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The Moulding of the Scottish Nation¹

AT the death of Alexander III. in 1286 Scotland made territorially one country; the first of Scottish kings, Alexander ruled in fact, as well as in name, from the Pentland Firth to the Solway. His own special achievement had been not only to rule the mainland with a firm hand, but to add the Hebrides and even the Isle of Man to the territory he had inherited. It had taken well-nigh eight centuries to complete the work of consolidation to which Alexander put the finishing touch—a work that had its origin about the beginning of the sixth century, when in the modern Argyleshire a band of Celts from Ireland founded the Dalriadic Kingdom. Some two centuries and a half elapse, and one kingdom is formed to the north of the Forth by the union of the Picts and Scots under Kenneth Macalpine; and within two centuries more one king nominally ruled over the whole mainland of Scotland. It was in 1018 that this end was achieved; and the whole intervening period between that date and the accession of Alexander III. had been needed to make Scotland a territorial unit. It was a great work that had been accomplished, and, with the exception of England, no other country in Europe had attained a similar degree of territorial cohesion.

But though Scotland was territorially one, it would be an abuse of words to speak of it as a nation. The bond of common memories, common hopes and aspirations, which is requisite to the evolution of a national consciousness, did not and could not yet exist. The heterogeneous elements that composed its population had only the tradition of mutual estrangement or hereditary

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hostility. Located in different regions and speaking different tongues, what common interests could exist between the Briton of Strathclyde, the Gael of the Highlands, and the Saxon of Lothian? Of all the countries in Western Europe, indeed, there were none where greater obstacles existed to prevent the formation of a united people than in Scotland. Diverse races, diverse tongues, a land by its distribution of mountain, river, and sea almost destined by nature to permanent regional division—such were some of the impediments to be overcome before a nation in any real sense of the term could take shape and consistency within its boundaries. The process, it is evident, must needs be a protracted one, and, as in all human evolution, what we call accident must play a large part in it. However inherent and powerful the tendency towards unity, events over which the incipient nation had no control might intervene and dash the fair prospect of national growth. The object of the present lecture is to trace the growth of a national consciousness in the Scottish people, and to note the main causes that forwarded or impeded it.

In the development of nations there is of necessity much that is common to all of them. The same common instincts of human nature must everywhere be at work, and in the case of a society like that of Western Christendom similar agencies must have gone to the common result. Under the régime of feudalism and the medieval church, the different countries possessed common institutions, were informed by common ideals, and by community of interests were borne unconsciously onward to the same goal. Though in the evolution of national consciousness, however, there was thus a general uniformity, there were peculiarities in the process which constitute the essential difference between the national history of one country and another, and like other countries Scotland had a development specifically its own. It must be our object in the present discussion, therefore, to note at once what was common to Scotland with other countries in their respective national developments, and what was peculiar to herself in her national growth.

Amid the disasters that fell so thick on the country after the death of Alexander III., the most far-sighted contemporary could only have predicted the undoing of the work that had been accomplished by that king and the long line of his predecessors. As the history of the previous century had shown, it was only under such strong and sagacious rulers as David I.

and the last two Alexanders that the heterogeneous elements of the kingdom could be held together. On the death of Alexander III. there followed the extinction of a dynasty, a disputed succession in the most aggravated form, and a war for bare existence against a foreign invader. In all human probability the result must be either the absorption of the kingdom by its hereditary enemy and rival, or its relapse into the original elements that composed it. From both of these dangers it had in reality the narrowest escape. Alexander had hardly been dead before civil war broke out. Robert Bruce, Lord of Annandale, who claimed the Crown on the ground of nomination and descent, sought to make good his claim by the sword, but it is impossible to imagine that in the existing circumstances he could ever have established himself as the acknowledged King of Scots. The intervention of Edward I. had at least this immediate result—it arrested civil war and for the time prevented national disintegration. The grandson of the Lord of Annandale, the hero-king Robert I., succeeded in making himself sole ruler of the kingdom, but it was only his own remarkable career and the new experience the country had undergone that had made this consummation possible. In the war of deliverance which he carried to so glorious a conclusion, the various sections of the Scottish people were drawn together by common interests, which in large degree modified hereditary antagonisms, and disposed them to find a common head. The greatness of Bruce's achievement placed him in a position which left no opening for a successful rival, and through constraint or self-interest or affection the majority of the people recognised in him the only safeguard against internecine war and a foreign enemy.

But if there had been the narrowest risk of dismemberment, there had been an equally narrow risk of absorption by England. Had Edward II. been cast in the mould of his father, and had Edward III. not been diverted by other schemes of conquest, Scotland must either have bled to death or reluctantly surrendered her independence.

As it was, she emerged from the long struggle an independent and a united kingdom. Her material loss had been great. For a full century and a half after the War of Independence the Scottish people cast regretful eyes backward to the golden age of Alexander III. But if the material sacrifice had been disastrous, the spiritual gain was an adequate compensation. 'A people without an epos,' says Goethe, 'can never become

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much worth,' and Scotland now possessed the materials of an epopee which in due time was to become a national possession. First the deeds of Bruce were commemorated in the soberly-imaginative poem of Barbour, and at a later date Wallace was transfigured by Blind Harry with the lineaments and proportions requisite to make a historic personage pass into the popular imagination. Wallace, says Wordsworth, left his name

'Like a wild flower
All over his dear country,'

and his deeds, he goes on to say, created

'A local soul
Of independence and stern liberty.'

Such was the impression Wordsworth gained from his tour in Scotland in 1814, and his words fitly describe the moral and spiritual gain of the War of Independence. In a degree far beyond what she had been in the prosperous days of Alexander III., Scotland had now become a united people, with the common traditions and aspirations which go to form a national consciousness.

Even yet, however, Scotland could hardly be described as a nation in the sense in which we now understand the term. In the conditions of society, as they then existed in every country of Christendom, there were inherent forces at work which inevitably tended to hold apart the constituent elements of any people and to prevent their fusion into a uniform whole. Of these separative forces the chief were the conditions imposed by the feudal system and by the economic conditions of trade and commerce. Within his own domain each feudal lord was a petty king, who for the most part regarded his neighbours as his natural rivals or enemies. As were his own feelings, so were those of all dependent on him. They virtually composed a self-subsistent society with little concern in the greater world around them. Such law and justice as were to be had were mainly administered by their feudal superior; and the necessities of life were found in the cultivation of his domains. So long, therefore, as a country was subdivided among such isolated societies, the close national union that can only come of interdependence was practically unattainable.

If the dwellers in the country districts were thus held apart by the conditions of feudal tenure, the towns were equally

isolated by the conditions of trade and commerce. A conclusive proof of this fact is that every town of any consequence was surrounded by a line of defence, which it was one of the chief duties of the citizens to maintain in an effective state of repair. These lines of defence, it is to be noted, served a double purpose. They provided security against actual violence—violence from rival towns, from neighbouring feudal potentates, from foreign invaders. In the present connection, however, it is more important to note the second object which they served. By the conditions under which the mediaeval towns had grown up, each to a large degree was an independent centre, living its own life, and disposed to regard every similar community as a rival or rather as an enemy. The reason for this attitude is simple. At one time or other the town had received certain trading privileges from its superior—king, ecclesiastic, or feudal lord—and on the conservation of these privileges its existence and prosperity depended. It would be irrelevant to discuss the nature and origin of these privileges, and it is sufficient to note for our present purpose that the lines of defence that surrounded the towns were indispensable for their preservation. At the different gates in the wall or dyke every stranger could be questioned as to the motives that brought him there. If he was suspected of any intention of infringing the town privileges, he was either refused admittance or placed under proper surveillance. Only on one occasion did the townsmen freely open their arms to all and sundry. At the annual fair all barriers were thrown down, and absolute freedom of trade prevailed so long as it lasted. Among the forces that made for national as opposed to municipal ends, therefore, these fairs must be assigned their due place. In Scotland, as in other countries, every town of any consequence had the right of holding its fair either by royal grant or immemorial prescription. As on the occasion of its celebration merchants and traders flocked to the town from every part of the kingdom, it was then borne in upon its citizens that they formed part of a larger whole in which all had a common interest. Still the normal attitude of every citizen was that his own community was an isolated society surrounded by dangerous rivals against whose encroachment he must ever be on his guard. Such being the relations of every town in the kingdom to each other, it is evident that the growth of a national consciousness in the most enterprising portion of the inhabitants of every country must of necessity

be a slow and gradual process. Till new economic conditions arose, in fact, collective endeavour was impossible, and a fully-developed nation could not in the nature of things be formed. In due time, as we shall see, these new conditions did arise, and Scotland, like its neighbours, did not fail to profit by them.

These obstacles to the growth of national feeling—the isolating tendencies of feudalism and of trade—were common to Scotland and all other countries. But there were other impeding forces which in her case were of special significance. From the nature of her climate and surface intercommunication was attended with peculiar difficulties. The construction and maintenance of roads implied an amount of labour and expense far beyond what was necessary in such countries as England and France. In no country in the Middle Ages were the roads such as to render communication an easy matter, but in Scotland, with its obstructing mountains, rivers, and bogs, they were practically impassable during a great portion of the year. But without rapid and frequent intercommunication, the intercourse necessary to weld a people into a united whole was impossible, and not till past the middle of the eighteenth century can this obstacle be said to have been tolerably overcome.

But besides these physical impediments there were other hindrances to national fusion which formed a special difficulty in the case of Scotland. Though acknowledging a common head, the various portions of which the kingdom was composed continued to be inhabited by distinct peoples speaking different tongues.

Between the natives of the wide district of Galloway, the Gael of the Highlands, and the Teuton of Lothian and the Eastern coast, there could be little community of feeling, few palpable common interests, and except on rare occasions of general peril but little united action towards a common end. In the case of Galloway, the wild nature of the country and the fighting instincts of its people, perpetuated by the rivalries of the clans who divided its territory among them, long availed to hold it apart from the main stream of national development. Even into the fifteenth century Galloway was governed by laws of its own, and till the beginning of the eighteenth it clung to the Celtic language, which it had inherited from before the days of St. Columba. Still more estranging were the conditions of the Highland section of the kingdom. Of wider extent and

still more inaccessible from its natural features, the region of the Highlands seemed destined by nature to independence. In greater degree than Galloway, its inhabitants had a tradition of hostility toward the Lowlands which only the slow growth of time and the pervasive influences of modern civilisation have been able to overcome. Till the opening of the fifteenth century the Lords of the Isles regarded themselves as independent sovereigns, and made common cause with England against their nominal head the King of Scots.

Such were some of the forces that made against the development of a united Scottish people. Yet, as the issue was to prove, the centripetal tendencies must have been more powerful than those that made for decentralisation. First we have to note that in all the countries that made up Christendom there had from the beginning been a tendency towards the formation of distinct kingdoms, ruled by one head, and inhabited by peoples bound by ever-strengthening ties of common interest. For special reasons, which need not now be considered, Italy and Germany were exceptions to the general rule, but by the close of the fifteenth century three great kingdoms, France, Spain, and England, had been formed on the same general lines of development. As an integral part of Christendom, Scotland had been subjected to the same influences as these other countries. Consciously and unconsciously, therefore, she was pushing for the same goal. From the War of Independence onwards she had been more or less in the current of European politics, and this was in itself a powerful stimulus towards the national unity which alone could give her a voice in the general affairs of Europe.

Among the unifying influences that went to create distinct nations, that exercised by the Church can hardly be exaggerated. In the case of Scotland the teaching of the Church was almost the sole common influence to which its people were subjected. Trade and commerce, in the Middle Ages, as we have seen, were separative as well as unifying agencies; but such powers as the Church exerted were wholly in the direction of cohesion. From the teaching of its religion, by the ministry of its officials, the Gael was taught that he was of the same flesh as the Saxon, that he was placed in the world for the same purpose, and that the same final destiny was the lot of both. By the organisation of the Church, which bound in a common whole the length and breadth of the kingdom, the idea of unity was brought

home to every subject with a force and persuasiveness which no other agency could exert to the same degree. The parish church, with its ministrants, was at once the symbol of unity, and the most effective factor in enforcing it.

In England national unity had been greatly furthered by the development of its representative assembly; to the Parliament of Scotland, on the other hand, a similar degree of influence cannot be attributed. At no time were the Scottish people greatly exercised regarding the privileges of their representative assembly; and it was only on occasions when their own interests were specially involved that the sovereign and nobles manifested any lively desire to improve its constitution. During the fifteenth century, when its constituent parts were fully developed, the Scottish Parliament had but little prestige and little real importance; and for two excellent reasons. Through the weakness of the Crown it became the mere tool of successive factions; and through the weakness of the executive its laws were made only to be set at nought. To the Scottish Parliament, therefore, we can assign but a subsidiary part in the moulding of the Scottish nation.

After the Church as a power tending to unity is probably to be reckoned the administration of law and justice. When it was brought home to the Highlander that he must seek justice from the Sheriffs' Courts at Dingwall and Tarbert, and to the Lowlander that he must seek it in Edinburgh, Perth, and Aberdeen, he realised that he was part of a great mechanism, with the working of which he must find himself in harmony. It was the misfortune of Scotland, however, that the royal judicatories were permanently enfeebled by a weak executive; and thus was lost that confidence in a central source of justice which makes so large a composite in what we call a national consciousness.

Great public events, involving the welfare of a whole people, must also play a chief part in national development. For a century and a half after the War of Independence, however, there was hardly an outstanding event that exercised a powerful influence in invigorating national sentiment. No great movement absorbed the mind of the people; and no public calamity or triumph set their hearts beating in unison with common fear or exultation. In the protracted struggle between the Crown and the nobility, which is the dominant characteristic of the period, there was little to stimulate patriotism or to bind in

closer union the different sections of the kingdom. To the people in general it was indifferent which faction gained a temporary ascendancy, though the debasement of the coinage by James III. appears to have evoked a popular feeling which strengthened the successive rebellions against his authority. There was, indeed, one permanent feeling in the breasts of the Scottish people which must be reckoned among the most effectual influences in fusing them into a nation. Since the War of Independence England had never lost sight of its aim of re-attaching the country which had once been in its grasp. Its own troubles had prevented the repetition of the concentrated attempts of Edward I.; but persistently, though intermittently, almost every English king had shown that he only wanted the opportunity to repeat Edward's work. Hatred and fear of an inveterate and formidable enemy, therefore, were feelings shared by the great mass of the Scottish people, and which were bound to strengthen the sentiment of a common nationality. The animating motive of Blind Harry's poem, produced at the close of the fifteenth century, is sheer detestation of England—a motive which finds expression even in Acts of Parliament and other documents of the period.

With the opening of the sixteenth century begins a new phase in the development of the European countries. The new departure was due to the widened scope of thought and action in almost every sphere of human experience. In speculation the scholastic philosophy ceased to be a living interest for the most active minds; before the century was long begun Luther shook Christendom to its foundations; trade and commerce passed under new laws and regulations, becoming national instead of merely municipal concerns; and the very limits of the earth were extended by the discovery of another hemisphere. Under the influence of such facts and ideas individuals and peoples were quickened to a degree of self-consciousness which had been impossible under the comparative routine of the Middle Age. In different measures and by different manifestations we see the vivifying forces at work in England, Spain, and France—now consolidated kingdoms under the direction of virtually absolute rulers. Isolated as she was by nature and circumstances, Scotland could not share to the same extent as these countries in the general movement that was ushering in the new time. Later in the century, indeed, she had an experience of her own to pass through which supplied the spiritual momentum requisite

to reveal a people to itself and give a direction to its destinies. Yet under James IV., at the opening of the century, Scotland made a notable stride forward in national development.

It was a fortunate dispensation that gave her a king like James at this special period. Though somewhat lacking in the sense of royal responsibility, he possessed many qualities that fitted him to govern a people when novelties were in the air. Intelligent, curious, and enterprising, he was peculiarly open to new ideas, and even unduly eager to see them put in practice. The work he accomplished in consolidating his kingdom gives him a notable place among our princes. Beyond any of his predecessors, James succeeded in making the Highlands and Islands an integral part of his dominion. He definitively broke the power of the Lords of the Isles, thus ridding the Crown of a power that had been virtually a formidable rival, and he reduced the Highlands generally to a state of peace and order which they had never previously known. It has just been said that one of the chief forces that tend to create a nation is the sense of a supreme fountain of justice over which the prince is the presiding divinity, and among our kings few did more to deepen this sense throughout every class of his subjects. He was indefatigable in his attendance on the justice-eyres, by which justice was administered at regular intervals throughout every quarter of the kingdom. Above all he gave a local place and habitation to the Supreme Court of Justice—known as the 'Daily Council'—by virtually making Edinburgh its permanent abode. And in passing, the significance of this step deserves to be specially noted. Till the close of the fifteenth century Scotland could hardly be said to have possessed a capital. Before that period parliaments and conventions had met indifferently in the chief towns of the kingdom as the exigencies of the moment had dictated. The kings, also, had no fixed place of abode, and took up their residence wherever state business or their own pleasure called them. Henceforward, however, Edinburgh became the settled home of the sovereign; except on rare occasions Parliament now met there; and there, as we have seen, James fixed the head-quarters of law. The significance of this concentration was that Scotland now possessed an acknowledged centre from which could radiate all the inappreciable influences that bind a people to a common goal and destiny. What the possession of an undisputed capital implied for the growth of national feeling is abundantly proved in the history

of every country. We are now carefully warned against the use of physical illustrations in reference to history, but it seems an innocent analogy to compare the function of the capital in the body politic to the function of the heart in the animal body.

In still another sphere of his activity James did an important work in consolidating his kingdom, though, as the future was to show, it was a work attended by unhappy as well as benign results. In the three contemporary kingdoms—England, France, and Spain—there was an equally marked endeavour on the part of their rulers to make themselves absolute princes. Henry VIII., Francis I., and Charles V., all in greater or less degree succeeded in achieving this object. The policy of James IV. shows that he consciously aimed at the same result, and the history of his reign proves that he in a great degree attained it. From the time that he reached his majority he appears to have set himself to dispense with Parliaments, and to govern through the Privy Council, which, though it dates from David II., first took definite shape in James's own reign. But, as the members of this Council were his own nominees, he thus made himself virtually the uncontrolled master of his kingdom. The immediate outcome of this policy was in the true interests of the country. The great national evil of the preceding century had been the over-riding of the Crown by the nobles, with the result that effective administration and a consecutive public policy had been equally rendered impossible. In these conditions the tendency towards national unity had been inevitably checked and retarded. When James found himself in a position to govern through a docile Privy Council, this evil came to a temporary end. From the time that he reached manhood, the nobles ceased to play a leading part in the affairs of the kingdom; and he is himself the one dominating figure to his reign's disastrous close. But though the immediate consequences of his policy were beneficent, it was fraught with sinister results for the future. It was the example of James IV. that inspired James VI. and Charles I. in imposing their will on their subjects through a Council which simply existed to register their behests.

Such were the important results of James's rule in knitting his kingdom to a closer unity. Yet of all the actions and events of his reign, it was perhaps its closing disaster that most effectually served the happy end. Such a calamity as that of Flodden has a power to evoke a consentaneous national feeling

which no other experience can produce. It is the misfortunes of the household that bind its members in the closest bonds of interest and affection, and, as all history shows, it is the sense of common calamity that gives to a nation one heart and soul and mind. On the field of Flodden, as we have been so often told, there was hardly a family of name that did not lose father, brother, or son. From the remotest Hebrides, from Highlands and Lowlands, the ill-starred host had come, on an errand from which human foresight and 'metaphysical aid' seemed alike to dissuade the infatuated king, yet was it precisely this sense of inevitable doom, combined with overwhelming disaster, that gave the memory of Flodden an undying place in the heart and imagination of the Scottish people.

The sobriquets by which James V. was known among his subjects—'The Gaberlunzie King,' the 'Red Tod,' the 'King of the Commons'—show that he held a permanent place in their affections, but his public policy cannot be said to have forwarded the work of consolidating the nation. His reign saw the beginnings of a new chapter in the national history. A fateful question was now presented to the country, the decision of which must determine the direction of its future development. The question was—what were to be its future relations to England and France respectively? For more than two centuries England had been regarded as a natural enemy, against whose insatiable cupidity Scotland must ever be on its guard. As an ally against their common enemy she had cultivated France, and the last fruit of the alliance had been the disaster of Flodden. In the people at large that disaster had only intensified the hereditary hatred of its instrument, but thinking men had already begun to be of opinion that the time had come when a new policy would be in the best interests of the country. John Major, the historian, and later Sir David Lyndsay, the poet, both 'kindly Scots,' if ever there were such, publicly argued that England and not France was Scotland's natural ally. Henry VIII.'s breach with Rome, however, at first seemed to put reconciliation further off than ever, though, in the gyration of events, it was to be the main cause of drawing the two countries together. James V. had never any hesitation as to which of the two paths he should follow. His first marriage with Magdalen of France and his second with Mary of Lorraine committed not only himself but his successor Mary to the hereditary policy of antagonism to

England and alliance with France. In this policy James had the sympathies of his people behind him, and the character and conduct of Henry VIII. deepened the estrangement between the two peoples. What we have to note in connection with our present purpose, however, is that James had not inherited his father's gifts of conciliating or repressing a turbulent nobility. The disgraceful affair of Solway Moss is the final commentary on his conduct of affairs both at home and abroad. At the call of James IV. noble and commoner had followed him across the English border; despite entreaties and threats his son could not collect a force to attend him on a similar adventure. In the opposition of the nobles, there were doubtless very mixed motives, but the motive which they themselves put forward had its ground in fact and reason; in their king's eagerness to carry fire and sword into England he was serving France better than his own kingdom.

At the death of James V. it might seem that Scotland was less a united nation than it had been at the death of his father. In point of fact she had but entered on one of those momentous crises in which a nation comes to a full consciousness of itself, and with fully opened eyes chooses the path which its instincts impel it to follow. The reign of Mary had not well begun when her people had to face another dilemma besides that of the French or English alliance. The choice between two policies was complicated by the choice between two religions. With the details of the revolution in policy and religion we are not here concerned. The question before us is, in what manner and degree the double revolution influenced the development of the people that carried it through.

The one governing fact is that for the first time in their history the Scottish people had to determine a question which demanded the forthputting of their whole heart and mind. But here it is well to remember that when we speak of a nation we do not mean the number of heads that make up the population. The nation of any country is that section of the population which, by its capacity of thought and feeling, by the strength of its convictions and the strenuousness of its action, determines the main current of the general life and presents the characteristics which specifically distinguish one nation from another. Understood in this sense, the Scottish nation during the reign of Mary consisted of a few thousands, mainly to be found in the chief towns of the kingdom. On this elect few it devolved to

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choose the course which the whole people were to follow and to develop those national traits by which the Scottish character is known to the world. But of this chosen number it was not to be expected that all would see eye to eye on the momentous questions that were submitted to them. Some by natural instinct favoured the old order, and wished to abide in the ways of their fathers. To such it seemed the wisest and safest policy to hold by the ancient religion and the traditional alliance, and not to venture on courses which might lead no man knew whither. Wherever the new faith had appeared, these persons argued—in France, in Germany, in England—civil discord and revolution had been the invariable result. On the other hand, the greater number of the select body of the people came to be of a different mind. To them the teaching of the new religion appeared to be a revelation from Heaven which no individual or nation could reject without forfeiture both in this world and the next. But if the new faith were to be adopted, it was with Protestant England and not with Catholic France that the destinies of Scotland must be linked. It was in the collision of thought and feeling between these two classes of persons that a Scottish nation in the strict sense of the term became a real entity, conscious of itself and with a destiny to fulfil. In the imbroglio of the Reformation struggle we are apt to lose sight of this fact. In the maze of statecraft and diplomacy we see only the failure and success of one and another stroke of policy, and we are bewildered into imagining that these were the determining factors in the final issue. In point of fact, statesmen and diplomatists were but the conscious or unconscious instruments of the new forces that were working in society, and which were impelling the various peoples along the paths which long-inherited instincts marked out for them. The French people, says Michelet, would not have the Reformation; Scotland, on the other hand, wished to have it; and the different choice of the two peoples is only to be explained by their respective idiosyncrasies which had been evolved in the long process of time.

The essential significance of the Scottish Reformation, therefore, is that for the first time in our history we find a great question submitted to a public opinion sufficiently developed to understand and realise its importance. The result, as has been said, was a collision of thought and feeling which evoked into clear day the latent instincts and propensions which had been

evolved in the past history of the people. Character in the individual is formed in the conflict of warring impulses, and so it is with nations. Whenever a nation attains to self-consciousness, the same phenomena invariably appear. If the nation is truly alive, there will be division on fundamental questions; when such division ceases, it implies that the nation has ceased to exist, either through its own paralysis or the tyranny of external circumstance.

The course of Scottish history subsequent to the Reformation is the sufficient illustration of the foregoing remarks. During the century and a half which elapsed from the Reformation to the Revolution, Scotland was engaged in seeking a political equilibrium which had been disturbed by the overthrow of the ancient religion. The successive sovereigns of Scotland and the most strenuous section of their subjects held incompatible views regarding the relations of Church and State, and as each of the parties believed their opinions to be the absolute will of God, compromise was impossible so long as this state of things endured. But the very existence of such a permanent crisis is the proof that in Scotland there now existed a nation in the strictest sense of the term. In the period prior to the Reformation we have no parallel to the situation that had been created by that event. Down to the middle of the sixteenth century we find occasional popular discontent and chronic disputes between the Crown and the feudal lords, but we find no great national question evoking a public opinion divided alike by reason and passion; in other words, previous to the change of religion, Scotland cannot be regarded as a nation in the true sense of the term. If we fix our eyes on the most remarkable event in Scottish history during the seventeenth century, we realise what in its fullest sense is implied in the distinction. In the portentous uprising which produced the National Covenant we find all the manifestations which characterise a national act—unity of action determined by reason and passion towards a fully apprehended goal.

P. HUME BROWN.

A Literary Relic of Scottish Lollardy

THE Scottish Text Society have done a great service to many departments of historical inquiry by the publication of Murdoch Nisbet's *New Testament in Scots*,¹ the second volume being part of last year's issue.

The history of the MS. is given in Dr. Law's scholarly preface to the first volume, which was published in 1901. It is briefly this: Sometime before 1500, Murdoch Nisbet,² of Hardhill, in the parish of Loudon, Ayrshire, became a Lollard, and left the communion of the Medieval Church in Scotland. He shared in the troubles which befell his companions in the faith, and fled 'over seas' 'abroad.' In his exile he transcribed for himself a copy of Wycliffe's *New Testament*. The transcription was made from the second edition of Wycliffe's translation—that improved by his friend and disciple, John Purvey, and published probably in 1388, or four years after the death of Wycliffe. Dr. Law believes that the transcript was made about the year 1520. Somewhat later Nisbet added a prologue, which is for the most part a close translation of Luther's preface to the New Testament, first published in September, 1522, and some years afterwards appended Tyndal's long prologue to the Epistle to the Romans, which was first printed in 1525.

¹ Scottish Text Society. *The New Testament in Scots*; being Purvey's Revision of Wycliffe's Version, Turned into Scots by Murdoch Nisbet, c. 1520; edited from the unique MS. in the possession of Lord Amherst of Hackney, by Thomas Graves Law, LL.D., vol. i., 1901, vol. ii., 1903. Printed for the Society by William Blackwood & Sons, Edinburgh and London.

[² Murdoch Nisbet of Hardhill had a son Alexander, whose son, James, was succeeded by his son, John Nisbet, in Hardhill. John Nisbet was a devoted Covenanter; he was one of Gustavus Adolphus' Scotch officers, and commanded a troop of horse at Bothwell Bridge; he was executed at the Grassmarket in 1684.

His granddaughter, Elizabeth Nisbet, married Charles Weir, whose daughter, Elizabeth, married Thomas Lindsay, the grandfather of the author of this paper.

In a Review dealing, *inter alia*, with genealogical subjects, it is not without interest to notice, what must be an extremely rare occurrence—an author being reviewed by his direct descendant in the ninth generation.—EDITOR, S.H.R.]

The book shared the fortunes of the writer. It was his companion when he went into hiding in a vault which he had 'dug and built' under his own house at Hardhill, in which he remained concealed until the death of James V., and where he 'instructed some few that had access to him.' It was bequeathed as a precious legacy to his descendants. It was at last sold to a bookseller, from whom it was bought by Sir Alexander Boswell, and it remained among the Auchinleck Papers until 1893. It is now in the possession of Lord Amherst, of Hackney, who has permitted the Scottish Text Society to print it.

The existence of the book has been long known to persons interested in Scottish ecclesiastical history. Wodrow and M'Crie both refer to it; but neither seem to have seen the MS., nor to have recognised its unique character. For it is not a simple transcript of Purvey's edition of Wycliffe's *New Testament*; it is a translation of that book into the Scots language. It is the only version which exists of the New Testament in the tongue of the northern portion of Great Britain. It is more. It is the only literary relic we possess of the Scottish Lollards. It was made 'over seas' or 'abroad,' and suggests a connection between Scottish Lollardy and a kindred faith outside Scotland. It must be classed among the pre-reformation translations of the Bible; for it is a version made not from the Greek New Testament, but from the Vulgate, which was *the* Medieval Bible.

This *New Testament in Scots* therefore suggests some interesting questions: Its value as an example of the old Scots language; the attitude of the Medieval Church to translations of Scripture into the vernaculars of Europe; translations of the Bible from the Vulgate more or less contemporary with Nisbet's, or with the much earlier work of Purvey; Scottish Lollardy; and the relation which a Scottish Lollard might have in the beginning of the sixteenth century with companions in the faith outside Scotland.

The linguistic question, even if I were competent to discuss it, which I am not, had best be left untouched until we have the third volume, with the promised remarks of Mr. Hall on the linguistic peculiarities of the text; and I content myself with some observations on other questions suggested by Dr. Law's preface.

The relation of the Medieval Church to vernacular translations of the Vulgate for the benefit of the people is a somewhat complex question. This is certain that the Medieval

Church always proclaimed that the Scriptures of the Old and New Testaments were the supreme source and authority for all questions of doctrine and morals, and that in the earlier stages of the Reformation controversy the supreme authority of the Holy Scriptures was not supposed to be one of the matters of dispute between the contending parties. This is at once evident when we remember that the *Augsburg Confession*, unlike the later Confessions of the Reformed Churches, does not contain any Article affirming the supreme authority of Scripture. That was not supposed to be a question in debate. It was reserved for the Council of Trent, for the first time, to place *traditiones sine scripto* on the same level of authority with the Scriptures of the Old and New Testaments (4th Sess., Dec. de Can. Script.). Hence, when we examine the small booklets written for the home instruction of the people, issued, many of them, from Convent presses, in the decades before the Reformation, it is frequently asserted that the whole teaching of the Church is to be found contained within the Books of the Holy Scriptures.

Then while it is undoubted that the highest authorities of the Medieval Church urgently forbade, over and over again, the reading of the Scripture by the laity in the vernacular, it will be found that these prohibitions were generally, though by no means invariably, connected with endeavours to suppress movements which were deemed to be heretical, and at the same time viewed as dangerous to ecclesiastical authority and to the possessions and privileges of the clergy. Thus the strongest prohibition of the vernacular Scriptures comes from the times of the Albigenses: 'Prohibemus etiam, ne libros veteris Testamenti aut novi laici permittantur habere; nisi forte psalterium, vel brevarium pro divinis officiis, aut horas B. Mariae aliquis ex devotione habere velit. Sed ne praemissos libros habeant in vulgari translato, arctissime inhibemus' (*Conc. of Toulouse* of 1229, c. 14). And under the same class may be put the 7th of the *Constitutiones* of Arundel (1408): *Ordinamus ut nemo deinceps aliquem textum S. Scripturae auctoritate sua in linguam Anglicanam vel aliam transferat per viam libri, libelli, aut tractatus.*

On the other hand, no official encouragement of the reading of the Scriptures in the vernacular by the people can be found during the whole of the Middle Age, and no official patronage of vernacular translations. The utmost which was done in the way of tolerating, it can scarcely be said of encouraging, a know-

ledge of the vernacular Scriptures, was the issue of vernacular psalters, of Service-books, and, in the fifteenth century, of the *Plenaria*—little books which contained translations of some of the paragraphs from the Gospels and Epistles read in the Church service, accompanied by legends and popular tales. Translations of the Scriptures into the vernacular were continually reprobated for various reasons, such as the incapacity of the ordinary layman, and especially of women, to understand the Scriptures: *Tanta est enim divinae Scripturae profunditas ut non solum simplices et illiterati, sed etiam prudentes et docti non plene sufficient ad ipsius intelligentiam indagandum* (Innocent III., *Epist.* ii. 141); or that the vernaculars were unable to express the profundity of the thoughts contained in the original languages of Scriptures, as was said by Berthold, Archbishop of Mainz, in his diocesan edict of 1486. It is also evident that a knowledge of the Scriptures in the vernacular, especially by uneducated men and by women, was almost always taken to be a sign of heretical tendency. An Austrian Inquisitor, writing in the end of the thirteenth century, says: *Tertia causa haeresis est, quia Novum et Vetus Testamentum vulgariter transtulerunt; et sic docent et discunt. Audivi et vidi quendam rusticum idiotam, qui Job recitavit de verbo ad verbum, et plures, qui totum Novum Testamentum perfecte sciverunt.*¹ Upon the whole a survey of the evidence seems to lead to the conclusion that the official guides of the Medieval Church down to the time of the Reformation distinctly discouraged the translation of the Scriptures into the vernacular, that they regarded a knowledge of the vernacular Scriptures with grave suspicion, but that they did not as a rule condemn the possession of copies of the vernacular Scriptures by persons whom they believed to be trustworthy, whether clergy, monks or nuns, or distinguished laymen.

This brings us to the second question—the existence of vernacular translations of the whole Scriptures during the fifteenth and the earlier decades of the sixteenth centuries. It

¹The quotation is from the 3rd chap. of the *Summa* of Rainerius, who was an Inquisitor in Lombardy, and who died in 1259. I am aware that this book, as we now have it, has been largely interpolated; that only the 6th chapter contains the original Rainerius; and that the portion from which I have taken the quotation belongs to one of the later additions made by an Austrian Inquisitor; cf. Gieseler's critical study of the book in his *Göttinger Osterprogramm* of 1834, entitled *Comm. Crit. de Rainerii Sachoni Summa de Catharis et Leonistis*.

would appear that the growing spread of education during the fifteenth century, due in the Low Countries and in Germany mainly to the schools of the Brethren of the Common Life, created a desire among the people for the Scriptures in the vernacular, and that this was satisfied by the production of many vernacular translations. The oldest German version exists in an incomplete MS., which contains only the Old Testament, and which experts date about the year 1400. It bears, in its surviving form, neither place of writing nor date. The earliest French vernacular Bible came somewhat later. The earliest Bohemian version is dated 1417. Of course there were much older versions both in the Romance and in the Teutonic languages. The records of Councils and the reports of Inquisitors make that plain. But the evidence does not support an assertion commonly made that these earlier versions influenced all the fifteenth century translations of the Scriptures into the vernacular. Nor does the evidence bear out another statement also frequently made, that we owe all these translations to men who were hostile to the Roman See. John Rellach, a native of Constance, was a student in Rome in 1450, and while there heard a Greek bishop preach about the disaster to Christendom caused by the Fall of Constantinople. Rellach and other student friends believed that this disaster was a punishment sent by God on account of the evil state of the Christian people of Europe, and he and his friends thought that the evils came largely because the people were not acquainted with the Word of God. He resolved to make a translation of the whole Bible into German. He began his work in 1450 and it was not finished before 1470. He adds little autobiographical details at the close of portions of his translation. He was a firm believer in the authority of the Pope; but he also believed that the common people ought to have access to the whole Scriptures and that the reading of the Bible 'was well pleasing to God.'

When the invention of printing had made the diffusion of literature easy, it is noteworthy that the earliest printing presses in Germany printed many more books for family and private devotion, many more *Plenaria*, and many more editions of the Bible than editions of the classics. Twenty-two editions of the Psalter in German appeared before 1509, and twenty-five of the Gospels and Epistles before 1518. No less than fourteen versions of the whole Bible were printed in High-German and four in Low-German during the last decades of the fifteenth

and earlier decades of the sixteenth century—all translations from the Vulgate. The first was issued by John Mentel in Strassburg in 1466. There followed another Strassburg edition in 1470; two Augsburg editions in 1473; one in the Swiss dialect in 1474; two in Augsburg in 1477; one in Augsburg in 1480; one in Nürnberg in 1483; one in Strassburg in 1485; and editions in Augsburg in 1487, 1490, 1507 and 1518.

It cannot be shown that all these versions were issued by enemies of the Medieval Church or that they were all promoted by the 'Brethren' or Waldenses or Hussites; as little can it be proved that they were printed in the interests of the authorities of the Church. It is somewhat significant, however, that none of these versions came from any of the Convent Printing Presses; that the Koburgers, the celebrated Nürnberg firm which printed so many Bibles, were also the printers of the Catechism in use among the 'Brethren,' Waldensian, German and Bohemian; that Augsburg, which issued from its presses so many editions of the vernacular Bible, was the chosen home of the German 'Brethren,' and that printers were the artizans who more than any other class inclined to associate with the 'Brethren'; that the last decades of the fifteenth and the early decades of the sixteenth century witnessed all over Germany the growth of a non-ecclesiastical Christianity manifesting itself in a great variety of ways; and that the German 'Brethren' and the Waldenses seemed to have used the same Bible that was in use among the adherents of the Medieval Church. All these things go to show that these vernacular Bibles came to supply a popular need apart from any ecclesiastical impulse; while proclamations such as those of the Archbishops of Mainz and Cologne establishing a censorship of printed books and having special references to printed Bibles, show that the authorities of the Medieval Church viewed this circulation of the Scriptures with something like alarm.

A careful comparison of these printed vernacular Bibles proves that the earlier issues at least were independent productions; but as edition succeeded edition the text became gradually assimilated until it may be almost said that there came into existence a German Vulgate which was used indiscriminately by those who adhered to and by those who objected to the Medieval Church. These German versions of the Vulgate were largely, but by no means completely, displaced by Luther's version. The Anabaptists, who were

the lineal descendants of these pre-Reformation evangelical 'Brethren,' retained this German Vulgate long after the publication of Luther's version, and these pre-Reformation German Bibles were to be found in use almost two hundred years after the Reformation.

Scottish Lollardy, Dr. Law says, is an obscure subject. In a sense this is true. The records of the Inquisitorial and other ecclesiastical courts appointed to ferret out, try, and punish Scottish Lollards have wholly disappeared, so far as I know. It may be a question, however, whether the obscurity which rests over these persecuted persons does not proceed, to some extent at least, from the lack of competent investigation. No historian or antiquary since Dr. David Laing has brought together all the Scottish sources of information, and his list is somewhat defective. Nor has any one attempted to find what light may be thrown upon the subject by comparing the movement in Scotland with similar ones on the continent of Europe. I am inclined to think that, if this were done, it would be found that a consistent picture of Scottish Lollardy might be constructed. Take, for example, the episode of Paul Craw or Cwarar in 1431 or 1432. Every country in Europe was then being flooded with Hussite manifestoes, and traversed by Hussite emissaries, with the result that the Council of Basel was rendered inevitable.¹ It is not too much to say that almost every incident concerning Scottish Lollardy which has come down to us from Scottish can be illustrated, explained, and enlarged from continental sources. It is impossible to do so within the limits of this paper. All that can be attempted is to collect and state as briefly as possible the Scottish sources of information, and to arrange them in chronological order.

Our earliest exact date concerning Wyclif is 1361, when he was Master of Balliol College and a power in the University of Oxford. When we turn to the *Rotuli Scotiae* we find a continuous stream of Scottish students going to the English Universities under safe-conducts from the English monarchs, from 1357 on to 1389. During the earlier years of this period—that is, up to 1364—the safe-conducts applied for and obtained entitled the bearers to go to Oxford, Cambridge, Durham, or elsewhere; but from 1364 on to 1379 Oxford seems to have

¹ John of Segovia tells us what effect they had in Spain (*Monumenta Con-cillii*, ii. 5).

been the one University frequented.¹ The years during which, according to the evidence of the *Rotuli Scotiae*, the Scottish students turned exclusively, or almost exclusively, to the University of Oxford, were those during which the influence of Wyclif was most powerful, and when the whole of the University life seethed with Lollardy. During one of those years, 1365, safe-conducts seem to have been given to no fewer than eighty-one Scottish students to study at Oxford. This shows the very intimate connection between the English movement under Wyclif and Scottish students.

By the year 1405 Scottish Lollardy had attracted the attention of the civil authorities. Robert, Duke of Albany, was appointed Governor of Scotland in that year, and Andrew of Wyntoun, in his *Metrical Chronicle*, commended him for his fidelity to the cause of the Church:

‘He wes a constant Catholike,
All Lollard he hatyt and heretike.’²

In 1405 or 1406 we find an alliance between the civil and the ecclesiastical authorities in Scotland for the purpose of exterminating Lollardy and other heresy. This is shown by the existence of an Inquisitorial Court, presided over by a *Haereticæ Pravitatis Inquisitor* in the person of Lawrence of Lindores. This Lawrence was abbot of Scone in 1411 (and may have been so at an earlier date); he became the first Professor of Law in the University of St. Andrews, and is said to have written a book, *Examen Haereticorum Lolardorum, quos toto regno exegit*. He presided at the trial, condemnation, and execution by burning of James Resby, an English presbyter ‘of the School of Wyclife.’ Resby, according to the chronicler, was a preacher much admired by the common people. The Inquisitor found him guilty on forty-two counts of heresy, the second being that no one could be the Pope or the Vicar

¹*Rotuli Scotiae*, i. pp. 808, 815, 816, 822, 825, 828, 829, 849, 851, 859, 877, 881, 886, 891, 896, and ii. pp. 8, 20, 45, 100.

²*Historians of Scotland*, iii. p. 100; or Wyntoun’s *Orygynale Cronykil*, ix. ch. xxvi. lines 2773, 2774. Lollard is with Wyntoun a general term for dissentients from the Church of the period, for he says of the Emperor Theodosius:

‘Tyrandryis and mawmentryis
Herryssys and Lollardyis
He fordyd.’

v. xi. line 3970; cf. *Historians of Scotland*, ii. p. 401.

of Christ unless he was a saintly man.¹ This was a universal belief among the 'Brethren,' who held that no ecclesiastical ceremony of ordination or other could override the universal moral law of God.

We may infer that Lollardy had found entrance into the newly founded University of St. Andrews (founded 1405), for at a Congregation held in 1416 all intending Masters of Arts were required as part of their graduation oath to declare against Lollardy.

In spite of all such attempts to extirpate it, Lollardy lived on, and was a declared source of anxiety both to Church and State. It began to figure in the Acts of the Scots Parliaments. In a Parliament held by James I. at Perth, soon after his return from his captivity in England, it was enacted (March 12th, 1424-25) that all bishops were to make search through their Inquisitorial Courts for all Heretics and Lollards, and apply, if necessary, to the civil authorities to support them; and in succeeding years other Acts were directed either against Lollardy or against the fruitful soil which produced it—the corruption and luxury of the Church in Scotland, and especially among the higher clergy.²

In 1431 or 1432 Paul Craw or Crawar was seized, tried before the Inquisitorial Court, condemned, and burnt as a heretic.³ He had brought letters from the Hussites of Prag, and acknowledged that he had been sent to interest the Scots in the Hussite movement—one of the many emissaries who were then being sent into all European lands by the Hussite leaders, John of Rokycana and Procopius. He was a skilled physician, and in all probability used the art of healing to screen his mission. Examples of this are not lacking among the descriptions of the work of the 'Brethren' on the Continent.⁴ Like all the prominent 'Brethren,' he was found by

¹ For Resby's case, see Fordun's *History*, continuation by Bower, Lib. xv. cap. xx. After stating what the two first counts were, the chronicler adds: *De consimilibus, vel pejoribus, tenuit quadraginta conclusiones.* Resby's writings were cherished by the people after his death, and were a source of heresy, we are told.

² *Act Parl. Scot.*, ii. 7, etc.

³ Fordun's *History*, continuation by Bower, Lib. xv. cap. xx.; Sir James Balfour's *Annals*, i. 161.

⁴ Cf. D. H. Arnold, *Kirchengeschichte des Königreichs Preussen*, p. 319—the case of Dr. Albanus Leander, a physician.

the Inquisitor to be a man *in sacris literis et in allegatione Bibliae promptus et exercitatus*. This is the universal testimony of the records of Inquisitors, from the end of the thirteenth century at least. The Scottish Inquisitor evidently acquired great credit in discovering and slaying the Hussite envoy.

Some authorities are disposed to include the deposition and imprisonment of Archbishop Graham as an episode belonging to the history of Scottish Lollardy, and Dr. Laing includes it in his collection of notices.¹ But there appears to me to be no evidence for any sympathy with Lollardy in any of Graham's actions. To recognise the ecclesiastical corruption of the day, and to strive to amend it, was one thing; Lollardy was another; and as for the charges of heresy—such charges, true or false, were always brought forward during the Middle Ages when a Churchman had to be got rid of.

In 1494, Knox tells us in his *History of the Reformation in Scotland*, Campbell of Cesnock, with twenty-nine companions, all belonging to Ayrshire, were summoned before King James IV. and accused of holding Lollard opinions. Knox quotes thirty-four counts of indictment preferred against them by Archbishop Blackadder of Glasgow, which he took from the diocesan register. These heads of accusation are valuable, because they represent what the Romanist clergy of the day believed the Lollard opinions to be, and also because they give a sure basis for comparison with the opinions of the continental 'Brethren.'²

About the same date Quintin Kennedy, in his short poem entitled *In Prais of Aige*, bears witness to the prevalence of Lollardy in Scotland:

'The schip of faith, tempestuous wind and rane,
Dryvis in the see of Lollerdry that blaws.'

The same writer, in his 'Flyting' with William Dunbar, calls his opponent 'Lamp Lollardorum,' and:

'Judas, jow, juglour, Lollard Laureate,
Sarazene, symonyte, provit Pagane.'³

¹ *The Works of John Knox, edited and collected by David Laing*, vol. i. p. 499.

² Knox, *History of the Reformation in Scotland* (Laing's edition), i. 6-11. The trial and acquittal of the Laird of Cesnock is also referred to in Calderwood's *History of the Kirk of Scotland*, i. 456, where the letter of Alexander Alesius to King James V. is quoted; also in M'Crie's *Life of Melville*, 2nd ed. i. 418, where the rare poem of John Davidson is quoted.

³ (Lord Hailes), *Ancient Scottish Poems, published from the MS. of George Bannatyne*, Edin. 1770, p. 190; Dunbar's *Poems* (Scottish Text Society), ii. 28.

It must have been about the same time also that Murdoch Nisbet became a Lollard, fled the country 'over seas,' returned to live in hiding, and only felt safe after the death of James V.¹

Somewhat later we have the history of John Andrew Duncan of Airdree, in Fifeshire, and of Maynar (or Mainwarre), in Stirlingshire, in the *Biographia Britannica*, founded, it is said, on family papers. Duncan was taken prisoner at the battle of Flodden, was carried into Yorkshire, and there was permitted, by the courtesy of the Duke of Surrey, to live with a Mr. Burnet, a relation of his mother. Burnet was a zealous Lollard, and Duncan became a convert to his opinions. When the prisoner returned to Scotland, he became involved in the opposition to the regency of the Duke of Albany, and had to flee the country. When he was at length allowed to live in peace on his own estate, his house became a natural meeting-place for all who desired a religious reformation in the realm. The author makes the curious statement that Duncan found many sympathisers in Fifeshire, because sons of English Lollards and of German Hussites had been sent to St. Andrews for their education during the closing years of the fifteenth century. This would be a very important contribution to the history of Scottish Lollardy, if it did not stand alone and without any confirmation. Through the courtesy of Mr. Maitland Anderson, I have had the opportunity of studying the lists of the *Incorporati* of the University of St. Andrews, and they do not contain any names which are distinctly foreign.² The absence of foreign names from these lists does not disprove the statement, for the *Incorporati* included only a small proportion of the students—those who had attended for three years, and who had the right of voting. On the other hand, I cannot find any corroborative evidence from the English or German sides.³

The earlier poems of Sir David Lindsay, which belong to the years 1529 and 1530, may also be quoted as containing Lollard opinions. It is true that Lutheran writings had found their way into Scotland some years earlier, and that these may

¹ Wodrow Society, *Select Biographies*, ii. pp. 377 ff.

² Mr. J. T. T. Brown has kindly looked at these names and confirms this statement.

³ *Biographia Britannica*, v. 493.

have influenced the writer. But the sentiments in the *Testament and Complaynt of the Papyngo* are more Lollard than Lutheran.¹

Lastly, there is the statement made by Wodrow in his *History of the Sufferings of the Church of Scotland*,² 'I have been informed that the predecessors of this ancient family (Gordon of Earlstoun) entertained the disciples of Wicliff, and had a new Testament in the vulgar tongue, which they used in reading at meetings in the woods about Earlstoun House.' The author gives no date.

When all these statements are brought together it will be seen that there is a good deal of contemporary evidence relating to the Scottish Lollards; and if they were, as they can be, illustrated and enlarged by continental evidence, some of the obscurity which is said to surround Scottish Lollardy would be largely dispelled.

Dr. Law informs us that Murdoch Nisbet made his Scots version while he was absent from Scotland. He interprets the phrase 'over seas' to mean England, and it is undoubted that the words will bear that interpretation. He may have further evidence than is at my command; but if he has no more than is contained in the *True Relation of the Life and Sufferings of John Nisbet in Hardhill*, reprinted by the Wodrow Society in the second volume of their *Select Biographies* (not in their *Miscellany* as Dr. Law says by an evident slip), it appears to me that the probabilities are that Nisbet went to Germany or perhaps to the Low Countries. I am inclined to infer this from the early use made by him of Luther's Prologue, which I venture to suggest could hardly have been easily accessible in England at the date required to fit all the evidence so carefully marshalled by Dr. Law as to the date of the transcript. In spite of what Dr. James Gairdner says (*Historical Essays*, p. 3) English Lollardy was alive, propagating itself, and had connections with Scottish Lollardy during the first quarter of the sixteenth century (cf. *Biographia Brit.*, v. 492, and M'Crie's *Life of Melville*, 2nd ed. pp. 420, 421), and Nisbet might have found refuge in England even although the period included the years immediately preceding and succeeding the battle of Flodden. But on the

¹ *The Poetical Works of Sir David Lyndsay of the Mount*, edited by David Laing, i. pp. 88 ff.

² Bk. iii. ch. ii.; vol. ii. p. 67 of the ed. of 1722.

other hand, Nisbet was sure to be welcomed and protected in many parts of Germany for his faith's sake—simply because he was a Lollard—and residence in Germany would explain both his very early acquaintance with Luther's Prologue and his knowledge of German necessary to translate the Prologue into Scots.

The societies of the 'Brethren' had never died out on the continent of Europe, and their communities were existing and very active during the half century before 1520. They can be traced back decade by decade to the close of the thirteenth century at least. They appear in the records of Councils and in the reports of Inquisitors under a great variety of names, among which we find 'Waldenses,' 'Picards,' 'Hussites,' and even 'Wiclifites'; for it would seem as if the authorities of the Medieval Church called them by the name of the prevailing anti-ecclesiastical movement. Thus D. H. Arnold tells us, in his *Kirchengeschichte des Königreichs Preussen*, that the 'Wicklifites' were protected by the civil authorities in East Prussia in 1387, 1393, 1414, and 1422. They called themselves by the name of the 'Brethren,' or the 'Evangelicals' (this latter being later); they professed a simple evangelical creed; they offered a passive resistance to the hierarchical and priestly pretensions of the medieval clergy; they set great store on the education of their children; they had vernacular translations of the Scriptures; and they conducted their religious services in the vernacular. A description of their life and opinions by an Inquisitor in the end of the thirteenth century—fifty years before the Wiclifite movement in England—has many points of resemblance to statements in the Lollard Petition to the English Parliament. He says: 'Haeretici cognoscuntur per mores et verba. Sunt enim in moribus compositi et modesti; superbiam in vestibus non habent, nec pretiosis, nec multum abjectis utuntur. . . . Doctores etiam ipsorum sunt sutores et textores. Divitias non multiplicant, sed necessariis sunt contenti. Casti etiam sunt. . . . Temperati etiam in cibo et potu. Ad tabernas non eunt, nec ad choreas, nec ad alias vanitates. Ab ira se cohibent: semper operantur, discunt vel docent, et ideo parum orant. . . . Cognoscuntur etiam in verbis praecisis et modestis. Cavent etiam a scurrilitate et detractatione, et verborum levitate, et mendacio, et juramento' (*Rainerii Summa*, c. 7). During the fourteenth and fifteenth centuries these 'Brethren' were continually subject to local and somewhat spasmodic persecutions when the ecclesiastical authorities could secure

the aid of the civil rulers, which they could not always do, to their schemes of repression. This led to an organisation whereby the 'Brethren,' who for the time being lived in peace, made arrangements to receive and support those who were able to escape from their tormentors. These societies were in active correspondence with their co-religionists all over Europe, and were never so active as in the last decades of the fifteenth and first quarter of the sixteenth centuries. We have no direct evidence that they preserved among them copies of Wyclife's New Testament, but when we remember the diffusion of Wiclifite literature over Europe, the tenacity with which it was clung to, and the character of the leaders of the 'Brethren,' it is most probable that they did, and that a stranger from England or Scotland would be shown such a treasure. For the leaders of the period of Nisbet's sojourn outside Scotland were not the ignorant fanatics they are continually represented to be. Hans Denck and Conrad Grebel were members of the Erasmus 'circle' in Basel; and Grebel was universally acknowledged to be the ablest Greek scholar in that learned circle. A Scottish Lollard refugee, like Nisbet, would certainly find the welcome, protection, and congenial religious society in many a German town which Tyndal found at Worms. All these considerations induce me to think that Nisbet found shelter, not in England as Dr. Law supposes, but in Germany.

Unfortunately I have found it impossible to compare the *New Testament in Scots* with the pre-reformation German versions above referred to. The copies which survive are scattered over a large number of German Libraries, and the fac-similes of pages and of passages given by Walther (*Die deutsche Bibel-übersetzung des Mittelalters*, Brunswick, 1869), while they afford material to compare the one German version with the other, do not suffice for a comparison with the work of Purvey or of Nisbet. The comparison would be interesting if it were possible.

Let me, in conclusion, express my admiration for the scholarly way in which Dr. Law has accomplished his very arduous undertaking.

THOMAS. M. LINDSAY.

The Municipal Institutions of Scotland :

A Historical Survey

Concluded

IN early times,¹ when trade and manufactures were in their infancy, the means of communication limited, and the condition of the country unsettled, the only way by which merchandise could reach many districts was through the instrumentality of traders and pedlars, who collected periodically at fixed centres where fairs and markets were established, and supplied the needs of those who attended these gatherings. The right to hold such fairs and markets was conferred by the Sovereign, and the charters or other royal grants and acts of parliament confirming it were numerous. Every royal burgh seems to have had a right of market and fair at fixed periods, and similar rights were largely granted also to religious houses, and to noblemen and land-owners. The exclusive privileges of trading which the early burghs possessed, as well as the civil and criminal jurisdiction and powers of burghal magistrates and officers, were held in abeyance during the time of fairs, and such disputes as then arose were disposed of by a special court known as *The Court of Dusty Feet*, or *Pie-Poudre Court*.² The execution by burgesses of ordinary processes of law for debt, due to them by 'uplands men,' or

¹The first portion of this Survey, dealing with the early history of Royal Burghs, appeared in the *Scottish Historical Review*, January, 1904.

²Market Rights and Fairs in England, Scotland, and Ireland formed the subject of investigation by Royal Commissioners, whose Reports on 9th August, 1888, and 15th January, 1891, and the voluminous evidence taken by them, fill fourteen folio volumes. A memorandum on the history of these institutions in Scotland, hurriedly prepared by the writer of this article, is incorporated in volume vii. pp. 559-674. But the subject, which is closely associated with the development of this country, deserves fuller treatment.

men from the country, was also suspended during that time, and these persons were entitled, equally with burgesses, to the privileges of *lot, cut and carvil* of all kinds of merchandise. During the continuance of a fair also, all persons frequenting it were exempted from arrestment under ordinary processes of law, unless they had broken the peace of the fair coming to it, or while at it, or when returning from it. This protection applied to all offences, save treason or crime for which the church could not give sanctuary. All offenders against the peace of the fair were, however, subject to the doom or law of the Court of the Fair. The protection thus afforded extended also to slaves who had escaped from their masters. Even if stolen goods were discovered in a fair the owner had to bring the possessors of them before the court of the fair by which his claim had to be disposed of.

In royal burghs, or in their vicinity, castles were often erected, and, arbitrary as was frequently the action of the keepers or castellans of such castles in country districts, the *Laws of the Four Burghs* imposed important restrictions upon royal officers of this class. They required that no castellan should, at his own hand, enter the house of a burghess and slay swine or poultry, but should offer to purchase them for the King's service. If, however, the burghess refused to sell, and the swine or poultry were afterwards found on the street, they might be secured and slain,—but only at Yule, Easter, and Whitsunday—the castellan paying their value as appraised by the neighbours. Burgesses were also relieved from the obligation to lend to the bailie of a royal castle goods of greater value than 40d., and for a period of forty days. If the loan was not repaid within that time, the burghess was relieved from the obligation to lend more. If any man in a castle injured a burghess, the latter had to seek redress outside the gates of the castle, and if a burghess injured a man of the castle, the latter had to seek redress in the burgh.

It is difficult to understand much connected with the administration of royal burghs in Scotland without an acquaintance with the constitution and work of the Convention of Burghs. Its records, from 1552 till 1738, have been published by the Convention, and contain information of the first importance not only in regard to the internal government of the royal and free burghs, but to the development of their trade and commerce, and to the commercial relations of Scotland with other countries. No reference even of the slightest

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character to our municipal institutions can properly overlook that institution, which exercised a commanding influence over Scottish burghs till the union with England, and in a lesser degree till the Burgh Reform Act of 1833.

The Court of the Four Burghs,¹ which ultimately developed into the Convention, appears to have met at first once a year in Haddington, to dispose of such appeals as might be taken to it by Scottish burghs and burgesses. How its appellate jurisdiction originated, or how that jurisdiction was exercised, is not now known, but if a document given by Sir John Skene as the *Curia Quatuor Burgorum* is authentic, the court, at a meeting held in Stirling on 12th October, 1405, ordained two or three sufficient burgesses of each of the King's burghs on the south of the Water of Spey, duly commissioned, to attend the 'parliament of the four burghs' annually, to treat, ordain, and determine upon all things concerning the utility of the common weal of all the burghs, their liberty and court. Thirty-seven years earlier however, viz. in 1368, Lanark and Linlithgow had been substituted, as members of this court, for Berwick and Roxburgh, which had fallen into the hands of the English. In process of time the seat of the court was transferred from Haddington to Edinburgh, and King James I.—who reigned from 1406 till 1437—ordained, with consent of the Estates of the realm, that Edinburgh should continue thenceforth to be the seat of that court. His ordinance was confirmed by King James II. in 1454, and the Great Chamberlain was ordained to cause the court to be held at Edinburgh according to custom. So matters remained, apparently, till 1487, when a parliament of James III. ordained commissioners from *all* burghs, south and north, to convene on the 26th of July annually in Inverkeithing, under a penalty of £5. No record of *any* meeting in that burgh is now extant, and if conventions were held there, the practice of meeting in that burgh must have been discontinued previous to 4th April, 1552, when at a Convention held in Edinburgh, an act was passed in which the act of 1487 is referred to merely as a matter of understanding, and the burghs of the realm were required to convene annually, by their provosts or commissioners, on the last day of July, in such place as might be appointed. This requirement was, however, very irregularly

¹ Consisting, at first, of representatives of Edinburgh, Berwick, Roxburgh, and Stirling.

observed, and in 1555 the fine to be exacted from burghs which failed to send representatives was increased to £10. But this increase in the fine was not attended with the desired result. Meetings of the Convention were not regularly held, and in 1578 an act of parliament was passed at Stirling, during the reign of James VI., authorising the convention to meet at such place as the majority deemed most expedient, *four* times in the year, to deal with such matters as concerned their estate. To prevent tumult, each burgh—with the exception of Edinburgh—was appointed to be represented by *one* member, and Edinburgh by *two*. Previous to 1578, and notwithstanding the order to hold *one* annual meeting, *two* or more meetings were sometimes held in the course of the year. So, after 1578, when four annual meetings were authorised, the burghs did not exercise that power, but continued their former practice of assembling at such times and places as they thought expedient—making their meetings often coincident with the meetings of Parliament, to which the burghs also sent representatives. This practice was referred to and ratified by the act 1581, chap. 26, which required all burghs, when cited, to send a commissioner, duly instructed, to the convention under a penalty of £20, for which, on the application of Edinburgh, the Lords of Council and Session were required to issue letters of horning or poinding. The increased penalty thus authorised by statute had, two years previously (*viz.* in 1579), been authorised by a convention held at Stirling in that year. In conformity with the act of 1581 the burghs held their convention at such times and places as the majority determined, but in 1586 they resolved to meet in future, previous to the assembling of parliaments and conventions of the estates, so as to discuss, by themselves, such business as might be submitted to the national assembly. Several of the conventions of burghs, it may be remarked, seem to have been held in obedience to royal letters issued to the burghs, requiring them to send commissioners to a particular town at a specified time, to treat of the several matters enumerated in the letters. In other cases the commissioners of some of the burghs fixed the time and place of the annual meeting, and missives were thereupon directed to all the burghs requiring them to send their commissioners to the convention so fixed. As regards the time and place of those meetings, the burghs seem to have acted without any reference to the statute of 1487.

These meetings of burghal representatives retained, so late as 1500, the designation 'The Parliament of the Four Burghs,' and were presided over by the Great or Lord Chamberlain. How long that officer of State attended these assemblies, or how long they continued to be known by that title, does not appear, but a minute in 1529, and all the minutes subsequent to that date, referred to the acts set forth in them as having been passed by the commissioners of the burghs, and make no reference to the Great or Lord Chamberlain, whose withdrawal from attendance at the burghal conventions may have been the result of the changed relations of the burghs to the Crown. Originally, as has been seen, royal burghs belonged in property to the Crown. They were simply aggregations of separate vassals paying each his special quota of rent for the ground occupied by him within the limits of the burgh; and the quota, with the issues of the court held in the burgh, appertained to the Sovereign, and formed part of the royal revenue. But after a time, and as early as the beginning of the fourteenth century, the practice was introduced of granting to the bailies or to the community short leases of the Crown revenues of burghs, for payment into the Exchequer of a fixed rent, or *census burgalis*, for which the bailies were held accountable. This arrangement was succeeded by another, under which the Crown—while retaining its feudal rights over the individual holdings of the burgesses, and the common property of the burgh—assigned to the community a heritable right to the Crown rents and issues within the burgh, for payment into Exchequer of a fixed annual sum. Under this arrangement the burgh was granted to the community in *feu farm*, and the burghal officers were invested with the right to recover the rents and issues, which had been previously paid to the Crown. Thus Edinburgh received its feu-farm charter from Robert I. in 1329, Dundee its feu-farm charter from David II. in 1359, Stirling its feu-farm charter from Robert II. in 1386. When this arrangement was extended to the burghs generally, the relations which had previously existed between them and the Great Chamberlain as an officer of the Crown became less important financially, and his supervision seems to have been gradually discontinued.

In the reign of James I. (1406-1437) the functions of the Lord Chamberlain were to some extent superseded by those of the High Treasurer—though the control of the former

over matters of general burghal administration remained. It seems, however, not to have been vigorously exercised, and in 1491 an act was passed requiring the 'common good' of burghs to be applied strictly for the benefit of the burghs, and to be spent in their common and necessary things, by the advice of the council and deacons of crafts where such existed. At the same time the manner in which the common good was expended had to be reported annually to the Chamberlain's Eyre, and leases for a longer period than three years were prohibited. Till 1503 permanent alienations of burghal property were not referred to, but in that year, tenures in feu-farm were authorised to be substituted for short leases, as regarded the property not only of the Crown, but of lords, barons, and free holders spiritual and temporal. And though the act did not apply to royal burghs, the authority which it conferred on those to whom it did apply was speedily extended to those burghs by special licenses from the Crown. So the mischievous practice obtained for burghs to convert their common property into heritable estates to be held in feu-farm, on terms which, in later times, have become illusory. This process was accelerated by the admission into town councils of persons who did not possess the original conditions of burghship, and were neither resident nor concerned in trade. To prevent this misappropriation of burghal property an act was passed in 1535, requiring the magistrates annually to lodge accounts of the common good in Exchequer, to be audited by the Lords auditors, who were appointed to hear all persons who impugned the accounts. But this salutary legislation seems to have fallen into desuetude. During the minority of James VI. and the early years of his reign, the practice of plundering the burghs under the sanction of commissions to favoured individuals was adopted. In 1593, however, an act of parliament prohibited the practice; but this statute also seems to have proved ineffectual, and under a system of favouritism on the part of magistrates and councils the process of spoliation went on. Not only so, but the Convention of Burghs, in the exercise of what appears to have been unauthorised authority,¹ sanctioned alienations of burghal property, in the form both of long leases and feu grants. The extent to which the process

¹ This was so found in 1820 by the Select Committee of Parliament on Petitions from the Royal Burghs. See *Report*, p. 13.

had gone towards the close of the seventeenth century excited alarm, in so far especially as it pointed to the rapid approach of general burghal insolvency, and in 1682 and 1684 public enquiry was ordered into the financial conditions of the burghs. The terms of the commission issued in the latter of these years indicates a condition of corruption and maladministration of the most deplorable kind. The King—Charles II.—died, however, about six months after the commission was issued, and nothing followed upon it. After the Revolution of 1688, the condition of the royal burghs led to farther applications being made to the Convention of Burghs to authorise the sale of lands forming part of the common good of burghs, and this was usually granted. Among the applicants for such authority was Glasgow, and its story of decay and poverty is remarkable, but seems to have had a powerful effect in inducing the Convention to order an enquiry into the financial condition of *all* the royal burghs. The results of that enquiry are recorded in the books of the Convention, and were published in 1881 in a volume of the Burgh Records Series. Probably the results of that enquiry had something to do with the act passed by parliament in 1693 ‘anent the common good of royal burghs.’ That act authorised extraordinary commissioners to make the necessary enquiries, and a commission was issued in 1694; but nothing seems to have resulted from it, and no supervision of the financial administration of these burghs seems to have taken place on the part of the officers of Exchequer beyond seeing that the quit rent payable by each burgh annually was duly rendered. The authority given in 1535 to burgesses interested to challenge the accounts of burghs was held, in 1683, by the Court of Exchequer, to mean little more than a right in such persons to inspect the accounts, and this decision was practically confirmed by the Court of Session in 1748. Subsequently, in 1820, it was held by that court that burgesses had no title to complain of acts of mismanagement on the part of magistrates which do not affect the private and patrimonial rights of the complainers. This decision practically necessitated legislation to regulate the administration of the common good of burghs, and to create a tribunal to enforce it, and in 1822 the act, well known as ‘Sir William Rae’s Act,’ was passed to effect that object. It applied to all royal burghs, both in their strictly municipal character and as trustees of public charities. But even that act left the administration of the

common good of burghs very much to town councils,¹ some of whom are not, in Scotland, subject to such a system of financial and general supervision as applies to the boroughs of England.² The powers of the English Local Government Board to check illegal administration by these boroughs are far-reaching and salutary.

It is impossible to refer here to the many departments of municipal enterprise, or to the details of the burghal code which regulated the relations of burgesses to each other; which secured monopolies to burgesses as a class; and which determined the succession to property.

Allusion has been made to the original constitution of burghs, and the rights of burgesses to select those who were to administer its affairs, to the gradual assumption by the mercantile class of the substantial powers of municipal administration, and to the struggles and ultimate success of the craftsmen to share in

¹ Sir William Rae's Act has, however, been repealed by the Town Councils (Scotland) Act, 1900 (63 and 64 Victoria, c. 49), which requires a yearly account of all property heritable and moveable vested in the town council, and of all rates and assessments levied, and of all money received and expended by or on account of the council, to be submitted for audit to an auditor to be annually appointed by the Secretary for Scotland. This auditor is appointed to audit the account, making a special report thereon in any case where it appears to him expedient so to do, and the account with the report must be submitted to the council. Every person assessed, and every elector, is entitled to examine the account and report, without payment of any fee or reward, and a copy of the account, or an abstract of it, with the report must be forthwith transmitted to the Secretary for Scotland, and also delivered to such person or elector on demand. Any ratepayer or elector dissatisfied with the account, or any item thereof, may, within three months after the meeting of council, complain to the sheriff, whose decision is subject to appeal as in ordinary actions. Any of the burghs of Edinburgh, Glasgow, Aberdeen, Dundee, and Greenock, however, may, by a resolution passed prior to 9th August, 1901, declare that any sections or subsections of the act relating *inter alia* to accounts and corporate property and other specified subjects shall not be applicable to such burgh, and that, in lieu thereof, the sections or subsections of the act or acts applying to such burgh, repealed by the act of 1900 and specified in the resolution, shall, notwithstanding such repeal, remain in force or revive within the burgh. Such resolution is thereupon appointed to be transmitted to the Secretary for Scotland and published in the *Edinburgh Gazette*,—after which it has effect as if enacted in the statute.

²The Local Authorities (Scotland) Act, 1891 (54 and 55 Victoria, c. 37, s. 4 (3)), empowered any burgh in which there is a common good to apply to the Secretary for Scotland to determine, after due enquiry, the amount which the town council may borrow on the security of such common good, having regard to its value and all other circumstances affecting it.

that administration. But in process of time a desire manifested itself on the part of a large number of inhabitants of towns to obtain a greater share in what may be termed local government, and numerous petitions were transmitted to parliament by the royal burghs themselves, towards the close of the eighteenth and the early part of the nineteenth century, praying to have such enquiries made as would lead to an improved system of burghal administration. In consequence of these petitions, and the general dissatisfaction which prevailed, the House of Commons in 1793 appointed a committee of enquiry which made a full report. In 1818 again, the royal burghs petitioned parliament to be relieved of the expense of erecting proper jails, and these petitions were referred to a committee of the Commons, which reported to the House in that year. In the following year, a select committee of the same house reported on petitions which had been presented during the then, and two previous, sessions, and also on the report of 1793. That report, with its appendix—extending over 549 folio pages—summarised the several grounds of complaint as to the system of burghal administration then prevalent, and was submitted to parliament in the same year. Subsequent reports were made in 1820 and 1821—the latter offering a variety of suggestions with a view to improved administration. In 1823 and 1825 further documents were submitted to parliament relative to the royal burghs. A mass of information was thus collected which prepared the country for municipal reform. A first step in this direction was made in 1832, when, on 17th July, the Representation of the People (Scotland) Act was passed to remedy the inconveniences and abuses which previously prevailed in the election of members to serve in parliament. This was followed, on 14th August, 1833, by an act to enable royal burghs and burghs of regality and barony to establish a general system of police; and on 28th August two acts were passed, one to amend the laws for the election of the magistrates and councils of royal burghs (3 and 4 William IV., c. 76), and the other to provide for the appointment and election of magistrates and councillors for the several burghs and towns which, by the Representation of the People (Scotland) Act, were empowered to return or contribute to return members to parliament, and were not royal burghs (3 and 4 William IV., c. 77).¹

¹ Both of these acts were repealed, but were substantially re-enacted, by the Town Councils (Scotland) Act, 1900 (63 and 64 Victoria, c. 49).

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By the former of these acts, the right of electing the town councillors of each royal burgh was vested in all persons—owners and occupiers—who were entitled to elect the member for parliament for such burgh; and where any burgh did not return a member to parliament, in such owners and occupiers as were enrolled in a list or roll made up in terms of the statute. It provided for the election of councillors, who were to retire triennially, and of magistrates and other office-bearers, and it declared that only burgesses should be councillors.¹ It abolished, save in specified cases, the offices and titles of deacon and convener and dean of guild, and of old provost and old bailie as official and constituent members of town councils, but reserved the rights of crafts, trades, and guildries to elect their own officers; and it provided for the annual making up of a State of the affairs of each burgh. The system thus introduced, improved and amended by subsequent legislation, still obtains, though on 15th July, 1833—a month previous to the Municipal Elections Act becoming law—a royal commission was issued to enquire as to the state of municipal corporations then existing in Scotland, and these commissioners issued General and Particular Reports in which they recommended various changes to be made, to some of which, however, effect has not yet been given.

BURGHs OF BARONY AND REGALITY.

Analogous in many respects to Royal burghs, but of a subordinate class, numerous burghs came into existence at a very early period within the territories of secular and ecclesiastical lords and great land owners, and, according to the nature and

¹ In 1860 an act was passed (23 and 24 Vic. c. 47) entitling every person elected a councillor to become a burgess to the effect of complying with this requirement of the Burgh Reform Act, on payment of a sum to be fixed by the council not exceeding twenty shillings. But such admission did not carry with it the full privileges which attach to burgess-ship acquired in the ordinary way, and persons elected councillors were almost invariably indisposed to take advantage of that act. In 1876 another act was passed (39 and 40 Vic. c. 12) relative to the admission of burgesses. Its object was to give to ratepayers of burghs, in which institutions existed for behoof of decayed burgesses and their children, the means of acquiring benefit from such charitable institutions, and it is to be regretted that some better devised means of attaining that object was not adopted. Both acts were repealed in 1900, but have been substantially re-enacted by the Town Councils (Scotland) Act, 1900 (63 and 64 Vic. c. 49).

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extent of the jurisdiction with which they were invested, these burghs were known as 'burghs of barony' or 'burghs of regality'—the former being erected within the lands of a barony, and the latter within the lands of a regality. Such burghs are referred to in the Laws of the Four Burghs, which provide that the burghess of a King's burgh might have battle of the burghesses of Abbots, Priors, Earls, and Barons, 'but not the converse.'

Burghs of this class were sometimes erected directly by the Sovereign, who, in the charter of erection, set forth their constitution, and the nature of the jurisdiction to be exercised by the magistrates and community. Sometimes the authority to erect was delegated by the Crown to the lords, ecclesiastical or secular, on whose territory the burgh was authorised to be formed; and the charters granted by the superior thus authorised specified the conditions under which the burgh was to be governed, by magistrates appointed either by the superior or by the inhabitant burghesses. But in all cases burghs of this class were held of a subject superior.

Of such burghs—and these among the most important and most ancient—were burghs, some of barony and some of regality, held of ecclesiastical superiors—St. Andrews, the seat of the Primate of Scotland, Glasgow, the seat of a bishop, and afterwards of an Archbishop, and many others the seats of ecclesiastical dignitaries of lower rank, including Old Aberdeen, Brechin, Arbroath, Fortrose, Dunfermline, Paisley, Spynie, and Queensferry. But the great ecclesiastical change effected by the Reformation altered the position of these church burghs, and in 1587 an act was passed for annexing the temporalities of benefices to the Crown. That act set forth that

'Forsameikle as there is divers burrowis in regalitie and barronie, within this realme, quhilkis were before haldin immediatly of the saidis prelatiis, and have been in use to exerce the trade and traffique of merchandise, to mak burghesses, and to elect provestis, baillies, and utheris officiaris meete and necessar for the government of their communities, our said Sovereign Lord and his three estates in Parliament, nawayes willing that they sall be hurt therein, declaris, decernis, and ordainis, that they sall remain in the samin freedome and libertie quhilk they had before the said annexation, to be haldin always of our said Sovereign Lord, in the samin manner and condition be the quhilk thai held thair saidis liberties of the saidis ecclesiastical personis befor, and nawyse hurt in thair rightis and priviledgis, and that the ane sort and the uther be not confoundit be this present act, but remane always distinct, as thay wer in tyme by past, notwithstanding the said annexation, it is always provided, statute, and ordained, that the provest,

baillies, counsall, and utheris officieris, within the saidis burrowis, in regalitie and baronie, quhair thair were provest and baillies of before, sall be yeirly elected, chosen, deposit, and alterit, according to the forme and tenour of the acts of parliament maid in the daies of our Sovereign Lordis maist noble predecessouris, and ratified in divers Parliaments sen his Hienss Coronatioun.'

The Crown was thus substituted for the old ecclesiastical superiors, and many of the church burghs were afterwards raised to the rank of royal burghs. Among the burghs so elevated were St. Andrews, Glasgow, Dunfermline, Brechin, and Arbroath.

The burghs of barony and regality which were held of lay superiors, or invested by charter with the practical power of self-government on prescribed lines, were numerous. Among those were Abernethy held under the Earls of Angus, and later under Lord Douglas; Alloa held under the Earl of Mar; Bathgate held of Thomas Hamilton; Dalkeith successively of the families of Keith, Morton, and Buccleuch; Dunblane of Lord Kinnoul; Dunkeld of the Duke of Atholl; Duns of Hume of Aytoun, and afterwards of Cockburn of Cockburn; Eyemouth of Hume of Wedderburn; Faithlie, or Fraserburgh, of Fraser of Philorth; Galashiels of Pringle of Torwoodlee and others; Girvan first of Muir of Thornton, afterwards of Hamilton of Bargany; Hawick of Douglas of Drumlanrig; Huntly of the Duke of Gordon; Kelso of the Duke of Roxburgh; Kilmaurs of the Earl of Glencairn; Kirkintilloch of the family of Fleming (Earl of Wigtown); Langholm of the Duke of Buccleuch; Maybole of the Earl of Cassilis; Melrose successively of the Earl of Haddington, the Earl of Melrose and the Duke of Buccleuch; Portsoy of the Earl of Seafield; Roseheartly of Lord Forbes of Pitsligo; Stonehaven first of the Earl Marischall, afterwards of Lord Keith; Stornoway of Mr. Stewart Mackenzie; Strathaven of the Duke of Hamilton; and Thurso of the heirs of John Morton of Berrydale.

These and such other burghs of barony and regality, holding of subject superiors, as were erected prior to 1746-7, were dealt with in that year by the act abolishing Heritable Jurisdictions (20 George II., c. 43) which drew a distinction between burghs in which the magistrates were appointed by the superior, and those which had constitutions independent of the lord of barony or regality. The jurisdiction of the former was practically abolished, while that of the latter was reserved, but the

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jurisdiction of the superior was declared to be cumulative with that of the magistrates.

Since 1746-7 several burghs of barony have been constituted. Among those are Castle Douglas, Gatehouse of Fleet, Kilsyth, Laurencekirk, and Lerwick.

Originally, the burgesses of burghs of barony and regality possessed privileges of trade and manufacture within the bounds of their respective burghs only. These privileges were subsequently extended by an act in 1672, which empowered such burghs to export goods of their own manufacture. But in 1681 this extension was limited to the effect that the goods referred to in the act of 1672 might be sold for the use of the inhabitants of regality and barony only. In 1690, the inhabitants of these burghs were empowered to trade freely in native commodities, and in foreign commodities purchased from freemen of royal burghs. Three years later, viz. in 1693, parliament sanctioned an arrangement for communication of the rights of trade by royal burghs to burghs of regality and barony, on the latter consenting to pay a share of the taxation imposed on the royal burghs. In 1698, the inhabitants of burghs of barony and regality were empowered to trade in native and foreign commodities, if they bought the foreign commodities from freemen who paid scot and lot within a royal burgh. And between 1699 and 1701 a commission of parliament settled the terms on which there was to be communication of trade between royal burghs and burghs of regality and barony. But all exclusive privileges of trade were abolished in 1846, by the statute 9 and 10 Victoria, chapter 17.

In their respective constitutions, burghs of barony and regality presented numerous varieties. Some, by the charters of erection or by subsequent charters, had a modified right to elect their magistrates conferred on their burgesses or feuars, subject to the approval of their superiors. In some, unqualified dependence on the superior existed, and the magistrates were appointed by him. Others enjoyed an elective constitution, differing in the qualification of the electors—such qualification being in some cases restricted to resident burghess-ship, in others to resident proprietorship, within the burgh, and in others to the ownership or occupancy of houses of the value of £10 and upwards. One of the beneficial effects of the Burgh Police (Scotland) Act, 1892 (55 and 56 Vic., c. 55), amending the general Police Act of 1850, was to simplify the election of the governing

bodies of many of these burghs, several of whom possessed and exercised the right, under their charters, to erect incorporations of craftsmen within their respective bounds, similar to that enjoyed by royal burghs. When such a power was conferred on burghs of this class, it was exercised by the magistrates and council with the consent usually of the superior or lord of the burgh, or by the superior himself, in accordance with the provisions of the charter of erection. The document constituting such subordinate craft incorporations was usually designated, as in royal burghs, a 'Seal of cause,' and set forth the objects of the incorporation, and the particular privileges conferred upon it, including usually a right to hold property; to enact bye-laws for the government of the craft, subject to confirmation by the magistrates, or by the magistrates and superior, or by the superior himself, as the case might be; and a course of succession. They also not infrequently granted a monopoly of trade and manufacture within the burgh to the craft so constituted. The jurisdiction conferred on the burgh was usually cumulative with that of the superior, for, as Erskine observes, 'the territory granted to the body corporate continues as truly a parcel of the barony as if it were the property of a single vassal, differing only in this, that the jurisdiction is in the first case exercised by a community, and in the other by one person.'

PARLIAMENTARY BURGHS.

Reference has been made to the act of 1832, passed to amend the Representation of the People in Scotland, and to the foundation which it laid for amending the constitution of royal burghs. It did more than this, however. It provided for the cities, burghs, and towns of the country being represented by twenty-three members, in the proportion therein specified. Of these fourteen were allocated to groups of burghs and towns,—some of which were royal burghs, and some burghs of barony and regality. It assigned to each of the burghs entitled to representation distinct, and in most cases extended, boundaries, so as not only to include the suburban populations which had grown up around the more prosperous burghs, but also outside areas to meet increase of population; and it enacted that the parliamentary representatives of burghs should no longer be elected by the town council, but directly by the parliamentary electors created in virtue of the act. Among the burghs thus entitled

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to elect members to parliament were several burghs of barony and regality, and some towns which were not burghs of either class, but whose population and importance led to their having parliamentary representation conferred on them. All the burghs to which such representation was given came thus to be known as 'parliamentary burghs,' and the act 3 and 4 William IV. cap. 77, passed on 28th August, 1833, provided a constitution for them similar in many respects to that which the act 3 and 4 William IV. cap. 76 provided, with reference to most of the royal burghs. Parliamentary burghs were empowered to have councils, elected by the parliamentary electors—the number being either specified in the act, or fixed by commissioners appointed by the Crown, and these councillors were empowered to choose a specified number of magistrates and office-bearers. In burghs in which there were burgesses no one could be inducted into office as a councillor without producing evidence of his being a burgess; the right of crafts, trades, and guilds, where such existed, to elect their own officers, was reserved; the magistrates and councillors were declared to have powers and jurisdiction similar to those possessed by royal burghs; and states of the affairs of each burgh were appointed to be annually published.

This act, like that relating to royal burghs, was subsequently amended by various statutes, public and local, culminating in the Town Councils (Scotland) Act, 1890, but to these it is not necessary to refer here.

POLICE BURGHS.

In 1850 the desirability of enabling 'populous places' to obtain the benefit, by general statute, of legislation enabling the inhabitants to pave, drain, cleanse, light, and improve these places was recognised and provided for by the Police and Improvement (Scotland) Act (13 and 14 Victoria, c. 33). Defining 'populous place' to mean any town, village, place, or locality—not being a royal burgh, a burgh of regality or barony, or a parliamentary burgh—containing a population of twelve hundred inhabitants or upwards, it provided for the fixing of the boundaries of these places, the qualifications of the persons who should be entitled to vote in the determination of the question as to whether the provisions of the act should or should not be adopted, and the holding of a meeting of the voters to determine that question.

It also provided for the election of commissioners and magistrates of police to carry the act into effect if adopted, and prescribed the manner in which this was to be done. Various populous places took advantage of this act which, however, was repealed by the General Police and Improvement Act, 1862 (25 and 26 Victoria, c. 101), except only as regarded any burgh in which its provisions had been adopted or incorporated, in whole or in part, with any local or special act relating to such burgh—the word ‘burgh’ being declared to include ‘populous places.’ The act of 1862 contained provisions as to its adoption in burghs which in the act of 1850 were styled ‘populous places,’ and it consisted of 449 clauses embodying provisions as to lighting, cleansing, paving, draining, supplying water, effecting improvements, and promoting public health. It, again, was amended in several particulars by the General Police and Improvement (Scotland) Act, 1862, Amendment Act, 1868 (31 and 32 Victoria, c. 102), by the General Police and Improvement (Scotland) Amendment Act, 1877 (40 and 41 Victoria, c. 22), by the General Police and Improvement (Scotland) Amendment Act, 1878 (41 and 42 Victoria, c. 30), by the General Police and Improvement (Scotland) Act, 1882 (45 and 46 Victoria, c. 6), and by the General Police and Improvement Act, 1862, Amendment Act, 1889 (52 and 53 Victoria, c. 51). So matters remained till 1892 when the Burgh Police (Scotland) Act of that year was passed and came into operation on 15th May, 1893. It applied to every burgh which then existed—save Edinburgh, Glasgow, Aberdeen, Dundee, and Greenock—and to every burgh which might thereafter be erected under it, but might be adopted in whole or in part by any of the excepted burghs. It superseded and repealed under specific exceptions as regarded twenty-three burghs all general or local police acts, and especially the police act above referred to, save in so far as they are incorporated by reference in portions of police acts not thereby repealed. Subject to these exceptions the act of 1892, consisting of 518 clauses, forms a comprehensive code of police and sanitary legislation for the Burghs of Scotland.

ALL CLASSES OF BURGHS.

On 8th August, 1900, the Town Councils (Scotland) Act, 1890 (63 and 64 Victoria, c. 49), was passed to consolidate and amend the law relating to the election and proceedings of town

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councils of burghs in Scotland, and it defined 'burghs' as including royal burghs, parliamentary burghs, burghs incorporated by act of parliament, police burghs, and any other burgh within the meaning of the Burgh Police (Scotland) Act, 1892. It declared, however, that nothing which it contained should supersede, prejudice, or affect the provisions of any local act applicable to any burgh, or the forms of prosecution and procedure in use therein under such act.¹

JAMES D. MARWICK.

¹ With reference to the last paragraph on p. 126 the writer is reminded that since Edinburgh and Glasgow made the appointments referred to in the text, Dumfries has elected a lady an Honorary Burgess. The practice thus introduced affords burghs a befitting means of doing honour to ladies whose position or public services make such recognition appropriate.

Eighteenth Century Estimates of Shakespeare¹

THIS volume contains, together with an Introduction and Notes, reprints of nine essays which illustrate various aspects of Shakespearian Criticism in the eighteenth century. The earliest is Rowe's Account of Shakespeare's Life (1709), which was the first attempt at a biography of the poet; the next is Dennis's essay on the 'Genius and Writings of Shakespear' (1711). This is followed by the Prefaces to the editions of Pope (1725), Theobald (1733), Hanmer (1744), Warburton (1747), and Johnson (1765). The eighth piece is Farmer's 'Essay on the Learning of Shakespeare' (1767), and the last Morgann's 'Essay on the Dramatic Character of Sir John Falstaff' (1777).

Mr. Nichol Smith's book, which is handsomely printed in a very pleasant type, will be a boon to all students of Shakespeare, whatever the size of their Shakespearian libraries may be. Those who are familiar with the essays, and perhaps possess reprints of some of them in the first volume of the *Variorum*, will not be the least grateful of Mr. Smith's readers, for they will know best how to value the knowledge, thoroughness, and impartiality of his editorial work. They will welcome, too, the original text of Rowe's Life, which has never been reprinted till now since Pope injured it by his silent excisions and rearrangements. And for the general reader the volume should be full of novelty, entertainment, and instruction. Indeed, if it contained nothing but Morgann's Essay, which was last issued in 1825, and is not very easy to procure, he ought to give it a warm welcome, for there is no better piece of Shakespearian criticism in the world.

In framing his book the Editor has had an object to which I have as yet made no reference, and which is best explained

¹ *Eighteenth Century Essays on Shakespeare*, edited by D. Nichol Smith, M.A.; demy 8vo., pp. lxiii. 358, Glasgow: MacLehose, 1903. 7s. 6d. net.

in his own words. 'The purpose of this book,' he writes, 'is to give an account of Shakespeare's reputation during the eighteenth century, and to suggest that there are grounds for reconsidering the common opinion that the century did not give him his due. The nine Essays or Prefaces here reprinted may claim to represent the chief phases of Shakespearian study from the days of Dryden to those of Coleridge. It is one of the evils following in the train of the romantic revival that the judgments of the older school have been discredited or forgotten. The present volume shows that the eighteenth century knew many things which the nineteenth has rediscovered for itself.' In pursuance of this idea, Mr. Nichol Smith shows in his Introduction the delusiveness of the notion that Shakespeare was ever out of favour in the eighteenth century, and traces very clearly and skilfully the progress of criticism during that century in four main phases which roughly follow a chronological order. 'The first deals with his neglect of the so-called rules of the drama; the second determines what was the extent of his learning; the third considers the treatment of his text; and the fourth, more purely aesthetic, shows his value as a delineator of character.'

It was, of course, inevitable that the critics of the nineteenth century should do some injustice to those of the eighteenth. Like the rest of mankind they troubled themselves little with gratitude to the predecessors who had made their work easy. It was also unfortunately impossible for them to continue the building without removing parts of the foundation which were quite incapable of bearing its weight, not to speak of bricks and mortar which were manifestly bad. And a builder who has to perform such operations on a memorial structure is likely to be impatient, and in his haste may even accuse his forerunners of impiety towards the person in whose honour they built. But in this matter the Editor's four phases should be considered separately, and I will begin with the third.

Here there can be no question of the great services of the critics of the eighteenth century. I will not speak of their demerits, but, taken collectively, they did invaluable work in purifying and refashioning the text, in explaining obscurities due to Shakespeare's indifference to grammar and to clearness of construction, and, later, in illustrating him by reference to the contemporary literature. Johnson, in particular, can never be praised too highly for his determination in grappling with difficult passages,

and for the penetrating good sense which often led him straight to a solution. The history of the advance of criticism on these lines must always be interesting to retrace; and the general course of this history, together with some of the passions which accompanied it, appears clearly in the five Prefaces reprinted in Mr. Smith's volume. On the other hand, it can hardly be said, I think, that at this point the eighteenth century has met with much injustice; and this is one reason why I feel some doubt whether the pages occupied by Theobald, Hanmer, and Warburton might not be better filled. The first of these critics, too, is seen at his weakest in general observations; and, although Warburton's two pages on Shakespeare's language are still well worth reading, there is little else of value, and much that is repulsive, in the Preface of that truculent egotist. At the same time, one would have been sorry to miss the new light which Mr. Smith has thrown on his relations with Theobald.

The discussions on Shakespeare's Learning, until we come to the second half of the century, are for the most part superficial, and betray the ignorance of Elizabethan literature which marked our Augustan Age. But Pope's distinction between Learning and Languages, and his remark that Shakespeare 'had much reading at least, if they will not call it Learning,' have not lost their importance; and Farmer's *Essay* (1767), which is not less amusing than instructive, shows an immense advance, and is far from being superseded. Like those notes of Steevens in which he merely seeks to interpret the meaning of passages without passing absurd judgments on their poetry, this essay shows that the century had come to realise how indispensable to a critic of Shakespeare is familiarity with the literature of his time. There is plenty of room for a repetition of the lesson even now. Those who find it hard to understand how a poor player who never went to college can have possessed a learning of which, they tell us, Bacon might have been proud, might read Farmer with advantage, though they would do even better to read Shakespeare and Bacon.

The lover of poetry born in the nineteenth century will follow the disputes about Shakespeare's neglect of the 'rules,' I fear, with some languor and depression of spirit; and he will certainly come with immense relief to Johnson's apologetic but trenchant attack on the unities of time and place. The Editor justly observes that here the century itself corrected its error, and that little more is heard of the 'rules' after Johnson's exposure of the

fallacy on which their authority rested. This exposure is an admirable piece of thinking and writing, though Johnson, after his manner, opposed to the fallacy a theory too broadly stated and, in parts, prosaically fallacious. It is characteristic that what leads him straight here is not imaginative perception but an eye for psychological fact, and that his view of the fact, though it enables him to knock his adversary down, is neither full enough nor sympathetic enough to open the way to a true theory.

The gradual progress of the century in aesthetic appreciation would, perhaps, be clearer, and Mr. Smith's book would also gain in interest for most readers, if some pages from Richardson, Warton, or even Mrs. Montagu, took the place of the Prefaces of Theobald, Hanmer, and Warburton. From the beginning the poets write well of Shakespeare the poet—Rowe and Pope early in the century, as well as Johnson later; and their praises of the most salient features of his genius need not fear comparison with any nineteenth century eulogy. But the change in the general level of taste is naturally better gauged by reference to less gifted writers, and it would appear strikingly from a comparison of Dennis's foolish remarks on Menenius with Richardson's conscientious efforts to understand Shakespeare's characters—none the less strikingly because in expression the later is much the duller of the two writers. There can be no doubt about this change, and it is coincident, of course, with the gradual dawn of the romantic movement, which becomes unmistakable in the last quarter of the century. Indeed, if Morgann could be taken as a fair example of that generation, we should have to say that the century, some time before it closed, had reached *in principle* the whole position in which criticism has rested from the days of Schlegel and Coleridge. With Morgann not only the superstition of the 'rules,' but the remaining superstition of Shakespeare's general want of 'art,' together with Johnson's superstition about poetic justice, have totally disappeared. With them has gone the habit of judging Shakespeare from outside, and of condemning him for things the intention of which the critic has not even tried to understand. It has given place to the use of a sympathetic imagination which follows the dramatist into the minutest details of his composition, conscious that, whether the informing spirit of his work be called 'art' or 'nature,' it carries life and meaning into every atom of its creation, and that, where it seems to us to fail, we should doubt more than once before we conclude that the error lies with

Shakespeare. Something of this spirit is quite visible in Richardson; in Morgann it is full-grown, and has for its instrument a mind not less poetical than acute. How excellent, and how astonishingly different from Johnson's paragraph on Shakespeare's quibbles (p. 125) is Morgann's brief note (p. 267) on the same subject! But Morgann would have been an exceptional critic in any age, and in his own his Essay stands almost as much alone as do the songs of Blake. It appears for long to have had scarcely any influence on criticism. Its time was not yet. Indeed its time is only now; and, if Mr. Smith's book has the success it deserves, he will have the pleasure of knowing that the best (but, I must add, the least characteristic) critic of the eighteenth century owes to him the full recognition which has been so long delayed.¹

A. C. BRADLEY.

¹ I add a few notes on matters of detail, in view of the second edition which this book ought to see. A little more information about Morgann would interest the reader. Johnson's criticism of his book might be quoted. Mr. Smith might endeavour to find out whether the second edition (1820) was sold in five years, or whether the third (1825), which has only the old preface, but calls it 'Preface to the Present Edition,' is really the remainder of the second with a new title-page. The 'very learned *French Critick*' (p. 83) asks for a note. 'See,' p. 99, line 9 from bottom, is misprinted 'fee.' Johnson's omissions of notes of interrogation after the words 'theatre' (foot of p. 128), 'intervene' (p. 129), 'sentences' (p. 156), might be made good. I do not know if he is responsible for the error of using 'their' for 'the' in the sentence beginning, 'Of all the publishers, clandestine or professed, their negligence,' etc. (p. 142): it does not appear in the Variorum reprint. To whom is Morgann alluding in the bitter sentence on p. 228 about some public man? Since Mr. Smith very rightly indicates the sources of quotations, the words 'what matter where if he be still the same,' on p. 302, need a note. On p. 308, l. 8, 'when' is a misprint for 'where.' There must surely be some failure of expression in the note to p. 52 (on p. 312), as it seems to imply that the *Hamlet* of the First Quarto is in no sense Shakespeare's. Would it not be better to print in the note the 'striking passage' (p. 315) in Theobald's original preface?

The brevity of this list of suggestions, considering the nature of the volume, is strong evidence of the thoroughness of Mr. Smith's editorial work.

Scottish Alliterative Poems

Golagros and Gawane

THE Scottish Text Society is much to be congratulated upon the fact that it has published so many important and well-edited texts. It is always a comfort to a student to find that the text which he reads has been well considered, and it is a distinct gain to literature when a literary document falls into the hands of the right man to edit it. Any one who will be at the pains to examine the Notes and Glossarial Index to the *Scottish Alliterative Poems* will easily be convinced that Mr. Amours has proved himself to have been precisely the right person to undertake the editing of these eminently difficult pieces. And his Introduction proves further that he exercises a careful and well-balanced judgment in dealing with literary questions.

I have been attracted by the helpfulness of this edition, to a reperusal of the poems; and, observing that the editor has, in more places than one, accepted my suggestions on some difficult points, I now venture, with all diffidence, to add a few more suggestions of a similar character. Of course I only give them for what they are worth; but I dare say there are many students who will be glad, at any rate, to have some of the remaining difficulties brought under their notice once more.

To begin with *Golagros and Gawane*. In l. 95, Sir Kay is told that his manners are 'unlufsum and ladlike'; and again, in l. 160, the same discourteous knight is said to have been 'ladlike' in his manners. The Glossary suggests 'loathly' as the sense of 'ladlike,' which of course makes sufficiently good sense. Nevertheless, as we find the forms *laithly*, *laithles*, and *laith* elsewhere, there seems to be no sufficient reason why *ladlike* may not mean *lad-like*, or *like a lad*; especially when we find in l. 71 the expression 'nouthir [neither] lord na lad,' showing that a *lad* was just the very opposite to a *lord*. The point may well be that Sir Kay, who ought to have behaved like a lord, has behaved no better than a lad. It should be noted that the same explanation of *ladlike* is adopted in the

New English Dictionary; but I may be allowed to observe that it had occurred to me independently.

Stanza 18 ends in the following fashion :

‘ Thus iournait gentilly thyr cheualrouse knichtis
Ithandly ilk day
Throu mony fer contray,
Our the mountains g[r]ay,
Holtis and hillis.’

The editor regards the first of these lines as corrupt, as ‘the rime is wrong and the alliteration is weak.’ Perhaps so; but the easiest way out of the difficulty is to alter *hillis* into *hichtis*, i.e. heights. Towards the end of stanza 20 we have the line—‘Gif thair be ony keyne knycht that can tell it’—which has to rhyme with—‘Fayne wald I wit.’ This is obviously impossible, as the stress here falls upon *tell*, and it can receive no stress at all. I much suspect that for *it* we should read *tit*, i.e. ‘quickly,’ as in l. 756, and we can somewhat diminish the stress upon *tell* by omitting the word *that*, which can readily be understood. The resulting line is not very commendable; still it gives a real rhyme, with a little forcing of the stress, as in other places. I would therefore conjecture to read—‘Gif thair be ony keyne knycht can tell tit.’ Perhaps a still better plan is to omit *tell*, and to take *can* with the sense of ‘knows.’ Then *knycht that can tit* means ‘knight who readily knows.’

In stanza 22, the first line is: ‘A! lord, sparis of sic speche, quhill ye speir more.’ But it has to rhyme with *deir* and *feir*; so that the last word is *speir*. This is why the editor suggests to read *quhill more ye speir*. But though this amends the rhyme it ruins the position of the stresses. The right reading is clearly, I think, *more quhill ye speir*, with the stresses in the right place. And this explains how the corruption arose. For when the scribe came to this slightly inverted phrase, with *more* at the beginning instead of at the end, he ‘corrected’ it by giving it the true logical order, forgetting that it upset his rhymes. Hence, as the editor so well shows, he had further to alter *steir* into *schore* in the next line but one. This is a small point, but it well illustrates the nature of the mistakes into which the copyists most easily fell.

Line 291 is wanting. The sense can be supplied by reading—‘Quhill ye have frely fangit his frendship to fest.’ I have not invented this line; it is purloined from l. 421 below. It is curious that it just gives what one wants. Similarly, line 332 is missing; but it can be neatly supplied from l. 357, in which, by the way, the word *fyne* is superfluous and injurious to the rhythm and should be deleted. *Favour* is, of course, accented on *our*.

In the note to l. 339, we are told that *that thre* means ‘those three’; and two more such examples are given from another poem. It is suggested that the contraction for *that* has been miswritten for the contraction for *the*. This is very nearly right, but the true explanation is, I think, as follows. The Northumbrian for ‘those three’ is *thir thre*; and *thir* was also denoted by a contraction. *Thir* was not so well known as *that*, and so a poor attempt was here made to translate it, though in at least four

other places it has been allowed to stand. We should therefore read—
‘thai ordanit thir three.’

Perhaps I may be allowed to illustrate the point by a personal anecdote. I was once travelling down Glen Shee in a carriage with a perfect stranger, when the driver made reference to ‘thir horses.’ The gentleman good-humouredly turned upon me at once, saying—‘I suppose you never heard of such a word as *thir* before, in all your life!’ This was a little more than I thought I might fairly be expected to stand, so I retorted by saying—‘O yes! I have; for I’ve edited Barbour’s *Bruce*!’ which led to a most agreeable and delightful conversation.

Please kindly to take notice that *thir* is the right word in l. 471, in spite of the MS. reading *thair*. Mr. Amours notes the same error in l. 202.

In l. 1045 we come to a more important point, viz. what is the meaning of the extraordinary phrase ‘to set upon seven’? As I have a theory of my own upon the point, I should like to ventilate it.

My own belief is that there are *two* such phrases; or rather, that it was used in two totally different senses, with reference to quite different topics. It varies with the subject. If the subject is the Creator, then *to set* means ‘to ordain’; but if the subject is the gambler or the desperate man, then *to set* means ‘to stake.’ And the sense of *seven* varies at the same time.

An example of the former occurs in the line cited, viz. l. 1045. ‘I swere be suthfast God, that settis all on sevin!’ So also (as the note says) in *Susan* l. 264, and in the *Townely Mysteries*, pp. 97, 118. Mr. Amours says—‘that sets, ordains all in seven days’; with reference to the Creation. I confess I have my doubts as to this; first, because it is usual to assign to the Creation six days only; and secondly, because the use of the present tense is not, in this case, very happy. I think it means—‘He who ordains all the planets in their seven spheres’; with reference to the then universal belief in astrology and the influence of the seven planets upon almost every incident of life. For in this case, the use of the present tense is natural enough. I cannot prove this point; I only suggest it.

But I am more sure of my second point, viz. that ‘to set upon seven’ often meant ‘to stake upon seven’ as being a good throw at dice in the game of hazard; as I have tried to show in a note to Chaucer, *Cant. Tales*, B 124.

The phrase occurs in Chaucer’s *Troilus*, IV. 622, in a way that cannot be mistaken:

‘Lat not this wreeched wo thin herte gnawe,
But manly set the world on sixe and sevene.’

This is why the secondary sense of ‘to set upon seven’ is simply to take all hazards or to run all risks; and this is how I would interpret the expression in *Golagros*, 508, 668; in *Morte Arthure*, 2131; and in *Sir Degrevant*, l. 1279. *Set*, to stake, occurs seven times in Shakespeare. See also Lydgate’s ballad called *Beware of Doubleness*, l. 77; and *La Belle Dame sans Mercy*, l. 524; both in Chaucerian Pieces. I would even go as far as to suggest that the common phrase ‘to be at sixes and sevens’ arose from a phrase at gaming; the house that is in this desperate

condition is a place where it is mere luck if you find what you want; since everything is left 'at haphazard.'

Line 551 is missing; we want something like—'Lightly lap he on loft, and laught a lang speir.' Cf. l. 614.

The name of *Galiot*, at l. 557, was said by Sir F. Madden to have been invented by the writer. But *Galiot* occurs in *Lancelot of the Laik* (E.E.T.S.), l. 551, and often.

In l. 702 occurs the unknown word *hatterit*. The right word is obviously *hakkit*, as in l. 980. It was usual to write what looked like *lk* for *kk*; and a word that looked like *halkit* might easily have been turned into *hatterit*, by reading the *l* and the down-stroke of the *k* as *tt*, and interpreting the rest of the *k* as a contraction for *er*. We may confidently pronounce *hatterit* to be a mere ghost-word.

In l. 721, for *that* read *was*; it then means—'None was so proud of his part, (that he) was praised when he went away.' And in l. 725 read *leid*, the present tense, for the sake of the rhyme; instead of *led*, in the past.

Line 769 is curious: 'Than schir Golograse for grief his gray ene brynt.' Here *Golograse his* is a 'split' genitive case.

The mysterious word *bratheris* in l. 994, rightly explained as 'bracers' or armour for the arm, is due to that confusion between *t* and *c* of which Middle English MSS. exhibit so many instances. It is rightly spelt *bracher* in Levins, and should be altered to *bracheris* here. There is no such word as *bratheris*; but *bracher*, as a variant of *bracer*, is duly noted in the *New English Dictionary*.

WALTER W. SKEAT.

The Story of Conal Grund¹

HE was of noble descent and heir to an estate; but ill feeling and oppression had sprung up against himself and the family he belonged to, and they were driven from the place. He betook himself to the shore, where he built a hut for himself, and he lived there on whatever he could pick up from the sea or on shore.

It is said that in these days men were scarcer in those parts of the world than their food; that they would rather see sons than anything else they could wish for themselves; and that ships would be coming from distant regions for an opportunity of taking men away with them. At any rate, one day a ship came to the shore where he was, and he went away with it in expectation of meeting with his fortune, and when he returned wealthy he would get his rights restored to him. When they had sailed three days, a great storm arose, and they were in danger of being drowned. They thought it was some one among them who had done harm, and that they should cast lots. The lot fell three times on Conal Grund. There was nothing for it then but to throw him into the sea, let him sink or swim.

What happened to him was, that before he reached the bottom of the sea a whale swallowed him up. He was then inside of it, and both of them traversing the ocean, until at last when he was tired of trying every plan he could think of to get outside, he remembered his little jagged knife that

¹[This story was written down in Gaelic by the late Rev. J. Gregorson Campbell, of Tiree, who has done much to preserve a record of the Tales of the Western Highlands. Mr. Campbell translated it also into English, and intended that it should form the first of a volume of such Tales. Writing in 1889, two years before his death, he says: 'The occurrence of the whale in the western islands seems to have been quite common at one time, and there is a story of one having come ashore in the island of Tiree, of such dimensions that sixteen steps of a ladder were required to reach its top, *sia ceumannan deug faraidh*. In 1887, one came ashore in the same island, that was above 80 ft. in length.']

frequently had relieved him. Taking it out, he began to rip the walls that were about him with it. This made the whale go on, and it never stopped till it went ashore in Ireland. When the people saw it coming they gathered to the shore to tear it asunder. When they were nearly at him he cried out, 'Don't kill me.' Whenever they heard the voice, they ran away with terror; but coming to their senses, the most courageous amongst them returned to see what it was. He gave another loud cry to take him out from where he was. The one who came back asked who he was. 'It is I,' he said, 'you are long enough standing there looking on, you had better try to help me,'—and he asked him to take him out, as none of them had the sense to do it themselves. The one who had returned waved his hands to the others, to show that it was an earthly being. When they understood that it was, this is what they said: 'Woeful is his plight. It is a pity for any one to be in his place.' They then attacked the whale, and in an instant it was in pieces, and he was out.

He got food and clothing; and he then went for a walk round about, but had not gone any great distance when he saw a handsome woman at the mouth of a river, washing clothes and weeping. He asked those who were with him who she was, and what was the meaning of her mourning like that. 'It is easy to see,' they said, 'that you are a stranger in the place, when you do not know what has happened, and what cause she has. That's the wife of Archibald the Haughty washing her husband's clothing, as he is now dead.' He then asked what sort of a man Archibald the Haughty was. They said he was a man who had plenty of the world and took plenty of the world with him. When he heard this he stepped up where she was, and asked her why she wept. She said it was easy to see he was a stranger when he was ignorant of what took place and the occasion she had for weeping. 'I am weeping for Archibald the Haughty.' 'Alas! and my utter loss weeping for Archibald the Haughty. Well acquainted with each other were Archibald the Haughty and I. That was a man of great riches when I knew him, Archibald the Haughty,' said he. 'Yes, he was,' she said. 'He took plenty with him and left abundance behind him.'

He then went with her to the house. Food was prepared and set before him. He sat at it, and when no one was looking at him he would take a great gulp of it, but when any of

them returned he would drop the food and begin to wring his hands, deploring himself. 'Alas! and my utter loss! my Archibald the Haughty dead!' When they left his presence, he would take another big gulp of meat, but as soon as they returned he would tear his hair and say, 'Alas! and my utter loss! my Archibald the Haughty dead! What a good man that was, and how well acquainted I was with him!' And when he pulled his hair the lock came away with its having been rotted when he was inside of the whale, until the people who were in the house thought he was in earnest. When he had finished, and had rested from his fatigue, they went away to see Archibald the Haughty's grave, himself and Archibald the Haughty's wife both together, and they were mourning at the gravestone. It was evening before they returned. She said to him, since he was not acquainted with any other place, that it would be better for him to remain where he was that night. He would not stay, but left good-bye with them all. When he left them behind and got out of sight, he went to the burial ground, opened the grave of Archibald the Haughty, took the lid off the coffin, and he and Archibald the Haughty began to wrestle. The one that would be uppermost now would be below next, and they were thus lifting and throwing down each other till the cock crew. At that time Archibald the Haughty was underneath, and he remained so ever after.

He (Conal) took with him as much as he could of the gold and silver, and off he set as fast as he could. He was for some days wandering and indifferent where he might go, without any object in view or thought of returning, but ever pushing on. In the dusk of the evening he saw smoke at the edge of the shore. He took the way it was. As he came near he heard weeping and lamenting, and when he reached he found it was from a cave, with a fire, at which sat a woman as handsome as eye had ever seen, with a manchild on her knee. She asked him what had brought him there to-night. He answered that what brought him there was that he did not know of any better place to go to. He then asked her what she was weeping for. She said that the child she had on her knee was to be ready boiled for the big giant who kept the cave when he came back from the hunting hill. 'You also had better be off, or he will kill you when he comes home.' He said, 'There is only but death before me and after me at any

rate, and I think I will undertake to stay where I am to-night.' She then told him that she had been stolen by the big giant. 'Perhaps we may find a way of saving your child to-night yet,' he said, catching the child and taking off the point of its little finger, telling her to put it in the giant's supper, and that he would think the child was altogether minced into it when he would see the bit of finger.

The big giant now came home. Conal Grund hid himself behind some old wickerwork that was in the cave when he heard the giant coming. That one came with a rushing sound and a stamping, and with the humming of a song in his mouth. 'You have the odour of a wayfarer with you here to-night,' he said, going down and looking hither and thither. He got a sight of Conal Grund at the back of the pieces of wickerwork, and he caught hold of him and brought him with him. The giant had a big log of oakwood full of holes, and he thrust Conal Grund's finger in one of them and put a wooden stake above it, and hung him up to the side of the cave, and there were sixteen steps in the ladder by which he hung him. While he was hanging, and the big giant asleep, he cut off his finger with the little jagged knife that had often freed him in many troubles and difficulties. Whenever he did this he fell, and the bump he gave on the floor of the cage was worse for him than any difficulty in which he had ever been before. He caught the roasting spit, made it red in the fire, and thrust it in the one goggle eye of the big giant, who then was throwing himself vigorously from side to side till the end of the spit struck the wall of the cave and went through his head. With that he gave a yell,¹ and stood on the door step. Conal Grund pushed him backwards till he fell into the sea, and he was drowned. He himself and the mother of the child went away together next day, and were travelling through a hill. At seven o'clock in the evening they came upon two roads, one leading south and one east, and she went south.

Conal Grund arrived at the house of a great man, who was there, and he stayed some time. This man had three young sons who were fond of riding. At that time the King of Ireland had three yellow mares with a white spot in their faces, and no one

¹ [This vivid tale—of (1) a giant (2) who has one eye, (3) is a cannibal and (4) cave-dweller, (5) keeping a large pole, and who (6) when asleep has (7) a glowing spit thrust through his single eye so that (8) his mighty yell disturbs the night—recalls the story of Polyphemus in the *Odyssey*.]

ever went to steal them who escaped alive but was hung. The great man thought if any one could steal them Conal Grund could, and he asked him if he would be willing to go. He gave him no answer the first or second time, but the third time he said he would go, if his (the great man's) three sons were allowed to go with him, as he was now growing old, and would never be as active as he once was. They went. It was a habit with the mares not to eat a morsel when any one was coming to steal them. It was on wine and wheaten bread they were fed. When Conal Grund and his companions arrived they hid themselves in the manger, and from that the three white-faced yellow mares did not eat a bite nor take a sip. The King understood that the matter was as usual. He gathered his people, and the strangers were caught, and the four of them were brought before the King. They were bound and thrown to one side. The King's wife was idly looking at them. At last she said to the young King, 'Will you not ask a tale from the old man?' The young King said, 'I am sure he is not in the humour for telling tales. If I ask a story, I must ask a story.' The first story from the man of the house, and from nightfall till morning from 'the guest,' but at any rate he said thus to him: 'Old grey man, I like your own appearance, and would very much like your story. Were you ever in a worse plight than being tied here to-night, and in expectation of being hanged to-morrow?' 'Unloose from the noose the youngest of these lads there (the youngest had the tenderest skin), and allow him the play and merriment of the house all night,' said he, 'and I will tell you that.' This was done, and, when the youngest of the lads was released, he then told how he was on the ship, and the lot had fallen on him three times, that he was thrown out of the ship into the sea and the whale gulped him up, that he was for such a time inside of it until it went ashore in Ireland, and they tore him out of it, and 'I thought that worse than to be here with you to-night and in expectation of being hanged to-morrow.'

Next night the Queen and the young King said the same, when he asked the second youngest of the lads to be set free to spend the night in share, and play, and merriment of the house. When this one was unbound, he told how he met Archibald the Haughty's wife washing at the river side, and how they were at the grave mourning together, and when he got food he was strong to open the grave,—how he took the

lid off the coffin, and how they were struggling in the grave till cockcrowing, and—‘I felt it worse to be that night fighting with Archibald the Haughty at his grave, than the King having me bound here to-night, and being perhaps hanged to-morrow.’

The following night, in the same way, the wife of the King requested the young King to ask a story from the old man. As before, he said to him, ‘Old grey man, I like you, and I like your stories, but were you ever in a worse plight, except those you have told, than being here to-night and in doubt of being hanged and quartered *nad bhloidhean* to-morrow?’ He then asked the eldest of the lads to be released, and he would tell that. This was done, and he gave a history of what happened to him, after he went away with the treasure he succeeded in getting from Archibald the Haughty, that he was going on all day, and in the dusk of the evening he saw smoke at the edge of the shore, that it was from a cave, and what he found there, and the misfortune that overtook him when the giant put his finger in the oaken log and hung him to the wall,—how he cut off his own finger, and the hard bump he got when he fell on the floor of the cave,—that he made the roasting iron red hot before he put it in the goggle eye of the giant who kept the cave, and it went through his head,—and how he drove him back till he stood on a lump of stone that was in the doorway,—how he got a chance of pushing him with both hands backwards until he fell in the sea and was drowned,—and that he himself and the handsome woman he met in the cave went away together, and at seven o’clock in the evening they came to two roads, one trending south and one east. ‘So she went her own way and I went mine, taking the fish we had found with us. I did not ask who she was, nor where she came from,—and she did not ask where I was going.’

When the Queen heard this she rose, and took off his bindings and told him that she was the one who was there,—that the young prince was the child she had with her, when they parted she was near her father’s house, and that he was welcome to remain with them always. He said that he would remain, if the three sons went home safely. He got the three yellow mares with the white spot on their faces, and he put the three sons and the three yellow white-faced mares home together, and lived himself with the King and the King’s daughter and her son ever after.