Johnsoun (1528-1578) was a chantry priest in Linlithgow, combining with his office of notary the administration of the altars of St. Salvator and St. John the Evangelist in the parish church, and the cure of the Chapel of St. Ninian at Blackness. He was also clerk to the Head Court of the Burgh of Linlithgow.

Apart from transactions relating to the transfer of lands, perhaps the majority of the deeds recorded in these books have to do directly or indirectly with the Church. The admission of chantry priests to their altars is a frequent occurrence; their symbolical investiture was by the delivery to them of the keys, chalice, book, and altar furniture, and sometimes they undertook

to do things quite outside the usual liturgical service. Thus on Archibald Fawup being admitted as chaplain of the chapel of the B.V.M. in Linlithgow Church, he undertook to build a canopy or baldachino over the altar at a cost of £3 Scots. In the case of the introduction of a higher dignitary to his office things were more ceremoniously done than at the admission of a mere chantry priest. At 10 o'clock in the forenoon of Sunday, the 25th of July, 1534, there appeared at the high altar of Linlithgow Church, Dom. Walter Heriot, clerk of the diocese of St. Andrews, to be inducted as vicar. 'He held in his hands a Papal Bull, sealed with the lead seals, and also with the red seals enclosed in wood of the Apostolic See, and also of the ordinary of the diocese of St. Andrews.' He was also instituted by a presentation from James Beaton, Archbishop of St. Andrews, in all the rights, fruits, rents, oblations and casual offerings, and also in the house and garden belonging to the vicarage. The instrument of investiture is formally witnessed by some dozen chaplains and by Thomas Petticrieff (Pettigrew), Lyon King of Arms.

These chaplains and chantry priests were on the whole not very high-class specimens of the clergy, though Johnsoun, who is responsible for the Linlithgow Protocol Book, seems to have been a man of some education, as, besides being a notary and holding the three ecclesiastical appointments mentioned above, he was also, as before stated, clerk to the Head Court of the Burgh. With all emoluments, however, he can only have been 'passing rich on forty pounds a year'; an exiguous enough income when calculated in Scottish currency. But as a general rule the chantry priests were an uncouth, unlearned and troublesome lot. In Linlithgow the town council, being patrons of almost all the altars in the church, were able to keep some control over them. This did not prevent them from quarrelling amongst themselves. One Saturday morning in May, 1532, Dominus Henry Louk, chaplain and curate of Linlithgow Church, appeared as usual at the time of High Mass 'dressed in his ecclesiastical vestments.' He had, a fortnight before, pronounced a sentence of excommunication on a certain John Crumme, and seeing the culprit in church, where of course he had no right to be, he asked John Pollart, another of the chaplains, whether he had absolved him. Pollart said he had, but upon being called on to produce the document of absolution refused to do so, doubtless with malicious intent, and, the notary states, 'to prevent the curate from proceeding with the service.'

Unfortunately we have no further information about the case, but it is evident that Dom. Pollart was out for mischief. Chaplains were no doubt subject to the discipline of their ecclesiastical superiors, but it probably required some very considerable lapse of decorum before they were interfered with; so long as he kept reasonably sober and inoffensive and confined himself to the society of the one lady who kept house for him, and who to all intents and purposes was the wife of a somewhat unwilling celibate, neither public opinion nor ecclesiastical authorities would interfere with an easy-going chantry priest. But some sort of discipline was certainly put in force: there was quite a lively quarrel in 1513 between Mr. Arthur Hamilton, provost of the Collegiate Church of Hamilton, and Mr. Robert Hamilton, the commissary of the district. The provost ordered the commissary to deliver to him all chaplains residing in the college whose names were in the commissary books as requiring correction. The provost alleged that he was responsible for their correction, but this the commissary stoutly denied, saying that they were under his jurisdiction and had been under that of his predecessors 'by approved custom.' There were protests and appeals, and ultimately the commissary appointed a hearing to take place in the aisle of St. Michael in the church of Glasgow. The last we hear of this case is of the provost, through his procurator, demanding letters of appeal from the commissary; but, unfortunately, the deeds relating to this dispute are very illegible and not much can be gathered from them. Perhaps not very much was done, as the provost died within a year.

These chaplains or altar-priests must have been very difficult to deal with. They were generally illiterate, and many of them could only with difficulty stumble through the words of the mass: they were poorly paid, as even the endowments of the best altars cannot have amounted to a large sum. We know that in the thirteenth century the established salary for a chaplain was only a hundred shillings a year, with perhaps the gift of some old clothes from the rector. Of course the emoluments were larger in the sixteenth century, though it is doubtful if their purchasing power was much greater. The daily life of the majority of them, as Dr. Patrick points out in his *Statutes of the Scottish Church*, left much to be desired, and the too belated efforts of the Church authorities to reform the lives of the lower (and indeed the higher also) clergy did not have much effect. But some efforts were seriously made: thus we read that on the

4th of June, 1555, Sir Hugh Curry, Rector of Esse and Dean of Christianity (or in other words Rural Dean) of Linlithgow, appeared in the parish church there, called the roll of all the curates in the deanery, noted the absentees, and proceeded to read 'in a loud clear voice' the Provincial and Synodal Statutes for the year, with the new additions for the synods of St. Andrews and Edinburgh. He then ordered certain of the statutes which more particularly concerned the curates to be copied by them, and not only so, but commanded them to produce the copies at the next chapter to be held at Linlithgow on the third Holy Day after the Feast of the Exaltation of the Holy Cross. This would give them from the beginning of June till October to make the copies. The statutes were presumably those issued by the Provincial Council at Edinburgh in 1549 and 1551 and by the Provincial Council at Linlithgow in August of the former year. Of the fifty-six statutes promulgated by the Edinburgh Council at least a dozen dealt with the life, duties and discipline of the inferior clergy, so that each of those concerned would have a quantity of matter to transcribe not of any great extent in itself, but which would tax their unskilled hands considerably.

While the actual permanent endowments of the altars served by the chantry priests were on a very modest scale they had always the chance of getting money from the faithful for masses to be said for their souls for a limited time: thus a poor fellow John Cumming, a burghess of Edinburgh, 'himself now lying in grave peril,' obliged himself to pay to Henry Louk, curate of Linlithgow, the sum of £5 Scots for a year for the souls of his wife and children who had just died of the pestilence in Linlithgow in 1530. And again in the following year we find Allan John, the heir-apparent of Allan Lychtman, burghess of Linlithgow, giving his consent to Allan's expressed intention to mortify a portion of his heritage to the church for prayers for the safety of his soul. It may be observed that this deed was executed at six o'clock on a Sunday morning in November, 1531, at Allan's house, which looks as if Allan felt himself drawing very near death. It is difficult to see why the heir's consent was necessary to such a pious act, unless some previous deed had given him some sort of control over Allan's property.

One of the most curious ecclesiastical disputes which is commemorated in these books is that between James Brown, school-master of Linlithgow, and Henry Louk, the curate of the

parish. It is notarially recorded on 9th January, 1538-9, that Brown had made the following statement to Henry Forrest, a bailie of the burgh, and that it had done much harm and scandal to the said curate in the minds of his parishioners: the statement, to be fully appreciated, must be given in the vernacular:— ‘Sayand that Schir Hendrie Louk, curate of Linlithgow, held his barnis that he kennit in his scoule at sic subjection, aw and bandone and siclik himself, that he and the said barnis behufit to enter in the kirk to goddis service at the latter peills on festuale dais baith mess and evensang and settis down in the said kirk on cauld stanis, quhen tha migcht have dune gret proffit and steed to thaimselfes to have levit in the schull, tynand thair tyme.’ Now this is excellent Scots and tersely put. We can see the indignant curate stung to the quick at such remarks, which were probably quite true, rushing to the notary to have them put on record so long as they were fresh in mind, probably with the view of future proceedings. And we can quite understand the schoolmaster’s point of view. On cold winter days he and his pupils that he taught at school were obliged by this exacting curate, who was evidently a terror, and who kept both master and scholars in subjection, awe and ‘bandone’ or under command, to attend church both at morning and evening service, not, be it noted, on Sundays merely, but on saints’ days during the week. They had to enter church ‘at the latter peals,’ that is to say as the bells were just ‘ringing in,’ and when there had to sit through the long service, not in comfortably furnished pews, as would be the case now, but ‘on cauld stanis’ in a church which was not heated. We sympathise with the sensible remarks of Mr. Brown, that under the circumstances the children were simply ‘tynand thair tyme,’ and that they would have been much more profitably and usefully employed in learning their lessons in school.

The clergy, high and low, no doubt wielded great power in those days. Excommunication was a weapon which in the last resort few could resist. We have mentioned above the quarrel between this same ‘Schir Henry’ Louk and John Pollart, one of the chaplains, as to the excommunication of a man. It will be remembered that the quarrel arose on the question whether or not there was a man under the sentence of excommunication present at the service which was going to be celebrated. No one, of course, under such a serious censure could be a partaker of any of the sacraments of the Church. But it was sometimes

evaded surreptitiously. In January, 1544-5, Robert Stark, a parishioner at Lenzie, appeared before Malcolm, Lord Fleming (Lenzie being one of his five baronies), and being examined and questioned, admitted that he had confessed to one priest and taken the sacrament at the hands of another within the Laigh Kirk of Glasgow, notwithstanding that he was under excommunication in his own parish church of Lenzie. It will be noticed that it was in a civil and not an ecclesiastical court that this wrongdoer was arraigned, and the phrase 'examined and questioned' suggests that he may have been not only examined, but that his confession was extorted from him by torture. What his ultimate fate was we are not told, but if it involved a capital sentence, that could only be pronounced by a civil court, and that is perhaps why he was tried before Lord Fleming.

Excommunication was indeed a serious matter as well from the social as the spiritual side. Not only were excommunicated persons deprived of the rites of the Church, but they were ostracised from ordinary society and they could not bear witness in any civil court. One of the most extraordinary cases recorded in these protocols is one in which William Smyth confessed before the Chancellor of the Metropolitan Church of Glasgow and the Dean of Kyle and Cunningham, saying he was willing to obey the commands of Holy Mother Church in all things, though he had been excommunicated by James Beaton, Archbishop of Glasgow, 'only because he had in his house and family a male servant . . . who would serve him in honourable services.' This, of course, on the face of it was an impossible cause for so heavy a church censure, but William must have had something on his conscience which told him he was not free from fault as he offered to submit to the correction of the chancellor and dean 'or other prudent persons.' This occurred in August, 1516.

On the other hand, the Church had to be prudent on its side, and not launch its thunders without due consideration. A single private individual might be easily brought into subjection, but it was different when a body of decent citizens were involved. Some dispute had arisen in the town of Ayr between the curate of the parish and certain inhabitants, the result being that the latter were incontinently excommunicated by the former. But they did not take this sentence lying down; on the contrary, James Tate, one of the aldermen, and afterwards provost, entered a spirited protest that three burgesses and sundry other neighbours and indwellers in the burgh had been unjustly and

unlawfully excommunicated by Sir Henry Hunter, the curate of the burgh, as he is called, and that they had not been lawfully cited before the dean. He also made the rather contradictory assertion that the dean had postponed their conviction until the eighth day after the synod of Glasgow, thus admitting that the matter had in some form been before that functionary. Another instrument was recorded at the same time by the alderman requiring the curate to produce the letters of excommunication, but this he refused to do, which scored one for the parishioners. Then the curate gets another deed put on record, in which he called on the three burgesses to remove themselves from divine service in the parish Church of Ayr, because they were excommunicated by the dean. All these deeds were executed on Sunday, the 14th April, 1521, probably just before service, and because the three burgesses in question refused to move, the curate 'protested for remedy of law.' What the final result was the Protocol Book does not reveal, but as we find the burgesses in question witnessing deeds and doing other legal acts not long after, no great harm can have come to them. No person could perform any legal function when under the censure of the Church; so we find Katherine Davidson in Ayr appealing from the decision of certain arbiters in a case she had against John M'Cormak on the ground that two of them were bound by a sentence of excommunication at the time of their pronouncing their decree, 'and for that cause were not fit to minister justice by any title public or private.'

There was an interesting deed executed on 3rd February, 1517-18, which shows the remuneration a chaplain expected to get when serving a charge for another parson. Geo. Edward Campbell, a chaplain, had evidently been serving for some time in the church of the Blessed Mary of Grace of Kyle, in the parish of Monkton, of which Mr. John Cunynghame was preceptor. The latter agreed to induct Campbell to the office and administration of the altar and of divine service in the church at Whitsunday, 1520, and till then to pay him ten merks yearly: after that date Campbell was to get yearly a brown horse or five merks in money, whichever he preferred, and eight merks of money, four being payable at Easter, and four at Michaelmas. In addition to this he was to have the usual chaplain's chamber where he was then living, with certain lands adjoining. It is not clear whether he was to get the casualties due to the church and the offerings, or whether the preceptor reserved these for himself.

As time went on and the character of the Roman clergy sank

lower and lower we find instances of benefices being gifted to their relatives or sold outright to third parties in the most irregular way. In 1544 Henry Louk, chaplain of the Altar of the Blessed Virgin in Linlithgow Church, handed over to his niece, Marion Crawford, in view of her approaching marriage to John Thomson, an annual rent of eighteen shillings yearly payable to him as chaplain, 'to enable the said John Thomson to maintain the said Marion at bed and board, as other burgesses of the said burgh.' The gift of course was only to hold good during Louk's life, but the donee, the editors remark, did not live long to enjoy it. After the Reformation the emoluments of such benefits were often diverted from their original purpose and applied for purely secular ends. The Hamiltons of Kincavell had founded the altar of St. Anne in Linlithgow Church, and though the advowson had been forfeited to the king in 1542 on account of the 'heresy' of the patron, the family seems to have got it into their hands again later, for in 1576 James Hamilton, a younger son of the family, got a grant from his father of the benefice 'for his support in the schools.' Similarly, Henry Livingston, son of Alexander Livingston of Castlecary, had a grant from his father, the patron of the benefice of the chapel of the Blessed Virgin in Linlithgow, for the same purpose, 'that he may become a learned man, wise and honest.'

Occasionally the emoluments of a benefice were handed over on condition that the donor was suitably supported during his life. Thus the revenues of the altar of Our Lady in Torphichen Church and those of the altar of St. Eloi in Linlithgow were disposed by the chaplain, John Pollart, to James Pollart of Corstoun. The details are curious: the chaplain was to have 'his honest sustentatioun in meat and drink as ane honest man aucht to have and an honest chalmer' at Corstoun, together with bedding, fire and candle, the washing of all his linen and bedding, and a payment of twenty merks a year in money.

It is rather singular to find in these Protocol Books so little reference made to the children of priests, for, from what we know of the habits of the clergy, there must have been many, all of course, in the eye of the Church, illegitimate. But in one instance we hear of letters of dispensation being issued by Andrew Forman, Archbishop of St. Andrews in 1516, a certain Adam Gordon, a scholar, 'being the offspring of a priest and a single woman,' enabling him to take holy orders, receive a benefice, and undertake the cure of souls.

A priest did not necessarily have 'a cure of souls'; he might hold a much lower place in the ecclesiastical hierarchy. The position of parish clerk was open to him, though it was not infrequently filled by a layman, but as it was necessary for him to be at least able to read, the majority of such posts would be held by persons in minor orders. Bishop Dowden has some interesting remarks on this office in his book *The Medieval Church in Scotland*. He identifies it with the office of *Aquaebajulus*, an official who went on Sundays and festival days to the houses of the parishioners and sprinkled the people with holy water, receiving in turn 'alms' which came later to be 'dues.' He also assisted the celebrant at mass; he was invested in his office by the delivery to him of a water stoup (*amphora*) filled with holy water, and a phial and sprinkler. We may think in these days that the election of a minister by the votes of the male and female members of the congregation is a very modern innovation, but we may be surprised to learn that it was in this very way that a parish clerk was elected to his post. Several instances of such elections occur in the Protocol Books. In October, 1513, the parishioners of Coylton 'with one voice' chose Matthew Crawford to be parish clerk. The voting seems to have extended over four or five days from Sunday the 23rd October till at least the following Wednesday; upwards of seventy persons voted, of whom at least eight were women. The post seems to have been a sort of appanage of the Crawford families, as the last holder also bore that name, and in a deed recorded immediately before the one narrating the election George Crawford of Waterhead undertook that if Matthew Crawford succeeded in getting the appointment a certain John . . . should 'have all the conveniences and uses which he had in the time of the late James Crawford,' and that he should do good and faithful service to Matthew in the clerkship as he had done to James. This rather indicates that while drawing the emoluments of the clerkship the holders performed its duties by deputy.

But such elections were not always carried through so quietly and without opposition. In November, 1524, Adam Reid was elected parish clerk of Mauchline by the votes of 127 of the males and ten of the female parishioners. On Sunday, 6th November, Reid was duly inducted to his office by delivery to him of the usual stoup and phial, and before this ceremony Hugh Campbell of Loudoun, the sheriff of Ayr, required the parishioners present to intimate if the election did not please

them, but they all remained silent. While, however, the parishioners assented, opposition came from another source. We are told how one David Lundie 'endued with a linen habit' appeared and declared himself willing to serve in the office, having been instituted thereto by the convent of Melrose, the patrons, Mauchline being a vicarage of that abbey. He also protested against the admission of Reid, and said he was hindered 'by the strong hands' from ministering in the office. Sir John Liddal, a monk of the abbey, of the Cistercian order, also appeared and asserted that the sheriff was grievously injuring the rights, liberty, convenience and profit of the monastery by soliciting the votes of the parishioners for Adam Reid, 'his servant,' and declared that the office both now and formerly belonged to the abbot and convent of Melrose by full right. On the other hand, the sheriff stoutly denied (so far as can be made out from a somewhat defective document) that he had done or ever wished to do anything against the liberties of the monastery. There must, indeed, have been quite an exciting scene in Mauchline Church that Sunday morning. Apparently, for the time being at least, Reid succeeded in retaining his appointment, but he did not hold it long, as on 11th April, 1529, *John Lundie* was inducted, through his procurator Sir William Ard, chaplain to the parish clerkship of Mauchline, the appointment being made by letters of provision written on parchment under the common seal of the abbot and convent of Melrose. There does not seem to have been any opposition by the parishioners, who were not on this occasion called on to give their votes. Whether this John Lundie who was now presented was the same as that David Lundie who was formerly the candidate favoured by the abbey it is impossible to say.

It is doubtful whether the clerks in the above-mentioned cases were in ecclesiastical orders, but in that of the election of a clerk to the parish of Dalrymple we are on surer ground. Sir Thomas Mure, chaplain, through his procurator, John Mure, in Wodland, resigned his office of clerk in the hands of John Campbell, one of his parishioners. The election of the new clerk was made by votes, but the notary has not filled in the names of the parishioners voting, though he has left a page and a half blank for the purpose. They unanimously chose Sir Alexander Jameson to fill the vacant post, and after this John Campbell, in name and by command of the other parishioners and in their presence, 'or of the greater and wiser portion' of them, formally

inducted Sir Alexander to the clerkship. All this was done at the time of high mass in the parish church on the 27th September, 1528.

In the case of the election of a parish clerk to Cumnock when Sir Thomas Crawford (evidently a priest) was chosen, only some five women voted out of a large number of parishioners. He was inducted not only by the delivery to him of the amphora of holy water and the phial, but also of the church keys. And it is curious to note that, so far as can be gathered from an imperfect deed, his first act was to read an admonition to the people to see that the various emoluments pertaining to the office were forthcoming at the usual times.

Sometimes, however, the parishioners did not get it all their own way, and the patrons carried matters with a high hand as regards the presentation of the parish clerk to their churches. In May, 1522, Sir John M'Tere, a chaplain, executed a revocation of his pretended resignation of the parish clerkship of St. Kevoca (St. Quivox), in the diocese of Glasgow, on the ground that it had only been made by him from fear and dread of death, as he had declared on oath in the hands of Robert, abbot of Paisley, who asserted himself to be the patron of the said clerkship, and who had apparently nominated Ninian Wallace. Whether M'Tere succeeded in keeping his post is not certain; both he and Wallace are named in several subsequent deeds, but in none of them is either designated parish clerk.

An election to the parish clerkship of Auchinleck in 1527 reveals a very curious state of affairs. Upwards of seventy parishioners, including a fair proportion of women, elected John Lakprivick, a minor, to the office. He was the son of the former parish clerk, also a John Lakprivick, and we are frankly told that the office was vacant on account of the inability of the last-mentioned John to perform the duties on account of the crime of homicide committed by him. Here occurs one of the most distressing lacunae in these volumes; just at this exciting point the deed becomes defective, and we are left to imagine the particulars of the crime. Apparently there must have been much local sympathy for the perpetrator, as the number of voters testifies. They elected then this boy, who was duly invested with the usual symbols, rather more definitely described than in other cases, namely, a wooden stoup containing holy water, a sprinkler, a pewter phial, and the keys of the church. As the presentee was of too tender an age to perform the duties of his office personally,

he nominated a certain Patrick Campbell to be his 'suffraigan,' 'to minister in the office until John himself should be found fit and of sufficient age and discretion to minister.' Truly an amazing election.

The cases given above are all from the Protocol Book of Gavin Ross, and refer to the county of Ayr. But in other parts of the country such elections were carried out much in the same way. Succession from father to son was not infrequent. At Earlston, for instance, Alexander Home of Carolside, had been parish clerk, and on the fourth Sunday of Mid Lent, 31st March, 1549, the parishioners convened in the church and elected his son James to the office, into which he was thereupon inducted by Sir James Ker, the curate of the church. And in the parish of Merton we find Andrew Haliburton, the laird of the place, passing to the dwelling-places of the parishioners and craving their votes for his younger son Andrew, for the office of parish clerk. And lay persons of even higher rank were elected to such a post, probably owing to the influence of powerful friends. We are told how, at eleven o'clock in the forenoon of 1st November, 1548, Archibald Earl of Angus, lord of the barony and regality of Abernethy, and his tenants, parishioners of Abernethy, and other parishioners of the same, compeared in the parish church, and 'with one consent and assent and without disagreement' chose a qualified man, David, son of David Murray, Knight, of Arnegosk, to be their parish clerk. He was inducted in the usual way, but further procedure in his case at least seemed to be necessary, as the electors prayed William, Bishop of Dunblane, to admit him to his office, and to grant him his ordinary confirmation. It is perhaps reasonable to doubt whether Mr. Murray would have had the same unanimous call had the Earl of Angus not been personally present at the election.

Such are a few of the incidents relating to ecclesiastical life which have been gleaned from the pages of the Protocol Books mentioned. They are of interest as throwing light on the clerical life of the period dealt with. In a future paper I hope to give some illustrations from the same sources of the manners and customs of the people themselves, and of the conditions under which they lived.

JAMES BALFOUR PAUL.

Le Testament du Gentil Cossoys

THE following unpublished verses are contained in MS. Français 24315 of the Bibliothèque Nationale, Paris, described as *Recueil de Poésies Composées par Jean Troitier, Molinet, Pierre Fabri, Cretin, Castel, Jehan Braconnier de Bordeaux, Guillaume Tasserie, et Autres Auteurs Anonymes*.¹ This MS. belonged to the *Collection La Vallière*, of which it was number 2926. It is on sixteenth century paper, and is written in *Ancienne Bâtarde* script. It contains one hundred and sixty folios (285 × 200 mm.), and is bound in calf with the arms of d'Urfé.² *Le Testament du Gentil Cossoys* is found on ff. 92^v-95. It is written in a dialect which has some resemblance to that spoken in Picardy and Artois, but its main characteristic is the use of a jargon suggestive of the bastard French which must have been used by many Scottish soldiers of fortune. Eustache Deschamps had written of the 'nouvel langaige' which was heard daily by the miserable peasants of France as band after band of men-at-arms passed through their fields with their strange speech and stranger oaths—

'Je ne sçay qui aura le nom
D'aler par les champs desormais
Un temps vi qu'Englés et gascon
Parloient tuit, et clers et lais :
'*San Capdet*' et '*Saint George m'aist* !'
Adonc estoient en usaige,
Et redoubtez par leurs meffais :
Toudis vient un novel langaige.'³

Rabelais' reference in *Pantagruel* (ii. 9) to Panurge's display of

¹ I am indebted to a reference in one of the notes in M. Pierre Champion's *François Villon* (ii. 178, n. 3), for my introduction to these verses, and to M. Louis Jacob, Paris, for a description of the MS. and some useful suggestions.

² Pierre d'Urfé was *grand écuyer* of France under Louis XI. and Charles VIII., cf. *Memoires de Philippe de Commynes, passim*.

³ Champion, *Les Sociétés dangereuses du XV. siècle* in Sainéan, *Sources de l'Argot Ancien* (Paris, 1912), i. 365.

Scots is well known,¹ probably better known than the daring adoption of the kilt by the three 'dames de Paris' of the *Fabliau*.² The impression which the Scottish soldiers of fortune of the fifteenth century made in France was not altogether favourable, and Villon hinted that the best covering or protection for a Scotsman's throat was a halter.³ In the *Argot* of the period the terms *Ecossais* and *Pillard* had the same meaning.⁴ One of the criminal vagabonds whose name appears more than once in the *Procès des Coquillards* of 1455 is Jehan d'Escosse.⁵ It is possible that this worthy was the 'Jehan mon amy, qui les fueilles desnoue' of one of Villon's *Ballades Jargonesques*. In any event the pathos of the following verses must be discounted by the recollection of their satirical intention.

The verses date themselves 15th February, 1509, and the date is appropriate if it be recalled that in that year the first measures were taken by Louis XII. to replace the bands of mercenaries to which many Scotsmen had belonged by a regular military establishment on a national basis.⁶ If I am correct in treating the verses as historical and satirical, their date supports my view. It is possible, of course, that they may have been written long after 1509, but this seems to me improbable. The verses have all the marks of that period. The other verses which the MS. contains all belong to the fifteenth and early sixteenth centuries and include the *Ballade contre les Ennemis de La France*, which M. Longnon

¹ W. P. Ker; *Panurge's English* in *An English Miscellany* (Oxford, 1901).

² Montaiglon, *Fabliaux*, iii. 150.

³ Champion, *François Villon* (Paris, 1913), ii. 154. For contemporary descriptions of the uniform of the Scots Guard v. Michel, i. 275.

⁴ *Ibid.*, ii. 178, cf.—

'J'ay la conscience aussi large
Qui les housseaulx d'un Escossoys'

and—

'Ils sont larsons comme Ecossoys
Qui vont pillotant les villages,'

quoted by Champion in Sainéan, *op. cit.* ii. 355, cf. Michel, *Les Écossais en France*, i. 124.

⁵ Sainéan, 94, 402, 416.

⁶ The date may be read to mean 1499, and, if this earlier date be adopted, the verses may refer to John Cunningham, Captain of the Scots Guard, who died at Vercelli in 1495 of wounds received at the siege of Novara. Michel, *op. cit.* i. 232.

has attributed to François Villon.¹ Most of the verses have reference to actual events or persons.

The debt which the author owes to the school of ballad-writers to which he belonged, and to Villon, who gave the form a new significance, is evident, and may be observed even in details such as the references to 'ung petit saint georch' and 'pocras' which recall ll. 1219 and 1477 of *Le Testament* of the Master. The 'Testament' as a literary form can be traced to the decadence of the Latin world. It was very popular, and our national literature contains several interesting specimens.² If the *Testament du Gentil Cossoys* belongs, as has been suggested, to the Artois-Picardy region, it has an interesting relation to the form of popular verse known as the *Congé*, which was originated by Jean Bodel and developed by the bourgeois of Arras.³

DAVID BAIRD SMITH.

LE TESTAMENT DU GENTIL COSSOYS

I

Puisque mon gaich et tout mon pontement
 Laty rompre voy bin que ma col cas
 Moy l'aury fait ung belle testament
 Tantost moy mesm Dieu plaist que moy trespas
 Vin sa, couri, pry vous petit compas
 Ma l'ordonnas car l'esty grand malad
 Preny papier, crivy cela moy pas
 Ma cueur ja pens mory tant l'esty fad.

II

Item premier à Diou et Nostre Dam
 Sainct Michel l'Anch et Sainct Trignen de Cos
 Moy recommand tout entier mon povre am
 Et seroit y encor vingt foys plus gros
 Quand mort prent moy, faity ung bon grand fos
 El chimetier resabz de la glis
 Et la me couch tout du long de ma dos,
 Bin à mon ais comme sera de guis.

¹ Oeuvres (Paris, 1914), 82. The title in the MS. is *Ballade contre les medisans de France*.

² Routh, *Progress of Social Literature in Tudor Times*, Cam. Hist. Eng. Lit., iii. 83, and Peignot, *Choix de Testamens* (Dijon, 1829), ii. 239, et sqq.

³ Paris, *Littérature Française* (Paris, 1905), p. 203.

III

(fol. 93.) Mon secuteur vostre vous me bon prest
 Chanty de mes tout la jour hardement,
 Quand quelque chos de bon couraich me prest
 Moy tout vous rend la jour dil jugement.
 Mon grand courrach, sallad et billement,
 Pour vostra corps garde bin de larrons
 Quarante ens plus vault ung foyz vraiment
 Moy donne vous avecque mon perons.

IV

Mon brigandin, gratebras et sallad,
 Dag, javrelin, albard et gorgery,
 Donne à ma paich sert moy sain et malad
 Bin congny ly que laty grand marry
 Quand ma courtault de son morb l'a gary
 Moy monte luy comme ung petit Saint Georch,
 Mais il a ty ung grand curagery
 Mange farsin par tout jusquez son gorch.

V

Moy les aussi une bell heritaich
 A mon parens, barbis, beuf, vach et veaulx
 Fait comme il veult entre luy ung partaich
 Tout pellemel preny porc et bouveaux
 L'erbe de prez pour menge la chevaux,
 Gransch, massons, couvri tous de festus,
 Tappissery, vais d'argent et joiaulx,
 Moy donne tout, laty bin revestus.

VI

Item j'ordon j'auri six torch de chir,
 Deux gros chandel acusson de mon arm,
 C'est par amour le bon roy nostre sir
 Que j'amery grandement par mon arm
 Ung cu de gueul tout semé de gros larm
 Et une cueur navré de fleich ou dard
 Pour monstrere que j'aty bon gen d'arm
 Dessus mon fos planty une tandard.

VII

(fol. 93^{vo}.) Moy ne veult moy sonnery me tempest
 La choch il est in bones ung trop grant tail
 Mais je jorry sonner yn grand trompet
 L'est advis moy que j'entry en batail.
 Ma compaignon qui n'aury plus chinquail
 Qui l'et cassé de tout saich moy veul
 Ploury bin fort ou de tot ou de tail
 Ma paich et luy faity trestous la deul.

VIII

Tout bon Cossoys je cuid se trouvery
 Myner ma corps avec son sepultur ;
 Bel ocqueton carchy d'orfavery
 Vien deux et deux com l'aty bon droictur ;
 Qui aury fam ni soif pren son pastur
 Maiz que pour moy dit ung beau *profundis* :
 Se my parly à Diou par avantur
 Moy pry qui vien trestout en paradis.

IX

Couury dity une belle raison
 Tout continent que moy vient à l'esglis
 Mess et vagil, psaultier et crie l'oyson
 Chanty bien ault dung bon voix sans faintis
 Le chantre a dit de music gros assis
 Ung mess à not tantost sy ly plaira
 Moy donne à eulx ung bouteil fort exquis
 Tout plain pocras pour chante *labara*.

X

Item moy veult qu'on fait ung beau donné,
 Vin plain de pot a cule de potaich
 A court ouvert mason bin bandonné
 Veult bin chacun tout vivre davantaich.
 (fol. 94.) Mon rob, pourpoint, chaus, ouseaulx et bagaich,
 Mon troussemen, arc, pantoufl, brodaquins,
 Tot la livre par la main de ma paich
 A l'ôpital pour vestir la coquins.

XI

Ainsi moy pas mon testamen sans mocq,
 Et ne vouly qu'il a point de rabat ;
 Tout testement d'aültreffoys je révocq,
 Tendez-vous bin, que person n'a debat.
 Cryvry, brouly, tout signy de mon pat
 Presens ma paich qui ne l'est pas bin ais
 Quinz en fevrier quand y couri pour dat
 Mil quatre cens quatre vingt· xvj· et traiz.

XII

Mon terrement laty bin ordonné
 N'atendre plus vivre el mon, jour ny heur
 Puisse fortun tient moy pour bandonné
 Va Jehan de Cos, c'est bin fort que toy meur
 Ne parly plus, ne faity plus d'honneur
 Vous est cassé et de gaich et de dam
 Ja prens vault mieulx pour pontement meilleur
 Te rens à Diou da bin, da corps et d'am.

XIII

Adieu le prins gorrieux et mon mignon,
 Adieu mon dam, adiou mon marmouzel,
 Adieu l'archiey, capetaïn, compaignon,
 Adieu le paich, adieu fil et pucel,
 Adieu bon gens, adieu celuy et cel
 Qui nourrit moy quand laty en la guerr,
 Adiou trestout le bon vil et castel,
 Adieu fourrieux, mon logeon ést en terr.

XIV

(fol. 94^{vo}.) Adiou par tout noble royaulm de Frans
 Adiou comman le povre país de Cos
 Moy vient tantost prendre ma corps par trans
 Et si n'aury horion, plaie ne bos,
 Et non pourtant ne fault porter l'endos
 Dont moy pry vous que une belle paraf
 Tout vis vif l'autre costé mon fos
 Contry ung mur crivoy moy cest pitaph :

XV

L'Épitaph

Le fleich de mort qui tout hom desnatur,
 Dont sa vivant une foys fait hommaich
 Et fault qu'il rend tribut à dam natur
 En despouillant tout sa dun et plumaich,
 Couchy davant tout plat, dont c'est damaich,
 Ung gentilhom Cossoys soubz ceste lam
 Dont ung chandel encontre quelque ymaich :
 Pry Dieu trestous pren mercy de son am.

XVI

Belle, plaisant, mignonne pourtraictur
 Ault il estoit, gorriere de corsaich
 Vous dit que c'est droit ymaich en painctur
 C'est grand ydeur comme fut il bin saich
 Pour garder tousjours quelque passaich
 Fort ardemement ou ne laity pas am
 Sur tot Cossoys ly saury bin l'usaich.
 Pry Dieu trestout pren mercy de son am.

XVII

(fol. 95.) Oncq son vivant fit tort à creatur
 Dessoubz la champs pour vivre davantaich
 Tant seulement s'il trovry davantur
 Poul ou chappon que l'aury pris son paich
 Gard corps la rayson temps non pas grand aach
 Laty devot à Dieu le Nostre Dam

Sept piedz de terr l'a choisy pour partaich
Pry Dieu trestout pren mercy de son am.

XVIII

Prins, Jehan de Cos demory pour hostaich
Vaquez la vers que tout son corps entam
A ffin qu'il ait à sa proppre heritaich
Pry Dieu trestout pren mercy de son am.

TRANSLATION

Now that my pay and health are all broken, I see full well that my neck is broken : I would make a fair testament ; now God wills that I depart : Come, run, my little comrade, I pray you make it for me, for I am very sick : take paper, write, that is beyond me : I think my heart is dying, so weak it is.

First to God and Our Lady, St. Michael the Angel and St. Ninian of Scotland, I wholly recommend my poor soul, and should I be even twenty times bigger than I am, when death takes me dig a good large trench in the graveyard underneath the church, and there I shall lay me on my back, quite at my ease, as I would wish to be.

My executor, would you, my good priest, sing masses boldly all day long : if you will show me good will in this matter, I will repay you all at the Day of Judgement : my large cuirasse my helm and harness to shield your body from robbers forty years and more, I must give you them with my spurs.

My brigandine, arm pieces, casque, dagger, dirk, halbert, and gorget I give to my page who serves me sound or sick : I know that he is very sorry : when he has healed my horse from his sickness I mount him like a little St. George, but a great distemper has seized him ; glanders eats him even to his throat.

I leave also a fair heritage to my relations : sheep, oxen, cows and calves. Let them divide them as they will, take pellmell pigs and bullocks, meadow grass for horses' pasture, granges, houses thatched with straw, furnishings, silver vessels and jewels. All I give them ; are they not well provided ?

Further, I provide that I shall have six waxen candles, two large candlesticks, and an escutcheon of my armes. 'Tis for love of the good King, our Lord, whom I love greatly, by my soul ! Gules gutté azure and a heart pierced with arrow or with dart, to show that I have been a good man-at-arms : over my grave set up a standard.

I'll have no tolling bells, for they disturb me, laying too great a tax upon my purse : sound rather a loud trumpet : it will seem to me that I am entering into battle. My comrade, who will have no more regaling,

having lost everything, I would have him weep aloud—let my page and he do all the mourning.

Every good Scotsman will be there, I think, to bear my body to the grave: fair acton laden with gold embroidery, come two by two in the proper manner: he who is hungry or athirst let him be supplied, but let him say for me a good *De profundis*: and if to God perchance I speak, I shall pray him that they all arrive in Paradise.

Go, offer a fitting prayer whenever to the church I come, mass, evangel, psalmody and *Kyrie Eleison*; sing loud and heartily: The singers have sung a well sung mass whene'er it pleases them: I give to them a delicious bottle well filled with hipocras to sing a *Libera*.

Further, I wish that a good meal be made, bottles of wine and basins of soup, with open heart and open house. I hope that each will have a merry time. My wardrobe, tunics, hose, shoes, and baggage, my clothes, bow, my slippers—all these I bequeath by the hand of my page to the almshouse to clothe the poor.

Thus I make my will in all seriousness and I desire that no one reduce it: I revoke all previous wills; take care that no one raises any question; written complete and signed with my fist, present my page, who is not at his ease, dated the fifteenth of February fourteen hundred eighty sixteen and thirteen (three?)

My succession is well ordered: I may not look in this world for another day or hour: since fortune holds me for lost, go, John of Scotland; 'tis fitting that you die: say no more; no further tributes make; your wages and your lady both are gone: learn now that 'tis better for your good estate that you should yield to God your gear, your body and your soul.

My glorious prince, Adieu, my very dear: Adieu, my lady, Adieu, my little clown: Adieu, Archers, Captain, Comrades: Adieu, Page; Adieu, lads and lasses; Adieu, good folk and he and she who nourished me when I was at the wars: Adieu, all goodly Cities and Castles; Quarter-Masters, Adieu, my quarters are in the ground.

Adieu, above all, noble realm of France, Adieu, I commend to you the poor land of Scotland: it is fitting that I leave my body when I pass and thus have neither sickness, wound or stroke, taking no burden with me: Therefore I pray you that a fair writing, plain to be seen, beyond my grave, upon a wall (be placed); write this, my epitaph.

The Epitaph

The arrow of death which kills every man, to which in life he only once does homage, and must pay tribute to Dame Nature in stripping all his gear and bravery, has laid low—'tis a sorry case!—a Scot of gentle birth, whose likeness here by candlelight is seen: pray all to God, that He take pity on his soul.

Fair, pleasant, charming likeness ! he was tall and slim ; I tell you that it shows him to the very life ! You'd scarce believe how faithfully he kept the way and not a soul could pass ; above all Scots he knew how it was done ; pray all to God that He take pity on his soul.

In life he did no creature harm that walks the fields, save, to live, cockerel or fowl which his page had taken. Of the King's bodyguard, and young in years he was ; faithful, he was to God and to Our Lady. His heritage is seven feet of earth—pray all to God that He take pity on his soul.

Prince, John of Scotland, remains a hostage : see that the worms all his body spoil : That he may have his own inheritance, pray all to God that He take pity on his soul.¹

DAVID BAIRD SMITH.

¹ The foregoing translation can only be treated as an approximate rendering of the very corrupt text of the original.

Constitutional Growth of Carlisle Cathedral

THE whirligig of time brought about curious changes in Carlisle at the opening of the twelfth century. William Rufus had come north in 1092, drove out Dolfin, the local ruler, and annexed the city and surrounding country to the English kingdom. The work of colonization according to Norman ideas was begun by the Red King and carried on by his brother Henry I. Very early in Henry's reign, perhaps in 1102, a colony of canons was settled in Carlisle, the capital of the new district, with the ultimate intention, no doubt, of founding an episcopal see to be the spiritual centre of the annexed province. It was a college of canons, of what description we know not, that was first planted in Carlisle, from which it would appear that an episcopal chapter was contemplated at no distant date. The trend of ecclesiastical opinion in England had set in against monastic chapters, and there was little likelihood that the work of reconstruction at Carlisle should be impeded by recourse to a discredited institution.¹ At all events, it was a body of canons, not monks, that was established in the city. In 1133 the see of Carlisle was founded, and the first bishop turned the collegiate church into his cathedral chapter, either by expelling the existing canons or more probably by obliging them to accept the rule of the canons regular of St. Augustine. The see of Carlisle was the last bishopric founded in England before the Reformation, and it was the only see with an Augustinian chapter. In many respects the early vicissitudes of the cathedral are of the greatest interest in the history of ecclesiastical institutions, but like all great structures the foundations lie beneath the surface.

¹ Palgrave, *Rot. Cur. Regis*, i. pref. xxij-xxviiij. Stokes notes that secular canons had become hopelessly corrupt, and monastic chapters were introduced by St. Dunstan and other pious men desirous to see religious work done in a religious spirit. Two centuries elapsed, and then the bishops grew tired of monastic chapters. By the close of the twelfth century many of the bishops in England were engaged in a deadly struggle, striving to banish the monks from their chapters (*Ireland and the Anglo-Norman Church*, pp. 270-71).

There was a church in Carlisle on the present site before it was made collegiate in the beginning of the twelfth century. Some fragments of early crosses, discovered in the Norman wall of the cathedral and in the precinct during the restoration of 1855-7, are evidence enough of a pre-conquest institution.¹ Of the character of the church or of the period to which it belonged little or nothing is known. Hints of ecclesiastical movement early in the twelfth century are distinct, though they reach us at a later date. Henry I. instituted a body of canons and settled them in the church of St. Mary, Carlisle, the site of which he had previously appropriated by his charter.² While this institution lasted, that is till the introduction of Augustinian canons on the foundation of the bishopric in 1133, it would appear that the canons were living in association without organisation. References to the new body are abundant, but there is no intimation of head, rank or dignity among them. As the canons of Carlisle they are always spoken of. No doubt the seed was sown according to Norman custom at this date, and it was left to germinate and grow as ecclesiastical needs demanded. It would appear that the institution was, so to speak, democratic, and did not take its name, like a priory, from its head, but from the general body. There were canons of Carlisle, but no priory of Carlisle, till the middle of the century.

The instance at Carlisle, moreover, is not singular. When Henry I. in 1109 confirmed Queen Maud's establishment of canons regular in Christchurch, London, he called it a *canonicatum*,³ not a *prioratum*, as if the effective title of prior had not yet appeared. Some ten years later or more the same designation was applied to a similar institution founded in the church of St. Mary, Southwark, about 1115-1125, though the prior, as well as the canons, is distinctly alluded to in the charter of foundation.⁴ At this early period of Norman foundations headship was only in potential existence; the body was of more importance; the head was only *primus inter pares*, a status in the ecclesiastical body which the prior of a college of canons regular never lost. It was long before an Augustinian prior took or received the title of *prelatus*, which involved superiority over his fellow-canons. But as the institution was capable of growth the *canonicatus*

¹ These cross fragments are illustrated in Calverley, *Early Crosses in dio. of Carlisle* (ed. Collingwood), p. 95.

² Assize Roll (Cumberland), no. 132, m. 32; *Scotichronicon* (ed. Goodall), i. 289.

³ *Ancient Charters* (Pipe Roll Soc. vol. x.), p. 3; Dugdale, *Mon.* vj. 155, note 4.

⁴ *Cal. of Chart.* v. 34.

became the *prioratus*, and first the prior and then the prelate¹ appeared in association with the canons.

It would seem that when Henry I. had settled his collegiate body in Carlisle he had the intention of taking a slice from the vast archdeaconry of Richmond,² and of making the new province an episcopal see with the bishop's seat in that city. Political necessity, however, intervened, and the new district, which had been added to the English kingdom in 1092, was committed to the custody of a great vassal who ruled 'the land of Carlisle' for twenty years. During the vice-gerency the ecclesiastical foundation in the city languished, but on the king's resumption of government about 1121 we have notices of its revival. Between this date and 1130 the canons of Carlisle were busy with their buildings,³ and endowments were accumulating of the gift of the king and his subjects. During this decade six churches in Northumberland and as many in Cumberland were bestowed upon them, in addition to manors and parcels of land.⁴ It is not always recognised that much of the endowments of the Church of Carlisle was given to the canons before the foundation of the see. But as yet there is no indication of internal organisation and no mention of a ruling superior.

The chroniclers⁵ agree that the bishopric was founded by the king in 1133, and that Adelulf, his confessor, who was prior of

¹ Before Adelulf, prior of Nostell, was consecrated bishop of Carlisle, he witnessed a deed at Nostell as 'Adwaldo prelato,' but in other deeds he is described as 'A. prioris de sancto Osualdo' (Cotton MS., Vespasian, E. xix. ff. 32, 112, Register of Nostell). In the customs and observances of the Augustinian priory of Barnwell, Cambridgeshire, the chief officer of the house, usually called prior or abbot, is termed prelate (*prelatus*). This word, says J. W. Clark, the editor, does not imply episcopal dignity, but merely the canon who has been preferred 'the father of the monastery,' or who 'has mounted to the highest point of honour' (*Observances of Barnwell*, pp. xxxiv, 37, 43). In the same customs he is also called *presbyter*.

² For a fuller account, with the authorities, see my narrative in the *Vict. Hist. of Cumberland*, ii. 7-12, 131.

³ *Pipe Roll of Henry I.*, ed. Hunter, p. 141.

⁴ The deeds of gift will be found by *inspeximus* on the various charter and patent rolls. There is in the Registry of Carlisle a fine original charter of 6 Edward III., which repeats most of them. It is a veritable chartulary of the Church of Carlisle.

⁵ *Annales Monastici*, ii. 223; M. Paris, *Hist. Angl.*, i. 245-6; *Chron. Majora*, ii. 158; Barth. de Cotton, *Hist. Angl.*, pp. 62, 417. Some ancient and many modern writers have jumbled up two distinct events, viz. the foundation of the house of canons in 1102 and the introduction of the canons regular in 1133. See *V.C.H. Cumb.*, i. 7-8.

Nostell, an Augustinian house in Yorkshire, was nominated by him as the first bishop. It was Bishop Adelulf who organised the church of Carlisle by the introduction of Augustinian canons and by making them his cathedral chapter. It was a wise policy for a first bishop in a new province to constitute a chapter which he could control and in which he was the predominant partner. The bishop and canons composed the cathedral body as a single corporation and had a common maintenance. There is no indubitable reference to a prior of Carlisle till late in the episcopate of the first bishop.¹ Till almost the end of his life, Adelulf retained the priorate of Nostell with the bishopric of Carlisle, but when he made provision for his retirement from the Yorkshire house it is significant that about the same time the name of a prior of Carlisle appears in the local records. A tradition, which reaches back to the fourteenth century, is insistent that Adelulf was prior of Carlisle at the time of his consecration in 1133 as he was certainly prior of Nostell. The probability of a double priorate is scarcely trustworthy. But, whether the tradition be true or not, the bishop resided in the cathedral, and was head of the establishment of Augustinian canons of Carlisle. The name of anyone using the title of prior of Carlisle does not appear till 1150, a few years before the old prelate's death, when he was resigning the priorate of Nostell. His body was buried in Carlisle in a new cloister he had built there.²

Reminiscences of Bishop Adelulf's position among the canons have survived to this day. The bishop's throne in the cathedral symbolises his episcopal jurisdiction in the diocese; his stall on the south side of the choir betokens his jurisdiction in the cathedral church, and his capitular seat in the chapter house indicates his right to sit in capitular deliberations. The bishop is the supreme ruler in church, chapter and diocese. During Bishop Adelulf's life there

¹ So far as we have found the first contemporary reference to Prior Walter is in the foundation charter of the monastery of Holmcultram (Chartulary, MS. f. 221), which was founded, according to the *Chronicle of Melrose* (Bann. Club), p. 74, in 1150. Dr. Prescott has printed a good copy of this deed (*Reg. of Wetherhal*, p. 421-2). The same prior witnessed the foundation charter of the Augustinian priory of Lanercost ascribed to 1169 (*ibid.* pp. 419-21).

² For a more extended account see the writer's *Rose Castle* (Thurnam & Sons, Carlisle), pp. 2-5. In royal charters between 1120 and 1133 Adelulf is always designated as prior of Nostell, but never as prior of Carlisle. After 1133 he witnesses charters as bishop of Carlisle. See the chronological arrangement of the charters of Henry I. by Dr. William Farrer in *English Hist. Review*, xxxiv. 523, 527, 538, 571.

was no need of a prior, and no name of a prior appears until the eve of his retirement. During his effective episcopate the organisation of the diocese was complete. The archdeacon of Carlisle, whose jurisdiction was conterminous with that of the bishop, was a member of the cathedral chapter,¹ and the diocese was apportioned into decanal areas. No vestige of any other ecclesiastical office has been found during the first episcopate.

After the death of Bishop Adelulf in 1157 there was a vacancy of nearly half-a-century in the succession, when the diocese was administered by the archdeacon of Carlisle with the local title of diocesan,² a neighbouring bishop, Christian of Whithern,³ having been occasionally requisitioned for pontifical functions. An ineffectual attempt to fill the see was made in 1186 by Henry II. while he was in Carlisle. On the petition of the canons regular of the metropolitan church of St. Mary of Carlisle, relates the chronicler, the king yielded to them a free election to choose a bishop for themselves. With the common consent of the brethren and with the help of God, Paulinus of Leeds, master of the hospital of St. Leonard, York, was elected to the see of Carlisle. The election pleased the king and everybody in the bishopric. There was general rejoicing in the city and whole diocese, for the see had been vacant and destitute of episcopal supervision since the death of Bishop Adelulf in 1157. Paulinus of Leeds, however, was unwilling to accept the bishopric, though the king urged him to it by the offer of a considerable pension.⁴

¹ *Whitby Chartulary* (Surtees Soc.), i. 38. Bishop Adelulf issued a charter to 'Elyæ archidiacono et capitulo S. Mariæ et omnibus parochianis suis,' by which a church in Westmorland was confirmed to the monks of Whitby. There was evidently no prior at this date, and it is clear that the archdeacon had a stall in the cathedral and came next in order and dignity to the bishop.

² In 1190 Clement III. in a bull to the monks of Holmcultram alludes to the archdeacon as 'Roberto, archidiacono, tunc temporis dyocesano, vacante episcopatu' (Reg. of Holmcultram, MS. f. 240). In a charter by the same archdeacon he speaks of an act made 'apud Karliolum in presentia mea et clericorum meorum et canonicorum sancte Marie Karlioli et aliorum multorum litteratorum et laicorum' (*ibid.* f. 36).

³ In 1159 the bishop of Candida Casa received xiijs. viijd. from the sheriff of Cumberland, and the same amount in 1160 (*Pipe Rolls of Cumb.* ed. Hinde, p. 3). Christian died at Holmcultram in 1186 (*Chron. de Mailros*, Bann. Club, p. 95), at which time the diocese was in a derelict state.

⁴ Benedictus Abbas (*Gesta Regis*, i. 349) says that free election was conceded to the canons by the king on their petition (*ad petitionem canonicorum*), but Hoveden (*Chronica*, ii. 309) says that the king caused (*fecit*) Paulinus de Ledes to be elected to the bishopric, which he refused, though the king offered to endow that see with rents to the value of thirty marks.

Urgency there undoubtedly was ; the diocese was in a desperate plight in 1186 ; it had neither bishop nor archdeacon. The king held bishopric and archdeaconry in his own hand till the appointment of an archdeacon in 1190.¹ But there was no bishop of Carlisle till King John induced Bernard, the fugitive archbishop of Ragusa, to accept the long-vacant throne.

While the see was vacant (1157-1204) two ecclesiastical officers came into prominence, the archdeacon and prior of Carlisle, the former as chief administrator of the diocese and the latter as head of the diocesan chapter. There is no doubt about the constitutional position of Archdeacon Elyas as a member of the capitular body during Bishop Adelulf's life. But the position of Archdeacon Robert and his immediate successors is not so certain. It was inevitable that the constitutional growth of the prior in the convent during the long vacancy of the see should cause friction if the archdeacon remained a member of that body. When the financial affairs² of Archdeacon Robert became hopeless in 1186, and he was obliged to retire crippled with debt, the issues of the archdeaconry and bishopric, so far as they were independent of the prior and canons, escheated to the Crown. In the render of the sheriff for two years in 1188 it is seen that the greater part of the outlay was spent on the cathedral. Whether the archdeacon was reckoned a member of the priory at this date, it is indubitable that the priory church was the heart of the diocese. From this period onwards there is no suggestion that succeeding archdeacons were canons of Carlisle, though each of them had a stall in the cathedral to which they were inducted by the bishop's mandate.³ Constitutional connexion with the cathedral is indispensable for an archdeacon in order that he may be clothed with jurisdiction. No other officer of the cathedral or diocese, except

¹ See my fuller account in *Vict. Hist. of Cumb.* ii. 19-21.

² *Pipe Rolls of Cumb.* pp. 49-50 ; *V.C.H. Cumb.* ii. 20-21.

³ The collated archdeacon was installed in 1621 as 'archidiaconum dicte ecclesie et diocesis Carliolensis in stallo quodam scituato in choro dicte ecclesie pro talibus de antiquo vsitato' (D. and C. Minute Book, MS. v. 806). The archdeacon was, therefore, archdeacon of the cathedral as well as of the diocese ; compare the mandate to induct and install in the cathedral in 1302 (*Reg. of J. de Halton*, i. 177, Cant. and York Soc.). The archdeacon's stall is identified on Browne Willis's ground-plan of the cathedral, on the south side of the choir near the bishop's throne in 1720 (*Survey of Cathedrals*, i. 284). The custom of installation of the archdeacon of Carlisle in a special seat in the choir became superfluous when the fourth prebendal stall was annexed to the archdeaconry in recent years.

the bishop's official or official of Carlisle¹ and the rural deans, comes into view during the twelfth century. The ecclesiastical troubles, long simmering in Carlisle, reached a climax during Bernard's episcopate, 1204-1214. After his death the constitutional position of the canons was assured. Not only was power given them to elect the bishop of the diocese, but also the prior of their own house.

In the infancy of the Augustinian institute in England the founder of each house claimed the right of appointment to the chief seat. The custom is observable in many places,² and it is most likely that at the outset it existed at Carlisle. No superior, except the bishop, was needed so long as he resided within the cathedral precinct and remained an effective instrument of the institution. There is no precise evidence of the mode of appointing priors of Carlisle in the latter half of the twelfth century. The analogy of other Augustinian houses is scarcely applicable to that of Carlisle, which was also a diocesan chapter. The house of secular canons was founded by Henry I. in 1102, but the order was changed in 1133 by Bishop Adelulf, who introduced Augustinian canons. It is probable, therefore, that it was the bishop who appointed Prior Walter, a local man and cadet of a noble house³ in the district of Carlisle, when his episcopate was drawing to a close. There is no evidence to show how his successors were appointed while the see was vacant.

During this period the abnormal condition of the diocese brought the canons into considerable prominence. There was a general movement to self-determination. The chaos which prevailed in the North through the disagreements of King John and

¹ Thomas de Thorp was official of Carlisle in the last decade of the twelfth century. (See *Reg. of Wetherhal*, p. 92.)

² Richard Engaine, son of the founder of the Augustinian priory of Castle Hymel in Northamptonshire, gave the canons the power of free election of a prior (*prelatus*) without the consent of himself or his successors (Dugdale, *Mon.* vj. 449-50), a privilege which was confirmed by Honorius III. in 1223 (*Cal. of Pap. Lett.* i. 92). Ten years later a similar change took place at Cartmel in Lancashire, another Augustinian house, where the custom obtained that the canons should present two persons to the founder, one of whom he selected with the approval of the bishop of the diocese. Gregory IX. described the custom as *corruptela*, and ordered it to cease (*Reg. of Abp. Gray*, p. 167, Surtees Soc.; *Cal. of Pap. Lett.* i. 135). At the outset the patronage of a religious house was a very real thing.

³ See my note in *The Athenæum*, No. 4107, 14th July, 1906, pp. 43-44, where it is shown that Prior Walter of Carlisle was a son of Dolfin, son of Ailward, who married Maud, daughter of Earl Gospatric and sister of Waldeve.

his barons, and the gravitation of the allegiance of the canons from the English to the Scottish king, developed a policy of ecclesiastical independence in Carlisle which obliged King John to grant them free election. The see was again vacant, and the king could have no opposition from the bishop. The first prior, elected by the canons so far as we have found, was Henry de Merton, whose election was confirmed by the king in 1214.¹ It did not matter to the canons whether they dealt with the king or the bishop in the election of a superior of their house; the important principle was that he should be of their own choice. Circumstances intervened which postponed papal confirmation of their inherent power till 1248.

It was at this period, after the death of the second bishop in the succession, that the canons attained to a constitutional position in the diocese. Not only did they succeed in obtaining the right of election of their own superior, but they were also charged with the election of the bishop of the diocese. The first two bishops were nominated by the king; all the subsequent bishops till the ecclesiastical changes in the sixteenth century were elected by the prior and canons, except in a few instances when they were arbitrarily provided by the Pope. Bishop Hugh,² 1219-1223, was the first bishop of capitular election. In recognising the free election of the canons, Honorius III. stipulated³ that thereafter no one should be appointed to the see of Carlisle surreptitiously or by violence but he whom the brethren of that church by common consent, or the sounder part of them, should elect. While the priory of Carlisle lasted, it was the custom to send two or more canons to announce to the King the death of the bishop and at the same time to petition his licence for the election of a successor. When the election was made, the new bishop, if canonically elected, was accepted and did homage. The election of a prior was attended with the same external observances in relation to the bishop as that of the bishop was with respect to the Crown.

The constitutional position of the canons in the diocese was conceded after a great upheaval. The long vacancy of the see, when the canons were their own masters, had for them disastrous consequences. It is not quite certain whether Bishop Bernard

¹ *Rot. Litt. Claus.* (Rec. Com.), i. 207b, 211, 211b; *Chronicon de Lanercost* (Maitland Club), p. 14.

² *Patent Rolls*, 1216-25, pp. 164, 376, 408.

³ *Cal. of Pap. Lett.*, vij. 565.

took up the hegemonic place of his predecessor in the cathedral precinct. It is probable that he did not. At all events, he had reluctance in accepting the see in 1204, as Paulinus of Leeds had no reluctance in refusing it in 1186. The King, however, overcame his scruples and granted him a pension out of the exchequer for his maintenance.¹ The canons were restless and politically dangerous during the internal troubles of the kingdom. Their loyalty was of great importance to the English king owing to the geographical position of the priory of Carlisle. Political feeling in the neighbourhood ran on the baronial side, and the King of Scotland was invited to Carlisle. When the city and castles of the county were surrendered to him, the canons not only received King Alexander to communion, though he was in a state of papal excommunication, but they elected a Scotsman to fill the see rendered vacant by the death of Bishop Bernard. The act of treason brought a doom on the priory. On the complaint of King John and the bishops to Rome, the papal legate was instructed to take extreme measures for the punishment of the offenders. The canons were forthwith expelled from Carlisle in 1218, and placed in regular churches; their election of a bishop was declared void; and other Augustinian canons, faithful to the English king, were appointed in their place. It was to the new body of canons that right of episcopal election was granted and immediately exercised in the same year by the election of Hugh, abbot of the Augustinian house of Beaulieu in Hampshire, whose election was confirmed by the Crown.²

Amidst the chaos which the baronial troubles produced in Carlisle, a radical change was brought about in the relations of the bishop to the cathedral body. There were many contributory causes to prepare the way for it. The long vacancy in the bishopric led to the rise of the prior, a new force which tended to weaken the tie between the bishop and his chapter. The priory had a head of its own who must have been strongly tempted to set himself up as a rival to the bishop, if such existed, or to go his own way during an avoidance of the see. The bishop of Carlisle was gradually ousted from the immediate headship of the canons and their revenues. The tendency of the times culminated in the unfortunate treason of which mention has been

¹ *Rot. Litt. Claus*, i. 67*b*. For the whole circumstances see *V. C. H. Cumb.*, ii. 21-2.

² Most of the authorities are given in *V. C. H. Cumb.*, ii. 23.

made. Attention was directed to the poverty¹ of the see, and the difficulty of finding a pastor to undertake it. The old corporation of bishop and canons, known as the church of Carlisle, was dissolved; the endowments of the church were divided, after a long process of adjudication, between the new canons and the bishop.² The chapter under this arrangement became a distinct corporation with a local head distinct from the bishop, who ceased to be a lodger in the cathedral precinct, sharing the commons of his subordinates. The ordinary jurisdiction of the bishop over the chapter and cathedral was left undisturbed, but the apportionment of the endowments of the church was radical and complete. It was arranged, however, that the bishop could not alienate any property of the see without the chapter's sanction,³ a restriction on the bishop which has survived through the centuries, and is in force at the present time. The chapter became to some extent an isolated authority, which could only be made amenable to the bishop, not personally as an immediate ruler, but by visitation as an external power. The church of Carlisle, composed of bishop and canons, like the king and parliament⁴ in modern civil life,

¹The king wrote to the pope in 1217 that while the canons themselves 'in multis habundent, episcopus eorum ita hactenus egestate afflictus est et inopia, quod vix habet ubi capud suum reclinet, et non invenitur aliquis, qui in aliquo nobis utilis esse poterit aut necessarius, qui episcopatum illum recipere voluerit' (*Patent Rolls*, 1216-25, p. 111).

²On the division of the church endowments, compare my narrative with references in *V. C. H. Cumb.*, ii. 22-4, and notably the two deeds of apportionment printed on pp. 124-6.

³This was in 1248, in one of the last awards of the adjudicators, as the papal bull may be described. In it the pope granted to the prior and convent the right of electing the prior; and prohibition to the bishop to dispose of his (*wrongly translated* their) possessions without their consent (*Gal. of Pap. Lett.*, i. 250). Confirmation of the bishop's acts by the prior and convent, and afterwards by the dean and chapter, their successors, so far as they touched the leasing or alienation of the property of the see, is well known. The custom has been observed in all the centuries since 1248. As the episcopal estates have been transferred to the Ecclesiastical Commissioners, the practice is now mainly confined to patent offices, like those of the chancellor and registrar of the diocese, when conferred for the life of the holder. For the rules of the common law on the confirmation of bishop's leases, and the leases of other corporations sole, see the law books, e.g. Gibson, *Codex* (ed. 1713), pp. 781-2; and for the grant of an office by a bishop, see Burn-Phillimore. *Eccles. Law* (ninth ed.) ii. 376-81.

⁴The state of things in Carlisle was much the same as it was elsewhere. Bishops and chapters were falling away from each other by the loosening of old ties. It was the same spirit which brought about the independence of boroughs from their temporal or spiritual lords (*Freeman, Cath. Church of Wells*, pp. 61-4).

was to exist no longer as a single corporation. Two authorities were created in intermutual relation, and the administration of the affairs of the diocese was divided between them.

There is no mention of dignitaries among the canons, except the prior, till the great division of the church of Carlisle into two authorities. No doubt some sort of organization existed among them in the abnormal condition of the chapter and diocese, but such organization has not been revealed. It is true that William, dean of the canons,¹ was an important personage in 1186-8, but there is some doubt about the nature of his office. In another record he is described as dean of Carlisle, a man of private fortune, with the will and the power to bestow endowments on the priory.² As the office of dean is not found again in respect of the cathedral during the mediæval period, it may be assumed that it was in his capacity of what was afterwards called rural dean³ that he was referred to. Territorial deaneries had not at this date become altogether fixed either in area or number. It is possible that the canons had a dean of their own, or were reckoned as an integral portion of diocesan movement in the twelfth century, and as deans existed in connection with towns as well as rural districts, the dean of Carlisle would be viewed in a public record as having in his oversight the canons of the cathedral church. It is at all events in the final award of the division of the church property between the bishop and canons in 1249 that special officers in the priory first appear.

It has been already suggested that the bishop, as the immediate head of the canons of his cathedral, was the patron of the offices needful for their internal development. It was he, as we have alleged, who appointed the first prior. The reservations of the great award in 1249 seem to make these assumptions conclusive. Throughout the dispute between the bishop and canons, the patronage of the obedientiaries in the priory was one of the issues. Was it the bishop, or the prior, or the canons who would appoint

¹ *Pipe Rolls of Cumberland* (ed. Hinde), p. 50.

² Dugdale, *Monasticon*, vj. 144.

³ This explanation is not quite satisfactory, but it is the best that can be offered at the moment. The *decanus* is sometimes found as an officer in connection with some early Augustinian institutions, e.g. at Nostell (Chartulary, MS. f. 19). The description of the office at Carlisle may be another designation of the *prepositus canonicorum* at Lincoln, from whom the canons received their portion of the *communa* in the chapter house (*Lincoln Cath. Stat.*, i. 275, 284). But the provost at Lincoln seems to have been an inferior officer, whereas William, dean of Carlisle, was an important personage.

the dignitaries in the priory under the new condition of things? The adjudicators defined the bishop's power in future appointments. As often as a sub-prior or cellarer in the priory of Carlisle, so the award¹ runs, is to be appointed, the prior and convent shall elect two or three persons fit for the office, whom they shall present to the lord bishop, if he be in the diocese, but if not, he shall commit his turn in that respect to some other person within a month after the election was brought to his notice, so that the office be not vacant by his neglect beyond the prescribed period, and it shall be at the bishop's option to admit one *de illis tribus electis* and to give his assent to the same. The strong hold given to the bishop over the internal affairs of the canons was reminiscent of his traditional pre-eminence among them. The offices of sub-prior and cellarer, two of the most important of the cathedral dignitaries under the prior's rule, were practically in the bishop's patronage. The award was not suffered to be a dead letter. Again and again the bishop exercised² his right of selection in the history of the priory, and the canons were not slow in keeping him to the terms of the original agreement.

The names of other offices for the internal administration of the priory are slow to come above the surface, and when they appear it is quite certain they had been long in use. When Ralf de Ireton, prior of Gisburne, was elected to the see of Carlisle in 1279, the prior, precentor, succentor, cellarer and sacristan were the nominees of the convent for the purpose of an election³; no doubt these were the principal dignitaries of

¹ The full text of this award was first printed by me in the *Vict. Hist. of Cumberland*, ii. 126, from Charter Roll, 18 Edw. i. No. 26, on which it is recorded by *inspeximus*. The document has since been translated into English under the direction of the Master of the Rolls (*Cal. of Chart.* ii. 365).

² Bishop Ross exercised it in 1331 while residing at Melbourne in Derbyshire, by issuing a commission to select one of two fit persons for the office of cellarer, and Bishop Kirkby did likewise in 1339 when sojourning at Horncastle in case of the sub-priorate. In the former instance, the canons wished to impress the bishop with a sense of their magnanimity by pretending to confer a favour upon him, but in reality it was no favour at all, as they were obliged by the award of 1249 to do what was done (Carl. Epis. Reg. Ross, MS. f. 265; *Ibid.* Kirkby, MS. f. 390). In 1379 Prior John de Penreth removed the cellarer from his office without the consent *maioris et sanioris partis capituli sui*, but when the cause was submitted to the bishop, the deposed cellarer was reinstated (*Ibid.* Appleby, MS. ff. 319-20). See a fuller statement of the tenure of these offices in *V. C. H. Cumb.*, ii. 132-3.

³ *Cal. of Pap. Lett.*, i. 461.

the establishment. In the enumeration of the canons, made in obedience to the bishop's mandate,¹ for the purpose of his visitation in 1366, only the offices of prior and sub-prior are given; the offices of the rest of the convent are not mentioned. As the precentor was indispensable to the work of the church, his office must have arisen at an early date. In dignity he ranked next to the sub-prior. One of the precentors of Carlisle, Alan de Frysington, attained to special distinction in 1291, when the convent made a report to Edward I. on the English claim to the sovereignty of Scotland. The document,² called the 'Cronica de Karleolo,' was presented to the king by the above-named dignitary. If it was drawn up by him, as probably it was, the precentor was well acquainted with the contents of his library at Carlisle, which, from the evidence of the writing, was well supplied with copies of the ancient chronicles, legendary and historical, the identification of which, from his quotations, is a comparatively easy task. The mention of the office of succentor at Carlisle is very rare,³ but that of sacrist became traditional, to which was annexed the pastoral charge of the church of St. Mary, which occupied the nave of the cathedral from time immemorial.

The chancellor, *cancellarius in scolis regendis*, has not been found as an officer of the cathedral, owing, no doubt, to its Augustinian constitution. A school existed in Carlisle as an adjunct of the priory, perhaps from its foundation, certainly from the middle of the twelfth century.⁴ A canon with the title of *magister scholarum*⁵ was schoolmaster in 1264, but several succeeding schoolmasters were not canons; some of them were laymen.⁶ Another

¹ Carl Epis Reg., Appleby, MS. f. 165.

² Chapter House (Scots Doc.), Box 100, No. 168. The document consists of a single sheet of vellum, illegible in parts from ill-usage, and has been printed by Palgrave, *Documents and Records* (Rec. Com.), pp. 68-76. It was transmitted 'per latorem presencium dominum Alanum de Frysington concanonicum nostrum et precentorem ecclesie nostre beate Marie, Karlioli.' The precentor was afterwards sent in pastoral charge of outlying parishes appropriated to the priory.

³ This officer was called 'the sub-chanter' at the time of the surrender of the priory in 1540, as the precentor was known as the 'chief chanter of the monastery' (*Letters and Papers of Henry VIII.*, 1540, pp. 301, 305).

⁴ *Pipe Rolls of Cumberland* (ed. Hinde), p. 50.

⁵ *Chartulary of Whitby* (Surtees Soc.), i. 289.

⁶ Master Nicholas de Surreton, *rector scholarum Karlioli*, was successively admitted to holy orders, 1316-19, *ad titulum probitatis* (*Reg. of John de Halton*, ii. 136, 139, 191, Cant. and York Soc.). The will of John de Burdon, *magister scholarum Karlioli*, in which he speaks of his late wife Christiana, has been recorded; the

designation of the office was *rector scholarum*, to which the holder was licensed by the bishop of the diocese. The duties of the office, which was held only during pleasure, were set out in the licence,¹ viz., to teach grown-up boys and all willing to be taught in the knowledge of grammar and such matters. The title of the institution was the Grammar School of Carlisle. The school underwent many vicissitudes during the centuries, and gradually drifted away as a separate institution, but under cathedral patronage. The office of chancellor, which combined the functions of official principal and vicar-general, is a creature of the Reformation, and first appears in connection, not of the cathedral, but of the diocese,² when it was convulsed in 1536 by the destruction of the monastic houses. The title or office never had a necessary relation to the cathedral, except that the consistory court was held in St. Mary's church, which occupied the cathedral nave,³ from which it was transferred, in 1670, to the north transept of the cathedral itself, where it still remains.

The Augustinian chapter was shorn of half its influence by the apportionment of the endowments of the church of Carlisle between the canons and the bishop. A striking feature of these early endowments is that they consisted largely of parish churches, which were wholly or almost wholly appropriated to the canons. As Bishop Hugh, 1219-23, was instrumental in carrying out the division, the Augustinian author of the *Chronicle of Lanercost* most

will was proved in 1371 (*Testamenta Karleolensia*, ed. Ferguson, p. 101). In the will he makes a bequest of *omnes libros meos* to a friend, and constitutes a canon as one of his executors.

¹ See, for example, a copy of the schoolmaster's licence in Carl. Epis. Reg. Welton, MS. f. 103, for the date 1362. In the previous year a master was licensed to the school of Penrith, where he was obliged to give instruction *super psalteriis, donato et cantu* (*Ibid.* f. 81).

² *Letters and Papers of Henry VIII.*, xij. (1), 226-7. For the chancellor as *vicarius episcopi*, see the projected legislation of Henry VII. in *Reformatio Legum*, p. 202.

³ Before the destruction of the nave during the Cromwellian wars, it was a large area, more than ample for the parish church of St. Mary during the mediæval period. It was then the home of several chantry chapels, altars for obits, sites for the burial of notabilities, and so forth. When the destroyed portion of the cathedral was renovated after the Restoration of 1660, the consistory court was removed to a more convenient place at the bishop's request, that more space might be left for the parish church. The style of the consistory Court in the records, 1606-1608, tells that it was held 'in ecclesia beate Marie virginis, civitatis Carleolensis (loco consistoriali ibidem)'. This style was resumed after the Restoration, and continued till the court, held on 21st Oct., 1670, when it was changed to 'in ecclesia cathedrali sancte et individue Trinitatis, Carlioli.'

ungraciously described him as the bishop who odiously dispersed the old convent, and by a fraudulent division took away half of the possessions of the canons.¹ Before the awards of the adjudicators, the influence of the canons on the work of the diocese must have been immense. But it was an Augustinian influence; there was little scope for the employment of secular clergy. All ecclesiastical patronage was exercised by the canons, who appointed the members of their own society to pastoral charges. The patronage was now divided; the bishop got a good share. Though many of the successive bishops had been priors or canons of the house before consecration, it came to be recognized that the seculars were under his special protection. The two authorities drifted further and further apart till they are seen moving on parallel lines in their bestowal of ecclesiastical patronage. It may be taken that the bulk of the priory churches were served by canons, and those churches in the patronage of the bishop by seculars.

From some churches the canons were recalled after a period of service, and were replaced by others. The priory was in constant touch with the most distant parishes. So close was the connexion that the prior was reckoned to be the incumbent of a church totally appropriate to his house, and the canons, resident in the parishes, were his stipendiary curates, who were not instituted, and remained in the stipendiary status.² No record of the admission of these curates or chaplains was made in the diocesan archives. In fact, in later centuries, a tombstone could not be placed in the churchyard of one of these parishes, or a parish clerk appointed, without the formal sanction of the canons. There were, therefore, resident and non-resident canons of Carlisle, the former responsible for the daily services and administration of the revenues, and the latter in pastoral charge of the appropriate parishes. This distinction, often forgotten, is fully recognised in ecclesiastical nomenclature. The cathedral body resident at home was known as the prior and chapter, but the complete assembly of the canons, resident and non-resident, was always described as the prior and convent. It was the general body that elected the

¹ *Chron. de Lanercost* (Maitland Club), p. 30.

² An enumeration of the spiritual possessions of the priory was submitted to the bishop at his primary visitation, with the title-deeds of the holders of ecclesiastical preferment, on the inspection of which, if they were found correct, the parties received letters of dimission confirming them in possession. In the fourteenth century we have full descriptions of the ecclesiastical status of the various priory churches in two letters of dimission issued by Bishops Kirkby and Welton (*Registers*, MS. ff. i. 382, ii. 19). See a fuller account by me in *V. C. H. Cumb.*, ii. 136.

prior and made presentations to benefices not wholly appropriate. To episcopal visitations of the priory, that is, prior and chapter, the pastoral canons were not summoned, but if a canon was otherwise absent for a lawful purpose, like study at an University, he was preconized and his non-appearance was excused. There was no need for the visitation of the prior and convent, for the pastoral canons came within scope of the visitations of the diocese. The bishop's visitation was always made to the prior and chapter.¹

In the Augustinian body at Carlisle we have no evidence of a rule laid down for the appointment of novices or candidates for the profession of canons. The acceptance of candidates was probably the duty of the prior in consultation with the daily chapter, but, of course, the bishop was ultimately the determining factor in the making of a canon. The priory was a missionary or theological seminary for the preparation of likely men for holy orders; admission was only given for that purpose. The novice served a year's probation, and after instruction, if he was found suitable, he was presented for ordination to the bishop, who had necessarily the last word. After ordination he made canonical profession in a prescribed form² as directed by the Order. The number of the canons kept at the cathedral varied according to the political and economic condition of the country. The normal aim was that the chapter should consist of a prior and twelve canons,³ which was the ideal of the Cistercian institute,⁴ in imitation of the sacred model. The pastoral canons far exceeded in

¹ No narrower reference can be given in support of the statement in this paragraph than the two volumes of ancient registers of the bishops of Carlisle, 1292-1386, now in the diocesan registry of Carlisle, the earlier portion of the first volume of which has been printed by the Canterbury and York Society, viz. the register of Bishop John de Halton, 1292-1324.

² For the admission of novices, their clothing, instruction, and subsequent profession, see the *Customs of Barnwell* (ed. J. W. Clark), pp. 120-136. The actual form *in fratribus suscipiendis* in use at Holyrood, with the canons of which those in Carlisle were in confederation, has been preserved (*Holyrood Ordinale*, ed. Eeles, pp. 2-3). For the various customs on the Continent, compare Martene, *De Antiquis Monach. Rit.*, lib. v. cap. 1-4, with the customs of the canons regular in *De Antiquis Eccles. Ritibus*, ii. 179-80.

³ The number of canons at the cathedral as returned by the prior to the bishop on his visitation of the chapter in 1366 was a prior and twelve canons, one of whom was absent for the sake of study 'et non est premunitus ex causa' (Carl. Epis. Reg., Appleby, MS. f. 165). In 1379 the prior and eleven canons were assessed to the *malum subsidium*: the prior's benefice was valued at cc li. a year and assessed to the subsidy at iij li.; each of the canons was assessed at iij s. iiij d. (P.R.O. Clerical Subsidies, Dio. Carlisle, 69^o).

⁴ *Cistercian Statutes* (ed. Fowler), pp. 20, 27.

number those at home.¹ It was a principle among them that a non-resident canon should not live alone, for 'woe to him that is alone when he falleth, and hath not another to lift him up.' To large parishes, not wholly appropriate, two or three canons were sent in association, one of whom was presented to the bishop for institution. During the troubled period of Scottish warfare, the canons at home and abroad carried on their sacred work with great hardship and difficulty. The number dwindled owing to lack of sustenance, and sometimes resident canons were sent to other Augustinian houses in more favoured situations till the political horizon cleared.²

Though no records of the customs or observances for the regulation of the priory of Carlisle have survived, there can be no manner of doubt that the canons lived in association and were maintained out of the common fund. A canon of Carlisle had not a separate house; he had no distinct prebend or separate portion. The prior had his own lodging (*camera*), but the canons resident in the priory deliberated daily in the chapter-house; sang the hours in the church; studied or exercised in the cloister; dined in the refectory; slept in the dormitory; and when sick, were sent to the infirmary, all of which were situated within the precinct.³ Common life and common maintenance was the rule at Carlisle, according to the original constitution throughout the existence of the Augustinian institute, except for a short period before the end, when the daily liberations to the canons were reckoned a sort of prebenda.⁴ When a prior retired in 1304, a

¹ In 1438 the number of non-resident canons was twenty, according to the representation made by the priory to the King, when the Border was particularly lively (*Cal. of Pat. Rolls*, 1436-41, p. 185).

² In 1316, when the destroying hand lay heavily on the priory and its possessions, Edward II. sent writs to six distant Augustinian houses that each should receive one of the canons of Carlisle, to be nominated by the prior's letters patent, and maintain him as one of their own canons until the priory of Carlisle was relieved of its distress (*Cal. of Close Rolls*, 1313-18, p. 426).

³ Work was carried on at the dormitory of the canons (*in operatione dormitorii canonicorum*) in 1187, when the large sum of xxij li. xixs. ijd. was spent on it (*Pipe Rolls of Cumb.*, ed. Hinde, pp. 50-51). In 1226 'certain houses below the infirmary' were assigned to the bishop in the great division of the possessions of the church of Carlisle (*Cal. of Pap. Lett.*, i. 112). The site of the infirmary is now occupied by the dean's garden, at the lower end of which the bishop has his registry. The refectory, now called *fratry*, still flourishes as a library and place of assembly, and the prior's lodging is now the deanery.

⁴ In the clerical subsidy of 1379 the canons of Carlisle were rated like the inmates of other monastic houses in the diocese. The prior was assessed as

liberal allowance for maintenance was made to him by the canons. Not only was a new chamber within the precinct assigned for his use, but the corrodies or liberations of three canons, according to the custom of the priory, in daily victuals *de communi* were at his disposal. By reason of his noble ancestry and the social status of his friends, additional provision was made, with special instructions about it to the cellarer of the house, that the retired prior might be able to live in a style becoming his antecedents and the reputation of the priory.¹ In course of time the daily maintenance of a canon of Carlisle came to be reckoned as a prebenda. Thus, in 1430, the Pope granted an indult to one of the canons to hold a benefice in addition to his 'canonry and prebend' in the church of Carlisle where he was professed, but in 1440 a succeeding pope described his status as of 'holding a canon's portion in the said church.'²

The evidences show that the creation of two corporations in the early part of the thirteenth century was not wholly good for the church of Carlisle. The Augustinian chapter, pursuing its own objects in isolation from the bishop, gradually departed from its first estate, and sank almost to the level of a secular foundation. The cathedral of Carlisle was the bishop's church, served by Augustinian canons under his visitation. The old theory of bishop and canons was long dead. At the suppression of the religious houses, the priory of Carlisle was surrendered to the officers of Henry VIII., like the monastic centres of the kingdom, without infringing any of the bishop's rights.³

The canons of the priory were not particularly keen on the reforming movement, and were slow to adopt the new measures of liturgical innovation enjoined upon them by parliament. After the dissolution, the service of Thomas Becket and the usurped 'papa' of the bishop of Rome were unerased in their choir books, and all kinds of subterfuge were employed to explain the

possessing the *corpus* of the house, paying the same amount as the bishop. The canons paid individually small sums like monks and chaplains. Each monk of Wetheral was assessed at *xxd.*, and of Holmcultram, *xld.*; while a canon of Carlisle was assessed at *iijs.* *iiijd.*, a canon of Lanercost *xijd.*, and a canon of Shap *xxd.* Stipendiary curates, chantry priests, and chaplains paid *ijs.* each; and incumbents were assessed according to the value of their benefices (*Clerical Subsidies, dio. of Carlisle*, MS. 60-1).

¹ *Reg. of John de Halton* (Cant. and York Soc.), i. 224-6.

² *Cal. of Pap. Lett.*, ix. 77-8.

³ Close Roll, 31 Henry VIII., pt. iv. 210-17; Rymer, *Foedera* (old edition), xiv. 668. See also Freeman, *Cathedral Church of Wells*, pp. 62-4.

error.¹ The former institution was superseded by the erection of a college composed of a dean and four prebendaries, with a number of subordinates, and endowed with the possessions of the priory, to which were afterwards added some confiscated endowments from a neighbouring monastery.² To this cathedral church of the Holy and Undivided Trinity of Carlisle, a body of statutes was delivered in 1545, by which the work of the dean and chapter of Carlisle is now regulated.³ In refounding the establishment, the former prior became the first dean, and four of the former canons were appointed to be the four new prebendaries who made up the corporation known as the dean and chapter or college of Carlisle.⁴ Only three canons retired on pensions,⁵ and others of the canons became minor canons,⁶ of whom there were eight. This college of a dean and twelve canons, prebendaries and minor canons, the traditional number at the cathedral, worked the new ecclesiastical system. Under the statutes, the governing body of a dean and four prebendaries were allowed to elect from among themselves only three dignitaries or officers, the vice-dean, receiver and treasurer, whose tenure was annual. There was, of course, a considerable entourage of subordinate ministers on the foundation, and of others dependant upon it. Except in the use of the buildings in the precinct, and in the mode of life entailed by the institution of separate prebends and houses, things went on much as they did before. The canons of the old order became the prebendaries and minor canons of the new. The book of common prayer in due course took the place of the old service books.

¹ *Letters and Papers of Henry VIII.*, vol. xv. 301, 305.

² Patent Roll, 33 Henry VIII. pt. 9, m. 28; *Letters and Papers*, xvj. 393.

³ These statutes have been translated and printed, with many scholarly notes, by Dr. J. E. Prescott, chancellor of Carlisle. The book is a mine of useful information on the constitution, customs, and observances of the capitular body.

⁴ It is curious how long this epithet, 'College of Carlisle,' as descriptive of the dean and chapter, lingered in common usage. It was very prevalent in the Elizabethan period, and the phrase is often found till a late date. We have in possession a deed of conveyance of a burgage and tenement in St. Cuthbert's Vennell, dated 13th January, 1691, which lay against 'the Colledge wall on the north.'

⁵ Augmentation Book (P.R.O.), vol. ccxxxiv. f. 374b; *Letters and Papers*, xv. 18.

⁶ No exact information on the first minor canons of the new foundation has been found, but all the available evidence suggests that the new dean and chapter appointed canons of the old priory. For example, John Austane and John Thomson, who were brothers of the old establishment in 1540 (*L. & P. of Hen. VIII.* xv. 301, 305), were two of the eight minor canons in 1559, when the Royal Commission under the Act of Uniformity sat in the chapter-house of Carlisle Cathedral (S.P. Dom. Elizabeth, MS. vol. x. f. 88).

The Augustinian chapter gradually melted into a chapter of secular clergy, all appointed by the Crown, till Queen Mary transferred the patronage of the four prebendal stalls to the bishop.¹ The prior and convent became the dean and chapter of Carlisle by easy transition without a break in continuity. It was a growth rather than a reconstruction.

APPENDIX

The following table, written on the fly-leaf of the present writer's copy of the *Statutes of Carlisle Cathedral*, made while Dr. Bolton was Dean, 1735-63, may illustrate the composition of the Cathedral staff about that date, with the respective stipends and allowances. It should be compared with Statute, No. 32, *de stipendiis ministrorum*, upon which Dr. Prescott, translator and editor, has given a very valuable note (*Stat. of Carl. Cath.*, pp. 72-4).

| | Stipendia. | Pro mensa et communiis per mensem. | Pro togis. | Tot. |
|------------------|------------|--|------------|-------------|
| Minor Canon. - | 3 : 10 : 8 | 0 : 5 : 4 | 1 : 0 : 0 | 8 : 0 : 0 |
| Inform. Pueror. | 8 : 17 : 4 | 0 : 5 : 4 | 1 : 0 : 0 | 13 : 6 : 8 |
| Magist. Chorist. | 5 : 10 : 8 | 0 : 5 : 4 | 0 : 15 : 0 | 9 : 15 : 0 |
| Diacon. - - | 2 : 10 : 0 | 0 : 4 : 8 | 0 : 18 : 0 | 6 : 8 : 8 |
| Subdiacon. - | 2 : 0 : 0 | 0 : 4 : 8 | 0 : 18 : 0 | 5 : 18 : 8 |
| Cleric. - - | 2 : 19 : 2 | 0 : 4 : 8 | 0 : 13 : 6 | 6 : 13 : 4 |
| Subsacrist. | 2 : 16 : 8 | 0 : 0 : 0 | 0 : 10 : 0 | 3 : 6 : 8 |
| Virgifer - - | 2 : 11 : 8 | 0 : 0 : 0 | 0 : 15 : 0 | 3 : 6 : 8 |
| Janitor - - | 3 : 16 : 8 | 0 : 0 : 0 | 0 : 10 : 0 | 4 : 6 : 8 |
| Pincern. - - | 2 : 16 : 8 | 0 : 3 : 4 | 0 : 10 : 0 | 5 : 10 : 0 |
| Coq. - - | 1 : 13 : 4 | 0 : 3 : 4 | 0 : 10 : 0 | 4 : 6 : 8 |
| Chorist. - - | 0 : 15 : 0 | 0 : 3 : 4 | 0 : 8 : 4 | 3 : 6 : 8 |
| Pauper. - - | 4 : 10 : 0 | 0 : 0 : 0 | 0 : 10 : 0 | 5 : 0 : 0 |
| Subcoq. - - | 0 : 18 : 4 | 0 : 0 : 0 | 0 : 8 : 4 | 1 : 6 : 8 |
| Vicedecan. - | 1 : 6 : 8 | 0 : 0 : 0 | 0 : 0 : 0 | 1 : 6 : 8 |
| Receptor - - | 5 : 0 : 0 | 0 : 0 : 0 | 0 : 0 : 0 | 5 : 0 : 0 |
| Thesaurar. - | 1 : 6 : 8 | 0 : 0 : 0 | 0 : 0 : 0 | 1 : 6 : 8 |
| Praecentor - | 1 : 0 : 0 | 0 : 0 : 0 | 0 : 0 : 0 | 1 : 0 : 0 |
| Sacrist. - - | 1 : 0 : 0 | 0 : 0 : 0 | 0 : 0 : 0 | 1 : 0 : 0 |
| Seneschall. - | 1 : 6 : 8 | 0 : 0 : 0 | 0 : 0 : 0 | 1 : 6 : 8 |
| Auditor - - | 2 : 13 : 4 | 0 : 0 : 0 | 0 : 0 : 0 | 2 : 13 : 4 |
| | per annum. | per diem. | | |
| Decan. - - | 29 : 2 : 6 | 0 : 5 : 0 | ... | 120 : 7 : 6 |
| Canon. - - | 7 : 0 : 10 | 0 : 0 : 10 | ... | 22 : 5 : 0 |

¹ Pat. Roll, 4 & 5 Philip and Mary, pt. 13. The date of the patent is 7th March, 1558. Compare Tanner, *Notitia*, p. 75, with Nicolson and Burn, *Hist. of Cumberland*, ii. 246.

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| 3 Robert Howat | 6d. | 16 Mathew Fulton | 6d. |
| 4 John Kirkland | 6d. | 17 William Clark | 6d. |
| 5 Thomas Fulton | 6d. | 18 John Blundell | 6d. |
| 6 William Fulton Senr | 6d. | 19 William Fulton Junr | 6d. |
| 7 John Faulds | 6d. | 20 John Fulton | 6d. |
| 8 Alexander Armour | 6d. | 21 Peter Gemmell | 6d. |
| 9 William Morton | 6d. | 22 William Taylor | 6d. |
| 10 Robert Orr | 6d. | 23 Alexander Dunlop | 6d. |
| 11 John Gemmell Senr | 6d. | 24 Matthew Dunlop | 6d. |
| 12 James Taylor | 6d. | 25 Andrew Cairnduff | 6d. |
| 13 Alexander Fulton | 6d. | 26 Alexr Murdoch | 6d. |

Robert Howat Clerk

Daniel Love Treasurer

James Taylor Librarian

Oct 13th 1835

The Society purchased Chambers Information for the people for the use of the Members Price 6/3.

Nov. 16th. The Society agreed to uplift one penny at each meeting from each member² and that those who are after halfpast seven oclock in coming to the meeting will be fined in one halfpenny if a Reasonable [excuse] is not given.²

¹ Continued from *Scottish Historical Review*, xvii. 137.

² This rule abolished.

The Fenwick Improvement

The Society purchased a Catechism of Phrenology Price 1/-
Decr 28. 1835.

It was agreed that William Morton be Clerk to the Society.

The Society purchased a Catechism of Geography Price 9d.
March 7th.

The Society purchased a pamphlet on England Ireland & America Price 6d. April 4th.

The Society purchased a pamphlet on Ireland and O'connel price 8d. May 2d.

The Society purchased Milton's prose (select) works Price 10sh 6d. May 13th.

The Society purchased Tait's exposure of the spy System.

1837. January 23. Elected officebearers for the ensuing year
viz John Gemmell Clerk Thomas Fulton Treasurer James Taylor Librarian

1838. January 8th. Elected officebearers for the ensuing year
viz Thomas Fulton Treasurer John Kirkland Librarian

John Gemmell } Secretaries
James Taylor }

Oct 29th. The following Resolution which was stated at the previous meeting was finally adopted

That on every alternate meeting or monthly ; each member shall bring forward a written article, either original, or copied, which he shall read to the society.

1839. January 21st. Elected for the ensuing year

James Taylor Treasurer

Thomas Fulton } Secretaries
John Gemmell }

John Kirkland Librarian.

1840 January 6

1841 January 4 [Same list as in 1839 repeated]

1842 January 3

[1841.] April 12. Resolved, that reading papers be discontinued.

[1842.] July 4. Resolution carried to dissolve the Society, to be reconsidered (as required by the 13th Article) on July 18.

July 18th. Reversed the above vote and agreed to continue the society.

Elected Alexr Murdoch one of the secretaries, in room of Thomas Fulton resigned.

Note.—Along with the little Minute Book is the following Passport :

By John Craufurd of Craufurdland Preses to the meeting of
Commissioners for the District of Kilmarnock

Permit the Bearer James Hopkine Taylor att ffinnick kirk who is of ane honest and fair character capable to subsist himself by his employment and so noway under the description of the late act of parliament anent the recruiting of his Majestys' Forces to pass and repass to and from Irvine and other places In the prosecution of his lawfull Business without any trouble or molestation He allways behaveing himself as becometh a dutifull and Loyal Subject. Given under my hand Att Craufurdland this twenty second of January 1757

J CRAUFURD

To all concerned
[Endorsed]

Pasport

J.P.

1757.

APPENDIX.

MINUTES &C. OF THE FENWICK EMIGRATION SOCIETY. APRIL 23 1839.

Regulations.

Preamble—A fearful gloom is fast thickening over the horizon of our country. Every prospect of comfort to the working man is daily becoming darker and more dreary. Trade and manufactures are rapidly leaving our shores. And, to all appearance, a crisis is at hand, in which the sufferings of the working classes will in the first instance, form a prominent feature. It is desirable therefore, that they should have it in their power, as far as possible, to avoid the miseries to which a large portion of the community must be reduced by the depression of wages, scarcity of work, and starvation by hunger through the operation of the corn laws. This can be best effected by fleeing from the scene of destitution and distress. But as it cannot be effected without considerable expence, and as few working men can command a sufficient fund for that purpose, unless by the gradual process of weekly deposits, it is hereby proposed to form an association for the purpose of encouraging emigration amongst the working classes, and of acquiring the means necessary for the accomplishment of that object. The following regulations will form the basis of the association.

[There follows a constitution, providing for weekly deposits which were to be consigned on deposit in bank. The application of the moneys is sufficiently indicated by the sixth regulation :—]

6th. That if any member is going abroad he may have the whole amount of his deposits with interest due (except on the deposits of the current half-year if incomplete) at any time, by giving ten days' warning to the Treasurer. If he is not going abroad or has a claim by article 7th he cannot receive any money till the half-yearly meeting.

[At half-yearly meeting the interest was distributed according to the shares of capital contributed. At the first half-yearly meeting Nov 5 1839 the total deposits were £66, and the interest distributed only 7s. 3d., but the balance of funds in hand had risen in December 1851 to £381, and the dividend of interest was £10 10s. 11d. Several entries in the Minutes are of interest as regards emigration, and several references occur to persons whose names also appear in the record of the Fenwick Improvement of Knowledge Society. Accordingly a few extracts will be of value towards the editing of the latter.]

Fenwick May 1 1839. A meeting was held this evening according to arrangement in Mr Cairnduffs school, when the Association was formed by subscribing the regulations. The following persons were also chosen managers Alexander Dunlop Preses Matthew Fulton Clerk John Taylor Treasurer and Allan Galt, Thomas Fulton, William Bicket and William Morton ordinary managers.

June 4 1839. The Society held its first monthly meeting when an interesting account of the passage and safe arrival at New York of four emigrants from the Parish of Fenwick was laid before them.

Augt 6 1839. Some extracts were read from a letter from an emigrant who has located himself at Parkhill, Saltfleet, County of Wentworth, District of Gore, Upper Canada, N.B. America.

Sept 3 1839. Notes from extracts of a letter in the Ayrshire Examiner No from a Settler in New Zealand were read to the society.

Oct 1 1839. The Society held their monthly meeting this evening when a part of Chambers No 5 of the 'Information to the people' on emigration to the United States was read.

Dec 3 1839. Held the monthly meeting, when a few extracts from an emigrants letter was given concerning the state of America and the qualification necessary for emigrants thither.

Apr 17 1840. Uplifted for behoof of Mr Matthew Fulton who is going to America.

2 May 1848. The Preses Robert Gilmour having left for Glasgow James Taylor occupies his place.

November 16 1857. Intimation being previously given the Emigration Society met this evening to elect a President in the room of James Taylor deceased when John Fulton was unanimously chosen to that office.

NOTE BY GEO. NEILSON, LL.D.

It is impossible to glance at the themes discussed without an impression that the superior character of the intellectual standpoint, which on the whole is reflected, may have been due to the dominating force of one or two individuals in the Society. While 'the Utility of Societys for the Improvement of Knowledge' might be a commonplace enough commencement of programme, the second item, the debate between implicit belief as against rational conviction, raised the great issue of Faith *versus* Reason, and

showed the rationalistic bent. The affirmation of voluntarism in religion as against establishment, and still more the preference of republicanism to monarchy, are expressions of well-defined revolutionary tendency even when checked by the qualification that the replacement of monarchy by a republic should be achieved not by physical but by moral means.

American institutions evidently made their appeal to some of the members, though we have no record of the night when the contest between America and Britain was discussed. On the labour problem the vote in favour of repealing restrictive laws, the 'General Conversation on the State of Society,' and the pronouncement in favour of household suffrage, serve as a reminder that in 1835 the once revolutionary movement was passing through its phase of reform and radicalism on the way to Chartism. As regards 'the once popular doctrine of Ghosts and Witches' the note of emancipation from credulity is emphatic.

Various views, as for instance on science and religion, on the ceremony of marriage and on the temperance question, are as interesting in their social significance as are the political proposal to dispense with the House of Lords, the cautious resolution about 'the lawfulness and propriety of blood-eating,' and the versatility of these rural discussions ranging with assured freedom from the abstractions of political principle to the niceties of literary preference and taste.

The discourse on astronomy by Thomas Fulton introduces a most interesting connection with a somewhat famous mechanical construction, of which Fenwick is entitled to the honour. This is the orrery constructed by John Fulton. It is not without significance that the ingenious and surprising mechanical rendering of the celestial movements should have had as its antecedent the studies of astronomy pursued by and discussed in the Fenwick Society. As a community the village circle manifested a quite unusual intellectual aptitude, and their keen political sense was reflected in such bodies as the Fenwick Weavers' Society, founded in 1761, the Masons' Society, and the Friendly Society, which were all maintaining their activities during the period of these village debates. Another association expressive of a thoughtful and provident standpoint among the people was formed in 1839: this was the Fenwick Emigration Society, of which some general impression may be formed from the few extracts from the minutes given in the appendix, *supra*. It reveals the villager of Fenwick as a thrifty Scot with a keen eye upon his prospects in life, and a shrewd as well as courageous determination to adopt the career offering the higher promise.

The Preamble, product of a period when the Chartist movement was rapidly approaching the explosive point, reflects the rhetorical pessimism of its time. The industrial crisis was no doubt severe, but the gloom of the Preamble was perhaps hardly warranted. Yet it can scarcely be doubted that such emigration societies as that of Fenwick were serviceable and wise institutions whereby (on the principle long familiar in building societies) the modest weekly contributions of the members became, when emigration was resolved upon, available to assist their settlement in the new world beyond the ocean.

To return, however, to the debates of the Improvement Society. The notice of the competitive readings of the 'Tory poets' on the one hand, and of Byron as the sole representative of the more progressive view, with the decisive conclusion reached after the experiment, will be perused with amused interest for its naïve combination of critical and political opinion. Paper currency, land nationalisation, 'the moral effect of Poetry,' as well as its generally 'radical tendency,' the discussions of geology, and the record of book purchases made by the Society, all attest a characteristic inclination of mind of a sturdy and alert membership. Their New Year meetings of 1838 and 1839 are felicitously recorded with a pen evidently flowing with sympathy for the social, political, sentimental, poetical, oratorical, musical, and genial traits exhibited by the company on each occasion. Such meetings were doubtless memories of joy to the participants, and certainly the gleeful company was happy in its secretary, whose detailed record now challenges the criticism of a wider world than that of the little Fenwick circle. Despite their discontents and dubieties, and the gloom that brooded over their political and industrial outlook, there was room in their hearts and in their lives for gaiety and wit and eloquence, the flashes of which still shine from the faded page.

A Side Light on the 1715

CAPTAIN CHARLES POOLE was in command of H.M.S. *Pearl* when cruising off the east coast of Scotland in 1715. Some papers of his, which, by the kindness of his relatives, I am permitted to use, shed an interesting side-light on the naval operations in the North Seas of that year.

Captain Poole was appointed to the *Pearl* on 26th July, 1715, his commission being signed by the Earl of Orford, Admiral Russell, who was then First Lord of the Admiralty, and others; and a month later he received his instructions from Admiral George Byng, through Captain James Stewart of H.M.S. *Royal Anne* Galley, as follows:—

‘By Sir George Byng, Admiral of the White, and Commander in-Chief of his Majties. Fleet in the Channell.

‘You are hereby required and directed to take the *Pearle* under your command, and proceed with her and your own ship to the Coast of North Britain, and cruise there on a station between St. Abb’s Head and Buchaness, looking now and then into the Firth of Murray, to gaine what intelligence you can; and when you meet with the *Port Mahon*, you are likewise to take her under your command, her Captain being hereby directed to observe your orders.

‘You are to employ the ships with you in such manner upon this station, that you may spread the whole coast within the limits of your cruise, appointing signalls to each other, to be joined, upon occasion, and you are to use your utmost care and diligence to speak with, and search all such ships or vessells as you may meet with, and have reason to suspect are going between France and Scotland; and if you shall find on board them any arms, ammunication, money, or persons whom you may have reason to apprehend are officers employed by the Pretender, or any other suspected persons, you are to take particular care that they be

secured, either on board the ships under your command or by the Civil Magistrates on shore, until further order, and you are also to be careful that some persons belonging to the ships under your command be in readiness to give evidence upon oath if required, where, when, and in what manner the aforesaid persons were seized; and that such papers as shall be found about them be in like manner secured; and that they be so marked by yourself and signing officers, or such other persons as you shall judge proper, as that upon occasion, you and they may be able when thereunto required to make oath, that they are the very papers so seized as aforesaid.

‘And whereas you will receive herewith papers of Intelligence concerning some vessells suspected to be going between Havre de Grace and North Britain with arms aboard; if you shall meet with any of those vessells, you are to be particularly watchful of intercepting them; and if any ships or vessells that you shall thus search shall make resistance, you are in that case to take, sink, or destroy them; and to suffer no ships or vessells to pass you, by any means without their being first searched, and that you are satisfied they are not employed on any such service as aforesaid.

‘You are to remaine on this service untill further Order, sending up to the Admlty. from time to time frequent account of your proceedings. Dated on board the *Windsor* in the Downes the 28th. August 1715. (Sgd.) G. BYNG.

‘To Capt. Stewart,
‘Commander of his Maties. Ship,
‘*Royal Anne Galley.*’

Admiral Sir George Byng, who signed these instructions, was created Viscount Torrington a few years later in recognition of his victory over the Spanish fleet off Cape Passaro. He was the father of the better remembered Admiral Byng who, less fortunate in battle off Minorca, was shot, as a witty Frenchman said, *pour encourager les autres*.

It will be recollected that the Earl of Mar held his great hunting party at Braemar on 26th August, and that he threw off all disguise and raised his standard on 6th September. Captain Poole obtained an interesting letter written by Mar three days later addressed to his friend ‘Jockie’—otherwise John Forbes of Inverernan, which indicates the exasperating difficulties he had to contend with. The Highlanders were showing themselves unexpectedly indifferent to the claims of the Old Pretender, and

Mar's temper was already giving way—surely a bad sign. His letter¹ is as follows :—

‘Invercauld Septer. 9th at night 1715.

‘JOCKIE,

‘Ye was in the right not to come with the 100 men ye sent up to night, when I expected four times the numbers. It is a pretty thing when all the Highlands of Scotland are now rysing upon their King and countrys account, as I have accounts from them since they were with me, and the gentlemen in most of our neighbouring lowlands, expecting us down to join them that my men should be only refractory. Is not this the thing we are now about which they have been wishing these six and twenty years. And now when it is come and the King and countrys cause at stake, will they for ever sitt still and see all perish.

‘I have used gentleness too long and see I’ll be forced to putt other orders I have in execution, I have sent you inclosed ane order for the Lordship of Kildrinnie which you are immediately to intimat to all my vassalls. If they give ready obedience it will make some amends, and if not ye may tell them from me that it will not be in my power to save them (were I willing) from being treated as enemies by those who are ready soon to join me ; and they may depend on it that I will be the first to propose and order their being so ; particularly lett my own tenants in Kildrinnie know that if they come not furth with their best arms that I will send a pairtie to burn what they shall miss taking from them, and they may believe this not only a threat, but by all that’s sacred I’ll putt it in execution, lett my loss be what it will, that it may be example to others. You are to tell the gentlemen that I’ll expect them in their best acutriments on horse back and no excuse to be acceted off. Go about this with all diligence and come yourself and lett me know your having done so. All this is not only as ye will be answerable to me but to your King and country.

‘Yr. assured friend and servant,

‘(Sic subscribitur) MAR.

‘To John Forbes of Inverernan,
‘Baillie in Kildrinnie.’

¹This letter, and the order which follows, are printed from a contemporary manuscript copy. See Rae's *The History of the Rebellion rais'd against His Majesty King George I.*; the Second Edition (London : A. Millar, 1746), pages 413, 414, for another copy of the same document.

The order which Mar refers to is in the following more dignified terms :—

‘Our rightful and naturall King James the 8th by the grace of God who is now coming to relieve us from our oppressions, having been pleased to entrust me with the direction of his affairs, and the command of his forces in this ancient Kingdom of Scotland, and some of his faithful subjects and servants mett at Aboyne, viz., the Lord Huntley, the Lord Tilliebardin, the Earle Marshall, the Earle of Southesk, Glengarrie from the Clanns, Glendrule from the Earle of Breadalbin and Gentlemen of Argyleshyre, Mr. Patrick Lyon of Auchterhouse, the Laird of Auldbar, Lieutenant General George Hamilton, Major General Gordon and myself having taken into consideration his Majesties last and late orders to us, find that as this is now the time that he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for his Majesties Service, and the relieving of our native country from all its hardships, that all his faithful and loving subjects and lovers of their country should with all possible speed putt themselves into arms.

‘These are therefore in his Majesties name and authority and by virtue of the power aforesaid, and by the King’s speciall order to me thereanent to require and impower you forthwith to raise your fencible men with their best arms, and you are immediately to march them to join me and some other of the King’s forces at the Inver of Braemar on Monday nixt in order to proceed in our march to attend the King’s Standard with his other forces.

‘The King intending that his forces shall be payed from the time of their setting out, He expects as he positively orders that they behave themselves civilly and committ no plundering or other disorders, upon the highest penalties and his displeasure which is expected you’ll see observed.

‘Now is the time for all good men to show their zeal for his Majesties service, whose cause is so deeply concerned, and the relief of our native country from oppression and a foreign yoak too heavy for us and our posterity to bear, and to endeavour the restoring not only of our rightful and native King but also our country to its ancient free and independent constitution under him whose ancestours have reigned over us for so many generations.

‘In so honourable good and just a cause We cannot doubt of the assistance direction and blessing of Almighty God, who has so often rescued the royall family of Stewart and our country from sinking under oppression.

‘Your punctual observance of these orders is expected, for the doing of which, this shall be to you and all you employ in the execution of them a sufficient warrant, Given at Braemar 9 Septer. 1715.

(*Sic Subr.*) MAR.

‘To the Baillies & the rest of the
‘Gentlemen of the Lordship of Kildrimmie.’

These stirring events up Deeside evidently drew the *Pearl* to Aberdeen, where Captain Poole was welcomed by the loyal citizens and presented on the 17th September with the freedom of the city. By the beginning of October the Jacobite forces were moving south, and the importance of preventing them from crossing the line of the Forth was realised. Accordingly we find the *Pearl* in the Firth of Forth, where Captain Poole received the following communication from the Duke of Argyll, who wrote from the ‘Camp at Stirling 5th October 1715’ to ‘the Captain commanding any of his Majties. Ships in the Road of Leith’ as follows :—

‘SIR,

‘Having given severall orders for removing all boats, barks, and ships from the Coast of Fife to the other side of the water which have still proved ineffectual, tho I cannot pretend to send you any orders, yet I must beg the favour of you to be assisting in getting put in execution what is judged very necessary for his Majesties service and therefore desire you to send your Boats to the several Towns and Harbours on the Coast of Fife and force all ships and vessalls whatsoever to go forthwith to Leith, Prestonpans, or any such place on this side, and whatever master of any vessell shall refuse to obey to send him prisoner to Edinburgh; in doing this you will please to act in concert with the Provost of Edinburgh.

‘I am,

‘Your most Obed. Humble Servant,

‘ARGYLL.’

Captain Poole docquets this letter—‘Recd. 8 ber 8. $\frac{1}{2}$ an hour after 7 in the morning.’

The Duke of Argyll was evidently anxious lest the rebel forces should find means to cross the Forth. On 8th October he issued fresh instructions to Capt. Poole from the camp at Stirling :—

‘You are hereby authorised in case of resistance by force of arms, to bring over to Leith, disable, or destroy, all the ships,

barks, or boats found in the Harbours of the County of Fife, conforming to the particular instructions to be given you by the Lord Provost of Edinburgh, Lord Advocat, or Lord Justice Clerk.'

The problem which the authorities in Edinburgh had to solve was—where would the rebels attempt to cross the Forth? On the 9th October the Earl of Hopetoun wrote the following letter to John Campbell, Lord Provost :—

'MY LORD,

'I was in hopes to have found the frigate before me at Queensferry, but I understand she has never come by Newhaven so I entreat you would be pleased to order her up without delay for I know there is a good many boats and some barks still upon the northside, and I was told to-day by a skipper who came from the North ferry, that they had seized some small boats about Aberdour and sent them to Bruntisland harbour, and no doubt if they be not prevented they will do the same with all the boats on that side; about four o'clock this afternoon when I was at the ferry we observed a good many horsemen on the top of the hill on the Northside but I cannot condescend of their number. I know you'll forgive this trouble.'

The next day the Lord Provost sent the following letter to Captain Poole, and enclosed the Earl of Hopetoun's letter as above :—

'SIR,

'I have just now yours, and did send your letter last night to the Duke of Argyle and shall send yours this day to Mr. Cockburne. My Lord Advocat and severall others are of opinion that since it's from Bruntisland the Rebels are to come, that at least two of the men of war should (when they are not cruising) anchor as nigh to the harbour as possible, so as to be in condition to fyre in on them in caise they attempt to come out. They are the more convinced of this, that yesterday the Rebels brought up two barks and they say some boats from Aberdour and from other places to the wester of Bruntisland. And also it's thought fitt that you come to anchor as little as possible.

'There is letters from Stirling that says a ship is come to Aberdeen which passed the men of war without searching.

‘I send you a letter I had just now from the Earle of Hopetoun together with the news papers.

‘I am,

‘Your most humble Servant,

‘Jo : CAMPBELL.

‘Edinburgh, 10th October, 1715.’

Apparently the local authorities were misled by a feint on the part of the rebels to the west of Burntisland which was intended to cover their operations in the East Neuk of Fife. If, in consequence, the *Pearl* was kept cruising between Burntisland and North Queensferry, it is not difficult to understand how the hostile force was able to embark at Pittenweem, Elie, and Crail on the night of 12th and 13th October, and cross unmolested to the Lothian coast.

Notwithstanding the passage of the Forth by the rebel forces, the authorities were still apprehensive of an attack on Burntisland. On 26th October Captain Stewart sent to Captain Poole a memorandum from the *Royal Anne* Galley in Leith Road as follows :—

‘If the garrison of Brunt Island should be attack’d and straightn’d, the Officer Commanding there will cause a great fire to be made towards the sea, or blow off some powder upon the top of the Castle, which signal you are to observe, and if I don’t answer it by firing two guns towards the town, you are to give me immediate notice in order to my advertising the Government thereof, but in case the weather is such that you cannot conveniently send a boat to me, then you are on that side next to me to hoist two lights of an equal height in your main shrouds and keep them out untill I fire two guns towards the town.’

Early the following month the *Pearl* was ordered away from the Forth by Captain James Mighes, thus :—

‘You are hereby required and directed with his Majties. ship the *Pearl* under your command without loss of time to proceed and cruise off Aberdeen till further orders, to observe the motions of the Rebels and prevent their being supplied with provisions or arms, or being joined by any others as far as in you lies ; and you are to be particularly careful in looking out for a Provincale Bark of about ninety tons, her quarter and head painted green and yellow mixed with a little gold, manned with Scotchmen, whereof one George is Master, suspected to have arms on board, is sailed

from Havre de Grace bound to Aberdeen, and upon meeting with her, to seize and secure her together with all her persons and papers that shall be found on board her; and you are to be very diligent in executing all former orders you received from Capt. Stewart for intercepting or destroying all ships or vessells you shall find in the interest or service of the Pretender. Dated on board the *Orford* in Leith Road this 10th of November 1715.'

The last of Captain Poole's papers refers to the vain hopes cherished by the Jacobites of receiving effective aid from France through the Regent Orleans. It is a letter addressed to him from 'Capt. James Stewart Commander of his Majties. Ship the *Royal Anne* Galley pursuant to an order from Sir John Jennings, Amll. of the White Squadron of his Majties. Fleet dated 29th day of January 1715 to me:—

'Whereas I have received intelligence that six hundred Officers are ready to embark for Scotland, from Calais and that part of France, as also that Sir John Erskine has a considerable sum of money to send over for animating and supporting the Present unnaturall Rebellion, and that General Eslin and Lord Duffus are gone from some port near Aberdeen with ordnance on the same vile design; and there being likewise just reason to apprehend that the late Duke of Ormond with other disaffected persons is hovering about the Ports of West France in order to make use of the first opportunity to come over and join the Rebels: you are therefore hereby required and directed with his Majties. Ship under your command to cruise in company with his Majties. ship under my command between Buchanness and the Isle of May, so that you may most probably intercept any ships or vessells coming on or going from the coast with money, arms, or persons of what denomination soever in the interest of the Pretender, to which end you are to keep the most diligent look out, and to stay no longer with the ship under your command in any Port or Harbour whither the extremity of weather may force you than shall be absolutely necessary: and in case of meeting with any such ships or vessels, to use your utmost endeavours to come up with, and seize them, with all papers you can gett into your hands, concerning which you have received particular instructions: or upon resistance to Burn, Sink or otherwise destroy them: and to prevent, as far as may be, the Illusions (*sic*) of any ships or vessels that you may be able to speak with on the Coast, you are to send such of them, of whose

good intention to the Government you shall not be very well assured to the Adml. in Leith Road in order to a stricter examination (giving me on the first opportunity an account thereof) the exigency of affairs at this juncture requiring the strictest Inquisition: and as often as wind and weather will permit, you are to look into Aberdeen, Montross and Stone Hyth, and to endeavour to destroy any vessels or embarkations you may find there, or in any other port near your station in the arbitrary possession of the Rebels, according to the Intelligences you may be able to gain, so far as the same may be judged practicable with regard to the safety of his Majesties ship under your command, and you are to continue on this station and service till further order taking all opportunities of giving me account of your proceedings: Dated on bd. his Majties. Ship *Royal Anne* Galley off St. Andrews the 31st January 1715/16.

‘(Sgd.) JAS. STEWART.’

NINIAN HILL.

Reviews of Books

MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Third Volume. Pp. vi, 343, 11, 16, 8. Demy 8vo. Edinburgh: Printed for the Society by T. & A. Constable. 1919.

THE first article in this most interesting collection consists of the records of courts-martial held at Dundee from 17th September, 1651, to 10th January, 1652, during the occupation of the town by General Monk's army, edited by Godfrey Davies, M.A. The Records themselves are preserved in volume xxi. of the Clarke MSS. in Worcester College, Oxford. Dundee fell on 1st September, 1651, to a force composed of cavalry, sailors, and the regiments of Monk and Ashfeild, after an assault lasting only a few hours, but with a loss of some 800 of all ages and sexes. After a preliminary plunder of the town, in the course of which the English army got £200,000 in money and valuables as booty, the garrisoning of the place and the establishment of martial law pursued their ordinary course; and these Records of some twenty courts-martial on soldiers and civilians give an excellent idea not only of military justice as it obtained in the Cromwellian armies, but of the methods employed in dealing with a civilian population whose opposition, though scotched, was not killed.

The military offences were mostly cases of assault on civilians, larceny, drunkenness and swearing; in only one case was the sentence of the court that the prisoner should be 'shotte to death,' though in one or two others it is difficult to see why the same sentence was not inflicted. On the other hand, for comparatively slight offences the punishments were extremely severe, judged by modern standards. 'Riding the wooden horse' was the commonest, and, aggravated as it was by the addition of weights, in the form of a couple of muskets, to the heels, must have been a most painful and embarrassing one. There were little touches of humour, too, in the methods of application which no doubt appealed to the rough humour of the time, *e.g.* hanging pint stoups round the neck of the convicted drunkard, and making him subsequently kneel and apologise for his crime. Flogging, running the gauntlet, the 'strapado,' or hanging a man up by his thumbs with only his toes on the ground, were other methods calculated to maintain discipline; and the evidence shows that officers and N.C.O.'s habitually struck men in the ranks; swearing was punished by gagging. The courts occasionally referred to the Mosaic books for enlightenment.

Of the cases against civilians, only one really serious one, that of an alleged spy, occurred. This was punished by death. Most offenders,

men and women alike, were flogged and expelled from the town; ducking was also inflicted on some of the women. The most interesting of the civilian cases was that which arose out of the refusal of the Countess of Airlie to have a troop billeted on her. This resulted in considerable damage to the property of the lady, and, incidentally, to the discovery of concealed arms.

The Bishop of Galloway's Correspondence, edited by William Douglas, consists of 18 letters, dated 1679-1685, and deals principally with ecclesiastical matters in that troubled diocese. James Atkine, Bishop of Galloway, formerly Bishop of Moray, lived in Edinburgh, 'it being thought unreasonable to oblige a reverend prelate of his years to live among such a rebellious and turbulent people,' and administered his diocese from there. Those were the days of the 'test' introduced by James, Duke of York; and there are frequent references to it in the correspondence. Three of the letters in 1685 are appeals from episcopal ministers for security from the visitations of 'parties of rebels sculking round and making inroads upon our borders,' and make mention of the assistance they had received from John Graham of Claverhouse and his brother.

The Diary of Sir James Hope of Hopetoun, edited by Sir James Balfour Paul, covers part of a rather commonplace life during the years 1646 to 1654. It is unfortunately incomplete at points where information might have been valuable. Born in 1614, Sir James was sixth son of Sir Thomas Hope of Craighall, the Lord Advocate, and was educated for the Bar. With his first wife, Anna Foulis, he acquired the considerable property of the lands and barony of Crawfordmuir in Lanarkshire, which included what is now known as the Leadhills. To the working of this estate, especially the 'leid mynes,' the laird of Hopetoun devoted much of his time, with success and profit. His family of fifteen children, all but three of whom died in early childhood, afforded him plenty of material as a diarist; and the description of their ailments and intimate details of their necropsies are an unusual feature of the work. He sat in the Scottish Parliament and was appointed a Lord of Session in 1649. Politically, as the editor shows, Hopetoun was a 'wobbler' and never really commanded the full confidence of either party. At first a Royalist, he was never quite sure where his interest lay. On one occasion, in 1651, the advice he tendered to Charles II. resulted in a brief imprisonment, and the following year he threw in his lot with the Parliamentary party. Unfortunately, details of his conversion do not appear in the *Diary*. In 1653 he was appointed by Cromwell a representative of Scotland in Barebone's Parliament, and he gives an interesting account of the dissolution of that body. He does not appear to have held any public position after that, but devoted himself to his estate, and died in 1661.

Dreams, of which he appears to have had many of great vividness, are frequently noted in the *Diary*.

It will probably never be known why, after all he had done for the position of his Church in Scotland, Patrick Graham, Archbishop of St. Andrews, was ruined judicially by those who owed him so much. In

the introduction to *The Instructions to John Herseman, Papal Nuncio, for the Trial of Patrick Graham, 1476*, Mr. Hannay opposes Buchanan's view that it was on account of his reforming zeal—on the contrary he was a Pope's man. The significance of his career was that it raised the question of interference with the appointments to prelacies, which was finally settled by severance from Rome. The 'Instructions' themselves are clearly intended to give him as fair a trial as possible—a point on which some historians hold a different opinion.

The 'distrest estate of the Kirk of Chryst' in France and elsewhere in the year following the Edict of Nantes, which its enemies were trying to render inoperative, aroused widespread sympathy in Scotland in 1622; and Dr. Hay Fleming has extracted from the receipts of M. Basnage, deputy of the General Assembly of Reformed Churches in France, and other sources, lists of individual contributions. Haddingtonshire subscribed £2305 Scots, made up of quite small sums from all classes; and St. Cuthbert's, Edinburgh, gave £800, the details of which are set out at length. In this connexion it is well to remember that the Lords of the High Commission circularised every diocese in the country.

The Forbes Baron Court Book, 1659-1678, is the third of the series which have now been published by the Society, and, like its predecessors, throws much light on the conditions of life in Scotland at the time. There is an admirable and instructive Introduction by Dr. Maitland Thomson, who shows how, as compared with earlier times, the Baron Courts in Scotland in the seventeenth century had ceased to exercise the powers formerly exercised by them. The right of pit and gallows had fallen into desuetude; and this, and other restrictions in the activities of these Courts, was probably largely due to the use by the Court of Session of the power of advocation, *i.e.* of removing any cause from any court and transferring it to the appropriate tribunal. The effects of Cromwell's institution of Baron Courts on the English model in 1654—although they never worked in the manner intended—resulted in the discontinuance of some of the old Baron Courts. Cromwell's institution was a small debts court, whereas the Forbes Court was more of the nature of a modern police court.

The book contains records of a large number of cases of all sorts, principally connected with the payment of rents, teinds, the performance of various obligatory duties on the barons' property, trespass and damage to woods, moors, crops, etc., and breaches of the peace. These last were extremely frequent, and must have been a source of considerable revenue to Lord Forbes.

There are references to non-payment of public dues, the cost of maintaining the militia, and the obligations of tenants to be in possession of weapons according to their position in life.

The value of the Introduction is greatly enhanced by a Glossary of archaic and provincial words.

The article is a valuable contribution to the social history of the time, and it is to be hoped that the series will be continued.

BRUCE SETON.

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SURVEYS OF SCOTTISH HISTORY. By P. Hume Brown, F.B.A., LL.D., Historiographer Royal for Scotland and Professor of Ancient Scottish History and Palæography, University of Edinburgh. Pp. xi, 192. Demy 8vo. Glasgow: James MacLehose & Sons. 1919. 7s. 6d. net.

THE recent publication of this volume of papers by the late Professor Hume Brown revives acutely the sense of loss which historical scholarship sustained in his death a little more than a year ago. They have been collected by Lord Haldane, who introduces them with a short but adequate appreciation of the life and character, and an estimate of the learning and achievements, of one who was his close friend for many years. There is still a further legacy to come from this rich inheritance in a life of Goethe—'whom the author looked upon as the greatest critic of life since Aristotle,'—which was far advanced at his death, and will doubtless be published shortly. In nothing that Professor Hume Brown has written do his learning and sound and sure judgment—which from the beginning have characterised his work—so admirably appear. His unrivalled knowledge of the sources of Scottish history, and particularly his researches in the records of the Scots Privy Council, never betrayed him into becoming a mere annalist, the easy pitfall of the too 'scientific historian,' and his wide culture in humane letters, native and foreign, saved his great *History of Scotland* from the faults of the romancer on the one hand, and the bias of the partisan on the other. Too much has been said in depreciation of his style, which was not naturally vivacious, but it is clear, adapted to its purpose and rises with the theme; and in these Surveys, several of which were introductory lectures to his class, or addresses on popular occasions, it is easy and very readable.

The book includes his inaugural address on 'Methods of Writing History' delivered on the founding of the Chair of History in Edinburgh University. In it he criticises the 'historic' method, and shows how a purely objective treatment is rendered impossible by the 'double veil' through which the historian must view past ages—'the veil of his own personality and that of the age to which he himself belongs'; but he shows how, nevertheless, 'in all of us there is the deposited impression of the national evolution of which we are the individual products, and it is precisely this impression that enables us to interpret the events and the characters of the nation to which we each belong.' 'It is certain that the history of any people can never be learned from books alone. Facts may be stated with perfect accuracy; the chain of cause and effect in the national development may be expounded with absolute clearness and precision; yet the informing spirit which produced the nation's ideals may wholly have eluded what may be a mere mechanical process. It is hardly too much to say, indeed, that half, and perhaps the better half, of our knowledge of our national history, is unconsciously learnt; and it is by this unconscious knowledge that we interpret what we deliberately acquire.' He therefore favours a view of the sources as objective as possible, checked by comparison with the history of the parallel institutions and events in other countries, and interpreted by the spirit of the age.

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The ten other studies in this book on various epochs and aspects of Scottish history illumine many difficult periods by setting forth the ruling ideas which give meaning and coherence to the facts. They should be read by every lover of his country, and nowhere will one approaching the study of Scottish history for the first time find a more valuable introduction. For him, the greatest interest may be found in 'The Moulding of the Nation' and in 'Four Representative Documents,' which bring out clearly the great influence of religion in shaping the national destinies. But perhaps the most valuable results of this historical method are found in the studies dealing with the great part played for good by the turbulent Scottish nobles in the national history, the régime of the later Stewart Kings, and the Union of the Parliaments. All are enriched with spoil from the Privy Council records, and by setting the Scottish scene in true perspective with its contemporary European background. Other chapters deal with 'Scotland in the Eighteenth Century,' when in philosophy, science, literature and art, the genius of the nation came to flower, with the 'Intellectual Influences of Scotland on the Continent,' and with 'Literature and History,' in which the author concludes that 'it is in the literature of any period that we have the veritable expression of its spirit defeated by no distorting medium.' The volume closes with interesting sketches of the lives of 'Florence Wilson, A Forgotten Scholar of the Sixteenth Century,' and of 'Napier of Merchiston,' whose contemporary and European fame was first founded on a work on the Apocalypse, a striking instance of the state of rationalism in his day.

ROBERT LAMOND.

EUROPE AND THE LEAGUE OF NATIONS. By Charles Sarolea. Pp. vi, 317. Crown 8vo. London: G. Bell & Sons, Ltd. 1919. 6s. net.

THIS is an able work, written by one who has for many years made a close study of European politics. A native of Belgium, he has become practically one of ourselves, and yet at the same time is able to view the British position with a certain degree of impartiality, and to it he, it must be admitted, is not wholly favourable. For he is utterly opposed to the treaty recently concluded, to the conclusion of which this country contributed so large a share. 'It has,' he says, 'been the fashion for historians to sneer at the peace settlement of the Congress of Vienna. But compared to our provisional peace treaty, the Treaty of Vienna was a miracle of political wisdom; and certainly Alexander I., the Czar of all the Russias, proved more democratic than even President Wilson.' While condemning much, Dr. Sarolea is really an optimist, and is ever prepared to find good coming out of evil. He finds even in Lenin and his acolytes the true architects of the future, applying to them the words of Mephistopheles, 'they are the men that always will the evil and who ultimately always do the good.' The mujik 'is at last to come into his inheritance, and those downtrodden serfs who to-day are raiding or burning the castles of the German Baltic barons and the absentee Russian princes will eventually prove to be the steadying force of the new order.' To the question, Is a League of Nations possible and will it work? his answer appears to be in the affirmative. And yet a considerable portion of this book is devoted

to setting forth with great clearness and force the various obstacles which stand in the way of such a league. There are, to name some of them, military, naval, economic, biological, racial, and even religious difficulties to be overcome; indeed, the opponents of such a league might find in these pages much useful material wherewith to support their views. While convinced that the recent peace settlement is the worst that could have been devised, he at the same time admits that it is also 'the best that could have been made under the existing circumstances.' He is inclined to attribute its faults to the fact that it was the work of amateur diplomacy by party politicians. 'To endanger the future of the world in the interests of an ephemeral coalition . . . has been the tragedy of the Paris conference.' In the attack which he proceeds to make upon the influence and demands of the mob, the author surely overlooks the fact that a large section of it—what may be known as the Labour Party—seems to share his own views in favour of a generous dealing towards Germany and in condemnation of the blockade. But the chapter upon the limitations of Democracy is well worth reading in these days when this form of Government is sought to be identified with political perfection.

Dr. Sarolea considers that, for the peace of Europe, the best guarantee lies in the breaking up of Germany into small states, and its connection with Prussia being severed. He has a very poor opinion of the security afforded by the creation of Poland as a buffer state, looking to the mixed character of its population and the ease with which it can be invaded. There is an excellent sketch of Belgian history, Belgium being treated as the type of a composite nationality. But it is to be hoped that the author's description of the present position of his country is not warranted by the facts. On the contrary, recent reports would lead us to believe that Belgium is regaining its prosperity. He is in favour of a trial of the Kaiser as a means of ascertaining the truth, and as an 'impressive demonstration that international justice is henceforth a concrete reality.' This to be the note of the New League.

Dr. Sarolea, in looking forward to the future success of the League of Nations, evidently relies much upon American action. But since this book was published America has rather exhibited a disposition to abandon its interest in European affairs and return to its former state of isolation.

Upon the whole, it may be questioned whether the writer has succeeded in overcoming the obstacles which he has himself set forth to a successful establishment of this association of the nations.

W. G. SCOTT MONCRIEFF.

A SHORT HISTORY OF THE GREAT WAR. By A. F. Pollard, M.A., Litt. D., Fellow of All Souls College, Oxford, Professor of English History in the University of London. Pp. viii, 411. Crown 8vo. London: Methuen & Co. 1920. 10s. 6d. net.

MR. POLLARD'S History has not room to deal with the achievements of individual regiments. It deals with armies. But, in his hands, that does not lessen its attraction. It is an account of 'the broad and familiar features'

of the war. In a note the author hopes it may be a relief to a public 'distracted by the apologetic deluge which has followed on the peace' to find how little these features have been affected. His hope is justified. He is neither politician nor soldier, but an experienced historian trained to sift the essential from the superfluous, and master of the art of lucid and just narration. His work is condensed, but, for its purpose, complete; and condensation is so skilfully managed that the reader is insensible of it. Beside its firm and impartial structure the 'apologetic deluge' evaporates. One could hardly wish the story better told. We who lived through the war recall and confirm, with a better intelligence, as we read. And we read with ease and satisfaction, for arrangement and style are admirable. 'So such things should be.'

Mr. Pollard finds room for apt and illuminating criticism; for brief but clear and convincing discussion of the designs which brought about the war; the incidents of which its promoters made use; the objects of each important movement, and the reasons of its success or failure; the characters and fortunes of the leaders, political and military; the strategy, the tactics, the sometimes good, sometimes deplorable, staff work; the terrible tale of the battles; the enormous influence of mechanical and chemical science—hitherto not generally recognised—and the 'alphabet of annihilation' which the Allies had to learn in order to break the German lines.

The book throws light upon things still unsettled—Italy's claims, for example. If her sword was worth the Treaty of London of April, 1915, her help was limited to the prosecution of her own territorial ambitions, and she allowed German intrigue and Bolshevik propaganda to bring disaster to her armies. Again: for Mr. Pollard the war was virtually won in 1916, before the defection of Russia or the decision of the United States to take part, for Germany's success had reached its climax and the tide had turned, and Germany knew it and began to manœuvre for peace. But Russia's shameful surrender was not only balanced by the American reinforcement. It removed an entanglement from the peace settlement. For, had the Russian empire survived, it would have claimed Constantinople, the Dardanelles, Poland and much territory on the Baltic, on the Black Sea and in the Balkans; and 'the great war of liberation would probably have resulted merely in the substitution of Russia for Germany as a greater menace to the independence of the little nations and the peace of the world.'

It has been said that no historian worth his salt, from Thucydides downwards, is without bias. If there is a trace of it in Mr. Pollard, it is only enough to add piquancy to his writing. It cannot impair his credit.

This history is well fitted to be a text-book, and has nineteen most useful maps and an ample index.

ANDREW MARSHALL.

ARCHAEOLOGIA AELIANA. Third Series. Vol. XVI. Pp. xxx, 229. 4to.

Printed for the Society of Antiquaries of Newcastle-upon-Tyne. 1919.

A GOOD variety distinguishes this volume for 1919. Mr. J. C. Hodgson describes the manor of Ovington on the Tyne, a Balliol holding, and traces the family descents from the forfeiture of John Balliol; edits letters

of Richard Neile (1562-1640), bishop of Durham from 1617 until 1627, and archbishop of York from 1632 until his death; and draws up a catalogue of Newcastle goldsmiths. The industrious vice-president has only one real rival as a contributor: this rival is Mr. C. H. Hunter Blair, whose editing of the late Canon Greenwell's catalogue of seals at Durham fills fifty pages of compact heraldic lore and biographical information. Scottish ecclesiologists will welcome the fact that the present instalment includes close upon a hundred Scottish ecclesiastical seals, episcopal and monastic. Noteworthy among these are: No. 3599, Bishop of Brechin (A.D. 1254); No. 3610, Bishop of Moray (A.D. 1204); No. 3616, Bishop of St. Andrews (A.D. 1167), No. 3631, Bishop of Whithorn, with a specially interesting *secretum* (A.D. 1248); No. 3659, Abbey of Dunfermline (A.D. 1200); No. 3678, Priory of St. Andrews (A.D. 1204); No. 3679, Priory of St. Andrews (A.D. 1207). There is probably nowhere else so wonderful a collection of Scottish church seals as that at Durham, and the critical industry devoted to the catalogue has been well spent toil, for which our Scottish fellow-students owe most hearty thanks to Mr. Blair.

Mr. John Oxberry offers some short editorial comments on the Diary of Major Sanderson in the year 1648, whereby to reconstitute, from a few itinerary notes, the major's personality in days when king's men and parliament men were in arms. Mr. Oxberry also contributes a notice of Richard Welford (1836-1919), a tireless antiquary, literary historian, and book-lover, of Newcastle, whose many books, pamphlets, and essays furnish a copious bibliography of the activities of a busy half-century. To some men it falls to win the affectionate regard of their fellow-workers, and Mr. Welford belonged to that happy class, as his bust in the public library attests.

Professor Allen Mawer discusses a handful of place names, bringing some light to bear on dark places. His readiness, *voce* Haltwhistle, to accept hybrids is, however, a bad principle. The note on Gamelspath is very unsatisfactory. As for Gateshead, why don't the philologists try to place it at the head of some prehistoric 'gait,' some offshoot of the Roman Way, instead of tethering it as Beda did to a most improbable goat?

GEO. NEILSON.

PROCEEDINGS OF THE ROYAL IRISH ACADEMY. Vol. XXXV. Sect. C. No. 9. H. J. Lawlor and R. I. Best. The Ancient List of the Coarbs of Patrick. Dublin: Hodges, Figgis & Co. Ltd. 1919. 1s.

IN these proceedings the object of the authors has been to present a list more perfect than has hitherto appeared, the earlier publication of Dr. Todd not containing a print of the Irish text, while that of Dr. Whitley Stokes, published in 1887, was not apparently taken from the ancient manuscript. Doubtless this new edition will prove satisfactory, and there is also a very valuable and learned discussion on the points raised by the list itself. The subject is of profound interest to students of the ancient Irish church.

W. G. SCOTT MONCRIEFF.

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THE MANCHESTER GRAMMAR SCHOOL, 1515-1915. A Regional Study of the Advancement of Learning in Manchester since the Reformation. By Alfred A. Mumford, M.D. Pp. xi, 563. With Nineteen Illustrations. London: Longmans, Green & Co. 1919. 21s. net.

THE object of this book may best be stated in the author's own words. It is an attempt 'to consider the way in which a collegiated ecclesiastical body established in the time of the Plantagenets; a Grammar School founded for 'godliness and good learning' in the time of the early Tudors; a town library established and well endowed during the Commonwealth; and a succession of Nonconformist academies, ultimately giving place to a provincial University in the latter half of the nineteenth century, have acted and reacted on each other, and have succeeded in arousing a zeal for truth, justice, and beauty, which has moderated the absorption in the purely self-regarding instincts, so readily fostered in a large commercial town.' Dr. Mumford approaches his subject from the point of view of the biologist rather than of the historian. For him the school is a living organism, the conditions of whose growth can be ascertained only by one who 'knows something of the soil which surrounds its roots or the circumstances of its early development, as well as the atmosphere which it breathes and the source whence it derives its stimulation.'

While, therefore, the school is his central theme, the author, as he traces its history from its foundation by Hugh Oldham in 1515 to the completion of its quatercentenary, studies its growth and explains its progress by constant reference to the great religious, industrial and international movements which throughout the four hundred years under review fundamentally affected English education. He shows us how its foundation was significant of the spirit of the sixteenth century, that period of rapid social and national transition, when the old learning of the Middle Ages was passing, owing to the rise of a middle class with new aspirations and conscious of new needs. He explains how the school, and the North of England generally, were affected by the spirit of the Elizabethan age and by the religious controversies of the seventeenth and eighteenth centuries and by the widening of intellectual interests due to increasing wealth and the intercourse with foreign lands which followed in the train of international trade.

By the beginning of the nineteenth century it had lost touch with the most liberal and enterprising members of the merchant classes owing to its continued neglect of science and modern languages, and at the same time it was failing to provide training for the unprivileged industrial classes. In 1860 Mr. F. W. Walker was appointed High Master and at once set himself to create new ideals and traditions. Physics and Chemistry were introduced into the curriculum, and an attempt was made to stimulate the pupils to increased social activities. A new board of governors sanctioned by the Endowed Schools Commissioners in 1876 secured the representation of various public interests. New buildings were erected and a modern language department was created. Under Mr. Walker's successors the school made rapid progress. While constant attention was paid to cultural elements, new courses were introduced to meet the growing

demands of modern commercial and industrial life: occupational training was introduced: a medical officer was appointed, and more strict attention was paid to the physique of the pupils. At the same time through scholarships the school was thrown open to boys of all classes and creeds, and a successful attempt was made to break down the barriers of caste prejudice.

The book is a valuable addition to the history of education. It is a mine of information, a hard book to digest, all the more so because the subject-matter of the valuable appendices, extending to eighty-eight pages, are not included in the table of contents or in the index. The latter, though it extends to ten pages, is quite inadequate; but the mass of material makes a full index difficult. The book is well illustrated.

JOHN CLARK.

THE SONG OF ROLAND. Done into English in the Original Measure by Charles Scott Moncrieff. With an Introduction by G. K. Chesterton, and a Note on Technique by George Saintsbury. Pp. xxii, 131. 8vo. London: Chapman & Hall. 1919. 7s. 6d. net.

To translate an archaic piece well it is perhaps necessary for the translator to be steeped in the archaism, as, for instance, Dasent was in rendering Nial's *Saga*. But a poem is far harder to render than a prose story, and in the case of the *Song of Roland* to maintain the succession of assonances requisite to counterfeit the original measure is a trying experiment. Mr. Scott Moncrieff is not an archaeologist, and the prefatorial countenance shown him by Mr. Chesterton and Professor Saintsbury equally eschews the antiquities. The song without its archaeology is thus imperfectly presented, albeit a translation largely made in the trenches in France can set up stout defences.

One who has had the poem in his armoury for thirty years is apt to be impatient with literary exercises, more occupied with the experiment of form than with the epic feudalism of which the *Song of Roland* is so great, albeit so untechnical, an expression. As a translation in general this new version has decided merit; it is spirited, ambitious, dignified and readable. Doublets like Carle and Carlun (the latter usually and correctly as an accusative) are used for variants as in the original; the assonances are fairly well in hand and the line for line principle has its virtues. But fidelity is sacrificed very often. Some sort of archaeological scheme was necessary, but in this respect the translator is inconsistent. For instance, the curious epithet 'averse' applied to the pagans is not treated as a constant and technical term; the distinctive place of the horn raises the question whether the *graile* was not an absolute synonym; *perrun*, a rock or stone, can hardly be a terrace (as it afterwards became); recreancy in various forms is not treated as an incident of trial by battle; the feudal significance of commendation escapes notice; the 'hilt' of a spear is surely an uncommon name; 'culvert,' an untranslated transfer from French to English, badly needed a note; 'galleries' (line 2625) is an odd rendering of 'galies'; *adjurnée* (line 715) does not mean the 'day of doom.' Over all, however, Captain Scott Moncrieff has come through an ordeal of peril with considerable success. A simpler vocabulary would often have served better, e.g. lines 15, 511, 1467, although it must be owned that the

Song of Roland is not simple; it is a deep poem, the religious orientation of which, with its piercing strain of high patriotic emotion, surprising at that early time, leaves one wondering how far M. Bedier's theories safely link it with the pilgrimage-cycles of romance. With an archaeological setting as good as the metrical, with a competent discussion of the date, place and origins of the poem, and with a historical analysis, which is perhaps the very first necessity, this rendering would excellently meet the requirements of an introduction of this great French poem into English literature. It is a task which Captain Scott Moncrieff may worthily make his goal for that second edition for which both literary and historical criticism can well afford to wait.

GEO. NEILSON.

ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1916. In Two Volumes. Vol. I. Pp. 507. Royal 8vo. Washington: 1919. Vol. II. Correspondence of Robert M. T. Hunter, 1826-1876. Pp. 383. Royal 8vo. Washington: 1918.

A GREAT sheaf of history is garnered in these yearly bulletins, which not only record the activities and conferences of the Association and its inter-connections, but also include solid contributions to research and criticism. The pieces thus embraced in the present two volumes typically mix the ancient and the modern in their themes. This refusal to recognise a dividing line between classic and current, between Byzantium, China of the eleventh century A.D. and the correspondence of a southern senator in the American Civil War, is justified by results: we turn to widely separated leaves of history thus brought together, and find them the better and more refreshing for the contact. Paul van den Ven's question on the origin of the Byzantine Empire and civilisation is a sustained argument for A.D. 326 for the beginning, as against Professor Bury's position that no Byzantine Empire ever began, and that the Roman Empire did not end till 1453. A further phase of the eastern problem is discussed by A. H. Lybyer in his essay on 'Constantinople as capital of the Ottoman Empire.' He treats the Turkish conquest as a very vigorous foundation, applauds the scholarship as well as the architecture of the city, and concludes that in many ways Turkish Constantinople has been great. A particularly interesting line of observation is taken about the Dardanelles. 'The trade routes,' says this critic, 'which cross at Constantinople are potentially among the very greatest in the world. There is probably no more pregnant phase of the great world war than the struggle of the water route through the Bosphorus against the land route between Berlin and Bagdad.' The supplementary study by Wallace Notestein on the quality of R. S. Gardiner as a historian adds several indications of insufficiently worked sources on the many unsolved problems of King and Commons in the Stuart period, and maintains, contrary to Gardiner's trend, that in 1628 and 1629 the Commons were not regaining old lost trenches but thrusting forward into new. Roland Usher too, who has been prominent in recent adverse scrutiny of Gardiner, writes a note insisting on the need for better study of the history of the common law in England. He declares that not its real history in the sixteenth and seventeenth centuries,

but only the ideas about its history entertained by contemporaries, have passed into what is an erroneous legend. Also he urges the need of a re-edited text of the Commons' Journals. In 'Historic Ideals in Recent Politics,' Joseph Schafer presses the significance of the early colonising ardours, and seeks the source of American democracy as intertwined with the self-help requisite under frontier conditions. He considers that as regards the occupation of land the modern tendency is to approximate European conditions, albeit the Americans have not yet adjusted their views to tenantry. A. H. Shearer surveys bibliographically the historical periodicals of America, including that surprising item the *Magazine of History*, 1877-1893, 'out of which Mrs. Lamb is said to have made money.' The second volume consists mainly of letters written almost all before the war to R. M. T. Hunter, a secessionist Virginian senator who played respectably an insignificant part in affairs. A few letters of his own are in the collection, which is nearly silent on the convulsion of 1861-1866. He lived long enough to fall out with Jeff. Davis in 1877, and a year before he was projecting a life of John C. Calhoun. But his touch with political contemporaries, confederate or federal, never appears as either influential or dramatic.

THE FAITH OF A SUBALTERN: Essays on Religion and Life. By Alec de Candole, Lieutenant in the Wiltshire Regiment, killed in action September 1918. Pp. xi, 92, with Portrait. Crown 8vo. Cambridge: At the University Press. 1919. 2s. 6d. net.

THIS is a remarkable little book, and is of interest not only to theologians, but to students of history. It brings out clearly the points which have in the past divided the Church and its officers from a large proportion of the laity. And if the spirit which imbues these pages, and is the outcome of the war and all that it has meant, finds wide acceptance amongst leaders of thought, this book may mark a turning point in the history of the Church. It is of course only one of many works which denotes a revolt against the close clinging to tradition, and the magnifying of what seem to many the unimportant points in Christian teaching. But it is remarkable in its breadth of outlook and in the reverence with which it deals with points which have proved matter of controversy for two thousand years. Whether or not the future history of the Church will be affected seriously by the lessons of the last five years we cannot yet say; but few works have appeared which more clearly show the present tendencies and the possibilities of future development.

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE. Preliminary Economic Studies of the War. Royal 8vo. London: Oxford University Press. 1919-20.

THESE statistics, collected as 'Preliminary Economic Studies of the War' and printed by the Carnegie Endowment for International Peace, will be welcomed by historians. They are not all of equal value as they are of different dates. Two were printed before the Peace and so must necessarily be of a 'preliminary' character. One of these is that on Labour

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conditions and the other deals with 'Disabled Soldiers and Sailors.' Two deal with Britain alone in the aspects of her War Administration and the thorny question of 'Labor Conditions.' In the former the working of D.O.R.A. is contrasted with the 'defence' of the Kingdom under Queen Elizabeth, and Pitt's war legislation. The study on the Effects of the War on Agriculture in the U.S.A. and in Great Britain is specially valuable, for, as the Editor points out, 'never before in the history of War has the food question played so large a part as in the present World War.'

The most interesting of the series, however, is the account of the Direct and Indirect Costs of the War. Here one can read of the financial position of each country at its outset, and one is gratified to read that 'to anyone who doubts the responsibility of Germany for bringing on the War, a study of the financial measures prior to, and immediately following, the declaration of War, must bring conviction that it was carefully planned and provided for.'

BUCHANAN, THE SACRED BARD OF THE SCOTTISH HIGHLANDS: HIS CONFESSIONS AND HIS SPIRITUAL SONGS. With his Letters and a Sketch of his Life. By Lachlan Macbean. Pp. 224. Post 8vo. London: Simpkin, Marshall & Co. 1919. 5s. net.

THE Editor has supplied us with this book, as he felt that a metrical translation of the *Laidhe Spioradail* was wanted, and he gives it to us in not undignified English rhymed verse. He also contributes a short life of the writer. Dugald Buchanan was born in 1716 in Balquhider, his father being a miller at Ardoch. It is odd to find him so distinguished that at twelve years old he was made a family tutor. Then he came to Edinburgh, and after a period of gaiety became a carpenter and fell under the influence of George Whitefield, who preached in Scotland in 1742.

The Rising of the '45 touched him little, until his clansman the Laird of Arnprior was hanged, which was a crisis in his life. He threw himself into the movement for educating the Highlands and started a school at Balquhider. His school gradually got recognition, civilised the wild people, and did much good. He published his poems in 1767, and died a few months later. There was almost an armed conflict for his ashes, but his saintly character prevailed, and they were buried in the kirkyard of Little Leny of Balquhider. The book is a tribute to the memory of a great Gaelic writer.

Dr. W. P. Ker's studies in unstudied preparation for the Chair of Poetry at Oxford perhaps rarely found a happier platform from which to expound them than when he lectured at the Sorbonne last year on Sir Walter Scott. First printed in the *Anglo-French Review* (August 1919), this discursive criticism, notable for its many comparisons, has now been issued (MacLehose, Jackson & Co., 1919, pp. 28) as an independent publication. The subject was suggested by Sir Walter's visit at Paris in 1826 to the Odéon to see the opera of *Ivanhoe*, when he was struck with the strangeness of hearing words which at least recalled what he had dictated, in agony with spasms, at Abbotsford seven years before. Showing what Scott gained by giving

up verse for story-telling, Prof. Ker analyses his humorous dialogue, with a superb illustration in Dandie Dinmont's consultation with Counsellor Pleydell. There is emotion as well as grace in the lecturer's closing acknowledgment of the honour done in allowing him, as he styles it, 'to speak in Paris however unworthily of the greatness of Sir Walter Scott.' Professor Ker's selection for the Chair at Oxford has received wide approbation in England, and Scotland gratefully appreciates the choice.

Among publications by the British Academy, two papers have European themes. One by Professeur G. de Reynold bears the title *Comment se forme une nation : la Suisse sa terre et son histoire* (pp. 8, price 1s. net). It is a rather rhetorical summary of the historic processes which made Switzerland a unity, but its object is to point out that the Swiss, like other people, are meeting a new world now and need the sympathy of Great Britain. The address is a 'heroic salute of the Alps to the sea.' Lieutenant-Colonel F. de Filippi writes on *The Relations of the House of Savoy with the Court of England* (pp. 22, price 2s. net). This biographical account, which has six portraits from a Turin gallery, is a notice of the historic ancestry of the reigning house of Italy. A third publication has a still wider sweep of theme: it is Viscount Bryce's address, the Raleigh lecture, on *World History* (pp. 27, price 2s. net). It arrays the world-making forces, that is, the unifying tendencies—conquest, commerce, religion, the proletariat, philosophy—as well as the processes of union—absorption and fusion. Along with convergence Lord Bryce sees divergence; but the number of tongues and peoples has decreased. He refrains from attempting the estimate of remote futures, and will not scale what Lucretius styles the *flammanitia moenia mundi*. But he asks great questions. Will Europe's intellectual primacy endure? Is Liberty still marching? Is there Moral Progress and a rising standard? He hints that some reactionary symptoms may bring what meteorologists call a transitory depression. It is a noble address, delivered as it were on Pisgah.

The French Quarterly for October (Manchester University Press, price 3s. net) has (1) D. Parodi's survey of contemporary Philosophy in France; (2) E. Ripert's sketch of the Provençal renaissance, starting from the middle of the eighteenth century and culminating in F. Mistral; and (3) J. Bury's notice of a modern poet and man of letters, René Boylesve, which assigns him a specially representative quality as *un témoin de la vie française*. In other papers J. M. Devonshire estimates the force of the wave of popularity of Scott in French translations down to 1834; H. C. Lunn collates sources used by Theophile Gautier; and H. Magden tracks Pierre Benoît's debt to Rider Haggard. The bibliography for the quarter is a very serviceable guide.

Communications

SHEER-CLOTH'D (*S.H.R.*, xvii, p. 156). As the document in which this word occurs was preserved by one old friend, and has been edited by another, it is not inappropriate that I should add a note on its meaning, which is obscured by the unusual but not unique form in which it appears. That it is a variant of 'cere-cloth'd' is proved by the following examples of the noun 'sheer-cloth' (in the sense of 'cere-cloth'), which are noted in the Oxford English Dictionary and the English Dialect Dictionary :—

'When her body should be wrapt in sheer-cloth, they should in no case suffer her linsens to be taken off.'—1675, in *Select Biographies* (Wodrow Soc.), vol. ii, p. 506.

'Wrapping in shear cloath, oyle, poulders, and perfumes, and the chirurgeon attendance.'—1692, in Macgill, *Old Ross-shire* (1901), p. 152.

'Ane accompt off the Laird of Balnagowns funeral charges . . . imbowellling . . . and sheer cloath.'—1711 *ibid.*

'*Sheer-cloth* . . ., a large plaster; what is also called by country-people a 'strengthenin' plaster.'—1887, T. Darlington, *Folk-speech of South Cheshire*, p. 337.

In the latter sense 'cere-cloth' was in use from the sixteenth to the nineteenth century.

With a slight variation, the form occurs at a much earlier date than any of the above examples, viz. in the account of the death of Henry V. contained in one continuation of the *Brut*.

'And thanne was his body enbawmyd and dight with riche Spicerie and oynementis, and closid in *shire clothe*, and closid faste in a cheste.'—*The Brut or the Chronicles of England* (E.E.T.S.), vol. ii, p. 430.

Although the verb 'cere-cloth' is rarer than the noun, three examples (in different senses) are given in the O.E.D., and one of these is relevant to the present case :—

'The body of the Marquis of Dorset seemed sound and handsomely cere-clothed.'—1658, Sir T. Browne, *Hydrotophia*, ii, 31.

In view of the above examples, there can be no doubt that Robert Watt's coffin had a lining of cere-cloth as well as of 'white crape.'

W. A. CRAIGIE.

THE LAST DAYS OF CLEMENTINA WALKINSHAW.

Clementina Walkinshaw, Prince Charlie's mistress, on her flight from him, received from the Emperor Francis I. the title of Comtesse d'Albestroff,¹ and on the adoption of her daughter, Charlotte Stuart, by her father, who created her Duchess of Albany, retired first to Paris and then to Switzerland, where, on her daughter's death, she lived on a pension paid in accordance with her daughter's will by the Cardinal York. The Coutts' MSS., edited in *The Life of Thomas Coutts, Banker*, by Mr. E. Hartley Coleridge, cast some new light upon her latter days and also on the character of the Cardinal.

The Comtesse d'Albestroff lived 'chez La Veuve Friond, pres de St. Nicholas, at Fribourg in Switzerland' in 1793, and Thomas Coutts the Banker, in London, kept up a friendly correspondence with her. He was in Scottish fashion, through his relations the Stuarts of Allanbank, the Setons of Touch, the Walkinshaw Crawfords of Crawfordland, her 'cousin,' and he felt all the obligations of kinship. 'The unhappy affairs in France' rendered her position and circumstances 'very cruel and distressing,' and Mr. Coutts wrote 1st April, 1794,² telling her that he had used his influence with Monsignor Erskine, 'lately appointed auditor of his Holiness the Pope,' to help her 'in regard to the Cardinal,' no doubt concerning the pension which Cardinal York was charged to pay her, and which was already in arrears. On 10th August, 1795,³ he sent her twenty-five guineas (the first of many remittances), and wrote: 'It made Mrs. Coutts and my daughters very happy to hear you was in good health, tho' we were much mortify'd with the behaviour of the Prince Cardinal, who's High Birth & misfortunes should make him feel more for others.'

On the 4th August, 1796, Mr. Coutts wrote a letter to William Wickham, Esq., to recommend the Comtesse. 'She is,' he wrote, 'born of a very respectable family in Scotland and I am confident will always be found in every respect deserving of your protection.' He kept her supplied with money and news about his family from time to time. In January, 1799, she was, in spite of the war terrors, still at Fribourg, and we find him writing: 'May Heaven give you the comfort which this vile world denies.' On 26th December of that year, dating from Bath,⁴ he sent her twenty-five guineas with this news: 'I have had the pleasure to hear that His Majesty with His usual goodness has extended His bounty to the Cardinal Duke and that Lord Minto, Minister at Vienna, has been ordered to pay him £2000 & to assure him He will receive the same sum half-yearly that is four thousand pounds a year. Surely He cannot refuse a small degree of Humanity towards you—when he is receiving it so liberally himself, from our most amiable and best of Kings.'

On the 15th July, 1800,⁵ he was forced to write, however, sending the usual sum: 'I have always been in hope to hear that the Cardinal on

¹ Ruvigny's *Jacobite Peerage*, p. 190a.

² *Life of Thomas Coutts*, vol. ii. pp. 33-54.

³ *Ibid.* pp. 67, 69.

⁴ *Ibid.* p. 109.

⁵ *Ibid.* pp. 113-4.

receiving from our most amiable Sovereign a very liberal allowance of Four Thousand pounds per annum, had ordered your Pension to be regularly paid—and even that He might have ordered me to pay it to your order out of the sum he receives from this Country.

I think you should write him a letter stating that you know the generous allowance made to him from England and implore his justice and generosity to make you an allowance out of it, adding that 'tho' you are almost forgotten in England, yet still you have some friends left there, to whom you may represent the hardship of your situation. That you hope He will prevent the necessity of your doing so by writing to *Mr. Coutts Banquier de la Cour à Londres* to pay your small annuity out of the allowance made to His Eminence—as it must make His Eminence appear in a bad light to refuse such a trifle to the Mother of the Duchess of Albany, especially as he inherited all her effects & was charged with the support of her Mother, who is now distressed and languishing among strangers in a foreign land.'

The Comtesse wrote later to say that she had heard that the Cardinal had refused 'The Bounty of England,' but Mr. Coutts corrected this on 1st January, 1802¹: 'you may be assured you have been misinformed & that His Eminence has received it regularly—at two payments in the year, each of them two thousand pounds. He is always solicitous to have it, and I believe his agent Mr. Sloane at Rome sometimes has advanc'd the money by anticipation.

I receive it here and am now assured of receiving £2000 in a few days. The period of payment being the 5th of this month. He might surely out of such a sum pay your pittance 1500 livres—which you inform me he offers, he reduces to 500 livres, & even that trifle perhaps does not pay punctually.

His conduct is shameful and cruel.'

Had it not been for Mr. Coutts' remittances, which amounted at least to £50 a year, the poor Comtesse would have been in sad straits. On 16th November, 1802, he wrote again, sending her her money, and ended his letter² with the criticism: 'The Cardinal Duke must have outliv'd all sense of shame.' Clementina Walkinshaw died in the same month and year. She died aged and poor, but bequeathed to her kind benefactor, Thomas Coutts, a small gold box 'comme petit gage de ses bontés pour moi.'

Among the Coutts' papers there is, in addition, a curious note³ of 'Money generously sent by Thomas Coutts Esq. to my poor Grand Mother, the Countess of Albestroff,' amounting from 1795 to 16th November, 1802, in all to 250 guineas. The note ends '£262 10 shs. which amount my strongest desire is to repay. I have however every reason to believe that more money has been paid to my grand-mother, and I hope, one day to come to be able to know and settle the whole. R.'

Who this grandchild could be might be a mystery were it not for a letter from Thomas Coutts' daughter, Lady Bute, to her father, 19th September, 1815,⁴ which gives her account of his origin. 'I am

¹ *Life of Thomas Coutts*, vol. ii. p. 130.

² *Ibid.* p. 142.

³ *Ibid.* p. 142-3.

⁴ *Ibid.* p. 333.

most happy you approve of my having refused to lend money to Le Baron Roehenstart: he is a gentlemanlike man, very like Madame D'Albestroff. It seems his mother, the Duchess D'Albany, married Mons. Roehenstart.¹

The Duchess of Albany (through a marriage to a Prince of Sweden, Adolph, Duke of Eurhes, Gothland, brother of Gustaf III., was once talked about and who in consequence saw many Swedes) mentioned neither marriage nor child in her will, naming only her intimates, her household, and her uncle the Cardinal. The Cardinal she made her heir, but provided for her mother, to whom she desired an annual pension of fifteen thousand francs to be paid for her life, with the power of disposing at her death of fifty thousand francs in favour of her necessitous relations.¹ A Swede, Charles Edward Stuart Baron Roehenstart, who at the age of seventy-three was killed by a coach accident in Perthshire, 28th October, 1854, and buried in Dunkeld Cathedral, claimed, it is said, to be a grandson of Prince Charlie, and, as we have just seen, perhaps was so. It does not seem, however, that his mother ever acknowledged him or that his grandmother left any memorandum about his origin. Clementina Walkinshaw, indeed, in her will, made the following pathetic note about her Scottish kin only: 'To each of my relations should any of them still remain I give a Louis, as a means of discovering them.'²

A. FRANCIS STEUART.

SCOTTISH MIDDLE TEMPLARS. (*S.H.R.* xvii., p. 103.)

To Mr. Bedwell's list the Editor appended some interesting notes. The following biographical details are submitted as a further contribution:

- 1615. John, Earl of Cassilis.
The fifth Earl. Died 1616.
- 1671. Alexander Blair.
Was this a son of the well-known Covenanting minister, Robert Blair of St. Andrews? The Rev. Robert Blair had a son named Alexander. See Scott's *Fasti*.
- 1713. David Cannady.
Died at Ayr, 1754.
- 1775. John Richardson.
Oriental scholar. Published *Dictionary of Persian, Arabic and English*, 1777.
- 1822. William Hugh Scott, second son of Hugh S. of Harden. The father, Hugh S., was at the time chief of the Scott clan, and afterwards Lord Polwarth. See Lockhart's *Life of Scott*.
- 1839. William Campbell Gillan.
His father, Rev. Robert G., was minister of Hawick, 1789-1800.
- 1840. William Weir.
Journalist. Editor of *Daily News*, 1854-8.

¹ Will of the Duchess of Albany, *Miscellany, Scottish History Society*, vol. ii. pp. 433-456.

² Dennistoun's *Memoirs of Sir Robert Strange*, ii. Appendix vi. p. 324.

1862. Alexander Kennedy Isbister.
Educational writer. Master of Stationers' Company's School,
1858-82.
1869. Patrick Blair.
Afterwards Sheriff-Substitute at Inverness.
- George Smeaton (1863), John George Charles (1864), John Brown
Thomson (1868), and Julius Wood Muir (1869), were all in the
Indian Civil Service.
- Charles Erskine (1733) and A. K. H. Boyd (1842) were both admitted
at the age of seventeen.

JOHN WARRICK.

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Dunstaffnage Castle

THE historic Castle of Dunstaffnage, it is hardly necessary to say, stands on a small peninsula on the south side of the entrance to Loch Etive. Various explanations of the name have been given. In the Latin of Buchanan it takes the form of Stephanodunum—that is, the Dun of Stephen—possibly the most foolish of them all. Another and more popular one was the Fort of the Two Islands. This is less foolish, while nobody ever heard of Stephen, there are two small islands in the mouth of the loch. But it is not easy to understand why a fort on the mainland should be called the Dun of the Two Islands, especially as one of them has a dun of its own.

A more satisfactory explanation, however, is given by Professor W. J. Watson.

‘The first part of the word is the Celtic word *Dun*, meaning a fort. The latter part *staffnage* is a slight corruption of a Norse compound word *stafness* or *staff-an-ness*, meaning the staff point. *Ness* is applied to promontories jutting into the sea amongst other things. There are numerous examples round the coast of Scotland of *Ness* applied to promontories. *Staff* means a staff of wood; there is no doubt about that. But the exact occasion on account of which the place was called *Staff point* is doubtful. The Norsemen often used to give names to places from quite trivial incidents. On one occasion a place is called *Combness* from the fact that a lady lost her comb there... My view is that there was a place called *Staff-*

ness, and when the fort was built there it was called the Dun of the Staffness.'

An old form of the name is Ardstofniche, and in this connection it is not immaterial to notice that on the north side of the entrance to Loch Etive near the famous Beregonium there is Ard-na-Muicknish, another compound name which also fits in well with Professor Watson's view.

Some 160 yards south of the castle is a ruined chapel, now used solely as a place of burial, of which the origin and dedication were, until lately, quite unknown.

It is curious that the castle chapel should be outside the castle at all, and it is still more curious that it should be such a distance from it. But there seems to be an explanation and an interesting one.

The foundation of Dunstaffnage is attributed by Hector Boece to King Ewin, who reigned in Scotland before the Christian era. Boece, who was a native of Angus and became the first Principal of King's College, Aberdeen, in 1505, has long since ceased to be regarded as an authority, though many of the fictions which he relates were not his own invention. There seems no special reason for believing that there ever was a king of Scotland named Ewin or that he built Dunstaffnage. But it would be foolish to assert that all the traditions preserved by Boece are unfounded or to deny that in the present case there may have been some petty king or kings who in early days had a stronghold there. Then Boece goes on to say that in Dunstaffnage was the famous marble chair—the Stone of Destiny. Brought, so the story goes, by Symon Brek, from Spain to Ireland, it was then taken to Argyll by Fergus and placed in Dunstaffnage, where it remained till Kenneth Macalpin, the first king of both Scots and Picts, transported it to Scone in Gowry, about the year 850. Time need not be wasted on observations on the Stone of Destiny or on the narrative of Boece. Suffice it to say that in Dunstaffnage Castle the place where it had been was once solemnly pointed out to the present writer! There may also be seen in *Pennant's Tour* (p. 354), 1785, the engraving of an ivory image dug up in the castle which he says 'was certainly cut in memory of this chair and appears to have been an inauguration sculpture—A Crowned Monarch is represented sitting on it with a book in one hand as if going to take the Coronation Oath.' Other opinions as to this interesting object have, however, prevailed, and it is now recognised as a chessman of Norse design. But the old legends cling to the spot, and

Dunstaffnage is still called a royal castle, as if it were like Edinburgh or Dunbarton.

It is thus described by Messrs. Macgibbon and Ross in their classic work, *The Castellated and Domestic Architecture of Scotland*,¹ Dunstaffnage Castle 'stands near the point of a low-lying peninsula jutting out into the sea at the entrance to Loch Etive and is about four miles distant northwards from Oban. The peninsula, about half a mile in length, is about 700 yards in width at the neck, uneven and diversified on its surface, and well wooded. The site of the castle is a rocky platform, rising from twenty to thirty feet above the general surface of the ground, with precipitous faces, that along the north front overhanging considerably. The walls follow the outline of the rock, and are built sheer up from the edge so as to allow no foothold on the rock outside.

'In plan the Castle is rudely quadrangular, with great curtain walls, from nine to eleven feet thick, and about sixty feet high from the ground outside to the top of the battlements, or twenty-five feet high from the parapet walk to the courtyard inside. At the east and west ends of the north front are round towers; over these this front measures about 137 feet. At the meeting of the south and west fronts the wall is rounded, and slightly projected beyond the west face only, along which the castle measures about 112 feet. At the south-east corner, where the entrance is, there is a twofaced projection—one face parallel with the east front and the other set on diagonally and connected with the south front by a solid round in the re-entering angle. Along the south front the walls are about 68 feet long and along the east front about 100 feet. . . .'

At the entrance there is an oblong building—'mostly in the style of the sixteenth or seventeenth century . . . The battlements which are in a ruinous state, have evidently been altered for guns. . . . The quaint eighteenth century house along the north curtain is two stories high.' It is thus obvious that changes or repairs have been made from time to time. 'About 160 yards south-west from the castle is the chapel. It measures 90 feet 7 inches long by 26 feet 6 inches wide and is divided into nave and chancel. . . . Inferring from its details, the erection of the chapel may be assigned to about the year 1250; and there is every probability, and almost certainty, that the castle is of the same age, and built by the same men.'

¹ Vol. i. p. 85 *et seq.*

Who these men were admits of little doubt. On the death of Somerled in 1164, his dominions were divided among his sons. Dougal, the eldest son, got Lorne, that is to say, the coast of Argyll from Knapdale to Lochleven, and founded the house known as De Ergadia or Argyll. His son and successor was Duncan, whose son again was Ewin, known also as King Ewin, and his son was Alexander.¹

It is pretty certain, therefore, that the Castle of Dunstaffnage described by Messrs. Macgibbon and Ross must have been built by Ewin de Ergadia, probably the King Ewin of Boece, or by Alexander, his son. This Alexander of Argyll married a daughter of Comyn, Lord of Badenach, and aunt of the Red Comyn, who was killed by Bruce at Dumfries in February 1306.

Between Bruce and the whole Comyn connection, including Alexander de Ergadia and his son John of Lorn, there was thus a blood feud, which accounts for their inveterate hostility to the King.

That hostility nearly resulted in the destruction of Bruce after his defeat at Methven in the following June. But later on he finally routed the men of Lorne in the Pass of Brander and took Dunstaffnage. According to Fordun :

‘Eodem anno [1308] infra octavas Ascencionis beatae Virginis Mariae idem rex Ergadiensis devicit in medio Ergadiae et totam terram sibi subegit, ducem eorum nomine Alexandrum de Argadia fugientem ad castrum de Dunstafinch per aliquod tempus inibi obsedit, qui eidem regi Castrum reddidit et sibi homagium facere recusans, dato salvo conductu sibi et omnibus secum recedere volentibus in Angliam fugit et ibidem debitum naturae persolvit.’

Lorne and its great fortress thus passed into the hands of the King, who for some reason did not pull it down, as was his general practice, but stocked it with provisions and put a garrison therein.

Barbour, who gives more details than Fordun, makes this quite plain : (x. 112).

‘The King that stout wes, stark and bald
Till Dunstaffynch richt suddanely
He past, and segit it sturdely
And assailyeit, the castell to get.
And in schort tyme he has thame set
In sic thrang, that tharin war than,

¹This has been disputed, e.g. *Clan Donald*, vol. i. p. 64, but without sufficient reason. Cf. Skene's *Highlanders of Scotland*, 2nd edn. p. 411 (Dr. Macbain's notes).

That, magre thairis, he is van ;
 And a gud vardane thair-in set,
 And betaucht hym baith men and met
 Swa that he thair lang tyme nicht be
 Maigre thaim all of that cuntre.'

This statement is corroborated by entries in Robertson's Index of Missing Charters, which tell how Arthur Campbell received the constabulary of Dunstaffnage and the mains thereof whilk Alexander de Ergadia had in his hands.¹

In 1368 King David II. confirmed a charter of his father, Robert I. to William de Vetere Ponte, dated at Dunstaffnage on October 20th and the fourth year of his reign. By some strange mistake this has been cited as evidence for David II. having been at Dunstaffnage. But it is correctly given with his usual accuracy by Lord Bute as showing that Robert I. was there. The fourth year of his reign began 27th March, 1309, and ended 26th March, 1310, so this charter proves that he was at Dunstaffnage on 20th October, 1309, thus throwing light on his movements at a time when we know very little of them.

The Castle no doubt remained in the King's hands for a considerable period.

The forfeited John of Lorn had a son Alan, who left a son John.² This John the younger married Joanna Isaak, daughter of the Princess Matilda, the younger daughter of Robert I. and Thomas Isaak, and had restored to him a great part of the family inheritance. Of this marriage there were two daughters, Joanna and Isabella, who married two brothers, sons of Sir Robert Stewart of Innermeath and Durrisdeer. By a family arrangement Jonet and her husband Robert Stewart the younger brother excambed Lorne for Durisdeer with John Stewart the elder brother and husband of Isobel, who on April 19, 1388, received a crown charter of the lands 'de lorne de benachir de loch et de Aphane

¹ There is another entry of a charter to the same Arthur Campbell of 'the three penny land of Torrinturks in Lorne with many other lands.' These unspecified lands are given in the copy of an old inventory at Inveraray as follows: 'The 3d. lands of Torrinturkis within the bounds of Lorn 1d. land of Loursolios 2d. land of Letter-nan-ella with the isle thereof 6d. land of Glenrinness 3d. land of Blarhallachan and Blarnanenheimach (? Blarnaneirannach) 4d. land of Achana-kelich and Auchinvachich 2d. land of Kilmore 2d. land of Auchinafure 1d. land of Dunollach 3d. land of Ardstofniche near to Dunollich in a free barony' . . . 'the 3d. land of Ineraw the 3d. land of Achnaba the 5d. land of Ferlochan the 3d. land of Achendehach within the bounds of Benderloch.'

² *Vide Highland Papers* (Scot. Hist. Soc.), vol. i. p. 75; vol. ii. p. 148, note 1.

ac de lesmore'—*i.e.* Lorne, Benderloch, Appin, and Lismore. This charter, which does not appear in the existing Register of the Great Seal, is still extant at Inveraray. On the death of John Stewart Lord of Lorne in 1421, he was succeeded by his son Robert, who in turn was succeeded by his son John 'Muireach,' *i.e.* the Lepper.

This last John Lord Lorne, it is noted in the *Auchinleck Chronicle*, in the Parliament of 12th June, 1452, 'talyeit all his landis to the male surname'¹ (p. 48). He had three daughters married, respectively to Sir Colin Campbell of Glenorchy, Colin, first Earl of Argyll, and Arthur or Archibald Campbell of Otter.

The universal tradition is that by a Maclaren of Ardveigh he also had a son Dugald, born after his wife's death, and therefore younger than any of the daughters; that he was desirous of legitimating that son by marrying his mother, and sent for her and her son to Dunstaffnage; and that on the way from the castle to the chapel he was, in December 1463, stabbed by one Alan M'Coul. Before he expired, however, the marriage, it is said, was duly celebrated, and the legitimacy of young Dugald fully secured.

To go back for a moment. On the death of John Macalan MacDougal, the restored Lord of Lorne, the heir male of the house of Lorne was his brother Alan MacDougal, or in Gaelic, MacCoul. There may possibly have been some trouble with the clan, on the passing of the Lordship from the chief to a south country Stewart laird. But a considerable extent of Lorne seems to have remained in the possession of members of the old family, and in particular in 1451 John McAlan Vic Coul received from John Lord Lorne a charter (probably a confirmation) of Dunolly and Kerrera, and other lands south of Oban, along with the office of bailie of Lorne and a curious grant of the 'alumnam et nutrimentum' of his heirs.

This John had two sons, John Keir MacDougal, his successor, and Alan, known as Alan of the Wood. This Alan became mixed up with the Lord of the Isles and the Earl of Douglas in their intrigues with Edward IV., and seized his brother and chief, and imprisoned him in the Island of Kerrera. According to the *Auchinleck Chronicle*: 'The yer of God 1460 the Erll of Ergyle Colyne Cambel passit in Lorne, for the redempcioun of his cosing John Keir of Lorne the quhilk was tane by his brother Alan of Lorne

¹The Tailzie is contained in a crown charter of 20th June, 1452. *Reg. Mag. Sig.*

of the Wood, sister son to Downe Balloch.¹ (It is to be observed how the designation of *Lorne* still persists, though the Lordship had been acquired by the Stewarts.) 'And schortlie this Erl forsaide with his oist come to the ile of Kerewra quhar this Alan had his brother in festynans. And his entent was to destroy him that he mycht have succedit to the heretage. And schortlie they come sa suddanlie upon the forsaide Allane in the said ile that he mycht nocht pass away with his schippis in the quhilkis war an hundreth men and this said John Keir was bound. And his men was slane to the noumer of 4 or 5 score and brynt thar schippis and redemit his cosing and restorit him to his lordschip. And the tother chapit richt narrowly with his lyfe and 4 or 5 personis. And this was the first slauchter eftir the deid of King James the Second' (p. 58).

As James II. was killed in August 1460, this slaughter must have been after that date. On Alan's death shortly thereafter another Alan, an illegitimate cousin, took his place as a mischief maker, and extended his operations to the Lord of Lorne.

It is said by Hume of Godscroft that the Earl of Douglas had to take refuge with the Lord of the Isles at Dunstaffnage, but this is a mistake. At that time the Lord of the Isles had nothing to do with Dunstaffnage, and the Stewart Lords of Lorne were not likely to give Douglas shelter or countenance. Moreover, in the *Auchinleck Chronicle* it is clearly stated that he met John Earl of Ross and Lord of the Isles in Knapdale (p. 54).

It has been suggested that this murder of Lord Lorne was instigated by the Campbell sons-in-law. But there is no direct evidence to this effect, and on the surface it is difficult to see what motive they would have had. Their wives, on whom suitable provision had been made on their marriage and who were also the heirs of their father's fee simple lands were not entitled to Lorne. That lordship was a male fief entailed on John Stewart Lord Lorne and the heirs male of his body, whom failing Walter Stewart his brother and a whole series of substitute heirs, and the only effect of the murder of the Lord of Lorne was to pass on that great Lordship to his son if legitimate, and to Walter and the other heirs if he were not. So far, therefore, it is difficult to see what advantage the Campbell sons-in-law could hope to derive from the murder of the father of their wives. On that footing it would rather

¹i.e. Donald Balloch Macdonald of Isla. This shows that John M'Alan Vic Coul had married a daughter of John Mor Tannister.

seem that the murder arose out of some of the troubles of the time—not unconnected, perhaps, with the attempts of the Lord of the Isles and the Earl of Douglas to overturn or curtail the power of the Crown. Still, however, there is the persistent tradition, and there is also a deed in the Register House which certainly shows that before the murder Argyll and Walter Stewart were apprehensive that Walter's right of succession was in danger, and were prepared to maintain it by force. As the deed is apparently not at all well known, it may be well to give the official summary *in extenso*. It is an indenture made at Innistray on Loch Awe :

'Indenture made at Inchdrenich the 11th day of December 1462 between Colin Earl of Eryll and Lord Cambel on the one part and his cousin Walter Steuard, apparent heir of John Steuard Lord of Lorn, whereby *inter alia* the said Earl binds himself and the heirs of his body to help and defend the said Walter Steuard and his heirs male against any revocation reversing or changing of the Tailzie made by the said Lord John to any other persons except said Walter, and if the said Lord of Lorn should be induced to revoke and reverse the said Tailzie, the Earl obliges himself and his heirs to help and support the said Walter Steuart as far as law will 'agains al tham lyffis or de may,' the king and queen and other lords to whom he is already bound excepted, and to uphold and defend the said Walter in all lawful matters, causes, actions and quarrels. And the said Walter Stewart on his part, as apparent heir foresaid, has given and agrees by charter and sasine to give to the said Earl and his heirs one hundred merks of land lying within the Lordship of Lorn to be held of the said Walter and his heirs for one penny blench, being all the lands lying between the waters of Aw and Etyffe, with the half of all the fishings of both waters, and the rest of the said hundred merks worth to be given together in Lorne, beginning at Ormaddy and Achynasawll ay and until the rest is made up, or else in Beantrolloch alltogether in the most competent place, and also 20 merks worth of land in the Sheryfdom of Perth called Kyldonyn, lying within the barony of Innermeth ; also in blench, a charter of the said six score merks of land to be given to the said Earl and his heirs within 40 days after the said Walter has taken sasine of the said Lordship of Lorn, highland and lowland, and, failing due performance, shall give an obligation in the strictest form for payment of 4,000 merks. And the Earl further, with consent of Esabell Stewarde, Countess

of Eryll, his spouse, gives up all claim he or she has, or may have, to the tailzied lands of Lorn, high and low, then in possession of the Lord of Lorn. Attested, the copy remaining with Walter Steward, by the Earl's seal and (the other copy), by the seal of Duncan Campbell, Walter having none. Witnesses; John Makalister McGillewun and Archibald McEun (? McEuir) and others sundry. (Reg. Ho. Charters, No. 372.)

It would thus appear that the Campbells and Walter Stewart may have had after all some motive for encompassing the death of Lorne, and that Alan the outlaw may possibly have been a mere tool in their hand.

But be this as it may, there is no doubt but that John Lord Lorne was killed by this Alan M'Coul, and that Alan M'Coul seized the Castle of Dunstaffnage. This is clearly brought out by the following passage from the 'Minutes of Parliament, 1464-5 :

'Item as tueching the punicioun of Alane M'Coule, quhilk as cruelyn slayn John Lord Lorn the King's cusing. The Lords thinks speidful that, als soon as the session of the wedder askis, the King move in proper persone with his Lords for the inwading justifying and punyssing of the said Alane and asseyzing of the Castell of Dunstaffnich, and that he be forthwith put to the horne of party and syne opinly to the King's horne. And that notwithstanding the letters written of befor to the Earl of Ross. The Lords ordains that new letters be written with the autoritie of the King and of Parliament charging hym that he neither supple support nor resett the saide Alane in the said deds under all the heast pain et charge ye convict et juries agayn the King's Maestie etc.'¹

The King, of course, was the boy James III. who in 1460 succeeded his father when nine years old.

It is unnecessary to go into the feuds and fighting that followed. The result is sufficient—Dugald Stewart got Brae Lorne—that is practically the region between Loch Creran and Loch Leven, and founded the family known as the Stewarts of Appin.

Walter Stewart completed his title to the rest of Lorne, and in terms of a family arrangement handed it over to Argyll in exchange for certain lands elsewhere in Scotland, Argyll becoming Lord of Lorne, and Stewart obtaining the title of Lord Innermeath. From Argyll, as Lord of Lorne, Glenorchy received considerable lands within the Lordship, while Otter, the husband of the third

¹ *Acts*, vol. xii. p. 30.

lady, being a person of too little importance to make himself effectually disagreeable, seems to have got nothing out of the transaction.

Dunstaffnage thus passed into the hands of Argyll, whose first Crown charter of Lorne is dated 17th April, 1470—the reddendo for that great lordship being *una clamis*—one plaid—at the feast of Pentecost, *i.e.* Whitsunday, if asked only. There is no mention in it of the castle of Dunstaffnage.

Seventy years later, on 14th March, 1540, Archibald, fourth Earl of Argyll, got a charter incorporating Lorne and many other lands into a new Lordship of Lorn, and of this new and extended barony and lordship Dunstaffnage is declared to be the chief messuage. The reddendo which is payable there on the feast of the Nativity of St. John the Baptist, *vocat. mydsommer*, is now *una clamis vulgo lie mantill*—along with one red rose, one pair of gloves, and two silver pennies—obviously in respect of the other lands in the charter. Although the property of many of the lands contained in that charter has been feued out, Argyll is still the Lord of Lorne, and the reddendo is still one plaid, a red rose, a pair of gloves, and two pennies money at the Feast of St. John the Baptist in name of Blench duty—if asked only.

On his acquisition of Lorne, Argyll, like Robert I., found it necessary to put a proper 'vardane' into Dunstaffnage. Tradition says that this was Donald Campbell, the bailie of Glenaray, a grandson of Colin Iongatach of Lochow, and tradition is probably right. But be this as it may, a liferent charter of certain lands in Strathearn was granted by John Lord Drummond in 1490 in favour of Alexander Campbell, designed as *Capitaneus de Dunstaffynich ac ballivus de Glenaray*.

In 1502, Archibald, second Earl of Argyll, who had succeeded his father in 1493, granted to his kinsman, Alexander Campbell Keir (or left handed), and the heirs male of his body, certain lands described as 'Omnes et singulas terras nostras de Penycastell de Dunstafynche, Penny Achinche denariatam de Gannewane, denariatam de Penginaphuyr, denariatam de Garvpengyn, denariatam de Kilmore, denariatam de Dawgawach, duo decem mercat terrarum de Glencrutten et sex mercatas terrarum de Barranoachtrach, cum pertinen. Jacen. in dominio nostro de Lorne infra vicecomitatum de Ergile et Lorne.'

The reddendo is thus set forth: 'Dictus vero Alexander et sue heredes masculi, prout predicitur, in firma custodia custodien. ac sine lesione nobis ac heredibus nostris tenen. castrum nostrum

de Dunstafynche et semper inibi tenen. et haben. sex homines probos et decentes cum armatis et armis licitis pro guerris et custodia dicti castri et sufficien. ostiarium et vigilem ad numerum in toto octo personarum in tempore pacis et si forsan contingat guerra. existe. in illis partibus qua patriam vastare contingerit nos et heredes nostri propriis expensis tenebimur demidiatem hominum et expensarum in illo nostro castro ad numerum necessarium pro custodia et firma detentione ejusd. castri. Insuper dictus Alexander et sui heredes ut predicatur inven. nobis et heredibus nostris annuatim focalia pro cameris coquina pistoria et le brouhouse et semper prima nocte pro aula toties quoties nos aut heredes nostri contingim. ibid. esse. Etiam dictus Alexander et sui heredes, prout prius dicitur, solven. nobis et heredibus nris triginta bollas farrine et duas bollas ordeï annuatim pro omnibus exactionibus et demandis.’

It may be convenient to give also a translation of this reddendo from a vernacular deed dated May 18, 1667. It contains, as will be observed, certain additional stipulations which do not appear in the charter of 1502.

‘The said Archibald Campbell and his foresaids keeping in sure custodie and without hurt to us our aires and successors holding the said Castell of Dunstaffneis and ever keeping and holding therein six able and decent men with armour and arms sufficient for war, and keeping of the said Castell and ane sufficient portar and watch, at least extending to 8 persons in tyme of peace. And if warr shall happin to fall out in those parts wherthrow the cuntrie shall hapin to be wasted we and our aires shall be holden on our own propper charges to be at the half of the expense to be necessarilie bestowed for the keeping and sure detaining of the said Castell over and above the saides eight persones to be keeped therein be the said Archibald Campbell and his foresaids on ther own charges as said is. Moreover the said Archibald and his aires above w^{ren} shall be obleist to make our said Castell patent & open to us and our foresaids at all tymes when they are requyred thereto. As also shall furnish to us and our aires and successors foresaid yearlie peats or aldin for chambers, kitchine, bakehouse and brewhouse, and for the hall also, also oft and sua oft as we or our aires shall hapin to be ther.

‘And sicklyk the said Archibald Campbell and his aires foresaids shall be astricted bund and obliged to sufficientlie uphold and maintaine the hail house and buildings of our said Castell of Dunstaffneis in the samen conditione evrie way as the said

Archibald Campbell does presentlie, or shall hereafter happin to enter to or receive the samen the fewars and tennents of our said lands in Lorne who were formerlie in use of doing service to our said Castle of Dounstaffneis being alwayes astricted thereto in tyme coming for careage of all materialls necessarie for the upholding and repairing of the samen according to use and woint. As also the tenants of the fôresaid lands of Pennychastell Pennychinie Gannivan Penginaphour Garrowpengine Kilmoir and Dongarvach doeing also service at the said Castell of Dounstaffneis als oft as wee or our foresaids shall happen to be ther and as they shall be requyred thereto with the rest of the fewars and tennents of our other lands in Lorne astricted as said, is conforme to use and wont. And in lyk maner the said Archibald Campbell and his aires foresaids payand to us our aires male and successors above w^{ren} threttie bolls meal and twa bolls bear yeirlie.'

Alexander Campbell Keir and his heirs were also made hereditary maors or factors for the country round about, receiving the office 'quod in vulgari vocatur Marnychti,' and on that account were taken bound not to marry without the consent of the Earl of Argyll for the time.

Such were the terms on which Alexander Campbell Keir received his estate and they remained the terms of his tenure till modified by the Clan Acts of 1746.

Alexander Campbell Keir was succeeded by his son Angus, who apparently impressed himself on the popular imagination, as to this day the Dunstaffnage Campbells are known in Gaelic as Clann Aonghais an Duin—the children of Angus of the Dun. It is good to know in these days of change that they still hold their ancient place. And on his father's death the present captain was formally invested by the present Duke of Argyll with the ancestral gold chain and key, worn as their badge of office. The crest of the Captain of Dunstaffnage is a Castle, and his motto, appropriately, *Vigilando*.

Though Inveraray had become the chief residence of the Earls of Argyll before the acquisition of Dunstaffnage, and though Inchconnel, the island fortress in Loch Awe, still remained their chief place of strength under a family of Maclachlan as hereditary captains, Dunstaffnage was much used by them, especially in connection with troubles in the Isles, of which there were many. James IV. in his expedition to the Isles was at Dunstaffnage on August 18, 1593, as we know from his granting a charter on that date apud Dunstaffynch.

During the sixteenth century, however, there is little to note about the castle, though no doubt it often served as a stronghold, as a prison, and as a gathering place for those expeditions against Macdonalds and Macleans by which the power of the house of Argyll was steadily built up. It had, however, fallen into some disrepair, for early in the next century it was found necessary to repair it. The seventh Earl of Argyll, the well known Gilleasbuig Gruamach, had found the Swiss-made theology which had been imposed on Scotland by the Melvilles and their associates somewhat unsatisfying; so in 1618 to the great annoyance of the King, he had returned to the old faith, and had been declared forfeited. His eldest son, Lord Lorne, afterwards the well known Marquess of Argyll, was then a boy of eleven, and for him, as far of the estates, these were managed by a body of Campbell lairds. In 1625 an order was issued by Lord Lorne for 'the tenants and heritors fewaris, tenantis, tackismen, 'occupiaris and possessouris of lands and other gentialmen within 'the bounds of Lorne to mak service for reparatioun and upholding 'of the Castell and House of Dunstaffness.' And a similar and even more stringent order was issued by him again in 1636. That this reparatioun was duly carried out appears from the statements already quoted from Messrs. McGibbon and Ross, and also from documents showing that from 1644 onwards Dunstaffnage was used as a magazine of arms and a depot for provisions for the support of Argyll and his allies. Dated at The Leager near Ruthven in Badgenoch 9 October, 1644, this order was issued.

'Captain of Dunstaffnag

Being certainly informed that Alexander McDonald¹ and his rebellious complices are going to Ardnamurchan, these are to [direct you on] sight hereof to send [meal] . . . beer and biscat to Inverloche and caus man my gallay and some other boats to cum along with it—if the bark can cum I desire she may cum lykeways, but whither by journey or sailing let the meal cum and tho' the bark carrie it yit let my galay and as many small boats as can be manned in a suddente cum along lykeways being cairful to keep themselves from the treachari of the people thair-about: so in heast I rest your loving Cusin ARGYLL.'

This letter, it may be noted, was written when Argyll was vainly wandering about after Montrose, who had lured him onwards

¹ Alexander MacColl Ciotach, described by Dr. J. H. Burton as Macdonald of Colkitto!

from Aberdeen into the wilds of Badenoch. Another letter of the same period is also of interest :

‘ Loving Cusin,

Sieng the bark is come heir with the meal I desire now that you send onelie about threttie seckis alongis in Auchnabrekis boat and lat all the rest remaine till my farder ordours. In the meantime haist heir all the amunitione, powder, lead and matches that come fra Glenurquhy and send back this boatt of Macleanis with it and send some trustie man with it and some of the sojouris that are coming up to guard it. And lat it be haisted with expeditioun. Iff this overtake Auchnabrekis boatt lat the amunition be sent on hir. And howsoevir you shall not fail to haist both McCleanis boat and your awine sax oared boat with all possible diligence. And so I rest, your loving Coosen,

ARGYLL.’

Inverlochic, last Jan. 1645.

After the writing hereof I have stayed yor awine boatt and so send the amunition in the reddiest boatt.’

This, it will be observed, was written on 31st January. Next day, February 1st, as night fell, a vision was seen of Montrose’s men, and Argyll with other Covenanting leaders embarked on his galley. In the morning Inverlochic was fought and 1500 Campbells were killed, with Auchencbreck at their head.

One other incident of the same period may be noted. After the fall of Dunavertie in 1647, and the treacherous massacre of its garrison,¹ the Covenanters under Leslie attacked Dunyveg in Isla, where Coll Ciotach MacGillespick, the father of Sir Alexander Macdonald, was in command. In Turner’s words, ‘ Before we were masters of Dunneveg the old man Coll, comeing fulishlie out of the house where he was governour on some parole or other to speak with his old friend the Captaine of Dunstaffnage Castle, was surprised and made prisoner not without some staine to the Lieutenant General’s honour.’² He was taken to Dunstaffnage, kept there in prison for some little time, and in spite, it is said, of the protests of the Captain of Dunstaffnage, hanged from the mast of his own galley, which had been placed over a cleft in the rock beside the castle. According to tradition he asked that he might be buried ‘ so near to the place where MacAonghais would be buried that they might take a snuff from each other in the grave.

¹ *Vide Highland Papers* (Scot. Hist. Soc.), vol. ii. p. 248 *et seq.*

² *Memoirs*, p. 48.

When his request was told to Dunstaffnage the latter ordered him to be buried under the second step at the door of the burying place, and when they would be burying him that they would step over Collas grav.¹

From 1652 to the Restoration the castle was held by a Cromwellian garrison. Thereafter it was much used by the ninth Earl in his war with the Macleans from 1674 onwards, and in 1681 it received considerable repairs.

On the forfeiture of the ninth Earl in 1681 Dunstaffnage Castle was burned by the Marquess of Atholl, who had been, let loose to plunder the territories of Argyll. After the Revolution of 1688 it was to some extent repaired. In particular a roof was put upon the principal tower, but according to a memorial sent in 1704 by the Captain to the Duke of Argyll, 'the two other towers and the office houses were still ruinous and continue so, and since that time the outer wall, being very old and long since it was lymed, is riven in very many places and will certainly fall shortly if not repaired. And since this place has been always very useful to the Duke of Argyll's predecessors, and the whole country, it being the only sanctuary against the insults of the M'Leans M'Donalds and all the other clans, May it therefore please your Grace to order the reparation of the said houses and walls, either by procuring mony from the publick or otherways as your grace shall think fit.'

Apparently the place was put in order, for in 1716 it was held for the Hanoverian Government, and a bill for the maintenance of the garrison was duly sent in by Angus Campbell, the hereditary Captain.

In the '45 it was again held for the Hanoverians, and had the honour of accommodating a very illustrious prisoner, as appears from the following letter. The writer, afterwards fourth Duke of Argyll, was distinguished by his humanity from most of the Butcher's subordinates. Though on the Hanoverian side he never forgot that he was a Highland gentleman and that the so-called rebels were of his own race.

'Horse Shoe Bay,
Aug. 1st, 1746.

Dear Sir,

I must desire the favour of you to forward my letters by an express to Inveraray, and if any are left with you let them be sent by the bearer.

¹ *Records of Argyll*, p. 98.

I shall stay here with Commodore Smith till Sunday morning, and if it is not inconvenient should be glad to see you. If you cant come I beg to know if you have any men now in garrison in your house and how many. Make my compliments to your lady and tell her that I am obliged to desire the favour of her for some days to receive a very pretty young rebel; her zeal and the persuasione of those who ought to have given her better advice has drawn her into a most unhappie scrape by assisting the Younge Pretender to make his escape. I need say nothing further till wee meet, only assure you that I am, dear Sir,

Your sincere friend and Humble Servant,

JOHN CAMPBELL.

I suppose you have heard of Miss Flora McDonald. If Dunstaffnage is not at home his lady is desired to open this letter.'

This letter was soon followed by another :

'Horse Shoe Harbour,
Wednesday evening.

Sir,

You will deliver to the bearer John M'Leod, Miss M'Donald, to be conducted her in his wherry; having no officer to send it would be very proper you send one of your garrison alongst with her.

I am, Sir,

Your most obedient humble Servant,

JOHN CAMPBELL.

To the Captain of Dunstaffnage.'

In the same month the following bill was sent in by the Captain of Dunstaffnage and paid by order of General Campbell.

Accompt due to Neill Campbell of Dunstaffnage.

Upon the breaking out of the late unnatural Rebellion the Deputy Lieutenants of the Shire of Argyll, of whom Dunstaffnage is one, knowing the importance of the Castle of Dunstaffnage and judging highly necessary to immediately put some men into it for defending the place as the only safe channel in these parts for transmitting letters and intelligence to and from and holding correspondence with the Shippis of Warr stationed on the West Coast and the garrisons of ffort William and Duart, as also the castles of Elanstalker and Mingary, and they having appointed the boats on the coast of Lorne to be all brought to Dunstaffnage and disabled there to prevent their being used by the Rebels,

the said Neil Cambell in compliance to these orders and conscious of the consequence it was to the Publick service took into his castle tho' it was his own dwelling house a partie of men and carryed directly thereto the whole boats on that coast except such as lay more convenient to be brought to Duart, Elanstalker, or Mingary Castles, whereby his house became the only resort of all the troupes, expresses, officers and all people passing and repassing on his Majesty's service in these parts as there were boats nowhere els.

| | | | |
|---|-------|----|---|
| To the pay of 12 men in the said Garrison of Dunstafnage from the 15th August 1745 that they were interd to the service and were paid by the said Neill Campbell 6d. a man pr. day till the 29th January 1745/6. That a partie of Argyllshire levies was ordered there by General Campbell Inde in all 167 days - - - - | £50 | 2 | 0 |
| To a sergeant's pay during that time at 9d. a day | 6 | 5 | 3 |
| To repairs made in the Castle, Coall and candle furnished the guards from the 15th Augt. 1745 till the 26th Augt. 1746, that a partie is still continued there, all per acct. - - - - | 31 | 6 | 0 |
| The company of militia which the said Neill Campbell levied out of his own estate, part of them being ordered north alongst with the army, part of them were putt into Elanstalker Castle and the remainder to Dunstafnage Castle. I kept only a Capt. and Lieutenant for the whole company when together, and the Lieutenant being stationed at Elanstalker Castle. To the Captain's pay at Dunstafnage from the 29th Janry. till the 26th Augt. 1746 at 5 sh. per day of 209 days | 52 | 5 | 0 |
| | <hr/> | | |
| | £139 | 18 | 3 |

In 1810 the castle was accidentally burned and has never been restored since that date.

Some years ago it may be remembered that there was a lawsuit regarding the ownership of the castle. The late Duke of Argyll contended that it still remained his property as Lord of Lorne, while the Captain of Dunstaffnage, who, as has been shown, originally held certain lands in the vicinity in return for keeping his Lord's castle, maintained that the castle had somehow come

to belong to him. The Lord Ordinary upheld the claim of the Captain, observing, 'There is now no castle in any proper sense of the word, but only a considerable extent of ruined masonry.'

This judicial utterance gave rise to the following lines in a London sporting paper :

'Of Angus John Campbell, the tale will be told
How he fought for a heritage centuries old,
And saved from the grip of Argyll by a twist
The right to a castle that does not exist.'

The Inner House, however, took a different view as to the rights of the contending parties. And so after four hundred and fifty years Dunstaffnage still belongs to Argyll as Lord of Lorne, and MacAonghais an Duin is still its keeper.

Since that litigation two things have happened. Looking into the writs produced in that case, the present Duke of Argyll discovered that the penny land of Kilmore¹—given to Alexander Campbell Keir, and the exact locality of which could not be traced—is in one document called *Kilmorrie alias Claze Morrie*. His unrivalled knowledge of the Celtic dedications in the west at once enabled him to see the value of this variant, and he communicated the facts to the *Scottish Historical Review*, vol. viii. p. 109. *Kilmore*, of course, might be the big church, or perhaps a corrupt form of the *big wood*, Killimore. *Kilmorrie* again might be the Church of Mary, or the Church of St. Maelrubha. This saint flourished about 750; he preached and founded churches all over Ergadia, from Melford to Applecross. These early Celtic dedications generally, if not invariably, mean that they were personal foundations of the saint. And the matter was clinched by the alias *Claze Morrie*. The Gaelic word *cladh*, which the scribe rendered *claze*, means a burial ground, and the actual name *Cladh Morrie* is found at Applecross, where, as at Dunstaffnage, the faithful were wont to be laid to rest in ground once hallowed by the presence of St. Maelrubha.

It is therefore evident that the old chapel, 160 yards from the castle—and like the castle built by Ewin of Argyll in the middle of the thirteenth century—is on the site of some much more ancient building long since crumbled into dust, and was placed there because the site was already holy ground.

The next thing that happened is this. The Duke found some time ago a notarial instrument narrating that sasine of the

¹ *Vide supra*, p. 262.

Lordship of Lorne was given to Sir Colin Campbell of Boquhan, afterwards sixth Earl of Argyll, on 8th April, 1572—and concluding with the words, '*Acta erant hec super solum terrarum montis vocati sendown apud castrum de Dunstaffnage, i.e. on the ground of the mound known as the old Dun, at the Castle of Dunstaffnage.* And the question at once emerged, What was this old Dun at the castle?

Knowing as we do that such castles as Dunstaffnage were not built in Scotland till the thirteenth century, it is obvious that it probably had a predecessor—of the type on which Dr. George Neilson has thrown so much light—a mound natural or artificial with a stockade—not unlike a kraal, to use the African term. The present thirteenth century castle rises sheer from a rock into which a stockade could hardly have been driven. It therefore seemed as if this old Dun might have been the site of the original stronghold.

The next question was, of course, Where was this old Dun—can its site still be identified?

Last autumn the present writer made his way to Dunstaffnage in the hope of getting some light on the matter. Quite close to the chapel, which, it will be recollected, is some 160 yards south of the castle, is a natural mound of considerable area, extending southwards from the chapel, and marked on the ordnance map (6 inch) as Chapel Hill. It is mentioned by Pennant (i. 355) and part of it appears in his plate xliii. On the east it slopes up from the shore of the loch. The other sides are steeper, and in places faced with precipitous rock. The top is flat. Altogether, it would afford a suitable site for a fortified camp or rath; and on the assumption that this was the old Dun it is easy to understand why St. Maelrubha built his little church under its shelter. The distance of the thirteenth century chapel from the thirteenth century castle and its identification with St. Maelrubha's foundation in their turn seem to support the theory that this mound was the eminence known in the sixteenth century as the old Dun, and the site of the ancient Dalriad stronghold where the Stone of Destiny rested from the days of Fergus till it was removed by Kenneth Macalpine to Scone.

J. R. N. MACPHAIL.

The Distaff Side : a Study in Matrimonial Adventure in the Fifteenth and Sixteenth Centuries

A NOTICEABLE feature of histories and biographies is the slight attention paid by the compilers to the women of the families concerned. The achievements of men, their aspirations, their motives and their characters, are minutely considered and appraised ; and, as far as is consistent with truthfulness—or the bias of the writer—success is ascribed partly to the man himself and partly to the generosity of his father in transmitting the requisite qualities to his son.

Very little consideration is necessary to lead one to the conclusion that many characters, historical and otherwise, have derived their dominant qualities from the distaff side—the male parent having been what is technically known as the ‘recessive’ factor. An ambitious, energetic, unprincipled woman married to a douce ordinary man will certainly transmit her peculiarities to some of her sons, probably not to all of them. And the history of Scotland is largely a function of traits inherited on the distaff side.

A man’s wife, also, may *ex proprio motu* exert a tremendous influence on himself and his career ; his actions, good or bad, may be actuated entirely by her. But she, in exercising her influence, may really be acting, unconsciously, as a representative of her own family. Many a man, no matter what his position in life or the age in which he lives, thinks he is taking an entirely independent course of action when he really plays the part marked out for him by his mother-in-law. To him history awards the credit or blame which, if we knew more, are due to her.

Finally, a man’s daughters may by their marriages exercise a marked influence on his career. The most casual reference to the history of Scottish families shows what care the medieval father, under the direction no doubt of his wife, exercised in the selection of sons-in-law. Misreading of Scottish history is often caused by neglect of the distaff side. In the history of Scottish families, of

cadet branches as well as of the main line, women played almost as important a part as the men. By their own and their daughters' marriages the men of these families bound themselves to certain lines of policy; and, though it may not always be possible to determine whether the policy was *post* or *propter feminam*, it may fairly be said that, with their own inherited tendencies and those of their wives, no other course of action, no different careers could have been expected.

Women and men, they mutually influenced each other, and nearly always in the same direction as their preceding generation; and they must have known that in their blind adherence to certain ideals they were often playing a losing game. These women saw their menfolk killed in battle, attainted, imprisoned and ruined, generation after generation; but they appear rarely to have used their influence to make them change their outlook on life. They accepted it, though all these misfortunes recoiled on themselves.

Whatever was the custom amongst the general population of Scotland in the Middle Ages, there can be little doubt the *mariage de convenance* was the universal rule among the greater and lesser nobility. Marriages were arranged on business lines—including in that term political; and the Scottish baron was more interested in the property and political connexions of his helpmeet than in her personal charms or character. The Crown recognised the advantage to itself that resulted from this system, and bestowed heiresses on its supporters with the same open-handed generosity as it showed in the disposal of the lands of its opponents.

Innumerable examples of this are to be found in Scottish family history; one only may be quoted here, viz. the bestowal of Elizabeth, daughter and heiress of Sir Nicol Ramsay, by King David, in 1335, on Sir Alexander de Seytoun, in recognition of the latter's gallant defence of Berwick. Sir Alexander, in turn, gave the lady—and her lands of Parbroath—to his son John.

The system of contracting alliances with the definite object of acquiring lands or political influence had the obvious defect that, if the conditions which originally determined the contract were themselves altered for the worse by the kaleidoscopic changes of political life, the inducement for the man to be quit of his engagement and to embark on a new venture became overpowering. The same applied to the women.

Throughout the Stewart régime in Scotland long minorities occurred at intervals, and the country was governed by regents

whose tenure of office was liable to sudden ending when the reins of government were seized by a powerful rival. In such circumstances there must always have been men who found that, with a little more acumen or a little more luck, they might have made choice of a more profitable wife. These men found themselves under the painful necessity of trying to cut their matrimonial losses and make a fresh start.

As romance in these matters does not appear to have then existed, the Scottish nobles were rarely backward in claiming the assistance of the only institution that could help them in their difficulty, *i.e.* the Church; and, in many families at least, divorce of successive wives became almost a family habit—each divorce synchronising with an actual or prospective change of government or political conditions. Looking back on the history of leading families of medieval Scotland, it is possible to estimate the enormous influence on the political activities of the leading men in the country of their matrimonial arrangements, and to explain the otherwise inexplicable changes of policy which punctuated their chequered careers. The obvious difficulty in regard to these so-called ‘divorces’ is the fact that marriage, according to the Roman Catholic Church, is indissoluble, and when the term itself is used—as it habitually was in findings of Bishops’ Courts—it implied either nullity, *ab initio*, on the technical grounds recognised by the Church, or separation *a mensa et thoro*. Neither would be regarded as divorce in the modern sense.

Even the term marriage in those days was a somewhat elastic one. A regular marriage involved consent by both parties, absence of fraud or misrepresentation by either, proclamation of banns and solemnisation *in facie Ecclesiae*. And, normally, the marriage would be preceded by *sponsalia* entered into by the parties concerned, or their parents or guardians, before a priest and witnesses.

But there were other engagements which had all the consequences of a regular marriage attached to them. *Sponsalia per verba de futuro carnali copula subsequuta* constituted such an arrangement as voided any future marriage contracted by either party during the life of the other; similarly *sponsalia per verba de presenti*—which meant that the parties were prepared to marry, but left the celebration of the ceremony to a future date—constituted a valid though not a regular marriage.¹

¹ For a very complete and instructive dissertation on the marriage laws of the early sixteenth century see the preface to *Liber Officialis Sancti Andree* (Abbotsford Club).

Consanguinity and affinity within the prohibited degrees—whether through a legitimate or illegitimate connexion—voided a marriage, however celebrated; and this convenient fact was taken advantage of freely, not only by men but by women, who had come to the conclusion that they might have done better for themselves in the matrimonial market. Out of 170 actions for divorce recorded in the *Liber Officialis Sancti Andree*, between 1513 and 1553, ninety-two were founded upon an original nullity on account of consanguinity or affinity.

Scotland, it must be remembered, had few inhabitants, and the ruling class was numerically very small indeed, and kept at a low level by constant fighting, assassination and political murder. Intermarriage among these few families necessarily resulted in an ever increasing degree of blood relationship in succeeding generations, which tended sooner or later to make any particular marriage a matter in which the Church took more than an academic interest.

An example of such a divorce, followed by remarriage with another lady of superior political attractions, is detailed below; and it casts a lurid light on the part played by the fair sex, sometimes deliberately sometimes unconsciously, in the history of Scotland. This particular case has been noted by family historians and peerage lawyers alike as obscure, though the result—determining the succession of the Earldom of Huntly to a younger son by a second marriage—is of considerable importance.

About 1408 Sir Alexander de Seytoun (i) married Elizabeth, daughter and heiress of Sir Adam de Gordon, and thus started the family of the Seton Gordons, the large majority of whom subsequently dropped the patronymic and became simply Gordons. Besides the large Gordon possessions in Berwick, Sir Alexander obtained from the Regent, the Duke of Albany, a confirmation of the lands of Strathbogie, which had been forfeited long previously by the Earl of Athol and granted by King Robert the Bruce to an earlier Sir Adam de Gordon. And subsequently, in 1427, he got, through his wife's mother, Aboyne and Cluny. In the same year he was created a Lord of Parliament, with the title of Lord of Gordon.

He was a man of considerable prominence in his time. He accompanied John, Earl of Buchan, to France with the force of Scots troops raised by that remarkable man, and shared in the victory over the English at Beaugé and in the defeat at Verneuil. On his return to Scotland he became *persona grata* at the Court

of James I., and was one of the hostages and guarantors of the young king's ransom. In 1437, after the murder of James, he was one of the ambassadors sent to negotiate a truce with the English.

During this time Alexander was no doubt brought in contact with that skilful adventurer Sir William Crichton, who had been a confidant of James I., Master of the Royal Household, and Keeper of Edinburgh Castle, and, generally speaking, the power behind the throne.

Crichton's position increased still further in importance after the king's death. In 1439 he became Chancellor of Scotland, and was created a Lord of Parliament, and in the following year was deeply implicated, along with Sir Alexander Livingstone, his quondam rival, in the murder of the young Earl of Douglas; with occasional temporary reverses of fortune he continued to exercise a dominating influence in the country until his death in 1454.

Alexander de Seytoun, Lord Gordon, had a son Alexander (ii), Master of Gordon, who is the hero of the divorce case.

When seventeen years of age, in 1427, he married Geilis or Egidia de Haya (Hay), daughter and heiress of Sir John de Haya of Touche, Tulibothie (Tullibody), Enzie, 'and utheris grit landes,' a lady to whom, as indicated in the Papal letter below, he was related 'within the fourth degree of consanguinity.' As, however, he obtained the necessary dispensation there is no question of the validity of the marriage.

By this marriage he had a son Alexander de Setoun (iii), ancestor of the Setons of Touch and the Setons of Abercorn.

Alexander (ii), Master of Gordon, succeeded his father on the latter's death about 1441. Long before that event, however, he had observed the rapid rise of Sir William Crichton, and decided to get rid of his wife and marry Crichton's daughter; this he proceeded to carry out.

The date of this affair is uncertain, but it must have occurred before November, 1438; for in 1436 a charter¹ of James II. mentions Elizabeth Crichton as 'sponsa nobilis domini et potentis Alexandri de Cetoun, domini de Gordoun.' The forgiving Egidia Hay, 'Lady of Tullibody,' granted him, for his lifetime, all her lands of Tullibody and certain properties in Banff, and in the relative charter (Gordon charters) describes him as 'her beloved kinsman, Sir Alexander de Seton, Knight.'

¹ *Antiquities of Aberdeen and Banff* (Spalding Club), iii. 319.

This unfortunate and ill-treated lady died some time subsequent to the remarriage of her fickle husband, but before the Papal letter of August 13, 1441, leaving a son Alexander (iii), a lad of about nine years of age.

The divorce of Egidia Hay and the remarriage of Sir Alexander de Seytoun with the daughter of Chancellor Crichton are facts which have been long known; as to the tortuous methods adopted by him to bring them about there has been no information available until recently.

In connexion with questions arising out of the subsequent disposal of his dignities after his elevation to the Earldom of Huntly a search was made in the Vatican records for documents connected with the divorce proceedings; and the following letter, now published for the first time,¹ has come to light :

TRANSLATION OF LETTER FROM POPE EUGENIUS TO THE
BISHOP OF MORAY, dated 13th August, 1441.

Eugenius etc. to his venerable brother . . . the Bishop of Moray, Greeting. Whereas the course of the petition of thy diocese and that of Saint Andrews presented to us on behalf of our beloved son, Alexander de Seton, layman, and of our beloved daughter in Christ Elizabeth Crichton, his wife, showed that formerly after that the aforesaid Alexander and Egidia de Hay his former wife, who were united within the fourth degree of consanguinity, having obtained a dispensation from the Apostolic See, at the same time contracted Holy matrimony by the lawful words and consummated it by holy wedlock through the procreation of offspring, the aforesaid Alexander, asserting the marriage contracted after this fashion between himself and Egidia to be null and void on account of the impediment which arose from the aforesaid consanguinity and by reason of a defect in the dispensation of the said Holy See, which dispensation he denied having obtained and concealed with malicious intent in his own house, sought that his marriage with the said Egidia should be declared null and void and that he should be divorced from the said Egidia :

and, whereas our beloved son Henry Horny, Archdeacon of Moray, to whom thou, by thy authority as Ordinary, hadst committed the hearing of this cause and the due settlement thereof, in virtue of such commission, caused the parties to be cited before him for trial :

¹A printed précis will be found in the Advocates' Library, *Papal Letters*, vol. ix. p. 72.

and, whereas, the said Archdeacon, having entered into the said cause, pronounced a definite judgment against the said Egidia :

and, whereas, the said Alexander, since the said Egidia made no appeal against this judgment, contracted marriage according to the legal form with the aforesaid Elizabeth, who was entirely unaware of the said previous marriage, (the said Egidia being still alive) and solemnised the said union in the presence of the Church, and lived with her for some years in the marriage thus contracted, and continues to do so at the present time :

and whereas the aforesaid Alexander and Elizabeth cannot continue in the marriage thus contracted between them unless they obtain an apostolic dispensation therefor :

and whereas this same Petition sets forth that the aforesaid Egidia hath departed this life, and that the said Alexander, being pricked in his conscience, is sincerely repentant of the sins committed by him :

and whereas, if a divorce took place between the aforesaid Alexander and Elizabeth, dissensions and scandals would be likely to arise between their friends and kinsmen ;

an humble supplication hath been made to us on behalf of Alexander, and also of the aforesaid Elizabeth, who, as she declares, was entirely unaware of the previous marriage, and who was not in any degree party to the death of the aforesaid Egidia, praying that we, of our apostolic benignity, would be pleased by the grace of a fitting dispensation, to free the said Alexander from sins of this kind, and from any sentence of excommunication which, by reason thereof, might perchance lie against him and the said Elizabeth.

We therefore, inasmuch as we have not certain information concerning the foregoing matters, and seek the peace of all and sundry and desire to avoid all causes of offence whatsoever, so far as by the Grace of God we may, for the reasons aforesaid and others which have been laid before us, being moved by the petitions in this matter,

Do now charge and command thee, by our Apostolic letters, by reason of the special confidence which we have reposed in thee in the Lord in these and other matters, that thou shouldest absolve the said Alexander, if he should humbly seek such absolution from these his sins and from any sentence of excommunication which he may have incurred as aforesaid ; and this absolution thou shalt grant on this Our authority, for this occasion only, in the accustomed form of the Church : and thou shalt enjoin him,

by virtue of an oath which he shall take in thy presence, that he shall commit no such things any more nor countenance those who do such things, by aid, counsel, or favour.

And, nevertheless, if it appear expedient to thee that such a dispensation be granted, the said Elizabeth shall not on that account be ¹: since thou shalt, by apostolic authority grant a dispensation to the said Alexander and Elizabeth, permitting them to contract a marriage afresh at the same time, and to remain lawfully in the same when it is contracted, by declaring legitimate any offspring born of the said Elizabeth, or which may be born from the marriage to be thus contracted.

Given at Florence in the year of our Lord's Incarnation 1441 on the 13th day of August in the eleventh year.

Arch. Segret. Vaticano Reg. Lateran 368 (alias Eugen iv. 1439. Anno 9 Lib 116) fol 661.

From this remarkable document it is possible to form a fairly close idea of the course of the tragedy.

It is quite certain that the original marriage between Alexander and Egidia, though related within the fourth degree, was perfectly regular: but the mere fact that Alexander is absolved from the guilt of having 'concealed' the dispensation 'with malicious intent in his own house' indicates that he did act precisely in this manner. Egidia Hay was a young girl, and an orphan, and may well have been ignorant of the necessity for a papal dispensation before she could marry;² on the other hand, Alexander probably concealed the document against a day when it might be useful to forget he had had such a dispensation, and would get his marriage declared null and void in consequence.

It emerges then that the Archdeacon granted the divorce without being aware of the existence of a dispensation; and the divorce was in consequence obtained by fraudulent means.

Alexander then took advantage of the silence of Egidia and married Elizabeth Crichton.

'For some years' all went well, and a son was born; and then Alexander found himself faced with difficulties. In the first place he was afraid of excommunication; then he was afraid of his

¹ Illegible in the manuscript.

² The cynical view may be taken that Egidia Hay, in spite of her youth, was a worldly young woman who, in her desire to marry Alexander, did not trouble about dispensations or prohibited degrees; and was herself a party to the fraud.

fraudulent action being found out, and of another divorce which might lead to unpleasantness with his father-in-law; and, possibly, he had already made up his mind to leave his property to his son by Elizabeth Crichton.

So he applied for the belated dispensation to marry Elizabeth Crichton, which was given by the Pope. Even then, however, he lied—for he asserted that Elizabeth 'was entirely unaware of the previous marriage,' a statement which is incredible. It is inconceivable, too, that Crichton himself was unaware of Seytoun's previous regular marriage to a lady of such old family and such great possessions.

The Pope himself admits that he has not 'certain information concerning the foregoing matters'; but indicates that he had 'other' reasons 'which have been laid before us'; and so, to save a scandal in high life, he granted the request, subject to a formal remarriage.

Truly a pitiful exhibition of fraud on the part of Alexander and Elizabeth on the one hand, and of weakness on the part of the Bishop and of the Holy See.

With Egidia Hay dead and his own and Elizabeth's characters whitewashed, Sir Alexander's career was now quite straightforward. On his father's death he became Lord Gordon in 1440 or 1441, and in 1445 he was created Earl of Huntly.

But again he failed to run straight.

With the concurrence, no doubt, of Elizabeth and the Chancellor, he decided to disinherit his eldest son by Egidia Hay, Alexander (iii), in favour of George, son of Elizabeth Crichton; and to accomplish this, he surrendered his dignities to the Crown in 1449, and had them regranted to him—with the exception of one—in favour of George, who subsequently succeeded his father as second Earl of Huntly.

This case is not a peculiar one, except perhaps in so far as the tortuous procedure of the principal character was particularly unprincipled.

With the upbringing he must have had, George, second Earl of Huntly, was unlikely to attach much sanctity to marriage vows, especially when it was to his advantage to do otherwise. He, indeed, was married three times, and divorced two wives, both of whom he selected in the first place—or had selected for him—on account of their family interest, and both of whom had had previous experience of matrimony. With each he acquired something to his material advantage.

Before considering his first marriage it is necessary to go back a few years.

James Dunbar, Earl of Moray, left two daughters, co-heiresses. Of these, the younger, Elizabeth, married Archibald Douglas, brother of the eighth Earl of Douglas. By devious means the elder sister was ignored, and Archibald became Earl of Moray. On the murder of his brother at Stirling in 1452, Moray took arms to avenge his death. Huntly, the first earl, in his capacity of Lieutenant of the North, happened to be engaged in fighting 'the tiger Earl' of Crawford; and, during his absence, Moray harried Huntly's lands of Strathbogie. After beating Crawford at Brechin, Huntly was himself beaten by Moray at Dunkinty in May 1452.

For this Moray was attainted, and his earldom was conferred upon the Chancellor's eldest son, James Crichton, who had married the disinherited Janet Dunbar—another example of the ambition of Crichton. The forfeiture appears to have been reversed, however, soon after, and Moray then again devoted himself to the support of his young nephew, the ninth Earl of Douglas, and was killed fighting the king's troops at Arkinholm, on 1st May, 1455.

Only a few days after Moray's death his widow made a contract of marriage with the Earl of Huntly's son, George; both of them evidently thought she would be allowed to take the Earldom of Moray with her. In this, however, they were disappointed, as very shortly after the marriage, in 1455, the Earldom was again forfeited to the Crown.

Having failed to secure the Earldom of Moray, and appreciating that the Douglas family was ruined, the Master of Huntly made haste to divorce the lady, and, in 1455, advanced the time honoured plea of consanguinity. Perhaps he had avoided the mistake made by his father, and had no awkward dispensation to conceal or explain away. Elizabeth herself, in 1462, married, for a third time, Sir John Colquhoun. The plea of consanguinity and affinity appears to have been a more than usually exiguous one, as it was based on the fact that the son of young Huntly's uncle, Lord Crichton, his own cousin, had married Janet Dunbar, sister of Elizabeth.

The Master of Huntly then decided to contract a royal alliance, and, in 1459, married the Princess Annabella, sister of James II. In this he was no doubt advised by his parents. Crichton was dead, and the old earl perhaps felt that it would be very

advantageous for his son to be connected by marriage with the Crown.

The Princess had previously married the Count of Geneva, but the King of France, in 1458, succeeded in having the marriage dissolved; and the lady was given 25,000 crowns and sent back to Scotland. Her disposal presented considerable difficulties, and the king was probably glad of the opportunity to make such a good alliance for her.

The Master of Huntly's married life continued without any noticeable incident until 1471, the year in which he succeeded his father as second earl; and the Princess bore him four sons and four daughters. But the inherited tendency was again too strong for him, and, in the same year, he got rid of his royal wife, on the ground that she was related *in tertio et quarto gradibus* to his previous wife, Elizabeth Dunbar, Countess of Moray.¹

The new king, James III., bore Huntly no malice for casting off his aunt, as is clear from the earl's subsequent career.

Within a month of this second divorce, banns of marriage between the Earl and Lady Elizabeth Hay, daughter of the Earl of Errol, were proclaimed at Fyvie; but the marriage only took place five years later. It is not possible to determine now what Huntly's object was in marrying Elizabeth Hay. The connexion between the two families, however, was not a new one; and it continued in later generations.

The Huntly family was by no means peculiar in respect of their matrimonial vagaries. For instance, another crop of divorce cases occurred about the same time in the Maule family, and these too were effected by the Consistory Court of St. Andrews.

Sir Thomas Maule married Elizabeth Lyndsay, daughter of the first Earl of Crawford, and Maule's sister married Sir David Guthrie. After some years, and after having borne him several children, Lady Guthrie was divorced by her husband as being related to him within the prohibited degrees, and, in bringing about the desired result, the Earl of Crawford took a prominent part.

This action on the part of his father-in-law infuriated the lady's brother, and, as the old chronicler of the family expresses it: 'Thearfor Sir Thomas did tak sic indignatione at the Earle that he did repudiat his wyf, albeit ane innocent woman, and to quhome no man could reproche any notoure fault.' She lived long after

¹ The statement that the Princess divorced Huntly, made by certain writers, is evidently incorrect, in view of the wording of the divorce proceedings.

her husband, but he soon married again and lived happily ever after.

The seamy side of married life in the middle ages is ruthlessly exposed by the Records of the Bishops' Courts that have survived; and an interesting fact is that, in the claims for nullity, the ladies of those days were often not too modest in showing cause why they should obtain release, even at the expense of their own fair fame.

An example of this, one of very many at the time, is to be found in the matrimonial history of Ninian Seytoun of Touch, grandson of the Alexander Seytoun whose mother was the Egidia Hay above mentioned.

Ninian Seytoun married Matilda Graham. Unfortunately, this lady, before her marriage, had had a regrettable affair with the Earl of Montrose, who was related to Seytoun in the third and fourth degrees of consanguinity; and thus, at the time of her marriage, bore the same degree of affinity to her husband. It was consequently decreed that the '*pretensum matrimonium*' was null and void.¹ Seytoun was then free to marry again, and his choice fell on Janeta Chisholm, widow of Napier of Merchiston. There was evidently friction between them, and the lady, after many years of married life, brought a suit for nullity on the same grounds as were advanced in the previous case, *i.e.* that, on account of a liaison with one Andrew Buchanan, who was related to Ninian Seytoun in the third and fourth degrees of consanguinity, she herself bore that degree of affinity to her husband when she married him. So the marriage was dissolved, and Janeta married Sir James Touris of Innerleith within a couple of years.²

This Ninian Seytoun's daughter, Margaret, married Daniel Somerville of Plane, a widower. In July 1544 a sentence of nullity was pronounced by the Bishops' Court of St. Andrews,

¹ *Lib. Off. St. Andr.*, fol. 14. The sentence in this case was as follows: 'Ex et pro eo quia dicta Matilda diu ante celebrationem dicti pretensi matrimonii fuit carnaliter cognita per quondam nobilem et potentem dominum Wilhelmum comitum de Montrose . . . quiquidem Ninianus et dictus quondam Wilhelmus se invicem attingebant in tercio et quarto gradibus et sic dicta Matilda in tempore contractus dicti pretensi matrimonii attingebat sibi Niniano in tercio et quarto gradibus affinitatis de jure prohibitis.' This is a good example of the acquirement of a prohibited degree of affinity by one party to another through a previous lapse with an individual who was himself in the prohibited degrees of consanguinity.

² *Ibid.* fol. 232.

on the plea of Somerville that his first wife, Elizabeth Elphinstone, was related in the fourth degree of consanguinity to Margaret Seytoun, and that she consequently was in that degree of affinity to him when she married him.¹

One of the most striking matrimonial histories of the sixteenth century was that of Queen Margaret, daughter of Henry VII. of England and consort of James IV.

To begin with, her original marriage with James was a political affair, the ultimate object of which was the securing of a stable peace between the two countries. The negotiations commenced in September 1499, shortly after the renewal of the Truce of Ayton at Stirling, but took close on two and a half years to carry through. It was necessary to obtain a Papal dispensation for the union, and, on the day following the signature of the marriage agreement, 24th January, 1501, the Earl of Bothwell acted as proxy for James in the ceremony. The Princess at this time was only in her fourteenth year. In August 1583 she arrived in Scotland and the wedding took place at Holyrood.

Left a widow by the disaster of Flodden in 1513, the position of the young queen was one of great difficulty; and it is not to be wondered at that she looked around for some man to help her in her responsible duties of guardian of the infant king, and regent of the kingdom. These were already coveted by Albany and a large section of the nobles, while her relationship to Henry VIII. did little to commend her authority to the country at large.

In these circumstances she selected as a helpmeet the most eligible of the Angus Douglasses, Archibald, sixth earl, grandson of 'Bell-the-Cat,' a youth of about nineteen years of age; and married him in August 1514. His object in marrying the Queen Dowager was to obtain the Regency, and to benefit his own family; but, having married in haste, he found he was quite unable to carry out his plans, and, on the landing of Albany in May 1515, was compelled, with his wife, to take refuge at the English Court.

Shortly after their departure Margaret had a daughter, the Lady Margaret Douglas, afterwards mother of the unfortunate Darnley; but Angus, anxious to fish once again in the drumlie waters of Scottish politics, deserted his wife within a year of his marriage, and made his peace with Albany. Henry VIII., furious at this treatment of his sister, at once visited his wrath on Scotland, and finally succeeded in forcing Albany out of the country.

¹ *Lib. Off. St. Andr.*, fol. 325.

In the years that followed the relations between Angus and Margaret became increasingly strained, and, in 1527, she obtained a separation '*a mensa et thoro!*'

Although such a separation did not permit of a fresh marriage she immediately married Henry Stewart, subsequently Lord Methven, who was related to Angus '*in III^o et 4 gradibus consanguinitatis,*'¹ and therefore held the same degrees of affinity to herself. The facts that she was not entitled to marry again, and that Stewart and Angus were related in these degrees, must have been perfectly well known to both parties at the time of the marriage.

After some ten years of married life, Margaret claimed and obtained a declaration of nullity of the marriage on the grounds above stated, and it is believed her intention in doing so was to remarry the Earl of Angus, now at the zenith of his power.

This plan did not eventuate, and in 1541, after a life full of matrimonial excitement vouchsafed to few women, she died at Methven Castle, the seat of her latest husband.

The cases of divorce quoted above—cases of nullity they might be more properly called—are merely samples selected almost at random; but they show sufficiently clearly what went on in the leading families of Scotland, prior, at least, to the Reformation. The records show that a large proportion of cases, of which details are still available, were based on pleas of consanguinity or affinity in the prohibited degrees. Generally speaking, it will be found, if contemporary history is brought to bear on individual cases, that there was always some reason, apart from mere incompatibility of temper, domestic differences, or disregard of the Seventh Commandment, which was a sufficient inducement to one or other of the parties to apply for release from the contract which had become unbearable or even inconvenient; and this reason was the superior attraction of some one else, as a possessor either of wealth or political influence.

The astonishing thing, however, is that—men and women alike—the parties concerned had no hesitation in pleading impediments of which they and their kinsfolk must have been perfectly well aware before they embarked on matrimony; and this appears to indicate that *per se* prohibited degrees of consanguinity and affinity were not deterrent to any appreciable extent when weighed against material advantage.

¹ Angus and Methven were great-great-grandchildren of a common ancestor.

The part played by the Church may appear to be open to criticism. In the creation of all kinds of barriers to matrimony canon law was, no doubt, originally actuated by a perfectly justifiable regard for eugenics; but the multiplication of these impediments defeated its own ends, and produced a demand for dispensations on the one hand and declarations of nullity on the other which had to be met. Granted, as these were, on payment of fees, and with a minimum of inconvenience to the parties, the indissolubility of marriage became a mere theory which was negligible in everyday life.

And so it comes about that, in endeavouring to estimate the part played by individuals on the history of their times, it is essential, for a right understanding, to take into account the enormous effect of the distaff side.

BRUCE SETON.

Scots Pearls

SCOTS pearls have a beauty of their own, but their chief glory is that they decorate the 'Honours of Scotland' (the oldest regalia now extant in Britain), and are to be found in the gold circlet with which King Robert the Bruce was crowned. A closed-in crown was added later, and this was used at the coronation of James V. and his daughter, Mary, Queen of Scots, and the beautifully designed sceptre has a very large Scots pearl at the top.

It is also likely that Scots pearls must have been used earlier in royal jewellery, for in 1120 an English church dignitary begs the Bishop of St. Andrews to get him large pearls 'even if he has to ask the King of Scots (Alexander I.) who has more than any king.'¹ At a much later date the chamberlain to the Queen of Charles II. gave her a 'Conway Pearl,' believed to occupy a place in the British Crown.

Julius Caesar, when preparing to invade Britain, knew of the pearls to be found in the rivers² of Scotland and of Wales (and probably Ireland). It is known that he was a lover of pearls and that he dedicated to Venus Genitrix a breastplate studded with British pearls,³ and that there are references to them in Tacitus⁴ and Pliny,⁵ and thus they would come to be known throughout Europe.

In 1324, 1338, and 1389 Scots pearls are noted in an inventory among the English Crown jewels. As early as 1355 Scots pearls are referred to in a statute of the goldsmiths of Paris, and there are frequent allusions to them in inventories of the Middle Ages,⁶

¹ Wharton's *Anglia Sacra*, vol. ii. p. 236.

² 'Multi prodiderunt (J. Caesarem) Britanniam petisse spe margaritarum quarum amplitudinem conferentem, interdum sua manu exegisse pondus,' Suetonius, cc. 46, 47. Cit. Petrie and Sharpe's *Monumenta Historica Britannica*, p. xlix.

See also Gibbon, *Decline and Fall of the Roman Empire*, vol. i. chap. i.

³ Pliny, *Historia Naturalis*, ix. c. 57.

⁴ *Agricola*, xii.

⁵ He calls them small and of a bad colour.

⁶ *Comptes de l'Argenterie de France au xiv^e siècle*, pp. 26, 395.

and they formed an extensive export trade. Aeneas Sylvius, Pope Pius II., mentions them in his account of Scotland as among the 'commodities' exported to Flanders—'hides, wool, salted fish and pearls.'¹

The Dutch merchants knew Scots pearls to be inferior to those of the Orient,² but imported them in large numbers, classing them with those of Bohemia and Sweden. In the latter country they were greatly esteemed, and there was a large trade with Scotland for them, and there are references to them in books of travel. The quantity of pearls used in Sweden must have been enormous, so that though the Swedes were able to supply numbers from their own lakes and rivers, they must have been obliged to augment them from other sources. We read that the grandmother of Henrik Brahe³ is said to have had sheets of silk sewn with pearls—as uncomfortable a thing as can be imagined in the way of a luxury—and that the dead were buried, as a mark of rank, with a pearl-embroidered cushion under their heads. This was a custom in Denmark also, for one was found in the Earl of Bothwell's coffin.

When Maria Euphrosyne, sister of King Carl Gustaf of Sweden, married Magnus, son of Ebba Brahe (the old love of Gustaf Adolf) in 1647,⁴ she received among her presents a necklace of Scots pearls, the gift of her mother-in-law. Horace Marryat, in 1860, mentions that during his residence in Sweden he was much struck by the quantity of Scots pearls he saw. 'There is scarcely a family of note in Stockholm who does not possess a necklace gathered from the Highland Unio. I have sometimes counted as many as twenty or thirty worn by ladies in the same rooms—heirlooms inherited from their great-grandmothers. Though of large size, they are inferior in lustre to those of Norrland produce.'

The Scots pearl can be traced in old Scottish records,⁵ although

¹ *Ex Scotia in Flandriam corium, lanam, pisces salsos, margaritas ferri.*

² *Anselmi Boetii de Brodt Gemmarum et Lapidum Historia*, p. 85. Cf. also *Account Book of Andrew Halyburton*, conservator of the Privileges of the Scottish Nation in the Low Countries. MS. in 1498 a Scottish merchant at Middleburg remits a small sum 'to by perll' in Scotland.

³ H. Marryat's *One Year in Sweden*, i. 131.

⁴ *Ibid.* i. p. 70, n. 122, 465 n. See also p. 24, The pearl fisheries of Sweden were a royal monopoly.

⁵ *Accounts of the Lord High Treasurer of Scotland*, i. The succeeding items are from the same source, except where noted.

the ancient ways of spelling may cause the reader surprise. A 'stomokk,' an 'eye of gold,' or a 'corse,' being interpreted, represent a stomacher, an eyelet or loop, and a cross.

James IV., like his predecessor Alexander I., seems to have had many pearls among his 'jowalis.' Amongst other things 'a buke of gold like ane tabell and on the clasp of it faire perles and a fare ruby.'

'Item in the same box a stomok and on it set a hert of precious stanis and perle.'

'Item. In a trouch of cipre tre . . . a point maid of perle contenand XXV perles with hornes of gold.'

'Item. Twa tuthpikis of gold with a chenze, a perle and erepike . . . with other small japis.' Item. 'A purs maid of perle' which contained among other things 'a serpent's tounge sett.' The use of the last must be left to conjecture: it was probably a charm, but the toothpicks and ear-pick were of practical value. Then further on may be found a 'Sanct Andoues cors and in it a diamant a ruby and a grete perle.'

'Item a trete of the Queen's owr set with grete perle sett in fouris and fouris' and many other 'grete perle' and 'perle' ornaments. For example, 'A hanger of gold with twa perle without stanis.' Were the great pearls exceptionally large and fine stones and the 'perles' without an adjective inferior or small ones, like those used for embroidering on velvet and silk?

The Queen seems to have been fond of pearls, for we find a bill for 'twa corses giffen be the King to the Quene' and many other notices. 'In the said kist of the Quene's ane string of grete perle continand fyfti and a perle, and stringis of small perle.' It is highly probable that many of the 'grete' pearls were oriental, but many of the smaller must have been Scots from their number, and, as we shall see later, they are mentioned among the jewels of Mary, Queen or Scots.

Here is a note of an account in 1503:

| | |
|--|----------------|
| The XXVII of Aug. To John Curroure to mak ane unicorn of gold to the King three ridaris of wecht | iij li. ix s. |
| Item for making of the samyn | - - - xviii s. |
| Item for ane perle to hing at the samyn | - - - iij s. |

Here is another interesting item in the same year, especially at the present time when so many swords of honour have been given recently to victorious admirals and generals:

'A sword of honour and scheith.'

'Item for perlis that wantit to the broudering (embroidering) of it xiiij s.

'Item payit to Nannik, broudestar, for broudering of it and grathing of the samyn iiij li.'

In 1504 we find paid 'to ane preist that del verit perle to the King, xxiiij s.' Any one curious about the manner of fishing of Scots pearls during this century will find an account of it with many observations on their value and dimensions in the *Descriptione del Regno di Scotia*, by Petruccio Ubaldini, 1576, an Italian refugee.

In the time of James V., in 1538, John Mosman, a goldsmith, has an account :

'To mak hornis and buttonis to ane bonet of the Kingis grace set in perle and precious stanis xvij cronis of wecht weyand xvij li.'

The making and the setting of the buttons of the 'bonet' in 'perle and dyamantis vj li.'

And in the expenses for 'Newar (New Year) gifts,' 'Ane quhynger (whinger) garnist wytth perles quhilk was given to Monsieur D'Orleance, ijcxlij cronis.'

This M. d'Orléans was the King's brother-in-law, afterwards Henri II. of France.

Later Monsieur d'Orlean's 'quhyngzear' is further embellished with a 'grete perle' costing 18 francs.

Then, too, there is a note which is interesting because the pearls mentioned in it are specified as being Oriental.

'Item. Given for vjxxv grete Orient Perle price of the pece viij cronis. Summa jm. cronis.'

There are accounts for pearls bought by the thousand at 104 francs for the thousand, and 'given for viiic-xvi litill perles price of ilk perle iii summa jcxvij fra viiiij s.'

'Item. Given to Robert Crag for ane collar of gold sett with perle brocht hame by him to the Quene's grace xvij li xii s.'

After the death of the Queen-Dowager Margaret Tudor, 1540-41, her 'perle bedis' were delivered 'to the Kingis Grace' in 'the littill copburd of siluer.'¹

Passing on to the reign of Mary, Queen of Scots, we find :²

'Treize vingtz quatre grosses perles achaptées de Jean Guilbert Orfevure d'Edimbourg comprins quatre que l'orfevure de la Roynne a rendu qui estoient dessus une paire d'heures d'or.'

¹ Pitcairn's *Criminal Trials*, i. 307.

² Joseph Robertson's *Inventories of Mary, Queen of Scots*, p. 89.

'Il a este oste xxvii perles pour envoyer à Paris pour faire boutons et le reste a este prins pour faire une cottouere qui est de diamens et de rubiz et chattons.'

As the pearls were got from Edinburgh it is to be presumed that they were Scots, and a 'cottouere garnished with little tables of ruby and with pearls' is in one of the inventories of Mary's jewels. A cottouere or cotoire was at one time merely a piece of embroidery applied to a dress, but under Catherine de Medici the embroidery was replaced by a 'garniture' of precious stones on clothes for great occasions, and the embroidery was used on less important costumes. Queen Mary also had 'ane carcanne of perle of gold contenand ijcxix perles, weyand thrie crounis . . . and for the fassone costing vi li. x. s.'; probably these, at this small price, were Scots pearls.¹

In 1565² Darnley's 'string to ane bonet set with perles and stanis' cost 40 shillings.

Scots topazes and pearls were among Queen Mary's jewels at Chartley in 1586, when they were sent to Queen Elizabeth by Paulet, her stern gaoler.³

When the Regent Morton⁴ recovered some of the Crown jewels for King James VI. he received in 1573 from Agnes Gray, Lady Home, 15 diamonds in gold enamelled with white 'togidder with ane carcat of perle contenand sevin greit perle and aucht knoppis of small perle every knop contenand fyftene small perle.' They had been given 'in gage' for 600 pounds Scots by the Laird of Grange when he was raising money for his defence of Edinburgh Castle.

In 1588-81⁵ James Richardson of Smeton received from his father, Mr. Robert Richardson of St. Mary's Isle 'a cheinze belt of gold of knottes of perle and fiftie dyamantis' and seven great diamonds belonging to the King, and delivered them to Lord Ruthven the 'thesaurer.' Later we learn it had 'xxv knottes of perle' and was delivered at Dalkeith, in June, 1581, to Esmé, Earl of Lennox.

In 1601⁶ the King got the Crown jewels from John, Earl of Mar, including 'a carkant of gold' set with rubies and diamonds 'and fiftie-twa perles.'

¹ *Treasurer's Accounts*, xi. p. 183.

² *Ibid.* p. 390.

³ Prince Labanoff, *Lettres de Marie Stuart*, vii. p. 246.

⁴ *Privy Council Registers*, ii. 247.

⁵ *Privy Council Registers*, iii. 366.

⁶ *Ibid.* x. 328.

In 1605 Scots pearls are mentioned in the inventories of the Treasury of the Exchequer as being in the English Crown jewels.¹

In 1608 Lady Buchanan is charged with stealing 'Ane perle to the valour and pryce of ane hundreth and twa pound sterling . . . togedder with diverse otheris perles.'

Margaret Hertsyde, Lady Buchanan, had entered the service of the Queen in Scotland, and she and her husband, Sir John, got rich in England, and on their return seem to have given themselves airs. She was apprehended as above mentioned for stealing jewellery valued at about £400 sterling. She confessed her guilt to the Queen, but then she was accused also of revealing secrets 'which a wyse chambermaid would not have done.' She was declared 'infamous' and banished to Orkney, where she had an estate. In 1619 her doom was altered and the reproach of 'infamy' removed.

In 1616² there are letters of David Craufurd, goldsmith, against 'Certane personis whom he had imployed to fish perles,' and in 1620 the Improvement of Pearl Fishing is the subject of an Act of Parliament, and in 1621 there is another Act ordering that pearls are only to be worn by the privileged classes.

In 1620 we learn that a pearl was found in the burn of Kellie, a tributary of the Ythan in Aberdeenshire. 'So large and beautiful that it was esteemed the best that had at any time been found in Scotland.' Sir Thomas Menzies, provost of Aberdeen, obtaining this precious jewel, went to London to present it to the King, who, in requital, gave him twelve or fourteen chalder of victual about Dunfermline and the Custom of Merchant Goods to Aberdeen during his life.³

This beautiful pearl seems to have drawn attention to the old reputation of certain Scottish rivers for the production of pearls, and in 1621 the Privy Council⁴ commissioned three gentlemen to protect the rivers and 'nominat expert and skilful men to fish for pearls at convenient seasons.' One gentleman for the rivers of Sutherland, another for those of Ross, and the third (Mr. Patrick Maitland of Auchencreeve) for the waters of Ythan and Don. The last named was further made Commissioner 'for receiving to his Majesty's use, of the hail pearls that sall

¹ *Antient Kalendar and Inventories of the Treasury of the Exchequer*, vol. iii. p. 286.

² *Privy Council Registers*, x. p. 651.

³ *Succinct Survey of Aberdeen*, 1685.

⁴ *Privy Council Registers*.

be gotten in the Waters within the bounds above written, and who will give reasonable prices for the same : the best of whilk pearls for bigness and colour he sall reserve to his Majesty's own use,' the King having 'an undoubted right to all pearls as he had to all precious metals found in his dominions.'

Mr. Patrick Maitland gave up his commission in July, 1622, and in 1625 one Robert Buchan, burgess of Aberdeen, was appointed in his place. He was reputed to be skilful in fishing for pearls and 'hath not only taken divers of good value but hath found some to be in divers waters where none were expected,' so seemed a very suitable person to be appointed commissioner 'for praeserving and keeping the whole watteris within the Schirifdome of Abirdene from untymeous and unseasonable searching and seeking of pearlis within the same,' and to restrain all persons except 'special personis of skill and experience,' and those only to fish 'in dew and laughfull tymes in the said monethis of July and August yeirlie.'

Anyone who was caught fishing for pearls without being 'laughfully' nominated by Robert Buchan or in the other months of the year was liable to be punished 'by wairding and laying of thame in the stokkis and otherways at the discretioun of the said Robert' and all pearls taken by them confiscated.

Later on Buchan was reported to his Majesty for his good services, and for 'the chargis and expenssis' that he had incurred the Council recommended that he should get 'fyve hundredth pundis sterling and above,' but as for the prices of the pearls which he had presented 'alsweel to your Majesty as to your Majesty's darrest father of blessed memorie the number and value quhair of being unknowne to us we can give no advise anent his satisfioun and recompense,' which is a very cautious judgment, but hardly likely to have given 'satisfioun' to Mr. Robert Buchan.

In 1628-9 Robert Buchan presents a 'supplication to the Lords of the Secret Counsell,' that he may have warrant to produce before Magistrates all persons, natives or foreigners, whom he may ascertain to have infringed his monopoly. Later, however, in 1631, the Free Burghs complain that liberties anciently secured to them had been much impaired 'by certain specious overtures by particular persons who have nothing in view but their own advantage. For example, Robert Buchan, burgess of Abirdene, under colour of preserving his Majesty's Waters from the unseasonable fishing of pearls has obtained a patent by which he

appropriates the privilege of fishing of pearls for himself, a commodity 'which has been ever heretofore customially reaped by the burrowis,' so that they craved that the patent might be recalled and the Burghs allowed to follow their former trade in seeking for pearls and disposing of them.'

In 1632 the King decreed that the monopoly of pearl fishing granted to Robert Buchan is to be revoked, as Buchan 'under collour of preserving our waters from unseasonable fishing for pearl and increasing our yeerlie revenewes,' had taken all the benefits to himself, 'wherein we respecting the ancient custome and lawes of that kingdom preferring the generall good of the publict to our ane particular pretended interest or to the ends of anie privat persoun, our pleasure is that yow call the said Robert Buchan befor yow and discharge his patent and all further prosecution thereby causuing publick by proclamation that all our subjects have libertie freele to fish and take pearls in all rivers and waters in our kingdom for all tyme coming and no other patent be esped heerupon thereafter.'

Buchan did not relinquish his claim without a struggle, and it was not till 1641 that his commission fell into abeyance.

After the Union of the Crowns the vogue of Scots pearls seems to have declined gradually, and in 1705 John Spreull, a jeweller in Edinburgh, wrote: 'I have dealt in pearls this 40 years and more and to this day I could never sell a necklace of fine Scots pearls in Scotland nor yet fine pendants the generality seeking for Oriental pearls because further fetcht.'

A traveller in Scotland¹ about this time mentions 'Mr. Spreull . . . says he has sometimes given 100 Rex. dollars which is near £25 for one Scots pearl and that he had Scots pearl as fine, clear and transparent as any Oriental pearl. Though the latter be more easily matched because they are all of a yellow water, yet foreigners covet Scots Pearl.'

Pennant,² in his *Tour in Scotland*, 1769, says (in writing of the Tay pearls which were 'got out of the fresh water muscles'):

¹ Defoe's *Tour*, with later additions, where there is also a curious account of the medicinal properties of pearls. 'Though the small pearl be not so useful in ornament yet they may be of very good use in Physic and make a fine Article in the Apothecaries Bills, being reputed the chief of all Cordials and very good against the Plague, violent and pestilential Fevers, Fluxes, Heartburning, Giddiness of the Head, Trembling of the Heart, &c. which is sufficient to show that the Pearl-fishery well deserves encouragement since we may be supplied with it much cheaper at Home than from the *Indies*.'

² Pennant's *Tour in Scotland*, p. 88.

'from the year 1761 to 1764 £10,000 worth were sent to London and sold for 10s. to £1 16s. per ounce. I was told a pearl had been taken there that weighed 33 grains.'

About the same time an Aberdeen merchant, Tower by name, got £100 for Scots pearls from a London jeweller. It is amusing to learn that he had expected a hundred pounds *Scots*, which would be about £8, but the London jeweller paid him in pounds sterling!

At intervals pearl fishing was revived, and in 1860 a German, Moritz Unger by name, assisted in restoring it. In 1861 the Scottish pearl fishings were 'singularly successful,' and in 1865 the produce of the fishing in rivers of Scots pearls amounted to £12,000.

It is pleasant to think that Scots pearls are now again being worn, and it is to be hoped that not only 'foreigners' but our own people will 'covet Scots pearls.'

MARIA STEUART.

Social Life in Scotland in the Sixteenth Century ¹

FEW persons, it is probable, went through life without requiring at some time or other the services of a notary. Perhaps the most frequent and ordinary business of those officials was in preparing deeds in connection with the purchase or alienation of land. But these need not concern us here, as we are concerned rather with the personal relations of the community; how and under what conditions they lived, how they loved, quarrelled, married and died. Under most circumstances a notary was always at hand to help or hinder a man. The only event in his life at which a notary did not make his appearance was that of his birth or baptism: no deeds seem to relate to such events.

But with marriages it was very different: obviously a formal deed like a marriage contract required to be drawn up by a person of skill, and we find numerous examples of such documents in the Protocol Books. So early as 1513 there is recorded an interesting instrument, which relates how a certain Lawrence (his surname is not given) was contracted to Besseta Ros; the young couple were evidently not well off, but the youth had prospects of being able to maintain his wife suitably before very long. Meanwhile, her mother in the most complaisant way promised not only to give Lawrence twenty merks at once, but to keep him and her daughter in her own house, supplying them with 'drinkables and eatables,' for four years, and the bride's brother, in addition to becoming security for the payment of the twenty merks, promised to deliver to Lawrence four cows as his sister's 'natural portion.' It seems to have been a not uncommon practice for the parents of newly-wedded persons to agree to give them board and lodging for some time. Thus in 1519 Margaret Tonok in Ayr, about to be married to Gilbert Gibson, gets £22 as tocher from her parents, who also promise that 'they

¹ In continuation of article on *Clerical Life in Scotland in the Sixteenth Century*, as it appears in the Protocol Books of the period. *S.H.R.* xvii. p. 177.

shall keep her honourably with access and receiving of Gilbert when he shall happen to stay with them,' and Gilbert's father gave his son eight merks and also undertook to instal him in a 'malyn' or farm as well stocked as his own; he also came under an obligation to treat the couple well and to sustain them whenever they pleased to stay with him. Not only so, but the parents on both sides bound themselves to 'clothe and repair their offspring in garments and body clothes according to their ability.'

Sometimes the obligations in such contracts involved the payment of money by one of the parties only, the other contributing something in kind. In a contract between Michael Lyel and his daughter Mariota on the one part, and Thomas Lessallis and his son James on the other, it is provided that James should marry Mariota 'in all guidly haist,' and that he should receive from the bride's father £40 'the morn eftir thai be marriet' and another £40 at Martinmas of the next year, 1551. The lad's father made no money payment, but undertook to give the couple a five years' lease of the 'schaddo half of Pitlour,' to sow for them ten bolls of wheat, twelve of barley, and forty of oats, and also at the ensuing Martinmas to give them eight oxen, two horses, thirty ewes and ten 'outcome' sheep, two 'ferow kye,' that is, cows not in calf, and one cow the 'boyle,' probably meaning that James and his wife were to be 'bowers' of this cow from his father, that is, they would pay him a certain rent for it and recoup themselves by the sale of its produce.

Occasionally the lady's tocher was rather of an illusory character, or at least did not come up to the nominal sum mentioned in the contract. When Christina Cleghorn, for instance, the daughter of a worthy burghess of Linlithgow, was about to marry David Binny, her tocher was stated to be £60 Scots, but of this sum she bound herself to relieve her father of £20 'considerand the honest damisolis that the said Archibald (her father) hes by (besides) her that ar to be putt to profit als wele as sche suld be,' in other words that her other sisters should have the same marriage portions as herself. What David Binny thought of this altruistic attitude of his bride is unfortunately lost to us.

There is another rather peculiar marriage contract, also a Linlithgow one, in which the girl's stepfather and mother promise to pay over to her future husband half of their goods moveable and immoveable, surely a disproportionate payment, seeing that there is no obligation at all on the other side; on the

contrary, the bridegroom, John Thomson, must either have been very young or very 'feckless,' as the girl's stepfather further binds himself to 'instruct him in all the points of his craft, called the wabster craft.'

Irregular marriages, *per verba de presenti*, as the legal phrase has it, were not infrequent. In these cases there was no publication of banns or any formal benediction by the Church, although they were sometimes celebrated by a priest, who however laid himself open to censure by his superiors. In 1527 William Cunningham of Polquhairn married Mariota Ross in this left-handed way, but there was a ceremony before a priest, one Robert Wilson, chaplain. The latter took the precaution of getting an obligation from Cunningham and George Ross of Hayning, presumably the lady's father, that they would keep him 'scathless at the hands of all' if he should be called in question for performing the ceremony without requiring the publication of banns and in an unconsecrated place. It is not clear why this marriage could not have been carried out in the usual way as Ross produced a dispensation for the persons concerned, the only known impediment to the marriage being that the couple were within the third and fourth degrees of consanguinity.

Dispensations from such impediments were extremely common, indeed the Church made much money out of them. They were given not only before the marriage but sometimes after. In 1516 Nicholas Stodart and Jonet Mitchell had evidently contracted marriage in some form or other though they were full cousins and therefore within the forbidden degrees. From the phraseology of the deed it is probable that a child had been born, who was of course in the eyes of the Church illegitimate. This may have been the consideration which moved the parties to obtain letters of dispensation from the Archbishop of St. Andrews as Lateran Legate. These letters formally divorced them 'for a certain space,' and enjoined some kind of penance for their transgression. The couple then, 'prostrate on their knees,' presented the letters to Mr. Robert Hamilton, rector of Covington, in the church of the Friars Minor in Glasgow, and he, in terms of the letters, gave an authority to them to contract a new marriage, and legitimated their children, both born and to be born. All this was done before witnesses and Hamilton appended his seal to the document in token of corroboration. This is a typical form of instrument which occurs frequently in the

Protocol Books, though in most cases it is in a shorter form and the statement as to a temporary divorce is generally omitted.

Occasionally, however, the parties had evidently had enough of each other and did not want to be remarried. Thus David Boyd and Janet Smart, his wife, appeared before a notary at Linlithgow in 1553, and the man, declaring that the marriage between them was altogether unlawful 'on account of certain lawful causes,' urged his wife to procure a divorce from him as soon as possible from lawful judges. The lady denied that she knew of any cause of divorce, but that she would not stand in the way of her husband calling her in a suit showing reasonable cause why divorce should be granted according to divine and church laws. What the result of this contention was we are not told, but probably the man got his way.

Children were in these days much more under parental control than they are, unfortunately, now. John Haigis, the proprietor or tenant of the Half Mains of Houston in Linlithgowshire, and his wife grant to their son in 1572 the third rig of the said Half Mains, and the father promises to renounce the whole of the lands in his son's favour at Martinmas of the following year. The son, on his part, undertakes not to marry without 'the advice and tolerance' of his parents; should he do so he loses all right to the lands.

There was a very curious case of marriage and divorce which came before Gavin Ross the notary in 1541. Robert Lindsay, grandson and heir of Alexander Lindsay of Corsbascat, had married, at a date which is not mentioned, a certain Janet Stewart of a family also unnamed. The lady was a very unwilling bride, and she soon after raised an action of divorce against her husband before the Commissary of Kilbride. That judge, after hearing the case, found 'that Janet, compelled by force and fear of death, which might befall a steadfast woman, and coerced by her parents, she unwilling, mournfully objecting and with grief, contracted a pretended marriage *de facto et non de jure* with Robert Lindsay *per verba de presenti*, and in the same manner, though by law unjustly, solemnized her marriage with him in the face of the Church; and the said Janet, remaining always in the same opposition never at any time consented or intended to consent to the said Robert as her husband, and in token of said dissent he never had any intercourse with her as in the libel is fully narrated.' The Commissary then, taking these facts into consideration together with the evidence led, pronounced the marriage

null and void, gave to each party licence to marry again, and ordered any dowry or marriage gift to be returned. Three months after this decree Robert Lindsay found another bride, and having been duly proclaimed 'on three solemn days, ordinary days intervening' in the parish churches of Kilbride and Riccarton, he was married in the chapel or oratory of his father-in-law to Janet Ross, daughter of George Ross of Hayning, a family who, as mentioned above, seem to have had peculiar experiences in their marriages. What the real history of these marriages was we do not know. But it is interesting to note how a girl—forced by her parents into a marriage distasteful to her—was able, without apparently any support from her relatives and indeed in opposition to the will of her parents, to refuse to have anything to do with her husband and to be successful in obtaining a divorce from him. It shows the Church too in a favourable light as the protector of women who believed themselves to be wronged.

There is much information about the ordinary plenishings of a sixteenth century house in the Protocol Books. In 1514 Andrew Campbell of Skerrington received from his mother Mariota Craufurd the following articles amongst others: a caldron or pot containing twelve bottles, presumably of a size capable of containing the contents of so many, a feather bed, a pair of sheets, blankets, coverlets of a green colour, a tin disc or plate, a cushion, a wooden bed with a 'rufe,' in other words a four-poster, a great ark or chest, an armoire and a clothes horse. Of course these were not the sole articles of furniture in Skerrington; perhaps they were the personal property of his mother and were handed over by her to her son after his father's death.

There is a very long inventory of the furniture in Calder House in 1566. It is impossible to specify it in detail, nor is it likely that the family occupied the house very much; they seem to have preferred a dwelling in the burgh of Linlithgow, which will be referred to hereafter. Still the inventory gives us a good idea as to how the house of an influential and leading laird of the country was furnished. The house was a large one, over thirty rooms being mentioned. The furniture on the whole is of a strictly utilitarian type. No carpets are mentioned, the floor either being left bare or partially covered with a few 'lyars'¹ or

¹ So called because they lay on the floor and were not suspended on the walls like tapestry.

rugs, or more likely simply strewn with rushes ; there are but a few chairs, their place being taken by forms or stools ; there are over twenty beds of all degrees, from the stately standing beds of carved work with rods and runners (for curtains) down to the humble 'litigant' (lit-de-camp) beds, a tautological expression for a camp bed which was simply a board and bedding supported on trestles. In one room there are no less than three beds of good quality, two of them carved and the other 'turnit.' In another apartment of lower quality there were four 'fyre' (fir) beds, but they cannot have been of much importance or have taken up a great deal of room. The most interesting list is perhaps that of the furniture of the hall or great living room of the house. In it we find the 'hie burd with twa formis,' that is, the table set on a dais or 'des' at the top of the hall, at which the laird and his wife with any specially favoured friends would sit. Above the table was set 'ane fair paintit brod,' perhaps displaying the coat of arms of the family. Then there was a 'myd burd with twa formis,' which was placed in the middle of the hall, and at which would sit the upper members of the household or guests of a lower rank than their hosts ; there were also three 'by burdis' with their forms, tables with trestles which were folded up and put against the wall when not in use. A 'hart horn' hung on the wall, the only ornament mentioned. There was a wooden stool and a straw chair from Flanders (little furniture was actually made in Scotland at this period), an iron 'chimnay' or grate, and 'ane irne botkin to runge the fyir,' in other words a poker. To light this hall there were three wooden chandeliers (hanging from the roof) with 'fleuris' or ornaments of white iron. Such was the simple manner in which the principal apartment of the house of a laird of high degree was furnished in the middle of the sixteenth century. But this inventory can hardly have included all the furnishings of Calder House.

We get a greater idea of comfort when we turn to a similar document relating to Sandiland's town house in Linlithgow. Here we have not only a sufficient quantity of beds and bedding, but mention is made of bed curtains of satin, damask, and other materials, arras hangings for the walls, no less than thirty-two pairs of sheets, tablecloths, two dozen serviettes and a great deal of other napery. All this was contained apparently in a 'Flanders kist' and another coffer. In the way of furniture we have three velvet and two leather chairs, ten stools of wood and two of leather ; for the dinner table there were a dozen English

pewter plates, with covers, six great plates, probably ashets, with their covers, six saucers (tea and coffee were of course unknown), a dozen trenchers of English pewter and a dozen of Scots pewter, besides a great many kitchen utensils and furnishings. No wooden trenchers are mentioned. The whole inventory conveys a much greater sense of comfort than we found at Calder House itself, and the presumption is that the family found the burghal residence much more habitable than their more stately mansion at Calder.

It is commonly supposed that the clergy of this period, whether of the old church or the new, were not greatly given to studies either in theology or general literature, in fact that they were on the whole ignorant and unlettered. But perhaps there were more exceptions than we have been accustomed to believe. It is at least interesting to find the great Archbishop of St. Andrews, John Hamilton, a natural son of James, first Earl of Arran, lending from his library to James Brown the humble incumbent of the parish of Kirknewton, a really choice selection of thirty-seven books relating both to theology and the humanities. Among the former may be mentioned a Commentary on the Psalter by Petrus Lombardus, the famous *Magister Sententiarum* of the schoolmen; the works in whole or in part of St. Ambrose, St. Clement, St. Jerome, St. Basil, and eight odd volumes of the writings of St. Augustine, a Concordance to the Bible and other works. Some of these were bound in white, probably the usual parchment binding of the time, while others were in red leather or in wooden boards coloured either black or red. In the section of the humanities we find several books by and on Cicero, the *Adagia* of Erasmus, the *History of Philosophy* by Diogenes Laertius, a book entitled *De Modis Latine Loquendi* by Adrian, a curious treatise on ancient coins called *De Asse (et paribus ejus)* by Guillaume Bude, published in 1514, Pliny's Natural History and some more. Altogether a wonderful collection of books with which the country parson could wile away the long winter evenings in his dimly-lit manse of Kirknewton. It says something too for the liberality of the easy-going Archbishop that he should have consented to lend so many books to the parson of a parish so far away from St. Andrews, but it is probable, considering the general character of the prelate, that he was not himself a very earnest student in his library.

Another library is mentioned in a deed recorded at Edinburgh in 1557 by Gilbert Grote. It belonged to Mr. David Whitelaw

of Cauldsyde near Whittingehame, probably a lawyer from the character of most of the books specified. He leaves to a certain Katherine Raite, by whom he had had several children 'all his buikis within his chaulmer,' probably his writing chambers in Edinburgh, together with fourteen specially designed volumes, the work of canonists or civilians. It is hardly necessary to give their titles in detail as the authors are for the most part forgotten, but it is to the credit of the editor of Grote's Protocols that he has been able to identify them all. They are good examples of the dreary studies which the jurists of that age had to undertake.

There is a long will of Isobel Gray, the widow of Alexander Achesoun in Preston, in which are many legacies. Apart from sheets, blankets, cushions, arras hangings and other household plenishings, we may note some of her more personal belongings. To a granddaughter she leaves a gold chain weighing six ounces; other legatee had a ring of gold with a blue stone in it and another ring of gold with a moor's head. Her personal wardrobe was not very extensive; we hear of a black gown, a brown kirtle, 'high meitted clokes of Scots blak,' a new petticoat, two 'paytlets,' a best one of velvet and another, a 'bone grace' or bonnet, an apron and long sleeves of Lille worsted, a gray mantle and a 'best cloke.' This is not a very elaborate wardrobe for a lady who, if not 'of the county' seems to have been comfortably off.

The wife of an ordinary Edinburgh burghess seems to have been better provided with jewellery. The widow of Henry Tindell, having paid out certain sums of money for the tocher of her daughters by her first marriage, leaves to Agnes and Janet Brunton, her daughters by a second husband, three gold rings and 'ane belt of silver ourgilt with gold weand nine ounces.' She reserves power, however, to give her husband or his friends the first offer of them.

Testators, then as now, sometimes attempted to put right by their will any wrongs they may have done in their lifetime. But seldom is there such a candid confession of fault made as was done by John Clerk, burghess of Ayr, in 1531. He, 'moved by the prick of conscience' left certain skins and a doublet to Allan Boyman, brother of the late John Boyman, because the testator had acquired from the said John certain lands in Ayr under the just price. Few purchasers have compunction at buying land at a cheap price, and in this case the difference between what the testator thought the true value of his purchase and the sum which he

actually gave does not seem to amount to very much if it was only represented by some skins and a doublet.

It was not uncommon for elderly people to surrender their lands and goods to their children or others on condition of being kept comfortably for the remainder of their lives ; very much the same thing indeed as purchasing an annuity is in modern days. Thus George Cambell, in 1519, gives to his son William the lands on which he lives and all his goods, together with the tutelage and charge of his daughters. William, prudent man, accepts the tutelage only on condition that the said women 'fulfilled his counsel'; otherwise he promises to receive and sustain his father in lodging, bed and table, in eatables, drinks and clothes and other necessaries of life according to his status. And in 1551 Margaret Haliburton, relict of Adam Tunno of Hairheuch renounced her right to her terce of these lands in favour of Adam Tunno and his father William, reserving to herself the property of Eliotlaw for her lifetime. In return for this Adam promises to allow her food and clothes 'befitting such a well-born woman' a well-covered chamber, with one maid and fire and other necessaries during her lifetime. As in many other documents it is expressly stated that the party making it is not compelled nor circumvented, but makes it of her own free will. Lower down in the social scale more modest provision is made in similar instances. Old Mrs. Mutar in Kynneill gets from her son James 'a butt of land sufficient to hold a peck of beir sown, a little house bewest the cheek of his door, a piece of yard and twelve merks a year.'

When a young man made choice of a profession or trade he was entered an apprentice under conditions which seem astonishing in our days, but which no doubt had the effect of turning out craftsmen who knew their work and had a pride and pleasure in it. Take the case of Simon Watson, who in 1555 was, with the consent of his mother, bound apprentice to John Mytok, shoemaker in Edinburgh, for the term of six years. He was to serve for five years for meat and drink only without any wages whatever; his clothing was to be at his own and his mother's expense; the wording of the deed is obscure—of course it is only a condensation of the actual indenture—but sometime or other Mytok was to pay him £6 10s. Scots. The master on his part undertook to instruct his apprentice in all points of the craft and to conceal nothing from him; the apprentice on the other hand bound himself to be a good, true, leal, and thankful servant, and not to hurt nor harm his master in any way.

Stress of circumstances occasionally compelled persons to enter into obligations which would hardly be enforceable in our day. In 1575 John Thomson in Drumcours and his wife Margaret Johnston bound themselves to be servants for life to James Ker in Craigfyne, weaver, and Janet Henderson, his wife. They were to live in the household with them and to hand over all their goods and gear; in return they were to be found in all meat, drink, clothing, and in the case of the death of Ker or his wife half their goods were to come to John and Margaret; perhaps the latter were a shrewd couple, and the bargain may not have been a bad one for them after all.

Servants sometimes got no wages at all, or at least these were much in arrear. One lady solemnly leaves in her will enough money to her servant to pay for her wages which were due for the last three half years; and an old gentleman, being 'agit and seiklie,' assigns to Catherine Cairns, his servant, the crop for 1576 of an acre of land of which he was the tenant, and also the teind shieves for the same year of certain other lands, because he was owing her 'hir fee for hir service the space of six years bigane and thairfor because he hes na maney nor silver nor uthir affaris to satisfie hir with.' Such were the expedients to which an impecunious laird of the sixteenth century, much in need of actual cash which was but scarce in the country, had to resort.

Some interesting items in regard to crime appear in these books. We know, of course, that there were certain sanctuaries throughout the land where offenders could temporarily shelter themselves from justice. Among the best known of these were the lands belonging to the Knights Templars, and their boundaries were generally indicated by crosses, but sometimes this does not seem to have been the case. In 1521 Leonard Clark, bailie of the burgh of Ayr, demanded that David Blair, one of the burgesses, should deliver to him a certain Irishman, who had stolen a jacket out of Leonard's boat and who was then in Blair's house. He was, however, met by the allegation that the house was really a Templar tenement, and as such was, and had been, an asylum, 'girtht' and refuge to offenders for twenty-four hours. It is not recorded whether or not this defence was successful, or if the peccant Irishman was arrested at the end of the twenty-four hours.

It is surprising to find that a peer could not become security for a criminal, at least if he were charged with murder. Even such a high and mighty person as John Earl of Lennox, when he

offered himself as surety for Campbell of Skerrington and others who were accused of the slaughter of James Cathcart of Carbeston, was refused in that capacity by the King's Messenger. The latter official must have been sure of his ground and had a strong sense of duty before he thus ran contrary to the desires of a nobleman who was at that time, 1521, one of the guardians of the young king, and had influence to have made short work of the Messenger had he so desired. Another ineffectual offer to become security for a murderer was made by that Leonard Clark whom we met with before as having had his jacket stolen from his boat. He offered himself as security for John Craufurd of Drongan, accused of murder, to the Royal Macer, the Sheriff of Ayr, or any other person having authority. Nobody appearing to receive his security, he protested 'for remedy of law' that it should not prejudice the accused.

A macer or 'claviger' was in these days a more important official than he is now. Charles Campbell in Bargour being sued for debt before the Sheriff Depute of Ayr, stoutly asserted that being a 'masar' he ought not to be tried by the Sheriff of Ayr or his Depute, because he was under the special jurisdiction of the Lyon King-of-Arms, and ought to be tried by him. The terms of the Instrument are not very clear, but it rather seems that his contention was upheld.

How Patrick Richart of Knokgoif clearly contravened the law and flouted the authority of the Lyon is shown in an Instrument of 1518, in which Patrick acknowledges that he had made a certain leaden seal, containing the figure of a military horn or trumpet 'in arms,' that is, presumably on a shield, and his own name engraved on the circumference, which seal he 'approved, owned and ratified.' What the penalties were in 1518 for taking heraldic law into one's own hands we do not know, but probably they were sufficiently terrible; within the same century, in 1592, the Lyon King-of-Arms and his heralds were given a commission to visit the arms borne within the realm, and to inhibit any unauthorised use of such, under pain of escheat of the articles on which the arms were engraved or painted, together with a fine of £100 or imprisonment. Arms were practically useful in those days, especially for putting on seals in order to authenticate documents, at a period when many men even of good position were unable to write. The loss of a seal was therefore rather a serious matter; in 1523 this misfortune occurred to William Craufurd in Ochiltree, and in consequence he made public pro-

clamation of the fact that his seal was missing and had been carelessly lost by him, by the hands of John Cunynhame, King's serjeant, at the market cross of the burgh of Ayr.

There is a curious formal acknowledgment of an armorial seal in a deed executed by Janet and Lucy Cairns in 1524. They had come under certain obligations to Adam Wallace and his wife Jonet Maxwell in relation to certain lands. Jonet Cairns, 'uncompelled by either force or fraud,' declared that she had chosen for herself the state of religion and that it was her intention to enter the nunnery at Haddington. She accordingly 'acknowledges' her armorial seal, made in lead or pewter, containing the figures of three birds, with the legend 'clearly cut' round it 'S. Jonete (Canis).' There are several seals still extant which bear the arms of Cairns—three martlets—but they all have some difference as belonging to cadets of the family. It is doubtful if Jonet had really any right to the undifferenced arms belonging to Cairns of that ilk, as she was the daughter of Henry Cairns of Dankeith, and not apparently a daughter of the head of the house, who alone had the right to the arms. Indeed at this time there was no such family as Cairns of that ilk; it had disappeared in the male line more than a century before through the marriage of an heiress to Stephen de Crichton.

Doctors had evidently to walk with wary steps or they might be exposed to an action of damages on the part of the relatives of a patient who might happen to die under their hands. Thus Alexander Dera, *Medicinator et curator in arte vulnerum et aliis infirmitatibus*, makes a contract in 1540 with John Caling, who had been severely wounded, by which 'after laying hands on his wounds' he undertook to do his utmost to cure John. The latter, on his part, discharged the doctor of all responsibility in connection with what should be done for his cure, whether he should happen to live or die, and promised, along with his wife and children, not to pursue Alexander at any time to come.

There are many instances of matters referred to arbitration. Not the least curious is a case proceeding on the narrative that Sir John Faw, chaplain, and Duncan Laythis, layman, had been having a game at tennis together. Laythis averred that the chaplain had served a ball with so much force and presumably with so little skill, that it struck Duncan's eye and put it out. But Duncan rather gives himself away by stating that it was done 'by accident,' and, if so, it is difficult to see how he could be successful in his claim for damages. However the parties amicably

agree to submit the matter to the decision of two arbiters, Sir Thomas Layng and Henry Hunter, both chaplains. It says much for Duncan's trust in the impartiality of the Church that he should have consented to a remit to two priests whose sympathies would naturally be with their fellow cleric. But such was the case, and the arbiters solemnly accepted the onus of deciding between the parties, and named a day for the proof and another for the judgment on it. The result of their deliberations is not chronicled.

There was no 'prohibition' in the sixteenth century, and thirsty souls got as much as was good for them and often a good deal more. Ale was the principal drink of all classes in Scotland in the sixteenth century; it was made without hops and its price varied from one to two shillings a gallon. Bishop Leslie gives it his benediction and describes it as 'maist halsum.' But wine could be freely got, and at very moderate price; in 1567 Parliament fixed the price of Claret at a shilling a Scots pint, and Rochelle eightpence, while Cognac was tenpence. Whisky was made and drunk to a certain extent, but it was not the popular national drink then, and its greatest consumers were the inhabitants of the Western Isles. Port was practically unknown.

So long as a customer had credit he could run up a bill at a tavern for a considerable amount. Archibald Cleghorn kept a public in Linlithgow along with his wife Margaret Loverance (a pretty name which only survives in the less euphonious form of Lawrence), and a certain bibulous person, Robert Loch by name, residing in Ochiltree, had incurred a bill to him of £10 8s. Three pounds of this had been paid, but the tapster's patience got exhausted and he repaired to the notary, whose chamber was conveniently situated next door to the tavern, and there an obligation was drawn up by which Loch obliged himself to pay the balance of the said money owing. This was in January 1575, but Loch's habits either in the matter of drinking or paying did not improve. Not a penny of the money did the landlord or his wife see; on the contrary, six months afterwards Loch gives a new obligation to pay the old sum with the addition of £3 12s. 4d., which had been incurred since the former date. By the 11th September he was still owing £11 8s. for 'borrowed money, dinners, suppers and lawings,' the last a generic word for tavern reckonings, for which he gave a further obligation. Shortly after he appears to have cleared his accounts, but immediately began a new score, which amounted on 18th March 1576 to 30s. 4d., for which he

as usual gave a further obligation. On 17th November, 1576, the debt stood at fourteen merks seven shillings, and though the creditors must have been paid some time thereafter, there was a fresh bill of 14s. incurred for drinks consumed from 9th August, 1577, to 2nd February, 1578. This is the last we hear of this drouthy customer.

The above items, taken almost at random from the Protocol Books, throw an interesting light on the manners and customs of our forefathers. We may think them quaint or funny, but they were neither the one nor the other to the persons concerned, merely ordinary occurrences in their daily life. They are grouped round an important period in Scottish history, when the old order was changing or just about to change. By the next century more modern conditions had set in, consequent on the influence of the Renaissance in Scotland, as felt chiefly through the Reformation, and the growing wealth of the country after the Union of the Crowns in the beginning of the seventeenth century. All this is admirably set forth in the remarkable series of Rhind Lectures delivered this spring by Mr. Warrack.

We might not expect to find so much information on social life in the apparently dry records contained in the Protocol Books of obscure country lawyers; we owe a debt of gratitude to the Scottish Record Society for having given historians easy access to those illuminating documents, and we trust that in future, aided by an increase in the membership, the Society may continue the good work it has carried on for a considerable number of years, and will publish still more annals of the past, which will add to our knowledge of the life and personality of our ancestors.

JAMES BALFOUR PAUL.

The Navy in the Great War

FROM such a book as this we are not to expect the vivid personal touches, the sense of adventure, the atmosphere of romance. Sir Julian Corbett has far other aims than to thrill or captivate us. His is a task onerous indeed, and weighted with serious responsibility; no less than to tell the whole and exact truth concerning the naval operations of the great war—in a word, to write the official history.

And he is perforce, therefore, occupied with much and minute detail, abhorrent to the general reader. Popular historians confine themselves to the great battles—St. Vincent, the Nile, Trafalgar—the single supreme days, the lofty mountain peaks in the landscape of time. They say little of the dreary intervening years, the valleys, as it were, of unceasing toil, bitter hardships, harassing anxiety, which occupy, for those who care to examine it, by far the larger area of the authentic record. The battles, taken by themselves, distort the perspective; they are the merest pin-pricks on the chart of history.

During the late war, well-nigh interminable as it seemed to most of us, a brief twenty-four hours probably covered the actual engagements in which heavy vessels took part. One might almost say they were fought in less time than it takes to read of them. Coronel, of bitter memory, was over in an hour; the Falklands, a leisurely affair, occupied five or six; Sidney against Emden, a single-ship action, lasted less than two; Jutland, one of the decisive 'indecisive' battles of the world, began at three o'clock in the afternoon, and was practically at an end before nine. About fifteen hours in all for these earth-shaking events! Battles at sea are like thunderstorms, sudden, terrific, and soon over. The end, delayed in land encounters, is reached with alarming

¹ *Naval Operations, History of the Great War based on Official Documents, by direction of the Historical Section of the Committee of Imperial Defence.* Vol. i., to the Battle of the Falklands, December, 1914. By Sir Julian S. Corbett. Pp. xi. 470. 8vo. With 18 maps in case. London: Longmans, Green & Co., 1920. 17s. 6d. net.

swiftness. For this reason, that supreme issues often hang in the balance there, and the destinies of nations are determined in the twinkling of an eye, to naval engagements belongs a feverish and dramatic interest. And our attention, as is natural, rivets itself upon these hours of doom.

There are still other reasons why, to the exclusion of the intervening time and dull detail, they arrest the mind. Theirs is the romance of the sea itself, a purer element than earth, unstained, untortured even by man's most infernal activities, and subject to moods more capricious and incalculable. The combatants, moreover, as in ancient and chivalric days, enter the arena groomed and gloved, one might say, much as they would enter a drawing-room, and, emerging from a titanic contest, may sit down to a dinner-table adorned with flowers and shining with crystal and silver. In warfare at sea—and here is another touch of romance as of justice—the risks are the same for all—from powder-monkey to admiral. Like the heroes of epic story, the leader shares all the perils of the combat. Not for him, as for the Commander-in-Chief of land armies, a peaceful office out of hearing of the guns, a hundred miles it may be behind the actual scene of battle. The bond of a common and imminent danger unites the whole fleet; nor, when the ships are within range, is the life of any man, whatever his rank, secure for a moment. A single salvo, a single well-directed torpedo may dispose of a thousand men, an entire ship's company. There are no privileged or protected persons in a sea affair.

But it is with scientific history, not with romantic adventure, that Sir Julian is concerned, and we have here a volume of nearly five hundred pages which deals with no more than the first four months of war—from its outbreak to the Falklands. Yet these months covered operations of the first magnitude, and exhibited, as in a prophetic mirror, the probable course of future events. Looking back upon it all we perceive that, save for the submarine attack upon British trade, little that was unforeseen or 'out of the picture' took place at sea. The enemy did what was expected of him, pursued the world-old policy of the weaker power, the policy of avoiding fleet-collisions and concentrating effort by means of raiders, submarines and mines upon two objects, the gradual attrition of our fighting strength and the interruption of our sea communications.

Fleet-actions were not in Germany's programme. A fleet in being, ever threatening to strike, awaiting a favourable moment,

husbanding and adding to its formidable sources, constituted, she knew, an embarrassment the British admirals would gladly have exchanged for an open trial of strength. Once, therefore, the deployment of our fleet had taken place, once our battleships and cruisers were upon their war-stations at home and over all the seas of the world, no crisis was to be expected. The cards had been dealt, and the game took on that 'dead and uneventful character with which our ancestors were so familiar.' But we had not been students of our own history, and the uninstructed public early began, through the pens of eager journalists, to enquire, at times derisively, what the navy was doing. The first duty of the British fleet, so the newspaper strategists informed us, is to seek out and destroy the enemy's fleet—a fleet, be it observed, out of all sight and hearing, buried behind barriers the most impenetrable ever constructed. This ridiculous and unhistorical doctrine was, as Sir Julian Corbett remarks, 'nowhere adopted with more unction than in Germany,' and our enemy's elaborate and reiterated taunts, the merest propaganda, that the British fleet had lost its old offensive spirit, and lay inactive, unadventurous and in hiding, unhappily found echoes among ourselves.

The chief function of the fleet—and there is no second function—is, must be, and always has been to secure for British and friendly vessels perfect freedom of action and to deny it to our enemies. To secure such command of the sea it may be necessary to fight, but if the end can be secured without firing a gun or losing a life, so much the better. Naval battles are not fought for glory. From the outbreak of war Germany's ocean trade was paralysed—that half of the task immediately and completely achieved. The other half, protection of our own trade routes against mines, submarines and enemy cruisers, presented a thornier problem, and occupied practically all our naval energies for the remaining years of the war. 'When we consider,' writes Sir Julian, 'the prodigious nature of the task, the unprecedented volume of trade, the tangled web which its crossing routes wove round the earth, and then how slender was our cruiser force beside the immensity of the oceans, and how in every corner of them the enemy was lurking, all defects are lost in the brilliance and magnitude of the success. We have now, after our manner, ceased to wonder at it, but the fact remains that, for all we may point to occasions and places when more might have been done, the success of the defence over the attack went beyond everything

the most sanguine and far-sighted among us had dared to hope, and beyond anything we had achieved before.' We were in a sense prepared. In the great War-Book the gigantic and necessary plan had been worked out in every particular. 'The requisite telegrams—amounting to thousands—were carefully arranged in order of priority for dispatch in order to prevent congestion on the day of action; every possible letter and document was kept ready in an addressed envelope; special envelopes were designed so that they could be at once recognised as taking priority of everything.' From the *Warning Telegram* to the *War Telegram* the machinery worked with perfect smoothness, and when the *ultimatum* to Germany was dispatched Admiral Jellicoe was already at sea.

In this sense we were prepared, and such readiness was all the more necessary since the naval force at our disposal in 1914 was none too strong. Light cruisers and destroyers were far too few, and but for a miracle, the amazing auxiliary force built up from the mercantile marine and fishing fleets and the indomitable spirit of their crews, we should have been in very evil case. Happily the meaning of the phrase 'a maritime people' magnificently revealed itself. Tramps, drifters, trawlers, yachts, motor-boats, an unparalleled and heterogeneous collection of vessels, gathered to the fray. 'There had been nothing like it,' as Sir Julian writes, 'since the distant days when the mercantile marine was counted as part of the Navy of England—nothing to equal it even in the heyday of privateering, or in the days of our floating defence against Napoleon's invasion flotilla.' 'Our nation was in arms upon the sea,' an inspiring spectacle, which, while it astounded our adversaries, offered the most convincing proof that, however time had changed the conditions and science the weapons of war, England was old England still.

It would be manifestly impossible to follow here the record of naval doings in the busy and early months of war—the destruction of German wireless stations throughout the world, the hunt for German cruisers among all the isles and oceans, the convoying of transports from India, Canada, Australia, the transfer of the Expeditionary Force to Havre, the co-operation with the army in Turkey, Egypt, and off the French and Belgian coasts. But the circumstantial survey of its multifarious activities—not always successful, as the escape of *Goeben* and *Breslau* bears witness—will give Sir Julian's readers some conception of the nature and magnitude of its appointed task. More particularly will it make

clear what formidable additions were made to that task by the constant change of army plans. Take one instance. On August 29th the military leaders decided to evacuate Ostend and transfer the army base from Havre to St. Nazaire. It is easy to write, but what an undertaking! Not to speak of officers, men, horses, 60,000 tons of oil, for which tankers were necessary, and a prodigious collection of military material had to be shipped, transported and unshipped. In the final six days of the evacuation there left Havre 20,000 troops, 4,000 horses and 60,000 tons of stores. Though it drew no admiring gaze this feat deserves, in Sir Julian's words, 'to be enshrined in national memory.' Take another case. Who does not recall the nightmare of Zeebrugge, that painful thorn in the side, from which the attacks on our Channel ports were incessant and exasperating? And who did not ask himself why, before we evacuated that port, were the mole and harbour works not destroyed? That the naval authorities had overlooked so crucial a matter no one could believe. Sir Julian's record supplies the answer to the problem. With the greatest reluctance the Admiralty left Zeebrugge intact at the request of the War Office. It was to be a port of re-entry when the great flank attack on the German armies took place. What charming optimism! And what a price in anxiety, hostile criticism and loss of human life the navy paid for it.

There are few pages in this book which do not add to our knowledge or refresh our memories. The distribution of our naval forces on the outbreak of war, the co-operation of the navy with the army in the Eastern Mediterranean, the Cameroons and the Persian Gulf—a story in itself—the search for the elusive *Karlsruhe* and the mystery of her fate, the convoy system by which the submarine campaign was baffled, the scheme of channel protection, the operations at Tsingtau, the Antwerp affair, the loss of *Audacious* and reasons for its concealment—these and a thousand other matters, with elaborate maps and plans of naval engagements, make of this volume a veritable encyclopaedia of information. Of Coronel and the Falklands—thrilling narratives both—we have a vivid and detailed account. Naturally in those early months, while *Emden* and Von Spee's squadron were at large, there could be no security for either trade or transport, and before and above all else, save the watch upon the High Seas Fleet, a net for the enemy cruisers had to be woven. Vague and incessant rumours of their activities and intentions ran over all the world, and tremors were felt in every sea.

Then came Coronel, a severe blow to British prestige, which brought matters to a crisis. Craddock's heroic intention to cripple the enemy even at the cost of his own destruction, if this be the true interpretation of his action, cannot but elicit admiration. Whether justifiable or not, it compelled at least an instant *riposte*. There could be no question of delay, no temporising with so ugly a situation. It was felt, and rightly felt, however the blame might be apportioned, that the continued existence of Von Spee's powerful and menacing squadron gravely discredited the Admiralty. With the utmost haste and secrecy the battle cruisers *Invincible* and *Inflexible* were detached from the Grand Fleet, and, with Admirable Sturdee in command, dispatched on their avenging mission. Then befel the greatest, indeed the only stroke of luck, with which the Navy was favoured throughout the whole war. Unconscious of Sturdee's presence, Von Spee timed his arrival at the Falklands as if in response to an invitation. Coronel had been fought in a fierce tempest, but on December 8th, when *Gneisnau* opened the harbour of Port Stanley, with no suspicion of how that day would end, the sea was hardly ruffled and the sun shone bright. One look within the harbour was enough, she saw the battle cruisers, knew the game was over, and with the rest of the German squadron made off at full speed to the east. For Von Spee there was indeed no hope, he knew that Coronel was about to be avenged, and that Craddock's fate would be his ere sunset. The details of the action are curiously incomplete and even conflicting. According to one German survivor the German ships scattered, each endeavouring to escape at her utmost speed. Sir Julian Corbett credits Von Spee with the honourable decision to sacrifice his more powerful cruisers to save the rest. It is difficult to accept the suggestion. He had not the speed to save himself, the alternative was to fight or to surrender. The precise movements and positions of the vessels engaged at various stages of the battle are in doubt, there are gaps in the record, and one has suspicions that with so overwhelming a superiority in guns and speed, victory might have been more swiftly achieved. Complete, however, but for the escape of *Dresden*, it was, and since *Emden's* meteoric career had already closed British control of the outer seas was from that day forth unchallenged.

Sir Julian's first volume more than fulfils all reasonable expectations. Quiet and measured in tone, as befits his rôle of responsible historian, without inflation or rhetoric, it forms a worthy

record of events and achievements never to be forgotten. It illuminates much that was obscure in the military as well as in the naval history of the tempest we have so recently weathered, and can hardly fail to bring home once more to English readers our utter and absolute dependence upon the command of the sea.

W. MACNEILE DIXON.

Reviews of Books

THOUGHTS ON THE UNION BETWEEN ENGLAND AND SCOTLAND. By Albert V. Dicey, K.C., D.C.L., LL.D., Fellow of All Souls' College, Oxford, and Robert S. Rait, C.B.E., Historiographer-Royal for Scotland, Professor of Scottish History and Literature in the University of Glasgow. Pp. xxvi, 394. 8vo. London: Macmillan & Co. 1920. 16s. net.

THIS book does not propose to be a history. It is rather a commentary upon a great transaction. It tells how that transaction, after presenting almost insuperable difficulties up till 1703, became possible and was carried through four years later.

The learned authors begin by pointing out the ignorance 'even of the educated English gentleman' about the Act of Union between England and Scotland. Till recently he knew little or nothing of the old Parliament of Scotland, and would often confuse the Union of Crowns with the Union of Parliaments. After this book he will have no excuse. It provides a remedy in the shape of an apparatus of admirable clearness, order and facility of use. The graces of narrative are willingly forgone. The object of the work is to set forth the 'thoughts' of its authors, which may be, as they explain, conclusions, or assertions of very plain, but often forgotten, fact. The 'thought' or proposition is made conspicuous by italics. The 'comment' or demonstration follows in orderly numbered and titled paragraphs, each abundantly exploring and illuminating its subject. No text-book could be more conveniently arranged. The authors draw upon the labours of Scottish historians and students of history who for the last sixty years have investigated the subject with infinite care. The greater part of the second of the ten chapters has already appeared in the pages of this *Review*.

Part I. is devoted to the parliamentary government of Scotland from 1603 to 1707, Part II. to the passing of the Act of Union, and Part III. to that Act and its results.

The authors explain that the Parliaments of England and Scotland were alike in resting on the same feudal and medieval ideas, but were unlike in two great facts. The English Parliament had long held legislative authority, and since Henry IV. had been the centre of English public life. The Scottish Parliament rather registered the laws made by the executive government than legislated on its own authority, and it was never a centre of Scottish public life. But the Revolution Settlement, in England a conservative movement, was in Scotland revolutionary, and from 1690 the

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Scottish Parliament was generally predominant both in legislation and administration.

Union had often been attempted. Edward I. had, after a century of peace between the two countries, tried to unite them by the conquest of Scotland. His efforts brought on a long period of incessant hatred and fighting, and delayed complete union for four hundred years. But an effective step was taken in its direction when Henry VII. married his daughter Margaret to James IV. in 1502; and when, in consequence, James VI. of Scotland succeeded in 1603 to the English sovereignty as heir to Elizabeth, the two countries had now one king, although they had two separate legislatures. The authors well point out the essential difference between a union of crowns and a union of parliaments—that is, of countries. James was king in both countries, but his English Parliament could make no law for Scotland, nor his Scottish any law for England.

James tried, and failed, to bring about a complete union. Cromwell made a temporary one by conquest, and under it Scotland sent representatives to the Commonwealth Parliament at Westminster, though she retained her own laws. Under Cromwell both countries tasted the mutual benefits of free trade. And both were unwilling, but Scotland, the poorer country, the more unwilling, to relinquish these. An attempt to arrange a union of Parliaments was made under Charles II., but the commission appointed could not reach an agreement. William of Orange did what he could to promote a union, and urged it from his deathbed. Queen Anne followed his counsel. She was no sooner queen than she asked the Parliaments of England and Scotland to appoint commissioners to draw up a treaty of union. They also failed to agree.

England had strong motives for the union. She was at war with France, Scotland's ancient ally, and *Le Roi Soleil*, who had the best army in Europe, had acknowledged the title of the Pretender to the crowns of both England and Scotland. Marlborough's victories in Flanders were still in the future. The Scots, or a large number of them, might attempt to restore the Pretender, rouse the English Jacobites, and bring about a civil war. The English Parliament had settled the succession to the crown of England on the Princess Sophia of Hanover or her heirs, being Protestant. It was needful that the Scottish Parliament should secure her succession to the crown of Scotland.

That Parliament passed two Acts, one reserving to itself the power to make war or negotiate treaties of peace, commerce, or alliances; the other providing for the honour and sovereignty of the Scottish Crown and kingdom, frequency and power of parliaments, and the freedom of the religion and trade of the nation from English or foreign influence. This Act also ordered the nation to be put in a state of defence, and called out the able-bodied population for that purpose. Scotland was determined on an arrangement satisfactory to her or complete separation and independence.

England retorted by the Alien Act of 1705, which offered the Scottish Parliament the opportunity of negotiating for a Treaty of Union, and enacted that, from next Christmas and until the Scottish Parliament should have made a law settling the Hanoverian succession, Scotsmen should be

aliens in England, and trade between the two countries in many most important articles prohibited. The authors regard this Act as most prudent and statesmanlike. It contained, they say, no word that interfered with the dignity or independence of Scotland or the sovereignty of the Scottish Parliament. It was meant to make clear to Scotsmen that the settlement of the succession or an Act of Union was a political necessity to both countries.

The conflict of the Parliaments, as the book shows, brought about the Act of Union. In 1705 an Act of the Scottish Parliament for a treaty with England was passed, and it left to the Queen the nomination of the Scottish commissioners. The treaty was drawn up in London by the joint Commission, which was not allowed to deal with religion. It was laid before the Scottish Parliament first, which discussed, amended and passed it, adding an Act which provided that the national Presbyterian Church of Scotland as it now existed was 'to continue . . . in all succeeding generations,' and agreeing beforehand to a similar Act for the security of the Episcopal Church of England to be passed by the Parliament of England.

The authors describe the Act of Union as the most beneficial statute which the Parliament of England or Scotland ever passed. But they think it probable that a plebiscite of either country would have rejected it. They recall, however, the power of tradition in favour of union, the interests of Protestantism, and the pressing need of Scotland for material prosperity and therefore for free trade. The Scots were a very poor, but a thrifty and ingenious and enterprising people. They had not lost the opportunity of the Commonwealth. They had built up a trade with the English colonies, in many of which they had 'kindly Scots' to aid them. Masterless men and women, 'obstinate phanatics,' 'absenters from church,' and prisoners after battle had been freely sold to service in the plantations. Many had gained freedom, some had prospered and risen to influence, and most could be relied on to aid their countrymen in evading, for mutual profit, the English restrictions. The free trade was all important to Scotland's prosperity. But England had her interests in it too. The American coast was too long, its inlets too many, and its people too independent for England to stop the trade, however she might hamper it. And, as English merchants protested, if Scotland could not buy goods in England to barter with the colonists she would buy them in Holland and elsewhere, and the colonial tobacco and other produce with which she paid for them would go to the Continent instead of to England, and be carried in foreign instead of English ships.

The penultimate chapter of the book is devoted to the 'thought' that, under the Act of Union, the people of Great Britain (1) accepted the constitutional arrangements created by the Act; and (2) acquiesced in the unity of the country and in the sentiment that the inhabitants of Great Britain form one united people, at any rate as against foreigners. Only with this latter did the Act become completely successful, and it is worth noting that the authors give it a century for the process. They point out, too, in the fine summary given in an epilogue, that it was not the extraordinary wisdom of the Act of Union, based as it was on a real mutual contract, nor

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was it any wise act of any statesmen or body of statesmen that was the final cause of its passing. The true and essential cause was the course of events and opinions.

As the authors show, the Union has by no means destroyed either English or Scottish nationality. A single form of religion is plainly no necessity to nationality, for the Act which made Scotland and England one nation established a different form of religion in each. Nationality is not easy to define, and does not perhaps always exist where it is most loudly proclaimed. But if it means traditional national sentiment, national pride, a country's own laws, its own education, language, literature and thought, then each country has preserved it. Even the foreigner to whom Great Britain is one country does not fail to differentiate Englishmen from Scotsmen.

The book is, and not for Englishmen only, a valuable help to the full understanding of the Union. It is not a substitute for the history, but one understands the history much better for having it. Other writers will doubtless estimate differently some of the forces engaged, and place some at least of their influence in different proportion. But it need hardly be said that this serious and valuable work of the venerable Oxford professor and his distinguished collaborator cannot be neglected by future students of the subject.

ANDREW MARSHALL.

ROMAN ESSAYS AND INTERPRETATIONS. By W. Warde Fowler, M.A., Hon. LL.D. Edinburgh, etc. Pp. 290. Demy 8vo. Oxford: Clarendon Press. 1920. 12s. 6d. net.

DR. WARDE FOWLER in his Prefatory Note hints at a doubt as to whether he has done right in reprinting and revising these papers, but leaves a decision to the critics. It will be strange if the verdict is not a unanimous one. It would have been a real loss to classical learning if the miscellaneous articles which the volume contains had not been made generally available. Besides, a good deal of the material has not been published before, and anything that the author writes on the subjects of which he is a master deserves the careful attention of students. The interest of the book is very varied, so that everyone is likely to find something to suit his taste. The biographical sketches of Mommsen and Niebuhr and the essay on the tragic element in Shakespeare's *Julius Caesar* will naturally make the widest appeal. They will be read with pleasure and profit by many whose knowledge of Latin has long since forsaken them. But, as might be expected, the fare provided for the specialist in more than one department is equally appetizing.

Dr. Warde Fowler's profound knowledge of Roman ritual and religion is here brought to bear upon a number of isolated problems, and always with illuminating results, the happy issue being materially facilitated sometimes by his nice sense of the precise meaning of Latin words, and sometimes by his familiarity with Nature and her ways. Typical instances are the essay on 'The Latin History of the Word *Religio*' and that upon 'The Oak and the Thunder-god.' The 'Note on Privately Dedicated Roman Altars' is valuable, but it stops short at a point where some of us would have welcomed

more light. How are we to interpret the fate that overtook so many Roman altars when Roman forts in Scotland and elsewhere were abandoned? Were they huddled into pits by the triumphant barbarians? or were they concealed by the retreating soldiery to save them from desecration? The discussions on selected passages from Horace and Vergil are most instructive, and one can pay them no higher compliments than to say that they will be most appreciated by those who are most familiar with the originals. As an interpreter of Vergil, in particular, Dr. Warde Fowler has won for himself a unique place. It is perhaps too much to hope that he will ever give us the complete commentary which has long been overdue. But we can at least assure him that we can never have too many such chips from his workshop as he has set before us here.

GEORGE MACDONALD.

THE QUIT-RENT SYSTEM IN THE AMERICAN COLONIES. By Beverley W. Bond, Jr. With an Introduction by Charles M. Andrews. Pp. 492. 8vo. New Haven: Yale University Press. London: Humphrey Milford. 1919. 12s. 6d. net.

CONTRIBUTED to the *Yale Historical Publications*, this historical study by Professor Bond of a mode of land-tenure transplanted from England to the American colonies, should specially interest students of feudalism. It brings much unfamiliar fact of the new world to illustrate the institutions of the old country, of which the American facts were a sequel. Just as the charters of great tracts of America gave off the lands as if appurtenant to royal manors in England, such for instance as the Castle of Windsor or the demesne of East Greenwich, so the symbol of territorial ownership under the colonial law and title deed, following the English model, was the fixed rent or quit-rent, best known in Scotland as a feu-duty. The institution generally speaking never had a hearty welcome across the Atlantic, where it was felt to be a restraint upon the completeness of the freehold, and to savour of servitude. Historically in England it was a commutation in money of medieval villein obligations, so that in America, in spite of its character as a free and common socage (there were no copyholds in America) it had a touch of the unfree about it which made it unpopular with colonists emancipated from dependencies scarcely felt to be such in England.

States varied in their attitude to it. Massachusetts forbade quit-rent in 1641, Connecticut in 1650, and Rhode Island in 1663. West Jersey abandoned it, and in New Hampshire too it declined and tended gradually to pass into abeyance. In Carolina also it became a virtual failure. But it flourished in Virginia, and in New York it was not extinguished until 1846.

One phase of historical importance was that of the place the system had among the grievances which came to a focus in the Revolution, of which it was a contributory cause. Land speculation always counted as a factor of disturbance in colonial politics. Diversities of practice in administration and collection of quit-rents in both the proprietary and the crown colonies, accompanied by errors of policy regarding them, made the system itself not

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merely unpopular but publicly controversial; and opposition to it developed strongly in all the proprietary colonies. Professor Bond hints that the action of the British authorities in giving up quit-rent in Canada after the American Revolution was an indirect acknowledgment of mistaken policy with the colonial States. Apparently, however, it was no more than the logical outcome of administrative experience, especially in Quebec, where a competing French method of tenure had sharpened the issue, and where the British Government as far back as 1771 had realized that quit-rent had failed. After tenure becomes politics its days are apt to be few and troubled. Professor Bond deserves the thanks of investigators here as well as across the ocean for a post-feudal study, in which tenurial law, colonial development and revolutionary politics intimately combine.

GEO. NEILSON.

THE ENGLISH VILLAGE: A LITERARY STUDY, 1750-1850. By JULIA PATON. Pp. xii. 236. Crown 8vo. New York: The Macmillan Company. 1919. \$1.50.

PART bibliographer, part anthologist, part political analyst, Julia Paton, doctor of philosophy, has industriously compiled a useful collection of brief descriptions of the various performances in literature in which rural life and village organisation are pictured and discussed. In the century chosen the parish registered a great change in its treatment by the poets and novelists. The picturesque and sentimental predominated in the early standpoint; the critical, economic and social had completely gained the mastery, deepening the note of discussion, in the later phases. A social motive, at first secondary, grew constantly stronger, and with that change the village came more and more to be recognised as a problem worthy of the best thought. Maurice Hewlett's strange sad epic *The Song of the Plow* typifies the altered outlook from that of the optimistic almost Arcadian verse of the mid-eighteenth century in which 'health and plenty' were assumed as the unfailing cheer of 'the labouring swain.'

For fifty years the touch of poetry was neither penetrating nor robust: perhaps it was the prose of political reform that gave a new sharpness and aggressive vigour to the tone. Elliott and Crabbe were the greatest of the village bards, and their superiority was due not so much to their closer knowledge as to their political intensity. Wordsworth in that particular fell short. Among the prose writers it is to George Eliot we have to look for the most intimate and sympathetic view of the cottage interior. As the village comes into being it connotes all the associations of villeinage: these it had not outlived when the French Revolution swept across our island. The village of the Reform and Radical movement (for instance as it is so remarkably reflected in the Fenwick Minute Book recently printed in our own columns) has broken away from the medieval bonds and taken its place with the industrial forces whithersoever these dubious and often wayward guides are leading the way. Dr. Paton's well reasoned catalogue of authors and works on village history, life, aspiration, achievement and central thought is invaluable in its presentment of the conflict of purpose and ideal in past estimates

which under fresh conditions are now passing into new. It is right to say, however, that the authoress has aimed mainly at a picture of literature not at a full study of the organic or political entity of the village. She has made out of her task a very pleasant book with many apt and happy quotations. A couple of corrective notes will conclude this notice. *The Death of the Earl of Eglinton* is criticised as if it were a literary invention, whereas it is a ballad-rendering of 'an ower true tale,' the shooting of the Earl by Mungo Campbell in 1769, one of the many remarkable tragedies of Ayrshire. Another poem, *The Falls of Clyde or The Fairies*, published in 1806 is referred to as 'anonymous'. It was the work of an Ayrshire clergyman, John Black. The writer of the present criticism possesses Black's own print of his poem, with anumber of pencilled revisals. These unfortunately throw no fresh light towards the literary evolution now so competently and fruitfully undertaken by an American lady, of the spirit and story of our British villages.

GEO. NEILSON.

NOTES SUR L'HERALDIQUE DU ROYAUME-UNI. Par Bouly de Lesdain.
Pp. 75. Large 8vo. Paris : H. Daragon. 1919. 5 francs net.

M. BOULY DE LESDAIN takes for his text some comparatively recent books relative to British heraldry, Sir W. St. John Hope's *Heraldry for Craftsmen and Beginners*, Mr. Dorling's *Leopards of England*, Mr. J. H. Stevenson's *Heraldry of Scotland*, and E. C. R. Armstrong's *Irish Seal Matrices and Seals*. He discourses very intelligently on them all, but by far the greater part of his *brochure* is taken up with an analysis of Mr. Stevenson's work, naturally choosing for special mention anything with a French connection, such as the arms of Colonel Cameron of Fassifern, who bore on a chief a representation *au naturel* of the town of Aire in France, where he had signalised himself in a brilliant action. However appropriate such a charge may have been, it was quite unheraldic in character, and not one which would be given at the present day. A much more suitable example of commemorating brave deeds done in connection with towns has been recently given in the case of a distinguished Canadian general to whom the cities of Mons and Cambrai gave the right of bearing their arms along with his own, and these additions have been duly made in the Lyon Office.

M. de Lesdain's work will give a very fair idea of the principal points in British and especially Scottish heraldry to his compatriots. It would have been more interesting and useful, though it would no doubt have been beyond the limits he assigned himself, if he had given a comparison of British and French heraldry, pointed out the differences and resemblances, and generally stated the position which heraldry now holds in the French Republic. We know that there are many earnest students of the science there, of whom M. de Lesdain is not the least eminent.

J. BALFOUR PAUL.

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GERMANY AND THE FRENCH REVOLUTION. By G. P. Gooch. Pp. vi, 543. 8vo. London : Longmans, Green & Co. 14s. net.

THIS is an able and most painstaking piece of work, its object being, according to the author, 'to measure the repercussion of the French Revolution in the mind of Germany.'

Time has brought about a strange reversal of the positions which France and Germany once occupied. It is now France which, although exhausted and ravaged, has a fairly stable government, while Germany has not escaped the throes of revolution, with its king banished and its ultimate future all uncertain. Mirabeau wrote of Germany in 1789, 'though perhaps more advanced in education you are not so mature as we because your emotions are rooted in the head and, since your brains are petrified into slavery, the explosion will come with you much later than with us.' Indeed, had the military movement in Germany been successful revolution might have been long delayed.

The book opens with an interesting account of the political state of that portion of Europe—a collection of petty kingdoms, electorates, free cities and imperial knights—which was supposed to constitute the Holy Roman Empire, an empire said to be 'phantom, its machinery rotten and crumbling, its head a mere honorary president.' The political conditions of these petty states varied not so much on account of any difference in their constitutions as because of the character of their rulers. The evil example of France as it existed before the Revolution—of an extravagant and despotic king and aristocracy ruling over a down-trodden and over-taxed people—was felt in most minor German courts. The military policy of the great Frederick, who had made militarism pay, infected the neighbouring rulers—some of whom sold their subjects to fight other people's battles. In certain of the free cities were the greatest prosperity and the most advanced views to be found, but the majority had become moss-grown with reduced populations, ruled over by cliques. There were also imperial knights whose states we should call 'estates,' and of whom someone wrote, 'if a place looks particularly derelict we need not ask questions for we know it to be the village of an imperial knight.' It was upon a Central Europe so constituted that the news of the French Revolution broke.

In subsequent chapters Mr. Gooch has collected the opinions of leading Germans upon the events in France. He is justified in calling it the Augustan age of German literature, and we have before us what such men as Goethe and Schiller, as Fichte, Kant and Hegel thought upon the subject. Of Kant the author says, 'the philosopher had never expected the Revolution to run smoothly and he was therefore less stunned than most of his contemporaries by its shattering discords,' but he considered the death of the king as a crime beyond forgiveness. Fichte maintained that it was 'the duty as well as the right of citizens to alter their Constitutions at need, banish the foul shadows of the past, and carve their way towards the liberty which is the hope of the world.'

On the whole, the great German writers both of the romantic and the philosophic schools may be said to have favoured the French movements, at all events at the outset. If Hegel in his later days held up the Revolution

as a 'terrifying object lesson' this must be attributed in his case, as in that of others, to the effect which the reign of terror produced.

The effect of the Revolution upon Prussia and upon the minor states, as also upon Rhineland and the south is dealt with at considerable length. We find exhibited the same alarm of the ruling classes—the unrest of the masses—here and there attempts at reform on the one hand and efforts to repress popular movements on the other.

There is an interesting chapter upon the Germans in France during the period of the Revolution. They form a curious group, representing various attitudes towards the great events then taking place. Thus we have Baron Grimm, who held 'that man is made neither for liberty nor for truth,' and who in 1790 was prepared to prove geometrically that France was ruined beyond recall. Such was the effect upon his mind after the fall of the Bastille. His creed was thus expressed, 'I believe in Catherine II., the only hope of humanity in these times of darkness.' It is not to be wondered that he had to leave France in haste. With him may be contrasted Anacharsis Cloots, the 'orator of the human race,' also a noble, whose enthusiasm for the Revolution did not enable him in the end to escape the guillotine. He is said to have perished with a smile on his lips. A keen atheist, he had fallen under the displeasure of Robespierre, who maintained that atheism was aristocratic. Yet another German noble, Count Schlabrendorf, escaped death—because he could not find his boots when the tumbril was waiting, and obtaining a day's delay he was forgotten and ultimately released. There was Lux, who was associated with Charlotte Corday, of whom it is recorded that he went to his fate with rapture and actually sprang upon the scaffold. One of the most striking cases was that of Von Trenk, who after spending years in the dungeons of a royal tyrant, met his death on the scaffold at the hands of the so-called friends of liberty. Some of these Germans were scoundrels, such as Prince Charles of Hesse and Schneider the ex-priest. The latter went about the country with a guillotine, and upon a guillotine he finally expiated his crimes.

Mr. Gooch is of opinion that the influence of the Revolution, 'of its ideas and of the moving drama of blood and tears on the mind and soul of the different countries of Europe has never thoroughly been explored.' That may be so. In so far as Scotland is concerned we have the excellent and useful work of Dr. H. W. Meikle. Perhaps it is too popular and not philosophical enough to satisfy our author, but the reader will find in it not a little to suggest reflection.

One cannot but ask the question, what would have been the effect of the Revolution upon Europe had the fall of the Bastille not been followed by the royal executions and the reign of terror? Burke is a typical instance of the reaction towards conservatism which these acts of violence brought about. To take our own country as an example, while the Revolution roused Scotland from a political lethargy, its later characteristic, it beyond all question postponed for many years much needed parliamentary and municipal reform. Even a Braxfield could hardly have acted as he did had things been carried out in France in a sober and reasonable manner.

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The Scottish 'Friends of the People' seem to have ignored, if they did not excuse, the French atrocities, and it is a singular fact that the Labour party of the present day is following the same course with regard to the Bolsheviks in Russia.

W. G. SCOTT MONCRIEFF.

INDIA AT THE DEATH OF AKBAR : An Economic Study. By W. H. Moreland, C.S.I., C.I.E. Pp. xi, 328, with 2 Maps. 8vo. London : Macmillan & Co. 1920. 12s. net.

MR. MORELAND'S work is one of singular utility at the present moment. From contemporary authorities, whose evidence is weighed with the judgment of a skilled investigator, he draws a picture of India at the time of the death of the great Moghul Emperor, who, when he died in 1605, left to his successor an empire without rival in Asia so far as wealth, power, and ordered administration were concerned, and who bequeathed to all succeeding rulers of India the great basic principle that the essence of sound government in India lies in the just regulation of the revenue from land. The date of the beginnings of English influence in the economic development of India almost coincides with that of Akbar's death, and Mr. Moreland's wide experience of India and its peoples enables him to draw a most interesting comparison between the condition of the people over whom Akbar ruled and that of those who have now been in touch with the English government for three centuries. His conclusion is that, though the needs of India in every department of administration are yet great and cannot be said to have been adequately met, yet substantial progress has been made, and the economic condition of the people, as a whole, has materially improved. At the same time, he laments that the average standard of life is still low, and that the national income is not yet sufficient, in spite of improved distribution, to supply the needs of the population. The need of India, as of Great Britain, is an increase of production. Mr. Moreland's work is written in a clear, straightforward style ; it is a model of lucidity, and is to be commended to all students of empire problems.

JOHN RAWSON ELDER.

DOUGLAS'S AENEID. By Lauchlan Maclean Watt, M.A. Pp. ix, 522. 8vo. Cambridge : University Press. 1920. 14s. net.

THE author has done a real service to Scottish literature by this excellent, clear and exhaustive study of the rendering of a great translation begun by Gavin Douglas, Bishop of Dunkeld in 1512, and finished by him two months before the disaster of Flodden. He is careful to point out the constant struggle at the time of its inception, and before it, among scholars whether their best works should be composed in Latin or written in their own vernacular. Douglas luckily decided on the latter, giving among many other reasons that it would assist those who

Wald Virgill to children expone,

with the result that we have a magnificent specimen of the Scots tongue, the literary medium of a cleric of noble birth and of the highest culture of

his time. The fact of the tongue being Scottish has militated against the full recognition of the writer's learning and power, as—to us—it is almost as far removed from our present speech as Chaucer's English; and the misfortunes of the Douglas family, as Anglophils, immediately after its completion, prevented the poem gaining full popularity in Scotland itself. The work remained wonderfully little known, till by a curious turn of the wheel it was revived by the learned Jacobite coterie such as Bishop Sage and Ruddiman, whose dislike to the Union with England made them regard the Anglophil writer as a representative loyalist Scot of the past. To comments on the texts, the descent of these, readings, and such *minutiae*, the author has prefaced an admirable study, which should make Douglas's version of the great Latin Epic more popular than it has ever been before in Scotland, for he tells us of the medieval *culte* of Virgil—opposed as it was by the Church—which we see best in Dante, and which put the poet on a much more exalted plane than any other Latin writer. This he illustrates excellently with many quotations from more than forgotten writers, and shows us how the Scots version was conceived and rendered. He has our best congratulations.

A. FRANCIS STEUART.

A NEW HISTORY OF GREAT BRITAIN. By R. B. Mowat, M.A. Part I.
Oxford: University Press. 1920.

If history had always been taught this way it would have been the pleasantest lesson. Here we have excellent narrative, neither precious nor brought down to a childish level, and yet good. Interesting illustrations to strike the eye and interest the intelligence, and so beget a real interest in the historic text, and the text is very good. It is accurate, not verbose, and adequate. The shortness sometimes makes one wish for more, and one sometimes disagrees with the deductions, as in the one that after Mary Queen of Scots' flight to England 'Elizabeth provided her with quarters, and treated her well, until plots began to be formed by Catholics.' But this is a small item. The book as a whole is excellent.

A. F. S.

THE ANNUAL REGISTER: A Review of Public Events at Home and
Abroad for the Year 1919. Pp. xii, 240. 8vo. London: Longmans,
Green & Co. 1920. 30s.

THIS annual goes on, through peace, through war, with unabating compact stolidity, facing evil report and good and ending its year's work with the consciousness that the survey of occurrences and of the trend of movement they register is true to the phenomena. We are beginning the year with a debate as to whether there is any such thing as Progress. Perhaps it is a determined bias for the affirmative that makes a reviewer see in the tide-marks of last year the happy indication that a sorely jostled world is settling down again, returning to its ruts while really seeking to mend its ways, and bidding fair to get through the long-drawn crisis without further cataclysm, whereof we have had more than enough. The war recedes with changing

perspective ; and the tumult of the peacemaking, the chaos and controversy of reconstruction and the slow obstinate indisposition of a new universe to reveal itself in the old, may be best seen in a year like that under notice, without showy episodes. Yet the volume contains not only the terms of the Peace Treaties with Germany and Austria, but includes the tenor of that most ambitious and benignly purposed institution, the League of Nations. The breakdown in President Wilson's health has already proved itself a grave misfortune, and the fear that it may possibly destroy the hopes of the world for the success of the League remains a nightmare. Somehow there is reassurance in the fact that the year's record runs so easily into the old moulds.

As usual, the Chronicle of Events is full and varied, though perhaps Scotland ought to be allotted a larger attention. The notices of Literature are on rather too select a scale to be representative. Under the head of Science there is an adventurous but very nearly successful effort to explain the remarkable new Einstein principle of Relativity. Useful notes appear on art, the drama, finance and commerce, and an extensive obituary series closes the text of a well-indexed and invaluable annual as comprehensive in its range as it is intimate in its knowledge.

HEXHAM AND ITS ABBEY. By Charles Clement Hodges and John Gibson.
With 46 Illustrations. Hexham : Gibson & Son. 1919.

FEW places in England rival in picturesque structure and historical importance the little Northumbrian town of Hexham on the Tyne, with its abbey church of St. Andrew, once the seat of ecclesiastical authority of St. Wilfrid and Bishop Acca, with foundations of Roman-wrought stone from the adjacent ruins of Corstopitum, a military settlement of high consequence in the Roman period.

The crypt of Hexham Abbey is with justice claimed as manifesting in company with the crypt at Ripon the characteristics of a structure designed not for sepulture but for religious service. Its sombre impressiveness is intensified by the inscribed tablet on which the deliberately erased but still faintly traceable name of the murdered emperor Geta recalls the animosities or the remorse of the third century. As an architectural interpretation, the handbook answers all requirements, tracing with indications of date the evolution of the whole series of buildings and making the structure an intelligible process.

The body of illustrations, photographs, line drawings and large plans of the buildings, must be specially commended as a really beautiful tribute to the architectural and sculptural importance of what may be thought of as primarily St. Wilfrid's fane. A group showing the Acca and other crosses, as well as sundry miscellaneous carved stones from Hexham, is a speaking testimony to the artistic importance of these relics from the seventh and eighth centuries, which are documents of account in the long controversy regarding the age of the interlaced sculptures of North England and the Border, of which the Ruthwell and Bewcastle crosses are the prime and stateliest examples. The cross of Acca takes its parallel place of honour even with those masterpieces of art which so clearly link the crafts-

manship of the immediate successors of St. Cuthbert with the inherited and continued traditions of Roman and Byzantine work.

But, as becomes, the centre of illustration is the church itself, and both exterior and interior are lavishly and successfully portayed, bringing out the incident detail of the girth-seat or 'fridstol' of sanctuary, the numerous gravestones and effigies and medieval paintings still preserved, and the distinctive medieval features which are among the architectural specialities of the church. The Crypt (a very difficult subject) has been very happily caught by the camera. A rendering of the Night Stair with a funeral slab of a mounted triumphant Roman soldier set up at the foot of it marks a possible connection with the usage of sanctuary of which so many grim memories survive in the registers of Northumbrian churches to which the old right of protection was general, though it gradually became restricted to particular shrines, among which Beverley was probably the most distinguished. Mr. Hodges devoted so many years to the special study of the abbey that the value of his work on it, whether considered as ecclesiology or as an artistic record, is unique.

A few loose sentences should be rectified in any future edition. On page 2 the text leaves us wondering how a triple circumvallation is a proof of Roman occupation. On page 79 a sentence about plaster is unintelligible. On page 81 a clause about the erased name of Geta is the direct converse of what it was designed to convey. On page 125 an etymology of Hencotes is a bad example of hybrid derivation. These are, however, very small faults to find with an archaeological and pictorial register of Hexham Abbey, which, while forming a capital historical memoir and a faithful pictorial souvenir, does its best homage to the beautiful old place by the enticement it offers to visit the shrine.

A SHORT HISTORY OF BELGIUM. By Léon Van der Essen. Second Edition. Revised and enlarged, with a special chapter on Belgium during the Great War. Pp. 198, with 9 Illustrations and 2 Maps. Pott 8vo. University of Chicago Press. 1920. \$1.50.

A SHORT historical sketch by the Professor of History in the University of Louvain, which will be of service to the general reader.

It is inevitable that in a compilation of this kind, broad generalisation should be laid down without the accompanying reservations, and that aspects of the subject should be omitted, but after allowing for these considerations the little volume remains of considerable interest.

A SOCIAL AND INDUSTRIAL HISTORY OF ENGLAND, 1815-1918. By J. F. Rees, M.A. Cr. 8vo. Methuen & Co., Ltd. 1920.

COMMENCING with a whimsical conversation on the changes of the country between an aviator of the twentieth century and a Franciscan friar of the fourteenth, Mr. Rees soon buckles to his serious task of showing the changes in the outlook of Labour during the century between two great wars. And very well he does it. He traces the evolution of the Trades Union and the eventual recognition of the Trades Unions and all the

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changes that that has made. He shows the commencements of amelioration in the factory conditions, gradual philanthropy, and the attempts to combat the ravages of unnecessary disease. Socialism in many forms naturally takes up much of his book, nor are social nostrums like Benthamism and Fabianism neglected. He wisely refuses to prophesy anything from the social and industrial reactions imposed during the war, but of these he gives an able summary. It is a book which can be enjoyed even by those who hitherto knew but little of social and industrial conditions in the history of their country, which they now know it is their interest to study.

DRUIDS AND DRUIDISM. A List of References compiled by George F. Black, Ph.D. Pp. 16. 4to. New York: Public Library.

A LIST OF WORKS RELATING TO LYCANTHROPY. By the same. Pp. 7. 4to.

WE have already had occasion to refer to the excellent bibliographical work done by Mr. Black in his List of Works relating to Scotland in the New York Public Library (*S.H.R.* xiv, 286) published in 1916. And we welcome these further slight contributions to the literature of Druidism and the study of the Werewolf. In the latter Mr. Black notes an interesting reference to this terrible form of superstition in the records of the Presbytery of Kelso in 1660.

P. HUME BROWN, 1849-1918. By George Macdonald. Pp. 6. Large 8vo. London: Published for the British Academy by Humphrey Milford. Oxford: University Press. 1920. 1s.

THOSE who thought they knew Hume Brown will gain new and delightful impressions of their friend from this charming sketch of his life. And for those who never met him these few pages by Dr. George Macdonald will give an adequate and very discriminating picture of 'an ideal scholar, a companion of endless and indefinable charm.'

PROCEEDINGS OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND. Vol. 53. Fifth series. Vol. 5. Pp. xxx, 239. 4to. Edinburgh. 1910.

IN their hundred and thirty-ninth session, 1918-1919, the Scottish Antiquaries dealt with a full variety of topics, ranging from purely local remains to the historical discussion of their general origins, and thus to the tracing of the type they represent. To some minds the general proposition that stands behind any monument makes a closer appeal than even the monument itself, and this probably is the sum and substance of the so-called difference between archæology and history. Thus the statues of Justice and Mercy, once in the Old Parliament Hall at Edinburgh, and here described by Dr. Thomas Ross, are a link by no means the last of the older scriptural and later medieval pedigree of the daughters of God!

The double-headed eagle on the seals of Lanark Mr. Thomas Reid

essays to carry back to a tradition of Roman origin to the town, and he parallels the adventurous suggestion with the case of Perth.

Mr. W. Douglas Simpson brings the Doune of Invernochty clearly into the category of a mote which was once the head place (*antiquam maneriem*) of its barony.

In like wise Mr. A. O. Curle shows that the famous Bass of Inverurie contained in its base fragments of pottery of the fourteenth century, thus indicating the probability that the great mound was still occupied then. The conclusion he draws is that we have here another example of the mount-and-bailey castle or mote, such as was introduced into England from Normandy by William the Conqueror, and brought into Scotland by the Anglo-Norman nobles who came northward in the reigns of David I. and William the Lion.

Long a mystery, and indeed still far from emancipated from mystery, the ancient wooden traps, first made the theme and theory by Dr. Munro in his *Lake Dwellings* (1890), now receive developed scrutiny from Dr. Munro and Mr. Patrick Gillespie, the latter of whom puts forward the picture of a deer caught in some such structure as shown on an interlaced cross-slab at Clonmacnois. It is tempting to think it possible that the group of nine of these traps at Larkhill might be explained by their serving as the objective or point of capture in a deer-drive similar to the well-known *tinchel* or *tainchel* in the Scottish Highlands.

Dealing with a collection of Anglo-Saxon sculptured and inscribed crosses at Hartlepool, we have from Professor Baldwin Brown an important study of their type of cross with central circle and semi-circle or circular terminals, and a contention that this form did not originate in Ireland, but was an importation there. The proposition negatives an assumption of Celtic priority in matters artistic which has dislocated the true relationships of early crosses of Northumbrian type.

Gravestone heraldry even from the Orkneys scarcely encourages broad inferences, but Mr. Storar Clouston dares to be allegorical in interpreting the coat (Peterson?) on a slab in St. Magnus Cathedral, though he is much more genealogical in his examination of sundry shields of Stewart, Sinclair, Kincaid, Reid and Couper.

Dr. George Macdonald unearths from the papers of the antiquary Richard Gough, preserved in the Bodleian Library, the 'Minute Book of the Minor Society of Scottish Antiquaries.' Dating from 1783 and terminating in 1785, and with more than a dash of burlesque in its short-lived series of proceedings, it was a derivative of the major society, founded in 1780 and still happily a strong antiquarian force.

THE SECRET TREATIES OF AUSTRIA-HUNGARY, 1879-1914. By Dr. Alfred Franzis Pribram, Professor of History in the University of Vienna. English Edition by Archibald Cary-Coolidge, Harvard University. Pp. xvii, 308. 8vo. Cambridge: Harvard University Press. 1920. 2 dollars.

THIS is the first volume of a series and contains the Texts of the Treaties themselves, translated by Denys P. Myers and J. G. D'Arcy Paul for the

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benefit of future historians. There is also an introduction by Dr. Pribram on the history of the Triple Alliance—of Germany, Austria-Hungary and Italy—from its inception to the defection of the latter during the late world-war. The Editor points out that, though from the Austrian point of view the introduction is dispassionately written; we can, however, detect anti-Italian feeling here and there.

RAPPORTS FAITS AUX CONFÉRENCES DE LA HAYE DE 1899 ET 1907.
Avec une introduction de James Brown Scott. Pp. xxv, 952.

JUDICIAL SETTLEMENT BETWEEN STATES OF THE AMERICAN UNION. By the same. Large 8vo. Oxford: Clarendon Press. 1920.

OF these two monumental volumes published by the Carnegie Endowment for International Peace, the second is of far the greater importance. The first—since the Great War—seems rather *vieux jeu*, though valuable as an attempt to bring about an Ideal. The second is the record of an accomplished fact, being an analysis of cases decided in the Supreme Court of the United States, with a clearly written account of the legal relations of the States to one another.

A CHALLENGE TO HISTORIANS. By P. T. Godsall. Pp. 62. 8vo. Eton: Spottiswoode, Ballantyne & Co., Ltd. 1918. 2s. net.

MEN of military education are apt to believe that when they turn to ancient problems of campaigns and fortifications the permanent geographical data are enough, when interpreted by modern science, to enable them to reconstruct the marches of Hannibal into Italy, and of Caesar into Gaul as definitely as the movements of Charles VIII., or Napoleon I. in Lombardy. Mr. Godsall objects to John Richard Green and others that they follow 'the literary evidence' instead of the political indications, and the topographical inferences of, let us say, an adjutant of volunteers. The adjutant in the present case maintains that the Anglo-Saxon invasion under Hengist and Horsa 'advanced past London and up the valley of the Thames.' 'Military principles' are adduced for this conclusion, which admittedly is not based on the literary evidence, that is to say of the historians and others whom we have all hitherto followed as *pro tanto* the best available authorities. Earthworks too, the dykes named after Woden, Grim and Offa, are, although mostly of much later date, appealed to as part of the case against the written evidence. Should not the enunciation of 'military principles,' however, have begun by demonstrating that Hengist and Horsa were masters of them? Major Godsall awaits the verdict of historians: they will, we fear, be unable to affirm his 'principles' as superseding the literary interpretation of history.

ENGLAND UNDER THE YORKISTS, 1460-1485. By Isobel D. Thornly, M.A. Crown 8vo. London: Longmans, Green & Co. 1920. 9s. 6d. net.

ONE welcomes gladly the increasing number of excellent 'Source Books' to supply, as is said in the preface to this excellent one on the days of the

Thornly: England under the Yorkists 333

White Rose of York, the teacher 'with material for his discourse, and the student with food for historical reasoning.' In this book we have a means of discovering from contemporary accounts what happened during that period in England in the political, constitutional, ecclesiastical, and economic spheres, with an additional chapter on Ireland, then as now full of unrest. To this the editor continues an account of her authorities and whence they come. One is reminded how different the English tongue was then all through the extracts, thus:

'Who that is lettred sufficiently
Rulethe meche withoute swerde obeiceantly,'

and one notices the growing troubles with the clergy, 'and the Kynge toke a grete party on thys mater, for thes fryers hadde causyd moche troybille a monge hys pepill,' and later the heresy trials which led to the 'brennyng' of several victims who 'dyspysyd the Sacrament of the Auter.' We learn much of the Staple and the Hanse; and the accounts of marriage contracts, sumptuary laws, and education show how well and from what varied sources the editor has selected her illustrations of the social and political life of the period.

Introduction to the Study of Russian History, by W. F. Reddaway. This (No. 25) of the Society for Promoting Christian Knowledge, 'Helps for Students of History,' is useful and adequate both about the history of Russia and the Russian language. The author makes a curious slip when he writes on page 9 the name 'Challoner' for that of Chancellor the English 'discoverer' of Russia.

Select Passages Illustrating Commercial and Diplomatic Relations between England and Russia, by A. Wenier, M.A., Fr. Hist. S., S.P.C.K. This work (Texts for Students, No. 17) fills a gap. It commences with the Willoughby-Chancellor 'discovery' of Russia, and the consequent formation of the Muscovy Company. Friendly with the Stuarts, relations were suspended in the time of the Commonwealth and Protectorate, and again Peter the Great was *brouillé* with George I. The Crimean War was the next breach, and though there was constant fear of Russia by Britain a series of agreements ended in an alliance in 1914. The selection of the illustrations of this history of these diplomatic relations has been made with care.

Selections from the Historia Rerum Anglicarum of William of Newburgh, by Charles Johnson, M.A. This is another of the useful 'Texts for Students,' and gives the work of William, a canon of the Augustinian priory of Newburgh, near Coxwold. Born 1136, he entered the monastery and wrote his work between 1189 and 1198. His history is mainly compilation, but it has original features, and in these selections these are brought out as well as the writer's speciality as a stylist.

Dramatic Aspects of Medieval Folk Festivals in England, by Charles Read Bashervill. It is interesting to see how the *ludi* of the people became

mingled with the 'mummeries' and the Church festivals. The writer holds that 'there was no very marked change in the general type of the games from the early fourteenth century to their rapid decay during the eighteenth and nineteenth centuries.' He is certain, however, that until the sixteenth century the folk games and sports flourished with a vigour and a zest that the Church itself could not combat.

The Newcastle Society of Antiquaries, like our Scottish Society, is caretaker of a splendid archaeological collection. But at Newcastle the Society has the advantage of possessing for its museum not only the keep, which dates from 1172-1177, but also the Black-gate tower, mainly constructed in the thirteenth century. Mr. Parker Brewis has written a capital account of the evolution of the fortress of Newcastle in a well-illustrated *Guide to the Castle of Newcastle-upon-Tyne* in two parts, the first (31 pp.) dealing with 'The Keep' and the second (35 pp.) descriptive of the 'Black Gate and Heron Pit.' Simultaneously there has come out a reissue of an equally important aid to the antiquarian visitor, viz.: the *Catalogue of the Inscribed and Sculptured Stones of the Roman Period* belonging to the Society and preserved in the Black-gate Museum. This is the third edition of a work first written by Dr. Collingwood Bruce in 1857, re-edited by him with the assistance of Mr. Robert Blair, the secretary of the Society, in 1887, and now once more after an interval re-edited by Mr. Blair, who has much extended this handbook to the greatest Roman collection in Great Britain. The second edition had 99 octavo pages, 208 items, and 171 illustrations: the present version has expanded to 135 quarto pages, 264 items, and at least 197 illustrations. The most recently discovered stones are for the most part shown by photo-process plates, ensuring a fidelity which the otherwise admirable old line engravings could not attain. To be re-editor of so crucial a volume as this after so long a period as thirty-three years is something of a record. The present reviewer recalls his first meeting with Mr. Blair studiously journeying about thirty years ago *per lineam valli* and hails him with pleasure again. Our antiquaries in Scotland may well doff their caps to the veteran secretary of the Newcastle Society. Glasgow recently made him an honorary member of the Archaeological Society, and the *Scottish Historical Review* may equally tender him its congratulations and respects. The new catalogue is an excellent conspectus of the imposing collection of Roman memorials. By the additions and corrective annotations it excellently continues, brings down to date and enhances the Bruce tradition which is still honoured in Northumberland.

Professor Firth raises constraining questions in his British Academy paper, *The Political Significance of Gulliver's Travels* (Humphry Milford. Pp. 23. 1s. 6d. net). It compels answer, and the answer must needs be that in considerable part the case is made out that Gulliver's voyages are veiled satirical history, written at different times and sarcastically reflecting successive movements. To 1714 belong references to Nottingham, President of the Council, who figures in Gulliver as 'Bolgolam.' Resuming his pen some six years later, Swift (as Prof. Firth interprets him) makes

Gulliver the parallel of Bolingbroke. Five years or so further and Sir Robert Walpole, as 'Flimnap,' and in connection with green threads of silk hinting at the Order of the Thistle, has plainly supplied the substance of some sly allusions. But the chief theme of direct and continuous political suggestion arises from the recognition of the Yahoos as the indigenous Irish, while Laputa was England. The work is to be interpreted in layers, and the tone changes with each, for the history of the years 1713-1726 gives the events reflected in Swift's masterpiece, which, on its appearance in 1726, had an instantaneous and overwhelming success. These positions of Prof. Firth are of the utmost importance for true literary criticism, as must be evident from a glance, let us say, at Leslie Stephen's chapter on Gulliver, in which there is no suggestion whatever of the current satire, which was the sauce to Swift's brilliant and occasionally bitter travesty of a topsy-turvy world.

In the *English Historical Review* for April Miss R. R. Reid rigorously examines 'Barony and Thanage,' emphasising the factors that indicate a historic unity. But her attention is specially turned to cornage, and the rediscussion leads her to adopt the conclusions of Canon Wilson and to reject the opposing solution offered by Professor Lapsley (*S.H.R.* ii, 111). She favours the identification of cornage with drengage, and explains various features of border tenure by the development of the barony courts and the characteristic jurisdictions of castellaries, such as Clitheroe, Pontefract and Richmond.

Wellington's action as British ambassador at the Congress of Verona in 1822 is scrutinised by J. E. S. Green, who shows how his hand was forced by an indiscretion of Chateaubriand, which brought about the collapse of British policy. Miss M. Prescott traces early examples of 'Teste Me Ipso,' which point to a fairly common and regulated use of the formula *ante* 1188 (see *S.H.R.* xv, 265, 359). Miss Cole-Baker searches out the birth year of the Emperor Henry VII., probably 1278 or 1279. Charles Johnson edits a scroll of the Truce of Bishophthorpe, 1323. In Bain's *Calendar*, iv, No. 387, this fragment was tentatively assigned to the year 1388. The correction is important, and appears to be absolutely substantiated. A detailed notice of Thomas Harding, 1516-1572, the Roman Catholic adversary of Bishop Jewel, is given by H. De Vocht. A lost portion of Herbert of Bosham's MS. Life of Thomas à Becket is recovered and re-edited by Theodore Craib.

These items do not exhaust a varied and interesting issue.

The *Juridical Review* for March had two articles by Lord Guthrie, then still happily vigorous; and both articles reflect the genial optimistic spirit and the turn for hero worship which made his Lordship a force in any biographical estimate he formed, whether it was that of John Knox, Thomas Carlyle, David Laing, or R. L. Stevenson. First of the two papers is a personal reminiscence of Charles E. Green (died 6th Jan. 1920), late founder and editor of the *Review*. It briefly yet intimately sketches a most energetic and influential career, which revived not a few memories

of Edinburgh as a great publishing centre. The personal aspect of Mr. Green mainly occupies attention, and the notice is at once sympathetic and critical. Of wider appeal is the second paper, being a further instalment of a special contribution on R. L. Stevenson, enriched with many quotations from his correspondence, several facsimile letters, every one of them characteristic, and numerous photographs, particularly the 'intense and brooding' snapshot taken by Lloyd Osbourne, which is far and away the most impressive and expressive picture of Stevenson that the present critic has ever seen. The article glows with appreciation and enthusiasm, and is perhaps the happiest product of Lord Guthrie's pen.

Mr. Roughead, writing on 'The Last Tulzie,' recalls the rather third-rate episode of an Edinburgh students' riot, and the prosecution that followed and failed.

The Rev. Thomas Miller, writing on 'Tithes,' has possibly made a great historical discovery, but it is preferable to suspect that it partakes of the nature of a mare's nest.

GEO. NEILSON.

In the January issue of the *American Historical Review* Mr. W. R. Thayer discusses certain Fallacies in History, not confined to those of German origin. Mr. E. R. Byrne writes an elaborate and heavily vouched paper on Genoese Trade with Syria in the twelfth century. Out of it he constructs a highly informing chapter of trading history in the Mediterranean from about 1150, when a remarkable expansion began which, under the influence of the family group known as the Visconti, acquired for Genoa a complete predominance in the rich traffic of the East. Mr. Marcus W. Jernegan, writing on 'Slavery and the Beginnings of Industrialism in the American Colonies,' presents a large body of facts indicative of the integral place filled by slave labour in the development of manufacture in the pre-revolutionary American States. The negro artisan had his critics, but his standard of skill, efficiency, and application was high enough to make him a most important and successful factor in production. His industrial discipline, the article contends, prepared the way for his freedom, lessened the shock when it came, and 'laid the foundation for his later status in a modern industrial and agricultural society.' A strong feature of this magazine is its extended and admirably intelligent survey of the main course of periodical historical publications throughout the world. It provides quarterly, under the head of Historical News, over forty most readable pages of crisp notices of current writings on history and allied themes. In this respect our American contemporary has no rival in Europe.

The *Revue Historique* for November-December, 1919, opens with an important article by MM. Maurice and Marcel Dussan on *L'Armée d'après guerre il y a cent ans*, which has a double interest. It deals with the disbanding of the forces of France after Waterloo, and it throws some light on the admirable role played by that distinguished Franco-Scot, Marshal Macdonald, Duke of Tarento. M. Halphen follows with the final instal-

ment of his weighty series of studies on the history of Charlemagne. The *Bulletin historique* deals with recent German publications on the Reformation period, a field which has not been surveyed for five years. Professor Vaughan's edition of Rousseau's *Contrat Social* is favourably reviewed by M. Bémont, and M. Rod. Reuss deals at some length, but with reserve, with Macmillan's *Protestantism in Germany*. M. Castelot provides an interesting notice of Grant Robertson's *Bismarck*. The number contains a resumé (in six pages) of the *Scottish Historical Review* from April 1918, to October 1919.

The *Revue Historique* for January-February 1920 opens with an article, by M. Alfred Hachette, on 'L'Affaire Mique,' a French 'Tichborne Case,' which links in a strange manner the sailing of Prince Charles Edward for the adventure of the '45 with the French Revolution. M. E. Mangis prints and comments on a new document of great interest to students of the Fronde, Pierre Lallemand's account of what occurred at the Hotel-de-Ville on 4th July 1652. Items of Northern interest are provided by M. Paul Vaucher in 'Le Bicentenaire de la mort de Charles XII,' and by M. Gaston Cahen in 'Deux ambassades chinoises in Russie au commencement du XVIII^e siècle.' The *Chronique* contains a biographical sketch of the late M. Jacques Flach, the erudite, if dogmatic, author of *Les origines de L'ancienne France*, the fifth volume of which is in the press.

The *Archivum Franciscanum Historicum* for July-October, 1919 (xii fasc. 3 and 4) contains among the *Documenta* an instalment of the *Bullarium Sacri Conventus S. Francisci Assisiensis*, which offers one point of Scottish interest. On 16th April, 1643, Urban VIII. granted a Bull in favour of a foundation for Scottish students treated by William Thomson, a Scotsman, *minister provinciae Angliae*. The document is cautiously worded and narrates: 'quod ipse qui, ut asserit, alias spatio 30 annorum Missionarius apostolicus in Scotiae et Angliae regnis fuit et ex illis per alios septemdecim annos Capellani munus carissimae in Christo filiae nostrae Hensiettae (sic) Mariae magnae Britanniae reginae obivit.' Thomson reserved a liferent of the foundation for himself. It will be noticed that Thomson described himself as Chaplain to Queen Henrietta Maria. Now, Gardiner relates that on 30th March, 1643 the Commons sent a committee to arrest the Capuchins at Somerset House, and to tear down the images in the chapel. (*History of the Civil War*, i. 102.) Research in the Roman Catholic records of the period will probably throw some light on the fortunes of Thomson's foundation.

Reference may also be made to an interesting note by Dr. Walter W. Seton on *The Italian Version of the Legend of Saint Clare by the Florentine Ugolino Vesini*, of which the writer announces an edition.

DAVID BAIRD SMITH.

Notes and Communications

MACBETH or MACHETH (*S.H.R.* xvii. 155). There are persons who 'step in where angels fear to tread.' No one has stepped into the trap set in your January issue about Macbeth and MacHeth.

I will, however, do so with what wariness I may.

Macbeth got into the pedigree decently enough by marrying a widow MacHeth, Gruoch, the relict of a Moray Mormaer. With her, Macbeth got Moray for himself in his path from the thanage of Crumbachtyn, or Cromarty, towards higher things, to which on Duncan I.'s death a way was opened for him as a scion of the Royal line of Malcolm II.

Our historians do not confuse us between Heth and Beth. *Au contraire* they waste themselves in distinguishing the two; and quite rightly.

Into that subject, if one went, one might pour volumes. So one returns to the conundrums of your inquirer. Macbeth is really the 'Son of Life': MacHeth is the 'Son of Fire.' Macbeth hailed from Cromarty: MacHeth from Moray opposite. Next for the assertion 'But Macbeth, not MacHeth survives.' Say that in Strathnaver! If you try it, your life will not be worth an hour's purchase. For is not the genitive of 'Aedh' or 'Heth,' 'Aoidh,' and is not the name Mackay 'the son of Aedh,' and did not the Clan come from Moray after the dispersion of the Moray men following the terrible defeat of Stracathro in 1130, when Angus MacHeth, said to be son of Lulach, Gruoch's son (?) was slain with 4000 of his kin?

Let your inquirer read pp. 15 to 27 of the *Book of Mackay*. The name MacHeth survives in Strathnaver as Mackay, and in another remnant of the dispersed, the Mackies of Galloway, and in the Mackays of Holland, whence Lord Reay. And it survives also as Eason and Esson, all sons of 'Aedh,' 'Iye,' or 'I.'

Your inquirer knows far more about the authorities than most people, but he may like to look again at Skene's *Highlanders* (Macbain's Notes) pp. 404-5; Skene's *Celtic Scotland*, vol. i. p. 399 note; Laurie's *Annals*, pp. 11-12; Robertson's *Early Kings*, vol. i. p. 184; Laurie's *Early Charters*, pp. 30 and 44 and notes 283-4, and the Charters and Annals quoted.

And was not our defeated friend Magbiodr of the first battle of Skida myre in the Orkneying Saga, circa 965, a Macbeth?

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MACBETH or MACHETH. Mr. Gray's most informing communication leaves, however, my real point untouched. Shortly stated, it is this:

Macbeth's stepson's daughter married one who is named 'Ed,' 'Head' or 'Beth'. Apparently this individual's existence is the only proof that the Heths were denizens of Moray—the *Scots Peerage*, Vol. VI. 285, calls it an 'alleged connection.' Clearly if his name was 'Beth,' as it appears in two contemporary charters, the so-called MacHeth pretenders were really MacBeths, and our historians *do* confuse us by using both forms.

It is interesting to learn the meaning of MacHeth, which I had elsewhere failed to obtain. In this form the name is certainly extinct, as I wrote: I do not gather that Mr. Gray holds otherwise.

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SCOTS PEERAGE. The new *Scots Peerage* edited by Sir James Balfour Paul is invaluable. May I suggest the following additions or corrections under the articles BLANTYRE and GALLOWAY.

The *Scots Peerage* under Blantyre. Vol. ii., p. 78, line 31 leaves a blank for the second son's name. A deed of maritagium shows that it was Richard.

'A Lettre maid to Robert Abbot of Paslay, and Jonet Flemyng, the relict of umquhile Johne Stewart of Mynto, knycht, and to the langar levand of thaim and thair assynais ane or maa, of the gift of the mariage of Robert Stewart, the sone and aire of umquhile the said Johne, and failzein of him the mariage of Richard Stewart, his bruther, and failzein of him the mariage of ony uthir aire or aires male that sall succeed to their heretage.' *Reg. Sec. Sig.* vol. i. p. 372, (2446), 22nd November, 1512.

Under Galloway, vol. iv. p. 153, after line 3 should be inserted 'and a natural son John.' He received letters of legitimation, 26th May, 1517.

And on page 152, line 25 of the same article, Alexander Stewart should be designated Sir Alexander Stewart.

'Preceptum Legitimationis facte cum consensu gubernatoris Joanni Stewart, bastardo, filio naturali quondam Alexandri Stewart de Gariles militis etc. in communi forma. Per Signitum. *Reg. Sec. Sig.* vol. i. p. 455 (2913).

On page 155, line 3, of the article, after Commendator, delete the remainder of the sentence and insert: 'He was alive in 1580, was evidently dead by 1584, and proved so in 1586.'

9 June 1580. Action by Margaret Stewart, Mistress of Uchiltrie against (inter alios) Alexander Stewart of Garleis, elder, Anthonie Stewart, and Robert Stewart, sons of the said Laird of Garlies . . . *P.C.R.* vol. iii. p. 292.

6 Oct. 1584. Complaint of Beigis Wyise against (inter alios) Dame Katherein Stewart, Lady Garlies, eldar, Anthone, Robert, and Williame Stewartis, hir sonniss, . . . *P.C.R.* vol. iii. p. 694.

2 Apl. 1586. Caution by Alexander Stewart of Garleis, for Anthone and Williame Steuartis, sons of the late Alexander Steuart of Garleis, that Begis Wyis . . . *P.C.R.* vol. iv. p. 60.

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PRINTERS TO THE UNIVERSITY OF GLASGOW (*S.H.R.* i. 457; v. 369, 500; vi. 218).—There is a strange difficulty in stating definitely the dates of the different appointments to the office of the University Printer in the earlier years of the nineteenth century. Mr. Duncan and Mr. Khull both held that office, and in this connection the attention of the Editor has been called through the kindness of Mr. John Robertson, secretary of the Glasgow Typographical Society, to a curious entry in the minutes of the Society, dated 6th September, 1817. The point dealt with is a case of discipline. The minute states that ‘After the business was over, the question of a former evening was resumed, viz; the passing a vote of Censure on D Dunlop for his scandalous behaviour towards the Society

‘After some speechifying it was carried *nem. con.* that a vote of Censure should be passed on the said David Dunlop late treasurer, for the disrespect he had shown the Society in not coming forward on a former Meeting night, according to the purport of his Card which is wrote on a preceding page; and also for not apologizing this evening when he came to pay up the money he had among his hands. And further, for going to the Office of Messrs. Khull & Co and vilifying the Characters of the President, Secretary and the other Members in the University Office.’

This looks as if Mr. Khull was University printer in 1817, but it may be that the recalcitrant Dunlop went to Khull’s workshop in order to spread evil reports as to his fellow-workers who worked elsewhere in the University Press.

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Tour of Mary, Queen of Scots, through South-western Scotland

ON page 155 of the Rev. C. H. Dick's *Highways and Byways of Galloway and Carrick*¹ there is a masterly pencil sketch by the late Mr. Hugh Thomson of the quaint bridge which, abutting on the old woollen mill of Cumloden, flings itself across the rocky gorge through which the Penkill Burn hurries towards its junction with the Cree.² Both mill and bridge are of unknown antiquity, certainly far older than the pretty and prosperous town of Newton Stewart, which until far on in the eighteenth century was no more than a humble 'clachan,' taking the name of Fordhouse from the Black Ford of Cree. The said ford was superseded by a bridge built in 1745, which, having been washed away by a flood in 1810, was replaced in 1813 by the handsome granite bridge of five arches now linking the County of Wigtown with the Stewartry of Kirkcudbright. The ford, now disused, impressed itself vividly on the memory of Daniel Defoe, who has the following in his description of Whithorn:

'Proceeding from *Lower Galloway* hither we had like to have been driven down the Stream of a River, though a Countryman went before for our Guide; for the Water swelled upon us as

¹ Macmillan & Co., Ltd., 1916.

² Penkill, formerly Polkill (Poolkill B. in Pont's map of early seventeenth century), being the Gaelic *pol cille*, chapel stream, flowing under the hill whereon stands Minigaff parish church.

we passed, and the Stream was very strong, so that we were obliged to turn our Horses Heads to the Current, and sloping over, edged near the Shore by degrees ; whereas, if our Horses had stood directly across the Stream, they could not have kept their Feet.' ¹

In his description of Newton Stewart and the village of Minigaff, occupying opposite banks of the Cree, Mr. Dick makes no reference to the name by which the old bridge at Cumloden Mill is popularly known, viz. Queen Mary's Bridge, a title which has received the official sanction of the Ordnance Survey. It may well be that he felt sceptical about Mary Queen of Scots ever having ridden over that narrow arch and declined to commit himself either for or against the tradition, especially as it had become associated with the Queen's flight from the stricken field of Langside in 1568, whereas it is well known that she entered Galloway on that unhappy occasion by way of Dumfries, six-and-thirty miles as the crow flies to the east of Cumloden. I myself, though I have known and spoken of Queen Mary's Bridge since my boyhood, long ago came to regard the name as the mythical offspring of that fond credulity which ever inclines to link ancient and conspicuous objects with historical persons.² I owe it to my friends, Lieut. A. M'Cormick, Town Clerk of Newton Stewart, and Mr. William Macmath of Edinburgh, that my attention has been called to the Roll of Expenses drawn up by Queen Mary's equerry during her progress in 1563, giving a complete itinerary of the tour through Galloway. The document is in excellent preservation ; but, owing to numerous contractions, transcription was more difficult than is usually the case even in dealing with manuscript of the sixteenth century, the hand-writing of that period being more crabbed than that of any other. Moreover, the French scribe made wild shots

¹ *A Tour through the Whole Island of Great Britain*, 3 vols., 1724-5-6. Defoe was in Scotland from 1706 to 1708. It is doubtful whether he actually visited all the places described in this work ; but his description of Galloway bears all the character of personal observation.

² A quaint example of this tendency occurs in connection with Tibbers Castle, a ruined keep standing in the park surrounding Drumlanrig. It is stated in the *Ordnance Gazetteer of Scotland* that the tower 'is supposed to have been built by the Romans and named in honour of Tiberius Cæsar !' Not until I visited the place many years ago did the true origin of the name occur to me. Within the tower is a well so deep and of such steady temperature that the gardener at Drumlanrig uses it, I was informed, for testing and regulating his thermometers. 'Tibbers' is the form which the Gaelic *tiobar*, a well, has acquired among an English-speaking people.

at the names of places in attempting to render them phonetically, and in some cases it has required acquaintance with the topography of the district to identify them. I have to thank Mr. William Angus of the General Register House and Miss Norman for elucidating the sense of many words which had baffled the transcriber of whose services I had availed myself.

Examination of the Queen's itinerary in 1563 strengthens the tradition connecting her name with the old bridge at Cumloden. She was travelling, not as a fugitive as when she escaped to Galloway from Langside five years later, but in considerable state. The passage of herself and suite, with eighteen horses and six baggage mules, would in itself have sufficed to command admiration from the populace; but when, as was doubtless the case, her personal retinue was swelled by the escort of the barons and lairds through whose lands she passed, each with his armed following, the spectacle was one to create a lasting impression, greatly enhanced in effect by the beauty and grace of the young Sovereign.

On Friday, 13th August, the Queen left Clary, three miles south of Newton Stewart, on her way to Kenmure. If, as is probable, she forded the Cree just above the confluence of the Penkill, she and her train must have ridden over the bridge at Cumloden and taken the direct road (at that time only a pack-horse track) through the pass of Talnotry, across the Dee at Clatterinshaws and so down by the Knocknarling glen to New Galloway. As the glittering cavalcade filed over the narrow arch at Cumloden Mill, the spectacle may well have impressed the spectators in such manner as to cause them to associate the Queen's name with the bridge, and to pass the name down to their children.

So much for the authenticity of Queen Mary's Bridge. Of much greater interest to historians of the district is the entry recording how on Tuesday, 10th August, the Queen, after dining at Glenluce (probably about midday), supped and slept at a place which the French equerry has written 'Coustorne.' It may seem at first sight a strained interpretation to read this as 'Whithorn'; but for the following reasons I have no doubt whatever that the reference is to that town.

(1) Whithorn lies twenty miles south-east of Glenluce an easy ride for a good horsewoman like Queen Mary.

(2) There is no other place within a day's journey of Glenluce of which the name bears the slightest resemblance to Coustorne.

(3) In the sixteenth century the name was usually written Quhiterne, with the usual Scottish use of *quh* for *wh*; in the local dialect it is pronounced at this day Hwuttren.

The following entry in the Lord Treasurer's Accounts for the very year in which Queen Mary visited Galloway shows how the name was written officially:

'Item, the xvi day of Februar [1562-3] to Thomas Macmabrine, messinger, passand of Edinbrught with lettres of proclamatioun to the mercat croces of Kirkcubrycht, Wigtoun and Quhithorne, charging all and sindrie our Souerane Ladeis liegis that nane of thame eit flesche in Lentrene, and witth ane command in the samin to all ostlairs, cuikis, flescheouris, tabernais or any uther personis, that thai sell nor prepair na maner of flesche to be sauld, under the pane of confiscatioun of all thair movable gudis xii s.'

The French equerry may very easily have misread the first syllable of 'Quhithorne' in settling a tavern or other bill.

Residents in Whithorn and its neighbourhood, myself included, have assumed (if they ever gave a thought to the matter) that the last monarch to visit Whithorn was James IV. in 1512, the year before his death at Flodden. That monarch, in his frequent pilgrimages to ease his burdened conscience at the shrine of S. Ninian at Whithorn, usually travelled by the route followed by Queen Mary on the occasion under notice, namely, by Ayr, Girvan and Glenluce. It would have been strange if his grand-daughter, a devout Roman Catholic, when traveling by this route had refrained from visiting a place of such extraordinary sanctity, when within a few miles of it. The circumstances of the time, the old religion having been proscribed, would surely tend to render her specially scrupulous in devotion. It may be noted that pilgrimages to the shrines of saints were not prohibited by law till 1568. Probably no town in Scotland suffered so much as Whithorn in consequence of this legislation, seeing that the little burgh had theretofore attracted more pilgrims than any other place in the country.

Subjoined is given the Roll of Expenses during the month of August, with such notes on persons and places as may serve to illustrate the state of the country and society. The only liberties taken with the text consist of the extension of contractions, occasional insertion of punctuation for the sake of clearness, and changing *u* in the MS. to *v*, as in "avene" for "auene."

ROOLE ET DESPENSE de lescurie de la Royne tant de l'ordinaire gaiges d'officiers¹ que aultre despence extraordinairement faicte in icelle escurie durant le mois d'aoust mil cinq cent soixante trois.

PREMIEREMENT.

Dimanche premier jour dudict mois d'aoust endit an mil v^e lxiiij la Royne tout le jour chez le conte deglinton.

Avene pour les hacquenees et mulletz estans lescurie . Neant
 Paille et foin pour lesdits hacquenees et mulletz . Neant
 S[omme] de ce jour Neant

The Queen's host on this day was Hugh, 3rd Earl of Eglinton [c. 1530-1585]. He was one of the nobles sent in 1561 to escort Queen Mary from France to Leith. The vessel in which he was a passenger was captured by the English on the return voyage, but, the Queen having escaped the squadron sent out to intercept her, Eglinton and those taken prisoners with him was released soon afterwards. He was one of Queen Mary's foremost adherents.

Lundy ii^{me} jour dudict mois la Royne disner a Eglinton, soupper et coucher a St Jehan d'era [Ayr]

Pour quatorze pecques et demye davene
 pour la soupee de xviiij hacquenees et
 vi mulletz a Raison de vj s viij d la
 pecque iiij l xvi s viij d
 Pour paille pour lesdicts hacquenees et vi
 mulletz araison de xiiij d pour demye
 journee pour chacun xxviij s
 S[omme] davene en argent iiij l xvi s viij d
 S[omme] de paille xxviij s.

The Church and Monastery of St. John the Baptist at Ayr was the meeting place of Robert the Bruce's Parliament on 25th April, 1315, when the succession to the throne was settled on his brother Edward. The buildings were enclosed in the fortification erected by Cromwell in 1652, when the ancient church was converted into an armoury and guard room. I do not know whether a lay commendator had been appointed before Queen Mary's visit; but at all events the equerry had to pay for the corn and straw for horses and mules, whereas at Glenluce Abbey a few days later no charge was made.

Mardi iij jour dudict mois, la Royne a St Jehan d'era, pour une bolle trois frelletz² deux pecques avene pour xviiij

¹ The list of officers and their salaries, not being relevant to the expenses of the tour, has not been reproduced here.

² Firlots. A firlot is the fourth part of a boll.

| | |
|---|-------|
| hacquenees et vi mullettz au pris de vis viij d la pecque | x l/z |
| Pour paille pour xvij hacquenees et vj mulletz a ii s iiij d par jour | lvj s |
| S[omme] davene en argent | x l/z |
| S[omme] de paille | lvi s |

Mercredy iiij^{me} jour dudict mois, la Royne disner a St Jehan d'era, coucher et soupper a Duneura [Dunure] chez le Conte de Casel.

Pour une bolle ung frellet demye pecque avoine pour la disnee de xvij hacquenees estans a la paile, autres hacquenees estans a l'herbe et vj mulletz araison de vis viij d la pecque

cvj s viij d

Pour paille pour lesdits xvij hacquenees et vj mullettz araison de xiiij d pour ladit demye journee

xxviij s

S[omme] davene en argent

cvj s viij d

S[omme] de paille

xxviij s

Gilbert, 4th Earl of Cassillis, who received the Queen at his principal house at Dunure, cannot have been more than three-or-four-and-twenty at this time. He was a staunch adherent of Queen Mary, fought for her at Langside, and died in 1576 from injuries caused by his horse falling with him.

Jedy v^{me} jour dudict mois, La Royne tout le jour a Duneura chez le conte de Casel

Avene despencee cedit jour pour les hacquenees et mulletz

Neant

Paille pour lesdits hacquenees et mulletz

Neant

S[omme] de ce jour.

Vendredi vj^{me} jour dudict mois, la Royne chez Mons. le Conte de Casel a Duneura

Avene

Neant

Paille

Neant

S[omme] de ce jour

Neant

Samedy vij^{me} jour dudit mois, La Royne disner a Duneure, soupper et coucher a Ermelan. [Ardmillan.]

Avene et paille

Neant

S[omme] de ce jour

Neant

Ardmillan was in possession of Thomas Kennedy, a cadet of the Earl of Cassillis's powerful clan.

Dymanche viij^{me} jour dudit mois, La Royne disner a Ermelan et soupper a Arstinchel. [Ardstinchar.]

| | | |
|---------------------------------------|-----------|-------|
| Avene pour les hacquenees et mulletz | | Neant |
| Paille pour les hacquenees et mulletz | | Neant |
| S[omme] de ce jour | | Neant |

Ardstinchar whereof the picturesque ruins stand on a steep bluff on the right bank of the Stinchar at Ballantrae was a stronghold of Kennedy of Bargany. The acquisition of the land by Sir Hugh Kennedy in the fifteenth century and the building of the castle is told so quaintly by the anonymous author of *The Historie of the Kennedys* that I am tempted to quote it here :

‘The Hous of Balgany cam to thair preferment be the valour of ane secund broder, quha wes first putt to haue bein ane Freir ; bot his curage [being] not agreabill to sa base an office, [he] lost the same and passitt with the Laird of Blaquhane [Blairquhan] to France to Chairllis the VII., in the yeir of our Lord 1431. He was callit Freir Hew, and was for his valour so beluiffit of the King of France that he remaynit with him mony yeiris thairefter, and went with him to the Holy Land. And at his returning he resavitt word that his broder the Laird of Bargany was deid. Quhairupone he tuik leiff of the King of France, and gott, in recompense of his seruice mony gritt rewairdis of gold and mony ; and abuiiff all, he gaiff him leiff to weir airmiss [arms] quarterly in his airmis, to wit, flour-de-lyse, quhilk that hous weiris to this day.

‘He com to Scotland and bocht the ten pund land of Arstensar, and buildit the hous thairof, and conqueist mony ma landis be the benefeitt off the stipend of the King of France. This Freir Hewis oy [grandson] wes callit ‘Com with the penny,’ quha conquesit [acquired] the grittest pairt off all the lewing, quhilk now is ane gritt rent.’

Lundy ix^{me} jour dudit mois dudit an La Royne disner a Arstinchel, soupper et coucher a Glainleux. [Glenluce.]

| | | |
|---|-----------|-------|
| Avene despencee cedit jour pour les hacquenees et mulletz | | Neant |
| Paille pour les dits hacquenees et mullettz | | Neant |
| S[omme] de ce jour | | Neant |

Queen Mary lay at the Abbey and Monastery of Glenluce, not in the village of that name. Thomas Hay of the family of Park had been appointed Abbot by Pope Pius IV., but was refused entry by John Gordon, Lord of Lochinvar, who occupied the buildings by force, after expelling the monks. Gordon was acting in virtue of a charter of feu-farm granted him by a former abbot on 31st January, 1557-8. The dispute was submitted by agreement of parties to the arbitration of Lord James Stewart (afterwards Regent Moray), who decided in favour of Abbot Thomas, reserving to Gordon the old by-run duties

of the Abbey. In the following year, however, 1561, Gilbert, 4th Earl of Cassillis, was appointed Heritable Baillie of the Abbey, and no doubt he was Queen Mary's host and discharged the equerry's expenses, although Abbot Thomas and ten monks were still in residence.

Mardy x^{me} jour dudict mois, la Royne disner a Glainleux, soupper et coucher a Coustorne. [Whithorn.]

| | |
|--|-------|
| Avene despencee comme dessus | Neant |
| Paille | Neant |
| S[omme] dece jour | Neant |

The Rev. John Anderson, formerly curator of the Historical Department of the General Register House, Edinburgh, Mr. William Angus, now in that Department, Dr. Hay Fleming and myself, all concur in the conclusion that 'Coustorne' is the equerry's attempt at Whithorn or Quhithorn; that indeed no other place can have been intended. The Prior of Whithorn at this time was Malcolm Fleming, second son of the 2nd Earl of Wigtown. He would naturally have been the Queen's host on the occasion of her visit; but it is doubtful whether he was present, because on 19th May preceding he had been tried, together with forty-six other clergy and laymen, before the High Court of Justiciary in Edinburgh, and, having been convicted on his own confession of celebrating mass at Congleton in the month of April, was sentenced to ward in Dunbarton Castle (Pitcairn's *Criminal Trials*, vol. i. part i. p. 428). He was afterwards removed from the priorate, and died in 1569.

Mercredy xi^{me} jour dudit mois, la Royne disner a Coustorne, soupper et coucher a Clery chez mons. de Garliz.

| | |
|---|-------|
| Avene despence cedit jour pour les hacquenees et mullettz | Neant |
| Paille despence comme dessus | Neant |
| S[omme] de ce jour | Neant |

Clery, now written Clary, was the residence attached to the see of Candida Casa—the Bishop of Whithorn's palace, in short—whence the name, from the Gaelic *clerech*, clergy. There was at this time no Bishop of Galloway. Alexander Gordon, a younger son of John, Master of Huntly, by Jane Drummond, natural daughter of James IV., had been appointed titular Archbishop of Athens in 1551, Bishop of the Isles in 1553, and Bishop of Galloway in 1558. But in 1560 he renounced the Church of Rome, and joined the Reformed Church, being hailed by Knox as the only consecrated prelate who did so. Gordon hoped, no doubt, that he would continue to administer the diocese of Galloway; but on 30th June, 1562, the General Assembly refused to recognise him as superintendent of that see until "the Kirks of Galloway craved him." Thereafter he was recognised only as the Assembly's Commissioner for Galloway. In 1568 the Assembly inhibited him from "any function in the Kirk." He died at Clary in 1575.

Alexander Stewart, younger of Garlies, who received Queen Mary at Clery, direct ancestor of the Earls of Galloway, was a leading adherent of the Reformation. Nevertheless, he seems to have won Queen Mary's favour, for on the occasion of her marriage to Darnley in 1565, Stewart received knighthood from the royal bridegroom, who presented him with a silver comfit box (still in possession of the present Earl of Galloway) engraved with the words—'The Gift of Henry, Lord Darnley, to his cousin Sir Alexander Stewart of Garleis.'

Jeudi xii^{me} jour dudit mois, la Royne tout le jour a Clery chez mons. de Garliz.

| | |
|--|-------|
| Avene despencee cedit jour pour lesdits hacquenees | |
| et mulletz | Neant |
| Paille pour lesdits hacquenees et mulletz | Neant |
| S[omme] de ce jour | Neant |

Vendredi xiii^{me} jour dudit mois, la Royne disner a Clery, soupper et coucher a Quinemur chez Mons. de Locquenar.

| | |
|---|-------|
| Avene despencee cedit jour pour les hacquenees et | |
| mullettz estans en lescurier | Neant |
| Paille pour lesdits hacquenees et mulletz | Neant |
| S[omme] de ce jour | Neant |

In the original MS. the name Quinemur presents a puzzling appearance owing to the first syllable being written at the end of one line and the second at the beginning of the next. It represents Kenmure, the residence of Sir John Gordon of Lochinvar, Justiciar of Eastern Galloway and grandfather of the 1st Viscount Kenmure.

Samedy xiiii^{me} jour dudit mois, la Royne tout le jour a Quineur chez Mons. de Locquenar.

| | |
|--|-------|
| Avene despencee cedit jour pour les mulletz et | |
| hacquenees | Neant |
| Paille pour les hacquenees et mulletz | Neant |
| S[omme] de ce jour | Neant |

Dimanche xv^{me} jour dudit mois, la Royne disner a Quinemur, soupper et coucher a S^{te} Mere esle chez le tresorier.

The Prior of St. Mary's Isle was Robert Richardson, his appointment being dated 31st March, 1559. As Prior he was entitled to sit as a lord of Parliament, and in March 1560-1 he was appointed Lord High Treasurer of Scotland. He acquired great wealth, to which his two natural sons succeeded. A few months after he had the honour of entertaining his Sovereign at St. Mary's Isle, Randolph, writing to Cecil on 31st December, has the following :

'For newes yt maye please your Honor to knowe that the Lord Treasurer of Scotlande, for gettinge of a woman with chylde, muste, upon Sondaye next, do open penance before the whole Congregation, and M^r Knox mayke the sermonde. Thys my Lorde of Murraye

Sir Herbert Maxwell, Bart.

wylled me to wryte unto your Honour for a note of our griate severitie in punyshinge of offenders.'

Lundy xvi^{me} jour dudit mois, La Royne disner chez levesque de Galloua, soupper et coucher a S^{te} Mere esle chez le tresorier.

| | | | | |
|---------------------------------------|---|---|---|-------|
| Avene pour les hacquenees et mulletz | . | . | . | Neant |
| Paille pour les hacquenees et mulletz | . | . | . | Neant |
| S[omme] de ce jour | . | . | . | Neant |

Mardy xvij^{me} jour dudit mois, La Royne tout le jour a S^{te} Mery esle chez le tresorier.

| | | | | |
|---------------------------------------|---|---|---|-------|
| Avene pour les hacquenees et mulletz | . | . | . | Neant |
| Paille pour les hacquenees et mulletz | . | . | . | Neant |
| S[omme] de ce jour | . | . | . | Neant |

Mercredy xvij^{me} jour dudit mois, La Royne disner a S^{te} Mere esle, soupper et coucher a Domfric chez Maistre Mazouel.

| | | | | |
|--------------------------------------|---|---|---|-------|
| Avene pour les hacquenees et mulletz | . | . | . | Neant |
| Paille pour les dites hacquenees | . | . | . | Neant |
| S[omme] de ce jour | . | . | . | Neant |

The person here referred to as 'Maistre Mazouel' was Sir John Maxwell of Terregles, second son of Robert, 5th Lord Maxwell, and afterwards 4th Lord Herries. 'He was tutor to two of his nephews who, as minors, successively inherited the estates and titles of the house of Maxwell, and being to them, and also for a time to his own brother, presumptive heir, he was often designated Master of Maxwell' (Fraser's *Book of Carlawerock*, i. 497). At the time of Queen Mary's visit he was Warden of the West Marches. Five years later, as Lord Herries, he commanded the royal cavalry at the battle of Langside, and with the Lords Fleming and Livingstone, escorted the Queen from the field. They rode all night, arriving at Sanquhar in the early morning, whence they went on to Lord Herries's house of Terregles.

Jeudy xix^{me} jour dudit mois, La Royne tout le jour a Domfric chez Maistre Mazouel.

| | |
|---|-------|
| Avene pour les mulletz et hacquenees despence ce jour | Neant |
| Paille pour les dites hacquenees | Neant |
| S[omme] de ce jour | Neant |

Vendredy xx^{me} jour dudit mois, La Royne tout le jour a Domfric chez Maistre Mazouel.

| | | | | |
|---|---|---|---|-------|
| Avene pour les hacquenees et mulletz | . | . | . | Neant |
| Paille pour les dites hacquenees et mulletz | . | . | . | Neant |
| S[omme] de ce jour | . | . | . | Neant |

Samedy xxi^{me} jour dudit mois, La Royne disner a Domfric et soupper a Domblanric [Drumlanrig]. Cedit jour

Maistre Mazouel a faict present dune hacquenee a la Royne.

| | |
|---|-------|
| Avene despencee cedit jour pour les hacquenees et mulletz | Neant |
| Paille pour lesdites hacquenees et mulletz | Neant |
| S[omme] de ce jour | Neant |

Sir James Douglas of Drumlanrig was a prominent figure in the politics and polemics of the sixteenth century. Born in 1498, he survived till 1578. He was a supporter of the Reformation and was warded in 1566 as an accomplice in the murder of Riccio. He was the great-grandfather of the 1st Earl of Queensberry.

Dymanche xxij^{me} jour dudit mois, La Royne tout le jour a Domblanric.

| | |
|---|-------|
| Avene despencee cedit jour pour les hacquenees et mulletz | Neant |
| Paille pour les dits hacquenees et mulletz | Neant |
| S[omme] de ce jour | Neant |

Lundy xxij^{me} jour dudit mois, la Royne disner a Domblanric, soupper et coucher a Crafurjeon [Crawfordjohn].

Une bolle, ung frelllet, une pecque avene pour la soupee de xix hacquenees vj mulletz et xii hacquenees estans a lherbe au pris de vj s viij d cij s iiij d

Pour paille pour xix hacquenees et vi mulletz a raison de ij s iiij d par jour xxix s ij d

The barony of Crawfordjohn was acquired in 1530 by Sir James Hamilton of Finnart—the ‘Bastard of Arran ; but it reverted to the Crown on his arraignment and execution for alleged treason in 1540. It is believed that the old castle of Crawfordjohn was no longer in existence at the time of Queen Mary’s visit, having been used as a quarry to supply material for building Boghouse, a mansion erected by James V. for one of his many mistresses, a daughter of the Captain of Crawford (*Origines Parochiales*, i. 163). As this lady afterwards married the laird of Cambusnethan, Boghouse probably stood ready to receive Queen Mary on her travels. At all events she did not have the expenses of her horses and mules defrayed at Crawfordjohn, as it was the privilege of those of her subjects whom she honoured by a visit.

Mardy xxiiij^{me} jour dudit mois, La Royne disner a Crafurjeon, soupper et coucher a Coldily.

Pour une bolle ung frelllet une pecque pour xix hacquenees, vi mulletz et xii autres hacquenees estans a lherbe au pris de vj s viij d cij s iiij d

Pour paille pour les dits xix hacquenees et
 vj mulletz a Raison de ij s iiij d pour
 demye journee de chacun xxix s ii d

Mercredy xxv^{me} jour du dit mois, La Royne a Codily [Cowthally]
 chez monsieur Semeruel.

Avene despencee ce jour pour les mulletz et hacquenees } Neant
 Paille pour lesdits mulletz et hacquenees Neant
 S[omme] de ce jour Neant

Cowthally, now a sheer ruin standing near a dreary moss about a mile and a half north-west of Carnwath village, was the chief residence of the powerful house of Somerville. The owner thereof in 1563 was James, 5th Lord Somerville, who afterwards led 300 of his men to join Queen Mary's forces at Langside. It is said that so princely was the establishment maintained at Cowthally that when James VI. was on a visit there he suggested that the name should be changed to 'Cow-daily,' forasmuch as a cow and ten sheep were slaughtered daily to supply the household.

Jeudy xxvj^{me} jour dudit mois, La Royne disner a Codily, soupper
 et coucher chez monsieur Descrelin [Skirling]

Avene despencee ce jour Neant
 Paille aussi despencee cedit jour Neant
 S[omme] de ce jour Neant

Sir William Cockburn of Skirling was a staunch adherent of Queen Mary, who appointed him keeper of Edinburgh Castle in 1567. Skirling Castle, about 2½ miles east north-east of Biggar, was demolished in 1568 by order of the Regent Moray.

Vendredy xxvij jour du dit mois, la Royne disner a Escrelin,
 soupper et coucher a Pibles.

Pour une bolle, ung frellet, deux pecques
 avene pour la soupee de xxxi hacque-
 nees, tant a la paille q'a l' herbe,¹ vj
 mulletz au pris de vj s viij d la pecque ciij s iiij d

Pour paille pour les dits mulletz [et] xix
 hacquenees, a raison de ij s iiij d par
 jour pour chacun xxix s ij d
 S[omme] d'avenne ciij s iiij d
 S[omme] de paille xxix s ij d

The Queen probably lodged at her own charges in the royal castle of Peebles, the last crowned head that was to lie there being Henry Darnley, whom, according to Buchanan, she sent there in 1565 in order to keep him out of the way (*History*, xvij, cap. li.)

¹ 'Both those in stalls and those at grass.' The Queen's train had been increased; the number of horses, originally 16, had risen to 31.

Samedy xxviii^{me} jour dudit mois, la Royne disner a Pibles, soupper et coucher a Bortic [Borthwick].

Pour trois frelletz trois pecques et demye
avene pour la disnee de xix hacquenees
et vi mulletz au pris de vj s viij d ciiij s iiij d

Pour paille pour lesdits xix hacquenees
et vj mulletz a raison de compte en la
journee preceddante xxix s ij d

S[omme] davene en argent ciiij s iiij d

S[omme] de paille xxix s ij d

This was not the first, nor yet the last, visit which Queen Mary paid to Borthwick Castle. She was there as the guest of John, 6th Lord Borthwick, on 12th January, 1662, and five years later, in June 1667, she and Bothwell were beleaguered there by the Lords Morton, Mar, Home and Lindsay, escaping in disguise by night with Bothwell to Dunbar.

Dymanche xxix^{me} jour dudict mois, la Royne tout le jour chez monsieur de Bortic.

Avene despencee cedit jour pour les mulletz et
hacquenees Neant

Paille pour lesdicts mulletz et hacquenees despencee
cedit jour Neant

S[omme] de ce jour Neant

Lundy xxx^{me} et penultime jour du dict mois, la Royne disner a Bortic, soupper et coucher chez monsieur d'aousy [Dalhousie].

Avene despence ce jour Neant

Pour paille Neant

S[omme] de ce jour Neant

George Ramsay, grand uncle of the 1st Lord Ramsay of Dalhousie (whose eldest son was created Earl of Dalhousie in 1633), received his Sovereign in the fine castle of Dalhousie, *aliter* Dalwolsy, which stands on a wooded bluff about two miles and a half south-west of Dalkeith.

Mardy xxxi^{me} et dernier jour dudict mois daoust, La Royne disner a daousy, soupper et coucher a Roscelin.

Avene despence cedit jour Neant

Paille despence pour lesdicts hacquenees et mulletz Neant

The Sinclairs of Rosslyn were great builders, and Queen Mary's host on this occasion, Sir William Sinclair, made important additions to the castle which he had inherited (see M'Gibbon and Ross, *Castellated and Domestic Architecture of Scotland*, iii. 366-376).

The Economic Position of Scotland in 1760

OUTSTANDING dates, marking the happening in time of great events, play but a small part in economic history. Change and movement in economic life are almost invariably the cumulative result of causes deeply rooted in the past, the effects of which, however, stretch far into the future. There is an essential continuity in economic development which makes it impossible to write down certain changes as commencing in certain years, or to confine the extent of the operation of these changes within definite historic periods. In the history of the material development of Scotland, however, there is a sense in which the year 1760 is of peculiar importance, as indicating a real turning point in the economic fortunes of the country.

The economic position of Scotland in 1760 may be viewed from two distinct standpoints. According as we adopt the one or the other, the resulting picture is entirely different.

Thus from one point of view, it is possible to represent Scotland as enjoying in 1760 a period of almost unexampled economic prosperity. Contemporary writers make much of 'a capital era which has given new life to industry and enterprise of every sort.'¹ 'A spirit of industry and activity has been raised and now pervades every order of men,' while 'schemes of trade and improvement are adopted, and put in practice, the undertakers of which would in former times have been denominated madmen.' 'Every person is employed, not a beggar is to be seen in the streets, the very children are busy.'² In point of results, it was possible to show as general indications of economic progress, a fivefold increase in the linen industry of the country within a period of little over thirty years,³ and since

¹ J. Ramsay, *Scotland and Scotsmen in the 18th Century*, ii. p. 213.

² J. Gibson, *History of Glasgow*, pp. 120, 115.

³ A. J. Warden, *Linen Trade Ancient and Modern*, p. 480.

the Union, a like expansion in shipping¹ the concomitant of a trebled export trade.²

By way of explanation we must turn to the gradual removal in the course of the eighteenth century of causes which had for long hampered economic development. In this connection the Union of 1707 occupies a position of first importance, as marking the end of that dissension with England, which for centuries had made wars the chief trade of the country,³ but which after the political union of 1603, and especially towards the end of the seventeenth century, had appeared in the guise of an acute form of economic friction no less disturbing. In 1707 Scotland became linked up with her natural economic ally in a real economic, as distinct from a merely political union. At one stroke great markets in England as well as in the West were opened to her. To these she quickly responded, first with a growing trade and commerce, later with an expanding manufacture.

But Scotland still lacked any real unity within herself. Little progress was possible under conditions where the grace of Highland chieftains was 'Lord! Turn the world upside down that Christians may make bread out of it.'⁴ The failure of the 'Fifteen, however, and subsequently of the 'Forty-Five, while in large measure due to a growing recognition of material interests, in turn gave a new stimulus to economic life. The legislative acts following on those risings, and the road building which enabled the rapid movement of troops to keep order, destroyed the last relics of feudalism, established the authority of law, and so created security at home, in the absence of which sustained economic effort was impossible.

There was also the removal of certain retarding influences of religion. While the disturbing economic effects of religious controversy accompanied by physical conflict had ceased in the course of the seventeenth century, tendencies of a similar if less obvious kind continued to operate in the eighteenth. A later writer, perhaps not altogether understanding, professed amazement at a species of wildness inducing a people to prefer field preaching to beneficial industry.⁵ If a day was to come when in place of religion as the commerce of chief cities, commerce was

¹ G. Chalmers, *Caledonia*, ii. p. 883; iii. p. 53.

² G. Chalmers, *Domestic Economy of Great Britain and Ireland*, pp. 390, 392.

³ P. Lindsay, *Interest of Scotland Considered*, p. 82.

⁴ T. Pennant, *Tours*, 1772, i. p. 400.

⁵ G. Chalmers, *Caledonia*, vi. p. 605.

to be the chief religion,¹ in the early part of the century that time was not yet. A prepossession with affairs religious, with the general merits or demerits of which on other grounds we are not immediately concerned, did tend to check economic development by giving birth to sectional disputes, and by representing treasures on earth as matters of none account. The material progress, however, which followed on the Union, to be greatly accelerated after the 'Forty-Five, went far to tone down the bitternesses of religious controversy, and to produce broader conceptions and outlook in general. There was a striving to darn and patch the rags and rents of ecclesiastical dispute.² The mid-eighteenth century saw the rise of the 'Moderates' to a position of predominance in the Church—a party aiming of set purpose at taking an active part in the promotion of every scheme of practical improvement, and accepting as a Christian duty the advancement of the material wealth of the nation.³

In all these ways historic influences which had erected obstacles in the path of economic progress tended to disappear. The economic prosperity of Scotland in 1760 was the natural outcome of the creation of conditions making a vigorous economic life possible.

After all, however, this 'happy state of North Britain' had little meaning except when viewed against the somewhat sombre background of the past. Historically the economic poverty of Scotland had become in large part a byword, almost a tradition, 'Mice, were they a commodity, Scotland might boast on't!'⁴ In this respect the early eighteenth century had seen no breaking with the past. Here was a land 'the most barren of manufactures of any nation in these parts of Europe.'⁵ 'Money was not the growth of the country.'⁶ No one in the light of past achievement could fail to appreciate the relative economic prosperity of 1760. But from another point of view Scotland was still poor. Even later years were to find her still in 'languishing'⁷ condition, her 'abject poverty and mean obscurity'

¹ T. Pennant, *Tours*, 1772, i. p. 152.

² *Ibid.* p. 117.

³ H. Craik, *A Century of Scottish History*, ii. p. 386.

⁴ P. Hume Brown, *Early Travellers in Scotland*, p. 201.

⁵ *A short view of some probable effects of laying a duty on Scotch linen imported*, 816 m. (53) Brit. Mus.

⁶ *Ibid.*

⁷ D. Loch, *Essays on the trade, commerce, manufactures, and fisheries of Scotland*, i. p. iv.

comparing ill with 'the opulence and dignity of her sister kingdom,'¹ her revenue, according to one writer, burdensome to the people, yet comparatively so very inconsiderable to that of England, that had it been ruled out altogether the deficiency would scarce have been observable.² These were no doubt the statements of individuals who had each his peculiar axe to grind, still figures establish the general soundness of the conclusions. It is difficult, of course, to compare the relative economic position of England and Scotland at this time, on account of differences in size and population, while comparisons with subsequent expansion tend to be misleading, in view of the fact that the whole content of economic life was later to be changed; still taking figures of shipping and exports³ as at least rough general indications of economic prosperity, and making all necessary allowances, the poverty of Scotland in 1760 compared either with the England of the day or with her own future development stands out quite unmistakably.

It is of first importance to observe that the economic development of Scotland from 1707 to 1760 took place in the main along existing lines. What expansion there was, being essentially the result of the creation of conditions making a smooth working of the existing economic organization possible, no violent upheaval was necessarily involved in the nature of that organization as such. There may have been at times indications that an expanding economic life would devise new forms for itself, but on the whole it is true to say that the striking contrast between 1707 and 1760 lay in the extent of the structure which had been reared on the foundation, rather than in any change in the nature of that foundation itself. This fact is of peculiar significance. To interpret the nature of the economic organization of 1760 is to explain the causes of the relative economic poverty of Scotland at that date.

In the scheme of economic life, as it then was, not only did agriculture figure as the main industry, but it was in large part

¹ *Ibid.* p. ix.

² J. Knox, *View of the British Empire, more especially Scotland*, i. p. 107.

³ Tonnage of Scotland, 1760, 53,913 tons, G. Chalmers, *Caledonia*, v. p. 16; Tonnage of England, 1760, 573,978 tons, G. Chalmers, *Estimate of the Comparative Strength of Great Britain*, p. 234; Tonnage of Scotland, 1820, 288,770 tons, G. Chalmers, *Caledonia*, v. p. 16; Value of Scottish Exports, 1760, £1,086,205; Value of English Exports, 1760, £14,694,970, G. Chalmers, *Domestic Economy of Great Britain and Ireland*, pp. 166-7; Value of Scottish Exports, 1820, £5,894,778, G. Chalmers, *Caledonia*, v. p. 14.

upon an agricultural basis that the whole economic organization of the time might be said to turn. How far this was so may be appreciated in different ways.

Thus in the case of the textile industries a close and intimate relation existed in several ways between the operations of manufacture and those of agriculture.

First of all there was the dependence of these industries on agriculture for their raw materials. At this period woollen and linen were the chief textile manufactures.¹ The latter was far and away the more important, being in fact to Scotland in 1760 what wool was to England at the same date. The point of importance, however, is that the raw material of both was produced at home in the ordinary course of agriculture. Small spots of flax were to be seen on every farm, while most of the inhabitants reared sheep for their wool.² Flax was indeed imported to some extent, chiefly from Holland and the Baltic.³ The Board of Manufactures, however, had always been at pains to promote through the granting of premiums, the production within the country of the raw material of the linen industry. The reduction of the consumption of foreign flax was represented as a desirable object.⁴ If the end aimed at was not altogether achieved, the contrast with the state of affairs which was subsequently to exist in the case of the cotton industry, was nevertheless in almost all respects complete.

But there was a closer connection still. The labour employed in manufacture was to a very large extent the same as that engaged in agriculture. This state of affairs was rendered possible by the nature of the existing organization of the textile industries. With the various forms in which that organization manifested itself, we are not immediately concerned. No matter what basis of classification we adopt, let it be the degree of dependence or independence of the capitalist producer, or the extent to which production was carried on for sale or for household consumption, in almost all manufacture is found to take place within the home and to be in fact 'domestic.' This, of course, could be only where the spinning-wheel and the hand-loom were the typical

¹ *Some Notices of the Principal Manufactures of the West of Scotland*, p. 183.

² *Statistical Account*, vii. p. 252.

³ R. Pococke, *Tours*, p. 214; C. Cordiner, *Antiquities and Scenery of the North of Scotland*, p. 50; *Statistical Account*, x. p. 190; D. Bremner, *Industries of Scotland*, p. 226.

⁴ Lord Kames, *Progress of Flax Husbandry*, pp. 13-14.

instruments of production. Instances of factory organization in the form of loom-shops, established with a view to the more effective supervision of work, could be dated from the seventeenth century¹ and were moderately frequent throughout the eighteenth,² but where manufacturing operations were carried on without the aid of power, the chief incentive to that form of organization was lacking, and the household continued the typical unit of production. It was under these conditions that the textile industries were to be found as scattered as the source of the raw material,³ while the raisers of that raw material played an important part in the subsequent processes of manufacture.

Thus the preparation of flax and wool for manufactures was a recognised part of farmwork.⁴ Lint fibre was pulled, rippled, steeped, beetled, scutched and heckled on the farm.⁵ But not only so. Once prepared it was later worked up by hands obtained from the ranks of agricultural labour, or from those who, if not strictly agricultural workers, yet relied for part at least of their livelihood upon the products of the soil. Thus spinning was carried on concurrently with agricultural pursuits. Farmers engaged female servants who could spin,⁶ and who were aided in their work by the farmers' families themselves.⁷ Men were employed not only to assist in the harvest, but also to work up the yarn spun by the family.⁸ Farmers had weaving shops in which they employed weavers, and they often wove themselves.⁹ Weavers were frequently crofters, every householder having a workshop attached to his dwelling, while he rented a large garden and a considerable croft and kept a cow.¹⁰ A district divided into crofts and small possessions was considered specially favourable for the establishment and growth of manufactures.¹¹ Spinning and weaving came to be regarded as a useful means of

¹ A. M'Lean, *Local Industries of Glasgow*, p. 136.

² D. Bremner, *Industries of Scotland*, pp. 193-4, 199, 227.

³ Of the thirty-two counties of Scotland, in 1758 only three showed no production of linen. A. J. Warden, *Linen Trade Ancient and Modern*, p. 478.

⁴ A. Wight, *Present State of Husbandry in Scotland*, i. pp. 91-2; Lord Kames, *Progress of Flax Husbandry*, pp. 17-18.

⁵ A. M'Lean, *Local Industries of Glasgow*, p. 137.

⁶ W. Jolly, *James Duncan, Weaver and Botanist*, p. 28.

⁷ *Statistical Account*, xi. p. 604.

⁸ W. Jolly, *op. cit.* p. 69.

⁹ *Ibid.* pp. 82, 116.

¹⁰ *Ibid.* p. 26.

¹¹ *Statistical Account*, xii. p. 112.

eeking out the miserable returns from agriculture¹ and of paying the rent of small possessions.² Time was divided between the two employments,³ manufacture, however, as a rule claiming only such hours as were left over from the labours of the field.⁴ Even where manufacture might appear the main interest, there was no clear separation or differentiation. Tradesmen were essentially husbandmen also, at certain seasons throwing over their trade and taking to agriculture, so as to make it difficult if not impossible to determine to which profession they belonged.⁵ On the whole it would appear that in this collateral relation of agriculture and manufacture the former played the chief part, the latter being relegated to the secondary position of a useful bye-employment.

We see then the manner in which that independence of power, which was one of the chief features of the organization of the textile industries in 1760, made possible not only a domestic system of production, but also, as a direct result, the formation of a close alliance between agriculture and manufacture. This independence of power, however, meant something more. It meant in turn an independence of coal and iron. It is here that we have emphasised from a negative stand-point, as it were, the relative importance of agriculture. Economically, as we shall see, it was of as much if not more importance to Scotland that the textile industries showed an independence of coal and iron, as that they revealed a direct dependence on agriculture in other respects.

The history of the early iron industry of Scotland to the beginning of the seventeenth century is largely a matter of conjecture. Slag remains are still to be found in many counties,⁶ indicating apparently an ancient manufacture of iron. Ore of local origin in the form of bog-ore—ore appearing on the surface of the earth in a concreted state⁷—would seem to have been used.⁸ The first really historic iron-work dates from the beginning of the seventeenth century.⁹ In the course of the eighteenth

¹ Agriculture of Dumbartonshire Reports, ii. p. 14.

² *Statistical Account*, xi. p. 182 ; xii. p. 581.

³ *Ibid.* vi. p. 360 ; xi. p. 263 ; xx. p. 476.

⁴ *Ibid.* vii. p. 208 ; xi. pp. 271-2.

⁵ *Ibid.* vii. p. 180 ; xii. p. 115 ; xi. p. 564.

⁶ I. Macadam, *Notes on the Ancient Iron Industry of Scotland*, pp. 96-103.

⁷ J. Williams, *Natural History of the Mineral Kingdom*, i. p. 375.

⁸ I. Macadam, *op. cit.* p. 94.

⁹ *Ibid.* p. 109.

century several works sprang up in the wooded highlands of the north and west.¹ The presence of wood as fuel, and not the existence of native ores was the determining factor in the localization of these works. One of their main features, in fact, was the employment in smelting, of ores mainly imported from England.² It is not to be imagined, however, on that account that, apart from bog-ores Scotland had no ordinary iron ores of her own. Historic mention is made of abundance of iron ore in Sutherlandshire, 'of which the inhabitants make good iron.'³ In 1613 the export of iron ore from Scotland was prohibited.⁴ These, of course, may merely be references to bog-ore. At Edderton, Ross-shire, however, a deep hole is supposed to indicate the position of a quarry from which iron was extracted.⁵ The first historic iron-work in the country had a mine at hand wrought by English miners.⁶ Ore for an iron-work at Abernethy was got from a mine at Tomintoul.⁷ At Invergarry native haematite was said to have been used.⁸

It would appear nevertheless that there were very few instances of iron-mines known to have been worked in Scotland.⁹ Long before 1760 the works where local ores had been employed were extinct.¹⁰ In that year iron-smelting was carried on at two centres¹¹ only, and at both these with ores imported from England.¹² Under these circumstances it is not surprising to find that the Bishop of Meath travelling in Scotland in 1760 has little to say of iron, except that it is 'supposed to be found,' or 'probably abounds,' in certain out-of-the-way places which have had no subsequent iron history.¹³ No mention is made of iron-mining though notice is taken of an attempt to make use of local ore which, however, had not answered in the smelting.¹⁴ Thus in 1760 the local ores of Scotland were virtually unknown,

¹ *Ibid.* Invergarry, 1730, p. 124; Bunawe, 1730, p. 124; Abernethy, 1730, pp. 126-7; Goatfield, 1754, pp. 129-10.

² *Ibid.* pp. 113, 124, 129-30.

³ D. W. Kemp, *Notes on Early Iron Smelting in Sutherland*, p. 15.

⁴ I. Macadam, *op. cit.* p. 112.

⁵ *Ibid.* p. 102.

⁶ *Ibid.* p. 105.

⁷ *Ibid.* pp. 127-8.

⁸ *Ibid.* p. 124.

⁹ *Ibid.* p. 94.

¹⁰ *Ibid.* pp. 112-3, 128.

¹¹ *Ibid.* First historic works at Letterewe probably extinct before 1660, p. 112; Invergarry soon ceased to work, p. 90; Abernethy ceased working 1739, p. 128; Goatfield and Bunawe in 1886 only a few years blown out, p. 90.

¹² *Ibid.* pp. 129, 130.

¹³ R. Pococke, *Tours*, pp. 93, 137.

¹⁴ *Ibid.* p. 25.

and certainly unused in the production of iron. What iron smelting there was, was conducted on a most insignificant scale with ores imported from England.

If in 1760 Scotland depended almost wholly on English ores for her iron smelting works, it would appear also that till well on in the eighteenth century, she relied mainly on the same source for a large part of her supply of hardware.¹ At this date Scotland did indeed possess some trade of her own in manufactured iron. The raw materials, however, in the form of bar-iron were furnished on this occasion by importation, chiefly from Sweden and Russia.² Holland in one instance provided a nail manufactory of one of the Eastern Counties with the old iron requisite for the pursuance of that trade.³ Iron was a common import at the most insignificant ports.⁴ The extent of the trade could be judged from its position in Glasgow, the subsequent economic fortunes of which were to be so intimately bound up with the production and manufacture of iron. The trade there dated from 1732, having arisen largely in response to a demand for agricultural implements from the new markets of the American Plantations.⁵ The paltry nature of the industry was its most striking feature. In 1750 the iron consumed by Glasgow was no more than 400 tons.⁶ In 1777, 500 tons was considered a large figure by a historian of the city at that date.⁷ It was a humble trade indeed which could hail a project for the production of iron toys as a promising outlet for expansion.⁸ The two branches of the iron trade at this period reveal alike in their insignificance and dependence on outside sources for their supply of raw materials, a very close degree of correspondence. The condition of both bespeaks a time where the whole framework of economic life was different from what it was later to become, and where more especially, there was no demand for iron as the raw material of machines.

With the coal trade of 1760 the position was somewhat different. Lack of development was here by no means so

¹ *Case of the Linen Manufacture of Scotland*, p. 1, 1887, b. 60 (38) Brit. Mus.; *Present State of Scotland Considered*, p. 49, 8227 aa. 44 (3) Brit. Mus.

² J. Rae, *Life of Adam Smith*, p. 93.

³ *Statistical Account*, xii. p. 514.

⁴ R. Pococke, *Tours*, passim.

⁵ J. Gibson, *History of Glasgow*, p. 242; G. Stewart, *Progress of Glasgow*, pp. 70-1.

⁶ J. Rae, *op. cit.* p. 93.

⁷ J. Gibson, *op. cit.* p. 242.

⁸ *Ibid.* p. 249.

complete. Thus if Poccoke travelling in that year found little to say of iron, he makes frequent reference to coal. Certain country near Glasgow he mentions as 'full of coals'; at Leven he passed 'some great coal pits and the wagon roads from these to the sea'; Alloa was 'a very disagreeable coal town'; Dysart had 'great collieries.'¹ Considerable activity then would appear to have been shown in the production of coal. The picture, however, is in some measure misleading, as may be seen from considering the nature and extent of the coal-working of the time. The successive stages through which methods of coal-getting pass, from the digging of superficial supplies or outcroppings to the sinking of shafts measure in some degree, response to growth of demand and indicate also, progressive steps in the development of mining. The fact that even subsequent to 1760 outcroppings were still being worked, throws an interesting light on the existing state of coal production.² No less so does the shallow nature of the shafts then in use. The 'great collieries' of Dysart were at this period worked only to a depth of 25 fathoms.³ Even thirty years later a pit of sixty fathoms was considered beyond a moderate depth,⁴ while some were as shallow as three.⁵ The flooding of mines, for long the bugbear of mine-masters, proved the chief obstacle to deeper workings.⁶ The small extent to which mechanical devices were employed to overcome this difficulty is suggestive. Rude machines worked by hand, horse, wind or water power had early been tried.⁷ The success of these efforts, however, was limited.

Steam was first employed in Scotland 'to raise water by fire' probably some little time previous to 1719, at which date it is recorded the second steam engine used for that purpose was erected.⁸ These engines, however, were not generally adopted. The first steam engine in the Glasgow district was not built till 1763.⁹ The Statistical Account has many references to steam engines as having been constructed for the first time in various mines for the purpose of raising water, at dates subsequent to

¹ R. Poccoke, *Tours*, pp. 60, 276, 290, 281.

² *Statistical Account*, v. p. 346; vii. pp. 9, 13, 403.

³ R. Poccoke, *op. cit.* p. 281.

⁴ *Statistical Account*, v. pp. 532-3.

⁵ *Ibid.* xii. p. 102.

⁶ *Ibid.* i. p. 373.

⁷ A. S. Cunningham, *Mining in the Kingdom of Fife*, pp. 5-9; R. Bald, *General View of the Coal Trade of Scotland*, pp. 4-11.

⁸ *Statistical Account*, vii. p. 11.

⁹ R. Bald, *op. cit.* p. 23.

1760.¹ Many pits remained without engines at all.² Thus though steam engines had been employed in mines over forty years previously, in 1760 they were still comparatively rare. Under these circumstances mines were only partially worked, as much coal being taken out as could be procured without the aid of 'fire engines.'³ Thereafter they were abandoned. The Statistical Account makes frequent mention of mines which have been 'given up,' 'formerly worked,' 'not wrought these many years.'⁴ In one place four years represented the length of period during which coal could be wrought dry.⁵ Working was discontinued when free level coal had been worked out,⁶ or when human effort was overpowered by water.⁷ Rich seams lay at great depths unworked,⁸ mines incommoded with water lay open to the enterprise of future adventurers.⁹ Not only were many coal seams partially worked and some abandoned, others had never been tapped on account of their depth.¹⁰

It would appear then, that the economic circumstances of the time, did not justify expenditure on those mechanical devices which were at hand to prevent the return to nature of gifts which were free to be won. The most significant fact of all, however, is that even where there were no apparent obstacles in the way of mining operations, seams of coal remained unworked. This was to be true even at a later date. In a parish where coals were to be found on almost every farm no coal work was carried on; large beds of excellent coal remained unexploited; in certain lands unwrought coal abounded; in other places valuable seams remained untouched.¹¹ Those were the days when farmers in the course of agriculture ran across the mineral, digging it out for their own use.¹²

The explanation of this meagre exploitation of the coal resources of Scotland is to be found in the nature of the then demand. Much coal had formerly been used in the manufacture of salt, but with the decay of that trade in the course of the

¹ *Statistical Account*, iv. p. 371; v. p. 257; ix. pp. 8, 299; xi. p. 492; xiv. p. 543.

² *Ibid.* ix. p. 299.

³ *Ibid.* iv. p. 371.

⁴ *Ibid.* ii. p. 432; iii. p. 488; ii. p. 244.

⁵ *Ibid.* v. p. 257.

⁶ *Ibid.* xii. p. 539.

⁷ *Ibid.* xii. p. 539.

⁸ *Ibid.* x. pp. 144-5.

⁹ *Ibid.* vii. p. 13.

¹⁰ *Ibid.* xi. p. 492; xx. p. 154.

¹¹ *Ibid.* ii. p. 368; iii. p. 464; iv. p. 329 ix. p. 337.

¹² *Ibid.* xii. p. 102.

eighteenth century, many salt-pans had gone out of use¹ and with them certain coal workings.² The demand for household uses could not be great, where peat by itself, or along with coal provided, and continued to provide, a ready source of fuel.³ Even in a district abounding in coal many farmers and cottagers were found to burn peat in part.⁴ What demand there was, was not necessarily effective. The wretched state of communications, which found even in the shortest distances insuperable obstacles, prevented the general use of coal as fuel⁵ and hindered its export.⁶ More important still, however, were certain elements in demand then lacking altogether but subsequently of immense importance. Thus coal had no economic value in the production of power. This was virtually true when steam engines were employed in mines only, and that but rarely. But further, for all intents and purposes there was no demand for coal in the production of iron. Smiths may have used it in their forges,⁷ but not so with smelting. As we saw, it was to the woods of the Highlands that the iron works of the time migrated. The first requisite of the iron-master was an adequate wood supply.⁸ Attempts had, indeed, been made to smelt iron with coal. A sixteenth century writer makes mention of certain black stones which 'resolve and meltes irne.'⁹ In 1661 a monopoly is said to have been granted for the manufacture of iron with coal.¹⁰ We have no real evidence, however, that coal was ever used in Scotland for iron manufacture before 1760.¹¹ The furnaces of the day made use of charcoal.¹² In view of the demand, the finding of crop coal in 1760, and the generally shallow nature of the pits becomes understandable. It is not surprising, taking all the circumstances into account, that mines should usually be partially wrought and very often abandoned, while many remained untapped altogether.

¹ R. Bald, *General View of Coal Trade of Scotland*, p. 84; Sir J. Dalrymple, *Address and Proposals on the subject of the Coal, Tar, and Iron Branches of Trade*, p. 7.

² *Statistical Account*, xi. p. 549.

³ *Ibid.* i. pp. 157, 319-420; ii. pp. 42, 389.

⁴ *Ibid.* i. p. 349.

⁵ *Ibid.* i. p. 339; ii. p. 147; vi. p. 99.

⁶ *Ibid.* vi. p. 407; xii. p. 539.

⁷ *Ibid.* v. p. 346; xii. p. 541.

⁸ I. Macadam, *Notes on the Early Iron Industry of Scotland*, pp. 105-6, 126-7.

⁹ Quoted A. S. Cunningham, *op. cit.* p. 4.

¹⁰ D. W. Kemp, *Notes on Early Iron Smelting in Sutherland*, p. 23.

¹¹ I. Macadam, *Notes on the Early Iron Industry of Scotland*, p. 95.

¹² *Ibid.* pp. 124, 129-30.

Under such conditions, common to both the coal and the iron trades, it was only natural that 'the article of mines in Scotland' should seem indeed to be 'greatly neglected.'¹

Thus viewed from two distinct stand-points, whether in the dependence of the textile manufactures on agriculture, or in the relative insignificance and undeveloped state of the coal and iron trades, agriculture stands out clearly as the predominant industry of the time, and as the basis on which to a very large extent the whole economic organization of the day turns. Agriculture in 1760 might be represented as it had been earlier in the century, 'the main source from whence all the rivulets run and water the body, the main and first spring that must give motion and life to all the parts and branches of improving the nation.'²

But what of the nature of this agricultural basis in 1760? It was nothing if not poor. General improvement was the need of the time.³ Some improving, indeed, had taken place prior to this date, but it was only after 1760 that great changes commenced.⁴ At that time and even at much later dates estates still remained in a state of nature.⁵ The husbandmen of the time were 'unskilful and inanimated,'⁶ 'tenacious of old practices,'⁷ 'muleish' in their attitude to change,⁸ 'creeping in the beaten track of miserable husbandry.'⁹ 'Nothing,' it was reported, 'could be more wretched than the agricultural state of North Britain.'¹⁰ The extent to which feudal services continued to be exacted,¹¹ and rents to be paid in kind,¹² gives some indication of the undeveloped state of cultivation. The husbandry of the day was conducted on the outfield and infield system.¹³ The infield was sown always with the same crop, never fallowed, and

¹ M. Postlethwayt, *Universal Dictionary of Trade*.

² W. Macintosh, *An Essay on ways and means for inclosing, fallowing and planting in Scotland*, p. 257.

³ A. Grant, *Practical Farmers' Pocket Companion*, p. 4.

⁴ J. Ramsay, *Scotland and Scotsmen in the Eighteenth Century*, ii. p. 243; *Analysis of Statistical Account*. p. 234.

⁵ J. Ramsay, *op. cit.* p. 217; G. Chalmers, *Caledonia*, v. p. 7; *Statistical Account*, xx. p. 63.

⁶ G. Chalmers, *Caledonia*, v. p. 7. ⁷ A. Grant, *op. cit.* pp. 3-4.

⁸ A. Grant, *Farmers' New Year's Gift*, p. 2.

⁹ A. Wight, *Present State of Husbandry in Scotland*, i. p. vii.

¹⁰ G. Chalmers, *Caledonia*, v. p. 5. ¹¹ *Statistical Account*, i. pp. 432-3.

¹² J. Colville, *By-ways of History*, pp. 12-13.

¹³ A. Grant, *Practical Farmers' Pocket Companion*, p. 3.

dunged only once in three years, while the outfield, the remaining part of the farm, consisting of a piece of land taken from 'lee' every year, was never manured, but three or more crops having been taken from it successively, it was left in 'lee' again for four, five or six years. In both cases the soil was ruined and impoverished,¹ sometimes in fact lying worse than nature had left it 'for being abused with bad tillage and ill-directed rigs.'²

Actual methods of culture and agricultural instruments were as bad as could be devised.³ It was not uncommon to see four horses and four oxen dragging and staggering before a large heavy plough at a rate of one mile per hour.⁴ Bad ploughing and cultivation generally, resulted in a soil full of noxious roots and weeds,⁵ seeds sometimes being liberally bestowed so as to keep them in check.⁶ The returns to agriculture were naturally meagre, seldom yielding more than four or fivefold on the infield, while the hungry crops of the outfield seldom produced a return of two to one.⁷ It must have been the exceptional nature of the scene which made Pennant at a later date paint a somewhat glowing picture of 'streams of corn darting from the hills to the centre of the valley, and others again radiating from the coast.'⁸ A truer representation of the state of agriculture was to be found in the famine of 1783, or in the statement that the inhabitants of a certain district were distressed at one period of each year for want of meal.⁹

The miserable state of Scottish agriculture in 1760 was by no means due entirely to the backward methods of husbandry then in practice. The spread of a more enlightened cultivation was subsequently to work wonders, but later experience was to prove also that very definite limitations had been placed on the power of agricultural improvement. The best-laid schemes of improving were set at nought by an unpropitious soil and climate; soils proved completely ungrateful in their response to manure;

¹ *Ibid.* pp. 3-4.

² A. Wight, *op. cit.* i. pp. 29-30.

³ *Ibid.* i. pp. 3, 5, 34.

⁴ *Statistical Account*, xx. p. 6.

⁵ A. Grant, *Practical Farmers' Pocket Companion*, pp. 3-4.

⁶ *Statistical Account*, xx. p. 195.

⁷ A. Grant, *Practical Farmers' Pocket Companion*, pp. 3-4; A. Wight, *op. cit.* i. p. 5; *Analysis of Statistical Account*, p. 235.

⁸ T. Pennant, *Tours*, 1772, ii. p. 148.

⁹ A. Wight, *op. cit.* i. p. 93.

to plough was not necessarily to plough to advantage.¹ Certain lands laboured under disadvantages, which no effort of genius or of industry could surmount,² while others even under the most cautious and prudent management, speedily returned to their native barren soil.³ Various factors contributed to produce this result. Sir John Sinclair, basing his opinion on evidence supplied from every parish in the country, designated the soil of Scotland as in general sterile.⁴ Now it was poor, hungry, rugged and of the meanest description ;⁵ now bleak and wettish, encumbered with stones, abounding in waste corners, unfriendly to vegetation, in places scarcely being able to bear the expense of erecting stone walls for its enclosure, at times worth scarcely sixpence an acre.⁶ The very configuration of the land imposed obstacles in the way of husbandry, irregularity of surface rendering cultivation not only difficult and expensive,⁷ but often impossible.⁸ And further, a climate precarious and capricious proved an invincible bar to agricultural improvement, by retarding vegetation,⁹ and in some cases regularly preventing good crops from being safely garnered.¹⁰

Here then, apart altogether from the backward state of agriculture generally common at the time, was an obstacle of a more permanent kind precluding the possibility of development beyond a certain point. Most certain it was to one writer, after having considered the 'distresses' under which Scotland laboured from soil and climate, that nature had 'put a negative against productive revenue and extensive agriculture in that kingdom.'¹¹

The point of view from which it was possible to stress the economic poverty, rather than the economic prosperity of Scotland in 1760, now becomes clear. That year did, as we saw, witness a marked degree of economic progress, the result in large part of the removal of many of those conditions which for long had

¹ *Statistical Account*, x. p. 82 ; xi. p. 3 ; xii. p. 31.

² *Ibid.* vii. p. 231.

³ *Ibid.* xii. p. 72.

⁴ Sir J. Sinclair, *Analysis of Statistical Account*, p. 72.

⁵ A. Wight, *op. cit.* i. pp. 17, 97,

⁶ *Statistical Account*, i. p. 348 ; ii. p. 58 ; xx. p. 62 ; i. pp. 264, 340 ; ii. p. 239.

⁷ *Ibid.* ii. p. 44.

⁸ A. Wight, *op. cit.* i. p. 24.

⁹ Sir J. Sinclair, *Analysis of Statistical Account*, p. 104.

¹⁰ *Statistical Account*, xx. p. 27

¹¹ J. Knox, *View of the British Empire, more especially Scotland*, i. p. 109.

impeded material development, but peculiar natural limitations of soil, climate, physical configuration, still remained. Thus though there might be more incentive to the exercise of sustained economic effort, the field for the play of that effort was at once poor and stubborn. Such a position of affairs was of peculiar moment to a country when the whole economic organization of the day centred mainly round the position of agriculture. A real barrier was raised in the path of advance to material wealth. It is on these grounds mainly, due allowance always being made for the continued effects of causes which in themselves had long ceased to operate, that the relative economic poverty of Scotland in 1760 is to be explained. The impossibility of surmounting this obstacle by direct assault had been seen in the definite limitations set by nature to the success of the efforts of agricultural improvers. In point of fact the difficulty was to be overcome, not by elimination, but through a process of circumvention accomplished in the course of changes in economic life involving at the same time an entirely new form of economic organization. As a result there was to be a moving away from the importance of agriculture as the basis of industry, and a revelation of the essential relativity of all former conceptions of wealth or poverty of natural resources.

It is in this way that the year 1760 is of peculiar importance in the economic history of Scotland. In the latter part of that year great buildings were making at Carron for iron-smelting houses.¹ These works in a special sense typify the commencement of a new industrial order, and indicate a new phase in economic development. The land round Carron might be a mere moor² or an uncultivated stretch of peat and heath,³ but the coal and iron-stone dug therefrom, and linked together in the production of iron⁴ were to form the basis of a trade, comparable in its returns to none under the sun save that of plundering Bengal.⁵

It is interesting to trace in the Statistical Account, the growing appreciation of the nature and extent of the change beginning to be thus effected in economic life. Under new conditions,

¹ R. Pococke, *Tours*, p. 296.

² T. Pennant, *Tours*, 1769, p. 263.

³ G. Jars, *Voyages Métallurgiques*, pp. 270-1.

⁴ *Ibid.* pp. 265-70.

⁵ Sir J. Dalrymple, *Address and Proposals on the subject of the Coal, Tar and Iron Branches of Trade*, p. 13.

the natural resources of the country come to appear in quite a different guise. Scotland contained many lands, where a poverty of soil seemed almost to accompany the presence of minerals. A heath-covered soil of poor clay ; lands not worth half-a-crown per acre ; fields which for years had not yielded a crop sufficient to refund the farmer for seed and labour, yet contained abundance of coal and iron.¹ Hitherto stress had been laid on the infertility of the soil.² Now there is a transference of emphasis from the agricultural poverty of the land to the worth of its minerals, and a conscious recognition of the extent to which one may compensate for the other. A certain parish with all its disadvantages of soil and climate, claims to find ample compensation in its buried wealth.³ Minerals are recognised as destined to become objects of importance,⁴ and as presenting profitable fields for future investment,⁵ as a result of which the whole face of the country will be transformed.⁶ Agriculture begins to lose its position of relative importance. How long certain districts at present almost entirely agricultural are likely, in view of their possessing minerals, to remain so, it is now difficult to determine.⁷ Already in certain instances agriculture, the basis and support of all other arts, shows signs of being outrivalled,⁸ not, however, without a corresponding gain in material wealth, a greater estate indeed being found to arise in this way than could ever have been reaped from the surface of the soil.⁹ It might well be in fact, as one writer expressed it, in somewhat more picturesque language perhaps than the circumstances of the case demanded, that 'in this instance, and in many others which have not yet been sufficiently explored, the bleak moors of Caledonia, and her hills covered with blue mists will be found to contain some of her most valuable treasures.'¹⁰ The prophecy was to be more than fulfilled. In the end it was to be a very far cry from the early days of coal mining in the thirteenth century, when a mine charter granted the right to dig coal only from land which was not arable.¹¹

In the process of movement away from an economic organization turning mainly on agriculture, the founding of the Carron

¹ *Statistical Account*, xi. pp. 430-1 ; x. pp. 213, 340.

² *Ibid.* vii. p. 603.

³ *Ibid.* xx. pp. 2, 152.

⁴ *Ibid.* ii. p. 215.

⁵ *Ibid.* ii. p. 78.

⁶ *Ibid.* v. pp. 324-5.

⁷ *Ibid.* v. p. 340.

⁸ *Ibid.* ii. p. 162.

⁹ *Ibid.* vi. p. 94.

¹⁰ *Ibid.* xx. p. 153.

¹¹ A. S. Cunningham, *Mining in the Kingdom of Fife*, p. 3.

iron-works was no more than an episode, though a peculiarly significant one as indicating the first stirrings of still more comprehensive changes destined to take place in every department of economic life. These changes as they ran their course were to constitute what has come to be known, not altogether correctly, as 'the Industrial Revolution.' The whole tendency of that movement was to deprive agriculture of its relative importance as the touchstone of economic prosperity. It is just on that account that this 'revolution in industry' comes to occupy a position of the utmost significance in the history of the material development of Scotland.

JOHN M. DICKIE.

The Dalkeith Portrait of Mary, Queen of Scots

THE little known Dalkeith portrait of the Queen is not commented on by Sir George Scharf (who, indeed, saw it not very long before his death), and I do not notice it in Mr. Foster's great work on the portraits of Queen Mary. The late Mr. Andrew Lang, who opened out a new field by identifying the 'Leven and Melville portrait' of Queen Mary by comparing the jewels on it with those in the Queen's Inventories, probably never saw it; but his article in the *Scottish Historical Review* (vol. iii. p. 129) and the method derived from it has made the writer attempt a similar line of work in this note.

This is the description of the portrait which is on panel: 'Half-length $\frac{3}{4}$ to the right, eyes to front. The hair is waved and auburn. She wears a dark dress which is turned back with a high collar, lined with white opening over a stiff front of cloth of silver on which strings of pearls are arranged. The décolletage is filled in with a soft chemisette of lawn finished with a small ruff. The cap is of lace, and on it are jewels and a spray of flowers above the ear at the left side, a veil falling at the back of the head. A jewelled necklace and cross round the neck. Over the shoulders and down the dress is a garniture of narrow gold chains or passementerie, filled in with silvery material, toning with that of the front, caught at intervals with jewels of table-cut diamonds. The sleeves of the dress are striped with narrow lines of golden passementerie, something like that on the garniture of the bodice.'

The portrait is obviously one of Mary in her youth, and must either have been painted before she left France in 1561 or copied from a picture of that date, for the reasons following.

The first thing to be noticed is the great likeness (though the head and figure are turned in the opposite direction) between the features in this portrait and those in the undoubted chalk sketch¹ in the *Bibliothèque Nationale* in Paris of Mary as

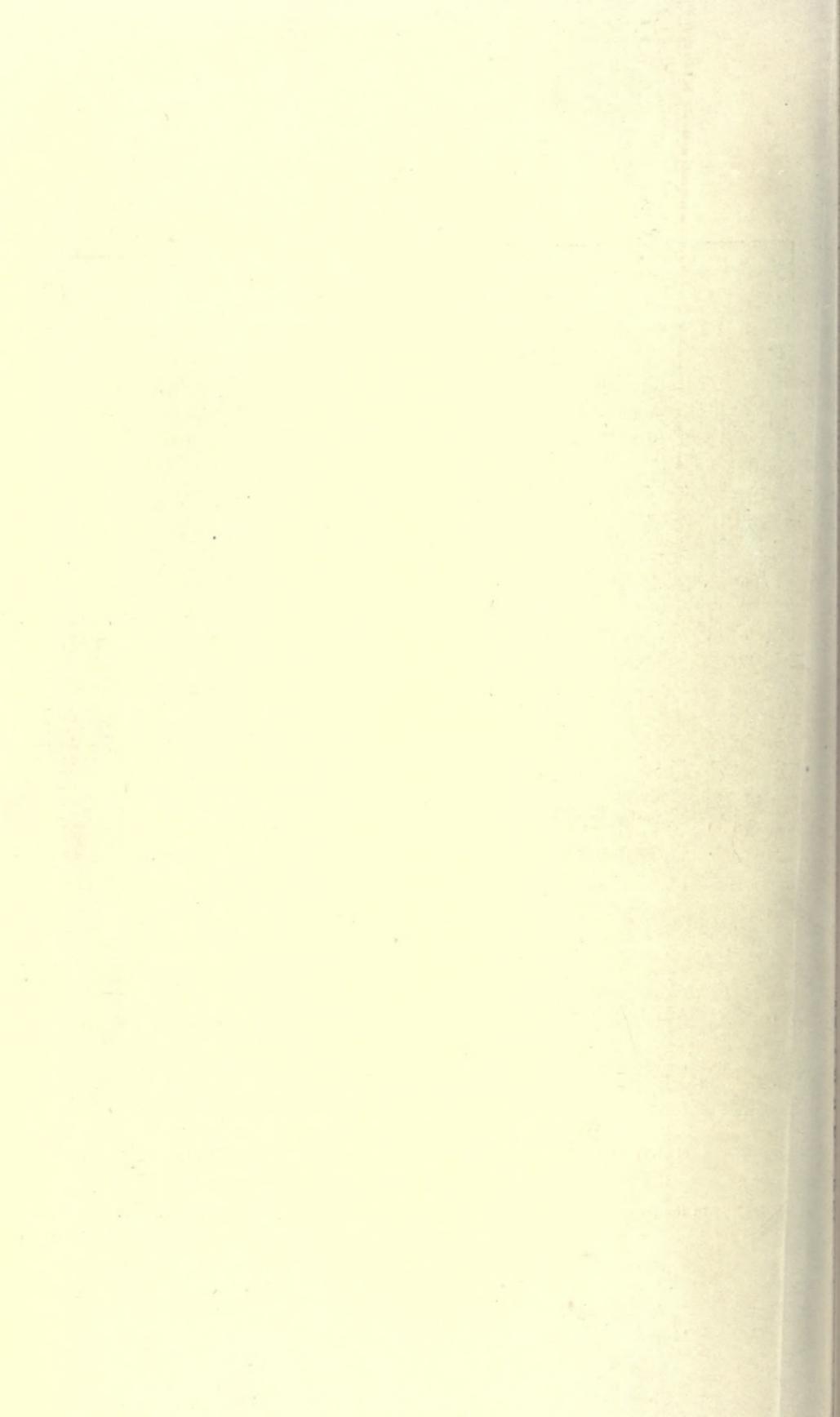
¹ Reproduced in *The Portraits and Jewels of Mary Stuart*, by Andrew Lang. See also *Scott. Hist. Review*, vol. iii. p. 137.



MARY, QUEEN OF SCOTS, QUEEN CONSORT OF FRANCE.

The Dalkeith Portrait.

In the possession of His Grace the Duke of Buccleuch and Queensberry, K.T.



Dauphine of France about 1559, attributed to either François Clouet or Jehan de Court.

The long rope of pearls on the front of the dress is arranged in the same way in both pictures, looped across the bust to the centre and then falling in two long strings to the waist or below.

Mary's ropes of pearls were famous,¹ and in one or two of the portraits they can be seen arranged in different ways; here we have them exactly as in the chalk sketch, but with the addition of a row worn across the bust just at the top of the stiff front of the dress and below the lawn chemisette. The *carcan* or necklace in the chalk sketch is not the same; it is entirely composed of large pearls. Yet the *carcan* in the Dalkeith portrait has a very important claim to notice. This *carcan*, with its pendant cross, is formed of diamonds, alternating with *entre-deux* of large pearls, set in groups of five. Now in the Inventories of Mary's jewels among all the *carcans*, *colliers*, *cotoires*, *ceintures*, etc., one can find many with *entre-deux* or '*couppletz*' of pearls set in clusters of two, three, four, or even six, but only three instances of groups of five pearls.

In the Inventory² of the jewels given back to the Crown of France, when Mary became the widow of François II., before she returned to Scotland in 1561, we find the following articles:

A *Bordure de touret*, a *grand collier d'or* and a *carcan*, all three composed of diamonds with *entre-deux* or *couppletz* of pearls set in clusters of five. In the *Bordure* the Inventory mentions '*huict coupplets de perles*,' and does not mention the groups of five; but as there were forty pearls in the valuation, it is obvious that it matched the *collier* and *carcan*. In the *collier* the '*cinq grosses perles rondes*' are noted. This is the description of the *carcan*. 'Un *carquant* de pareille façon auquel y a cinq *dyamans* deux en grosse point, un grande table taillé à face et deux petites tables dont y en a une rompue par la moitié et six *coupplets* de perles *entre-deux* où y a à chacune cinq perles.'

This being so, it becomes even more evident, when considered in connection with the *cordon* of pearls on the front of the dress (arranged as in the chalk sketch of 1559) that the

¹ Queen Elizabeth bought six of the ropes in 1568.

² Robertson's *Inventaires de la Roynie d'Écosse*, pp. 192, 193, 194.

portrait represents Mary in her youth as Queen of France.¹ While dealing with the *couplets* of pearls, set in groups of five, it may be noted that in a portrait of Elizabeth of Austria, wife of Charles IX. (the succeeding Queen to Mary), she also wears a *carcan* and *grand collier* of table jewels with *entre-deux* of pearls in fives; but the stones between are not diamonds, but alternate tables of rubies and emeralds. It can be seen from the Inventories that parts of sets of jewels were taken off and used with other pieces of jewellery. It is possible that Mary's successor may however have had the design copied with slight alterations.

The cross I have not been able to identify exactly. A large cross of *nine* diamonds was given back with the other jewels to the Crown of France,² but the cross in the Dalkeith portrait has only seven stones in it. Mary had several crosses, but the only one with seven diamonds³ I can find is mentioned as having two cabochon rubies and, in addition, a pendant pearl. The pearl is noted as being added to the cross⁴ from some loose pearls. 'Il a este prins des perles cydessus à pendre pour mettre à une croix de diamans et rubiz nue grosse perle,' but as we have seen previously jewels were constantly being altered, so the *rubiz* may, like the pearl, have been added to the original cross as an afterthought.

The jewels on the cap and on the ornamentation of the dress resemble the table stones of the necklace. They might be parts of the *Bordure de touret* and *collier*, mentioned before, detached from their clusters of pearls. There were nine table diamonds 'de plusieurs grandeurs' in the *Bordure* and eleven in the *collier*. There were also four extra table diamonds to lengthen the *collier*. Allowing for, say, five on the cap, this would give fifteen for the dress, which would accord with the distribution, so far as one can see, in this picture. In any case, Mary had many other jewelled *boutons*,⁵ as can be seen in the Inventories.

¹ Bapst, *Histoire des joyaux de la Couronne de France*, pp. 55, 58.

'A l'époque de Marie Stuart . . . les entre deux ne sont plus de nœuds, mais des pompons de quates ou cinq perles ou des barettes de deux perles.'

So the beautiful Scottish queen's fashion might be copied often.

² Robertson's *Inventaires*, p. 197.

³ *Ibid.* p. 76.

⁴ *Ibid.* p. 82.

⁵ 'Neuf tables de diamants faictes à boutons,' *Ibid.* p. 5, and others.

Taking, therefore, into consideration the pearl *cordon* on the dress, the jewels on it and the cap, the *carcan* with its diamonds and *entre-deux* of pearls set in groups of five, one may conclude that this picture is a portrait and a correct portrait of Mary, either painted before she left France or an early copy of such an original.

It is not easy to say where the picture came from originally, but it has been at Dalkeith for more than two centuries. There is a tradition that it was once at Smeaton ; but that helps little, for Smeaton was bought in 1707 by Anna, Duchess of Buccleuch, the widow of Monmouth,¹ and after that it was used as a residence by the Buccleuch family, with frequent changes of 'plenishings' between it and Dalkeith Palace.

John Loveday of Caversham mentions it in the account of his visit to Dalkeith in 1732 as 'a picture of Mary, Q. of Scots,' and it was doubtless included in the pictures Defoe and his co-editors saw at Dalkeith before 1769 and chronicled as 'some Royal Originals.'

It was reserved for Pennant to give a full and true description of this portrait. He says, in writing of his visit to Dalkeith Palace in July 1769 and of the pictures there :

A beautiful head of Mary Stuart : her face sharp, thin and young, yet has a likeness to some others of her pictures done before misfortune altered her : her dress, a strait gown, open at the top reaching to her ears, a small cap and a small ruff, with a red rose in her hand.'

MARIA STEUART.

¹ The Duchess' father, Francis Earl of Buccleuch, purchased the estate of Dalkeith in 1642, from William Douglas, 6th Earl of Morton. Queen Mary had visited James 4th Earl of Morton (afterwards Regent) at Dalkeith in 1565.

‘Teste Meipso’ and the Parochial Law of Tithes

IN the number of the *Scottish Historical Review* of April, 1918 (xv. 265), I drew attention to a passage in a treatise by Edward Henryson on the tenth Title of the Second Book of Justinian’s *Institutes* and to the *Decretals* of Innocent III. which he cites in support of the form *teste meipso*. The general question involved was further discussed by Mr. R. L. Poole (*ibid.* 359), and in the *English Historical Review* of April, 1920, by Miss Hilda Prescott (xxxv. 214). Neither of these writers is concerned with the specific case to which Henryson refers, but the Rev. Thomas Miller deals with it in an article on ‘The Parochial Law of Tithes’ in the March number of the *Juridical Review* (xxxii. 54). Mr. Miller has taken the enquiry a step further by identifying the *instrumentum* which was referred to in the Papal letter of 1206 as the *Concordia* of the time of David I. which appears in the Dunfermline and Cambuskenneth Registers and in Thomson’s edition of the *Acts of the Parliaments of Scotland* (i. 359), and by explaining the meaning of the phrase *testibus sublati de medio*.¹

The additional light which Mr. Miller has provided enables the third point, with which the Papal letter deals, to be precisely stated. The four points dealt with are as follows :

(1) The legal doctrine *reconventio* does not apply in an arbitration. In other words, the arbiters are limited to the original terms of the reference. The decision of Innocent on this point appears in the *Corpus Juris Canonici*, in the Title *De arbitris* (*Decretal. Greg. IX. Lib. I, Tit. 43, cap. 6*).

(2) Documents can be produced in process up to the date on which judgment is given. The decision appears in the title *De fide instrumentorum* (*Ibid. Lib. II. Tit. 22, cap. 9*).

¹ It must be noted that Innocent does not call the *instrumentum* a *concordia*, but an *instrumentum super compositione inita*. The canonists, however, gave such a wide meaning to the term *instrumentum* that on re-consideration I am prepared to accept Mr. Miller’s view.

(3) Local custom to that effect may give to an instrument the character of an *instrumentum authenticum*. This decision also appears in the title *De fide instrumentorum*.

(4) An action containing possessory and petitory conclusions may be terminated by a single decree. This decision appears in the title *De causa possessionis et proprietatis* (*Ibid.* Lib. II. Tit. 12, cap. 6).

The question with which we are concerned is the third, and Innocent states it as follows :

‘Ex quo autem scrupulus tertiae dubitationis emersit, quod monachi supradicti excipientes contra canonicos supradictos asseruerunt controversiam super praefatis decimis tempore inclytae recordationis regis David fuisse per concordiam terminatam, super compositione inita instrumentum in medium producentes praefati regi sigillo munitum. Super quod nostrum postulastis responsum, *utrum instrumentum illud, testibus sublatis de medio, per se sufficere valeat ad probandum propositum, cum hinc inde fuerit allegatum.*’ The words printed in italics concisely present the point at issue. Innocent’s answer was as follows : ‘Super tertio vero capitulo taliter respondemus, quod inquiratis diligentius veritatem. Et si consuetudo illius patriae obtinet approbata ut instrumentis illius regis fides adhibeatur in talibus, vos secure poterites praefatum admittere instrumentum ; praesertim cum saepedictus rex tantae fuerit honestatis quod ipsius instrumenta maximae auctoritatis sint in partibus Scoticanis.’¹ It is clear that the question concerned the validity of the instrument and not its subject matter, that the point involved was the competence of certain evidence and not, as Mr. Miller claims, a question of tithes. This is borne out by the position assigned to the passage in the Decretals of Gregory IX., which were compiled by Raymond of Pennaforte within twenty years of the death of Innocent III., and sent by Gregory to the Universities of Bologna and Paris in 1234. Gregory and Raymond treated the question as being one of probation, and the decision of Innocent III. was soon recognised as the *locus classicus* for the rule that for the purpose of proof local custom may give ‘authenticity’ to instruments which are not admissible by the strict letter of the Canon Law.²

¹ Migne, *P.L.* ccxv. 1127.

² A reference may be permitted to the Treatise of Lanfrancus de Oriano, *De instrumentorum fide et productione* (Zilettus, iv. 29 et sqq.) : ‘Instrumentum publicum secundum Innoc. in c. j. de fi. instr. dicitur scriptura, quae plenam facit fidem

What were *instrumenta authentica*? They have been defined by a modern canonist of great authority as 'ea quae ex se fidem faciunt: sive ex oppositione sigilli autentici, puta episcopi vel principis saecularis cui creditur de consuetudine; sive alio modo, ita ut ad sui valitudinem non requiratur aliud adminiculum.'¹ It will be observed that the main requirement for an instrument of this class was an authentic seal, and that the definition reproduces the decision of Innocent III. with which we are concerned. The document obtained 'authenticity' by the presence of King David's seal.

Before the time of Innocent III., Pope Alexander III. (1159-1181) had decided in an English appeal that an instrument lost its force through the death of the witnesses unless it was executed 'per manum publicam' or bore an 'authenticum sigillum.'² Again, before the date of Innocent's decision, Richardus Anglicus (†1237) wrote in his *Ordo judiciarius* (circa 1190): 'Si instrumenta munita fuerint sigillo autentico, valent etiam testibus mortuis.'³ The doctrine thus laid down was an extension of that of the Roman Law of the later Empire and of the Canon Law.⁴ It probably marked a recognition by the Church of feudal claims and of the provisions of the Customary Law. The claims of national jurists are indicated by Bracton's note of 1224: 'Testificatio Domini Regis per cartam vel viva voce omnem aliam

producta coram iudice sine alterius adminiculo, unde tali instrumento publico producto in iudicio non est opus, quod testes in eo descripti producantur et deponant, nec est opus, quod tabellio deponat dictum suum, immo mortuis testibus et tabellione instrumentum facit plenam fidem... Caeterae scripturae censentur privatae secundum eum (Innocent), nisi consuetudo foret, quod certis instrumentis adhibeatur fides, nam si de consuetudine fides plena adhibeatur aliquibus scripturis, talis plenam facit fidem licet non sit per notarium confecta. Casus est in c. cum dilectus de fide instr.' It will be observed that Lanfrancus cites the letter of Innocent with which we are dealing as his authority for the proposition that local custom may have the effect of giving a public character to an instrument which is technically a private one. Had Innocent not granted to the *Concordia* of David this semi-public character, it would have had no effect, for, to quote Lanfrancus, 'quod licit scriptura privata habeat suscriptionem plurium testium, annum, mensem, diem et similes solemnitates: tamen si testes non recognoverint suscriptiones suas, vel mortui sint, et nulla sit facta comparatio, et pars negat, non probat' (*ibid.* § 55).

¹ Reiffenstuel, *Jus Canonicum*, iii. 82; cf. *Reg. Morav.* 126.

² *Decret. Greg. IX.* lib. ii. tit. 22, cap. 2; cf. *ibid.* tit. 20 cap. 50.

³ Pertile, *Storia del Diritto Italiano*, vi. (1) 418, n. 53.

⁴ D. xxii. tit. 4; C. iv. tit. 20, cap. 15; Nov. lxxiii. c. 7.

probationem excedit’;¹ and by the compilations of the French jurists of the thirteenth century.² Even Innocent III., writing in 1207 to the Bishop of Ely and other Papal delegates, admonished them to have regard not so much to the number as to the quality of witnesses; ‘ad multitudinem tantum respici non oportet, sed ad testium qualitatem.’³

It is, therefore, somewhat remarkable that Innocent when he came to deal with the *Concordia*, with which we are concerned, should have based its ‘authenticity’ on local custom. Henryson notes his disapproval by citing provisions from the *Corpus Juris Civilis* as to the plenitude of Imperial power, and Boehmer of Halle (†1749), another regalist, writes with reference to this decision of Innocent: ‘Instrumenta regum principumque nunquam carent sigillo authentico, atque inde fidem connatam habent, non ex consuetudine: alioquin sigillorum authenticorum nulla vel lubrica esset fides, si consuetudo de fide antea probanda esset: quod tamen ex decisione pontificis colligendum.’⁴ This difficulty makes it necessary to consider the *authority* of King David’s instrument in the eyes of the Pope.

Innocent recognised the instrument as having in virtue of local custom the quality of an *instrumentum authenticum*. Now, in the Canon Law, this class of instrument was not an *instrumentum publicum*, but a private instrument which by an additional formality had been raised to the grade of an instrument approaching, but not identical with, a public instrument. As time passed, the terms ‘public’ and ‘authentic’ came to be treated as synonyms, but in the time of Innocent the distinction was a clear one.⁵ The recognition of David’s *instrumentum* by the Pope represented the final phase of the long conflict between the old Papal and Imperial notarial system and the growing local and feudal independence which discarded the elaborate formalities of the old European regime. We may assume that a great Canonist like Innocent was not prepared to act contrary to the legal system which he did so

¹ Pollock and Maitland, *History of English Law*, ii. 669, n. 2.

² e.g. *Etablissements de St. Louis* (Ed. Viollet, 1886), ii. 348 and iv. 225, where the editor quotes a text of the fourteenth century: ‘sigilla baronum et maxime habentium altam jurisdictionem sunt autentica et faciunt plenam fidem sine inscriptione testium et maxime in ducatu Normanic.’

³ Migne, *P.C.* ccxv. 745; cf. *Decret. Grat. II.* c. iv. q. 2 and 3, cap. 3, *Si testes omnes*.

⁴ *Corpus Juris Canonici* (Halle, 1747), ii. 324.

⁵ Reiffenstuel, *op. cit.* iii. 80 et sqq.

much to preserve. All that he did was to recognise that the piety of the King and the custom of the country added to the instrument in question a kind of inferior public character. It was a grave and from a legal point of view an epoch-making decision, marking as it did an important relaxation of the Canon Law of evidence.

The instrument, then, with which we are concerned was an 'authentic' instrument embodying the terms of a *concordia*. The *concordia* or *compositio* was frequently resorted to by ecclesiastics, and the Letters of Innocent III. and the Registers of the Scottish Monastic Houses contain numerous specimens. Pope Alexander III. (1159-1181) had decided that 'super decimis pacifica fieri possit concordia' and that 'si super decimis inter vos et aliquam personam ecclesiasticam de assensu episcopi vel archiepiscopi sui compositio facta fuerit, rata perpetuis temporibus et inconcussa persistat.'¹ In the Lateran Council of 1215 Innocent III. ordained that a layman could not act as arbiter in spiritual matters, and in the eyes of the Pope tithes fell within that category.² In passing this decree the Council was simply reaffirming the canonical practice, and it introduced no novelty. It was designed to check secular encroachments.³

Mr. Miller has attempted to confer on the *instrumentum* of King David the character of an Act of Parliament or at least of a decision of a Court of Appeal. He has disregarded the warning which Cosmo Innes inserted in his Introduction to the *Register of Dunfermline* against the practice of applying to the institutions of a primitive society the forms of a later age.⁴ All that one is justified in saying is that the *instrumentum* is the record of the settlement of a dispute between ecclesiastics effected, so far as the resources of Scotland afforded, in a canonical way and authenticated by the magnates of the country in the most solemn manner at their disposal. In the course of time the *compositio* gained its developed and canonical form in Scotland, and was authenticated as an *instrumentum publicum* by a notary.⁵ So long as the form can be traced it maintained itself

¹ *Decret. Alex. III.* 35, 5; *Decret. Greg. IX.* bk. i. tit. 36, c. 2; cf. *Decret. Greg. IX.* bk. i. tit. 36, *De Transactionibus* generally.

² *Decret. Greg. IX.* bk. i. tit. 34, c. 8.

³ Migne, *P.L.* ccxv. 849, 1048, 1083, 1097, 1189; ccxvi. 95, 96, 255, 310, 1323, etc.

⁴ *Reg. Dunf.* p. xxii.

⁵ *Vide e.g. Reg. Pr. St. Andr.* 410, and *Reg. Ep. Glasg.* i. 265, 268.

clearly distinct from that of a legislative act or of the decree of a Court.¹

Mr. Miller's main argument for the legislative character of David's *concordia* is based on the reference which it contains to the lands in the parish which did not belong to the royal demesne ('*terrae aliorum hominum parochialium*'). He argues that the King by dealing with tithes which were payable from the lands of his subjects was in effect making a law of general application. This argument 'begs the question,' in respect that it assumes that the *concordia* is an expression of the King's will as a lawgiver. If we treat the *concordia* as an arrangement between the parties representing the Parish Church and the Royal Chapel, it is clear that no other body had any claim to payment of tithes within the parish, and that they were not exercising any legislative function in apportioning between themselves the whole of the tithe.

Mr. Miller identifies the *Concordia* of King David with the *assisa Regis David* referred to in a *precept* of William the Lion. This identification was considered by Connell as possible, but he was not prepared to accept it (1) because the point in dispute occurred only between the Bishop of St. Andrews and the Monastery of Dunfermline; (2) because the title of the writing was against the supposition.²

Mr. Miller states, further, that Henryson 'claims that the *Concordia* is a statute of the realm.' This is not the case. Henryson's treatise in which the reference to the decretal of Innocent III. occurs is devoted to a question of probation, to the execution of Wills. He was not concerned with the authority or character of a document but simply with the formalities of execution, and his claim was that an instrument authenticated with a royal seal must be treated as an *instrumentum publicum*, irrespective of local custom. It does not follow that such an instrument must be a legislative act of general import. Henryson does not refer to the *Concordia*, and it is very improbable that, writing as he did in France, he made any attempt to identify it.

Mr. Miller contends, further, that Innocent III. was so much

¹ In an instrument of 1235 the Bishop of Dunblane writes of 'Ea que judicia vel concordia terminata sunt' (*Chartulary of Lindores*, ed. 1903, 54), and the same distinction between a *judicium* and a *concordia* was made by Pope Honorius III. in 1226-7 (*ibid.* 114); cf. *Summa de Legibus Normannie*, cap. 100 (ed. Tardif. Paris, 1896), p. 245.

² *Law of Tithes* (Edinburgh, 1815), p. 11 n.

impressed with the substance of the *Concordia* with which we are concerned, that he derived from it 'the parochial law of tithes,' and that his decretal of 1210 and the subsequent canon of the Lateran Council of 1215 were inspired by the arrangement made before the Scottish King. This remarkable theory will not bear examination. In the first place, Innocent was not concerned with the merits of the Eccles case, but only with certain specific points of Procedure and the Competence of Evidence, and the contents of the *Concordia* were not before him. In the second place, Innocent's decretal of 1210 and the Canon of 1215 did not introduce a novelty. They simply reaffirmed a principle which had often been disregarded in practice. In the year 1199, seven years before his letter regarding David's *instrumentum*, Innocent wrote to the Archbishop of Canterbury: 'Pervenit ad audientiam nostram quod multi in dioecesi tua decimas suas integras vel duas partes ipsarum non illis ecclesiis, in quarum parochiis habitant, vel ubi praedia habent, et a quibus ecclesiastica percipiunt sacramenta, persolvent, sed eas aliis pro sua distribuunt voluntate. Cum igitur inconveniens esse videatur et a ratione dissimile, ut Ecclesiae, quae spiritualia seminant, metere non debeant a suis parochianis temporalia et habere, fraternitati tuae auctoritate praesentium indulgemus ut liceat tibi super hoc, non obst. contradictione vel appellatione cujuslibet seu consuetudine hactenus observata, quod canonicum fuerit ordinare et facere quod statueris per censuram ecclesiasticam firmiter observari' (Migne, *P.L.* ccxiv. 672, cf. Selden, *Historie of Tithes* (London, 1618), pp. 229-231). Innocent's predecessor Pope Alexander III. clearly indicated 'the parochial law of tithes' in letters to the Archbishop of Canterbury and to the Bishops of Worcester and Exeter (*Decret. Alex. III.* Tit. 34, c. 1 and 3).¹

Turning to Scotland, we find in the Register of Kelso a Charter by Robert, Bishop of St. Andrews, of a date between

¹ Reference may also be made to Concil. Ticinense, c. 2 (a. 855), in Galante, *Fontes Juris Canonici* (1906), 615; *Decret. Greg. IX.* bk. i. tit. 36, cap. 8, and *ibid.* bk. iii. tit. 30, c. 4, 5, 7, 8, 13; Thomassinus, *Vetus et nova ecclesiae disciplina*, p. iii. lib. i. cap. 9; Selden, *op. cit.* p. 283; Van Espen, *Jus ecclesiasticum Universum*, pars ii. tit. 33, cap. 3; and Suarez, *De virtute et statu religionis*, lib. i. cap. 21. Canon Law was to a great extent customary, and the Parochial Law of Tithes followed the delimitation of parishes. In France the boundaries of all the parishes were clearly defined by the end of the tenth century (Luchaire *Institutions Françaises*, Paris, 1892, p. 4); *Decret. Grat.* pars ii. causa xiii. q. i.; *ibid.* causa xvi. q. i. cap. 42 and 43 and cap. 55; *ibid.* causa 25.

1147 and 1150, in which he confirms the grant by the Abbey to the Church of St. Laurence at Berwick of certain tithes *in jus parochiae*. The Charter concludes: ‘Volo itaque ut praedicta ecclesia decimas et rectitudines praefatas habeat et teneat *jure parochiali* sicut aliqua elemosina liberius et quietius ab aliqua possidetur ecclesia.’¹ Again, in 1161, Pope Alexander III. issued a mandate to the people of the diocese of Glasgow that ‘ecclesiis in quarum parochiis habitatis juxta commonicionem venerabilis fratris nostri Glasguensis episcopi decimas quae de canonico jure debentur sine contradictione cum integritate solvatis.’² Reference may also be made to a number of twelfth-century *conventiones* regarding the respective rights of a Parish Church and a Chapel, in which the rights of the former are carefully guarded,³ and to a *compositio* regarding tithes between William, parson of Hunsdun, and Melrose Abbey of 1185.⁴

To sum up the foregoing observations :

(1) Mr. Miller has misapprehended the import of Innocent’s letter and of Edward Henryson’s comments on it.

(2) He has given to the Eccles *concordia* a legislative or judicial character to which it has no claim.

(3) He has propounded a theory on the Law of Parochial Tithes which will stir the heart of every patriotic Scotsman and make Innocent and Raymond, Thomassinus and van Espen, and many other canonists turn in their graves.

DAVID BAIRD SMITH.

¹ *Liber de Calchou*, No. 445.

² *Reg. Ep. Glas.* No. 17 ; cf. *Reg. de Cambuskenneth*, No. 24, for analogous case of burial dues.

³ *Reg. Pr. St. And.* 321, 322.

⁴ *Liber de Melros*, ii. No. 129 ; cf. *Liber de Calchou*, i. No. 441. In this case the rector’s claim to the tithes was not supported, but the ground of the judgment of the Papal delegates is not given.

The Arbuthnots of Kincardineshire and Aberdeenshire¹

MRS. ARBUTHNOT'S book is a sound piece of genealogical work and a valuable contribution to Scottish family history. The author has been most painstaking and has told her story in a perfectly plain, straightforward way if occasionally at some considerable length. She has wisely eschewed all attempts at fine writing and 'gush,' which are too often the bane of lady genealogists. She has indeed an interesting story to tell, for few families have produced in their course so many distinguished men.

The Kincardineshire Arbuthnots (with two t's), now represented by the peerage family of that name, trace their descent from a certain Hugo de Swinton who got the lands of Aberbothenoth (from which he assumed his ultimate name) as early as the twelfth century. Who this Hugo was has not been definitely ascertained, though there is little doubt that he was closely connected with the ancient Berwickshire family of that name. Mrs. Arbuthnot gives the pedigree from him down to the present holder of the title, but she does not enlarge on them, as her proper subject is really the Aberdeenshire branches of the family, whose ancestor is supposed to have been Hugh Arbuthnot the second son of Robert Arbuthnot of that ilk, who died in 1450, by his wife Giles, daughter of Sir Walter Ogilvy of Lintrathen, Lord High Treasurer of Scotland. For about a hundred and twenty years the descent is somewhat nebulous, and we are faced with a goodly number of 'probabilities.'

But when we come to James Arbuthnot of Lentusche towards the end of the sixteenth century we begin to be on firmer ground. Mrs. Arbuthnot thinks there is good reason to believe that he was the great-grandson of the above-mentioned Hugh, and

¹ *Memories of the Arbuthnots of Kincardineshire and Aberdeenshire.* By Mrs. P. S.-M. Arbuthnot. Pp. 530. With 33 Illustrations and 3 Genealogical Charts. London: George Allen & Unwin. 1920. 63s. net.

brother of that Alexander Arbuthnot who was the joint printer along with Thomas Bassendyne of the Bassendyne Bible in 1579. His line, which in the person of his son John became that of Cairngall, is now extinct, and the present day Kincardineshire families are supposed to descend from the father of the laird of Lentusche, John of Legasland. And what an array of distinguished people sprang from him! There was the Rev. Alexander Arbuthnot, minister of the parish of that name, an ardent Jacobite, who was deposed from his living in 1689, not exactly by the third Viscount as stated in the text, but by the Privy Council, for his adherence to the Stuart cause. He it was who wrote a continuation of a history of the family originally written in Latin by another Alexander Arbuthnot, who was Principal of the University of Aberdeen in 1567. Both these annalists, however, confined themselves to the senior line of the family and did not touch the cadet branches, which are our present author's principal care. But perhaps the minister of Arbuthnot's chief claim to remembrance is not his family history but the fact that he was the father of a still more eminent man in the person of Dr. John Arbuthnot, the physician of Queen Anne, the friend of Mrs. Masham, and a participator in most of the political and Court intrigues of his day.

Little more than thirty years after his death another member of the family was born who was destined to play even a greater part in the public life of his country. This was Charles Arbuthnot, a grandnephew of the physician. To his career more than fifty pages of this volume is devoted, and there is much interesting matter in it, though some of it would have been more appropriate to a substantive biography. But our author is naturally anxious to vindicate his name from aspersions which have been cast on it in connection with his conduct of affairs when he was Ambassador to the Sublime Porte. In 1807 we had one of our periodic difficulties with Turkey, and the British Fleet successfully forced the passage of the Dardanelles, but having got through had the utmost difficulty in getting out again. This is not a story into which we can enter in detail, but the result was that Arbuthnot was recalled, and he then abandoned diplomacy for good and devoted himself to home politics, becoming in 1807 one of the joint Secretaries of the Treasury in the Duke of Portland's administration. In 1814 he married as his second wife Harriet Fane, a granddaughter of the Earl of Westmoreland. It was she, as is well known to

the student of the history of the period, who was the intimate friend and confidante of the Duke of Wellington, and after her death in 1834 Arbuthnot was perhaps the one man who was really intimate with the Duke, and continued his cherished and devoted friend till the close of his own life, which took place two years before the death of the great commander. Some curious glimpses are given in these pages of the Duke's domestic life. His wife was not suited to him, though she loved him immensely. She had neither the tact nor the ability to make the best of her distinguished position. The Duke was a hard man with no sentiment about him, but if his wife had managed affairs with discretion there would have been more tenderness in the establishment than there was.

The Arbuthnot family gave many eminent men to all the professions ; but it is curious to find that in the Church one of its most distinguished members was a dignitary of Rome. Charles Arbuthnot of the West Rora family was, we are told, 'brought up in the Roman Catholic faith' (though it is not clear why, as it is not said that his immediate family were Catholics), and was sent abroad for his education at an early age. He entered the Benedictine Order and became famous as a scientist, mathematician and chemist rather than as an ecclesiastic. He was, however, in 1776 appointed Abbot of St. James's Monastery, Ratisbon. He was perhaps rather a mundane Abbot ; besides his scientific eminence he distinguished himself by 'his remarkable skill at all games of cards, principally at Ombre, at which he is very fortunate.' We are also told by one of his relatives who visited him that he went every evening to the Assemblies or to the Opera, and that if St. Benedict were to come alive he would be rather surprised to see so gay an Abbot. He was a very handsome man, of charming manners, and Thomas Campbell the poet, who visited him on one occasion, described him as the most commanding human figure he had ever seen.

Not the most distinguished but one of the pleasantest figures which meet us in this gallery is that of Robert Arbuthnot of Haddo Rattray, who began life as a merchant in Peterhead, but came to Edinburgh, where he established a banking business, which was, however, not successful. He then obtained the post of Secretary to the Board of Trustees, an office which he held till his death in 1803. He was a man of strong literary tastes, and on that account was thought worthy by Boswell of an introduction to Dr. Johnson ; he was, too, an intimate friend

of the poet Beattie. Being socially inclined he was very popular in Edinburgh society. One of his sons, William, became in time Lord Provost of that city, and had the honour of being created a Baronet by George IV. on the occasion of the great banquet to that monarch in the Parliament House during the royal visit in 1822. And it was the great-grandson of the Lord Provost who nobly crowned a brilliant naval career, meeting, as Admiral Sir Robert Keith Arbuthnot, his death in the defence of his country at the battle of Jutland in 1916.

We have seen that one member of the family failed to succeed in the business of banking. It was given to another to show his outstanding ability in this line. George Arbuthnot, a younger brother of the Lord Provost, began his career as Deputy Secretary to the Government of Ceylon in 1801, but he resigned this appointment the following year and entered the house of Lautour & Co., bankers in Madras. He ultimately became the head of the firm, realising a large fortune, and altering its name to that of Arbuthnot & Co., the beginning of that great and long honoured banking house which for a century exercised a powerful influence in the mercantile community of the East till its disastrous end in 1906, long after the control of the business had passed from the hands of his direct descendants. He retired from business in 1823, came home and purchased the estate of Elderslie in Surrey, where he lived to the close of a long and honoured life, dying in 1843.

To the strange adventures of one of his daughters, Eleanor, Mrs. Arbuthnot devoted much space, and certainly tells an extraordinarily out-of-the-way and interesting story. She met in Ireland when a girl of eighteen a Mr. John Carden of Barnane Castle, Tipperary, a man of means and an eligible enough *parti* for her except in the matter of age, as he was forty-three. He became madly infatuated about her, and though she gave him no encouragement whatever he persisted in paying her attention and was never happy out of her presence. The story is a long one and cannot be related here. Suffice it to say that it ultimately ended in his attempting to abduct her, for which proceeding he was tried and sentenced to two years' imprisonment. After his release on the expiration of the term of his sentence he continued for years to follow her about the country, much to her distress and alarm, for there is little doubt that the poor man's mind had become unhinged. In the long run, however, she managed to get rid of him for good. He died, the

victim of unrequited love, in 1866, and his adored Eleanor survived him for nearly thirty years, dying unmarried in Ireland in 1894. She was for some years before that well known in Edinburgh, where she spent part of her later life.

It will be seen that besides mere genealogical facts there is a great deal of interesting matter in this book, and Mrs. Arbuthnot has executed her task of authorship modestly and well. It is a pleasure in these days to see a volume printed in such large and legible type, and with so many excellent illustrations. There are some useful pedigree charts which might have been fuller if they had been distributed throughout the book in detachments. There is an admirable index.

J. BALFOUR PAUL.

Reviews of Books

CHAPTERS IN THE ADMINISTRATIVE HISTORY OF MEDIÆVAL ENGLAND :
THE WARDROBE, THE CHAMBER, AND THE SMALL SEALS. By T. F.
Tout, Professor of History and Director of Advanced Study in History.
Vols. I. and II. Pp. xxiv, 317 ; xvi, 364. London : Longmans,
Green & Co. 1920. 36s. net.

THE late Sir John Seeley, clothing old theories in new garments, emphasized the need for two separate constitutional machines in a free country—the governing organ and the government-controlling organ. In the Great Britain of to-day the first of these is to be found in the machinery of which the monarchy is the centre, including King, Cabinet and administrative departments, the latter is to be found in Parliament. Professor Tout here maintains that the great hierarchy of English historians, from the venerated Bishop Stubbs onwards, have been at fault in overestimating the value of one of these factors in comparison with the other. His main proposition is that Parliamentary control has been exalted to the comparative neglect of the administrative mechanism upon which efficiency depends. Dr. Tout has accordingly set himself, as a supplement to his already weighty contribution to historical science, to redress the balance, and he is carrying through his task with characteristic energy and thoroughness. His main positions have been already outlined in a treatise entitled *The Place of Edward II. in English History*, published by him some two years ago. The present two volumes form the first half of a work intended to establish his thesis by an exhaustive examination of the vast amount of available evidence.

The clue that guides him through many labyrinths is the well-known principle of bifurcation, in accord with which every department of the central government of medieval England tended to split into two or more. As the exchequer became separate from the treasury, so the wardrobe from the king's chamber. Within the wardrobe a second treasury developed, distinct from the treasury of the exchequer, and at first subordinate to the older one, but tending in periods of royal ascendancy to usurp the premier position, while preserving comparative immunity from baronial or other control by professing to be still a department of the king's domestic economy rather than an office of state. Finally, this wardrobe became in fact, in Dr. Tout's own words, 'the War Office and the Admiralty, as well as the Treasury and the Ministry of Munitions.' In resolving a network of allied problems much aid is found from a skilful comparison between the various royal seals in use at different periods.

As to all such points of detail Professor Tout's own lucid pages may safely be left to speak for themselves. As to the value of his contribution to constitutional history as a whole it would be premature to speak until he has concluded his researches. It is likely that there will be differences of opinion as to the extent to which the new light thrown by him will demand a restatement of fundamental principles; as to how far, for example, it may be necessary to abandon the sharp distinction traditionally drawn between the English system of parliamentary control and the bureaucratic methods adopted by the centralised governments of continental Europe, notably by France, where the central administrative machinery proved strong enough to outlive a series of parliamentary constitutions and the revolutions that divided them. Be this as it may, fellow-workers, while they differ, can hardly fail to realise the great value of Dr. Tout's researches. Not only do these afford a view of English constitutional progress from a new angle of observation, but they throw a flood of light on numerous dark places. Future historians of all schools will find here materials wherewith to test or fortify their own conclusions.

Picturesque details of the domestic life of kings of England lighten the technical nature of the main discussion. For example, the man who carried King John's bed had his meals in the royal household, while that monarch was entitled to three baths a year without extra payment to his officials, but each additional tub cost him twopence farthing to the water-bearer. (He profited from this source to the extent of $4\frac{1}{2}$ d. for the period between 10th April and 3rd August, 1212!) Historians of Scots law will read with surprise the unqualified statement that in Western Europe 'the notarial system had only a late and occasional vogue,' but they have themselves to blame that Scottish institutions are not brought more prominently within the ken of English and continental writers on 'Western Europe'; the constitution of Scotland, considered as a whole, has still to wait for its historian.

Not the least pleasant feature of these volumes is the frequent acknowledgement of help received from pupils of the author's own training. The creation, by him and his able colleagues, of a school of history at Manchester that challenges in friendly rivalry the Oxford School of Modern History itself is no mean achievement.

WM. S. McKECHNIE.

DUPLEIX AND CLIVE : THE BEGINNING OF EMPIRE. By Henry Dodwell, M.A. (Oxon), F.R. Hist. Soc., Curator of the Madras Record Office. 8vo. London : Methuen & Co. Ltd. 1920.

MODERN research has, perhaps more frequently than its devotees would be inclined to admit, the task of re-adjusting historical perspective rather than the opportunity of reversing accepted judgments. Mr. Dodwell, however, has some claim to do both. His book is a work of genuine research, and not only does he soften and tone down the violent colours and contrasts and incidentally expunge some of the picturesque details of the authorised version of British Indian history—'Dupleixfatehabad,' for example, the 'City of the Victory of Dupleix,' dwindles down to an insignificant hamlet where no arrogant monument ever commemorated the conquests

of the would-be French empire builder ; but positive errors in statement of fact and opinion are freely corrected by his careful and accurate study of contemporary evidence.

Mr. Dodwell has used the original records of the East India Company, both those in his own care and those at the India Office, and the French archives at Pondichéry and in the Ministry of Colonial Affairs in Paris, and has based on them a really authoritative narrative of the first great contest between the rival nations in India. From this narrative, unquestionably better informed than its predecessors, Dupleix emerges shorn of some of his laurels—less of a political superman, and very much more credible in consequence. Certainly his policy, had it succeeded, would have revolutionised the position of the French Company in India : certainly it supplied both a model and a warning to British administrators and did revolutionise the position of the English company because in their hands it did succeed. But Dupleix's ambition to secure political control over native princes as well as commercial concessions from them grew slowly : the system he built up in the Carnatic and Deccan, in Mr. Dodwell's words, was 'the result of circumstances rather than the fruit of meditation.' Under the circumstances, any European might have built it : indeed the Dutch in Java already conducted their affairs on much the same lines : and the French policy was neither a novelty, nor even a scheme deliberately adopted and consistently followed with all its significance and consequences appreciated and foreseen.

Nor was it simply the short-sighted refusal of support from home that caused Dupleix's failure. The French Company certainly preferred good dividends to the establishment of an Indian Empire, and, like its English rival, did not desire political domination for its own sake. But it was not slow to see that commercial gain would follow political domination. Unfortunately for Dupleix, he could *not* make his wars pay for themselves, though that feat has been claimed for him. The exploits into which his alliances with native states and princes led him made large inroads upon the Company's revenues. Still the Company gave him, Mr. Dodwell considers, as much support as the English Company gave his enemies. It sent him more European recruits, no worse in quality than those of the English, whose superiority Mr. Dodwell attributes to better leading and the more rigid discipline Stringer Lawrence imposed on subordinate officers and men. It was the impossibility of financing in the Carnatic and the Deccan, comparatively poor and barren territories, such ambitious schemes as Dupleix gradually evolved that was the real cause of his ultimate failure. And, as M. Prosper Cultru has pointed out, it was not the French Company which recalled him but the French Ministry, which did not even communicate its decision to the Directors of the Company. (Mr. Dodwell, by the way, has two contradictory statements on this point—in his introduction, p. xvi, and on p. 77. The first is no doubt a slip of the pen.)

The second part of Mr. Dodwell's work is an excellent account of the later campaigns in the Carnatic of Lally and Bussy (whom Mr. Dodwell describes as an abler man than Dupleix) and of Clive's great work in Bengal. Mr. Dodwell touches very briefly on such matters as the famous forged treaty with Omichand, but of Clive's administrative genius he

speaks in an unwonted strain of enthusiasm. Indeed, his enthusiasm is well justified. Recognition of what is practically possible and foresight of what will ultimately become desirable are marks of the real statesman ; and Clive's political settlement during his second term of power in 1765-67, based on the first, yet so infused with the second that the one has never impeded the other, shows how eminently he possessed the rare combination of the two qualities.

There is one serious fault in Mr. Dodwell's book. It is totally deficient in maps ; and intelligently to follow his closely knit narrative, bristling with Oriental place-names, from large states to tiny villages, is quite impossible without maps. Although one could hardly expect the book to be furnished with plans on the scale of a large atlas, it certainly should supply the reader with good maps of Deccan and Bengal, and perhaps one of the Carnatic on a larger scale, to enable him to appreciate Mr. Dodwell's work at its full value.

J. W. WILLIAMS.

THE LOLLARD BIBLE AND OTHER MEDIEVAL BIBLICAL VERSIONS. By Margaret Deanesly, M.A. Pp. xx, 483. 8vo. (Cambridge Studies in Medieval Life and Thought.) Cambridge : University Press. 1920. 31s. 6d. net.

THIS is a work of sound scholarship, embodying a great deal of original research, and Miss Deanesly is to be heartily congratulated on her achievement. Written in a critical spirit equally far removed from the extremes of partiality and prejudice, the book is undoubtedly a valuable contribution to medieval history. Such definite results could only have been obtained as a result of great industry. One small section of the book alone, that concerning bequests of Bibles in medieval wills, involved the examination of over 7500 documents.

The subject has a much wider scope than might at first appear. The unity of the medieval church depended in no slight measure on the recognition of the Vulgate as the only authentic text, and at the same time on the exclusive right of the clergy to interpret the Bible. As soon as the general public had access to translations in the vernacular, ecclesiastical unity was imperilled. In Miss Deanesly's opinion it was only the exercise of force that prevented the Reformation from coming in the thirteenth and not in the sixteenth century. This is quite likely ; at the same time the Reformation would have been a very different movement without the added impulse of humanism.

In the Middle Ages the church did not invariably prohibit translations of the Bible into the vernacular. In the early ages of missionary effort such renderings were necessary. They were however made for the use of the clergy. In later times laymen were occasionally allowed to have copies of vernacular Bibles, but this permission depended on a Bishop's licence in the case of Great Britain, and the licence was only granted to persons of distinction. An unused book in a royal library was of no benefit whatever to the general public. As time went on, translations of the scriptures were more and more associated with heresy because the individual laymen began to claim the right to interpret holy writ in his own way.

To a certain extent the development on the Continent and in Britain followed similar lines. The vernacular Bible was a weapon in the hands of the Waldensians of Lombardy, France, and the Empire, just as was the case with the English Lollards. The translation of the Bible was not at first among the objects which Wycliffe strove to accomplish, but towards the close of his life he considered it a necessary step for the achievement of his aims. The translation of the Vulgate is not even mentioned among the heresies for which he was condemned, although it was the logical outcome of those heresies.

Miss Deanesly has convincingly shown, and here lies one of the chief merits of her book, that the reference in Sir Thomas More's *Dialogue* to old English Bibles in the possession of the laity must refer to Wycliffite text without the heretical prologue. No complete Middle English version existed before Wycliffe, and even the partial versions were most likely all written after 1380.

Two minor points may be noted. The statement (p. 140) : 'It is claimed that a written version of the songs of Caedmon exists in a manuscript, which contains the story of Genesis, Exodus and Daniel,' is substantially correct, but its brevity may be misleading. The Anglo-Saxon *Exodus* has many archaisms in phonology and syntax which point to an Anglian original of early date, which may be as far back as Caedmon's time. The *Genesis* and *Daniel* are much later, and the interpolated *Genesis B* is a translation from the Old Saxon, and hence has nothing to do with Caedmon.¹ The discussion of the different dialects of Wycliffite scribes (p. 253) is not quite convincing. The form of the participle is a useful dialect test, although other evidence should be added. But—'and' is not Midland; it is Northern. Nor is 'heo' (presumably the nom. sing. fem. of the personal pronoun) necessarily Southern. It might just as well point to a Lancashire dialect. 'Yspoken' may be Southern, but it may also be Midland.

The carefully edited text of various Lollard tracts in the second Appendix is of considerable interest for students of Middle English.

JAMES M. CLARK.

OLD CROSSES AND LYCHGATES. By Aymer Vallance. Pp. xviii, 198. With 237 Illustrations. Small Quarto. London : B. T. Batsford, Ltd. 1920. 18s. net.

ORIGINATING in an art magazine article, this beautiful volume derives more from its artistic than its antiquarian suggestions. It is nothing short of an album of crosses and lychgates, comprehending the finest examples in England and exhibiting a great variety of skilful drawings and photographs of recent execution as well as reproductions of old pictures of objects no longer existing or now modified by the wear and tear of time or transmogrified by restoration.

As a repertory of crosses the collection may claim a creditable place, and its discussions of antiquarian theory and its particular descriptions are

¹ Paul's *Grundriss der germanischen Philologie*, ii. 1028, Strassburg, 1909.

neither marred by eccentricity nor by dogmatism. Probably the specialist may feel that the vitals of the problems are not always seized, and that scientific archaeology only slips in and out between and among these wonderful old pillars and sockets and fragments of a cult which had its day but has not therefore ceased to be.

There are 199 crosses pictured and 38 lychgates. Particularly happy examples may be referred to, from the author's own camera, viz. the slender and graceful cross of St. Donat Glamorgan and the sombre pillar at Derwen in Denbighshire. The Eleanor crosses in memory of the queen of Edward I. naturally receive special attention, both in picture and in text, that of Geddington being a choice example, while armorial fragments from the Cheapside monument do honour to Plantagenet sculpture. In a brief introduction, what may be called the story of the cross as a medieval emblem in stone is sketched and its varieties of type distinguished, especially Palm crosses, Boundary crosses, Sanctuary crosses and Market crosses. Neville's cross at Durham, scene of a Scottish disaster in 1346, has disappeared, thanks to 'some lewd and contemptuous wicked persons' who in 1589 broke it down. Its characteristics, however, are well described in the *Rites of Durham*, written in 1593. A moderately good account is given of the Preaching crosses, especially that of St. Paul's, from which so often political as well as religious echoes resounded through the land. The space available for archaeological disquisition, no doubt, was inadequate to allow a more detailed historical statement on such subjects as the Northumbrian crosses and the documentary side of the memorials of Queen Eleanor. The author deplures, as well he may, the premature loss of his friend Sir W. St. John Hope, whose promised notes on the Eleanor crosses would have been an invaluable accession of archaeological interest. To many the substantial chapter on Market crosses will be notable for its tendency to exhibit a gradual development of an octagonal or circular type, arched and roofed and usually pinnaced. Comparison with Mr. John W. Small's drawings in his *Scottish Market Crosses* affords room for reflection not always to the discredit of our less ornate ideals. In the matter of the lychgate or covered gateway into the churchyard, of which such rich examples in timber as well as in stone are here presented, Scotland could scarcely enter the lists of comparison at all.

Mr. Aymer Vallance's volume will be found excellent for reference to typical English architectural modes and forms as well as for its tribute to picturesque phases of antiquity.

GEO. NEILSON.

THE EARLY CHARTERS OF THE ROYAL BURGH OF RUTHERGLEN, A.D. 1126-1388. Introduction, Translation and Notes. By George Gray Town Clerk. Pp. 31. Crown 8vo. 1920.

THIS modest pamphlet prints the charter of William the Lion *ante* 1189, that of Alexander II. in 1226, that of Robert the Bruce in 1323, and that of Robert II. in 1388, with a capital facsimile of the charter of 1323 and a map exhibiting the extensive bounds within which the burghal liberties were confirmed by that charter. This facsimile would alone make the print notable, for the document counts among the high vouchers of the

generic Scottish burghal constitution. The editor deserves all the heartier and more grateful welcome into the historical field, as his father George Gray *primus*, town clerk before him, was an honoured student of burghs, and, like his son, a watchful guardian of the privileges of Rutherglen.

The arrangement of preface and documents notwithstanding leaves something to be desired, and the discussion of the characteristics of the charters rather tantalises the enquirer, *e.g.* (1) as to the precise relationship with Glasgow, Partick, Renfrew and Ayr; (2) as to the connection with the county of Lanark; and (3) as to the precise constitution of the 'castellany' embracing the rural area dependent on the castle and defining the limits of the burgh's exclusive privilege. In the translation of William the Lion's charter a critic might demur to 'Provost' as a dubious and premature rendering of a twelfth century *prepositus*. Moreover, it rather seems that *ubicunque . . . attingere possit in cujuscunque terra* relates to the catching of an offender 'anywhere in another jurisdiction,' and that Mr. Gray's 'other rights wheresoever' can hardly be the connotation of *ubicunque* where it occurs. However, these are details perhaps for the next parliamentary committee to determine. The extract from the proceedings of 1912 is an obviously relevant reminiscence of the triumph of Rutherglen.

HELLENIC ARCHITECTURE : ITS GENESIS AND GROWTH. By Edward Bell, M.A., F.S.A. Pp. xx, 185. Illustrated. London : G. Bell & Sons, Ltd. 1920. 7s. 6d. net (in paper wrapper, 6s. net).

MR. BELL practically confines himself to a description of Cretan and Mycenaean architecture and of the Doric and Ionic temples, and a discussion of the origin of the three orders. This task he has very well carried out. His style is easy, pleasantly technical and very lucid; and the book is generously illustrated. He rightly rejects the idea that the Doric order is a close translation into stone of an older timber construction, and insists on the probability of Egyptian influence on the formation of the early Doric column. For it is one of the puzzles of the history of Greek architecture that the slender Mycenaean wooden column seems to have been replaced by the remarkably thick stone columns of the Doric temples. Mr. Bell does not give any idea of what a Greek town looked like. Nor does he explain the Greek conception of art—why they showed such little variety in the general type of the temples, but were always aiming at the perfection of certain forms which they thought beautiful; though he hints at it in this admirable sentence: 'The Doric capital by successive experiments was refined in profile and reduced in diameter until it attained that appropriate and satisfactory relation to the whole column which is shown in the most perfect examples of the order' (p. 121). One misses, in fact, a description of the Acropolis as a whole. The temple of Poseidon at Sunium has been more recently studied than 1900 (p. 107); references should be made to the *Ephemeris Archaologike* of 1911 and following years. Both the treasuries of Knidos and of Siphnos at Delphi had caryatid porches. But these are small blemishes in this well-written book, which, within the limits indicated, gives a very clear account of the growth of Greek architecture.

A. W. GOMME.

56 Meyer : Staatstheorien Papst Innocenz' III.

STAATSTHEORIEN PAPST INNOCENZ' III. Von Dr. Erich W. Meyer. Pp. 50. 8vo. (Jenaer Historische Arbeiten, Heft 9.) Bonn: A. Marcus und E. Webers Verlag. 1919.

DR. MEYER's original intention was to deal with Innocent III's political theories and their application in practice. He found himself however obliged to limit the scope of his investigations to the political system of this Pope, which is, after all, the most important aspect of the subject,—Innocent III's practical policy being in the main an adaptation of his theory.

Recent judgments of Pope Innocent III have been rather unfavourable. Hauck declared in his *Kirchengeschichte* that he was an opportunist who knew no scruples, who often descended to deceit and hypocrisy in order to achieve his ends, who did not shrink from deliberate lying or the falsification of facts. Dr. Meyer makes no attempt to rehabilitate Innocent III, but does not judge him quite so harshly, apparently because he considers that politics have no connection with morality. He sees in this pontiff an aggressive potentate who had no ideal mission. He comes to this conclusion after studying Innocent's letters, which are the chief source of our knowledge.

The monograph is admirable for its clearness and conciseness. There is nothing superfluous in it, but simply a well arranged statement amply supported by quotations. Granted Dr. Meyer's conception of Innocent III's character it is impossible not to accept his conclusions. Where we may possibly differ from him is in the first principles.

JAMES M. CLARK.

Mr. Arnold D. M'Nair modestly describes his scholarly and useful book, *Essays and Lectures upon Some Legal Effects of War* (pp. xiv, 168; 8vo. Cambridge University Press. 1920. 10s. 6d. net) as 'a collection of seven essays and lectures upon several aspects of the Effect of War upon the municipal or national law of England.' Some of his readers might have expected him rather to describe his book as a treatise on the principles of private international law as interpreted by the English law courts in the period of the world war. It is an admirable piece of work, at once scholarly and practical, exhaustive and well arranged, well reasoned and clearly expressed. It may be recommended with confidence to all who are in need of guidance on a thorny and important subject.

WM. S. McKECHNIE.

NEGRO MIGRATION DURING THE WAR. By Emmett J. Scott. Pp. viii, 192. Crown 4to. With one Map. Oxford: University Press, 1920. 1 dollar.

NEGRO migrations from the South take place at intervals. One, which comprised thousands, moved to Kansas in 1879, another to Arkansas and Texas in 1888-89, but this work deals with the three years following 1914 when more than four thousand negroes suddenly went northward. This monograph deals with the facts of the migration, its effects on the labour question both in the South, North, Middle West and East, the public opinion on the movement, and gives an extensive bibliography to illustrate this newer portion of the great negro problem.

CAITHNESS AND SUTHERLAND. By H. F. Campbell, M.A. Pp. x 168. Crown 8vo. With 68 Illustrations and Maps. Cambridge: at the University Press. 1920. 4s. 6d.

A MIXTURE of Picts and Scots, to the last of whom their Christianity was due, occupied Caithness until the ninth century when the Norse filtered in. This book gives, as illustrations of the periods, different brooches which vie with each other. As in most other countries, the Gaels were forced back to the less fertile uplands, while the Norse retained the coasts and grew rich on the corn trade with Norway. In 1150 King David formed the country north of Dornoch into a bishopric, but the early bishops had tragic ends. The country was the scene of the battle of Altmarlach in 1680 between the native Sinclairs and the invading Campbells, and since then matters have been quiet and agricultural. Sutherland, on the other hand, though the name is Norse, is much more Celtic by blood. Continual migrations of Highland clans have made it so. The Mackays arrived early, Murrays later, and Gordons last, and it was through one of those—Sir Robert—that in 1631 Charles I. erected the present county out of that of Inverness. We are given everything we can desire to know about the occupations of the inhabitants, agriculture, fishing and other industries, and enough is said of the antiquities (which are many) of both counties and of the communications to allow the traveller to arrive at their northern locality.

KIRKCUDBRIGHTSHIRE AND WIGTOWNSHIRE. By Wm. Learmonth, F.R.G.S. Pp. 149. Crown 8vo. With 62 Illustrations and Maps. Cambridge: at the University Press. 1920. 4s. 6d.

THIS volume runs on the same lines as the last and is equally successful. We have the same well-chosen illustrations and the same good physical descriptions. The Norse element of the northern countries does not exist so much here though the Northmen conquered Galloway from Northumbria. The people of the country and stewartry were Gaels, and spoke Gaelic until well on into the sixteenth century, and had become Christian since the time of S. Ninian. Fierce and turbulent, Galloway followed its overlords the Balliols and the Douglasses. The Reformation took a great hold, and later the Covenanters. The antiquities include the Deil's Dyke—a rampart of defence from the north—and the crosses of Kirkmadrine, perhaps the earliest Christian monuments in Scotland. These are included in the illustrations, as are 'Candida Casa' and Dundrennan Abbey, founded by Devorgilla Balliol and known as 'Dulce Cor.' Threave Castle, the centre of a storm-tossed past, also figures among the Military Antiquities. There is the same care to instruct the tourist in all ways as in the last book, and the writer has done well.

A. F. S.

TWO CENTURIES OF LIFE IN DOWN, 1600-1800. By John Stevenson, Belfast. Pp. viii, 508. 8vo. With 46 Illustrations. McCaw, Stevenson & Orr, Ltd. 1920. 21s. net.

THIS volume is evidently a successful labour of love. The latter part of this book deals with the kirk, education, letters and doings in Down, much of it connected with descendants in the female line of the Hamilton

family, who with the Montgomerys are dealt with in the first few chapters Brian McFelim O'Neill, Chief of Southern Claneboye, was knighted in 1567 by Queen Elizabeth, yet she granted his lands to Sir Thomas Smith four years afterwards that the people 'might be taught some civility.' A later O'Neill—Con—made a grant of part of his lands to Hugh Montgomery of Braidstone, having fallen into disfavour with James I., but later Montgomery, by the King's action, had to divide his newly gained Irish lands with Sir James Hamilton, son of the minister of Dunlop, who was made Viscount Claneboye in 1622. The other adventurer became Viscount Montgomery of the Ards, and his descendants Earls of Mount-Alexander. These great pioneers were followed by many settlers both English and Scots. 'Generally the scum of both nations, who for debt, or breaking or fleeing from justice . . . came hither, hoping to be without fear of man's notice in a land where there was nothing, or but little, as yet, of the fear of God.' Yet both the lesser and the greater settlers flourished, and we are told much of interest about the turbulent but useful lives of the latter in this book, where information drawn from MSS. of all kinds is put together in a form useful to historians.

A. F. S.

THE EASTERN QUESTION AND ITS SOLUTION. By Morris Jastrow, Jun. Pp. iv, 160. Crown 8vo. Philadelphia : J. B. Lippincott Co. 1920. 6s.

THE writer is trying his hand again, but his spirit of prophecy is growing fainter. He appeals more to American than to European readers on his views of the Eastern question. He makes the statement, 'If the world continues to be in a disturbed and restless condition, we will suffer along with European nations.' Yet he only thinks that American help to the East ought not to be refused if it can be given 'without an army of occupation' or 'the danger of entangling alliances.' With these provisos we refer the reader, as he does, to the last chapter of his book.

GREAT BRITAIN AND THE UNITED STATES. A Critical Review of their Historical Relations. By J. Travis Mills. 8vo. Pp. 68. Milford, Oxford University Press. 1920. 2s. 6d. net.

TOUCHED with a welcome liveliness this sketch of the political relationships between the two great English-speaking federations of the world from the assertion of American independence down to the League of Nations excellently surveys the movement of the international forces of concord and discord for a century and a half. Perhaps it least satisfies from its deficient interpretation of the basic feeling, for instance, of the American colonist before the Revolution or of the Federalists of the Civil War towards the old country. One hardly gathers how Mr. Mills reads the settled mind of America towards our island. But evidently he regards the Monroe doctrine as finely compatible with fairplay in the world.

THE COLUMBIAN TRADITION ON THE DISCOVERY OF AMERICA AND OF THE PART PLAYED THEREIN BY THE ASTRONOMER TOSCANELLI. By Henry Vignaud. 8vo. Pp. 92. Oxford : Clarendon Press. 1920. 3s. 6d. net.

THE voyage of Columbus has now perhaps a bigger mass of myth and disputation around it than that of Jason. Mr. Vignaud disbelieves the

statement of Columbus that the 1492 expedition was in quest of a new route to the East Indies, and he assails the 'legend' of Toscanelli being the instigator, and declares spurious the documents attributed to him. A critic, not specialist on the question, may confess that to his view the attack quite fails.

MEDIAEVAL FORGERS AND FORGERIES. By T. F. Tout. Demy 8vo. Pp. 31. Manchester : University Press. 1920. 1s.

REPRINTED from the *Bulletin* of the John Rylands Library, this essay throws much fresh light on the origins of forgery, the methods by which it worked its way from charters into chronicles and decretals, its slow recognition as a crime, and its ramifications through the Middle Ages not terminating when Charles Bertram hoodwinked the antiquaries with 'Richard of Cirencester de Situ Britanniae.' Professor Tout's light and humorous narrative clothes a very solid collection of fact. Perhaps a grateful reviewer might refer the professor to the *Summa Angelica* of Angelus de Clavasio, under the word *falsarius*, for four packed columns of medieval juridical discussion.

THE ART OF POETRY. Inaugural Lecture delivered before the University of Oxford, 5th June, 1920. By William Paton Ker. Crown 8vo. Pp. 20. Oxford : Clarendon Press.

A CRITIC who has studied the art of poetry all his life can scarcely be expected to give a simple exposition of it when he speaks to us from the Chair of Poetry at Oxford. He is a difficult interpreter sometimes; this time more difficult than ever, but the grievance against the obscurity of oracles is old. And the reasons for obscurity are not new. Beginning with a stately passage out of Drummond somewhat objecting to reform in Poesie, Professor Ker steps forward to explain the mysterious power of certain formulas, abstract relations of syllables, the abstract frame of harmony in noble thought. He finds the spirit of poetry in Gavin Douglas's fine phrase 'plesance and half wonder.' He seems to prefer the miracles, 'such as Burns did,' in bringing new and fresh things out of old fashions, rather than violent inventions of form. It is a doctrine with which only a very young generation of poets is likely to quarrel. The oracle will be accepted as not only true but imperative in these most shrewd and wise beginnings of Professor Ker's latest and highest function.

To the series of county handbooks issued by the Cambridge University Press there are now added *Dumbartonshire*, by F. Mort (pp. viii, 158, 4s. 6d. net), and *Orkney and Shetland*, by J. G. F. Moodie Heddle and T. Mainland (pp. xii, 170, 4s. 6d. net). A natural diversity of interest among the authors agreeably distributes the emphasis, throwing it on geological and physical geography in the case of Dumbartonshire, on the Norse history and antiquities of Orkney and on the fishing and bird-life of Shetland. Mr. Mort quotes Blind Harry as if he were historically credible and he accepts 'Wallace's great two-handed sword' as the patriot's genuine weapon. The Macgregors will not think that their side of the case has justice done to it. The unusual constitutional interest of the

formation of the county has escaped attention, and the significance of 'the Murragh' in that connection might well have appealed to Mr. Mort. One wonders on what authority it is said that 'as early as 1170' Kirkintilloch was made a burgh of barony.

In the Orkney and Shetland book Mr. Heddle takes the former group of islands for his province and Mr. Mainland takes the northern group. Mr. Heddle is a specialist, and his chapters on natural history and on history and antiquities compress much observation and study. Norse speech, he tells us, lingered until 1750. One topographical feature which has for some years aroused attention has unfortunately not been taken up: it is the relationship by way of journey in early times between Orkney and the mainland of Scotland. A law paper of the eighteenth century reveals the fact that 'John o' Groat's' was the house of the ferryman to the Orkneys. This explains much and accounts for the fame of the familiar but tiny place known more or less to every schoolboy or girl who has to learn Scottish geography. This fame it has plainly because of its vital position on the line of the great northern highway to Ultima Thule, wherever that was. The ferry was, of course, a normal part of the ancient roads. What was the Orkney end of it? And what was its continuation to Shetland? A historical term of abuse, the 'ferry-loupers' (applied to Scots intruders), illustrates the important part the ferry played in Orcadian life.

Dealing with Shetland, Mr. Mainland might have made more of the whale fishery and its customary lore. History fares less satisfactorily here than in Orkney, but special notes on Norse words and on the wild life of these remote isles make up for some historical shortage. The picture of a shoal of whales is most impressive, but the maps—both of Shetland and of Orkney—would admit of improvement in distinctness.

The Western Towers of Glasgow Cathedral, by J. Jeffrey Waddell (4to, pp. 8) is a reprint from the Scottish Ecclesiological Society's *Transactions*. It deplores the removal of the towers in 1846 and 1848: and Mr. Waddell has the courage to propose their re-erection as a war memorial.

A recent *Bulletin* (History and Political Science) of Queen's University, Kingston, Canada, *John Morley: a Study in Victorianism*, is a fine essay by Professor John L. Morison. No such glowing paper has appeared in the series to which it belongs. The Victorian Morley gets his meed, perhaps with something over, and the appreciation illustrates the influence which his high and distant spirit exercised over the generation which felt him at his prime. Striking things in the estimate are (1) the admirably drawn contrast between Morley and Arnold, (2) the sketch of Morley's transition through journalism to high politics, and (3) the poised judgments upon *Gladstone's Life* as compared with the *Reminiscences*. The view perhaps leans too greatly to the favour of the former. Some critics may prefer to see in the latter the last and greatest word of Morley—a consummately ambitious literary performance, singularly combined with an unexpected proconsular revelation not too welcome.

The latest issue of the *Bulletin* is *Elizabethan Society: a Sketch*, by J. B. Black. It is a clever composite picture of the period, deducing its mentality

from contemporary authors. The inference, however, of a 'callous and cruel heart' and of an 'unprincipled scramble for wealth' is most likely no truer than similar generalisations would be to-day. Professor Black, whose sojourn in Canada has been short, writes with a marked culture of the art of expression, and bids fair to achieve a style. This essay garners many quotations round which its propositions crystallise.

Two of the 'University of Illinois Studies' have reached us. One is *The History of Cumulative Voting and Minority Representation in Illinois* (University of Illinois, Urbana; 8vo, pp. 71), in which Dr. Blaine F. Moore claims that the cumulative method in practically all cases secures minority and even proportional representation, although admitting that when parties are closely balanced party initiative tends to be crippled. The other is Dr. J. W. Lloyd's *Co-operative and other Organized Methods of Marketing California Horticultural Products* (*ibid.* pp. 142), which states and examines the conditions of the fruit trade in all aspects.

The July issue of the *English Historical Review* excels in variety. It opens with an important constructive paper by the editor, Dr. R. L. Poole, on the 'Masters of the Schools at Paris and Chartres in John of Salisbury's Time.' This is a biographical commentary on this author's *Metalogicus*, written towards 1160, in which his studies in France are described. The most interesting feature of the article is its examination of the *Metamorphosis Goliae Episcopi*, describing a group of doctors in divinity, philosophy and rhetoric circa 1142. William Miller discusses the Venetian Revival in Greece in the stand against the Turk, 1648-1718.

G. Davies returns to an old problem, namely, that of James Macpherson and the papers of David Nairne. In 1896 Col. Arthur Parnell submitted reasons for his belief that Macpherson had forged certain of those papers to discredit the loyalty of Marlborough. The re-examination of the question (one is glad to note, without prejudice to Ossian) results in a thoroughgoing vindication of Macpherson's honesty. Dr. Round writes on the 'waite-fe' or payment to the castle watchmen of Norwich in the twelfth and thirteenth centuries.

Prof. F. M. Powicke supports Prof. M'Kechnie's interpretation of *abbrevientur* (*i.e.* to be 'shortened') in Number 13 of the Articles of the Barons in 1215. H. G. Richardson prints documents of Edward III.'s reign proving forgeries of fines. Margaret Tout (a name one welcomes) adds to the vouchers of Bracton's 'Comitatus Paleys' of Chester (1238), a plea roll of that shire in 1310, styling it 'comitatus pallacii.' The Royal Charters of Winchester from Edward the Confessor to Henry II. are edited—there are forty-nine of them—by V. H. Galbraith with excellent annotations.

Somersetshire Archaeological and Natural Society Proceedings during the Year 1919 (fourth series, vol. v. pp. lxxxiv, 163; Taunton, 1920) demonstrate the maintenance against all adverse conditions of a high spirit not only in research but also in the adventure of production now grown so difficult. Matter of the first merit appears in Sir H. Maxwell Lyte on 'Burci, Falaise and Martin,' Norman settlers in Somerset at the

Conquest. Equally valuable and richly illustrated is an instalment of Dr. A. C. Fryer's 'Monumental Effigies in Somerset,' devoted to thirteenth-fourteenth century civilians and of importance for feminine costume. Mr. Henry Symonds, under the heading 'A By-Path of the Civil War,' edits a bundle of transcripts of local documents dating from the spring of 1645 and relative to the political disturbances of the period. The paper is water-marked 'G. & S. 1812.' May these transcriptions not have been done for the old Record Commission, the 'copy' for which did not all reach print, and sometimes passed into private hands?

The final chapter—unfortunately final in more senses than one—of Lord Guthrie's articles on R. L. Stevenson appears in the June number of the *Juridical Review*, brightened by three sketches of corners of Swanston Cottage and by several quotations from the correspondence of the Stevenson circle. Mr. C. M. Aitchison writes on 'Courts-Martial' and Dr. Th. Baty on the 'Basis of Responsibility,' the latter showing the present tendency to carry the source of liability beyond tort to something like an obligation of insurance.

The Caledonian, as 'An American Magazine,' is miscellaneous and comprehensive in its May number, which includes a portrait of Rev. Donald MacDougall, a native of North Uist, founder of the paper, who died in March this year. Themes of this issue include Clan Skene, 'Glasgow Scenes and Memories,' and chronicles of transplanted Scots. In June Clan Gunn has its biography, and Judge Benet trounces 'the Sinn-Fein Circus.' A reprinted poem, 'The Kirky Brae,' recalls the many-sided interest of Cromarty and its kirkyard.

The issue of this magazine for August *apropos* the reinterment of Major Duncan Campbell, hero of Stevenson's poem 'Ticonderoga,' repeats in an article by F. B. Richards the half legendary story of Jane M'Crea, who was assassinated in 1777 by an Indian chief. One of the illustrations is a plate of the Major's tombstone. He died in 1758 'of The Wounds He Received In The Attack of The Retrenchments of Ticonderoga.'

It strikes us on this side of the water as a novel experiment to find the *Iowa Journal of History and Politics* devoting the entire October (1919) number to a statement of the legislation effected by the Thirty-eighth General Assembly of Iowa which met January 13, 1909, and adjourned April 19 following. Perhaps, however, no better mode could have been devised to mirror the public spirit seen in a State Legislature. Out of 1,134 bills and resolutions introduced 406 were passed. Subjects embraced codification, woman suffrage, state officers and salaries, powers of the governor, municipal management, highways, motors and schools—all types familiar to ourselves. Food and drugs, housing, liquor, hotels, corporations, taxation, the 'red flag' are all here too. America is only Europe writ over again. One real novelty there is: a statutory authority to a sick or storm-stayed judge to adjourn his court by telephone! The patient and very instructive analysis of the enactments is the work of Assistant Professor John E. Briggs and Instructor Cyril B. Upham, both exponents of Political

Science in Iowa State University. One Americanism is interesting: 'dead timber' signifying laws in desuetude.

In the *Iowa Journal* for April the chief contribution is G. F. Robeson's article on 'Special Municipal Charters in Iowa, 1836-1858' exhibiting the methods and conditions of incorporation and the powers, offices and organisation. Taxation was jealously regulated, the average maximum being a half per cent. on the assessed valuation of taxable property. Finance, schools, fire, liquor control and the constitutions of mayorate and judiciary were subjects of definition. In the score of years reviewed sixty special charters were granted to forty cities and towns. In 1858 special incorporation was forbidden, and a General Incorporation Act substantially reaffirmed the former special provisions. A description of 'North-western Iowa in 1855' by a surveyor, J. L. Ingalsbe, contains particulars of Red Indian characteristics, which rather serve the part assigned to them as 'antidote to Hiawatha.'

The *Iowa Journal* for July has an article by Charles R. Keyes discussing the materials for local archaeology in which the effigy mounds are the most distinctive element although rivalled by the linear mounds and conicals. Neither the linears nor the effigies, however, have produced relics. The great enclosures with earthen ramparts have been the chief sources of archaeological treasure in stone and copper implements and ornaments.

As is usual in such phases of enquiry, the American investigators started with theories of a vanished race of mound builders, greater than the types known to the oldest settlers. This view of the mound builders as a separate people has gradually given way before the advancing opinion tending to establish the red man as the builder race. The modern archaeologists are concerned equally with mound exploration as the primary task and with the difficult problem of the permanent preservation of the finds as well as of the mounds themselves, the disappearance of which would be an irreparable loss. Antiquity best retains its hold by continuing visible.

In the same number Donald L. M'Murry, writing on the 'Soldier Vote' in the election of 1888, recalls the hubbub in 1887 that followed President Cleveland's order for the return to the Southern States of certain captured Confederate battle flags held by the War Department. He had to cancel the order. In 1905 they were returned without protest. Shall we ever send back to Ireland the cannon taken at the Boyne?

The *French Quarterly* for March contains an important article by M. Lanson on '*Le Discours sur les passions de l'amour*, est-il de Pascal?' which no student of Pascal can ignore. The distinguished French writer, after a careful examination, decides in favour of the view that the authorship of this curious treatise must be attributed to Pascal. M. Maillet propounds an interesting theory on '*La Civilisation égéenne et la vocabulaire méditerranéen*,' and M. Albert Mathieu deals with '*Un Project d'alliance franco-britannique en 1790*,' on which interesting light is cast on the secret mission of Pitts' agents, Hugh Elliot and W. A. Miles.

Communications

ALEXANDER, SON OF DONALD, EARL OF MAR. I am indebted to one of my colleagues in the Public Record Office for the following transcript from 'Accounts, etc. (Exchequer), Box 356, No. 8, m. 5 d,' which throws light upon the hitherto unknown fate of Alexander, the third son of Donald, Earl of Mar, who, for convenience of reference, is styled the sixth Earl in *The Scots Peerage*.

The account of him given in that work¹ is as follows :

'3. Alexander, who was imprisoned in the Tower of London by order of King Edward I. on 12 December, 1297, along with Edward Baliol, the son of King John Baliol. No further notice of him has been found.' The writer of the article refers to Bain's *Calendar of Documents relating to Scotland* as his authority.

King Edward I. was absent on the Continent between the dates 22nd August, 1297, and 14th March, 1298. The entry on the Close Roll² of the warrant instructing the Constable of the Tower to take over Edward Baliol, Alexander, son of the Earl of Mar, and Robert de Stratherne from the household of the Prince of Wales is set out in common form, and it does not necessarily follow that the order originated from the king overseas. John Baliol had been transferred to the Tower on 6th August, 1297, and those young hostages were sent to join him four months later. The young member of the house of Mar must have died towards the end of April, 1299,³ after seventeen months of uninterrupted confinement.⁴

It is stated in the *Chronicle of Lanercost*⁵ that in 1337, when Edward Baliol was doing his utmost to wrest the Scottish crown from David Bruce, he informed against three Scottish knights who tried to persuade

¹ *The Scots Peerage*, vol. v. p. 578.

² Close Roll, 26 Edw. I. m. 16. Stevenson, *Documents Illustrative of the History of Scotland*, vol. ii. pp. 251-2, and Bain, *Calendar of Documents relating to Scotland*, vol. ii. No. 964, give m. 17 wrongly. Both these editors have seen that the Close Roll gives 'Septembris' in error for 'Decembris.' The editor of the *Close Roll Calendar* covering the period has overlooked this point.

³ Transcript below.

⁴ Bain, vol. ii. p. 265, where expenses of confinement for 1297-98 in the Tower are given from the Pipe Roll; and transcript below, which gives expenses for last six months before Alexander's death. From the details of expenses in Stevenson, vol. ii. No. dlvi., it is clear that the captives were well treated.

⁵ Stevenson's Bannatyne Club edition, vol. ii. p. 290.

him to break his oath of allegiance to Edward III. and to become an independent and national king. Perhaps at the earlier date there was a similar disposition among the leaders of the Scottish national party, inspired by its victory on 11th September, 1297, at Stirling Bridge and ready to abandon John Baliol as a weak and resourceless king, to adopt Edward Baliol as their leader, try to kidnap him and set him at the head of national resistance; and knowledge of this disposition, or fear that it might arise, induced the English Council, taking no risks in the absence of their king, to transfer Edward and his young associates from their gentle captivity at Hertford in the household of the Prince of Wales to honourable, but safer, custody in the Tower. Alexander would be both a hostage for the loyalty of his family, then stout partisans of Edward I., and a companion to Edward Baliol.

The account, from which the following is an extract, is a cash account of wardrobe receipts and payments for 1299. 'Stebenth' is Stepney.

W. R. CUNNINGHAM.

Radulfo de Stikebourn custodi Alexandri filii comitis de Mar pro minutis necessariis dicto Alexandro emptis per eundem ut pannis lineis caligis sotularibus et stipendio lotricis sue dictum Alexandrum et pannos suos lavantis per dimidium annum xij. s. Eidem pro diversis electuariis et speciebus emptis per eundem ad opus ejusdem Alexandri, et pro stipendio cujusdam medici capientis curam ad eundem per xxiiij^{or} dies mense Aprilis per quos languebat ante mortem suam viij. s. ix. d. ob.

Eidem pro expensis factis circa humacionem dicti Alexandri defuncti ut in oblacionibus participatis ad missas celebratas pro eodem die sepulture sue et in factura fosse in qua sepeliebatur, et in uno lapide empto ad ponendum super sepultura ejusdem, et aliis minutis expensis factis eodem die xxij. s. vij. d. per manus proprias apud Stebenheth' viij^o die Maii.

Summa xliij. s. iiij. d. ob.

Pacatur.

A CURIOUS WORD FOR GREAT NEPHEW. In a contract of 1609 is the word **EIROY**, which occurs latinised as **Pronepos** in the sasine following on the contract. The two deeds are amongst the writs of the Lands of Kirnan or Keirnan in the Barony of Glasrie (Argyll), for ages held by a branch of the MacEwir Campbells.

On 29th. Dec. at Dudop. Sir James Scrymgeour of Dudop, Knight Constable of Dundee, and Alexander McEwir eiroy to umquhile Johne McAllester (MaKewir) of Keirnan enter into a contract about the augmented Rental of the 4 marklands of the two Keirnanes and 1 markland of Auchaleck in the Barony of Glastrie, Shire of Argyll, which had long been held of Dudop by the ancestors of Keirnan, and which after Resignation into the superiors hands are regranted at higher feu duty.

Now after perusing the original deed in the Poltalloch Charter Chest I was amused to see that in the Chartulary the word 'eiroy' has been rendered v^croy by a bewildered scribe!

But on examining the sasine taken on — January 1618, which is in the usual Latin, it bears to be in favour of Alexander MaKewir as pronepos of

umquhle Iain (or John) MaKewir of Kerenane, to which the MacEvir Campbell Lairds of Barmolloch and Leckuary and others are witnesses. I think that 'oy' is always the word for grandson, so 'eiroy' is the old word for great-grandson, but I have never before happened to meet it. 'Pronepos' is given in dictionaries as either a nephew's son or great-grandson.

ARGYLL.

Inveraray Castle.

A NOTE ON ROMAN LAW IN SCOTLAND. The Chartulary of Melrose contains a *compositio* or *concordia* between the Knights of St. John of Torphichen and Reginald le Cheyn and his wife Eustachia regarding the right of patronage of the Church of Ochiltree (Howiltre) in the diocese of Glasgow.¹ The parties submitted the dispute to the Bishop of Glasgow and the instrument, which is fortified with the consent of the Cathedral Chapter, embodies his decision. Cosmo Innes attributes the instrument to the reign of Alexander III. (1249-1285-6), and the Bishop concerned was Robert Wishart, who was consecrated in 1272-3. The Bishop decided that the Knights of St. John should receive a yearly payment from the Parish of £14, and that the patronage should remain with Eustachia le Cheyn and her heirs. The payment to the Knights is carefully provided for, and the carrying out of the arrangement is secured by penal clauses and oaths.

The instrument concludes: '*renunciando specialiter restitutioni in integrum per actionem sive per officium judicis petende sue implorande et conditioni ex lege et sine causa vel injusta causa actioni etiam in factum et exceptioni doli et metus et omnibus litteris et indulgentiis a sede apostolica impetratis et impetrandis litteris regiis et omni actioni et exceptioni consuetudini et cavellacioni sibi vel successoribus suis seu haeredibus quocumque jure seu titulo contra supradictam ordinationem vel presens scriptum competentibus vel competere valentibus. Renunciavit etiam praedicta domina Eustachia pro se et haeredibus suis de consensu expresso mariti sui predicti beneficio senatus consulti Vellezani et etiam legis Iulii fundi dotalis et omni juris remedio canonici et civilis sibi et suis haeredibus contra praedictam ordinationem seu praesens scriptum quocumque jure vel titulo competentibus vel competere valentibus.*'

It will be noted that the foregoing clauses contain renunciations of the civil law remedies and pleas such as *In integrum restitutio*, *condictio* and *exceptio*,² and a renunciation by Eustachia le Cheyn, the owner of the right of patronage, of her disabilities under the *Senatusconsultum Velleianum* and the *Lex Julia de fundo dotali*. The whole passage quoted is of interest as evidence that at least some scraps of Roman legal terminology were in use in Scotland in the

¹ *Liber de Melros*, i. 228. In the fourteenth century the Church of Ochiltree was granted by the Bishop of Glasgow to Melrose Abbey, and this probably accounts for the presence of the instrument in the Chartulary of that house.—*v. Registrum Glasguense*, i. 224.

² Cf. *Liber de Calchou*, p. 181, where a similar series of renunciations occurs in an argument of 1287 between Kelso Abbey and the Templars, without, however, the special feature of the Melrose Charter.

thirteenth century; but the renunciation by a married woman of the protection which that law provided recalls an interesting chapter in the later history of Roman jurisprudence.¹

The *Lex Julia* dated from 18 B.C., and the *Senatusconsultum Velleianum* from 46 A.D.² The former, in the words of Sohm, 'prohibited the husband from alienating or mortgaging any *fundus italicus* comprised in the *dos*. Justinian extended this prohibition to any *fundus dotalis* whatever. Not even the wife's consent can make a mortgage or (according to Justinian's enactment) a sale of the *fundus dotalis* by the husband valid. The object is to preserve the land intact for the wife, to whom the *dos* will presumably revert.'³ The significance of the latter and its persistence in the legal practice of most European countries is the subject of Paul Gide's *Etude sur la Condition privée de la femme*. (2nd edition, by Esmein, Paris, 1885.)

The object of the *Senatusconsultum* was to prevent a married woman from undertaking obligations of a cautionary or similar character on behalf of her husband and, by subsequent extension of the enactment by Justinian, on behalf of third parties. Its effect was personal, and in this respect presented a contrast to the *Lex Julia*, which was directed to the property involved. This distinction was pleaded in support of the view that the benefit of the *Senatusconsultum* could be renounced, while the inalienability of the *dos* was independent of the action of the wife. A heated debate on this point marked the revival of Roman law in France in the twelfth and thirteenth centuries—a revival which was followed by a warm recognition by the jurists of the benefits of the *Senatusconsultum*.

During the centuries which preceded this revival the later feudal law imposed no restrictions of this nature on the capacity of a 'landed' wife, but when the study of Roman law was revived, the benefits of the *Senatusconsultum* were embodied both in documents and in customary law. Gide quotes or cites a number of French Charters of the latter half of the thirteenth and beginning of the fourteenth century to this effect, e.g. a Burgundian Charter of 1302 which contains the following renunciation by a married woman: '*Et toutes les choses dessus dites et une chacune, je contesson de Genove, femme doudit Monseignor Jehan, seinghor de Mireboul, de ma bonne volonté et san cohercion nulle, dou comandement et l'authorité dou dit Monseignor Jehan mon mari, lou veul et ottrois et approvois . . . et renonçons en ce fait à certaine science et pas notre saviement . . . à toutes graces et privilèges qui sont ottrouïées en favor des femmes, à la loi Julie dous fons de doaire non aliéner et à la loi dou saige Voleyen; à toute hayde de droit decanon et de lois, et à toutes ex-*

¹ It is not safe to infer any extensive knowledge of Roman jurisprudence from the references to Roman law which are found in many of the chartularies of religious houses. Fitting has devoted much ingenuity to tracing the life of civil law through the dark ages by this means, but his conclusions have been successfully challenged by his French colleagues, and notably by Flach. Cf. *Mélanges Fitting* (Montpellier, 1908), i. 383, ii. 203.

² D. xvi. 1 C. iv. 29: Nov. 134 cap. 8 and D. xxiii. 5.

³ *Institutes*, S. 82.

*ceptions, droits, raisons, allégations, deffensions de fait et de droit et autres queles queles soient.*¹

The point of contact between Scotland and Europe in the thirteenth century was probably Normandy. In that duchy the legists found little difficulty in reconciling the provisions of the *Senatusconsultum* with their customary law, and its provisions continued to be in force in Normandy long after they had been abandoned in most of the French provinces. In Normandy again the pre-Justinian view of the *Lex Julia* prevailed which permitted alienation of the wife's heritage with her consent.² Attendance at the Law School of Orleans may have made Scotch students familiar with the much debated questions arising from the *Senatusconsultum*. The canonists, however, had played the most important part in the introduction of the clause by which the benefit of the *Senatusconsultum* was renounced. The Church was interested in removing obstacles from the path of pious ladies who desired to give practical expression to their devotion, and by the time of Pope Alexander III. a papal decretal recognised the right of a married woman to bind herself along with her husband.³

The clause of renunciation of the benefits of the *Senatusconsultum* is frequently found in French Charters of the thirteenth and fourteenth centuries. It was inserted by notaries in many instruments without much reference to their content. It pleased these worthies to make a parade of tag ends of Roman law which exhausted their knowledge of the subject. It is probable that it is to the work of a foreign scribe in the employment of the Knights of St. John that we owe the appearance of the clause in the Melrose Charter. Someone, however, may be tempted to search through the chartularies for further evidence for the thesis that the dotal system, with a Norman complexion, prevailed in Scotland in the thirteenth century. The *communio bonorum* was inconsistent with the disability created by the *Senatusconsultum* and with the provisions of the *Lex Julia*.⁴

DAVID BAIRD SMITH.

¹ Gide, *Op. cit.* 393 n. 1. Viollet quotes an instrument of 1277 which contains a clause to the effect that the wife had had the purport of the S.C. explained to her—'asserens se esse certioratam quod sit senatus consultum Velleianum.'—*Etablissements de St. Louis* (Paris, 1883), iii. 192 n. 5 and 215; cf. Brissaud, *Droit français* (Paris, 1904) ii. 1141 n. 7.

² Viollet, *Histoire du droit civil français* (Paris, 1905), p. 850.

³ *Decret. Alex. III.* Tit. 28, cap. 8.

⁴ Kames' *Elucid.* Art. 1; Fraser, *Personal and Domestic Relations* (Edinburgh, 1846) i. 247 and 322 *et sqq.* Tardif, *Coutumiers de Normandie* (Paris, 1896), ii. 244. *De Bueri Maritagii Impedite*; Pollock & Maitland, *History of English Law* (2nd Ed.), ii. 399.

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The Passages of St. Malachy through Scotland

THE movement for the establishment of the continental system of ecclesiastical organization was rapidly progressing in Ireland as well as in Scotland in the early years of the twelfth century. The island was mapped out into separate dioceses, each with a bishop having ecclesiastical jurisdiction within his own area. A like movement was going on in Scotland during the same period when the native church was remodelled after the Roman or continental type. If St. Margaret had much to do with the reformation in Scotland, it may be said that the work was propagated to completion by her son, David I. The movement brought prominent sympathizers over the greater part of Europe into contact. It was taken up so vigorously in Ireland by St. Malachy of Armagh that he may be regarded as one of the principal forces behind it in that country. In the furtherance of his scheme he resolved to visit Rome and seek papal assistance. In the course of his pilgrimages to the Eternal City, he called at Clairvaux where he formed an intimate friendship with its famous abbot, St. Bernard, at that time perhaps the most influential ecclesiastic in Europe. On St. Malachy's second journey to Rome, he was suddenly seized with mortal sickness at Clairvaux and died on 2nd November, 1148, in the arms of St. Bernard.

Almost immediately after his death, an account of his life was written by that prelate. It is mainly from this narrative there may be gleaned almost all that is known of the passages of the

Irish saint through the south-west of Scotland as he journeyed from his home in the north of Ireland, on his ecclesiastical missions to Rome.

As the trustworthiness of St. Bernard's narrative is of the greatest importance, it may be well to glance at the date when it was written and the sources from which this foreign ecclesiastic obtained his information. The internal evidence supplies all that is needed to give satisfaction. As St. Bernard died on 20th August, 1153, the margin between the death of St. Malachy and that of his biographer is only small: indeed as Henry, prince of Scotland, not to speak of King David his father, is spoken of as then alive, the work must have been completed before 12th June, 1152. There is no need to strain circumstantial allusions in the text that the date of the narrative may be brought into a narrower compass.

The sources of St. Bernard's information are also satisfactory. The intimacy between the two saints, while St. Malachy was a guest at Clairvaux on three occasions, adumbrates that the narrator's facts and impressions were gained at first hand. In addition, four companions of St. Malachy were left behind in Clairvaux on the occasion of his second visit that they might be instructed in the Cistercian mode of life. There is indication also that St. Bernard had formal memoranda before him of the saint's movements and aims, supplied either by the Irish brethren at Clairvaux or communicated by correspondents in Ireland. The task of writing the Life of St. Malachy was undertaken by desire of one of these correspondents and it was afterwards dedicated to him. The completed work, as stated by its author,¹ was not panegyric, but narrative: its truth was assured since the facts had been communicated by persons in Ireland, for beyond doubt they asserted nothing but things of which they had the most certain information. The Scottish reminiscences, however, must be referred to the oral relations of St. Malachy himself, or more probably to those of his companions. Though St. Bernard states that he omitted to mention the places where St. Malachy's miracles were wrought, owing to the barbarous sound of their names, he did not adhere strictly to his rule when incidentally describing the saint's passages through Scotland. The number of places named in that country, when compared with similar mentions in other countries through which the saint travelled, seems to suggest a special interest in the author's

¹ *Vita*, preface.

mind. Though it cannot be claimed that St. Bernard was personally acquainted with King David, there is no doubt that he was interested in the ecclesiastical movement in which that king was so deeply immersed. From his narrative we get the earliest mention of some place-names in Galloway and some tantalizing allusions, the elucidation of which may well be the subject of debate.

It will not be necessary to discuss at large the dates of St. Malachy's journeys, as there can scarcely be a second opinion about them. Professor Lawlor¹ has recently studied the period with such circumspection that others may not glean where he has reaped. But so far as we are here concerned, chronology as to day and month has no need to be exact. The approximate time of his several journeys is quite sufficient for our purpose. It may be taken that he passed through Scotland to and from Rome in the same year, 1140, and that his second journey outward was made in 1148, the year of his death at Clairvaux. The Irish saint thus made three separate journeys through the south-west of Scotland, twice in 1140 and once in 1148, though it is venturesome to assume that on all occasions he pursued exactly the same route.

Though the ecclesiastical status of the regions in Scotland through which he passed is not so well defined as one would wish, there is no uncertainty at all of their political unity at that time. Within the period, 1140-1148, the territorial boundary of Scotland on the south-west, the scene of St. Malachy's pilgrimages, was fixed at the Rerecross on Stainmore on the very border of Yorkshire. The north-eastern or greater part of Cumberland and the eastern half of Westmorland were integral portions of the Scottish kingdom as well as the whole of modern Scotland. This lesson in political geography must have been known to St. Malachy and his companions, and if not, it must have been taught them by their intercourse with King David, or learned from their own experience on their journeyings. Without a doubt a knowledge of it is assumed by St. Bernard in his narrative. When, therefore, the name of Scotland is mentioned in the *Life of St. Malachy*, it must be understood as

¹See his 'Notes on St. Bernard's *Life of St. Malachy*' in the *Proceedings of the Royal Irish Academy*, vol. xxxv. Section C, No. 6, pp. 230-264, which may be taken as an introduction to his translation of St. Bernard of Clairvaux's *Life of St. Malachy of Armagh* (S.P.C.K., 1920). These studies when viewed together form an exhaustive analysis of what is known of St. Malachy's place in history.

implying the larger Scotland as it existed when St. Bernard wrote, the Scotland under the rule of King David, during the usurpation of King Stephen in England.

A study of St. Bernard's vague narrative of the first pilgrimage only shows that St. Malachy set out to Scotland from some unmentioned place in Ireland early in 1140. After certain administrative preparations had been made, 'St. Malachy set out on his journey, and when he had left Scotland, he reached York.'¹ Though the narrator says nothing more, it is suggested that the place of his departure from Ireland was at Bangor, the saint's headquarters at that period, and that he sailed to the opposite coast. The suggestion is at least plausible. From an early date the northern shore of the Rhins of Galloway has been regarded as a landing place from the north of Ireland. It was on that coast *in portu qui Rintsnoc dicitur* that the stone curroc, which carried St. Cuthbert and his mother, found a haven. Though the statement comes from a fabulous composition,² it has some reference to an early tradition about the connexion of Ireland and Galloway, and its value is enhanced by the admission of the author that much of what was contained in his pages had been related by St. Malachy to King David. He had been evidently reading St. Bernard's Life of the saint and the belief was then current that the Rhins afforded a convenient port for a sea passage from Ireland.

In any case there is no possibility for dispute that St. Malachy must have passed through Carlisle on his way through Scotland to York, and there is nothing unreasonable in the conjecture that he had made the acquaintance of King David on his journey, though St. Bernard is silent about it. From what had transpired in the metropolitan city, we learn something of his mode of travel. He had with him five priests besides ministers and other clerks, perhaps twelve companions in all, the traditional number after the sacred model. Such was the composition of the cavalcade on the first journey through Scotland. But as there were only

¹ *Vita*, § 35.

² The phrase is noteworthy: 'et miro modo in lapidea devectus navicula, apud Galweiam in regione illa, quae Rennii vocatur, in portu qui Rintsnoc dicitur, applicuit. In cuius portus littore curroc lapidea adhuc perdurasse videtur' (*Miscellanea Biographica*, Surtees Soc., p. 77). At the conclusion of this fabulous 'Libellus de ortu S. Cuthberti' (p. 87) the author states that 'Sanctus equidem Malachias regi David Scottorum quam plurima de hiis retulit,' as he had previously insisted in his preface, that his story of the Irish origin of St. Cuthbert was supported by good evidence.

three horses for the company, it is clear that progress was made at a walking pace.

It may be noted also that the stay at York was long enough for the news to spread, and there was time enough for a visit from Waldeve, stepson of King David, who was at that time prior of the Augustinian monastery of Kirkham, some sixteen miles from the city. A previous acquaintance, as Raine suggested,¹ is scarcely possible. It is far more likely that the fame of St. Malachy and the errand on which he was engaged were attracting notice in England. The death of Archbishop Thurstin took place on 5th February, 1140, about the time that St. Malachy reached York, and as Prior Waldeve is said² to have been a candidate for the vacant primacy, interest in a famous ecclesiastic on a journey to Rome would be a powerful incentive. At all events the Prior did not lose the opportunity of conferring a favour on the distinguished pilgrim to whom he gave the hack (*runcinus*)³ on which he rode.

The return of St. Malachy from Rome and Clairvaux was not long delayed. It is supposed that he reached Scotland in the autumn of the same year, 1140. The account of his exploits on the homeward journey far exceeds in detail what St. Bernard tells of him in other countries. The names of places through which he travelled are sparingly given, and they are only mentioned for the purpose of illustrating some marvel which the saint performed. The identification of some of these places, so obscure are allusions to them, is often precarious, and the places mentioned in Scotland are no exception to the rule. But, first of all, the narrative of St. Bernard should be approached from the right view-point. The narrator is writing in Clairvaux and describing the outward journey of St. Malachy from that place to his home in Ireland. 'Malachy set out from us,' he⁴ says, 'and had a prosperous journey to Scotland (*prosperè pervenit in Scotiam*), and he found King David, who is still alive to-day,

¹ *Priory of Hexham* (Surtees Soc.), i. 139, 157.

² Raine, *Fasti Ebor.*, i. 222. On the authority of the Bollandists (*Acta SS.*, Aug. 3) Raine states that Waldeve would have been elected if King Stephen had not interfered. The King was afraid that Waldeve, owing to his relationship to King David, would play, if elected, into the hands of the King of Scots. The view taken by the hagiologists may be seen in Fordun, *Scotichronicon* (ed. Goodall), i. 343-4.

³ *Vita*, § 36.

⁴ *Vita*, § 40; Migne, *Patrologia*, vol. clxxxij. 1095.

in one of his castles (*in quodam castello suo*), whose son was sick unto death.' Need there be any ambiguity about this statement? ¹ There is no mention of Carlisle, which was at that time well within the Scottish Kingdom. The castle there, which was King David's headquarters, is the only place that will fit into the historical setting and harmonize with the details of the story. For political reasons, in view of the recent annexation of the province, the king had made Carlisle the southern capital of his kingdom: there he built, if we can believe the chronicle of Huntingdon,² a very strong citadel (*fortissimam arcem*) and heightened the walls of the city. Many incidents took place in Carlisle touching the life and movements of the royal family, not only of King David, but of Prince Henry and his wife the Countess Ada, to whom he was married in 1139. The meeting of St. Malachy with the family at Carlisle in the autumn of 1140 is not inconsistent, so far as I know, with any recorded event in their lives: in fact, the circumstances of the narrative presuppose it. By necessity the saint must have passed through Carlisle on each of his journeys, and from what transpired on this occasion it would seem that he had met King David before. At all events

¹The identification of this place is largely dependent on a right interpretation of this passage. O'Hanlan says that 'on his arrival in Scotland, he paid a visit to the Court of King David,' and makes no attempt to identify the castle (*Life of St. Malachy O'Morgair*, p. 80), but Dr. Lawlor suspects an error in the narrative here, and translates that 'Malachy had a prosperous journey through Scotland,' assuming 'that the castle referred to was in the immediate neighbourhood of Cruggleton,' near Whithorn, where probably King David had been on a visit to Fergus, lord of Galloway (*St. Bernard's Life of St. Malachy of Armagh*, p. 76). Will the passage bear this interpretation? St. Malachy had not yet passed through Scotland; he had only come into it. Compare the usage of *perveniens* in the parallel passage of Aelred at this period when describing the flight of King David to Carlisle after the Battle of the Standard—'Sicque ad Carleolum usque perveniens' (Twysden, *Decem Scriptores*, col. 346). The tenor of St. Bernard's story, too, presupposes that it was one of the monarch's own castles in which St. Malachy found him with his sick son, not in a castle of one of his magnates, where he had been the guest.

²*Chronicles of the Picts and Scots* (ed. Skene), p. 212. It was natural that the Scottish king should seek to protect his new capital on the south of the city against the English, as William Rufus had built the keep of the castle on the north against the Scots. The *fortissima arx* of King David, now represented by the Courts of Carlisle, was known as the Citadel of Carlisle so long as the city remained a fortified town. Mr. George Neilson propounded an ingenious argument in 1895 that the *arx* King David built was the keep ascribed to Rufus (*Notes and Queries*, 26th Oct., 1895, No. 200, pp. 321-3). If this be so, how could an *arx* built in 1148 be described as 'la grant tur antive' in 1174 (*Chron. de Jordan Fantosme*, l. 615, Surtees Soc.)?

the news of the Prince's illness¹ directed his steps to the castle. The cure was not instantaneous: the saint's ministrations did not take effect till the following day, when the young man (*iuuenis*) was restored to health. There was joy in the castle at his recovery. Declining an invitation to remain some days with the royal party, St. Malachy pursued his journey in the morning.

The next stage of the journey home, mentioned by St. Bernard, was in Galloway, where he healed a dumb girl at Crugeldum: then he entered a village which the people called Kirkmichael (*ecclesia sancti Michaelis*) where another cure was effected. But when the saint came to the *Portus Lapasperi* he embarked for Ireland, after waiting some days for a passage. The topographical allusions here are for the most part very puzzling. The traditional interpretation is that St. Malachy cured the mute girl at Cruggleton² in the parish of Sorby, nor far from Whithorn, from which he passed to Kirk Mochrum, whose ancient church is said to have been entitled in the name of St. Michael.³ Later on, he went to Cairngarrock, which is alleged to be Gaelic for *Portus Lapasperi*, a few miles south of Downpatrick, and from that place he crossed over to Bangor on the opposite coast.

The suggestion that St. Malachy travelled in the peninsula between Luce Bay and Wigtown Bay raises no misgiving. It was natural for him to choose a route well trodden by a constant stream of pilgrims before the Reformation. Whithorn was the cradle of Scottish Christianity and St. Ninian's grave was one of the holy places of Scotland. The mention of the village of Cruggleton in that neighbourhood lends credibility to the theory, and on the supposition that the church of Mochrum was a St. Michael's church and that there were no other ancient churches of that dedication in the vicinity, the exact locality may be said to be well authenticated. But to send St. Malachy from the

¹ Prince Henry a short time before the visit of St. Malachy had been severely mauled at the siege of Ludlow in 1139, 'ubi idem Henricus unco ferreo equo abstractus poene captus est, sed ipse rex eum ab hostibus splendide retraxit' (Henry of Huntingdon, *Hist. Anglorum*, p. 265, R.S.) King Stephen, after making a treaty with King David, brought back Prince Henry with him to Ludlow. According to Sir Archibald Lawrie, who calculates that the Prince was born about 1114 (*Early Scottish Charters*, pp. 277, 321), St. Bernard's *iuuenis* would be then about 26 years of age.

² O'Hanlon, *op. cit.*, pp. 80-81.

³ Lawlor, *op. cit.*, p. 78.

south of the peninsula on a tour round by Glenluce that he may get to Cairngarroch strains reasonable belief. There is no real evidence alleged that either of the three Cairngarrochs on opposite sides of the Rhins of Galloway was ever a port of passage to Ireland or elsewhere. The etymology, moreover, which explains the Gaelic name as the equivalent of *Portus Lapasperi*¹ in Latin is exceedingly insecure. If etymology is admitted to this discussion, Portyerrock, the outlet by sea of that peninsula, is far more likely. Its usage as a port² seems to be well established both before and after St. Malachy's peregrinations.

The narrative of St. Bernard gives no clue to enable us to account for the saint's presence on the peninsula. When he crossed the river Cree, he would have made for Glenluce if he was aiming to sail from the Cairngarroch a little to the south of Downpatrick. Such would have been the direct route. But he made a detour to Whithorn. Why was this? We have already suggested that it was to visit one of the holy places, but the purpose of St. Malachy's presence there becomes more easily accounted for on the understanding that he had made no detour at all, but was pursuing a direct journey to reach his port. If the traditional identification of the *Portus Lapasperi* as one of the Cairngarrochs be abandoned, St. Malachy's itinerary in the peninsula provokes no suspicion. On the assumption that Portyerrock was his destination, the incidents of the narrative fall into their natural places. There is no

¹ Dr. Lawlor departs from the Benedictine text of *Laperasperi* (Migne, *Patrologia*, vol. clxxxij, 1096) and substitutes *Lapasperi* throughout his translation; the change is a happy emendation and makes the word more intelligible. But it is doubtful whether the philological claims of Cairngarroch are so strong and well grounded as those of Portyerrock to account for all the elements in *Portus Lapasperi*. The letter *g* at the beginning of a syllable not infrequently becomes *y* in modern speech.

² Dr. Skene identifies the 'Beruvik' in Nial's Saga with Portyerrock where the Norwegian chiefs laid up their ships after the Battle of Cluantarbh, from which they fared up into Whithorne and were with Earl Melkoff or Malcolm for a year (*Celtic Scotland*, i. 390). It was from this port 'in Galueia apud civitatem Witerne' that Cardinal Vivian sailed to the Isle of Man in 1176, some 35 years after St. Malachy's visit to that region (*Benedict Abbas*, R.S., i. 137; Twysden, *Chron. Joh. Bromton*, col. 1111). As Cruggleton is close by, there is nothing adventurous in suggesting that it was to Portyerrock that John Comyn, earl of Bogle, brought the lead ore which he dug 'in our mine of Calf' in the Isle of Man in 1292 for the purpose of covering eight turrets on his castle of Crigelton in Galloway (*Cal. of Patent Rolls*, 1281-02, p. 497; Stevenson, *Documents*, etc., i. 329).

good ground for attributing to early travellers a disinclination for sea voyages, or a desire to cross the sea by the shortest passage between land and land. The sea-borne trade of Scotland with France and Flanders was conducted from Scottish, not English, ports.

The delay of St. Malachy, during the time he was waiting for the sailing of his ship, was not passed in idleness. In the interval an oratory ¹ was constructed of twigs woven into a hedge, he himself working as well as supervising. When it was finished, he surrounded it with a wall and blessed the inclosed space for a cemetery. The place became a shrine afterwards, as St. Bernard relates,² where miracles occurred as it was reported to him up to the time he wrote. Returning to the port, St. Malachy embarked in a ship and after a prosperous voyage landed at the monastery of Bangor,³ but the time it took to complete the passage is not mentioned.

St. Bernard does not tell us the name of the place in Ireland from which St. Malachy embarked in 1148 on his second journey to Rome for the palls, but from whatever port he sailed he arrived in Scotland on the same day. When he went on board and had completed nearly half the voyage, suddenly a contrary wind drove the ship back and brought it to the land of Ireland again. In the morning, however, he went on board again, and the same day, after a prosperous crossing came into Scotland. On the third day he reached a place called *Viride Stagnum*: which he had prepared that he might find an abbey there, and leaving some of his sons and brothers as a convent of monks and an abbot (for he had brought them with him for that purpose), he bade them farewell and set out on his journey.⁴ Attempts at identification here are clearly futile. There is no foothold, except *Viride Stagnum*, which is descriptive of many pools in Galloway, where the saint founded a monastery presumably of Cistercian monks. It is 'surely a mistake,' as Keith ⁵ long ago suggested, to identify it with Soulseat where

¹ The action of St. Malachy in this respect was very irregular and betokened the backwardness of the ecclesiastical movement in Galloway. There is no reference to a Bishop of Candida Casa, without whose consent a new chapel or oratory could not have been erected there (Robertson, *Stat. Eccl. Scot.*, pp. 11, 258; Wilkins, *Concilia*, i. 382, 415). But the saint was acting like John Wesley as if the whole world was his parish.

² *Vita*, § 41.

³ *Vita*, § 42.

⁴ *Vita*, § 68.

⁵ *Scottish Bishops* (ed. Russel), p. 398. The whole of the story here is very inscrutable. St. Bernard seemed to think that a monastery could be founded by

Fergus, lord of Galloway, founded¹ a monastery of Premonstratensian canons before 1160, that is, a little before or a little after St. Malachy's foundation. The obscurity here will probably always remain a mystery.

In order to find another stage of the journey of St. Malachy in Scotland, we must turn from the narrative of St. Bernard to the pages of the Chronicle of Lanercost² where there has been preserved an episode of his pilgrimage long remembered on the Border. In recording the death of Robert de Brus, lord of Annandale, under 1295, the chronicler refers to an interesting incident in the annals of that noble family. Some time ago, he says, there lived in Ireland a certain bishop and monk of the Cistercian order, a holy man named Malachi, who at the command of the captain-general of the order hastened to that place (Clairvaux) where also he died and rests in peace, remaining famous by his miracles (*signis*). When he died the holy Bernard, who was present, preached an exceedingly mournful sermon, which the canon of Lanercost had often seen.³

When this bishop had crossed from the north of Ireland, and, travelling on foot through Galloway, came to Annan with two fellow-clerics, he inquired of the inhabitants who would give him hospitality. When they declared that an illustrious man, lord of that district, who was there at the time, would willingly do so, he humbly sought some dinner which was liberally provided. When the servants inquired, seeing that he had been travelling, whether they should anticipate the dinner hour or await the master's table, he begged that he might have dinner

a stroke of the pen in a strange land and that the community could live without maintenance.

¹ It is not quite certain that Fergus founded the monastery at Souleseat, but it is so assumed in the *Scotichronicon*, ii. 538, and in later writings.

² *Chron. de Lanercost* (Maitland Club), pp. 159-161; Sir Herbert Maxwell's translation, pp. 111-114.

³ It is evident that the writings of St. Bernard were extensively known at an early period. Not only at Lanercost at the end of the thirteenth century, but at Hexham in the latter half of the twelfth, were his writings familiar. Prior John of Hexham speaks of the *Life of St. Malachy* which 'Bernardus abbas Clariae-vallis fideli scribit relatu' (*Priory of Hexham*, i. 156-7, Surtees Soc.). The same life was also known to Fordun (*Scotichronicon*, i. 295, ed. Goodall), Trivett (*Annals*, p. 26, E.H.S.) and others. His theological writings acquired for him the title of 'Last of the Fathers,' so great was their authority. Dr. Lawlor adds in an appendix a translation of the 'sermonem satis lugubrem' referred to by the Lanercost scribe.

at once. When a table had been prepared for him on the north side of the hall, he sat down with his two companions to refresh himself: and as the servants were discussing the death of a certain robber that had been taken, who was then awaiting the sentence of justice, the baron entered the hall and bade his guests welcome.

Then the gentle bishop, relying entirely on the courtesy of the noble, said—‘As a pilgrim I crave a boon from your excellency, that as sentence of death has not hitherto polluted any place where I was present, let the life of this culprit, if he has committed an offence, be given to me.’ The noble host agreed, not amiably but deceitfully, and privily ordered that the malefactor should suffer death. When he had been hanged, and the bishop had finished his meal, the baron came in to his dinner. After pronouncing a blessing on the household he took his leave, and as he was passing through the town he beheld by the wayside the thief hanging on the gallows. Then, sorrowing in spirit, he pronounced a heavy sentence, first on the lord of the place, and his offspring, and next upon the town, which the course of events confirmed: for soon afterwards the rich man died in torment, three of his heirs in succession perished in the flower of their age, some before they had been five years in possession, others before they had been three.

In the early years of manhood it would appear that the story of St. Malachy’s malediction on his ancestors and descendants had been told to Robert de Brus, the competitor, who hastened to present himself before his shrine and undertook to do likewise every three years that the curse might be removed. When in his last days he was returning from the Holy Land where he had been with Prince Edward,¹ he turned aside to Clairvaux and made his peace for ever with the saint, providing a perpetual rent, out of which provision there are maintained upon the saint’s tomb three silver lamps with their lights: and thus through his deeds of piety this Robert de Brus alone had been buried at a good old age.

Though this tradition originated some twenty years before

¹ Prince Edward set out on the Crusade in 1270; after leaving Palestine he spent most of 1273 in France carrying on a little war at Chalons, near to Clairvaux, and returned to England in 1274 (Hemingburgh, i. 337-40, ii. 1, E.H.S.). Robert de Brus is numbered among the Crusaders who had protection of their possessions for four years during absence from the realm with Prince Edward (*Cal. of Patent Rolls*, 1266-72, pp. 465, 480).

the priory of Austin Canons was founded at Lanercost, where it is supposed the Chronicle was written, it will be difficult to dispute the truth of its main features. St. Malachy was well known in Carlisle, nine miles from Lanercost, and one of his two previous visits to that city, in which there was a priory of the same order, was sufficiently remarkable to make his exploits memorable. It is not necessary to assume exactness in the Lanercost report of the Annan incident or to pry too curiously into every detail of the tradition. All that requires to be said is that the framework of the story is worthy of credit.

The trustworthiness of the tradition has had singular corroboration by the discovery of a charter in the archives of the Aube, a copy of which M. Guignard communicated to Count Montalembert in 1855. Since its publication the story in the Lanercost Chronicle cannot be treated as a mere monkish legend. By this deed Robert de Brus, lord of Annandale, gave to the monks of Clairvaux the land of Osticroft in his lordship *ad sustinandum luminare coram beato Malachia* in their church.¹ As it was issued in Annandale about 1273, all the witnesses being well known men of that district, and carries the seal of the competitor, no doubts may be entertained of its genuineness. M. Guignard was unable to read the legend on the seal in its entirety, but enough was deciphered to prove its identity. There is no need, so far as we are here concerned, to uphold the embellishments of the Lanercost tradition: the curse of Malachy on the deceitful Brus may be true or untrue. It is enough to know that the saint was hospitably entertained in the hall of Annan and made the acquaintance of its lordly owner. This circumstance, perhaps, prepares us for the direction of his subsequent journey in England.

There is no mistaking the next stage of St. Malachy's journey after his departure from Annan to which, according to Camden, access by land² was very difficult. He would naturally seek one of the waths³ or fords of the estuary of the Eden opposite Annan

¹ There is no occasion to repeat the text of the charter here or to offer proofs of its genuineness. A full discussion has been given by M. Guignard (*Migne, Patrologia*, clxxxv. 1759-60), and his conclusions have been accepted by Father O'Hanlon (*Life of St. Malachy*, pp. 193-5) and by Mr. George Neilson (*Scots Lore* pp. 124-30). The French editor identified the charter with such perspicacity that little was left unsaid.

² *Britannia*, ed. Gibson, p. 1195.

³ The fords over Solway sands were the recognised highway between England and Scotland on the western border from an early period. It was by this route

and make straight for Carlisle. Passing on, as St. Bernard¹ relates, King David met him, by whom he was received with joy and was detained as his guest for some days: and having done many things pleasing to God, he resumed the journey he had begun. This was the saint's third and last visit to Carlisle. It would be pleasant to think that he had met Archbishop Henry Murdac of York when he visited King David in Carlisle that year² and received the canonical obedience of Bishop Adelulf of Carlisle. In any case the controversy about the York primacy would afford an ample subject for discussion, if regard be had to what transpired at the deposition of St. William and to the part taken therein by St. Bernard.³

Travelling down the Eden valley as he had done on his first journey, he left the kingdom of Scotland by crossing the gap of Stainmore into Yorkshire, but instead of proceeding direct to York, as he did before, he made a detour perhaps at Barnard Castle or Catterick that he might call at the monastery of Gisburn in Cleveland on the east coast near the mouth of the Tees, a monastery which had been founded by the father of his noble host at Annan. Departing from Gisburn he came to the sea, but was refused passage owing, as his biographer suspected, to some difference between the chief pontiff and King Stephen. We are not told from what port St. Malachy ultimately set sail. But inasmuch as the King of England, according to Domesday,⁴

that King Alexander II. entered Cumberland in 1216 (*Chron. de Mailros*, pp. 122-3). Archbishop Winchelsey gives some exciting experiences of the passage when he crossed in 1297 (*Wilkins, Concilia*, ii. 261-3). Edward I. had his army encamped on Burgh Marsh on his way north when death overtook him, 1307. For the importance of this route, see Neilson, *Annals of the Solway* (Glasgow: James MacLehose & Sons, 1899). The bogs and mosses which lay between Annan and the Esk were more impassable than the treacherous sands of Solway.

¹ *Vita*, § 69.

² *Priory of Hexham* (Surtees Soc.), p. 158. In this same year Henry Fitz Empress was knighted by King David in Carlisle (Hoveden, R.S., i. 211).

³ Newburgh, *Chronicon*, pp. 47-8, E.H.S.

⁴ Domesday Book, i. 298 b: 'Rex habet tres vias per terram et quartam per aquam.' It should be pointed out that Dr. Lawlor (*Proceedings of R.I.A.* op. cit. pp. 239-241: *Life of St. Malachy*, p. 121) has made an unfortunate slip in his identification of the Gisburn to which St. Malachy 'turned aside' (*divertit*) after crossing the gap of Stainmore into Yorkshire, a slip which upsets his alleged geographical direction of the third journey. It is not the Gisburn in Craven near the Lancashire border, now called New Gisburn, where there was no monastery of regular canons, but the Gisburn in Cleveland, better known as Guisborough,

had in York three ways by land and a fourth by water, it is not improbable that St. Malachy was making for the fourth way in the region of York, to escape by the shortest route from the interference of the English king.

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a priory of regular canons founded by Robert de Brus in 1129. My view is that St. Malachy sailed from York, or its immediate neighbourhood, on both of his outward journeys, and that his itineraries in England, as given by Dr. Lawlor, must be confined within narrower limits.

Queen Mary's Jewels

A RECENT article in *The Scottish Historical Review*¹ contains an interesting reference to Queen Mary's jewels—more particularly to her pearls—which recalls a secret transaction little noticed by historians. This has not escaped the eye of Dr. Hay Fleming, who gives it a brief mention in his *Mary Queen of Scots*,² and almost sixty years ago it was fully discussed by Joseph Robertson in his *Inventories of Mary Queen of Scots*,³ but the story will bear elaboration as throwing a useful light upon the framework of Scottish society in the sixteenth century, and upon the characters of some of the great personages who graced that period.

The subject is of more than antiquarian interest. When it is recalled that in the sixteenth century the total revenue of the Scottish kings was but a few thousand pounds sterling (say about £12,000), much of which was earmarked for local requirements, the importance of the royal jewels is easily appreciated. Coin was scarce, and, bullion being rare, it was also bad; and the monarchs, who were often hard put to it to find the actual cash for their daily necessities, found an even greater difficulty in providing for those sudden emergencies which so often occurred. Hence came the extreme importance of the royal treasure—wealth in a portable form—which could be easily transferred into a stronghold when the English came; which could be concealed in the bowels of the earth, and yet not decay; which could be pledged to pay the mercenaries (main prop of the crown sometimes); and which could be themselves used, in extremity, to hearten friends or to bribe enemies. The royal jewels, in fact, were a great asset of government.

During the cruel wars of Mary's minority, great inroads had been made upon this asset. Many of the gems went to pay for the maintenance of the state, others seem to have been appropriated by the Hamiltons, and some, in 1556, were sent

¹ Vol. xvii. p. 291.

² P. 485.

³ Bannatyne, 111.

to the girl of fourteen, who, though she had lived so long in France, was none the less Queen of Scotland. But when, a widow of nineteen, Mary returned to Scotland in 1561, she brought with her jewels which dazzled even France, and far surpassed the treasures of her Scottish progenitors. 'Shee brought with her als faire jewells, pretious stones and pearles as were to be found in Europe,' writes Knox,¹ who for once is in accord with Bishop Lesley, and the 'inventory of 1561'² is a glittering list of 159 items, necklaces, rings, girdles, earrings, vases and chains, set with gems of every kind. The jewels of the French Crown, valued at nearly half a million crowns, had, of course, been returned on the death of her husband; but the treasures sent to her from Scotland had been supplemented by rich gifts from her Guise relatives and from her royal father-in-law, Henry II., whose great diamond, with its gold chain and ruby pendant, became, as the 'Great Harry,' one of the principal treasures of Scotland. The 'grosses perles,' which figure so abundantly on the list, may have come from the house of Lorraine; at all events in Mary's 'testamentary disposition' of 1566 they are assigned to the families of Guise and Aumale.

Some of the personal ornaments, obviously, must have travelled about with the queen, and much of the plate would be housed in Holyrood; but the real home of the royal jewels was in Edinburgh Castle, where they were kept in the Jewel House, or in the Register House.³ In tracing, therefore, the dispersion of the gems, which began with Mary's imprisonment in Lochleven Castle (17th June, 1567), it is necessary to study the varied history of the great citadel.

If we may judge from the rather pitiful inventory of the goods sent on to the Queen a few days after her escape,⁴ the captive must have been deprived of all her treasures save a bare minimum of plate. Calderwood⁵ tells us that on 17th June 'the Lords went down to the Palace of Holyrudhous, and tooke up an inventar of the plait, jewells, and other movables,' but

¹ *Works of John Knox* (Woodrow Society), 1846, ii. p. 267.

² Robertson's *Inventories of Mary Queen of Scots*, p. 7.

³ Robertson's *Inventories*, cxxxviii, xiii.

⁴ Hay Fleming's *Mary Queen of Scots*, p. 511.

⁵ Calderwood's *History of the Kirk of Scotland* (Woodrow Society), 1842, ii. p. 366.

Adam Blackwood¹ represents the confederates as proceeding in a less formal manner. According to him, these abominable traitors busied themselves all night long in pillaging the Queen's '*meubles, bagues et joyaux.*' Nothing of value was left by them, and of what they took little ever returned to the royal house.

So much for Holyrood; but the Castle was harder to plunder—for outsiders anyhow—and far more worth the plundering. The bulk of the royal treasures was still there, and there it was that Bothwell had bestowed the gems—worth, according to himself, more than 20,000 crowns—which Mary had given him.² The Castle had been held, since 8th May,³ by Sir James Balfour, a time-serving ruffian, who, having been a great confidant of Bothwell's at the time of the Darnley murder, was now prepared to make the highest profit he could out of the new situation. His opportunities were many. If Randolph's account is correct,⁴ this trusty custodian, who had the keys of the Register House, did not hesitate to make free with the valuables entrusted to his care. At a later date, 1573, Sir Robert Melville seems to have stated in his examination⁵ that he does not know that Sir James got any 'jowellis' during the 'lait troubles'; but the manuscript is so much damaged that its sense is conjectural, and in any case, Melville, with a halter round his neck, may not have cared to incriminate Morton's ally. Randolph certainly describes the castellan as opening a 'little coffer,' which may be identical with the famous 'casket,' and that casket itself was undoubtedly given by him to Bothwell's servants, one of whom fell into Morton's hands immediately afterwards. From this luckless wretch, George Dalgleish, information was extracted by torture; at 8 p.m. on 20th June, the casket was placed in Morton's hand,⁶ and next day it was broken open in the presence of eleven Scots lords.

This, of course, is Morton's own story, as presented to the English commissioners in December 1568, and we need not accept it as complete or accurate. It is almost certain that Balfour himself betrayed Dalgleish to Morton, and it is at least

¹ Jebb's *De vita et rebus gestis Mariae Scotorum Reginae*, 1705, ii. p. 219.

² 'Examination of Sir Robert Melville,' Robertson's *Inventories*, clviii.

³ Hay Fleming's *Mary Queen of Scots*, p. 465.

⁴ *Calendars of State Papers, Foreign, Elizabeth*, ix. No. 1334.

⁵ Robertson's *Inventories*, clviii.

⁶ Andrew Lang's *Mystery of Mary Stuart*, p. 275.

possible that the formal opening of the casket was a solemn farce. For Balfour had keys, as appears from Randolph's story, and with his connivance the box could be opened and shut at will. Certainly the 'murder-band' does appear to have vanished conveniently, and if it went, other things might go too.

At all events, it is quite certain that the casket was for some time in Morton's hands, for on 16th September, 1568, at a meeting of the Privy Council, Moray gave him a receipt for this 'silver box ower gilt with gold' and the papers it contained.¹

Valuables entrusted to the care of Balfour, therefore, were likely to meet with adventures, especially if Morton were concerned. Of this Mary was well aware, for in her interview with Moray at Lochleven on 16th August, 1567, she made her half-brother custodian of the jewels in a particular manner, alleging that unless he became responsible, neither she nor her son would ever see them again.² Moray—'good self-denied man,' as Keith sarcastically remarks—was unwilling to accept the charge, but Mary was urgent, and as soon as he was gone wrote with her own hand a letter pressing him to undertake the matter.

This he did. On the 5th September he made himself master of Edinburgh Castle,³ driving a hard bargain with Sir James Balfour, who obtained 'a remissioun as airt and part of the King's murther,' a pension for his son, and for himself the Priory of Pittenweem and £5000 down.⁴ On the 11th of the month Moray is described as making inventories of the Queen's jewels and apparel, 'which is said to be of much greater value than she was esteemed to have.'⁵ His activities, however, were not confined to the mere making of lists, but were of a nature to excite the anger and alarm of his opponents. 'The delivery of the castle and the jewels to the regent has colded many of their stomachs,' wrote Mr. James Melville,⁶ and it is extremely

¹ *Privy Council Register*, i. p. 641.

² *Catalogue of the Cottonian MSS. in the British Museum, Caligula*, Throckmorton to Elizabeth, May 20, 1567 (Keith, p. 444).

³ Calderwood's *History*, ii. p. 387.

⁴ *A Diurnal of Remarkable Occurrents* (Bannatyne Club, No. 43); *The Historie and Life of King James the Sext* (Bannatyne Club, No. 13, p. 18); Spottiswoode's *History of the Church of Scotland*, folio edition, 1677, p. 213.

⁵ *Calendar of State Papers, Foreign, Elizabeth*, viii. No. 1676.

⁶ To Sir Nicholas Throckmorton, 10th Sept., *Calendar of State Papers relating to Scotland*, 2 vols. 1858, ii. p. 845.

probable that even the 'Good Regent' played the part of the spoiler on this occasion, although Mary herself believed otherwise. Certain it is that, on 24th August, Moray's Parliament made an Act concerning the Queen's 'jowellis,'¹ and the 'advices' which the English government received from Scotland on 31st August explained that the Regent had been authorised to 'intromit' with the jewels.²

Mary had long been apprehensive. On 30th May she had instructed Lord Fleming, who was going to the French court, to protest against the sale in France of any of her gems,³ which, as she had heard, were being sent out of Scotland; and she seems to have heard of the doings of the Scots Parliament almost as soon as did her warders, for on the 1st of September she wrote to Elizabeth⁴ begging her '*Commander que le reste de mes bagues ne soyent vandues, comme ils ont ordonné en leur parlemant; car vous m'avez promis qu'il n'i auroit rien à mon presjudice.*' She added that she wished that Elizabeth had them, for they are not '*viande propre pour traystres et entre vous et moy je ne fays nulle deférance.*' If Elizabeth would take any she fancied as a gift from her (*de ma mayn ou de mon bon gré*) she would be very pleased.

A month later Elizabeth, who, according to her prisoner, had already made a promise on this very matter, wrote to Moray advising him not to sell or otherwise dispose of the jewels of the Queen of Scots, and on 6th October the Regent replied that he would obey her behest.⁵ In the course of the investigations of December 1568, however, Mary's commissioners asserted that Moray and his allies had 'reft and spuilzeit' the Queen's 'jowellis,' and after the Regent's murder, Mary herself wrote to his widow demanding the return of certain jewels, including the 'Great Harry' itself, which had come into her possession.⁶ It does not appear what reply was made, but towards the end of the year we find the Countess begging, and apparently receiving, English protection 'in respect of her persecution by Lord Huntly for the Queen of Scots' jewels.'⁷ Huntly, however, must have had but little success, for throughout the year

¹ *A.P.S.* ii. p. 56.

² *Calendar of State Papers, Scotland*, ii. p. 857.

³ Labanoff's *Lettres de Marie Stuart*, 7 vols. 1844, ii. p. 89.

⁴ *Ibid.* ii. p. 172.

⁵ *Calendar of State Papers, Scotland*, i. p. 267.

⁶ Robertson's *Inventories*, cxxxii. note 2, March 28th, 1570.

⁷ *Calendar of State Papers, Scotland*, i. p. 308.

1574 Morton was engaged in the same old dispute with the lady, now Countess of Argyle,¹ and only in 1575 did the 'Great Harry' return to the royal treasury, where it remained until, soon after 1603, it was broken up, yielding its great diamond to complete a still more magnificent jewel, the 'Mirror of Great Britain.'²

In this controversy one point of peculiar interest presents itself. The Countess of Moray plainly used the argument that the Act of 1568 (which does not survive) gave to the Regent³ 'the dispositioun of our said Soverane Lordis jowellis pertening sumtyme to his Hienes Moder.' The title of this Act of 1568, however, speaks of the 'Queen's' jewels, and Mary herself, at a later date, explicitly stated that Moray had always admitted that the jewels were hers alone. '*Ainsi qu'il a tousjours plainement déclaré devant sa mort, encore que Morthon luy a souvent voulu persuader, comme j'ay este advertie, de les dissiper, affin d'en avoir sa part.*'⁴

It is therefore possible that the Countess did not, as Robertson supposed, receive the jewel as a gift from her lord, but found it amongst his effects after he was dead, and, being pressed to return it, made use of the plea—already employed by Morton himself—that the treasures had become the property of the young king. The 'Great Harry,' of course, was a French jewel, but Mary's provisional testament of 1566 had assigned it to the Scottish crown.⁵ Be this as it may, it seems certain that the Good Regent had extracted from the treasures, and kept in his own possession, certain of the most valuable jewels—a suspicious circumstance to which we shall return.

His successor, the Earl of Lennox, was also guilty of equivocal conduct in this affair of the jewels. On 24th November, 1570,⁶ Mary wrote to the Bishop of Ross bidding him protest to the Queen, that the Earl of Lennox 'persumes to spoilze ws of certane jowellis' which were in the hands of her followers, and that he has 'inpresoned' John Semple for refusing to deliver up those entrusted to his care. Bannatyne's *Memorials*⁷ amplify our information by telling us that the valuables in question were really in the keeping of Semple's wife (Mary Livingstone), and that Blackness Castle was the place of his captivity.

¹ P.C. Reg. ii. p. 330.

² Robertson's *Inventories*, cxxxviii.

³ P.C. Reg. ii. p. 331 ; Robertson's *Inventories*, cxxx, Feb. 3, 1574.

⁴ Labanoff's *Lettres*, iv. p. 91.

⁵ Robertson's *Inventories*, p. 93.

⁶ Labanoff's *Lettres*, iii. pp. 124-5.

⁷ Bannatyne Club, No. 51, p. 348.

Most of the royal treasures, meanwhile, were still in Edinburgh Castle, and in the custody of Kirkcaldy of Grange, who, in accordance with a promise to Sir James Balfour,¹ had received the keys from Moray on 24th September, 1567.² In the hands of this champion the Queen's jewels might be considered safe, but it is evident that even Grange, in the stress of the long siege, 'intromitted' somewhat freely with the gems. In May and August 1570 he was busy strengthening his defences,³ and in August the English government ordered the detention of jewels and valuables sent to be sold in England without Mary's consent.⁴ The English, of course, were not always so scrupulous about the rights of their royal captive; but it was desirable to prevent Grange from realising his assets. The captive herself, it is true, grew somewhat apprehensive, for in December she wrote to Lethington and Grange, stating that she had heard rumours which she did not believe, 'that ye have appointed with my meubelles at the Quene of England's procurement,'⁵ and hoping that if anything of the kind had been done, 'it is rather for my advantage nor otherwise.' Her apprehensions were not altogether unfounded, for some of her jewels were sold in France by Grange's brother, James Kirkcaldy.⁶ But the money gained (or part of it) was devoted to the purchase of munitions, and as the castellan held out so long and so gallantly, in the name of Queen Mary, his action may have been justified.

All that man could do to maintain the defence he did, and only on 29th May, 1573, when his garrison was mutinous, when the water was poisoned, and the walls of the castle had, according to Knox's prophecy, 'runne like a sand-glasse,' did he surrender.⁷ But, though he gave up his person to the English commander, Sir William Drury, Marshal of Berwick, he took care that the castle should be occupied by the Scots, and Morton hastened to instal as captain his own half-brother, George Douglas of Parkhead.⁸ The 'Diurnal' specifically tells us⁹ that the English force marched off without touching the

¹ *Memoirs of his own Life*. By Sir James Melville of Halhill. Bannatyne Club, No. 18, p. 198.

² *Diurnal of Remarkable Occurents*, p. 124.

³ *Ibid.* pp. 174-184.

⁴ *Calendar of State Papers, Scotland*, ii. p. 890.

⁵ Labanoff's *Lettres*, p. 134.

⁶ Calderwood's *History*, iii. p. 74.

⁷ *Ibid.* pp. 211 and 283.

⁸ *Historie of James the Sext*, p. 145; Melville's *Memoirs*, p. 255.

⁹ P. 334.

royal jewels or the artillery; but if this was so the conduct of the commander was less exemplary than that of his men, for it is quite evident that he secured some of the gems.

In August 1573 we find Morton engaged in a correspondence with the Countess of Lennox, urging her to procure the restitution of the gems in the Marshal's possession. Killigrew, in a letter written about a year later,¹ states that these (or perhaps some of them) had been pledged to Drury for £600, but the official inventory² tells a different story. Some of the jewels had been handed over by Archibald Douglas, who would surely have a finger in every pie of doubtful flavour; others, being out at pledge, had been returned to Grange when he was a prisoner in the Marshal's hands, and others again, having been pledged to Mosman the goldsmith (afterwards hanged along with Grange) and returned by him when the Castle fell, were cast by Grange into a coffer in his own room, which coffer afterwards turned up at Drury's lodging. Grange, who was examined on 13th June,³ denied stoutly that he concealed on his person the gems returned by Mosman. 'I brought out nothings with me, but the clothes was one me, and fower crownes in my purse, as I will answer to my God.'

This story of the coffer is a little suspicious, however, and it becomes doubly so when we read in the examination of Sir Robert Melville⁴ that, before the siege, the Marshal 'gat jowellis fra the Lard (Grange) at sindrie tymes. But quhat they wer the deponar knawis not.' It would almost seem as if 'that worthy champion Grange, who perished for being too little ambitious and greedy,' conscious of Morton's hate, had at the last minute attempted to come to terms with the English. 'If Morton gets the jewels,' he may have argued, 'they are lost to the Queen. May they not, then, buy the life of the Queen's champion?'⁵ Vain hope! Elizabeth would not, in mercy, baulk her own partisans of their revenge, and though Drury took the matter heavily, Grange was abandoned to his fate.

Morton was now free to possess himself of the jewels on which he had long had his eye. The Parliament of January 1573 had authorised him to recover from 'the havaris, resettaris

¹ *Calendar of State Papers, Scotland*, i. p. 386.

² Robertson's *Inventories*, cl.

³ *Ibid.* clii.

⁴ *Ibid.* clvii.

⁵ In reading the examinations of the prisoners, however, one gets the impression that Grange, whose fate at Morton's hands was fairly certain, was made the scape-goat—even by Sir Robert Melville.

sellaris and intromettouris' the jewels 'sumtyme pertening to the Quene our Soverane Lordis moder, and pertening to his hienes sen his coronatioun,'¹ and when, on 25th April, the Castle was formally summoned before the English attack, Grange had been expressly required to surrender the jewels along with it.² Spottiswoode³ tells us how the Regent 'relieved by payment of the monys for which they were engaged the jewels impignorated by the Queen,' but he then goes on to denounce Morton's rapacity—amply corroborated by the 'Diurnal'⁴ and the 'Historie'⁵—and it is clear that what the Regent claimed in the name of the King he often put to his own use. Any 'payment of monys' by him is extremely improbable, if other means were available; and the Act of 1573 gave him large discretionary powers which he did not fail to use.

The treasures concealed in the castle, including the famous 'Honours of Scotland,' were rapidly unearthed; but though the jewels found 'hydden in a wooden chest in a cave' were 'many and riche,' the 'moste parte' were 'in gage,' and Morton set to work with vigour. The prisoners were closely examined, as has been shown, and the appearance of Lady Hume before the council, noted by the contributor of *Scots Pearls*,⁶ was part of the same process. Her husband had been one of Grange's garrison and, at the moment of her interrogation, was an invalid prisoner in the Castle.⁷ Grange had pawned some jewels to her, but according to his own account had redeemed them and could produce the 'discharge.' Whether all had been redeemed is not clear; if not there is little chance that the lady ever recovered the £600 which had been advanced on the diamonds and pearls she now surrendered. Lady Lethington (Mary Fleming) was another victim. She had been taken when the Castle fell,⁸ and though we are told by Spottiswoode⁹ that the 'ladies and gentlewomen were licensed to depart,' we find her on 29th June charged on 'pane of rebellious' to produce certain jewels—notably a chain of diamonds and rubies—which were in her hands.¹⁰ It was but three weeks since her husband was dead, and to his body Morton refused any burial till the English Queen made sharp remonstrance; but none the less

¹ *A.P.S.* iii. p. 74.

³ *History*, folio edition, 1677, p. 273.

⁵ P. 147.

⁷ July 4, 1573; *Reg. P.C.* ii. 247.

⁹ P. 272.

² Calderwood's *History*, iii. p. 282.

⁴ P. 336.

⁶ *S.H.R.* xvii. p. 287.

⁸ Calderwood's *History*, iii. p. 283.

¹⁰ *Reg. P.C.* ii. p. 246.

Mary Fleming found courage to resist the inquisitor, and refused either to produce the jewels entrusted to her, or to state any cause why she should not. She was given six days' grace, and the upshot of the affair does not appear.

But if he met with opposition here, Morton was successful elsewhere. He recovered the gems pawned with the Provost of Edinburgh,¹ and he it was who at length managed to extract the 'Great Harry' from the Countess of Argyle. Even from the English he managed to recover something, so that when, in 1578, he was deprived of his office, the inventory of the valuables he gave up 'shows perhaps less wreck than might have been looked for after ten years of tumult and civil war.'² It might even appear that Morton, whom Mary regarded as the arch-traitor, was in a sense the preserver of the royal treasures, although his efforts, ostensibly made on behalf of James VI., may have been directed to his own enrichment.

Mary certainly regarded him as her chief enemy, and her correspondence reveals not only her deep sense of the value of her jewels, but also the genuine alarm she felt when she heard that the Castle had fallen at last. On 3rd August, 1573, she wrote to the French Ambassador, La Mothe Fénelon, begging him to urge Elizabeth '*affin qu'elle me fasse rendre mes pierreries et aultres hardes que j'avois dans le chasteau de Lislebourgh*';³ and as appears from a letter of 27th September,⁴ Elizabeth had promised to attend to the matter. In November⁵ Mary was once more urging her request. Morton had defended himself by stating that the gems had been dissipated by previous castellans (which was true), but the injured Queen expressed the opinion that he had slain the responsible custodians and taken possession himself. Her words make it clear that Elizabeth, who had promised to have the jewels restored to her, had contented herself with writing to the Regent urging that they should be well guarded until James came of age.

Nothing, therefore, came of this negotiation, and in August 1577 Mary was in touch with the arch-enemy himself. She distrusted him profoundly; she even suspected that his overtures might be a snare of Walsingham's planning, but none the less she proposed to follow cautiously the path which had opened so unexpectedly. Morton's offer might be genuine enough, for self-interest would compel him to provide against the day

¹ Robertson's *Inventories*, cxxxvi.

² *Ibid.* cxxxviii.

³ Labanoff's *Lettres*, ii. p. 77.

⁴ *Ibid.* iv. p. 83.

⁵ *Ibid.* iv. pp. 90-91.

when James, reaching maturity, should cast him off; even if it were all deceit, the villain might be caught in his own toils and induced to write something which would ruin him with Elizabeth, and whether his offer were sincere or false, it might be a means to the recovery of the lost treasures.¹

'Quant à mes bagues, qu'il vous envoie ce qu'il en pourra promptement recouvrir, ou s'en charge par inventaire signé de sa main, et du surplus qui est égaré en envoie une déclaration, selon la cognoissance qu'il en a, et la promesse qu'il en a faicte.'

Morton fell in due course, but the Queen did not recover her jewels. The inventories taken at Chartley and Fotheringhay² show that, at the end of her life, Mary still had some of the jewels which figured in the lists of 1561-1566, but these were probably recovered during her brief spell of liberty in 1568. For the grim Regent was not a man to part with anything of value if he could help it, and in this case the last person in the world to press him was Elizabeth. Elizabeth herself was wearing Mary's pearls. Of that there can be no doubt. In August 1573, when Anglo-Scottish relations were dominated by Morton's great effort to collect the scattered gems, Alexander Hay wrote to Killigrew³ that 'some of the jewels have been recovered by the Regent, but not that piece which was in the hands of the Queen of England,' and the correspondence of De La Forest, the French Ambassador in London in 1567-8, reveals a sordid story,⁴ which can be amply confirmed from the calendars of the English State papers.

Early in February 1568, La Forest reported to his master the arrival in London of one 'Elphinstone' 'ung gentilhomme du Conte de Moray,' whose ostensible mission was to explain the proceedings of the Scottish Parliament which had met on 15th December (to condemn Bothwell *inter alia*). The Ambassador, however, believed that he had other business to negotiate, and suspected that his real object was to propose a strict alliance, on terms that Scotland should accept English suzerainty and Elizabeth should acknowledge James as her heir. A few months later Elphinstone reappeared upon another errand. On 2nd May La Forest explained to the King that he had come up, under the protection of Throckmorton, and that he had brought

¹ *Ibid.* iv. p. 384; v. p. 28.

² *Ibid.* vii. pp. 231-274.

³ *Calendar of State Papers, Scotland*, i. p. 380.

⁴ Teulet's *Relations Politiques de la France et de l'Espagne avec l'Ecosse*, 5 vols. 1862, ii. pp. 339-368; Labanoff's *Lettres*, vii. pp. 129-134.

with him some magnificent and valuable jewelry belonging to Queen Mary. This had been inspected by Elizabeth on 1st May, in the presence of Pembroke and Leicester, who had been astonished at the beauty of the gems. Writing on the same day to Catherine de Médicis, the Ambassador added that he knew neither the 'quality nor the quantity' of the jewels, though he knew they were highly valued. He thought that, if Catherine wished to buy all or some, it could be managed, for though Elizabeth would have the first option, he thought she was too cautious to buy. There was no need for haste, he concluded, for the affair was being kept very secret. The fact is that the Queen Mother had told De La Forest to keep a look-out for these jewels, but that he himself was not anxious to meddle in the matter, for in a third letter which he wrote on 2nd May (to M. de Fizes, Secrétaire d'Etat), he explained that he had written to the Queen Mother only in consequence of her instructions to him; if anything was to be done, he should be told as soon as possible, but he added, '*Nous avons assez affaire de nostre argent ailleurs.*'

A few days later (8th May), De La Forest was able to give more detailed information. Amongst the jewels sent were the '*grosses perles*' about which Catherine had formerly enquired, and as he had heard '*il y en a six cordons où elles sont enfilées comme patenostres, et oultre cela, environ vingt-cinq à part et séparées les unes des autres.*' These separate pearls, he added, were bigger and finer than those on the threads, 'most of them as big as nutmegs.' They had been variously valued at 10,000, 12,000 and even 16,000 crowns, but his own opinion was that they would go at the middle figure. He was correct, for a week later he wrote announcing that the transaction was complete. Elizabeth had bought her dear cousin's pearls for 12,000 crowns, or £3600 sterling.

The Queen Mother made the best of her disappointment. On receipt of the Ambassador's earlier letters she had written to bid him buy if he could, but apparently before her letter was despatched the news came that Elizabeth had forestalled her (21st May). Accordingly she submitted gracefully. It was very reasonable that Elizabeth should have the pearls, she would like her to buy all the jewels '*et, si je les avoiz, je les luy envoieirois.*' Sour grapes, your Majesty! If you cannot have the pearls you do not want anything else.

The Ambassador's story is correct in almost every detail,

and indeed it might well be. For he had corrupted a secretary of Sir Nicholas Throckmorton, who always played a great part in Scottish affairs, and under whose patronage Elphinstone had been introduced.¹ Thus possessed of inside information, he was able to prime the 'Sieur de Bethon,' who visited Elizabeth en route from Scotland to France, so effectually that, in the course of an interview, Beaton managed to get the Queen to make an admission about the jewels. All this, of course, rests on his own statement, but his story is strongly corroborated by circumstantial evidence.

He represents the sending of Elphinstone as very secret, and in point of fact there is no reference to his mission in the contemporary histories. Calderwood, Sir James Melville, the 'Diurnal,' the 'History' and Spottiswoode (hardly contemporary of course) are all silent in the matter. And this silence becomes all the more remarkable when we find frequent references to the French Ambassador Beaumont, who came north just as Elphinstone came south, and who (says De La Forest) actually met him ten leagues north of Berwick.² But if the histories are silent, the State Papers have much to tell us. Nicoll Elphinstone—not 'Lord' Elphinstone, as Teulet has it—was the trusted servant of Moray who was sent on to herald his return to Scotland in July 1567.³ Early in January 1568 he received from Moray letters of credit to the Queen and Cecil,⁴ and on 31st January he had arrived in London and been heard by certain of the Council.⁵ All this tallies exactly with the French Ambassador's account of his first mission; and his version of the second is confirmed with equal precision.

On 20th April Elphinstone received from the Regent, then at Glasgow, a fresh letter of credit to Cecil,⁶ and on 22nd April he arrived at Berwick.⁷ Now Beaumont had arrived in Berwick on the 21st and had gone on at once,⁸ so that the envoys would meet just about ten leagues north of Berwick, just as De La Forest said. Other documents in the same series⁹ make it

¹ Teulet's *Relations Politiques*, ii. p. 362.

² Labanoff's *Lettres*, vii. p. 130.

³ *Calendar of State Papers, Foreign, Elizabeth*, viii. No. 1459 and No. 1470.

⁴ *Ibid.* Nos. 1907, 1908.

⁵ *Ibid.* No. 1975.

⁶ *Ibid.* No. 2136.

⁷ *Ibid.* No. 2138.

⁸ Teulet's *Relations Politiques*, ii. p. 351.

⁹ *Calendars of State Papers, Foreign, Elizabeth*, viii. Nos. 2160, 2233, 2246, 2260.

clear that Elphinstone's official business was the settlement of the borders. An affair of this kind, however, did not necessarily involve a visit to London—the emissary, in point of fact, did visit Carlisle as well as Berwick—and certainly it did not require the secrecy which veiled the whole business. This was very complete. La Forest, as has been shown, was well-informed; yet even he wrote as if the jewels were still for sale on 8th May, whereas Elphinstone had concluded his business some days earlier. The news of Mary's escape had reached London, and Elizabeth, who was preparing congratulatory letters to her dear cousin, eased her conscience by dispatching Moray's envoy with a meanness which disgusted Throckmorton.¹

Was Moray, then, the vendor of the pearls? Elphinstone was undoubtedly his servant; indeed, as early as 1565, a confidential servant.² He is always described as Moray's man, and it was from Moray that he got his letters of credit. Now Moray was notoriously poor. His reliance on English gold in 1565 has been made a perpetual reproach to him,³ and at this period⁴ he was apparently in his usual penury. At this time, however, he received authority to handle the Queen's jewels, and the affair of the 'Great Harry' shows that he interpreted his powers somewhat widely. Without opportunity, of course, authority might avail little, but, as has been shown, he had opportunity enough between 5th September, when Balfour surrendered the Castle, and 24th September, when Grange was installed. The natural conclusion is that he secured, amongst other valuables, Queen Mary's pearls, which he wished to sell in order to provide himself with cash. Elphinstone may have broached the subject on his first journey south (else why the secrecy?), or it may have been broached to him; and on his second journey he took the jewels with him.

Moray's action may be justified on the ground of necessity. His business was to govern Scotland, and to govern without money was impossible. If, however, it be felt that defence is required, one line alone presents itself. Elphinstone was also the confidant of Morton,⁵ and indeed he was, some years later,

¹ Teulet's *Relations Politiques*, ii. p. 357.

² *Calendars of State Papers, Scotland*, i. p. 215.

³ *Ibid.* i. 225, 227.

⁴ *Calendars of State Papers, Foreign, Elizabeth*, viii. No. 1732.

⁵ Calderwood's *History*, iii. p. 387; Melville's *Memoirs*, p. 263.

actually employed on the 'great matter' of having Mary sent secretly to Scotland for execution.¹

Is it possible, then, that the 'Good Regent' sent Elphinstone south on purely diplomatic business, and that the wicked Morton seized the opportunity to dispose of the jewels, the fruits of his guilty collusion with Balfour? Surely this is special pleading. Elphinstone's connection with Morton seems to have become intimate only after Moray's death, and the whole circumstances of the mission, its swiftness, its secrecy and the connivance of Throckmorton, all seem to prove that the Regent himself was the principal in the business.

Mary, then, was deceived when she regarded her half-brother as a safe custodian of her jewels; no less was she deceived when she appealed to Elizabeth for aid; but most of all was she deceived as to herself. There she was, poor prisoner, imagining that she was still the great pivot of politics, and that her jewels were too sacred to be touched, whereas even her friends were constrained to despoil her, and her importance in the diplomatic world grew steadily less. It was only after she was out of the way that the 'Armada' came. In her prison then we must leave her, and for the prison's sake we may forgive her some dishonesty, some selfishness, and a certain megalomania; but what are we to think of the Queen who promised to help to recover her treasures, and who actually wrote to Moray and to Morton about the stolen goods when she herself was something very like a 'resettar'?

What exactly were the jewels which Elizabeth got? Reference has already been made to the '*grosse perles*,' which certainly accompanied Mary from France, and which were assigned, in the arrangement of 1566, to the houses of Guise and Aumale. It was probably some of these which Elizabeth bought, for Catherine de Médicis was plainly acquainted with the pearls in question. De La Forest's description undoubtedly suggests the '*grosse perles enfilées*' of the 1566 inventory. Further than this it is hard to go, for by the time the Ambassador's informant saw the jewels, the original pieces may have been broken up. Three of Mary's resplendent ornaments were in themselves sufficient to supply over 150 great pearls, a girdle, a 'cottouere' or 'edging' or 'beading,' and a 'dizain,' or rope with the pearls divided into tens. De La Forest's reference to a paternoster might perhaps suggest the 'dizain'—the big beads which divided

¹ Tytler's *History of Scotland*, 9 vols. 1841, vii. pp. 314, 321, 336.

the groups of ten were called 'pater'—but very possibly all he meant was that the pearls were strung.

None of the ornaments mentioned in the inventory seem to have been in 'six cordons,' and in any case, Elizabeth, whose common-sense was more highly developed than her sense of honour, would probably break the pieces up at once if they were intact when she got them. Hay's letter, it is true, does seem to speak of one particular 'piece,' but I have tried in vain to draw conclusions from a comparison of the authentic pictures of the two Queens. Gloriana is, as a rule, so thickly encrusted with gems, that accurate observation seems to be impossible.

J. DUNCAN MACKIE.

Early Orkney Rentals in Scots Money or in Sterling

IN examining the earliest of Peterkin's *Rentals of the County of Orkney* recently, a somewhat surprising circumstance came to light. The rental in question is that of Henry Lord Sinclair ('that deit at Flowdin') for the years 1502-03, compiled immediately after he had obtained a fresh lease from the Crown of the lordships of Orkney and Shetland. In the *summa* at the end of each parish the money values of the total rents and duties are given, and one would naturally suppose that these would be expressed in Scots money. This was the assumption explicitly made by Captain Thomas in his otherwise very acute and exhaustive account of this rental, published in the *Proceedings* of the Society of Antiquaries of Scotland for 1883-84; and, so far as I am aware, he has been followed by any other writers who have touched upon the subject.

Actually, however, when the rental is closely examined there can be no doubt at all that the conversions are expressed in sterling money, and this completely alters estimates of Orkney rents and taxation at that period. Some of the clearest pieces of evidence may be briefly summarized.

1. A comparison of the rent, in Scots money, which Lord Sinclair paid for his lease (see *Exchequer Rolls*), with its returns as disclosed in his rentals, show that if those returns were expressed in Scots money also, he would have been a heavy loser by the transaction; but as some of the factors are a little uncertain (such as his returns from Shetland), we may confine ourselves here to the consideration of a single item—the rent of Burray. For this island £20 Scots was paid by the Bishop of Orkney to the Crown and allowed to Lord Sinclair in the account, while the entire total of rents and duties given in the rental was £10 12/11½.¹ If this £10 12/11½ were Scots money

¹ Misprinted as £41 12/11½ in Peterkin. £10 12/11½ is the actual value of the rents given in kind, and is the figure in the 1492 Rental.

the tacksman was actually paying nearly twice as much as he got from the island. So it clearly must have been sterling.

2. The *lowest* conversion price of Orkney beir given in the *Exchequer Rolls* between the years 1476 and 1509 was 4/2 Scots per boll. Sixteen bolls made a chalder, and 36 Orkney meils of beir also made a chalder. The lowest recorded price of a meil of Orkney beir in these *Rolls* was therefore 1/10 Scots, or a trifle over 6d. sterling. The standard Orkney price both in the 1492 and 1502-03 rentals was 4d., which therefore must obviously have been sterling money. It may be added that this difference between 4d. and 6d. (in some years 1/-) shows that money was dear and prices low in Orkney compared with Scotland.

3. The purchase price of an Orkney merkland at that time was one merk (13/4) 'Inglis'—*i.e.* sterling. But the standard rent was 10 settens of malt, equal to 10d. in rental money. If this money were Scots, then Orkney land must have been selling at over 53 years' purchase! This, of course, is a preposterous rate; 10d. sterling gives 16 years' purchase, and the '5th part fall' very commonly found in the 1502-03 rental (where most rents were down) gives the normal rate of 20 years.

4. In this old rental we find Sir William Sinclair of Warsetter, Lord Sinclair's brother, getting a tack of 13d. land in Tuquoy in Westray for 'thre pundis Scottis payment allanerlie' (only), in place of the duties and old rent. The 'allanerlie' of course implies a reduction, and in point of fact all Sir William's tacks were given him at much reduced rents. But the duties came to 14/1, and the old rent to £1 16/- according to this rental, and £1 19/- according to the 1492 rental. The previous total payment was thus either £2 10/1 or £2 13/1, so that if this had been Scots money, Sir William would have been paying a considerably enhanced rent. It must therefore have been sterling.

Several other cases of payments may be noted, in which the currency must have been Scots, in contradistinction to the usual currency of the rental, especially where 'fees' are mentioned. Thus William 'Swoundyis' got the 'grassum' of Brek in Deerness 'ilk 3 year 20/- in his fee': 20/- at the rental conversion rate meant 40 meils of grassum every three years, and as he only paid 20 meils in annual rent, such an exorbitant extra is obviously impossible. The 20/- was plainly Scots money.

One final instance is particularly instructive and conclusive. The whole rent and duties of Tofts in St. Ola were 'assignit

for 20/- in Angus Portaris fee yeirlie.' The value of these duties and rent was $5/5\frac{1}{3}$ in rental money, and thus this sum was equivalent to 20/- in the currency of Angus Porter's fee. The ratio of the two currencies works out at 3.6 to 1, and that is the exact ratio of sterling to Scots money in 1503.

Curious though it seems at first sight that a Scottish nobleman's rental should be expressed in sterling money, especially when his accounts with the Crown for the same lands were all in Scots currency, the explanation is really not far to seek. Orkney had only comparatively recently (in 1468) come under the Scottish Crown, and before that date sterling money was the currency generally used, as is shown by the one earlier document where many details of Orkney affairs are given: the 'Complaint' of 1424 or 1425. Many fines and the value of a number of articles are specified, and each time they are expressed in sterling money.

Among these items is one that amply confirms the rental values as being sterling: David Menzies, governor of the islands and factor for the young earl, is stated to have 'collected (for his own benefit) out of the earl's rents . . . 800 pounds English since his father died and a year before he died.' The maximum time covered was six years, which gives an average of £133 6/8d. sterling a year; and Menzies cannot have had the audacity to pocket the *whole* rents. Actually the total rent in 1502-03, allowing for parishes omitted and items not entered in the parish tackmen's accounts, works out about £200 a year—probably rather less. So that this £200 could not possibly have been Scots money. In fact, it is clear that the lost ancient rentals of Orkney must have been in sterling money, and hence the same currency was retained throughout Lord Sinclair's leases.

J. STORER CLOUSTON.

James Boswell as Essayist¹

IN speaking of James Boswell in the rôle of Essayist, I take as my text a collection of seventy essays contributed by him to the *London Magazine* from October 1777 to July 1783, a period of five years and nine months. They are now almost forgotten and not easy to obtain; early numbers of the magazine in which they lie buried are scarce; so scarce indeed, that as far as I can discover, complete sets are possessed by few public libraries. It is not, however, on account of their rarity that I venture to bring them again into the light; a work may be rare and yet the lawful prey of Oblivion: it is rather, because I see in them new material for the study of Boswell the *man* and of his *magnum opus*—material which has been neglected by critics, hostile and friendly alike.

Although published anonymously, with the whimsical title *The Hypochondriack*, there is no question about the authorship. Boswell himself, in a letter still extant, sent a copy of his ninth paper to his friend Sir Alexander Dick of Prestonfield, inviting criticism; to his bosom friend Temple on 4th January, 1780, he wrote: 'I really think my *Hypochondriack* goes on wonderfully well'; and in the *Life of Johnson* there is explicit acknowledgment: 'I told him I should send him some essays which I had written which I hoped he would be so good as to read and pick out the good ones. *Johnson*: Nay Sir, send me only the good ones; dont make me pick them.'

The essays are written, I need hardly say, on the approved eighteenth century essay model: each has its motto from Greek or Latin author: all deal with hackneyed subjects, *Fear*, *Excess*, *Luxury*, *Melancholy*, *Praise and Censure*, *Government*, *Dedications*, and the like, round which hundreds of essays had been written long before Boswell took up his pen to swell the number. Sometimes a theme runs into three papers; that is so

¹Read before the English Association (Glasgow Centre), February 15th, 1919.

in the case of *Love, Marriage, Death, Country and Town Life*, while *Drinking* has four to itself. Four, written earlier than 1777, have been introduced into the series evidently at times when the printer was clamant for copy. They are only interesting as showing that while a mere youth the author had an ambition to enter the lists as an essayist and that occasionally he had contributed to the *London Advertiser*. One of these (*number X of the series*) opens thus: 'My scheme of writing a periodical paper, entitled *The Hypochondriack*, was formed a good many years ago, while I was travelling upon the continent; and in the eagerness of realising it and seeing how it would do, I sat down one evening at Milan and wrote *The Hypochondriack* No. X, pleasing myself with the fancy that I was so far advanced, and with the enthusiasm which critics ascribe to epic bards, 'plunging at once into the middle of things.' That essay was hastily composed in a gay flow of spirits thirteen years ago and I shall present it to my readers as my tenth number without making any variation whatever upon it':—a characteristic Boswellian confidence.

My difficulty has been to decide how best to present these forgotten essays to a new audience. When one starts off to read them for the first time they appear to be little more than an ambitious attempt to produce a work on the lines of the *Rambler*. That book of Johnson's, as one should expect, was the exemplar, and some things gravely uttered by Boswell are reminiscent of it. But the echoes are only occasional, and long before the seventieth essay has been reached, the peculiar personal note of the Biographer, which never fails as passport to indulgent attention, will have discovered itself even to the most cursory of readers. The literary quality of the essays is fine, as might easily be exemplified by selected passages: in them we become acquainted with his thoughts, moods, and ambitions; with his eager interest and restless curiosity in *life* and notably also with some of his *methods* in striving to attain to literary craftsmanship. He puts something of himself into all his counsels, and freshens up his subject by racy anecdotes, illustrations and quotations. But unless I am mistaken the *documentary* value exceeds the literary, and for my present purpose at any rate will call for most attention.

In October 1777, when the first essay made its appearance, Boswell was verging on thirty-eight years of age. In verse and prose he had practised his pen assiduously from boyhood, and

published freely, though nearly always anonymously, but his one serious contribution to literature, as yet, had been the *Journal of a Tour to Corsica*. In turning now to essay-writing it was not, I feel sure, with any expectation that thereby he would increase his literary reputation. In 1763, or soon after, he had deliberately chosen as his task, biography, with Johnson as subject, and ever since had pursued it steadily. His Corsican Journal, particularly the second part, the parleyings with Paoli, was an experiment in *method*, a preparation for the achievement of the masterpiece at which he secretly aimed. What then was the purpose of the Essays? His contemporaries, except perhaps his friend Temple, could not have answered that question, for the answer was involved in what Carlyle calls Boswell's 'great secret.' Ostensibly they were written for the author's pleasure and to entertain readers, the pretended aim of every author since books began to be written. Let me quote a short passage from the prefatory essay :

'To undertake the writing of a large book is like entering on a long and difficult journey, in the course of which much fatigue and uneasiness must be undergone, while at the same time one is uncertain of reaching the end of it; whereas writing a short essay is like taking a pleasant airing that enlivens and invigorates by the exercise which it yields while the design is gratified in its completion. Men of the greatest parts and application are at times averse to labour for any continuance, and could they not employ their pens on lighter pieces, would at those times remain in total inactivity. Writing such essays therefore, may fill up the interstices of their lives and occupy moments which would otherwise be lost. To other men who have not yet attained to any considerable degree of constancy in application, the writing of periodical essays may serve to strengthen their faculties and prepare them for the execution of more important works.'

To Boswell himself these words had a fuller meaning than to any of his readers. The fact is that in 1777 his life-task for the time was at a stop through no fault of his own; and being unwilling to remain inactive he was now wishful to fill up an interstice in his own life, strengthen his faculties, and prepare for the execution of a more important work. Although the world did not know it, his own *Journal of a Tour to the Hebrides* was already prepared for the press and was only held back for the reason that he did not wish to offend Johnson. The famous trip had been discussed between him and Johnson in the first year of their acquaintance; it was accomplished in 1773, and two years later worthily narrated in Johnson's *Account of a Journey to the Western Islands of Scotland*. But to that work

Boswell had always desired to write what he called a Supplement. During the trip he had kept a diary, as his custom was, of which Johnson in one of his letters to Mrs. Thrale says: 'Boswell writes a regular journal of our travels which I think contains as much of what I say and do as of all other occurrences together.' From the Journal itself, as published, we know now that Johnson frequently perused it: 'He came to my room this morning before breakfast to read my Journal, which he had done all along. He often before said, 'I take great delight in reading it.' To-day he said, 'You improve: it grows better and better.' I observed, there was a danger of my getting a habit of writing in a slovenly manner. 'Sir, said he, it is not written in a slovenly manner. It might be printed, were the subject fit for printing.' And in two letters to Temple we discover the reason for the book being withheld. On May 10th, 1775, Boswell writes: 'I have not written out another line of my remarks on the Hebrides. I found it impossible to do it in London. Besides, Dr. Johnson does not seem very desirous I should publish any Supplement. Between ourselves he is not apt to encourage one to share reputation with himself. But dont you think I may write out my remarks in Scotland and send them to be revised by you, and then they may be published freely? Give me your opinion of this.' And on November 6th, 1775, he writes: 'Dr. Johnson has said nothing to me of my remarks during my journey with him, which I wish to write. Shall I task myself to write so much of them a week and send to you for revisal? If I dont publish them now they will be good materials for my *Life of Johnson*.'

That last sentence explains much. The *Journal of a Tour to the Hebrides*, the most finished kit-kat portrait in our literature, was intended to be the first instalment of the *magnum opus*, but could not be published during Johnson's lifetime and in consequence might even need to be recast when the second instalment, the *Life of Johnson*, the full length portrait, came to be executed.

Fortunately the Hebridean Journal has reached us in its original form; and no editor, with Mr. Croker before his eyes, is ever likely to have the temerity to attempt to foist it into the text of the *Life of Johnson*.

Seeing now that the Essays were written after the completion of the first instalment of the Biography, and during what looks like a period of enforced suspension of the life task, it has still to be shown that in writing them Boswell was sharpening his pencil and preparing for the execution of something more important—

the great *Life of Johnson*. All the papers, with the exception of the four early ones already mentioned, were, in my opinion, written mainly with the object of clarifying his mind on points discussed between him and Johnson during the fourteen years of their acquaintance, and were in great part derived from and suggested by the Journals and note books containing the memoranda of these discussions. When read collectively and with the *Life of Johnson* steadily kept in view, that, I believe, will be admitted by all readers. As every one knows, a very considerable part of the Biography is made up of Johnson's observations on what are called commonplace subjects: many of them subjects treated by him in the *Rambler*, *Idler*, or other occasional papers. One has only to glance at the full index compiled by Dr. Birkbeck Hill to realise that. But in the Biography, as Mr. Augustine Birrell remarks, Johnson's 'recorded utterances cannot be reconciled with any one view of anything. When crossed in conversation or goaded by folly he was capable of anything'; and no one knew it better than his Biographer, whose gentle demurrers from many of the magisterial *dicta* have been so cunningly introduced into the text. To attempt to show in detail the relation of the essays to the Biography is impossible, within the limits at my disposal, and for that reason a few examples culled from the essays, must suffice, which, if they do not demonstrate, will at least suggest what I mean by *relation*. In some of the passages I shall also try to indicate the biographical value of the essays and to communicate something of the Boswellian flavour. A more enjoyable hour perhaps might be spent in discussing the purely literary merits of the essays; but at present I am directing attention almost exclusively to their value as fresh material for the study of Boswell and the *Life of Johnson*, his great achievement in the field of biography.

I begin with the essay on Diaries (*number LXVI of the series*).

'The ancient precept *γνωθι σεαυτον*—'know thyself,' which by some is ascribed to Pythagoras, and by others is so venerated as to be supposed one of the sacred responses of the Oracle at Delphos, cannot be so perfectly obeyed without the assistance of a register of one's life. For memory is so frail and variable, and so apt to be disturbed and confused by the perpetual succession of external objects and mental operations, that if our situation be not limited indeed, it is very necessary to have our thoughts and actions preserved in a mode not subject to change, if we would have a *fair* and distinct view of our character.

'This consideration joined with 'the importance of a man to himself' has had some effect in all times. . . . 'The importance of a man to himself'

simply considered is not a subject of ridicule, for in reality a man is of more importance to himself than all other things or persons can be. The ridicule is, when self importance is obtruded upon others to whom the private concerns of an individual are quite insignificant. A diary therefore . . . may be of valuable use to the person who writes it, and yet if brought forth to the public eye may expose him to contempt, unless in the estimation of the few who think much and minutely, and therefore know well of what little parts the principal extent of human existence is composed.'

Quoting Lord Bacon, 'It is a strange thing that in sea voyages, where there is nothing to be seen but sky and sea, men should make diaries; but in land travel, where so much is to be observed, for the most part they omit it, as if chance were fitter to be registered than observation,' he proceeds to tell of a visit made by him to India House for the sole purpose of examining the journals, the log-books as we should say, kept by captains of the company's ships. Then coming back to his main theme he says:

'But it is a work of very great labour and difficulty to keep a journal of life, occupied in various pursuits, mingled with concomitant speculations and reflections, in so much, that I do not think it possible to do it unless one has a talent for abridging. I have tried it in that way, when it has been my good fortune to live in a multiplicity of instructive and entertaining scenes, and I have thought my notes like portable soup, of which a little bit by being dissolved in water will make a good large dish; for their substance by being expanded in words would fill a volume.¹ Sometimes it has occurred to me that a man should not live more than he can record, as a farmer should not have a larger crop than he can gather in. And I have regretted that there is no invention for getting an immediate and exact transcript of the mind, like that instrument by which a copy of a letter is at once taken off.' . . .

'The chief objection against keeping a diary fairly registered with the state of mind and the little occurrences by which we are intimately affected is, the danger of its falling into the hands of other people, who may make use of it to our prejudice. . . . I have kept a Diary for considerable portions of my life. And in order to guard against detection of what I wish to be concealed, I once wrote parts of it in a character of my own invention, by way of a cypher, but having given over the practice for several years, I forgot my alphabet, so that all that is written in it must for ever remain as unintelligible to myself as others. This was merely a loss. But a much worse circumstance happened. I left a large parcel of diary in Holland to

¹ In *Dr. Johnson His Friends and His Critics*, p. 190, Dr. Birkbeck Hill discusses two questions (1) 'How much of Johnson's reported conversation is his own and how much Boswell's?' and (2) 'Whenever Boswell pretends to give Johnson's exact words, does he, even though he omits a great deal, show in what he gives, the literal accuracy of a shorthand reporter?' Boswell's explicit statement in the *Essays* has escaped the notice of all commentators.

be sent after me to Britain with other papers. It was fairly written out and contained many things which I should be very sorry to have communicated except to my most intimate friends; the packages having been loosened, some of the other papers were chafed and spoiled with water, but the Diary was missing. I was sadly vexed, and felt as if a part of my vitals had been separated from me, and all the consolation I received from a very good friend, to whom I wrote in the most earnest anxiety to make enquiry if it could be found anywhere, was that he could discover no trace of it, though he had made diligent search in all the little houses, so trifling did it appear to him. I comfort myself with supposing that it has been totally destroyed in the carrying. For, indeed, it is a strange disagreeable thought, that what may be properly enough called so much of one's mind, should be in the possession of a stranger, or perhaps of an enemy.'

Then after remarking that a diary will afford the most authentic materials for writing a biography which, 'if the subject be at all eminent, will always be an acceptable addition to literature,' he goes on :

'I was lately reading the Diary of that illustrious and much injured prelate Archbishop Laud, which the violent and oppressive rage of rebellion dragged forth as part of the evidence against him. It is estimable not only for the fragments which it contains of important history, but for the tender, humane, and pious sentiments which it undeniably proves were the constant current of his mind.'

Then he gives a few specimen entries. Laud's Diary he contrasts with another, and this for my present purpose, is the most important thing in the essay.

'There is,' he says, 'a Diary of a very different character called a Spiritual Diary and Soliloquies, by John Rutty, M.D., published in two volumes quarto. In the Critical Review for March 1777 there is an account of this singular curious work, introduced with some observations so good, that in justice both to the writer of them and my readers I cannot but transcribe them. [Then follows the quotation.] Dr. Rutty was an Irish physician of merit and one of the people called Quakers. His diary is written with an honest simplicity and conscientious self examination which are rarely to be found, so that while we cannot but laugh, we must feel a charitable regard for him.' [Then nine specimens of the entries are given.]

That diary of Dr. Rutty is now among the books that are no books, but his name and the fact that he was a diarist will be remembered as long as English is spoken, for that whole passage is transferred to the *Life of Johnson* (anno 1777; vol. iii. p. 197 Napier's edition).

'He was much diverted with an article which I shewed him in the Critical Review of this year, giving an account of a curious publication,

entitled 'A Spiritual Diary and Soliloquies' by John Rutty, M.D. Dr. Rutty was one of the people called Quakers, a physician of some eminence in Dublin and author of several works. This Diary which was kept from 1753 to 1775, the year in which he died, and was now published in two volumes octavo, exhibited, in the simplicity of his heart, a minute and honest register of the state of his mind; which, though frequently laughable enough, was not more so than the history of many men would be, if recorded with equal fairness. The following specimens were extracted by the reviewers.' [Then they follow.] 'Johnson laughed heartily at this good Quietist's self condemning minutes; particularly at his mentioning, with such a serious regret, occasional instances of *swinishness* in eating, and *doggedness of temper*. He thought the observations of the Critical Reviewers upon the importance of a man to himself so ingenious and so well expressed that I shall here introduce them.' [Then follows the citation, the same as in the essay.]

In the Biography, Boswell has corrected *quarto* to *octavo*, added a few dates, and slightly polished his periods here and there. But he has also lifted from another part of the essay the phrase 'the importance of a man to himself,' showing that his 'lucubrations,' as he styled the essays, were used in the preparation of the final text of the *Life of Johnson*.

Another excellent essay, 'Conversation among Intimates,' (*number XXV of the series*) is brought to a conclusion in characteristic fashion :

'There is, no doubt, as the wise man tells us, 'a time for all things,' and while I am inculcating gay relaxation with the same earnestness which is generally employed in inculcating grave assiduity I do most certainly not mean to recommend relaxation at random. The Roman poet says, *dulce est desipere in loco, it is agreeable to play the fool in a proper place*, or to express it fully in the English idiom, *time and place convenient*. I would add to time and place, *convenientia personae*, something suitable to character. For, the relaxation of one person should be very different from the relaxation of another. I would not have a judge give way to an impulse of animal spirits, and be a merry fellow while he is upon the bench, nor would I have him dance in a public assembly room; and indeed a person of that grave dignity of station should be seen in his hour of amusement but by very few, as there are very few who can distinguish the substantial general character itself from the occasional appearances which it assumes. Still more should a clergyman be upon his guard against having the most innocent levity of behaviour in him, seen by others. For as the usefulness of his office depends much upon the weight of authority which opinion gives him it is his duty to take care that that opinion be not lessened. Levity of behaviour in him, if not in excess, is clearly no evil in respect to himself only, and therefore he may indulge it in private. But it is an evil in respect to others, in whose imaginations the venerable impression of the sacred character must not be at all effaced. There is a noted story that Dr.

Clarke, the celebrated metaphysician, and one or two more eminent men of his time, were diverting themselves quite in a playful manner; but when Clarke perceived a certain beau approaching, he instantly made a transition to composed decorum, calling out with admirable good sense, 'Come, my boys, let's be grave, there comes a fool.' There cannot be a better illustration than this of my opinion as to the prudent conduct of relaxation with due discernment as to those before whom a man of respectable character should give a loose to it.'

Now, as is well known, when the Hebridean Journal was published the author was subjected to so much abuse and ridicule for the figure he himself cut in the book, that he felt it necessary in the splendid dedication to Sir Joshua Reynolds of the *Life of Johnson* to take notice of the sour critics. This short passage from that dedication is another example of *relation*.

'In one respect, this work will in some passages be different from the former. In my 'Tour' I was almost unboundedly open in my communications; and from my eagerness to display the wonderful fertility and readiness of Johnson's wit, freely shewed to the world its dexterity, even when I was myself the object of it. I trusted that I should be liberally understood, as knowing very well what I was about, and by no means as simply unconscious of the pointed effects of the satire. I own indeed, that I was arrogant enough to suppose that the tenor of the rest of the book would sufficiently guard me against such a strange imputation. But it seems I judged too well of the world; for though I could scarcely believe it, I have been undoubtedly informed, that many persons, especially in distant quarters, not penetrating enough into Johnson's character, so as to understand his mode of treating his friends, have arraigned my judgment, instead of seeing that I was sensible of all that they could observe.

'It is related of the great Dr. Clarke, that when in one of his leisure hours he was unbending himself with a few friends in the most playful and frolicsome manner, he observed Beau Nash approaching; upon which he suddenly stopped. 'My boys,' said he, 'let us be grave, here comes a fool.' The world, my friend, I have found to be a great fool as to that particular on which it has become necessary to speak very plainly. I have therefore in this work been more reserved; and though I tell nothing but the truth, I have still kept in my mind that the whole truth is not always to be exposed.'

For the anecdote so aptly used in his own defence Boswell turned to one of his essays, improving it by slightly condensing it.

To avoid a tedious minuteness I shall now group together a few more illustrations which will not require such lengthy citations and comparisons. Let me begin with the minor poet, Thomson of the *Seasons*. Johnson always regards Thomson as a true poet, but Boswell inclines to qualify his praise: 'His *Seasons* is indeed full of elegant and pious sentiments, but a rank soil,

may a dunghill will produce beautiful flowers.' In the essay (*number LXX of the series*):

'There may be fine thoughts on the surface of a coarse mind, as beautiful flowers are found growing upon rocks, upon bogs, nay upon dunghills.'

Both in the Biography and the essay (*number XVI of the series*) the same quotation from Lyttleton is applied to Thomson, namely, that 'he loathed much to write.'

In the essay *Pleasure in Excess* (*number IV of the series*; Jan. 1778), we read:

'Even an excess of pleasure is an evil. For, strange as it may seem, it is most certainly true, that in our present state of being an extreme degree of pleasure turns into pain; as the author of *Virtue*, an ethic epistle, has very happily expressed it—

Till languor suffering on the rack of bliss
Confess that man was never made for this.'

In the Biography (anno 1777; vol. iii. p. 221, Napier's edition):

'The feeling of languor which succeeds the animation of gaiety is itself a very severe pain; and when the mind is then vacant, a thousand disappointments and vexations rush in and excruciate. Will not many even of my fairest readers allow this to be true?'

And in a footnote to the passage he adds:

'But I recollect a couplet apposite to my subject in *Virtue*, an ethic epistle, a beautiful and instructive poem by an anonymous writer, in 1758, who, treating of pleasure in excess, says

Till languor, suffering on the rack of bliss
Confess that man was never made for this.'

Again, in the essay (*number XIV of the series*) discussing reviews and reviewers, Boswell says: 'And we have seen from the evidence brought by Dr. Shebbeare in a court of justice, that the gain of reviewers is very liberal.' In the Biography (anno 1783) we read: 'I mentioned the very liberal payment which had been received for reviewing; and as evidence of that, it had been proved in a trial, that Dr. Shebbeare had received six guineas a sheet.'

In the essay, *Hypochondria and Madness* (*number V of the series*) Boswell carefully defines these ailments, and combats the opinion that there is no difference between them, and says:

'Mr. Green in his poem *The Spleen*, of which I have heard Mr. Robert Dodsley boast as a capital poem of the present age, preserved in his collection, has enumerated exceedingly well the effects of hypochondria,' etc.;

and turning to the Biography we read :

‘On Saturday September 20th after breakfast . . . Dr. Johnson and I had a serious conversation by ourselves on melancholy and madness ; which he was, I always thought erroneously, inclined to confound together’ (vol. iii. 201) ;

and in another place this :

‘I related a dispute between Goldsmith and Mr. Robert Dodsley one day when they and I were dining at Tom Davies in 1762. Goldsmith asserted that there was no poetry produced in this age. Dodsley appealed to his own collection and maintained that though you could not find a palace like Dryden’s Ode on St. Cecilia’s Day, you had villages composed of very pretty houses : and he mentioned particularly *The Spleen*.’

Boswell manifestly was consulting his journal when he wrote the essay.

Another illustration, one of the best, is the essay Fear and Pity (*number II of the series*), where we read :

‘In our present state, fear is not only unavoidable by rational beings, who know that many evils may probably, and some must certainly befall them, but as far as we can judge, it seems to be one of the preventives and correctives of human suffering. Accordingly that great judge of human nature, Aristotle, when justly extolling the usefulness of tragedy, as medicine for the mind, tells us in a metaphorical definition taken from physic, *δι’ ἐλέου καὶ φόβου περαίνουσα τὴν τῶν τοιούτων παθημάτων κάθαρσιν*,—*it by the means of pity and fear purges the passions.*’

In the Biography (April 12th, 1776) :

‘I introduced Aristotle’s doctrine, in his Art of Poetry, ‘*κάθαρσις τῶν παθημάτων*, the purging of the passions’ as the purpose of tragedy. ‘But how are the passions to be purged by terror and pity?’ said I, with an assumed air of ignorance, to incite him to talk, for which it was often necessary to employ some address.’

Boswell sorrowfully adds that his record on this occasion does great injustice to Johnson’s commentary on the classic subject, which was so forcible and brilliant that one of the auditors whispered at the conclusion, ‘O that his words were written in a book.’ The essay may be Boswell’s attempt to recapture some part of the discourse ; at any rate, it clearly shows his journal in use.

In the essay, Of Speaking and Keeping Silent (*number XXIII of the series*), we read :

‘Sometimes our benevolence will be best exercised in talking and sometimes in listening just as we find the humour of those with whom we are

at the time. I write to the ordinary run of mankind. For, there does to be sure now and then appear an extraordinary man, by whom all should be willing to be instructed and entertained. Of such a man London can boast in the present age. I shall not name him; because if the description does not present him to the minds of any of my readers as much as his name could do, they are unfortunate enough either not to know him, or not to be sensible of what the most of all his contemporaries acknowledge . . . It is not however against too much speaking only that I would guard my readers . . . Such of my readers as wish to see the subject treated in a serious manner, with a view to consequences, more awful than it is my purpose at present to introduce, may consult that valuable treatise entitled *The Government of the Tongue*.

In the Biography (April 2, 1779), the same subject is discussed and is concluded, 'I by way of a check quoted some good admonition from *The Government of the Tongue*, that very pious book (vol. iii. 372).

There is a curious dialogue in the Biography, concerning the Chinese, which seems to be isolated, and to have little connection with anything else; Johnson had been calling East Indians barbarians:

'*Boswell*. You will except the Chinese, Sir. *Johnson*. No, Sir. *Boswell*. Have they not arts? *Johnson*. They have pottery. *Boswell*. What do you say to the written characters of their language? *Johnson*. They have not an alphabet. They have not been able to form what all other nations have formed. *Boswell*. There is more learning in their language than in any other, from the immense number of their characters. *Johnson*. It is only more difficult from its rudeness; as there is more labour in hewing down a tree with a stone than with an axe.'

In the essay, Things and Words (*number LIII of the series*), we read:

'I am at present engaged in looking into a book of which I heard accidentally. It is entitled Bayeri *Museum Sinicum*, being a complete account of the Chinese language, printed at Peterburg in 1730, and it appears to me to display an aggregate of knowledge, ingenuity and art, that is enough to make us contemplate such powers of mind with inexpressible veneration.'

It may of course be only coincidence.

So much for *relation*: many more examples might easily be given. The following few passages illustrate Boswell's sound literary judgment.

In the Biography you will remember how he distinguishes between Johnson when 'he talked for victory' and 'Johnson when he had no desire but to inform and illustrate': this is

what he says in the essay Of Disputing for Instruction (*number XXXIV of the series*):

‘The desire of overcoming is not only an obstruction to the propagation of truth but contributes to disseminate error. A Goliath in argument will take the wrong side merely to display his prowess, and though he may not warp his own understanding, which is sometimes the case, he will probably confound that of weaker men’;

and in the essay which immediately follows, Of Imitating the Faults of Great Men (*number XXXV of the series*)—

‘In literary compositions, the faults of celebrated writers are adopted, because they appear the most prominent objects to vulgar and undiscerning men, who would fain participate of fame like theirs by imitating their manner. . . . How many men have made themselves ridiculous by dull imitation of the sudden sallies of fancy and unconnected breaks of sentiment in Sterne? How many pigmy geniuses have, like the frog in the fable, that burst itself by vainly thinking it could swell to the size of an ox, become contemptible by aping the great style of the modern colossus of literature.’

The ‘Goliath in argument’ and ‘the modern Colossus of literature,’ are of course Johnson, who is frequently so styled in the Biography.

The essay concludes thus :

‘The delusive propensity to imitate the vices of eminent men, makes it a question of some difficulty in biography whether their faults should be recorded. . . . I am . . . of opinion that a biographer should tell even the imperfections and faults of those whose lives he writes, provided that he takes a conscientious care not to blend them with the general lustre of excellence, but to distinguish them and separate them, and impress upon his readers a just sense of the evil, so that they may regret its being found in such men, and be anxiously disposed to avoid what hurts even the most exalted characters, but would utterly sink men of ordinary merit.’

In another essay, Of an Author’s Revising of his Works (*number XXVII of the series*):

‘Correction is a capital difficulty which authors have always held out to the attention of their readers. The ancients talk a great deal of the metaphorical *file* in literary performances; and Horace recommends keeping a work for no less than nine years before one should venture to publish it. But is there not in this a great deal of quackery, or at least unnecessary anxiety? . . .

‘Many a book has been so altered and corrected in subsequent editions, though carrying the same title that one might compare it to the ship of the Argonauts which was so often repaired that not one bit of the original wood remained. Indeed, I have always considered it not quite fair to the

purchasers of the first edition of a book, to alter, correct and amend, and improve it so much in after editions, that the first is rendered by comparison of very little value. Yet it would be hard to restrain an author from making his own work as perfect as he can. The purchasers of a first edition have had what they considered to be value for their money. They may keep that value; and are not under any obligation to purchase a better edition. The case is not quite clear. I shall therefore leave it to the consideration of my readers and only relate a witty remark of a learned friend, who when I had complained that a book which I had bought when it came first out, was altogether changed in a new edition; then, said he, if you buy this edition you will get another book.'

'Some men have a vacillancy of mind which makes them quite indecisive in their composition, so that they shall alter and correct as long as they can; and at last be fixed only because the types cannot be kept longer standing. When this is only as to the language it is ridiculous enough. But when their indecision respects the very substance of their work, they are surely very unfit to be authors. An eminent printer told me that a book of some authority upon law was printed at his press, and that when the proof sheets were returned by the author, there was frequently an almost total alteration of many parts. This, said he, was an effectual preventive to me from ever going to law; for, I considered, if the authority itself was so uncertain, what must be the uncertainty of the interpretations of that authority.

In the next essay he speaks of authors distrusting their own opinion of their works and having recourse to the judgment of friends. This is his own opinion, and we know that he followed it always:

'That a fondness for our own compositions may prevent us in many instances from perceiving their faults, I allow; and therefore the opinion of impartial friends may be of use. But unless I am convinced that my friends are in the right I will not comply with their opinion.'

The essay which brings the series to a conclusion is written in Boswell's best style, almost as well finished as the prefaces in the *Biography*:

'I am absolutely certain,' he says, 'that in these papers my principles are most sincerely expressed. I can truly say in the words of Pope,—

I love to pour out all myself as plain,
As downright Shippen, or as old Montaigne.

Perhaps indeed, I have poured out myself with more freedom than prudence will approve, and I am aware of being too much of an egotist. . . .

'There is a pleasure when one is indolent, to think that a task, to the performance of which one has been again and again subjected, and had some difficulty to make it out, is no longer to be required. But this pleasure, or rather comfort, does not last. For we soon feel a degree of uneasy languor, not merely in being without a stated exercise, but in being

void of the usual consciousness of its regular returns, by which the mind has been agreeably braced.

‘A conclusion however, should be put to a periodical paper, before its numbers have increased so much as to make it heavy and disgusting were it even of excellent composition, and this consideration is more necessary when it is entirely the work of one person, which in my first number I declared the *Hypochondriack* should be. I have resolved to end with number seventieth, from perhaps a whimsical regard to a number by which several interesting particulars are marked, the most interesting of which is the solemn reflection that ‘the days of our years are three score years and ten.’ To choose one number rather than another, where all numbers are rationally indifferent, there must be a motive, however slight. Such is my motive for fixing on Number Seventieth. It may be said, I need not have told it.’

Boswell’s motive for concluding with the seventieth essay was good enough for periodical readers, but there were other and better reasons not needing then to be publicly divulged. His succession to the family estates in August 1782, on the death of his father, Lord Auchinleck, had brought new cares and new employments which were pressing heavily on him. That was one reason: another and weightier one was the sudden and serious illness of Dr. Johnson, whose paralytic seizure in June exactly synchronises with the dispatch to the printer of the seventieth essay, which appeared in the July number of the *London Magazine*.

The essays were tentative and preparatory for the greater task that now seemed at hand. They had served their purpose and been useful more than once in furnishing topics for conversation during the most fruitful period of his intimacy with Johnson, the years 1777-1783. What perhaps is most remarkable to a twentieth century reader is, that nearly every subject discussed in them is brought under review in the Biography during those six years; giving the impression that the Biographer had proposed the themes and incited Johnson to talk on them.

Be that as it may, it is scarcely doubtful, that the essays are intimately related to the Biography and were used by Boswell in the preparation of the final text. That is the only proposition I have advanced and I hope that even the few examples I have given, will have made it fairly clear.

J. T. T. BROWN.

Reviews of Books

OLD DORNOCH: ITS TRADITIONS AND LEGENDS. By H. M. Mackay, Town Clerk of that City and Burgh, with Foreword by Millicent, Duchess of Sutherland. Pp. viii, 151. Crown 4to. Dingwall: North Star Office. 1920.

MR. MACKAY has printed his four 'popular lectures' delivered at Dornoch in 1912-14. The volume is divided into four chapters, viz. I. Medieval Dornoch, II. The Reformation Period, III. The Reformation to the Revolution, and IV. The Revolution to the Disruption. In these the writer presents the interesting history, necessarily with gaps, of the old city. The book is written evidently from a full mind by one who is deeply attached to the burgh and parish in which he lives, and has a thorough knowledge of its ecclesiastical and civil remains, and of the successive personalities connected with it in ancient and modern times from the days of the Church of St. Bar until those of the Free Kirk. From Sir Robert Gordon's *Genealogie of the Earles* he quotes freely, but he must have given his extracts regarding early times with his tongue in his cheek. For after all Sir Robert, when he deals with events before the times in which he lived, is a sad romancer. We doubt the derivations given by Mr. Mackay of Cnoc-an-Lout as connected with Jarl Liot, and of Crock Skardie as referring to Jarl Sigurd; and there is little, if any, evidence for St. Bar's having been Bishop of Caithness, though this Irish saint of the fifth or sixth century may have had the Church, which preceded St. Gilbert's, named after him. Again, the stories of St. Gilbert (which come from the *Aberdeen Breviary*) are almost certainly mere monkish inventions; and the existence of the five earliest bishops in the list quoted at page 52 is very doubtful, and probably Andrew was first bishop. Earl Harold (in spite of Sir Robert), did not kill Bishop John. It is, too, unlikely that Freskyn (Fretheskin or Fresechyn) de Moravia came from Friesland, and the family were established at Strabrock in Linlithgowshire before Freskyn, the first of them to come North, and himself a good lowland Pict or Scot, came to Duffus in Moray.

Of St. Gilbert, the founder of the cathedral at Dornoch, and his charter a full and excellent account is given, with a most interesting identification of the sites of all the ecclesiastical buildings and residences—so good that we long for a map. The old etymology of Dorn-eich ('horse shoe') for the city's name is given as traditional, but its real origin is still to seek, in spite of the city's 'horse-shoe' corporate seal. We have little doubt that the Earl's Cross, which survives, was a mere boundary stone; while the King's Cross at Embo, which has disappeared, possibly marked the site of a

fight of uncertain date with the Norsemen, who are said to have landed at Little Ferry, where, doubtless, long before, they had had (as Mr. George Sutherland Taylor suggested) a town or settlement on the ness of the Vik called Vik-naes, and by Gaels corrupted into Uignes and later Unes.

Turning to the later chapters, the accounts given of the land-grabbing proprietors at the Reformation, and later of the Tulchan bishops and clerics, Catholic and Episcopalian alike, of the vandalism of the Mackays in destroying and of the Sutherlands in 'restoring' St. Gilbert's Cathedral, and of the clan fights for the burgh form an excellent and illuminating commentary on Sir Robert Gordon's bald statement of such events; and the heroism of the fighting Murrays, loyal survivors of the old stock of the De Moravia family, stands prominently out in Mr. Mackay's book.

The writer dwells (perhaps in one instance with undue breadth of anecdote) upon eccentric persons of modern days, of whom the burgh always yielded an abundant crop, and he tells us of the witches of Dornoch and of the burning of the last of them at the stake.

Mr. Mackay's book was not originally meant for publication, but to humour and please a local audience. In it he has given us a set of sketches, extending over more than seven centuries, drawn in good perspective, and painted in true and effective local colour, of an interesting old Scottish burgh and its inhabitants, and we venture to express the hope that he will now proceed to write its history with an appendix of records from the charter room at Dunrobin and the municipal archives, illustrated by photographs, a map of the parish and large scale plans of the burgh showing the sites of its ancient buildings.

JAMES GRAY.

THE SOVEREIGNTY OF THE BRITISH SEAS, written in the year 1633 by Sir John Borroughs, Keeper of the Records in the Tower of London. Edited with introductory Essay and Notes by Thomas Callander Wade, M.B.E., M.A., LL.B. Pp. viii, 115. 8vo. Edinburgh: Green & Son, Ltd. 1920. 7s. 6d. net.

By a curious coincidence this book appears to have been dealt with by two Scottish writers independently at the same time. A brief and accurate account of it is to be found in Mr. Heatley's book (*Diplomacy and the Study of International Relations*, pp. 131 to 141), and it is now edited with an excellent introductory essay and notes by Mr. Wade.

The work is a small one written in Latin in 1633 at the request of Charles I., when the famous controversy with the Dutch as to the freedom of the sea was on the point of leading to open rupture between the two countries. Desiring to be sure of his ground before challenging the encroachments of the Dutch in the North Sea fishing grounds, which had hitherto been regarded as exclusively English, the King commanded Sir J. Borroughs to prepare a Memorandum setting forth 'the true state of the question of the Dominion of the British Seas,' and the present work was the fruit of researches in the unpublished records of the Tower of London. It was completed in 1633, two years before the appearance of Selden's *Mare Clausum*, which used much of its historical material, but it was not published till 1651, eight years after the author's death. In the literature

of the famous controversy it occupies an important place, for though it made no contribution to the legal aspects of the dispute, it contains much (though probably unsifted) historical evidence of the assertion of the English claim to sovereignty in the seas. Nor did the author forget the political object for which his Memorandum was required, and he added by way of appendix a quite important note on the 'inestimable riches and commodities of the British Seas,' which, for its mere information as to the British sea fisheries of his day, and their importance as a source of political power, is still of value.

Mr. Wade is to be congratulated in making so excellent a contribution to the breadless study of international law. His own equipment is well shown in his introductory essay, and his work is a credit to the scholarship to be found among practising lawyers in Scotland. A. H. CHARTERIS.

THE LIVINGSTONS OF CALLENDAR AND THEIR PRINCIPAL CADETS : The History of an Old Stirlingshire Family. By Edwin Brockholst Livingston, author of *The Livingstons of Livingston Manor*. New edition, entirely revised and greatly enlarged. Pp. xix, 511. 4to. With 20 Portraits, 8 coloured coats of arms and other illustrations. Edinburgh : Printed at the University Press by T. & A. Constable for the Author. 1920.

THIS sumptuous volume is, so far as bulk is concerned, the most weighty contribution to Scottish Family History that has appeared for many years. But, as we shall see, it has much more to recommend it, and is a very thorough and exhaustive piece of genealogical work. If the Livingstons did not play quite so conspicuous a part in Scottish History as did the Douglasses or the Hamiltons they were well to the front throughout, and a family which can boast of having had some seven peerages conferred on its members, not to speak of five baronetcies, cannot have had a negligible influence on public affairs. It is a far cry to their beginning; whether or not they can rightfully claim descent from that Saxon Leving who inhabited his 'toun' in Linlithgowshire and gave the church of the same to the newly founded Abbey of Holyrood in 1128, they can at all events boast of a pedigree which is both ancient and honourable. It is from Sir William Livingston, who had acquired the widely separated lands of Gorgyn or Gorgie near Edinburgh and Drumry in Dumbartonshire, that the Livingstons of Callendar derive their descent, his younger son, another Sir William, being founder of that house. It is matter of history how the grandson of the latter Sir Alexander played a conspicuous part in the reign of James II., how he was nominated Guardian of the infant King and had the Queen Mother arrested, and how a similar fate met the chiefs of the house of Douglas, who were ultimately through the machinations of Livingston and Chancellor Crichton, executed for high treason.

But there were many ups and downs in these troublous times and the Livingstons fell from their high estate in 1450, some of them being executed, while almost all of them had their estates confiscated. But only a few years afterwards Sir Alexander's son Sir James got his property restored to him and was created Lord Livingston of Callendar. He also

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for some time occupied the position of Guardian of the King and held besides the offices of Great Chamberlain and Master of the Household. The fourth Lord Livingston was a waster, and if he was present at the battle of Flodden he escaped with his life from that fatal field, though several of his kinsmen were among the slain. Alexander, fifth Lord Livingston, was one of the eight Guardians of Queen Mary appointed by Parliament in 1543, and five years afterwards accompanied his young mistress to France, where he died the following year. William, the sixth lord, the brother of one of the Queen's Maries, was one of the leaders of the Reformation, which, however, did not prevent his being a faithful friend to his Queen, and he was by her side when she hastened from the disastrous battle of Langside. Both he and his wife shared the earlier years of Mary's captivity in England, and both never ceased their exertions in her cause. In 1573 he returned from England, made his submission to the government of the boy King, and for the next twenty years occupied himself unobtrusively in the business of the country. The next lord made himself useful to James VI., was along with his wife (who was a Catholic and got into great trouble with the Presbyterian ministers on that account) appointed Guardians of the Princesses Elizabeth and Margaret, and was, on the occasion of the baptism of Prince Charles, created Earl of Linlithgow. His son, the second Earl, continued the tradition of the family in being a favourite at Court, and was appointed Vice-Admiral of Scotland, not perhaps a very arduous office in these days, though he must have been very proud of it as a portrait of him is still in existence in which his honest though not very distinguished-looking countenance beams with satisfaction as he holds in his hands an obsolete type of some naval instrument, possibly a sextant. He was also Keeper of the Palace of Linlithgow, an office which his father had held.

The third Earl was a soldier all his life, beginning his service under Sir John Hepburn in the thirty years' war. He became the first colonel of the Foot Guards, an office which he exchanged in 1684 for the somewhat incongruous one of Lord Justice-General. His son the next Earl was also a soldier, but had a shorter career than most of his family. With the fifth Earl the fortunes of the Livingstons were eclipsed. A Jacobite Peer, he was attainted and his estates forfeited in 1716. On his death in 1723 he left an only child, Anne, who married William Boyd, Earl of Kilmarnock, whose execution on Tower Hill in 1746 has been the subject of many a graphic narrative.

It is impossible within due limits to indicate the many distinguished persons who have made the name of Livingston honoured through both Continents. Among the more notable peerage honours which fell to them may be noticed that of the Viscounty of Kilsyth, which was created in the person of Sir James Livingston of Benclough in 1661. But this title too was forfeited in 1715.

The holders of the Newburgh Peerage were in a way more fortunate, Royalists though they were. Sir John Livingston, the first Baronet of Kinnaird, accompanied James VI. to England, and so ingratiated himself with His Majesty and his successor that he was created a baronet in 1627,

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while his son Sir James was raised to the Peerage under the title of Viscount Newburgh and Lord Kinnaird at the early age of twenty-five. After the Restoration he was further promoted as Earl of Newburgh and got the more substantial benefit of a lease of the customs of the Border for a term of twenty-one years. His son, involved in Jacobite plots, narrowly escaped by finding bail for £5000. He died in 1694, and the Earldom descended to his only child, a baby girl. She married, in time, as her second husband, Charles Radcliffe, the next brother of the unfortunate Earl of Derwentwater. He did not take warning by his brother's fate, but was 'out' in the '45, and the executioner's axe clumsily severed his head from his body in the following year. The Earldom of Newburgh now went through various vicissitudes. It was not forfeited by the attainder of Charles Radcliffe and was inherited by his eldest son (there being no sons of the Countess's first marriage). His son in turn succeeded, but on his death without issue the title devolved upon a person with eight Christian names, but who was known as Prince Giustiniani, who was the great grandson of Charlotte Livingston by her first marriage with Thomas Clifford. He took no steps, however, to establish his right to the title, and it was erroneously assumed that as he was an alien the right would pass to the descendants of the younger daughter (a daughter by the second marriage) of Countess Charlotte, Lady Mary Radcliffe, who married Francis Eyre, by whose descendants it was accordingly assumed and borne till 1858, when a lady with ten Christian names, the daughter of the above-mentioned Prince, was naturalised and proved her right to the Earldom. She married the Marquis Bandini, and the title is at present vested in the person of her grandson Carlo.

There were many Livingston families who did not attain to the dignity of the Peerage, and the history of all of them is carefully treated in detail by the author. The Livingstons of Newbigging had no doubt a fleeting glimpse of Peerage honours in the person of Sir Thomas, who was created Viscount of Teviot in 1697, but he died without issue and the Peerage came to an end, and a Baronetcy, which he had got in 1627, also expired when his brother died in 1718.

The Westquarter family were an important branch, but the succession was very erratic, and the estates came ultimately into the hands of the Bedlormie branch; the next owners were the Fenton-Livingstons, and with them closed the ownership of Westquarter, which was sold in 1909.

The family of Parkhall, who still retain that estate under the name of Livingstone Learmonth, call for no special mention. The Dunipace Livingstons were to some extent more interesting, having had a Baronetcy conferred on Sir David in 1625 with remainder to heirs male whatsoever. The first Baronet dissipated his estates, left his family in poverty, and the title has never been taken up since, though some one must be entitled to it.

It is impossible to mention even by name the other cadet branches to which chapters are devoted. There are full accounts of Virginian Livingstons, who came from Aberdeen, besides Highland and Irish branches and two French families of the name whose progenitors were in the Scottish Archer Guard. The Scottish descent of the Livingstons of the Manor

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of Livingston in the Province of New York is also given, the American generations having been already treated of by the author in another large book.

It will be seen from the above that this is a very exhaustive family history, and puts on record probably everything that is known about the name so far as our knowledge goes at present. It has been compiled with much loving care, and if it is not altogether for the general reader it will at least prove a mine of information for persons engaged in genealogical research, or who may wish to trace the historical sequence of any of the families mentioned. Besides being excellently compiled, the book has several special features to recommend it. At the end of each chapter there are relative notes and references giving chapter and verse for every statement in the text. The last two chapters of the book are specially interesting: the one treating of the castles and mansions occupied or owned by Livingstons in the olden time; the other deals with the heraldry of the family, which in some cases shows strange variations, particularly in the crests. The cinquefoils or gillyflowers are, however, a constant feature, though the origin of these together with the royal treasure borne by some branches of the family is a matter of conjecture, as is the reason why no less than a dozen different mottoes should be borne by various offshoots. There are eight coats of arms illustrated in colour from the pencil of Mr. Graham Johnston of the Lyon Office, which are exceptionally fine specimens of heraldic art, and there are no less than twenty portraits reproduced. These vary in merit, but there is a charming portrait of the last Viscount Kilsyth, the famous Jacobite soldier, representing him as a boy sitting on a grassy bank, with a spaniel of somewhat disproportionate size sitting at his feet, along with some trophies of the chase. It is a pity that the artists' names are not, when known, given.

JAMES BALFOUR PAUL.

A HISTORY OF SCOTLAND FROM THE ROMAN EVACUATION TO THE DISRUPTION, 1843. By Charles Sanford Terry, Litt.D., Burnett-Fletcher Professor of History in the University of Aberdeen. Pp. lvi, 653. 8vo. With Portrait, Eight Maps and Thirty-two Genealogical Tables. Cambridge: University Press. 1920. 20s. net.

PROFESSOR TERRY has re-written the history of Scotland on a scale which will appeal to those who have not leisure or inclination to read works in more than one volume and those who have out-grown the use of school-books. In other words, he has endeavoured to supply the need of both general readers and students; and it may not be easy to determine which of the two classes is the more to be congratulated on the result of his labours.

To achieve the degree of compression required for a work of this kind without prejudice to clearness must have been a most difficult task; and Professor Terry has been very successful, except perhaps where, in the laudable desire to present his facts in their proper sequence, he approaches them from one point of view and then returns to them from another. There is much to be said for this method, which avoids the discursiveness of chronological narration; but it may occasionally perplex the reader, as

in the case of Solway Moss, p. 168, and also pp. 370-381, where Montrose's defeat at Philiphaugh and the surrender of Charles to the Scots are twice mentioned in different connexions. The constitutional history of Scotland—such as it is—might have received more attention from one who has written a treatise on the Scottish Parliament. Social and intellectual life is almost excluded from the survey till in the eighteenth century it becomes the main theme; and then the economic development is rather crowded out by the literary and philosophical revival. Battles, except of course in their antecedents and results, are barely mentioned; but, as a set-off to this scant allowance of fighting, we have the insertion of much that is quaint and enlivening from original sources, and notably the two vivid characterisations of James VI.

The pre-Reformation period is disposed of in 182 pages, and thenceforth full advantage is taken of the larger canvas. The compression in this part of the book is indeed rather intensified than relaxed, but it is less apparent owing to the necessity of working up into the narrative a greater wealth of detail; and the author threads his way through the mazes of political and religious dissension with an impartiality which is even more remarkable than his skill. These qualities are satisfactorily tested in the reigns of Mary, James VI. and Charles I.; but perhaps the most judicious and interesting chapters are the three which carry the narrative from 1660 to 1688. As the biographer of Claverhouse, Professor Terry must have been already familiar with the central part of this period; but he achieves his greatest success towards its close.

The chapter on the Union comprises a graphic and very accurate sketch of the Darien scheme; and it is safe to say that there is not one of the many influences promoting or obstructing the Union which does not receive adequate recognition in this masterly and vivacious survey. Here and elsewhere the narrative is happily embroidered from the contemporary records—for example, in regard to the Marquess of Athol, 'whom caution had removed to Bath, ostensibly to 'pump his head.' The style of the book accords admirably with its rugged strength. It is terse, if not brusque, epigrammatic and frequently picturesque. These qualities are conspicuous in the brief opening chapter, 'The Roman Episode'; but the flavour which provokes an appetite for so much solid fare is, as it should be, too pervasive to be tasted in quotation.

There is reason to believe that Scottish history as taught to junior students is by no means a virile diet; and it is much to be desired that Professor Terry should prepare a school edition of his book.

W. L. MATHIESON.

GEORGE, THIRD EARL OF CUMBERLAND (1558-1605): HIS LIFE AND HIS VOYAGES. A Study from Original Documents. By Dr. G. C. Williamson. Pp. xix, 336. 8vo. Cambridge: at The University Press. 1920. 25s. net.

THE first Lord de Clifford was killed at Bannockburn. The eleventh was made Earl of Cumberland by Henry VIII. and became grandfather of the hero of this work. The author has discovered, and has been permitted to

use, documents hitherto unpublished, including original letters and 'the three stately manuscript volumes of the Clifford papers.' He tells us that Earl George, an orphan at eleven, was sent when thirteen years of age to Cambridge, the first Earl of Cumberland to have a university education. He remained at college over three years, and his expenses of residence amounted to nearly £200, which the author thinks 'in those days was a very considerable sum.' It covered his buttery charges, tutors' fees, breakfasts, candles, wood, coal at 15s. (£2 of our money) a load, fees for two doctors and cost of medicines to the 'Apotigary,' dancing lessons, a 'gittern lute,' a bowe and arrows, his clothes (some of silk and taffeta), his laundry bill, his pocket money and the cost of keeping two horses and a groom . . . We almost wonder how he did it, and read without surprise that he had his breeches mended for 1s. 6d., his hose footed for 4d., and that he paid 1d. for a comb.

At nineteen he was married to Lord Bedford's youngest daughter, who was not yet seventeen. He does not seem to have spent much of his life in her companionship. She lived at his castle of Skipton in Yorkshire. He became a diligent attendant at Court, and was one of those famous adventurers who, after Drake, carried on the process of 'singeing the King of Spain's beard,' to their country's profit, not forgetting their own.

The chief part of the book is given to his twelve expeditions to this end. The last, in which Puerto Rico was taken and held till fever made it untenable, was the most important. Lord Cumberland did not accompany them all, though he equipped or helped to equip them. The fifth has an interest of its own. Detained for three months in Plymouth by contrary winds, it sailed in 1592 and he remained on shore. It consisted of five ships. They joined forces off the Azores with part of another English expedition and together captured the *Madre de Dios*, probably the richest prize ever up to that time brought to England.

They took 800 negroes out of her, a rich booty that seems hardly to have been missed. For she was laden with spices, pepper, drugs, ambergris, carpets, calicoes, ivory, porcelain, hides, carved ebony furniture, jewels of great value, including diamonds and pearls, besides other wealth. Much was transferred to the Earl of Cumberland's ships and not accounted for at the final settlement. Much of the cargo and most of the jewels indeed never came to light. Sir John Burrows with a prize crew took the ship home in the Queen's name. But the crew put into various ports in the Azores, and at each sold for their own benefit part of the treasure. The huge vessel, after enduring terrible storms, was brought into Dartmouth late at night. Then began a scene described as like Bartholomew Fair. The sailors carried ashore and sold what they liked. The rabble plundered at their will, and there was no one with authority or power to stop them.

News came to the Privy Council, and a Commission, Robert Cecil at its head, was sent down post haste to take possession. But private enterprise was quicker. Every jeweller in London had agents to meet the carrack. There were two thousand buyers. The Queen had few troops and no ready way of transporting them. When the Commission arrived much of the most precious booty had disappeared. But there was still a vast

treasure to examine. Things of great value were found hidden in the private chest of the commander, Sir John Burroughs, who, however, does not seem to have suffered any penalty even in public estimation.

The various adventurers were awarded their shares. The Queen got a tenth, and in addition, '*ex gratia*,' the pepper. The pepper filled the holds of six ships and was brought to London, where she sold it for £80,000 to a syndicate, whom she protected by prohibiting all importation of pepper till they, in turn, should have sold it. Lord Cumberland was awarded £36,000, with the view of encouraging him to further adventures. But no Commissioner ventured to search his returning ships, though, as Raleigh bitterly says, they overhauled his to the keelson.

Lord Cumberland was always a courtier and lived in the favour of his virgin mistress, who endured no rivals and exacted unstinted devotion of life, property, deeds and even thoughts to her service. It is recognised that this was, though enforced in Tudor fashion, the service of England. Her task was almost overwhelming, her resources in men and money what we should call miserably inadequate. Yet she made them serve. The author harps too much on her rapacity.

Dr. Williamson is a practised biographer. He has all the needful zeal, industry and conscientious devotion. Yet he lacks the incommunicable art of the story-teller. He heaps up information, and we gather with interest even the scraps—the sort of food supplied to the navy, the mention of fraudulent contractors and victuallers, of allies supplying the enemy with food and munitions, of the maimed in war losing their home jobs and coming on the parish, of plans known as promptly to the enemy as if Spain had been the Sinn Fainn. We are grateful for the light thrown on the hero of the book, his associates and the times in which they lived.

The book has a good index and is adorned with many fine illustrations, including seven portraits of Lord Cumberland. One of these might have been spared in return for a good map of his voyages. ANDREW MARSHALL.

OLD ENGLISH BALLADS, 1553-1625. Chiefly from Manuscripts. Edited by Hyder E. Rollins. Pp. xxxii, 423. Cambridge: at the University Press. 1920. 18s. 6d. net.

INSCRIBED to Professor Firth this capital addition to the ballad treasury of Great Britain is the editorial spoil of Dr. Rollins, Assistant Professor of English in New York University. It presents in handsome guise no fewer than seventy-six poems reproduced either from manuscript or from broadsides which are often as rare as manuscript. Great care has been taken to search out the contemporary side-lights of ballad history coming from calendars of state papers and the like as well as from the numberless publications which form '*fasciculi*' of ballad texts. The introduction neatly and competently classifies the pieces, differentiates their motives and places them in their general relationship in the whole series. The seventy-six items consist of ballads on Queen Mary and on Queen Elizabeth, Catholic ballads, protestant ballads, miscellaneous ballads, appropriately ending with (odd juxtaposition) '*The Parliament of Devils*,' followed by '*A singular salve for a sick soul*.' The categories are thus comprehensive enough.

The selection largely reflects the controversies of the Reformation, and therefore the introductory discussion deals with the persecution of protestants under Mary and the protestant reprisals under Elizabeth and James. These burning questions indeed considerably 'fill the bill' of the book and dominate the study prefixed. Both sides are represented, and the editor has some justification for his opinion that the balance of merit and spirit inclines to the Catholic production. Direct use of historical incidents and allusions to the religious movement and changes of the time occur throughout. Cases of individual martyrdoms and persecutions are the subjects of specially doleful yet earnest ditties, notable among them those on Robert Glover, protestant, burnt 1555, and John Careless, also protestant, who died in prison 1564. Later pieces include a denunciation of the 'hereticke' John Lewes, burnt 1583, the outburst of metrical indignation against Edmund Campion, Jesuit, executed for the faith 1582, and the laments over the four priests who suffered for the like cause 1601, as did John Thewlis, 1616, on whom two remarkable ballads appear, the one theological in purport, but the other a crude but graphic narrative of a pitiful doom. What a percentage of doctrine can be dissolved into a ballad, how even the crucifixion can serve for a theme not to mention the cross itself, is shown by this noteworthy collection. The pessimist flourished too: one may not be surprised to find him a Catholic, fallen on evil days, denouncing the reformed tenets:

They deem them selves predestinantes,
 yet reprobates indeede
 Free-will they will not have; good workes
 with them are voyde of neede;—
 Which poyntes of doctrine doe destroy
 eich commonwealth and land:
 Religion ould in order due
 makes Kingdoms longe to stand.

More curious are thirteen stanzas soon after 1603 'by a lover of music and a hater of the Puritans,' whose iniquities included hostility to song and harmony:

They doe abhorre as devilles doe all
 the pleasant noyse of musiques sounde
 Although Kinge David and st. Paule
 did much commend that art profound:
 Of sence thereof they have noe smell
 Noe more than hath the devilles in hell.

The miscellaneous pieces are chiefly religious in cast, but among them is a capital 'Song of the Duke of Buckingham,' being an earlier and better version than that in the Percy Folio of a political tragedy in 1483. It is a surprise to find so little trace of Scotland and the Scots in this considerable bagful of storied song, but one satire *circa* 1620 follows a familiar strain of jibe at the unpopular immigrant. It tells how formerly the old English beggars swarmed at fair and market, feast and farm:

But nowe in these dayes from Scotland we see
 for one *English* begger, of Scottes there come three:

In fayers and markets they scorne to abide
 the courte is their Coverte to mainteine their pride
 by begging, by begging.

This incomplete summary will show what a mass of excellent song-stuff—some of it for literature, all of it for history—is still coming and to come from the commonplace books, the private copy-books, and even the household account books of unknown people who loved and preserved these pious, controversial, mournful, joyous and satirical ditties and rimes on current things which were indeed the ballad singer's joy.

It is not easy to divine the motive of the selection. Evidently the editor found an attraction in his reiterated conclusion that the Protestant barbarities against Catholics outdid those of Mary against the reformers, and form a very dark blot on 'the spacious times of great Elizabeth' and on the reign of her successor. A critic is not called on to settle the comparison, but he welcomes the opportunity of saying that Dr. Rollins approves himself at all points a skilful and sympathetic editor, that he enriches his text by his commentary, and that his substantial and deeply interesting book does honour even to its distinguished dedication.

GEO. NEILSON.

DOMESTIC LIFE IN SCOTLAND, 1488-1688 : A Sketch of the Development of Furniture and Household usage. (Rhind Lectures in Archaeology, 1919-20.) By John Warrack. Pp. xvi, 213. With Sixteen Illustrations. Crown 8vo. London: Methuen & Co. Ltd. 1920. 7s. 6d. net.

THOSE who attended Mr. Warrack's lectures in the spring of 1920, and a large public besides who are interested in the romance of the past, will welcome the appearance of this volume.

Mr. Warrack has delved deep in musty records and literary works, and has produced from his finds a series of pictures of Scottish interiors characteristic of the various political periods to which he refers them. He commences with the feudal castle with its great hall sparsely furnished, and while he details its picturesque appointments he corrects any tendency to undue admiration by adverting to some of the inelegant social usages of the time. Let it suffice to mention one. It was bad manners to blow the nose at meals without turning aside the head!

His picture of the pre-reformation parson of Stobo in his manse at the head of the Drygate of Glasgow, shows a condition of luxurious living among the clergy which, if general, explains much of the spoliation of church property which followed a few years subsequent to this worthy cleric's death. From his income of 2000 merks a year from the benefice of Stobo one would like to know how much he allowed the rural vicar who had the cure of souls in Stobo. His bed is carved and gilded, and hung with damask curtains; his watering pot is of silver, he has chains and ornaments of silver and gold, and such a wardrobe as would enable him to cut a fine figure indeed as he walked the streets of the Glasgow of his day.

To those of us who accept the terms of objects of daily use without troubling as to their true intent Mr. Warrack has much information to give.

He tells of the evolution of the cupboard from a table to display cups on, to a press in which to conceal them; and of many other developments and changes which have brought about the fashion of our homes as we know them, and of our manners with which, perchance, we grace them.

Mr. Warrack has used his evidence with restraint, and not generalised too freely when facts did not warrant it, as is too frequently done in treating of times bygone. If occasionally he seems a little discursive it must be remembered that these sketches were written to be delivered in the form of lectures which of necessity must be less condensed in their matter. It is to be hoped that some day Mr. Warrack will carry his enquiries farther and give us a picture of life in Scotland in the eighteenth century with an account of the development of the household furnishings, a period for which he would find ample material to work on.

ALEX. O. CURLE.

THE CHARTULARY OR REGISTER OF THE ABBEY OF ST. WERBURGH, CHESTER. Edited with Introduction and Notes by James Tait, M.A., President of the Society. Part I. Pp. 1, 256. Small 4to. Manchester: Printed for the Chetham Society. 1920.

THE Chetham Society has conferred another great boon on northern antiquaries by the publication of the first part of the chartulary or register of the famous abbey of St. Werburgh, Chester, under the immediate supervision of Professor Tait, president of the Society. It is not easy to write with reserve of the importance of some of the deeds comprised in this collection. Not only has the abbey of Chester its roots firmly fixed in the pre-Conquest period, but its refoundation on a Benedictine basis by the Norman earls of Chester invests the charters, given to the community in the early twelfth century, with an interest and importance not altogether confined to the locality. Though most of these early deeds were known through the reports of Dugdale, Ormerod and others, we have at last been supplied with the best available texts and a critical discussion of their integrity. It is fitting that such a work, in view of the position that the abbey held among northern ecclesiastical institutions, should have been entrusted to Professor Tait.

It is satisfactory that the charter of King Edgar to the religious community of St. Werburgh in 958, so long regarded as a forgery or at least treated with suspicion, should now be vindicated as authentic, 'though absolute proof is not within our reach.' This conclusion has been formed after consultation with Mr. W. H. Stevenson and Dr. Henry Bradley, and from such a court of experts it will be hazardous to appeal. The document supplies the earliest trustworthy evidence of the existence of a collegiate church in Chester, entitled in the name of St. Werburgh, and thus goes a long way to settle the claims of rival founders.

The *testimonium* of Archbishop Anselm, said to be 'the earliest extant document of its kind issued by an English archbishop,' by which he confirms the refoundation of the old college of canons into a Benedictine institution by the first Norman earl of Chester at the close of the eleventh century, throws a welcome light on the procedure of the period. It

reflects, we believe, the general mode of reconstruction in Scotland, as well as in England, when native institutions were superseded by those of the continental type of ecclesiastical organization. That which happened to the old canons of St. Werburgh at the time of the reconstitution of the abbey was the same as the treatment that King David I. at a later period meted out to the Culdees of St. Andrews. As the Culdees were permitted to retain possession of their old status for life or to embrace the Augustinian Rule and become canons of the newly-founded priory, in like fashion the prebends of the old community of St. Werburgh could only revert to the new monks after the decease of the prebendaries, not as Dugdale inferred, that the old canons were obliged to become monks of the new foundation. The document, here printed at large, is worth the close attention of students of ecclesiastical origins in Scotland.

The deeds in this portion of the collection, 408 in number, though relating largely to Cheshire, have an external interest by reason of the feudal status of the early benefactors of the Norman institution, not only of the famous family of the founder, Hugh of Avranches, and his successors in the earldom, the family of Meschin in the twelfth century, but of the *principal potentates* on the Welsh Border. The contents of the volume touch general history in various particulars, not the least of which is the extraordinarily interesting *carta communis Cestriririe*, which Professor Tait denominates 'the Magna Carta of Cheshire,' whereby Earl Ranulf III. conceded certain remarkable liberties to his Cheshire barons on their petition about the date of Runnymede. The immunity from service beyond the eastern boundary of Cheshire without their consent or at the earl's expense reminds us of the claims of the Cumberland tenants on the Scottish Border in the old fief of Ranulf I. when lord of that district. One would like to know more of the incidence of foreign service and its relation to castleguard at home both for the tenants within the county and outside it. There is a curious similarity in the military features of Border fiefs, whether with regard to Wales, Scotland or Normandy, which have been, so far as we know, never fully worked out.

There is a slip on p. 71 where the late Sir Archibald Lawrie is misnamed, and it is doubtful whether the editor is justified in describing any member of the earl's family as *le* Meschin. It may be allowable in the case of other families, like those of Brus and Percy, to distinguish the younger from the elder of the same name, but in the usage of the earls of Chester and collateral branches, Meschin was the family name without reference to age or status. In one of the deeds of this register Ranulf, son of William, the founder of Calder Abbey in Cumberland, describes himself as Ranulf de Ruelent (Rhuddlan), son of William Meschin, which is curious. He was probably born at Rhuddlan. But the volume is so full of historical materials, bristling with points of interest on almost every page, that we need only refer the reader to a diligent perusal of it.

JAMES WILSON.

THE ENGLISH CATHOLICS IN THE REIGN OF QUEEN ELIZABETH, 1558-1580. A STUDY OF THEIR POLITICS, CIVIL LIFE, AND GOVERNMENT. By John Hungerford Pollen, S.J. With 8 Illustrations. 8vo. Pp. viii, 387. Longmans, Green & Co. 1920. 21s. net.

FATHER POLLEN has now published in consecutive form some results of the long studies which have already borne fruit in various articles in *The Month*, and in the introductions to volumes xxxvii and xliii of the Scottish History Society. His work is based upon original authorities, and besides the sources commonly used he has been at pains to consult the manuscripts preserved in the archives of Paris, Simancas, the Vatican, the English College at Rome, Westminster, and Stonyhurst. The book, therefore, is well 'documented,' and—to quote his own eulogy on Nicholas Sander (p. 306)—we shall always find him a witness on the Catholic side who is worthy of attention. An impartial historian, however, he is not, although he makes a genuine effort to be fair. To Queen Elizabeth, luckless victim—as he supposes—of hard times and evil counsellors, he is surprisingly lenient, and to Burleigh, though he exaggerates that statesman's antipathy to Spain, he shows himself not ungenerous (p. 14); but from a historical standpoint the book is vitiated by the unfortunate consequences of the writer's firm conviction that the Church of Rome is eternally in the right. Such a conviction, indeed, is not necessarily incompatible with the writing of sound history, but in this case it has prevented the author from fully understanding the dilemma which confronted both the English government and its Catholic subjects, and it has also caused him to judge somewhat partially the deeds and motives of the great protagonists.

The reason for Father Pollen's failure to grasp the real point at issue is obvious. Confident in his faith he sees, in the universal spiritual dominion of the Popes, nothing incompatible with the temporal dominion of princes. Nowhere does he lay stress upon what was the great drawback of the Roman religion in the eyes of a race which gloried in the new-found 'nationality,' the fact that the rule of the Pope was a 'foreign' domination. For our author, Burleigh is not an English statesman, but a 'Protestant courtier' (p. 329), and by constantly underrating the strength of the appeal of nationality, he fails to make clear the main difficulty of the English Catholics. With the Elizabethan government he is no more successful. Constantly distinguishing between the 'spiritual' and the 'temporal' ambitions of Catholicism, he is unable to see why the English ministers pursued a policy of persecution. A passage on page 303 reveals very clearly his attitude of mind.

'It was not the conquest, humiliation, or the dismembering of his country of which he [Sander] was thinking, but of the re-establishment of religion, law and order in place of regal tyranny and heretical licence with revealed doctrines.'

This may be true. But the English government could not direct its policy by what Dr. Sander was thinking, what concerned it was the 'conquest and humiliation' which would inevitably ensue if once his thoughts were clothed with action.

More serious than Father Pollen's failure to appraise the questions at issue between the Tudor government and its Catholic subject, is the partial way in which he distributes his censure and his praise. Firm in his belief that Rome was always right, he (unconsciously perhaps) applies one standard to the defenders of the Faith and another to her opponents.

The government's use of spies is everywhere condemned, but it is quite innocuous (or even meritorious) for Catholics to 'elude' tests by taking oaths against their convictions (p. 253), to bribe governmental officials (p. 342), and to engage in conspiracies (p. 183). That Queen Elizabeth's ministers persecuted can be denied by no sane historian, but our author makes no mention of a fact which his book abundantly proves, namely, that—except in great emergency—the officials preferred to wink at a great deal, nor does he ever think of comparing the lot of an English recusant with the fate of a heretic in Spain. To Bonner and his burning confrères is applied a standard of *real politik* (p. 7). 'They had not the instinct to see where to stop'; but there is no justification for the proceedings of the English government, even though (p. 250), if judged by the same standard, those proceedings were most successful. Drake was a pirate who in 1581 came home 'laden with the spoils of a country with which England was at peace' (p. 15), but if the Spanish Council (though it may not have planned Elizabeth's assassination) prepared in 1571 to utilise the *coup* if it were made, its action is 'not edifying,' but not 'very astonishing' (p. 180). 'The theory that paternal tyranny is the ideal form of government' is dismissed as 'radically unsound' on p. 188, but when (p. 66) the Catholics took the view that the object of a council was not to judge the Pope, but to hear his judgments, their attitude is considered perfectly orthodox. The original intention of Ridolfi may have been not to assassinate Elizabeth, but to convert her (by a *coup d'état*, of course); but though Father Pollen undoubtedly proves that the account of Pius V.'s share in the transaction, as given in the *Acta Sanctorum*, rests on a mistranslation, he will hardly convince most readers that, in the eyes of the compilers of the *Acta*, Elizabeth's taking-off was not an enterprise which might well engage the consideration of the Saint (p. 125, note 2). *Pius cogitabat illam malorum omnium sentinam, seu (ut appellabat ipse) flagitiorum servam, de medio tollere* can hardly bear any other meaning. After all, Pius had certainly excommunicated the Queen, he did encourage Ridolfi, and Ridolfi's schemes, however they began, certainly ended in an 'enterprise of the person' of a most suspicious kind (p. 176). It would be easy to add further instances of the writer's partial judgment, but one more must suffice. We read (p. 183) that in August, 1572, the Earl of Northumberland was executed. 'On the same day the French King and his mother Catherine de Medici perpetrated a *still graver* crime in the massacre of St. Bartholomew.' Incidentally, were not the Guises involved?

Having considered the light in which Father Pollen views the problem, and the standards by which he judges action, we can now approach his main thesis. Beginning with a description of the complete collapse of Catholicism in 1559, he goes on to show that the 'political' attempts of the Catholic princes were unreal, ill-coordinated, and ill-timed, and that their

effect was not to improve, but to damage, the position of the English Catholics, which reached its nadir in 1568 (p. 111) or in 1573 (p. 250). But all the while there was springing up, unseen, a fresh spiritual impulse which expressed itself (pp. 106-11) in a new controversial literature, 1564-1567, and in the founding of the Seminaries (chap. vii.), and which worked up triumphantly to the great mission of 1580 (chap ix.).

The first chapter, though written from a Catholic point of view, is clear, sound and full of information; the account of the Catholic reaction and the counter-Reformation abounds in interest, and will be, for the average English reader, the most valuable portion of the book. It is to be regretted that Father Pollen (than whom none could do it better) has not told us more of the home life of the honest, valiant 'recusants' who would remain English, but could not find it in their hearts to conform. Unfortunately, however, captivated by his interest in the 'political' side of the counter-Reformation, he devotes much space to questions which have already been fully discussed by Knox in his *Letters and Memorials of Cardinal Allen*, and by Kretzschmar in *Die Invasionsprojekte*. Much of the book, indeed, is devoted to the doings of the Catholic fugitives and their schemes for a reconquest of England.

Father Pollen, it is true, sets the matter in a somewhat new light. He gives evidence to prove that the Catholic League, so dreaded by Elizabeth's ministers, was a myth, and that the excommunication—a purely legal measure resting on no religious dogma—would not necessarily involve the destruction of Elizabeth. He goes on to prove that the English government, which he represents as an influential minority (a kind of 'Soviet,' perhaps) deliberately made capital by exaggerating the dangers of Catholic invasion, and (p. 241) was 'mean enough' to employ the alleged danger 'as an incentive to further persecution.'

This is hardly fair to the Elizabethan government. The Bull had certainly been issued to support a rebellion (p. 294), and, even after it received the mild interpretation of 1580 it still laid upon Elizabeth the 'unchanging anathema.' Neither the Pope nor any other Catholic doubted the Papal power to depose monarchs, and if Father Pollen condemns the Bull at all it is only because it was not too well timed (p. 158).

However one might explain the Bull away, it was a reality. The course of history and the evidence of the archives prove that the Catholic League was not. But the Age, still tinged with the 'Universalism' of the Middle Ages, was prone to believe in Leagues, and the Elizabethan government (which lacked both our experience and our information) may be pardoned for its mistake—a mistake based not only upon the reports of untrustworthy spies, but on the evidence of the Bishop of Ross himself (p. 339). After all, one Pope (p. 164) had certainly encouraged the Ridolfi plot; another had sent to Don John not only 50,000 crowns to aid his enterprise, but also (possibly) the investiture of England or Ireland (p. 216), had encouraged Stukely and had equipped Fitzgerald. Father Pollen, who thinks that the Pope's conduct in these affairs was marked by 'very great imprudence' certainly succeeds in proving that the connection between such political adventures and the despatch of the Catholic mission is more

slender than has been imagined (p. 232 and p. 332). But as the life of Persons shows, it was impossible to draw a rigid line between spiritual and political aggression.

If, then, the Elizabethan government showed its fear of a great Papal League, such fear was not unnatural; but Father Pollen is right in his contention that the main strength of the Papacy was not the calculating support of the Princes, but the courage and devotion of the missionaries. With the story of Edmund Campion the work closes on a high note of courage and optimism.

If Father Pollen, as he seems to imply, will tell in another volume of the success which these missionaries enjoyed, his book will be heartily welcomed.

J. DUNCAN MACKIE.

DIPLOMACY AND THE STUDY OF INTERNATIONAL RELATIONS. By D. P. Heatley, Lecturer in History, University of Edinburgh. Pp. xvi, 292. 8vo. Oxford: Clarendon Press. 1919. 7s. 6d. net.

By an oversight attributable to the reviewer and not to the editor (for which the former tenders his apologies to the author), notice of this book has been too long delayed, for it is a work of varied interest and erudition, deserving a cordial welcome from the intelligent general reader and the student of modern history. Although it is neither a collection of essays nor a text book in the technical sense, its remarkable apparatus of citation and references make it approximate to a book of the latter kind. If the first paper, from which its title is derived, is on the whole disappointing, the balance is redressed by three others of outstanding merit, (*a*) on the juristic literature of the development of international understandings as law, which fills a gap too often noticeable in modern English text books on International Law. In these one looks in vain for a critical appreciation of the classical writers, Vattel, Wheaton, Martens, Phillimore and others, who are constantly referred to as if they were of equal value. The present author's contribution towards filling this gap deserves nothing but praise; (*b*) a well informed and well written account of the seventeenth century controversy on the sovereignty of the seas, which is given as an illustration of controversial literature for the benefit of historical students. Here again the author's wide reading and scholarly understanding command respect; and (*c*) an excellent account of the earlier projects for perpetual peace which have not been without their effect in establishing the League of Nations on a foundation of governmental support which none of its predecessors had the good fortune to enjoy. Historical student, as he is, the author is not inclined to be sanguine of the success of the present scheme even with its advantage above referred to.

Attention should be drawn to two important appendices, the first containing a rich and varied selection of extracts illustrative of the function of the ambassador, the qualities of the diplomatist, and the conduct of negotiations. And the second, taken from more or less contemporary sources, on more modern aspects of the same subject. Of especial value in view of the popular demand for open diplomacy are the extracts from the

Report of the Select Committee on the Diplomatic Service of 1861 which the author gives at pp. 250-259. His own conclusions, as contained in his first paper, are substantially based on this report. He has some good remarks on the true nature of control over the determination of foreign policy in a country such as ours, viz :—in Parliament's command of the purse and the responsibility of ministers to the House, and he recognises, as did the resolution of the Imperial War Conference of 16th April 1917, the right of self-governing Dominions and India to an adequate voice in the conduct of foreign policy and full information on foreign relations. The conclusion of peace has not deprived this question of its topical importance which dominate all others in the internal relations of the Empire.

A. H. CHARTERIS.

HISTORY OF THE BERWICKSHIRE NATURALISTS' CLUB. Vol. XXIV.
Part I. 1919.

HAVING as its frontispiece a portrait of the late Commander F. M. Norman, R.N. (preceded by a *Roll of Honour*, 1914-18), this issue opens with the anniversary address of the president, Professor R. C. Bosanquet, on 'The Beginnings of Botany—some Notes on the Greek and Roman Herbalists.' The early botanists of Greece and Rome are discussed with wealth of reference and illustration, and the mixing of magic with medicine down the ages is emphasised. The coming of Christianity did little or nothing to shake the belief in exorcisms, prayers and set formulæ carefully observed.

Reports of meetings and excursions follow, including one to Traprain Law, where Mr. A. O. Curle gave an instructive address. The next paper is on 'Border Bookplates' with illustrations, by Mr. T. G. Leadbetter, and there are several shorter articles and interesting notes.

In the last paper Dr. George Neilson writes on 'Birkenside and the Stewardship of Scotland,' giving text and translation with notes of Charter by Malcolm IV. in favour of the Steward of the lands of Birkenside and Legerwood. The article is furnished with six pages of excellent facsimiles and a sketch map. New light is thrown upon the relations of the Skene and Balfour copies of the Stewardship Charter, placing the Skene copy in its rightful place of accuracy, and showing up Sir James Balfour's unwarrantable tampering with his original. Having misread in Sir John Skene's copy of the lost Charter the contracted word *postquam*, rendering it *priusquam*, Balfour did not hesitate to add a non-existent date, and to make other clumsy and misleading attempts to render his copy consistent with itself. Hence have naturally followed confusion and doubt as to the authenticity of the Charter preserved by Skene. Balfour's garbled copy has, as is well known, been printed in sundry important historical volumes, e.g. the *Register of Paisley*. Aided by Dr. Maitland Thomson, Dr. Neilson has now cleared up what was dark, and by putting before the reader the text in facsimile of Skene's transcript and Balfour's 'doctored' copy thereof, he has placed the authenticity of the Stewardship Foundation Charter on firmer footing than ever before.

JOHN EDWARDS.

CARMINA LEGIS OR VERSES ILLUSTRATIVE OF THE LAW OF SCOTLAND.

By W. M. Gloag. Pp. viii, 82. Glasgow : MacLehose, Jackson & Co. 1920. 5s. net.

AN 'attempt to illustrate the principles of the law of Scotland in metrical form' is in itself a whimsical experiment requiring a certain measure of wit to carry it off. To report a judgment and give the reasoning in rime, as for example in *Bruce v. Smith*, 1890, 17 *Rettie* 1000, calls for juridical equally with metrical precision. The Sheriff and the Court of Session alike rejected the custom claimed by an overlord in Shetland for his third, as his share of the prize when whales were driven ashore. In what degree apt and perspicuous a versified rendering may prove itself even at this incongruous task, may best be gathered from a quotation which is not without its felicities.

Judged by these rules the Shetland custom fails
 To give a landlord any right in whales
 In catching which he neither lent a hand
 Nor gave the captors passage o'er his land.
 There is no proof that udal law extends
 Land rights beyond the point where dry land ends,
 Nor that the law of Shetland would impeach
 The right of fishermen to use the beach.
 Then for the landlord no case can be made
 Save that such claims have hitherto been paid,
 But paid by men who had good cause to fear
 Resistance to the claim would cost them dear.
 A customary law no court will frame
 From forced compliance with a lawless claim.

The poet as law reporter has to 'bridle in his struggling muse with pain' in order to satisfy the law; and on the other hand must have his troubles in getting the question of title to sue or *damnum fatale* or maybe the Gaming Act of eighteen ninety-two into happy combination with the stanza. A critic's formula might well be to ask whether the legal or the poetic element predominates, and to answer that Professor Gloag's legal exercises in verse invite the reader rather to share the mild diversion they afford, than to disintegrate the elements of wit and metre from their coalition with the law.

GEO. NEILSON.

MYTHICAL BARDS AND THE LIFE OF WILLIAM WALLACE. By William Henry Schofield, Professor of Comparative Literature in Harvard University. Pp. xiv, 381. Medium 8vo. Cambridge : Harvard University Press. London : Humphrey Milford, Oxford University Press. 1920. 12s. 6d. net.

THE fifth volume of the Harvard Studies in Comparative Literature is devoted to a reconsideration of the problems connected with Blind Harry's *Wallace*. These have attracted an amount of attention which is somewhat remarkable when one reflects on the meagre quality of the *Wallace* regarded

as literature. The poem, however, did so much to express and nourish Scottish patriotism, it was for so long, in one form or another, familiar in Scotland, by being woven into the substance of widely-read histories, it became to such an extent the record of

How Wallace fought for Scotland, left the name
Of Wallace to be found, like a wild flower,
All over his dear country ; left the deeds
Of Wallace, like a family of ghosts,
To people the steep rocks and river banks,
Her natural sanctuaries, with a local soul
Of independence and stern liberty—

that historical students were compelled to examine it and to test its value. The task was undertaken at first with obvious reluctance by Blind Harry's countrymen, but as the historic sense quickened and the poet's vogue lessened, their treatment became more thorough till Dr. George Neilson is found asserting that 'as history the poem is the veriest nightmare.' Professor Schofield gives a sketch of the progress of opinion on the trustworthiness of Blind Harry as a chronicler, but it is no more than a sketch.

Once the critical instinct was roused other questions began to be asked, and current accounts of the author of the poem, what he has to say of himself and of the sources of his narrative all came under suspicion. The existence of John Blair, Wallace's chaplain, according to Blind Harry, and his Latin book was doubted, the picture of the author as a blind wandering minstrel was found less convincing, and that he was, as he himself declares, an unlearned man, seemed less certain. The arguments against his having been blind from birth and being 'a burel man,' based on such natural description and display of literary and astronomical lore as may be found in the poem are not conclusive. In a case of which probabilities and suppositions form so large a part it is well to avoid even the appearance of dogmatism, but these arguments seem to underrate the sense-experience of the blind and the amount of stock material and *clichés* used in the *Wallace*. Here is a passage full of delight in nature : 'What a joy it is to feel the soft, springy earth under my feet once more, to follow grassy roads that lead to ferny brooks where I can bathe my fingers in a cataract of rippling notes, or to clamber over a stone wall into green fields that tumble and roll and climb in riotous gladness.'

The passage is from Miss Helen Keller, who, when about eighteen months old, became deaf, dumb and blind, and the *Wallace* contains no lines with such a genuine passion for nature. Miss Keller has several passages of this quality. Here is one more : 'A child's mind is like a shallow brook which ripples and dances merrily over the stony course of its education, and reflects here a flower, there a bush, yonder a fleecy cloud.' In Blind Harry there is nothing so near in spirit to nature as to compel the assumption that he was not congenitally blind or indeed blind at any time. If it be argued, as it has been, that a blind man could not have had access to the material employed, especially if he were unlearned, very delightful play can be made, as has been done by Dr. J. T. T. Brown and others, with the author's knowledge of Chaucer and his scholarly allusiveness.

But if the author were a genuine minstrel he would have had access to the minstrel's stock in trade, and come into possession of a miscellaneous body of knowledge.

Professor Schofield has a theory of his own which renders unnecessary all such discussion about a real Blind Harry. He assumes that the author of the *Wallace* was called Blind Harry, but he was not a wandering minstrel and was never blind. Whatever his station may have been, he was in close sympathy with the nobility, was possibly a herald-messenger, certainly 'a vigorous propagandist, a ferocious *realpolitiker*, without principle when it was a question of Scotland's place in the sun, without reluctance to lie in manipulating history to his own end.' This unknown person took as his pseudonym 'Blind Harry,' since 'his prime object was to fan a pestilent quarrel, and he could have chosen no person more suitable to be the mouth-piece of his violent hate than a bard of Fenian blood, one of the race of Ossian, and akin to Billie Blin, alias Odin, calewise, caleworker, sower of enmities.' Many pages are devoted to the treatment of Blind Harry as a mythological personage, son of Gow mac Morn, and great-grandson of Finn mac Coul. The investigation penetrates into many nooks of curious lore and includes even a hint that Wandering Willie of *Redgauntlet* may be Billie Blin! Scott did not require to go to mythology for the original of a strolling blind fiddler with a rowth o' auld tales; Blin Bob was a well-known street hawker in Aberdeen, up to some thirty years ago, and was famous for his caustic speech, but no one ever 'evened' him to Billie Blin. There is no proof whatever that Professor Schofield has hit on the true solution of the authorship of the *Wallace* by postulating two characters, one mythical and the other fictitious. The book contains matter, such as the chapters on 'Blind Harry and Blind Homer' and 'Conceptions of Poesy,' which is only slightly, if at all, relevant to its leading proposition, and there are occasional lapses in expression.

A. M. WILLIAMS.

PUBLICATIONS OF THE CLAN LINDSAY SOCIETY. Vol. II. No. 8. Pp. xxiv., 88. Demy 8vo. Edinburgh. Edited for the Board of Management by John Lindsay, M.A., M.D. 1920.

THE last item in this, the concluding *part* of the second volume of these publications, may very properly be mentioned first:—it is a 'Roll of Honour of Clan Lindsay.' While the Roll is not held out as 'complete in extent or exact in every detail,' it is clearly the result of much research in such records as are as yet available. It contains 626 names of Lindsays or sons of Lindsay mothers, and 144 of them are recorded to have made the supreme sacrifice.

The largest contribution to the *part* consists of 44 pages, and is a historical account of the family of Lindsay of Dowhill. In its method it is a model for the treatment of such a family in such a periodical. It loses nothing by its moderation in its conclusion on the evidence that exists of the derivation of the line of Dowhill from the main line of the Lords of Crawford. The appearance of John, son and heir apparent of Adam Lindsay of Dowhill, among the heirs in the famous Lindsay entail of 16th

October 1641, by which the Earl diverted his succession from his son 'the Wicked Master,' is sufficient by itself to presume that the family of Dowhill was reckoned among the kin of the Entailer; and the non-appearance of Adam himself and his other sons only proves that 'the Wicked Master' was not the only Lindsay who was omitted from the Earl's list. It may be remarked in passing that, on pages 278-9, in the print of the Extract of the Matriculation of John Lindsay of Dowhill's Arms, given out by Lyon on 17th September 1673, the word *effects* should presumably read *effervis*; the word *Barriemundie* should read *barrie undie*; and the word *Corse* should read *Torse*.

Some useful pages of notes of wills of 'miscellaneous Lindsays of the sixteenth century whose pedigrees are not precisely ascertained,' are contributed by Mr. W. A. Lindsay, K.C., Norroy King of Arms. In the course of some prefatory observations he says, referring presumably only to the law in the sixteenth century:—'The executor of an intestate estate is the Procurator-Fiscal, but it was the invariable practice that the Commissary appointed the wife or children—if any—as executors in place of the Procurator-Fiscal.' If the second clause of the sentence contains an accurate statement of the course of action of the court, it seems rather to shake the statement in the first clause, for there is a general admission that *cursus curiae est lex curiae*. I confess that I have not met evidence that the commissary's procurator-fiscal ever had a right to the office of executor save in the case of an individual executry to which he had been appointed and confirmed by the commissary. Still, in the annals of the consistorial courts, which earned the satire of Henryson in his *Fable of the Dog and the Sheep*, and of Sir David Lindsay's *Complaint and Testament of the Papingo*, one should be surprised at nothing.

A Scots Church statute of the thirteenth century, whether a statute for the whole of Scotland or only for some single diocese is not certain, enacts:—'As to the goods of one dying intestate, let the prelate of the Church dispose of them as in God's sight.' (Patrick's *Statutes of the Scottish Church*, p. 50.) That expressed the position of the medieval church regarding the matter. The ecclesiastics had successfully arrogated to themselves a most extensive jurisdiction in temporal affairs, of which the matters of both testate and intestate succession were a lucrative part. But the king's courts had opinions on some of these things too; and in the fourteenth century, if we take the *Regiam Majestatem* as a witness, they held, regarding the administration of an intestate's estate, that it belonged to his relatives (ii. 31). This principle, however, was clearly not admitted by the opposite party; and early in the fifteenth century—in 1420—the Bishops, Abbots and clergy of a Scots Provincial and General Council thought it well to re-affirm the position of the Church with unusual solemnity. They came to a unanimous declaration on oath that 'from so far back that there is no memory to the contrary, the bishops and those holding the jurisdiction of an ordinary had been wont to . . . appoint executors to those who die intestate' (Patrick, p. 81). The declaration extended to a good deal more; but it is to be noted that regarding the persons whom they appointed it said nothing.

It is unnecessary to recall that Henryson's and Lindsay's satires on the ecclesiastical courts belong respectively to the second half of the fifteenth century and the first half of the sixteenth. In 1540 a significant Act¹ was passed by Parliament. It proceeds on a narrative that frequently in the cases of people dying at too early an age to make a will, the ordinaries (*i.e.* the bishops or those clothed with their authority) appoint stranger executors, who 'withdraw the goods from the kin and relatives who should have the same by law.' The Act ordains that in cases of such deaths the nearest of kin shall have the succession without prejudice, of course, to the quota due from the estate to the ordinary. The Act did not go beyond the provisions of the *Regiam Majestatem*, but it was ineffectual.

In 1549 the Church solemnly re-affirmed the right of the bishops and their commissaries to appoint such executors as they chose.² It was only after the lapse of ten more years—in 1559, when the whole fabric of church government was tottering to its fall—that the ecclesiastics gave way on the point and formally admitted the right of the next-of-kin.³ How far the bishops would have given effect to the statute we have no means of knowing, for next year came the crash. But that the abuses had not been removed before the Reformers came into power we know. One of the first matters to which the Assembly of 1560 attended was 'to desire the Estates of Parliament to take order with the confirmation of testaments, that pupils and orphans be not defrauded, and that laws be made thereupon in their favours.' It was probably in consequence of this request of the Assembly that the 'Instructionis gevin to the Commissaries of Edinburgh, Anno Domini [12 March] 1563' were issued,⁴ and the right of the next-of-kin established firmly and—if I am right—finally. It is in the 'Further Instructions' of 26th March 1567 that, so far as I am aware, the Procurator-Fiscal appears for the first time as a possible executor, dative:—'vi. Item, that everie inferior Commissar have ane Procurator-fiscal, quha sall be ane honest discreit man, and persew all common actiounis, and sall be decernit executour dative to all testamentis within the jurisdictionis quhair he servis, in cais the narrest of kin to the deid confirmis not the testament in dew time, and ilk Procuratour-Fiscal sal find caution that the gudes he sall happen to intromit with sall be furth cumand as effeiris . . .' The next and more detailed instructions belong to the next century—1610 and 1666.

A short note by Mr. W. A. Lindsay on another subject is given the place of honour. It records the recent discovery of a copy of a charter, dated about 1147-50, by William de Lindsay of a parcel of his demesne land in Molesworth, which was in the Earldom of Huntingdon. The charter appears to be applicable to the settlement of a question which Mr. Lindsay was obliged to leave open in his article on the Earls of Crawford in the *Scots Peerage*; and to show that William, the second named in the succession of the Scottish house of Lindsay, was the son and not the brother of Walter, who ranks as the first.

J. H. STEVENSON.

¹ 1540, Cap. 40.

² *Gen. Statutes*, 1549, Patrick, p. 116.

³ *Gen. Statutes*, 1559, Patrick, p. 178. ⁴ *Balfour's Practicks*, 654.

A HISTORY OF ENGLAND : THE TUDORS AND THE STUARTS, 1485-1688.
By Cyril E. Robinson. Pp. xii, 260. With 8 Maps. Crown 8vo.
London : Methuen & Co., Ltd. 1920.

THIS book carries out its aims of stirring interest, giving information and imprinting facts upon the reader's memory. It is a fair account of a difficult period. The writer gives every necessary fact, and sometimes, as in his account of Elizabethan literature, really awakes his reader's mind by hinting at unfolded treasures. He is especially good on the Armada and Charles II. The only thing we may point out is that sometimes he is so anxious to be fair to the Reformers that he is hardly fair to their opponents. We think, however, he sees Cromwell's Irish policy in its true light when he writes : ' Ireland was all to pieces, and stern treatment seemed the only possible course ; but Cromwell was more than stern. For once in his life he was abominably cruel.'

BELGIUM : THE MAKING OF A NATION. By H. Van der Linden, translated by Sibil Jane. Pp. 358. With 5 Maps. Post 8vo. Oxford : The Clarendon Press. 1920. 7s. 6d.

IN this work we have an excellent account of the inhabitants and different governments of the country which has now become the habitat of the Belgian nation. The first part—the Roman Conquest, the Franks and the invasion of the Germans—is easy enough to follow ; but the second portion—when the growth of the Flemish cities, gaining riches through wool and other wealth, vied with the power of the feudal lords—is a trifle confused. Again, the rise of the House of Burgundy would have been more easily elucidated had there been a tabular pedigree of the Dukes, showing their descents and how it led to the imperial, Spanish, and Austrian rulers. We learn, however, with interest that Belgium during the Spanish and Austrian rule retained more self-government and a more national spirit than is generally suspected, and this, after the Secession of 1598, was aided by the Catholic renaissance. The various deviations between autocracy and revolution until 1789 are well described, and also the various successes and failures of the French from 1792-1814. Then came the strange forced marriage between Belgium and Holland—an unnatural union—which ended in 1830 by the foundation of the kingdom of Belgium. This, though seemingly peaceful and not too glorious in its colonial rule, suddenly showed that it could become glorious as a European State when it defied Germany. Germany breaking a solemn treaty invaded Belgian territory—in the great world war ; and Belgium then manifested that it was indeed a true nation willing to defend its own boundaries. A. F. S.

RELIGION IN SCOTLAND, ITS INFLUENCE ON NATIONAL LIFE AND CHARACTER. The Chalmers Lecture, 1916-1920. By Henry F. Henderson, M.A., D.D. Pp. ii, 236. Demy 8vo. Paisley : Alex. Gardner. 1920. 7s. 6d.

THIS book arose from a Chalmers lecture, and is worth reading as an account of the writer's view of the welding of national character and religion

in Scotland. Naturally perhaps he unites the two wherever he can, attributing to religion the success of the Scot abroad and his excellent education at home. He has to fall back upon various sources—Sir David Lindsay, John Knox, Patrick Walker, Sir Walter Scott on the one hand and Dr. M'Crie on the other, that difficult source Robert Burns, and Robert Louis Stevenson, who in his wildest moments retained 'something of the Shorter Catechist.' He has done it well, for though he puts forward the foundation of Savings Banks and other philanthropic works as works of religion, and the excellent wide spirit of Carlyle of Inveresk, he does not forget the awfulness of the witch burnings. Perhaps, too, he might have said more of the tyranny of the Kirk Session, but, as the people acquiesced in it, it was probably part of the natural spirit of the time.

THE EARLY ENGLISH COTTON INDUSTRY, with some Unpublished Letters of Samuel Crompton. By George W. Daniels, with an Introductory Chapter by George Unwin. Pp. xxvii, 316. With 5 Illustrations. Crown 8vo. Manchester: University Press and Longmans, Green & Co. 1920.

THE introduction traces the cotton industry in Italy and the Low Countries, and prepares us for the trade which sprang up with the merchant adventurers in London, which after many vicissitudes centralised in the Lancashire cotton industry as far back as 1551. Mr. Daniels carries on the history of cotton manufacture in that country from the early times to that strange period 'the coming of machinery.' Then came the opposition to the latter, and later, the invention by Samuel Crompton (born in 1753) of the 'Mule,' which in 1779 revolutionised the industry. Letters of the inventor and accounts of his invention enrich this study.

THE EMPIRE'S WAR MEMORIAL AND A PROSPECT FOR A BRITISH IMPERIAL UNIVERSITY OF COMMERCE. By Ernest H. Taylor and I. B. Black, M.A., B.A. Large 8vo. Edinburgh: Macniven & Wallace. 1920.

THIS is an idea 'Made in Germany' while the joint authors were prisoners together at Rastatt in Baden. It began modestly as a 'Future Career Society,' and the authors have now put forth their enlarged scheme as a projected War Memorial for the Empire by the foundation of a Business University. Their aim is as follows: To intellectualise our great business communities and to produce a new business man and ambassador who will enter the competitive markets of the world fortified with the most up-to-date science of business and a new imperial and social point of view. To provide the youth of the Empire with a new idealism based on correct ideas of social and political responsibility. To create within our various business committees a more enlightened public opinion that will act and react on our politics, providing both a healthy criticism of policy and a stimulus to fresh progress. In this brochure they carry out the development of their idea in a very suggestive way.

BRITISH HISTORY CHRONOLOGICALLY ARRANGED, 55 B.C.-1919 A.D. By Arthur Hassall, M.A., Christ Church, Oxford. Pp. viii, 581. Post 8vo. London : Macmillan & Co. 1920. 20s. net.

EUROPEAN HISTORY CHRONOLOGICALLY ARRANGED, 476-1920 A.D. New Edition with additions. By Arthur Hassall, M.A. Pp. x, 439. Post 8vo. London : Macmillan & Co. 1920. 12s. net.

MR. HASSALL'S new volume on British History follows in method of arrangement the plan adopted in his well-known *Tables of European History*, of which a new edition has just been issued. The volumes are brought down to 1919.

Both books are invaluable to teachers and students. Not only do they bring together clearly an immense number of facts relating to historical events and personages in their chronological order, but they show what happened in other countries each year. Events which seem of great importance to one State often acquire a different value when contemporary events elsewhere can be compared with them ; and Mr. Hassall's volumes make easy the study of these comparative values and relations. In both books there are not only numerous genealogies and lists of sovereigns and of ministries, but also appendices and notes giving the dates of wars and invasions, and lists of great constitutional events.

We welcome these volumes very cordially.

EARLY RECORDS OF GILPIN COUNTY, COLORADO, 1859-1861. Edited by Thomas Maitland Marshall, University of Colorado (being Vol. II. of the University of Colorado Historical Collections, Mining Series, Vol. I.). Pp. xvi, 313. Demy 8vo. Boulder. 1920.

THERE is much of interest in this volume. It shows that when miners in great numbers began to penetrate the mountains they found it necessary to establish local government. What their conditions were, in the way of fighting a wintry climate with scanty supplies of food and of what are called the necessities of life, may be gathered from the very interesting records which were found in the vaults of the county clerks of Gilpin, Clear Creek and Boulder counties. But these difficulties were but incidents in the search for gold, which brought many thousand men to a country where a few weeks before 'the grizzly bear had held undisputed sway.'

It is curious to find how soon these pioneers recognised that they must organise a government and make laws. They did not wait for a constitution, but took matters into their own hands.

The volume now issued contains enactments made in Gilpin County relating, among other subjects, to mining claims, working, local officials and their duties and emoluments, trials, crimes and punishments. The variety of subject is endless, but naturally the larger portion deals with the definition, recording and working of claims. The book throws a curious and interesting light on a bypath of history.

TRANSACTIONS OF THE FRANCO-SCOTTISH SOCIETY (Scottish Branch), 1914-18. Pp. iv, 148. 8vo. Office of the Society, 19 York Place, Edinburgh, 1920.

No sterilisation of the historical mind resulted from the War, which in matters Franco-Scottish was an active stimulant of research. The Annual Reports for 1914, 1915, 1916, and 1917 give a cheerful account of the Society's activities, which include an impressive new departure in the purchase of two MS. Rolls on vellum containing the household accounts of Mary Queen of Scots, 1550-1552. These have been laboriously deciphered and transcribed by Dr. Maitland Thomson, whose variety of service to our national history can hardly be sufficiently emphasised. The information those accounts furnish is mainly culinary, showing the provision of bread, wines, fish, poultry and eggs, fruit and firewood for the Royal Household of France. A very elaborate study of the history of Inchkeith—a most proper theme for the Franco-Scot to undertake—has been drawn up by Mr. A. Francis Steuart. 'Inchkeith and the French Occupation' fills sixty pages of solid extract from all the authorities, French, English and Scottish, from the fifteenth century down to the repulse of Paul Jones in 1779; and it may be implicitly accepted as an unmatched and trustworthy store of critical record reflecting circumstantially every phase of the island's eventful story. The great importance of the island-fort due to its outlying position of aloofness and command would seem to have been better appreciated by our French allies and our English enemy than by our own authorities. This implication emerges constantly from Mr. Steuart's sympathetic and spirited narrative. The islands of the Forth have attracted French writers before, for instance Mr. Louis Barbé, and this latest chapter greatly confirms the international interest of the whole group to which Inchkeith belongs.

Mr. Baird Smith edits a receipt dated 10th February, 1475[-76], for the wages of the Captain and Archers of the Scottish Guard. Several illustrations make these transactions more attractive, such as the pencil sketch of Leone Strozzi, prior of Capua, and especially the touching frontispiece of the French monument in honour of the 15th Scottish Division at Buzancy (Aug. 1918), with its heart-stirring and superb motto: *Ici fleurisa toujours le glorieux chardon d'Ecosse parmi les roses de France.*

THE CAPTIVITY AND DEATH OF EDWARD OF CARNARVON. By T. F. Tout. Cr. 8vo. Pp. 51.

REPRINTED from *The Bulletin of the John Rylands Library*, this essay is an admirable and fair-minded sifting of a very large body of evidence—chronicle, public muniment, gossip, judicial proceedings, state papers, each yielding its quota to the ultimate inferences—concerning the end of Edward II. and the true inwardness of Berkeley Castle. The story of the contemporary annalists has remarkably well undergone the ordeal of rigid examination. It is a trying story, and Professor Tout's revision of the entire case does not make it less harrowing. New points in the

evidence are the curious challenge of William Shalford in 1331 for his alleged complicity in—not exactly the murder, but in the steps leading up to the murder in 1327. The inference finally reached is that all the circumstances, and especially the after-histories of the captive king's custodians, point to Mortimer as the real criminal. One phrase in the essay (p. 21), to the effect that a certain policy was 'carried out with tenfold rigour than before,' is rather a startling liberty with the English language in an otherwise brilliantly written treatise.

AN OUTLINE ITINERARY OF KING HENRY THE FIRST. By William Farrer. Royal 8vo. Pp. ii, 183. London: Oxford University Press. 1920. 18s. net.

THIS is reprinted by permission of Messrs. Longmans, Green & Co. from the *English Historical Review*. In notices of its original appearance there, in two instalments, attention was directed (see *S.H.R.* xvii, 152) to the importance and standard value of a study so nearly exhaustive of the outlines of the career of Henry I. from 1100 until 1135. Parallel in method to that of Eyton's well-known work on Henry II. this Itinerary goes beyond its model in succinct yet widely diverse information, and will be found indispensable for the annals of a reign in which the effects of the Conquest revealed themselves in manifold changes and novelties in English administration. Upwards of 740 documents are arranged, for the most part absolutely but sometimes tentatively, according to their historical order or connection. The absence of subject-heads in the index is perhaps to be regretted, but the general student of the time will doubtless make his own list of such generalisations and commonplaces for his own lines of study.

Dr. Farrer's brief introduction sets forth the difficulties or the task of finding dates and places and occasions for so many documents of which so large a proportion are undated. He suggests as much to be desired 'a full chartulary giving the last and most complete text' of all the instruments now calendared. This may be a counsel of perfection; if not, its feasibility must be largely owing to the fine work the editor of the Itinerary has done in first driving a clear road through the forest.

SAGA-BOOK OF THE VIKING SOCIETY. Vol. IX. Part I. Pp. 252. With One Portrait. 8vo. London: Viking Society, 1920.

NOT every year, not once in a decade, is a society honoured by such a contribution as that which Sir Henry H. Howorth, now president, has made to its transactions, being the substance of two papers read by him when vice-president two years ago. It is a long study in 252 pages of the life of Harald Fairhair, founder by conquest and unification of the kingdom of Norway, towards A.D. 872. But its preliminary discussion of the misty prehistoric elements of the 'fylkies' or provinces of the peninsula before the unifying, and its sifting of traditions, sagas, chronicles and universal record, make up a most instructive and almost a garrulous talk all round the deepest and darkest sources of the Norwegian annals.

Perhaps no man living except Sir Henry could have put together so extraordinarily interesting an introductory section, at once narrative, criticism and citation, ranging from the remotest legends up to the authenticated facts of the ninth century, when the ambition of Gyda, unwilling to be wife to any one not king of all Norway, impelled a provincial kinglest to the career which extinguished a whole series of little folk-kingdoms, and made him as the Swedish King Olaf said 'the great king in the land.' And the story is a great one, diversified by constant touches of archaism, mound burial and ship burial, 'the figure of the crow,' the swords with names, the memories of Charlemagne and the Northmen, the queer ceremony of abdication by which a king came down to be a jarl, the *aula* as ceremonial forum, white horses as emblematic in state processions, the building of the Danewirk, the short-lived glory of Dorestad as capital of Friesland, and the continual entrance into the sober story of some vow or eccentric custom or magic episode which it is a pity to rationalise. The venerable author has packed into his four hours' well-marshalled talk a magnificent summary of the beginnings of Norway.

FASTI ECCLESIAE SCOTICANAE. The Succession of Ministers in the Church of Scotland from the Reformation. By Hew Scott, D.D. New edition, revised and continued to the present time under the superintendence of a committee appointed by the General Assembly. Vol. III. Synod of Glasgow and Ayr. Pp. viii, 536. Large 8vo. Edinburgh: Oliver and Boyd. 1920. 25s. to subscribers.

THE Committee of the Church of Scotland is to be congratulated on having overcome the difficulties which have delayed the publication of this new volume in their large undertaking. It includes the Synod of Glasgow and Ayr, which embraces Renfrewshire and Dumbartonshire, and portions of Argyllshire, Lanarkshire and Stirlingshire.

This volume contains a large number of Quoad Sacra parishes as it deals with perhaps the most densely populated area in Scotland. Its pages are full of interest. In a work which contains many thousand names and dates it may be impossible to avoid occasional errors, but the impression which we receive from a careful perusal of many of the entries is one of great care taken in the collecting and arrangement of facts and dates. The sidelights which the entries throw on the history of Scotland are innumerable, and we are grateful to the promoters for having provided one of the most useful books of reference. It should be in every public library in Scotland, and in the principal libraries in the United Kingdom.

THE INFLUENCE OF MAN ON ANIMAL LIFE IN SCOTLAND. A Study in Faunal Evolution. By James Ritchie, M.A., D.Sc. Pp. xvi, 550, with 90 Illustrations and 8 Maps. Large 8vo. Cambridge: at the University Press. 1920. 28s. net.

THIS is a fascinating volume which merits the study of all naturalists and has also its interest for the historian. Beginning with animal life in Scotland when man first arrived here, we have an account of the red deer,

the boar and the otter amongst other animals which then abounded, but there are no traces of domestic animals at that period. Later there are traces of sheep, oxen, dogs and, perhaps last of all amongst the larger animals, the horse. Then follows a study of classes of animals; and the change in type between, for instance, the wild ancestors of sheep and the modern Cheviot or black faced is both curious and interesting. In the same way the evolution of cattle, the horse and the smaller domestic animals is traced.

The permanent struggle between man and animals is fully dealt with. We are apt to forget that in some cases animals have been deliberately exterminated in order to secure the safety of man and his stock, while in other instances the stock has been enormously depleted to provide food or skins for man's use. On the other hand, the history of the way in which other animals have been protected and their growth encouraged, either for their use or for sport, is discussed at length. These are only a few of the points contained in this curious and delightful book. Is it not within the sphere of this *Review* to consider the many scientific problems with which it deals, but for the light it throws upon the history of Scotland we cordially welcome it.

Professor Morison's disquisition on *Nationality and Common Sense* as a Queen's University *Bulletin* from Kingston, Canada, emphasises the limitations of nationalism and the necessity of sane restrictions. 'The whirlwind of national enthusiasm' must not be allowed to blow the roof off the world, which needs internationalism to keep it on. The League of Nations is viewed as a splendid and practical aspiration.

The Old Glasgow Club has just issued (one volume, demy 8vo, pp. 88, with two illustrations) its *Transactions for Session 1919-20*.

This issue contains papers by Lord Scott Dickson on 'The Covenanters and the General Assemblies of the Kirk held at Glasgow in 1610 and 1638'; on 'Bishop Jocelyn; or Glasgow in the Twelfth Century,' by the late Rev. James Primrose; and papers on Ballads; on the Burgh of Pollokshaws; and on the Holy Wells in and around Glasgow.

Excellent work has been done by many local associations in gathering together records of their own localities, and we wish all success to the Old Glasgow Club in the continuation of its work, which it has now been carrying on for twenty years.

A well-planned series of *Souvenirs of the 'Mayflower' Tercentenary*, edited by Rendel Harris (Manchester University Press: Longmans, Green & Co.) includes the following: (1) 'The Documents concerning the appraisalment of the Mayflower' in May 1624, when the said ship was *in ruinis*—words which are perhaps more safely interpreted 'dismantled' than understood as 'broken up'; (2) 'Refusal of the Leyden Authorities to expel the Pilgrims'—the date of which the editor has not thought fit to indicate; (3) 'The Marriage Certificate of William Bradford and Dorothy May'—Bradford being subsequently the famous governor of Plymouth; (4) 'The Plymouth Copy of the first Charter of Virginia,' dated April 10, 1606—from the archives of the English town. Numbers 1 and 2 are

priced at 9d. net each, No. 3 at 6d. and No. 4 at 1s. Each consists of a reproduction in reduced facsimile accompanied by an accurate transliteration. Professor Harris has also written an attractive essay 'The Finding of the 'Mayflower'' (same publishers, price 4s. 6d. net) in which he submits a very tenuous (though not quite impossible) argument for identifying the timbers of the historic ship in those of an old schooner built into a barn at Jordans Hostel, Seer Green Halt, Bucks.

The papers of Mr. Westropp in the current volume of the *Proceedings of the Royal Irish Academy* (vol. xxxv. section C, Nos. 10-11), on some forts and other remarkable places connected with the ancient gods and the great assemblies of the tribes in the county of Limerick, are learned studies in pagan mythology characteristic of the author. The careful investigation by the Earl of Kerry on 'The Lansdowne Maps of the Down Survey' (No. 12) is a very useful contribution and indispensable to the student of the topographical history of Irish counties. The earl points out the origin of the name of the Survey of 1654, which has no special affinity to the county of Down, as an unsophisticated non-Irishman might easily imagine. It was Sir William Petty who first proposed to measure the whole country 'by instrument' and to set it 'down' upon paper. The undertaking was referred to at the time as the 'down' survey, a description by which it has been known ever since. In 1810 the Irish Records Commission reported on the Survey and on such maps as were then known to be in existence. But in recent years a large collection of maps of the same Survey was discovered in an old chest at Lansdowne House, whose noble owner is a lineal descendant of Sir William Petty. These maps have been cleaned and mounted, identified by the Earl of Kerry and set out in a catalogue under counties for easy reference. The whole contribution is very praiseworthy.

The English Historical Review for October opens with Dr. Round's subtle and diversified examination of the office of Sheriff in Norfolk, with many illuminating facts on castles, castle-guard and *castellaria*, not the least curious of which is the tendency for a sheriff to take a new surname from his castle. Mr. E. R. Adair searches out the distinctive features of the galley in the English service in the sixteenth century, till the superior fitness of Elizabethan sail-craft under Drake and his successors was established and the Mediterranean oar-driven type disappeared from the English Navy. Miss F. Evans usefully schedules the salaries of the seventeenth century secretaries of state, and Mr. G. N. Clark analyses and describes the Dutch missions to England in 1689. The advent of William III. had made a firm understanding necessary, and as the outcome of the negotiations was almost a unification of sea powers by which England considerably profited, the four conventions constituting a treaty of offensive and defensive alliance deserve the investigation Mr. Clark has devoted to them. Documents printed by various contributors include charters to boroughs near the Welsh border in 1256, papers on Wycliffe's canonry, letters of 1469-1471 to Oxford University, and political correspondence manifesting the honesty of Wellington's action as ambassador at Verona in 1822.

The announcement now made that Mr. Reginald L. Poole has retired from the editorship will be received with widespread regret in the circles of history. In his hands, in part from 1895 until 1901 and in sole charge from 1901 until now, the *Review* has maintained a foremost place among the historical journals of the world. Comparisons are sometimes difficult as well as odious, but there can be neither impropriety nor ungraciousness towards other periodicals in repeating the opinion implied in many criticisms in these columns, that Mr. Poole had made and kept for his review the premier position. His release from an office of such laborious responsibility will it is to be hoped give him the more leisure and opportunity for his personal specialities of medieval study. There is happily therefore no need for the accent of farewell. As for Mr. Clark his welcome is assured, and we can only wish him a continued success for the magazine commensurate with its past.

History for July last opens with a paper by Dr. W. H. R. Rivers on 'History and Ethnology,' in which the present tendency to give more attention to institutions and ideas and less to details of transactions between individuals and nations is pointed out. The application, however, by Dr. Rivers's imaginary Melanesian visitor to these islands of the terms *Whiskey people* to typify the early Celtic element, *Beer people* the Anglo-Saxon, and *Wine people* the Norman, gives grounds for comments unfavourable to the swarthy scientist's powers of analysis. At all events, before generalizing it would be well for him to throw aside his horror of literary sources so far as to consult a paper by the late Dr. Joseph Robertson on 'The Use of Wine among the Lower Orders in Scotland (especially the Western Hebrides) in the Seventeenth Century' (*Proceedings of the Society of Antiquaries of Scotland*, iii. 424). At that time wine had been, and was, the staple and somewhat unlimited drink of the western islesmen, and indeed of Scotland generally. In 1616 and again in 1622 the Privy Council prohibited first its use and afterwards its importation and sale in the isles. Written records cannot be ignored. Machiavelli as political thinker is criticised by Mr. Edward Armstrong, who inclines to look upon him as creator of modern Italian prose rather than as philosophical writer. 'Historical Revisions' include 'The Petition of Right' by E. R. Adair and 'The Balance of Power' by Prof. A. F. Pollard, who points out the danger of using as a guiding principle of thought and action a phrase which, owing to an entire change of affairs, has ceased to connote the ideas of its original framers. There are the usual reviews of books.

J. E.

In *History* for October Mr. Norman Baynes admirably surveys recent books on Roman History. He commends Ferrero but deprecates his tendency to imperial biography as the essential method of imperial history. Also he commends Donald McFadyen's recent treatise (Chicago 1920) on the 'History of the title Emperor.' Mr. Geoffrey Callender discussing the evolution of early Tudor sea-power illustrates the enormous change made by adapting artillery to ships. Professor Stenton re-surveys the episode of 'the Danes in England,' tracing the effects of the settlements in the Danelaw in the matter of tenure and place-names, but not bringing much novel light otherwise.

The American Historical Review for October celebrates its semi-jubilee and the editor, Prof. Franklin Jameson, is well warranted in characterising the twenty five volumes produced since 1895 as being 'at least an impressive monument to one generation of historical workers in America.' Salutations of goodwill and good wishes are heartily tendered to the editor and management. The *Review* has made itself invaluable and its interest can be very little less to readers in Great Britain than to Americans. Attention on this side will rightly be given in the present number to Sidney B. Fay's article entitled 'New Light on the Origins of the World War,' for it seems to demonstrate by recently recovered documents of first class authority that in the last fateful hours preceding the declaration of war by Germany it was Austria and not Germany which was the obstinate power. Now that the trial of the Kaiser has apparently been expunged from the programme of the Allies, the new body of evidence tending to lessen his responsibility (coming as it does from an American critic using the latest German publications), may perhaps have a less reluctant reception in the courts of history than would have been accorded a couple of years ago.

Robert Schuyler, under the rhetorical title 'The Recall of the Legions,' discusses the fluctuations in British colonial policy between 1776 and 1784, but possibly his limits of space have prevented his making handsomer allowance for the imperfections of political vision. Frederic Paxson, under the heading 'The American War Government 1917-1918,' describes the constitutional machinery and expedients resorted to in the crisis of the struggle. He styles the activities of that time an attempt to pass 'from the doctrine of individualism and free competition to one of centralised national co-operation,' a system symbolised in the phrase 'work or fight.'

In the number of the *Revue Historique* for March-April, M. S. Reinach presents an interesting hypothesis as to the presence of Buddhist elements in the legend of St. Francis of Assisi. The most important contribution is the first instalment of a study of Pierre du Chastel by M. Roger Doucet, in which the writer presents a well-balanced estimate of the rôle played by that courtier-humanist in the inner circle of the Court of Francis I. The number for May-June contains the remainder of M. Doucet's study and a further instalment of M. Halphen's critical commentary on the history of Charlemagne. The reader is sometimes tempted to question the expediency of publishing by instalments an elaborate critical study like that of M. Halphen, but a justification is probably to be found in the prohibitory expense of independent publication. The two numbers contain the usual valuable summaries of contemporary historical studies, the periods covered being French history from 1494 to 1660, Swedish history, and Christian antiquities.

The most interesting items in the *French Quarterly* for June are found in the *Variétés*, in which M. Rudler deals with 'L'Angleterre et Jeanne d'Arc,' M. Charlier with a 'source' of Chateaubriand, and M. Maingard with Leconte de Lisle.

The *Revue Historique* for July-August contains the first instalment of a study by M. Boissonade of the commercial relations between France and the British Isles in the Sixteenth Century, and an account of the unfortunate

British expedition to Buenos Ayres in 1807. Both writers make use of well-known sources, and their conclusions present no novelty. A summary of the publications of the past eight years on the history of Italy from 1789 to 1920 is provided by M. Bourgin. The first volume of the new edition of *S. Theresa's Letters in English* by the Benedictines of Stanbrook receives a critical notice from M. Morel Fatio, and M. Albert Waddington writes with enthusiasm of the new life of 'William the Silent' by the distinguished Dutch historian, P. J. Blok. The announcement is made of the continuation of Lavissee's standard *History of France* to the conclusion of the late war. The concluding volume has been entrusted to MM. Bidou and Gauvin, two well-known publicists.

D. B. S.

Students of Church History will welcome the re-appearance of the admirable *Revue d'Histoire ecclésiastique*, a worthy mirror of the learning of Louvain. It rises like the phoenix from the ashes and the current number is a reconstruction from MSS. and 'proofs' of the number for July, 1914, which perished in the conflagration of that year. For English readers the most important article is that by Pere Martin, O.P., on *L'œuvre théologique de Robert de Melau* (†1167), in which the learned Dominican furnishes an interesting addition to our knowledge of the subject. Since Mr. Kingsford's article appeared in the *Dictionary of National Biography* in 1896, Robert has been dealt with by Grabmann, Anders and P. Martin himself. The article is based on a careful examination of MSS. hitherto unidentified and the author indicates the important conclusions which may be drawn from the MSS. in the British Museum. He assigns an important role to Robert in the history of theological speculation and, while recognising the debt which he owed to Hugh of Saint Victor, he concludes that '*son œuvre présente des caractères particuliers et surpasse à plus d'un titre les travaux des maîtres antérieurs.*' These include Peter Lombard, as P. Martin assigns Robert's writings to the years 1152-1160. Robert has been generally classed as a realist, though Hauréau had doubts on the subject, but P. Martin takes the view that he belonged to no school and that he founded none. Now that it is evident that the principal sources for a study of this distinguished English theologian are to be found in London and Oxford, it is to be hoped that an English scholar will undertake the task of producing an edition of his *Sentences*.

D. B. S.

In the *Archivum Franciscanum Historicum* for January-April, 1920 (xiii. Fasc. 1 and 2) Father André Callebaut supplements his previous study of the nationality of Joannes Duns Scotus. The late character of the tradition in favour of his Irish origin is proved, and the fifteenth century testimony to his Scottish birth established by numerous quotations from philosophers of that century, all agreeing upon his nationality. For example, in a warm panegyric at Paris in 1448 Dr. William Forilong, who died at Rome in 1464, speaks of Duns Scotus thus: *O doctor subtilis Joannes dictus de Donis . . . te primitus Scotia genuit . . . O germen ergo Scotie, O Anglie scientia, O Francie subtilitas, sed O Colonie requies.* Again, a manuscript in

Bâle of date 1442 calls him *Joannes de Scotia*. After giving numerous quotations of a similar character Father Callebaut proceeds to prove from the Papal archives that in the twelfth, thirteenth and fourteenth centuries Scoti meant Scots, and Scotia Scotland.

The question whether the Irish origin receives any support from the philosopher's writings is next answered in decisive fashion. It is shown that the reference to S. Patrick claimed as having been made by him in his lectures is due to a tampering with the original, the words *Sancti Arnoldi* (a continental saint) having been silently suppressed and *S. Patritii* substituted in 1503 by Maurice-du-Port, an Irishman. Lastly, there is added the testimony of a manuscript preserved in Paris of the early fourteenth century and therefore contemporary. Here he is called *Magister Johannes de Scotia, Ord. Fr. Min.* The two editors—Father Denifle and Monsieur Chatelain—point out that at that time Scotsmen flocked to Paris in great numbers as war had closed the English universities to them. Father Callebaut has discovered another Scot from Duns some years later graduating at the University there. He is *Thomas de Duns Scotus*. His date is 1349.

Thus the nationality of Joannes Duns Scotus is firmly established, and John Major's statement, which is not, but might have been adduced, is proved to be correct. It may be noted that the renaissance and the Reformation changed the angle from which scholastic philosophy was viewed, and Scotsmen became the reverse of keen to claim as a countryman one of the acknowledged leaders of scholastic thought and methods. Hence the pretensions of the other claimants—England and Ireland—were allowed to pass unchallenged, and those of the latter country especially made headway.

At the end of his paper Father Callebaut designates Duns, the philosopher's native town, as *village du comté Berwich (sic)*, and allows the river Tweed to figure as the *Twee*; but these slight blemishes detract little from the force of a closely-knit, well-documented and convincing argument.

JOHN EDWARDS.

Notes and Communications

A CURIOUS WORD FOR GREAT-NEPHEW (*S.H.R.* xviii. 65). 'Eiroy' is the English form of Gaelic *iarogha*, great-grandson. 'V^oroy' is probably in error for 'v^ooy' = vicoy = Gaelic *mhic-ogha*; in which connexion cf. *mac-mic*, grandson. A. W. JOHNSTON.

Mr. William Angus of H.M. Register House, Edinburgh, states that the word is by no means uncommon. Burns uses it in his Dedication to Gavin Hamilton, and it is entered in Jamieson's *Dictionary* under 'Ier-oe.' It is also to be found in Johnston of Wariston's *Diary* (Scottish History Society), vol. ii. p. 96, and in Habakkuk Bisset's *Rolment of Courtis* (Scottish Text Society), vol. i. page 62, line 28.

The Duke of Argyll states that only once has he found it used in Highland charters, and that was in the Writ of 1609 referred to in *S.H.R.* xviii. page 65.

THE DALKEITH PORTRAIT OF MARY QUEEN OF SCOTS (*S.H.R.* xviii. 32). All who are interested in the portraiture of Mary Queen of Scots will have welcomed Miss Steuart's article on the Dalkeith portrait and the reproduction of the portrait itself. Not all, however, will find themselves able to agree with her conclusions.

Miss Steuart compares the portrait with the well-known chalk drawing generally attributed to Clouet and preserved in the Bibliothèque Nationale, Paris. It is true that the ropes of pearls are found in both and somewhat similarly arranged. The Clouet portrait is known to be dated between 1559 and 1561 when the Queen, then Dauphine, was aged 17 to 19. If Miss Steuart merely urged a general resemblance between the features in the Clouet and the Dalkeith portraits, it might not be easy to counter her view, but she goes further and dates the Dalkeith portrait as belonging to the same period as the Clouet sketch. I find it impossible to agree with Miss Steuart that the Dalkeith portrait represents a woman of approximately the same age as the Clouet portrait or that it could possibly be that of a girl of 19. I regard the Dalkeith portrait as that of a woman aged not less than 25 and not more than 30. On what further grounds does Miss Steuart base her case?

First, on the *carcan* composed of diamonds with *entredoux* of pearls, one of which was given back to the Crown of France before Mary returned to Scotland, because the *carcan* shown in the portrait and also the one restored to the French Crown Jewels both possess pearls set in clusters of five. This is not a very convincing identification.

Second, on the cross with seven diamonds which may have been similarly restored to the French Crown Jewels; but Miss Steuart admits that she cannot identify this cross precisely. It is just this cross and its position which afford some ground for doubt. If one examines all the authentic portraits reproduced by Mr. Lionel Cust in his book *Authentic Portraits of Mary Queen of Scots 1903*, one observes: (1) that no portrait appears to show a cross, but most show a crucifix; (2) that in no portrait is the crucifix shown hanging round the neck, but generally suspended so as almost to reach the waist.

Unfortunately, however, the case for the genuineness of the Dalkeith portrait breaks down completely in another way. If it is compared with the celebrated 'Carleton' portrait in the collection of the Duke of Devonshire at Chatsworth, which portrait is quite unreservedly and quite properly condemned by Cust, it will be at once apparent that the Dalkeith portrait strongly resembles the Carleton type. The features may be described as identical; the ropes of pearls are present in both, though not exactly in the same position; the position of both arms is identical; in both pictures the left hand holds a very similar rose (which incidentally is not in any other portrait); the costume is admittedly different. Cust gives (p. 133-136) a full account of the history of this 'impostor' portrait which is first heard of in 1713. Of the Dalkeith portrait it is known that it was at Dalkeith about two centuries ago. Neither of the two portraits can trace its pedigree with any certainty before 1700. Sir Lionel Cust sums up against the Carleton portrait as being one not even intended to represent Mary. Probably the same is true of the Dalkeith portrait, and I suspect that the reason why no reference to it is made by the late Sir George Scharf or Mr. Cust is that they both recognised it as a mere copy of the Carleton type.

But the main case against the Dalkeith portrait rests not on comparisons but on the picture itself. The features are wrong. The Queen, as shown by authentic portraits, had long narrow eyes, a thin nose, and thin lips and arched eyebrows: none of these characteristics are found in the Dalkeith portrait. Moreover, the costume is wrong. If the ruff round her neck is compared with other ruffs in XVI century pictures, it will be found that it is too broad for 1560: it would not be earlier than 1576. The head-dress also does not resemble any of so early a period. It is not easy to judge of the technique of the picture from the reproduction. Detailed examination of the original picture would probably reveal other anachronisms.

It would be a much pleasanter task to welcome a new and authentic portrait than to destroy an ideal, but sometimes the latter must be done.

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MACBETH or MACHETH (*S.H.R.* xvii. 155, 338), has been propounded as a problem by Professor Sanford Terry for which he awaits a satisfactory explanation as to what MacBeth is 'doing in this otherwise exclusive gallery of MacHeth rulers' in the province of Moray.

The MacBeth-MacHeth riddle emerges at or rather after King MacBeth's time. It is a veritable labyrinth without a thread till one goes far enough back. Beth in variant form but not Heth is the original root name and still is the essential and distinguishing part of MacBeth. Working forward one comes gradually to the compound MacBeth, with a small *b* of course. Moderns are mostly responsible for the capital in the middle of the name, and it tends to prevent confusion. To my thinking the MacHeths are MacBeths by indirect descent, and I support my conclusion by the following facts. Reference is made to

- King Macbeth mac finlay (Mar. Scot. *c.* 1028).
- „ Malbeth or Maelbeathe (Ang. Sax. Chr. under date 1031-1054).
- „ Macbethad (Flor. of Wor. *c.* 1118).
- „ Machethad (S. of D. *c.* 1129).
- „ Macbeth (D of M. *c.* 1142).
- „ Machtetad (R. of Hov. *c.* 1201).
- „ Macheth (John of Evers? *c.* 1265).
- „ Macbet and Macbeth (*Chron. of Melrose*).

Then in the charters by which the same king conveys gifts to the Keledei of Lochleven *h* and *b* are twice found in juxtaposition thus—Machbet—but in the middle of the charter Makbeth is found and that plainly determines what the other two are.

Take another instance from the charters. It concerns a MacBeth, Judex or Sheriff, and his designation gives the following result, in favour of MacBeth :

Maledoun, son of MacBead, *c.* 1128
 Maldouen and Maldoueni, son of Macobeth
 Meldoinneth filium Machedath.

At that same period there is another Macbeth, Thane of Falkland, who may be the father of this Maldouen as well as of Cormac 'a son of Macbeath' who is mentioned in Ethelred's charter to the Keledei. Whether that be so or not, it is clear that Machedath is a MacBeth. The same result comes out in the undernoted example :

Macbeth Macktorphin, *c.* 1150
 Macbeth Mactorpin
 Macbet „
 Machet „

Baron Macbeth of Liberton lived at this period and may be the above-mentioned man, but if not, he has his name spelled in variant form, as

Macbet, *c.* 1141-52
 Macbether
 Macbetber
 Macbead
 Malbead
 Makbet
 Malbet

In the Signet Library one had occasion to verify the Latin facsimile of Macbeth. That is the correct transliteration, but the editor changes it into Macbet Vere. One can easily see how another could make it Macbether, for the letters b and h are almost alike, but there is no doubt that Macbeth is intended.

Then as to Malcolm MacBeth. According to J. Stevenson's translation of the *Chron. of Holyrood* under date 1157 Malcolm's name is given as Malcolm Machel—a son of fire truly. Of course if the Macheths can be changed into MacKays they may be 'sons of fire,' but they have a better heritage among the Macbeths, their real kindred. In the footnote to the same editor's translation of the *Chron. of Melrose* under date 1134, Malcolm is referred to as 'the son of Macbeth.' Further, in the abbreviated edition of the *Chron. of Holyrood* under date 1157 one finds *Malcolm Machet cum rege Scottorum pacificatus est*, but according to Mr. A. O. Anderson he is also called Macbeth in Bouterwek's edition of the same extended Chronicle (38), and it is by the same authority we are told that Malcolm Macbeth died Earl of Ross 1168 (42). The Fraser Chronicles also support the reading Milcolm Mackbeth and likewise refer to Donald son of Melcolm Mckbeth.

Reviewing these lists where MacBeth and MacHeth are combined, it surely becomes manifest that b and h have simply been confused by similarity of writing in the past. Even now if any one writes Macbeth frequently with a small b he will soon find a possible Macheth unless he be careful with his pen.

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MACBETH, MACHETH (*S.H.R.* xvii. 155, 338). These two names may be two Latin (English) renderings of the same Gaelic name M'Bheatha, 'Son of Life,' a *personal* name originally, not patronymic. MacKay is the English form of Gaelic M'Aoidh, from Aoidh, fire. (See Macbain's *Gaelic Dictionary*.) In support of the above suggestion may be quoted Lawrie's *Early Scottish Charters*. Maledoun is referred to as Macocbeth (p. 63, 1128), Machedath (p. 67, 1128), MacBead (p. 78, 1131-1132). MacTurfin is mentioned as Macbet (p. 120, 1143), Machet (p. 166, 1150), and Macbeth (171, 195, 1150). The Gaelic name M'Bheatha was thus rendered in Latin (and English) as MacBeth and MacHeth, one letter of the aspirate B (B H) being used in each case.

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QUEEN MARGARET TUDOR. Sir Bruce Seton, in his paper 'The Distaff Side' (*Scottish Historical Review*, xvii. pp. 284-5), says that Queen Margaret obtained in 1527 a separation 'a mensa et thoro' from her second husband the Earl of Angus, and then, 'although such a separation did not permit a fresh marriage,' immediately married Henry Stewart, afterwards Lord Methven. Riddell says (*Inquiry into the Law and Practice in Scottish Peerages*, i p. 470) that the Queen's marriage with Angus was dis-

solved by the Consistorial Court of St. Andrews in 1525. 'It was upon the valid ground of a precontract between him and another lady' ('a daughter of Tracquair,' says Hume of Godscroft, by whom he had a daughter Jean Douglas, who did not become legitimate, but who married Patrick Lord Ruthven). He says earlier (pp. 420 *et seq.*): 'They were accordingly divorced simpliciter; yet, at the same time, owing to the exclusive exception of the Queen's *ignorance* of the latter circumstance, and hence *bona fides* on her part, there was a special finding of the legitimacy of Lady Margaret Douglas, their sole issue.' It seems, however, that the St. Andrews proceedings were not final as the ultimate decree of divorcement was pronounced 11th March, 1527-8 (Fraser, *The Douglas Book*, ii. 212, where the year is given as 1528), after three years proceedings by Peter Cardinal of Ancona, the Judge appointed to enquire into the matter by Pope Clement VII. Without waiting for this news (the dates are very complex and are stated differently by different authorities) the Queen married Henry Stewart. Her brother Henry VIII. wrote, by Wolsey, to her later of the 'shameless sentence sent from Rome' and, reminding her of 'the divine ordinance of inseparable matrimony first instituted in Paradise,' bade her avoid 'the inevitable damnation threatened against advouters. (A. H. Pollard *Henry VIII.* pp. 209-210).

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DUNDRENNAN ABBEY (*S.H.R.* xviii. 57). Owing to a typist's error a few words were omitted in the review of Learmonth's *Kirkcudbrightshire*. The passage should have read, 'Dundrennan, the parent abbey of Sweetheart Abbey, founded by Devorgilla Balliol.'

A CORPUS OF RUNIC INSCRIPTIONS. Professor Baldwin Brown and Mr. Bruce Dickins, writing from the University of Edinburgh, request us to ask that readers of this *Review* will kindly bring under their notice any newly discovered runic inscription and any example which they are not likely to know. Runically inscribed objects contained in the larger and better known public collections or which are published in archaeological works of national scope Professor Baldwin Brown will already have on his list; but as regards those in private hands or in local collections of the smaller type he will be very glad of information, as he and his colleague are preparing for publication by the Cambridge University Press an Annotated Corpus of Runic Inscriptions in Great Britain, on or in stone, bone, wood or metal.

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On 'Parliament' and 'General Council'

PROFESSOR RAIT has examined in this *Review* the *personnel* of our national assemblies. Dr. Neilson, in his introduction to the *Acta Dominorum Concilii*, vol. ii., recently published by the Record authorities, has done much to discourage historians who are content to repeat the statement that the Court of Session was founded on the model of the Parlement of Paris, or, at all events, to convince them that a great deal more remains to be said. It is now becoming clear that the development of our courts and assemblies will gradually assume an intelligible form in response to patient study. The field is large; the work intricate and toilsome. The present brief inquiry,¹ obviously partial and tentative, may serve to suggest a line of investigation which is somewhat new, and which in the end may prove interesting even to those who are not mainly devoted to Scottish history.

Thomas Thomson did not complete the first, and final, volume of his *Acts of Parliament*. Cosmo Innes issued it in 1844, without 'the benefit of Mr. Thomson's advice,'² and prefixed 'a list of Parliaments and General Councils.' No attempt was made, however, to distinguish the two assemblies, or to explain a difference of denomination which might have aroused curiosity.

¹ The following notes are intended to be no more than an indication of one or two of the many problems connected with Scottish institutions which require attention.

² *A.P.* i. 58.

The *Modus tenendi parliamentum* opens with the remark that *summonitio parliamenti praecedere debet primum diem parliamenti per quadraginta dies*. Robert I., in granting the Isle of Man to Randolph, requires *personalem appresentiam ad parlamenta nostra . . . infra regnum nostrum tenenda per rationabiles quadraginta dierum summonitiones*.¹ David II. held a *consilium* of the three estates at Scone in 1357,² little more than a month after his liberation. Hailes and others wrongly describe this as a 'parliament.' There was already some difference as between 'parliament' and 'council' in the formalities of summons. In 1363 the assembled *prelati* and *proceres* undertook to meet, on the return of ambassadors from England, in response to royal letters *sub quocunque sigillo* and to treat *ac si essent per quadraginta dies ad parlamentum citati legitime, exceptionem aut excusacionem aliquam de temporis brevitare vel alias non facturi*.³

Parliamentum had special competence. It was necessary, for instance, in order to pronounce the final sentence in appeal by falsing of dooms. In 1368 we hear that *omnes processus facti super judiciis contradictis quorum discussio et determinatio ad parlamentum pertinent presententur cancellario ante parlamentum proximum tenendum*; and on the same occasion a doom from the justice-court of Dundee was under consideration. It was urged that the said court *precesserat hoc parlamentum tantum per quatuordecim dies*, whereas *ipsi* (the protesters) *a tempore justiciarie tente habere deberent ad hoc quadraginta dierum spacium ipso jure*. The day was found not *legitimus*; and the parties were referred *ad parlamentum proximum*.⁴ In 1368 the king sits in full state *pro tribunali* on dooms (*judicia contradicta*); but, as it is Lent and the custom of the realm forbids such sentences during that season, decision is postponed *usque proximum parlamentum*.⁵ In 1503, it may be noted, an act anent falsing of dooms provided that the king should depute thirty or forty persons with power 'as it war in ane parliament,' the court to be set on forty days.⁶

The supreme court of 'parliament' necessarily conformed to courts below in respect of notice. In the *Assise Willelmi*⁷ we find (*de placitis justiciarii et vicecomitis*) that every sheriff *ad caput quadraginta dierum . . . placita sua tenebit*: that the justiciar could not hold *placita corone* within a sheriffdom *nisi ad caput quadraginta dierum*; and that *secundum assisam regni*

¹ R.M.S. i. app. i. 32.² A.P. i. 491.³ *Ibid.* 493.⁴ *Ibid.* 504-5.⁵ *Ibid.* 507.⁶ *Ibid.* ii. 246.⁷ *Ibid.* i. 377.

reus juste debet habere diem ad caput quadraginta dierum ad minus. Similarly, in the *Modus procedendi in itinere justiciarie*¹ we find that 'betuix the dittay and the air of reson sulde be xl days at the personis mycht be arrestit lauchfully ande breves mycht be purchest ande summondis maide in lauchfull tyme': again,² *probentur citationes huiusmodi fuisse legitime facte et per spacium quadraginta dierum ad minus, aliter non valent.* The rule is illustrated by abbreviations in exceptional cases under James I. and James II.³

The earlier records do not seem to throw much additional light on the special competence of 'parliamentum.' Upon its general function as a supreme court one need not dwell; but it may be interesting to observe in 1398 'that ilke yhere the kyng sal halde a parlement swa that his subiectis be servit of the law,'⁴ and that so late as 1452 the regality court of St. Andrews, granted to Bishop Kennedy, is styled *parliamentum solitum et consuetum*.⁵ In 1369 *parlamentum* dealt with *ea que concernunt communem justiciam, videlicet judicia contradicta, questiones et querelas alias que debeant per parlamentum terminari*:⁶ in 1368 it was found that certain parties should not be heard in 'parliament,' *quod ambe partes sunt ad communem legem ad prosequendum et defendendum in curiis aliis secundum ordinem et formam juris*.⁷ A century later, in 1473, two persons are 'to declare the daily materis that cummys befor the kyngis hienes that as yit thare is na law for the decisioun of thame,' and to report to next 'parliament' for ratification and approval.⁸ In 1433 we find a breve of 'miln leidis' which is to have course till 'the next parliament.'⁹

It is at a later stage that we find definite indication of the function of 'parliament' in respect of treason. In 1515 John, Lord Drummond, was suspected of correspondence with England. He appeared at the Council, July 11, on the eve of a Parliament, July 12, and, 'for the conservatioun of the privelege of the barounis of Scotland and of him,' declined to answer before the Lyon King, but was prepared to do so 'befor his competent juge and at place convenient.' The king's advocate took instrument 'that the lord Drummond refusit the xl dais of

¹ *Ibid.* 705.

² *Ibid.* 708.

³ *Ibid.* ii. 23, 6; 32a, 2; 35a.

⁴ *Ibid.* i. 573.

⁵ *Ibid.* ii. 74.

⁶ *Ibid.* i. 507-8; cf. 534, 547.

⁷ *Ibid.* 505.

⁸ *Ibid.* ii. 105.

⁹ *Ibid.* 22; cf. Pollard, *Evolution of Parliament*, p. 39.

privelege that all lordis and barounis aucht to have be the law to ansuer apoun tresoun and was content to underlie the law for the crymes imput to him in this present parliament without ony exceptioun, he gettand ane assis of condigne persons.' Whereupon Arran asked instrument 'in name of al my lordis and barounis temporale that albeit my lord Drummond was content to underlie the law incontinent for the tresoun imput to him and refusit the privelege of xl days granted to barounis in sic caisis that the samin suld turne thaim to na preiudice quhen sic thingis suld happin to ony of thame.¹ In 1517 'parliament' was called on forty days by precepts of Chancery, with summonses of treason 'apon the personis dilatit of the slaughter of lord la Bastie,' and for any other cases 'of treason.'² A few years later the period of notice is expressly stated to be customary. On March 13 'parliament' was set for July 24 'upoun the premunitioun of xl dais, as us is and efferis theruntill'; but proclamation was not to be made till forty-five days before the appointed date.³ The Clerk Register and the Justice Clerk, writing in 1559, distinguish two forms of process in treason, (1) before the King in 'parliament,' and (2) before the Justice General and an assise, unfortunately without explaining the principle of application; but they add that condemnation in the latter court has the same force as if it had been in 'parliament.'⁴

There was a curious incident in 1514, involving, apparently, no case of treason. On September 21 the Council proposed a 'parliament' at Edinburgh for November 17. Queen Margaret and the Douglas faction projected a 'parliament' at Perth. The director of Chancery had the necessary quarter-seal, and supported Margaret. On October 23 he was ordered by the Council to produce the seal, that precepts might be directed to 'all personis at aw presens in the parliament'; otherwise the lords would command a new engraving. On October 26 the Council ordained precepts to be delivered on October 28—a clear twenty days before the meeting.⁵ This is interesting, because Sir Geo. Mackenzie in his *Institutions* says that 'conventions' of the estates in his time were called on twenty days;⁶ and the 'convention' has a continuity with the older 'general council.' Loss of the record conceals the technical term entered

¹ *Act. Dom. Con.* (MS.), July 11, 1515.

² *Ibid.* Sept. 28, 1517.

³ *Ibid.* March 13, 1524-5.

⁴ *Discours d'Escosse*, Ban. Club, 18 ff.

⁵ *A.D.C.* Sept. 18, Oct. 23-26, 1514.

⁶ Cf. Robertson, *Statuta*, i. 143 n.

in 1514. ‘Parliament’ may have been used on the plea of force and fraud, or on the strength of public opinion; but a sentence on treason or on a doom would have been questionable. Possibly notice of twenty days was held sufficient for the main purpose of declaring Margaret no longer tutrix: ‘general council’ was competent in 1388 to make Fife guardian, and in 1398 to appoint Rothesay lieutenant.¹

Towards the close of the sixteenth century the history and status of ‘general council,’ for reasons which will soon appear, puzzled even the Clerk Register. In 1587, on the practical question of printing the Acts of Parliament, he inquired: ‘In the actis alreddy imprentit thair is sundry actis apperandly not maid in parliament bot in generall counsell: think ye thame of like validitie as actis of parliament?’² Craig writes: ‘What then, it will be asked, of those statutes which are made in conventions of the estates or orders outside parliaments? Will such statutes have the force of laws? I do not think that these either [he has been speaking of acts of privy council] have equal force with acts of parliament: otherwise there would be no point in summoning parliaments, if what was done outside them had the same strength and validity; although I am aware that acts of convention not only have the authority of laws but by old custom were observed as equivalent to laws, especially when parliaments were not in use; for at that stage these conventions were in place of parliaments.’³

The ‘consilium’ of David II. in 1357 must have been called on less than forty days, and the three estates were represented: ⁴ in 1363 there is an implied difference, in respect of the seal appended to writs of summons and the period of notice, between *parliamentum* and *consilium*.⁵ Yet there is a sense in which *parliamentum* may be *generale consilium*, as in 1368 when it deliberated for four days on relations with England.⁶ In 1369, when a commission was appointed, while the rest had licence to depart, the original constituent assembly acted by way of *generale consilium*, and the commission appointed was *consilium generale*.⁷ The transposition is not accidental. *Consilium generale* is applied to the whole commission, including certain persons nominated by the king. In the first ‘parliament’ of

¹ *A.P.* i. 556, 572.

² *Suppl. Parl. Papers*, i. 35.

³ *Jus Feudale*, i. 8, 10 (translated).

⁴ *A.P.* i. 491.

⁵ *Ibid.* 493.

⁶ *Ibid.* 503a.

⁷ *Ibid.* 534, cf. 508.

James I. (1424), which proceeded by commission, there was a case anent possession of the priory of Coldingham. The *presides* or *presidentes parliamenti*, as the committee on justice, gave decret; instructions were then given to the rightful prior *per dominum regem et suum consilium*; the whole finding—decret and instructions—was then incorporated as an *actum parliamenti*.¹ The extract, at Durham, has above the tag of the seal *actum consilii generalis*.² In 1368 there were two 'parliaments,' at the second of which persons were chosen *ad parlamentum tenendum*. In both cases David II. speaks of *nostrum consilium in parlamento*.³ It may be supposed, therefore, that *consilium generale* in this connexion came to be used of the *electe persone*, or commission, sitting finally as one body; for in 1369 the special committee on justice is to be ready *ante penultimum diem parliamenti*,⁴ and the 'act' of 1424 anent Coldingham, embodying a decret of the judicial committee, bears traces of having been 'pronuncit'—as the later technical term had it—at a final meeting of the whole commission. In any case this use of *consilium generale* seems to be transitory, and relative perhaps to the fact that the commission of 'parliament' was a body subdivided by committee, meeting finally in joint session.

There is, however, a use of *consilium generale* in which there is an implied, and sometimes an express distinction between *consilium generale* and *parlamentum*. In 1384 the three estates were gathered *tanquam ad consilium generale*.⁵ Prelates and their procurators attended, others of the clergy, earls, barons, and burgesses.⁶ There were no judicial sentences, though measures were taken to improve the administration of justice. In 1385 we have two *consilia generalia*: in the second Carrick is *presidens*, like James II. in 1443.⁷ By 1388 we have express reference to a distinction. The three estates in *consilium generale* made Fife guardian; and his conduct would be reviewed by *consilium generale vel parlamentum*—assemblies of the estates which seem now and hereafter to be viewed as alternative. Both kinds of meeting are public, for that now held is *plenum consilium*, and the audit, which is to be annual, will take place *in pleno parlamento vel in generali consilio*.⁸ Again in 1397 the estates are in 'consail general,'⁹ and proceed, somewhat after the fashion of 'parliament' in appointing a commission, to

¹ *A.P.* ii. 25.² Nat. MSS. ii. No. 65.³ *A.P.* i. 532-3.⁴ *Ibid.* 534a.⁵ *Ibid.* 550a.⁶ *Ibid.* 551b.⁷ *Ibid.* 551, 553; ii. 33.⁸ *Ibid.* i. 555-6.⁹ *Ibid.* 570.

name a smaller body—*persone . . . ad consilium nostrum limitate*.¹ This process seems to be repeated in 1398, when the estates in ‘consail generale’ created Rothesay lieutenant for three years, and a distinction was drawn between the ‘consail generale’ and the ‘consail special,’ the latter apparently a repetition of the ‘limited’ council of 1397.² At the same time there is reference to prospective assemblies of the estates, which may be ‘consail general or parlement.’³

It stands to reason that *parliamentum*, the high court summoned on forty days, would be cumbrous and unsuitable in cases of urgency which nevertheless demanded ‘general counsel.’ In 1357 the *consilium* had to consider the finance of David’s ransom. In 1363 the promise at Scone to respond to summons *sub quocunque sigillo*, without taking exception to either time or place, was given in connexion with English negotiations; and it indicated the need for an assembly which was representative and also convenient *pro re nata*. One of the *puncta* on which *parliamentum* was called in 1367 was the question of relations with England; and it was decided that if any tolerable conditions emerged ‘our lord the King and those of his sworn counsellors who are more nearly accessible to him at the time are to have free power in name of the prelates and lords assembled in this parliament to choose ambassadors and tax their expenses . . . without calling thereanent parliament or other council whatsoever.’⁴ The next parliament was informed that England would not negotiate *nisi per deliberationem et commissionem generalis consilii*, that is by some full and representative meeting of estates.⁵ The ‘consail generale’⁶ or *consilium trium statuum*⁷ was competent in 1398 to ordain a tax for ambassadorial expenses, and in 1423 to authorise agreement with England for the deliverance of James I.

There is one curious and difficult point which deserves closer inquiry by scholars. In 1363 it is implied that *parliamentum* is associated with a particular *locus*. From David II. to Robert III. the vast majority of *parliamenta* are connected with Scone or, occasionally, Perth. It is interesting, therefore, to observe that Alexander Cockburn in 1393 owes three capital suits, viz. at the justice-ayres of Berwick and Edinburgh and at *parlia-*

¹ *Ibid.* 572.

² *Ibid.* 572-3.

³ *Ibid.* 573b.

⁴ *Ibid.* 502b (translated).

⁵ *Ibid.* 503.

⁶ *Ibid.* 574.

⁷ *Ibid.* 589.

*mentum nostrum tentum apud Sconam.*¹ *Consilium generale*, on the other hand, moves more freely. We find it at Perth, Stirling, Linlithgow, and Edinburgh.

When we come to the period succeeding 1424 and the return of James I. the inquiry becomes very difficult. Though information is somewhat fuller, it is not derived directly from original records of Parliament. Under James I., according to Thomson's edition of the *Acts*, there were twelve 'parliaments' and three 'general councils'; and eleven of these 'parliaments' were at Perth. Under James II. eight of the fifteen 'parliaments' were at Edinburgh, four at Perth, and three at Stirling; while of the thirteen 'general councils,' five met at Edinburgh, six at Stirling, and two at Perth. With James III. and the beginning of the authentic parliamentary register there is a complete disappearance of 'general council.' All the assemblies recorded now are 'parliaments,' and all but one (Stirling) meet at Edinburgh. Under James I. 'parliament' is closely associated with Perth; under James III. it becomes as closely associated with Edinburgh. The transition period of James II. is remarkable because the estates assemble almost as often in 'general council' as they do in 'parliament.'

If our information does not enable us at present to see all the bearings of this change, there are one or two intelligible and important facts. It cannot escape notice that under James I. 'parliament' and 'general council' are still distinguished both in the denomination of the assemblies and in the body of the record.² At the same time there are indications of contamination. In March of 1427 the clerk of the *consilium generale* twice slips into the term 'parliament' with reference to the existing assembly; ³ and once again, in 1436, he does the same.⁴ Moreover the meeting at which James endeavoured to carry so fundamental a measure as the representation of the small barons and freeholders of the sheriffdom was itself a *consilium generale*; and the act repeatedly mentioned the obligation to attend 'in parliament or general council,' while it implied that both modes of assembly had been called by the king's 'precept.'⁵ In 1425, again, the duty of personal compearance had been affirmed;⁶

¹ *A.P.* 580: in 1164 Malcolm IV. speaks of the church at Scone as 'founded in the principal seat of our kingdom' (364).

² Cf. *A.P.* ii. 9, c. 8; 15, c. 2.

³ *Ibid.* 15, cc. 4, 10.

⁴ *Ibid.* 23, c. 5.

⁵ *Ibid.* 15, c. 2.

⁶ *Ibid.* 9, c. 8.

and in both the *parliamentum* and the *consilium generale* of 1427 the summons is definitely stated to have been equally comprehensive in each case, and the fines for absence to have been imposed.¹ The clerk in fact uses exactly the same descriptive formula.

The policy of James I. in this matter can scarcely be elucidated without a more careful comparison with current procedure in England than has as yet been attempted. But it is clear that the *consilium generale* at Perth in July, 1428, evoked some controversy. The French marriage of Princess Margaret was in question.² There is special significance, whatever it may turn out to be, in the phrase *consilio generali . . . inchoato ratificato et approbato tanquam sufficienter vocato et debite premunito*.³ The natural interpretation is that James, in pursuance of the act in March, according to which ‘all bischoppis abbotis priors dukis erlis lordis of parliament and banrentis . . . wil be reservit and summonde to consalis and to parliamentis be his special precep,’⁴ was now trying to modify *consilium generale*. The problem requires consideration in the light of what may be discovered regarding the whole parliamentary policy of the king. There are signs that he disapproved of the slack attendance, which may have been encouraged by the commission procedure adopted in 1367; and it would be interesting to see whether his object was to obtain a representative ‘parliament’ in which *consilium generale* in its older form should be merged, and which might be expected to attend throughout the session without resort to the appointment of a commission with *licentia ceteris recedendi*. The ‘parliament’ of March 6, 1429, does not seem to have proceeded by commission. It was still sitting in considerable force on March 17.⁵

¹ *Ibid.* 13, 15.

² Thomas Thomson’s heading of the contract (*ibid.* 26) involves two errors: the contract was at Perth, and on July 19, as the document shows.

³ *Ibid.* 16.

⁴ *Ibid.* 15.

⁵ *Ibid.* 28, where Thomson’s date, March 10, is a mistake. The orthodox view of the Lords of the Articles requires serious reconsideration. Their probouleutic function is in place when Parliament does *not* proceed by commission, and when business must be digested for a house reluctant to remain long in attendance. We must not confuse a *commission* with a *probouleutic committee*, though there is obvious contamination. The Lords of the Articles, properly so-called, might be expected to come into action when James I. sought to abolish the *licentia recedendi*, and consequently to accelerate business. The Lords of Articles became a regular institution; but procedure by commission did not disappear.

Whatever were the purposes of James I., there is no visible alteration in *consilium generale* during the earlier portion of his successor's reign. In 1440 suits were called and fines for absence imposed;¹ and the assembly was large enough to appoint a committee of thirty-one, 'depute be the hale generale counsaile apou this and othis divers materies.'² But the Parliament of January, 1449, concluded with an ordinance which seems to be of great interest in view of succeeding developments.³ There was to be a 'generall counsall' at Perth in May. The obligation to compare was to be incumbent upon those receiving 'the precept of the kingis lettres,' a hint that all who owed attendance would not necessarily be summoned. An act had just been passed 'indicating that summons in causes 'befor the king and his consal' was competent on fifteen days. It appears also that the summons must be 'undir the quhite wax,' and that in the case of this 'general council' summons by a pursuer, also under the white wax, must be served on forty-five days. This is a matter which would demand attention from anyone engaged in tracing the evolution of the 'lords of council and session.' For the present purpose it is sufficient to note that the ordinance treats 'general council' as a court—and we know that it appointed an auditorial committee in civil causes⁴—but a court of narrower competence than 'parliament,' and subject in some measure to the selective power of the crown.

That 'general council' tended at this period to diverge from 'parliament' and approximate to an enlarged privy council is an important fact in Scottish constitutional history which has escaped notice and which should be made the subject of special investigation. It is the fact which explains the difficulty the Clerk Register and Sir Thomas Craig had towards the close of the sixteenth century in estimating the validity of acts in 'general council.' There can be no doubt that the process is intimately connected with the practice of creating 'lords of parliament'; but what the connexion is must remain for the present obscure. About the middle of the fifteenth century there was a great development of the practice. Unfortunately the *Scots Peerage* does not contain any excursus or statistical discussion; and the particular articles are often vague on the point, as some of the contributors failed to note useful evidence:

¹ *A.P.* 32.² *Ibid.* 56.³ *Ibid.* 39.⁴ *Ibid.* 37.⁵ *Ibid.* xii. 22.

such, for example, as the statement of the Auchinlek Chronicle that in 1452, ‘thar was maid vi or vii lordis of the parliament and banrentis,’ who are named. At all events it is in 1456 that we have a *consilium generale* appearing for the last time upon what may be called parliamentary record. Even if allowance is made for defective evidence before 1466, when the extant register of Parliament begins, it is impossible to ignore the importance of the fact that after 1466 that record knows nothing of ‘general council.’ The point has been obscured, perhaps, by Thomas Thomson, who printed at the head of the Acts under James V. the minute of a ‘generale counsale’ held some weeks after Flodden, without explaining that he took it from the *Acta Dominorum Concilii*.¹ It may be that in 1464 the clerk described a considerable assembly of representatives of the estates as *congregatio* because he was at a loss for a strictly technical term; ² and it should not be overlooked that in 1466 ‘summundis peremptour’ in actions ‘befor the king and his counsale’ was abridged to twenty one days.³ A special register of the acts of the ‘lords of council’ can be traced back to 1469.⁴

From this period ‘general council’ seems to become narrower. In 1476 the alternative of ‘parliament or generale consale’ is still contemplated; ⁵ but in 1473 no account of the ‘generale consale’ on the conduct of Archbishop Graham appears on parliamentary record.⁶ At the very end of James III.’s reign we learn how ‘parliament’ was summoned.⁷ Besides ‘generale preceptis,’ there were ‘speciale lettres’ under the signet to prelates and great lords, indicating the cause of meeting. These ‘letters’ did not give the forty days’ notice required in the case of the ‘precepts.’⁸ For ‘general council,’ it would appear, only letters under the signet were necessary. An examination of the ‘general councils’ under James IV. is not needed to show that they had become little more than enlarged privy councils. An inevitable consequence was that the burgh commissaries tended to drop out of meetings in which business closely affecting their interests might be transacted; and there was danger in the tradition of competence attaching to the older and more representative assemblies. Thus in 1503 Parliament ordained ‘that the commissaris and hedismen of burrowis be warnyt

¹ *Ibid.* ii. 281.

² *Ibid.* 85, c. 7; cf. 37, c. 18.

³ *Ibid.* 114.

⁴ *A.P.* ii. 184.

² *Ibid.* 84.

⁴ *Act. Dom. Con.* ii. xcvi.

⁶ *Treas. Acc.* i. 46.

⁸ Cf. *ibid.* 213; *T.A.* i. 113.

quhen taxtis or contributiouns ar gevin to haif ther avise thir-
intill as ane of the thre estatis of the realme.'¹ In 1563 it was
enacted that five or six of the principal provosts and bailies
should 'be warnit to all conventiounis that sall happin the
quenis grace . . . to conclude upone peax or weir . . . or making
or granting of generall taxatiounis.'² In 1567 the provosts and
commissaries were to be summoned to any 'generale con-
ventioun' on the weighty affairs of the realm and 'in speciale
for generale taxtis or extentis.'³

These quotations show us the term 'convention' in estab-
lished use. It crept in during the reign of James V.; but a
detailed study of the facts would be too laborious for the present
purpose. Not the least unfortunate result of the resignation
of Thomas Thomson was that his collection of extracts from
the MS. *Acta Dominorum Concilii* relating to public affairs,
intended to form an introductory volume to the *Register of the
Privy Council*—a register which assumed independent existence
in 1545—came to be overlooked, and remains to this day the
most important unpublished material relating to the period.
Brewer's calendar of the Henry VIII. papers and his historical
introduction suffered in consequence: the foundation of the
College of Justice in 1532 has not been connected with
the judicial development which led up to it: many im-
portant facts relating to Parliament and Council have escaped
notice: the whole history of James V.'s reign stands in need
of revision.

We find 'convention' in 1522 and 1523 applied to gatherings
which had a military design.⁴ Within a very few years 'general
convention' or 'convention' had almost ousted 'general
council' in common usage. Special investigation, which might
be suitable for a research student, would illustrate in detail how
'convention' was treated: how the 'letters' were issued by
the Secretary under the signet: how short, sometimes, the notice
was: how considerable, on occasion, the attendance—as in
1531, when fifty-five members sat:⁵ how this form of meeting
appears at once in the *Register of the Privy Council*, where the
lords responding to summons are enumerated after the Privy
Councillors under such headings as *ratione conventionis* or *extra-
ordinarii ratione conventus*. The continuity of 'general council'
and 'convention' is obvious.

¹ *A.P.* ii. 252, c. 30.² *Ibid.* 543.³ *Ibid.* iii. 42.⁴ *Tr. Acc.* v. 208, 212, 225.⁵ *A.D.C.* Jan. 26, 1531.

It may be useful to quote a mutilated specimen of the ‘letters’ issued in summons, extant among the Supplementary Parliamentary Papers;¹ probably one prepared by the Regent Arran’s Secretary and not sent out. Addressing his ‘richt traist cousing,’ the Regent expresses fear of English invasion. ‘It is thoct expedient be us and the lordis being here present with us that ane conventioun be h . . . and barronis of this realme and uthiris quhais counsale ar to be had in this behalff . . . prayis you rycht effectuislie as ye luif the wele and prosperitie of this realme . . . you to be in this toun of Edinburgh the last day of this instant moneth of Januar . . . counsale to be had in all thir materis and uthiris as salbe schewin to you at . . . failze nocht heirintill as ye luif the auld honour and fame that our foirbeiris . . . for the debait of this realme and liberte of the samin.’ The letter is dated January 9, 154-.

Lastly, it may be well to refer to the famous act of 1587 anent commissioners of the sheriffdoms,² lest any too trustful historian be deceived by the astounding statement in the *General Index*, s.v. ‘Convention of Estates’: ‘The commissioners of shires to be summoned to general conventions by precepts of chancery like the other Estates.’ What the act intends to say is perfectly consistent with the general results of the present inquiry. When there is to be ‘parliament’ summons is by ‘precepts furth of the chancellarie’: when ‘generall conventioun,’ by ‘his hienes missive lettres or chargeis.’ One clause is peculiarly apposite to the point discussed, because it indicates the practical considerations which made ‘general council’ or ‘convention’ a useful instrument *pro re nata*, an elastic assembly which could be rapidly summoned and which, though not fully representative, might be held to reflect the views of the estates: ‘And that his Maiesties missives befor generall counsellis salbe directit to the saidis commissioners or certane of the maist ewest of thame as to the commissioners of burrowis in tyme cuming.’ Proceedings at the Convention of 1585, when the league with Elizabeth was sanctioned, illustrate the advantages of an assembly called on shorter notice than ‘parliament,’ and also the growth of a feeling that it had become insufficiently representative to commit the estates. The matter ‘may na langer be protractit nor without perrel differit to a mair solemne conventioun of the hail estaittis in parliament’: authority to conclude is granted ‘for ws and in name and behalff of the hail esteatis

¹ I. No. 12.

² *A.P.* iii. 509-10.

of this realme quhais body in this conventioun we represent'; but it is recognised that subsequent confirmation in Parliament will be necessary.¹ In 1583, again, James VI. desired a taxation, and 'convenit a gude nowmer of his estaittis.' So large a sum, they considered, required 'the presence of a greittar nowmer.' There was no doubt, of course, that 'convention' had competence; but final resolution was postponed till 'the assembly of his hienes estaittis in his nixt parliament . . . or to a new conventioun of the estaittis in greittar nowmer nor is presentlie assembled.'² If James I. sought to fuse 'parliament' and 'general council,' he failed. It is very remarkable that under James VI., when his predecessor's Act of General Council for the representation of shires was being carried into effect, we should find this evident sense of dissatisfaction with 'convention' as it stood, and a gradual approach—or, according to the view here adopted, a return—to the full publicity of a general assembly of the estates.

Clearly 'general council' or 'convention' is a salient and distinctive feature in the constitution of Scotland. The conventions of the seventeenth century will doubtless become more intelligible when we understand the long tradition upon which they were founded.

R. K. HANNAY.

¹ *A.P.* 423.

² *Ibid.* 328.

The Stuart Papers at Windsor Castle

THE Royal Library at Windsor contains the immense mass of letters and papers known as the Stuart Papers which formerly belonged to the last members of the direct Stuart line, James VIII. and his two sons, Charles III. and Henry IX. The papers were brought to England from Italy at dates between 1810 and 1817. The document which is here published for the first time is of interest, because it appears to be the earliest hitherto-discovered description of one important section of the Stuart Papers.

It seems scarcely necessary to go over the somewhat chequered history of the Stuart Papers, which have been subject to almost as much maltreatment and as many vicissitudes as the unfortunate Family, whose tragedy they unfold. For is it not written in the Chronicles of the Historical Manuscripts Commission, the six bulky volumes already published which bring the Calendar down to about March 1718? The wonderful thing is that the papers have survived at all. In order, however, that the document now printed may be intelligible, it is necessary to recapitulate some of the main facts.

It has long been known that the Stuart Papers came from two different sources and were acquired by the Crown on two distinct occasions. The first consignment of papers was obtained from the Abbé Waters, Procureur-General of the English Benedictines at Rome, as the result of negotiations begun in 1804 and concluded in 1805 by Sir John Coxe Hippisley and, after lying for several years at Civita Vecchia awaiting transport to England, were finally brought to London via Tunis in 1810. This consignment represented, as far as can now be discovered, the whole or part of the papers which passed at the death of Charles III. to his daughter, the Duchess of Albany, and at her death to Abbé Waters under conditions to be discussed later.

The second consignment, which contained the papers belonging to the Cardinal York and which he had for the most part

obtained from his father James VIII. and the main line of the Family, passed on the death of the Cardinal to the Bishop of Milevi, Mgr. Cesarini. Their value was quite unknown and unappreciated and after they had lain in a garret in Rome for some time, they were bought for a few pounds by a Scot of very doubtful reputation, Dr. Robert Watson, who was ultimately compelled to hand them over to the British Government. They reached England in 1817. The full story, one of the most romantic in the whole history of Manuscripts, will be found in Vol. I. Stuart Papers, *Hist. MSS. Comm.* pp. ix.-xiv.

The two collections are now housed together at Windsor and it is difficult, if not impossible, to decide with accuracy which documents belonged to which collection. This is due to the fact that the Commission appointed in 1819 to examine and report upon the Papers resolved that the first step was to arrange them all in chronological order. Some of the documents in the first collection can be identified by reason of their having endorsements by Abbé Waters.

The following is the new document, which throws some light upon the early history of the first collection.

DOCUMENT

THE Abbe J. W[aters] a Native of I[taly] educated at Douay & Monk of the Benedictine Order about 17 years ago at Paris became made known to the Natural Daughter of the late Pretender known by the name of Miss S[tuart] who lived in that Metropolis with her Mother.

In 1777 M^r W[aters] was appointed Agent-general to all the English Benedictine Convents, in which capacity he has resided at R[ome] ever since.

In the year 1785 two or 3 years before he died the late C[ount] of A[lbany] acknowledgd and publickly ownd Miss S[tuart],¹ brought her to Florence & distinguishd her with the T[itle] of D[uchess] of Albany. She liv'd with her Father till his Decease. Soon after her Arrival in Italy she sent for M^r W[aters] & treated him uniform[ly] with many marks of confidence [and] of esteem till her death which happen'd in November. 1789. In her Will she appointed M^r W[aters] her Executor & assign'd to him all her books & papers. These M^r W[aters] brought from Florence to Rome & deposited in the apartment of the

¹ as his daughter' erased.

Palace of the C[ancellaria] (which as V[ice] Chancellor of the apostolic See belongs to the Cardinal of York) which had been hers but has ever since been considered that of M^r W[aters].

Having occupied some of my leisure at R[ome] in searching public Libraries for papers relating to the History of my own country—his R[oyal] H[ighness] P[rin]ce A[ugustus] in December last condescend[ed] to inform me that he had heard of M^r W[aters] being in possession of some papers relating to the S[tuart] Family & signified his pleasure that I should make his acquaintance & use my endeavor so far as to investigate the real state of them. In the course of a few weeks I succeeded so far & obtained a view of them.¹

The collection is contained & entirely fills 2 Presses of almost 7 feet high & between 5 & 6 wide & 18 inches deep each—the transient view I was allow'd to take prevents my giving the full & satisfactory account of them I could wish. The principal were as follows.

There are four volumes in quarto of upwards of a 1000 pages each containing a History of the Affairs of England from the Death of Charles 1st to the year 1701. It is written in English—with much apparent accuracy & with marginal references to Letters & Documents from whence compil'd. The originals were probably destroy'd when the History was finish'd, as I saw no letters previous to the present century.

Six Volumes in small Folio & a 7th begun of Letters, Warrants, public Papers etc from the year 1701 to the year 1774.

Two odd volumes by a M^r MacEgan of a Journal kept by him during his attendance on the Pretender.

The other Volumes were sent a few years ago to Mons^r Guyot of Paris who was composing a History of the Times of which they treated & were never returned.

A Journal of the years 1745 & 46 written in French of sufficient length to form a moderately sizd Quarto volume.

Account Books of all the Receipts & Expenditures of the Family kept with great exactness & several other M.S. volumes bound up, which must be left for future examination.

A collection of Keys for decyphering private correspondence with lists of the feigned names assumed by the correspondents & of such persons as they had occasion to mention.

The letters are chiefly from the beginning of this century to the death of the Count of Albany & contain not only such as

¹ 'the vast & valuable collection' deleted.

were receiv'd by the Stuarts during that period, but the answers to them : for M^r W[aters] informs me that it [had] ever been the custom of the Family never to write a letter or billet even in the most trifling occasion without keeping a copy of it. It may be observ'd that M^r Waters inform'd me that after the decease of the Duchess, he burnt all those that were of a trifling nature.

The different correspondences were in general tied or seal'd up in different bundles—I took down one which contain'd letters from the Bishop of Rochester & the Duke of Wharton to the Pretender in the year 1727, written under feign'd names & partly in figures which were explain'd in interlineations. It is probable that this collection contains all the letters & other papers to and from the friends and adherents of the Stuart Cause during the present century, the immense bulk of which may be conceiv'd from the dimensions of the Presses above given which are stuff'd entirely full.

During my intercourse with M^r W[aters] I ask'd him what was his intention as to the use or disposal of them. He replied that at the death of the C[ardinal] of Y[ork] he had thoughts of turning them to some account & should probably sell them. I then ask'd him whether any consideration would induce him [to] part with them before that event. He said none—I then added that I was authoris'd by P[rince] A[ugustus] to treat with him for them & would enter into a negociation immediately. He answered : that whatever might be his inclination, his situation with the C[ardinal] render'd it impossible. For tho' by the will of the Duchess they were his own property & tho' the C[ardinal], whose inactivity of temper prevented him from interesting himself in any thing of the kind¹ & who when M^r W[aters] has mentioned them to him has repeatedly said "you have them, do what you will with them."—yet if any negociation was to transpire particularly with the parties in question, such is his influence that M^r W[aters] would run the risque of being arrested²—& he would give orders for all the papers to be burnt. Nothing of the kind would be carried on without his knowledge, for he is surrounded by people who have this end in availing themselves of the weakness of his disposition & who amuse him with the most trifling details, so that all his dependents are oblig'd to act with the utmost circumspection.

¹ 'and who in fact knows or cares very little about them' deleted.

² 'and imprison'd perhaps for life' deleted.

The result of our conference was this—that upon condition that the business should not be known to a 4th person he would solemnly pledge himself never to dispose of them to any one but to P[rin]ce A[ugustus] or the R[oyal] F[amily] of England without their consent.

That I might give his R[oyal] H[ighness] some general idea of them, he introduced me to a sight of them—saying that I was the first to whom he had ever shown them & that the only M.S. that had been seen was the Journal of 1745 above mention'd which he lent to Sir J[] M[] last year under a promise of secrecy & who imparted it in confidence to his R[oyal] H[ighness].¹

As M^r W[aters] does not occupy his apartment in the C[ancellaria], but resides in a house at some distance belonging to him as Agent, he means to remove² the most important MSS from time to time to his own dwelling. According[ly] he now sets apart two days in the week to make selections.³ He has already remov'd all the books above recited, the keys to the cyphers & many of the Letters & especially those written by the Pretender relative to the Rebellion in 1745.

He promis'd to give me a general list of the most material, but he puts me off as often as I see him, & I believe in reality is fearful lest any written paper that relates to the collection should go out of his hands.⁴

M^r W[aters] is turn'd of 40 & is respected as a man of integrity—the C[ardinal] is near 70 & not of a strong constitution so that there is little doubt but that the Royal Family will be in possession of this valuable collection in the course of a few years.

I endeavour'd to find out what kind of recompence M^r W[aters] was most inclin'd to. I am not authoris'd to decide, but I believe a Pension would be most desireable, nor do I think he is unreasonable in his expectations.

There are also in his apartment in the C[ancellaria] about 40 Miniature Portraits of the Stuart Family beginning with Mary Queen of Scots. These are the property of the Cardinal.

The Highland Dress worn by the Pretender in the year 1745.

¹ 'from whence the knowledge of the whole arose' deleted.

² 'I advis'd him to remove' in first draft.

³ '& loads his servant & himself home in the evening' deleted.

⁴ 'and it is only in failure of which that I attempt this imperfect sketch' deleted.

The Jewels of the S[tuart] Family & many that were carried for [*sic*] E[ngland] by James 2nd were for some time in possession of M^r W[aters] after the death of the D[uchess] of A[lbany] & who if requir'd would furnish a Catalogue of them & at how much they were estimated.

In a subsequent interview with M^r W[aters] he assur'd me that tho' no inducement should tempt him to depart from his engagement with P[rince] A[ugustus], yet he should feel himself more bound to his R[oyal] H[ighness], if¹ he would condescend to solicit the P[ope] for some Benefice or Pension for him, his income having suffer'd so materially from the Revolution in France.

This being reported, his R[oyal] H[ighness] graciously undertook the solicitation & in his last interview he obtained a promise from His Holiness, that M^r W[aters] should be provided for.

It will be observed that the document is unsigned. It was bought some years ago among a number of other papers connected with Sir William Hamilton, the distinguished sailor who is perhaps best known as the husband of Lady Hamilton, the friend of Nelson. It now belongs to the present writer. The handwriting has been examined and is clearly that of Sir William Hamilton. The document is a draft, not a fair copy, and at present it is not known whether the fair copy still exists or even to whom it was sent. It was probably a confidential report made by Hamilton either to some Minister of the Crown or possibly to some member of the Royal Family. This may be inferred from the sentence² that the understanding with Waters was not to be known to a fourth person. Presumably Waters himself, Hamilton and the recipient of the report were the three persons who were to be in the secret. The reference to Prince Augustus in the following sentence makes it clear that the third person was not the Prince himself.

The date of the document is almost certainly 1793. Hamilton is known to have been in Rome in 1792, 1793. Moreover, this can be inferred from the statement that 'the Cardinal is near seventy'—he was seventy in 1795.

The Stuart Papers are not at present open for inspection in the ordinary way, as they are being arranged and bound: and until that process is complete, examination of them is difficult. Moreover, a considerable portion of them is away from Windsor

¹ 'before he left Rome' deleted.

² P. 175.

in the Public Record Office, undergoing further examination. His Majesty the King was however graciously pleased to grant permission for the Papers to be seen, for the purpose of ascertaining some points arising from the Hamilton document.¹ Assuming that this is the earliest statement of the contents of the Waters collection, it is obviously of interest to see how Hamilton's list compares with other records of the collection.

There have hitherto been two lists. One was that of Waters himself and was stated to be in a certain green portfolio which accompanied the collection and which was apparently extant in 1902, when the Historical Manuscripts Commission published their first volume.² It was not available for this investigation and is probably at the Record Office. The other list was that made by the Rev. Stanier Clarke, Librarian to the Prince Regent, when he handed over the Stuart Papers to the Commissioners in 1819. This second list is a rather slipshod and certainly incomplete one and not much reliance can be placed on it. Further, it must be remembered that Hamilton's list merely represents the results of a 'transient view' of the collection, not a systematic examination by a trained historian.

It has, however, been possible to identify some at any rate of the items seen by Hamilton with documents now at Windsor and thus to establish the provenance of those documents as coming originally from the Waters collection.

I. '*Four volumes in quarto of upwards of a 1000 pages each containing a History of the Affairs of England from the Death of Charles 1st to the year 1701. It is written in English—with much apparent accuracy and with marginal references to Letters and Documents from whence compil'd.*'

This is evidently the set of four volumes quarto of '*The Life of James II. King of England, etc., collected out of Memoirs writ with his own hand,*' covering the years 1641-1701.

Vol. I. contains 1091 pp. : II., 893 ; III., 740 ; IV., 978. The period down to the death of Charles I. is in Vol. I., pp. 1-138. This work was published by the Rev. Stanier Clarke in two volumes in 1816.

II. '*Six volumes in small Folio and a seventh begun of Letters, Warrants, public Papers, etc., from the year 1701 to the year 1774.*'

¹The actual investigation was made by Mr. H. H. Bellot for the present writer.

²H.M.C. vol. i. p. vi.

This is probably either (1) 'Five volumes of Entry Books,' numbered 3 in Clarke's list¹ or 'Register of Letters from 1769 to 1774 and copies and minutes of commissions, warrants, etc., 1719-1773,' numbered 10 in Clarke's list. These are not at present at Windsor and are presumably at the Record Office.

III. '*Two odd volumes by a Mr. MacEgan of a Journal kept by him during his attendance on the Pretender.*'

In Clarke's list item 4 is a "Historia della Reale Casa Stuarda composta da Giovanni MacEgan di Kilbaran." This is almost certainly part of the *Histoire de l'Irlande* published in 1758 by the Abbe James MacGeoghegan, one of the members of the Irish Royalist sept of MacGeoghegan which hailed from Castletown-Geoghegan, near Kilbeggan. The last section of the book is described as the History of the Four Stuart Kings and goes down to 1699. But the document seen by Hamilton cannot be the same. The Abbe James MacGeoghegan does not appear to have been in attendance on the Prince. It may have been the work of another member of the family, Alexander who was with the Prince in Scotland in 1745-46 and later saw service with the French in India: or it may have been his brother Sir Francis who was in Lally's regiment and fell at the battle of Laffeldé 1747. For this suggested identification of 'MacEgan' with one of the MacGeoghegans, the present writer is indebted to Dr. Walter Blaikie.

IV. '*The other volumes were sent a few years ago to Monsr. Guyot of Paris who was composing a History of the Times of which they treated and were never returned.*'

The reprehensible borrower was probably G. G. Guyot who published an *Histoire d'Angleterre* in 1784, and an *Histoire de France*, in 1787-95.

V. '*A Journal of the years 1745 and 46 written in French of sufficient length to form a moderately sized Quarto volume.*'

There is a document entitled 'Memoires pour servir à l'histoire du Prince Charles Edouard Stuard 1745 et 1746' 359 pp., which would make a thin quarto if bound up: at present it is in sections tied with pink ribbon.

VI. '*Account Books of all the Receipts and Expenditures of the Family, etc.*'

There are at Windsor a large number of Account Books.

VII. '*A collection of keys for decyphering private correspondence.*'

These have mostly been published by the Historical Manu-

¹H.M.C. i. vi.

scripts Commission. They are presumably at the Record Office now.

VIII. 'I took down one [bundle of correspondence] which contained letters from the Bishop of Rochester and the Duke of Wharton to the Pretender—in the year 1727.'

All the separate letters received—and they are said to number over 60,000—have by now been arranged in chronological order and the bundles covering 1727 have been already bound up.

The volumes for 1727 do contain letters from the Bishop of Rochester and the Duke of Wharton.

From this it will be seen that Sir William Hamilton was very accurate in his observations and that a good deal of what he saw can still be identified.

The main interest of the document is to show that the negotiations for the Waters collection did not begin with Sir John Hippisley in 1804, as apparently believed by Mr. F. H. Blackburne Daniell, the Editor of the *H.M.C. Calendar* (1902), but at least ten years earlier. In fact, it would appear from the Hamilton document that there was already in 1793 some understanding with Mr. Waters as to the destination of the papers.

Abbé Waters was not very straightforward with Sir William Hamilton as to his rights in the Stuart Papers. It is quite true that he was executor to the Duchess of Albany: but the will of the Duchess, which has been found and published by the Scottish History Society, provides as follows:

'She further charges the said Abbati Waters to collect all the letters belonging to the royal house and family *and to deliver them to her royal uncle*. All her purely personal letters to be assigned to the flames by the hand of the said Abbati.' (Translated from original Italian.)

Evidently Abbé Waters carried out the second clause by burning 'all those that were of a trifling character.' But he does not seem to have handed over the family archives to the Cardinal York, perhaps because the Cardinal had enough of his own,¹ and was not sufficiently interested. It looks as if the bound volumes, cyphers and letters selected by Waters and taken by him from the Cancellaria to his private dwelling made up the bulk of the first collection. The residue probably became merged in the Cardinal's papers and formed part of the Watson collection. If this explanation is correct, it would account for the presence in the Watson collection of a good many

¹ The collection subsequently bought by Watson.

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papers with endorsements in Waters' handwriting, showing that they passed through his hands.

Nothing definite is known as to the collection of forty Stuart miniatures which were in Waters' apartment in the Cancellaria or the Highland Dress mentioned in the document. They probably remained there and were scattered, like so much else of the Cardinal Duke's possessions in Rome during the troublous years which followed.

Thanks are due to the Hon. John Fortescue, Librarian of Windsor Castle, with whose courteous co-operation the investigation was made.

WALTER SETON.

Scottish Biblical Inscriptions in France

AT the chateau of Chenonceaux, in the department of Indre-et-Loire, there exist some interesting records of a Scot, or Scots, in France in the first half of the sixteenth century, in the form of some texts from the New Testament which are incised on the inner walls of the chapel; the chapel itself is a fine piece of early 16th-century work. These inscriptions have been brought to my notice by M. Henri Berthon, Taylorian Lecturer in French in the University of Oxford, and to his kindness, and that of Mme. Mainguy at Chenonceaux, I am indebted for the following copies of them, and for verification of doubtful points. As will be seen from the references which I have added, three of the texts are from the Epistle to the Romans, and one from the Epistle of St. James, while the dates range from 1543 to 1548. The lettering is partly roman capitals and partly black letter or roman minuscules; the variations of these are here reproduced as far as could readily be done.

1. In the middle of the left-hand wall of the chapel :

the reward of [gr] is deid
 THE GRACE FORSVYCHT OF
 GOD IS PAYS AND lyIF IN IESV
 CHR̄ST OVR LORD 1543

(Rom. vi. 23.)

2. Almost opposite this, on a pilaster of the right-hand wall :

ANFERVORE
 THE = IR = OF = MAN
 VIRKIS NOT = TH
 E = ivSTICE = OF
 GOD
 1543

(James i. 20.)

Below this occurs : 1543 JESUS

3. On the right-hand wall, behind the door :

ANfERVORE

be not = ourcum = vycht = enil 1546

(Rom. xii. 21.)

4. On the left-hand wall, behind the door :

ANfERVORE

AND 3E leyf EFTER

THE FLECHE 3E S

AL DEH 1548

(Rom. viii. 13.)

There was, of course, no Scottish version of the New Testament in general use, and the wording of the texts does not correspond with Nisbet's adaptation of the Wycliffite version, nor as a whole with any Scottish renderings in religious works of the period. The wording of Rom. viii. 13 is indeed identical with that in Archbishop Hamilton's Catechism (p. 117): 'And ye lief efter the fleisch ye sall dee,' but this correspondence may very well be accidental. The probability is that each text was independently translated from French or Latin, and in the rendering of Rom. vi. 23, the translator evidently trusted to memory, and so substituted 'pays and lyif' for 'everlasting life.' (In the same verse 'forsvycht' is equivalent to 'forsuyth' = forsooth, as in No. 3 'vycht' is = with.)

There remains one unsolved puzzle in three of the four inscriptions, namely the meaning of the introductory letters, *anfervore*. It seems most natural to take these as representing the Latin words *an fervore*, and to suppose that they are either the beginning of a familiar verse or sentence in one of the services of the church, or form part or whole of a family or personal motto. In the latter case they might serve to identify the unknown author or authors of these inscriptions, of which local tradition knows no more than that their existence is due to the presence of Scottish guards at the chateau, but in what connexion is apparently unknown. Perhaps someone who has made a special study of the Scots in France may be able to follow up the clue.

Oxford.

W. A. CRAIGIE.

Ninian Campbell, Professor of Eloquence at Saumur, Minister of Kilmacolm and of Rosneath

FOR many centuries there were intimate relations between Scotland and France. Scottish merchants traded with France; French merchants traded with Scotland; there was constant intercourse between the people and more particularly between the Courts of the two kingdoms. Scottish scholars flocked to France in large numbers, where they were courteously received. This did not cease with the Reformation. Many Scotsmen who adhered to the old faith sought refuge in France, while scholars of the Reformed party were gladly welcomed by the French Protestants and found employment amongst them. Many young Scotsmen of good family likewise visited France with their tutors or governors, and studied at one or other of the great schools of learning.

Philippe de Mornay, seigneur du Plessis-Mornay, 1549-1623, the great champion of the Protestant cause in France, was appointed governor in Saumur in 1589 by Henry IV. Saumur is an old town on an island in the Loire, formerly in the province of Anjou, now in the department of Marne et Loire, with several interesting churches, an old castle of the thirteenth century, and a fine town-house. At one time it belonged to the dukes of Anjou, but in the thirteenth century it fell into the hands of the Kings of France, to whom it remained faithful.

De Mornay, it is now generally believed, was the author of the celebrated treatise *Vindiciae contra tyrannos*, published under the pseudonym of Stephanus Junius Brutus, bearing to be printed at Edinburgh in 8vo in 1579,¹ but probably at Basle, formerly

¹ *The Cambridge Modern History*, iii. pp. 760, 761, 764. Also ascribed to Hubert Languet, Hallam, *Literature of Europe*, ii. p. 132, ed. 1872. Brunet, *Manuel du Libraire*, i. 1907, s.v. Brutus (Stephanus Junius). The book bears the false imprint, Edimburgi Anno 1579. It was probably printed at Basle. It was translated into English by N. Y., 1646, and again 1648, the latter said to be by Walker, the executioner of Charles I.

attributed to Hubert Languet ; reprinted at Frankfort in 1608, and translated into English in 1689.

At Saumur de Mornay established a Protestant University which soon attained great celebrity by the eminence of its professors and the brilliancy of its students. The school of Saumur represented the more moderate side of French Protestantism, as opposed to that of Sedan. ' In contemplating the history of these seminaries,' says David Irving, ' it is impossible for us to suppress a feeling of deep regret at the common ruin which afterwards overwhelmed them, in consequence of the faithless and unrelenting conduct of a cold-blooded tyrant.'¹

Six Scotsmen, all, with two exceptions, connected with Glasgow, were professors at Saumur in the early part of the seventeenth century. These were Robert Boyd of Trochrig, afterwards Principal of the University of Glasgow ; Zachary Boyd, his cousin, the well-known minister of the Barony Church of Glasgow ; John Cameron, the famous theologian, a native of Glasgow, afterwards Principal of the University ; Mark Duncan, M.D., a native of Roxburghshire ; Robert Monteith of Salmonet, a native of Edinburgh ; and Ninian Campbell, the subject of this paper.

Robert Boyd of Trochrig, 1578-1627, was the eldest son of James Boyd of Trochrig, archbishop of Glasgow, and was born in Glasgow in 1578—' *Glascua me genuit.*' Trochrig is now in the parish of Girvan, but prior to 1653 formed part of the extensive parish of Kirkoswald of which James Boyd was minister, while holding the see of Glasgow. Robert Boyd was educated at the newly established University of Edinburgh, and then proceeded to France. After teaching Philosophy at Montauban for five years, 1599-1603, he was called to the pastorate of the church at Vertreuil in the old province of Guyenne, now in the department of Gironde. In 1606 he was appointed a regent or professor of philosophy at Saumur. He mentions the removal of his library to that town and that he spent a considerable sum in augmenting it after he had settled there. He was subsequently called to the Chair of Divinity, and along with this he discharged the office of a pastor in the town. His preaching in French, it is said, was greatly admired by the people. He only held the Chair of Divinity, however, for a year, as in 1615 he was summoned by King James VI. to be Principal of the University of Glasgow. Besides performing the duties of this office he was

¹ Irving, *Lives of Scottish Writers*, i. p. 297, Edinburgh 1839, 8vo.

professor of divinity, taught Hebrew and Syriac, and had the pastoral charge of the parish of Govan. His opinions upon church government did not accord with those of the king and the church party, and he resigned the principalship in 1621, retired to Trochrig and died at Edinburgh in 1627.¹

John Livingston speaks of him as a man of a sour-like disposition and carriage, but always kind and familiar. He would call some of the students to him, place books before them and have them 'sing tunes of music, wherein he took great delight.'²

Robert Blair calls him 'a learned and holy man,' and mentions that he was present at his inaugural oration as Principal, which very much cheered him. Some one put the question to him 'that seeing he was a gentleman of considerable estate whereupon he might live competently enough, what caused him to embrace so painful a calling, as both to profess divinity in the schools, and teach people also by his ministry? His answer was that considering the great wrath under which he lay naturally, and the great salvation purchased to him by Jesus Christ he had resolved to spend himself to the utmost, giving all diligence to glorify that Lord who had so loved him.' Blair felt that this was a man of God, one in a thousand.³

His portrait hangs in the Senate room of the University.

Zachary Boyd, 1585-1653, studied at the Universities of Glasgow and St. Andrews, at the latter of which he graduated M.A. in 1607. Thereafter he proceeded to Saumur where he was appointed one of the Regents in 1612. In 1615 he was offered the principalship of the University, but did not see his way to accept it. In 1617 he was presented to the Church of Notre Dame, in Saumur, associated with the memory of Louis XI., but the position of Protestants in France became so uncomfortable that he resigned his charge and returned to Scotland, and was in 1623 admitted minister of the Barony parish of Glasgow.

John Cameron, 1579-1625, was born in Glasgow, studied at the University and afterwards taught Greek. In 1600 he removed to France, and after some time passed at Bordeaux he was appointed to teach the classical languages in the newly established College of Bergerat and shortly afterwards he became Professor of Divinity at Sedan. He again returned to Bordeaux,

¹ Wodrow gives a long account of Robert Boyd, *Lives of the Reformers and most eminent ministers of the Church of Scotland*, ii. part ii. p. 1 sqq. (Maitland Club).

² *Brief historical relation of the life of Mr. John Livingston*, p. 6, 1737, 4to.

³ *Memoirs of the life of Mr. Robert Blair*, p. 11, Edinburgh 1764, 8vo.

and from there visited Paris, Geneva and Heidelberg to pursue his studies. When Franz Gomar, 1563-1641, was called from Saumur to Groningen in 1618, Cameron was appointed to the chair of divinity at Saumur. His lectures attracted large audiences and were often attended by de Mornay. In 1620 the students were almost all dispersed by the political troubles in France and Cameron accepted the principalship of the University of Glasgow. In 1623 he resigned and returned to Saumur, but was not allowed to teach, and in 1624 he was appointed to the chair of Divinity at Montauban, where he died the next year.¹

Mark Duncan (? 1570-1640) was born at Maxpofle in Roxburghshire. He went to the continent in early life and obtained the degree of M.D., but at what University is not known. He obtained an appointment as Regent or Professor of Philosophy at Saumur and acquired great celebrity as a teacher. He published a well-known treatise on Logic² which passed through several editions, and is highly commended by Sir William Hamilton.³ He also practised medicine and obtained great popularity as a physician. He became Principal of the University, retaining at the same time his professorship of philosophy. Among his pupils was Jean Daillé, one of the most distinguished theologians of the seventeenth century, author of a once celebrated book on the right use of the Fathers.⁴

Duncan's elder brother, William, Dempster assures us, excelled in the liberal arts and especially in Greek, and distinguished himself as Professor of Philosophy and Physic in the schools of Toulouse and Montauban. Mark's son, also named Mark, but better known under the name M. de Cerisantes, was a kind of Admirable Crichton, whose life was more romantic than a romance. He obtained high celebrity as a Latin poet and approached more nearly to Catullus than any other modern has done.⁵

¹ As to Cameron, see Wodrow, *Op. laud.* vol. ii. part i. p. 81 *sqq.* Irving, *Lives of Scottish Writers*, i. p. 333.

² *Institutiones Logicae*, Salmurii 1612, 12mo, Paris 1613, 8vo, and many other editions.

Burgersdyk was a colleague of Duncan at Saumur, and his well-known treatise on logic is largely founded on Duncan's work.

³ *Discussions*, pp. 121, 122. London 1853, 8vo.

⁴ *Traicté de l'employ dessaincts pères pour le jugement des differends qui sont aujourd'huy en la religion.* Geneva 1632, 8vo. In English, London 1651, 4to; in Latin, Geneva 1655, 4to.

⁵ As to Duncan, see Irving, *Lives of Scottish Writers*, vol. 301.

Robert Menteith of Salmonet was the third and youngest son of Alexander Menteith, a burghess of Edinburgh. He was educated at the University of Edinburgh, where he graduated M.A. in 1621. Shortly afterwards he removed to Saumur, where he was appointed Professor of Philosophy. I have the MS. of his lectures on Philosophy for the session 1625-26. He seems to have returned to Scotland about this time, 'with an great show of learning.' In 1629 he was a candidate for the Chair of Divinity in the University of Edinburgh, but was not elected. Next year he was presented to the parish of Duddingston and admitted, but having engaged in improper intimacy with a lady of rank he had to leave the country. He then went to Paris, where he joined the Roman Catholic church, obtained the patronage of Cardinal Richelieu, and was made a canon of Notre Dame de Paris by Cardinal de Retz. Michel de Marolles, who met him at court in 1641, refers to his gentle and agreeable personality and witty conversation, and adds that 'never was there a man more wise, or more disinterested, or more respected by the legitimate authorities.' He expresses an equally high opinion of his learning and intellectual accomplishments, and makes special mention of the elegant French style of his writings. The date of his death is uncertain, but it was prior to 13th September, 1660.¹ He is still remembered by his *Histoire des Troubles de la Grande Bretagne*, 1633-1646, published at Paris in 1661, and translated into English by James Ogilvie in 1675.²

Gabriel Ferguson, a contemporary Scotsman at Saumur, treats of the learned men of Scotland.³

Ninian Campbell was born in or about the year 1599. He was a native of Cowal, and apparently well-born, as when speaking of

¹ See Riddell, *The Keir Performance*, p. 250. Edinburgh 1860, 4to.

² Our old friend Monteith of Salmonet did not fail to dedicate the territorial title he had so ingeniously achieved to the glory of his country. The title-page of his book is indeed a very fair display of the spirit which actuated his literary countrymen. He is on the same cavalier side of the great question Clarendon held, but that does not hinder him from bringing the English historian to task for injustice to the weight and merits of Scotland thus: 'The History of the Troubles of Great Britain, containing a particular account of the most remarkable passages in Scotland, from the year 1633 to 1650, with an exact relation of the wars carried on, and the battles fought, by the Marquis of Montrose (all which are omitted in the Earl of Clarendon's History), also a full account of all the transactions in England during that time, written in French by Robert Monteith of Salmonet.' Burton, *The Scot Abroad*, ii. p. 37.

³ *Theses theologicae in Academia Salmurienti pars prior*, p. 135. Salmurii 1631, 4to.

himself he says, ' Nevertheless, honourable birth and education, the patterne of worthy acts, and the immortall memorie of renowned ancestors, either in church or policy, communicated to the emulous posteritie for imitation is not the least portion of inheritance.' His father it would appear was still living shortly before 1635.

In 1615 he entered the University of Glasgow, and in 1619 took the degree of M.A. He probably went abroad shortly after his graduation. Impelled by a thirst for arts and science and attracted by the reputation of Saumur for learning and the practice of virtue and piety, and probably on the recommendation of Robert Boyd, he found his way thither in 1625. Shortly after his arrival he was appointed Professor of Eloquence, a chair which then existed in most French Universities.

In 1628 he published *Apologia | Criticae. | In quâ brevitur huius facultatis vtilitatis ostenduntur, quaeque contra eam objici solent, diluuntur | Auctore Niniano Campbello Scoto | Corvvaliensi, Eloquentiae in Academia Salmuriensi | Professore. | [Woodcut with motto Vincit Amor Patriae] | SALMVRII | Ex Typographia Ludovici Gyyoni | M.DC. xxviii. | 4to. 24 pp. A. 1-F. 2 in twos.*¹

It is dedicated to Mark Duncan, Gymnasiarch or Principal of the University (*Academia*) of Saumur. He refers to Trochrig and Cameron as masters of Theology, and Duncan as completing a triumvirate. He mentions that in a recent illness he had been attended by Duncan with unremitting care and skill. He speaks of *Episcopus Argilensis* as a friend eminent in theology. This was no doubt Andrew Boyd, parson of Eaglesham, a natural son of Robert, Lord Boyd, and bishop of Argyle and the Isles from 1613 to 1636.

The *Apologia* deals in generalities. Theology is preferable to all philosophy. The Critical art supplements all science.

After referring to learned men he says :

' Quibus adiungo Buchananum nostrum Solduriorum more socium, Poetarum quot-quot posterioribus seculis claruere facile Principem.'

It concludes with a poem (*Phaleucum carmen*) presented to Duncan as a Strena, he having been present at an Oration on Astrology recently made by the author.

Hinc in astriferos feror meatus,
Dulcis gloriolae memor solique

¹ There is a copy in the Advocates' Library. The dedication is dated 1st June 1628.

Natalis, numeros canem perennes.
 Aut qualis cecinit Maro Latinus
 Ille magniloqua parens Camoenae
 Vt hic lacteola parens loquela
 Noster Georgius ille Buchananus
 Scotorum decus eruditorum,
 Et quot sunt hominum Venustiorum.

Campbell resigned his chair at Saumur in 1629 and returned to Scotland. On his way through Paris in August of that year he composed an *Elegy* to the memory of Scaevola Sammarthanus, that is, Gaucher de Sainte-Marthe, known as Scaevola—a French orator, jurist, historian and poet, 1536-1623.

From a remark in the Address to the Reader prefixed to his *Treatise upon Death*, in which he speaks of many thousands falling on every side of him, it may perhaps be inferred that he was at Saumur during a period of plague.

On his return to Scotland, Campbell was next year, 1630, nominated minister of the upland parish of Kilmacolm in the county of Renfrew, and underwent the usual trials by the presbytery in the month of March and was approved 'willing, apt, and able to use and exercise the office of minister within the Kirk of God.' He was accordingly admitted to the charge on 8th April, 1630.

Kilmacolm, as I remember it, fully fifty years ago, was a small quiet village of thatched cottages and with such limited opportunity for intercourse with other places, that 'out of the world and into Kilmacolm' was a proverbial expression. Two hundred and thirty years ago it must have been still more secluded, as the roads which now traverse the parish did not then exist.

Ninian Campbell must have found it a great change from the town life of Saumur to the isolation of Kilmacolm, from the warm climate of Anjou to the moist atmosphere of the Renfrewshire uplands; and speaks of 'his admission to this painful and dreadful cure of souls.'

He seems, however, to have applied himself diligently to his parish duty, and took an active part in the work of the presbytery. He himself states that 'one special point of my charge is to visit those good Christians over whom I watch at their last farewell to this world, that I may render a joyful and comfortable account of them to my Maker the great Shepherd of the flock.'

The Earls of Glencairn were the principal heritors in the parish of Kilmacolm, and their seat, Finlaystone House, is within easy walking distance of the village; there seems to have been considerable intercourse between the Earl and his family and the minister.

The inheritor of the title at the date of Campbell's appointment to the parish was James, the sixth Earl. In 1574 he married a daughter of Colin Campbell of Glenurquhay to whom the minister may have been related. She died in 1610, and shortly afterwards he married Agnes, daughter of Sir James Hay of Fingask, and widow of Sir George Preston of Craigmillar.

He had a numerous family. One of his daughters was Lady Margaret Cuninghame, whose life was the subject of a curious piece printed and edited by Charles Kirkpatrick Sharpe.¹

Another daughter, Lady Mary, married John Crawford of Kilbirnie.

The Earl of Glencairn died in 1631 when the parish minister wrote a Latin Elegy to his memory.

The minister's patron—Archbishop Law—died at Glasgow upon 13th October, 1632, and was buried in the cathedral of Glasgow, where his widow, Marion Boyle, erected a handsome monument to his memory.² On this occasion also Campbell composed an Elegy, which he dedicated to the city of Glasgow.

Campbell was an adept in Latin verse and occupied his leisure at Kilmacolm in writing occasional poems.

Besides his Elegy on the Archbishop he composed in 1632 a poem addressed to the University of Glasgow. He had not forgotten the University, as in this year he subscribed 40 merks towards the building fund of the University.³ In the same year he also composed two Elegies on the death of William Blair, M.A., minister of Dunbarton.

William Blair was a graduate of Glasgow and a contemporary of Campbell and no doubt his friend. He was for some time a Regent in the University, an office which he held when he was

¹ *A Pairt of the Life of Lady M. Cuninghame, daughter of the Earl of Glencairn, which she had with her first husband the Master of Evandale.* Edinburgh 1827, 4to.

² The Archbishop's son was Thomas Law, the well-known minister of Inchinnan, and his grandson was Robert Law, minister of East Kilpatrick, the author of *Memorials or the memorable things that fell out within this island of Britain from 1638 to 1684.*

³ *Munimenta Universitatis Glasguensis*, iii. p. 475.

The parish here given is 'Kilmartin,' but this is evidently an error of transcription as there never was a Ninian Campbell minister of that parish.

appointed to the parish of Dunbarton. He gave 50 merks towards the building of the Library House of the University. His brother was the famous Robert Blair, minister of Ayr, 'precious Mr. Robert Blair,' as he is styled by John Livingston.¹

Another friend—William Struthers—sometime minister of Glasgow, and afterwards of Edinburgh, died in 1633, and Campbell wrote an Elegy to his memory.

A similar Elegy was written in honour of John Rose,² poet, philosopher and theologian, minister of Mauchline; to whose memory Campbell also composed an Epitaph. Both were written in 1634.

In 1635 Campbell published

A Treatise upon Death; First publicly delivered in a funerall Sermon, anno Dom. 1630. *And since enlarged*, By N. C. Preacher of God's word in Scotland at Kilmacolme in the Baronie of Renfrew.

(Text Hebr. 9. 27)

Edinburgh. Printed by R. Y. for J. Wilson, Bookseller in Glasgow, Anno 1635. 12mo. pages not numbered. Signatures A. I-H. 8 in eights.

Of this I have a copy, and there is an imperfect copy in the Advocates' Library which formerly belonged to the Rev. Robert Wodrow, minister of Eastwood.

The substance of this treatise the author explains was 'first publicly delivered by me in a Sermon at the buriall of an honourable Baron with his religious Ladie both laid in their grave at once, whose names of blessed memorie I conceal from thee, for such reasons as I thought good. Which meditation surely I had buried with them, or at least closed up in my study, if not the good opinion of conscionable and zealous hearers had raised it up again from the grave of oblivion, by their diligent search and lecture of manuscripts here and there dispersed far from my expectation & former intention. So that I was forced to review and enlarge the originall copie by the advice of my learned and much respected friends; such as reverend prelates, doctours and pastours of our church, who have best skill in such matters of spirituall importance.'

¹ *Brief Historical relation of the life of Mr. John Livingston*, p. 4, 1737, 4to.

² Rose graduated M.A. at Glasgow in 1606, and was presented to the parish of Mauchline in 1621, and died in 1634 aged 48. Robert Baillie, Professor of Divinity, 1642-1661, speaks of him as 'borne and bred with us, a brave poet.' *Letters*, ii. p. 402.

The 'honourable baron and religious lady' were John Crawford of Kilbirnie and Lady Mary Cuninghame before referred to.

In a MS. volume of genealogies by Robert Mylne (? 1643-1747), the sharp-tongued poet and antiquary, the following information is given regarding them :

'John Crawford of Kilbirnie and Lady Cuninghame died both in ye month of November 1629, and were interred the same day.'

In a Latin Epitaph at the end of the volume Campbell says that not only the father and mother, but also their son all died in one and the same month, the son first, the father next, and the mother third—and were all buried in the one tomb. He has also a Latin dirge to the eternal memory of Crawford, who he indicates died suddenly.

Although the deaths took place in November 1629, the funeral sermon was not delivered until next year, when the burial no doubt took place. This is explained in the Preface before the Sermon itself, where the author speaks of 'embalmed corpses.'

The *Treatise*, as the author explains, is an expansion of the funeral sermon, and as it stands is a disquisition on death in general, something after the style of Cicero, *De Senectute*. Probably as originally written it was merely an address to the mourners assembled at the funeral service.

Prefixed to the sermon as printed there is a curious 'Preface before Sermon.'

'Ye are all here conveyed this day to performe the last Christian duties to a respected and worthy Baron, with his honourable Lady, who both have lived amongst you in this land, and whose embalmed corps, both yee now honour with your mourning presence, and happy farewell to their grave. I am here designed to put you all in minde by this premeditate speech, that the next case shall be assuredly ours, and perhaps when we think least of it. Therefore that I may acquaint these who need information in this point with the nature and matter of such exhortations, let them remember with me that there are two sorts of funerall sermons, approved and authorized by our reformed churches in Europe: the first whereof I call for order's sake, *Encomiastick* or *Scholastick* because it is spent in the praise of the defunct, and only used in schooles, colledges, academies and universities, by the most learned; And this is ordinarily enriched with pleasant varietie of strange languages, lively lights of powerfull oratorie, fertile inventions of alluring poesie, great subtilties of solid Philosophie, grave sentences of venerable fathers, manifold examples of famous histories, ancient customes of memorable peoples and nations; and in a word, with all the ornaments of humane wit, learning, eloquence; Which howbeit I might borrow for a while, yet I lay them down at the feet of Jesus, and

being sent hither not by man, but by God, whose interpreter and ambassadour I am, I prefer before them the smooth words of *Moses*, the stately of *Esay*, the royall of *David*, the wise of *Salomon*, the eloquent of saint *Paul*, and the ravishing of saint *John*, with the rest of divine writers, God's pen-men out of whose inexhausted treasure of heavenly consolation, and saving knowledge, I wish to be furnished with the secret preparation of the sanctuarie, and to be accompanied with the full power and evidence of the spirit of my God. For there is another second sort of funerall sermons, which I call *Ecclesiastick* or popular, viz. when the judicious and religious preacher, only for the instruction and edification of the living, frequently assembled at burials, and earnestly desiring at such dolefull spectacles to be rejoyced in the spirit of their mindes, taketh some convenient portion of scripture, and handleth it with pietie, discretion, moderation, to his private consolation, the edification of his hearers, and the exaltation of the most high name of God. So that having no other ends but these three, and taking God to be my witness that I abhor all religious or rather superstitious worship given to the dead, and being naturally obliged to come here, and oftentimes requested by my near and dear friends, yea abundantly warranted by these who have the prioritie of place in church government above me, and as it seemeth by your favourable silence, and Christian attention, invited to speak, I have purposed by the special concurrence, and assistance of the spirit of my God, to deliver unto you a brief meditation upon death. Pray ye all to God to engrave it by the finger of his all-pearing spirit in the vive depth of my heart, that again by way of spirituall communication, I may write it upon the tables of your hearts (as it were) with a pen of iron, and the point of a diamond, that both preacher and hearer may lay it up in their memories, and practise it in their lives and conversations. And I entreat you all (and most of all these who are of a tender conscience) I entreat you I say, in the tender bowels of mercie, not to misconstrue my coming hither, which ought rather to be a matter of singular comfort, then of prejudged censure; a matter of profitable instruction, rather then of envious emulation; a matter of pious devotion, then of repining contention. I think not shame, with the glorious apostle to preach in season, and out of season, for the converting, winning and ingathering of soules. I do not say this, That I consent to these who contemne and condemne altogether such meetings for albeit I would confesse unto them, that the time, place, and persons were extraordinarie (as indeed they may seem to these who have not travailed out of their paroch churches, or seen forein countries) yet the customes of the primitive church (see *Nazianzen*, *Ambrose*, *Jerome*, etc.) and of our reformed churches in France, Genevah, Germanie, upper and lower, in great Britaine, and elsewhere, maketh all three ordinarie; and the subject of this present meditation, viz. *Death*, proveth the same to be common.

The concluding paragraph of the sermon is apparently much as it was when addressed to the congregation :

'O happie couple above the eloquence of man and angel! Many a loyall husband and chaste spouse would be glad of such an end. And what

an end? Let the envious Momus, and injurious backbiter hold their peace, and let me who stand in the presence of God, and in the face of his people, and in the chaire of veritie, tell the truth : to wit, That honourable Baron whose corps lyeth there in the flower of his yeares, in the strength of his youth, in the prime of his designes, even when young men use to take up themselves, is fallen, and mowne downe from amongst us, like a may flower in a green meadow.

His vertuous Lady who having languished a little after him, howbeit tender in body, yet strong in minde, and full of courage, took her dear husband's death in so good part, that shee did not give the least token of hopelesse and helplesse sorrow. Yet wearying to stay after her love, she posted after him, and slept peaceably in the Lord, as her husband before her.

This, Noblemen, Gentlemen, and men of account amongst us have assured mee. So then, as neither the husband's ancient house, nor his honourable birth, nor his noble allye, nor his able and strong body, nor his kinde, stout, liberall minde, nor the rest of the ornaments which were in him alive, and which recommend brave gentlemen to the view of this gazing world, could keepe him from a preceding death. So neither the spouse's noble race of generous and religious progenitours, nor a wise carriage in a well led life, nor the rest of her womanish perfections, could free her from a subsequent death, both due to them and us for our sins. God hath forgiven theirs ; God forgive ours also. They have done in few, all that can be done in many yeares ; They have died well : God give us the like grace. In the mean time, their reliques and exuvies, *terra depositum*, shall lye there amongst other dead corps, of their forebears and aftercommers, all attending a general resurrection : And their souls the best part of them, *coeli depositum*, have surpassed the bounds of this inferior world, and are carried upon the wings of Cherubims and Seraphins, to the bosome of *Abraham*, for to change servitude with libertie, earth with heaven, miserie with felicitie, and to bee made partakers of that beatifick vision, reall union, actuall fruition of our God, in whose presence is fulnesse of joy, and at whose right hand are pleasures for evermore. How shall we then conclude, but with a hopefull and eternall farewell, till it please God, that wee all meet together on that great day, on Sion hill, and go into these everlasting tabernacles of the temple of the most High, in the holy citie, supernall *Jerusalem*, amongst the Hierarchies of that innumerable companie of Angels, the generall assemblie and church of the first borne, written in heaven by the finger of God, and the blood of the Lambe? When and where they with us, and we with them, and the whole multitude of the militant and triumphant Church, reunited under Christ the head, shall be fully and finally glorified.'

The language of the minister is no doubt florid, but the English is good and shows how the language was handled by an educated Scotsman.

The Elegy to the University of Glasgow written in 1632, already mentioned, is likewise addressed 'to the learned men

who were present at the funeral,' so that it may be inferred that the wise John Strang, the Principal, and some of the Regents were present on the occasion.

All the elegies and poems before referred to are appended to *A Treatise upon Death*.

In 1636 Ninian Campbell addressed a long poem to the memory of Patrick Forbes, 1564-1636, bishop of Aberdeen, which is printed in *Funerals of a right reverend Father in God Patrick Forbes of Corse, bishop of Aberdeen*,¹ a memorial volume to his worth by Aberdeen doctors and by many of the most eminent men in the kingdom.

In the meantime the Glasgow Assembly of 1638 had been held, and the signing of the Covenant was very eagerly pressed in every parish. Lady Ann Cuninghame, sister of Lady Kilbirnie, who married James Hamilton, Lord Arran, afterwards second Marquis of Hamilton, was in later life an ardent supporter of the Covenant. On 30th August, 1638, Ninian Campbell was called upon by the parishioners of Kilmacolm to 'solemnly swear that he was neither dealt with nor would suffer himself to be dealt with to be perverted against the Covenant, *nec prece, precio nec minis*.'² Subsequently the Covenanters took up arms and the presbytery of Paisley did their part in providing preaching for the soldiers on the field. In 1641 Mr. Campbell was appointed to this duty; and again in 1644 he was instructed by the presbytery to go to the army now in England and supply there as minister till he was relieved and that 'in my Lord Loudon's regiment.' He did not, however, go and was summoned before the presbytery in January, 1645, to hear himself censured for his negligence.

The Solemn League and Covenant between Scotland and England had been drawn up and energetic measures were taken to have it subscribed in all parishes. It was read and expounded from the pulpit on three successive Sundays, and all were thereafter called upon to sign. It was reported at a meeting of the presbytery of Paisley on 4th January, 1644, that none within the several parishes had refused to subscribe.

¹ P. 377. Edinburgh 1845, 8vo. Spottiswoode Society.

² Murray, *Kilmacolm*, p. 50. Paisley 1898.

I am indebted to this interesting work for the account of Mr. Ninian Campbell's ministry at Kilmacolm.

Ninian Campbell was not a very zealous Covenanter and had to be frequently rebuked for lukewarmness. In 1650 he was instructed to speak to the officers of the Covenanting army that they receive no soldier without sufficient testimonial. After their defeat at Dunbar all the ministers in the Presbytery were instructed to summon from the pulpit all who are 'fitt and able for service against theemie, to enrol their names and to offer themselves cheerfullie and willinglie to the work.'

The people of Kilmacolm were much more zealous than their minister, and about this time some of the most serious elders in the parish wrote a letter to the ever memorable Samuel Rutherford of Anwoth in which they bewail the deadness of the ministry at Kilmacolm, that they are not sufficiently roused by the terrors of the law, and that the young are in fear of backsliding. Rutherford replied pointing out that it is no true religion which is dependent on the character of the minister; 'it will not be bad for you for a season to look above the pulpit and to look Jesus Christ more immediately in the face.' In other words, while he admits that he had heard that their minister was not everything that could be wished, he advised that they be more concerned about their own personal religion.

Ninian Campbell was more popular elsewhere. On 2nd January, 1651, a Commission representing the presbytery of Dunbarton and the parishioners of Rosneath appeared before the presbytery of Paisley and laid on the table a unanimous call sustained by the presbytery of Dunbarton together with reasons why he should be transported from Kilmacolm to Rosneath. After discussion the presbytery on 20th February found: 'that Mr. Ninian Campbell, being a native hielander, was skillfull in the Irysch language, and that the paroch of Rosneath, or a great part thereof did consist of inhabitants who only had the Irysch language; they did find also that the said Mr. Ninian had no small inclination and disposition to preach the gospell to the people of his own country and native language, and considering the Act of the General Assembly anent ministers in the lowlands who have the Irysch language, therefore they did, for these and other reasons, transport the said Mr. Ninian Campbell from the paroch of Kilmacolme to the paroch of Rosneath, and appointed Mr. James Taylor to goe to the Presbytery of Dunbrittane at their first meeting to see how he may be well accommodat in the parish of Rosneath, and to desyre the Presbytery of Dunbrittane to be cairfull thereof, and appointed Messrs John

Hamilton and James Taylor to goe to the paroch of Rosneath the day appointed by the Presbytery of Dunbrittane for the said Mr. Ninian's induction into and receiving of the charge of the ministry there, to countenance the same and be witness thereto.'

The appointment of Mr. Ninian to the parish of Rosneath was very different, it will be observed, from that of his appointment to Kilmacolm. He was collated to the latter by the Archbishop of Glasgow; he was called to Rosneath by the voice of the people in whom the right had been vested by the Act of 1649, which abolished patronage.

The finding of the presbytery of Dunbarton that 'the parish of Rosneath or a great part thereof did consist of inhabitants who only had the Irish language' seems to have been a pious exaggeration, as there was drawn up at this time for the satisfaction of the Synod a roll of persons in the parish who could speak the Gaelic only. No more than thirty-six persons were found to be in this position, upon which the presbytery declared that Gaelic was not a necessary qualification for a minister of Rosneath, if one could be found otherwise suitable. Questions were still outstanding as to the boundaries and position of the newly erected parish of Row and its representatives protested against adding those who spoke Gaelic to their congregation.

It may be mentioned, however, that when it was proposed to settle the Rev. James Anderson¹ as minister of Rosneath in 1722, great difficulties were raised on account of his inability to speak Gaelic, as there were then twenty-six heads of families in the parish who could not speak English, and the matter was compromised by the heritors undertaking to procure a Gaelic schoolmaster who would act as a catechist.²

Campbell seems to have lived quietly at Rosneath, and probably as a native Highlander enjoyed the opportunity of using the Gaelic language in which he was so skilful.

He died at Rosneath on or about 11th March, 1657, aged 58, survived by his widow and a son then in minority.

His library was estimated to be worth £100 Scots.

We also know that he was proprietor of the three merk land of Carreask and Ballingoune in the lordship of Cowal and sheriffdom of Argyle, on the security of which in 1656 he

¹ James Anderson, it may be remembered, was father of John Anderson, 1726-1796, professor of Natural Philosophy in the University of Glasgow and founder of the Andersonian Institution.

² Irving, *History of Dumbartonshire*, p. 412. Dumbarton 1860, 4to.

borrowed from Cornelius Crawford of Jordanhill the sum of £745 Scots.¹

The *Treatise upon Death* is of bibliographical interest. There was no printer in Glasgow until the year 1638, and the numerous works of Zachary Boyd and of other Glasgow authors had to be printed in Edinburgh or elsewhere. It is evident, however, that the Glasgow booksellers were beginning to think that if a press was not set up in Glasgow, at any rate Glasgow should appear as the place of publication. Accordingly the imprint of the *Treatise upon Death* shows that the book though printed in Edinburgh was published in Glasgow by John Wilson, bookseller there.

In the preceding year Wilson had published,

Trve | Christian | Love | To bee sung with any of the |
common tunes of the | Psalms. | [Quotation] | Printed by I. W.
for John Wilson, and are to be sold at his shop in Glasgow.
1634.

The author was Mr. David Dickson.

I. W. stand for John Wreittoun, printer in Edinburgh, who was also the printer of some of Zachary Boyd's works and of those of Sir William Mure of Rowallan.²

Robert Young, the printer of Campbell's *Treatise*, commenced printing in Edinburgh in 1633 and was the printer of the famous Prayer Book of 1638, rendered memorable by the Jenny Geddes incident.

Campbell was on terms of intimacy both with Zachary Boyd and David Dickson. They were members along with the Earl of Argyle, the Earl of Eglinton, the Earl of Wigton, the Laird of Keir, Sir William Mure of Rowallan, and many other notable persons, lay and clerical, of the Commission of 1639 for the visitation of the University of Glasgow.³

DAVID MURRAY.

¹ See Crawford *v.* M'Cailzone, 28th November, 1663. 2 *B.S.* 311.

² Murray, *Bibliography; Its Scope and Methods*, p. 74.

³ *Munimenta Universitatis Glasguensis*, ii. p. 457.

Samian Ware and the Chronology of the Roman Occupation

FOR obvious reasons the research of new archaeological material cannot at present be pursued on the same scale as it was some years ago. This may turn out to be a blessing in disguise; it has at least given us an opportunity to take stock of our accumulations. In that department of Roman ceramics which is concerned with *terra sigillata* or 'Samian' ware—there are still many who prefer a misnomer to a barbarism—two systematic and comprehensive works have recently appeared. One of these is of capital importance for the study of the early occupation of Scotland; it is Knorr's treatment of the decorated ware of the first century,¹ in which the author has put together material scattered through the half-a-dozen monographs he had previously published on collections from particular sites. The other is the work of two English archaeologists—Dr. Felix Oswald and Mr. T. Davies Pryce.² Their handsome and richly illustrated volume covers the whole subject, and is the most comprehensive work of its kind in English or, indeed, in any language.

It is a measure of the extent to which our accumulated material has tended to outgrow our power, or opportunity, to organise it that the description 'comprehensive' should apply to a work which deals with one aspect (the chronological) of one type of product of a single branch of industry within one restricted area of the Roman Empire. The general student has only to turn over the eight and twenty pages of bibliography which he will find in this volume to realise what an arduous undertaking it was to compose a chronological account of the Samian ware industry

¹ Knorr, *Töpfer und Fabriken verzierter Terra-Sigillata des ersten Jahrhunderts* (Stuttgart, 1919).

² *An Introduction to the Study of Terra Sigillata*, by Felix Oswald and T. Davies Pryce: pp. xii, 286, with eighty-five plates. Longmans, Green and Co. 1920. £2 2s. net.

as a whole. Bibliographical apparatus is no proof of scholarship, least of all in History and Archaeology, but it is clear from every page of this book that its authors have conscientiously explored the whole range of their authorities from Fabroni and Roach Smith to the latest work of Knorr. There is only one qualification to make. We are now able to trace more clearly than we were the continuity of the Samian ware industry through the second half of the third century to its partial revival in the fourth, and to localise this revival at the old pottery centres on the upper Aisne and Meuse—Lavoye, Les Allieux and Avocourt. The evidence as to this has recently been summarised by Unverzagt in his discussion of the pottery of the fourth century fort at Alzei in Rheinhesen.¹ This work had reached Dr. Oswald and Mr. Pryce in time to find a place in their bibliography and to give occasion for a brief appendix (IV), but too late for the material it contains to be incorporated in the structure of their book. As it is, their section on 'Marne' ware and their scattered references to the products of the fourth century have a detached and accidental character, their systematic treatment stopping short at the middle of the third century. Still, the collapse of the industry about that date was so general that its subsequent history does have very much the character of a detached incident. As for the authors' treatment of the industry during the main period of its activity, it is systematic in a high degree. They have fitted into a well articulated framework a prodigious mass of detail, none of which is irrelevant to their purpose.

Since the special value of Samian ware is its usefulness as an index to date, the purpose of the authors is to present the products of the industry according to an exact chronological classification. The chronology is based, as they explain, on properly determined 'site-values,' and accordingly they preface their account with a table of dated sites. It must be remembered, however, that many of the dates are themselves inferred from Samian ware, and that some of them are by no means certain. Mr. Bushe-Fox's Cerialis date for Carlisle, for example, has been rejected by the late Professor Haverfield and by Mr. Donald Atkinson in *Transactions of the Cumberland and Westmoreland Archaeological Society*, N.S., XVII, a reference to which should have been given under 'Carlisle,' while Mr. Atkinson's section of that article (on the Samian stamps, *ibid.* pp. 241-50) might have been included

¹ W. Unverzagt, *Die Keramik des Kastells Alzei* (Frankfurt a. M., 1916).

in the bibliography. Another example of doubtful dating—and one which will interest the readers of this *Review*—is the lower limit assigned to the early occupation of Newstead. It was Professor Dragendorff¹ who first questioned the date proposed by Dr. George Macdonald and Mr. James Curle (the end of Trajan's reign). He suggested instead an early-Trajanic date, and many, perhaps most, English archaeologists have ranged themselves on his side. Dr. Oswald and Mr. Pryce go further, and stoutly assert (p. 43) that the occupation was 'a short and practically Agricolan one.' That dating cannot stand against Dr. Macdonald's analyses of the Newstead coins and of the coins of Roman Scotland as a whole,² to say nothing of the structural evidences he has accumulated to show that the history of the Newstead-Inchtuthil line was not that of Agricola's Forth-Clyde *praesidia*. As a matter of fact, Dr. Oswald and Mr. Pryce appear to have repented of their temerity, for the Newstead references in the text often relate to late, not early, Domitianic ware, still oftener to ware described as 'of the Domitian-Trajan period.' The more tenable, and commoner, statement of Professor Dragendorff's view is that which will be found repeated in the newly published Report on the excavations at Slack, near Huddersfield,³ viz. that 'the early period at Newstead ends, *at latest*, in the first decade of the second century.' An obvious difficulty about this date is that it does not fit into our historical framework. This, however, is not the place to go into the various evidences. What does invite discussion here is the evidence, the negative evidence, of the Samian ware, upon which this date is based.

That the bulk of the Samian ware of the first occupation reached Newstead well before the end of the first century is not in dispute. It is what one would expect. The Newstead supply would go north with, or in the wake of, the troops, or would be made up in the early years of the occupation. It is solely with replacements we are concerned in fixing the lower limit of this occupation—or rather with such replacements as arrived latish in the occupation and yet themselves got broken and were cast away and left on the site. That is a narrow field

¹ In *Journal of Roman Studies*, i. (1911), p. 134.

² In *Proc. Soc. Ant. Scot.*, lii. This is an opportunity to draw the attention of students of the Roman period to the importance of Dr. Macdonald's article.

³ *Excavations at Slack, 1913-1915*, by P. W. Dodd, M.A., and A. M. Woodward, M.A. Reprinted from the *Yorkshire Archaeological Journal*, vol. xxvi.

of evidence. And here we must remember that along the frontier South Gaulish ware was carefully treasured and had a remarkably long life, and that Newstead, after campaigning in Caledonia had come to an end, was a remote and solitary station, separated from the main military area by what must have been a very dangerous zone in the later years of Trajan's reign and offering far too meagre a market to invite risk. It is not surprising that fragments of the early ware at Newstead were found to have been mended with a leaden clamp. The interpretation of pottery evidence is not a simple matter of parallel-hunting. Every site has its peculiarities, and in Trajan's reign Newstead would be in quite an exceptional situation. A rough analogy is perhaps given by the Forth-Clyde forts in the later part of the Antonine occupation. The Samian ware of the Wall is, in the mass, ware of the reign of Pius. Fortunately we are saved by the positive evidence of a few coins from unduly restricting the period of occupation on the negative evidence of the Samian ware. The presence of these coins warns us that the rarity of ware definitely assignable to the reign of Marcus cannot be taken to indicate more than that there may have been little trading connection with the south after the troubled years round about 160. To suppose that the Roman hold on Southern Scotland was more or less precarious in the reign of Marcus, that the idea of an early evacuation was perhaps already in the air, would be quite in keeping with our evidence as a whole. Certainly the troops no longer built for permanence.

Even if we do judge Newstead by more favoured sites, what does the evidence amount to? The marks of Trajanic date for Lezoux ware accumulated by Dr. Oswald and Mr. Pryce are meagre in the extreme, and most of them will be found to dissolve under analysis. The authors themselves usually refer specimens quite loosely either to the Domitian-Trajan period or to the Trajan-Hadrian period. With their Domitian-Trajan ware we need not trouble, since the reference given is usually to Newstead. From their Trajan-Hadrian ware we must exclude the products of potters who belong in Scotland to the Antonine occupation (Censorinus, Divixtus, Iuliccus, Reginus) and narrow the field to ware later than any found in the first occupation at Newstead and earlier than that found on our Antonine sites. Now ware typologically intermediate between the latest ware of the first occupation at Newstead and Antonine ware cannot be said to be common anywhere, and most of what has been identified

is East Gaulish. In Britain we are little concerned with East Gaulish ware, at least in the pre-Antonine period, but whether East Gaulish or Lezoux, such intermediate types are so exceptional in our province that it may be doubted if much Samian ware was exported to Britain between the decline of the La Graufesenque potteries and the full development of the Lezoux industry. How much Samian ware at Wroxeter or Corbridge or on Hadrian's Wall itself or in the whole province, for that matter, can be confidently dated between (say) 107 and 127? And how much again of that can be referred strictly to the Trajanic half of that period?

The comparative material from Slack is instructive in this regard. Slack was first occupied about the same time as Newstead. The terminal date is uncertain; the excavators, who will not allow us an odd seven or ten years elbow-room at Newstead, help themselves to the handsome margin of fifteen or twenty years at Slack—from a date early in Hadrian's reign to the year 140. If 140 be the correct date (as the present writer is inclined to think it is; see the Coarse Ware), then Slack has only three or four scraps of Samian ware to show for the whole of Hadrian's reign. Anyhow, the site was certainly occupied beyond the reign of Trajan, for one of the coins dates 118 and there is an altar dedicated by a centurion of the Sixth Legion. Now the few potters' stamps at Slack are all Flavian, and the plain ware in general (it is not dealt with in detail) seems to answer to the corresponding ware at Newstead. When we turn to the decorated ware, we find that seven-eighths of the significant pieces can be paralleled from Flavian sites, and of these the majority are paralleled at Newstead. If we eliminate the Hadrianic pieces from the remainder, we have exactly *two* examples for the whole of Trajan's reign. One of these (pl. XXI, E = p. 48, No. 7) is compared for its general style to pieces from the Bregenz Cellar find. But pieces which are not only in the same style but reproduce the actual decorative elements of the Slack fragment occur at Newstead (Curle, p. 207; cf. p. 211, No. 4). We are left with a single bowl of Libertus (*Slack*, pl. xxi, N) as the only piece of Samian ware not paralleled at Newstead that Slack has to show for its Trajanic occupation. And if Newstead cannot boast of a Libertus bowl, yet it has certainly produced more fragments than Slack which might quite well have reached the site in Trajan's reign. Yet Slack, unlike Newstead, was situated at

the base of the military area on the direct road connecting the legionary headquarters of York and Chester. When one remembers that the series of known events authorises no terminal date for the early occupation of Newstead between the recall of Agricola and the disorders with which Trajan's reign closed, when one considers the evidence of the coins and the mass of pre-Antonine finds from Newstead and Camelon, as well as the structural evidences from the Newstead-Inchtuthil line as a whole; and when, finally, one estimates the negative evidence of the Samian ware with due regard to the evidence of other British sites of the same date and to the exceptional situation of Newstead, the reasonable conclusion remains that stated years ago by Dr. George Macdonald and Mr. James Curle, viz. that a hold was maintained on Newstead till the close of Trajan's reign. If Dr. Oswald and Mr. Pryce care to add that during the last ten years or so of this occupation, little or no Samian ware was being traded over Cheviot, well and good. It is more than probable.

The Newstead controversy initiated by Professor Dragendorff brings into clear relief the uncertainty of the evidence of Samian ware on its negative side. Negative or positive, indeed, its evidence is always liable to be misleading *when taken by itself*. That is a fact that Dr. Oswald and Mr. Pryce should have emphasised sharply, not slurred over, knowing, as they do, how empiric in its method much of our archaeology is. There is no reason now to fear that the value of Samian ware will be underrated. Its value is established. Often it is the only guide to date that we have. When it can be brought into relation with other evidences, and especially with an historical framework such as inscriptions and texts provide, its value is immense. It now forms an integral part of our Roman studies, and therefore every student of the Empire has reason to be grateful to Dr. Oswald and Mr. Pryce for having marshalled in orderly procession myriads of details (and the details are everything) accumulated by direct observation in our museums or drawn from hosts of monographs and periodicals, most of them foreign and many of them not easy to procure. The illustrations alone represent a great achievement of exploration, judgment and selection. The authors have done a service not only to the student but to the subject, for by presenting us with a framework to which new acquisitions can be related as they are won, they have done much to ensure that the progress of our knowledge in this department shall be a systematic growth. Nor is it only the archaeologist

who is in their debt. The historian also will find here much material to invite speculation. That is an indulgence the authors deliberately deny themselves. Once only do they break their self-imposed rule; it is to remark that the later products of Lezoux 'furnish a graphic illustration of the gradual barbarisation of the Empire' (p. 20). But Lezoux ware was the ware of the north-western frontiers, and is no test for the whole Empire. In the Rhone valley (to say nothing of the Tiber) they would have none of it. It is hardly a fair measure even for the Arvernian, who made this ware for export. If Samian ware in the Arvernian's hands became a cheap and nasty article, that was because the people along the frontier were becoming Romanised, not because the Arvernian was becoming barbarised. What he was becoming was commercialised. That was in some ways a bad thing, no doubt; but do Dr. Oswald and Mr. Pryce seriously maintain that the Arvernian was a less civilised being in the Antonine period than in the Flavian period? One can only suppose that here again the authors have been momentarily hoodwinked by Professor Dragendorff, who possesses in a high degree the German gift of seeing in the Romanisation of the barbarian nothing but the barbarising of the Roman.

S. N. MILLER.

Reviews of Books

A HISTORY OF THE BRITISH ARMY. Vols. IX. and X. 1813-1815. By the Hon. J. W. Fortescue. Pp. xxv, 534; xviii, 458 with volume of 30 maps. 8vo. London: Macmillan & Co. 1920. 84s.

WHEN, more than twenty years ago, Mr. Fortescue published the first instalment of his great enterprise he hoped to carry his story to 1870 in another couple of volumes. The twenty years have seen no less than eight more volumes from Mr. Fortescue's pen, to say nothing of four separate volumes of maps, and it is still a far cry to 1870. Indeed, Mr. Fortescue suggests that he may perhaps find it necessary to call a halt at the point to which these volumes have taken him, since, as he points out, the remuneration he has received for his labours is hardly calculated to encourage him to continue; indeed, it has largely been through the help given him by his appointment as the King's Librarian at Windsor that he has been able to carry his story down to 1815. It is to be hoped he will continue his valuable work, but it would have been particularly regrettable had he not been able to complete the story of Wellington's campaigns, more especially because what stands out as specially valuable in his treatment of the Waterloo campaign is that Waterloo has been to him no separate and disproportioned study, but that he sees it as one among Wellington's many campaigns, brings to the study of Wellington's ideas and actions in 1815 a profound knowledge of the Duke's strategy and tactics, and realises how very much the Duke owed at more than one critical moment in the campaign to the fact that he was face to face with opponents like Ney and Soult, whom he had beaten so often that they were under the influence of the moral ascendancy he had established over them. The mere fact that it was Wellington whom Ney was facing on the morning of June 16th caused the French Marshal to people the apparently (and really) lightly held Quatre Bras position with imaginary red-coats, hidden but ready to spring into activity directly he launched his attack and capable of withering his columns with the deadly musketry Busaco had taught him to respect.

Mr. Fortescue might perhaps have made even more use of his study of the Peninsula when dealing with the 1815 campaign. A noticeable feature in Wellington's strategy in Spain and Portugal is his fondness for the outflanking movement; these volumes contain the most remarkable and outstanding examples of it, the campaign and battle of Vittoria, and the manœuvres by which the Duke forced Soult away from Bayonne in 1814 by threatening his flank. It was because he knew the peculiar vulnerability of his position in 1815 to anything like an outflanking movement against his right

that the Duke displayed that anxiety about that flank which contributed to delay his concentration on June 15th (though the main responsibility for that delay lies on the shoulders of the Prussians who failed to give their ally adequate information), which again caused him on June 18th to leave a strong detachment at Hal. Mr. Fortescue curiously enough has not brought out the most probable explanation for that puzzling episode, though he tells how the Duke told Colonel Woodford, the staff-officer whom General Colville had sent over from Hal for orders on the morning of June 18th, that it was already too late for Colville's division to reach the field. The Duke never expected the battle to be prolonged until the close of the day; he was expecting the Prussians to be up and in line hours earlier than they were and, as Mr. Fortescue shows, with better staff-work on Gneisenau's part in arranging the march the Prussians might have been on the field at two o'clock.¹ Had this happened the battle would have been decided before Colville could have appeared. Mr. Fortescue rightly says that it is 'hardly profitable' to speculate on 'the possible issue of the fight had the Prussians failed to appear,' because Wellington 'only accepted battle on the understanding that Blücher would support him,' though he makes a good point, not usually properly appreciated, that at the time of the final attack by the Imperial Guard Wellington had still a considerable part of his reserves in hand.² Quite apart from Chassé's Dutch-Belgians, of whose claim to have defeated the Imperial Guard Mr. Fortescue says very little but pretty obviously does not think much, there were two British cavalry brigades and two Hanoverian infantry brigades 'practically untouched,' while, in addition to Adam's strong and thoroughly effective brigade, four other battalions of British infantry were far from as exhausted as the rest and were certainly fresher than any French troops except the Old Guard.

Wellington's 'admirable husbandry of his reserves' is a point of which Mr. Fortescue rightly makes much, and the Duke's mastery of the art of tactics is certainly well illustrated by the battle of June 18th. As Mr. Fortescue says, 'throughout the long agony of eight terrible hours the Allied line was literally pervaded by Wellington,' he 'said himself that he personally had saved the battle four times and if he had said forty times he would not have overstated the truth.'³ Certainly as far as tactics go Napoleon cuts a poor figure at Waterloo in comparison; Mr. Fortescue is fully justified in condemning the French attacks as 'incoherent,' 'what Napoleon himself would have called 'décousus.' Whatever the initial responsibility of the Emperor's subordinates for the more salient blunders, like the formation of d'Erlon's corps or for the wasteful attacks on Hougoumont, a most conspicuous example of the abuse of Marshal Foch's great principle of 'economy of forces,' there can be no question that Napoleon took no steps to interfere with either. Judging by Waterloo alone, Mr. Fortescue has ample justification for calling the Duke 'Napoleon's equal, if not his superior, in the actual direction of a battle.'⁴ It is a bold saying, no doubt, but after all it is not in tactics that Napoleon was at his greatest, and Wellington's greatness as a tactician is generally

¹ x. pp. 340-342 and 412.

² x. p. 416.

³ x. 411.

⁴ x. 409.

admitted even by those who have not studied the Peninsular War closely enough to appreciate the soundness and the daring of his strategy.

Waterloo, though the most controversial and to most people the most familiar and absorbing of the topics covered in these volumes, does not exhaust the interest of Mr. Fortescue's pages. He gives a much clearer account of the complicated operations in the Pyrenees than Napier does, his map of this is a great help, and the recent publication of an exhaustive French account by Captain Vidal de la Blache has resolved many doubts as to the doings of our adversaries. Mr. Fortescue might have shown how admirably Wellington's operations illustrate the principles laid down in *Field Service Regulations* for the conduct of an outpost screen, but he happens to be unusually brief in his comments on this particular operation. Of the Vittoria campaign and of Wellington's invasion of France he gives excellent accounts, which again owe much in lucidity to the copiousness and excellence of the maps. Wellington ran many risks in the operations which culminated in Toulouse, but it is interesting to notice how thoroughly he had taken the measure of Soult at this time and how he suited his strategy to the conditions and to his opponent.

Apart from the operations in which Wellington was concerned, Mr. Fortescue has not much to tell. There are the unsatisfactory operations of Murray and Bentinck on the East Coast of Spain, Bentinck's capture of Genoa in April, 1814, Sir Thomas Graham's expedition to Holland and his attempt on Bergen op Zoom and the closing stages of the American War. Mr. Fortescue gives an excellent and sympathetic account of Graham's doings; he was unfortunate in his allies, Bülow's Prussians, who left him very much in the lurch and he had some very indifferent material under him, battalions which were full of raw recruits with relatively few officers of experience. To Bentinck Mr. Fortescue is perhaps less than fair. Bentinck was more of a politician than a soldier, and his interference in Italian politics was insubordinate, wrong-headed and doctrinaire, but his expedition to Genoa is rather scantily treated. Mr. Fortescue should not have fallen into the error of stating that the 14th Foot occupied Genoa in December, 1813, the letter he quotes from the *Castlereagh Correspondence*¹ is obviously wrongly dated and belongs to January, 1815, not 1814. We wish also that Mr. Fortescue could have found a little more space for two other out of the way and unfamiliar episodes: the doings of the rocket-battery of the Royal Artillery which represented Great Britain at the 'Battle of the Nations' at Leipzig and the adventures of the detachment of the 35th Foot who joined the Austrians on the Adriatic in 1814. The American campaign he tells very well; there is indeed no other good modern account of Pakenham's repulse at New Orleans, and it is interesting to notice that the usual version of the text-books about the Americans 'repulsing Wellington's veterans' is hardly accurate. The two battalions who failed in the assault were not Peninsular veterans, one had been in the Peninsula, it is true, but had been sent back as a skeleton and had been filled up with recruits, the other had never been under Wellington at all. Similarly, though many Peninsular battalions had reached Canada

¹ Cf. ix. p. 482.

before the operations on the Great Lakes ended hardly any of them arrived in time to be seriously engaged.

A long chapter on the organisation, recruiting, discipline and interior economy in general of the Army during the period 1803-1814 is a valuable piece of work, and by no means the least interesting in the book; indeed, one would have been glad of more on this subject; more statistics as to numbers, as to the distribution of the Army, proportion of foreigners and similar things would have been appropriate and welcome. In a work of such length and dealing with so many matters of detail absolute accuracy is extraordinarily hard to attain, but Mr. Fortescue seems to have fallen rather below his own standard in this respect, for these errors are unusually numerous and it is hard to understand how he came to overlook the particulars about Darmagnac's German brigade at Vittoria; they are fully given in Commandant Sauzey's *Les Allemands sous les Aigles Françaises*.

C. T. ATKINSON.

CAPTAIN MYLES STANDISH : HIS LOST LANDS AND LANCASHIRE CONNECTIONS. A new investigation. By the Rev. Thomas Cruddas Porteus, B.A., B.D., vicar of St. John the Divine, Coppull, Lancashire. Pp. xii, 115. Cr. 8vo. With 8 Illustrations. Manchester University Press. 1920. 3s. 6d.

THIS little volume in its paper cover is a pleasantly written study of one of the Pilgrim Fathers associated with the men of the 'Mayflower,' who founded the colony of New England in the early part of the seventeenth century. Much has been written about the expedition in 1620, and the ancestral homes and later fortunes of its members. There is a wealth of mystery about Captain Myles Standish, by no means the least insignificant of the so-called Pilgrims, touching his religion, pedigree and lost estates. Mr. Porteus has set himself the task to clear up what other writers have left obscure about the hero of his choice, and he has achieved considerable success. A curious feature of Captain Standish's character may be gathered from the contents of his library, to which a chapter has been devoted. There are several interesting illustrations—one of which, that of the hero himself from an American painting, is fitly placed as a frontispiece to the volume—a bibliography, and a meagre index.

JAMES WILSON.

EXTRACTS FROM NEWCASTLE-UPON-TYNE COUNCIL MINUTE BOOK, 1639-1656. Pp. xxiv, 243. With one Illustration. 8vo. Newcastle-upon-Tyne : printed for the Newcastle-upon-Tyne Records Committee by the Northumberland Press. 1920.

CERTAIN members of the Society of Antiquaries of Newcastle-upon-Tyne have formed themselves into a committee for the purpose of publishing a series of annual volumes dealing with the records of Durham, Northumberland, and Newcastle-upon-Tyne, and this volume of extracts from the Newcastle Council Minute Book for the years 1639 to 1656 is the first fruit of their public-spirited undertaking. The transcription of the records has been carried out by Miss Madeleine Hope Dodds, who has also written

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the introduction to the volume and prepared the index. It is regrettable that in so many cases borough records are imperfect; pre-Reformation minutes and others having been destroyed by fire and accident and general neglect. These extracts usefully supplement the information which is contained in local histories. Newcastle in the period dealt with was even then a busy coal port, and the Council worked their own coal. The town was not then wholly industrialised, and the cows of the burghers were still driven daily to the common pasture. An interesting agreement is given *in extenso* dated 1653 between the mayor and burgesses and Robert Hunter, the town's neatherd, for regulating his duties during both summer and winter seasons. Many glimpses are obtained of the troubles, financial and administrative, which afflicted the town of Newcastle during the Cromwellian period.

It is proposed that the volume for 1921 shall consist of abstracts in English from the Curia Regis Rolls, to be edited by Mr. A. Hamilton Thompson, F.S.A.

ROBERT LAMOND.

STUDIES IN STATECRAFT, being Chapters Biographical and Bibliographical, mainly on the Sixteenth Century. By Sir Geoffrey Butler. Pp. viii. 140. 8vo. Cambridge University Press. 1920. 10s.

THIS short book—the title is not a very happy one—contains five studies and two bibliographies: (1) on Rodericus Sancius of Arevalo, 1404-1471, Bishop of Zamora, the castellan of St. Angelo at Rome under Pope Paul II., with special reference to his dialogue on peace and war, and a bibliography of his writings; (2) on the alleged monarchial opinions of the French civilians in the sixteenth century; (3) on William Postel, 1510-1581, the French oriental scholar and political idealist, with a revised, but not original, bibliography of Postel's writings; (4) on Sully and his Grand Design; (5) on Le Nouveau Cynée of Emerich Crucé.

The most original of these studies is the first. Sir Geoffrey Butler has rescued an interesting man from oblivion, a man who has an indirect connection with the Renaissance in England. His dialogue on peace and war—in which the interlocutors are Bishop Roderic himself and the papal biographer, librarian and humanist, Platina—survives in a manuscript now in Corpus Christi College, Cambridge. Sir Geoffrey Butler thinks that it was brought to Canterbury by Sellinge, prior of Christ Church. It afterwards came into the hands of Archbishop Parker. Unhappily the dialogue is rather trivial, of no great importance to students of the Renaissance. It is to be regretted that Sir Geoffrey Butler, instead of giving it unmerited importance before an elaborate political background, did not make it the occasion of a wider treatment of Roderick's works, especially of his popular *Speculum humanae vitae*. Moreover, Sir Geoffrey's analysis of the humanist circle in Rome during the pontificate of Paul II. is not quite convincing. He involves the whole group in the movement, surely not very serious, originated by the disgruntled abbreviators, and does less than justice to that very attractive leader of the Roman Academy, Pomponius Læctus.

The brief essay on the French civilians, reprinted from the *English Historical Review*, is timely and helpful. Sir Geoffrey Butler sets himself to correct the facile impression that professors of Roman law in the sixteenth century were thorough-going apologists of absolutism. He might have pointed out that the traditions of the law schools in Italy were still less committed to monarchical doctrines unrelated to the political exigencies of the Middle Ages. To see this, one need only read the admirable essay on Bartolus, written by the late Mr. Cecil Woolf, especially the pages on Bartolus' commentary on the law of the Digest relating to the *Decuriones*, and their 'ambitiosa decreta.' Reference to medieval thought would also have helped to give proportion to Sir Geoffrey Butler's essay on William Postel. The hard-faced legists who gathered round King Philip the Fair of France, nearly three centuries earlier than Postel's day, were also familiar with the conception of world peace through world power, and like him, though in a very different spirit, were not uninterested in oriental studies. But they, perhaps, are not fit company for the attractive, disinterested, crackbrained scholar whom Sir Geoffrey sketches with such sympathy.

The last essays are slight. The paper on *Le Nouveau Cynée* adds nothing to the work of Crucé's American editor,¹ and the more elaborate study of Sully and his *Grand Design* is a skilful résumé of the conclusions of Charles Pfister and other writers on this famous theme, with the additional suggestion that Sully interpolated the project in his memoirs and attributed it to Henry IV. in order to 'provoke the little men of the succeeding generation to salutary thought as might still save the State.' Even if this view be accepted it does little to increase the practical significance of the *Grand Design*. Sully was doubtless a better balanced man than the Emperor Maximilian I., but they seem to have been alike in their capacity for solemn self-glorification. When as great a man as Henry IV. did arise in France, he unhappily preferred other methods of salvation than the method of the *Grand Design*.

Sir Geoffrey Butler's book is good reading for an idle day, but, in spite of its rather pretentious title-page and its impressive manner, it is not a serious contribution to the history of statecraft. Those who wish to see a discussion of the ideas of Postel, Sully and Crucé in a general setting should turn in preference to Christian Lange's *History of Internationalism* (1919). Sir Geoffrey Butler presumably has no illusions on the subject. One reader at any rate, while grateful to him for the pleasure which these essays have given, hopes that he will concentrate upon the French civilians. A good monograph is needed on their political thought in its varied relations with contemporary history and learning, and Sir Geoffrey Butler would seem to be well qualified for the arduous task of writing it.

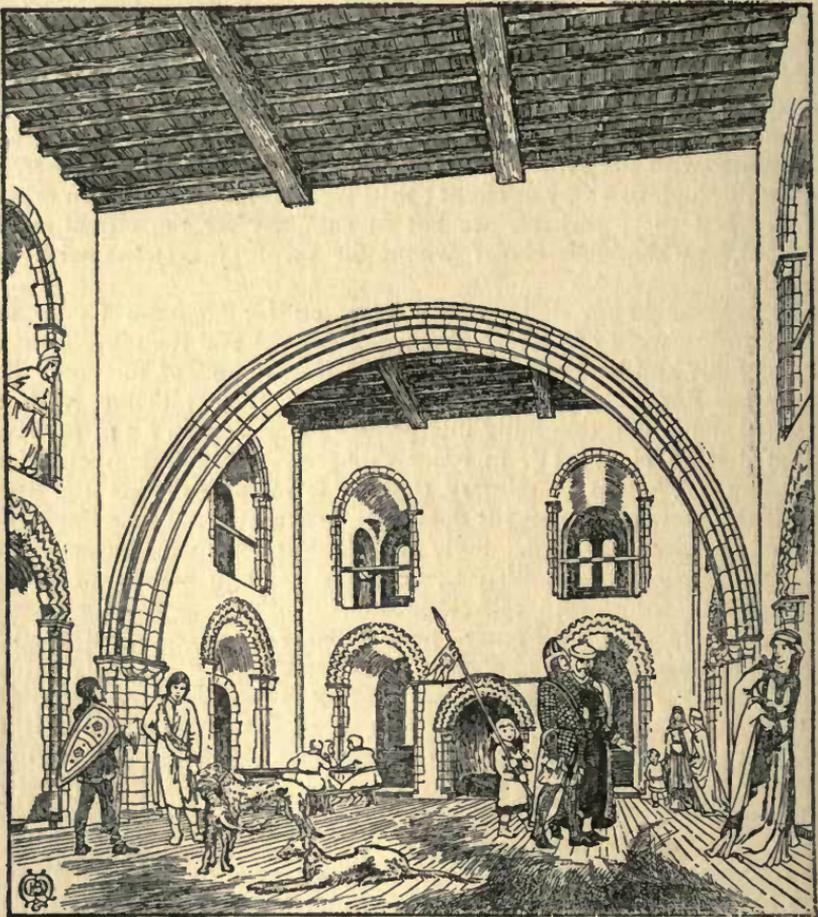
F. M. POWICKE.

¹ A study of Crucé, which I have not seen, has recently been written by M. Louis Lucas.

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A HISTORY OF EVERYDAY THINGS IN ENGLAND, 1066-1799. Written and Illustrated by Marjorie and C. H. B. Quennell. In two parts. Pp. xiv, 208 ; xii, 208. 8vo. With 200 Illustrations. London : B. T. Batsford, Ltd. 1920.

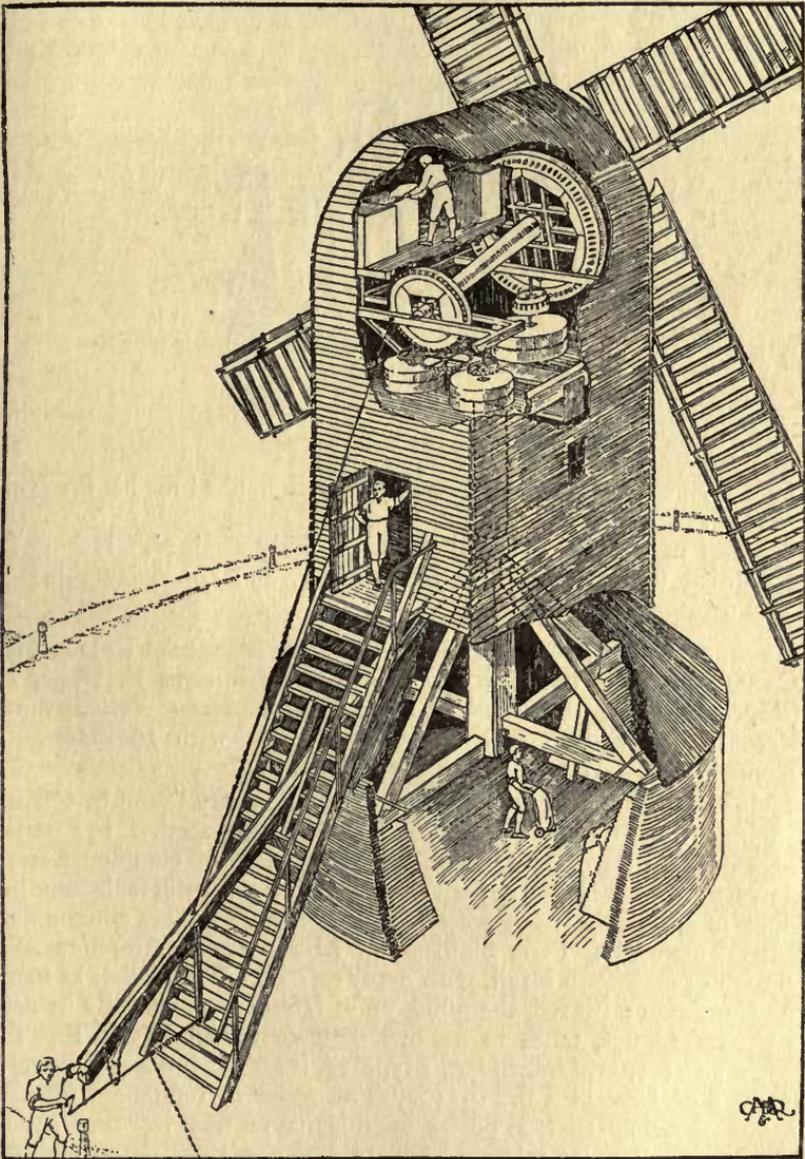
THIS is a creditable effort to capture young recruits for the study of antiquity. There is a regular gallery of drawings, 191 plain and 9 beauti-



The Great Hall.

fully coloured, representative of English life across the ages. Almost all of these follow originals or sound models, and the result is a fairly effective picture of the house, the castle, the court, the church, the ship, the chase, the games, the soldiering, and the industry, as well as the everyday, sabbath-day and holiday life of the land from the fabulous age of Arthur down to the eighteenth century. The coloured illustrations are, for the most part, representations of costume in different centuries. The text is written

for the comprehension of youth, and the author's own technique is trimmed to that pattern, and the work is well-suited to allure the schoolboy and lay



A Windmill in Essex, to illustrate early mechanism of windmills.

the foundations of an antiquary. There are numerous extracts from Pepys' *Diary* in the account of the seventeenth century ; these refer to the ordinary life of a household, and bring out in a very vivid manner the ways.

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of a Londoner in Pepys' time. Agreeable examples of the artistic revisualising of the past occur in the figures here by permission reproduced. The illustration of the thirteenth century duel of Walter Blowberme and Hamo le Stare would have been better had it adhered more faithfully to



A Judicial Combat.

the figure which Professor Maitland had photographed for his first volume of *Pleas of the Crown*.

The idea of the book is capital and is fairly attained. History is not mere politics, it has all life for its province, and 'everyday things' are standard memories.

CATALOGUE OF THE ROMAN POTTERY IN THE MUSEUM, TULLIE HOUSE, CARLISLE. By Thomas May, F.S.A., and Linnaeus E. Hope, F.S.I. (Reprinted from the *Cumberland and Westmorland Antiquarian and Archaeological Society's Transactions*.) Pp. 85, with 19 Plates. 8vo. Kendal: Titus Wilson & Son. 1917.

THE Museum contains a collection of Roman pottery found in Carlisle or on neighbouring sites on the Wall of Hadrian. Altogether 194 items are catalogued and described in detail. These consist of complete vessels or decorated fragments in Terra Sigillata, as well as a considerable number of examples of pottery in coarse wares. There are appendices containing lists of potters' names on Terra Sigillata, on Mortaria, and Amphorae. The description of each item is full, with many references to parallels at home or on the Continent; indeed, the piling up of references, especially in dealing with potters' stamps, tends to become somewhat confusing. The stamp CRICIROF on a platter, Dragendorff's type 18, is assigned to a potter working at Banassac or Lezoux A.D. 70-140. The series of references terminates with one showing that a potter of this name was working at Trier A.D. 175-225. We are told that the style of the Trier potter is different from that of the Central Gaulish potter, but as Dragendorff's type 18 had gone out of fashion long before A.D. 175, the reference is of no value for the identification of the fragment now in Carlisle.

The earliest Sigillata belongs to the Flavian period, to which the first occupation of Carlisle must be assigned. There are also specimens of this

Catalogue of Roman Pottery, Tullie House 215

ware from Central and East Gaulish kilns operating in the second century. Among the coarser ware, examples carry the series down to the fourth century. One fragment of a white flagon is assigned to a period before the middle of the first century, but it seems doubtful whether any of the pottery is earlier than the reign of Vespasian. The plates, on the whole, are good, especially the drawings of vessels of coarse undecorated wares. We regret that the authors did not sum up the evidence to be obtained from an examination of the pottery as a whole. A comparison of the collection with those of Silchester and York, which have both been dealt with by Mr. May, might have afforded some interesting information on the different sources of supply of these towns, and the areas of distribution of native potteries.

JAMES CURLE.

DUMBERTONSHIRE : COUNTY AND BURGH FROM THE EARLIEST TIMES TO THE CLOSE OF THE EIGHTEENTH CENTURY, forming Part II. of a Revised History of Dumbartonshire. By John Irving. Pp. 143-350. Quarto. Dumbarton : Bennett & Thomson. 1920.

THE author of this revised history of Dumbartonshire, originally written by his father sixty years ago, has divided it into three parts published separately : I. Dumbarton Castle, II. The County and Burgh, and III. Its Industries.

This volume, Part II., starts with early Roman history, with which Dumbarton, being at the west end of the wall of Antoninus, naturally had a close connection. Apart from the sculptured relics the author mentions and describes, mostly of a military nature, there are few social traces of the Roman occupation, and almost none in place names.

One chapter deals with the Saints and other ecclesiastical crusaders, many of whom came over from Ireland to missionize Scotland in early times, and it is one of the mysteries of Irish history how St. Patrick, their patron saint, came to be born in or near Old Kilpatrick.

To the general reader Mr. Irving's chapter on clan warfare will bring the touch of lively adventure and romance. He fights the Battle of Glenfruin (the Glen of Sorrows) over again. He might perhaps have made a little more of it, because, though it happened so long ago as 1603, the Dumbarton boy of the present day is not allowed to forget it. What rankles in his mind is the cold-blooded massacre by the Macgregors of the Dumbarton students who came out to see the fun, and the tradition is that the stone where the deed was done, *Leck-a Mhinisteir*, or the Minister's Flagstone, can never have its blood stains washed away.

The murder of the students is perhaps a myth ; for the indictment upon which the 'Rhoderick Dhu,' who was their leader, in reality Allaster Macgregor of Glenstrae, and four of his companions were tried and afterwards executed, charges them with the slaughter of seven score Colquhouns, Macfarlanes and others, among them Tobias Smollett, bailie of Dumbarton and ancestor of Roderick Random—but not a word about the Dumbarton bairns.

Everybody knows that the Macgregors were, for their predatory exploits both before and at the battle of the Weeping Glen, put to fire and sword,

hunted and harried, and forbidden to bear their own name. Their clan, the clan McAlpine, though descended from kings was taboo, and many of them disguised themselves as Campbells, Grahams and the like, but never as a Colquhoun or a Macfarlane. The blood feud was too strong for that. And later there came their great deliverer, Sir Walter Scott, who has done more to remove the black mark against them and to create a literary glory for Dumbartonshire and the Lennox country than either the Macgregors or Dumbarton knows.

Mr. Irving records the fact that the missing Charter of Confirmation by James I. to the town of Dumbarton, 1609, has been found, and in a somewhat curious way. In 1907 there was a litigation connected with a claim by the Parish Minister of Dumbarton for a glebe, which went from the Sheriff Court to the Court of Session. In Edinburgh during the hearing of the case it was discovered to be in the possession of Edinburgh University, to whom it had been bequeathed by Dr. David Laing, the well known antiquarian. Mr. Irving says it was never ascertained how it came into Dr. Laing's possession. One has a fairly good idea. It was known in Dumbarton to have gone to Edinburgh as a number of process in a litigation with the town many many years ago—1813—and had never returned. Dumbarton brought an action against the University [1909. i.S.L.T. (O.H.) 51], got the charter back on condition of paying expenses as a kind of storage rent all these years.

Dumbartonshire is a fine county, and possesses in this book a good history. 'This country,' says Tobias Smollett in *Humphry Clinker*, 'is justly styled the Arcadia of Scotland. . . A perfect paradise, if it were not, like Wales, cursed with a weeping climate. . .'

P. J. BLAIR.

DAVID URQUHART. *Some Chapters in the Life of a Victorian Knight-Errant of Justice and Liberty.* By Gertrude Robinson, with an introduction by F. F. Urquhart. Pp. xii, 328, and 5 Illustrations. 8vo. Oxford: Basil Blackwell. 1920. 20s. net.

DAVID URQUHART was preeminently a man who might have made history. After reading this account of his activities—as the author truly says it is not a biography—one wonders why he hardly left a mark at all. Perhaps the reason is that single-handed he tried almost consciously to mould history, in an age peculiarly unsuited to such an attempt.

In the time in which he lived the soil was most unreceptive for seeds such as a prophet like Urquhart had to sow; but the reader of these memories cannot but feel that Urquhart's own nature was largely responsible for his failure. He would have rated very highly the importance of the individual in history, and, though he would probably not have recognised it in so many words, perhaps highest of all the opinions of David Urquhart. From the very earnestness with which he believed in his own convictions, he was contemptuous and intolerant of the opinions of others; there were no half-tones, every deed and policy was either white or black, right or wrong. He, Urquhart, had no doubts, so none could exist.

He started life with little in the way of position to help him and with his nature one is not surprised to find him very soon developing a talent for

knocking his head against a stone wall, and so ending any hope of bringing his influence to bear on British or foreign policy from within. Not being dependent on his own efforts for a livelihood, he was able to devote his life to the attempt to influence, from without, the political methods of his time.

He was an idealist and a prophet but he was almost a practical statesman as well. He possessed in an unusual degree the personality which fascinated others and impressed them with the justice and importance of any scheme on which he might at the time have concentrated his energies; a man who could persuade the leaders of Chartists and revolutionaries to abandon their schemes of personal betterment in favour of a system of self-education and international development by means of committees of working men to study foreign policy, was capable of being a power in the land.

Urquhart's knowledge of European politics was startling; he travelled often and widely. Wherever he went he showed the same power of seeing below the surface and getting behind the scenes; he was an Englishman and a Protestant and yet when in Turkey he became a Turk and so important was his influence that for the rest of his life he never altogether lost it. When he was in Rome, he became the ally and leader of Cardinals, meeting the Pope and almost succeeding in passing a policy of his own through a Vatican Council. So many and so complex were the threads that he held in his hands that statesmen from Britain, Cardinals from Rome, Viziers from Turkey all came to visit him in his chalet on the lower slopes of Mount Blanc, and came not to give but to receive information in regard to their respective charges.

His views never lacked in originality, and his habit of showing the merits of politics not commonly popular in his country, enabled him to utter several prophecies the accuracy of which was almost astounding in after years to those who had heard them.

Urquhart strove for the establishment of a law of nations; in any civilised nation law was supreme. If any man sinned against the law he was punished according to the law, but as between nations this was not so. This Urquhart considered subversive in the long run of all morality, public and private; the fact that, though in essence might was right, it was generally considered advisable by the nation which planned aggression (in Urquhart's mind this was always Russia) by means of tortuous diplomacy to give some cloak of virtuous intention to their deeds, did not make matters better. He proposed, as the only remedy, the re-introduction of religion into politics. The only source from which he could hope to influence politics through religion was the Papacy, to the Papacy therefore he turned, and though never a Catholic, he was, for the later years of his life, in constant and intimate touch with the internal politics of the Vatican, because through it he saw his only chance of reforming the external politics of Europe.

With this idea as his foundation Urquhart regarded Italy from a point of view very different to that usually adopted by the English historian. The states of the Church must remain. In order to set a standard and example to the nations, it was necessary that the Pope should be also a temporal sovereign. He had the advantage of not being an hereditary sovereign.

He was priest as well as king, typifying the standing of religion in politics, and because his temporal kingdom was so insignificant he could have no ambitious projects in this world and for that very reason his moral influence would be all the greater, and in addition, he carried behind him the whole weight of the influence of the Roman Catholic Church. With these views then, Urquhart looked with no favourable eye on the aspirations of Victor Emmanuel, on the plottings and deep laid plans of Cavour. Garibaldi was to him what recently D'Annunzio has been to us.

The book is almost too condensed, and yet it is obviously incomplete, so that one hopes a fuller attempt will be made to write a life of Urquhart. His points of view are very different from those commonly taken in this country, and whether right or wrong, they were those of a very able man who spent his life and energy in the pursuit of a noble ideal.

HAMISH A. MACLEHOSE.

WILLIAM BOLTS. A Dutch Adventurer under John Company. By N. L. Hallward, M.A. Pp. x, 210. 8vo. Cambridge: at the University Press. 1920. 15s. net.

THIS book is a veritable mine of interesting extracts, but unfortunately no adequate references are given. Despatches received from the governor of Bengal, consultations of the Council and intercepted letters, all are quoted at length, but the author does not make it clear whether the MSS. materials which he has used are to be found in Calcutta or at the India Office; even printed authorities are treated in the same way, Verelst's *Bengal*, Bolts' own writings, and other books are freely used, but reference is seldom made to the page from which the extract is taken. It is a little disappointing too that the number of quotations has prevented the author from thrashing out some of the interesting minor problems connected with Bolts' career. Our appetite was whetted by the mystery of Bolts' appointment as alderman of the mayoral court of Calcutta, when he was actually suspended and even under threat of dismissal from the company's service. His accusation too, that the enmity of the council against him was merely the outcome of their private jealousy as rival traders, deserves further discussion.

Despite these small drawbacks the book is most interesting reading, for William Bolts was a skilful merchant and bold adventurer who entered the company's service as factor just at the time when Clive's victory at Plassy had brought Bengal within the grip of the company's servants. Bolts' career reflects the state of misrule and oppression which existed in Bengal before the reforms of Warren Hastings and the interference of Parliament in the affairs of the company. After six years of private trade Bolts had amassed such a fortune that he was able to resign his official position and to defy the orders of the council for two years longer, until in despair they deported him from India. Returning to England he set himself to ruin his enemies, and began a series of actions, notably against Governor Verelst, whom he succeeded in ruining. After becoming bankrupt himself he determined to seek fresh openings for his energy abroad, and trading on his Dutch descent he got into touch with the Empress Queen Maria Theresa.

His bold plans for reviving the Ostend Company, which had been such a thorn in the flesh to the English in the early days of the century, were favourably received, and Bolts reappears in India as a Lieut.-Colonel in the Imperial army and at the head of a trading expedition, to alarm the English by his intrigues with the French agent at Poona during the difficult days of the American War of Independence. But his scheme soon fell through, and Bolts disappears from fame to die a pauper in a Paris hospital in 1808.

The bold schemes of this industrious scamp have an interest beyond the mere record of travel and adventure, for Bolts' career just covers that great period of change in India from Clive's conquest of Bengal to the governorship of Wellesley, when Britain stood forth as the paramount power in India. And Bolts' part in this drama, though a minor one, is yet significant. He is the type of unscrupulous servant whose callous abuse of the right of private trade made the first years of the company's rule such a curse to Bengal; his intrigues with the Nawab of Oudh and the Dutch at Chinsura show the danger of a lax system of control over the Europeans in India; at home his vicious attacks on the company helped to swell the growing feeling against the Nabobs, and in favour of regulating the powers of the company; in India again he plays his part in the wide-spread system of intrigue which Warren Hastings was called upon to face. But it was all in vain. In the very year in which Wellesley completed his work, the Dutch adventurer, who had been the trusted adviser of an Empress, and had dreamed of an Austrian trade system stretching from Delagoa Bay through India to distant China, died in obscurity and neglect.

C. S. S. HIGHAM.

THE PLACE-NAMES OF NORTHUMBERLAND AND DURHAM. By Allen Mawer, M.A., Joseph Cowen Professor of English in Armstrong College, University of Durham. Pp. xxxviii, 272. 8vo. Cambridge: University Press. 1920. 20s. net.

FOR some years explanation of the meanings of the place-names on the map has been engaging the attention of some of the best of our English scholars. Not that it is a new study: the old writers in distant ages loved to interpret the vernacular names of places by giving them what they conceived to be their Latin equivalents. Gateshead was explained by Bede as *caput caprae*; Wulfeswelle by Simeon of Durham as *fons lupi*, and so the custom went on. Writers in modern centuries followed the prevailing usage, though Leland in this respect is more reticent than Camden. At the same period John Denton attempted an explanation, sometimes very fanciful, of many of the place-names of Cumberland in his topographical survey of that county. Etymology was a favourite recreation of some of the old antiquaries, as may be inferred from the table-talk at Monkbarons.

But the methods pursued in our time are more trustworthy than those which have gone before. The study of English place-names, says Professor Mawer, is steadily advancing in its methods and extent, and in his contribution to the science the general principles laid down by Skeat, Wyld and Moorman have been followed. The form of the name in the earlier

centuries is always investigated as a preliminary to its possible etymology. It cannot be too often urged that the history of the earliest forms in the vernacular is of the greatest moment. Names were not given to places by a syndicate of scholars: they were the natural outcome of folk-experience and folk-speech. For this reason folk-etymology should not be neglected.

Though we have a high opinion of Professor Mawer's industry and success in the elucidation of the place-names of Northumberland and Durham, we are not convinced that he has always discovered the right key to unlock the difficulties of some of his names. Haltwhistle may be taken as an example. In his researches he has carried back the form of the name to Hautwisel in 1240, and he shows that it varies little in subsequent centuries. In consequence, he regards the word as 'a hybrid compound of O.Fr. *haut*, 'high,' and M.E. *twisel*, O.E. *twisla*, 'fork of a river or road,' descriptive of the position of Haltwhistle on steeply rising ground between Haltwistle Burn and S. Tyne.' Had Mr. Mawer known that an earlier form of the name, perhaps the earliest yet found, was Hachetwisel, he would have hesitated to regard the first element as French. It may be permissible to doubt that a name in use in Northumberland so early as about 1138 was likely to have had Norman influence in its formation.

The net result of Professor Mawer's survey of the place-names of the two counties is set out in his introduction, and it has some very striking features. The Celtic element is alleged to be no stronger than in most English counties, and a good deal weaker than in those on the Welsh Border. The Anglian conquest was so complete that the vast majority of the names are of English origin. On the other hand, the evidence of Scandinavian occupation is very weak, which is certainly surprising in view of its preponderance on the opposite side of the island. The French element, in our thinking, may be regarded as negligible. A name like Bewley, for instance, is ecclesiastical all the world over, a corruption of *Bellus Locus*, later, *Beaulieu* in French. Sometimes the traditional or vernacular name of the place was discontinued to make way for the monastic description of the situation.

The author of this book may be congratulated on his performance. It is one of the best on the subject of place-name etymology that we have seen. It cannot help but be welcomed by all philological students, especially by those in the counties of which it treats. Northern antiquaries are not slow to appreciate good work.

JAMES WILSON.

BRITISH BEGINNINGS IN WESTERN INDIA, 1579-1657. An Account of the Early Days of the British Factory of Surat. By H. G. Rawlinson, M.A. Pp. viii, 158. 8vo. With 10 illustrations. Oxford: Clarendon Press. 1920. 10s. 6d.

It is opportune that at this time Mr. Rawlinson's *History of the British Beginnings in Western India, 1579-1657*, should appear. The history of British India begins, with most of us, with Lord Clive and Warren Hastings. We had a vague idea that the record of the East India Company went further back than that period, but few of us realised that it went

back to the spacious times of Great Elizabeth. The discovery of the New World beyond the Atlantic heralded a period of amazing intellectual and material development. Western Europe was all alive. Spain, Portugal, France, Holland and, last in the race, England were all striving to gain a footing in the great Eldorado of the West. Columbus had gone out to find a way to Asia, and had stumbled unexpectedly on America, but India was as interesting as of old, and so English adventurers, finding their way there by the overland route, and getting permission from the Mogul Emperor, set up their small warehouses in Surat, about 160 miles from Bombay, planting themselves for the first time in that India, which in process of time their successors, the East India Company, ruled and continued to rule until in 1858 India became an Imperial Dominion.

It is a fascinating story of the early beginnings which Mr. Rawlinson tells in the graphic narrative style of one who knows his subject thoroughly and is in love with it. The book itself is well printed in good clear type, and, illustrated as it is with engravings and outline maps, forms a mine of useful information to those interested, as all of us ought to be, in the India in which at the present moment our Imperial rule is passing through one of the critical testing periods in its history.

ANDREW LAW.

COLLECTED PAPERS : HISTORICAL, LITERARY, TRAVEL, AND MISCELLANEOUS.

By Sir Adolphus W. Ward, Litt.D., Master of Peterhouse. 2 vols.
Pp. xii, 408 ; pp. viii, 398. 8vo. Cambridge : University Press.
1921. 48s.

In these two volumes the Master of Peterhouse has made a selection of his historical contributions to periodicals in the course of sixty years. Covering as they do such widely different subjects as Roman manners under the earlier Emperors, the Thirty Years' War, and Aims and Aspirations of European Politics in the Nineteenth Century, it is impossible to do justice to the erudition of the author.

Sir Adolphus has left the Papers as they originally appeared, and it is unlikely that later research has found much to criticise in them ; while the perfection of their style might well be taken as a model by most historical writers of to-day. Appearing as they do in 1921 it is to be regretted that the writer did not see his way to presenting an ampler postscript to the two papers which open the first, and conclude the second, volume. 'The Peace of Europe' and 'The New German Empire' will at once attract the attention of the reader distraught by the conflicting views of publicists on the question of how that peace is to be attained and maintained, but it must be admitted that from neither will he attain the guidance he looks for. In the first of these articles, written in 1873, it is shown that, when all possible allowance has been made for the beneficial effects of an International code, administered by a permanent International tribunal, 'only the dreamer will conclude that the peace of Europe . . . will be assured by such means.' The reason is obvious—none of these means remove or prevent 'the natural combativeness of man, the spirit of conquest, illegitimate ambition, desire for aggrandisement' which are among, if indeed they are not the principal, cause of war. If that was true in 1873 is it not equally so in 1921 ?

In his closing paper on the New German Empire Sir Adolphus adds a postscript. He refers to an article by Professor Hans Delbrück in the *Preussische Jahrbücher* ascribing the blame for the agitation in favour of war, the U boat campaign, and the policy of annexation, to the Militarist Pan-Germanist tendency; but, at the same time, charging the Social Democratic party with 'conjuring up the catastrophe in the very moment when everything depended upon keeping Germany's last forces together—the nation has followed false prophets; but who is guilty, the false prophets, or the nation that put faith in them?' Sir Adolphus answers the question with a quotation, 'Les peuples ne sont jamais coupables,' and leaves it at that. Can the peoples, conscious of their own innocence, be quite sure that their elected prophets will, in future, be as little 'coupables' as history shows them to have been in the past?

BRUCE SETON.

THE CITY OF GLASGOW: ITS ORIGIN, GROWTH, AND DEVELOPMENT.

With 8 Maps and 8 Plates. Pp. iv, 79. Royal 8vo. Edinburgh: The Royal Scottish Geographical Society. 1921. 8s. 6d.

IN 1919 the Royal Scottish Geographical Society published an Account of the City of Edinburgh, illustrated by a series of maps, plans, and old views. They have now issued a similar book on Glasgow, though on a somewhat different plan. It consists of a number of short articles, written by different contributors, with a short editorial introduction. A compilation of this sort has its drawbacks. There is of course a lack of continuity, and a certain amount of over-lapping is unavoidable, as will be easily understood when we find that three of the articles deal with 'The Rise of Trade and Industry,' 'The Port and its Development,' and 'Overseas Relations.' On the other hand it has enabled the Society to avail themselves of the assistance of such authorities as Professor Gregory, Professor Bryce, Sir John Lindsay, Dr. George Neilson, and Mr. D. M. McIntyre, of the Clyde Navigation Trust, whose co-operation could not well have been secured otherwise.

The articles, being written by experts, are both interesting and informative, while they afford ample food for reflection. The rise and progress of Glasgow, which are described succinctly but adequately, are attributed largely to the following causes: its Geographical position, the protection and influence of the Church, the opportunities afforded by the Union of the Crowns, and especially by the Union of the Countries in 1707. These, however, only gave the opportunity, and it was owing to the character of the people that they were able to avail themselves of these advantages, and to adapt themselves to the chances and changes that from time to time affected the commerce and industry of the place. We hope Professor Bryce, who contributes an article on 'The People of Glasgow,' will not think us frivolous if we say that it does not much matter whether the people of a city are dolichocephalic or brachycephalic so long as they are sufficiently hard-headed, and can avoid the malady of 'swelled head.' We hope, however, that the successors of the men to whose enterprise and exertions Glasgow owes its present position will lay to heart the warning contained in Sir Halford Mackinder's 'L'Envoi.' He there points out that our city owes its

greatness 'mainly to momentum from the past,' and that unless the workers of to-day recognise this fact they may find that they cannot continue to depend as at present on the 'running organisation and world wide good will which have come down to them from their predecessors.'

A feature of the book is the Maps by which it is illustrated. These are described in the article on 'The Cartography of Glasgow,' by Mr. J. Arthur Brown, to which is appended a very useful chronological list of Maps of Glasgow prior to the Geological Survey of 1857-62. A good map is often worth half a volume of description, and the growth of Glasgow can be best studied by an intelligent use of the maps. The improvement of the Clyde, for instance, and the consequent development of the Port, can be understood better by a comparison of the Map of 1920, which accompanies Mr. McIntyre's article, with the Maps of Timothy Pont, 1595, and John Watt, 1734, than by any amount of letterpress.

T. F. DONALD.

HENRY VIII. AND THE ENGLISH MONASTERIES. By Cardinal Gasquet. Seventh edition. Pp. xlvi, 495. With 3 Maps. 8vo. London: G. Bell & Sons, Ltd. 1920. 16s. net.

THIS appears to be a reprint of the last edition of this well-known treatise, with a new preface added. The author has made no attempt to deal with the trenchant and detailed criticisms of Mr. G. G. Coulton, which are collected in his *Medieval Studies* (ii. ed. London, 1915). The failure to acknowledge errors in statement which Mr. Coulton has demonstrated, has the unfortunate effect of rendering suspect a study of an important question which has undoubted merits. The reader of the book in its present form is bound to verify the facts for himself before accepting the Cardinal's version. A candid admission of errors would not have been fatal to the Cardinal's thesis, and would have given the book an historical value which it cannot claim.

DAVID BAIRD SMITH.

Sir Geoffrey Butler has written a *Guide to an Exhibition of Historical Authorities Illustrative of British History compiled from the Manuscripts of Corpus Christi College, Cambridge* (8vo, pp. 16; Cambridge University Press, 1920; price 1s.). It is drawn up for the convenience of visitors only, but will gratify a wider 'audience' by its kindly and well-founded enthusiasm over Archbishop Parker's splendid collection bequeathed to Corpus Christi College in 1574. The contents of twenty-four items are popularly sketched.

Among recent additions to the series of 'Helps for Students of History' is *A Short Guide to some MSS. in the Library of Trinity College, Dublin*, by Robert H. Murray (8vo, pp. 63; London: Society for Promoting Christian Knowledge; 1920, price 1s. 9d. net). It furnishes general accounts of the glories of Trinity College Library, such as the noble and ancient Book of Kells, Book of Mulling, Book of Durrow, and Book of Armagh, which are the priceless and unique inheritance from Ireland's golden age of culture. Other documents described include sixty-six volumes of original record of the Inquisition at Rome (dealt with in a single confused paragraph,

very far from illuminating) and a series of depositions on the massacres and atrocities during the Irish revolt of 1641. These depositions are sketched by Dr. Murray with equal sympathy and critical insight. It is noted that the library includes the original draft of Archbishop Spotswoode's *History*.

From the Carnegie Endowment for International Peace we have received Publication No. 17, entitled *American Foreign Policy*. (Pp. viii, 128. 8vo. Washington, D.C. 1920.) An introduction by the acting director, N. M. Butler, emphasises the need of the time for exact information as to the principles of American administration. This by way of preface to a collection of extracts, beginning with George Washington's farewell address in 1796, including President Monroe's 'message' in 1823, various papers on the Hague tribunal and the act of August 29, 1916, declaring it to be the policy of the United States to settle international disputes by mediation or arbitration, and authorising the President to invite a conference for that end of 'all the great Governments of the world.' This last academic production was, of course, before events determined the United States to come into the war.

Probably a long and possibly a great future lies before *The Antiquaries' Journal*, 'Being the Journal of the Society of Antiquaries of London,' of which the first number has just been published by the Oxford University Press. It is introduced to the world of archaeology by Sir Hercules Read, President of the Society. The plan is an extension of the former system of *Proceedings*, and the substituted periodical will contain all the matter of the older form, besides not only an adequate record of general archaeological discovery but also a review of current antiquarian literature. With this expanded commission accordingly the new magazine enters the lists—a royal octavo periodical of 80 pages, of which 57 are devoted to substantive communications by the Fellows, and the remainder to notes, reviews and obituaries. These initial contributions are worthy to mark the new departure equally with authority, distinction and variety.

First comes an elaborate study by Mr. A. W. Clapham of the Latin Monastic Buildings of the Church of the Holy Sepulchre at Jerusalem, with a large coloured plan of the church and priory as well as smaller *diagrammes de restauration*. Second in place, though not second in importance, is an interim report on the Exploration of Stonehenge, by Lt.-Col. W. Hawley, with a capital photographic plate of the whole stonecircle, thirteen sectional drawings, and four photographic plates of the actual processes adopted to readjust lintels and to straighten leaning upright stones by means of jacks. The discussion at the close is luminous, and the full significance of the investigation is brought out by the sketch-sections registering with precision the findspots of pottery, glass, flint implements and deerhorn picks. Evidently the Bronze Age, probably in its later phases, will make considerable claim to the authorship of the giant circle, but there will remain distinctions between the structure itself and the use made of its enclosures for cremation burials, so that much will depend on calculations of the lapse of time since first these imposing masses of stone were set in their place of wonder and mystery on Salisbury Plain. Th

third paper brings us to a Scottish theme : it is Mr. A. C. Curle's brief but lucid description of the discoveries at Traprain Law, with five illustrations of the hoard of silver now so famous in the annals of Scottish archaeological science. Essentially cognate to this is the next article by Mr. E. C. R. Armstrong on the beautiful although imperfect Irish Shrine of Killua, recently purchased by the Royal Irish Academy. It is made up of cast bronze plates with settings of amber and is semicircular. Its interlaced and spiral and zoomorphic ornamentation, the curious conventionalised male figure and face in the design, and the looped handles for carriage or suspension of the shrine have combined to sanction the provisional suggestion of an eighth century date. As yet the saint in whose honour it was made is unidentified, the place whence it originally came being unfortunately unknown.

Reviews and annotations come from competent hands. Among them is an informative notice of Prof. Tout's recent study of 'the Wardrobe' in the administration of England, and there is an important anonymous comment on a study by Hr. Lindqvist, calling in question Snorre Sturlason's dictum *circa* 1240 regarding the order of succession of types in Scandinavian funerals.

The new Journal makes a vigorous beginning, augury we hope of high service to research on antiquities for this century and perhaps the next.

History for January is chiefly noticeable for Commandant Weil's article on 'Guizot and the Entente Cordiale,' which prints for the first time two very elaborate and important letters exchanged in 1844 between Guizot, then Minister of France, and the Comte de Flahaut, French ambassador at Vienna. The relations between England and France had been dangerously sensitive for some time, and the object of the correspondence was to bring about a better understanding with Metternich, the great minister of Austria.

Notes and Queries for Somerset and Dorset contains in the number for September an important note on the 'Iron Grille over the grave of Mary Queen of Scots.' Mr. James Cross gives a reference to *The Times* of 29th July, 1920, recording the restoration to Westminster Abbey of the grille which James I. had put over his mother's grave. It was bought in 1826 by John Bridge, and installed at his residence, the Manor House, Piddletrenthide, near Dorchester. Purchased by the National Art Collections Fund, it has now been returned to its rightful place. To Mr. Cross's note the Rev. C. H. Mayo, one of the two editors of the magazine under notice, appends the following valuable corroborative extract :

'In the Catalogue of the Sale of the Collections of the late John Bridge and John Gawler Bridge at Piddletrenthide, on 20th Sept., 1911, and the two following days, the subjoined entry occurs in the second day's sale list, p. 32, lot 357 :—'An interesting 'Stuart' relic, in the form of the wrought iron railings, with scroll hanging for tomb lamp which formed the grave surround of Mary Queen of Scots, and was removed from Peterborough Cathedral, on the occasion of the body of Mary Queen of Scots being conveyed to Westminster Abbey by command of her son, James I.'

'This was purchased by Mr. John Bridge, July, 1826.'

Macmillan's Historical Atlas of Modern Europe. A Select Series of Maps, illustrative of the recent history of the Chief European States and their Dependencies, is an extremely useful collection of maps in colours, showing mainly the political and ethnographical features of European countries up to 1914, with a provisional Map of Europe after the Peace Treaty of 1919-20.

Professor Hearnshaw has written a full and careful introduction to each of the maps; the volume (London: Macmillan & Co., price 6s.) is one which should be of great use to students and to all who are interested in nineteenth century European History.

Dr. George Macdonald has written for the British Academy, *F. Haverfield, 1860-1919*, an admirably sympathetic and finely turned biographical notice and critical estimate. The dimensions of Professor Haverfield have been made much more perceptible by his death, which on many grounds was a disaster to Roman studies in the United Kingdom. Dr. Macdonald pays eloquent tribute not merely to the scholar but to the man.

In the *Juridical Review* (December) Mr. W. Roughead completes his 'familiar survey' of Poisoning as revealed in the Justiciary records of Scotland. One is glad to infer that the crime is not characteristic, and to welcome Mr. Roughead's release for happier themes. Mr. W. G. M. Dobie, writing on 'Law and Lawyers in the 'Waverley Novels,' has naturally no profound novelties for our entertainment, but by his many citations he abundantly justifies the profession's rather overweening belief that even wizards may owe much to the dark art and craft of the law.

Fraser's Scottish Annual, 1920, presents in popular form varied articles with a flavour thoroughly Scottish. A short sketch of Earl Haig of Bemerseyde with illustrations is followed by 'The Kilt and Bagpipes.' R. L. Stevenson's association with Burns through his great-grandfather, the Rev. Dr. Smith of Galston, is the subject of the last paper. There are contributions in verse, including 'Tir Nam Bean: Toast,' by Principal Sir Donald MacAlister.

The Iowa Journal for October devotes seventy pages to a full study and statement by Jacob Van der Zee of the work of the Iowa Code Commission created by the State Legislature in 1919. It is a somewhat instructive chapter of legal codification, being a record of discussion and drafting, which closes with a 'Compiled Code,' fully indexed, and now awaiting adoption, if fortune favours it, as the official code of the State in 1921.

The Caledonian (New York) for November reprints articles on 'Old World St. Andrews' and the 'House of Douglas.'

Notes and Communications

THE PASSAGES OF ST. MALACHY THROUGH SCOTLAND. Arising out of my notes on this subject (*S.H.R.* vol. xviii, 69-82), I should like with your permission to add by way of supplement some new impressions I have gained by correspondence with Professor Lawlor on some obscure points in my narrative. Though my statements for the most part have his approval, I have not always succeeded in convincing him. The correspondence of course was private, but he has readily given me leave to use it.

I am glad to find, touching St. Malachy's visit to Annan, that Dr. Lawlor is inclined to agree with me 'that Malachy learned there something of the state of England which he had not known; and that in consequence (possibly by the advice of his host), he avoided the south, and went to Guisborough in the hope that he might get a passage from that district, with the help of the canons there, in spite of Stephen's tactics regarding bishops.'

In my recital of Malachy's passage through Yorkshire (p. 81), I regret that by a heedless statement my meaning is not so clear as it should be. 'You represent him,' writes Dr. Lawlor, 'to have made a detour, which would seem to imply that he returned westward. But would not the word *divertit* mean that he left the beaten track without any such implication? Of course it would not indicate that he did *not* return to his intended route: see § 37, p. 71.' My translation of *divertit* in the text is so clumsy that it does not convey the impression the narrative gave me. Though St. Bernard does not say so, I believe that from the outset York was the objective on the second journey outward as well as on the first. But after the Annan experience, instead of going direct to the metropolitan city, Malachy turned aside after passing the gap of Stainmore that he might visit the canons of Guisborough on the way. According to the map given by J. R. Green (*Making of England*, ii. 128), which shows the direct road from Carlisle to York, the *divertit* would naturally take place at Catterick. If I rightly apprehend Dr. Lawlor's meaning that Malachy went to Guisborough to avoid the King's officials at York or elsewhere, I can raise no objection to the inference. The mouth of the Tees, in which the canons had interests, could supply a sea passage as well as the Humber.

Another interesting remark by Dr. Lawlor may be mentioned. When he said that 'Malachy had a prosperous journey *through* Scotland' (§ 40, p. 76), he was using the Bollandist text which gives 'prosperè Scociam pervenit,' whereas the Benedictine text, on which I relied, has 'prosperè *in* Scociam pervenit.' The textual discrepancy in my opinion is of no

consequence. A preposition after *pervenit*, so far as I can find, is always expressed or understood in classical as well as ecclesiastical prose. The Vulgate of Acts xvj¹ may be taken as an example of the latter usage. In the Clementine text of that verse, 'pervenit Derben et Lystram—he came to Derbe and Lystra,' the preposition *in* is omitted, but it has been restored to its proper place by Wordsworth and White in their great edition. It is precisely the same in the Bollandist and Benedictine texts of the *Vita S. Malachiae*: the absence or presence of the preposition makes no difference to the meaning of the passage. It is quite true that St. Bernard wrote 'pervenit ad Viride Stagnum—he passed through (the country) till he came to Viride Stagnum.' In like manner, I may use a paraphrase of either the Bollandist or Benedictine text—'he passed through (the distance from Clairvaux) till he came to Scotland.' I may be rash in saying so, but I still think that Carlisle is the inevitable identification of the place where St. Malachy is alleged to have healed the prince of Scotland.

I may call attention here to a curious blunder on pp. 75-6 of my narrative in twice using 'Downpatrick' for 'Portpatrick.' Fortunately the substitution would be detected by the reader at once as a mental vagary, caused by the similarity of the name-sounds, one being in Ireland and the other in Galloway.

Dr. Lawlor furnishes me with authoritative evidence of the correct form of *Portus Lapasperi* from which St. Malachy sailed to Ireland. 'By the way,' he says, 'I deserve no credit for the conjecture of *Lapasperi*: it is in three of the Bollandist MSS., and I think in my A and K. The fourth MS. has *Laspasperi*. The three readings in MSS. would be Lapaspi, Laspaspi, and Lapaspi—the two latter being very easy misreadings of the first.' It may be explained that the MSS., which he designates A and K, are in the Library of Trinity College, Dublin, the former being a cent. xij text of the *Vita S. Malachiae*, and the latter a cent. xv text: they have been so designated by him for the sake of reference in the list of authorities prefixed to his book published by the S.P.C.K. One may venture to express satisfaction that the true reading of this ancient Scottish place-name has been so happily determined.

JAMES WILSON.

ST. MALACHI IN SCOTLAND (*S.H.R.* xviii. p. 69). While I do not venture either to criticise or endorse Dr. Lawlor's equation of *Portus Lapasperi* with one of the places named Cairngarroch (not Cairngarroch as rendered by Canon Wilson) on the western seaboard of Wigtownshire, I cannot but think it probable that he prudently preferred to embark for Ireland at one of them, rather than at Portyerroch. The proximity of Cruggleton certainly favours Canon Wilson's interpretation; and the fact that the name is given as 'Portcarryk' in a MS. rental of Whithorn Priory, 1550-1585, and 'Porterack' in the *Inquisitiones ad Capellam*, 1647, suggests analogy with the adjectival syllables in Cairngarroch.

On the other hand the configuration of the district weighs against Canon Wilson's view. To reach the Irish coast from Portyerroch involves a long voyage round the Burrow Head and the Mull of Galloway. Off each of these headlands the tide races strongly, causing a nasty sea. Indeed, the

neck of the Mull still bears the name of Tarbet (*tarruing bada*, boat draught), where boats were drawn across from sea to sea to avoid the rough water round the headland.

Again, the parish church of Mochrum, bearing the only dedication to St. Michael within the county of Wigtown, lies $9\frac{1}{2}$ miles as the crow flies W.N.W. of Cruggleton and Portyerrock, on the direct route for the Cairngarrochs. It is hardly likely that Malachi would have travelled thither and returned to embark at Portyerrock. 'There is no real evidence,' says Canon Wilson, 'that either of the three Cairngarrochs' (I know of only two) 'was ever a port of passage to Ireland or elsewhere, . . . there is no good ground for attributing to early travellers a disinclination for sea voyages, or a desire to cross the sea by the shortest passage.' I submit that human stomachs were of much the same stability in the twelfth century as they are in the twentieth, and that, then as now, a sail of twenty miles is more attractive to the average landsman than one of fifty or sixty miles. There can be no reasonable doubt that intercourse by sea was easy and frequent between the west coast of Wigtownshire and Ulster. Twenty-five miles of rock-bound coast between Corsewall light and the Mull of Galloway lie in full sight of Ireland. The cliffs are seamed with numerous inlets bearing names denoting their use as landing places—Portavaddie, Slouchavaddie, the port and *slochd* or gully of the boats (*bhada*), Portlong, the ship (*long*) port, etc. It is to be noted that Portyerrock is no more than an inlet in an iron-bound coast, no whit more commodious than those in the neighbourhood of the hill called Cairngarroch.

Life-long acquaintance with every part of the coast of this county and the seafaring habits of its people leads me to think it very probable that Malachi would prefer riding thirty miles to Cairngarroch rather than beat a long passage to Ireland round the two promontories. And if the visit to St. Michael's of Mochrum be assumed, the case for Cairngarroch is strengthened.

HERBERT MAXWELL.

Monreith.

EARLY ORKNEY RENTALS IN SCOTS MONEY OR IN STERLING (*S.H.R.* xviii. 99). Some years ago I expressed the opinion in *Old-Lore Miscellany*, viii. 56, and more fully in the *Orkney Herald*, that the money in Peterkin's *Rentals*, No. 1, 1502, and in Orkney and Shetland 'payment' was sterling, because (1) an instance had been found in the *Rental* in which the 'price' of malt amounted to four times its rental value or Orkney 'payment'; (2) the Orkney 'payment' price of produce was less than a quarter of that of similar produce in Scotland; and (3) the ratio of sterling to Scots money was 3.5 : 1 in 1500 (the English *Tower pound* of 350 grammes was coined into £1 17s. 6d., and the Scots *troy pound* of 374 grammes was coined into £7). It dawned upon me afterwards that, as the normal rent of a mark of land in Orkney and Shetland is 10d. 'payment,' it followed that the purchase price must be twenty-four times that amount, *viz.* 240d., the Norse mark. This is supported by the fact that the uniform tithe charge in Shetland is 2d. per mark, or one-fifth of the rent. This rule still holds good in Scotland in the valuation of tithe, *viz.* the actual rent

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is assumed to be a half of the produce, so that one-fifth of the rent is equal to one-tenth of the produce. But the most important proof is the fact that, in 1500, one Norse penny of 240 to the mark of 216 grammes was equivalent to one depreciated sterling penny or 4 depreciated Scots pennies.¹ Unfortunately the old tithe charge of Orkney has not been preserved, but I have found sufficient evidence to shew that tithe had also been charged in Orkney at 2d. per mark.

Orkney and Shetland produce was appraised in Norse pennies of 240 to the weighed mark of pure silver. The meil of malt in Orkney and Shetland was valued at 6d. Orkney and Shetland 'payment' or 'gild,' shewing the antiquity and common origin of the appraisement. In the beginning of the 15th century, Norse *weighed* and Scots *depreciated* pennies were about equal in weight, and possibly *forcop*, a money payment, was paid in Scots money from that time. At any rate, in 1500 and after, *forcop* was paid in Scots money.

By 1595 Orkney 'payment' in money had been converted into Scots in the following manner, *e.g.*, in the case of Foubister, St. Andrews. 1502 Rental: 'Butter-scat 1 span (20d.) . . . *inde* stent 1 leispund (= 4d., leaving a balance of 16d. of butter-scat, which is entered in the summation as 'butter-scat *preter* the stent') . . . malt-scat 2 meils . . . forcop 7d.' 1595 Rental: 'Butter-scat 1 lispund, in scat-silver 3s. 3d. (= the balance of the butter-scat in 1502, *viz.* 16d. \times 2 = 32d. + 7d. forcop = 3s. 3d.) . . . scat-malt 2 meils.'

So that between 1502 and 1595, one item of Orkney 'payment' had been commuted into Scots money at only double its face value. In the above entry the span of butter has been priced at 20d. instead of the correct 21d. Where *forcop* has been carried over by itself from 1502 to 1595, it is of the original amount and in Scots money.

Captain Thomas read the *d.* in '21d. span of butter' as *mark*, although *d.*, *denarius*, is used throughout for *penny*, and *mk* and *merk* for mark; and he took 'butter-scat *inde* stent butter' to mean that 'stent butter' was an additional tax to butter-scat, whereas *inde* is used throughout to indicate the medium of payment. Butter-scat had to be paid partly in kind (butter) and the remainder in any appraised produce of the same value; the remainder is entered in the summations as 'butter-scat *preter* the stent,' and this Thomas took to be the total value of the butter-scat. Fortunately the weight of the Orkney and Shetland span is known to be equal to $3\frac{1}{2}$ Norse spans or 126 marks. The value of the span of butter was 21d., and of the Orkney lispund 4d., so that the latter would weigh 24 marks or $\frac{4}{3}$ span; and therefore originally it was probably a bismar-pund of 24 marks, and not a lispund of 32 marks. In 1500 20 lispunds = 1 barrel of butter, which is suggestive of the Danish skippund of 20 lispunds of 32 marks or 16 lbs. each.

Captain Thomas explains the 101 contiguous *meilis-coppis* and *uris-coppis* in Westrey, extending to $16\frac{2}{3}$ pennylands or approximately 113 acres, as being 'cuppes' or 'old quarries.' Whereas *coppis*, singular *cop*, is O.N. *Kaup* as in *forcop*; and 6 meils, or 6 uris, per pennyland, represent the scat

¹ The exact ratio of value is 4.047 Norse : 3.5 stg. : 1 Scots, of which the equivalents are 1 Norse = 1.156 stg. = 4.047 Scots.

which, it is declared, should have been paid in 1502, and which was paid in 1595. In 1347 6 Norse aurar of depreciated coins were equal to 36d. Orkney payment, when the ratio of weighed to counted was 5 : 1. This payment, or its equivalent in Norse *coins* must, therefore, be dated from 1347 or after.

At last I have succeeded in ascertaining the whole of the eyrislands in Shetland, on the basis of the record of the actual scat of three of them. There are about 232 eyrislands in Shetland as compared with a possible 201 in Orkney, allowing approximate amounts for places like Edey and Cava of which the record is unknown. In Shetland, while many are valued at 72 marks, corresponding with the normal eyrisland in Orkney, the average value is 58 marks.

The rent of a normal eyrisland of 72 marks was 3 marks, and the Old Extent of a Scottish ploughland or hide was also 3 marks—the normal eyrisland and ploughland contained 120 acres each, and the similar rent in both cases may be more than a coincidence. Old Extent can be traced back to the same time as the mark valuation was made, *viz.* 1137.

In Shetland they grouped their marks of land into blocks of 72, each of which was called 'a piece of corn-teind,' and corresponded with the normal eyrisland in Orkney and the normal ploughland of 3 marks, or 40s. land, in Scotland.

A. W. JOHNSTON.

EARLY EIGHTEENTH CENTURY INDENTURE OF APPRENTICESHIP IN THE DYEING TRADE AT HADDINGTON. The Indenture of which a transcript follows is in itself evidence that the Union of 1707 and the Acts of the Scottish Parliament in 1703 and 1704 in favour of the export of wool, although a very serious blow to native manufacture, had not killed Haddington industry. Dyeing had been long established in the town and neighbourhood. The New Mills Cloth Manufactory was started in 1681, and thirty years earlier a similar industry was in existence. Professor Scott's valuable introduction to *The Records of the Scottish Cloth Manufactory at New Mills* contains much information not only on the spinning and weaving, but also the dyeing of wool, woollen yarn and cloth.

The Indenture provides for an apprenticeship for five years, the fee payable by the father, Thomas Burnet, being £60 Scots or £5 sterling. The master, Patrick Begbie, dyer, burgess of Haddington, is bound to 'teach learn and instruct' the apprentice, James Burnet, 'in the hail heads points passages and circumstances of his said trad and occupation of litster.' There is careful provision against breaches of moral conduct on the part of the apprentice, who was to be an inmate apparently of the master's house during the term of his apprenticeship. JOHN EDWARDS.

THIS Indentors¹ maid at Hadingtoun the twentie third day of May Jm vij c^t and twelve years It is apointed agried and finally Indented betuixt Patrick Begbie litster burges of Hadingtoun on the on pairt and

¹ Indenture, dated 3rd May, 1712. It is the property of Mr. John R. W. Burnet, advocate, Edinburgh, by whose permission this transcript appears.

James Burnet third lawfull son to Thomas Burnet tenent in balgon¹ with advice and consent of the s^d Thomas Burnet and taken burden in and upon him for his s^d son on the other pairt That is to say the s^d James Burnet hes become and be thir pnt̄s with consent fors^d becomes prentice and servant for all the dayes space and years of five years to be outroun nixt and immediatly follouing his entry therto q̄ch is heirby declared to be and begin upon the day and dait of thir pnts, And from thencefurth and therafter shall continue remain with and be faithfull trew good leal thankfull and diligent prentice and servant to the s^d Patrick Begbie, and shall wait upon his master's service bath holy day and work day during the space fors^d, and shall give his exact dilligence and travell to learn the s^d trad and occupation to be taught to him and that he shall not hear nor conceall his s^d masters hurt skeith nor prejudice but shall tymously reveall it and stop the samen to the outermost of his pouer and the s^d Thomas Burnet becomes cāutr for the s^d James Burnet his son his lauteth and remaining with his s^d master and that he shall nowayes during that tyme depairt from nor leave his s^d masters service without his speall licence had and obtained therto, Whilk if he do in the contraire In that caice efter the expyring of his s^d prenticeship the s^d prentice shall remain with and serve his s^d master two dayes for ilk dayes absence And farder the s^d James Burnet and Thomas Burnet his s^d father obleadgs them cōnly and seāly that the s^d James Burnet shall not at ony tyme during his prenticeship defyle nor abuse his bodie in furnication nor Adultery with any person nor persons qtsomever nather be anywayes ane carder dycer drinker nor night waker nor haunt nor bear company with any such vitious persons And the s^d Thomas Burnet binds and obleadgs him his airs, successors to him and intrometters with his goods and gear qtsomever To content pay and delyver to the s^d Patrick Begbie his airs ex̄ers or assignees in name of prenticefee with his s^d son all and haill the soume of threescore of ponds Scots money And that Aget̄ the feast and terme of mertinmes nixt to come with ten ponds money fors^d of liquidat expenses in caice of faillizie and çents (*consequents*) of the s^d pr̄fill some efter the terme of pay^t above written durng the not pay^t therof, For the Ilks causes the s^d Patrick Begbie obleadgs him his airs and successors that he shall teach learn and instruct the s^d James Burnet prentice in the haill heads points passadges and circumstances of his s^d trad and occupation of litster qlk he presently uses or shall happen be his mozian or engyne² to attain to during the space fors^d and shall not hyd nor conceall from him any pairt or point therof, but shall use his exact dilligence and travell to cause the s^d prentice learne and conceave the samen and shall entertain sustain and mentain his s^d prentice honestly in meat drink bedding work and labour during the years abovspeit̄ And the s^d Thomas Burnet obleadgs him and his forsds to furnish his s^d son clathes and others necessar to his body the haill tyme of his prenticeship, and both parties binds and

¹ 'Balgon, Sir George Sutton in North Berwick' (*Macfarlane's Geograph. Collections*, iii. 114). Sir James Suttie, Bart., of Balgone, County Haddington, married 1715 Elizabeth, daughter of Sir Hugh Dalrymple, Bart., of North Berwick (*Scots Peerage*, viii. 142).

² *Mozian*, means, resources. *Engyne*, ingenuity, scientific knowledge.

obleadgs them to perform the premisses ilk ane to others and the party faillizier to pay to the party observer the some of twenty ponds money forsd for ilk faillize in the premisses by and attour the fulfilling yrof wher ther is not ane alreadie modifed penalty And for the more security bath parties consents to the regreton heirof in the books of counsell and session or any other judges books competent within this Kingdome to have the strenth of ane decreit interponed heirto, that lērs of horining on ane charge of six dayes only and other Extolls neidfull may pass heiron, And for that effect Constituts

Ther Prōrs, In witnes qrof written be William Shiel notar at Hadingtoŭn both the s^d parties have sub^b thir pñts with ther hands place day moneth, and year of God above w^rn befor thes witnesses William Houden Schoolmaster in Bouhouses and the s^d William Shiel writter heirof and Androw and George Yowlls tennents in Haltfentoun

W^m Shiel witnes

Pat Begbie
James Burnet
Thomas Burnet
Androŭ Yŭle witnes
Geo: Yool witnes
W^m Houden witnefs

THE ENTICEMENT OF SCOTTISH ARTIFICERS TO RUSSIA AND DENMARK IN 1784 AND 1786. The following notes have been made from documents in the Public Record Office in London :¹

The first is in the form of a letter from Mr. Alleyne Fitzherbert, of the British Embassy at St. Petersburg, to Lord Carmarthen, dated 8th June, 1784, and expresses his regret at having to record the recent arrival of ships from Leith carrying a considerable number of stonemasons, bricklayers and other artificers, all from Edinburgh and district, who had been sent for by a Mr. Cameron, a British architect in the employ of the Empress Catherine, to complete some extensive buildings at Tsarkoezelo, her residence outside St. Petersburg. Many of these men brought their wives and families, the whole party numbering 140 persons, and employed for the most part on a yearly engagement. The diplomat hopes that at the expiry of this term these useful artificers will return home to Scotland, and thus not be lost to their own country.

The letter concludes with the request that Lord Carmarthen will take steps to prevent further traffic in artificers from Great Britain, and expresses surprise that the magistrates of Edinburgh should allow these men to depart, not stealthily but publicly, in response to public advertisements in defiance of recent laws passed to prevent emigration of manufacturers.

Mr. Fitzherbert wrote another letter to Lord Carmarthen on 16th June, 1786, informing him of the arrival at Cronstadt of an Englishman, one Gascoyne, a former principal member of the Carron Company of Ironworkers, who had been engaged at a high salary to erect a foundry

¹ H.O. 32/1. (Correspondence to the Home Office from the Foreign Office.)

for making cannon for the Russian navy, and had brought over with him an assortment of all the principal machines in use at the Carron Works, and, of still greater importance, he had seduced from these works a considerable number of skilful artificers, some of whom had already arrived in Russia and others were due to embark at Leith. Gascoyne had announced that he had come to Russia with the approbation of His Majesty's Ministers.

The document relating to Scotsmen in Denmark is in the form of a letter from Mr. John Mitchell, dated from Copenhagen, 12th December, 1786, and announces that a certain Scotsman and noted smuggler, one William Moir, had sailed from Copenhagen on that day for Great Britain with a commission from the Danish Government to engage a number of able hands from the hardware, plated ware, cotton and woollen manufactures of England and Scotland, and to provide a sufficient quantity of machinery and utensils for establishing branches of those trades in Denmark. If successful in his errand, Moir was promised a reward of £6000 sterling. An Irishman, Hamilton Moor, had embarked a few days earlier for Dublin, presumably on a similar errand. He returned from Ireland in July, 1787,¹ accompanied by five millwrights.

Many attempts were made to entice artificers from England and Scotland at this time. For example, a Prussian subject, Frederick Baden, was imprisoned and fined £500 for enticing artificers to leave the kingdom in 1785.²

A young lieutenant in the Danish navy, named Kaas, aged 24 and 6 ft. high, was sent to Hull in 1787 to engage instructors in the art of making steel, an art which is said to have been unknown in Denmark and Norway at that time.³

E. ALFRED JONES.

THE DALKEITH PORTRAIT OF MARY QUEEN OF SCOTS (*S.H.R.* xviii. 32, 152). Being in Rome and having with me only some rough notes on the subject of Queen Mary's Portrait, I can only reply shortly to Mr. Seton's letter.

To begin with a small point. Mr. Seton states that in Mr. Cust's book on the pictures of the Queen 'No portrait appears to show a cross, but most show a crucifix.' But in Mr. Foster's great work on the same subject one finds several portraits of Mary wearing a cross, both in miniatures and also in the large pictures. Among the latter are the Ailsa portrait, that at Trinity House, Leith, and the Buchan-Hepburn portrait—the cross in the last being of a curious and rare shape. It is true that in the portraits of Mary in later life and as a prisoner in England, she generally is pictured with a crucifix.

The cross of seven diamonds which I suggested as possibly the same as the cross in the Dalkeith Portrait, only altered later by the addition of rubies and a pendant pearl, was not given back with the *carcan* to the

¹ Mitchell's letter of 10th July, 1787.

² Public Record Office: H.O. 32/1; letter dated 7th March, 1787.

³ *Ibid.* 10th July, 1787.

Crown of France. It was not part of the French Crown Jewels, as can be seen by the Inventories of the Queen's Jewels, later, in Scotland, where there is a note of the pearl being added from some loose ones in Mary's possession. It was a cross of nine diamonds, as I pointed out, which was returned to France.

With regard to Mr. Seton's statement that the ruff was of a date not earlier than 1576, it has been carefully compared with that worn by Mary as Dauphine, in the sketch attributed to Clouet about 1559, and it is almost identical; and the Clouet sketch is admitted to be a contemporary and authentic portrait. It is also very similar to that worn by her immediate successor, the wife of Charles the Ninth of France.

Mr. Seton dismisses in a couple of lines what I regard as the most important piece of evidence, namely the *carcan* of table diamonds and *entredoux* of pearls set in clusters of five. Yet he does not explain how someone, not the Queen Consort of France, was painted wearing a necklace of such value, identical with that (described with such care in the Queen's Inventories) which belonged to, and had been given back to, the Crown of France before Mary returned to Scotland in 1561.

The *carcan* as I pointed out agrees in every particular with the description in the Inventories, and it is on this very important piece of evidence that I state that the Dalkeith Portrait must have been painted before Mary left France in 1661 or copied from an original of that date. No private person could have been painted wearing a portion of the French Crown Jewels—a set of such magnificence that it was valued at something like 800,000 crowns—and Mary herself had only a very brief period, as Queen Consort, when she had the power to wear it.

With regard to likeness that, like beauty, is very much 'in the eye of the beholder,' but with regard to the age of the person in the portrait, one has to remember that Mary dressed in rich robes and wearing the splendid crown jewels would naturally look older than the girl-dauphine of 1559. As for the pedigree of the picture it is at least as good as that of many of the portraits accepted as authentic, or quasi-authentic.

It has been the fate of Mary Queen of Scots, that living or dead, every subject connected with her should have been a source of controversy, and the Dalkeith Portrait cannot be expected to be an exception to the rule.

MARIA STEUART.

By the Editor's courtesy I have seen Miss Steuart's reply. I do not feel able to modify my view that the Dalkeith portrait is not genuine. It is dangerous for a mere man to argue with ladies about the date of ruffs; but I fail to understand how any one can put the Dalkeith ruff and the Clouet one side by side and then say they are 'almost identical.'

WALTER SETON.

MANDATE TO THE BURGH COMMISSARIES OF KINGHORN FOR PARLIAMENT IN 1475. One of the earliest documents preserved among the Supplementary Parliamentary Papers at the Register house (vol. i. no.2) is the following mandate to commissioners of the burgh of Kinghorn for a Parliament in the spring of 1475-6. The writ is badly

mutilated; but enough is left to be an important addition to the *Reliquiae Parliamentariae* in the first volume of the *Acts* (p. 102). We have transcribed as much as can be read with any certainty, without attempting to fill up gaps by comparison with other forms of procuratory.

Omnibus ad quorum noticias presentes . . . Salutem. Sciatis nos unanimi consilio et consensu . . . habito comburgen . . . Johannem de Balglali et Andream Quhitbrow . . . nostros deputatos commissarios ac nuncios speciales coniunctim ad comparandum [pro nobis et] nomine nostro ad parlamentum domini nostri regis coram eo vel deputatis suis pluribus vel uno . . . [inc]hoandum et tenendum videlicet die lune xi^{mo} die mensis marcii proximo futuro cum continuacione [dierum sub]sequencium : dantes et concedentes . . . procuratoribus nostris et commissariis commissionem nostram . . . [g]eneralem et specialem ac mandatum generale et speciale comparandi seu conveniendi pro [nobis] . . . et loco cum continuacione dierum ut premittitur subsequencium ac consulendi . . . d[eliberan]di concordandi et determinandi una cum aliis communitatibus regni . . . negotiis domini nostri regis et regni in dicto parlamento . . . determinandis ac perficiendis omnia alia et singula que . . . [auctori]tate communi domini nostri regis et regni facere potuerimus si presencia . . . gratum et firmum pro perpetuo habituri quicquid per procuratores . . . coniunctim nomine nostro et ex parte tractatum concordatum et determinatum . . . quolibet premissorum. In cuius rei testimonium sigillum commune nostri burgi . . . est appensum apud Kynghorn in tolloneo nostro tertio die mensis marcii anno domini millesimo [quadringentesimo] LXXV^o.

A. B. CALDERWOOD.
R. K. HANNAY.

MACBETH, MACHETH (*S.H.R.* xvii. 155, 378, xviii. 154, 155). Although Macbeth and Macheth have been shewn to be English variants of the Gaelic name McBheatha, there is not a single instance (excluding the faked name Beth of 1120-24) of a Gaelic name *Beatha* in Scottish or Irish documents. There are, however, a multitude of instances of the Gaelic and Irish name *Aoidh*, in the form *Aedh* of which the name of earl Heth, Ed or Head is obviously the English form. If Angus McHeth was a son of earl Heth or Ed (Gaelic *Aoidh*) it is reasonable to believe that the name MacHeth, in his case, is the Gaelic patronymic MacAoidh, which is also found in an aspirated form in Irish, e.g. in O', and *Ua hAeadh*, and so possibly a Gaelic form *Mac hAoidh*, i.e. Mackay.

A. W. JOHNSTON.

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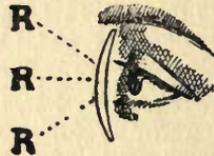
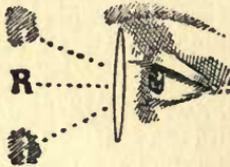
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Mr. Robert Kirk's Note-book

THE MS. from which the following passages are extracted, is a small volume ($5\frac{1}{2}$ inches by $2\frac{3}{4}$ by $1\frac{1}{4}$), bound in vellum, beautifully coloured by use and age, and furnished with a flap which retains a piece of one of its cords. It contains 188 pages covered on both sides with closely-written, delicate writing. Some leaves have been torn from the end. The first page is inscribed: *First Manuscript | A | miscelany of occuring | thoughts on various | occasions | Ro : Kirk | Love and live | August i. at Balquhidder | 1678.* The inside of the flap bears the signatures of 'C. Kirk,' probably the writer's son Colin Kirk, W.S., and of 'Thomas Rutherford, 1698.' The volume bears evidence of being one of a series which probably included the 'little manuscript belonging to Coline Kirk' referred to by the transcriber of the *Secret Commonwealth* (if it be not the 'little manuscript' itself).¹ It was purchased by the writer of this note in a bundle of miscellaneous MSS. at a recent sale in London of part of the library of the late Professor John Ferguson, LL.D., of Glasgow University.

The writer of this *Miscelany* was clearly Mr. Robert Kirk, the author of *The Secret Commonwealth of Elves, Fauns and Fairies*, who was minister of Balquidder and afterwards of Aberfoyle, and departed this life in 1692, to become, according to popular tradition, the 'Chaplain to the Fairy Queen.'

¹ *D.N.B.*, s.v. and Andrew Lang's edition of the *Secret Commonwealth*. London : David Nutt, 1893.

The expectation of discovering a work of the character of *The Secret Commonwealth* vanished under the transcribing hand, but in its place there was disclosed an interesting picture of the mind of a worthy Scottish pastor of the school of Leighton. The Note-book, however, offers sufficient internal evidence to identify the writer with the author of that curious tractate. The following passage has Kirk's peculiar quality of grave reflection stumbling in an obscure field of observation.

The ancient tradition of evil spirits sucking of witches and dead carcasses (raising a storm while a magician's dead body is unburnt) as being together with darkness their proper element they are chained to (Jud. 6) and they smelling from the cold north a carcass meet for them as a raven doth a carrion afar off; those spiritual serpents triumphing over and feeding on that dust) also their magical treats and sips of sweet liquor; and the fame of their being fed with dews and savoury exhalations and incense (being mostly in the air intercepting souls' passage to heaven, which makes them need the conduct of angels to Abraham's bosom) lykewise the story of the human-shaped *incubi*, and stealing of children and nurses, give probable surmises that there are divers clans and kynds of spirits who make their vehicles seen to us when they please, though they are not so gross as terrestrial bodies, but most part aerial needing to be soakt and fed some way as well as ourselves. Such may be the fauns, fayries, satyrs and haunTERS of woods, hillocks, wells, etc. (for no thing nor place but is inhabited within of some creatures) and since many of these disappear at mentioning the name of God, and that they forsee evil rather than good, why may they not have a polity among themselves, some of them not so miserable as others, some of them reasoning and learning, others as yet obstinate, blinded atheists (for they but see the works of God to prove a duty as we do; yet are there atheists among us).

A further point of identification is found in the 'Irish' passages which the Note-book contains, and in a number of sympathetic references to the 'Scots-Irish.' The former are in some cases in old Irish script, and include a version of one of Kirk's elegies on the death of his first wife. It will be remembered that Kirk produced the first complete translation of the Scottish Metrical Psalms into Gaelic in 1684, and had a hand in a similar enterprise six years later.

'It is often and much wished,' writes Kirk,

It is often and much wished that for benefit of the Scotch-Irish that ancient law of England were in use, and that any thief or other malefactor were pardoned the first crime, providing he could read the bibl; for once coming to holy knowledge they would indeed surcease that base trade of life, which now among many tribes is scarce counted a sin or reproach, but a worthy martial and politic act. For bordering enemies to invade other so,

is no wonder ; but to bordering neebours, men of the same language and extract, 'tis barbarous ; mars all traffic and converse, as wel as religion, being a kind of secret civil war and unmanly treachery ; worse than the savageness of beasts who prey not on their own kind. Want of sound knowledge is much of the cause of this, which in time would root out the evil habit, which (as in any other sin) kills the sense of its vileness.

The years during which the oblong leaves of the Note-book were carefully filled were full of events of national importance, but it only contains one reference to them. The following account of the Battle of Bothwell Bridge has the value of contemporary hearsay :

On Sunday, June 22, 1679, the Southern Army of about 6000 Nonconformists or dissatisfied persons, led by one Hamilton, a gentleman and Mr Jo. Welsh, a minister, were betwixt Bothwell Brigg and Hamilton utterly discomfited (and about 1000 killed and taken). They taking flight after a few sore cann shot sent among them, leaving their own cannon and provision without tarrying to encounter with swords. They refused liberal conditions of peace, and to give or take quarter that morning. Their word notwithstanding was 'Kill and Take.' The King's Army's word was 'Heth.' These valiant shadowes and deceived rout, full of godly words but damnabl works, began their diabolic insurrection with the intended murder of Major Johnston at Edinburgh, and horrid assasination of Archbishop Sharp (who suppose an ill man got no fair justice or assize from them) continued it with cruelty at Rugland, giving no mercy to any of the King's troop when they once had the upper hand of them, and rifling the graves of the dead at Glasgow shewing their valorous feats of arms and singular dexterity in anatomy by slashing and carving of the dead corps (an inhumanity unheard of among infidels). These be the effects of their exalted Religion ; this their manhood in Battel ; and so vile an end would the just God bring on so abominabl a beginning ; what began with desperate rashness and want of head or wit ; ended with shame and want of heart and hand. Such a bolt and attempt as this was in the year 1667 and was then quell'd by General Daliell, as this under the conduct of the Duke of Monmouth. Our reflection hereon, is, that the Kingdom loses, whoever had gain'd the day : Therfor in civil and intestin Debates our sorrow should be doubled for the common vices that occasion such strokes ; wherein all of us have our own blame. And withal we are to pity such poor people that are deluded and hoodwinked by their vagrant corrupt teachers, to the disgrace of their nation and profession for ever, to the loss of their estates and lives and great hazard of their souls (dying in so blood-thirsty a temper).

In March of the same year, Robert Kirk's mother died, and he records the event in the following characteristic fashion :

Though I use not to notice dreams much, yet March 25, 1679, I viyels perceived and thought I felt a great tooth in my head break into two halves

part by part and com off; on the morrow (my father being removed twenty years before) my mother took bed and on Monday thereafter about 2 a clock, gave up the ghost. Who knows if some courteous angel gives us a warning by our imaginations or senses, of extraordinary accidents. I am sure at several slips, I have susteand immediately loss of goods or hurts of my body, or vexing reports of fama. Though God does observe and may manage every particular in this world by himself; yet he may use the medial ministry of angels toward men, as of man toward beasts.

Ignorant worldly men will boast of their kyndly calf-country and so. To do good specially to that place we breathed our first air into, we should take any argument to urge us; but t'is as absurd so to stick be it, as to imagine of no permanent resting but in it, as becaus t'is kindly for a man to go to Hell if he follow his predecessors. Therfor he himself is not to labour for heaven (our true home and lasting country).

The death of his wife is recorded in pedestrian verse :

Elegie on Isabel Campbel, sometime spouse to Mr Robert Kirk, minister of the Gospel at Balquidder, who departed December 25, 1680. Was married to her husband near 3 years, and left alive one son, Colin.

You winged choristers, appear,
 Chirp notes of grief in every ear.
 You sable-tribe, whose horrid groans,
 Would wrench salt tear from marbl stons,
 You fonts, you monts, whose wandering crew's
 Resound sad echoes to sad news.
 You, all that's female, scour your throats,
 Bewail this bride who left your cotes ;
 Whose Heart's chast flames were such that shee
 Chang'd husbands, one for one most High,
 She scorns the cut, the curt, the cringe,
 (Rare soul, that movd not on such hinge).
 Her ornament was loyal duty ;
 In soul, not boxes was her beauty.
 Her innocence and honestie
 Brought Paradyse before our ey,
 She beamd with brightness all her life,
 Now let her rest, away with strife.
 Two that's made one whilst they have breath
 No wise man parts¹ them at their death.

An epitaph on the same.

One piece of gold is tantamount
 To heaps of pennies on accompt.
 Here, one commends the ruby lips,
 There, one applauds her courtly skips.

¹ Some of her friends strove to remove her corpse to their own burial place.

The crouching back ; the simpering face,
 The wel-cut patch, the scrape of grace,
 The dainty pace, such minute things
 Men speak of friends, when their knel sings.
 Your ears with such I will not vex,
 This was the compend of her sex.
 What man should wish to have in her
 How soon required : yet made no stir.
 Christ came to fetch her, it appeared ;
 For He was born that¹ day she died.

Kirk has one discreet reference to Charles II. In the course of a strong enunciation of the doctrine of non-resistance, he observes : 'As Alberico Gentile said of women, we cannot want Kings that are not pleased with them.'

If Kirk is silent as regards the external events of the outer world, he offers us a sufficiently clear picture of the life of his isolated highland parish. He was alone under the eye of barbarians. 'When I hear,' he writes, 'of evil tales concerning myself in the country (endeavouring intirely to keep the commandment) only reply that I thank God they have not worse news to occupy them with.' The following somewhat bitter passage on pride of birth seems to indicate that the Perthshire notables did not give Mr. Robert Kirk the consideration which he expected :

Among the most barbarous tribes, riches or antiquity of riches in a house or family ; or numerosity of kinred though infamous for thefts or murders, make a gentleman, not considering that few houses can reckon geneologie but with the contemptibl Jews, even from Adam ; yet are they not the better. So old riches grows mouldy and becomes trash : nothing is so pitiful as bare antiquity. A stone is more ancient than any hous. The clay in each man's body is alyk ancient. Each reasonable man cam of the first man though he cannot reckon it, and so we all are brethren. So sirnames at first were not, only Adam, Laban, Abraham, David. The sirnames then cam only by some accidental act, some laudable, some infamous, as Hay, Armstrong, Douglass, Longshanks, Kenmore, Iscariot, &c. Nor can numerosity of clan gain honour, for the commons are in kinred as numerous as nobles, and beggars begat as many children as kings. Moreover by nature all blood is of one colour and alyke red, nor does death or dust distinguish betwixt clown and Caesar. The wise man then that gives verdict according to God's mind calls the only Righteous and Gody man more excellent than his neighbour ; wisdom only makes the soul and face to shine. He who has most knowledge, love and practice of divine things, of a prudent spirit, sober and just, is the gentile person, having the true and durabl accomplishments, and as the Bersans is nobl in

¹ On Christmas day.

mind before God and of most candid and acceptabl behaviour before all good men ; while those that are the offscouring of their kinred and yet boast of their gentility usually despise others and so become a scorning themselves notwithstanding of all their barren nobility.

He suffered in a more material fashion from the thieving proclivities of his parishioners. In a moment of exaltation, he wrote

Does another rob you? Sure you but quit to the common use of the world what was the world's both before and when you had the use of it yourself. Your brother makes use of what you do not. So, if you be a citizen of the world, you will not much grudg ; for both prime nature and perfect Christianity are for community. Envy and sin and narrowness of heart occasioned property.

But he changed his tune when he became a victim :

As 'tis more haynous to act villany on Sunday than another ; in the church than private house, so to wrong a churchman and his goods than any other man's as being more nearly and wholly dedicate to God for his immediate service, and so a touching of himself and unhallowing of his sacred name by a great contempt unheard of among infidels to their pagan priests : so as robbing and stealing from ministers is a visibl token of atheism and total decay of the sense of God and religion, for they would just do so to God himself their master, if they could ; and to secure them God joynd them to Kings, saying, Touch not mine anynted and do my prophets no harm. Ps. Indeed nature made all things common, but God and reason restricted to properties, that sinful man might not turn all slothful in hopes to live on one another's industry, and so the world be unlaboured.

He deplored the clan feuds which distracted the country side :

What narrow-spiritedness is in men voyd of the love of God and (man) his image ; when if a difference arise betwixt two of divers sir-name, instead of a common endeavour of the rest to reconcile them, it shall create an *odium*, a feud between both the clans, each espousing their kinsman's interest. How can the world stand and the voyce of religion be heard in the throng of such barbarous impieties. How true is it, *homo homini lupus* ? No creatures prey on their own kind but man. Look through tame and ravenous, none make it their own profit or glory to kill or steal from those of their own feather or keel.

and the bitterness with which a litigation was conducted :

'Tis great weakness to pursue a Law quarrel and yet not be friendly to one another. Let the lawyiers plea for justice, let the two contrary parties keep Christian charity ; else they lose much more than any of them can gain by the Bargain. This is an universal infirmity now among all ranks. That a plea of a shilling or two breaks all Christian bonds and makes a base feud and reproachful tak among the parties.

Sharp practice in money matters was not unfamiliar to the Parish minister :

Many would enrich themselves by borrowing and give papper for a kingdom, in hopes by tricks of Law to over-reach and compound with the creditor. Heretofore a word was enough for the borrower and his posterity; now oaths and bonds cannot have clauses to ty the false and slipping debtors fast enough with, but they will find some subterfuge to escape by, or beg and force the creditor to quit the most part.

The vices and shortcomings with which Kirk had to deal were those common to weak humanity such as drunkenness, lust, superstition, non-church going, neglect of family worship and the religious instruction of the young. He was no extremist. 'A kindly motion,' he wrote, 'towards a person present, or taking occasion to remember some absent for maintaining of Christian familiarity and society in our moderate entertainments, is not unsuitable. But tipling at Christenings, Bargainings, visits, Light-wakes, are unchristian and unsuitable.' Again, 'Pray also for the King's health and drink for thy own.'

Provided the services of the Church were attended, Kirk was willing to leave the disposal of the rest of the Sunday to what he describes in another passage as 'the masculine liberty of the Christian.' 'Plowmen,' he writes, 'sit still in Church on Sundays. Some need relaxation that day, to others it were neither necessary, pious, nor prudent.' But church services must not be neglected.

Those who stay in churchyard and taverns doing secular business on Lord's days as Gallios and Laodiceans, are spewed out of God's house from among his peopl and oft are furthest behind both in business of soul and estate according to Math. vi. 33.

He approved of public penance, but it was not a sufficient deterrent. 'Many of you weep to the minister, but wantonly laugh and sport immediately in other company.' 'O, what a confused ravening world wold it be if only Religious bands ruled it, without the Civil Laws !'

I would particularly recommend to those of my charge to use constant family prayer, and forbear swearing, as rare characters of painful Christians. Prayer draws Heaven to our aid in all that is difficult for us against we com there. The negativ duty of not breaking the third command (so universally violate) shows we take pains to share a common vice. Otherwise by usual oaths none will trust us much in a solemn oath. Besydes shall we leap on a man's throat if he say, 'You lie,' or (Lamb . . .) & be enraged at men's prophaning our Earthly father, and ourselves so gracelessly despyse the

sacred name of our Heavenly father? Will God at last bring such a person to be in one lodging with him: Oh think on! I know some who speaks of God oftener than any in the parish yet are debauchter than the most of the parish: How speak they of Him? Not by praying to Him, but at every paltry talking and errant lie, takes His name in vain, sporting with and making a laughing stock of that divine name and majesty; disgracing his maker to grace his talk. Bringing down that glorious name from Heaven for every common beastly business (as if he behove have a cabl to try a fly's leg with).

Again,

Many think they pray sufficient in their families if they sit and say grace to meat, morning and evening, but are there not other benefits to be thankful for? & blessings spiritual? Are not sins to confess and crave pardon for? Are not increase of graces and virtues to seek? And not intercessions to be made for others? Are we not to bow the knee in prayer solemn to the God of our life? To show he is far above us and not our companion to sit with when we speak to him?

Preaching appeared to have little effect:

In country parishes where few get their children to schools, or retean or use what they learned in youth, so much as to make them understand the Holy Scriptures, which are the foundation of all piety and honesty (if well remembred in its several precepts and examples) makes that so very few or none understand sermons tho' dayly acquainted with them, so that many thousand good discourses are spent among deaf stones and men and timber every day. Great therfor must be the pains in kindling som sparks of knowledge by catechising and rooting the youth in the principls of religion e'er they can atteen to be attentive to a sermon, and not only gaze (but not understand) like bruits.

The only remedy was to be found in the faithful exercise of the pastoral office:

Tho' a peopl were convoyd and helpt up to heaven by two faithful united pastors' pains, one on every hand of them, I suppose *abundantia non nocet*. Barbarous peopl's necessity (had they eyes to see it) requires all that can be done for their information and reformation.

It is clear that Kirk was a moralist, something of a casuist, and a wise spiritual physician. The following passages are typical:

Fear is the scrupolous man's disease and that is infinit but unreasonabl fear is easiest cured and laid aside. Use prayer and fasting. Fear great known sins most. Avoid excess in mortifications. Interest not in intricate questions. (Things practical are the hinges of immortality). Have your religion as near the usages of common life as you can. Make no vows of any lasting employment. Avoyd companies, employment and books that raise clouds as phantastic legends anent rare saints. Bring body in a fair

temper, kindl in mind a high esteem of God and His mercy. Pursue the purgativ way of religion against vice before the illuminativ. Be instructed in practical general lines of life and pursue axioms of Christian philosophy, so these impertinent flies of conscience will slide off. Hold that which is certain and let what's uncertain go.

There is a cunning in porter-craft and mystery. Who bears a burthen or cross, must compact it well. Lay it well on (use it, which is as oyling). Go steady, and be cheerful ; the mind delighted suffers not the body to feel the weight.

It is possible that Kirk turned for relief from isolation and depression to the *Secret Commonwealth*, but apart from this relaxation, he appears to have been blessed with a good digestion, and to have been free from 'the stone,' that rock upon which so much of the spiritual life of Scotland was built. No dispeptic could repeat the following pious ejaculation as Kirk does. It has the pointed brevity of a patent medicine advertisement :

With great ease hath God's wisdom appoynted the many divers parts of man's body to be fed, only by putting some meat down his throat ; God himself and his servant nature doe the rest.

Kirk was an episcopalian of the school of Leighton, and while he had no admiration for the Roman communion, he had no illusions regarding the Scottish Reformation :

The Scottish Reformation became deformed in ruining Babel and rearing up Jerusalem, by making the minister's coat too short and Gentries too wide. The clergy lost their temporals when the gentry became spiritual. But it was the sweetness that many of them found in God's bread called Babel's spoils that edgd their jehu-like zeal against the idolatry. For now how soon all is parted and no more is expected for kything religions, their devotion is become key-cold and contentions furious. Thus reformation as wisdom is only likd with an inheritance and dowry. And those who left not a loaf in Rome, but compleated pure religion in all its numbers, have almost lost all religion immediately after seeking of all.

Of the Presbyterian he wrote :

Presbyterians say that a definite discipline is as essentially requisite to a church as a church to Christian religion. Where then is their Church now 1680? They first preach Christian liberty, purity of ordinations &c., but whenever they make up a competent number out of other churches, down goes liberty, and oaths and covenants must be invented to bind them all in a fraternity together lest they scatter away again as mist to nothing ; then is toleration decryd, order, unity and government cryd up, no more free use of indifferent things. Lo how their simpl followers are mocked !

the crocodile weeps and devours ; provender is pretended but the bridle intended to hold them fast to be ridden as they please. O subtil guydes, and blind followers !

His judgment of the covenanting extremists was acute :

Papists and campites (or hill-side clergy) like Sampson's foxes, look sundry ways from one another, but are ty'd together by their tails, rudders and errors ; and both do grin and bark at the orthodox, church and state : Both hold, or practise as if sacraments had efficacy from the quality of ministrators. Both hold resisting and excommunicating the lawful supreme powers. Both maintain prophecy and miracls in these later times notwithstanding of the surer word of prophecy. Also, both value success beyond martyrdom.

Again,

Our schismatics look more on the pomp than purity of religion ; may they go as throng to heaven as to preaching-houses. In their martial attempts for promoting their cause, the prove first a viper, rent their mother ; then a wasp, sting their brother ; and fall as he, *animasque in vulnere ponunt*. I do lykewise suppose much of their disease is natural and easier cured by a chirurgion than a divine. They are impatient of superiors in church or state, and think nothing God's word or worship but preaching, albeath it receives from, but gives nothing to God. They are Mahometans, would propagate their religion by the sword and carnal weapon. They still practise as if the efficacy of sacraments depended on the administrator, not author.

It is interesting to find that the Quakers seem to have attracted his attention, and he writes of them at some length, with indignant severity.

For his own part, he believed strongly in a fixed form of service, if wisely used

The English service appoynts the auditors to follow the preacher audibly and methodically in the petitions of prayer, all rehearsing the same words for consents' sake. This is far from the indolent custom among the vulgar of Scotland (which yet is not amended) when all in the house, master and servants, men and women, blates and speak confusedly, not one knowing what another says, nor two speaking the same words to the God of order ; can this be in faith, or can it be with common understanding ? How then can God grant when we know not what nor how we seek ?

Hold to form of ancient sound words of the Church and that will introduce you to the faith and works of the ancients.

The first invention of ceremonies being ill and papish (as an error in first conviction) whatever be the after-glosses they readily turn men to their original at last. Shun then suspension, in a sacred act be tender and do not ill-lyke.

The tolerant meditative spirit of Kirk would have the Church as wide as is consistent with the preservation of essential truth. 'Rites,' he wrote, 'are but shadows to the body of substantial religion Jesus revealed for renewing the Mind and reforming the Life.' Again, he notes, 'Nothing should be urged as conditions of all Churches' communion but what is generally necessary to salvation.' And again, 'Unless a man be a Christian he cannot be a heretick. A church may be true as to being absolutely, though not perfectly; essentials may be, and integrals be wanting. Even uncharitableness to dissenters in small things, is damnable.' The struggle towards the Christian ideal must not be distracted by side issues :

This world is the place where we must provide for a better world; and we must be as lyke the place we wish to go unto as we can; for thereby we fit ourselves for it; and therefore has this midl world a mixture of evil and good, that the gallantry of the right chuser may be known; and so heaven may have only the best, men of heroic and generous spirits; choice persons severd from the Rouf.

There are only two prayers in the Note-book. One must suffice :

Jesus, our great advocate, suffer us not to shame our religion by our life. Such as suffer for good-doing, uphold; such as suffer for evil, let them not think they are thereby martyrs. Confirm in the belief of enjoying better company such as those removest from this life, who shall also meet with all their faithful friends they left here. If ought temporal please, what will the eternal.

If it be true that Mr. Robert Kirk was chosen as her chaplain by the Fairy Queen, Her Majesty is to be congratulated on her good taste.

The foregoing extracts give but a partial idea of the quality of Kirk's Note-book, as they leave the greater part of it untouched. He deals at some length, and with the occasional felicity of phrase which he possessed, with the question of Free Will and Predestination, the Metaphysics of the Stoics, Astral influences and omens, the Jewish dispensation, the failure of the Churches, the Roman controversy, Faith and Works, with a reference to the Jesuits, Church ceremonies, the office of the Christian Prince in religious matters, Church government questions of exegesis, the Neo Platonists, the philosophy of Descartes, which he approved in some respects, War, and Missionary enterprise, which he would only sanction if assistance

were invited by the Civil power of the country concerned.¹ He knew something of the Fathers, of the classics, of the contemporary controversial writers, of foreign theologians, and writers such as Bodin and William of Paris. There are also some ten pages devoted to curious observations on the habits of moles and farriery, and the last page contains the familiar Latin metrical version of the prohibited degrees.

The interest which the Note-book offers is to be found in its intimate quality. Its pages contain the private reflections and judgments of a mind which was at the same time pensive and curious, austere and tolerant, limited and undistinguished and yet within its province wise and understanding.

DAVID BAIRD SMITH.

¹ A few examples may be given :

‘Edification having a comliness as that of fair birds . . .’ ‘spiritual and of eternal decency.’

‘As some women are wiser than men, yet men are the more understanding sex.’

‘But even this excellent liberty has trembling and weakness, as the need of a dyal.’

‘The will coyns the bullion, and sets a figure to ciphers and governs the rest.’

‘If man’s individual actions were restrained by the cut-throat of necessity, Reason were locked up and could not stir.’

‘There is no infidell in Hell.’

‘A maule with the ministry never prospered.’

‘Wise fervency in prayer is the fire that burns the odors.’

‘A cold leiturgie galopt over, or cast through a seive with parat-like tautologies or lukewarm lip labour, sayes onc, gets a lean blessing.”

‘’Tis some solace to be vanquisht by one worthy to command.’

‘Lament not a good man dying. He but goes home from his exile.’

‘For we bind not absolutely but respectively, not as to the victory, but as to the wrestling, not as the event, but as to the means.’

The Appin Murder, 1752

COST OF THE EXECUTION

AN Account of the Cost of the execution of James Stewart of the Glens, which is preserved in the Treasury Board papers, may not be without interest. The story of this judicial murder is too well known to require much recapitulation. It is the theme of R. L. Stevenson's romances, *Kidnapped* and *Catriona*, and has been much written about in recent years by Andrew Lang and others.

Colin Campbell of Glenure, who was the acting factor on the forfeited estate of Ardshiel, was found murdered in the wood of Lettermore not far from the ferry of Ballachulish in Appin on May 14th, 1752. Suspicion fell on two kinsmen of Ardshiel, Allan Breck Stewart as the actual murderer, and James Stewart of the Glens (whose home at Duror was about two miles from the spot of the murder) as an accessory. Allan escaped, but James was arrested and tried at the Circuit Court at Inveraray. The Duke of Argyle, Lord Justice General, was the presiding judge. In the jury there were eleven Campbells. The Lord Advocate prosecuted, an almost unheard of thing at a circuit criminal court. The trial had become a political and a tribal struggle. A Campbell had been killed in Stewart territory, and a Stewart must be sacrificed. With the head of the Campbells as presiding judge, along with a jury of Campbells, James Stewart had no chance. He was found guilty on September 25th, and the sentence pronounced on him was as follows :

'The said James Stewart to be carried back to the prison of Inveraray, and therein to remain till the fifth day of October next, according to the present stile¹; and then to be delivered over by the Magistrate of Inveraray and keeper of the said prison, to the sheriff-depute of Argyleshire, or his substitutes; and to be by them transported to the shire of Inverness, and

¹This refers to the "New Style" or Gregorian Calendar introduced in Great Britain on September 14th, 1752, seven days before Stewart's trial began.

delivered over to the sheriff-depute of Inverness, or his substitutes; and to be by them transported to Fort William, and delivered over to the governor, deputy-governor, or commander in chief, for the time, of the said garrison, to be by them committed to prison in the said fort, therein to remain till the 7th day of November next, according to the present stile; and then again to be delivered over to the sheriff-depute of Inverness-shire, or his substitutes; and to be by them transported over the ferry of Ballachelish; and delivered over to the sheriff-depute of Argyleshire, or his substitutes, to be by them carried to a gibbet to be erected by the said sheriff on a conspicuous eminence upon the south-side of, and near to the said ferry: and decern and adjudge the said James Stewart, upon Wednesday the 8th day of November next, according to the present stile, betwixt the hours of twelve at noon and two afternoon, to be hanged by the neck upon the said gibbet, by the hands of an executioner, until he be dead; and thereafter to be hung in chains upon the said gibbet; and ordain all his moveable goods and gear to be escheat and inbrought to his Majesty's use, which is pronounced for doom.'

It was in fulfilment of this sentence that the costs in the following Account submitted by the Sheriff-Substitute of Argyle were incurred.

The gibbet was erected on a mound near the south slip of Ballachulish Ferry.

TO THE RIGHT HONOURABLE THE LORDS
COMMISSIONERS OF HIS MAJESTY'S TREASURY.

MAY IT PLEASE YOUR LORDSHIPS.

In obedience to your Lordships commands signified . . . Mr. Hardinge the 15th of August last past we did take . . . into consideration the Petition of Archibald Campbell deputy Sheriff of Argyleshire hereunto annexed and did order the Deputy Kings Remembrancer to examine the account and . . . of the money expended by him in the execution of James Stewart for the murder of Colin Campbell of Glenure factor on the Estate of Ardsheal who did report to us that the whole vouchers . . . Disbursements charged by him and amounting to one hundred and eight pounds seventeen shillings and Tenpence were sufficiently vouched so that we are humbly of opinion he is justly entitled to payment of what he has so expended.

All which is Humbly submitted to your Lordships great wisdom by Your Lordships most obedient Humble

(Signatures illegible, much torn and faded.)

Edinburgh Exchequer Chambers 27th February, 1754.

The Appin Murder, 1752

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Account of Disbursements of Archibald Campbell Sheriff Substitute of Argyleshire upon the Execution of James Stewart who was hung in chains at Ballichilish the 18th November 1752 for the Murder of Mr. Campbell of Glenure.

| | |
|--|-----------------------|
| To the Sheriff's Expenses in going to Fortwilliam with the prisoner to deliver him to the Sheriff of Inverness conform to the sentence per accompt. | Sterling. 9. 17. 1 |
| To Wrights for making the Gibbet and coming from Fortwilliam to Ballichilish to put it up per Acc ^t . & Rec ^t . | 10. 10. 0 |
| To the Smith at Fortwilliam for Iron and making plates for the Gibbet and coming to Ballichilish to put on the plates per Acc ^t . & Rec ^t . | (torn) |
| To Mr. Douglas Sheriff Depute at Fortwilliam for one Executioner from Inverness, Timber to make the Gibbet Carrying the Gibbet to Ballichilish, Boats employed to Ferry the troops & sundry other articles per Acc ^t . and Rec ^t . | 20. 13. 0 |
| To Do. for a sail that was destroyed by the storm the day of the Execution it being made use of for a tent, and 16/- allowed further to the Boatmen being detained by Stormy weather per Mr. Douglas missive. | 2. 5. 4 |
| To the Sheriff's Expenses in going to Glasgow to engage an Executioner from thence not being sure of one from Inverness and not chusing to trust to one Executioner for fear of accidents. | 1. 18. 6 |
| To the Executioner from Glasgow and his Guard for their pains and expenses to Inverary the rest of their expenses being defrayed by the Sheriff per Acc ^t . & Rec ^t . | 14. 10. 0 |
| To the Smith at Inverary for making the Chains and going from thence to Ballichilish to put them on, His Expenses being defrayed by the Sheriff per receipt. | 8. 0. 0 |
| To the Sheriff's Expenses and his attendants consisting of 12 men and nine horses in going to Ballichilish and returning per acc ^t . | 8. 12. 7 |
| To paid the men hyred to guard the Chains, Sheriffs Officers expenses and diverse other Charges per Acc ^t . | (torn) |
| Postage of Letters from the Lord Justice Clerk and Kings Agent for taking precognitions anent the murther and proceedings | 2. 0. 0 |
| | £108. 17. 10 |

[Treasury Board Papers. Bundle 355 No. 184.]

The subsequent fate of the gibbet and the victim's body is told by Mr. David Mackay, who diligently collected the traditions of the district. 'The soldiers who guarded the gibbet used to allow friends of the victim to pay their respects to his mortifying remains. A very aged resident in Ballachulish

repeated to me the account given him in his early youth by an old Stewart lady of her pious attentions in wiping the dust from her clansman's dead face and of her terror in later months, when the bones were dry, at their clattering in the winds when she passed down the public road o' nights. The ghastly scene made day loathsome, and the restless bones—joined together with wire where Nature's joining had given way—made night weird in Ballachulish for several years. At last the old folks say a 'daft' lad determined to make an end of the local horror He overthrew the gallows, and cast it into Loch Leven, whence it floated down Loch Linnhe and up Loch Etive, finally landing, a strange piece of floatsam, near Bonawe. Here it found a humaner use, and was incorporated in the structure of a wooden bridge. The bones of its victim were secretly collected and buried by night, it is said, with the kindred dust of some of the Ardshiel Stewarts in Keil Kirkyard, in Duror of Appin. Bishop Forbes, in his journals of episcopal visitations, tells that young Stewart of Ballachulish carefully gathered the bones and placed them in the same coffin with the body of Mrs. Stewart.'¹

W. B. BLAIKIE.

¹ From Appendix XVII. of the admirably annotated modern edition of *The Trial of James Stewart*, edited by David N. Mackay. (Hodge & Son 1907.)

A Seventeenth Century Deal in Corn

‘**A** PICKLE land, a lump of debt, a doocot and a law plea’ is a proverbial saying in the kingdom of Fife, which describes with much accuracy the position of many of the lairds during the sixteenth and seventeenth centuries. With a depreciated and scanty currency, considerable taxation, and a depressed and inefficient agriculture, their living was always a precarious one; and a bad season would frequently compel them to resort to the *facilis descensus Averni*, which commenced with a Band to a neighbouring laird, a Kirkcaldy merchant, or an Edinburgh Writer to the Signet, and ended in alienation of their ancestral acres.

The cadet branch of the family of Wemyss known as Wemyss of Bogie was typical of the small lairds in Fife, and indeed in Scotland generally. Their history, during the half dozen generations they lasted, from the end of the sixteenth to the end of the eighteenth century, escaped the notice even of the late Sir William Fraser; and the considerable charter chest they left behind them passed into the possession of another family, by marriage, on the death of the last Sir James Wemyss of Bogie, Baronet, and have only recently become available for study.

They owned coal mines and salt pans at Kirkcaldy, and a large part of their revenue was derived from these sources. But the expenses of working were very great, and they were compelled to turn to other classes of business in order to raise funds for the development of their pits and for dealing with the ever-present danger of flooding.

The John Wemyss referred to in the correspondence below subsequently became the second baronet of Bogie, who inherited from his father a more than usually encumbered estate; at the time, in 1696, Bogie itself was alienated, and John Wemyss was occupied in deals in coal, salt and ‘victuall’ with certain Kirkcaldy merchants and partners.

On 1st April, 1696, John Wemyss, along with James Ross and Alexander Williamson, merchants, negotiated with one Nicoll Young, skipper of the *Elizabeth* of Findhorn, to take his vessel north and fetch a cargo of barley and meal from Inverbreackie to Kirkcaldy. The charter-party runs as follows :

‘That is to say, the said Nicoll Young has fraughted, and be thir presents setts and fraughts to the saidis Johne Wemyes, Alexander Williamsons and James Ross all and hail his Barke callit the Elizabeth of Findorne, and for that effect oblidges him to have his said Bark sufficiently lighted with ane skilfull companie of seymen for navigaiting of his s^d Bark from the harbour off Dysart to the Port of Inverbreckie in Ross and their to ly six dayes for intaiking of and loading of Bear and meall at the said Port, and from thence, winde and weither serveing, to saill and transport the saide shippe and loading to the Harbor of Kirkaldie and their to ly three dayes for intaiking such ane loading as the said fraughters shall finde convenient, to be unloaded in any port within the Murray Firth, and I, the said Nicoll, oblidges me not to suffer any of the saidis merchants goodis to be damnified through his or his companies default, sea hazard excepted.’

In return for his services the skipper was to receive :

‘eighteen pounds Scotts money, and that for each chalder of the s^d Victuall shall be measured out either at her Returne to Kirkcaldie, or at any point she shal aryve at in Murray firth, and with ane barell of ale and ane boll of meall together also with Towadge and Rowadge and pittie pillitage and other dewties, conforme to the custome of the sea . . . with the soume of Three pounds Scotts for ilka day y^e s^d Barke sall be longer detained at any of the ports than the lydays above said.’

The partners then decided that ‘Jeams Ross’ should travel north and meet the ship. On 30th April, 1696, instructions were given to him in the form of a ‘Comisione,’ which runs as follows :

Memorandum. The laird of Bogie and Alex^r Williamsons to Ja: Ross.

Imprimis. When you get to your port designed be cairfull to see y^e sufficiency off y^e hold of y^e weshell.

2. to tak good cair to see y^e victuall be good, weel dryit and holsome and good measure, and, for y^e meall I pray you look well to it.

3. y^t you advert with the skyper not to come out of any harbour without a bearing gell (*gale*) of wind for ye mair securitie ;

and fear all shyps at sea, you keeping y^e shoar aboard. Stand not upoune a little cost in harbouring at all convenient occasions.

4. If you can gitt a bargain of good bear, meall and outes, to be delyvered at Kirkcaldie free of all hazards and costs, we are satisfied to give Eight pounds Scots for each boll, paybell within a moneth after delivery, y^e quantitie not being above sex hundredthe bolls. Hope you may doe it cheaper.

5. If it should fall out, as God forbid, y^t you should be tucke by a french privitier, then and in y^t uncaise, you sall goe y^e lenthe of four hundredthe pounds Scotts for ransom of y^e meall and bear; but I hop you sall doe it cheaper. And, in cais it be that ye master be unwilling to ransome his shippe, then we allow you to pay y^e lenth of fiftie pound sterling money, qch we oblidg ourselves to pay, bill upon sight.

JOHN WEMYES.

ALEX^R WILLIAMSONE.

Kirkcaldie ye 30 April 96.

Armed with his 'comisione' James Ross started on 1st May, 1696, on his journey north 'to Inverbrekie in Ros,' and the 'accompt' gives in some detail the expenditure involved in those days in travelling on business to a place 155 miles from home.

The horse hire was at the rate of two shillings a mile, to which must be added the charge for a man and boy. The whole amounted to '1 lib 14s' daily while travelling. When not actually engaged in moving from place to place 'my awin chairges ech day was 1 lb 4s a day.' On arriving at Inverbrekie, Ross tells us he spent some days 'goieng through the Kuntray inqweiring for mor victuall, conforme to comition,' and eventually had to go to Fraserburgh. The meal, amounting to 34 bolls, was delivered in bulk for shipment; and the accompt includes an item of £8 Scots for '35 ells of secking at 5 shillings the ell to hold the meall.' Entertainment of 'the skipper and his crewe and those that put the victuall aboard' cost £7, and £2 was expended on 'information of privetteers.' When the coast was reported clear the *Elizabeth* left for Kirkcaldy and James Ross returned by land, with a total account of expenses amounting to £118.

On the back of the charter-party is endorsed a receipt by the skipper for freight at £10 Scots per chalder for a cargo of 250

bolles (sixteen bolles to the chalder), with the boll of meal for his own use 'in caplachin'¹ as arranged.

Meanwhile a letter had arrived from Isabel Countess of Seaforth, sister of the Earl of Cromarty, addressed to 'Jeams Ross at the shoarhead of Kirkadie' with the following instructions :

'to put aboard of skiper Youngs ship as many coalls as she can cairy. Since I am to pay at the rate of 18 chalder of victuall (*grain*) mak the bargain as well as ye can wi him, and let the condescendance be in writ.

Send half a last of whyt salt also try if you can get a good penyworth of linen cloth and advertte me at what rate. And if any of your aqwantances has good upright tyken (*ticking*) to mak lat them mak it lyk the patron I gave you.

Tak cair the coalls be good. I lou (*like*) not a dead heavy coall that burns not briskly.

I have only given you seven pounds sterling at this tym.'

This order was complied with and the Collector of Customs at 'Inverbrackie' certified, in due course, that William Young 'brought to the Road his bark loadened w^t coalls and lyvered the s^d coll for the Countes her use,' and took back another cargo of barley and meal.

In the account of this transaction James Ross states that he sent '15 dozens of colls at £6 Scots per dozen,' and 7 bolles of 'sallt' packed in 'barralls being all good oak stands.' The salt cost £2 per boll and the 'barralls' were £1 each, and the total due amounted to £105 13s. 4d. Scots.

The Dowager Lady Seaforth acknowledged receipt of the goods in August, 1696, and sent '3 pound sterlen' to complete payment. She adds: 'ye neided not sent oaken trees (*barrels*) with the salt for they are of no use to me after. the skiper said such as he had for eightpence good enough.' Finally, with the balance, after paying for the coal and salt, she asks 'Jeams' to 'by (*buy*) linen, about 18 penc the ell, and a bit harn to wrap it in,' and begs him to 'send me all your news publik and privat'; she signs her letter 'your assured frind Isobell Seaforth.'

The partners having taken delivery of their cargo of 250 bolles of bear and meall proceeded to divide it. After allowing for the one boll given to Skipper Young they should each have

¹"Caplachin" (variously spelt) is really an old German word; it is sometimes translated as "hat money." It means a tip to the master for care of the cargo, over and above the freight he receives.

received 72 bolls of bear and 11 bolls of meall; but they appear to have discovered an 'outcom' of one boll for each 20 bolls of bear laden.

Trouble then began. They had already entered into a contract with Andrew Ross, Writer to the Signet in Edinburgh, to pay for the original cargo of '250 bols meall & Bear, good and sufficient Clean Coller, weel dight, to be measured with the old accustomed measure or firloft' and to dispose of it to them at the price of £6 13s. 4d. Scots per boll. The money was to be paid by the first of July, under a penalty of 500 merks. The Laird of Bogie and his partners failed to implement this agreement, with the result that Andrew Ross got letters of 'horning and poinding' against them on the 15th July.

After detailing the history of the case, this document charges 'our lovitts . . . messengers and sheriffs' that 'incontinent, thir our letters seen, you pass and, in our name & authoritie comand and charge the saidis John Weemes, Alex^r Williamsone & James Rosse personally or at their dwelling places, to pay the amount due, together with the penalty of 500 merks, under the pain of Rebellion & putting of y^m to the horne, wherein if they failzie that incontinent thereafter yee denunce y^m our Rebels & put y^m to the horne and moving all y^r moveable goods and gear to our use for their contemt and disobedience.'

The instructions were of course carried out 'incontinent' by George M'Farlane, messenger, and the Laird and Alex^r Williamson were formally charged. James Ross was away and the messenger 'affixed ane Instrument upon his most patent door after six severall knocks given be me y^rupon, as use is.'

As no further reference appears in the dossier of this case to the debt to Andrew Ross it must be presumed the amount was paid. But for many years afterwards the division of the grain on the one hand and of the costs on the other occupied the attention of the partners. James Ross died a year or two afterwards; but at least ten years after Skipper Young had safely navigated the bark *Elizabeth* to the harbour of Kirkcaldy we find correspondence between Alex^r Williamson and 'my dear gossop' the laird—now Sir John Wemyss, Bt.—suggesting a final settlement of the accounts.

Judging by the list of debts left by Sir John at his death in 1712 it seems unlikely that Alex^r Williamson ever got his money.

The Earl of Arran and Queen Mary

IT is remarkable that with the unabating interest which gathers round the person and fortunes of Mary Stewart little regard has been paid to one whose career touched hers, sometimes very closely, during a period of more than twenty years. Bothwell is notorious. Arran, a man of nearly the same age, a prominent figure in the rebellion which ended in the Scottish Reformation, upon whom for many months the eyes of Protestant Europe were fixed, has been relegated to obscurity or caricatured as a shiftless idiot. The portrait of him in *The Queen's Quhair* is not a distinguished achievement in historical verisimilitude, if verisimilitude was intended: the brief sketch in the *Scots Peerage* is both inadequate and inaccurate: only in the *Dictionary of National Biography* is there any attempt to narrate a story which, apart from an almost tragic character of its own, has an important bearing upon events already familiar to the reader of history.

One or two striking facts in the life of Mary during the months which immediately followed her return to Scotland in 1561 suggest a closer examination of Arran's career. The Queen had not been three weeks in the country when there was a proposal to establish a body-guard. Besides casual references to the matter in the diplomatic correspondence, there are express statements in the pages of Knox and Buchanan which connect it with the ambition of the Hamiltons, and prove, if that were necessary, that the plan was no mere imitation of usage at the court of France, but the precaution of suspicion and fear. Information more detailed comes from an unpublished record in the Register House. The thirds of benefices, as is well known, were allotted to the Crown in order to meet an expenditure which had for long outgrown the patrimonial revenue, and which had prompted Mary's father and grandfather, with the connivance of the papacy, to appropriate on occasion the rents of the Church. Among the items of expense entered by the Collector for 1561, including the first assignation to the Reformed clergy, is the

cost of maintaining the guard ; and we learn that there was a body of eighteen archers in pay from January to March, 1562 ;¹ that on April 1 the whole guard was permanently ' erected,' drawing annual salaries amounting to £9000 Scots. Extracts from this record relative to the guard were printed by the Maitland Club in the first of its miscellany volumes ; but in those days editors were too modest to offer explanations, and it does not seem to have occurred to the contributor that the erection to full strength coincided exactly with the revelation of a plot against the person of the Queen, involving both Arran and Bothwell, or that the growth of the guard during the winter had been due to suspicions founded mainly upon the attitude of Arran and the Hamiltons, as the historians most clearly show.

Another fact cannot fail to arrest the attentive reader of this manuscript. Arran was consigned to the Castle of Edinburgh, where he lay for years. Warded nobles were expected to find their own living expenses. In this case the Collector of the Thirds was directed to allow a sum of forty shillings a day during the imprisonment. Why this departure from ordinary usage ? Was there anything in the situation, beyond Arran's periodical derangement of mind, to warrant exceptional treatment ?

To understand the meaning of Mary's body-guard and the peculiar circumstances of Arran's incarceration we must go back to the death of James V. in 1542 and follow a very strange career. The landmarks and the figures are familiar enough : the track is new. The way has its own interest, even though the general prospect is little altered ; and at points we shall find it worth while to have left the trodden path.

At the death of James V. only the uncertain life of an infant girl separated the Hamiltons from the throne. James Hamilton, eldest son of the second Earl of Arran, was some five years older than Mary ; and gossip among the patriotic immediately destined the one for the other. What more natural than that Cardinal Betoun should support Arran, son of a kinswoman and heir presumptive, and should look forward to an alliance between the children ? But Arran had been dealing with England, and was not sound in the faith. At the death-bed of James the Cardinal sought to exclude him from his lawful guardianship. Henry VIII., working upon Arran's resentment, gained a temporary success. Betoun was imprisoned ; and the little Queen seemed to be almost within the English grasp. At once

reaction began. Arran saw that he was on the verge of political suicide : Lennox, of the house which stood next to the Hamiltons, was brought from France as at least a hint of what might befall : John Hamilton, Abbot of Paisley, upon whom the English wasted some diplomatic hospitality on his way from the continent, speedily corrected the views of the Earl his brother : Arran himself began to waver. The Cardinal, passing by easy stages from imprisonment to complete freedom, beguiled Henry by a show of conversion—until he had made his preparations and was ready to strike. While Henry expected a ratification of his treaty, Betoun broached to Arran the policy which gossip suggested at the beginning. What if his heir were to become the husband of Mary ?

The campaigning season of 1543, as was intended, passed away without resort to arms : the Scots engaged in diplomatic play-acting : Henry impatient, but sanguine. He did not get his treaty, or Mary, or young Hamilton. In November the Cardinal showed his hand : the boy was safe in St. Andrews Castle, pledge for the father and a subtle encouragement of his hope. Henry raged exceedingly in 1544. If it was necessary to deposit Mary at Dunkeld during Hertford's invasion, St. Andrews would be no place for the Master of Hamilton, and he was doubtless taken as carefully as she out of harm's way.¹

Arran was committed ; but under the military pressure, to be renewed in 1545, Betoun had to consider the question of an appeal to France and the possibility that Mary might have to be transported to the continent. The campaigning of 1545 did not compel this final resort : it served chiefly to confirm opposition to an English agreement and to strengthen the position of the Hamiltons.² Yet the Cardinal was seeking, it was said, to have Mary, as well as the Master, in his Castle, looking prudently to France and telling Arran he would keep her for his son.³ Betoun could not make up his mind. Francis I., still at war with Henry VIII., might be disposed to seize an opportunity for action in favour of Scotland.⁴ As for the boy, we learn that he was pursuing the study of Latin with a book of rudiments and a text of Aesop's fables.⁵

¹ *Hen. VIII. Cal.* xix. 510 ; *Tr. Accounts*, viii. 319.

² Bond by Huntly, Oct. 1545 (*St. Papers*, Reg. Ho.) ; letter of John Somerville to Mary of Guise (*Corr. of Mary of Guise*, Reg. Ho.).

³ *Hen. VIII. Cal.* xx. (2), 535.

⁴ *Ibid.* 926.

⁵ *Tr. Accounts*, viii. 440.

In the spring of 1546 the diplomatic situation was still unresolved. Some believed that France would consent to the Hamilton plan: others, including Henry, who had made peace with Francis, still hoped for a contract with Prince Edward.¹ The assassination of Betoun in May, while it weakened Scotland, had obvious advantages for the Regent Arran. The primacy stood vacant for his brother: he was himself delivered from an irksome control, and might prosecute more unreservedly the policy of his house. Unfortunately, however, the heir of Hamilton was at St. Andrews in the hands of the Cardinal's assailants, and might be given up, with the Castle, to Henry, who was at the same time using Lennox to obtain control of Dumbarton. Mary of Guise resolved to combine, for the moment, with the Hamilton party against England: Angus, sworn to Henry, was bribed by a promise of the Cardinal's vacant Abbey of Arbroath, and brought over his following.² The next step was to get possession of St. Andrews Castle by peaceful accommodation. As a precaution, young Hamilton was excluded by Parliament from his rights as third person of the realm so long as he remained a captive with its enemies.³ Negotiation failed: a siege became inevitable: the French anticipated the English: at last the Castle fell, and the Regent had his boy restored.

The restoration was but for a few months. Pinkie, a winter campaign, and an almost desperate situation, placed the French party in power: Arran failed to come to terms with England and keep Mary at home: Henry II., now ruler of France, would not give effective support until he held in pledge the heir of Hamilton.⁴ Out of the wreck Arran, by compliance, saved in the meantime his regency.⁵ Parliament authorised the French marriage, momentous for Mary and for Scotland:⁶ James Hamilton, the young Master, was already in France:⁷ his father, sick with sheer vexation, made a will resigning his children to the care of Henry II.⁸ To an avaricious man, who, as was afterwards said, more than money had neither faith nor

¹ *Hen. VIII. Cal.* xxi. 391, 439.

² Cf. *ibid.* 1043.

³ *Acts*, ii. 474; cf. Knox, *Works*, iii. 410.

⁴ *Sc. Cal.* i. 197, 218, 228.

⁵ *Ibid.* 336.

⁶ *Acts*, ii. 481.

⁷ *Tr. Accounts*, ix. 185; *Span. Cal.* ix. p. 269; *Sc. Cal.* i. 238.

⁸ *Hist. MSS. Rep.* (Hamilton), 53.

God,¹ the duchy of Châtelherault was some consolation.² As for his heir, there was written promise of a great marriage in France;³ and many things might occur within half a dozen years.

In 1550 the Master was put in fee of the earldom of Arran and lordship of Hamilton, with liferent reserved for his father, and became known thereafter as Earl.⁴ He followed the French court, as the boy captain of a company of men-at-arms, mostly Scots.⁵ We hear of him on active service in 1557, when his company took part in a gallant defence of St. Quentin against the Imperial troops.⁶ He would have an allowance, perhaps not too generous,⁷ from the revenues of Châtelherault, where he occasionally resided. In one letter from Mary to her mother in Scotland Arran is mentioned. It was in the summer of 1557, within a year of her wedding.⁸ Her own destination is taken for granted. Diana of Poitiers wishes that her granddaughter, Mlle. de Bouillon, who attends Mary, should be given to Arran. This would be very pleasant. Mlle. is a good girl: so fond of the Queen as to welcome any union which will not separate them; and Arran likes her. The plan appeals also to King Henry, for he undertook to find a lady for the Earl, and Mlle. de Montpensier [the lady of the original agreement] is now promised to another. But, for the honour of Scotland, please to make Arran a duke and speak of the matter to his father, to whom she has written a little note.

There is every sign of patronising good-will to her cousin in this girlish letter: he is not within her orbit, to be sure; yet quite a proper fellow for her faithful de Bouillon. To Arran the matter appeared in another light. It had never been perfectly certain that Mary should wed Francis. There was a party opposed to the Guises, and alive to difficulties with England arising out of French domination in Scotland. In 1551, for example, there had been talk of an Anglo-French marriage; while among the Scots there was a steady under-current of regret

¹ *For. Cal.* iv. 630 n.

² It was valued at 12,000 livres, and was granted Feb. 7, 1548-9 (see prints in the Châtelherault case (French, 1865) in the Lyon Office).

³ *Herald and Genealogist*, iv. 98.

⁴ *Acts and Decrees*, vii. 195; cf. *Reg. Ho. Charters*, 1621-2, 1427.

⁵ Forbes-Leith, *Scots' Men-at-Arms*, i. 189.

⁶ *Ibid.* 98-9.

⁷ *For. Cal.* i. 870.

⁸ *Labanoff*, i. 42.

for the decision of 1548. When Mary of Guise finally contrived to oust Châtelherault from the regency in 1554, her triumph was not merely personal. She had gained a political and imperial success for her house, if she could hold her ground; but she had also disposed the Duke for reaction and revenge.

Young Arran was on familiar terms with his cousin. After all, the marriage with Francis was an affair of state, and on romantic grounds no entrancing prospect. Her regard for 'a comely young fellow'—as the Spanish ambassador in London described Arran¹—may have been sufficient to cause misunderstanding in one who never cherished inadequate ideas of himself. And it may not have been all misunderstanding.

When Francis died in 1560, Arran had in his possession a ring which, according to Knox, the 'Quene our Soverane knew well yneuch.'² Another scrap of information appears from a curious source. The Venetian and the French ambassador at the court of Spain were chatting about the escape of Arran from Henry II. in 1559, of which we shall presently hear. Religious heresy, the Frenchman held, was not the primary source of trouble: the heresy arose from personal resentment rather than from conviction. 'He had persuaded himself that the Queen of Scotland was to be no one else's wife but his.' Seeing Mary wedded to Francis, he was 'in despair and rabid,' more especially because Henry made no attempt to appease him from the disappointment. From that time he favoured the preachers, and entered upon correspondence with Elizabeth.³

Analysis of motive is a hazardous employment. From his very childhood Arran must have heard enough of his ambitious destiny; and if love came in, love and ambition would commingle inextricably. To these Mary's marriage was a blow. As to religion, it was easy for the ambassador to be disparaging; and it was true that Arran's Protestantism developed suspiciously after the wedding of Mary and the accession of Elizabeth. Yet the Protestantism, if it had a mixed and a factious origin, like much aristocratic Protestantism in France at the time, had more reality than that of the adaptable Châtelherault. Knox does not seem to have questioned it:⁴ Buchanan described Arran as in

¹ *Simancas Cal.* i. 39.

² *Hist.* ii. 137. Châtelherault sent a number of rings and other jewels to Mary in 1556; these seem to have been in his hands as Regent (*Stoddart, Girlhood of Mary*, 395).

³ *Ven. Cal.* vii. 140.

⁴ *Hist.* ii. 156.

1561 'the single defender of Gospel teaching':¹ long afterwards, in 1580, the Reformed Church remembered with solicitude his services to the cause.² An old engraved portrait of the Earl bears an inscription in French, dwelling upon the love, the ambition, and the barrier imposed by irreconcilable religious convictions.³

When it was seen that England would be a Protestant power again under Elizabeth, events began to move in Scotland and in France. The Reformers, threatened by Mary of Guise, took counsel with Châtelherault, who met Sir Henry Percy at the Border in January, 1559.⁴ Maitland of Lethington was welcomed in London; and he crossed the Channel⁵ with one object, at least, which we may conjecture. In February Arran established a small Protestant congregation at Châtelherault, for which he procured a minister from Poitiers.⁶ In the middle of May, after the treaty of Câteau-Cambrésis, diplomatic relations were restored, and Throckmorton went as English ambassador to Paris.⁷ Then it was that Arran received 'great offers' from the French King, if he would come to court,⁸ and that his Protestantism became seriously offensive. Henry II. was beginning to grasp the situation. On June 18 Mary, whose health was causing anxiety, took alarmingly ill. Peremptory orders went out at once to fetch Arran, alive or dead.⁹ The whole policy of France during these eleven years was in danger of being undone. The Earl was not found. He had taken warning: slipped out of the house in the darkness three days before the messengers arrived.¹⁰ One of the gentlemen sent to execute the command expected Mary to resent this usage of her cousin. No apology was needed, she said: he could not do her a greater pleasure than handle the Earl as an arrant traitor.¹¹ Here was the definite parting of the ways. Arran had professed to love her: now he was unmasked. To himself the affair appeared in a different light. He was the victim of persecution by the hated Guises, destined, as he firmly believed, for an

¹ *Hist.* xvii. 29.

² Calderwood, iii. 467.

³ Henderson's *Mary*, i. 226; where the engraving is reproduced.

⁴ *Sc.* 1558-9.

⁵ Russell, *Maitland of Lethington*, 35.

⁶ Beza, *Hist. Eccles.* i. 198; cf. *For. Cal.* ii. 45 n.; *Ven. Cal.* vii. 114.

⁷ Forbes, *Public Transactions*, i. 91.

⁸ *For. Cal.* i. 789; cf. 870.

⁹ *Ibid.* 868.

¹⁰ Beza, *ibid.* 319.

¹¹ *For. Cal.* i. 888.

exemplary execution.¹ When Francis died it was not mere obtuse vanity which encouraged him to offer Mary his hand : if he had rebelled against her, if his conduct was a menace to her crown of Scotland, there was something to be said in his defence.

Arran disappeared, with the connivance and the help of Throckmorton.² Elizabeth had suggested that he might cross to Jersey, and so to England ;³ but his portrait had gone to the harbours on the Channel, which were closely watched.⁴ In reality, the fugitive lurked for fifteen days in a wood near Châtelherault, subsisting upon fruit ; then, according to the plan which had been devised in Scotland,⁵ fled eastwards for Geneva, which he reached early in July.⁶ Probably he had time and opportunity to make the acquaintance of Calvin.⁷ Elizabeth and Cecil sent directions for a journey in disguise, by way of Emden, to England, and provided 1000 crowns for expenses.⁸ Of Arran's stay in Geneva, or of the vicissitudes of his travel to the sea-board, we hear little. It was not until late in August that Antwerp was reached. Cecil had commissioned Mr. Thomas Randolph to help him out⁹ —the beginning of Randolph's long connexion with Scottish affairs. How and where the two foregathered is not stated ; but they are said to have posed as merchants.¹⁰ On August 28 they appeared suddenly and secretly at Cecil's house in Westminster. M. de Beaufort, gentleman of the French King, obtained an interview at Hampton Court, received the requisite funds, and on September 1 departed for the north in charge of 'Thomas Barnaby.'¹¹ The Spanish ambassador was completely at sea : his French colleague could not certify Mary of Guise in time.¹²

Beaufort and Barnaby rode by night. They were at Alnwick early on September 6 : at three o'clock next morning they were secretly admitted into Berwick Castle.¹³ There Arran lay,

¹ Buchanan, *Hist.* xvi. 40 ; *Sc. Cal.* i. 871.

² *Sim. Cal.* i. 82 ; *For. Cal.* i. 870 ; ii. 385.

³ Forbes, i. 166.

⁴ *Sim. Cal.* i. 40.

⁵ *For. Cal.* i. 848, 974.

⁶ *Ibid.* 1075, 950 ; Forbes, i. 173.

⁷ Cf. Teulet, *Papiers d'état*, ii. 13 : where Knox seems to imply that they were personally known to one another.

⁸ *For. Cal.* i. 995, 998.

⁹ Randolph was at Bruges, August 24 or 25 ; *ibid.* 1203.

¹⁰ *Sim. Cal.* i. 40 n.

¹¹ *For. Cal.* i. 1274, 1290, 1293 ; ii. 71 n. ; *Sim. Cal.* i. 63.

¹² *For. Cal.* i. 1351.

¹³ *Ibid.* 1321, 1323.

awaiting the governor's arrangements. After dark one evening he was conveyed out of the Castle to the south bank of the Tweed. A gentleman met him : rode with him into Teviotdale ; and about one or two in the morning handed him over to a friendly Scot, who conducted him through the hills to Hamilton.¹ There Arran remained but one day : long enough to convince his father that he must throw in his lot with the Lords of the Congregation.² After despatching a message to summon Randolph³—things were going aright—he hastened to Stirling, brought the insurgent lords to Hamilton, and obtained his father's signature.⁴ Then he was off to St. Andrews, and back again early in October to mobilise 700 or 800 horse, 300 of them Hamiltons.⁵

Arran and Lord James were the military leaders of the rebellion against the government of Mary of Guise ; but they lacked the money to confront the French with a standing force. At the end of October a sum of £1000 sterling in the disguise of French crowns was on its way from Berwick under the charge of Cockburn of Ormiston. In the vicinity of Traprain Law Bothwell pounced upon the convoy, and rode off to Crichton with the money. Arran and Lord James left operations at Leith : missed Bothwell and his plunder by a few minutes : finally were compelled to evacuate Edinburgh. Bothwell, irritated by the loss of his valuables and charters, to obtain which Arran had made a special expedition to Crichton, was glad to have the opportunity of proclaiming his enemy a traitor, and sent a challenge to single combat. He was ready to defend his honour before French and Scottish, armed as Arran might choose, on horse or on foot : he would offer, God willing, to prove that his antagonist had not done his duty either to authority, as a nobleman should, or to the challenger. Arran replied that he had never threatened any true subject. Bothwell deserved what he had got : his deed, which was that of a thief, did not entitle him to seek combat with a man of honour. ' And quhen soevir ye may recover the name of ane honest man, quhilk be your lasche⁶ deide ye haif lost, I sall ansueir you as I awcht, bot nocht befor Franche, quhom ye prepon in rank to Scottis,

¹ *Ibid.* ii. 136.

² *Sc. Cal.* i. 599 ; incorrectly dated Dec.

⁴ *Ibid.* 1356, 1365.

⁶ Cowardly.

³ *For. Cal.* i. 1351.

⁵ *Ibid.* 1416 ; ii. 73.

for thair is na Franche man in this realme with quhais judgement I will haif to do.' As for duty to authority, 'albeit I am nocht bund to gif you accompt, yit will I meyn teyn that thairin ye haif falslie leyt.' Thus was established a momentous enmity.¹

What had passed at Hampton Court between Arran and Elizabeth we do not know. The French story was that he sold the independence of his country—obviously a mere fabrication for his discredit.² Elizabeth had been very careful indeed: he must not, she said, misinterpret her kindness.³ Arran himself had a shrewd suspicion that he was a tool; and he had his own views, as the English Queen doubtless knew. He was a Franco-Scot, after all: his eyes were still fixed upon Mary: if she died, there were his rights in the crown of Scotland: if Francis succumbed—and his was a precarious existence—both love and ambition might be satisfied. It was the common talk of Protestant Europe that he would gain the hand of Elizabeth, if the revolution in Scotland prospered. Sufficient then unto the day was the evil thereof.

It is needless to follow in detail the military operations of the winter. Depressed by the loss of Edinburgh and the doubtful prospects of the insurrection, Arran was offended when Knox preached at him as too 'close and solitary,' not mingling freely with his men for their encouragement.⁴ Yet in actual fight he was no laggard, and brave to recklessness. Huntly thought he should not adventure too far in skirmishes; for the whole weight of the matter stood on him.⁵ Knox, referring to the foolish boldness of some, mentioned with anxiety 'these two young plants,' Arran and Lord James.⁶ Randolph wrote enthusiastically to Cecil of his loyalty to the cause, and of his 'daily hazards.'⁷ Something may have to be deducted from the language of those who looked for a Protestant King, to vindicate the cause and, possibly, become the husband of Elizabeth; but there can be no question that Arran was a strenuous leader and a loyal coadjutor with Lord James.

In April, 1560, the pace at last began to tell, and we have the first hint of a breakdown. Arran was forced to leave the camp before Leith and rest in his father's lodging in Holyrood.⁸

¹ *Sc. Cal.* i. 558-566; cf. 1092; Knox, i. 454 ff.; ii. 3.

² *For. Cal.* ii. 467, 524 n.

³ *Ibid.* i. 1022.

⁴ Knox, ii. 9.

⁵ *For. Cal.* ii. 594.

⁶ *Sc. Cal.* i. 638.

⁷ *Ibid.* 713.

⁸ *Ibid.* 722.

Mental pre-occupation and lack of repose seemed to be the cause, as well they might. Elizabeth's vacillation was at the moment causing Maitland of Lethington the gravest apprehension: he 'never had greater fear' since he was born.¹ Arran's position was even more distracting. Francis and Mary had been trying to detach him from England: there were offers from the French Protestants:² if Elizabeth failed, and the power of the Guises in Scotland was not crushed, what were his prospects of the throne? Of Mary? Even of personal immunity?

The Treaty of Edinburgh realised his fears. The French were not driven into the sea, nor was Mary deposed. When Cecil came north to the negotiations it was Lord James Stewart, as he reported to Elizabeth, who had the personality and qualities of a king.³ The Hamiltons were left in the air; and Arran was now more than ever conscious that he had been the tool of England. Interest and prudence made Châtelherault stipulate, under the treaty, for restoration to his French lands;⁴ while Elizabeth sent a 'most gentle letter' to him during the diplomatic discussions, and promised to preserve the persons of himself and his son.⁵ The Duke feared Mary's resentment, and was inclined to cultivate Elizabeth. This brought him into line with Lethington and Lord James; but he had also to consider the Châtelherault property and his son Lord David, who had been in the hands of the French since Arran's escape.⁶ In the meantime he entered heartily into the plan that a Reformation Parliament should offer Arran in matrimony to Elizabeth. The threat to Mary's crown might extract from her a confirmation of the Treaty of Edinburgh, and so at least secure the lands.

Whether it was that Arran dreaded acceptance, distrusted Elizabeth, or was cajoled by the French⁷ and preferred to take a risk for Mary, the first obstacle to the match was the official bridegroom. Before Parliament met he wrote in French to the

¹ Russell, *Maitland of Lethington*, 57.

² *For. Cal.* ii. 758, 894.

³ *Sc. Cal.* i. 821.

⁴ Keith, i. 305; *Sc. Cal.* i. 856. The revenues were sequestered in 1559 (Châtelherault case, *ut supra*).

⁵ *Sc. Cal.* i. 877.

⁶ *Ibid.* 879 (p. 457). The lands were not released by March, 1561 (*ibid.* 983).

⁷ *For. Cal.* iii. 224.

English Queen, under the supervision, we may suspect, of his father and Lethington.

Madam—Though the nobles and people of this realm have good reason to thank your Majesty for their lives and all they have in the world, with this good peace, I myself am infinitely more obliged for your favour, never so little merited by one of my quality, in saving me from the hands of those who sought my death, and restoring me safe to my country, again possessed of its old liberty : above all, for once in my life having had opportunity to contemplate the singular graces which God has so liberally bestowed upon you. I can but offer your Majesty my most humble service in any way it pleases you to employ me, praying the Creator to grant whatever your noble heart desires.¹

There is little sign of enthusiasm on Arran's part. It was a curious circumstance that, when Lethington set off with his colleagues on embassy, Randolph at once proceeded to keep a very close eye upon his young friend, who flung himself into a short but arduous siege of Castle Sempill. Arran had his quarters with other lords in a barn, where the English agent was, as he related with rueful humour, 'the least of six that lay in one bed.'² Probably his duty was to keep the candidate for Elizabeth in a proper frame, and counteract the effect of communications which would be certain to arrive from France.

At last, on December 8, Elizabeth declined the Scottish offer, not absolutely, but with a hint that Arran should look elsewhere. Even if she did not know that the Queen of France became a widow on December 5, she had heard from her ambassador that the King was in a critical state, and that Arran's name was already mentioned in connexion with Mary.³ He was deeply committed to Protestantism both in France and Scotland.⁴ Could English policy settle Mary with a Scottish husband and remove her from the continental market ?

Lethington and the other envoys did not publish Elizabeth's answer ; for the next step required deliberate consultation.⁵ Meanwhile Arran had returned from some thorough work among the border thieves, not, apparently, very inquisitive about his chances with Elizabeth, but concerned more with the death of Francis. What a deliverance for the persecuted ! He heartily rejoiced, and took occasion to praise God.⁶ Lethington's apprehensions were soon justified. Without waiting for official proceedings and a consideration of Elizabeth's answer in a

¹ *Sc. Cal.* i. 871.

² *Ibid.* 196.

³ *For. Cal.* iii. 738.

⁴ *Cf. ibid.* 870-1.

⁵ *Sc. Cal.* i. 945.

⁶ *Ibid.* 934.

formal convention of estates, Arran took the bit between his teeth. Early in January, 1561, he mentioned to Randolph that he was sending to France: friendly letters to Navarre and the Constable,¹ and a message of loyalty in passing to Elizabeth, who might be suspicious now that God had opened so 'patent a way' for his alliance with the Queen of Scotland. Knox had been taken into confidence, and was no doubt aware of the real intention.²

Randolph thought there was more in the matter than was avowed. He was right. This was doubtless the occasion, recorded by Knox, when Arran, in the hope that Mary 'bare unto him some favour,' wrote his letter and sent the ring she knew.³ Was it megalomania? Or had he been misled by French diplomacy? Throckmorton was convinced that Mary hated Arran: yet she had been surprisingly cordial to his messenger.⁴ By January 24 her reply was given.⁵ On February 6 Lethington informed Cecil that the Earl was 'greatly discouraged'—by Elizabeth's answer, of course.⁶ The discouragement had in reality a different root. Knox adds that Arran took the answer as final, and made 'no farther persuyte,' though he bore it 'heavelie in harte,' more heavily than many would have wished.⁷

It had been comparatively easy to unite Parliament on the project of marriage with Elizabeth: when it came to a marriage with Mary—and the plan was actually discussed—there was an end to Lethington's cherished unity.⁸ According to Randolph, Arran was still corresponding with Mary, who kept him in play. His hopes were visionary, the Englishman thought.⁹ The old Duke expressed high disapproval of his son. Writing to Mary on his own initiative had ruined any prospect of his becoming candidate for her hand by the authority of the estates. Mary, too, meant mischief to the Hamiltons. He was himself disposed to retain the regard of Elizabeth.¹⁰

Lethington and Lord James now definitely dropped Arran. The basis of agreement with England was to be recognition

¹ His supporters for Mary's hand (*For. Cal.* iii. 870-1).

² *Sc. Cal.* i. 945; cf. 966.

³ Knox, ii. 137.

⁴ *For. Cal.* iii. 919.

⁵ *Ibid.* 928.

⁶ *Sc. Cal.* i. 958.

⁷ Lang (*Hist. of Scot.*) prints 'wotted' for 'wissed,' which, from other instances, apparently = 'wished.'

⁸ *Sim. Cal.* i. 123.

⁹ *Sc. Cal.* i. 966.

¹⁰ *Ibid.* 964, 966, 972.

by Elizabeth of Mary's right to succeed her, and on the other side, admission of Elizabeth's status by confirmation of the Treaty of Edinburgh. That recognition Elizabeth could not risk; yet she was intensely interested in Mary's matrimonial fate, and the fact that Lethington and Stewart avoided the point did not diminish its importance for her. Two years later Lethington told the Spanish ambassador in London that when Francis died Elizabeth would have had a fresh agreement with the Scots and Châtelherault, whereby Mary should be bound to marry in Scotland; but he himself and Lord James refused. Danger from France was over; and the Queen, they held, ought not to be constrained. Elizabeth, Lethington said, was dissatisfied: the Duke annoyed.¹ It is plain from this and other evidence that England was using the Hamiltons, with their interest in the confirmation of the Treaty of Edinburgh, to counter Lethington and Lord James. This fact has not been kept sufficiently in view by historians in connexion with Mary's passage to Scotland in August, 1561, and her unexpected arrival at Leith. There was something in the theory of the Spanish ambassador at Paris. He conjectured that Elizabeth designed to shepherd Mary towards the west, where the Hamiltons held Dumbarton and their main power lay.²

Lord James had gone officially to France in April, and had talked with Mary. There must have been interchange of views about the Hamiltons; but the dash for Leith took everyone by surprise. When the news spread, Châtelherault was the first important arrival, probably from Kinniel: then came Lord James: Arran third.³ If the Hamiltons had a plan to deal with Mary and checkmate Lord James, it was upset. On Sunday there was mass at Holyrood, Lord James keeping the door—what he had told Knox from the beginning that he would do.⁴ On Monday came the clever proclamation of Council, forbidding any public alteration in religion and any interference with the freedom of the household. Arran alone stood forth at the Market Cross of Edinburgh to protest.⁵ In July, Elizabeth had assured the Hamiltons that she would support their right, should Mary die without issue, on one emphatic condition—their adherence to the Protestant cause.⁶ The assurance was certainly

¹ *Sim. Cal.* i. 215; cf. 139.

² *For. Cal.* iv. 337 n.

³ *Sc. Cal.* i. 1010.

⁴ Knox, ii. 143.

⁵ *Ibid.* 270-5.

⁶ *Sc. Cal.* i. 992.

politic in the case of the Duke, who had been wavering : Arran, says Knox, ' stude constant with his brethrene ' : he even assisted at the burning of his uncle's Abbey of Paisley.¹

Thus we have Lord James and Lethington working with Mary : Elizabeth doubtful of their intentions : Knox thundering against the mass : Arran uncompromisingly Protestant : the Duke not sure of his line, inclined to curry favour with the Queen, but suspicious of her attitude to his house. At this juncture we hear first of the projected body-guard. James Stewart of Cardonald was to be captain ; but Lethington had gone to see what could be made of Elizabeth, and there was delay.² The mutual distrust between Mary and the Hamiltons is evident. They were excluded from their natural place in the realm. The Queen, said Randolph on September 7, ' takes great suspicion of fortifying Dumbarton, and has sent one to see it.'³ A day or two later she went to Linlithgow : whereupon Châtelherault and Arran betook themselves to Hamilton, for Linlithgow and Kinniel adjoined too closely.⁴ Arran was inexorably opposed to the mass : declined to come to court : cultivated the precise Protestants : was afraid of Bothwell : could not get funds from his father.⁵ The Duke, as acting Governor during the revolution, took the rents of St. Andrews from his brother the Archbishop, who was on the wrong side of politics, and allotted them, with those of Dunfermline and possibly Melrose, to his son. Bothwell now claimed Melrose by the Queen's gift, while the Council decided that Arran's tenure of the two others should cease.⁶ Though Randolph attributed Châtelherault's refusal of finance to mere ' beastlynes,'⁷ there was reason in it. Arran's love of Mary was notorious, and resources might lead to indiscretion.

How far the Duke was coquetting with the reactionaries against Lord James and Lethington it would be difficult to say.⁸ While Lord James was absent at the Border courts, the Catholic bishops, including the Primate John Hamilton, appeared at Holyrood ; and one night Mary ' took a fray.' The guard must

¹ Knox, ii. 156, 167.

² *Sc. Cal.* i. 1017 (Sept. 7).

³ *Ibid.*

⁴ *Ibid.* 1018.

⁵ *Ibid.* 1035.

⁶ *Ibid.* index *sub voc.* ; Collector-General of Thirds, 1561, f. 69 ; Knox, ii. 298.

⁷ *Sc. Cal.* i. p. 563.

⁸ Cf. *ibid.* 1081 ; *Sim. Cal.* i. 143 ; *For. Cal.* iv. 713, 717, 750

be augmented: Arran was coming to take her.¹ Randolph saw no signs of a plot. Lord James, on his return, immediately discharged the watch. Yet the story of a plan to kidnap the Queen continued in circulation. In January, 1562, she had twelve halberdiers, and proposed to double the number.²

Arran's position had become intolerable; and there is little wonder that he turned his eyes towards France, where political and religious controversy was coming to a head. There could be no doubt of Mary's ineradicable dislike and suspicion; but neither she nor anyone else in Scotland cared to let him go. In December there had been a scandal. One of Mary's uncles, with Bothwell and Lord John Stewart, raided the house of an Edinburgh burgess which Arran was said to visit in pursuit of an intimacy with a young woman named Alison Craik. There were obvious advantages to be gained by compromising this Protestant champion and laying hands on him.³ The affair nearly ended in a full-dress battle of the 'Cleanse the Causeway' sort. For the public peace something must be done.

It was thought that a financial provision for Arran and, if possible, reconciliation with Bothwell should be arranged. The Duke was to make an allowance from his liferent interest in the earldom, and the Queen contribute some position or benefice.⁴ On January 17 Arran came over from Kinniel to Linlithgow, where he presented his service to Mary. The interview was protracted and apparently cordial: Randolph expected soon to see him great at court.⁵ In February he attended the wedding of Lord James, or Mar, as he now became, and showed himself to the Queen, but had no taste for the festivities, pleading indisposition. Nor had he ceased to communicate with France. Mary was annoyed to learn that a messenger had embarked without her knowledge or permission.⁶

The root of the trouble was in Bothwell and his favour with Mary. Hatred, fear, and jealousy tormented Arran, and were unhinging his mind.⁷ The Privy Council took the matter up, and promised protection to the Hamiltons under the Act of Oblivion.⁸ Knox was chosen as a suitable peacemaker.⁹ The

¹ Knox, ii. 293; *Sc. Cal.* i. 1049.

² *Ibid.* 1049, 1058.

³ Knox, ii. 315 ff.; *Sc. Cal.* i. 1056.

⁴ Cf. *ibid.* 1092.

⁵ *Ibid.* 1071.

⁶ *Ibid.* 1077.

⁷ Buchanan says that Bothwell proposed to Mar, who refused, to destroy the Hamiltons (*Hist.* xvii. 29); cf. *Sc. Cal.* i. 1081, 1083.

⁸ *Reg. Privy Council*, i. 203.

⁹ Knox, ii. 322 ff.

Reformer was delighted, if a little surprised. He improved the occasion by advising Bothwell to 'begyn at God': set himself to work; and after some effort procured a reconciliation on Tuesday, March 24, at Kirk-o'-Field. The Edinburgh people were astounded when Arran and Bothwell appeared in company at the Wednesday sermon in St. Giles'; while the Queen herself thought the sudden cordiality a little suspicious. On Thursday they dined together, and rode over to Kinniel with Gavin Hamilton, Abbot of Kilwinning, to see the Duke. Next day Arran was at Knox's lodging with an advocate and the town clerk.¹ He was betrayed, he said, bursting into tears: Bothwell proposed to slay Mar and Lethington and carry off the Queen for him to Dumbarton—a plot to involve him in a charge of treason. He would write to Mary at once.

Knox, who suspected insanity, tried to soothe him. Better to hold his tongue. If he had repudiated the scheme, Bothwell would never risk laying an accusation. This advice Arran rejected, wrote his letter, and returned to Kinniel.² The Queen's reply, directed thither and confirming him in his honourable purpose, fell into the hands of the Duke. There was a stormy scene between father and son. The latter retired or was confined to his chamber. There he wrote in cipher to Randolph at Falkland: made a rope of his bed-sheets and other stuff: after dark descended from his window, a considerable height: walked up the south bank of the Forth to Stirling, and so round to Hallyards, the house of Kirkaldy of Grange at Auchtertool, where he appeared on Tuesday morning, exhausted.³

On Monday, meanwhile, the Queen had taken the field with Mar, Lethington and Randolph. The cipher was delivered to Randolph, who was able to make it out from memory, was somewhat staggered, gave the substance to Mar and, at his desire, to Mary. As they conferred, the Abbot of Kilwinning rode up from the Duke. No weight need be given to this fabrication. Within an hour after the Abbot had been placed in custody, Bothwell came in with a similar story, and shared his fate. Next morning Kirkaldy brought word that Arran was at Hallyards—had been raving 'as of divels, witches, and suche lyke,' in mortal

¹ Alex. Guthrie, who had been town clerk for some years, was at present acting as dean of guild (*Extracts etc. Burgh of Edinburgh, 1557-71, 302*).

² Randolph makes him write from Kinniel on Saturday (*Sc. Cal. i. 1089*). He also says that Knox advised revelation (1090).

³ The details are derived from Randolph (*Sc. Cal.*) and Knox.

dread of violent death. Mar rode over and brought him to Falkland, where he saw for himself—what Knox had already written to him—that the Earl was insane, under the hallucination that he was the Queen's husband.

On Wednesday, April 1, the day of the full 'erection' of the body-guard, the court passed to St. Andrews, Bothwell and Kilwinning sent on before to the Castle, Arran taken in the Queen's company.

What was to be made of the whole business? As Arran gradually recovered it seems to have dawned on him that in his frenzy of hate for Bothwell he had compromised his own father. Randolph was sent to see him, and found him 'in all common purposes' perfectly sensible, but unsatisfactory on the subject of the plot. Mary herself paid a visit, and asked him to tell the truth. Yes, he would—if she would marry him. There must be no conditions, she replied: he must justify his letters or own that he did wrong in writing.¹ Reading Livy with George Buchanan one afternoon, the Queen came upon a saying which struck her as apposite: 'safer not to accuse a bad man than to accuse him and see him absolved.'² Still an effort was made to get to the bottom of the affair. In presence of the Council Arran insisted on the charge against Bothwell, and was prepared for single combat or a trial, whichever the Queen preferred: the accusation against his father he withdrew without qualification. A second examination was no more successful. The Duke now summoned up courage to appear at St. Andrews, wept before the Queen like a beaten child, and denied the whole thing in Council. So it was resolved to take the opportunity of obtaining the surrender of Dumbarton Castle, and to go no further. Only, as Randolph said, Arran was 'not yet like to escape.' Mary had no justification for taking his life; but she would not be content without 'good assurance.'³

That assurance she obtained. Arran was conveyed to Edinburgh Castle, kindly enough, in the Queen's coach;⁴ and there he remained for four weary years, suffering for the sins of his house as much as for his own. A week or two after his arrival, he had a visit from Mar and Morton. They found him, said Randolph, 'in good health, his wits serving him as well as ever they did,' and eager to be at liberty; but liberation was not expedient.⁵ Mar, it would appear, distrusted the Hamiltons

¹ *Sc. Cal.* i. 1090.

² *Ibid.*

³ *Ibid.* 1095.

⁴ *Diurnal of Occurrents.*

⁵ *Sc. Cal.* i. 1111.

too deeply to dispense with a hostage.¹ In the spring of 1563 Randolph definitely exculpated Lethington, and left Cecil to infer that Mar—or Moray, to be exact—was chiefly responsible.² Yet in him, the old comrade in arms, the captive had a pathetic faith. ‘My lorde,’ he wrote, ‘I am here in daynger of my lyf for revelinge the treason ment agaynst the Quenes Majestie and yourself: therefore succour me.’ ‘Have compassion on me as ye would God should have on you, my lord my brother; for so long as I live I shall be true to you, as you have some experience.’³ In December, 1563, he attacked his attendant: in 1564 he was seriously ill, but in the autumn his father found him well, melancholy, patient, desirous of liberty. The unfortunate man’s freedom was still inexpedient. Catherine de Medici had not ceased to regard him as a possible husband for Mary, or to hope that he might return to the faith and take vengeance on Moray.⁴ Twice in January, 1565, the Queen dined at the Castle—just before Darnley came upon the scene. The first time Arran did not ask to see her: the second, she spoke with him and kissed him, but his words were few, ‘scarce so much as remission for his offence or desire for liberty.’ In summer he was ill again, and suicidal: in autumn, worse: by the early spring of 1566 he had lost his speech.⁵

At the beginning of May, 1566, the long durance ended.⁶ Mary was already in the Castle, expecting the birth of an heir. Moray and Argyll, restored after the Riccio affair and ready now to conciliate the Hamiltons, became sureties in a large sum for Arran’s behaviour.⁷ He departed to his house, and to comparative obscurity till his death in 1609. And yet he was not entirely forgotten. In 1580, when the Hamiltons had been forfeited, we read among the articles of supplication presented by the General Assembly to James VI.: ‘that in respect of the good and godly zeale of James Lord Arran, alwayes showed in defence of God’s caus and commoun wealth, it will please your Hienesse and counsell to resolve upon some good and substantiall order, which may serve both for health and curing of his bodie and comfort of his conscience.’⁸

R. K. HANNAY.

¹ *Ibid.* 1129.

² *Ibid.* 1171.

³ *Ibid.* 1174.

⁴ Hay Fleming, *Mary, Queen of Scots*, 94.

⁵ *Sc. Cal.* ii. *passim*.

⁶ *Collector-General’s Accounts*, 1565; the *Diurnal* has April 26.

⁷ *Sc. Cal.* ii. 378; *Diurnal of Occurrents*.

⁸ Calderwood, iii. 467.

An Old Scottish Handicraft Industry

THE earliest mention of hand knitting in England appears to be a statute, passed in the reign of Henry IV.,¹ but no early records of the handicraft in Scotland are found. In 1564 the Register of the Privy Council of Scotland contains references to the importation of stockings; but coarse woollen ones were no doubt spun and knitted at home from much earlier times. The stocking frame, which was invented by Lee during the reign of Queen Elizabeth, was rapidly taken up in England and the industry localised at London and at Nottingham; but no knitting machinery was introduced in Scotland until 1773, although there had been a considerable export trade in knitted stockings for over a hundred years before that date.

In the seventeenth and eighteenth centuries Aberdeenshire was peculiarly suited for the development of a handicraft industry. Owing to its troublous history, the system of land tenure in the northern part of Scotland was still largely feudal,² for as late as 1745 the power of a Highland chief depended upon the following of men he was able to bring into the field. Although the greater part of the county is Lowland in population and in the character of the terrain, it borders the Highlands proper and was therefore subjected to constant raids and spreachs: cattle lifting was only systematically put down after the '45, and the county was the scene of several pitched battles such as Harlaw and the fight on the braes of Corrichie. It was natural that the local landowners should have lived in semi-fortified houses and encouraged as large a 'tail' of retainers as their land could support, until about the end of the seventeenth century or even later.³

¹ David Bremner, *Industries of Scotland*, p. 172.

² Matheson, *Awakening of Scotland*. pp. 17-18, also 278-9. Meikle, *Scotland and the French Revolution*, p. 9.

³ *Report on the Agriculture of Scotland* (to the International Agricultural Congress, Paris, 1878). Watt, *County History of Banff and Aberdeenshire*, pp. 293-4; see also chapters ii. and ix.

The exceedingly wasteful system of agriculture—known as the ‘runrig’—which was almost universal in Aberdeenshire down to nearly the end of the eighteenth century, also tended to encourage a large rural population whilst¹ producing little to maintain it.

Aberdeenshire was like many other parts of Scotland in having a population too numerous for the land to support² adequately, but she was more fortunate in her closeness to foreign markets. Scotland was at that time both poverty-stricken and backward;³ rents and wages were largely paid in kind; the population was principally agricultural, raising and preparing its own wool and flax, spinning and if need be dyeing the yarns at home, and employing a local weaver to turn them into tweels (coarse diagonal cloth),⁴ linen and blankets. The great industries of shipbuilding, iron work, tweed manufacture and others were in embryo.⁵ There was therefore neither a wealthy middle class nor a large artisan population to buy the produce of the countryside. An industry was thus dependent on export for any market beyond immediate domestic consumption, and so elementary were the means of inland communication that easy access to a port was a necessity in order to carry on such a trade. Lack of means of communication is given by Mr. F. Mill, Perthill Factory, Aberdeen,⁶ as the reason why the stocking industry did not spread through the interior of Scotland, and the history of the linen trade bears out this statement. All through the eighteenth century it slowly spread to less and less accessible places; and even during the boom, just before spinning machinery had become widely known, it had barely reached the remoter parts of the Highlands.

But Aberdeenshire was well situated in respect that the town of Aberdeen was the second or third largest port in the

¹ Alexander, *Northern Rural Life in the Eighteenth Century*, ch. iv. and p. 19.

² Scott, Preface to *Rob Roy*. Watt, *County History of Aberdeenshire*, pp. 293-4.

³ Graham, *Social Life in Scotland in the Eighteenth Century*, ch. i. and v.

⁴ Bremner, *Industries of Scotland*, p. 146. *Memoirs of a Highland Lady*, Mrs. Smith (née Miss Grant of Rothiemurcus), p. 180. *Transactions of the Highland Society*, vol. ii. p. 244.

⁵ Bremner, *Industries of Scotland*, pp. 32, 58, 145. *Aberdeen Daily Journal*, 14th August, 1920.

⁶ A linen manufacturer who had been largely instrumental in opening up the Highland flax spinning industry, had travelled widely in the north of Scotland and won one of the gold medals offered by the Highland Society in 1799 for an essay on the development of Highland industries.

kingdom,¹ and had an important trading connection with Holland and Germany.

Stonehaven in the southernmost part of the stocking-making country, also had a harbour and was renowned for its smuggling activities. Although roads were bad or non-existent, the central northern and coastwise parts of the country are open and undulating, and even in the seventeenth century were constantly traversed by peddlers.

The stocking-knitting industry sprang into activity very rapidly in the second half of the seventeenth century. A Report on the Revenues of Excise and Customs in Scotland in 1656 gives particulars of the export of a considerable quantity of coarse plaiding from Aberdeen, but makes no mention of the stocking trade. But in 1676 the industry was already established in the county, and Mr. Pyper, the principal merchant engaged in it,² employed four hundred women to knit and spin for him, and encouraged good workmanship by gifts of money or linen—'so that from five groats a pair he caused them to work at such fynness that he hath given 20s. sterling and upward for the pair.'

The industry must have been widely distributed by 1680, for in a letter written in that year and attributed to the Lady Errol of the day, the following passage occurs: 'The women of this country are mostly employed spinning and working of stockings and making of plaiden webs, which the Aberdeen merchants carry over the sea; it is this which bringeth money to the commons; other ways of getting it they have not.'

Five years later Bailie Alexander Skene of Newtile also mentions the trade. He says that the Aberdeen merchants brought the wool from the south of Scotland and sold it out in 'smalls' to the country people, who spun it and either wove it into fingrams or plaidings or knitted it into stockings.

These quotations taken together suggest that sometimes the workers were employed on commission and sometimes did their own purchasing and selling. As late as 1745 James Rae, in his *History of the Rebellion*, writing of Aberdeen says: 'The manufacture here is chiefly of stockings, all round the adjacent country, and every morning women bring in loads to sell about the town to merchants, who have them scoured for exportation

¹ Watt, *History of Aberdeenshire*, pp. 309-14.

² *Writings of Bailie Skene of Newtile*, quoted by Alexander in *Northern Rural Life*, p. 134.

to London, Hamburgh and Holland. They are generally all white from the makers and knit most plainly; some are ribbed and a great many with squares which greatly please the Dutch.' Another method of disposal was by means of the peddlers, who were a numerous and prosperous class at that time: Sir Henry Craik estimates that there were 2000 in Scotland in 1707 with 'considerable capital.'¹

A series of letters between one of these chapmen and his wife is still preserved. They are undated, but from internal evidence must have been written during the first half of the eighteenth century. The chapman was in the habit of travelling through the northern part of Kincardineshire, exchanging tea and other luxuries for eggs, butter and stockings, whilst his wife looked after their shop in Stonehaven and their little croft close by. Every now and then he crossed over to Holland to buy stock. Both Pennant and Francis Douglas, who travelled up the east coast towards the end of the century, only mention stockings worked on commission.

All authorities seem to agree that most of the wool used for stockings was brought from the South, which is not surprising, as neither Aberdeenshire nor the Highlands were at that time wool-raising countries. But a limited amount of the local 'tarry wool' was sent South to be treated and then brought back, and it has been suggested that it was of these fleeces of the fine scanty wool of the original highland sheep² that the very fine stockings were made, for which Pyper paid twenty shillings a pair, and similar ones which at a later date fetched four or even five times this sum. In the earlier accounts the wool was carded and spun by the women, originally with the rock or distaff, but after 1712 four times as quickly with the spinning wheel. By the³ latter half of the century the merchants had begun to give out the wool ready spun, and it is probable that from the beginning of the nineteenth century they bought the wool ready for knitting in the great wool-spinning centres of the south of Scotland.

There was considerable variety in the quality of the stockings made. Rae wrote that 'They make stockings here in common from one shilling a pair to one guinea and a half, and some are

¹ As early as 1695, 500 merks was not an unusual amount of capital for a peddler.

² Before the introduction of the coarse, long-fleeced blackfaced or more recently of the Cheviot.

³ Alexander, *Northern Rural Life in the Eighteenth Century*, p. 135.

so fine as to sell for five guineas the pair.' Pennant says that the rate of payment in northern Kincardineshire was about fourpence a day, and several travellers put the rate of production at two pairs to two and a half pairs per week. Douglas notes that the very fine stockings worth £3 to £4 a pair took a woman nearly six months to knit, if she worked constantly. By the end of the century earnings were said to average from two shillings to half-a-crown per week. It would appear, from the authorities quoted, and from the minister of Raynes' contribution to the first *Statistical Account*, 1792, that it was quite usual for the people to pay their rents by what they earned by knitting stockings; no doubt they subsisted upon the produce of their farms or crofts.

In 1779 Mr. Wright, in his report to the Commissioners of the Annexed Estates in Aberdeenshire, writes that 'the women are so well employed in knitting stockings as scarce to undertake field work, even at sixpence,' and that the demand for knitters had raised servants' wages.¹ Mr. Wright described how the women knitted as they walked along the roads, and Pennant states that although they might have earned a penny a day more at flax spinning they preferred knitting as it left them freer to move about.

In the second half of the eighteenth century the industry had become strongly localised. Kincardineshire was divided; in the south the women all span flax, probably largely home-grown, for the good soil of the Mearns was well adapted for that 'scourging crop.' The northern part of the county was at that time very barren, and the stocking industry reigned supreme. Aberdeen itself was one of the principal spinning centres in the kingdom. In 1745 the Board of Trustees had given a grant towards² a spinning school and the wives and daughters of the artisans were soon filling spindles by the thousand. A certain amount of surplus yarn was produced in some parts of the county, as for instance in the Peterhead district, which afterwards started a thread industry of its own; but on the whole the women remained faithful to their worsted stockings, and the Aberdeen

¹ This is especially noticeable, for nearly all travellers in Scotland writing in the eighteenth century have commented on how much more field work the women were accustomed to do than in England. Simond likened them to the French peasant women, and an anonymous writer has recorded his disgust at seeing women carrying manure on their backs to the fields.

² D. Bremner, *Industries of Scotland*, p. 228.

weavers drew most of their supplies from Moray, Ross and above all Caithness.

In Huntly many silk stockings were knitted, and Aberdeen also carried on this trade to a certain extent. Later on, when the spinning of weft had spread to Caithness, Aberdeen specialised in thread making, and Banff and Banffshire, to the immediate north of the stocking-making country, became even more eminent for their linen thread, which they exported to Nottingham for lace and thread stocking making.

Between 1750 and 1795 seems to have been the most prosperous time in the stocking industry. In 1771 there were twenty-two mercantile houses in Aberdeen engaged in it. In 1782 Douglas estimates that the annual value of the trade was £110,000 or £120,000 and that of this sum the merchants paid out about two-thirds for spinning and knitting, the remaining third being the cost of the material and profit. Pennant, writing a few years later, gives rather different figures, 'Aberdeen imports annually £20,800 worth of wool and £16,000 worth of oil. Of this wool are made 69,333 dozen pairs of stockings, worth an average of £1 10s. a dozen, for knitting. These are made by country people in almost all parts of the county, who are paid 4s. per dozen for spinning and 14s. per dozen for knitting, so that £62,400 is paid annually in the shape of wages. About £2,000 worth of stockings are made annually from wool grown in the country.' A writer quoted by Professor Scott in his Report to the Board of Agriculture for Scotland on the Home Industries in the Highlands and Islands estimates the value of the stockings exported from Aberdeen at £80,000 in 1758 and at £200,000 in 1784.

Sir John Sinclair, in his *Statistical Abstract of Scotland*, written in 1795, puts the annual value of the trade at between £70,000 and £90,000 per annum. He says the payment given to the women varied as a rule between tenpence and two shillings per pair of stockings according to size and fineness, and that they usually knitted two pairs or two and a half pairs a week.

At that date the manufacturers usually went round the country every four weeks, giving out the raw material and receiving back the finished goods. 'Had it not been for this employment, occupiers of small lots of land would not have been able to pay their rents, having hardly any other mode of earning money.'

This important trade, unlike other eighteenth century industries, seems to have been built up entirely without the aid of bounties,

protective tariffs, subsidies or philanthropic assistance. It is true that during the reign of George II. an Act was passed providing that 'all stockings that shall be made¹ in Scotland shall be wrought of three threads, and of one sort of wool and worsted, and of equal work and fineness throughout, free of all left loops, hanging hairs, and of burnt, cutted or mended holes, and of such shapes and sizes respectively as shall be marked by the several Deans of Guild of the chief Burghs of the respective counties.' But the Board of Manufactures was never entrusted with the careful supervision of the stockings, such as they exercised over the linens. In 1789 the newly established Highland Society offered a gold medal to the proprietor who 'shall have brought and settled on his estate, a person properly qualified to prepare the wool and knit and teach the knitting of stockings made of such wool, after the Aberdeen or Shetland method or both, and on whose estate the greatest quantity of stockings shall be made in proportion to the number of inhabitants.'

Prizes were also offered for the knitting of stockings, but the time of prosperity for the handknit stocking merchants was nearly over and many causes combined to bring about a decline in the trade.

One of the most direct causes was the closing of the continental market. The Central European War diminished the demand for stockings, and in 1795 when² France obtained the ascendancy she closed the Dutch ports to Scottish trade. The home market for knitted goods had however improved. Scotland had become a much richer country and a flourishing industrial life was rapidly developing. There can have been but little demand for better class women's stockings; for even school-girls with any pretensions to gentility only wore worsted hose in the mornings and when there was no 'company' present;³ and all through the eighteenth century the lower classes in Scotland mostly wore linen underware.⁴ Still a certain amount of trade grew up in fishermen's jerseys, in Kilmarnock bonnets and in hosiery for the home market.

A more serious rival had entered upon the field in the form of the Hawick frame-made stocking industry.

The first stocking frame was introduced from England in

¹ Alexander, *Northern Rural Life in the Eighteenth Century*, p. 139.

² Watt, *County History of Aberdeenshire*, p. 320.

³ An old letter in the possession of Col. Grant, C.B., Muchalls Castle.

⁴ Mrs. Smith, *Memoirs of a Highland Lady*, p. 189.

1771 by Bailie John Hardy.¹ So rapidly did the industry grow that by 1812 there were 1449 frames in that town and by 1844 there were 2605 frames in Scotland; but the machine industry did not tend to establish itself in the handknitting country, for no frames had, at that date, been introduced into Aberdeen or the county, and with the exception of 108 at Perth they were all south of the Forth.

But the local industry was not only affected by loss of a market and the introduction of machinery. The whole system of agriculture was undergoing a radical change and the rural population was correspondingly affected.² Enclosure, systematic drainage, scientific manuring, the introduction of the turnip, and with it five or seven shift rotations of crops were having a cumulative effect upon farming. Struggling tenants were giving place to the well-trained working farmer employing two or three or more full-time farm servants.

Better housing and metal agricultural implements gave employment to craftsmen specialised in the necessary trades, and the new industries developing in the towns tended to divert labour from the land. Mere figures do not represent the completeness of the change, for if the numbers of labourers on existing farms were reduced, many more were required to cultivate the new land that was reclaimed from the waste and to bring the 'outfield' portions of the older farms under regular tillage. The 1845 *Statistical Account* contains constant reference to the great alterations, and many writers comment on the economy of labour introduced by the new system.

The decline in the flax-spinning industry, which took place about this time, affected many districts, notably Banffshire and³ Caithness, where there was difficulty in finding workers willing to spin at the old rates. In Orkney the competition of machines killed the trade a few years later. And the very rapid adoption of spinning machinery rather points to shortage of hand workers, if it is compared with the leisurely progress of the power-loom, when there was a large supply of hand-loom workers.⁴ In Ayrshire, which is largely a dairy country, the Glasgow spinning mills did cause unemployment, but the surplus home workers were quickly diverted to hand embroidery.⁵

¹ D. Bremner, *Industries of Scotland*, p. 174.

² Alexander, *Northern Rural Life*, pp. 4-6.

³ D. Bremner, *Industries of Scotland*, pp. 225, 227.

⁴ *Ibid.* p. 233, etc.

⁵ *Ibid.* p. 306.

There was however a considerably greater number of women workers upon the land than at present. Before the invention of the automatic binder, the turnip driller and other newer machines, women were constantly to be seen working in the fields in Aberdeenshire.¹ In certain parts of the country the rural conditions were also slightly abnormal, and it is in those districts that the stocking industry survived longest. The new *Statistical Account* published in 1845 states that in eleven out of forty-four parishes of Aberdeenshire and in the northernmost parish of Kincardineshire there was a considerable manufacture of stockings. They formed a fairly large group in the northern part of Aberdeenshire, but one or two are scattered further south. Fetteresso, in Kincardineshire, has poor soil, and at that time the richer portions nearer the coast were largely undrained, unfenced and divided up into uneconomically small holdings.² Alford and Tough were at that time much cut off from the outside world. The former was very backward, and an unusual number of women were employed on the land. The stocking trade did not amount to more than £200 per annum, but there was hand spinning for a local weaver of tweeds. In the adjoining parish of Tough the larger farms were said to be good, but the many small crofts were backward, and the minister writes, 'A number of the females employ themselves in knitting stockings for a mercantile house in Aberdeen. The worsted is furnished to them at their own houses, and they are paid for their work at the rate of 3½d. or 4d. a pair. About 3,000 pairs of excellent worsted stockings are in this manner made in the parish yearly.'

The parish of Birse also has a poor soil and consists of rough hilly ground; at that time it was mostly divided into crofts. Curiously enough the industry had not only survived, but had reverted to an earlier form. The women bought their own wool locally, had it carded at a mill and spun and knitted it themselves.

'Though the profits in this manufacture be extremely small, yet it affords occupation to a great many females who would otherwise be idle, and furnishes a ready employment for fragments of time. A very expert female will spin and knit a pair of stockings in two days. For these she receives generally from a shilling to fifteen pence when brought to market, of which sum, however, not more than one half is the remuneration for her

¹ Many older people resident locally have commented to me on the change.

² A pamphlet written by Mr. Paul, late factor to the Muchalls estates, and privately circulated.

labour, the other half being the price of wool, carding, and spinning. One individual will manufacture about three stones and a half of wool in a year, out of which she will produce from 120 to 130 pairs of stockings. Few of the females so employed are entirely dependent on this work for their subsistence, the profit of it being scarcely sufficient for this purpose. Many of them are partly employed in outdoor labour, where they can earn higher wages. In times however when such is not to be had, or when the season does not admit of it, or when age and infirmities have debarred them from it, the stockings are the never-failing resource. And so much is this the habitual employment of the females, especially the elder and unmarried, that, if a person were to go into the dwelling of such and find the shank absent from her hands, he might regard it as an unfailing symptom of indisposition.¹

In the northern part of the county, where the stocking industry was more generally prevalent, there is much bleak upland country, especially in the Cabrach district, and on the upper reaches of the Ythan and Urie. Fyvie and Rayne, in addition, showed great disparity in the size of their holdings, which varied from crofts to farms of 300 acres, and both these extremes tended to produce knitters; in the case of the crofts, a subsidiary employment to eke out subsistence was welcomed; the larger farms at that time employed several women field workers, who generally lived together in a sort of barrack on the bothy system and having no home occupations knitted in the evenings. Old Meldrum, which lies in lower country, was rather more industrial in character, and had a considerable number of hand-loom, which at that time were no doubt feeling the competition of the factories.

In almost every parish the industry is spoken of as a declining one in the middle of the nineteenth century. The younger women were said to be giving it up, only the old and less able-bodied, who were fit for nothing else, being said to carry it on in Kennethmont, Leochel and Cushnie, and Turrif. In Kieg, where 5000 pairs were made every year, it was evidently carried on by the married women, for the minister remarks, 'It may be observed that this is an employment which does not interrupt their attention to many of their domestic concerns in or out of doors.'

Most of the writers attribute the decline to the poorness of

¹ *New Statistical Account of Scotland*, vol. xii. p. 786, 1845.

the wages paid, the minister of Methlic saying that payment had been reduced from two shillings or three shillings per pair to fourpence halfpenny. But in this case there was probably a change in the work performed, for he says himself that the earlier rates were for spinning and knitting, whereas in 1845 the woman was probably only required to knit. The average payments seem to have varied from threepence halfpenny to fivepence a pair and weekly earnings were calculated at a shilling or eighteen pence per week. The industry had in fact reached a typical stage in the history of home-handicrafts and the Report of the House of Commons Select Committee on Home Work, written in 1907 and referring to other industries in other parts of the United Kingdom, contains a passage that might exactly describe it: 'As the payment for Home Work is necessarily at piece rates, those who are slow, owing to age, feeble health, inexperience, incompetence, or lack of power, energy, or disposition to work, and those who for any reason find it difficult to secure and retain employment elsewhere, find it more easy to obtain this kind of work than any other, and they drift into it and settle down to it as a method of earning a livelihood.'

In 1845 there were nine hosiery merchants in Aberdeen,¹ and, with the exception of Birse, the work seems to have been invariably given out by agents, who visited the country districts every month, receiving and paying for the stockings and supplying more wool.

In the very early years of the nineteenth century the first representative of one of the largest and best known stocking firms settled at Huntly. His great-grandchildren still preserve one of his daybooks, dated 1812, and describe how he used to drive about in all weathers, in a dogcart, in the bleak upland districts round the Buck o' the Cabroch, giving out and collecting the work, which he shipped to London.

By about 1880 gloves and socks were the articles most usually made, and the industry had shrunk to the district immediately round Fyvie. Only one or two merchants were engaged in the trade, who employed collectors to call at the small scattered hamlets. They gave out the wool with directions how it was to be used, and in most of the villages there were groups of women, under the charge of the most experienced knitter. They were all widows or single women too old to work in the fields, who supplemented the 'Parish Money,' or what little pittance their

¹ *Statistical Account*, 1845, p. 39.

families or savings brought them in, by their earnings at knitting. An old man who used to be employed as a collector has told me that the usual rate of payment was eightpence for a pair of gloves. The picture he gave of the knitters' life was far from unattractive; in the afternoons and evenings they usually met to work together, and they would sit round the fire, while one member of the party was always employed in keeping the kettle boiling and the teapot replenished after its frequent rounds, and although the earnings seem scanty according to modern standards it must be remembered that the agents only earned about £1 a week, and a woman field worker usually received £2 per half year in addition to board and lodging.

No figures are available giving the exact amount of output, but up till about thirty years ago the industry continued in the Fyvie district to quite a considerable extent. About that time the fashion in knitted goods began to change, and lighter, thinner fabrics were preferred. The machinery used in the south had also been improved and was more fit to produce highly finished articles. Messrs. Spence therefore decided to build a factory at Huntly to cope with the growing demand, although they continued to employ a certain number of out-workers on the heavier hand-knitted articles and upon sock-making up till 1914. The more highly skilled work of knitting fancy hose tops continued to be a handicraft long after the shanks were usually machine knit. This branch of the industry was carried on by a comparatively few skilled knitters scattered over the county, and indeed beyond its borders. About ten years ago these elaborate tops ceased to be admired and much plainer stockings came into fashion and the fine fleecy hose which are now preferred can be better knit by machinery than by hand.

The practice of knitting socks for home consumption is also on the wane. About fifteen years ago every 'auld wife' and most younger women wore leather belts with a pad covered with perforated leather into which they could stick their knitting needles when they were not in use, but nowadays this is less common.

The final blow to the industry came through the War. Special sock machines were introduced to meet the sudden demand, and only about forty home hand-workers are now employed round about Huntly. Their work is entirely subsidiary to the machines, seaming the sides and the backs of the stockings, making the little tassels for 'rat-tailed' garters, and doing similar work.

This work is well paid, and although the home-workers, who are mostly girls who have left the factory to be married, seldom 'sit at their work,' their earnings often amount to more than two pounds per week. The old industry has not deteriorated in its change from hand-work to machine-made goods, for under the older conditions the beautiful textures of Lhama and Khashmere wool and the exquisite modern dyes were not available. And the newest machinery is so skilful and so much under the control of the worker that with a smoother finish it almost gives that sense of personality and distinction that the human hand alone can produce.

ISABEL F. GRANT.

Reviews of Books

THE POETICAL WORKS OF SIR WILLIAM ALEXANDER, Earl of Stirling.
Edited by L. E. Kastner, M.A., Professor of French Language and Literature, and H. B. Charlton, M.A., Lecturer in English Literature—Volume the First. The Dramatic Works, with an introductory essay on the growth of the Senecan tradition in Renaissance tragedy. Pp. ccxviii, 482. With Portrait. 8vo. Manchester: at the University Press. 1921. 28s.

It is a pleasure to handle and read this substantial volume, well printed on thick paper with adequate margin. The Manchester University Press are to be congratulated upon the publication, and these congratulations must be extended to the Scottish Text Society, without whose co-operation, as the Editors inform us, an edition on this scale of Sir William Alexander's works would hardly have been possible.

The present volume includes only his tragedies; a second will follow and complete his works. Nearly one-half of the volume is occupied with an introduction which embodies a learned and critically exact exposition of the history of tragedy, not so much from its origin in the great Greek dramatists, as from its new birth in the tragedies of Seneca. The overpowering sense of fate, of divine retribution in the Greek tragedies, the lurid atmosphere of spiritual nemesis, inspiring religious awe and terror, disappear in the Senecan tragedies, and in their place a climax not of supernatural terror, but of human ruin and horror, is reached; and reached after much brilliant rhetoric and abundant moralizing upon the brevity of life, and the uncertainty of the affairs of mortals.

In the Renaissance in France and Italy it was easier to follow tragedies written in Latin than those written in Greek, and the Church, moreover, discovered in Seneca much admirably expressed philosophy as to the transitoriness of earthly things, and the ruin that inevitably engulfed all evildoers; a philosophy which they could easily adapt to medieval tastes and habits of thought, and which might produce upon the vulgar those religious impressions which the Church desired to inspire and intensify. The Senecan tradition, therefore, rather than the Greek was taken up and carried on in these countries, as well as in our own. Indeed one of the most interesting chapters in the introduction deals with the Senecan tradition in the history of English tragedy in the sixteenth century, and the influence of France and of Italy upon English writers during that period. As regards Alexander's *Monarchicke Tragedies* the editors sum them up as being 'final crystallisation of all the tendencies of Seneca of the French school'; and certainly

one can see that between Euripides and Alexander there is a great gulf fixed.

Alexander was born in Menstrie near Alloa about 1570. He was educated in Stirling and at the University of Glasgow; he travelled on the continent with the seventh Earl of Argyll: he became a member of the household of Prince Henry, son of James I.; he was knighted; obtained a grant not only of Nova Scotia but of what is now Canada and a great part of the United States: he attempted much and effected little in the encouragement of the colonization of his vast territory: he was created a Viscount and afterwards Earl of Stirling: he was an able and vigorous administrator in many offices of State, and in particular was for many years and until his death Secretary for Scotland. He died in poverty, but honoured and regretted. His life was largely spent in England, and a part of it in the times, and doubtless in the society, of the mighty Elizabethans.

His tragedies are contemporaneous with the great romantic tragedies of Shakespeare. But he was only a minor poet after all. One reason for the present fine edition of his works is that they do contain some good poetry; poetry so good that it was read and admired by Milton. Another reason is that his tragedies appeared in successive editions during his own lifetime from 1603-1637, and were carefully revised by himself, his revisions consisting largely in the expunging of Scottish words and phrases and of archaic, provincial and pedantic words; these numerous changes show a 'growth in grace' from a literary point of view over a period of more than thirty years. The present edition carefully notes the variant forms, so that the changes of taste not only in the author himself, but doubtless also in others, during a period of transition from Elizabethan to Jacobean and later ideals can be traced with great particularity and in a highly interesting way. If Boswell eliminated his native Scotticisms in pronunciation, so Alexander did in his style and language in a way which meets the eye and can be appreciated in the present day. He was a courtier and an author, a man of affairs and a student, and he lived in a period of intense literary life and output. His change of taste, therefore, as shown by his revisions, is more than a matter of curiosity; it is a matter of value to all students and especially to Scottish students of language and style.

Since his death in 1640 his poems have been collected only once, in a three volume edition limited to 350 copies published in Glasgow in 1870-72, and an edition like the present, giving an exact reprint of the last edition issued during the author's lifetime, with all the variant readings, was certainly called for, and can be recommended to the readers of this Review.

A. S. D. THOMSON.

THE EVOLUTION OF PARLIAMENT. By A. F. Pollard, Litt.D., F.B.A., Professor of English History in the University of London. Pp. xi, 398. With illustrations. 8vo. London: Longmans, Green & Co. 1920.

PROFESSOR POLLARD has produced a bold, brilliantly-written and iconoclastic book. Upon its detailed conclusions there is likely to be, for many years to come, much fruitful discussion, but of its great merits, taken as a whole,

there would seem to be room for one opinion only. This volume will stand beside Stubbs and Maitland on the shelves of future historians of the Mother of Parliaments. In forming this opinion it is not forgotten that Professor Pollard's contribution is not mainly a work of original investigation, that many researchers have prepared the way for even the most seemingly revolutionary of his conclusions or that, on the other hand, some of his modifications of long-accepted conclusions imply changes of nomenclature rather than of substance. Still, after fully weighing all such considerations, a distinct impression remains that Professor Pollard (by the convincing deductions which he now bases on a new synthesis of the results of the recent researches of himself and of others) has thrown the whole subject of the development of Parliament back into the crucible again. The consequences are likely to be far-reaching, hardly one of our complacently accepted conclusions escapes the necessity of justifying its form, or indeed its very existence anew.

Of the great debt owed by students of British medieval institutions to Bishop Stubbs all competent authorities are agreed, and the passage of time merely increases the sense of obligation, yet it need not be forgotten that the excessive, if fully deserved, veneration for all conclusions associated with the honoured name of Bishop Stubbs has interfered with the reconstruction of English constitutional history upon lines suggested by researches made possible only by his own achievements. The mass of evidence for parliamentary origins accumulated by numerous scholars, deriving inspiration directly or indirectly from Stubbs himself, has been too often used with timidity where it seemed to contradict conclusions drawn by him from premises less complete. Even the clear vision of a Maitland would seem to have been dimmed at times by gratitude and reverence towards his master. Yet the growing mass of evidence has been pressing with ever-increasing weight against the barriers, and at last the dam has burst. Mr. Pollard, writing with all due modesty and moderation, has carefully sifted and put together the whole mass of new material, and it is no longer safe to repeat the most cherished of the old propositions without verifying them anew. The views of Stubbs will henceforth require to be supplemented, in giving instruction even to the tyro, by those of Professor Pollard.

It has long been known, for example, that certain dates in the thirteenth century have received exaggerated importance in their bearing upon the composition of the English Parliament. Their prominence, in the writings of Bishop Stubbs, has in many cases been mainly due to accidents which have preserved, and brought to the surface, one set of writs of summons to Parliament rather than another. Almost every year, however, of the last quarter of a century has seen the industry of an increasing band of competent workers rewarded by the discovery of previously unknown writs. Emphasis has thus been greatly altered. New dates have become important, others, once considered crucial, are now relegated to a secondary rank. The growth of Parliament is seen to be even more of a gradual evolution than was formerly supposed. In this respect as in many others, it has been left for Mr. Pollard to give full expression to opinions, long forming, but hitherto expressed only in a tentative form.

All the old watchwords of English constitutional historians, 'the Parlia-

ment of the three estates,' 'the two Houses of Parliament,' 'the theory of ennobled blood,' and the like, have been here subjected to the acid test of a searching new analysis, and found wanting. For teachers of history, content to plod along the old paths that constant use has made smooth, this book is extremely disquieting. Not one of the familiar old stock phrases can be freely used again without renewed examination, old text-books and lectures will require to be rewritten. Professor Pollard has probably in places somewhat overstated his case, but, perhaps, his book is none the worse for that ; as it makes the challenge contained in his propositions the more emphatic and thus stimulates criticism suited to bring any necessary corrective. He has not, of course, written the definitive treatise upon the origin and growth of Parliament : far from it. What he has done is rather to unsettle all conclusions and to render necessary a new start from the foundations. Whether welcomed or resented, Mr. Pollard's book is one with which all historians will have seriously to reckon.

WM. S. MCKECHNIE.

THE IRISH REBELLION OF 1641 : With a History of the Events which led up to and succeeded it. By Lord Ernest Hamilton. Pp. xviii, 461. 8vo. London : John Murray. 1920. 21s. net.

IN all the contentious annals of Ireland there is no more thorny tract than her Seventeenth Century history, and Lord Ernest Hamilton has added another volume,—an interesting and sometimes useful volume, be it said,—to the library of controversy. Mainly concerned with the history of Ulster, he has supplied a clear and able account of such disputatious topics as the Jacobean Plantation and the Insurrection of 1641 from what I suppose may be called the orthodox Ulster Unionist point of view. Lord Ernest writes an excellent straightforward narrative, at its best in detailing the military operations of the time. His story, encumbered as it is with Celtic patronymics and place names, is terse and vigorous : and were it supplemented, as it should have been, with a series of sketch maps, it would have supplied the student of Irish history with a narrative of events clearer and more comprehensible than most works dealing with the warfare of Seventeenth Century Ireland.

His account of the Plantation is also a useful summary and his discussion of its ethics and legality is interesting, though his conclusions seem based on a too implicit acceptance of the official story and the arguments of official apologists. Its denunciation of the defects of Ulster tribal society is probably not exaggerated ; but he does not seem to take into account the fact that those defects do not in themselves justify Government's dealings with the native Irish. It claimed the laudable intention of relieving the tribesmen from 'the oppressions and extortions' of their chieftains and assured them they were 'free subjects to the King of England,' but having confiscated the 'free subjects' land because of the chieftains' suspected treason, it then handed over the most fertile part of the tribal territory to alien colonists and the 'free subjects' found themselves, in Lord Ernest Hamilton's own phrase (p. 96), 'thrown back on the poorer lands.'

But when Lord Ernest Hamilton sets himself to achieve the main purpose of his book, one is disposed to be more critical. The purpose is nothing less

than to rescue the true facts about the '41 Rebellion from the misrepresentations of that notoriously bigoted and partisan historian, the late Mr. Lecky: and in so doing 'to present the bald truth... without any whitewashing of either British or Irish excesses' (Preface, p. vi). This would appear to be necessary, since Mr. Lecky was disinclined 'to face the truth' (p. 122)—his 'investigation of... facts was superficial' (p. 124)—he 'cannot be freed from the charge of wilfully misleading the public' (p. 125); though surprisingly 'his trained regard for truth forces from him damaging admissions' (p. 127). In a work which launches such serious charges against a historian of Mr. Lecky's eminence and reputation, one looks with a more critical eye than one might otherwise have done for proofs of the writer's historical equipment and experience, his ability to judge and collate evidence, his familiarity with the atmosphere and politics of the Seventeenth Century. As a mere fault of technique, I might adduce his very unsatisfactory method of reference to his authorities—'Carte' and 'Rushworth' quoted in footnotes without further specification may be taken as exaggerated examples of a persistent defect. The apparent readiness to accept the absurd story of a secret understanding between Ormonde and Sir Phelim O'Neill which accounted for Ormonde's failure to advance into Ulster after relieving Drogheda in March 1641-2 (p. 231) argues very little for either Lord Ernest Hamilton's capacity to weigh evidence or his study of his authorities.¹ The insinuation on p. 125 that Lecky suppressed the record of the proceedings at Sir Phelim's trial (which Miss Hickson only re-discovered in 1882) is all the more remarkable in that the evidence supports Lecky's own supposition to which Lord Ernest Hamilton alludes four pages previously² that most of the actual massacres were 'acts of provoked retaliation.' And the elaborate argument on pp. 117-119 designed to confute Lecky's perfectly true statement that 'the fear of the extirpation of Catholicism by the Puritan party was *one* cause of the rebellion' is vitiated throughout by failure to recognise what ought to be notorious to a student of Seventeenth Century history—that the 'Puritan party' and the Presbyterian Scots were not identical, even in the eyes of the native Irish. It is as idle to deny that the *fear*, whether justified or not, was one cause of the

¹ It is difficult to understand how anyone could treat the story seriously in face of the documents printed by Carte (*Life of Ormonde*, Oxford Edn. of 1851, vol. v. pp. 296 *et seqq.*)—particularly Ormonde's Instructions from the Lords Justices of 3 March 1641-2, his letter to them of the 9th, theirs to him of the same date, Sir John Temple to him of the 10th, to say nothing of the letter from Ormonde and his fellow officers to the Lords Justices, dated the 11th.

² Hickson's *Ireland in the Seventeenth Century*, vol. i. p. 159 *et seq.*: and the long abstract of proceedings, vol. ii. pp. 181-192. Lord Ernest Hamilton states that Judge Donnellan summed up the evidence at the trial: Miss Hickson prints the notes which Lord Ernest Hamilton seems to be quoting as 'the Lord President's Speech.' The Lord President was of course Sir Gerard Lowther (Bagwell's *Ireland under the Stuarts*, ii. pp. 304-305)—a point worth noting, as Lord Ernest Hamilton attaches some importance to Donnellan's being 'himself an Irishman.' Not having seen the original MS., I cannot say whether Lord E. Hamilton or Miss Hickson is in error. Dean Ker, who was present at the trial, says in his 'Declaration' (written in 1681) that Donnellan was one of the judges, but not that he presided.

Rebellion as it would be to deny that the English Puritans' belief in a vast Catholic conspiracy to extirpate English Protestantism was one cause of the Civil War.

It is of course on the famous Depositions, now in the Library of Trinity College, that Lord Ernest Hamilton chiefly relies in his task of showing the inaccuracy of Lecky's account of the Rebellion. Whether they are perfect material from which to reconstruct 'the bald truth' might perhaps be questioned; the experience of the years that followed 1914 ought to have brought home to the historical student the unfathomable depths of credulity to be found in truthful and honourable people during times of danger, of alarm, of excitement. The Depositions certainly vary enormously, considered simply as historical evidence. Some are reliable; some are worthless; most of them vary between the two extremes, each one containing information of every degree of the two qualities; and their value in establishing historical truth depends entirely on the historian's *method* of using them. Lord Ernest Hamilton's own account of them is tolerably accurate, (Preface, pp. vi-vii), though it conveys, I think a false impression of the proportion of reliable eye witnesses' evidence to mere hearsay, for the greater part of the Depositions consists of manifest hearsay report, so far as murders and atrocities are concerned. But Lord Ernest Hamilton, when he comes to describe the course of the Rebellion in Ulster, neglects the canon of criticism he himself lays down. He appears to accept every statement that the Depositions contain—I hope I do him no injustice if I say the Depositions as printed by Temple and Borlase and Nalson and above all Miss Hickson—with an entire and indiscriminating impartiality. The cumulative effect of this uncritical repetition of massacre and atrocity is undoubtedly horrible. But—to use his own phrase about Mr. Lecky's work,—'it is not history.'

That the Ulster Rebellion was stained by ghastly atrocities admits of no doubt, and that the Depositions contain many tales only too true in their frightful details is not to be denied; but it is equally certain that the general picture suggested by an uncritical catalogue of the worst of them, such as Lord Ernest Hamilton provides for his readers, is historically false and untrustworthy. It is not an easy matter to 'cross examine' these long-dead witnesses; nevertheless a skilful comparison and collation of the original depositions can do a great deal to establish truth of detail, as may be seen in a book which might be commended to Lord Ernest Hamilton's notice—Dr. Fitzpatrick's collected papers, dealing chiefly with the Rebellion in Co. Down.¹ Dr. Fitzpatrick's general conclusions about the Rebellion are just as biased as Lord Ernest Hamilton's, though in a different direction, and his style is not suggestive of reasoned impartiality; but he has shown how the Depositions can be made to test one another and what a first-hand examination and critical analysis of them can do to correct and modify the traditional story of the Insurrection. Lecky's sketch still remains the most trustworthy

¹ *The Bloody Bridge, and other Papers relating to the Insurrection of 1641*. By Thomas Fitzpatrick, LL.D. Dublin, 1903. The 'Bloody Bridge' is near Newcastle, Co. Down, and Dr. Fitzpatrick's first paper demonstrates conclusively the inaccuracies of the traditional story of the massacre there in the spring of 1642. Lord Ernest Hamilton repeats all the inaccuracies on p. 237 of his book.

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and accurate account of the Rebellion, despite Lord Ernest Hamilton's attempt to impeach its veracity. It is indeed a relief to turn to its temperate judgments, its carefully balanced conclusions, to say nothing of its sympathetic knowledge of human nature and psychology, after Lord Ernest Hamilton's presentation of what appears to him to be 'the bald truth'; and if Lord Ernest Hamilton's book has the effect of sending his readers to the perusal of Lecky's pages, it will not be the least of its claims to possess some real historical value.

St. Andrews.

J. W. WILLIAMS.

THE ANNUAL REGISTER: A Review of Public Events at Home and Abroad for the Year 1920. Pp. xii, 492. Demy 8vo. London: Longmans, Green & Co. 1921. 30s. net.

ONE views events as a constantly changing picture: the year's summary puts them more flatly on a map. The map of 1920 has few allurements: coal prices, strikes, Ireland, Mesopotamia, India, they are with us: and Sinn Fein with murder and reprisal, is perhaps the most gruesome figure in the nightmare. The year passes without visible rainbow in the home sky. Abroad, the League of Nations is not rooting itself deep yet it is making a gallant effort and remains a working aspiration and reality. The election of Harding as successor of Woodrow Wilson is a reversal of United States policy as regards intervention in Europe but there are different ways of international co-operation. Holland's refusal to surrender the Kaiser for trial is welcomed by many men of sense. France is difficult to satisfy and the Germans are maladroit when not perverse. But time is on the side of the quiet life and men of good-will turn again to science, literature and art. Science reports great progress in the wireless telephone. Old doctrines are rediscussed—the age of the sun, the nature of evolution in relation to the transmission of acquired characters, the return of influenza, and the life history of the eel, now proved to journey for breeding purposes to distant Atlantic depths. Literature has produced Mrs. Asquith: her critic thinks the Autobiography ephemeral: a fairer view may be that the pen-portraits are permanencies, the life-witness of current history. Among the public documents scheduled are the official reports on Jutland by Jellicoe and his officers. The obituary is numerous rather than distinguished but it includes Peary, discoverer of the North Pole, Mrs. Humphry Ward, Admiral Fisher and the Empress Eugenie. The 'Annual Register' never fails in that high, calm, tolerant and impartial spirit which has always been its central inspiration.

GEO. NEILSON.

THE ECONOMIC DEVELOPMENT OF FRANCE AND GERMANY, 1815-1914.
By J. H. Clapham, Litt.D., Fellow of King's College. Pp. xii, 420.
8vo. Cambridge: University Press. 1921. 18s. net.

IN lucid, narrative style the author tells the story of the economic development of France and Germany during the century, which is likely to stand out in history as the century of coal and steam. The thirteen chapters which compose the book cover the entire ground of agricultural and industrial progress, the last chapter dealing mainly with finance and the

financial institutions which formed the balance wheel of the entire movement. The author wisely reduces to a minimum those foot-notes, which in many works of its class are a continual distraction to the reader, but he gives in the preface a comprehensive list of the authorities from whom he derives his information. Having subjected this mass of material to a process of intellectual digestion and assimilation he has reproduced it in a book which is interesting and readable from beginning to end.

There are no digressions to teach any particular lesson. The narrative goes on in a straight and defined course. Some philosophic reflections in 'The Epilogue' leave the reader in some doubt as to whether in the opinion of the author the representative common man of France and Germany of to-day is better or worse off, happier or unhappier, than the man of 1815. Such problems have perplexed humanity in all ages. Mr. Clapham quotes the opinion of one of his authorities, who, writing of the nineteenth century at its close, said: 'Its grievances have grown with its comfort, and in proportion as its condition became better, it deemed it worse. The mark of this century favoured among all the centuries, is to be dissatisfied with itself.' If this opinion is sound and if it is true that 'as a man thinketh in his heart, so is he,' the representative man of to-day has little reason to congratulate himself on his superiority to the representative man of 1815.

The purpose of the book, however, is not to teach the Philosophy of History. It is, as the author says, 'a history not of economic opinion, but of economic fact,' and as a narrative of fact it tells the story of material changes, which amounted in effect to economic revolution.

So far as Western Europe is concerned, the century from 1815 to 1914 was a century of peaceful development. The first considerable war to break the calm was the Crimean war, but that was a local affair. The German war against Denmark was a trifle. The Austro-Prussian war was a thing of a few weeks, and the Franco-German War was over in six months. Compared to the war period which ended in 1815 and to the new period beginning with the cataclysm of 1914, from the effects of which the world is still reeling, it was a century of peaceful industrial progress. Coal was King, with steam as its deputy, and what this meant, particularly in creating our immense cities, can be illustrated from Hume's well known essay on the Populousness of ancient nations, written before the days of steam. Hume disposes of the accounts given by ancient historians of the teeming millions of ancient cities, by proving clearly that such great multitudes could not possibly have been crowded together, because the sources from which they could draw their food and the means of communication made this impossible. But those conditions did not change materially up to Hume's day, and arguing from the same premises he says: 'London, by uniting extensive commerce and middling empire, has perhaps arrived at a greatness which no city will ever be able to exceed.' The population of London at that time was equal to that of Paris, and each of those cities contained about 700,000 people. London to-day has a population ten times greater than that which Hume believed was the limit of its growth. That is what the century of coal and steam

has done for us. If the century which we have now fairly entered is to be a century of water power applied through electricity, the industries of the future may once more be scattered beside the mountain streams and sea-shores. Thus while the age of coal and steam has been the age of concentration, the age of electricity may become the age of dispersion, and the people may leave our smoke-polluted 'wens,' the abomination of Cobbett, for the freer air of the open spaces.

Mr. Clapham's book, which contains a good index, is a mine of information statistical and otherwise, which no one who wishes to study the economic history of Western Europe during the past century can well afford to neglect.

ANDREW LAW.

THE FOUNDING OF A NORTHERN UNIVERSITY. By F. A. Forbes. Pp. xi, 228. With 6 Illustrations. Small 8vo. Edinburgh and London. Sands & Co. 1920. 6s. net.

MR. F. A. Forbes has written a monograph of much interest to the citizens of the North-East of Scotland and of particular interest to all sons of Aberdeen University.

Quoting largely from the annals and records of the time—one wishes that Mr. Forbes had worked up this material more and made his picture still more full—the writer adds, as it were, an extended footnote to Mr. J. M. Bulloch's *History of the University of Aberdeen* by giving a general sketch of the conditions of life prevailing in the North-East of Scotland at the close of the Middle Ages when, in the days of James IV. Bishop Elphinstone received from Pope Alexander VI. the Bull founding the University of Aberdeen on the democratic model of the University of Paris. The Medieval Church, even in the outlying districts of the North, had been not only a great religious and social, but also a great educational power; the foundation of Aberdeen University was the richest and most enduring gift of the Church, to the intellectual life of north-eastern Scotland. Mr. Forbes regrets as we all do that the Presbyterian zealots of the Reformation should have destroyed so ruthlessly much of the beauty that Elphinstone and Dunbar had inspired, and should have dealt so hardly with such devoted sons of the old faith as John Leslie, Bishop of Ross, devoted counsellor of Mary of Scots in the days when even her own son forsook her. One could wish that Mr. Forbes had voiced his evident thought, that throughout times of change and vicissitude, the University of Aberdeen has stood in the North-East as a monument to the philanthropic vision of the great churchmen of the past, inculcating the lesson of gratitude for evident benefits upon citizens and University graduates of all creeds.

JOHN RAWSON ELDER.

IRELAND UNDER THE NORMANS, 1216-1333. By Goddard Henry Orpen. Vol III. Pp. 314. Vol IV. Pp. 343. With a map. 8vo. Oxford: Clarendon Press. 1920.

IN these two masterly volumes Mr. Orpen has in a thorough, unhurried, and workmanlike manner brought to a conclusion an ambitious undertaking

interrupted by the Great War. Those new volumes (vols. iii and iv) are of the nature of pioneer work to an even greater extent than their predecessors published in 1911.¹

The whole work, now happily completed, is of great value as a contribution to the earliest period of Irish History for which satisfactory evidence is available, and the judicial impartiality of its tone justifies the author's modestly expressed claim that he has viewed the period of which he writes purely from a medieval standpoint, allowing no 'modern political nostrum to colour the presentation of the picture drawn.' If the main value of the treatise lies, however, in the help afforded towards laying the foundations of early Irish History upon an unprejudiced basis, its usefulness extends in other directions also, three of which may be pointed out. Mr. Orpen's carefully marshalled data afford a view of how the wonderful genius of the Normans for administration grappled with a new set of difficulties in a new locality. It is, further, an interesting study of the working of feudal principles in conflict with the tribal customs so deeply rooted in the Celtic mind. Finally Mr. Orpen's untiring labours have made available a mass of neglected material which, when collated with contemporary English record evidence, is capable of throwing much light on the development of law and institutions in England at an interesting and critical period.

Of the manner in which Mr. Orpen has completed his undertaking, it would be difficult to speak too highly. Evidence of careful and successful scholarship appears upon every page.

WM. S. McKECHNIE.

PROCEEDINGS OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND. Session MDCCCXCIX—MDCCCXX. Vol. liv. Fifth Series, vol. vi. Pp. xxxi, 276, with many illustrations. 4to. Edinburgh: Printed for the Society by Neill and Company Ltd. 1920.

IN 1919 the Antiquaries made great changes in their managing personnel. Mr A. O. Curle who had by request continued in charge of the National Museum notwithstanding his appointment as Director of the Royal Scottish Museum has now given up the double office and his departure was made the occasion of well-earned compliments to his knowledge, courtesy and administrative capacity. The important position which he vacated was conferred on Mr. J. Graham Callander, an excellent antiquary of shrewd judgment and tried experience, to whom we wish a long and successful career as Director of the National Museum.

The volume for session 1919-1920 will bear comparison with the finest and most varied of its antecedents. Not only are the subjects in themselves of standard note, but the handling of several of the more intricate must satisfy archaeologists that the national antiquities are being adequately expounded, and that sometimes as in the case of the Crossraguel coins and the excavations at Traprain the expositions are unsurpassed whether for inherent interest or in technical skill. Dr. George Macdonald in his paper on the Mint of

¹Reviewed *S.H.R.* vol. xi. p. 182.

Crossraguel Abbey describes with added light¹ the find of coins including 88 farthings inscribed MONE[TA] PAUP[ERUM] and 51 pennies inscribed CRVX PELLIT OMNE CRI[MEN]. The commentator's explanation accompanied by plates of specimens, is complete and triumphant: the coins are of the Abbey's own mintage, possibly under cover of charity involving some possible profiteering by the monks.

Mr. A. O. Curle writing about the great find of Traprain gives a masterly account to which the fine illustrations are luminous corollary. 'Further exploration,' concludes the learned and fortunate director of the investigations



Billon Penny, James III.



Copper Farthing, James III.



Crossraguel Copper Penny,
first variety.



Crossraguel Copper Penny,
second variety.



Crossraguel Copper Farthing, third variety.

and discoverer of the hoard, 'may reveal fresh facts, but for the present the light of our knowledge does not suffice to dispel the darkness that enshrouds the history of this great hoard previous to its being buried on the shoulder of Traprain Law.' Mrs. T. Lindsay Galloway excellently records the exploration of a burial cairn at Balnabraid, Kintyre, adding good photographs and a most lucid plan and section by Mr. Mungo Buchanan. Among other interesting articles is Dr. Hay Fleming's extensive paper of transcript from the accounts of Dr. Alexander Skene on the repair of St. Salvator's College buildings in 1683-1690. Needless to say the editor finds many of the entries illuminating both as regards the costs of the work done and as regards the wide circle of subscriptions which enabled the authorities to foot the bill.

GEO. NEILSON.

¹ See *S.H.R.* xvii., 163.

BRITISH ACADEMY RECORDS OF THE SOCIAL AND ECONOMIC HISTORY OF ENGLAND AND WALES. Vol. IV. A Terrier of Fleet, Lincolnshire, and An Eleventh Century Inquisition of St. Augustine's, Canterbury. Pp. lxxxv-214 and xxxvii-33. With 2 Maps. Royal 8vo. Oxford: The University Press. 1920. 21s.

THIS is the third volume to appear of this unique and valuable series of historical records. While it is rightly said in the Preface of the Editorial Committee that 'England possesses the most remarkable set of records of economic and social history in the world,' one wonders if 'England' is intended in the geographical sense. Certainly Scotland is particularly rich in similar documents, and it is unfortunate that so much historical writing about Scotland has neglected this store of essential material. As long as the old bad habit is continued of writing history by repeating or discussing what has been printed already, little progress can be made. In that way opinions are made to do duty for facts, and the whole mechanical process of book making is a travesty of modern historical study. This is a special danger now that the social and economic history of Scotland is beginning to be studied, or rather it may be said people are thinking of beginning to study it. If the result is merely to collect the views of contemporary writers, who in many cases were ill-informed or prejudiced, it might be better to leave it alone. What is required is to get to the documents: and, if possible, to secure the printing of valuable MS. material. In spite of the excellent work of the Scottish Historical Societies much remains to be done, and there could be no better model than this series as developed under the able editorship of Sir Paul Vinogradoff. It is much to be hoped that, even yet, a way may be found of preventing the threatened suspension of volumes which have been arranged for already.

The first part of the book, now under consideration, is a Terrier of Fleet in Lincolnshire under the editorship of Miss N. Neilson of Mount Holyoke College, Mass., which was drawn up in the ninth year of Edward II. It is of great local interest through the precise account of the names of the tenements, their owners and the conditions of tenure. The wider historical purpose is to be found in the record of the adaptations of the manorial organisation to the conditions of fen life. This adaptation obtained a separate title in early account rolls, being dealt with under the heading 'Mariscus.' The common life of the fenland manor had necessarily much concern with the protection of the land from inundation, and its success depended largely upon the quantity of safe pasturage. In addition, revenue was derived from sale of moorland, turbary, fishing and fowling and some other miscellaneous items. The relative isolation of sections of the fens was marked at very much later dates than that of the Terrier, and a community, so shut in and living under special conditions, was adapted to preserve its own development of manorial customs. At the same time, even at the time of the Terrier, there were necessary relations with the outside world. An industry of some importance was the production of salt by means of evaporation. There was a special place, le mothow, where salt was brought to be marked and rent and fines collected for the lord of the manor. The salt was then ready for shipment.

The second document, an Eleventh Century Inquisition of St. Augustine's, Canterbury, is edited by the late Adolphus Ballard. The importance of this document is built up piece by piece, in a thorough historical investigation by the editor. It is contained in a cartulary of the thirteenth century, yet it is shown that the compilers of the document possessed a more intimate knowledge of the abbey than is to be found in the Doomesday Book. That might be explained by additions made to the Doomesday Survey by a man well acquainted with the affairs of the abbey. But a closer examination of the document shows that in the rest of Kent, and particularly in the case of the boroughs, the Inquisition is better informed than the Doomesday Survey, as, for instance, a passage of about 100 words relating to the mills of Canterbury which is wanting in the Survey. Also the Inquisition shows a better acquaintance with English place-names, and finally the conclusion is reached that the document is based on the lost returns of the hundreds from which the Doomesday Book was compiled. This leaves the question of transmission still to be determined, which the editor sums up as follows: 'The utmost that can be claimed for our document is that it is a copy, made in the thirteenth century, of a copy made between 1100 and 1154 (or possibly 1124) of an independent compilation, made in or before 1087, from the original returns of the hundreds from which Doomesday Book was compiled.'

W. R. SCOTT.

FORNVÄNNEN MEDDELANDEN FRÅN K. VITTERHETS HISTORIE OCH ANTIKVITETS AKADEMIEN. 8vo. With many Illustrations. Stockholm, 1917.

It is obvious from the bulk of this volume that in Sweden archaeological research was in no way hampered by the great war.

The papers treat of a variety of topics. Herr T. J. Arne deals with the antiquities of Vermland, a province less known to travellers and less rich in material than some of the districts further south, but here also are found and described many burials of types with which we are familiar in Scandinavia—cist burials of the stone age, piled cairns of the age of bronze, and stone settings of the iron age. The oldest iron age cemeteries belong to the La Tène culture, others have been noted dating from the transition period about A.D. 400, and from the older Viking age. Early trepanned skulls are the subject of an article by Herr Fürst. Seven of these were known in Sweden before 1913. Three new examples are now added to the list, two dating from the early iron age, and one from the Viking time. Herr Hjärke chronicles an interesting find of fibulae from Storkåge, in the province of Vesterbotten. It contained, among others, two penannular brooches with enamelled terminals of a type known in Finland, and also found in Esthonia. The deposit appears to date from the first half of the fourth century A.D., and affords evidence of direct trade relations between Northern Sweden and Esthonia at a relatively early period.

Herr Berger Nerman returns to the study of the Ingling saga, subjecting it to an examination from an archaeological standpoint, with a view to establish the chronology of the Inglings, the earliest race of the Kings of Sweden.

The Ingling saga gives details of the death and burial of the Kings, taken from the *Inglingatal* written about 870 A.D. by Tiodolf of Hvin in honour of the Norse King Ragnvald. In his introduction to the saga Snorre Sturlason tells that an age in which the dead were burnt and a bauta stone erected above their ashes preceded the age of burial in howes. With the exception of Frey, who is legendary, the earlier Inglings are said to have been cremated. The transition from cremation burial and the erection of a stone to the mound burial is noted on the death of Alf and Yngve, who were laid in a howe on the Fyris meads at Upsala. The transition must date from about A.D. 400, at the close of the period of the iron age which is characterised by the presence of objects showing Roman culture. The graves of this period in Uppland, where the Ingling Kings ruled, show that the bodies were, almost without exception, cremated. On the other hand, Aun, Egil and Adils, who come early in the succeeding period, were all laid under mounds in Upsala, and probably the great Kings' howes, which still form so prominent a feature in the landscape at old Upsala, were raised above them. The excavation of these mounds has afforded evidence that the burials which they contain belong to the fifth and sixth centuries. The grave of Ottar, another King of the race, seems to have been identified by the excavation of a mound bearing his name, the Ottar's howe at Vendel in Uppland, which, among other relics, contained a solidus of the short-reigned Emperor, Basiliscus, A.D. 476-477. King Hake, who fell in battle and who was laid in his ship with his dead comrades and sent blazing out on the Malar lake, is assigned on archaeological grounds to the fifth century. In a later stage of the evolution of ship burial the dead Viking, laid in his boat as at Gokstad in Norway, was covered by a mound. The final stage was doubtless the 'ship setting,' the lines of boulders set in the turf over the grave reproducing the outline of a boat.

Among the recent acquisitions of the National Museum, Stockholm, which are illustrated, is a chessman of walrus ivory, a Knight with long pointed shield, found in the island of Öland. It closely resembles a similar piece found in the island of Lewis, now in the Scottish National Collection.

JAMES CURLE.

THE SOCIAL AND INDUSTRIAL HISTORY OF SCOTLAND FROM THE UNION TO THE PRESENT TIME. By James Mackinnon, M.A., D.D., Regius Professor of Ecclesiastical History, University of Edinburgh. Pp. viii, 298. 8vo. London: Longmans, Green and Co. 1921.

THIS is an interesting and a useful volume. It is the continuance of a recently published work, in which the author presented a similar history, beginning with the earliest times and continuing down to the Union. Here we have the two centuries which have passed since that event. The subject is a large one, and we can imagine the objection being taken that it is too large to be disposed of within so small a space. Call this, however, a handbook and not a history, and no such objection could be raised. The author himself professes 'only to give a review, which, while intended for the general reader as well as for teachers and students of Scottish history, may serve as an introduction to farther intensive study.'

The book is comprised of two parts, one dealing with the eighteenth, the other with the nineteenth century 'and after.' The second is more than twice as long as the first, and may well be so. For although from 1750 to 1800 there was, compared with the stagnant condition in which Scotland had so long remained, a great advance, the eighteenth century was after all one of mere beginnings pointing to vast possibilities in the future. A good illustration of the difference between the two periods dealt with is afforded by referring to the lists of authorities founded upon at pages 57 and 271, the one dealing with the earlier, and the other with the later period.

This is not exactly a new field for research. It is characteristic of modern historians to deal with more than mere dates and battles, and there are valuable treatises specially devoted to the social and industrial condition of Scotland. Professor Mackinnon's excuse is really that a handbook, digesting the vast amount of available material, and stating the results briefly, may not be without its use. He has, we think, succeeded in producing a volume of practical value. There is a great deal of very varied information to be found here, and many authorities must have been consulted, and gone through the process of boiling down.

Concerning the first half of the eighteenth century there is not much to relate. Scotland was during that period miserably poor, much of its land a morass, its agriculture lamentably primitive, its manufactures, in the modern sense of the word, non-existing. Somehow or other the events of 1745 seemed to have cleared the air, for after that date there is a marked improvement and increase of wealth. The feudal bonds were relaxed, land came under a more scientific treatment, the mineral resources of the country began to be developed, villages became towns, and towns more than doubled their population. Steam, although in an experimental fashion, was attracting attention. Men lived in larger and better houses, and, in defiance of the Kirk, began to take an interest in the arts and drama. The century closed with a decided advance in all respects, but how little could those who witnessed the dawn of its successor have foretold what was yet to come, or anticipated the marvellous story which the second part of this book relates. Agriculture, all the industries primary and secondary, the development of a few lines of horse tramways into the network of railways, the wonders of modern machinery, the commercial and municipal enterprises, all these things and more are here dealt with, briefly it is true, but clearly and satisfactorily. In only one respect may the earlier period claim comparison with its successor. From an intellectual point of view the advance was not so great. Scotland in the eighteenth century could boast of many eminent men. Edinburgh, with such divines as Blair and Robertson, such philosophers as Hume and Adam Smith, and such judges as Kames and Hailes, might compare favourably with the much greater and richer city of the present day.

As Dr. Mackinnon remarks, 'ecclesiastical contention and theological discussion have entered very deeply into Scottish social life.' Accordingly he has not overlooked the religious condition of the country. He has dealt with the subject in a modern and liberal spirit. Even the latest heretic, Mr. Robinson, deposed by the Church of Scotland some twenty years ago,

is favourably noticed, and his deposition condemned as 'an obscurantist attempt to limit the freedom of theological and historical research.' It is surely a mistake to say that the House of Lords only partially recognised the claim of the Free Church. The 'Wee Frees' obtained all that they asked from that Court, and it was only through State interference that substantial justice was effected. The subject here dealt with suggests a painful thought. It is a story of continued progress. Is that progress still to go on, or are we now, as the Dean of St. Paul's suggests, on the road to ruin?

W. G. SCOTT MONCRIEFF.

WANDERINGS IN THE WESTERN HIGHLANDS AND ISLANDS. By M. E. M. Donaldson. Pp. 510. With Plans and many Engravings. Large 8vo. Paisley: Alexander Gardner. 1921. 30s.

WE have visited, or revisited, with pleasure, under the guidance of the authoress of this large volume many of the leading historical, many of the most striking, and, to her credit be it said, many of the most inaccessible, but none the less attractive, places of interest in the Highlands of Scotland.

Her 'Wanderings' have led her not only to Iona, Culloden and Skye, but to Ardnamurchan, Eigg and Dun-Add, and she has passed the night on Staffa and on Eileach-an-Naiomh, one of the Garvelloch Islands. There is a photograph of the small church on the latter island, in which possibly St. Columba himself officiated, and a hypothetical plan of the monastery buildings. Indeed, one of the greatest charms of the book is her collection of engravings, forty-two in number, including views of St. Columba's landing place at Iona, of Prince Charlie's Beach at Lochnan-Uamh, of Castle Tirrim, of Stewart of Ardsheal's Cave in Duror, of one of the Glenelg Brochs, and of cottages at Kilmory, Ardnamurchan, with Rum and Eigg in the distance. The plans, too, which she has had prepared with meticulous care, or obtained permission to use, show the 'surmised site of St. Columba's monastery,' the medieval monastery on Iona, Dunvegan Castle, Castle Tirrim, the forts at Dun-Add and at the head of Loch Sween, an old church at Arisaig, and Dun Telve Broch at Glenelg. We regret the want of a bibliography. Room might well have been found for a very useful one without attaining the 'inordinate length' she apprehended.

Our guide in these 'Wanderings' has a very marked personality, which she makes no attempt to conceal, and holds strong opinions (and prejudices) of which she is apparently rather proud. These force one to read the book, which is not free from inaccuracies, with caution, and to be careful about accepting her 'incontrovertible facts.' Thus her walk through Glen Sligachan, which she says she accomplished in twelve hours, can only attain the length she assigns to it of thirty-nine miles, if her statement that 'one mile of Glen Sligachan is said to be the equivalent of two ordinary miles' be taken as literally correct.

Although a staunch Jacobite, a devoted Episcopalian, and a loyal and attached member of *the* clan *par excellence*, the Clan Donald, to whom it must be a matter of great regret that her own surname takes the lowland

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form, and without a good word for the Clan Campbell (individual acquaintances excepted), she need not attempt to turn MacCailean Mor, son of Great Colin, into MacChailein Mor, son of the Great Whelp, nor need she always treat Presbyterians with contempt, referring to their churches as mere places of worship, and speaking of their clergymen as 'Established ministers,' in contrast to the Roman parish priests and the Episcopalian rectors. Her reference to 'the Edinburgh Court of Session' also reveals her attitude towards all things not Highland. Iona in her opinion 'suffered its final declension when in 1688 it passed into the hands of the family of Argyll.' She cannot but regret the duke's gift of the ruins to the Church of Scotland in 1899, and to her the restoration of the Abbey Church, as apparently of all pre-Reformation buildings, is *anathema*.

We have never heard English spoken in the Highlands as reproduced in her conversations with her Highland friends. The cadences and the construction may be correct, but the change of both consonants and vowels is grossly exaggerated and misleading. In her other book 'The Isles of Flame,' a poetic, romantic, and devotional description of St. Columba's conversion of the Picts, we find Miss Donaldson at her best.

S. M. PENNEY.

THE TRADITION OF THE ROMAN EMPIRE. A sketch of European History, with maps. By C. H. St. L. Russell, M.A. London: Macmillan and Co. 1921. Crown 8vo. 6s. net.

THIS is a school history of Europe based on the thesis quoted in its opening sentence: 'We must ever be thinking of *Rome*, ever looking to *Rome*, sometimes looking forward to it, sometimes looking back to it, but always having *Rome* in mind as the centre of the whole story.' The thesis is modern, the method ancient. Obviously a school text-book of some 280 pages covering the history of Europe from the Pelasgian movement to the Great War can be achieved only by rigid compression, but true statements can be so compressed as to be difficult and even misleading to the literal mind of youth, as this, in which material fact and mystical theory are cryptically blended: 'And all this, because Rome was—what she had been; because the Teutons had conquered Rome; because Rome had never fallen at all.'

The great merit of the book is that, unlike the usual school-book which presents a chain of more or less connected facts, it is constructed solidly round a definite point; there is a principle for the young student to seize upon and follow up. It is perhaps a pity that for Mr. Russell the tradition of the Roman Empire means the tradition of the imperial dominion, so that European history appears as a series of French and Teutonic attempts to grasp the power that Augustus held. That the Empire stood for organisation, communications, peace and order is not made clear, nor is room found for the constant tradition, so fertile of noble men and deeds, of the Roman Republic. Yet History must be taught with an eye to the future, and the only future Mr. Russell suggests is that of another attempt at dominion. The simplicity of the single principle has its dangers.

W. L. RENWICK.

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THE ENGLISH FACTORIES IN INDIA, 1555-1660. By William Foster, C.I.E. Pp. 440. 8vo. Oxford: Clarendon Press. 1921. 16s. net.

It is a welcome sign of recovery after the war that a volume of this series has appeared. The last was issued in 1915, and, in spite of the increase in prices in the interval, the cost has been advanced only by about twenty-five per cent., while the size of the book has been added to by about the same amount, so that the student interested in the British connection with India is able to get his material practically at the pre-war price.

The period of suspension of publication has been utilised to make a change in the treatment of documents. These are now grouped under different Presidencies or agencies—as for instance, Surat, Persia, Coromandel Coast and Bengal, Western India and the Inland Factories—and the documents under each of these are summarised or quoted and connected by short passages of narrative. Thus the series has ceased to be a calendar, and is on the way towards becoming a narrative based on documents. With Mr. Foster as editor the work is in good hands, while references are given which enable any document summarised to be traced and examined. As a result this volume contains the result of an examination of eleven hundred documents, few of which have been utilised before.

The period covered witnessed not only the Restoration of Charles II. but also the Restoration of the Company. The previous volume and the first two years of the present one show its fortunes in the depths of depression. In fact in 1655 all that held the Company together was the need of recovering and realising such assets as remained. In the words of the committees in London, 'our worke is now only to contrive to what estate wee have in your parts.' Merchants, who were opposed to the Company, were sending ships to India without hindrance, its servants were without funds, they were discouraged and the factories became disorganised. Further, in India the Empire of Shāh Jāhan was breaking up and Coromandel was invaded by Aurangzeb in 1656, while Fort St. George was attacked in the following year. Yet in the midst of depression the spirit of adventure was far from dead, as is shown, amongst other instances, by the attempt to seize a vessel belonging to the Nawab as it passed Madras, as a measure of reprisal. The dashing attack was successful as far as securing the ship, but, alas, the factors were disappointed in securing the treasure they expected, which one suspects was the main objective.

The revival of the Company's fortunes in India began at the end of 1657, when it was known a new charter had been secured and a considerable capital subscribed. In the following year 13 ships were sent to India, as against only one a few years before. The Committees of the Company had a great task before them. They had to rebuild the organization in India, reform abuses, and settle with independent or 'interloping' merchants who had established themselves. The first fruits of enlarged resources and a vigorous administration begin to show themselves in the later pages of the present volume.

This account preserves much of the personality of the writers. A couple of examples may be quoted. There is a faded letter from an English sailor who had been employed by the Company. He was taken

prisoner by the Dutch and swam ashore, escaping 'very narrowly.' The President of the Company at Surat received him with 'very ill language,' upon which he took service with Prince Aurangzeb, and he concludes, 'I thank God I doe live well and get mony.' The factors in Deccan wrote with a sharp pen. In 1660 they say, 'wee have livd heere upon poore mens charity, in the midst of great envy. For you may please to know that now Vauggy Shippott (Bhāji Shivpot), hearing that his bills of exchange is not paid in Surat, and that Simbo Potell is likely to loose his mony (as justly hee deserves), and that wee have found him to bee a treacherous person, that laughs and smiles in our faces, when behind us hee endeavours to cutt our throats, and contrives all wayes to roote us from hence, hee now cannot dessemble longer, but appears in his owne coulours and hates the sight of us as much as a monster doth a looking glace.'

W. R. SCOTT.

ROBERT CURTHOSE, DUKE OF NORMANDY. By Charles Wendell David. Pp. xiv, 272, and one map. 8vo. Cambridge: Harvard University Press. 1920. 12s. 6d.

WE are glad to have read this monograph. Robert Curthose from his want of success has been somewhat neglected by historians and it is right that we should have the sources for his biography collected, weighed and put together. The eldest son of the Conqueror was unlucky almost all his life. His first rebellion against his father cost him the English Succession, and his hold on Normandy was never too secure. One success he had and that was in the Crusade of 1096, and it was as a crusader that any fame was attributed to him by later chroniclers. His fall before the power of his successful brother Henry I. led to his imprisonment in various castles in England and Wales, and in the latter country he is said to have learned Welsh and to have written verses in it. His long captivity and the death of his only son—*mult fu amez de chevaliers*—is described in full detail in this carefully compiled work.

A. F. S.

A HISTORIC GEOGRAPHY OF THE BRITISH DEPENDENCIES. Vol. vii.—India, Part II. History under the Government of the Crown. By P. E. Roberts. Pp. iv, 212, and one map. Crown 8vo. Oxford: at the Clarendon Press. 1920. 7s 6d.

THE reader can have nothing but praise for this able continuation of the first part of this excellent work. Beginning with the end of the Vice-Royalty of Lord Canning, we are brought down to the Coronation Durbar of the reign of George V. and the Montagu-Chelmsford report. The style is clear and easy and the historic facts well weighed. Neither criticism nor praise is refused to the work of each Viceroy but always in a spirit of fair-mindedness. The period covers the increase of the Indian Empire by the incorporation of Burma, and the reasons for this step are particularly well dealt with. Lord Ripon's well-meant reforms are duly chronicled, and Lord Curzon's rule given its quota of praise.

KINCARDINESHIRE. By the late George H. Kinnear, F.E.I.S. With many maps, diagrams and illustrations. Pp. xii, 122. Fcap. 8vo. Cambridge: at the University Press. 1921. 4s. 6d. net.

THIS account of the county of Kincardine has been seen through the press by the dead author's friend, Mr. J. B. Philips, and we must congratulate him on his care. The author, however, had completed his work before his death. He tells us that although the county at one time possessed a royal residence it cannot be called a county of much national importance. The royal residence was from Pictish times at Kincardine in Fordoun parish and received Edward I. 'The Mearns' as part of the county is called, was in early times a constant source of trouble, and three Scottish Kings died violent deaths there. The county became the scene of the battle of Corrichie in Queen Mary's time and was ravaged during the time of Montrose. Dunnottar was the last stronghold to yield to Cromwell's troops and there the romantic saving of the Regalia of Scotland by the wife of the minister of Kinneff took place. The influence of the Earl Marischal made the county Jacobite, and the old chevalier was proclaimed at Feteresso in 1715. In 1746 it remained Episcopalian and suffered accordingly. Its antiquities include stone circles, a crannog at Banchory and the Ogham stone of Auchquhollie, as well as some crosses. The old church of Arbuthnott is one of the few existing pre-Reformation churches of the North, and Benholm, Dunnottar, Balbegno, and Crathes are interesting examples of places of strength, while beautiful houses abound. In the Roll of Honour the author includes the Keiths, Earls Marischal, Lords Monboddo and Gardenstone, Bishops Wishart, Mitchell, Burnett, and Keith. Dr. James Arbuthnot, Pope's friend, Marcas Ruddiman, David Herd and Dean Ramsay are among the writers. To this information is added a complete account of the geology and topography of the county and everything the intending visitor can wish to know.

MODERN HISTORY IN OXFORD, 1841-1918. By C. H. Firth. Pp. 51. 8vo. Oxford: Basil Blackwell. 1920. 1s. 6d. net.

IN this pamphlet tracing the development of history-teaching in Oxford Professor Firth shews the progressive spirit of research animating the occupants of the chairs and lectureships—himself modestly in the background although most prominent in his steady success. It is a great record of the rise of the historical stature of Oxford University.

One admires in Professor Firth's story the clearness with which he traces the lifting of the Oxford historical ideal, alike in theory and practice, by Stubbs and York Powell, and more recently under the influence of Firth himself.

ADAMNANI VITA S. COLUMBAE. Edited from Dr. Reeves' text with an Introduction on Early Irish History. Notes and a Glossary, by E. T. Fowler, D.C.L. New Edition, revised. Pp. 280. Crown 8vo. Oxford: at the Clarendon Press. 1920. 10s. 6d.

THIS new edition, revised and with a valuable glossary, will be welcome. It is intended for students to whom the works of Bishop Reeves, on which

it is based, are inaccessible, but who wish to study *virtutum libelli Columbae*. To make us understand this better, the writer has given a very interesting history of the Early Church in Ireland, showing how it took there a form not territorial as in England, but moulded by the Celtic System. Hence many strange positions came about, bishops subordinate to chieftains, and even to abbesses, married secular clergy, and traces of polygamy, which even the success of St. Patrick's mission did not change. We are given, too, an excellent account of St. Columba's life both in Ireland and in Scotland, his successors, their relations with the parent Irish Church, and of St. Adamnan, who was of the saint's own kin. The editor holds that the Columban Church was 'certainly neither 'Roman' nor 'Protestant'' and so far we can follow him with certainty.

A. F. S.

MEN AND THOUGHT IN MODERN HISTORY. By Ernest Scott, Professor of History in the University of Melbourne. Pp. viii, 346. With Portraits. 8vo. Melbourne: Macmillan & Co. 1920. 12s. 6d.

THE writer of this well-written book has written brief biographies of a number of thinkers and more full accounts of their theories and modes of thinking, with contemporary and later comments thereon. The choice is a little haphazard, and a book which includes Rousseau, Voltaire, Napoleon, Metternich, Palmerston, Abraham Lincoln, Karl Marx, Darwin, Gladstone and H. G. Wells, to mention no others, necessarily includes many schools of thought and manners of thinking. Still he has managed to make an interesting study, and at the end of his chapter on 'Tolstoy and Pacifism' we have the excellent sentence, 'Pacifism has much to be thankful for in the result of the war, even if those who fought in it and those who gave their lives in a righteous cause had little reason to feel thankful to the Pacifists.'

HAMLET AND THE SCOTTISH SUCCESSION, Being an Examination of the Relations of the Play of Hamlet to the Scottish Succession and the Essex Conspiracy. By Lilian Winstanley. Pp. x, 188. Crown 8vo. Cambridge: at the University Press. 1921. 10s.

WE find in this book a new attempt to discover the elusive meaning of Hamlet's complex character by deriving the play from the tragic circumstances which surrounded the sad early life of King James I. and VI. The author says that Denmark bulked largely in the popular mind through the King's marriage and through Bothwell's death, and that therefore the old play was chosen, but she deduces the tragedy from the murder of Darnley and his widow's remarriage to Bothwell. We think this is going too far. Even admitting that Shakespeare's plays sometimes contain bygone tragedies known to the audiences and forgotten political allusion, it is difficult to see why the playwright, while adapting the older play where the murder of a king by his brother and marriage to his widow was an integral part, did not alter this if he wished to be topical. No one can say that Darnley and Bothwell were in any way 'brothers' (the author mistakes 'first' and 'second' husband for 'second' and 'third' on page 57), while the fact that Hamlet's mother was not accused of the King's murder makes it less easy to make her character agree with the guilty one popularly ascribed

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to Queen Mary through the venom of George Buchanan. All one can say is that Shakespeare possibly desired the Scottish Succession, but it would be difficult to identify James VI. with Hamlet. There are many suggestions of possible origins, that the Ghost in the play comes from the ballad of the murder of Darnley, and that the courtiers can be identified. While we do not agree that the author proves her thesis she has written a book on an interesting subject that will create discussion and provoke interest.

HELPS FOR STUDENTS OF HISTORY. Ireland, 1494-1603. By the Rev. Robert H. Murray, Litt.D. London: S.P.C.K. 1920.

ONE wonders how the old-time student of history was able to work and work so exhaustively, without the help of a book of this kind. This one is exceptionally good. It begins by showing where the medieval statutes may be found which have never been entirely collected together, and it points out the effects of 'Poynning's Law' which has been so often misunderstood. We are given a splendid list of authorities on the Reformation and on the difficult subject of 'the Plantations,' and the digest on 'Modern Books' should not be neglected by any one who wishes to attempt to understand the melancholy history of the Sister Island. The essays are all brilliant.

A. F. S.

STUDY MANUAL FOR EUROPEAN HISTORY. By members of the Department of the University of Chicago. Pp. vi, 51. 8vo. The University of Chicago Press. 1920.

THIS is a list of readings for the history students of Chicago and also a guide for reading in European History for extra mural-students. It contains a long list of useful books.

THE SUBJECT INDEX TO PERIODICALS, 1917-1919. Issued by the Library Association B.-E. Historical, Political and Economic Sciences. January, 1921. Pp. 495. Folio. London: The Library Association, 33 Bloomsbury Square. 1921. 21s.

THIS bulky list of works classified by subject contains no fewer than 12,000 entries selected from over 400 British and foreign periodicals. The Scottish journals are sparingly represented. As an aid to study this systematic reference-book cannot fail to render capital service and certainly deserves hearty encouragement.

SONGS OF THE GAEL. By Lachlan Macbean. Pp. 32. 8vo. Stirling: Eneas Mackay. 2s.

TRANSLATED and set both to old notation and sol-fa these bilingual songs are intelligible and interesting even to those who know no Gaelic.

STORY AND SIGNIFICANCE OF THE REV. RICHARD BAXTER'S 'SAINTS' EVERLASTING REST.' By Frederick J. Powicke. Pp. 35. 8vo. Reprinted from *The Bulletin of the John Rylands Library*. Vol. 5. 1920.

THIS essay by Dr. Powicke (father of Professor Powicke) explains the sombreness and weariness of spirit in Baxter's best known book as reflecting

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the desperate political and religious conditions, 1645-1649, under which the work was originally composed. It is however suggested also that he was by disposition inclined to melancholy. His sincerity is insisted upon as well as his conservative frame of mind. An alleged tendency to rationalism is not very well supported. Contemporary charges of profiteering from the *Saints' Rest* are triumphantly refuted. Dr. Powicke has amassed a capital store of biographical commentary on a remarkable book which was a stand-by for two centuries, although its decline and fall are traced from 1690.

LABOR PROBLEMS AND LABOR ADMINISTRATION IN THE UNITED STATES DURING THE WORLD WAR. By Gordon S. Watkins. Pp. 247. 8vo. University of Illinois.

THIS, one of the University of Illinois studies in the social sciences, offers an excellently clear analysis of the organization of war labour, shewing the details of the administrative work and concluding with inferences from the immense experience thus gained. In general, British readers will be struck by the closeness with which conditions across the ocean meet our own. They will note with their own characteristic reservations the proposals for 'the introduction of democratic government in industry' and the suggested 'provision for giving to labor a share in the excess earnings of industry.' They will however unite in Mr. Watkins's aspiration for 'the generation of a spirit of co-operation, democracy and good-will between management and labor.'

LETTERS OF THEOPHILUS LINDSEY. By H. MacLachlan, M.A., D.D. Pp. xii, 148. Crown 8vo. Manchester: University Press. 1920. 6s.

THESE letters of the 'father of Unitarian Churchmanship,' 1723-1808, are edited with loving care. The writer was an Anglican clergyman who in 1765 established the first Sunday School at Catterick, and became a Unitarian in 1773. His letters are therefore of considerable interest to historians of that body. One of his converts seems to have been the Duke of Grafton.

CULLODEN MOOR AND STORY OF THE BATTLE. By the late Peter Anderson of Inverness. New and revised edition. Pp. 190. Sm. 8vo. Illustrated. Stirling: Eneas Mackay. 1920. 5s.

DR. P. J. ANDERSON sponsors this capital reprint of his father's creditable and well-informed local sketch and battle history which was first issued in 1867. An appendix of authorities on the battle and a detailed index add to the serviceableness of this meritorious historical essay.

Léon van der Essen: *Contribution à l'histoire du port d'Anvers et du commerce d'exportation des Pays-Bas vers l'Espagne et le Portugal à l'époque de Charles-Quint (1553-1554)*. Pp. 30. Anvers, 1921. An interesting contribution to the history of European trade based on a Spanish Report in

the royal archives at Brussels. It may be noted that books printed at Antwerp formed an important item in the list of exports, and that Antwerp was not simply a base of export: the bulk of the goods dealt with were produced in the Low Countries.

D. B. S.

In the Raleigh lecture on History to the British Academy—*The British Soldier and the Empire*—by The Hon. John Fortescue (pp. 23, Milford, 2s. net), a most inspiring claim is put forward for the soldier as a contributor to the historical literature and the imperial spirit of Great Britain. Notable are the tributes to Moore and Baden Powell. Perhaps it was too much to suggest that 'the demon of drink' has even yet been slain, and there may be overstrain also in the view of the army man as a moral force otherwise. But a little over-emphasis can be forgiven to the fine-spirited appreciation of the high quality of the British soldier.

G. N.

Unusual interest attaches to the presidential address given this winter to the Ateneo of Madrid by Señor Ramón Menéndez Pidal. It is published in *La Lectura: Revista de Ciencias y de Artes* (Madrid, December 1920) under the title *Un Aspecto en la elaboración del 'Quijote'* and contains matter of concern to every lover of the Don and every student who enjoys tracing the origins of the fun which that entertainer so plentifully supplies. 'Don Quixote' in its first part it will be remembered appeared in 1605, achieving its immense success as by a lightning stroke. Its manifold sources give no great trouble but the new question raised turns upon a work assigned to circa 1597 in which the primary plot of the future Don was if not forestalled, at least suggested seven years before the immortal knight of La Mancha came out into the open.

The work in question is styled *Entremés de los Romances* and is ascribed to 1597 although it must be owned that Sr. Pidal does not indulge us with bibliographical particulars. When unearthed by Adolfo de Castro it was declared to be the work of Cervantes himself, a view which Sr. Pidal will not take for granted. In the *Entremés* a farm-hand, Bartolo, reads himself insane in the study of knightly romance, identifies himself with the heroes of them and goes off on a course of unfortunate adventures of chivalry closely parallel to those afterwards sustained or suffered by Don Quixote. The parallels are at several points identities. Both Bartolo and the Don were profoundly impressed by the well-known romance of the Marquis of Mantua. Whoever turns to chaps. 4, 5, and 10 of *Don Quixote* will see how cleverly Cervantes drew from that romance its extravagant humour. The romance itself is printed in Ochoa's *Tesoro de los Romanceros* and the editor footnotes the series of allusions to it made in *Don Quixote*. The 'aspect' of these allusions, however, noted by Sr. Pidal is that most of them are repetitions, sometimes even verbal, from the *Entremés*. It is an 'aspect' which nobody can refuse to see. But until the bibliography of the *Entremés* is definitely worked out, the text of the parallel passages made available to English readers, and the authorship of the *Entremés* reasonably determined, we in Great Britain must remain in doubt whether Don Quixote was a single stroke of inspiration from Cervantes, as we had supposed, or a secondary line of splendour

protracted and intensified from the Bartolo of another humorist-critic and playful expositor of Spanish romance.

Sr. Pidal will bear with us if we are not in haste to decide without fuller documentation in a process of such literary moment.

A Bibliography for School Teachers of History edited by Miss Eileen Power (Pp. 62. 8vo. London: Methuen and Co., Ltd. 1s. 6d. net) merits hearty commendations for the frank judgments, originality of social stand-points, and general air of freshness and vigour characteristic of a preliminary essay on the teaching of history. Its dominating idea is to press the study of life a little more and politics a good deal less. This preference shews itself also in the bibliography (240 volumes) by which Miss Power puts her principles into practice as a guide to both teacher and student.

The English Historical Review for April strikes a general note more technical and less popular than usual. 'The Genealogy of the Early West Saxon Kings,' by G. H. Wheeler, pieces the sparse annals well together. 'The War Finances of Henry V.,' by Dr. Richard A. Newhall, and 'The Supercargo in the China Trade about the year 1700,' by Dr. Hosea B. Morse are (perhaps the more because of their unromantic type) rich in details of management, especially on wages, exchange and general finance. As a combination of the functions of the trader and the diplomat, the part the supercargo had to play had its adventures, and it is gratifying to find Dr. Morse emphatic on the fitness of the men for their vocation: the select committee formed from them during 1780-1834 'were the finest representatives that England could have desired of her mercantile community.'

In a 'note and document' article Dr. J. H. Round discusses the suggestive but difficult fact of the occasional cases of exclusion of county-castles and their baileys from the jurisdiction of the towns in which, or at which, they were situated. Using Prof. Maitland's studies of Cambridge as a remarkable instance of this birth mark of jurisdiction and ancient government, Dr. Round impressively urges the paramount need of exact and exhaustive topographical and historical research on all such problems. Miss Winifred Jay unearths a charter by Edward VI. on 22 July 1550 which incidentally states that the King had lately assigned the upper part of the chapel of St. Stephen at Westminster *pro domo parliamenti et pro parliamentis nostris ibidem tenendis*. This is a valuable ascertainment, determining with approximate exactness when St. Stephen's ceased to be a mere ecclesiastical edifice and took on that character as a political assembly-house which has so long been its decisive connotation.

The Antiquaries' Journal for April shows the new magazine of the London antiquaries maintaining its steady place as a business-like record of current discussion, discovery and commentary. For the moment perhaps the controversies are not urgent, but the battle of Ethandun gives opportunity for some not too cogent theorizing by Albany F. Major, while on the other hand certain beautiful Irish gold crescents are skilfully shepherded by Reginald A. Smith towards historical connections with the Aegean area, probably by way of Spain as intermediary. An axehead of stone, perhaps quartzite, dug up at Amesbury, is well described by Sir Lawrence Weaver.

Notes and Queries for Somerset and Dorset for March starts its seventeenth volume with a change of editor, the Rev. C. H. Mayo, for thirty-four years associated with the office, now retiring with all the honours of capital service. Rev. G. W. Saunders and Rev. R. G. Bartelot now conduct this charming little periodical. Extracts from record have always been a feature. The present number reproduces an Anglo-Saxon page from the tenth century Gospel Book of Widcombe Lyncombe. There are good notes on local bells and on the bellfounder Robert Austen, discussions on the birthplace and parentage of Dr. John Bull, and enquiries about arms in churches. The odd legend of the Martyrdom of St. Indract assigned to A.D. 689 is translated. It has special interest from its connection with the cult of St. Patrick. A fine portrait of Vice-Admiral Sir Samuel Hood, 1762-1814, accompanies a notice of an eminent naval family.

We have received the March number of the *Aberdeen University Review* vol. viii, part 23. Its themes are, India in Transition, English Spelling, the University Greek Play, and the art of the Theatre. Professor Harrower dealing with the Greek Play of 1920, which was the 'House of Atreus,' interprets the performance as proof of 'the undoubtedly great amount of first-rate dramatic talent in the University.'

The American Historical Review for January opens with a historical retrospect by Edward Channing crisply summarising American tendencies and movement since the *Mayflower* set her passengers ashore. The negro question is touched upon with significant diffidence and the Civil War is handled with equally significant repression. America's growing consciousness of world-responsibility is reflected in this interesting survey. It is followed by a paper on early Russia: a continuation search into the origins of the late War: and an enlightening set of letters and diary extracts from the papers of General Meigs on the conduct of the Civil War, particularly as regards General McClellan.

Another important chapter on the same period is by Mr. L. M. Sears on the adventures of John Slidell, the famous Confederate diplomat, at the French court. His greatest adventure of course was the affair of the *Trent* in 1861 when a U.S. warship made him a prisoner and nearly brought about a war with Great Britain. Slidell's intrigues with both France and Russia have a taint of almost pathetic ineptitude but he made a dignified stand for a lost cause. The silent refusal by President Johnson of Slidell's petition to be allowed to return to the States for temporary business purposes in 1866 impresses one to-day as not less impolitic than ungenerous, but no doubt the position was still equivocal.

The American Historical Review for April contains a summary of the Washington meeting of the American Historical Association in December last. Among the subjects was the *imperium* under Augustan constitution as modified by Hadrian's action in organizing a council of jurisconsults to assist him in his decision. Many modern and *post bellum* topics were treated, embracing the slave trade, the influence of Wesley during the American Revolution, the diplomatic relations of the American continent, and the historical policy of the Association itself.

In the same number a special article by Frederic Duncalf is devoted to the Peasants' Crusade of 1096. Its trend inclines to lessen the obloquy resting on the shoulders of Peter the Hermit for incapacity and decadence of spirit. It modifies also the usually adverse estimates of the Emperor Alexius and lays the chief blame for disasters at the economic door, the inadequate resources of the pilgrims. 'The *via sancta*' (says finally this criticism) 'was not for the pauper.'

A Russian view of the American Civil War, by F. A. Golder, is most notable for the high opinion of Lincoln's personal character which the Russian ambassador, Édouard de Stoeckl, formed, although his uniform view of the president as politician was unfavourable. Perhaps it was inevitable that a Russian diplomatic in the sixties should reckon a democratic statesman as entirely wanting in the qualities requisite for political autocracy.

The transport of troops on American railroads during the War is examined by Ross H. M'Lean, who commends the skill with which five millions of men were entrained and moved 'on schedule' to their stations.

The Caledonian for April, with its usual modicum of breezy patriotic United States Scotticism, has pictures of Kinloch Rannoch and Ben Cruachan and the Cross of Inveraray. Letterpress largely quoted from Scottish sources deals with the localities of the pictures, *plus* an account of Clan Urquhart.

The number of the *Revue Historique* for September-October 1920 contains the second half of M. Boissonade's survey of the commercial relations between France and Great Britain in the sixteenth century, and a further instalment of M. Halphen's critical examination of the history of Charlemagne. The latter is devoted to a destructive examination of the conclusions of Inama-Sternegg and Dopsch with regard to the agricultural system and ownership of land of the period. The *Bulletin historique* contains reviews of recent collections of documents in the province of English history, and of the latest contributions to the history of the French Revolution. M. Ch. Guignebert gives a cautious and critical estimate of Frazer's *Folklore in the Old Testament*.

The number of the same review for November-December opens with a short but interesting study of legal administration in Burgundy in the twelfth century by M. Ganshof. This article merits the attention of students of the Scottish monastic chartularies. M. Halphen continues his criticism of the conclusions of Inama-Sternegg and Dopsch, with particular reference to industry and commerce in the age of Charles the Great. Forty pages are devoted to notices of recent books on British history. Canon H. F. Stewart's recent edition of Pascal's *Provincial Letters* receives a very unfavourable notice.

M. Ernest Denis, the historian of Nineteenth Century Germany, died in January, and his merits as a writer and a man are treated at some length by M. Louis Eisenmann.

The *Revue Historique* for January-February, 1921, opens with the first part of a study of the *Prophètes* of Languedoc in 1701-2 and in particular with Jean Astruc 'dit Mandagout' by M. Charles Bost. He describes his subject as 'une crise religieuse morbide peut-être unique dans l'histoire.'

M. Eugène Déprez deals with the Black Prince's victory of Najera (3rd April, 1367). The subject has been treated by a number of recent historians and in particular by M. Delachenal. M. Déprez' main contribution is his discovery in the Public Record Office in London of the official despatch of the Black Prince. The *Bulletin Historique* is devoted to recent publications on Medieval Church History, and in particular on the period of Gregory the Great.

The *Revue d'Histoire ecclésiastique* for January, 1921, contains the first instalment of an examination by M. Paul Fournier of the collection of canons known as the *Collectio XII partium*, which he describes as a German collection of the eleventh century. The first chapter of the study deals with the various forms in which the collection has been preserved and discusses their relations. The article is marked by the writer's careful erudition. In a lengthy review Dom. Aubourg deals with Dr. A. T. Robertson's *Grammar of the Greek New Testament* and sums it up as the best elementary treatise on the subject. In a notice of the third volume of Carlyle's *Mediaeval Political Theory* the view is expressed that in limiting his researches to the main printed sources the author has diminished the value of his conclusions. A long notice is devoted to the subject dealt with in Leman's *Urbain VIII et la rivalité de la France et de l'Autriche de 1631 à 1635* and *Recueil des instructions générales aux nonces*, which cast new light on a neglected field. The number contains an interesting chronique and the first instalment of a useful bibliography.

The *French Quarterly* for December contains a suggestive article by M. Rocheclave on *L'Évolution du goût dans l'art français* and an interesting study by N. M'William of *French Impressions of English Character (1663-1695)*. The most important contribution is an *Étude critique d'un groupe de poèmes de Leconte de Lisle* by M. Maingard.

Leon van der Essen, *Les Tribulations de l'Université de Louvain pendant le dernier quart du XVI^e siècle*, pp. 26 (Rome, 1920). Extracted from the second volume of *Rome et Belgique*, a collection of materials and studies published by the *Institut Historique Belge de Rome*. This sketch of a critical phase in the history of the University of Louvain is based on a codex containing a register of official letters of the period and on the correspondence of Fabio Mattaloni preserved among the *Carte farnesiane* at Naples. The codex had been borrowed by Professor van der Essen in 1914 and thus escaped the fate which overtook the University Library. The pamphlet indicates the difficult position occupied by a Catholic institution which sought to preserve its independence and corporate privileges menaced by both parties.

Archivum Franciscanum Historicum (July-October 1920) contains as its first *discussio* 'Le Chapitre général de 1272 célébré à Lyon.' Here Father André Callebaut re-establishes the Franciscan General Chapter of 1272 on a firm foundation. It was the second of the four held at Lyons during the thirteenth century, but has been overshadowed by the more important one two years later. This earlier chapter has some interest from a Scottish

standpoint, for it dealt with the thorny question of the division of the Franciscan provinces. Scotland desired restoration to the position of a separate province, and King Alexander III. had approached the Holy See with this aim in view. The Pope supported the claim, but there were political difficulties which prevented it being formally granted by the Chapter General. In the third article Père Livarius Oliger discusses the recent attribution by Dr. W. W. Seton and P. Lehmann of certain Franciscan manuscripts to Nicolas Glassberger, the Observantine Friar.

J. E.

Notes and Communications

LOCAL WAR RECORDS. The British Academy convened some months ago a conference of representative historians, archivists and delegates of local societies to discuss the question of the preservation of local war records of a non-military kind. Sir William Beveridge, who is chairman of the British Editorial Board for the Economic and Social History of the War Period, called attention to the danger of local war records being destroyed, and the necessity of taking in hand, without delay, the question of their classification and preservation, and of determining what documents or records might be disposed of.

In order to further this scheme local committees have now been formed. Professor W. R. Scott, Political Economy Department, The University of Glasgow, would be glad to know of any minutes of associations formed during the war, and there must also be many diaries covering the war period—some of which will contain material that would be valuable to the social and economic student of the future. The committees which are being formed in the larger centres will doubtless easily trace the more important records, but there must be many sources of information which are apt to be passed over, and it is to be hoped that Professor Scott will have the assistance of all who can supply the information desired by the committee.

ST. MALACHY IN SCOTLAND (*S.H.R.* xviii. pp. 69, 228). My note in the April number, p. 228, on Archbishop Malachy's journey through Galloway, *c.* 1140, has elicited a timely correction from the Rev. Dr. John Morrison. In expressing the view that it was at Cairngarroch more probably than at Portyerryrock that Malachy embarked for Ireland, I laid some stress on his visit to St. Michael's church (*ecclesia Sancti Michaelis*), which I identified with the parish church of Mochrum—'the only dedication to St. Michael within the county of Wigtown.' Dr. Morrison points out that charters No. 71, 72, 74 and 82 in the *Liber de Dryburgh*, contain reference to *ecclesia sancti Michaelis de minore Sowerby*. Lesser Sorbie, now incorporated with the parish of Sorbie, being only about three miles from Portyerryrock, whereas Mochrum is nearly ten miles distant, may well have been the scene of the Archbishop's miracle in restoring speech to the dumb girl. If that was so, my argument that Mochrum lies on the direct road to Cairngarroch has no bearing on the question; although I am still sceptical, perhaps stubbornly so, about the Archbishop risking the long conflict with wind and tide in a voyage from Portyerryrock, instead of the short and easy passage from Cairngarroch to Bangor.

Monreith.

HERBERT MAXWELL.

ARCHBISHOP SPOTTISWOODE'S HISTORY (*S.H.R.* xviii. p. 224). Bishop Russell in his preface to the Spottiswoode Society edition of the *History* describes four MS. copies which had been in his hands. No. 1 in the Advocates' Library. No. 2 in the possession of the Spottiswoode family. No. 3 in the Kelso Library. No. 4 in the Library of Trinity College, Dublin.

If the MS. in the Advocates' Library is not the very first draft it is certainly a very early one. There were two MS. copies in the Lauderdale Library. One of the two is probably the copy now in Kelso Library. Principal Baillie makes it clear that he had access to the final MS., which is now in Trinity College, Dublin, and that before any edition was published. Bishop Russell, who adopted the Trinity MS. for his text, says it is 'the one prepared for the press by the author' and 'sanctioned by the licence of two secretaries of state.'

D. HAY FLEMING.

SCOTTISH CHURCH HISTORY SOCIETY. It is proposed to found a society under the above title, whose membership should be open both to laymen and clergymen. An interim committee has already been appointed, and further particulars can be obtained from the Rev. W. J. Couper, 26 Circus Drive, Dennistoun, Glasgow.

SCOTTISH BIBLICAL INSCRIPTIONS IN FRANCE (*S.H.R.* xviii. 181). The three texts headed by 'ANFERVORE' refer to evil. If the Scots who carved them came from Argyll, Skye or Uist, and also knew Gaelic, then 'anfervore' may be a corruption of the local Gaelic: *an fhir mhóir*, of the Devil. In these places the Devil is called 'am fear mór' and a son of the Devil, 'mac an fhir mhóir.' (*A Gaelic Dictionary*, Herne Bay, 1902, *s.v.* *fear*. God is called: *am Fear Math*, the good man, as compared with the Devil, the big man). Possibly the 'fh' of 'fhir' was sounded in the sixteenth century. The evils in the three texts: 'the ire of man,' 'evil,' and 'live after the flesh,' are all *an fhir mhóir*, of the Devil.

A. W. JOHNSTON.

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