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The Influence of the Reformation on Social and Cultured Life in Scotland

IN Scotland, as in other countries, reformation was needed, urgently needed, in the sixteenth century. The church was enormously wealthy ; but very many of the multitudinous clergy were shamefully ignorant, hopelessly corrupt, and oppressors of the poor. I have no desire to deny or to minimise the good that was in the pre-Reformation Church of Scotland in its best days ; but before the middle of the sixteenth century the soul had gone out of it, the salt had lost its savour. To be convinced of this it is not necessary to dip into the poems of Dunbar or Lyndsay, or into the writings of the Reformers. In 1549, the Provincial Council of the church traced the many abuses, dissensions, and occasions of heresy mainly to ' corruption of morals, and profane lewdness of life in churchmen of almost all ranks, together with crass ignorance of literature and of all the liberal arts.'¹

As those who are eager for reform, either in Church or State, are prone to exaggerate the evils which they desire to eradicate, it might be thought that some allowance should be made in accepting as literally true that admission, and others of the pre-Reformation church, concerning the depravity and ignorance of the clergy. The most striking of those statutes, however, were enacted when the head of the Scottish hierarchy was a notorious sinner, and therefore unlikely to allow the blemishes

¹ Patrick's *Statutes of the Scottish Church*, p. 84.

of his church to be magnified in its official utterances. Moreover, the deplorable laxity of morals which pervaded the ranks of the clergy, from the cardinal to the curate, are writ large in the national records of the kingdom. But, bad as the pre-Reformation clergy of Scotland were, they were no worse than those of other countries, and the vilest of them were not so vile as some of the popes.

There must have been a considerable number of really good men in the priesthood, even in the worst period of the church, men of blameless life who tried to lead their flocks into the paths of righteousness. To their influence was doubtless largely due the adoption of the reforming statutes of the later provincial councils. When the great upheaval came, many if not most of those men threw in their lot with the Reformers, thoroughly convinced that the old church was too far gone to be either purified or vitalised. Even in the last half-century before the crash, there had been men of conspicuous virtue and zeal in the episcopal office. It would be unjust, as well as ungenerous, to forget such bishops as Elphinstone of Aberdeen and Reid of Orkney.

Not the least melancholy of the many melancholy features of that church was the aversion of many of its clergy to be reformed. Of this aversion there was a notable illustration in 1532. The Father-abbot and General Chapter of the Premonstratensian Order commissioned David, Abbot of Soulseat in Galloway, to go to the abbeys and priories of that order in Scotland, and to 'reforme the abbotis, prioris, and religious men, placis, kirkis, and landis, spirituallly and temporally, in hede and in memberis.' Abbot David may have had all the zeal and courage of Abbot Samson, but something more than these virtues was required. Dreading that, unless he had regal support, 'the saidis abbottis, prioris, and religious personis wald nocht obey, bot, be the contrary, resist and withstand to the sammyne,' he applied to the King, and James, although his own morals were far from immaculate, commanded his lieutenants, justices, wardens, sheriffs, earls, barons, stewarts, crowners, bailies of abbeys, and all his other lieges whom it concerned, to give Abbot David 'all help, supple, mantenance, and assistance,' and to concur with him so that he should be obeyed.¹

In 1558 the Protestants petitioned the Queen Regent that the lives of the clergy should be so reformed that, neither their ministry nor message should be contemned; and that they should

¹ *Register of the Privy Seal of Scotland*, ix. 131.

be compelled either to demit office, or to discharge their duties, so that 'the grave and godlie face of the Primitive Church' might be brought back, ignorance expelled, and true doctrine and good morals appear again.¹ The Reformed conception of the doctrine, worship, and government of the Primitive Church may be respectively found in the *Confession of Faith* of 1560, the *Book of Common Order*, and the *First Book of Discipline*.

In the *Confession* the distinctive doctrines of the Church of Rome are not only thrown overboard, but that church is described as 'the horrible harlot, the Kirk malignant.' *The Book of Common Order*, frequently called Knox's *Liturgy*, was practically a directory as its prayers were optional. It contains no litany, no responses, no burial service. It enjoined congregational singing, but did not once mention instrumental music; and, in its form of worship, nothing deemed meretricious was retained. The *First Book of Discipline* set forth the object of the Reformers, and the means by which they hoped to attain it. Briefly, the object was to repress vice, to encourage virtue, and to make the nation intelligent and prosperous. The chief means in view were faithful preaching, impartial discipline, and universal education.

Although, for lack of suitable men and lack of funds, the Reformed Church could not put these means fully into operation, they nevertheless had an important influence on the social and cultured life of Scotland, as well as on its morality and religion. As the present Historiographer Royal for Scotland has said: 'A community, deeply moved by the teaching of Knox and his fellow-reformers, passed under a discipline which was essentially opposed to slavish dependence on the will of a superior.' And 'to the Reformation . . . we must ascribe the immense service of awakening the Scottish nation to a conscious life and a sense of its own destinies.'²

Two years before our Parliament overthrew the Church of Rome, Knox addressed a letter to the *commonalty* of Scotland. In the course of it he said: 'Neither would I that ye should esteme the reformation and care of religion lesse to appertain to you, because ye are no kinges, rulers, judges, nobils, nor in auctoritie. Beloved brethren, ye are Goddes creatures, created and formed to his own image and similitude, for whose redemption was shed the most pretious blood of the onlie beloved Sonne of God. . . . Albeit

¹ Laing's *Knox*, i. 305, 306.

² Hume Brown's *Scotland in the Time of Queen Mary*, pp. 181, 208.

God hath put and ordered distinction and difference betwixt the King and subjects, betwixt the rulers and the commune people, in the regiment [*i.e.* the government] and administration of civile policies, yet in the hope of the life to come He hath made all equall.¹ In the very heat of the Reformation struggle, it is declared in one of the papers, which may safely be ascribed to Knox, that the votes and consent of the people are to be required in all great and weighty matters of the commonwealth.² This doctrine must have sounded dangerously democratic, even revolutionary, in those days.

On one occasion, when James V. was surrounded by a number of the nobles, and a great company of bishops and abbots, Sir David Lyndsay, it is said, humbly saluting the King, looked as if he intended to make an important request. James asked what he would have. Sir, he answered, I have long served your grace, and expect to be rewarded as others are. Now, your master-tailor is dead, and I desire your grace to bestow this benefice upon me. Why would you be my tailor? demanded the King, you can neither shape nor sew. That matters not, replied Lyndsay, you have given bishoprics and benefices to many standing here, though they can neither preach nor teach.³

The Lyon King's rebuke was not unmerited. The Provincial Council of 1551-52 confessed 'that the inferior clergy of this realm and the prelates have not, for the most part, attained such proficiency in the knowledge of the Holy Scriptures as to be able, by their own efforts, rightly to instruct the people in the Catholic faith and other things necessary to salvation, or to convert the erring.'⁴ It was because of this incapacity that the manual, known as Archbishop Hamilton's *Catechism*, was prepared, which was to be regularly and systematically read to the people by the rectors, vicars or curates 'vested in surplice and stole.' These ecclesiastical garments apparently possessed no special virtue, for although the *Catechism* was in their mother-tongue, the rectors, vicars, and curates were enjoined to prepare themselves with all zeal and assiduity for reading in public, 'by constant, frequent, and daily rehearsal of the lesson to be read, lest they expose themselves to the ridicule of their hearers, when, through want of preparation, they stammer and stumble in mid-course of reading.'⁵ As we have

¹ Laing's *Knox*, iv. 526, 527.

² *Ibid.* i. 411.

³ Laing's *Lyndsay*, iii. 230.

⁴ Patrick's *Statutes*, pp. 143, 144.

⁵ *Ibid.* p. 146.

already seen, too many of the pre-Reformation clergy were also handicapped by their morals. Men living in open sin could not be effective preachers of ethics.

Joseph Robertson computed that, in the city of Aberdeen alone, with a population not exceeding four thousand, there were between 110 and 150 endowed clergy of one class or another.¹ In that matter, as in so many others, the Reformed Church was at the other extreme. On the roll of the first General Assembly only forty-two names were entered, and of these only six are marked as ministers.² That was in 1560. As a temporary expedient, superintendents and readers were appointed. So late as 1596 there were still above four hundred parish churches 'destitute of the ministrie of the Word,' over and above those of Argyle and the Isles.³ In the *First Book of Discipline*, it was affirmed that it was as well, in some cases even better, to have no minister than to have an incompetent one; and it was also declared that true ministers were made, not by the clipping of crowns, the crossing of fingers, the blowing of a bishop or the laying on of his hands; but by the Spirit of God inwardly moving the heart to seek Christ's glory and the good of His Church, and by the nomination of the people, examination by the learned, and public admission.⁴

In morals the Reformers set a high standard for the people as well as for the preachers, and some writers have regarded the methods by which they tried to enforce it as little else than an organised tyranny over the social life of the country.

Matters of discipline were dealt with, in the first place, by the kirk-session. After presbyteries were established, difficult cases were referred to them. As there was no auricular confession, only sins that became known otherwise were dealt with. Whatever may have been the practice in much later times, there can be no doubt that, for a considerable period, the discipline enforced was as impartial as it was rigorous. In the light of the twentieth century, some of the punishments inflicted on penitent sinners seem harsh enough, some ludicrous. Several of them, however, were in use in very early times, and public satisfaction was not confined to the Early Church or the Reformed Churches. The Council of Trent decreed, in 1563, that, when anyone scandalised

¹ *History of the Reformation in Aberdeen*, pp. 7, 8.

² *Booke of the Universall Kirk*, i. 3, 4.

³ *Ibid.* iii. 876.

⁴ *Dunlop's Confessions*, 1722, ii. 530, 603.

others by transgressing publicly, 'upon him there must needs be publicly imposed a penance fitting the measure of his guilt, that so those whom, by his example, he has allured to evil manners, he may bring back to an upright life by the testimony of his amendment.' But, by that Council, power was given to the bishop to commute this kind of public penance into one that was secret when he deemed that to be more expedient.¹ The Reformed Church of Scotland did not adopt the pre-Reformation punishment of making male and female penitents march at the head of a procession in church, clad in nothing save their shirts.²

In pre-Reformation days, excommunication, or cursing as it was more appropriately and commonly called, was not only inflicted for transgressions of the moral law, but was utilised for teind-collecting, debt-collecting, and other purposes. The greater excommunication was couched in dreadful language, and, altogether apart from the civil penalties attached, must have struck terror into the hearts of those who believed in the spiritual power of the church. The Reformers did not abolish or give up excommunication, but tried to bring it into conformity with its scriptural basis in character, method, and end.

With his usual assurance, Buckle has said : 'According to the Presbyterian polity, which reached its height in the seventeenth century, the clergyman of the parish selected a certain number of laymen on whom he could depend, and who, under the name of elders, were his councillors, or rather the ministers of his authority. They, when assembled together, formed what was called the kirk-session, and this little court, which enforced the decisions uttered in the pulpit, was so supported by the superstitious reverence of the people, that it was far more powerful than any civil tribunal. By its aid the minister became supreme. For, whoever presumed to disobey him was excommunicated, was deprived of his property, and was believed to have incurred the penalty of eternal perdition.'³

This statement is utterly vitiated by its fundamental errors. The selection of the elders does not, according to the Presbyterian polity, lie with the minister. Nor are the elders his mere councillors, still less are they his tools, and people were not excommuni-

¹ Buckley's *Canons and Decrees of the Council of Trent*, p. 195.

² *Extracts from the Records of the Burgh of Stirling, 1519-1666*, p. 43 ; *Extracts from the Council Register of Aberdeen, 1398-1570*, p. 212.

³ *History of Civilization in England, 1873*, iii. 206, 207.

cated for simply disobeying him. So far were the excommunicated from being consigned to eternal perdition, that the prayer embodying the sentence contains an earnest petition that He, who came to save that which was lost, would look in mercy upon him now cast out, and so pierce his heart that he might be converted and again received into the bosom of the church. Moreover, in 1646, when, in the words of Buckle, the Presbyterian polity had 'reached its height,' Bishop Maxwell heaped contempt upon the kirk-session, because its power of jurisdiction lay radically and equally in all its members,¹ the minister, though moderator, having neither a casting nor a negative vote; and because it had not the power of imposing the greater excommunication, that being reserved for the presbytery.² It was those who remained under that sentence for forty days, and refused to be reconciled to the church and to submit to discipline, that Parliament, in January, 1572-73, resolved should be subjected to civil pains similar to those inflicted in the reign of James V. upon those who sustained 'the proces of cursing' beyond forty days. This and all other 'Acts enjoyneing civil paines upon sentences of excommunication' were abolished in 1690.³

When the Latin Church found, in the case of kings or governors, that excommunication would not have the desired effect, it had recourse to interdict, as in the days of William the Lion, when, for his independence or obstinacy or perversity, not only his living subjects were deprived of the sacraments, but mass could not be said for the suffering souls in purgatory.⁴ And again, in the childhood of Queen Mary, when Cardinal Beaton was imprisoned, 'the mess and all uther devine service ceased in

¹ In the margin this point is put thus: 'The jurisdiction spirituall is radically in the lay-elders.'

² *The Burden of Issachar*, 1646, pp. 1, 2.—Presbyteries were not erected before 1581. Baillie averred that the greater excommunication was rarely inflicted in Scotland. 'I have lived,' he said, 'in one of the greatest cities of that land, and for forty-seven years, even from my birth to this day, that censure to my knowledge or hearing was never executed there in my days but twice; first upon one obstinate and very prophane Papist, and next on some horrible scandalous prelates' (*Review of Bramhall's Faire Warning*, 1649, p. 48). The kirk-session retained the power of the lesser excommunication, that is, of debarring from the sacraments. In 1669, Bishop Honeyman would not admit that discipline had been relaxed under Episcopacy. 'Do not church-meetings search after and punish scandals as formerly?' he petulantly asks (*Survey of Naphtali*, ii. 228).

³ *Acts of the Parliament of Scotland*, iii. 76*; ix. 199.

⁴ Hailes' *Annals of Scotland*, 1776, pp. 123, 125.

Edinburgh,' and all other parts of the diocese of St. Andrews, if not over the whole of Scotland.¹ Simple and devout Romanists felt this to be a terrible punishment; but nearly all those on whom it was inflicted had done nothing whatever to deserve it. These general censures, we are told, are not launched now, 'lest, if the contumacious were to condemn them with impunity, and so gain an apparent triumph, the faith of the common people, already weak and assailed from many quarters, might be still more shaken and impaired.'² And so, for relief from this lash, the lambs of the Roman obedience are indebted, not to the greater compassion of their chief shepherd, but to the defiant contumacy of his wayward sheep, if not to Protestant contempt.

Social life can have no stability where the bond of marriage is insecure or uncertain. Theoretically, in the Church of Rome, a marriage which has been consummated can only be dissolved by death; but that church, by unwarrantably extending the Levitical prohibitions against inter-marriage, created so many diriment impediments by which a marriage might afterwards be declared to have been null from the beginning, that, as the *First Book of Discipline* put it, 'the blessed ordinance of God' had been so contemned and weakened that the persons conjoined could never be assured of continuance therein, if the bishops and prelates list to dissolve the same.³ Barely a dozen years before the Reformation, an ecclesiastical judge, at the instance of a married woman, declared her marriage to have been null from the beginning, because her father had been godfather to her husband when he was baptised.⁴ That was canon law. In 1567, Parliament gave effect to the views of the Reformers by setting aside the unwarranted prohibitions.⁵

The rapacity of the pre-Reformation clergy was insatiable. Principal Lee and Dr. M'Crie, two capable Scottish historians, calculated that latterly about one-half of the wealth of the kingdom belonged to the church.⁶ Their calculation is borne out by a letter, which Cardinal Sermoneta addressed to the Pope in 1556. And in that letter it is stated that, although the clergy of Scotland far surpassed 'the laity in the wealth and abundance of

¹ Lesley's *History*, 1830, p. 171; *Diurnal of Occurrents*, p. 26.

² Addis and Arnold's *Catholic Dictionary*, 1884, p. 454.

³ Laing's *Knox*, ii. 245.

⁴ *Liber Officialis Sancti Andree*, p. 101.

⁵ *Acts of Parliament*, iii. 26.

⁶ Lee's *Lectures*, i. 41; M'Crie's *Knox*, 1855, p. 7.

their resources,' nevertheless, many of them, even prelates and those confirmed in church dignities, were 'not ashamed to busy themselves hiring farms and estates,' and were 'much occupied in trafficking with cattle, fish, hides and the like, to the dishonour of the clerical order, and even to the indignation and scandal of seculars.'¹ Trafficking in such circumstances was bad enough, but there was worse—the exaction of mortuary dues. The origin of these is not quite clear. It has been suggested that, to begin with, they were given in lieu of tithes and oblations, which the deceased, 'through ignorance or carelessness,' had failed to pay while alive.² In course of time, they were regarded by the clergy, not as gifts, but as dues, and were exacted as such in the thirteenth century, although they were still known in the sixteenth as corpse-presents. The wealthier the church became the more rigorously these dues seem to have been exacted. To the poor such an exaction was particularly galling, and Sir David Lyndsay, who scathingly exposed the merciless cupidity, alleges that the clergy detained the corpse at the kirk-style until sufficient security was given that the dues would be paid.³ James the Fifth tried, but tried in vain, to get the church to abolish the corpse-present.⁴ Sixteen years after his death, a Provincial Council decreed that it should be reduced for the poor, and abolished for the very poor.⁵

The same council also decreed that, in future the vicars should arrange in January with their parishioners, regarding 'the smaller teinds and certain other offerings,' so that at Pasch, or Easter, they might not 'seem to sell that most sacred sacrament . . . to the great scandal of Christians, in the eyes of the rude rabble at least, and indeed of every one who has been at church.'⁶

The partial surrender came too late. A month and a day after the council rose, the storm of the Reformation burst at Perth. The Reformed Church, of course, never claimed corpse-presents or Easter offerings. And the compilers of the *First Book of Discipline* condemned the cruelty of 'sum gentilmen,' who, they had heard, required from their tenants 'whatsoever before thay

¹ Pollen's *Papal Negotiations*, pp. 528, 530.

² Dowden's *Medieval Church in Scotland*, p. 190.

³ Laing's *Lyndsay*, ii. 102, 103; iii. 111, 112.

⁴ Robertson's *Statuta*, i. pp. cxxxvi, cxxivii.

⁵ Patrick's *Statutes*, pp. 178, 179.

⁶ Patrick's *Statutes*, pp. 185, 186.

payit to the churche.' The lords were warned that, if they permitted such cruelty, neither they nor the extortioners would escape God's heavy and fearful judgments. The lords agreed that such exactions should be 'clene discharged,' and never taken in time coming.¹

The compilers of the *First Book of Discipline* were not only anxious to relieve the poor labourers and cultivators of the ground, whose lives had been embittered by the old clergy, but pled pathetically for the widows, the fatherless, the aged, the impotent, the lame, and such honest persons as had fallen into decay and poverty. Sturdy beggars, on the other hand, they declared, ought to be compelled to work.² The laudable scheme for the relief of the deserving poor was inoperative, through the misappropriation of the teinds by the nobles; but the Reformed Church did its utmost to counteract that by pecuniary contributions and otherwise.

The doctrine of the brotherhood of man is assumed and emphasised in the *First Book of Discipline*. That book, it should be borne in mind, was drawn up in May, 1560, three months before the papal authority was cast off by Parliament, and was addressed to 'the Great Counsell of Scotland.' It reminds those rulers that the down-trodden 'lauboraris and manuraris [*i.e.* cultivators] of the ground' were their poor brethren.³ It declares that no father, whatever his rank or condition might be, should use his children according to his own fancy, but should be compelled to bring them up in learning and virtue;⁴ that to discipline all ranks within the realm must be subject, as well the rulers as the ruled, as well the preachers as the poorest in the church.⁵ And one of its objections to funeral sermons is, that ministers would either be mainly occupied in preaching such sermons, or would have respect to persons, preaching at the burial of the rich and honourable and keeping silence when the poor or despised departed, which with a safe conscience they could not do, seeing that before God there is no respect of persons, 'and that thair ministerie apperteaneth to all alike.'⁶

The Scottish Reformers have been denounced as gloomy and fanatical bigots, who frowned upon all innocent amusements.

¹ Laing's *Knox*, ii. 221, 222.

² *Ibid.* ii. 200, 201.

³ Laing's *Knox*, ii. 221.

⁴ Laing's *Knox*, ii. 211.

⁵ *Ibid.* ii. 233.

⁶ *Ibid.* ii. 251.

This notion, far from truthful, has been thus expressed by Professor Aytoun :

'Twas sin to smile, 'twas sin to laugh,
'Twas sin to sport or play.'

In support of his opinion, he cited the Act of Parliament forbidding the celebration of Robin Hood and Little John, the Abbot of Unreason, and the Queen of May. 'What a genial age,' he exclaimed, 'it must have been when poor maid Marian was liable to "handling" and the pillory for the heinous offence of singing under the summer trees.'¹ In penning these words the professor of rhetoric overlooked the fact that this was a pre-Reformation Act of Parliament, having been passed during the regency of Mary of Guise, almost three years before Walter Mill was burned for heresy.²

The greatest of the Scottish Reformers had little leisure, but he occasionally indulged in 'recreation and pastyme by exercise of the body.'³ He had a keen sense of humour, and it was so irrepressible that, to use his own words, he sometimes interlaced merriness with earnest matters, as in his racy account of the battle of the cross-bearers in Glasgow Cathedral.⁴

Although the authors of the *First Book of Discipline* judged it unseemly and intolerable that ministers should be boarded in common ale-houses or taverns,⁵ they were so far from insisting on total abstinence that they recommended that every minister should have yearly at least forty bolls of meal and twenty-six bolls of malt to keep his house in bread and drink.⁶ When John Durie and Archibald Stewart, not knowing how ill Knox was, called to see him nine days before he died, he dined with them, and causing a hogshead of wine which was in the cellar to be pierced, he willed the said Archibald to send for it while it lasted, for he himself would not tarry until it was done.⁷ When Archbishop Ussher

¹ *Bothwell: a Poem*, 1857, pp. 224, 225.

² *Acts of Parliament*, ii. 500.

³ Laing's *Knox*, iii. 271.

⁴ *Ibid.* i. 145.

⁵ Laing's *Knox*, ii. 236.

⁶ *Ibid.* ii. 198.—Some copies read *twenty bolls* of malt (*Dunlop's Confessions*, ii. 534). Even twenty seems to be a liberal allowance; but it ought to be borne in mind that, in those days, tea, coffee, and cocoa were unknown in Scotland. In 1644, it was reckoned that from a boll of malt 15 gallons of ale or 20 of beer were obtained (*Acts of Parliament*, vi. part i. p. 243).

⁷ Richard Bannatyne's *Memoriales*, p. 283.

visited Samuel Rutherford at Anwoth, the latter is said to have 'called for a drink, and made him welcome as a stranger.'¹

In his boyhood, James Melville was boarded with William Gray, the minister of Logie-Montrose, who not only taught him Latin and French and the Catechism, but also archery, golf, fencing, running, leaping, swimming, and wrestling.² Melville greatly delighted in music, and, when a student at St. Andrews, learned the gamut, plain-song, and many of the trebles of the Psalms. Instrumental music he loved passing well. Two or three of his fellow-students played on the virginals, one on the lute and githorn; and his regent had the pinalds. There, too, Melville had bow and arrows, club and balls; but not a purse for ketch-peel or tavern. While he was a regent in Glasgow University, he had far greater musical opportunities than ever, in the house of a gentleman who entertained most expert singers and players.³ Melville's father-in-law, John Durie, the renowned minister of Leith, was devoted to the corslet and hagbut.⁴ William Guthrie, the Covenanting minister of Fenwick in the middle of the seventeenth century, and the author of a book which has gone through nearly eighty editions, indulged in fishing, fowling, and curling, and had 'great pleasure in musick.'⁵

Knox said that, albeit he found no praise of dancing, either in the Scriptures or in profane writers, he did not utterly condemn it, providing those who used that exercise did not neglect their principal vocation for it, and did not indulge in it to displease God's people.⁶ Lady Murray, the elder daughter of George Baillie of Jerviswood, a Presbyterian of Covenanting stock, says that 'mirth and good humour and particularly dancing had always been one characteristic of the family.' She tells that, after her grandfather had reached four score, and his limbs were so weak that he could not walk down stairs, he desired to be carried down to the room where his children and grandchildren were dancing, that he might see them and beat time with his foot. He bade them dance as long as they could, as it was

¹ Wodrow's *Analecta*, iii. 133.

² Melville's *Autobiography and Diary*, Wodrow Society, pp. 16, 17.

³ *Ibid.* pp. 29, 30, 79.

⁴ Melville's *Autobiography and Diary*, p. 32.

⁵ *The Christian's Great Interest*, 1724, p. xxxi.

⁶ Laing's *Knox*, ii. 333.

the best medicine he knew, exercising the body and cheering the mind.¹

The earliest *Register of St. Andrews Kirk-Session*, which covers the first forty years after the Reformation, shows that, while cards and dice were uncompromisingly opposed, such games as golfing, football, and throwing the hammer, were only objected to when indulged in on the Lord's day, or during the time of preaching on other days. Even the douce elders found golf and other outdoor pastimes so alluring that they neglected the meetings of the kirk-session.² In two of its chapters (the 13th and 18th), Archbishop Hamilton's *Catechism* had condemned dancing. In giving instructions for the proper observance of the Lord's day, it urged the people to forbear vice and sin on that day and all other days; but especially on that day to 'eschew all ydilnes, vaine talking, bakbyting, sclandering, blasphematioun of the name of God, and contentioun, and also all occasionis of syn, as dansyng, unnecessarie drinking, wantones, . . . carting and dysyng, and specially carreling and wanton synging in the kirk, and all uthir vice quhilk commonly hes bein maist usit on the Sunday.'³

So early as 1424, Parliament had forbidden football, without assigning any reason; but it was in order to encourage wapin-schaws, for the defence of the kingdom, that both football and golf were condemned in 1457-58 and in 1471; and all other such 'unprofitable sports' in 1491.⁴

In the Reformation struggle, monasteries were ruthlessly wrecked, some churches were cast down, and many priceless works of art were destroyed. The extent of the damage, however, has been greatly exaggerated; and, moreover, much of it was due to the English in their invasions between 1544

¹ *Memoirs of George Bailie of Jerviswood and of Lady Grisell Baillie*, 1822, pp. 76, 77.—By the *Second Book of Discipline*, a minister or elder might be deposed for dancing (*Booke of the Universall Kirk*, ii. 499). In 1649, the General Assembly 'finding the scandall and abuse that arises thorow promiscuous dancing, do, therefore, inhibit and discharge the same,' and, in 1701, the General Assembly revived that Act (*Acts of the General Assembly*, Church Law Society edition, pp. 201, 311).

² *Register of St. Andrews Kirk-Session*, ii. p. xcvi.

³ Hamilton's *Catechism*, 1884, p. 68.

⁴ *Acts of Parliament*, ii. 5, 48, 100, 226.—'Carding and dyceing and horse races' were placed under restrictions in 1621 (*Ibid.* iv. 613); and that Act was not repealed by the Statute Law Revision (Scotland) Act of 1906.

and 1548;¹ and on the eve of the Reformation it was acknowledged that many of the ecclesiastical buildings were falling into decay.²

Joseph Robertson has said: 'There is no reason to suppose that the number of stately parish churches in Scotland was ever considerable. . . . The abbeys possessed vast numbers of churches in all the corners of the land, and they grudged every penny of tithe which was diverted from their treasury to the uses of the parish. Even where the benefice continued free, and the land-owners were resident, the poverty which prevailed from the beginning of the fourteenth century must in general have prevented the erection of any very ambitious edifice.'³

It is quite certain from the *First Book of Discipline*, and from the Acts of the General Assembly, that the Reformers, so far from wishing churches as such to be destroyed, were anxious to have them repaired for the ease and comfort of the worshippers; and the repeated remonstrances of the General Assembly, doubtless, saved a goodly number from untimely decay and worse. When Petrie wrote, in 1662, so many of the old churches were still standing that he maintained that no necessary one had been thrown down at the Reformation.⁴

Almost every one of our cathedrals was in use after the Reformation, and no confirmation has been found for Spottiswoode's story of a proposal to demolish Glasgow Cathedral, and to build several little churches with the materials. Father Innes, who has been surpassed in historical and antiquarian knowledge by none of his Scottish co-religionists, declared that 'the Catholic religion . . . was more strictly interdicted by new laws in Scotland than in any other country, and these laws more rigorously put in execution in Glasgow than in any other city of the kingdom.'⁵ Yet in ultra-Protestant Glasgow the Cathedral

¹ *Hamilton Papers*, ii. 369; *Bain's Calendar*, i. 19, 20, 116, 136; *Stevenson's Selections*, Maitland Club, pp. 4, 5; *Hayne's State Papers*, pp. 51, 54; *State Papers, Henry the Eighth*, v. 513-515, 518, 522; *Maxwell's Old Dundee prior to the Reformation*, p. 111.

² *Pollen's Papal Negotiations*, pp. 529, 530; *Patrick's Statutes*, p. 168.

³ *Scottish Abbeys and Cathedrals*, 1891, p. 84.

⁴ *Compendious History*, ii. 216.—Principal Baillie, who was born in 1602, had not heard of more than three or four churches in all Scotland having been thrown down (*Historical Vindication*, 1646, p. 40), but his information was no doubt defective.

⁵ *Miscellany of Spalding Club*, ii. 369.

is entire. Hill Burton was right in saying 'the Cathedral of St. Mungo owed its preservation to the wealth and liberality of the community of Glasgow,' and that 'the other churches which rivalled or excelled it—Elgin, St. Andrews, the Abbey Church of Arbroath and others—fell to pieces through poverty.'¹ I have little doubt that, if the city of St. Andrews had not possessed such a huge parish church the cathedral would have been preserved from decay, despite its serious structural weaknesses.

Only those who have had to do practically with buildings fully realise how much constant care and attention is required to keep them in good condition, and how speedily neglect spells havoc. Pugin was convinced that, if the old builders had possessed the modern means of obtaining and working iron, they would have availed themselves of it to a great extent. 'The want of proper ties,' he says, 'has occasioned most serious settlements, and even the destruction of some of the finest Christian edifices—the very weight and massiveness of the work causing it frequently to settle and give. And there is scarcely a tower of great dimensions erected during the middle ages, which it has not been necessary to tie together by iron chains and key wedges at a subsequent period. . . . In a cruciform church, . . . the lateral thrust of nave, transept, and choir arches, both of aisles and triforium, rest against the four great central pillars, which are only enabled to resist the pressure by the weight of the great tower resting on them. But this in many cases was insufficient, and, when they began to give, has hastened their destruction. Hence the inverted arches at Wells, and the screens at Salisbury and Canterbury, which have been added long subsequently to the erection of the original buildings, to confine the pillars from giving inwards. At Amiens they are tied by immense chains extending the whole length of the nave and choir.'²

Art is not everything. It can neither purify the heart nor cleanse the affections; and even its refining influence makes no impression on some. Men of the Prior Patrick Hepburn type could live in noble buildings, outwardly worship in magnificent churches with beautiful music and a most ornate ritual, and yet remain brutal in feeling, coarse in expression, depraved in life.

To art in itself the Reformers had no antipathy; but when they realised that certain classes of artistic objects, originally

¹ *History of Scotland*, 1876, vi. 222.

² *Apology for the Revival of Christian Architecture in England*, 1843, pp. 40, 41.

intended to promote the worship of the Most High, had become objects of worship, or were constantly associated with idolatry, they determined to make an end of them. In their abhorrence of altars, crucifixes, and images they were by no means singular. According to the *Anglican Homilies*, through the relative cultus of images, the whole of Christendom has been 'drowned in abominable idolatry . . . by the space of eight hundred years and more.'¹

The simplicity of worship adopted in Scotland at the Reformation was much less likely than a hyper-sensuous service to transfer the worshipper's thoughts from the object to the accessories. That worship may be perverted is only too certain. Writing from Rome in 1864, the unimpassioned Dean Alford said: 'Rome is essentially a pagan city. Her churches, numerous as the days of the year, rise everywhere around you. Bells are continually going; the commemoration of saints and martyrs is endless. Yet, with very rare exceptions indeed, the *worship of the people* in those churches has nothing in common with Christianity. . . . The Jewish Church had fallen far in the time of our Lord's ministry on earth. But the Romish Church has fallen further now. . . . Idolatry, gross as that of Nineveh or Greece, and grosser than that of Imperial Rome, has entered in and repossessed her people.'²

The order issued by three of the reforming lords for purifying Dunkeld Cathedral, in 1560, expressly enjoins those to whom the work was committed, to take down the images and to burn them openly in the burying-ground, to cast down the altars, and to 'purge the kyrk of all kynd of monuments of idolatrye'; but to take good heed that no damage was done to desks, doors, or windows.³ Similar orders were issued for the Glasgow churches.⁴ There is too much reason to believe that some of those who carried out such orders did, wilfully or otherwise, interpret widely the phrase 'all kynd of monuments of idolatrye'; and so artistic work, perfectly harmless even from the most rigidly Protestant point of view, suffered in consequence.

Despite the iconoclastic zeal of that period, and of the renewed outburst under the Covenanters in 1640, some of the detested

¹ *Homilies appointed to be read in churches in the time of Queen Elizabeth*, 1844, p. 216.

² Alford's *Letters from Abroad*, 1865, pp. 73, 74.

³ *Statistical Account of Scotland*, 1798, xx, 422.

⁴ Forbes' *Ninian and Kentigern*, 1874, pp. ciii, civ.

objects escaped observation. That the Covenanters were not moved by a spirit of indiscriminating zeal is proved, for example, by the decision of Kirkcaldy presbytery in 1644 :

‘Anent ane questioun, whidder it be lawful or not to demolishe the steiple of Leslie (whilk is ruinous) for reparation of the kirk whilk is also ruinous and newlie to be repaired : anser, not, bot let them repair the steiple also, seing it is ane old monument.’¹

In Dundee at the Reformation the ecclesiastical vestments were sold by auction.² In several towns they were burned. Of the Aberdeen ones that fell into Queen Mary’s hands, three of the fairest were presented by her to Bothwell ; and others were cut down in her presence to make a bed for the infant prince.³ To the mass-books no mercy was shown. They were relentlessly committed to the flames wherever they could be seized ;⁴ and other MSS., which would have been highly prized now, shared the same fate. Judging from what has survived, many art treasures must have perished in the fire. While keenly regretting the loss of these books, it seems to me that it would be unfair to lay the blame entirely, or even chiefly, on those who burned them. The church of which they were members had been supreme in the land for full four centuries, and had not only outlived its usefulness, but, through its corruption and tyranny, had turned the respect of the people into contempt, their affection into hatred—a hatred so bitter that it found vent on the objects which they and their forefathers had long venerated. The Reformers did not know, but, in some places at least, they were only paying back the Roman Catholics in their own coin. The twelfth-century builders of St. Andrews Cathedral smashed up beautiful Celtic cross-slabs, in order to use them as common rubble. Their action from every point of view was deplorable. It cannot be urged on their behalf that they regarded these monuments as idolatrous. Nay, one would have thought that the symbol of the cross, which they professed to hold sacred, would have deterred them from such vandalism, prompted, apparently, by ill-will to that church which they were anxious

¹ Stevenson’s *Presbytrie Booke of Kirkcaldie*, 1900, p. 271.

² Maxwell’s *Old Dundee prior to the Reformation*, pp. 171, 172.

³ Robertson’s *Inventaires de la Royne Descosse*, p. 53.

⁴ *Ibid.* p. 187 ; Keith’s *History*, iii. 8 ; *Diurnal of Occurrents*, p. 340. The Reformers may have kept one or two mass-books for controversial purposes. They promptly produced one in their discussion with the Principal of King’s College (Laing’s *Knox*, ii. 139, 140).

to supplant. There is every reason to believe that these Celtic slabs were native workmanship, whereas much of what was destroyed by the Reformers was probably foreign.

Many valuables escaped destruction by timely removal. James Betoun, Archbishop of Glasgow, and one of Queen Mary's most faithful friends, carried over to France 'a great mass of the ancient muniments and registers of his diocese, together with much of the plate and jewels of his church.'¹ That Flemish masterpiece of fifteenth-century painting, the diptych of Trinity Kirk, Edinburgh, was in all likelihood saved by being carried to England with other plunder by Hertford in 1544.

The number of books destroyed at the Reformation has, I think, like the number of churches, been greatly exaggerated. Arbroath Abbey was one of the largest, most important, and wealthiest of the Scottish monasteries; and yet in 1517, nearly seventy years after the invention of printing, its library contained little more than two hundred volumes.²

Sir Walter Scott cannot be regarded as a Presbyterian fanatic, yet in his opinion, 'though many fine buildings were destroyed in Scotland, in the first fury of the Reformation, it is better that the country should have lost these ornaments, than that they should have been preserved entire, with the retention of the corrupt and superstitious doctrines which had been taught in them.'³ As for England, Pugin, who was an ardent Roman Catholic, declared that, 'after the most patient investigation,' he had been 'compelled to adopt the conclusion, that the most fearful acts of destruction and spoliation were committed by men, who had not only been educated in the ancient faith, but who were contented externally to profess its doctrines.'⁴ And he mentions that during the eighteenth century 'the Catholic chapter of Amiens Cathedral removed much of the magnificent glass of the nave, and replaced it by white panes, to improve the effect; and the modern Catholic ecclesiastics in France and Belgium have not only taken out the stained glass but the mullions and tracery also, by way of lighting the church.'⁵ And so, some of the vandals of the sixteenth, eighteenth, and nineteenth centuries were Romanists.

¹ *Registrum Episcopatus Glasguensis*, i. p. i.

² *Theiner's Monumenta*, p. 526.

³ *History of Scotland*, 1836, i. 266.

⁴ *Treatise on Chancel Screens*, 1851, p. 6.

⁵ *Apology for the Revival of Christian Architecture*, 1843, p. 29.

In Scotland the Reformation practically put a stop to religious sculpture and painting. Not only were the images of the Madonna and other saints destroyed, but the demand for new ones was extinguished. Possibly some of the artists of the period were as unreasonably wroth as the silversmiths of Ephesus when they thought that their craft was in danger. The merit of pre-Reformation Scottish art is hard to ascertain now. Mr. Rae MacDonald informs me that the art of seal-designing and engraving declined in Scotland soon after the death of Alexander III., and has been getting gradually worse and worse ever since. There was a slight revival about the reign of Robert the Second, but it was more in elaboration than in elegance or dignity of design. There is reason to believe that the designers lived in this country, although they may not have been natives.

A change for the worse is observable in ecclesiastic architecture during the century immediately preceding the Reformation. Drs. MacGibbon and Ross have said that 'there can scarcely be any question as to the gradual deterioration of ecclesiastical architecture which occurred generally throughout Scotland during the latter half of the fifteenth and the first half of the sixteenth centuries, and it is certainly surprising to find some exceptionally good work in a few structures of that period.' And they have pointed out that immediately after the Reformation, *i.e.* 'during the latter half of the sixteenth and the greater part of the seventeenth century a number of churches were erected [in Scotland] which show some attempt to maintain or revive the style of earlier times.' But 'most of the churches of the seventeenth century are either very poor imitations of Gothic work or tasteless examples of plain walls, while a few contain the germs of what might have been wrought into a picturesque style, founded on the domestic architecture of the period.'¹

In castellated architecture the Scottish baronial was developed in the sixteenth and seventeenth centuries, and in such residences as Hunting-Tower, Earlshall, and Pinkie House the pictorial art was not altogether neglected.

The transference of the Royal Court to England, at the union of the crowns in 1603, would not be helpful to artists who remained in Scotland, nor would the poverty of the

¹ *The Ecclesiastical Architecture of Scotland*, iii. pp. vi. 534. Writing, in 1843, of ecclesiastical architecture in England, Pugin said that there had been a gradual decay in style for four centuries (*Apology for the Revival of Christian Architecture*, p. 1).

country. It was at that period, however, that George Jameson flourished.

The educational scheme propounded in the *First Book of Discipline* was a wondrously enlightened one for the period. For centuries there had been schools scattered over the country; and the Education Act of 1496 implies that grammar schools were then within reach of the well-to-do classes.¹ On the eve of the Reformation there was a very flourishing grammar school in Perth;² but its condition was apparently exceptional, for Ninian Winzet, who had taught at Linlithgow for ten years, and who stoutly opposed Knox, marvelled greatly that in past times, when religion and science had been so liberally endowed, so little had been done for the grammar schools 'that in mony townis thair is not sa mekle providit thairto as a common house, and in nane almaist of al ane sufficient life to ane techear.'³ The Act of 1496, which was a compulsory Act, related only to the eldest sons and heirs of barons and freeholders of substance. But by the scheme of the Reformers rich and poor alike were to be 'compelled to bring up thair children in learnyng and virtue.' Every parish was to have a schoolmaster. In towns of any reputation, the master was to be able to teach grammar and Latin. Notable towns were to have a college, in which the arts might be learned, at least logic, rhetoric, and the tongues. To the children of the poor, education was to be free. Indeed, for a time they were to be 'supported and sustenit' at the expense of the church. The sons both of rich and poor who proved apt to learn were to be charged to continue their studies, so that the commonwealth might have some comfort by them; and a certain time was to be devoted to that study in which they intended 'cheaffie to travell for the proffit of the commounwealth.' Thus, experts and specialists would have been reared. Those who did not proceed to the higher branches were to be sent to some handicraft or other profitable exercise. As may be readily imagined, this education was not to be purely secular, but permeated by Christian teaching.⁴ An elaborate scheme for remodelling the universities was also submitted. The schools were to be maintained by the teinds; and the universities endowed with the temporality of the church, so far as necessary

¹ *Acts of Parliament*, ii. 238.

² Row's *History*, Wodrow Society, pp. 7, 8.

³ *Certane Tractatis*, Maitland Club, p. 26.

⁴ Laing's *Knox*, ii. 209-212.

for their ordinary expenses. To the rulers of the nation this scheme was commended by its authors in these memorable words :

‘Not doubting but, if God shall grant quietnesse and give your wisdomes grace to set forward letters in the sort prescribed, ye shall leave wisdom and learning to your posterity, a treasure more to be esteemed than any earthly treasures ye are able to amasse for them, which without wisdom are more able to be their ruin and confusion than their help and comfort.’¹

Unfortunately, the nobles were much less anxious to encourage learning than to appropriate to their own use the wealth of the disestablished church ; but an ideal had been set up, and a stimulus had been given, which were not fruitless.

In writing seven years ago of this rejected scheme, the late Dr. John Kerr said :

‘Its marvellous wisdom, comprehensiveness, and unity of plan have been the admiration of educationists during the three and a half centuries which have since run their course; its consummation is to-day the goal which they are striving to reach, and which seems nearer attainment than at any previous epoch . . . Had Parliament been more patriotic, and the barons less greedy, Scotland would, in its educational system and position, have been, even more than it is, the envy of other nations.’²

Before the Reformation, Glasgow University ‘seems to have fallen into decay’; at Aberdeen ‘the design of the University and the great hopes of its founder and first teachers seemed about to be frustrated’;³ and at St. Andrews, there is some reason to think that slackness had crept in. Matters were not improved by the diminution of the revenues, nor by the confusions and trouble which prevailed for a period.⁴ During the six years, however (1574-1580), that Andrew Melville spent in Glasgow a great transformation was effected there by his scholarship and enthusiasm. ‘His aim evidently was to take advantage of the sudden zeal for education, and to instruct teachers who might spread and continue its blessing.’⁵ Arbuthnot became Principal of

¹ Dunlop’s *Confessions*, ii. 561. This passage has been omitted by Spottiswoode, although he professes, in his *History* (i. 331), to have inserted the *First Book of Discipline* ‘word by word.’

² Kerr’s *Scottish Education*, 1910, pp. 76, 79.

³ Cosmo Innes’ *Sketches of Early Scotch History*, pp. 223, 276.

⁴ M’Crie’s *Melville*, 1824, ii. 448.

⁵ Cosmo Innes’ *Sketches of Early Scotch History*, p. 226.

King's College, Aberdeen, in 1569; and, according to Archbishop Spottiswoode, 'by his diligent teaching and dexterous government, he not only revived the study of good letters, but gained many from the superstitions whereunto they were given.'¹ Melville's transference to St. Andrews stirred up the oldest of the Scottish Universities. Soon afterwards, Edinburgh University was founded; and, in the next decade, Marischal College, Aberdeen.

The General Assembly, in March, 1574-75, resolved that henceforth, except in very special cases, only those should be admitted to the ministry who have 'understanding in the Latine tongue, and are able to interpret the comentares wrytin in the same language and speake congruous Latine.'² The Covenanters were the lineal successors of the Reformers, and when they were supreme, a probationer (then known as an *expectant*), before being admitted to a charge, was examined by the presbytery 'of his skill in the languages, Latine, Greeke and Hebrew, in his interpreting of Scripture, in the controversies of religion, in his gift of exhortation, in the holy and ecclesiasticall historie and chronologie,' as well as 'of his life and manner of conversation.'³

Of Alexander Henderson, the famous leader of the Covenanters, Principal Sir Alexander Grant has said: 'In the brief period of his rectorship Henderson gave an immense stimulus to the College of Edinburgh. He was the ablest educationist and the man of clearest insight of all who had had to do with the College since its foundation. He saw what was wanted, and had the energy and the tact necessary for securing it. It would have been an inestimable advantage for the universities of Scotland if his life could have been prolonged for twenty years.'⁴

Principal Lee, whose intimate knowledge of the post-Reformation history of the Church of Scotland was unexcelled, if not unrivalled, bears as emphatic testimony: 'It is very often alleged that the Covenanters were men of so little taste and learning that they discountenanced and discouraged all elegant and classical study; but this is really a groundless misrepresentation. Through their influence large additions were made by the Parliament to the funds of the universities, and while the complement of teachers was thus enlarged, their salaries were greatly increased. As an

¹ Spottiswoode's *History*, ii. 319. ² *Booke of the Universall Kirk*, i. 322.

³ *The Platforme of the Presbyterian Government*, 1644, p. 2.

⁴ Grant's *University of Edinburgh*, 1884, i. 208, 209.

encouragement to literature, the presbyteries of the church universally raised contributions for the support of bursars. . . . Year after year the General Assembly pressed for the erection of grammar-schools in greater numbers, and their commissioners who visited the universities made great efforts for elevating the standard of education. The General Assembly, in 1645, passed an Act, requiring "that, for the remedy of the great decay of poesy, and of ability to make verse, and in respect of the common ignorance of prosody, no schoolmaster be admitted to teach a grammar-school in burghs, or other considerable place, but such as, after examination, shall be found skilful in the Latin tongue, not only for prose, but also for verse." Many of the other regulations in the Acts of that year evince an anxiety for greater proficiency in learning than had ever been attained before.¹

Sir Walter was not altogether warranted in making the Earl of Angus exclaim :

‘ Thanks to St. Bothan, son of mine,
Save Gawain, ne'er could pen a line.’

Nevertheless, many of the middle class, and some of the upper, were unable to write. In 1530 the Countess of Marischal could not sign her name.² In the same year, eight out of thirty-five of the leading men in Aberdeen could not write their own names.³ In 1554 there were men in Parliament who were as incapable.⁴ Of eighteen individuals who in 1560 described themselves as the ‘maist part of the honestest men’ of Aberdour, ten required to have the pen led by a notary ;⁵ and in 1566 the Countess of Huntly was as incompetent as the ten.⁶ Similar illiterates may be found in the seventeenth century, but, so far as my experience goes, they are very much rarer. More than four

¹ Lee's *University of Edinburgh*, 1884, pp. 56-58.—Here, by way of contrast, is the opinion of one whose knowledge of the matter is not to be compared with Principal Lee's : ‘ From the days of Knox to the Revolution Settlement (1688) there is no getting past the fact that the cold pietism of the then prevailing teaching of the kirk froze up learning, culture and taste for letters in Scotland ’ (*The Book of Buchan*, 1910, p. 377).

² *Spalding Club Miscellany*, iv. 142.

³ *Abredoniae Utriusque Descriptio*, pp. 69, 70.

⁴ *Acts of Parliament*, ii. 604.

⁵ *Register of St. Andrews Kirk-Session*, i. 55, 56.

⁶ *Stuart's Lost Chapter*, p. 100.

thousand signatures are adhibited to the copy of the National Covenant preserved in the Edinburgh Municipal Museum. Of that number only about nine hundred were written by notaries, and these included craftsmen of various kinds, and many—simply designated 'workman'—who were probably unskilled labourers. In a copy in the Church of Scotland Library, only nine names out of nearly two hundred were written by notaries. A copy in the New College Library has about eight hundred signatures, and of these few if any appear to be notarial. The copy in Glasgow Corporation Gallery has about a hundred and sixty signatures, all autographs. On a copy of the Solemn League and Covenant, signed at Glasgow in 1648, there are about 240 names, and of these barely a third were written by the notaries. The late Rev. Henry Grey Graham made the astounding statement that in Fife, in 1715, 'one in three men could sign their names, and only one woman in twelve.'¹ The authority given for this is 'Campbell's *Balmerino and its Abbey*, p. 236.' On turning to that excellent book, one finds that what Dr. Campbell really says is: 'Between 1716 and 1748, of men who were called on to sign their names in presence of the session, one in every three could *not* do so; while of women, eleven out of every twelve were unable to write.' And so the illiterate men in that country parish were 33 per cent., not 66. In burghs it would be lower. Even for a rural parish, it was very bad that of the women who appeared before the kirk-session only one in twelve could sign her name. Nevertheless, it was a great improvement on the pre-Reformation days, when out of fifty Cistercian nuns only one could sign her name.²

Mental progress was well-nigh impossible under the domination of the Roman Church claiming to be infallible, and punishing by fire the rejection of its teaching. The Scottish Reformers expressly disclaimed infallibility, and maintained that even general councils might err and had erred in matters of great weight and importance. The Bible, they affirmed, was sufficient to make the man of God perfect, and derived its authority, not from the church or men or angels, but from God, and to His Spirit its interpre-

¹ *Social Life of Scotland*, 1899, ii. 155.

² Of these nuns, ten were at Elcho on the 2nd of March, 1539-40 (*Spalding Club Miscellany*, iv. 33, 34), twenty-two were at North Berwick on the 12th of August, 1544 (*Carte Monialium de Northberwic*, pp. 59, 60), and eighteen were at Haddington on the 28th of July, 1545 (*Palace of History Catalogue*, i. p. 400).

tation belonged.¹ Nearly a century later, the principle which underlies that statement was embodied by the Westminster Divines in the memorable words—‘God alone is lord of the conscience.’² Neither the Reformers nor the Westminster Divines may have realised the far-reaching import of such a principle, but they were on the right path.

The penalties of the Act of Parliament for suppressing the mass were excessively severe,³ but they were rarely inflicted. Only two Roman Catholics are known with certainty to have been put to death in Scotland for their religion, and they were both hanged at Glasgow—a priest in 1574 for saying mass, and a Jesuit in 1615 for his opinions. On the other hand, during the thirty-two years preceding the abolition of the papal jurisdiction, twenty Protestants were executed for their religion by burning, hanging, and drowning. The Reformers not only held that the mass was idolatry, but that idolatry should be punished by death. It was not under the Act of 1560 that, after the middle of the seventeenth century, ‘a sturdie beggar, who had been a most wicked and avowed atheist,’ was hanged at Dumfries;⁴ or that, shortly before the close of that century, Thomas Aikenhead, a student, was pitilessly hanged for blasphemy. Protestants now profoundly regret that any man was ever put to death either for the mass or for his opinions, and deplore as bitterly the prosecutions and executions for witchcraft which grievously stain our annals; but Rome expresses no contrition for sending untold multitudes to the stake, or for its religious rejoicings over the massacre of St. Bartholomew.

When the Scottish Parliament, in March, 1542-43, permitted the lieges to possess and to read a good and true translation of the Bible in the vernacular, either English or Scots, the Archbishop of Glasgow, for himself and in name and behalf of all the prelates in Parliament, dissented from the Act, and intimated their opposition until a provincial council of all the clergy in the realm had advised and concluded whether it was necessary or not that the scriptures should ‘be had in vulgar tounge to be usit

¹ Laing’s *Knox*, ii. 96, 111, 112, 184.

² *Westminster Confession*, chap. 20.

³ For saying, hearing or being present at mass the penalties were confiscation of goods, and corporal punishment at the discretion of the magistrate for the first offence, banishment for the second, and death for the third (*Acts of Parliament*, ii. 535). Parliament had previously decreed that no one should impugn the Pope’s authority under pain of death and confiscation of goods (*Ibid.* ii. 370).

⁴ Laing’s *Baillie*, iii. 436.

among the Quenis lieges.’¹ This was nearly a century after the invention of printing. The unreformed Church was afraid to put even its own catechism—Archbishop Hamilton’s—freely into the hands of the laity. Rectors, vicars, and curates were forbidden to lend their copies to laymen without the sanction of the bishop, and the bishop was only to lend copies to ‘some few laymen worthy, grave, of good faith, and prudent, and chiefly to those who shall seem to desire them for the sake rather of instruction than of any kind of curiosity.’²

No Roman Catholic version of the New Testament in English was printed until 1582; and full twenty-seven years more elapsed ere it was followed by the Old Testament. The translators of that version of the New Testament heartily approved of the order taken by the deputies of the Council of Trent, and ‘confirmed by supreme authority, that the Holy Scriptures, though truly and catholically translated into vulgar tongues, yet may not be indifferently readde of all men, nor of any other than such as have expresse licence thereunto of their lawful ordinaries [*i.e.* bishops], with good testimonie from their curates or confessors, that they be humble, discrete, and devout persons, and like to take much good, and no harme thereby.’ It was fitting that these translators should look back wistfully as they did to the time when poor ploughmen could, in labouring the ground, ‘sing the hymnes and psalmes either in knowen or unknowen languages, as they heard them in the Holy Church, though they could neither readde nor know the sense, meaning and mysteries of the same.’³

During the sitting of the Vatican Council, Lord Acton wrote thus from Rome: ‘The 700,000 inhabitants of the present Roman States are represented by 62 bishops. . . . It is true the 62 bishops of this chosen land and people have not succeeded in restoring the most moderate standard of morality in their little towns and villages; there are still whole communities and districts notoriously in league with brigands—but the Council has no call to trouble itself with matters of that sort. . . . Here in Rome you may find a lottery dream-book in almost every house, but never a New Testament, and extremely seldom any religious book at all. It seems as though it were a recognised principle that, the more

¹ *Acts of Parliament*, ii. 415.

² *Patrick’s Statutes*, pp. 145, 146.

³ *Rhemes New Testament*, 1582, preface, sig. a iii.

ignorant a people, the greater must be the share their hierarchy have in the government of the church.'¹

At the present day 'all versions [of the Scriptures] in the vernacular, even by Catholics, are altogether prohibited, unless approved by the Holy See, or published, under the vigilant care of the bishops, with annotations taken from the Fathers of the Church and learned Catholic writers.' And 'all versions of the Holy Bible, in any vernacular language, made by non-Catholics are prohibited, and especially those published by the Bible Societies.' 'Nevertheless these versions are permitted to students of theological or biblical science,' provided that 'the dogmas of Catholic faith are not impugned in the prolegomena or annotations.'²

Other churches have also tried to control the printing press, and the civil magistrate has also fettered it unduly; but for stubborn persistence the Latin Church stands unrivalled. Galileo's *Dialogo* was placed on the *Index Librorum Prohibitorum* in 1634, and appeared in issue after issue down at least to the one published in Rome in 1819, but was dropped out of the one published there in 1835. It was therefore on the *Index* for two centuries. In at least one issue of the *Index*, all books are prohibited which teach that the earth moves and that the sun does not. In the issue printed at the Vatican Press, in the year of grace 1900, are still found such honoured names as Francis Bacon, John Milton, Archbishop Ussher, Joseph Addison and Oliver Goldsmith.³ There, too, are the names of the recently deceased Lord Acton, Döllinger, and Andrew Lang. Among the well-known books which it forbids are Bingham's *Antiquities*,

¹ Quirinus' *Letters from Rome on the Council*, 1870, pp. 140-142.—A few years earlier, Döllinger, then an honoured ornament of the Latin Church, in speaking of the flight of Pius IX. to Gaeta, said, by way of explaining the facility with which 'the papal power in the whole country' was overthrown: 'The utter incapacity of a population, of whom ninety-nine in every hundred had never, either before or after the Revolution, taken a book or newspaper in their hands, made the task attempted to be performed by the Triumvirate and their adherents much more easy of accomplishment' (Döllinger's *The Church and the Churches*, 1862, p. 416).

² *The Great Encyclical Letters of Pope Leo XIII.*, 1903, pp. 412, 413; *Index Librorum Prohibitorum*, Romae, Typis Vaticanis, 1900, p. 8.

³ The work of Bacon prohibited is *De Dignitate et Augmentis Scientiarum*, and that of Goldsmith is *An Abridged History of England*. Each of these two entries is modified by the words *donec corrigatur*. The date given for the decree against the former is 24th July, 1668, but in other eight editions of the *Index*, in my possession, six of which were printed in Rome, the date given is 3rd April, 1669.

Locke's *Essay* and his *Reasonableness of Christianity*, Hallam's *Constitutional History of England* and his *Europe during the Middle Ages*, Principal Robertson's *Charles the Fifth*, and Whately's *Logic*. It is pitiful to think that in the twentieth century millions of our fellow-beings are prohibited from reading and keeping such books without a dispensation. A Jesuit father explains that this *Index* of 1900 'is to be the authentic one for the whole Church'; and that 'it is to be binding on all the faithful of the universe, regardless of race or language, nationality or country, education, learning or station in life.'¹ He also explains that, 'according to the theologians, the reading of a forbidden book, or of a considerable part of it, is a mortal sin.'² As I understand the matter, that means, that if such readers die without confessing the sin and obtaining absolution, they will go, not to purgatory, but to hell. Those who knowingly read, without the authority of the Holy See, 'the books of apostates and heretics defending heresy,' 'incur *ipso facto* excommunication reserved in a special manner to the Roman Pontiff.'³

Literature was very helpful in Scotland, as elsewhere, to the Reformation. What the Reformation did in return for literature in this country, I hope to discuss at another time. Here at present I have only space for a brief quotation from Carlyle:

'In the history of Scotland, . . . I can find properly but one epoch . . . this Reformation by Knox. . . . It was not a smooth business: but it was welcome surely and cheap at that price, had it been far rougher. On the whole cheap at any price, as life is. The people began to live: they needed first of all to do that, at what cost and costs soever. Scotch literature and thought, Scotch industry: James Watt, David Hume, Walter Scott, Robert Burns: I find Knox and the Reformation acting in the heart's core of every one of these persons and phenomena: I find that without the Reformation they would not have been.'⁴

What a country may become under the exclusive and absolute domination of the Papacy was thus set forth by Macaulay when in Rome: 'The States of the Pope are, I suppose, the worst governed in the civilised world; and the imbecility of the police, the venality of the public servants, the desolation of the country, and the wretchedness of the people, force themselves on the

¹ F. S. Bettén's *Roman Index of Forbidden Books*, 1909, p. 3. ² *Ibid.* p. 43.

³ *Great Encyclical Letters of Pope Leo XIII.*, p. 420.

⁴ *Heroes, Hero Worship, and the Heroic in History*, pp. 170, 171.

observation of the most heedless traveller.'¹ Gregory XVI. was then Pope. Writing from the Eternal City a quarter of a century later, when Pius IX. bore sway, Dean Alford was not more complimentary: 'It is not too much to say that the present moral and religious state of Rome is a foul blot on modern Christendom, and hardly to be paralleled even among the darkest passages in the history of our race. . . . Nothing will ever reform Rome, short of the entire extinction of the temporal power of the priesthood. Better any secular misgovernment than the present hideous blasphemy against God and man: better any measure of earthly injustice than the assertion of celestial right and perpetration of infernal wrong.'²

D. HAY FLEMING.

¹ Trevelyan's *Life and Letters of Lord Macaulay*, 1876, ii. 34.

² Alford's *Letters from Abroad*, 1865, pp. 133, 134.

On the Foundation of the College of Justice

A PART altogether from the constitutional and legal significance of the College of Justice, the historical circumstances connected with the attempt to establish it in 1532 are both interesting and important. Although we must await the time and the man for an account of the matter in its judicial aspect,¹ it is not difficult for an inquirer, even if he has little skill in the law, to see that provision for the hearing of civil causes had long been inadequate. James IV. sought to establish what was called the 'Daily Council' in Edinburgh, at first, apparently, to relieve the congestion brought about by the limited time at the disposal of the old 'Session,' and then, on second thoughts, with the idea of permanent substitution,² and he encouraged the lords to assiduity by the frequency of his own attendance. The mere fact, however, that the Council lacked clear subdivision and articulation in respect of functions and personnel is sufficient to explain why the change was not a cure. After Flodden, meetings of Council were naturally much occupied with public business of an administrative and diplomatic character; so that when James V. assumed his royal authority we are not surprised to hear of new attempts to regulate the 'Session,' as the Court was called with special reference to its civil jurisdiction. In March of 1526-7 no fewer than thirty-two members were appointed from the most influential representatives of the spiritual and temporal estates, with Dunbar, Archbishop of Glasgow, in the president's chair. There was a serious accumulation of suits; and steps had to be taken to deal with the troublesome crowd which habitually thronged the council-house, obstructing business by 'inopportune solicitation and crying.'³ A paper which may belong to this year⁴ ordered a list to be posted 'in large letters'

¹ The forthcoming *Acta Dominorum Concilii*, vol. ii., edited by G. Neilson and H. Paton, will add greatly to our knowledge.

² *Acts of Parl.* ii. 241, 249.

³ *Acta Dom. Con.* March 13, 1526-7.

⁴ *Royal Letters* (Court of Session), Reg. House.

of those appointed by the King for the Session, who were directed to attend. The list gave publicity to the names, and was designed to prevent lords and other influential persons from sitting upon cases when they had not been nominated.

In 1528, after the fall of Angus, twenty-one lords were named to be continually on the Session for civil justice.¹ A few months later we read of 'great disorder' owing to the calling of cases by 'tikkatis' and the importunities of great men. The 'tikkatis' and such-like new-fangled devices were not to be allowed to interfere with the strict order represented by the 'table.'² The Session, again, was liable to be interrupted by the demands of other branches of the public business. One entry states that the Justice Ayres and the Exchequer Courts necessitate an adjournment from March till October.³ Under February 13, 1530-1, we find the King signing a number of ordinances in which he complains of lords 'ingyrand thaim indifferently' to exercise votes upon civil causes and of the resulting confusion. He admits that prelates and temporal lords can scarcely be expected to attend as if they had no other work to do. They may be present at their pleasure; but fourteen members must remain with the Chancellor, and must not think of departing without license.

It is evident, as has been said, that the functions of the Council were not defined with sufficient clearness in respect of the members who were entitled or called upon to sit. This is admirably illustrated in the recorded admission of Colvile of Ochiltre by the lords 'to be ane with thame in all sessiounis, chekkeris, generale counsaes, and utheris quhatsumevir.'⁴ On one occasion the lords, sitting at Linlithgow because of plague in Edinburgh, are acting as auditors of Exchequer. They are told that they must attend exclusively to this business till it is finished, in spite of all solicitations to hear civil causes.⁵

If matters of finance were frequently before the Lords of Council in these years, it was because the problem was becoming very serious, and was destined, indeed, to have an important bearing upon the plan of founding a College of Justice. The regency of Albany was an expensive luxury; and he was not

¹ *A.D.C.* Nov. 15, 1528.

² *Ibid.* Feb. 23, 1528-9.

³ *Ibid.* March 6, 1528-9.

⁴ *Ibid.* March 10, 1528-9. This admission is important as evidence of corporate feeling.

⁵ *Ibid.* July 21, 1530.

the only man who made profit during the King's minority. Twelve or fifteen years after Flodden, accounts of the royal revenue were far from satisfactory. In 1528 the Comptroller showed a deficit of £2094; which had grown to £5485 by 1531. The Treasurer was £3704 out in 1526, and did not produce a final balance of his accounts till 1532, when he was able to show the less formidable deficit of £1396. Douglas of Kilspindie, Treasurer under Angus, had to meet large expenditure on the palaces and was £3654 down. On July 11, 1527, it was decided in Council that yearly pensions and fees out of the property or casualty of the Crown should be annulled: on August 7 the lords determined that all gifts should be subjected to careful scrutiny. Steps were taken to prevent leakage at the Crawford mines, to which a resident inspector was sent.¹ Particular attention, also, began to be directed to the mint as a source of profit. So pressing was the need for money that on November 9, 1528, we read of escheats actually granted before culprits were convicted. Three 'compositors' were chosen, whose duty it was to assist the Treasurer in dealing with casualties.² James himself was one of the obstacles to economy. He informed the lords that, if the pensions given in his minority stood, he could not provide himself with necessaries; yet he was constantly signing writs brought to him by interested persons or favourites; and the auditors were reminded that they must keep a sharp eye upon things.³ On several occasions the King wrote—or was made to write—to the Lords of Council, forbidding them to honour papers under his hand which had not been approved and countersigned by the responsible officials.

Any crisis involving even a moderate expenditure on military preparation only rendered the financial outlook more hopeless. The Master of the Artillery had the utmost difficulty in getting the Treasurer to provide what he considered necessary for the attack on Tantallon.⁴ Argyle handed in an account for munitions; and a former Treasurer, who, not having accounted fully for his intromissions, was conveniently assumed to be a debtor, was directed to pay. At the same time the lords assured the earl that failure to move owing to lack of supply would not be considered his fault.⁵ In 1529-1530 Barton of Over Barnton was both Comptroller and Treasurer, an experiment which resulted in

¹ *A.D.C.* Aug. 24, 1527.

² *Ibid.* April 19, 1528.

³ *Cf. Ibid.* Aug. 10, 1528.

⁴ *Ibid.* Sept. 2 and 15, 1528.

⁵ *Ibid.* Jan. 3, 1528-9.

the registration of a bond whereby James undertook to refund to him £6779 in annual instalments of £1000.¹ To carry out the expedition against the Isles in 1531 it was necessary to call upon the churchmen for a 'gratitude' of £5000.

From this depressing state of affairs the European situation was about to offer the prospect of relief. When Charles V. united Germany, Spain, Naples, and the Netherlands under his sway, a conflict with France could not be long delayed. Henry VIII., with an eye to the French crown, joined the Emperor; but, after the latter's dangerous triumph at Pavia in 1525, England entered into treaty with Francis. Efforts to support the enemies of Charles in Italy were ineffective; and the sack of Rome in 1527 left him supreme in the peninsula, with Clement VII. at his mercy. In 1529 Francis made a peace with the Emperor which lasted until 1536.

Meanwhile, it will be remembered, Henry's project of divorce from Katharine of Aragon had been perplexing the already distracted Pope. To oblige the English King and foster his alliance with France was a policy suggested by the desire to escape from the Emperor's clutches; yet, for obvious reasons, the marriage question did not offer the most attractive opportunity for a display of favour. Clement sought refuge in delay. In 1528 Campeggio, whose suitability was not impaired because he suffered from gout, was associated with Wolsey to hear the case in England. Proceedings began in 1529, and then Charles compelled the Pope to revoke the commission. It was not long before Henry embarked upon the course which was to lead towards the definite breach with Rome.

In Scotland, after Flodden, Albany was more concerned with the schemes of France than with the interests of the country he governed; and if any one represented national policy it was the Chancellor James Betoun, Archbishop of Glasgow. More prudent and less showy than his nephew the Cardinal, he adhered firmly to the alliance with the French, while he as firmly declined to be made their tool. The final departure of Albany and the changed relations of England with France after Pavia created a troublesome situation. The dangers of open warfare gave place to intrigue. Angus, notoriously in the interest of Henry, overthrew Betoun, and was in turn overthrown when the young King escaped from his control. James gave the great seal to his preceptor, Gavin Dunbar, who had obtained Glasgow upon the promotion of

¹ *Ibid.* Feb. 23, 1530-1.

Betoun to St. Andrews; and a treaty for five years was concluded with Henry in 1528.

Under ordinary circumstances the downfall of Angus would have involved the predominance of the French party; but Francis was at present the ally of Henry, and had no mind for complications. Yet the past few years had shown the Scots the perils of isolation; and now the Douglasses were retiring to England and would inevitably give trouble. Amid the debates Charles V. intervened, seizing the opportunity offered by the fall of Angus. The Scots were seeking new friends, and the Emperor was able to bring considerable pressure to bear upon them owing to their commercial interests in the Low Countries and the imminent lapse of the old agreement concluded by James I. Something, it seemed, might be made out of Charles, and a treaty with him might lead to a pressure on the Pope which he was in no case to resist. There had been talk, too, of an English or a French marriage for James. Why not negotiate for the hand of a lady elsewhere, who would bring a handsome dowry and be so connected as to encourage papal benevolence?

About midsummer of 1529 a Scottish ambassador was in Brussels, speaking of a marriage between James and the Emperor's sister, the Dowager of Hungary, who was interesting as prospective ruler of the Netherlands. It was hinted that France seemed to prefer English friendship to Scottish, and that the Emperor might find it to his advantage to consider the matter.¹ James went so far as to send an envoy to report upon the attractions of the suggested bride.² Francis, on the other hand, by way of thwarting an alliance with the Emperor, spoke of Katharine de' Medici, Duchess of Urbino and niece of Clement VII.³ This lady, second cousin of Albany, was also niece of Albany's wife, Anne de la Tour, who on her death in 1524 had transmitted to Katharine the comté d'Auvergne. Albany was naturally involved in any negotiation for her marriage; and both in 1530 and 1531 we find him advocating the proposal, either because it suited his own plans at the time or because it was useful to the diplomacy of Francis, who really desired, and later achieved, Katharine's union with his son, afterwards Henry II.⁴ The Scots took the suggestion seriously, more

¹ *Letters and Papers (Henry VIII.)*, iv. 5687.

² *Ibid. App.* 239.

³ *Ibid.* 5790.

⁴ *State Papers (Spanish)*, Oct. 10, 1530; Aug. 31, 1531 (No. 1176).

especially because, apart from other diplomatic advantages, it would bring them into close touch with the Pope, and the lady herself would be richly endowed.¹ It was no mere coincidence that Albany was travelling to Rome with the avowed purpose of advocating the marriage while the Lords of Council in Edinburgh, having seen a communication from Clement, were considering the King's answer and a mandate empowering the Duke to represent him in deliberations upon the welfare of Christendom.² It is very significant that James declined to put his instructions in writing, so secret were they; and sent his secretary, Erskine of Haltoun, to convey them in person.³ The Lords of Council were not certain that Albany ought to have full powers to conclude the match with Katharine. They cautiously stipulated that the lady should be brought to France before James was committed, and that, if she was not allowed to leave Italy, there must be a definite report as to what she would bring to her husband.⁴

Erskine was at Rome in the spring of 1530-1. There he dined with Mai, the Imperial ambassador, an old fellow-student at Pavia, and gave out that Scotland, having been tricked by the French, desired an alliance with the Emperor, upon whom, as was evident, the whole world would depend. Mai told Charles that Erskine, according to common report, had a great share in the government, and was a very wise man.⁵ The Scots obtained the treaty with Charles which conserved their commercial interests in the Low Countries.⁶ No marriage was arranged; and Erskine returned home, leaving Albany to represent the Scottish King. The Emperor would be informed that, if the treaty was to have military significance, money and munitions must be forthcoming. Clement would be reminded of the serious outbreak of heresy during the last few years, of the loyal sentiments of James, and of the fact that the churchmen might well be expected to subscribe to the cause. If the Pope hesitated, Charles might help him to a decision; for both had now to reckon with the Protestant league of Schmalkald.

Albany, probably under the secret instructions communicated by Erskine, asked for a large and permanent ecclesiastical subsidy. Clement was taken aback, and on July 9 remitted the proposal

¹ Cf. *Ibid.* iv. (2), p. 848.

² *A.D.C.* Nov. 8, 1530.

³ Theiner.

⁴ *A.D.C.* Nov. 9, 1530.

⁵ *Letters and Papers (Henry VIII.)*, v. 125; full text in *State Papers (Spanish)*.

⁶ *A.D.C.* May 2, 1531.

to the Scottish prelates for their consideration.¹ About a week later he issued a bull which would give James something to relieve his poverty. It was always his policy, the Pope said, to maintain for churchmen their immunity from secular exaction; but need was pressing, and the times were disastrous. If lay resources were inadequate and the faith were involved, he must ask the clergy to bear their burden. The coasts of Scotland lay exposed to attack: the royal finances were at a low ebb: it would be an act of piety to order a subsidy for munitions and defence. He therefore, *motu proprio*, imposed a tax of three tithes on all ecclesiastical fruits to be levied during the next three years. Dunbar, the Chancellor, and Stewart, the Treasurer, were named as collectors.²

These churchmen doubtless knew that the Pope was to be asked to impose an ecclesiastical tax, but it is not likely that the next step was fully expected. The Scottish prelates were allowed no time to report. On September 13 another bull was issued, relating that Albany had represented the King's desire to establish a College for the ministration of Civil Justice, half of its membership to consist of dignified churchmen. But James had no money to spend; and the Pope should direct the prelates, whose interest in civil order was not less than that of others, to contribute a permanent subsidy. Clement therefore ordained that, so long as James and his successors remained loyal to Rome and the faith, the prelates—that is, the holders of benefices down to and including priories—should furnish annually a sum of 10,000 ducats *auri de camera*. The executors were Dunbar of Glasgow, Stewart of Moray, Albany's half-brother, and Wemyss of Galloway and the Chapel Royal.³

The first bull might be received with equanimity: the second aroused indignation. James could easily find a use for a sum equivalent to £10,000 Scots, but it was exorbitant for the avowed purpose. Even in 1564, when the pound Scots, as compared with the pound sterling, had fallen from 5s. to 3s. 4d., a total of £3000 was considered adequate to pay the judges. The prelates must have regarded Clement's action as arbitrary and founded upon a misrepresentation.

¹ Theiner, July 9, 1531.

² Process in Reg. Ho. (Papal Bulls). The present account modifies or corrects certain particulars in *Archbishops of St. Andrews*, iii. 216 ff.

³ Bull printed in *Acts of Sederunt* and in Keith (lacking date), i. app.

We hear of no opposition to the 'three teinds.' The process for the diocese of Lismore survives, drawn up by Mr. John Lauder, formerly a secretary of Archbishop Forman, afterwards secretary to Cardinal Betoun, and at present working for Dunbar in the diocese of Glasgow. It is dated at Dunbar's house in Edinburgh, February 29, 1531-2, and has a schedule of assessment attached. This schedule indicates that both the 'three teinds' and the 'great tax' fell upon the prelates, and that some adjustment was necessary. If the *Diurnal of Occurrents* is right, as it probably is, in saying that the 'three teinds' were paid only by benefices above £20, this must have been arranged in Scotland: no definite limit was stated in the bull.

The basis of calculation was Bagimond's valuation of 1275, always known technically as the *verus valor*—which it was not—and jealously maintained as favourable to the clergy in relation to Rome, while sufficiently representative of *comparative* values to serve when the spiritual estate voted round sums. The figures¹ are too intricate to discuss here; but it may be stated with fair accuracy that the general tithe involved a payment of 2s. in the pound of assessed value, while the prelates had to find an additional 3s. 3d. in the pound to raise the sum imposed upon them by the second bull. Arbroath, the highest on Bagimond's roll, owed yearly £1060 Scots or £265 sterling; after the tithe lapsed, it would continue to owe £660 Scots or £165 sterling. No wonder there was some searching of hearts.

On May 17, 1532, came the Act of Parliament, which has been imperfectly understood by historians, and deserves examination. The article submitted to the house reiterated the suggestion that there should be fourteen judges, already made by the King on February 13, 1530-1;² but the Court was to have its own president in the chair, not the Chancellor. As the result of parliamentary discussion, however, the Chancellor, if present, was ordained to preside;³ and the King might add three or four members from his 'gret counsell.' The continuity of the jurisdiction with that of the Session was expressly affirmed, and for the next fourteen months dates were set down which would keep the Court sitting for some forty-five weeks. But the College of Justice was not founded; indeed, persons were named to sit during the period to intervene till the institution should take place, which would be 'at mare lasare'—and which,

¹ See Treasurer's Account of 1533.

² *A.D.C.*

³ Dunbar had been chairman in 1526-7, before he was Chancellor.

as Scotstarvet observed in the next century, 'was never yet done.'¹

There is, however, a previous article, which must be read in connexion with this one. After emphatic reference to the loyalty of the Scottish Crown to Rome, it was stated that Popes had been gracious to Scotland, Clement VII. most gracious of all. In recognition of this, James would maintain the authority, liberty, and freedom of the See of Rome and Holy Kirk, and never countenance anything in the contrary or hold his lieges bound to obey, saving Acts founded upon privileges granted by the Pope or established by usage. All this with an Imperial Ambassador in the country, a Nuncio urging activity against heretics, and the prelates in high dudgeon, is illuminating. Clement and Charles—the latter had just sent to James the order of the Golden Fleece²—looked for tangible results; the churchmen, anxious enough to have heresy put down, regarded the financial transaction as an unprecedented encroachment upon their liberties.

Immediately after the Parliament there were the desired proceedings against the Lutherans. In September, however, Northumberland informed Henry that only three of the prelates had 'ther hartes and favours to the King,' of whom two were Dunbar, the Chancellor, and Stewart, the Treasurer. Archbishop James Betoun with the rest had obtained a new bull modifying the grant of money so that the King had 'clerely renounced for ever the said pensiou of ten thousand crowns unto the spiritualitie.' Northumberland also stated that James compounded for £4000 sterling to be paid in four years. These figures we have no means of checking; but it is evident that the churchmen had procured some modification. Buchanan says that Dunbar of Aberdeen (uncle of the Chancellor) appealed to the Pope; and Dunbar died in March, 1531-2. In a letter of June 16, 1532, James addressed the Lords of Council in terms which did not attempt to conceal the fact that the College of Justice was not by any means the only purpose of the taxation granted by Clement, but which at the same time implied that some kind of arrangement had been reached. The subject was the old one of papers rashly signed for 'inoportune sollistaris.' 'Our prelatiis givis us certane contributioun to be expendit and varit to our necessaris and honor regal . . . quhilk our mynd is nocht to waist nor spend in any sort bot as efferis to our Kinglie honor and for

¹ *Sc. Hist. Rev.* xi. 183.

² Letter among treaties in Reg. Ho.

necessite of the samyne.¹ Again, there is a mysterious writ, signed by James, which belongs to this year, though the day and the month are not entered.² It looks like a decision reached by the King in Council, and runs as follows :

Oure soverane lord havand in frequent memore the greit proffeit and weil that is to follow throu continual administratioun of justice to all his liegis, inherand to his purpos ellis conceyvit in that behalf for the institution of ane college of litturate men of knowlege and experience to decide all civil actionis betuix parteis pleyand and to mak the samyne perpetuall, has tharfor ellis chosin ane nomer the tane half spirituall and the tother half temporal be avis of his thre estatis in parliament, and becaus the saidis personis man onderlie greit and daylie travel and laboris in the exercitioun of thair personis ingyntis and wittis and man tharfor haif necessair waygis for thar honorable sustentatioun be yeir, quhairfor the hail prelatiis of the realme has gevin and grantit ane yeirliie pensiou of xiiii^e li. usuall money of this realme of divers kirkis assignit tharto to be erekit and perpetuallie fundit to the sustentatioun of the said college and litterat men to be comonlie distribuit amangis thame ; and tharfor our said soverane lord of his liberalite, for the exaltatioun and mantenance of justice to the he glorie and honour first of god almychty and syne of his kinglie name and for the comone weil of the realme, ordanis ane letter to be maid onder his grete seil of the gift grant and assignatioun maid be his hienes of all feis and proffeitis that sall happin to cum of his seilis that is to say of his grete seil, his privie seil and his litil signet, to be comonlie distribuit amangis the personis chosin and at all tymes to be chosin beand of the said college efter the forme and tenor of the articlis and constitutionis to be maid and devisit therupoun and ordanis the said letter to be extendit in the best and maist honest forme that cane be devisit. Subscrivit be our soverane lord at Edinburgh the day of the yeir of god i^m v^e and xxxii yeris.

JAMES R.

We have here the first mention of the sum which was finally appropriated to the maintenance of the Lords of Session. What intrigue was behind this particular design cannot be detected; but there is something more than a sense of humour in the suggestion that the King should present the profits of the great and the privy seal, which were in the keeping of Gavin Dunbar and David Betoun, to be distributed among the new judges.

If additional indication of the resistance offered by the majority of the prelates were sought, it might be found in a letter to the Pope on February 26, 1531-2, in which James, bent upon

¹ *Acts of Sederunt.*

² *A.D.G.S.* xxix. 97 : bound up with papers of much later date, and pointed out to the writer by Mr. William Angus.

exploiting the wealth of the church, petitioned for dispensation in favour of three illegitimate sons.¹ Within a few years he was able to place the boys comfortably in Holyrood, the Priory of St. Andrews, Kelso, and Melrose. In September, on the other hand, there was a transaction which must have been designed to placate the clergy. The reservations ordained by Clement involved much expensive litigation at Rome. At Albany's intercession the King obtained permission to depute churchmen to hear ecclesiastical suits in the first instance, even if they related to benefices, though it was stipulated that the right of appeal to the Curia should be free.²

Meanwhile Clement, at the height of his controversy with Henry, was cultivating France. The English King, irritated by Scottish diplomacy and encouraged by the news of trouble between James and his prelates, began to adopt a threatening attitude. If war broke out, it was likely that the purposes of Charles and the Pope would be served; for Francis would scarcely desert his old ally at a real crisis. Archbishop Betoun might well dread that the policy he had maintained during the ten years after Flodden was about to be wrecked. Besides, he was now somewhat difficult, not sweetened by the ascendancy of Dunbar, with whom he had a long-standing quarrel;³ and he was the leader of the opposition to the tax imposed by collusion between the King and Clement. Moreover, James could not but reflect that the young Earl of Arran was next heir to the crown after Albany, and was the son of Betoun's niece.

Suddenly, in 1533, the archbishop was placed under restraint and charged with treason. What he had done remains obscure. The gravamen of the charge appears to have been secret dealing with England.⁴ If he strove to prevent war, his aim was satisfied. There was much irregular fighting on the Borders; but Henry, finding himself isolated, was prepared to negotiate.⁵ David Betoun had already gone as ambassador to France: James had made his profits out of the diplomatic situation; and the churchmen could turn their attention to the heretics and the question of the 'great tax.'

¹ Theiner.

² *Archbishops of St. Andrews*, iii. 221; this is interesting alongside of Henry's Act of Appeals in 1533.

³ *Ibid.* 212.

⁴ *Ibid.* 224-32.

⁵ Truce, Oct. 1, 1533: peace, May 11, 1534.

It is probable that the archbishop's misfortunes did not improve relations with the majority of the prelates. Payments of the tax, at first satisfactory, began to drag lamentably. A special contribution for footmen on the Borders was so badly supported that James used threatening language.¹ In 1534 parliamentary business was at a standstill. A hint of what was going forward occurs in a memorandum of the Lords of Council that the King should be asked to take strong measures against heretics, destroy heretical books at the ports, intercept undesirables, and forbid sermons on controversial topics.² Any bargain over the tax must, it would appear, commit James to an indubitable championship of the faith.

We can reconstruct from the confirmatory bull the general character of the agreement which was ultimately reached. Instead of £10,000 there was to be a yearly sum of £1400—in practice it worked out to £1423 18s.—payable not by the prelates but out of benefices in their patronage, as soon as these fell vacant. The money was to be distributed among the Lords of Session in proportion to their attendances.³ It was further stipulated that the President should be a prelate. This arrangement was communicated to Paul III., who was now Pope. First of all, and doubtless as part of the understanding, on March 7 of 1534-5 he issued bulls which would increase the royal revenues. In 1487 Innocent VIII. granted to the Scottish King a period of eight months during which he might nominate for any vacant prelacy. The effect of this concordat was that the Crown, which enjoyed the temporalities until the bulls of provision were presented, could derive a handsome casualty. Albany, after a struggle, had succeeded in obtaining express renewal of the privilege from Leo X. Now the eight months were extended to a year, and the casualty of the temporalities was granted for that period.⁴ A few days later, on March 10, came the new bull for the College of Justice, incorporating and confirming the agreement.

There is one interesting clause which is not stated to be part of that agreement. The Pope ratifies all gifts to the College, present and to come, and particularly benefices of royal foundation and patronage which may be assigned, with the King's consent, so as to bring in an additional sum of £200 sterling, or £800

¹ *A.D.C.S.* June 17, 1533.

² *Ibid.* May 8, 1534.

³ A few salaries were paid during the first year: *Treasurer's Accounts*, vi. 153-4.

⁴ *Rentale S. Andree*, x.-xii.: one bull in Keith, i. app.: the other mentioned in *A.D.C.S.* Feb. 23, 1537-8.

Scots. This would give a total of £2200 Scots and would be sufficient to pay to fourteen Senators 200 merks each, with £200 to the President—the scale of yearly remuneration which was at first contemplated.¹

On June 12, 1535, the Lords of the Articles, having the power of Parliament, passed Acts anent the liberty and privileges of the Kirk, the prosecution of heretics, the enforcement of the process of cursing, and the summoning of a Provincial Council of the clergy for the following March. It is significant that no Provincial Council had met since 1470, on the eve of the erection of St. Andrews to metropolitan dignity.² The bull of Paul III. had arrived and was the result of agreement; yet it was the churchmen's contention that their consent must be formally given.³ James Betoun was the proper person to summon the Council; but he did not attend the Parliament. Very likely he held that according to the famous charter of the Scottish Church, the bull of Clement III. in 1188, Parliament had no business to dictate; that he had no authority from Rome; and that this was one of the consequences flowing from the King's opposition to his application for powers *a latere* only a few years before, as well as from the exemption granted to Archbishop Dunbar.⁴ No doubt he was smarting under his recent treatment, and was making no effort to be agreeable. James, however, wrote 'consoling letters'⁵ which induced him to act. On January 17, 1535-6, some weeks before the date of meeting, four mandates were produced before the Lords of Council assigning benefices for the sustentation of the College: one was by the archbishop himself and two by his nephews, the abbots of Arbroath and Dunfermline.⁶

The Council began on March 11; and on March 16, in the refectory of the Blackfriars at Edinburgh, Master John Lauder, at the request of the King and the members of the College of Justice, intimated the process on the bull of Paul III.⁷ The process was now almost a year old. A speedy settlement, one might suppose, would have enabled the prelates to free themselves all the sooner from the 'great tax.' The permissive character of the addendum regarding the assignation of benefices

¹ *Treasurer's Accounts*, vi. 153-4.

² Robertson's *Statuta*, i. 109. ³ *Ibid.* 136: *Archbishops of St. Andrews*, iii. 236.

⁴ *Ibid.* 212-3.

⁵ *Statuta*, i. 248.

⁶ *A.D.C.S.*

⁷ Process in Reg. Ho.

in the royal patronage may have been a cause of trouble, and may have been interpreted as a breach of the understanding. Northumberland's language in September, 1532, implied that the tax was not to be permanent, and that the Pope had already conceded the point. But debate arose as to whether the income was to begin as the assigned benefices fell vacant or whether the prelates were to become liable in the meantime for an equivalent sum. In addition there was a wrangle over the Provincial Council. At all events the endowment was now authorised; and on March 18 Alexander Myln, Abbot of Cambuskenneth, and President, produced the bull conservatorial¹ and took instrument upon the acceptance of the conservators, whose duty it would be to defend the privileges of the College, so far as these emanated from the Pope, and to act as judges in ecclesiastical causes affecting its members.

It was the bull of Paul III. which chiefly conferred such collegiate status as was enjoyed, recognising, as it did, the right of the President and Senators to collect the revenue, and including under the jurisdiction of the conservators the various clerks, notaries, and advocates actually attached to the court. The action of the State was much less definite. The condition that the President should be a prelate was mentioned in the petition upon which the Pope proceeded; but it does not appear in any other document which has come down to us. James in 1532 confirmed statutes for the conduct of business and exempted the judges from burdens; but there was no formal constitution.² It was some years, even, before the papal bull was confirmed.³ The Lords of Council and Session, in fact, went on very much as the Lords of Council had done. They included the Chancellor and the extraordinary members provided by the Act of 1532. As a result there was much less breach of continuity with the old Lords of Council than is generally supposed. Scotstarvet put it well when he said the chief difference was that the judges were now 'more certane': they were paid to sit. Yet the ordinary members of Session still participated in what we may call 'privy council' work. The main significance of the 'foundation' lay in the endowment, which marked an important stage in the development of a civil court but did not create

¹ *Acts of Sederunt*: where the bull is printed.

² See the interesting discussion in Scotstarvet's 'Trew Relation' (*Sc. Hist. Rev.* xi. 172).

³ *Acts of Parl.* ii. 370.

it. In the meantime, indeed, it seemed as if the origin and circumstances of the endowment tended as much to stunt as to stimulate growth.

The papal bull did not provide for the period which must elapse before the assigned benefices fell vacant. It was for this reason that 'his grace gart certane convine ane Generale Consale of clargy of this realme, in the quhilk it was grantit be the prelatiſ beand present and haifand power tharto that all the saidis prelatiſ suld content and pay to the collectour to be chosin, ilk man eftir the raitt and quantite of the benefece assignit be tham, and uthir wayis as thai war oblist.' Some 'fulfillit thar promitt'; but in 1541 neither Arbroath nor St. Andrews archbishopric had contributed a penny.¹ If it was urged that James had never ratified the Pope's confirmation, that defect was now remedied;² and in Mary's Parliament of December, 1543, there was another ratification intended to give force to the demand that arrears should be paid and the annual contribution be forthcoming punctually.³ Senators in 1546 recalled their 'great, urgent and continual labours,' and lamented 'termes bigane.'⁴ Later, the Regent Arran said they were too few to do justice.⁵ Members, again, were receiving payments direct, and not by way of distribution; and the Privy Council, which began to have its separate register in 1545, complained that people brought cases to them which ought to go to the Session.⁶

The year 1553 marks an important stage in the development. There had been an attempt to clear up finance;⁷ and now the 'Books of Sederunt' became a record distinct from the 'Acts and Decrees,' while we have also our first systematic accounts rendered by the collector. Money matters, indeed, showed little improvement. Distribution by attendances was observed; but for this year only about half of the £1400 was in hand, and by 1557 there was still £118 due. Small payments were made as the money dribbled in from time to time. At the Reformation, the outlying arrears amounted to £1100. Yet the College of Justice, now more clearly distinguished from the Privy Council, was exhibiting *esprit de corps*. In 1555 the Senators objected to the number of supernumeraries who dropped in to sederunts, presumably when they had their own axes to grind.⁸ In 1564

¹ *Statuta*, i. 136. ² *Acts of Parl.* ii. 370. ³ Cf. *Acts of Parl.* ed. 1597.

⁴ *A.D.C.S.* Sept. 3: cf. *Reg of Privy Council*, i. 55-7.

⁵ *A.D.C.S.* Feb. 17, 1547-8.

⁶ *A.D.C.S.* Feb. 24, March 7, 1548-9.

⁷ *Acts of Sederunt*, 51-2.

⁸ *Ibid.* 55.

Mary granted an additional £1600 from the quots of testaments confirmed in the Commissary Courts;¹ but the prelacies, even in the hands of laymen, were always behindhand with their contributions.

One reason for the obstruction may be conjectured. The condition that the President should be a prelate doubtless proceeded from the churchmen, and was prompted by the same fear as induced the Parliament of 1532 to provide for 'extraordinary' members. The proposal of James had obvious dangers in the eyes of both temporal and spiritual lords. The body of paid judges would be drawn from men of professional skill but of lower standing than themselves. There might be some increase in efficiency: there was at the same time a menace to the social and ecclesiastical order.

As to the 'great tax,' it was clear that it had been designed mainly for the benefit of the treasury. The objects upon which the money was spent were frankly set down in the accounts; and only about £1000 from the first year's revenue was devoted to paying Lords of Session. As soon as the Provincial Council accepted the papal confirmation, the Treasurer ceased to charge himself with either the 'great tax' or the 'three teinds.' There was peace with England: the pressure of debt had been relieved: palaces and a prospective marriage demanded new outlays. The task of collecting arrears was devolved upon the Master of Works. We hear of 'executiounis of cursing, sequestratiounis, poiding and arrestmentis.' In 1540 the Abbot of Melrose had paid his final instalment.² Strangely enough, the Chancellor and the Treasurer, who had shared, wittingly or unwittingly, in the inception of the enterprise, were among the last important defaulters.³

It is very unfortunate that we have no adequate account of the Provincial Council which settled the question of the tax for the College. Angus, writing from Berwick, told his brother that James asked the clergy to abolish the mortuary dues and to accept in lieu of teind a sum equal in each case to the rent a man paid his landlord; threatening, otherwise, to compel them to feu their temporal lands at a duty not higher than the present tack rental. 'The kyrkmen of Schotland was never sa evyll content.'⁴ The foundation of the College of Justice was devised to be a popular

¹ *Ibid.* April 13.

² *A.D.C.S.* July 24.

³ See Accounts of Master of Works (Reg. Ho.), vols. iv.-viii.

⁴ *Statuta*, i, 137.

as well as a profitable stroke. The prelates had ventured to thwart the King; and now, surveying Henry's performances and already invited to confer with his uncle, he was combining popular arts with an element of revenge. James is often represented as clinging to the churchmen for support against the temporal lords; but of this period of his career it is more true to say that the churchmen had to cling to him. No historian has recorded who it was that hit upon the happy idea of using the foreign and domestic situation in order to squeeze money out of the ecclesiastics. There was the mysterious figure of the Secretary, Erskine of Haltoun: Albany, a man of experience: there were the laymen to whom the King was in debt: even some churchmen, like Glasgow and Aberdeen, may have been moved by considerations of private as well as public finance. However that may be, the fears of Clement VII. were used to the full; and the Scottish prelates, alarmed by heresies and later by events in England, had in the meantime to temper their indignation with discretion. One incidental result of the 'great tax,' foreseen or unforeseen, was to be of importance in the immediate future. Under its pressure the churchmen considered themselves entitled to raise ready money by feuing their lands. The practice, once begun, grew in their hands and was one of the economic factors which operated to the weakening of ecclesiastical control.¹

R. K. HANNAY.

¹ *Rentale S. Andree*, xxiii. ff.

The Palace of Birsay in Orkney

THE plan of Birsay Palace in Orkney, herewith reproduced, is from a drawing in a parcel of ancient Orkney MSS. in the General Register House. Dr. Anderson, editor of Low's *Tour in Orkney and Shetland*, has published there a drawing of the Palace which he thinks may have been executed by the Rev. George Low and which he dates *circa* 1774, when Low became minister of the united parishes of Birsay and Harray. The present drawing is much older than that published by Dr. Anderson. The most striking feature of this plan is that in order to shew the four sides they are presented as lying flat, the outer walls facing the sky.

In the later plan the building is roofless—here it is perfect, and, as evidence that it was taken when still inhabited, there is a representation on the west side of peat stacks and on the east side of distinct enclosures called 'The Plant Yard,' 'The Keall Yard,' 'The Herb Yard,' 'The Floure Yard,' and the 'Bow Butts' (for practice of archery), and on the south side 'the Boulling green and the gardener's cottage.' What is known in this plan as 'the minister's house' has become in the later plan 'the old manse.'

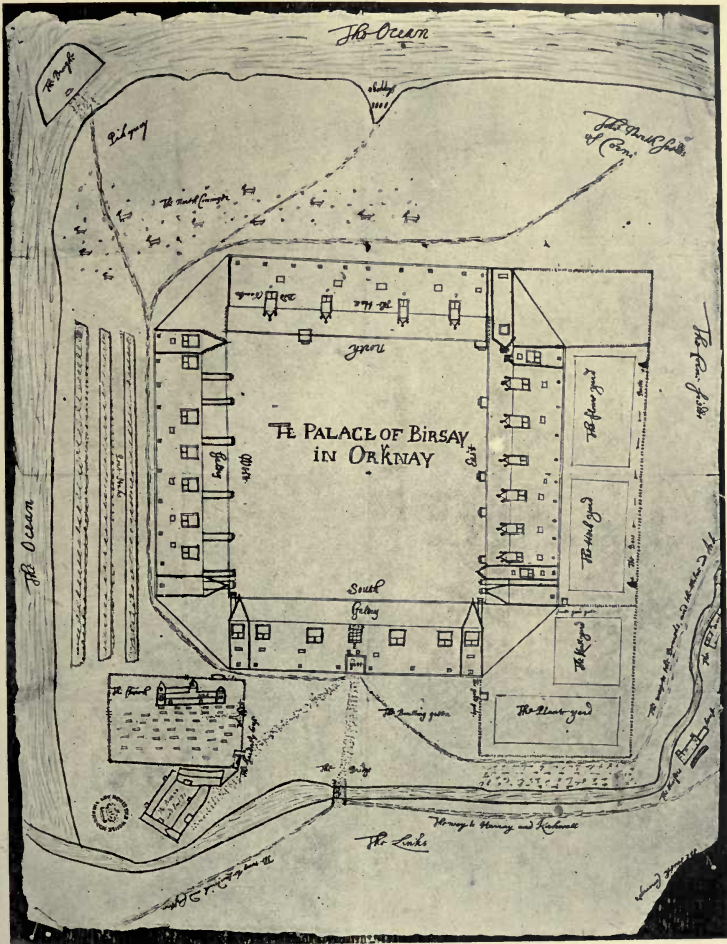
Birsay in the Orkneys appears in the *Orkneyingers Saga* as the seat of Earl Thorfinn, the most powerful in the long list of Earls of Orkney. For this reason Birsay has and always will have a unique interest for the Orcadian. A Scots visitor to Orkney is interested in Thorfinn as he who (while a Norse Earl holding the Orkney and Shetland Isles from the King of Norway) was, as this Saga informs us, of the Scots blood-royal, his mother being a daughter of Malcolm II. 'Thorfinn was with the Scot King five winters old when his father Sigurd fell. Then the Scot King gave Thorfinn, his daughter's son, Caithness and Sutherland, with the title of Earl and set up men to rule the land with him.' Earl Thorfinn's contribution as a factor in Scottish history is unfortunately limited in the vivid

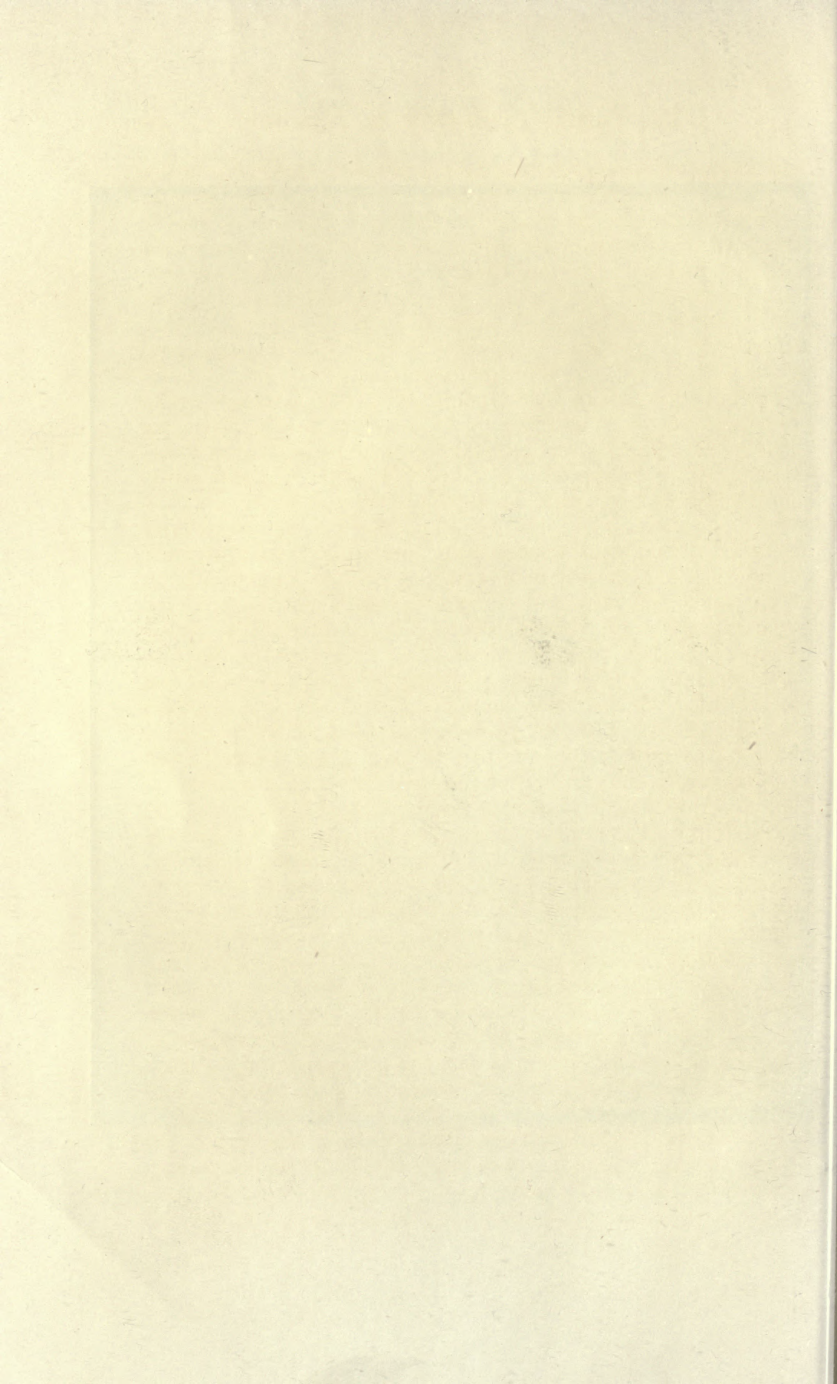
narrative of the Saga, this dealing altogether with the Norse history.

When King Olaf of Norway in 1023 asked Earl Thorfinn to become his man, the Scot Earl replied 'And if ye, lord, think that ye need my help against other chiefs, then ye have won it fully; but it is not in my power to yield you homage, for I am already the Scot King's earl and bound to do him service.' But when his three half-brothers Summerled, Einar, and Brusi who had a share of the Earldom were dead, Thorfinn succeeded to the entire Norse earldom of Earl Sigurd. Rognvald, Brusi's son, had been long absent in Russia, and on his return Thorfinn consented to share the earldom with him. They afterwards quarrelled and fought. Earl Rognvald was slain and Thorfinn again became sole earl and continued so until his death. The Scot King Karl Hound's son (the Duncan of Shakespeare's tragedy of *Macbeth*), who succeeded Malcolm II., wished to deprive Earl Thorfinn of his Scots' earldom but in the attempt was twice defeated by him, first in a sea fight off Deerness in Orkney and later in a land battle at Turfness, south of Broadfirth (the Moray Firth), with the result that Thorfinn's power in Scotland instead of being destroyed was greatly increased, so that latterly he 'owned nine (Scots) earldoms.' Munch supposes that Thorfinn was the chief support of Macbeth upon the throne. Dr. Anderson thinks that when Macbeth visited Rome, he had Earl Thorfinn (who certainly did visit Rome) as his companion.

Sir Archibald Lawrie has conjectured that Corstorphine, near Edinburgh, is so named from a cross erected there by Thorfinn. While Mr. William Watt, in his *History of Aberdeenshire*, assigns the origin of the Torphins in that county to the same Earl, whose power seems to have been felt all over Scotland. At the time when Hardicanute ruled England and Denmark, in 1041, the Earl having then Earl Rognvald as his companion in arms appears more powerful than any chief in the British Isles. In his later years he turned his attention to legal administration in his extensive domains. The portrait drawn with some skill by the Saga writer is a strong likeness: 'He was the tallest and strongest of men, ugly, blackhaired, sharp featured and big-nosed, and with somewhat scowling brows.' In the terse words of Bishop Thomas Tulloch (c. 1443) '*strenuissimus erat in campis.*'

Thorfinn at his death in 1064 was buried at Christ Church, Birsay, which he had founded as the See of his Norse Earldom.





The Palace of Birsay, situated on the seashore, looks out on the Atlantic. Placed in such a remote corner of the British Empire it is a surprise to the visitor to Orkney. Between Marwick Head and the Broch of Birsay it kept watch in early times over the adjacent sea and the mainland of Orkney. Had the Palace been inhabited on 5th June, 1916, we would probably have known more than we do of the sinking of H.M.S. *Hampshire*, which, with Lord Kitchener on board, went down immediately opposite Birsay's historical palace and church.

What sort of Palace Earl Thorfinn possessed at Birsay we do not know; it may not have been so fully developed in its dispositions as the present building, but it was probably as large, for the Saga writer informs us: 'Earl Thorfinn did that noble deed in the Orkneys that he furnished all his bodyguard and many other powerful men all the winter through, both with meat and drink, so that no man needed to go into inn or boarding-house; just as it is the custom with kings or earls in other lands to furnish their bodyguard and guests with meat and drink at Yule.' Regarding the site of the Cathedral Church founded at Birsay by Earl Thorfinn, Dr. Craven says: 'There are no remains of the ancient Christ Church of Birsay, although parts of the present parish church shew considerable antiquity, and a tablet erected about one hundred years ago professes to all who read that the present structure occupies the site of the older. Close by, however, to the east some have thought that the walls of an older church and even of an apse could be traced.' It is probable that Earl Thorfinn's Palace stood on the site of the present palace, and that the juxtaposition¹ of palace and church date from his time. Bishop Tulloch, already cited, says: 'Sed verum est et in veritate attestamur ex relatione fidedignorum antecessorum et progenitorum nostrorum quod principulus et precipuus mansus sive manerium Dominorum Comitum Orcadie fuit diversis temporibus igne combustus et ad nihilum redactus et funditus destructus.' The bishop's words must be read in the sense intended. He was speaking of lost muniments of the Earldom, and his language does not necessarily imply that *no* fragmentary remains of the manor places of the earlier earls survived, but simply that their destruction had been so far complete that archives stored in them had no chance of being preserved. It is therefore not impossible that Birsay Palace, as shown in the present plan, embraces at the north-east corner some remains

¹ Cf. the *Orkneyingers Saga*, p. 117, for a similar juxtaposition at Orphir.

of Earl Thorfinn's Palace. The north-east corner is different from and evidently older than the rest of the structure. The present plan makes provision for this difference, as the wall at the north-east corner is further extended than at the other three corners.

Above the Palace Gate in the plan now shown are the letters R^EO and, higher up, the date 1574. The Palace, as renewed at this date, stands for a most dramatic episode in the history of Scotland. Robert Stewart in 1565 obtained from his half-sister Mary Queen of Scots, a feu-charter of Orkney and Shetland. Lord Darnley on 15th May, 1565, took oaths at Stirling (1) as a knight, (2) as an earl to be 'leil' and true 'to his Sovereign Lady her realm.' Lord Darnley at the same function created fourteen knights. First among these was 'Sir Robert Stewarde of Straighdone.' Eleven days later came the feu-charter, 'Insuper Regina voluit quod unica sasina apud Castrum de Kirkwall suscipienda pro omnibus staret.' Sir Robert Stewart was an illegitimate son of James V., and as such had no claim to the throne of Scotland, but like others in the same position he was created a knight and put into possession of lands becoming his lineage. When Queen Mary subsequently married Bothwell she gave him the lordship of Orkney and Shetland with the title of Duke of Orkney, revoking her previous gift of the islands to Sir Robert Stewart. Angered no doubt by the attempt to deprive him of his lands, which he did not relinquish, he made a counter-attack by claiming the throne of Scotland. It was at this time that he supported the pretended claim by the erection of a palace at Birsay, resembling the Royal Palace at Linlithgow and placing upon it his assumed title of King of Scotland. Wallace, *Description of Orkney*, 1693, says: 'Earl Robert Stewart built or repaired the Palace of *Birsa*, the chief Residence of the Earls of Orkney, having this inscription above the gate, 'Dominus Robertus Steuartus, Filius Jacobi Quinti Rex Scotorum, hoc opus instruxit.' Brand, who visited the Palace in 1700, saw the inscription: 'When we entered the Palace gate we saw above it that inscription so much talked of, and reputed treasonable by King James VI.: Robertus Steuartus Filius Jacobi 5^{ti} Rex Scotorum hoc Ædificium instruxit.' There is a divergence in the inscription as given by Wallace and Brand, but the two treasonable words occur in both.¹ The designation has sometimes been regarded merely as a mistake in the Latinity (*rex* instead of *regis*) but it more probably reflected

¹ The stone bearing the inscription has disappeared.

the mind of Sir Robert Stewart. In this plot Sir Robert was no doubt aided by his lady Jean Kennedy, eldest daughter of Gilbert, 3rd Earl of Cassillis, who possibly possessed some of the Kennedy spirit and temper reflected in the well-known rhyme :

‘Frae Wigton to the toon O’ Ayr
 Portpatrick to the Cruives O’ Cree
 Nae man need think for to bide there
 Unless he coort wi Kennedy.’

Certainly Sir Robert notably acted in that spirit, as in 1575 the following with many other charges of high treason were lodged in high quarters against him : ‘stopping of all ferries and commanding by proclamation that none should be suffered to pass ‘but’ his letter of licence and passport, in such sort that neither merchant nor countryman might pass or repass into Orkney and Zetland ‘but’ his licence and writ obtained by means of bribes. This act is ‘kepit’ to this hour, that no complaints may pass to these parts.’ . . .

On his own hyperborean perch Sir Robert may have crowed pretty loudly, not dreaming that James VI. or his representatives though far away would hear at last.

In 1581 Sir Robert, after running the gauntlet, discreetly submitted to the more humble style and title ‘Earl of Orkney and Lord of Zetland’ being conferred on him by the real King of Scotland. The treasonable inscription was upon the Palace wall when Robert Stewart, the Earl’s grandson, headed a rebellion in Orkney in 1614 at the instigation of Earl Patrick, his father, who erected the Earl’s Palace in Kirkwall. The Palace of Birsay was the first rendezvous of the rebellion. It was also the scene of some court proceedings taken against the rebels by the King’s Lieutenant, George Earl of Caithness, himself a lineal descendant of the ancient race of Orkney Earls.

Ten years later an instance of what is not altogether unknown—disputes between heritors and clergy following upon a new grant of the islands by the King—led to a highly significant legal formality being solemnly enacted within the gate of the Palace of Birsay. The transaction is thus recorded in legal form : ‘Instrument of Protestation dated 4 November 1624 whereby in presence of notaries and witnesses specified George Bishop of Orkney protested that neither the Instrument of Sasine presently taken by him as attorney for ‘the right honorable and very good Lord’ Sir George Hay of Kinfauns knight, Lord High Chancellor of the Kingdom of Scotland of the lands and yles of Orkney and

Zetland, granted by the King's Majesty to his Lordship, nor yet the said reverend father's being attorney or witness to the giving of the said sasine 'sould nawayis be hurtfull to him or his successoris, nor to the ministers of Orknay and Zetland or thair successors anent any benefice perteining to thame be virtew of the contract of excambion past betuix his Ma^{tie} and the lait Bischop.'

This transaction 'done within the yet of the place of Birsay in Orkney immediatly at the geving of the sasine' is important as illustrating the unique, prolonged and intricate interrelationships of the dignities and estates of the Earldom of Orkney on the one hand and the Bishopric of Orkney on the other which had been disentangled by the Act of Excambion of 1614, only to be again rendered equivocal, in the time of Bishop Graham.

The Palace is to-day a ruin ; but in 1624, when this protest was made, it was probably in excellent repair. Perhaps it was in retaliation for the Bishop's protestation, that the Lord Chancellor of Scotland in placing his arms over the great west door of St. Magnus Cathedral in Kirkwall, larcenously added the pastoral staff.

THOMAS MILLER.

The Race of the Trough

Sliochd 'n Amar.

THE traditionary story of the posterity of the Trough is found in most books dealing with the history of Strathspey and the Grants, and is well known. It tells how the Gordons under Lord Huntly combined with the Grants of Strathspey in making a raid on Deeside, in which that district was desolated and most of its inhabitants were slaughtered; how a number of children made homeless orphans in the raid were taken by Huntly to his castle, where they were fed together, like swine, out of a long trough constructed for the purpose; and how the laird of Grant, visiting Huntly some time afterwards and seeing the orphans 'slabbing at their trough,' was so struck with pity that he proposed to share in their maintenance and was allowed to take half of them to Strathspey, where they were adopted into the Clan Grant, their posterity being distinguished by the title *Sliochd 'n Amar*—the Race of the Trough.

Such are the main incidents as related in various 'popular' accounts which have appeared in print, the most recent of which are those in Longmuir's *Speyside*, Rampini's *Moray and Nairn* (in the County Histories Series), and Forsyth's *In the Shadow of Cairngorm*. These, however, may be dismissed as being merely repetitions and elaborations of previous accounts, without any authority derived from direct tradition. Indeed, it is very unlikely that any pure tradition on the subject has existed for the last three or four generations at least; and, generally speaking, there is in the present day perhaps no local tradition on any historical matter of more than a century ago which has not been tinctured and adulterated by printed books. The author of *Legends of the Braes o' Mar*—a book which might reasonably be expected to contain some reference to tradition on the subject—contents himself with copying the account 'given by one of our historians,' i.e. Sir Walter Scott, in *Tales of a Grandfather* (History of Scotland), chap. xxxix. He speaks of it as connected

with the killing of the baron of Braichlie in 1592, but 'a total misrepresentation of the case'; and he concludes with the statement that 'no such thing ever happened to the inhabitants of the Braes of Mar.' He gives good reasons for his belief that the story is not a true picture of what took place in 1592, but he seems to go too far in positively denying that the main incidents narrated in it ever took place.

In all probability the 'popular' accounts referred to have been founded on that in an 'Old MS. History of the Grants' quoted in W. Grant Stewart's *Lectures on the Mountains* (2nd Series, p. 115) published in 1860, and perhaps on Sir Walter Scott's version—of which more anon. A somewhat earlier account than that given by W. Grant Stewart is contained in a Genealogy of the Grants attributed to Mr. James Chapman, minister of Cromdale from 1702 to 1737, and printed in Macfarlane's *Genealogical Collections* by the Scottish Historical Society in 1900.

In these several accounts the number of orphans in charge of Huntly is variously stated—three or four score in the old MS. Grant History, 'above six score' in Chapman's MS., and as many as two hundred by Sir Walter Scott—but all agree in attributing the raid to the desire of avenging the slaughter of a baron of Braichlie. The two MS. accounts place the event in the time of James Grant, third of Freuchie, known as Seumas nan Creach, whose chiefship extended from 1528 to 1553, and if the event ever took place—and no reason appears for doubting that it is historical—all the probabilities point to this as the correct period.

The mention of the baron of Braichlie in the story, however, has given rise to suggestions of a later date. Two barons of Braichlie of the name of Gordon are found in history as having come to violent ends—one in a raid into Strathdee and Glenmuick by the Clan Chattan in 1592, the other in a quarrel with John Farquharson of Inverey in 1666; and each of these occurrences has been suggested as marking the period of the raid, presumably either in ignorance of the period of Seumas nan Creach or on the very assumption that he was introduced into the story in error. Neither 1592 nor 1666 can be accepted as the proper date. The raid of the Clan Chattan in 1592, in which the earlier Braichlie was killed, was directed against Huntly's possessions and followers on Deeside, below Braemar, and was an incident in a small civil war of a few years' duration in which the Grants were leagued with the Mackintoshes, the Earls of Moray and Atholl, and others against that noble; while the killing of Braichlie in 1666 was an

event with which the Grants had nothing whatever to do, being merely an episode in a quarrel between neighbours. There is no record of any raid by either Gordons or Grants in connection with it, and the proceedings subsequent to Braichlie's death were carried on by ordinary process of law through the Privy Council and the Justiciary Court. Besides, it took place so short a time (only thirty-six years) before the admission of Chapman as minister of Cromdale that if the children of the Trough had been imported into Strathspey after 1666, that writer must actually have known some of them, and would certainly not have placed his story in the time of Seumas nan Creach, more than a century earlier.

Sir Walter Scott, the 'historian' whose account is quoted at length in *Legends of the Braes o' Mar*, if he thought about the question of date at all—which is doubtful—would seem to favour the more recent date (1666), as he speaks of the *Marquis of Huntly*, a title which was not bestowed until 1599. But Sir Walter cannot always be taken seriously as a historian; even in writing on historical subjects he could not get away from the fact that his proper and natural rôle was that of a romancist or shake off the desire to make a good story, and the sublime indifference to accuracy in the matter of dates and similar details which characterises his historical romances is apparent in his incursions into the realm of serious history. He no doubt obtained the story of the Trough from Chapman's MS. (already mentioned) in Macfarlane's Collection of MSS. purchased for the Advocates' Library in 1785, and the manner in which he has added body and colour to that skeleton-like recital of incidents is a fair example of his usual method. Not only does he give graphic descriptions of the plan of campaign in the raid by the Gordons and Grants and of the orphans feeding at the trough at 'the Marquis's Castle' (balcony overlooking kitchen, master-cook's silver whistle, struggling, biting, scratching, etc., of the children, and so on), but he increases the number of children by two-thirds, makes the laird of Grant take all to Strathspey, instead of half, and—worse still—makes the Farquharsons the sufferers in the raid and the parents of the children of the Trough. His version of the story is, perhaps, the one most widely spread, and most people acquainted with it at the present day are under the impression that the orphans were all Farquharsons; but Sir Walter had no authority for introducing that name into his story, and it may be presumed did so merely because in his own time it was the name—or one of the names—

most intimately associated with Deeside, the district mentioned by Chapman as the original home of the orphans.

That there must have been some foundation in fact for the story scarcely admits of question; the tenacity of the tradition and the fact that in Chapman's time the descendants of the orphans were still distinguishable seem conclusive. 'Those of them that were brought to Castle Grant are to this day called Slick Nammor (*sic*), *i.e.* the Posterity of the Trough, and they are promiscuously called Grants or Gordons,' says the reverend gentleman. The other MS. Grant History above referred to mentions some of the 'several families of the Slick-na-mar in Strathspey, as Macfinlay Roys in Culchoich Beg and M'Jameses in Inverallan Parish'; and these names are frequently found down to a comparatively recent period in the parish registers as *aliases* of both Gordons and Grants, while even at the present day families of Grant are still to be found in some of the Speyside parishes who are known as belonging to the Race of the Trough. No doubt, therefore, there was at some time more or less remote an importation into the Grant country of persons whose descendants were marked off and distinguished by that title, and the main question remaining for consideration is, When did this importation take place?

The MS. accounts which have been mentioned—both of the eighteenth century and the only available accounts entitled to any real authority—agree in saying that it was in the time of Seumas (James) nan Creach, the Grant chief from 1528 to 1553, Chapman, indeed, giving 1540 as the actual date. James 'of the Forays' would have been a most likely person to make such a raid as that of the story, and, as it happens, there is actual evidence of a fierce and sanguinary feud between the Grants and the inhabitants of the upper Dee country in his time—not actually during his chiefship, but only a year or two before his accession, when he was more than forty years old. This evidence is contained in several documents among the muniments at Castle Grant, and may be read in the third volume of *The Chiefs of Grant*, produced in 1883 under the editorship of the late Sir William Fraser. Suffice it to say here that for some time before October 1527, when an agreement for a cessation of hostilities was made, a state of war had existed between Strathspey and the upper Dee district, in which each side had invaded the territory of the other, with great plundering and slaughtering—'truncacionem et depopulacionem hominum ac asportacionem animalium granorum rerumque aliarum'—and in these proceedings it can hardly be supposed

that the heir-apparent to the Grant chiefship, James of the Forays, did not take a prominent part, even if he were not the actual leader of the Grants. In the agreement of October 1527 he is named next to his father on the side of the Grants, and in subsequent documents relating to the same events, after his father's death in 1528, he is of course the first mentioned on that side.

The Earl of Huntly was concerned in the affair not, so far as appears, as acting with the Grants, but as the Crown administrator of the lands of the Earldom of Mar, which were at the time in the King's hands and in which was included the district affected by the raid. Holding such a position, the Earl—quite apart from any feelings of commiseration which may have moved him, and with which Chapman credits him—would be almost bound to take measures for the preservation and protection of the children (the number of whom probably increased with the age of the tradition) who had been deprived of parents and homes in the course of the feud, and he could scarcely have done this without removing them from the desolated district. Thus his inclusion in the story may be accounted for without so far stretching probabilities and ignoring ascertained conditions as to make him a participator in the raid; in fact, his inclusion in this character was in all probability a late addition to the local story in the time of Chapman. That there actually were orphans is evident from the agreement of October 1527 between the Grants on the one part and 'Fyndlayus Farquharsone' and a number of other tenants of the King in 'Stradee' on the other, 'pro se, suis prolibus, *orphanis*, consanguineis, amicis et adherentibus, etc.' Orphans are similarly mentioned in another agreement, a few months later, between the Grants and the Strathdee tenants of the Earl of Huntly and Gordon of Abergeldie, who had also suffered in the raid. But nothing appears in the documents as to any carrying away of orphans, and it is quite possible that those taken by Huntly may have been only from his own lands.

It is very likely, too, that the name of the baron of Braichlie was introduced into the story in the course of time as being a well-known name connected with Deeside in song and story, and in order to account for the raid and for the inclusion of Huntly as a party to it.

However these things may be, the Children of the Trough cannot consistently with original authorities or historical probabilities be regarded as Farquharsons, as, on Scott's sole responsibility they are widely held to have been; and if the events on which

the story is founded may be assigned to the year 1527—a course which is strongly favoured by probability and recorded historical facts—it is scarcely possible that they could have been Farquharsons. It is true that Fyndlayus Farquharson (Finla Mor) appears in connection with the events as the principal man among the King's tenants, but he is the only one of his name in the long list of tenants given in the agreement of October 1527; moreover, the Clan Farquharson can scarcely be said to have come into being until after his death, and it was not until the time of his grandsons that the Farquharsons spread over and acquired a hold on the districts of Braemar and Strathdee.

Altogether the story is a good specimen of the class of traditional narratives which, although smacking considerably of mere legend, have yet a solid foundation in fact and are redolent of the wild times in which their incidents took place. It also affords an illustration of the proneness of tradition as its age increases to gather extraneous matter and to blend and confuse persons and circumstances of distant periods. Sir Walter Scott himself was sensible of this tendency when he wrote that 'tradition will accurately preserve the particulars of ancient events, even whilst forgetting, mis-stating, and confounding dates and persons.'¹

A. M. MACKINTOSH.

¹ *Anne of Geierstein*, chap. xxx.

The Politics of Burns¹

THIS discourse, whatever result it may come to, is certainly not wrong in its choice of a subject. To think of the politics of Robert Burns is not like some of the idle and irrelevant enquiries about the lives of poets. In every current opinion about him, in every judgment passed on him since the year 1786, he is taken as a representative man, speaking for his nation, or for the rank he belongs to, or for some new reviving spirit of liberty, or for the old traditional Scottish loyalty, or for these two together, as Jacobin-Jacobite.

Of his loyalty to the house of Stuart there can be no doubt, and there is no doubt that he was affected by the spirit of the French Revolution. But neither of these motives made the real politics of Burns. The French Revolution counted for very little in the poetry of Burns, for the good reason that in 1786 the French Revolution was not yet in sight, at any rate from the horizon of Mauchline. It is not wonderful that readers of the life of Burns (in any version of it) should be struck by the story of his later days, and the difficulties of the excise-man who admired the French, and sent them those historical carronades.

The difficulties are well described by Carlyle:

‘Metemorphoses of French politics rise before him; is he not a well-wisher of the French Revolution, a Jacobin, and therefore in that one act guilty of all?’ ‘These accusations’ (Carlyle goes on) ‘it has since appeared, were false enough: but the world hesitated little to credit them.’

And later, we may add, long after the suspicions and jealousies of Dumfries, when Burns’s opinions about France have little left in them to irritate the most sensitive Tory, there is another kind of exaggeration connecting Burns and the French Revolution through the Spirit of the Age. You will find this superstition in Matthew Arnold’s essay on Gray: ‘If Gray, like Burns, had been

¹A paper read to the Historical Society of the University of Glasgow.

just 30 when the French Revolution broke out, he would have shown perhaps productiveness and animation in plenty.'

Now this means evidently that Burns lived in a time of expansion, and had the advantage of this expansion or explosion in his poetical fertility, as contrasted with the small volume of Gray's poems. It is true that Burns was born in 1759, and therefore was 30 in 1789; it is true also that the explosion reached his mind. But what had it to do with the Kilmarnock edition of 1786, or the Edinburgh of 1787? And how much of Burns's poetry was written after the explosion of 1789? That sentence of Matthew Arnold may, I think, be worth noting in an historical society, as an example of one of the Idols of the Theatre, one of the fallacies besetting historical study, especially, I should say, the history of literature. The Spirit of the Age is a dangerous demon, and I cannot but think he has imposed on Matthew Arnold in this reference to Burns. The poems of Burns in which he gave his rendering of Ayrshire life; the poems which made his fame at once, through all the length of the Island of Britain, were published before the French Revolution; and further, they show no signs of the coming expansion. The politics of Burns are not, in 1786, affected by the great things coming on; if there is any high spirit in his politics, and there is much, it is derived from the time of Gray; the time of depression, as Matthew Arnold counts it. If one is to borrow metaphysical aid to interpret the poetical genius of Burns, why not take the 'freits,' as we may call them here, which will be interpreted 'omens,' if this argument is ever repeated in South Britain, why not take the freits from his birth year of 1759?

It is not less significant, that date, than 1789; it is the 'wonderful year,' of 'Hearts of Oak,' of Minden and Quebec and Quiberon. Burns knew well enough what that year meant, and his hero is William Pitt, Earl of Chatham, and also, for the father's sake chiefly, William Pitt, the son:

'An' Will's a true guid fallow's get,
A name not envy spairges.'

There you have the politics of Burns in 1786, when he was at the height of his power. It is obvious enough, but seems generally to lack interest for readers of Burns. Yet surely there is something worth considering in the fact, which Scott is one author to note clearly, that Burns for a time was a Pittite:

'You will see he plays high Jacobite . . . though I imagine

his Jacobitism, like my own, belonged rather to the fancy than the reason. He was, however, a great Pittite down to a certain period.'

Burns shows an extraordinary gift for finding out all that he wants to know, and he must have wanted to know everything about the Pitts, or he could not have found out Boconnock in Cornwall, the house of the Pitts—regarding which I remember Mr. Phillimore spoke some pleasant things some years ago on a 25th of January—if the newspapers of the 26th are to be trusted. I am sorry I was not there to hear.

There are several points here all at once calling for notice, and seldom getting it from friends of the poet :

The extraordinary talent for history shown by Robert Burns.

His attention to British History in preference to Scottish.

The originality of his views.

He is not fascinated at this time by Charles James Fox. At any rate in his political choice and aims and admirations he refuses to be swayed by the passionate eloquence or the liberal ideas of the statesman with whom we should think he might have had most sympathy. He celebrates him later.

Further, and this perhaps when one comes to look into it is the strangest thing of all, his clear, original and careful study of British politics is carried on through the time when his poetical studies are most closely limited to the country he knows—not Scotland, but Ayrshire, and not the whole of Ayrshire.

To understand the politics of Burns it is necessary to think of his position with regard to the scene and the substance of his poetry—the poetry of 1786 and 1787, to which he never added another volume of the same sort in the ten years remaining, and scarcely a poem except *Tam o' Shanter*.

How did Burns come to write the Kilmarnock volume? This problem may be hard to answer, and it is possibly foolish. But there are some misconceptions about his circumstances and education, and his place in literature, which must be cleared away. Carlyle gives his authority to some of these in his review of Lockhart, and his lecture on the Hero as Man of Letters :

'With no furtherance but such knowledge as dwells in a poor man's hut, and the rhymes of a Fergusson or Ramsay for his standard of beauty.'

Now we know that his standard of beauty was formed in part upon the rhymes of Ramsay and Fergusson, but we know that it was influenced also by Pope and Steele and Beattie's work, by

Shakespeare and Milton, by Thomson, Shenstone, and Gray and Goldsmith. You can tell a man by his quotations; he quotes *Hamlet*, *Othello*, *King Lear*, *Troilus and Cressida*. He writes to Mrs. Dunlop of his recourse to the dramas of Thomson. He quotes to Clarinda from Gray's *Bard*:

‘Dear as the light that visits these sad eyes,
Dear as the ruddy drops that warm my heart.’

Is not the standard of beauty there?

Carlyle on Burns again, in *Hero-Worship*:—

‘This Burns appeared under every disadvantage; uninstructed, poor, born only to hard manual toil; and writing, when it came to that, in a rustic special dialect, known only to a small province of the country he lived in. Had he written even what he did write in the general language of England, I doubt but he had already become universally recognised as being, or capable to be, one of our greatest men.’

I am not quite sure what Carlyle means by a rustic special dialect, known only to a small province of the country he lived in. Of course the language of Kyle and Carrick has peculiarities of its own. Burns does not write exactly the same language as the Scottish poets of Lothian and the Mearns; there are words and phrases in Fergusson, and also let me say for the pleasure of naming them, in *Hamewith* and in *Horace* of the Ochils, that are not found in Burns. The language of Ross of Lochlee, in *Helenore, the Fortunate Shepherdess* (Lindy and Nory), must have been strange to Burns, though probably more familiar to his father and his Montrose cousins, but it was no great hindrance to his understanding and appreciation of ‘Lindy and Nory’; and as for readers in the South, it was in England that he found at once some of his most enthusiastic admirers, among some of the most fastidious and most purely Southern in taste and breeding. I mean particularly William Gilpin, the careful and delightful student of the picturesque, who, if any one, might have been offended by Scotch drink, Scotch religion and Scotch manners. Instead of which Gilpin, the refined and elegant, chooses precisely from a poem on Scotch drink a stanza for the death of a hero, and he quotes it at Killiecrankie for an epitaph on Dundee. Coleridge in the *Friend* makes a similar use of the same context, without the particular reference, though decorously he omits the line:

‘Clap in his cheek a Highland gill.’

Wordsworth, speaking of the death of Dundee in one of his early poems, shows that he had read Gilpin, and had read Burns as quoted by Gilpin, and did not disapprove:

‘When brave Dundee with ‘faint huzzas’ expired.’

It is curious.

There are selections from Burns in the *Annual Register*, as soon as may be after the Edinburgh edition.

Scottish poetry had been regularly within the knowledge of Southern readers for two or three generations before Burns—we may say perhaps ever since *Christ’s Kirk on the Green* was published at Oxford by Edmund Gibson. A good example and proof of this is the list of subscribers to *Orpheus Caledonius*, London, 1733; there are many English names among them, more English than Scotch, I should say, guessing roughly—the Rt. Hon. William Pulteney, Esq., Thomas Pitt, Esq., Mrs. Pitt, George Venables Vernon, Esq. (6 sets), Lady Robert Walpole. I believe that Horace Walpole read his mother’s copy.

Burns wrote in the language of Kyle, because that was his natural language. But he had not to choose between that and English. Any page of Burns will show that his language is not to be described simply as a special dialect; it has all manner of variations between the pure vernacular and the book-English. It is not, I think, commonly recognised how much an affair of art, an assumed and artificial style, was the Scottish poetry of the eighteenth century; how different in its condition from the poetry of the old ‘makaris,’ Dunbar and Douglas and the rest.

Beattie writes a poem to Ross of Lochlee, an occasional diversion, in the familiar stanza:

‘O Ross, thou wale o’ hearty cocks,
Sae crouse and canty wi’ thy jokes,
Thy hamely auld warld muse provokes
Me for a while
To ape our guid plain country folks
In verse and style.

O bonny are our green sward hows
Where through the birks the burny rows,
And the bee bums, and the ox lows,
And saft winds rusle,
And shepherd-lads on sunny knows
Blaw the blythe fusle.’

He passes this off as a *tour de force*, a literary joke, and such indeed it was. And so are the Scots verses of Stevenson and of

Hugh Haliburton and the author of *Hamewith*, obviously. And so are the Scots verses of Robert Burns and of Allan Ramsay and of Robert Fergusson before him. Burns adopts a literary convention in the same way, though more consistently and thoroughly, than Beattie. None of his forms are invented; all are taken from the tradition which had been founded in the seventeenth century by the *Elegy on Habbie Simson, piper of Kilbarchan*, developed and confirmed by Allan Ramsay. The readers of Burns, his rhyming friends and competitors, all understood this. It is all a game of language, 'crambo-clink,' with rules and patterns of its own, used for fun by men who wrote their serious business letters in English, and exacted the catechism in English from their children and servants, and sang in English the metrical version of the Psalms by Mr. Francis Rous of Truro, sometime Provost of Eton.

Now when this is understood it will be found, I think, to have some bearing upon the politics of Burns, though possibly I may seem to have wandered away from the proper field of the Historical Society over the borders into philology, if not into mere rhetoric and *belles lettres*.

It is a great thing for an artist to inherit a strong tradition, to belong to a school. It means that he has all the strength of his own and the last generation to draw upon; he does not waste his time in solitary adventures; he is not left to himself; he is saved from caprice and melancholy, from the fate of Chatterton. Think of the difference between the art of Burns, his secure command of all his arguments and all his forms on the one hand, and the poetry of his contemporary Blake on the other—in so many ways miraculous, yet at what an expense of thought and care in finding out the new ways. The poems of Fergusson, as Dr. John Service expressed it, in a true conceit, are the *juvenilia* of Burns; and Ferguson himself worked in a traditional way.

The security of Burns as a poet with the inherited forms and examples of Ramsay and Fergusson goes along with security and confidence in the choice of themes. His poetry, for all its rustic character and language, has the distinctive mark of aristocratic literature. It is self-possessed, at ease and sure of itself; classical. It is not restless, or self-conscious or anxious or experimental or *arriviste*. It has the true dignity, like that of the man who knows he is master in his own house, and is accustomed to converse with his equals, and has no reason to go craving for what he has not got.

When Keats came up by Glen App, and so by Ballantrae and Girvan and Maybole to Alloway, thinking rightly about Burns, more than most men, he saw Arran over the sea, and wondered why the vision of the island had never passed into Burns's poetry. Arran had been before him all his days, and there is no word of it anywhere, in any of his prose or rhyme. For this disregard there was probably good reason. Burns has left out of his poetry many other things which must have been equally within his knowledge, and might have been wrought into the fabric of his verse. He was thought by some to be indifferent to the beauties of nature. He was certainly irresponsible when people gave utterance to their hearts of sensibility :—

‘He disliked to be tutored in matters of taste, and could not endure that one should run shouting before him whenever any fine object appeared.’ (Cunningham, Chambers II. 156 n.) Andrew Lang, in a sonnet written under the influence of Wordsworth, has uttered the same complaint of those who shout

‘To me, to me the poet, O look there !’

But it is not only in matters of this sort that Burns is economical and reticent. The Kilmarnock volume, which expresses so much of the life of Ayrshire, leaves out a great deal. Burns keeps to the region he knows ; neighbouring provinces are left unnoticed, though he might easily have touched upon them, and brought back profitable things. Why does he go down to the sea, and no further ? Why does he make nothing of the contraband trade with which he came to be acquainted at Kirkoswald ? If he was too proud to speak of the Arran hills which did not belong to him, might he not have gone sailing with fishermen of Girvan or Ayr, Dunure or Turnberry ? No, they were not his own people ; his own people are the farmers or their cotters, and it was not his business to go looking for subjects. The fishermen are left out. So on the other side the further moorlands and their shepherds are left out. He takes the Doon where it comes near him ; he does not wander up to talk with the lonely shepherds on the Galloway border ; Loch Doon he never thinks about, nor the wild uplands where his river comes down from the granite of Loch Enoch, and houses are far between.

While he thus restricted himself in his choice of Ayrshire themes, he was attending to contemporary history. He must have read the newspapers and probably also the *Scots Magazine*

with extraordinary care. And he does not read under the influence of that Scottish prejudice which he was proud to confess in the well known and often quoted words: 'the spirit of Wallace poured a Scottish prejudice into my veins, which will boil along there till the floodgates of life shut in eternal rest.'

He is not particularly good at Scottish history. His Scottish politics are determined by Scotch drink. But the politics of the United Kingdom of Great Britain in his own lifetime were noted with a diligence which the biographers and commentators of Burns have passed over very lightly.

This historical study comes out in two poems particularly: the birthday poem to the King and the historical fragment on the American war and the parliamentary vicissitudes following—'When Guilford good our pilot stood.' His carefulness is proved through one of the conventions of that sort of lyrical satire. The rule is that persons are not to be named by their right names, if another name can be provided. It is that rule (together with the need for a rhyme to *winnock* and *bannock* and *Nanse Tinnock*) that puts *Boconnock* for *Pitt* or *Chatham*. Hence *Guilford* and not *Lord North*, *Montague* for *Lord Sandwich*, *Grenville* for the statesman commonly called *Lord Temple*. *The Duke of York* is *Right Reverend Osnabrug* (of course there are other obvious motives here). *Lord George Germaine* appears under his other name of *Sackville*. A note in the Centenary Edition, from an autograph manuscript seen by the editors, shows that Burns originally wrote *Germaine*:

'And bauld G——ne wham Minden's plain
To fame will ever blaw, man.'

Altered:

'And Sackville doure, wha stood the stoure
The German chief to thraw, man.'

I believe that Burns thought of changing it because *Germaine* was the right name, and therefore the wrong name for his purpose.

It does not look as if he were working with an index or a peerage at his side. He knows the names and titles of these persons of quality because he is interested in British history. *Boconnock* comes to his mind because he has found out some time before what he wants to know about the family of *Pitt*; just as he does not need a file of newspapers, or a set of the

Scots Magazine, or the *Annual Register*, when he finds his old soldier among the Jolly Beggars :

‘My prenticeship was past where my leader breathed his last,
When the bloody die was cast on the heights of Abram.
I served out my trade when the gallant game was played,
And the Moro low was laid at the sound of the drum.

I lastly was with Curtis among the floating batteries.
And there I left for witness an arm and a limb,
Yet let my country need me, with Elliot to lead me,
I’ll clatter on my stumps at the sound of a drum.’

The fragment ‘When Guilford good’ looks at first like a rigmarole of mere annals turned into burlesque rhyme. But it works up to a climax, and it is not a fragment; it is the war-song of William Pitt, the young hero. It turns into that, whatever Burns may have first intended, or even if he intended nothing in particular when he began. And he certainly had the whole history in his mind when he began, and also his judgment on the characters. You may notice that his alteration of *Germaine* proves this. It is not merely a conventional vague illusion to Lord George Sackville’s notorious cowardice at Minden. It is so, in the first version; but the second, the authorised version, shows that Burns knew what happened at Minden, and he has put this into a phrase so mischievous that the point of it may easily escape notice and Sackville be mistaken for a hero:

‘wha stood the stoure
The German chief to thraw, man.’

It looks at first like heroic resistance; till you remember that the German chief, Ferdinand of Brunswick, was Lord George Sackville’s commander, that the *stoure* means the repeated order to charge, with a prophetic allusion to the trial that followed. ‘The German chief to thraw’ is not to confound the enemy, but to disappoint his own general.

Burns’s politics at this time are clear enough. Chatham is his great hero because he knows about Minden and Quebec, and the taking of Havana, ‘when the Moro low was laid.’ And William Pitt the younger has his regard partly for his father’s sake, and partly for his own courage and his resistance to the coalition of Fox and North, which Burns could not stand because it was meanness and knavery. He does not object to Fox because of his tinkler jaw or dicing box and sporting lady. Fox’s gambling was

merely a good thing for a satirical poet, as in the address to the Prince of Wales in the *Dream*:

‘That e’er ye brak Diana’s pales,
Or rattl’d dice wi’ Charlie.’

But he seriously did not like ‘yon mixtie maxtie queer hotch potch, the Coalition,’ and he seriously regarded Pitt as a high-spirited young man breaking through the intrigues of party politics and likely to go further. And this is what he puts into his rhyme of the American war and Rockingham and Shelburne and the Coalition, and Fox’s India Bill, and Temple’s message from the King, ‘a secret word or twa, man,’ and Pitt’s courageous adventure—a long way from Mauchline, but touched off with the same intensity as Black Russell and Moodie and Peebles from the Waterfoot :

‘But word an’ blow, North, Fox, and Co.
Gowff’d Willie like a ba’ man,
Till Suthron raise an’ coost their claise
Behind him in a raw, man:
An’ Caledon threw by the drone,
An’ did her whittle draw, man;
An’ swoor fu’ rude, thro’ dirt an’ bluid,
To mak it guid in law, man.’

The Dream of the 4th of June, 1786, is the other example of Burns’s interest in the history of his country, which is not politically Scotland, but Great Britain. Also of the quickness and readiness with which he followed the news from London. *The Dream* is suggested by Thomas Warton’s periodical birthday ode published in the newspapers. It is worth mentioning that while the ode of 1786 prompted Burns’s poem, the ode of the previous year was the occasion of the notorious burlesque Probationary Odes, the sequel of the *Rolliad*. So that Burns here again had his eye on the same sort of things as attracted the wits of London. He has nothing much to learn from them in the art of satirical poetry. Here again, though here only by the way, Pitt comes in as the statesman to be respected; and Burns appears as the champion of the Navy against retrenchment in a passage which may possibly have been quoted, though I have never noticed it, in speeches of knights and squires who represent our burghs and shires:

‘I’m no mistrusting Willie Pitt,
When taxes he enlarges,
(An Will’s a true guid fallow’s get,
A name not envy spairges),

That he intends to pay your debt,
 An' lessen a' your charges;
 But, God sake! let nae saving fit
 Abridge your bonie barges
 An' boats this day.'

'Burns was a great Pittite down to a certain period,' and that period was the end of his free, unimpeded work as a poet. He is a poet for the rest of his life, but never again with that irresistible command of his art, that certainty in all his various themes and moods which went with the volume of poems chiefly in the Scottish dialect. After that he is distracted. His work in the songs, as we watch it in his correspondence with Johnson and Thomson is of a different sort, often painful and laborious. He wastes his time thinking about impossible plans for Scottish drama and Scottish opera. And his political opinions change. His important Whig friends make him unsure of himself; he has to ask Henry Erskine whether it will do to print 'When Guilford good our pilot stood.' He takes to wearing the buff and blue, and owes allegiance to Mr. Fox. At the same time he makes more than in early days of his Jacobite sentiment; he writes his worst verse in a poem on the name of Stuart:

'Though something like moisture conglobes in my eye.'

To make up for that—

'It was a' for our rightfu' king.'

But before he had forgotten his earlier studies and interests he wrote a deliberate argument which may be quoted here.

I cannot see anything wrong in Burns's letter to the *Star*, Nov. 8, 1788, protesting against some of the Whig rhetoric over the centenary of the glorious Revolution; it seems to me right in history and right in sentiment, with a shrewd stroke at the orators who blamed the tyranny of the Stuart kings and ignored the tyranny of parliaments.

TO THE EDITOR OF 'THE STAR.'
 (CURRIE, 1800.)

Nov. 8TH, 1788.

SIR,—Notwithstanding the opprobrious epithets with which some of our philosophers and gloomy sectarians have branded our nature—the principle of universal selfishness, the proneness to all evil, they have given us; still, the detestation in which inhumanity to the distressed, and insolence to the fallen, are held by all mankind, shows that they are not natives of the

human heart. Even the unhappy partner of our kind who is undone—the bitter consequence of his follies or his crimes—who but sympathizes with the miseries of this ruined profligate brother? We forget the injuries, and feel for the man.

I went, last Wednesday, to my parish church, most cordially to join in grateful acknowledgment to the *AUTHOR OF ALL GOOD*, for the consequent blessings of the glorious Revolution. To that auspicious event we owe no less than our liberties, civil and religious; to it we are likewise indebted for the present Royal Family, the ruling features of whose administration have ever been mildness to the subject, and tenderness of his rights.

Bred and educated in revolution principles, the principles of reason and common sense, it could not be any silly political prejudice which made my heart revolt at the harsh abusive manner in which the reverend gentleman mentioned the house of Stuart, and which, I am afraid, was too much the language of the day. We may rejoice sufficiently in our deliverance from past evils, without cruelly raking up the ashes of those whose misfortune it was, perhaps as much as their crime, to be the authors of those evils, and we may bless God for all his goodness to us as a nation, without at the same time cursing a few ruined, powerless exiles, who only harboured ideas, and made attempts, that most of us would have done, had we been in their situation.

The 'bloody and tyrannical House of Stuart,' may be said with propriety and justice, when compared with the present royal family, and the sentiments of our days; but is there no allowance to be made for the manners of the times? Were the royal contemporaries of the Stuarts more attentive to their subjects' rights? Might not the epithets of 'bloody and tyrannical' be, with at least equal justice, applied to the House of Tudor, of York, or any other of their predecessors?

The simple state of the case, Sir, seems to be this:—At that period, the science of government, the knowledge of the true relation between king and subject, was like other sciences and other knowledge, just in its infancy, emerging from dark ages of ignorance and barbarity.

The Stuarts only contended for prerogatives which they knew their predecessors enjoyed, and which they saw their contemporaries enjoying; but these prerogatives were inimical to the happiness of a nation and the rights of subjects.

In this contest between prince and people, the consequence of that light of science which had lately dawned over Europe, the monarch of France, for example, was victorious over the struggling liberties of his people; with us, luckily, the monarch failed, and his unwarrantable pretensions fell a sacrifice to our rights and happiness. Whether it was owing to the wisdom of leading individuals, or to the justling of parties, I cannot pretend to determine; but, likewise happily for us, the kingly power was shifted into another branch of the family, who, as they owed the throne solely to the call of a free people, could claim nothing inconsistent with the covenanted terms which placed them there.

The Stuarts have been condemned and laughed at for the folly and impracticability of their attempts in 1715 and 1745. That they failed, I

bless God : but cannot join in the ridicule against them. Who does not know that the abilities or defects of leaders and commanders are often hidden until put to the touchstone of exigency ; and that there is a caprice of fortune, an omnipotence in particular accidents and conjectures of circumstances, which exalt us as heroes, or brand us as madmen, just as they are for or against us ?

Man, Mr. Publisher, is a strange, weak, inconsistent being : who would believe, Sir, that in this our Augustan age of liberality and refinement, while we seem so justly sensible and jealous of our rights and liberties, and animated with such indignation against the very memory of those who would have subverted them—that a certain people under our national protection should complain, not against our monarch and a few favorite advisers, but against our **WHOLE LEGISLATIVE BODY**, for similar oppression, and almost in the very same terms, as our forefathers did of the House of Stuart ! I will not, I cannot, enter into the merits of the cause ; but I dare say the American Congress, of 1776, will be allowed to have been as able and enlightened as the English Convention was in 1688 ; and that their posterity will celebrate the centenary of their deliverance from us, as duly and sincerely as we do ours from the oppressive measures of the wrong-headed House of Stuart.

To conclude, Sir, let every man who has a tear for the many miseries incident to humanity, feel for a family, illustrious as any in Europe, and unfortunate beyond historic precedent ; and let every Briton (and particularly every Scotsman), who ever looked with reverential pity on the dotage of a parent, cast a veil over the fatal mistakes of the kings of his forefathers.

R. B.

Burns's opinions about the French Revolution have nothing dishonourable in them, and nothing very difficult to understand. They are like Wordsworth's, but of course without Wordsworth's intimate knowledge of France, and with sympathies less intense. He hates the invaders of France, and there is deadly contempt in his rude rhyme :

‘You're welcome to Despots, Dumourier !’

But, like Wordsworth, he turns to think of his own country when his country is in danger. There is no discord or contradiction between ‘A man's a man for a' that,’ Jan. 1795 (‘two or three good prose thoughts inverted into rhyme’), and the song for the Dumfries Volunteers (*Dumfries Journal*, May 5th, 1795).

‘Be Britain still to Britain true
 Among oursels united,
 For never but by British hands
 Maun British wrangs be righted !

* * *

The Politics of Burns

The wretch that would a tyrant own,
And the wretch, his true-born brother,
Who'd set the mob above the throne,
May they be damn'd together!
Who will not sing *God save the King!*
Shall hang as high's the steeple;
But while we sing *God save the King!*
We'll not forget the people!'

Whatever may be the value of his later thoughts in prose or rhyme, they have not the significance or the force of the miraculous volume of 1786, with the other poems written but not printed at that time. Burns as a poet is to be judged by the work of those years; the more this is studied the clearer is the relation between his command of the world of Mauchline and Ayr, and his political understanding of what is meant by Great Britain.

W. P. KER.