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The Union of the Parliaments of England and Scotland[1] 1707

ON October 3, 1706, the Parliament of Scotland met to deliberate on a momentous question—the question whether its own continued existence was in the interest of the nation it represented. Only on one previous occasion had it a question of equal moment to decide. About a century and a half before, in the year 1560, the Scottish Estates had met in convention and almost unanimously voted that Protestantism should thenceforth be the national religion of Scotland. These two memorable sessions are connected by the strictest relations of cause and effect; but for the decision of 1560, the question that had to be settled in 1706-7 could never have arisen. Had Scotland remained a Roman Catholic country, the Union of the Crowns could hardly in the nature of things have taken effect, and the Union of the Parliaments would have been excluded alike by the laws of God and man. By their common Protestantism the two countries were united in a bond which drew them into relations which of necessity tended to become closer and more complex, and which gradually convinced both nations that they were committed to conjoint interests and a conjoint destiny. However widely different their national traditions and their national characteristics; despite their hereditary hostility, four centuries old, they had one common enemy whom they had never ceased to dread and against whom the instinct of self-preservation constrained them to joint action. This common enemy was Catholic Europe, in whose eyes

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Protestant Britain was an offence against Heaven and a standing reproach and menace to the community of nations.

From the Union of the Crowns in 1603, Scotland and England had followed very different paths; the form of Protestantism which each had adopted was of a very different type; their national antipathies had not grown less; and no action of Cromwell's had given more satisfaction to Englishmen in general than the punishment he had inflicted on the Scots at Dunbar and Worcester. Yet when James VII. made his deliberate attempt to impose Roman Catholicism on his two kingdoms, it was out of a common sense of danger that both rose simultaneously against him and engaged in the joint action which resulted in the Revolution of 1689 and the establishment of a Protestant succession. The pre-eminent cause, the fundamental condition of the Parliamentary Union, therefore, was that common Protestantism which bound the two kingdoms to present a united front against Rome and the Catholic Powers.

But not only did this common Protestantism make the Union possible; it was also the main force in conserving it when it became an accomplished fact. For a full generation after its accomplishment there was not a class in Scotland which did not remain convinced that its interests had been injured and permanently imperilled by the unequal yoke which the Union had imposed on the nation. The clergy lived in fear that a House of Commons and a House of Lords, whose members were mainly Episcopalian, would eventually seek the ruin of Presbytery; the nobility resented what they deemed infringements of the privileges of their order, and the trading and commercial classes were indignant at the inequality of taxation which crippled their enterprise. Had the successors of James VII., the elder and the younger Pretenders, adopted the Protestant faith and pledged themselves to govern as Protestant kings, the probabilities were that the Risings either in 1715 or in 1745 would have resulted in the restoration of the Stewart dynasty. Amid all the discontent of the nation, however, the dread of Rome held it fast to the Union as the one safeguard of the Protestant religion, now bound up with the interests and aspirations of the great majority of the people.

It was the common Protestantism of the two kingdoms, then, that made the Union possible and conserved it through all the perils that endangered it. But there were immediate considerations that directly suggested to responsible statesmen that a joint House of Legislature would be in the interests of both countries. Let us look at the chief of these considerations which weighed with the English and Scottish statesmen who carried through a Union which, in the words of a contemporary, was 'a chimaera of the English ministry.'

There was one conviction that had been forced on English and Scottish statesmen alike—viz. that the existing relations between the two countries could not continue. These relations had been tried both under the despotism of the four last Stewart kings and under the Revolution régime, with the result that the mutual antipathies of the two nations were never more violent than at the close of the reign of William. Throughout the reigns of the last Stewarts Parliaments had only been summoned to give their formal sanction to the royal pleasure. Packed as they had always been by the effectual methods devised by James VI., they did not represent the collective wishes of the nation. During the intervals between their meetings, the government was administered by the Privy Council, all of whose members were royal nominees, and who received their instructions from the king, advised by the Secretary permanently resident in London. It was the common saying, indeed, that the Secretary of the Council was the real 'King of Scotland,' and the Council itself was compared to a 'Turkish Divan.' Such was the state of things under the Stewarts. Under the rule of William this despotism was impossible, as the Revolution produced a number of distinct parties in Parliament, each with aims of its own, and ready on occasion to combine against the Government. In consequence of this opposition William was constrained to make important concessions which materially enlarged its powers, but the grievance still remained that Scotland was governed from London and governed in English interests. With this retrospect of the history of the Parliament since the Union of the Crowns in 1603, we can hardly wonder that Scotsmen were disposed to question if its continued existence under the same conditions were really in the interests of the country. On the eve of the Union we find a patriotic Scotsman writing these remarkable words: 'Long ago it hath been a problem in Scotland whether Parliaments were useful or not.' But if Scotsmen had reason to be dissatisfied with the action of their

Parliament, the Government, on its part, had no greater reason to be content with the existing conditions. In the successive sessions of William's solitary Parliament, his measures had been thwarted at every turn, and such was his experience of its refractory spirit, that only dire necessity constrained him to summon it. It was out of this experience, as we know, that he expressed the wish that Scotland and Scotsmen were both at the bottom of the sea, and out of this experience, also, that he gave his dying advice that the Parliaments of the two countries should be united with all possible speed in the interests of both.

The Tory Queen Anne was of the same mind as the Whig William, and in her first speech to the English Parliament she expressly suggested that Commissioners from both countries should be appointed to treat regarding the conditions under which the union might be accomplished. During the first years of her reign, however, the relations of the two peoples gave little promise of that consummation, which nevertheless lay in the immediate future. The Scottish Parliament, which was elected in 1703—the second year of her reign—proved even more refractory than that which had disturbed the stoical composure of William. Without consulting Scotland, the English Parliament had passed an Act of Settlement, which devolved the Crown on the Electress Sophia and her heirs. By the majority of the Scottish Parliament this was regarded as England's crowning act of insolent domination, and, Whig and Tory agreeing, it passed the famous Act of Security, which, meant as a gage of defiance, proved through the irony of events to be the immediate cause of effecting the international compact. By the Act of Security it was declared that, twenty days after the death of the reigning sovereign, without issue, the Estates were to name a successor who should be a Protestant and a descendant of the House of Stewart, and should *not* be the person designated by the Parliament of England, unless under conditions that secured to Scotland complete freedom of government, of religion, and of trade. The Government at first refused its sanction to an Act which virtually declared Scotland an independent country, but was at length constrained to give it as the lesser of two evil alternatives. Sanctioned by the Crown, the Act might now be regarded as the expression of the national will of Scotland, and as such it was interpreted by all parties in England. In the words of Defoe, the Act of

Security 'put Scotland into a posture fit to be treated with, either by England or by any other nation.' It was, in truth, the menace of this second alternative that first aroused in English statesmen a sense that Scotland could no longer be treated as a dependency. 'Scotland,' in Defoe's quaint words, 'began to be talked up in the world a little.' So profoundly convinced were all Englishmen of the menace implied in the Scottish Act that the Tory House of Commons and the Whig House of Lords with one accord took up the challenge. In both Houses bills were carried in terms and spirit as unflinchingly defiant as that of the Scots. The Bill of the Commons, which was eventually adopted by both Houses, bore the significant title: 'An Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts lately passed in the Parliament of Scotland.' By the terms of this Act, unless the Crown of Scotland were settled by Christmas Day of 1705, all Scotsmen would thenceforward be regarded as aliens, and all importation of Scotch cattle, sheep, coals, and linen be prohibited. More prudent or more calculating than the Scottish patriots, however, the English Parliament offered an olive branch along with the sword. By the same Alien Act the Queen was empowered to appoint Commissioners to negotiate a union between the two countries, which meanwhile seemed on the brink of international hostilities.

Equally under the despotism of the Stewarts and under the régime of the Revolution, therefore, the existing relations between the two countries had been found intolerable. In the interests of both, some new arrangement was imperative that would put an end to a situation which was a permanent menace to peace and a scandal to responsible statesmen. But if a new arrangement was to be effected, there could only be a choice of two alternatives—either some form of union or complete separation of the uncongenial yoke-fellows. We know which of the alternatives was adopted: let us then consider what general causes made it at once possible and desirable, and let us first consider the causes which operated in the case of our own country.

As we know, there had been previous attempts to effect a union of the Parliaments of the two countries. It was a cherished ideal of James VI. on his accession to the throne of England, and he had taken steps to realize it. During the rule of the Commonwealth it even became for a time an accomplished fact; and during the reign of Charles II. the project was again revived. But in the way of these attempts there was an insuperable difficulty which only the development of public opinion in both countries could remove. Differences in religion, partly the result of political conditions and partly inherent in the idiosyncrasies of the two peoples, created a sundering gulf which no promise of material advantage could avail to bridge. As Andrew Marvell wrote in 1667:

> 'Though kingdoms join, yet church will kirk oppose;
> The mitre still divides, the crown does close.'

Throughout the 17th century, though in England in less degree than in Scotland, religion had been the main pre-occupation of the most strenuous section of the people, and had been the main concern of statesmen. By the later Stewarts Episcopacy was regarded as the only form of ecclesiastical polity compatible with the dignity and security of the throne, and their rule in Scotland was largely occupied in seeking to make that polity prevail. During the reign of James VI. his religious policy overshadows every other interest; it was religion that occasioned the revolt that resulted in the two Covenants and the overthrow of Charles I., and during the reign of Charles II. two-thirds of the public business (so we are told by a contemporary statesman) were concerned with religion. Thus throughout the greater part of the 17th century, religious and theological considerations dominated the public mind and determined the counsels of statesmen. But towards the close of the century there were significant indications that a change was passing over the national spirit, and that new interests and new aspirations were arising in Scotland as in other countries.

If we seek for an explanation of this revolution in the national ideals, we may find it in two causes—one peculiar to Scotland itself, the other operative in most of the countries of Western Christendom. As the result of a policy mainly determined by considerations of religion, the Scottish people had been gradually taught, that at the stage of development which they had now reached, such a policy was no longer possible if a stable and acceptable rule was to be established in the country. On the one side, there had been the sovereign maintaining the divine origin of Episcopacy and employing all his resources to enforce it on his people, and, on the other, there had been a strenuous portion of his subjects holding the divine origin of Presbytery, and prepared, when the opportunity came, to impose it on the nation at large. The religious absolutism of James VI. resulted in the ruin of his son; the similar policy of the Covenanters resulted in the Restoration; and James VII., carrying the policy of his predecessors to its legitimate conclusion, sought to bring back Rome, and lost himself and his House in the attempt.

Thus it had been brought home to the Scottish people that religious absolutism was incompatible with a stable rule, and that other considerations than the divine origin of this or that form of ecclesiastical polity must determine the public policy. And in the spirit and action of the Scottish statesmen of the Revolution we have a convincing illustration of the lessons which had been learned from the woful experience of the century and a half that had intervened since the national change of religion in 1560. One of the most momentous questions which the Revolution statesmen had to solve was—whether Episcopacy or Presbytery was to receive the sanction of the State. Hitherto the question had received a simple answer from whatever authority had chanced to be in the ascendant. In their hour of triumph the Covenanting party had imposed Presbytery on the nation as the divinely ordained form of Church government, and had even made the attempt to impose it on England and Ireland besides; and at the Restoration Charles II. had set up Episcopacy, at once on the ground that it was of divine institution and the only form of polity consonant with kingship. The Scottish statesmen of the Revolution were influenced by no such absolute considerations; they set aside Episcopacy and put Presbytery in its place for the simple reason that it had given its support to the Revolution and promised to be its strongest stay. Expediency had in fact displaced absolute principles in the conduct of public affairs, and under this new régime the relations of the two kingdoms could be adjusted on a secular and not on a theological or ecclesiastical basis.

Thus by the failure of government on theocratic principles Scotland had been conducted to secularism as the only basis on which a national policy was possible, and as it chanced, there were forces at work in the world at large which influenced her in the same direction. Since Scotland had become a nation, it is to be remembered that she was always an integral part of Christendom. All the organic changes she had undergone had, indeed, been primarily the result of this relation. When David I. gave her the framework of feudalism and the mediæval

Church, he only followed the example of the other countries of Western Europe, and, but for Luther and Calvin, she would have had no Reformation. But throughout the 17th century the leading nations of Europe—notably England, France, and Holland—had entered on a new phase of development, and, as in the past, Scotland was bound sooner or later to follow them. This new development was the growth of the commercial spirit, and the consequent international rivalry for the markets of the world. Throughout the 17th century England and Holland were engaged in a permanent contest for the leadership of the world's commerce, and England's wars with France, begun at the century's close, were wars for the same end. 'Trade,' wrote Fletcher of Saltoun about the time of the Union, 'is now become the golden ball for which all the nations of the world are contending.' And in using these words Fletcher implies that Scotland like other countries was bound to engage in the game. She had, indeed, given striking proof that she was already engaged in it. The disastrous Darien Scheme was *her* attempt to capture the golden ball for which all the nations were contending, and its historical significance is that it shows Scotland bent on becoming a commercial nation like her neighbours. What a change had come over her dream when it could be said by a contemporary that, since the signing of the National Covenant, there had been no such enthusiasm in the country as was shown by all classes in their eagerness to invest their savings in the ill-starred enterprise!

By this revolution in the national spirit, therefore, by this awakened desire to share in the world's goods, Scotland was prepared to make a bargain which would enable her to compete on fair terms with other countries. And in England, also, the same transformation had been wrought in the national ideals. At the close of the 17th century church and religion no longer dominated all other interests, and on purely secular grounds she also was disposed to make terms which would turn to her commercial advantage.

Such was the general disposition of the two nations—by nations being always understood the most strenuous and intelligent sections of their peoples—when the Commissioners of Union met in the Cockpit in Whitehall on April 16, 1706. In nine weeks they had drawn up the terms of a Treaty of Union to be submitted to the decision of the Parliaments of the two countries. It is unnecessary here to specify all the heads of the

Treaty and it is sufficient to bear in mind that the two main recommendations were the Union of the two Parliaments and community of trade. As the greatest opposition to the Treaty was expected from Scotland, it was arranged that the Scottish Parliament should first sit in judgment on its terms. The general circumstances in which the Act of Union was carried are among the most familiar in our history. Within the House and without it the opposition to the Treaty at times seemed to threaten civil war. Writing on November 19, 1706, the Secretary Mar declares that nothing prevents an invasion of Edinburgh but the season of the year and the bad weather. How far this hostility was worked up and how far it was real, is a question which does not admit of a satisfactory answer. The petitions against the Treaty which were sent in from every royal burgh except Ayr are not decisive evidence of the feelings of the commercial classes in general, since we have it on the authority of the Jacobite Lockhart that they were for the most part prompted and even concocted by the agents of his own party. Nor are the riots that broke out in Edinburgh and other towns any proof that the majority of their intelligent citizens were at heart opposed to the Treaty. In the case of certain classes, however, their hostility was undoubtedly genuine and can easily be understood. For Jacobites and Episcopalians the Union would be a crushing calamity as it would for ever cut off the hope of the restoration of the Stewart. But it was from the National Church that the most formidable opposition was anticipated by the government officials charged with the conduct of the Treaty. 'One thing I must say for the Kirk,' wrote the Secretary Mar on the 7th of November, 1706, 'that if the Union fails, it is owing to them.' What the Church naturally dreaded was that a united Parliament, in which the majority of both Lords and Commons would be Episcopalians, would sooner or later seek the ruin of Presbytery and impose a common polity on both kingdoms. In the drafting of the Treaty the question of religion had been deliberately excluded as the safer policy—the implication being that the Union would leave the national churches intact. But to the weaker church this was no sufficient guarantee of its future security, and so formidable was its opposition to the Treaty that the Government was constrained to make terms for its support. The result was the Act of Security which, as far as words could go, safeguarded for all time the National Church of Scotland as it had been established at the Revolution. According to the terms of this Act, which, though not embodied in the Act of Union, was to form an indissoluble part of it, the Church, as it then existed, was 'to continue without any alteration to the people of the land in all succeeding generations,' and the four Universities, whose professors must be members of the national Church, were similarly to remain 'within this kingdom for ever.' Even this solemn pledge for the immunity and perpetuity of their Church did not satisfy the majority of the clergy, most of whom, we are told, were men of 'little experience and warm zeal'; and throughout the prolonged debate they did their utmost to incite their parishioners against the Union. The sager heads of the Church, however, and notably the sagacious Carstares, had been won over, and their support was of the first moment in passing the Treaty into law. Though opposed at every step by different parties in the House, the Articles were at length successfully carried after nearly three months' debate; and on January 16, 1707, the Commissioner Queensberry touched the Act of Union with the royal sceptre, and at the same time, as inviolably bound up with it, the Act for the Security of the national Church. On the 19th of March following, amid a salvo of guns from the Castle, the exemplified Act was read in the House, and ordered to be recorded. As the Chancellor Seafield handed the Act with his signature affixed to the Clerk of the House, he is said to have exclaimed, 'Now, there's ane end of ane old song.' It was a form of words employed by his countrymen when they would relieve a sigh with a jest.

The Union had thus been carried in the teeth of persistent opposition both within and without the Parliament House, and it was with no exuberance of joy that its consummation was greeted by the country at large. A correspondent writing to the Earl of Mar from Edinburgh on the 1st of May—the day when the Treaty came in force—uses these significant words: 'There is nothing so much taken notice of here to-day as the solemnity in the south part of Britain and the want of it here.' True, the bells rang from the steeple of St. Giles to signalise the occasion, but the same correspondent notes as of dubious omen that the first tune they played was, 'Why should I be sad on my wedding day?' The first experience of the results of the Union was indeed fitted to justify the gloomiest auguries as to the future relations of the two kingdoms now bound to a common destiny. In their zeal to carry the Treaty the legislators of neither country had taken the most ordinary precautions to ensure its harmonious working in the first stages of its action. Hardly had the Act come into force when one needless cause of friction after another arose to make both nations repent their bargain. By one of the terms of the Treaty it had been arranged that English revenue officials should be quartered in Scotland to superintend the new fiscal operations of which the natives of that country had no experience. In any case the duties to be performed by these strangers must have rendered them obnoxious, but the promiscuous mob of officials who were sent across the border and the manner in which they went about their task awoke a lasting indignation throughout the whole country and, as much perhaps as any other cause, created a settled antipathy to the Union. By another clause in the Treaty Scotland was to receive the sum of £398,085 10s., known as the Equivalent, as a compensation for her losses sustained and losses to be incurred. But the money was so long in coming that it was generally believed that England was disposed to break her bargain. 'The Equivalent is so much despaired of here,' wrote one from Edinburgh, 'that among the vulgar the greatest part believe it is gone to Spain, and some believe that the bridge of Berwick is fallen with the weight of it, and all is lost.' At length, on August 5, the precious burden, for the Sçots had refused to accept the money in notes, conveyed in twelve waggons, and guarded by 120 Scottish dragoons, reached the capital, where in spite of doubled guards a riotous mob vented its spleen by stoning the convoy.

The legislation of the United Parliament during the remaining years of Queen Anne was not calculated to remove the fears of the weaker country that she had been entangled into a disastrous alliance which must end in the ruin of her remaining institutions, and the obliteration of her nationality. The nobility, by whose vote the Union had been carried, were exasperated by the Peerage Bill, which placed them at a disadvantage with the peers of England. In the Act restoring lay patronage, and in the Act of Toleration, the clergy of the national church saw a deliberate purpose of eventually establishing Episcopacy in Scotland. In the Malt Tax and other legislation the trading community saw at once a breach of the Union treaty and a sacrifice of their interests to the advantage of England. Thus all classes in the country had their own grievances and their own fears as the immediate and direct result of the unhappy compact. It seemed, therefore, that when in 1713, the year before Anne's death, the leading Scottish statesmen, Whig and Tory alike, combined to undo the Treaty of Union, they were acting in accordance with the general desire of the country. As we know, the motion for dissolving the Union, brought forward in the House of Lords, was lost only by a majority of four. Yet Jacobite and Whig alike, who supported the motion, were well aware what the dissolution of the Union must inevitably involve. 'If we saw a possibility of getting free of the Union without a civil war,' wrote the Earl of Mar, 'we would have some comfort, but that, I am afraid, is impossible.' The day of the dissolution of the Union would indeed have revealed to Whig and Tory the essential antagonism of their respective ends, and the result could hardly have been other than was anticipated. Again would the issue have been joined between Protestantism, on the one hand, and Roman Catholicism on the other, for in this light would the conflict have been regarded by all Presbyterian Scotland. On more than one subsequent occasion the Union was to be in apparent peril. If at the death of Anne the schemes of Bolingbroke had succeeded, the Stewart would have been restored, and his restoration would have involved a new relation between the two kingdoms. In the Risings of 1715 and 1745 the Union was again threatened, but English and Scottish Protestantism on both occasions proved its safeguard. The restoration of the Stewart meant the restoration of Roman Catholicism, and Protestantism was vitally bound up with the secular as well as the religious interests of both peoples.

Yet for many years to come it was rather the dread of what would follow on its dissolution, than a conviction of the benefits it had brought, that held Scotland fast to the Union. The promise of immediate commercial prosperity had been the golden bait with which the statesmen responsible for the Union had sought to reconcile her to the loss of national independence. An improved coinage and free trade with England and her Colonies were to be the means through which the harvest was to be promptly and bounteously reaped. Proportioned to her deceived hopes, therefore, was her disappointment at the actual result, which seemed the immediate and direct consequence of her reluctant copartnership. So far from entering at once into a golden harvest, what she appeared to have reaped was the loss of her trade with France, heavier duties, and heavier taxation, exacted with a rigour unknown in her previous history. As late as the year 1742, Lord President Forbes, the most enlightened public man of his day, drew up, at the request of Lord Tweeddale, the Scottish Secretary of State, a statement regarding the national revenue which is sufficiently explicit. 'The revenue,' he says, 'is in such a declining state that the usual expense of the civil government can hardly be answered.' The only cheering fact to which he can point is the promising condition of the linen manufacture; the fishery, he says, 'has totally failed for many years'; the foreign trade of Glasgow had been seriously injured by the Spanish War, and as for the rest of the country, it is 'worse than nothing.' Never was there less coin in the country within living memory, and paper was the only currency to be seen. The expenses of the Government had been hitherto met by the duties from the Customs and the Excise, but for many years the Customs had produced 'little worth speaking of,' and the Excise had fallen to a half of its former value.

Such was the gloomy account which Forbes could give of the state of Scotland thirty-five years after the Union. Yet we now know that for some years before Forbes wrote the country had already entered on that path of material prosperity which was to conduct to such splendid results by the close of the century. New industries had been introduced; foreign trade, especially with the American colonies, had vigorously begun, and such towns as Glasgow, Greenock, and Paisley, already gave promise of their future greatness. When the middle of the 18th century was turned, the evidences were indisputable that Scotland had become one of the competitors for the world's trade, and that she was likely to hold her own in the competition.

In conclusion, the question naturally suggests itself—what benefits have accrued to the two nations from the union of the Parliaments in 1707? The answer must be that the one supreme benefit it brought to both was strength and security as the result of their combined resources. The indispensable condition for successful trade, as the past had already shown and the future was still more significantly to show, was strength of arm, to attack, to defend, and to maintain. It was by sheer force that England wrested the commercial supremacy from the Dutch in the 17th, and from the French in the 18th centuries. The governing motive, therefore, which induced England to seek the union was the desire for increased security and strength. Had Scotland become an independent Kingdom, retaining her ancient hostility, England would have been seriously crippled in the course she was to run. Scotland, in the phrase of the time, would have remained the back-door through which England's enemies might at all times have found a convenient entrance. On the other hand, Scotland, to hold her own in the conflict of international interests in which the nations were already engaged, would have required a fleet and army, the maintenance of which would have overstrained her resources and permanently retarded their development. Relieved from this necessity and no longer dominated by theological preoccupations, she was at liberty to pursue the new paths on which she had entered at the Revolution, and only under such conditions became possible her growth in material prosperity and her contribution to the world's thought which mark the close of the 18th century as the most distinguished period of her annals.

P. HUME BROWN.

About Mary Queen of Scots' Portraits.

[Monsieur L. Dimier, the well-known French critic of sixteenth century art, wrote, in English, the following review of *Portraits and Jewels of Mary Queen of Scots*, by A. Lang (Glasgow: MacLehose, 1906), and requested the author of that book to revise the article. I have therefore ventured to make a few verbal changes in matters of idiom, and have appended two or three notes.—ANDREW LANG.]

THE recent work of Mr. Lang about the *Portraits and Jewels of Mary Queen of Scots*, first published in two articles in the *Scottish Historical Review*, has enchanted the numerous readers interested in the life of that illustrious and unfortunate princess. From the point of view of iconography, the book is one of the most precious that could be published in relation to the history of the United Kingdom.

Coming after the important works of Mr. Cust and of Mr. Foster upon the same subject, it must be owned that, as completing them in some points of moment, it enlarges their field of investigation, and puts the critic on the way of quite new discoveries and conclusions.

My purpose is not to follow the author on every point of his information, some parts of it being out of my special range. I admire the nice research owing to which we are now informed of the existence of Lady Milford's miniature, the most curious piece of all presented to us in the book. I quite agree with Mr. Lang about the date of that portrait, absolutely confirmed by the fashion of the dress. I am less convinced of the identity of the Duke of Portland's miniature, though I should not venture to deny it absolutely. As for the Penicuik jewel, of which I can only judge by the very small photographs,[1] I own the general shape of the face reminds me of quite other persons than Mary Queen of Scots, but still a close examination of the features in the original might have revealed her very likeness.

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[1] The photographs are enlarged, the originals are tiny.—A. L.

The point upon which I ask for permission particularly to insist, relates to the now well known Leven and Melville portrait of Mary. Mr. Foster had practically the merit of first publishing this capital work, for, though it was photographed for the South Kensington Museum in 1866, the negative is unfit for duty. Mr. Lang's is the first published study of the portrait, apart from the appreciative remarks of Mr. Foster. As I have been able, by the kind permission of the late Lord Leven and Melville, to examine the original, I shall venture to give my opinion, quite according with Mr. Lang's, upon the style and execution. I really see no reason for which the name of a contemporary picture should be denied to this work, and it is quite impossible that the invention, at least, should not be of the time indicated by both the costume and age.[1]

I do not suppose anyone would contest the likeness of Mary's features in this picture. Though such a mode of identification, when used beyond discretion, may be called a very dangerous one, still in the present case it is so natural, and the conclusion appears so convincing to every educated eye, that the proof seems quite sufficient. Thus the work holds in iconography a position of exceptional importance. With the Sheffield portrait (1578), it is the only one of the Queen (miniatures excepted), after the two crayons of the Print Room in Paris, that can be brought forward.[2] So everybody will own the interest of knowing exactly in what circumstances and at least where and when it was painted.

Upon this last point I regret that I cannot agree with Mr. Lang's opinion. He thinks the work goes as far back as the stay of Mary in France (*circa* 1559-1560). I dare say I am sure its date is much later. The proofs given by Mr. Lang are of a very delicate kind. As there is little concerning Queen Mary that he does not know, mentions of her jewels in her inventories help him in researches of this sort. Jewels are very conspicuous in the Leven and Melville portrait. There is an overflow of them which is scarcely to be seen in any other French or English portrait of the time. Mr. Lang recognises at least two pieces mentioned in the Queen's inventories: one is called a *tour* or *touret*, the other a *carcan*. Three other pieces in the inventories (a pendant hanging to the *carcan*, a *cottouere* or seams adorned with pearls and rubies, and a ruby) are but tentatively proposed as identical with the similar objects represented in the picture. The identity of the two first objects held for certain by Mr. Lang, if established, is enough to prove what he intends, that the Leven and Melville portrait cannot have been painted after 1561-1568. For it is matter of fact that both jewels in 1568 and later were out of the personal possession of the Queen. How could any painter have sought after what she formerly wore, in order to adorn this present picture?

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[1] M. Dimier's opinion should be compared with that of Mr. Lionel Cust, M.V.O., in *The Burlington Magazine* for October, 1906. Mr. Cust, as I understand him, thinks that the Leven and Melville portrait cannot be contemporary. For my part I have no opinion as to the date of execution of the portrait; I merely maintain that, if not contemporary, it is an excellent copy of a contemporary work, whether in oil, or in crayons, or in miniature. —A. L.

[2] Since M. Dimier wrote, the portrait of Mary and Darnley, at Hardwick, has been recognised. See Mr. Cust, in *The Burlington Magazine*, October, 1906.—A. L.

Mr. Cust who holds the Leven and Melville to be, perhaps, an archaeological reconstruction of the seventeenth century, answers that the said mentions in the inventories may have been used by the late painter. But this supposition is so far from agreeing with what we know of the habits of the time that it should be considered rather as a provisional explanation of an inextricable problem, till new enlightenment comes. No doubt it would seem easier to suppose that Queen Mary wished in later times to have herself painted with her ornaments of old days, so the picture could be ascribed to the last period of her life, although the sold jewels appear in it. But this will never account for such an accurate representation of them as Mr. Lang assures us is to be found there. One thing after all must be owned, that is, if the identity asserted is so precise and perfect as to make the jewels *certainly* known, no reasonable hypothesis remains but to assign the picture to the time when Mary possessed them. That I grant plainly to Mr. Lang.

Another argument I ask permission to reject, namely, that the absence of some pearls, *entredeux*, in the *tour* as it is painted, proves that the painter had this imperfect ornament before his eyes. This argument might be said to prove too much; for who will believe, if some *essential* part of the Queen's *tour* had been lacking, that the painter would not have contrived to supply it in the picture? There is no indication that any prince or princess suffered his or her likeness to be brought forward with such imperfect ornament. So we can ascertain that the empty clamps in the suit of pearls which garnish the *tour* were allowed by the fashion to be so. And then, why should not the *tour* even in that state be the fruit of the painter's invention? I remark that those empty clamps are only to be seen from the point where, by the turning of the rim, the pearls would come underneath. The true reason of the suppression I do not know, but, as I see the pearls regularly missing in that place and nowhere else, I am obliged to think that there is some reason of general nature, quite different from a chance that would prove the presence of the very object under the eyes of the artist.

So the consideration of the lacking pearls in the *tour*, as it is to be seen in the picture, is really of no help to prove what Mr. Lang intends, viz., that the Queen *did* possess it when the portrait was painted. The only reason for what this conclusion could not be avoided is the abovesaid identification, if it were proved. But I do not think it really is.

To begin with the *tour* or *touret*, here are the mentions in the inventories quoted after the French original:

'Thouret de grosses perles auquel il y en a XLIX perles.' 'Un autre thouret garni de cinquante grosses perles,' that number being corrected by this note: 'S'en fault une perle,' that is: one pearl missing.

Referring to both these mentions, as well as to a third one, where the word *tour* is employed, Mr. Lang avers that the *tour* painted in the Leven and Melville portrait is one of the very jewels thus described in the inventories. As he reckons in the portrait forty-two great pearls around the rim, thinking that seven or eight are hidden by the hair, he sums the whole to the same number of great pearls assigned by the abovesaid mentions. Besides, as the *tour* bears some smaller pearls called in French *entredeux*, of which there is no hint in the inventories, the author suggests that these parts of the jewel may have been passed over in the inventories, as it is certain they were in the example of another *tour* once described with *entredeux*, and twice without any mention of them.

With all those suppositions, I for my own part agree, *but as mere suppositions only;* so that, if the things thus supposed were a proof of the identity, this identity ought to be held possible, because it is possible that the *entredeux* were only passed over in the inventories, as well as that seven or eight large pearls are hidden by the hair in the portrait. But things being such, could this only fact that the same number of great pearls is to be found here and there be considered as a proof of that identity, I say the mere coincidence in one single point as is this? Can that be called a proof? Certainly not. And yet that which in itself is no proof, is supported but by suppositions; so that, to form a probability, Mr. Lang has no certain right, but only a probable one. So it seems impossible to think a critic is by any means engaged by the consequences of the suggested identity.

As for the identity of the *carcan*, it requires peculiar conditions.

The most notable is that this garment is supposed to be worn in Mary's portrait, not properly as a necklace (what the word *carcan* signifies), but as an ornament to the bodice. However probable this alteration might appear, it must be confessed that the proposed identity becomes in consequence less convincing than it ought to be. As we are requested to consider but a fragment of the *carcan*, neither the right place of it, nor the number of stones mentioned in the inventories, can help us to recognise it. Now, if we consider that this jewel in its general shape is as common in the portraits of the time as the abovesaid *tour* is rare, how can we rely upon the likeness Mr. Lang points at? To quote some examples of it, there is such a kind of necklace of alternate stones and pearls worn by a false Elisabeth of France of the Print Room in Paris: by Claude duchess of Lorraine, by an unknown lady in the Pinacothek in Munich, and by Queen Elisabeth of Austria in the Louvre. I own that in all these examples the pearls are not set in couplets, as is said in Mary's inventory: 'A *carcan* in which there are six rubies, one table of diamond, and eight couplets of pearls.' But that the pearls in such a jewel have been set in couplets, and not in groups of three, four, or five, cannot make a sufficient token for strict identification.[1]

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[1] I do not quite understand M. Dimier's argument about the empty clamps, which are not, like the other clamps, supplied with pendant pearls. Certainly, if Mary chose to wear an imperfect ornament, the artist could easily have supplied the missing pearls. In a highly finished and elaborate work he did not do so, that is all we know. I can imagine no motive on his part for the omission of the pearls except that they were not present when he painted the ornament.

I shall not repeat my arguments for supposing that the *touret* is identical with one mentioned in Mary's Inventories. They are given in my book.

Even that very point is to be found in a necklace of the same shape in a portrait called Mary Queen of Scots at Greystoke, in which, as Mr. Cust thought, we ought to recognise Elisabeth of France, Queen of Spain. M. Lang confesses that this necklace has nothing to do with the jewel mentioned in Mary's inventory, the description of which still agrees with it as much as with the one in Mary's portrait. So such an agreement is no proof for the supposed identity.[1]

To sum up, neither the *tour* nor the *carcan*, quoted in the inventories, can be found with any certainty in the portrait. Now I come to positive signs of the time when the work was painted.

I take them from the dress, the ruff, and bodice, as well as the hair. The fashion of both I can plainly assert is not to be met with in France before the reign of Henry III. The strictest proofs of this can be afforded, a crowd of portraits of that age, some of them bearing an original date, some ascribed to as certain a time by the name and age of the persons painted. I beg to retain as the principal features of

The cottouere or jewelled decoration of the seams of the bodice, in pearls and table rubies, is identical with a *cottouere* which occurs in Mary's Inventories for 1559, and which does not appear later in her lists. This cannot be a chance coincidence.* The bodice belt of alternate table rubies alternating with double pearls, and with a diamond in the centre, appears in 1559 and never again, as a larger *carcan* or necklace. But M. Bapst, in *Histoire des Joyaux de la Couronne de France*, remarks that such jewels were used now as *carcans*, now as head ornaments, now as bodice belts, as is still customary. M. Dimier makes no reference to this fact,† which justifies me in identifying the ruby, diamond, and pearl *carcan* of 1559 with the ruby, diamond, and pearl bodice belt of the portrait. When a *carcan* was used as a bodice belt, some of the jewels were detached, as, with them, the jewel would be too long.—A. L.

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* This I did not understand to be a capital argument in Mr. Lang's reasoning. If it is, I shall urge that this kind of jewel, made as is said in the inventories, is too frequent in portraits of that age to make a proof for the identity.

† This fact does not touch my conclusions. I do not say such an alteration is impossible nor even improbable. I only say that, so altered, the tokens of identity in the jewel are unfortunately lessened.

[1] I cannot follow the reasoning of M. Dimier. The *carcan* in the Greystoke portrait of Elizabeth has the pearls arranged as in the bodice belt of Mary, in the Leven portrait. But the bodice belt has rubies and a diamond, as in the description in Mary's Inventory of 1559. The Greystoke *carcan* does not answer to the description in the Inventory. These facts favour my identification of Mary's bodice belt with Mary's *carcan*. How they assist M. Dimier's doubts of the identification I am unable to understand. The bodice belt answers precisely to the description of the *carcan*, and the Greystoke *carcan* has nothing to do with the question.—A. L.

that fashion the puffed hair on one hand and the large ruff on the other. The environs of 1574 are the very date to be attributed to the Leven and Melville portrait.

Mr. Lang urges that early in her life Queen Mary used to wear periwigs; adding some quotations where it is said that she would change them every day. He concludes that there is no relying upon the shape of Mary's hair-dressing. But that is of no consequence, I think. Whatever these periwigs may have been, and in whatever way they may have changed, still it is sure that they kept certain rules according to the fashion of the day. Not only Mary wore periwigs; this was the use of many ladies at Court; but that circumstance does not prove that any shape of hair could have been worn in any time. Periwig and change are not synonymous with absence of rule and fashion. The fashion in periwigs would follow the fashion in hair.[1]

Will it be considered a better objection that at the time I assign, Queen Mary was in captivity, and rather unapt to have herself painted in so gorgeous an attire? That depends upon the intentions which may be supposed in the Queen. Besides there is no necessity for supposing the work painted at her own command. An original sketch or crayon taken from life might have been dressed in that way by someone whose name and intentions we do not know.

As for the age and expression, I really do not see that they are not those of a lady of thirty or thirty-two years, especially of a queen whose renown of beauty would engage the painter to flattering.

[1] I am unable to contend with M. Dimier on the point of fashion in costume and hair dressing. I have seen no costume like that of the Leven and Melville portrait in any work of art of the period. That M. Dimier has seen no such arrangement of hair before 1574, hardly proves the negative, namely, that Mary could not have worn it earlier. Her hair seems to be puffed out in the Portland miniature, which Mr. Cust and Father Pollen incline to date in 1566. That Mary, in 1574, was represented as the girl of the Leven and Melville portrait seems to me inconceivable, but M. Dimier thinks that, in the portrait, she may be thirty. She also had not the jewels in 1574, if, as I think, I make good my point about the jewels. I can find no historical *raison d'être* for the Leven portrait, unless it be a contemporary or a copy of a contemporary work representing Mary at the period when she certainly owned the jewels which she wears, and was of the age which she appears to be. I take that age to be eighteen, M. Dimier thinks it is thirty or thirty-two, an old thirty or thirty-two, for, by 1574, she was worn by illness, passion, and captivity.—A. L.

So there is no impossibility of any kind in admitting the date positively certain for the reasons I gave. Though captive and deprived of her richest jewels Mary was painted in this work, no doubt little later or sooner than 1574, in queenly apparel, with plenty of fancied ornaments, in which there is nothing to retain as true but the record of her actual taste for pearls and precious stones. Who was the painter I cannot guess. A Frenchman is little probable; the execution is rather of Flemish appearance, and all internal reason is lacking for the supposition that it was made in France.[1]

I am now coming to some other portraits of Mary Queen of Scots spoken of by Mr. Lang. About the so-called Morton portrait I dare say I am of the same opinion as Mr. Cust is about it, and consider it an altered copy of the Sheffield one. Mr. Lang thinks it must have been more like the queen, whose face appears so unpleasing in the latter. But an altered and (I think) rather late copy, though embellished and more agreeable, is still less convincing as a likeness than the crude replica of such an ignorant workman as Oudry was. Skilfulness it is true is still the best warrant of likeness in portrait, and nobody is obliged to take as authentic the ugly features of Oudry's picture; but later amendments are of still less value.

The more we examine the question, the more we are convinced the Leven and Melville is, with Lady Milford's miniature, the most important of the whole iconography since Mary's departure from France. Besides the Sheffield, they are the only certain ones that are not a copy or accommodation. And as none of the Sheffield type (not even the Morton) can be thought an original, as probably both the Leven and Milford portraits are, the first rank of all belongs to one among the oil paintings, to the other among the miniatures.

No doubt new discoveries will bring forward some copies of the Leven and Melville, proving that contemporaries recognised its importance. Such a copy, or rather accommodation, I recognise in the miniature in the national museum in Florence, which Mr. Cust and Mr. Foster reproduce. The dress is changed, but the drawing of the face is the same, and the general outline of the ruff is preserved.[2]

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[1] The only reason for supposing that the original was done in France is that Mary did not own some of the jewels after she left France.—A. L.

[2] This miniature represents a fat, flat-faced, grey-haired woman with a bulbous nose!—A. L.

One word more will be of some use about the Gaignières portrait, a copy of which is at Buckingham Palace. To find it so named in Gaignières' album is a serious reason for believing its identity. A bad copy with such altered features that it becomes impossible to recognise the person painted in it, ought not to be expelled from a scientific iconography, on account of possible identifications for which it may become an assistance.

As for Jean Decourt, whose name comes so often in Mr. Foster's and Mr. Lang's studies, and about whom the latter discovered such precious mentions, it will not be needless to advise the learned reader that Jean Court called Vigier, enameller, ought not to be taken for the same person as that painter. A Limousin poet, Joachim Blanchon, has sung the praises of both, carefully distinguishing their names. It is true some confusion may arise because of the likeness of the names. Till further information we hold Jean de Court, enameller, represented in the Wallace collection, for the same with our Jean Decourt painter in oils to the king. But that gives us no right to extend the identity to Court called Vigier, who was nothing else but an enameller.

The latter worked for Mary Queen of Scots as well as our Decourt. What Jean Decourt executed for her will become some day an aim of interesting researches. I think his name has nothing to do either with the Leven and Melville, or (as far as can be judged from the photograph) with the Greystoke, representing Elisabeth of France Queen of Spain.

L. Dimier.

Scotland and the Papacy during the Great Schism

BEFORE the Reformation, Scotland was one of the most faithful daughters of the Roman Church, far less independent than France, and more submissive than England. It had, moreover, a period of separation from the latter country in its religious adherence, during the 'Great Schism,' when the Papacy was divided, and the Catholic world gave its obedience according to its conscience or profit to either of the Popes who ruled simultaneously; the one at Rome, and the other at Avignon.[1]

This—'The Great Schism'—arose from the Election at Rome in 1378 of a Pope as successor to Gregory XI., who by the exhortations of St. Catherine of Siena had quitted Avignon to take up his abode in Rome after the Papal exile. The Cardinals unquestionably elected Bartolommeo Prignano, a Neapolitan, who took the title of Urban VI.; but they made the Election in circumstances of much disorder, and afterwards protested they had done so only from force and fear. Still for three months they acknowledged him as Pope, and suffered his harsh rule; but when a favourable opportunity occurred later, and they found themselves at Fondi under the protection of the Count Honorat Gaetani, they threw off the mask, declared Urban's election null, entered into solemn conclave, and on September 20, 1378, elected as their rightful Pope, Robert of Geneva, brother of Amadeo, Count of Geneva, a strong young noble of 36, who took as his papal name that of Clement VII. After causing futile strife in Italy, of which he soon lost hold, he fled to France in 1379 and reigned over his Papal Court at Avignon, abandoning Rome to his rival, by whom, and ultimately by the Roman Church, he was styled Antipope.

The Western World was now forced to take sides with one or other claimant to the Papacy. The Empire, Hungary, Tuscany, Lombardy, Bohemia, Poland, Denmark, Sweden,

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[1] I have to thank the Bishop of Edinburgh for his kindness and suggestive help in regard to this paper.

Norway, and England recognised Urban VI.; as did the Count of Flanders, although he was himself a near relative of the Antipope Robert of Geneva.

The latter, however, had many adherents, his native Savoy, Naples, Lorraine and France. Scotland acknowledged him as well, either because France had sided for, or England against him. It flattered the Scottish national vanity at this time to trace the descent of their spiritual chief to one of their own princesses, Mary Countess of Boulogne, the daughter of King Malcolm Canmore and of St. Margaret his queen. The Spanish Kingdoms at first stood aloof, but between 1380 and 1390, by the clever advocacy of the legate of the Court of Avignon, Peter de Luna, who had been created Cardinal-deacon by Gregory XI., before the Schism, they also were brought within the obedience of Clement VII. and proved for long faithful adherents of the Antipopes.

The Schism had many effects, the chief of which was to turn men's thoughts to doubt the reality of the Papal headship of the Church. Another result was that it forced the Popes, who had to maintain not only their ecclesiastical state but also standing troops, to exact much money from the faithful and to use the whole machinery of the Church to help them to extort it. Pope Urban VI. died at Rome in October, 1389, but his death was far from ending the schism, as the cardinals of his creation at once elected Pietro Tomacelli, another Neapolitan, as Pope under the title of Boniface IX.

Worn out by the conflicts of the schism and disputes with the University of Paris, which though recognising him as Pope, kept clamouring for the union of the church, Clement VII. died, the last male of his race,[3] Sept. 16th, 1394. He had reigned at Avignon fifteen years, and during that time made thirty-four Cardinals. He ruled the countries in his obedience well and kept up the Papal office with dignity. The Exchequer Rolls show that King Robert III. of Scotland sent to him two special ambassadors in 1392, Master John de Mertoun, rector of Cambuslang, and Master Duncan Petit, Archdeacon of Whithorn, envoy to France. Scotland was from Argyll to Orkney, almost, though not quite, unwaveringly faithful, although the Roman Pope sent special preachers thither to further his cause,[4] and

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[3] His sister's son Imbert de Villars succeeded as Count of Geneva, until then a male fief. Dupuy's *Histoire du Schisme*, p. 253.

[4] Bellesheim, *Hist. of the Catholic Church in Scotland*, ii. 45-46.

Clement's register of Petitions shows that in early times at least certain English and Irish ecclesiastics[5] acknowledged his authority also. That the inconvenience of the dual papacy was great is shown by the granting at Avignon on October 2nd, 1379, of the petition of the Abbot and Convent of Cambuskenneth for confirmation of the patronage of the Church of Kilmarnock which narrates that the Register of Petitions is in the hands of 'Bartholomew (Urban VI.) the Intruded Pope,'[6] and the same year there was a dispute about the church of Tannadyce in the diocese of St. Andrews between two priests, Thomas Cornell and William Ramsey, who 'holds by letters of Bartholomew the Intruded Pope' and had held it 'for a year without being ordained priest.'

At this time the Antipope's authority, however, was withstood in the succession to the Abbacy of Lindores, the competitors being John Stele, whom the monks supported, and William de Angus, the Antipapal nominee. The latter petitioned Clement VII. for a faculty in 1380 to hear the confessions of persons regular and secular, clerical and lay, and to absolve them, even in cases reserved to the Apostolic See, and to enjoin penance, on account of mortality being rife in Scotland.[7] Stele and his adherents were excommunicated by the Antipope, but his nominee, William, left the monastery with three monks, failing to obtain possession and fearing evil treatment. Clement VII. wrote to the Bishops of Glasgow, Dunkeld, and Aberdeen to provide William with a Benedictine Monastery in despair of getting Lindores, and, after the unfortunate Postulant had with his three followers begged their bread for the space of two years, the Antipope assigned him a pension for his immediate relief of 20 pounds out of the Abbatial *mensa* of Dunfermline.[8]

On the other hand Clement VII. had a warm supporter in Walter Trail, Bishop of St. Andrews,

> Hic fuit Ecclesiae directa columna, fenestra
> Lucida, thuribulum redolens, campana sonora.

for he, when referendary at Avignon, had been appointed by the Antipope to the See Nov. 29, 1385.[9] It was on account of

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[5] See *Calendar of Papal Registers*, Petitions, i. 1378. John Passelewe, for a Canonry of Lincoln, Stephen de Lymington for a benefice in the Province of Canterbury, etc., and for the Roll of the Irish.

[6] *Ibid.* pp. 542-3.

[7] *Ibid.* p. 557.

[8] *Chartulary of Lindores.* App. iv. pp. 308-9.

[9] *Hierarchia Catholica Medii Aevi.* Conrad Eubel. p. 88.

Bishop Trail's adherence to the Antipope that the Roman Pope Urban VI. bestowed the Bishopric of St. Andrews upon Alexander de Neville, the deposed Archbishop of York; but this appointment was naturally disregarded by the Scots, as was a subsequent one by Pope Boniface IX. to Thomas Arundell, Archbishop of Canterbury when an exile from England. Archbishop Trail, moreover, survived until 1401 at St. Andrews, distinguished both by his virtues and his ability. In 1381, in accordance with the petition of Robert II. of Scotland, the Antipope granted a prayer, on behalf of Andrew Chaparal, of the diocese of Liége, for a canonry of Brechin, since he had lived 'so long in Scotland that he had learned to speak the language and who since Liége rebels against the Pope and the Roman Church proposes to live constantly in Scotland.'[10] We now see another result of the Schism, namely, the necessary flight of the Schismatics to countries where they were welcome, and about this time we notice many of the religious in Scotland bear English names,—for example, some among the Augustinean canons of St. Andrews,—and they, with many more, perhaps, were refugees for conscience sake. A contrary movement is perhaps shown by the letter in 1382 of King Richard II. of England to the University of Oxford, which orders toleration of the Scottish students there, notwithstanding their 'damnable adherence' to the Antipope. The Papal Schism, it is likely, was therefore not without some influence in Scottish education and, in the end, it may be furthered culture in the North, as it sent at least a few Antipapal fugitive monks to Scotland from England and the Continent, and a few of the Scots schismatics went southward as poor scholars with a certain amount of toleration to be educated at Oxford at a time when many Scottish benefices were still being ravaged and their churches destroyed, as the Papal petitions show but too well, by the English invaders.

One of the few Scottish Cardinals on the Papal Rolls we owe to Clement VII., as he advanced in 1381 Walter Wardlaw, Bishop of Glasgow, to that dignity.[11] In 1386 he was Papal legate in Scotland and Ireland, which indicates that Clement had by no means lost all recognition of his titular authority over the latter country. The 'Cardinal of Scotland' did not long enjoy this honour, as he died before November, 1387, when Pope Urban VI. unsuccessfully nominated John Framisden, a Friar Minor[12] to succeed him in his See and appealed to King Richard II. of England to institute him by force. His nephew Alexander Wardlaw succeeded him in the Archdeaconry of Argyll. His other nephew, Henry Wardlaw, then a Canon of Glasgow, became later the founder of St. Andrews University.

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[10] *Cal. P. R.* P. I. p. 559.

[11] *Keith*, 246.

[12] *Registrum Episcopatus Glasguensis*, I. xl. He was a suffragan of London, 1393, and of Sarum, 1396. (*Stubbs Reg. Sacr. Angl.* (2 Edit.) 197.)

In spite of the protests of the King of France and the University of Paris, the Cardinals at Avignon lost no time in electing a successor to the late Antipope. It was a condition precedent, however, that, if the union of the Church was probable in the future, he should be ready to resign the triple crown to promote it. Now Peter de Luna reaped the full results of his advocacy of Clement VII. In him the Electors saw an ideal candidate. He was ready, he said, to resign, 'as easily as I take off this hat,' if the future required that course, and his learning and decent life all pointed him out as fit for the Office. He was therefore elected Pope at Avignon by unanimous voice on September 28, 1394, taking the title of Benedict XIII.

The new Antipope belonged to a very distinguished family in Aragon, being the son of Juan Martin de Luna and Maria Perez Gotor, and his position was made the stronger by the marriage of his kinswoman Maria de Luna to Martin, King of Aragon. All the countries in the obedience of the late Antipope acknowledged him as Pope and at first France hailed his accession with acclamations. By 1398, however, France had revolted and had withdrawn its obedience from him. He was besieged in his papal Palace at Avignon in that year, but by the assistance of his brother, Roderigo de Luna, and his Spanish troops, a fierce defence was made and ultimately, in April, 1399, the King of France withdrew his forces. By 1402 the obedience of Provence was again rendered to him by Louis of Anjou, and on 28th May, 1403, King Charles VI. restored the French obedience to him also. But that the evils of the schism were more strongly felt is shown by the fact that, even in loyal Scotland, Parliament discussed and determined ecclesiastical questions itself instead of leaving them as formerly to Provincial Councils of the Clergy; and in 1401 Parliament, with the consent of the clergy, enacted that any person deeming himself unjustly excommunicated should appeal within forty days from his Bishop to the Conservator, then to the Provincial Council, where such questions should be decided as long as the Papal Schism should last, an important constitutional change which made Parliamentary and not clerical authority supreme in a *religious question*.[14] We find a curious instance of the grief that was felt in regard to the Schism when we read that from 1403 to 1413 an annuity of £5 was paid to the Bishop and Cathedral of Aberdeen for a Chaplain to celebrate Mass for the souls of King Robert III., his ancestors and successors 'quousque universalis ecclesia fuerit ad unitatem reducta.'[15]

In 1404, the Roman Pope Boniface IX. died, and Cardinal Migliorati was elected in his place as Innocent VII. There now began politic negotiations between the two Popes, but none of these came to any good. Benedict XIII. indeed made a show of attempting to negotiate, and even left Avignon (which he had fortified more strongly) for Genoa and then Savona. Innocent VII. died in 1406 and the negotiations were renewed with his successor Angelo Correr, Pope Gregory XII., and a conference at Savona was arranged, which, however, never took place. France and the University of Paris continued to threaten Benedict with the withdrawal of the French obedience. The King of France proclaimed his neutrality in May, 1408, and Benedict finding his position at Avignon no longer safe, fled thence to Porto Venere, whence on 15th June, with four of his Cardinals, he sailed to Roussillon, his native country, taking refuge at Perpignan,[16] and residing there in the Chateau royal, assigned to him by the faithful Martin, King of Aragon, issued a Summons for a General Council of the Church to assemble on November 1 in the *Eglise de la Real*. The object of this Council was to restore peace to the Church, in opposition to the Council of Pisa, which a number of the Cardinals of both Popes had convoked, but although it was attended by some 120 prelates it was unwilling or unable to effect anything.

The Council of Pisa, on the other hand, attended by twenty-two Cardinals and nearly ten thousand prelates, Doctors, and Ecclesiastics with their suites, deposed both popes on June 5, 1409, and elected as the new Pope a Greek, Peter Philargi, as Alexander V., who only survived for a year. He was followed by Baldassare Cossa as John XXIII., but the troubles of his reign forced the summoning of the Council of Constance in October, 1413,[17] to settle the affairs of troubled Christianity.

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[14] *Statuta Ecclesiae Scoticanae*, i. lxxviii.

[15] *Exch. Rolls*, iii. pp. 579, 606, 640, iv. pp. 31, 63, 92, 121, 154, 184.

[16] In the *Livre vert mineur* (fol. 358 r°.) is a Privilege of Benedict XIII., permitting the Perpignan authorities to imprison clerics, married or not, for debt. It is particularly interesting as the scribe has added to it besides the initial letters, the arms of the Pope and the head of a bearded old man, most probably his portrait. This is reproduced in Pierre Vidal's *Perpignan*, Paris, 1898.

During this interval of tumult we must see how Scotland fared. Unlike France, Scotland and Aragon remained steadfastly in the obedience of Benedict XIII. It was nothing to the former that France threw over the Antipope and that he was forced to flee from Avignon, the old Papal city,[18] to his Spanish dioceses, Scotland still regarded him as lawful Pope. So did Aragon, and his chief supporter there, his friend S. Vincent Ferrer of Valencia, was, as yet, a tower of strength to him. The Kingdom of Castille also clung to him, and the Kings of these 'schismatic' countries therefore received no notification from pope Alexander V. of his election.[19]

In 1405 Benedict XIII., without the election of the Chapter, who, however, did not oppose, promoted William de Lawder to the Bishopric of Glasgow.[20] In 1403 he had, despite the wish of the Priors and Canons of St. Andrews to elect Gilbert Greenlaw as their Bishop, appointed Henry Wardlaw to be Bishop of that diocese, and this wise, if arbitrary, appointment was to bear good fruit. In 1410 Bishop Wardlaw, no doubt seeing the sad plight of the Scottish Students—schismatics—at the foreign Universities,[21] founded in the City of St. Andrews the first University in Scotland, and the Establishment of this '*Studium Generale*' was petitioned by James King of Scots, Henry the Bishop, the Prior, Chapter and Archdeacon of St. Andrews 'with the Consent of the Three Estates of the realm' it was confirmed, 'for the faculties of theology, canon and civil law, medicine and the liberal arts,' with many special privileges by Pope Benedict in a Bull dated from his stronghold of Peñiscola, 28th August, 1413.[22] This bull was brought to St. Andrews from Spain by Henry de Ogilvy, Master of Arts,[23] on the Morrow of the Purification, 1413-1414, and next day being Sunday was laid before the Bishop, as Chancellor, and read to the assembled Clergy, with solemn religious Ceremonies, ringing of bells, and consequent feasting. It is interesting to note that memory of the connection between Scotland and the schismatic Pope is kept green in the Seal of St. Andrew University, which bears, besides the Shields of King James I. and Bishop Wardlaw, the arms (supported by 'two Nudes of the two Genders') of Benedict XIII., 'per fess, in the upper part a Crescent reversed,' the same as may be seen on the font which was presented by him to the Cathedral Church of Tortosa.[24]

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[17] At the sale of the MSS. in the collection of the Earl of Ashburnham in 1899 there was sold a folio 'Benedicti XIII. Antipapæ Testamentum, cum epistolis et scriptis variorum super magno schismate in Ecclesia Romana, inter Urbanum Papam VI. et Clementem VII. antipapam, eorumque successores.' The testament was dated the last day of Oct., 1412, and the collection evidently made by an adherent of the Antipopes. It is now in the *Bibliothèque Nationale* of Paris. [*1793, Nouvelles acquisitions du fonds latin.*] M. Delisle has mentioned it in the *Journal des Savants*, June, 1899, pp. 325-330.

[18] The papal troops held it however till 1411 under the Antipope's nephew Roderigo de Luna.

[19] *Histoire des Souverains Pontifices qui ont siégé à Avignon*, II. p. 355; par J. B. Joudou. Avignon, 1855.

[20] *Registrum Episcopatus Glasguensis*, I. xliv.-xlv.

[21] James I. of Scotland and the University of St. Andrews, by J. Maitland Anderson. *Scottish Historical Review*, No. 11. April, 1906.

Peñiscola in the diocese of Tortosa, where Benedict XIII. now chiefly resided after its owners, the Knights of Montesa had granted it to him, and from whence he governed his Kingdom of Scotland, merits a word of description. Situated between Tortosa and Valencia on an impregnable rocky peak jutting into the Mediterranean Sea, it is a Gibraltar in miniature. Strongly fortified, and in the Middle Ages almost unassailable, as it is difficult of access and has a plentiful spring of clear fresh water, it was successively a stronghold of the military order of the Templars, and on their suppression of the Knights of St. John and then of the order of Montesa, and it bears traces of their successive rule and occupation. The Papal Halls of Audience and fortifications remain as well, and give it the appearance of great strength and religious dignity, while the lowest walls and ramparts are those of the later Kings of All Spain, whose arms adorn them. Legends connected with Benedict XIII. are still told there. The traveller is shown the windows of the Papal

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[22] *Cal. of Papal Registers*, 'Petitions,' I. 600, 1.

[23] Henry de Ogilvy, of the Diocese of St. Andrews, M.A., obtained (Peñiscola, August 19th, 1413) a grant of the Canonry and Prebend of Tulynestyn in Aberdeen. He is dispensed as the illegitimate son of a baron and has collation of the Church of Enraritie in the diocese of St. Andrews. (*Cal. of Papal Registers*, 'Petitions,' I. p. 600).

[24] This coat appears also on the reliquaries and Church furniture given by Benedict XIII. to Saragossa. The arms on the portrait given as a frontispiece to Vol. II. of Fages' 'vie de S. Vincent Ferrier' (Paris) are different and probably of much later date.

Hall whence the dim eyes of the failing old pontiff were strained across the sea towards the coveted City of Rome. A secret staircase, said to issue into the sea through solid rock, is pointed out as the Pope's means of escape should he be threatened by enemies, and a curious cavern in the rocks through which the sea moans and from which it casts its spray is still known as 'El bufadór del Papa Luna.'

Circumstances, however, drew Benedict once more from his seclusion at Peñiscola. The Council of Constance proceeded apace and gained in power. In 1415 it deposed the reigning pope, John XXII., and then brooked no opposition. Backed by the Emperor Sigismund, the Council continued to grow, and the Emperor, to show his zeal for the Union of the Church, proposed in 1415 a meeting at Perpignan between himself, Benedict XIII., and Ferdinand of Aragon, the chief supporter of the latter. This was really an extraordinary step for the times, even when the resignation of a Pope depended on it. Sigismund started from Constance with a train of 4000 men, amongst whom were many prelates, and directed his route towards the meeting place. At Narbonne, however, he found a letter saying that the King of Aragon had fallen ill, and he was implored to remain there. During this interval the astute Benedict XIII., who had obeyed the summons to come to Perpignan, dwelt quietly there until the 30th of June, when he quitted the town secretly, and at the same time he complained of the breach of faith and contumacy of the Emperor.

When Ferdinand's health improved, the Emperor proceeded to Perpignan and there met him and was joined by the Ambassadors of Scotland,[25] Castille, and Navarre, for the Conference. Benedict now demanded a Safe Conduct before he would return, and wished to dictate his terms in regard to the Project of Union. He would, he said, assemble a general Council to confirm him as Pope, then he would resign, reserving to himself legatine powers over all his obedience. Summoned again to Perpignan, however, these stipulations having been definitely refused, he was lodged in the Convent of S. François while the Emperor held his court in the House of the '*Déptutation*,' and news of his arrival was then transmitted to the Council of Constance.

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[25] Creighton's *Hist. of the Papacy*, i. 364. I have not been able to find out who was the Scottish ambassador. In the Exchequer rolls (iv. p. 163) we find that in 1412 there is paid ccxxxvj Li to D^{ns} Walter Stewart, Mr. John Gray and John de Leth, sent on an embassy to the King of France and the Roman Curia, but that was three years before. Walter Stewart, brother to Robert Duke of Albany, a student of Avignon, obtained from Benedict XIII. a grant of the Deanery of Glasgow in 1418. He seems to have again gone abroad, if he is the canon of Glasgow of the same name who was a student at Cologne and had a safe conduct to Scotland, in March, 1424-5. (*Cal. of Documents relating to Scotland*, iv. p. 200.)

All was in vain. In spite of the pleadings of S. Vincent Ferrer, who on his failure now left his former allegiance, and preached in favour of the united Papacy; the aged Pontiff declared himself to be the only true Pope, and, if he resigned, that he, as the sole living cardinal created before the Schism, had alone the right of nominating a new Pope; and also that he was resolved to maintain his rights to his death. Upon this final ultimatum Ferdinand withdrew to Narbonne, followed by the Ambassadors of Scotland and the Spanish Kingdoms, and though he waited there at the prayer of the King of Aragon, the latter could make no terms with the inflexible old man, who terminated the negotiations, fearing seizure of his person, by fleeing from Collioure to Peñiscola, where, fortified in his peninsular capital, he wrote denunciatory letters to the chief persons of the countries of his former obedience and to the Council of Constance. But the only result was that the Articles of Narbonne were signed on 13th December, 1415, and that the Spaniards later joined the Great Council, and in this way Scotland was at last the sole country which acknowledged him as Pope.

During these years the petitions from Scotland to the Pope are as numerous as ever, and from his 'Roman Court' at S. Matthew, in the diocese of Tortosa, Barcelona, Valencia, Perpignan and Peñiscola he dated Bulls granting and refusing them with no diminution of authority and dignity. In 1414 the Monastery of St. Mary's Lindores prayed that it might appropriate the Church of Crech as it had 'had its buildings ruined and its rents diminished by reason of its nearness to the wild (silvestrium) Scots.' We notice that in 1415 Henry, Bishop of St. Andrews, was still a firm adherent of the Antipope, as he petitions him for a Canonry and Prebend and the deanery of Glasgow for his nephew, George de Hawdaen, of noble birth, rector of Ratho, M.A.,[26] and for three years a student of theology. But the Antipope, it seems, did not help at all to redress the real abuses of the church, for in 1416 we find him granting to Alan Stewart, nephew of the Governor of the realm of Scotland, and son of the Earl of Athol and Caithness, the Canonry and Prebend of Menmuir in Dunkeld, value £20, though he is illegitimate and twelve years of age.[27]

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[26] *Cal. of Papal Registers*, Petitions, I. 604.

But although Scotland was steadfast in its allegiance as a whole, the obedience to the Antipope was not absolutely universal. Thus we find in 1411 there was a dispute for the Augustinian Hospital of St. German of the Star of Jerusalem 'wont to be given by the Bishops of Bethlehem to Clerks bearing the Red Cross,' in which Henry de Ramsay succeeded in ousting one Roger de Edinburgh, who had obtained possession, though 'a notorious schismatic.'[28] And, again, in the following year the Antipope had trouble in obtaining the Priory of the Hospital of Torphichen for Alexander de Lichton, Hospitaller, as the administration of its fruits was in the hands of a schismatic Philibert de Nerlhaco, formerly master of Rhodes, from whom it had been snatched for John de Benyng.[29] That the Antipope did not forget or forgive his enemies in the schism we know also by the grant in 1417 to Richard de Creyth, Precentor of Moray, of the plurality of the Canonry of Bethre in Dunkeld, void by the death of 'Master Alexander Trayll, Member of the Household of G. Bishop of Palestrina, of cursed memory.'[30]

The Council of Constance, stronger than ever, continued to work for the Union of the Church, but the pretensions of Benedict were still in its way. The Council therefore, after solemn deliberation on November 28, 1416, cited him to appear before them. This citation was carried to Peñiscola by two monks of the order of S. Benedict. After the toilsome journey, they were received at the Palace gate by the nephew of the Pope with two hundred guards, well armed, and these accompanied them until they were admitted into the great hall at Peñiscola overlooking the sea, where they found the aged Antipope seated tranquilly in state surrounded by three Cardinals, some Bishops and many priests, and a court of two or three hundred persons of both sexes. The Pope seeing the black monks muttered 'Here are the Crows of the Council. It is no wonder, since Crows gather round a dead body,' but when they read the citation to him his old spirit and vigour returned and he proudly said, 'It is not at Constance that the Church is, it is here in Peñiscola.' He refused to send an answer to the Council, which he denounced as heretical, and striking his Papal Chair, said, 'This is the Ark of Noe.' The Monks, in despair, were forced to return to Constance, where they made a report of their journey on March 10th, 1417, and the Council thereupon pronounced on April 1st that Benedict was guilty of contumacy. On July 26th he was again cited, and again declared contumacious, and he was solemnly deposed by the Council from the Papacy as a hinderer of the Union of the Church, as one perjured by his unfulfilled oath to resign, and, lastly, as a heretic. This being, in their view, accomplished, the Council, having now deposed two Popes, proceeded to the election of yet another. Accordingly, on 11th November, 1417, Oddo Colonna was elected to the Papacy by the Council of Constance, and on his elevation reigned with the title of Martin V.

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[27] *Cal. of Papal Registers*, Petitions, I. p. 605.

[28] *Ibid.* p. 639, and also p. 599. [29] *Ibid.* p. 598. [30] *Ibid.* p. 607.

For some time in spite of this change of position, Benedict XIII., abandoned by the rest of the world, retained the full obedience of Scotland. Robert, Duke of Albany, Regent of Scotland, was favourable to him perhaps because, as the St. Andrew's Statute Book shows, the fear of Lollardy and heresy was growing in Scotland, yet in spite of this the toils were closing round the Antipope. The new Pope Martin V. in 1418 deputed two Ecclesiastics, one of whom was Finlay, Provincial of the Dominicans in Scotland,[31] to withdraw Scotland from its Obedience to Benedict, and the result was that a General Council of the Three Estates of the Realm was for this purpose held at Perth in October, 1418.

The Abbot of Pontigny, who was a delegate from the Council of Constance, had (perhaps previously) spoken eloquently before the Regent and the Three Estates to join the Council, and his cause was backed up by a letter of the Emperor Sigismund. The Regent still wished to adhere to the Antipope, and appointed his envoy, a learned Minorite Friar, Robert Harding—an Englishman, be it noticed,—to defend his cause. The students of the newly founded University of St. Andrews, however, even though their University owed its foundation to Benedict XIII., clamoured for union with the whole body of Western Christendom and renounced their Obedience to him at an Assembly held at St. Leonards 9th August, 1418, but they postponed the public withdrawal of their Obedience on account of their regard for the Regent until the decision of the General Council.

[31] Bellesheim, ii. 69. He was appointed to the See of Argyll by Pope Martin V. in 1420 [Eubel's *Hierarchia* before cited, p. 251] probably as a reward for this service. Bellesheim quotes Raynald as saying that Griffin, Bishop of Rochester, was sent with him; but there was no Bishop of that name until 1554, so that another delegate must be intended, if two were sent.

This General Council[32] was held at Perth on October 2 or 3, 1418, and ended by withdrawing the Obedience of all Scotland from Benedict. The pleadings of Harding had been refuted by the zeal of John Fogo, afterwards Abbot of Melrose, supported by the fulminations of the new Pope, and as the antagonist Harding died suddenly, ('venit mors naturalis super eum in Lanark,') 'the matter ended,' and Scotland submitted to Martin V. without more open opposition.

But some Scots, not only Clergy (who as Ecclesiastics perhaps did not recognise the Decree of the General Council as binding on them) but Laity, some from interest only but others apparently from affection, remained faithful. In 1418 a petition is granted from Peñiscola, December 9th, to John Lithstare, bachelor of Canon law; but he must, we fear, be included among the self-seekers. His petition begs 'for absolution rehabilitation and dispensation.' He had in ignorance of his appointment by the Pope (Benedict) to the Priory of St. Andrews procured the election of James de Haldeston to the same, and by order of the Chapter came with James to the pretended Court of the Intruder called 'Martin,' to whom he paid Obedience and reverence, and on his return found at Bruges the Papal (antipapal) letter of appointments, whereupon, coming to himself, he wept bitterly and knew not what to do to make amends for his ingratitude and grave offence, wherefore he now prostrates himself before the Pope, saying, 'God be merciful to me a Sinner,' any papal constitutions and an ordinance made by the Duke of Albany touching the assent of some prelates, princes and barons of the realm of Scotland, in which it is said that none of that realm shall obtain grants from the Intruder notwithstanding.[33] It is rather satisfactory to find that his rival Haldeston succeeded in retaining the Priory, and that his appointment by Pope Martin V. was confirmed by the Canons and (this is noticeable as well), by the Three Estates of the Realm. On 8th December of the same year Pope Benedict XIII.[34], *proprio motu*, as a result deprived Haldeston of a pension of 200 gold *scudi* granted him out of the fruits of the Priory of St. Andrews, 'as it appears that he is a schismatic and adherent of Otto de Colonna, who calls himself Martin V.'

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[32] The dates in Bower are confused and misleading.

[33] *Cal. of Papal Reg.* Petitions, i. 609. One would be glad of more light upon this Ordinance.

[34] *Ibid.* p. 611.

But all Scots were not so self-seeking, and amongst the petitions granted by Benedict XIII. after the decision of the Scottish General Council are some of the royal family itself.

On December 23, 1418, the Antipope granted from Peñiscola a petition of John Stewart, Knight, Lord of Lorn, kinsman to Robert, Duke of Albany, and Isabella his wife, 'for a plenary indulgence at the hour of death, for license to choose a confessor and for a portable Altar.' At the same time Walter Stewart, Dean of Glasgow,[35] of the blood royal, David and John Stewart of the royal family, also received dispensations. Stranger still, Henry Wardlaw, Bishop of St. Andrews, received [36] on the same date renewed dispensing faculties, and his nephew, Alexander de Newton, figures as well in a petition to Peñiscola. It is difficult, therefore, to say when the Dioceses of Scotland finally renounced all allegiance, from spiritual as well as temporal reasons, to their late spiritual head and bowed the knee to Martin V.

Of a similar innocent nature are the last Scottish petitions [37] which reached Benedict XIII. at Peñiscola in the beginning of the next year, after the Obedience of Scotland had been withdrawn; yet to receive the same must have cheered the failing hope of the aged Pontiff. He granted four petitions on 1st Jan., 1419, one to Thomas de Hay, of a prebend in the diocese of Glasgow, and one to Robert 'Juvenis,' eldest son of George Earl of March, and Archpriest of the Collegiate Church of Dunbar, of the perpetual vicarage of Ederham. Another petition was granted to William Forster, Esquire, and Agnes Sandson, of the diocese of St. Andrews, to legitimate their marriage, though related in the third degree, and yet another, for a dispensation to hold an additional benefice, to Nicholas Inglys, rector of Frederesolk, in the diocese of St. Andrews, M.A., of Noble birth and (this is curious) nephew of Henry (Wardlaw), Bishop of St. Andrews (who had by this time submitted to Pope Martin V., though, as we have seen, he received faculties from Benedict XIII. as late as December 23, 1418.) Although Benedict XIII. still hoped for the restoration of the Obedience of Aragon (for two Spanish Cardinals, Julian Lobéra, and Dominique de Bonnefoi, a Carthusian, remained faithful, and its King Alfonso V. certainly still coquetted with him,) no power outside Peñiscola itself now remained to him. He reigned in that rocky fortress, however, with unabated pride as Pope until he died in extreme old age, though not without suspicion of poison, in 1424, being regarded as a Saint by his followers, who alleged that his body[38] (which was entombed in his Papal Chapel and six years later transported to Igluera—Illueca—in Aragon, the seat of the Luna family[39]) was redolent with a sweet odour, which belief in his sanctity, however, a hostile chronicle says was owing 'mas por aficion que con verdad.' He attempted to embarrass Pope Martin by extorting a promise from his four cardinals to elect a new pope, and two of them, Julian Lobéra and Dominique de Bonnefoi, obeyed his will, electing in his place Gil Sanchez Munoz, Canon of Barcelona. He took the title of Clement VIII., but even his election led to a further schism, as another of the antipapal Cardinals, Jean Carrier at Tourène in Roûerque, not having received sufficient invitation to this Conclave, elected as his own nominee a phantom pope Benedict XIV. (Bernard Garnier), under the support of the Court of Armagnac,[40] who addressed a question to Jeanne d'Arc, no doubt as a Holy person, to know if he was the lawful Pontiff. As he was unsupported after his Coronation by any power, Spanish or Scottish, Clement VIII. soon found his meagre papacy untenable, and he therefore submitted to Martin V., resigning all claims to the Popedom in 1429, and receiving instead the Bishopric of Majorca. His two Cardinal-Electors, however, still held out firmly against the now generally acknowledged Pope, and the latter thought that he was only able to make the tranquillity of the Church secure by incarcerating them for life. Thus by their unwavering consistency, itself worthy of the inflexible Benedict XIII., whom Scotland had so long venerated, they gained for themselves not only no authority or recognition, but only the 'tres dures prisons . . . où ils moururent de deplaisir et de misère.'[41]

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[35] *Cal. of Pap. Reg.* Petitions, i. p. 612. [36] *Ibid.* [37] *Ibid.*

A. Francis Steuart.

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[38] *Mariana*, ii. 313. Cit. Robertson's *History of the Christian Church*, viii. 9.

[39] Tessier's *Histoire des Souverains Pontifs*, p. 470. The shrine built over the Antipopes' tomb at Illueca bears his arms with the crescent and the Papal Keys between its horns, but no Papal Tiara. His tomb was violated by the French in 1811, but his head is still preserved at Savagnan. Sir Rowand Anderson presented a cast of it to the University of St. Andrews.

[40] This Benedict XIV. died 'après avoir gagné quelque partisans dans le midi,' and on his death Jean Carrier took his place and name, and refusing to retract, died in a prison in Foix in 1433. (*Le Grand Schisme d'Occident*, p. 370, par L. Salembier, Paris, 1902.)

[41] Dupuy's *L'histoire du Schisme*, 408.

A Contract of Mutual Friendship in the '45

THE relations and negotiations of the rebel chiefs of the '15 and the '45 have properly received much attention from a number of writers on Scottish History; those of the loyalists are not less interesting and illustrative of the times.

The advent of the year 1745 found quarrels existing between the loyalist lords of the extreme north of Scotland—the Earl of Sutherland and the Lord Reay. The Lord Advocate of the day (Craigie of Glendoick) attributed their dissensions principally to their differences at parliamentary elections. It is possible that other influences were at work. The Dowager Countess of Sutherland declared that Lord Reay was a 'very cuning man,' and she certainly, and a number of the Earl's real or affected friends were much vexed at the reconciliation between them which followed. But whatever the causes of the dissensions were, the Government was seriously concerned at the discord which existed between two chiefs whose co-operation with each other in the service of King George was so certain to be required, no one knew how soon.

The steps by which the reconciliation was attained were, according to the late Sir William Fraser, initiated by the Earl (*Sutherland Book*, i. 403). In the July of that year, the Earl, he says, sent Major Hugh Mackay to Tongue on a friendly mission to Lord Reay. The Major reported to the Earl by letter that Lord Reay's sentiments to him were most friendly, 'that he had the heartiest disposition to serve the Earl and his family's real interests on terms equal, honest and honourable on both sides; and that, while regretting they were hindered from doing so for some time past, he was now well pleased that the Earl was disposed to allow them to serve him.' (*Sutherland Book*, i. 403, citing Letter 15 July, 1745, Sutherland Charter Chest).

This letter accurately represents Lord Reay's sentiments. Lord Reay, however, had already taken the initial step by addressing a letter to the Earl in the same strain; and had received from him a friendly reply. Lord Reay's letter, dated 1 July, 1745, is printed in vol. ii. of the *Sutherland Book*, p. 252. He explains that, considering his loyalty and friendship with the Earl's father and grandfather, he had expected to have shared in their descendant's friendship and confidence as well. The blame of their estrangement he throws on the Earl. He was ready and anxious, however, to bury all differences in oblivion, and had gone so far as to frame certain proposals which, he thought, were equal and honourable to both parties, and which his son George would present whenever the Earl pleased.

For a copy of the Earl's reply, we are now indebted to Mr. P. W. Campbell, W.S., Principal Clerk of Session.

LETTER—THE EARL OF SUTHERLAND TO LORD REAY.

My Lord,

I have the Honour of your Lordship's letter of date the first current, setting forth the reasons why I have not for some years past shar'd in your Lordship's friendship, equallie with my Grandfather and Father, and as I had done myself formerlie; And at the same time desireing an oblivion of past differences and also acquainting me that your Lordship had proposeals readie for my peruseal, as the basis of a reconciliation and lasting friendship, and such as are equallie honourable, and for the interest of both our Families. Your son Mr George who you tell me has these Proposeals, shall be welcome here, and if I find the Terms equall and honourable for both of us, I shall agree that mutual confidence take place of any Differences that might formerlie have subsisted, and I shall have the pleasure of your Lordship's friendship, which I shall value and endeavour to cultivate by all suiteable returns in my power as my Grandfather and Father did.

I am, My Lord,

Your Lordship's most humble Servt.,

'SUTHERLAND.'

Dunrobin, 6th July, 1745.

It was nine days after this that Major Mackay wrote his report of his visit to Tongue, above-mentioned.

The result of these negotiations was a contract of mutual friendship and for mutual action between the Earl and Baron, dated before the expiry of the month. For the terms of the Contract also we are indebted to Mr. Campbell.

CONTRACT OF MUTUAL FRIENDSHIP BETWIXT THE EARL OF SUTHERLAND AND LORD REAY.

AT TONGUE and DUNROBIN the Eighteenth and Twenty Sixth days of July Seventeen hundred and forty five years, It is mutually agreed and condescended upon betwixt the Parties following, vizt., The Right Honourable William Earl of Sutherland ON THE ONE PART, and the Right honourable GEORGE LORD REAY, ON THE OTHER PART, As follows, That is to say, FORASMUCHAS some differences and disputes have arisen between us to our mutual lesion and prejudice, on occasion of the late Election of Members to serve in Parliament for the Shire of Sutherland, and for the District of Northern Burrows; AND NOW SEEING We are on both parts very sensible that the honour and interest of both our families will be better promoted and secured by our acting in concert and mutual agreement, than by our pursuing opposite or separate political courses, AND CONSIDERING ESPECIALLY how highly necessary it is that there should be a firm union and confidence between our families in the event of any public disturbance by an Invasion or Rebellion, either or both of which calamities there are but too just grounds to apprehend from the restless malice of foreign and domestic enemies in the present critical conjucture of the affairs of Europe, THEREFORE and to secure our acting with mutual harmony and uniting the whole strength of both our families and adherents, so as to be able in any public danger to render the more considerable and effectual service to his present Majesty King George the Second, for supporting the succession in the Protestant Line of his most illustrious house, and for securing the present happy Establishment in Church and State, and for defeating the designs of his Majesty's enemies both open and secret, We do for these and many other weighty considerations Mutually agree and by the sacred tie and pledge of our word and honour on both sides BIND AND OBLIGE ourselves and our families and friends and followers to each other in manner and to the effect aftermentioned To Wit PRIMO, That from henceforth we shall bury in everlasting oblivion all differences and misunderstandings that may have unhappily taken place between us before the date of these presents and we promise from and after this date to cultivate a firm and inviolable friendship for the mutual support of the honour and interest of both our families for the future in conjunction with the defence of the present Government in Church and State, And in order to perpetuate such mutual friendship we do agree and promise to each other That in the event of any jealousies or differences arising for the future betwixt us or our successors and families from whatever cause or occasion, and on whatever points of honour or interest, that in such case neither party shall act upon surmise and suspicion to the prejudice of the other, but on the contrary that the party thinking himself aggrieved shall communicate the whole matter of his jealousy to the other, and that both parties sincerely endeavour to have all suspicions of one another and all differences removed in the way of friendly communing and correspondence, and if any difference shall happen to subsist and that method of removing it is attempted in vain, that then it shall be submitted to the arbitration of friends hinc inde. SECUNDO Whereas by an Act of Parliament Anno Primo Regis Georgii primi Entituled an Act for the more Effectual Securing the peace in the Highlands of Scotland, We the said George Lord Reay are freed from all services commonly called personal attendance, hosting, watching, warding, etc., that were formerly due and prestable by us to the Family of Sutherland by virtue of our Charters from them, YET CONSIDERING That in the event of any public disturbance the said Noble Earl and We with our vassals and tenants and adherents would be in condition to render more considerable service to his present Majesty, as well as better promote and secure the mutual interest of both our families, by acting in concert and agreement with one another than by taking separate measures in the prosecution of those ends as is above observed, THEREFORE WE, the said George Lord Reay do by these presents bind and oblige ourselves and successors, that in the events above mentioned, we shall raise all our vassals and tenants and others capable to bear arms on our estate, and employ them in conjunction with the said Noble Earl, and his successors and their other vassals and friends and tenants and adherents for the defence of His Majesty, King George the Second and his successors and the present Establishment in Church and State and for the mutual defence and support of both the families of Sutherland and Reay, and our several properties and legal interests, TERTIO, It is mutually agreed upon by us the said William Earl of Sutherland and George Lord Reay, and we solemnly promise one to another for ourselves and for our successors and our friends and adherents, that we shall employ our influence and use our best endeavours in all future elections of Representatives in Parliament in the way of mutual concert and agreement among ourselves so as best to answer the foresaid ends of promoting and securing the mutual interest of both our families in conjunction with our duty to His Majesty and successors and our subserviency to the present Establishment in Church and State IN TESTIMONY WHEREOF both parties have subscribed these presents at the places and times after written Before these witnesses rexive vizt., To the subscription of us the said George Lord Reay at Tongue the said Eighteenth day of July and year foresaid Major Hugh Mackay of General Ogilthorp's Regiment, Master George Mackay our second lawful son and Mr James Gilchrist Minister of Thurso, writer hereof, witnesses also to the subscription to the marginal note on page third: And to the subscription of us the said Earl of Sutherland at Dunrobin the said Twenty sixth day of July and year foresaid the said Major Hugh Mackay and Mr James Gilchrist, witnesses also to his Lordship's subscribing the marginal note on the preceding page.

(Sgd.) Hugh Mackay, Witness
" Geo. Mackay, Witness
" Jam. Gilchrist, Witness
" Hugh Mackay, Witness
" Jam. Gilchrist, Witness

(Sgd.) SUTHERLAND.
" REAY.

Before the Contract was concluded, the Earl had a letter from the Lord Advocate—'I received with much pleasure the account you send me of the thorow reconciliation between your Lordship and the Lord Rae . . . at the same time I hope you'l forgive me to observe that I do not think it was quite proper that your aggreement touching the elections shou'd have been reduced into writeing especially in the way of contract.' (22 Aug., 1745, *Sutherland Book*, ii. 253). It was possibly this same provision which offended some of the Earl's friends.

Lord Reay on 24 August writes again to him—'I reckon the many letters your lordship is pleased to acquaint me you get against your joining in friendship with me a double tye on me to exert myself all in my power on every occasion to make you as easy as I can, to convince you of my sincerity and readyness to support your honour and interest, and thereby to shew others how far they are mistaken, for your lordship will still find me your fast friend' (*Sutherland Book*, ii. 254).

J. H. STEVENSON.

Ancient Legend and Modern Poetry in Ireland[1]

IN literature as in politics Ireland at present has the cry. Persuaded by the seeming calm which has succeeded a century's storms, the passionate nationalism, generated in long and bitter conflict, is at last finding an expression wherein art, still true to its inspiration, is civilising the fierceness of its Celtic loyalty and veiling the angularities of politics under a cover of imagination. To the poets of 'The Nation' have succeeded Mr. Yeats and Lady Gregory with their fellow-workers in lyric, drama and Celtic scholarship. At last the Irish nation may cease to lament the absenteeism of her sons and daughters of genius, and English critics, however hostile, must recognise the existence of a school in literature, individual and enthusiastic, definite in its objects and daring in its experiments. It will probably be by virtue of this daring that the alien critic will be first impressed, for the ventures of the school have already raised most exciting problems on the theory and practice of literature. Is it possible to recall to life and nervous energy a language made in and for an earlier age? May any national school actually succeed in opposing the entrance of alien intellectual influences? Has Ireland the material in dramatic professionalism and popular interest for the creation of a national theatre?

Among these questions, all of them the result of a movement intensely national and therefore essentially conservative, there has arisen one of deep and far-reaching importance, the relation between the legends and folk-lore of a people and its modern imagination. For England, the matter has remained quiescent, partly because her middle and renascent past has so completely overshadowed the most ancient days, partly because one great modern artist in folk-lore wrote himself down ironically as the follower of a less excellent fashion, 'the idle singer of an empty day.' But if Mr. Yeats is in any sense representative, the Irish poets claim something infinitely more decisive for their readings and reinterpretations of the past. In his most personal and charming volume of essays, *Ideas of Good and Evil*, Mr. Yeats has expounded what may not unfairly be called a national literary system in which ancient legend holds a foremost place. Poetry, we are told, if it is to be vital, must connect itself with the people; not, however, with 'the middle class of people who have unlearned the unwritten tradition which binds the unlettered, so long as they are masters of themselves, to the beginning of time, and who have not learned the written tradition which has been established upon the unwritten,'[1] but with the folk, still living in old pagan dreams and fenced round with immemorial fears. 'I admit' writes Mr. Yeats in an essay on 'Ireland and the Arts' 'that even when I see an old subject written of or painted in a new way, I am yet jealous for Cuchulain and for Baile and Aillin and for those grey mountains that still are lacking their celebration'; and again with greater definiteness in 'The Celtic Element in Literature': 'I say that literature dwindles to a mere chronicle of circumstance or passionless phantasies and passionless meditations unless it be constantly flooded with the passions and beliefs of ancient times, and that of all the fountains of the passions and beliefs of ancient times in Europe, the Sclavonic, the Finnish, the Scandinavian and the Celtic, the Celtic alone has been for centuries close to the main river of European literature.'[2] One more quotation will suffice to complete the position: 'And now a new fountain of legends, and, as I think, a more abundant fountain than any in Europe is being opened, the great fountain of Gaelic legends . . . . The Celtic movement, as I understand it, is principally the opening of this fountain, and none can measure of how great importance it may be to coming times, for every new fountain of legends is a new intoxication for the imagination of the world.'[3]

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[1] Lady Gregory: *Cuchulain of Muirthemne.* John Murray. 1902.
Lady Gregory: *Gods and Fighting Men.* John Murray. 1904.
W. B. Yeats: *Poems,* 1895. *New Edition.* T. Fisher Unwin. 1904.
W. B. Yeats: *Poems* (1899-1905). A. H. Bullen. 1906.
W. B. Yeats: *Ideas of Good and Evil.* A. H. Bullen. 1903.
A. E.: *The Divine Vision.* With certain other volumes.

What this new fountain of legends is, happily even the wayfarer may comprehend. The days of neglect in Celtic lore, which Matthew Arnold had reason to lament, are now over. For fifty years German, French and Irish scholars have been at work, tale after tale of a legendary world formerly only dimly realised, has been unfolded, and now of late, in the quaint charm of Lady Gregory's Irish-English, the public may grow familiar with the ancient myths of Irish paganism and the lives and deaths of Irish heroes. Nor can one question the extraordinary interest of the material thus made generally known. It is no mundane story like that of Troy where men and women live vividly before us and where the Gods have been civilised into human vices and virtues; it is certainly no medley of ancient fact dimly discerned through mediæval religious mysticism such as one finds in the Grail legend; it has little of the blunt forceful heroism which seems to have reduced the supernatural in Beowulf to a dragon and two inhuman monsters. The Gods of this Irish world, the Tuatha de Danaan, have the waywardness, the colour, the capacity for instant transition from evasive shadow to concrete reality, which mark the creatures of an unaffected primæval imagination labouring in the unseen. Angus Og, with his beauty and his music and the birds flitting about his head; the Dagda, Red man of all knowledge, absurd, ingenious, half God, half Caliban; potent spirits like the Queen of Battle, feared, yet as much for their inhuman humanity as for their divinity, take us to a past remoter than that to which Greece and Rome has accustomed us. They are suggestive of the individual and positive fears and reverences of a very early people, and create in the modern mind a blending of the interest attaching to rude barbaric ways of life and the awe with which we view the terrific imaginations produced by primitive religious horror. And in the world not ruled but invaded by these powers, now pleasantly poetic, now direful, heroes play their part amid adventures pre-epic in their vastness. For Ireland, the demigod who dignifies the humanity he only half shares, is no man Beowulf, but a fellow of the Gods, Cuchulain. His birth resembles that of some Zeus-born hero, except that the parent God's magic form—a mayfly in a cup of wine—has in it nothing Hellenic but comes from a darker pagan world. His boyhood and youth afford in strange juxtaposition a very earthly aptitude for games at ball, stick and dart, or rough tests of boyish force, and superhuman capacities, strength beyond that of men and wisdom dark with early riddle mysteries. 'He had the gift of caution in fighting until such time as his anger would come on him and the hero light would shine about his head; the gift of feats, the gift of chess-playing, the gift of draught-playing, the gift of counting, the gift of divining, the gift of right judgment, the gift of beauty.'[1] At once transcending and falling below the mean of human heroism, he stands out as some huge boy hero-deity, great in simplicity and in the dark magic of his supernatural gifts. The tasks of his life, which constitute the great Cuchulain cycle, present the same picture of superhuman, childish power: his converse in friendship and wooing with the Irish Gods, his defence, single handed, against great armies reinforced by supernatural powers, the feasts, vast and splendid, of Gods and men. His weapons have magic powers that none can resist, his comradeship is one in feelings not recognisably human; the tragedy of his life connects itself with one of the ancientest motives in the world, the unholy conflict of father and son, with a mutual recognition after the death wound has been inflicted, and his death shares the uncouth energy and terror of his life. Held by delusions, cast on him to stave off his wild wrath, he is overcome not by man or even God but by nature.

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[1] *Ideas of Good and Evil*, p. 96. [2] *Ibid.* p. 290.

[3] *Ibid.* p. 293.

> 'In three days' time Cuchulain with a moan
> Stood up and came to the long sands alone.
> For four days warred he with the bitter tide,
> And the waves flowed above him, and he died.'

So strange and vast a figure cannot but dominate the minds of those who concern themselves with ancient things; it is time that he became a familiar figure in the eclectic hero-world of modern civilisation.

Round this hero cycle and in continuation of it, the early Irish imagination has created stories hardly second to it in weirdness, and sometimes greater in human interest. In Mr. Yeats' enthusiastic words, there are 'the tale of Deirdre, who alone among the women who have set men mad was at once the white flame and the red flame, wisdom and loveliness; the tale of the Sons of Tuireann, with its unintelligible mysteries, an old Grail Quest as I think; the tale of the four children changed into four swans, and lamenting over many waters; the tale of the flight of Grainne with Diarmuid, strangest of all tales of the fickleness of woman, and the tale of the coming of Oisin out of faeryland, and of his memories and lamentations.'[2] Out of all these, one at least, the tragedy of Deirdre's love and prophecies and fate, fires the imagination as hardly even Helen's story does, while in the wars and huntings of the Fianna there comes a wind from out the early centuries, full of freshness and boldness and crude nobility. It is true indeed that here, for whatever purpose it may be, there is a storehouse rich beyond any but a nation's wealth, a source of infinite pleasure to those fitted to take delight therein.

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[1] *Cuchulain of Muirthemne*, p. 21.

[2] *Ideas of Good and Evil*, p. 292.

Problems arise only when we are invited to regard this as the foundation and chief subject-matter of a great school of modern poetry. At once we are confronted with two vital questions. Of what nature is the appeal made by these ancient stories to the modern mind? How may that interest, whatever its nature be, find adequate imaginative record?

To the first psychological analysis returns an abundant answer. For modern readers, these ancient stories come with a threefold appeal. They furnish to minds sick with the weariness, the fever and the fret of our day, the bracing atmosphere of a simple, brutally frank acceptance of life. Wherever, to-day, great centres of learning or business have been established, there little groups of men are finding refuge from themselves in the boyhood of the world. A salt tang from off the sea makes inland readers of Beowulf forget the closeness of the city street; the clash of arms, the very cool circumstance in murder, of Icelandic sagas, sweeps the cloistered student from the quiet monotony of his learning. And in these Irish legends too the call comes home to us from every page. The colours and sounds of the world the heroes live in, strike on our tamed senses with surprise. Even common description thrills with colour. 'Who is that sweet-worded man,' asks Grania concerning Diarmuid, 'with the dark hair and cheeks like the rowan berry'; and to picture the glories of Tir na-n-og the keenest impressions of every sense are culled and brought together. It is a land where trees stoop down with fruit and leaves and blossom; a land flowing with wine and honey; glittering with silver, gold and jewels; where precious silk, and horses and hounds are to be had for the asking. 'A hundred glad young girls shining like the sun, their voices sweeter than the music of birds; a hundred armed men strong in battle, apt in feats, waiting on you, if you will come with me to the Country of the Young.'[1] Finn, Oisin and their fellows hear the notes of birds and the call of beasts with a sharpness of perceptive joy, unknown to later days. Removed alike from religious dimness of effect in organ or chant or bell, and from the jangle of modern discords, it is the song of the blackbird that Oisin calls back for us, or of 'the very sweet thrush of the Valley of the Shadow or *the sound of the boat striking the strand*.' 'The cry of the hounds,' he argues in anguish, 'was better to me than the noise of your schools, Patrick.' Encircled with sharp colours and clear sounds, bathing and sporting and fighting with the zest of youth, these 'gods and fighting men' come to recall men to their lost boyhoods and reinforce the impression that never joys were as those of early days and never imaginations so true and pure as those which we have loved long since and lost awhile.

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[1] *Gods and Fighting Men*, p. 433.

Intimately bound up with this merely physical appeal, the broad simplicity of legendary manhood fascinates the modern imagination. We have become too complex in mind to be able to create great simple humanity; but some still may long after it; and turn in disgust from the impotency of modern literary effort to the former virile days. What men cannot find in Shakespeare, or even in Chaucer, what Scott admired but could render only in lowly or at times artificial form, that they discover in old story. And here again Irish legend responds adequately. It does not, indeed, excel in that plain strong manhood which the Saxon folk incarnated in Beowulf, for in old Ireland the senses and the influence of external things are always too strong for the will. The very faculty that grasps at sensations with vivid apprehension, and the readiness to respond to an environment overfull of magic stand in the way of self-reliant manhood. But the heroes have the great air which has now passed beyond literary recovery. Cuchulain goes to the court where his future glory is to be displayed, driving like the great healthy boy that he is, his ball before him, throwing after it his hurling stick, and after it his dart. 'Then he would make a run and catch them all in his hand before one of them would have reached the ground.' He and his comrades have the magnificent boastfulness which, when we rid ourselves of civilised standards, reads so spaciously in story. Birth and death seem more real when told in their simplicity, and no Christian fortitude is half so splendid as the barbaric contemptuousness of Goll's dying mood: 'It is best as it is, he said, and I never took the advice of a woman east or west, and I never will take it.' Then, as the reality of the living world thrusts itself on him—'And, oh,' he adds, 'sweet voiced queen, what ails you to be fretting after me? and remember now your silver and your gold and your silks and stuffs, and remember the seven hounds I gave you at Cruadh. . . . And do not be crying tears after me, queen with the white hands, he said, but remember your constant lover, Aodh, the son of the best woman in the world, that came out from Spain asking for you, and that I fought at Corcar-an-Deirg; and go to him now, he said, for it is bad when a woman is in want of a good man.'[1] Or if it is that final manliness we seek, beyond which neither ancient nor modern can go, the sense of work finished and the needlessness of sorrow, Irish legend can add the tale of Oscar's death. 'If it was yourself fell in the battle,' said Oscar to Finn, 'you would not hear me keening after you; for no man ever knew any heart in me, he said, but a heart of twisted horn and it covered with iron. But the howling of the dogs beside me, and the keening of the old fighting men, and the crying of the women, one after another, those are the things that are vexing me.'[2] It is only in such pages that we may forget the gracious screen cast by religion over nature, and glory in pure strength and physical loveliness and all the crude qualities by which evolutionary nature has wrought us. The very being of modern civilisation depends on a curious concealment from ourselves of these things and their consequences, but men tired with so beneficent a convention, yet too little daring or forceful to cast it aside, turn with glee to the ancient days, and find in them the heroic brutal forces through whose failure or decay their social existence has become possible.

The third great appeal that old makes to new is subtler and more involved, the call of the unseen and the mysterious. Social convention and scientific inquiry in excess have banished from modern life the greatest of all imaginative motives. Love and hate stand as two primary forces in humane literature, but there is a third, deeper in its roots, dominating, where it enters, every other impulse; I mean the fear that loves to brood over the mystery that afflicts it. Supernaturalism and its companion awe are vanishing from modern literature, but, except in minds warped by city life, they are potent still for men, and ancient legend comes with its magical powers and hoary terrors to deepen and enlarge the imagination. I do not mean that in these old cycles men may satisfy the decadent longings of infirm minds for a concrete and tangible spiritualism. It is something infinitely different. The mood which finds satisfaction in old tales is that which recognises how things which do appear constitute only a fringe of reality and how beyond are truths whose import may bow the mind with awe. It finds in legendary lore the same mood, a hundred times exalted, and expressing itself in figures as strange as the darkness it tries to describe. The modern effort is to recover this lost sense of mystery from the legendary symbols, obsolete but terrific, and their very ancientness reinforces the thing desired. So apart from any myth-world of Gods intermingling with men in friendship and hate, legends, and conspicuously these Irish legends, bring back a sense of darkness and fate by their most ancient imaginings. Theirs is a world of symbols, chosen from the natural objects of early life. Wells, hazel trees, and weapons, connected in old times one knows not how with the things of spirit, but ever since gathering to themselves associations whose vagueness, extent, and suggestiveness have left them no inadequate expression of the early gropings in the unknown gloom. Whether it be the Cuchulain story or that of Finn, these potent objects of mystery, these incalculable intrusions of the unseen, create an atmosphere of fate, more barbaric than that of Greece, but as deep felt; and civilisation which has forgotten fate and providence in its streets and politics, now and then awakens through these antiquities to a sense of want. Such are the appeals of old folk-lore to present civilisation, and when, as in the story of Cuchulain's death, the effects combine, weird fate wrestling with heroic strength in a world full of cries and colours, the crisis is felt as a supreme moment of the imagination.

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[1] *Gods and Fighting Men*, p. 423. [2] *Gods and Fighting Men*, p. 429.

If all this be true, one duty at least faces the modern poet and scholar plainly. Since all these impressions are unique, a possession peculiar to the early tales, they may be best obtained from versions, which, while they may plane away excrescences and difficulties, often the result of corruption, retain the very spirit of the originals. As the English reader finds Mr. Lang's prose version of the *Odyssey* the truest equivalent of the ancient tale, if not of its poetic framework, so he will refresh his mind and clothe his world once more with greatness through versions such as Lady Gregory has bestowed on the people, written with full knowledge of both old and new, and prepared as hers are, to risk failure by a kind of editing justified only by genius. If it be for their own sake that we read the stories, then obviously only the most faithful version of them may suffice. But poetry is tyrannous and content with nothing but actual creation. If legend is to furnish the 'stuff' of poetry, the poetic instinct claims the right to recast the whole and do with it as may seem good. It is here that Mr. Yeats asserts his right as poet. He has appreciated with great warmth the work of Lady Gregory, but he has secret great ambitions. He is not even content to render in ballad or imitative epic such themes as Sir Samuel Ferguson, the real originator of the school, has chosen. I do not mean that Mr. Yeats ever suggested an ungenerous criticism on that great servant of Irish tradition. For as he has called *Cuchulain of Muirthemne* 'the best book that has come out of Ireland in my time,' he has praised Ferguson, and included him with Davis and Mangan in 'that company who sang to sweeten Ireland's wrong.' But it is difficult to see why he should separate the best work of the Irish poet-scholar from that of Walter Scott and Macaulay, of whom he writes, 'Macaulay in his Lays, and Scott in his long poems are the poets of the middle class.' Logic bids us add the Irish legends rendered by Sir Samuel Ferguson. For what this unambitious poetry strives to do is to convey in the modern forms most suitable for the occasion the enthusiasm for the past achieved by scholar-poets through hard years of study inspired by love. Neither Scott, nor Macaulay, nor Ferguson really attempted to give an equivalent for the ancient stories, nor even to create something different but as good. They had no ambitious ideal for poetry, and wrote not as prophets but as scholars taking their ease in a form pleasant to others as well as to themselves.

But Mr. Yeats and his fellow poet A. E., being of the school of the prophets (I speak in no mocking vein) are content neither with faithful rendering nor with popular reproduction. As poets they are content with nothing short of supreme originality; as Irishmen they have felt the call of old days; as Irish poets they wish to make the old symbols express the latest discoveries of the soul. The boldest venture, then, of a daring school has been to use Cuchulain and the Fianna, the Gods and their homes, as mystic signs in a strange world of poetic magic. Mr. Yeats explicitly, A. E. in every line he writes, contend for a new theory of poetic usage whereby diction itself and the symbolic figures in which it masses its greater forces are to awake from passivity to an aggressive initiative. Of symbolism, the former says, and we may agree with him in letter: 'All art that is not mere storytelling, or mere portraiture is symbolic.' But symbolism with him is portentous, the instrument in a system at least half magical. 'All sounds, all colours, all forms,' he writes in an admirable essay on 'The Symbolism of Poetry,' 'because of their pre-ordained energies or because of long association, evoke indefinable and yet precise emotions, or, as I prefer to think, call down among us certain disembodied powers, whose footsteps over our hearts we call emotions.'[1] I shall not endeavour to enter here fully into his theory and practice of symbolism, but it is fair, I think, to represent him as using figures and images, not as dead metaphors, things 'not profound enough to be moving,' but as symbols, the magic counters in some poetic game where they possess inherent powers of suggestion apart altogether from the artist. Believing then that poetry is the one supreme medium for symbolic treatment, and that symbols are representatives in literature of the eternal, Mr. Yeats turns to these hoary tales with mysteries faintly discernible. Already, we have shown, he has acknowledged the fundamental importance of legend and the value of the Irish store. Here then are the symbols of the new poetic faith; now, as when they served high or awful purposes in primitive religious thought, they must once more stand for the unseen and the spiritual, only with all the added force of conscious design.

Not once or twice but everywhere in the poetry of A. E. and Mr. Yeats the old Gods and heroes enter in this new rôle. There are some very characteristic verses of the former which may be allowed to express the spirit in which both write:

> 'Now when the giant in us wakes and broods,
> Filled with home-yearnings, drowsily he flings
> From his deep heart high dreams and mystic moods,
> Mixed with the memory of the loved earth-things;
> Clothing the vast with a familiar face,
> Reaching his right hand forth to greet the starry race.'

For both poets the elder world has this advantage in its symbols over commoner 'loved earth-things,' that its imaginings are very ancient and very beautiful and served of old some purpose not altogether dissimilar to that they have now to serve. Their verses then are not merely filled with hints and glances from old story or based on its heroic traditions, but they use its content to create a new poetic mystery. In simplest form the transformation may be seen in figures and lyrics; images of druid moons, secret roses, the ancient stars and the sacred hazels. It is obvious in such elucidatory notes as that of A. E. on the story of Lir's children: 'The story of the fate of the Children of Lir was probably in its earliest form a mythological account of the descent of the spirit from the Heaven-world to the Earth and its final redemption.' But it deepens and grows stranger in the more ambitious of Mr. Yeats' poems and dramas. The unwary reader may take his *Wanderings of Oisin* as a simple narrative, peculiar only in the richness of its imagination and its diction. But to Mr. Yeats a simple story is not true poetry. More subtle inquiry suggests an allegory of immortal beauty and the longing of the human heart for home with the key-note in its introductory quotation, 'Give me the world if thou wilt but grant me an asylum for my affections'; but there too Mr. Yeats has been explicit, seeming to approve his friend's dictum 'that allegory says things that could be said as well or better in another way,' and poetry deals only with the unique and perfect. Here and in such an elaborate production as his drama *The Shadowy Waters* he attempts, or he is unfaithful to his theories, a composition which will not merely captivate the reader's imagination but even lead him by a process of literary hypnotism into new spiritual regions. The poem, one may conjecture, once fitly written, becomes a powerful source of suggestion through a careful arrangement of symbolic effect. Angus with his birds and music, Edain with her immortal love must sweep us beyond their own story into a palace of the imagination where we forget the symbol in that it signifies; Fergus exchanges the kingship of some mystic import for a dream nature which carries us beyond old Celtic fancies into the heart of esoteric theosophy; 'immortal, mild, proud shadows' wed themselves to the memories of the heroes, and the rude vigorous, beautiful legends of a barbaric age are refined into the subtle animistic speculations of a civilisation trembling towards decay. So daringly has Mr. Yeats appropriated these stories for his strange purposes that at times he seems to wonder at his rashness. It is surely something like the shade of a suspicion which dictated these lines, 'To the Rose upon the rood of time':

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[1] *Ideas of Good and Evil*, p. 243.

'Ah, leave me still
A little space for the rose-breath to fill!
Lest I no more hear common things that crave;
The weak worm hiding down in its small cave,
The field mouse running by me in the grass,
And heavy mortal hopes that toil and pass;
But seek alone to hear the strange things said
By God to the bright hearts of those long dead,
And learn to chant a tongue men do not know.'

And is not the suspicion wise, whether it refer to ordinary verses or to old tales retold? To the poet doubtless none but the poet may speak, but laymen may express a fear lest men of genius expect more than mind or words can give. The deepest symbol has ever been struck out in some moment of passionate enlightenment, to operate with no other magic than that of passionate truth, and to be interpreted by all whose sympathetic passion places them in contact with a feeling immortally expressed; and the darkest mystery is dark, not with magical powers and prohibitions, but with a stammering confession of the little we can know and the vastness of what lies beyond. Is not the simplest way the best, and have not even these poets in their most inspired moments followed that very way? The lyric note which has set them foremost among modern poets, and the extraordinary charm of those mosaics of humanity, song, mystery, and lyric beauty which they call dramas, depend not on any mystery of symbolism but on æsthetic qualities great because the same that every spiritual poet from Dante to Wordsworth possessed, new and fresh because they are one with all fresh thought and fancy from Cuchulain's age to ours. They themselves have revealed the true function of ancient legend in poetry. As Irishmen and poets they have contrived to beautify their verses and plays with old legendary imaginings, richer symbolic adornments for them than those of Greece, because they are Irish. Their more ambitious dramas, and more especially Mr. Yeats' legendary plays, if one might be permitted to forget the possibility of uncanny symbol, may take their place beside the finest restorations from classic learning, as fit tribute from the present to the past. And as sources of lyrical inspiration, the loveliest and most moving episodes of Celtic myth are the natural resort for Irish poets. It is fitting that the sorrows of the children of Lir, and Deirdre's fate and Connla's well should inspire modern verse, for their motives are those which never alter, love and death and the mystery and glory of the world.

With all their mysticism no verses of modern days strike the lyric note more exquisitely than those in which A. E. thus reinterprets an ancient symbol. Of Connla's Well old myth says, 'That is a well at which are the hazels of wisdom and inspirations, that is, the hazels of the science of poetry. And in the same hour their fruit and their blossom and their foliage break forth and then fall upon the well in the same shower, which raises upon the water a royal surge of purple'; and the modern poet thus:

> 'And when the sun sets dimmed in eve and purple fills the air,
> I think the sacred Hazel Tree is dropping berries there,
> From starry fruitage waved aloft where Connla's well o'erflows,
> For sure the enchanted waters run thro' every wind that blows.
>
> I think when night towers up aloft and shakes the trembling dew
> How every high and lonely thought that thrills my being thro'
> Is but a ruddy berry dropped down through the purple air,
> And from the magic tree of life the fruit falls everywhere.'[1]

But it is vain for poets who magnify their calling to expect more than these partial aids from the past. Great poetry has always looked truth straight in the face and spoken of it in simple manliness. To every prophet, his own day and the truth of that day. So they did in the days of the legends and men eager to re-live the life of old days must draw from the original fount. Retold in modern verse, legend and modern imitation alike, descend from the first rank in literature, and no modern subtlety may hope to build on things designed for heroic ages. It may seem unworthy to reduce this ancient heritage to a repertory for poetic symbol and the origin of lyrical moments. But can it really offer more to poets aiming at the stars? It is the spirit which avails, and that humble dramatist is surely the true learner from immemorial Irish tradition who has gone to the Irish people for his subject and has been rewarded as of old, not only with a vision of the sorrows of men and women but with a clear sight of nature herself: 'the cold and the frost, and the great rain, and the sun again, and the south wind blowing in the glens' . . . 'the herons crying out over the black lakes . . . the grouse and the owls with them and the larks and the big thrushes when the days are warm.' Mr. Yeats and Mr. Russell may rest content in that besides recalling to men's imaginations the old glories of Ireland, they have, like Oisin, seen not only the freshness of the world but something of its spirituality. It would be lamentable if, having known fear, hate and love, the great trinity in literature, and having seen them work out in a passionate actual Irish life, they were to condescend to speak with tongues and reduce the tales they love from a record of high ancient life to the abracadabras of a new and decadent poetic creed.

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[1] *The Nuts of Knowledge.* A.E.

J. L. Morison.

John Carmichael of Medowflat, the Captain of Crawford.

IN the Southern angle of the county of Lanark where the Clyde, still a modest limpid stream, hurries down from the lonely hills where it has its source, is situated the village of Crawford, and across the river at no great distance stood the Castle of Crawford. As its name implies, it was at an early date the home of the Crawfords, thereafter of the Lindsays, who in their turn made way for the Douglasses, when on the forfeiture of David Lindsay, Duke of Montrose, in 1496 James IV. bestowed the lands and lordship of Crawford with its castle upon Archibald, Earl of Angus, commonly known as 'Bell the Cat.'[1] Throughout the sixteenth century it remained in possession of the Douglas family except for the incidental forfeitures of rebellious earls, when for a time it reverted to the crown, but uninterruptedly the office of castellan or captain remained hereditary in the family of Carmichael of Medowflat, whose head, by an arrangement which sorely worries the genealogist, always bore the name of John. Of the old castle little now remains, but as late as the end of the eighteenth century it was still sufficiently weather-proof to afford accommodation for a rural dancing class in its deserted banquetting hall.[2] In this country the forces of disorder were never so rampant and the laws so ineffectual to cope with them as during the last half of the sixteenth century, from the close of the reign of Mary Stuart till the re-establishment of governance under her son. The causes of these disorders were many, and it may suffice here to mention the long minorities of James V. and Mary and the absence of religious control prior to and at the time of the reformation. Besides the notorious thieves, broken men, and vagabonds who flourished in such a state of anarchy, there was no small number of men of respectable birth and ancestry, proprietors of considerable estates who openly, in defiance of the law, indulged their taste for adventure at the cost of their neighbours when occasion offered, and such appears to have been that John Carmichael, Captain of Crawford, the subject of this article. He was a man of good family, possessed of powerful friends and connections; Katherine Carmichael—whose pathetic story has been told so well by the late J. O. Mitchell in one of his Old Glasgow Essays—was a daughter of an earlier generation of his house; she fell a victim to the royal charms of James V. when that monarch came a-hunting to Clydesdale and bore to him a son, John, afterwards prior of Coldingham—the father, in his turn, of the notorious Francis Stewart, Earl of Bothwell. He was closely related to the house of Buccleuch, his mother being Elizabeth Scott, a sister of Sir Walter Scott, and he, consequently, a cousin of the first Lord Scott of Buccleuch. In 1594 he succeeded to the family estate of Medowflat and to the hereditary office of Captain of Crawford,[3] and almost immediately thereafter we find his name figuring in the records.

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[1] *Douglas Book*, vol. iii. p. 152.

[2] Mitchell's *Old Glasgow Essays*; article, Katherine Carmichael: Glasgow, 1905.

The sources of information drawn on for what follows in this article are two, viz., the Records of the Privy Council—accessible to all—and a single sheet of fragile paper on which are written fifteen charges, dated between the years 1596 and 1607, in the possession of the author. Between these two a distinction must be observed. The first are charges pursued in proper form before a regular tribunal, with a record of the sentences pronounced; the second is a mere list of indictments without any statement of the court before which they were called nor of the verdict, if any, that followed thereon. But the latter are related with such realistic detail that they appear to bear on the face of them the impress of fact. With this list we shall deal hereafter.

Now it happened that the Earl of Angus, being the owner of Crawford Castle as well as the Captain's superior, was to some extent responsible for his good behaviour, and so long as he merited his friendship he could exert himself to shield him from the interference of the higher powers. Thus it may be that, previous to the year 1607, we find in the *public* records few accusations against the Captain for deeds of violence, and observe on his part a singular disregard of the sentences passed on him. A short glance at these will suffice. In 1595 he has to find caution to suffer the tenants of Mark, Lord Newbottle, to live in peace, also to refrain from harming Jean Hamilton, 'Lady Lamington.' Two years later he and his mother, Elizabeth Scott, are denounced rebels for not appearing to answer a charge of theft and reset of the cattle, to the number of forty-two head, which belonged to a poor woman, Janet Williamson. The denunciation being of no avail, the rebellious persons are charged, the following year, to enter themselves in ward in Dumbarton Castle and to render up their dwelling-house under pain of treason; this charge likewise they 'most treasonably and contemnandly disobeyit,' in consequence of which the Earl of Angus is ordered to present his vassal before the council. This charge the Earl himself disregarded, wherefor, and for having spoken with the Captain since the time of the charge, he too is put to the horn. Thus far the hornings have been utterly ignored. Now the date of the manuscript indictment is obviously either 1607 or subsequent thereto, and it is noteworthy that in that very year the friendly relations hitherto existing between the Captain and his Superior were rudely sundered by the murder of William Carmichael, the Captain's brother, at the hands of the sons of Walter Weir of Nether Newton, tenants and friends of William Lord Douglas, the representative of his father the Earl of Angus, who had for some years been living abroad.[4] The result of this murder was the breaking out of a deadly feud between the Carmichaels, their friends and tenants, on the one part, and the Weirs, and Inglis of Braidlie, Lord Douglas's baillie at Douglas, and their whole kin and friends on the other part.[5]

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[3] *Ab. Ret.* Lanark, 6. 7. 8.

Further, in 1610, because of the frequent stouths, riefs and slaughter of black fish in forbidden 'time within the Lordship of Douglas, etc.,' two commissions of justiciary for trying and punishing all offenders within the said bounds were granted to William Lord Douglas. By virtue of these commissions a number of the captain's tenants were summoned to answer various charges before a court to be held in the castle of Douglas, but by reason of the feud, not daring for their lives to venture there, they petitioned the Council to have the Commission in respect to them discharged.* It seems therefore highly probable that this indictment was framed against Carmichael after the outrage on his brother, and that the tribunal was this, or a similar court to be held in the castle of Douglas. Though his offences might be condoned while he remained on good terms with his Superior, when the breach occurred his old crimes were brought to light and every endeavour used to bring him to justice. Hence also it happened that from 1607 onwards he was summoned more frequently before the Council.

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[4] *Reg. of Priv. Coun.* viii. 765. [5] *Ibid.* ix. 463. * *Ibid.* ix. 463-465.

The charges in the manuscript have not been hitherto published and they afford a vivid picture of the life of the time. '1. The Captane of Crawfurd cam to the Southwood he and his compleices and there stall fra Barnard Tynto xxxviii scheip in September the year of God 1596 and that to the taikin the said Barnard cam to desire him to follow them and he bad him giv fourtie pounds fallow' (*i.e.* apparently a fee) 'that he would have borrowit and he stowit the scheip in his awin seller in the castle of Crawfurd and to the taikin there was ane of the scheip put the heid furthe at the windo and John Tynto his brother's son persawit the scheip and desirit him to let them go and he schoirit' (*i.e.* threatened) 'him for that and the scheip was never gottin agane.' Next, in the same month, other twenty-seven sheep were driven off from the same unfortunate Barnard, and yet again for the third time the same year, the Captain, his 'compleices' and servants paid another visit to the Southwood and 'drift eftir drift' they denuded the pasture till they had the number of fourteen score of sheep all taken from 'Barnard his wife, and bairnes.' But worse was to follow on this occasion, for Andro Bell, one of the servants, 'granted the hail stewthe to Thomas Jardine in Byrnok,' wherefor the Captain, with 'Mungo Carmichael of the Myll, and Mungo Park in the Westhaw, tuik the said Andro and callit him ane theif and drounit him on the nycht forout ane syse' (without a trial) 'where nane knaw bot thair selffis.' The same year from other poor tenants in the Nether Southwood in the night-time he 'cruellie reft' twelve cows, which, however, were returned 'at the king's plesoure and the king spak with his awin after the complaint was maid gif evir he hard the lik in onny tyme cuming of that he suld gar hang hym.' Next, in August 1595, under the silence and the cloud of night, a visit was paid to the Rilbank upon Clyde, belonging to 'the Lady Stonebyres,' and nineteen cows and oxen removed. All day long the 'compleices lay in the Neipland Wood callit Oxenmalbenschaw and the Capten and James of Longbodome cam to Lanerk and drank all day quhill nycht, and met all at the foirsaid wod and then to thair purpose.'

How realistic is this next narrative. 'Sicklik in the nixt yeir eftir in the moneth of Nowembir he cam to the Falside and Hilend and there thifteouslie stall fyve scoir of scheip he and his servands and brought thame to the Watter of Clyd it being ane flud and drounit fyftene of them and they horssit our the wattir fourtein upone thair horss necks and left the rest because of the gritness of the watter, this committed be the Capten and his complices.' The next four charges merely recounting thefts of sheep and cattle call for no particular comment. The eleventh, however, relates to an act of violence of a different nature. '1596. Attour the Capten of Crawford cam to the town of Crawford togidder with Mungo Carmichael of the Myll and ther cruellie schot and slew with ane hagbut John Mackkynrick tailzeour in the sextene yeir of God and that to the taikin he tuik Johnne Gibssone and Gideone his brother and put thame in pressone for the space of twentie days because thay resisted his furrie and wald haif saiffit the man's lyf.' The fifteenth, the last charge in the indictment, that of the year 1607, is for a crime of another character. 'Item in the sevynt yeir of God the Capten of Crawford is delattit to the prespetre of Lanerk for wichecraft and consulting with Crestene Beg and Janet Makmorone in the art of wichecraft and convenit with thame dyvers tymes in privie places quhill in the chappell of Crawford upone the nycht and at thair awin houss thinking by theredoing to haif procreatioune of childrene.'

To return now to the Records of the Privy Council for this period, we find John Carmichael called to account for resetting sundry fugitives and outlaws, including his brother Walter, who played a part in many violent escapades, and he is again at the horn for not paying his taxation. But the authorities have got their eye on him, and he and such as he are having the special attention of the king. In 1607, for quieting the middle shires, his Majesty 'thought mete that some of the ringleadaris suspected for thair bigane conversation or for thair present disordered courses should be confined in some pairt removed from thair ordinary residence,' and under this ordinance the Captain was ordered to betake himself to Dundee to enter within six days under pain of rebellion, and there to remain till relieved by George, Earl of Dunbar. But it is very doubtful if Dundee ever enjoyed the society of the pushful captain, for the following year a complaint is lodged by Mark, Earl of Lothian, and Andro and David Johnston, his tenants of Crawfurdmure, against John Carmichael and others, all at the horn, for not finding caution, for coming armed with swords, lances, hagbuts and pistoletts to the said lands in the month of July, pursuing the tenants and their families with hagbuts, chasing them off the lands, removing their goods and houghing their sheep and horses, and even threatening to burn them in their houses if they continued in possession. Though to this charge the Captain alone was present to answer, yet in respect that neither he nor his fellows were able to find caution to underly the law, the Sheriff of Lanark was ordered to apprehend them and keep them in safe custody till they should satisfy the complainers.

With the relation of one more picturesque incident we shall conclude this list of crimes. Again it is against one of the Earl of Lothian's tenants that the outrage is committed. Accompanied by his brother Walter, John Tynto, in Southwood, and others to the number of four score, including a burgess and one of the bailies of the town of Crawford, all armed as usual with hagbuts and other weapons, the Captain proceeded on the 9th June, 1609, to the Kirktoun of Crawford Lindsay and to the lands of Glencaple and there sought out Umphra Jerdane, one of the tenants, 'for his slaughter.' Umphra very prudently was from home, so on the 11th, being Sunday, the same party and others to the number of two hundred, armed as usual, arrived at the parish kirk of Crawford. Here their victim was worshipping in his 'ordinary parich kirk sitting in an aisle whereof he had been in possession thir aucht years bygane and being upon his knees at his prayers and Mr. Williamson the minister being in the pulpit saying the first prayer and the said Umphra's back being turned towards the said John his face,' the Captain charged and 'bendit' his hagbut and presented the same to 'Umphra his body.' But ere the tragedy could be accomplished, for the Captain must have been slow at discharging his weapon, the minister shouting a warning to the worshipper and a timely word to the Captain caused a diversion, otherwise the latter 'had not failed to have cut off Umphra from his natural life.' So once more the Captain is summoned before the Council, and being found guilty of the comparatively innocent offence of wearing hagbuts and pistollets is ordered to be committed to ward in the castle of Edinburgh. But good friends are at hand to help him in the persons of Sir John Murray of Blackbarony and Sir Edwin Murray of Elibank, who become surety for him to the extent of £2000 to keep good rule in the country, not to carry hagbuts and pistollets, and to appear before the Council when charged. What power the Murrays had over him does not appear, but it was sufficient, for no further notice of his misdeeds appears; on the contrary, he seems to have mended his ways and even to have enjoyed a certain amount of royal favour.

On 30th October, 1612, the king interferes on his behalf in a letter to the Earl of Mar, objecting that a lease of the teinds of Crawford Lindsay had been wrongly granted to the Earl of Angus in place of John Carmichael of Medowflat, whose lease had not expired and who, with his predecessors, had been in continual possession thereof 'these fourteen score of years bygone,' and a new tack is ordered to be given to him.[6] In later years we once or twice get a glimpse of him, not as Captain of Crawford, but as Sir John Carmichael, knight. On 24th June, 1621, a warrant was issued to the Treasurer not to dispone his escheat to any one before Martinmas following, by which time he was to 'take final order with his creditors.' 'Wee sold be loth,' the kind added, 'that his house whereof so manie honest men and faithful servants to our selfe and our predecessoures are descended should by the cruelty of a hard hearted creditour be utterly overthrown.'[7] In September of the same year, under reservation of a liferent to himself and his wife, dame Sara Douglas, he resigned certain of his lands to the Earl of Angus, who three years thereafter obtained a charter to them under the great seal.[8] In the spring of 1637 he died, the last male representative of his line; he was survived by an only sister, Margaret, who after being served heir to him[9] sold Medowflat and the remainder of the family estate.[10-11]

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[6] *Douglas Book*, iv. 43.

[7] *Hist. MSS. Rep. Mar & Kellie*, 95.

[8] *Reg. Mag. Sig.* 1624. 700.

[9] *Ab. Ret.* Lanark, 196.

[10] *Reg. Mag. Sig.* 1640. 953.

[11] Although in the 'Upper Ward of Lanarkshire' (iii. 471) it is stated that John Carmichael, Captain of Crawford, alive in 1612, and Sir John Carmichael, who died in 1637-8, were different individuals, I can find no evidence of this in any published record, and have, therefore, considered them as the same person.

A. O. CURLE.

The 'Scalacronica' of Sir Thomas Gray

The Reign of Edward III., as recorded in 1356 by Sir Thomas Gray in the 'Scalacronica,' and now translated by the Right Hon. Sir Herbert Maxwell, Bart., continued.

THE King being eager for arms and glory, and his council being enterprising and burning for war, they soon came to an agreement upon that point—all the sooner because they desired to retrieve their prestige from those by whom they had forfeited it. Some of those [who were] in the inner council of the King acted with Edward de Balliol, who laid siege to the town of Berwick by land and sea in the second week of Lent; and just before Pentecost the King of England himself went [there], and they assaulted the town, but did not take it; but they re-timbered their works so as to renew attack upon the said town. Meanwhile, those within the town treated for terms, [proposing] to surrender the town if they were not relieved before a certain day, and for this they gave hostages. Before which fixed time all the power of Scotland, a marvellous multitude of people, crossed the Tweed at the Yair ford one day at dawn, and showed themselves before Berwick on the English side of Tweed in open view of the King and his army; and threw troops and provisions MS. fo. 218 into the town, and remained there all day and night. Then on the morrow, about noon, they decamped and marched through the King's land into Northumberland, burning and spoiling the country in open view of the English army.

These people [the Scots] having departed in this manner, the King's council at the siege summoned the town according to the terms [agreed on]; but those within replied that they had been relieved both with men and provisions, and showed [how they had appointed] new wardens of the town and [received] knights sent in from their army; of whom William de Keith was one, with others. It was the opinion of the said council that they [the Scots] had forfeited their hostages, so they caused the son of Alexander de Seton, warden of the town, to be hanged.[1]

This hostage having perished in this way, the others in the town, out of tenderness for their sons who were hostages [also], re-opened negociations with the consent of the knights who had passed in, who were of opinion that their Scottish forces exceeded the army of the King of England. So they obtained these new terms—that within fifteen days they should throw into the town two hundred men-at-arms by force on dry land [marching] between the English army and high water mark, or else they would give battle in the open. The knights William de Keith, William de Prendergast, and Alexander Gray, who were those thrown into the town, had safe-conduct to pass through the [English] army to their Scottish friends with these terms, and were taken under safe-conduct through Northumberland. They found their Scottish army at Witton Underwood,[2] and brought it back to Berwick to effect its relief, where they engaged in battle and were defeated.[3] Archibald de Douglas, at that time Regent of Scotland for King David de Brus, was slain there; the Earls of Ross, Moray, Menteith, Lennox, and Sutherland were slain there.[4]

[William] Lord of Douglas (son of James of Douglas, who perished on the frontier of Granada fighting the Saracens, having undertaken this crusade[5] with the heart of Robert de Brus his King, as he [Robert] had instructed him on his deathbed) and a great number of barons, knights, and common people were slain at that place. The town surrendered upon fixed terms. The Earl of March, who had charge of the castle of Berwick, became English, having, indeed, no great esteem from either side.[1] In the mean time [or, at the same time], by permission of the King, he caused his castle of Dunbar to be fortified, which was afterwards the cause of much mischief.

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[1] Wyntoun says Sir Alexander had already lost two sons in the defence of the town, but neither he nor his wife shrank from sacrificing a third.

'Then sayd the lady that scho was yhyng [young],
And hyr lord was yhowng alsua,
Off powere till have barnys ma.
And set [allow] that thai twa dede war thare,
Yhit off thare barnys sum lyvand ware.'
(*Cronykil*, viii. c. 27.)

[2] Probably the parish of Nether Witton, near Morpeth.

[3] Battle of Halidon Hill, 19th July, 1333.

[4] The list is not quite correct. The Earl of Moray escaped from the field, but the Earls of Carrick and Athol made up the tale of six of their degree who perished.

[5] *Cest saint veage.*

This battle having been fought, the King of England marched to the south, where he attended assiduously to peaceful deeds of arms.[2] Edward de Balliol, King of Scotland, went to the town of St. John,[3] where he held his Parliament at Scone and [received] the fealty of many [persons] of Scotland. The whole of Scotland was in subjection to the King of England and to him, except the castle of Dunbarton, whence King MS. fo. 219 David de Brus, who was still a youth, was removed to Chateau Galliard in France, where he and his wife, the King's [Edward's] sister, remained a long time, until he was of such age that he might return.

In the second year after the battle of Berwick, Edward de Bailliol returned to Newcastle-on-Tyne, and performed his homage to the King of England for his land of Scotland, according to the terms aforesaid; and then he retired into Scotland because certain people of that country had risen against him with the Earl of Moray, a youth approaching manhood.[4] The said Edward was at Stirling with his forces, where there arose some disagreement out of jealousy between certain of his council, who suddenly took themselves off to their strongholds, wherefore the said Edward returned to England. Henry de Beaumont, at that time Earl of Buchan, through inheritance by his wife, went to Dundargue, a castle in Buchan, which he had fortified anew.[5] The Earl of Athol betook himself to his own land, the others to their castles. Richard Talbot was beyond the mountains in the lands inherited by his wife, the daughter of John de Comyn. On receiving news of this quarrel he set off for England, but was captured in Lothian, and John de Stirling also, by people in fealty to Edward de Balliol, who broke faith out of avarice for the

[1] Or perhaps 'For either side,' being a most uncertain and fickle gentleman. *Qi nauoit my graunt gree de nul coste.*

[2] That is, tournaments, jousts, etc.

[3] Perth.

[4] *Vn enfaunt parcru.*

[5] On the Moray Firth, near Aberdour. Once a great fortress of the Comyns, nothing remains above ground now except the entrance.

ransom of these [knights]. Henry de Beaumont was besieged in Dundargue, and surrendered the castle on condition that he was to leave the country. The Earl of Athol made fealty to David de Brus and deserted his fealty to Edward de Balliol, being constrained to do that or to die, as well as most of the English knights in his company, who could not preserve their lives in any other way. At this time there remained in Scotland none of the King of England's adherents of any importance, except the Earl of March, who went to Newcastle-on-Tyne [in obedience to] summons from the King of England. In returning home he [March] was waylaid by some ruffians of Northumberland, coveting the money which the King had given him at his departure, and came near to being murdered. He caused his complaint to be laid before the King of England, who had then come to Roxburgh, where in winter he caused the castle, captured and dismantled in the time of his father, to be fortified. The council, which was at that time with the King, would not consent to his exacting such reparation from the said evil-doers as reason demanded, so it seemed to him [March] as a warning against such misdeeds; wherefore he renounced[1] his homage to the King by a letter when he [Edward] came near Dunbar after a journey which MS. fo. 219ᵇ he had made into Lothian from Roxburgh in very bad winter weather, letting it appear in the said letters that he could not maintain himself in security any longer.

At the same time the King's kinsman, Edward de Bohun, was drowned in the Water of Annan, in attempting to save a valet from a flood. He seized him [the valet] by the shoulders, but he [the valet] pulled him out of the saddle beneath him. The knight perished: the valet was saved.

The said castle of Roxburgh having been fortified, the said King of England moved to London and prepared for the coming summer, when he marched to Scotland in great force. He sent with Edward de Balliol the Earls of Warren, Arundel, Oxford and Angus, the lords Percy, Nevill, Berkeley and Latimer, and a great army, which entered [Scotland] by Berwick. He himself entered by Carlisle with all the rest of his chivalry, having with him the Count of Gueldres, who afterwards became marquess and then duke, with a strong column of Germans. The two armies came near each other on the Water of Clyde, the King of England [being] in one place [and] Edward de Balliol with his army at Glasgow, where there occurred a great conflict in the army on account of an esquire who carried the surname of de Gournay,[1] whom the people of the Marches killed because it was alleged that one of that surname had been a party to the death of the King's father.

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[1] *Si rendy sus soun homage a le roy.*

The two armies formed a junction at the town of St. John,[2] and on their march thither they took the castle of Cumbernauld by assault. At the said town of St. John the Earl of Athol, Godfrey de Ross, and Alexander de Moubray, with others, returned to the King's peace, and the Steward of Scotland there began to treat. At the same time, while the King lay at the town of St. John, came the Count of Namur to Berwick, with other English knights who had not been ready to march with the King. They now foolishly undertook to follow the King and to travel through the country to him at the town of Saint John, when they were surprised at Edinburgh by the Earl of Moray[3] and forced to take [refuge on] the rock of the dismantled castle. There they defended themselves one night, and next day, until they received terms, [namely] that the said Count of Namur should swear that he would not bear arms from that time forward in the quarrel with David de Brus, and that the English there should remain prisoners held to ransom.[4] The said Count of Namur returned to Berwick, whence he went by sea in company with the Queen of England to [join] the King at the town of Saint John. About the same time the Earl of Moray was taken by William de Presfen in an affair upon the Marches.

In the same season the Earl of Ulster was murdered by his own people in Ireland, which Earl was son and heir of one of Gloucester's daughters, and a near kinsman of the King of England. Afterwards Lionel,[5] son of this Edward MS.
the third after the Conquest, married the daughter and heir fo. 220
[of the Earl of Ulster].

The King of England left the town of Saint John and marched to Edinburgh, where he caused the castle to be fortified; and there Robert the Steward of Scotland,[6] who was son of Robert de Brus's daughter, and nearly all the commons, came to his peace. The King caused a strong garrison to be placed in the castle, and repaired to England. In the winter following, the Earl of Athol, who had been appointed by the King guardian beyond the sea of Scotland,[1] was slain, having fought against Andrew de Moray, and the Earl of March, and William de Douglas, and with the people engaged on the side of David de Brus. And in the same season Thomas Rosslyn was slain in another encounter as he was landing from the sea near Dunnottar; but his people gained the victory.

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[1] Gurney.

[2] Perth.

[3] Whom the chronicler stated above had been killed at Halidon Hill.

[4] *Pur vn some de argent.*

[5] Duke of Clarence.

[6] Founder of the Stuart dynasty. Crowned in 1371.

In the next summer after, the King of England (who had sent to the town of Saint John in support of Edward de Balliol some of the greatest men of his realm, [including] his brother John, Earl of Cornwall, who died there a peaceful death[2]), having received intelligence that the Scots were assembling to fight with his people near the town of Saint John, came suddenly upon the March of Scotland with scarcely more than fifty men-at-arms. He took the March men who had been sent home to defend the country, and hastily set out to go to the town of Saint John, having with him not more than five score men-at-arms. He arrived at the said town so unexpectedly that all his people marvelled at his coming, and that he should have dared to act in such manner. Thence he rode beyond the mountains, where he rescued the Countess of Athol,[3] who was besieged in Lochindorb; and there for a while he suffered great scarcity of provender in his army; but all were supplied by the foraying of Robert de Ogle and other men of the Marches; and so he went to Stirling, where he caused the castle to be fortified, and thence he marched to Bothwell, where also he caused the castle to be fortified during the winter, and caused a strong garrison to be placed therein. The Lord of Berkeley escorted the convoy to Bothwell from Edinburgh, and one night defeated William de Douglas,[4] who lay in wait for him.

The King soon afterwards lost all the castles and towns which he had caused to be fortified in Scotland for want of good government in the prosecution of his conquest. The said King repaired to London for his Parliament, where his eldest son, the Earl of Chester,[1] was made Duke of Cornwall, Henry of Lancaster was made Earl of Derby, William de Bohun [was made Earl] of Northampton, William de Montague [was made Earl] of Salisbury, Hugh de Audeley [was made Earl] of Gloucester, Robert de Ufforthe [was made Earl] of Suffolk, William de Clinton [was made Earl] of Huntingdon. Upon which earls and other good men of his the King bestowed so liberally of his possessions that he retained for himself scarcely any of the lands appertaining to the Crown, but was obliged to subsist upon levies and subsidies, which were a heavy burden upon the people. He received a considerable share of the tithe of Holy Church, the fifteenth penny of the laity, and 47s. 8d. for every wool pack. This subsidy was granted by the Commons for a term, but it outlasted the time fixed. During two years he received the ninth sheaf throughout his realm. MS. fo. 220^b

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[1] *I.e.* beyond the Forth.

[2] *Morrust de bele mort.*

[3] She was a daughter of Henry de Beaumont, and widow of the Earl who had been Edward Baliol's Governor of Scotland, slain at Kilblene in the same year, 1335.

[4] The Knight of Liddesdale and 'Flower of Chivalry,' c. 1300-1353.

At this same parliament it was decided by the King's Council, [acting] on advice of the clergy, that he should no longer refrain from pressing his right and [his] claim to the Crown of France, on which account war was declared, homage was renounced to Philip de Valois, King of France,[2] who withheld the King's right, and defiance was also sent. Envoys were sent from the King of England to Germany to make alliance with the Emperor, the Bavarian,[3] who had espoused the other sister of the Count of Hainault. The expenses of these lords cost enormous treasure, without profit. The envoys were Henry de Borwase, Bishop of Lincoln, and the Earls of Salisbury and Huntingdon, who returned to the Parliament of London with the reply to their mission.

Soon after this time Andrew de Moray, Guardian of Scotland for King David, who [Moray] happened to die soon after,[4] wrought great havoc in the county of Carlisle, whence he marched and besieged the castle of Edinburgh, at that time in the hands of the English. The Marchmen, hearing of their coming, hastened to the rescue. The Scots raised the siege and came to meet them at Clerkington, the English being at Crichton, where at Crichtondene there was a fierce encounter between them, many being slain on both sides, but the English lost most. The Scots moved off, threatening to make an inroad upon England, and encamped at Galashiels. The English posted themselves before them, beyond the Water of Tweed, where they remained two days; and on the third night the Scots broke up and went their way.

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[1] Edward the Black Prince, aged at this time five years.

[2] *Au roy de France*, misrendered *du roy* in *Maitland Club Ed.* Beginning of the Hundred Years' War, A.D. 1337.

[3] Ludovic V. who, before his election, had been Duke of Bavaria.

[4] He died in the following year, 1338.

Soon afterwards, the Earl of Salisbury, who at that time was one of the most trusted of the King's Council, was of opinion that the alliance they had formed with the Germans was not likely to lead to profitable result, and that the King would not be able to bear the expense of the conditions which they demanded. Perceiving their greed, he laid his charge to Parliament[1] before the King and went off to Scotland so as to avoid [responsibility for] this policy. He went with the Earls of Arundel and Gloucester and the Lords Nevill and Percy to besiege Dunbar, where the King came near them at Whitekirk[2] to take their opinion about his affairs, on account of which he could not remain at the siege at that time.

They lay at this siege throughout Lent and until Pentecost, when the Bishop of Lincoln and the Earl of Northampton and the others who had conducted the treaty of alliance with MS. fo. 221 the Germans had come back to London, having achieved a gallant passage of arms in returning from this mission, for they defeated the Flemish in the Isle of Ragent,[3] where Guy de Flanders was taken by the people of Walter de Maunay. It was said that some of these envoys on their return declared to those who were then in attendance upon the King, that any persons who interfered with the King's journey in accordance with their treaty should forthwith be held as traitors, and that he need take nobody with him except Giliot de la Chaumbre, for he would be strong enough with his allies over there to conquer his heritage of France.

On hearing this news at Dunbar, the lords there, who were on the point of [receiving] the surrender of the castle, made truce and raised the siege; for they dared not remain longer lest men might blame them for interfering with the King's expedition, seeing that matters had gone so far.[1]

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[1] *Son charge moustre a le parlement enchois au roy.* The meaning is ambiguous. *Enchois*=*ainchois*, *ainçois*, avant, auparavent.

[2] In East Lothian. This was the siege made famous by the defence of the castle for five months by Black Agnes of Dunbar.

[3] *En lile de Ragent.* It is Cadsand, part of the mainland. The affair is graphically described by Froissart, Book I., chap. 31.

The King, [acting] on the advice of those who had set their heart upon this alliance, crossed the sea and arrived at Antwerp, where he lay for fifteen months without making any war, only jousting and leading a jolly life; and here was born Lionel, the King's son.[2]

At this time the English Marchmen, who were left to keep the March in rear of the Warders and chieftains who had ridden in force into Scotland, were defeated at Presfen,[3] Robert de Maners was taken, and all the others were either slain or [taken] prisoners, having, on account of imprudent, angry talk, broken their ranks and hotly[4] engaged upon unsuitable ground.

The King, within the first two months of his landing, went to the Emperor Louis at Coblenz, where he held a high court,[5] and the right of the King of England to the crown of France was proclaimed in open consistory and acknowledged in that court. Although they [Emperor Louis and King Edward] had married two sisters, yet the King received no support there except from people who never would be got together but for money, saying that for their part they would serve him willingly, but that was for such an unreasonable sum as it would have made it impossible for him to come to terms [with them].[6]

In the same season that this King Edward was in Brabant, the French came out of their galleys at Southampton, took the town by assault and destroyed it, but did not remain

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[1] A plausible excuse for failure: but Black Agnes, having made good her defence for five months, might have maintained it for fifteen, for Alexander Ramsay of Dalhousie ran the blockade of the English fleet and threw provisions and forty men into the fortress.

[2] 29th November, 1338; afterwards Duke of Clarence.

[3] Near Wark-on-Tweed.

[4] *Enuyousement.*

[5] *Ou il teint coustoir plener*, apparently the same as *cour plenière*, which differed by its greater magnificence and solemnity from an ordinary court.

[6] In the *Maitland Club Edition* certain words in the original have slipped out of the text. They are printed in Roman type in the passage as follows: *Vngor le roy nauoit illoeques autre eide fors com de gentz qe ia ne seruount ensaule de* argent qi disoient que pur le *soen ils ly seruiroint volountiers, mais*, etc.

MS. there long. In the same season the galleys of France took 221b four of the larger ships of England off Middleborough, which were lying there awaiting the King's pleasure, in case he wished anything from them, he being at that time at Antwerp.

The King of England received commission as Vicar-General of the Empire, so that all those of the Empire should be at his service. The King repaired to Antwerp, expecting aid from his allies and treating with them continually, which availed him nothing, until, in despair from such long delay, he resolved that he would wait no longer. So he sent to inform his cousin-german, the Duke of Brabant, and to the Duke of Guelders, who had married his sister, and to the Marquess of Jûliers, his brother-in-law, and to his other allies who had taken his part,[1] that, on a given day, he would be on the frontier of France, where he would test his fortune; therefore, as the Emperor's Vicar, he summoned them to be ready on the appointed day. Whither came some of the King's allies, unable, for very shame, to keep away, and rode with him into France before Saint-Quentin[2] and into Tierache; in which expedition the English with the Germans assaulted the town of Hennecourt, but they did not take it; in which assault Thomas de Poyning and many other good Englishmen were slain. King Philip of France came suddenly to Vironfoss within a league of the said King of England, without the knowledge of the King's army. The said King [Edward] waited for him [Philip] on the morrow in open field nearly all day, then towards evening he marched to Avesnes, because the army was not victualled, where they remained all next day. King Philip of France pursued no further. In the evening at Avesnes there took place such a fierce encounter between the English archers and some of the Germans that the English men-at-arms were under arms all night. Some of the Germans fell upon a detachment[3] of the English army in a hamlet outside the army, killed all the English common [soldiers], and stole horses and harness, and made off, each his own way.

The King marched into Brabant to Antwerp, where the Council of Flanders treated with him, and by their homage and oaths made submission to him as to their sovereign lord the King of France; and he, by their advice, assumed the title and arms of King of France at Ghent, where the King's son John, Earl of Richmond, was born.[1] He [the King] travelled to England in order to strengthen his array, when he underwent great danger from storm in crossing the sea. He left the Earls of Salisbury and Suffolk as Guardians of Flanders, who by their want of prudence in a foolish reconnaissance were surprised before Lisle and [taken] prisoners and taken to the fortress of Paris. The Earl of Warwick [then] became Guardian of Flanders for the English King. MS. fo. 222

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[1] *Qauoint pris de so[illegible].*

[2] In Picardy.

[3] *Cheierent desus une pane.*

The other earls having been taken, the King of France besieged the castle of Thin-l'Evêque in Cambresis which the English had taken; to relieve which went the Duke of Brabant and the commons of Flanders, and the Count of Hainault, who had sent the King of France a fresh defiance on account of outrage which he [France] had caused to be done to him. They took the English out of the castle, who, having given hostages, [thus] forfeited them, and then burnt the castle in the sight of the King of France.

In the mean time, while these people were in the field at this [work of] relief, King Edward of England was on his way to Orwell with his army to join his allies, and had embarked his horses, when news reached him that the Admiral of Normandy, with the whole navy of King Philip of France, lay off Sluys to blockade Flanders by sea, so that no victuals nor merchandise should reach them by sea, and in order to oppose the King's passage. Upon hearing this news he [Edward] caused his horses to be disembarked, and put to sea with the people of his army; so that on the vigil of St. John, at midsummer, he arrived off Sluys by sea, and on the morrow, St. John's day,[2] attacked this great navy of France, and, by the grace of God, defeated it. All the ships were taken, and the admiral, Hugh Keret, was killed, with such a multitude of Frenchmen as was beyond measure wonderful.

The King arrived at Sluys, whither came to him the lords of Brabant, of Guelders, of Jüliers, and of Hainault, and the councillors of the great towns of Flanders; when, by their advice, the King marched to Ghent, whence within eight days he moved before Tournay, which he besieged. He divided the army of Flanders in two, taking with him the troops of Ghent to Tournay, and sending those of Bruges and Ypres to Robert of Artois, who at that time was his adherent, because of the wrong that Philip de Valois, who claimed to be King of France, had done him in respect of the county of Artois, which he [Robert] claimed by inheritance; for Robert had his [Philip's] sister to wife, and submitted to the said King of England as rightful King of France.

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[1] Better known as John of Gaunt, father of Henry IV., b. 24th June, 1340.

[2] June 24, 1340: the twenty-fifth anniversary of Bannockburn.

The King sent his letters to Philip de Valois offering him choice either of pitched battle, force against force,[1] in a suitable place and on a day to be fixed, or of one hundred knights against one hundred upon proper conditions, or of personal duel of their two bodies.[2] The Council of France declared that they knew not to whom these letters should go, because they made mention of Philip de Valois, and him they held to be King of France, feigning excuse for [not] answering definitely upon the specific point.

MS. fo. 222^b The said Robert [of Artois] marched with the whole of the English and with the aforesaid men of Flanders [to a position] before Saint Omer, where the Count of Armagnac and Duke of Burgundy were quartered, who made a sortie in two columns. Robert of Artois with the English and the men of Bruges attacked and repulsed the column of the Duke of Burgundy, and very nearly entered the said town with them, so close was the pursuit. The Count of Armagnac with his column attacked and routed the rear-guard of the said Robert—the men of Ypres—and pursued them hotly a long way. Upon the return of Robert of Artois in the evening, the Count of Armagnac returned towards Saint Omer, and [the two forces] encountered each other; but [as] this happened during the night, each party stood on the defensive without doing any more. Upon the return of the said Robert to his quarters, they found that their other column of Ypres [had been] defeated and put to flight; wherefore they [Robert's column] broke up that same night, and on the morrow marched to Tournay to the King of England, who had invested that town, within which were the Comte d'Eu, Constable of France, and the Comte de Foys, with fifteen hundred foreign men-at-arms.[3]

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[1] *Batail arest. Poair countre poair*; the last two words are omitted in *Maitland Club Ed.*

[2] *Personal darrein de lour ii. corps:* i.e. *deraisne*, a term of law for trial by battle

[3] Or 'armed men.' *Genz darmis* and *homs darmis* are sometimes used to express 'armed men,' and sometimes, more specifically, 'men-at arms,' who were fully armed heavy cavalry, each man with his valet or groom.

The King had lain at this siege for eleven weeks, when King Philip of France came with his great army within a league of Tournay, when negociations began, which the King's allies compelled him [to open], because they would remain there no longer. So they took their departure upon a truce for one year, prisoners on both sides being released, the Earls of Salisbury and Suffolk of the English, and the Lords of Montmorency and other Frenchmen who had been taken at Tournay.

The Flemings were released from the interdict under great penalties laid upon them by the Pope in the Court of Rome in the time of Philip le Beau, King of France, that they should never rebel against the Crown of France; [and this was done] at the instance of this Philip de Valois, who now proclaimed himself King of France, according to the conditions agreed upon in the truce of Tournay for all time coming.

At which time of the siege of Tournay Benedict [XII.] was Pope next after John [XXII.]. He had been named previously Cardinal Blanc, and was of the Cistercian Order. He was strictly conscientious. He made stricter by his constitutions the rule of the Cistercian Order than it had been before his time. He took an active part in the peace by mediation of the Cardinals between this King Edward the Third after the Conquest and Philip de Valois, King of France; but he could not have achieved his purpose, had he not been no adherent of either party.

In the mean time, during this siege of Tournay, the Earls of March and Sutherland came to take booty on the mar. . .

. . . .

⁂ *It is at this point, just as the narrative returns to Scotland and the chronicler enters upon the period of his own greatest activity and adventure, that we have to deplore the loss of several folios. Luckily, John Leland* (1506?–1552), *the father of English antiquaries, had access to a complete copy, and made an abstract in English of the whole work. That portion which covers the missing part of the original is given here in order to preserve the thread of the chronicle.*

Whil the king was at the sege of Turnay, the erles of Marche and Sothirland made a rode yn to England, and were discomfited by Thomas Gray[1] there.

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[1] Old Sir Thomas Gray died in 1343: this encounter took place in 1339-40, and the victor may have been the chronicler himself.

Robert Maners and John Coplande, with the garrison of Roxburg, then yn the Englisch mennes handes, but after won by covyne of the Scottes on Ester day, at the very hour of the Resurrextion. But al they that were capitayne of this covyne dyed after an il death. Alexander Ramsey, capitayne of this deade, dyed for hunger, put in prison for very envy that Wylliam Duglas[1] bare hym.

King Edwarde repayrid into England, and was in yeopardy of drouning at the Tamys mouth, and at his arrival caussid his treasorers to be arrestid, by cause he was so il furnishid of mony: the which was the great cause of leving of his sege at Turnay.

The wynter after the sege of Turnay, King Edward went to Melros, and rode thorough part of the forest of Etrik in a very il season, and cam to Melros agayne, wher Henry, erle of Darby, sunne and heyre to Henry counte of Lancastre, justid with Wylliam Duglas by covenaunt yn the Kinges syte.

The King Edward, taking a trews, departid from Melros half in a melancholy with them that movid him to that yornay.

The counte of Derby went to Berwik, and there were justes of werre by covenaunt with yn the toune of many knightes and esquiers: and ther were killid ii. Englisch knightes.

This season David Balliol cam out of Fraunce, and yn the wynter after, about Candelmas, made a roode in to the Englisch marches, and brent much corne and houses: and yn somer after he made a rode yn to Northumbreland on to Tyne.

The same yere debate rose in Britayne,[2] by the death of John duke there, betwixt the counte Montforte, brother by half bloode to duke John, and Charles de Bloys, that had to wife the doughter to the counte of Penthuvir, brother to duke John by father and mother.

Counte Montfort escapid out of prison in Fraunce, and cam to King Edward as king of Fraunce, and Edwarde mayntenid his quarel, and sent Walter Mauney yn to Britayne, as his lieutenant, with Robert of Artoys, that dyed ther on fayr death.

The counte of Northampton faught with the barons of Britayne and great pour of Fraunce at Morlays, and discomfitid them, wher Geffray de Charny was taken.

King Edwarde cam yn to Bretayne, and assailid the toune of Vanes, wher ii. cardinales cam to make treuse betwene the kinges, and the toune was delyverid to them; but King Eduarde wan it afterwarde.

King Edwarde with great peril of tempest, and ther he gave his eldest sonne the principalite of Wales.[3]

The countes of Saresbyri and Southfolk, that had been prisoners yn Fraunce, and were deliverid for the counte of Murref[4] in Scotland, and 3000 poundes sterlinges, with many other knightes of England, toke their yornay into Spayne to the frontier of Granate to the sege of Algesirs, a great toune of the Saracenes upon the straites of Marok, that the good king Alpponsus had besegid, and after wan it by famyne.

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[1] The Knight of Liddesdale.

[2] Brittany.

[3] The Black Prince, created Prince of Wales in 1343.

[4] John Randolph, 3rd Earl of Moray, captured in 1335 and released in 1341.

King Edward made a great fest at Wyndesore at Christemes, wher he renewid the Round Table and the name of Arture, and ordenid the order of the Garter, making Sanct George the patrone thereof.

King Edward sent an army yn to Flaunders by the meane of James Arteville,[1] capitayn of the communes of Flaunders, of which when they saw the army [at Scluse] they [of Gaunt[2]] cutte of Arteville's hed.

King Edward sent to the counte of Derby, the erle of Lancaster's sunne, with many gentil men yn to Gascoyne, wher he discomfitid his ennemyes at Albaroche. Ther the erls of Lisle and Valentinoys wer taken, and ther they did many great feates of armes beside.

The baron of Staforde, that after was erle, and many other Englisch men, were besegid yn Agiloune yn Gascoyne by John duke of Normandy, eldest sunne to Philip king of Fraunce: but he left the sege becummyng of King Edwarde yn to Normandy.

King Edward sent the counte of Northampton and Oxford, with counte Montfort in to Britayn,[3] that claymid to be duke there, and that shortely after dyed there of fayr death. The aforesaid counte assegid the toune of Kemperkaretyne, and at the laste toke it by assaute.

Charles de Bloys cam with great pour to rescue the toune, and the aforesaid erle cam foreward to fight with them; but yn dede they fought not to gither.

The counte of Northampton rode through the cuntery, and wan the toun of Rochedirien by assaut, and so returnid yn to England with yeopardy of tempest. Thomas Dagworth sent warden yn to Brytainne,[3] anone after this fought with Charles de Bloyse, and put him to flyte. A nother tyme he layd wayte for Charlys de Bloys, where he had assegid Rochedirien, and toke hym, and sent hym prisoner yn to England. And at this tyme were many of the barons of Britayn slayn.[3] Abowt this season King Edwarde landid at Oges in Normandy, and wan the towne of Cane[4] by force, wher the counte of Owe,[5] the conestable of Fraunce, and Tankerville the chambreleyn wer taken and sent yn to Englande.

King Edward went up to Lenght yn Normandy apon the ryver of Sene, wher at the bridges wer broken, and made the bridg of Pontoyse, wher many French men wer slayn. Then went King Edwarde thorough Beauvoisin and Pykardy to the water of Sowme,[6] wher a great sorte of Frenchmen, wylling to stop the passage, wer slayn. Philip Valoyse cam with his great hoste to have stoppid King Edward at the passage of Soum, but he was over or he cam.

King Edward, passing the forest of Crescy, was sodenly beset with Philip Valoys great hoste: but yet he chase a plott of ground equal to fight yn, and wan a great victory of hym;[1] wher wer taken John king of Boheme, the duke ot Loreyne, the counte of Alaunsun,[2] the brother of Philip Valoys that caullid hym self king of Fraunce, the counte of Flaunders, and many other countes.

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[1] Jacob van Artevelde.

[2] The people of Ghent.

[3] Brittany.

[4] Caen.

[5] Le Comte d'Eu.

[6] Somme.

King Edward went thens to Calays, wher he lay a whole yere at the sege.

King Davy of Scotland, yn the mean while, wan agayne, part by strenght, part by treason, part by famyne, al the holdes that King Eduard had yn Scotland, saving the only toun of Berwik. And the tyme of the ii firste monithes of the assege of Calays, he enterid ons in somer in to the parties of Cairluelshir;[3] and a nother by Sulwath,[4] and after assaylid the pile of Lidel and wan it by assaute, and then cut of the hedde of Walter Selby capitayne there, that afore had beene of the covyn of Gilbetert Midleton, that kept Mitford Castel and Horton pile agayn King Eduarde. Davy king of Scottes went forth in to the bisshoprik,[5] and there did much hurte, wher the archbishop of York, the counte of Angous, the lorde Percy, the lorde Neville, and lord Moubray, with other marchers, wan the batelle,[6] and John Coplande toke hym prisoner. The countes of Murref and Strathern wer killid and also Morice Murref, with many barons, banerettes and knightes wer killid. The counte of March and the seneschal of Scotland fled. The counte of Marche was taken, and the counte of Menteth, that shortely afterwards was hangid and drawen at London. Wylliam Duglas, that had greatly holp the quarel of King David, was restorid to his castel of the Heremitage, apon conditions that he never after should bere wepen agayn King Edwarde, and alway be ready to take his part. This Duglas was sone after slayn of the lord Wylliam Duglas[7] yn the forest of Selkirk.[8]

Many lordes, knightes and esquires of Scotland, taken yn batayle with theyr King David, wer sodenly ransomid, the which, after they cam yn to Scotland, made great riottes agayn. After this batayle cam to the king of Englands peace the countes[9] of Berwik, Roxburg, Peblys and Dunfres, with the forests of Selkirk and Etrik, the valleis of Anand, Nide, Esk, Euwide, Muffet, Tevyot, with the forest of Jedworth. The castelles also of Roxburg and Hermitage wher delyverid in to the Englisch mennes handes.

King Edwarde lay stille afore Calays, and there the counte of Flaunders practisid with hym to have his doughter Isabelle.

King Philip of Fraunce to the borders of Calays to remeve the sege; but he prevailid not.

Calays beying over cum with famyne, the capitayne and burgeses of the toune cum with halters about theyr nekkes, submitting them self

[1] 26th August, 1346.

[2] Alençon.

[3] Cumberland around Carlisle.

[4] Solway.

[5] Of Durham.

[6] Nevill's Cross, 17th Oct., 1346.

[7] William, 1st Earl of Douglas.

[8] August, 1353.

[9] Usually Leyland writes 'counte' for 'earl,' but here it means counties.

to King Edwarde: the which put a right strong garrison yn the toune, and so cam yn to Englande.

Then cam to King Edward messengers from Rome to treate for peace for viii. yeres folouing.

About this tyme the electors of the empire sent to King Edward, offering hym there voyces to be emperor, Lowys of Bavar being deade. But he for his other great afferes refusid it, and then was electid Charles king of Boēme, sun to King John that was killid at the batail of Crescy. This Charles electid emperor fled at the batail of Crescy.

Henry duke de Lancastre chalengid at the coronation of Charles themperor at Rome a greate part of Province, the which by deathe of his auncestors was fallen to hym, by reason of his fathers mother queen of Navar.

King Edward had prepared to[1] armyes, one at Sandewiche and a nother at Orwelle, to go yn to Flaunders, to thentent to help them of Gaunt and Ypers, the which wer at debate with them of Bruges for his quarel. But trewse taken betwixt them brake this yorney.

King Edward, knowing a pryvy practise that a Genuoyse of the garnison of Calays had for a great summe of mony with the French king for delyveraunce of Calays, cam very secretly thither, and caussing as many of the French men to be let yn as might be welle over cum, slew them, and brake al their purpose; and there was taken Geffray Charnay very prive of the French kinges counsel, and a great cause of thys conspiracy. Geffray Charnay delyverid for raunsom toke in a castel the aforesaid Genuoyse, whom King Edward had made knight, and for he had bene cause of his taking he put the Genuoyse to great tormentes.

King Edward faught with a navy of the Spanyardes cummyng from Flaundes (by causse they had afore done hys navy greate hurte) and vanquishid them, taking many great shippes of Castelle.

The Englisch men of the garnison of Calays toke the castel of Gisnes. The Englischmen toke a great parte of the counte of Bretayne, wher Thomas Dagwort theyr capitayne, a man to hy a corage to fly, was slayne yn a skirmouche of the French menne. This Thomas Dageworth had often tymes over cum the French menne. Gualter Bente was gardian of Bretain after Dagworth: did wondrous feates yn Britayne; but after he was put yn the tour by fals suggestion, as it was said.

King Edwarde and his counsel wher much occupied by the space of a peace of viii yeres, procurid, as it was spoken of afore, by the messagers of Rome; and for the delyveraunce of King David of Scotland, and Charles de Bloys, duke of Bretayn, the which had beene, in these space of viii. yeres, yn divers castelles on England yn prison. In this tyme was a very great pestilence yn England, and many noble men dyed of it, beside the communes. In this season at a parlament was Henry counte of Lancastre made duke, and Rafe Stafferd counte.

Henry duke of Lancastre made after a rode[2] to Boloyne. And this Henry was at a nother tyme yn the wynter in Spruce:[3] but his yorney faillid to fight with the infideles. Henry went thens to Cracow, whither the Tartares enterid, and were departid a litle afore his cummyng. Henry, at his cummyng to Coylane, fel by chaunce at hy wordes with the duke of Brunswik, that gave hym gage of bataile, and receyvid it, and had leve of King Eduarde to try it. The bataille was apointid at Parise before John king of Fraunce; and there they were armid an a horse bak redy to fight, but King John toke up the quarel. Henry laborid sore for the peace of viii yeris afore spoken of, yn so much that, at the last, by great difficulte, it was concludid apon conditions at Avinion afore certayn cardinales and the counsel of Fraunce. But this peace cam to right smaul effect.

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[1] Two.

[2] Raid.

[3] Prussia.

About this tyme John Beauchamp, that was capitayne of Calays, was taken aboute Arde goyng owt of Calays: wher the syre Beauin, capitayne of the French band, was slayn; but the French men, beying iiii tymes doble as many as the Englische men, had the victory.

Clement was bisshop of Rome after Benedict. This Clement was a monk of Cluny ordre and archbishop of Roam,[1] and had beene before prior of a celle of the French ordre in Englande. He was a good clerk in divinite.

In the mean whyle that King Davy was prisoner, the lordes of Scotland, by a litle and a litle, wan al that they had lost at the bataille of Duresme; and there was much envy emong them who might be hyest; for every one rulid yn his owne cuntery: and King Eduarde was so distressid with his afferes beyound the se, that he toke litle regard to the Scottisch matiers.

At this tyme a baronet[2] of France caullid Garenceris[3] cam with 50. men of armes yn to Scotland, and brought with hym xm. markes of the French kinges treasor to be gyven emong the prelates and barons of Scotlande, apon the condition that they should breke their trewis with the king of England, and mak werre apon hym.

About this tyme in playne parlament the jugement of Mortymer, that was erle of March by King Eduard's gift, was revokid at London; and so was the sunne of the sunne of Roger Mortymer restorid to therledom of Marche and to al his possessions, by the meanes of his great frendes, that allegid Mortimer dyed with oute answering to such thynges as were layid agayne him.

About this tyme King Edward was long deteynid by reason of a treatice of alliance betwixt the king of Navar, that was the sunne of the erle of Eworous, and hym. The which alliaunce by tretice afore was offerid, when Henry duke of Lancastre was at Avinion. Apon the which King Edwarde was with his navy apon the costes of Gascoyn the hole somer for performance of this alliaunce. But his yorney faillid. For the king of Navar thought to have more avantage at the French kinges hand.

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[1] Rouen.

[2] ? Banneret; or perhaps a minor baron. Baronets, in the modern meaning, had no existence till the seventeenth century.

[3] Garencières.

King Edward went with his hoste to Calays and rode thorough Artoys and Pykardy, destroying 700. paroches. And apon this King John of Fraunce, sumwhat to redubbe the rebuke of King Eduardes actes in his reaulme, sent his marescal to King Edwarde, that he should apoint a day by gages. And King Edwarde assignid the place in the marches of Calays; but King John cam not nere it by viii. lieus. At this season Eduard the prince of Wales was sent by King Edward with a 1000. men of armes, and the erles of Warwike, Oxford, Saresby and Sothfolk, yn to Gascoyn, the which, with the Gascoynes, rode over the hilles of Langedok with yn 2 dayes yorney of Avinion, and brennid the suborbes of Narbone, and destroyed Karkason, and the counteries about; and yn returning to Burdeaux rode over the counte of Ermeniak[1] and cam to Burdeaux with out batail. In the same tyme the Englischmen that wer in Britayne vanquishid the vicounte of Roan and the syre Beaumaners. This Beaumaners had afore faught with the Englischmen by covenant 30. to 30. The Englischmen at the begynning had the better; but at the ende they were vanquishid.

The lordes Percy and Neville, gardians of the Englisch marches, toke trewis with the lorde William Duglas at the tyme that he had conquerid the landes that the Englisch men had won of the Scottes.

Patrik erle of March, that was patised with Garaunceris the baron of Fraunce, King John of Fraunce agent ther, wold not consent to this trews, and so with other cam yn roode to the castel of Norham, and imbuschid them self apon the Scottisch side of Twede, sending over a banaret with his baner, and 400. men to forage, and so gathering prayes drove them by the castelle.

Thomas Gray[2] (conestable of Norham, sunne to Thomas Gray that had beene 3. tymes besegid by the Scottes in Norham castel yn King Edwarde the secunde dayes), seing the communes of England thus robbid, issuid out of Norham with few mo the 50. menne of the garnison, and a few of the communes, and, not knowing of Patrikes band be hynd, wer by covyn he set both before and behind with the Scottes. Yet for al that Gray with his men lightting apon foote set apon them with a wonderful corage, and killid mo of them than they did of thenglisch men. Yet wer ther vi. Scottes yn numbre to one Englisch man, and cam so sore on the communes of England, that they began to fly, and then was Thomas Gray taken prisoner. Patrik of Dunbar, counte of Marche, and Thomas le Seneschal, that caullid hym self counte of Angus, one and twenty dayes after this preparid them self apon a nighte with scaling laders cumming to Berwik, and with yn vi. dayes after tok by assaute one of the strongest toures of Berwik, and enterid the toun. This tydinges was brought to King Edwarde at his very landing at Calays yn to England. Wherfore he taried at his parlament apointid at London but 3. dayes, and with al spede cam to Berwike, and enterid the castel, and then the burgeses tretisid with hym, and the toune of Berwik was redelyverid ful sore agayn the Scottes wylle to King Edwarde.

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[1] Armagnac.

[2] The chronicler himself, who thus, in the summer of 1355, entered upon his imprisonment, which he beguiled by writing *Scalacronica*.

King Edward went to Rokesburg, and there the xxvi. day of January, anno D. 1355[1] Edward Bailliol king of Scottes resignid his corone, and al his title of Scotland, to King Edwarde, saying, that the Scottes were ful of rebellion; and be cause he had no heyre, nor ane very nere of his linage, and that he was of King Edwardes blode: wherfore, he said, he could not telle wher better to bestow his title and the corone of Scotlande, better than apon hym. Apon this King Edwarde went be yond hambremore in hownes, destroying the countery on to Edingburg. Then he repayrid yn to England, and left the erle of Northampton gardian of the marches, which toke a trews with the Scottes that was not wel kept.

John king of Fraunce toke by covyne the king of Navar, that had afore treatid with King Eduard for alliaunce.

(*To be continued.*)

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[1] N.S. 1356.