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The Dispensation for the Marriage of Mary Stuart with Darnley, and its Date

WHEN I published the dispensation for the marriage of Mary Queen of Scots with Darnley,[1] I found myself involved in considerable difficulties regarding the date. It was not (as I have explained) until my documents were just passed for press that I could make certain that my transcript was really accurate on that point, and even then I was unable to explain it, indeed it seemed to me open to serious suspicion. Since then, however, I have ascertained that this suspicious-looking date rather confirms than impairs the verisimilitude of the story as a whole. To explain this point, however, I must somewhat enlarge the scope of my inquiry, and go over once again some ground which will not be unfamiliar.

I. The chronology of the episode is briefly this. Mary and Darnley first met on February the 17th, 1565. Their marriage had indeed been talked of by gossips since the death of Mary's first husband; but Mary had certainly not hitherto been inclined to the match, and when they did meet there was nothing at all like love at first sight. The chances of their marrying are first treated as a practical question by Randolph, on the 15th of April. On the 15th of May, Darnley, who had been ill in bed, was able to leave his room, and was thereupon declared Earl of Ross. This act, so far as we know, was Mary's public declaration that they were engaged. Next week, May 21, she assured Queen Elizabeth through Sir Nicholas Throckmorton that she would not 'consummate the matter these three months, in which time she will

[1] *Papal Negotiations with Mary Queen of Scots, Scottish Hist. Soc.*, 1901, pp. 191-231. The full texts of all the documents I shall quote below will be found there, printed in their entirety.

use all means to procure your acceptance.' Let us note this date. In Mary's mind the marriage was to be about the 15th of August.

Besides Elizabeth's 'acceptance,' Mary would also have had to secure that of the Cardinal of Lorraine, of the Kings of Spain and France, and above all that of the Pope; for without his dispensation the marriage would have been null from a Catholic standpoint. The couple were first cousins, and the power to dispense with consanguinity of this degree is practically never delegated to others by the Popes. We know that the faculty was not among those granted to the predecessors of Archbishop Hamilton. It is moreover a well-recognized rule that dispensations for royal marriages should in every case be granted by the Pope himself.

None of Mary's friends had hitherto been in favour of a match with Darnley. On the contrary, they had all committed themselves to advocate the claims of others. Yet, with relatively little delay, when the slowness of intercommunication in those days is taken into account, she soon obtained the consent of all. Before two out of the three months had passed, which she had arranged to wait, messengers were arriving from Spain, from France, and from the Cardinal of Lorraine, accepting the proposals. The Cardinal had been in no hurry to do so, and with good reason, for he had sent two gentlemen, Roulet and Rochefort, to Scotland, to inquire independently into the propriety of the proposals. Their reports can hardly have reached him before June was nearing its end. Most reasonable though this delay was, it occasioned an unlooked-for loss of time in presenting the petition for the marriage dispensation. Mary had trusted to the Cardinal to ask for it at once, but in point of fact his messenger, Mgr. Musotti, did not reach Rome until the 20th of July. If Mary, ignorant of the slowness of papal procedure, fancied that the faculty would be granted *instanter*, she was mistaken. The Pope had heard of Darnley's previous flabbiness in religion, and naturally desired to make further inquiries. The Nuncio at Paris was at once (July 23) asked for information, but of course a further wait of some duration was inevitable before his answer arrived.

II. Meantime, as far back as June the 28th, Mary had taken the resolution of sending an envoy of her own to Rome, and had selected for this purpose William Chisholm the younger, the coadjutor-bishop of Dunblane. She did not in the first instance intend him to sue for the dispensation, for she believed

that (accidents apart) it would have been granted before his arrival. Chisholm's chief business was to solicit a papal subsidy to help in the struggle with the reforming party, which Mary already foresaw. The threatened quarrel, let us add, had come to a head and been decided before any foreign aid could possibly have arrived, while the Pope had declined to make a grant even before he had heard of this proof of the reality of Mary's need. What concerns us, however, is that the Bishop left Scotland in the first week of July, and reached Rome on August the 14th, remarkably quick travelling for those days.

But before he could have completed one-half of his journey a papal letter arrived in Scotland for Mary, and people asserted that it was the dispensation itself, for which Mary was waiting. She at once had her banns proclaimed, and on July the 29th they were wed, though it is perfectly clear from the documents now before us that no dispensation had as yet been granted.

What then had happened? The best answer I can give to this question will suggest itself as we follow the correspondence between the Nuncio in Paris and his chief in Rome. The Cardinal of Lorraine's envoy, Musotti, it will be remembered, reached Rome on the 20th of July. Five days later the vice-secretary of state, the Cardinal of Como, wrote as follows to Cardinal Santacroce at Paris:

'The Cardinal of Lorraine has written to his Holiness for the dispensation for the Queen of Scotland and the Earl of Ross. An answer will soon be given, and I believe the resolution will be a favourable one, for they found great hopes on the religion of that young man, though they own that hitherto he has thought fit to dissemble it.

'Your Eminence will do me the favour to give me your opinion and that of the good Catholics of your Court.'

Cardinal Santacroce's answer did not go off till the 27th of August, and it is unfortunately not forthcoming. Still we can conjecture from the response that it was to this effect. He expressed some surprise at the course of the marriage negotiation, and asked whether the Papal letter, which he had had the honour of sending to Mary a month before, was not in fact the dispensation for their marriage. He, of course, had not opened the packet to look; but everyone thought that it was so, and Queen Mary had acted as though it were.[1]

[1] In my *Papal Negotiations* I have printed extracts from a series of contemporary news-letters, showing that there was a persistent rumour, current from the middle of July at least, that the dispensation was by then already granted and dispatched (*Negotiations*, pp. lxxxi, 191-200).

The Cardinal of Como answered on September the 25th:

'I may inform you that the brief of the Queen of Scotland, which I sent you, did not contain the dispensation, but was a reply to a complimentary letter of hers. The dispensation is being sent now by the Bishop of Dunblane, who came hither to ask for it.'

It seems therefore to follow that the brief, which the two Cardinals are speaking of, and which was used by the Queen as a dispensation, was the letter of May 1, 1565, published by me in my *Papal Negotiations with Queen Mary*, p. 188, and which, as the Cardinal truly says, is merely a complimentary exhortation to constancy. This letter reached Scotland just at the time when the arrival of a dispensation would have been most opportune. It was not necessary to publish the contents of the letter, for everybody—even the usually well informed Nuncio at Paris—already believed that it was the expected faculty. In short, *post hoc* (and may we not suggest also *propter hoc*), the marriage took place, and a new chapter of misfortunes commenced for the luckless Queen.[1]

III. We must now direct our attention to the dispensation which was eventually granted. We have already heard that the Bishop of Dunblane came to solicit it on the 14th of August. We know very very little of what followed, though we luckily have a fairly full report of the Pope's speech in consistory upon the subject, held 1st September, 1565: 'It was

[1] Not only the contemporary news-writers, but also subsequent Scotch historians, have uniformly stated that Mary obtained a dispensation before her marriage. There is (so far as I know) only one subcontemporary reference to the want of a dispensation. In a Spanish paper against the right of King James to succeed after the death of Elizabeth, it is said, 'The Catholics consider him illegitimate, because there was no dispensation given for the marriage of his father and mother, who were closely related.' This paper having been drawn up in Rome, we may conclude that some recollection of the negotiation we are describing had survived there, but not an accurate one, for the dispensation, when granted, was quite ample enough to cover the birth of James (*Spanish Calendar*, 1587-1603, p. 727).

We may also perhaps see some connection between the delay of the dispensation and the suggestion which Lethington was said (but by Mary's advocates) to have made later on, December 1566, that a divorce might be obtained because (*inter alia*) 'they alledgit the dispensation was not publishit' (Goodall, *Examination* (ed. 1754), ii. 359). Mary's adversaries of course attributed the suggestion to her, *i.e.* that a divorce should be obtained, 'the dispensatioun being abstractit' (Detection, ed. Anderson, ii. 13; Buchanan, *Historia*, lib. xviii. cap. iv., Cambridge MSS., DD. 3, 66 fol. 2 b.). Both sides therefore suppose that there was a dispensation, but that it was kept secret.

to be feared,' he said, 'that if the request (of Mary and Darnley) was refused, they might continue to hold to their purpose and carry it out; and also that if they set at nought the authority and the laws of the Apostolic See in this matter, they might be bold to do the same in other things. Therefore, lest religion be endangered in that kingdom, he was sure that he ought to grant this dispensation.'

This seems to mean that the Pope had been warned, that unless he granted the dispensation at once, there was great danger that Mary would join the Protestants, among whom the marriage of first cousins was not forbidden. Whether the Pope was right in this, we shall never know; but it is at least clear that he had been told that, if he did not grant the dispensation promptly, the marriage would go on without him.

A fortnight later we find the first reference to the dispensation as to a thing already actually granted; and on the 25th of the same month a number of complimentary briefs were expedited to accompany the dispensation. That document itself, however, bears date viii kal. Junii, that is May the 25th.

IV. This is undoubtedly strange, and naturally gives rise to several questions. Can we be sure of the reading? Can we rely on the MS.? Can it possibly be explained? First, as to the reading. Of this I cannot doubt, for though I have not seen it myself, only having come upon the trace clue to it after I had left Rome, yet I can have no reasonable doubt, as it has now been read by three independent archivists, Fathers Stevenson and Gaillard, and Dr. Herzen, who all agree exactly as to the wording.

But can we rely on the text? Copyists, we know, are not infallible; even in this transcript the scribe has made some slips of the pen. It is not inconceivable that he should have written Iun. for Sept. But are the probabilities greater that he has made this slip than that the document is deliberately misdated? At first I thought they were, and the whole of my published comment is written in this hypothesis. Upon further inquiry, however, into the subject of ante-dating, I find that the idea and practice were not at all unknown to the Roman Chancery, and moreover this is the sort of case in which ante-dating might be expected. Under these circumstances the apparent reasons for doubting the accuracy of the document lose almost all their force, and we are constrained to accept the document as it stands.

Ante-dating is with us a thing so very little practised that we

cannot easily imagine cases in which it would be *en règle*. Still even with us commissions in the army and navy are sometimes ante-dated, and cheques are sometimes post-dated, and we understand that there are good reasons for so doing. We may indeed go further, and say that in the ante-dating of honours and the like, there need be nothing reprehensible or inopportune. In the case of ecclesiastical chanceries, moreover, which should issue indulgences, dispensations and pardons in a more paternal way than a secular court would do, the use of ante-dating may be employed even more frequently. An example of ante-dating in a papal document, fairly well known to the students of English History, occurs in the brief for the dispensation of Henry VIII. of England to marry Catharine of Arragon, the authenticity of which has frequently been discussed. Some of our best critics, as Mr. Paul Friedmann, while upholding the authenticity of the brief, maintain that it was certainly ante-dated, while Mr. Gairdner holds that this supposition is at least the more probable. I do not wish to build on this precedent, as Dr. Stephan Ehses, whom I think I may call the highest living authority on this particular episode, does not believe that the case for ante-dating is proved. On the main question before us, however, his opinion is so interesting and valuable, that I will quote his private letter to me on the subject:

'It is quite certain that for weighty reasons—to give validity to proceedings, otherwise wanting in legal force—ante-dating (Ruckdatirung) of Papal briefs has occurred, and no doubt does still occur. I will give you an example from my *Acta Concilii Tridentini*. The two legates, Cardinals De Monti and Cervino, entered Trent on the 13th of March, 1545, and gave the people an indulgence of seven years and seven quarantines on occasion of the festival—though they had not received from Pope Paul III. the authority to do so. They therefore wrote again and again to the Pope at Rome, begging for a supplemental grant of this indulgence, and that the brief might be issued with the date of their departure from Rome. To this the Pope eventually agreed, and on the 27th of April, 1545, the brief was dispatched, under the written date 10th February, 1545.'[1]

The parity of this example is very instructive. We see the ante-dating, as in our case, extended precisely to a point which will

[1] *Concilium Tridentinum* [ed. S. Ehses, Görres Gesselschaft, 1904], Tom. 4 (Actorum, pars i), p. 391, num. 286, and note 3.

cover the time for transmission by post. For the selection of the day, May 25 was evidently determined by the desire to allow for about two months (the usual time for letters from Rome) before the celebration of the marriage on July the 29th. To return to Dr. Ehses's letter :

'I see, therefore, no reason for hesitating to suppose that the marriage dispensation for Mary and Darnley was assigned an earlier date, in order to exclude all doubts as to the legitimacy of the marriage and of the possible issue. If in the correspondence about the dispensation no allusion to ante-dating is given, this need not prevent our believing that it took place. Mary's representatives in Rome would doubtless have handled the point with great discretion, and have accomplished it without attracting notice.'

I have also consulted the Very Rev. Dr. W. A. Johnson, Bishop of Arindela, for many years Secretary to the Archbishops of Westminster. He informed me that he could see no inherent difficulty in the idea of this brief being ante-dated. Though he does not remember a single case of an ante-dated document having passed through his hands, yet the possibility of dispensations being ante-dated is still fully recognized. As to the objects of ante-dating by so small a period as has been done in the present case, it would evidently be to compliment the Queen, and to exclude unpleasant comments : it would not practically affect the legitimacy of the children that might be born of the union.

V. To sum up. There are precedents for ante-dating, and for ante-dating by a period similar to ours. The case of Queen Mary's dispensation was one in which ante-dating would have been specially in place. There is no doubt that the surviving copy of the dispensation is ante-dated. Therefore we should stand to our text. *Lectio difficilior, ergo probabilior.*

Thus much for criticism. An even more interesting subject of inquiry would be, how far this new fact in the history of the Queen should modify our estimate of her. That it cannot tell in her favour is all too clear. Yet it does not follow that the worst suspicions are now justified. If we knew more than we do about her *vie intime* at this period, we might find exculpatory circumstances. She certainly was not without reasons for hoping that the dispensation might have been granted and on its way to her before the marriage was celebrated. At all events she was sure that it would be granted soon. If they did not cohabit

until the dispensation arrived, her fault will, after all, not have been so very grave. The advantages that could be derived from immediate action would, to a politician, have seemed invaluable.

Yet, when we have allowed as much as we like on these scores, there will always remain the fault, unpardonable especially in a woman, of want of principle regarding the sacredness of marriage, a sacredness which should have been dearer to her than life. She was deliberately risking an invalid union, and according to the law of the Church she achieved one. It makes one augur ill for her constancy in the time of temptation, soon to come, when nothing short of heroic adherence to principle would be able to save her.

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The Union of 1707 : Its Story in Outline

COMMUNITY of race and language is the oldest and the most essential element which has gone to the making of a united Britain; and the first link in a long and tortuous chain of causes was forged as far back as the early years of the eleventh century, when the kingdom of Scotland was diverted from a Celtic to a Teutonic type by the acquisition of the purely English territory between the Forth and the Tweed. At the death of David I. in 1153, the progress of English civilisation was rapidly assimilating the northern to the southern Lowlands; but the new nation moulded under such auspices invited an assertion of overlordship on the part of the English Crown; and the possibilities of conflict involved in this claim were realised when Edward I. insisted on determining a disputed succession, not as arbiter, but as suzerain, and when, in attempting to annex the realm of his rebellious vassal, he encountered a resistance which was made good against his successor at Bannockburn, and finally, after another period of disastrous failure against Edward III. Scotland, estranged from England by the intense nationality evoked in these and subsequent struggles, was eventually reconciled to her by the same means; for France had constituted herself the patron of Scottish independence; and France, in the middle of the sixteenth century, when the Dauphin had wedded the Scottish Queen, was believed to be plotting the subjection of her old ally. The Lords of the Congregation professed to be defending national institutions as well as their own Protestant faith. Queen Elizabeth sent them assistance 'only for preservation of them in their old freedoms and liberties and from conquest'; Scotsmen and Englishmen went literally hand-in-hand to assault the French fortifications at Leith; and Cecil, in announcing to his mistress the successful conclusion of the war, predicted that 'it would finally procure that conquest of Scotland which none of her progenitors, with all their battles, ever obtained, namely, the whole hearts and goodwills of the

nobility and people, which surely was better for England than the revenue of the crown.' International antipathies are not so easily allayed; but the two nations were never again to meet as such in a stricken field, and they continued to be allies till their crowns were united in the person of King James.

A common Protestantism, strengthened by dynastic interests, was the basis of this alliance; but it was a Protestantism which had assumed widely different shapes. In Scotland the Catholic hierarchy, rotten almost to its core, had fallen to pieces at the first blow, and a new Church had arisen, whose ministers were political prophets and whose General Assembly was a middle class Parliament more powerful than the aristocratic Estates. In England there had been reform, not revolution, and Protestant zeal found vent, not in Convocation, but in the House of Commons. To this incompatability of the secular with the ecclesiastical temper was soon added a positive conflict, arising out of the rival pretensions to divine right of Anglican Episcopacy and Scottish Presbytery—a conflict which reached its climax in the middle of the seventeenth century, and was not terminated till the military despotism of Cromwell had been erected on the ruins of both. At the Restoration Episcopacy was established in Scotland on a basis somewhat broader than is commonly supposed; and the Government, by crushing those who openly resisted, and allowing the peaceable nonconformists to return for a time to their cures, had succeeded before the Revolution in reducing the Presbyterians to so low a level that they were thankful to participate with Catholics in the toleration which resulted from James VII. and II.'s arbitrary suspension of the penal laws. From this condition they were rescued, not by the good-will of King William, who would gladly have preserved the episcopate, but by the incurable Jacobitism of the Scottish prelates. Hence the Presbyterian Establishment, which, though an obstacle to union, was no longer an insuperable one, since the ecclesiastical controversy in both kingdoms had burned itself out, and secular influence had become dominant in Scottish as in English politics.

Whilst, however, the two nations had approximated in temper, the immediate effect of this change was to imperil their constitutional relations by infusing fresh vigour into the Scottish Estates. Since the union of the Crowns two national and independent legislatures had existed under a common head, but one of these was so constituted that the sovereign in ordinary

times could do with it what he pleased. Before the Puritan revolution, and, to a great extent, thereafter, the whole business of legislation in Scotland had been engrossed by a committee known as the Lords of the Articles, which was chosen practically by the bishops, and in the last resort by the King. The Covenanters, in 1640, had followed up their deposition of the bishops by abolishing this committee—an invasion of his prerogative which Charles I. made a cause of war; and after the Revolution, when Episcopacy had again disappeared, Parliament was not likely to be satisfied with anything short of this reform, especially as it had now superseded the General Assembly as the true centre of national life. In 1689 the Estates insisted on their right to full freedom of debate and legislation, and William in the following year was forced to give way. No constitutional machinery was now available for harmonising a Scottish legislature with an executive which took its orders from the English Court; and the difficulty was met in a manner very similar to that which was adopted in Ireland after the British Government in 1782 had been deprived of the initiative in legislation through the repeal of Poynings' Law. William in 1690 assured his Commissioner that he would make good 'what employment or other gratifications you think fit to promise'; and, so long as a Scottish Parliament existed, the King's Ministers were expected to supply the loss of direct influence by maintaining a party in the interest of the Crown. The Duke of Argyll, some years later, prepared a schedule of places and pensions by means of which thirty members of Parliament might be detached from the Opposition. 'If money could be had,' wrote the Duke of Queensberry, who had spent £500 in bribery and was asking another £1000, 'I would not doubt of success in the King's business here.'

Success in such business was not easily attained, for the trading interests of England and Scotland had long been at variance, and, with the decline of religious zeal, their antagonism rapidly became acute. For more than half a century after the union of the Crowns the Scots had enjoyed what was practically a free-trade with both England and her colonies. Under the incorporating union enforced by Cromwell the liberty thus conceded in practice was legally recognised; but Scotland recovered her nationality at the Restoration, and was required to pay for it by obtaining no exemption from the Navigation Act of 1660 which confined the colonial trade to English ships

and enacted that the principal European products must be imported either in such ships or in ships of the country to which the goods belonged. The Scots vainly retaliated and made feverish endeavours to revive their decaying industries and trade. In 1668 the statesmen of both countries conferred to no purpose with a view to alleviating the restrictions imposed on Scottish commerce; and James VII. in 1686 attempted to obtain the repeal of the anti-Catholic laws by assuring the Parliament at Edinburgh that 'we have made the opening of a free-trade with England our particular care and are proceeding in it with all imaginable application.'

Barriers which did not yield to argument might possibly be circumvented, and an opportunity for this soon occurred. The privileges of the English East India Company were disputed at this period by a number of private traders known as interlopers. They had failed in their endeavour to obtain a charter from the English Parliament and were induced to believe that an enactment of the Scottish Estates would serve their purpose equally well. In 1695 'The Company of Scotland trading to Africa and the Indies' was incorporated by statute on terms which provided that one half of the stock should be held if possible by resident Scotsmen. In nine days the whole capital allotted to the interlopers was subscribed in London; but Lords and Commons concurred in denouncing this intrusion of an alien legislature; and all but five of the subscribers speedily withdrew. The Dutch East India Company succeeded in frustrating an attempt to procure subscriptions at Amsterdam, and the English Resident defeated a similar attempt at Hamburg by threatening the Senate with King William's displeasure.

Undeterred by these reverses, the Directors proceeded to make the most of their £400,000 of Scottish capital; but under the influence of William Paterson, a half-hearted promoter of the East India project, they subordinated the original design to that of founding a colony on the isthmus of Darien. Paterson believed that this neck of land dividing the Atlantic from the Pacific would 'enable the proprietors to give laws to both oceans and to become arbitrators of the commercial world'; but Darien belonged, nominally at least, to Spain, whose military and naval power Scotland could not hope to resist; the climate was notoriously bad; and the articles with which the Company proposed to prosecute its trade were not the most appropriate to the tropics—some Scottish and Hamburg linen, it is true,

but mostly tweeds and serges, coarse stockings, caps, and wigs. A more disastrous colonial enterprise than this of New Caledonia it is impossible to conceive. The colonists had little money and no credit; their goods were useless for barter; their leaders quarrelled; famine and pestilence carried them off by scores; and of three expeditions, the first and second had each evacuated the settlement before its successor arrived. On March 31, 1700, the colony capitulated to the Spaniards; hundreds of the survivors perished by disease or shipwreck on the passage to North America; and thus ended an undertaking which had cost 2,000 lives and nearly all the paid up capital, about £200,000. England by frustrating the East India project had involved the Scots in this disaster, and she proved equally hostile to a design which threatened at a most critical time—that of the Partition Treaties—to embroil her with Spain. The colonial governors were directed to boycott the Scottish settlement, and these orders were interpreted so literally at Jamaica that starving refugees were not allowed to barter goods for provisions, and Admiral Benbow refused to assist a Scottish captain whose ship was disabled and who had lost most of his officers and crew.

Scotsmen, without distinction of rank or politics, had thrown themselves heart and soul into Paterson's fantastic scheme, and its failure, which was at first ascribed wholly to English ill-will, excited a tempest of indignation, which we may imagine but can hardly realise. Parliament met in May 1700, but proved uncontrollable, and was almost immediately prorogued. 'There is no more speaking to people now,' wrote Lord Melville, 'than to a man in a fever'; and, a few weeks later, when the final abandonment of Darien had become known, he described the nation as growing 'still madder and madder.' Tales of mismanagement brought home by survivors had, however, some effect in cooling the public wrath; and the King's Commissioner, alarmed by his failure in May, made extraordinary exertions to secure a majority in the autumn session. Nothing approaching to the clamour and disorder of this meeting had ever been known in the Parliament House; but Queensberry, after losing at least one critical division, contrived to weather the storm; and a rupture was averted when he carried his proposal that a series of resolutions reflecting on the English Government should be embodied, not in an Act, to which William must have refused his assent, but in an address to the Crown.

The Estates were now breathing defiance against the English

Parliament, with nothing but a hard-pressed executive at Edinburgh to hold them in check, and such a conflict, arising out of an older commercial antagonism, could not but suggest the necessity of a legislative union. A conference with this object had been held as early as 1670; the project had been revived at the Revolution; and William in 1700, and again during his last illness in 1702, recommended to his English legislature the devising of "some happy expedient for making both kingdoms one." The task was attempted soon after the accession of Queen Anne, when the Tories in England, who were avowedly anti-Unionist, had succeeded to the predominance of the Whigs; and, under more favourable auspices, it might have been accomplished, for Paterson afterwards made the remarkable statement that at this period, and for twenty years before, 'I did not know one in Scotland who was not for the Union at any rate.' At this conference of 1702 it was the Scottish, and not the English, Commissioners who proposed incorporation, and agreement, after proceeding far enough to include the opening of the colonial trade, was broken off on the wholly reasonable demand of the Scots that their African and Indian Company should not be dissolved without compensation.

Queen Anne's partiality for the Tories proved still more mischievous in Scotland, where it betrayed that astute tactician, the Duke of Queensberry, into the one serious blunder of his political career. The Country Party, as the politicians were called who supported the Darien scheme, had hitherto consisted for the most part of stalwart Whigs and Presbyterians; and Queensberry, bowing to the new influence at Court, attempted to swamp his opponents by appealing to the Jacobites, whose allegiance, denied on the whole to King William, was readily promised to a daughter of King James. This policy was adopted with such success at the elections that in the new Parliament of 1703 the Country Party was reduced from about 90 to 15; but the Government majority, overwhelming as it seemed, was really an ill-jointed coalition of Jacobites—or, as they called themselves, Cavaliers—and official Whigs; and its character as such was exposed when the former section quarrelled with the latter, and, taking with it several Ministers, went over bodily to the Opposition. The balance of parties, long doubtful, was now completely upset; and the Act of Security was carried by no fewer than 59 votes—an Act which provided that if the sovereignty of Scotland, its legislative power, its freedom of

navigation and trade, had not been secured at the Queen's death, the Scottish crown should not devolve upon the same person as the English, and that meanwhile the population should be armed and drilled. The royal assent was of course refused; but the Act—or, in English phraseology, the Bill—was certain to be re-introduced; and, in order to put an end to the deadlock without imperilling the regal union, a bargain was struck in 1704 with the original Country Party, in terms of which these men undertook to form a Ministry and to establish, if they could, the Hanoverian succession, whilst Anne accepted to some extent the stipulation contained in the Act of Security by consenting that after her death the executive in Scotland should be chosen with the advice of Parliament.

The Crown was now throwing itself on the Darien Whigs as in the previous year it had thrown itself on the Jacobites, and the result in both cases was the same. Queensberry was replaced as Commissioner by the Marquis of Tweeddale, whom the Countrymen acknowledged as their chief; and the accession of this party—a mere remnant, as we have seen—was much more than counterbalanced by the defection of Queensberry's personal friends. The new Government proved as impotent as the old; the Act of Security, in a somewhat less rigorous form, was again passed; and, as the Exchequer was empty, Anne was advised to give her assent.

The War of the Spanish Succession was raging throughout Europe, and Marlborough's long march from Holland to the defence of Vienna had culminated in the great victory of Blenheim only a few days before the Act of Security became law. Such was the interest excited by the campaign of this summer that London had paid even less attention than usual to Scottish affairs; and it is said that even members of Parliament were not aware, and could hardly be persuaded, that the Crown had assented to an Act providing that Scotland, unless its demands had previously been conceded, should become independent at the Queen's death. Indignant criticism found many voices in the House of Lords; and the Lord Treasurer, Godolphin, having defended his policy on the ground that, 'whatever ill-look it might have at present, it was not without remedy,' had no difficulty in accepting a measure for obviating its effects. In the spring of 1705 preparations were made to defend the English Border; the Queen was empowered to open negotiations for union; and, in order to extort the concurrence of the Scots,

it was enacted that after December 25 they should be treated as aliens and their principal products excluded from England.

Meanwhile, as the zealous supporters of a war to which their rivals were little inclined, the Whigs were recovering the ascendency they had lost at the beginning of the reign. They had sought to hasten their rehabilitation by vying with the Tories in attacking the Act of Security; at the general election of this year they obtained a large majority in the Commons; and their footing in the Government was widened and secured when the Great Seal was given to Earl Cowper. This party had no liking for the Queen's Scottish advisers, whose Whiggism, having a strong Darien flavour, was not of the official brand, and who, therefore, as Lord Roxburgh expressed it, were not their 'right tools.' The English Whigs, in fact, made it a condition of their support to Godolphin that Queensberry and his friends should be restored to office—a transfer of power which was facilitated by the failure of the Tweeddale Administration to save Captain Green and two of his men who were executed at Edinburgh for the supposed massacre of a Scottish crew. The original Country Party were now estranged both from the statesmen who had supplanted them in office and from the Jacobites who had deserted them when they came to terms with the Court. They called themselves the New Party, but were usually known, in reference to their independence and isolation, as the *Squadrone Volante*, or, in popular parlance, the Squadrone.

The English and the Scottish Ministry were now at one, in so far at least as they were equally favourable to union, but, whilst the former wished Scotland in the first place to accept the Electress of Hanover as Anne's successor, the latter were quite alive to the fact that, if this concession were made, their country would forfeit an obvious advantage in the subsequent bargaining with England.

The Estates re-assembled at Edinburgh in June 1705, the royal Commissioner being the young Duke of Argyll. The Government were more relieved than disappointed when the Jacobites, seconded by not a few of their own followers, contrived to defeat them on the proposal to settle the succession; but, under the guidance of Queensberry, who had lingered for some time in London, they threw their whole weight into the project of union; and they succeeded beyond their most sanguine anticipations when, not only was a treaty authorised, but, on the motion of the Duke of Hamilton, who, if not avowedly one of

the Jacobites, was at all events their leader, it was carried that the Commissioners for Scotland should be nominated by the Queen. Hamilton hoped to secure his own nomination, which indeed Argyll had promised; but when the names of the thirty-one Commissioners were published in the following spring, it was found that only one member of the regular Opposition—Lockhart of Carnwath—had been included, and none of the Squadrone. Meanwhile, the Crown had been requested not to open negotiations till the law which branded the Scots as aliens had been repealed; and the English Parliament unanimously rescinded, not only this clause of the Act, but also the restrictions on trade.

Whig interests being dominant both at Edinburgh and London, and the agents for Scotland having been chosen almost exclusively from men of that type, the negotiations for union were not likely to fail; but several of Queensberry's friends, looking less to the making of a treaty than to its reception in Parliament, would have preferred a more representative Commission. The conference opened at Westminster on April 16, 1706 and on July 22 it was brought to a successful close. Each of the Parliaments had forbidden its Commissioners to treat for any alteration of the national Church. The two kingdoms were to be incorporated, with exception of their legal systems, under the name of Great Britain, with the Electress Sophia of Hanover and her Protestant Heirs as successors to the Crown, and one Parliament, in which Scotland was to be represented by sixteen peers and forty-five commons. The Scots obtained all trading privileges, were granted some temporary abatement of taxes, and, in consideration of their liability to the English national debt, were to receive a sum of £398,085, known as the Equivalent, which was to be spent in discharging arrears of Government pay and in refunding to the African and Indian Company, which was to be dissolved, its capital and interest. To the land-tax, which in England at 4s. in the pound produced nearly two millions, they were to contribute only £48,000, and £12,000 for every additional English shilling. Despite their enormous inferiority in wealth, they incurred no sacrifice of honour. There was to be a new Great Seal; the arms of Scotland were to be quartered with those of England; and the crosses of Saint Andrew and Saint George were to be conjoined on the national flag.

The Scottish Commissioners were well aware that the attitude

of their countrymen towards the question of union was no longer what it was in 1702, and, instead of proposing incorporation, as their predecessors had done in that year, they had attempted to evade the English demand. The Act of Security had given concrete embodiment to national aspirations, and the Queen's Tory sympathies had brought into Parliament a body of men whose attachment to the House of Stewart made them the strenuous advocates of independence, and who for years had been adroitly appealing to misguided patriots, bigoted Presbyterians, and discontented Whigs. The prospects of the treaty were thus extremely dark. The Jacobites could not fail to oppose it; the Church, mindful of its old quarrel with Anglican Episcopacy, would probably be hostile; and nothing but opposition was to be expected from the Squadrone. These men had zealously promoted the Act of Security; their efforts to establish the Hanoverian succession had been frustrated by the intrigues of Queensberry and his friends, who had now supplanted them in office; and they had been excluded from the Westminster conference. Happily, however, the real, though not the nominal, leader of the Squadrone was the Earl of Roxburgh, a high-spirited statesman of unimpeachable honesty and good sense; and the Scottish Ministers would have met Parliament in a much more hopeful mood, had they known of the decision to which Roxburgh had painfully worked his way. As early as November 28, 1705, he wrote to his confidant, Baillie of Jerviswood, that he 'was never in so great anxiety as now, his thoughts having been entirely taken up these eight and forty hours about Union, and a torment to him'; and he went on to express his doubts whether Jacobitism could be finally suppressed and the material development of Scotland secured without the sacrifice of 'a poor independent sovereignty,' which the artifices of Ministerial corruption had reduced to a mere 'name.' A week or two later, he wrote: 'The more I think of Union, the more I like it.' Baillie intimated a reluctant assent, and in the following spring he reported that such members of the party as he had conversed with were of the same opinion.

Queensberry was again the royal Commissioner when the Scottish Parliament assembled for the last time on October 3, 1706, and, under so expert a manager, the Government could count on utilising to the full their corps of officials, pensioners, and expectants—a corps which unfriendly critics estimated at about eighty. After hearing the articles of the treaty read and

ordering them to be printed, the House adjourned for a week; and, on re-assembling, it devoted itself to discussing the articles in order without putting any of them to the vote. Public interest had thus ample time to make itself felt. The Church proclaimed a public fast; the populace of Edinburgh, violently anti-Unionist, broke into a formidable riot; and a series of pamphlets began to issue from the press, in which Scotsmen, most ancient, most invincible, most pious and orthodox of peoples, were implored to keep aloof from an often-conquered, a profligate, heretical and semi-popish nation, and, in particular, not to barter their independence 'for some hogsheads of sugar, indigo and stinking tobacco of the Plantation trade.' There were of course replies, more pungent than conciliatory, in which the hollowness of Scottish Sovereignty, 'precarious, imaginary and fantastical,' without ambassadors, fleets or armies, was forcibly exposed. A vote was at last demanded on the first article providing for the incorporation of the two Kingdoms under the name of Great Britain. The debate extended over three days, and on November 4 the article was carried, with the help of the Squadrone, by 115 to 83. To the last it had been feared that this group—the dark horse of the Union—for personal, if not for political, reasons would vote against the Government. 'God be thanked,' wrote Lord Marchmont, 'they have not done so, for which all who wish well to our Queen and to Britain owe them thanks, kindness and esteem, for they have carried themselves and concurred, as became persons of honour, understanding, and lovers of their country, without the least appearance of resentment toward those who are now employed.' The Marquis of Annandale, Lord Belhaven, and Fletcher of Saltoun were among the few non-Jacobite members who spoke and voted with the Opposition, and the second had been one of the Squadrone till, in Roxburgh's phrase, he took to 'roaring like a madman against the Union.'

The second and third articles, securing the Protestant succession and a common Parliament, were affirmed as emphatically as the first; but the Union, wrote Defoe to his English patron, was 'yet a dark prospect'; for, though the Government commanded a substantial majority, it was doubtful whether they or their supporters would have the courage to persevere. The House was daily in a condition which recalled the worst days of the Darien agitation and the Act of Security, when 'we were often in the form of a Polish diet, with our

swords in our hands, or at least our hands at our swords'; and the debates must have taxed the lungs of members almost as much as their brains. The English Government were informed from day to day of the proceedings at Edinburgh, and, whilst extolling the 'steady virtue' of their friends, they had no great hope of success. They were told of an endless stream of petitions in which Parliament was adjured to uphold the sovereignty and independence 'so valiantly maintained by our heroic ancestors'; of heated encounters on the floor of the House; of the Commissioner passing daily through the streets in the midst of a military escort which could not protect him from the insults, or even from the missiles, of the mob; of a riot at Glasgow; of the articles of Union burned at Dumfries; of incessant Jacobite intrigues which only the indecision of Hamilton, adroitly played upon by Queensberry, prevented from developing into open war; and their gloomiest anticipations seemed to be realised when one of the Scottish Ministers, representing that they were 'in great danger,' urged that Parliament should be adjourned, and when even the Earl of Stair, whose unremitting exertions on behalf of the Union were to cause his death, admitted that it would be impossible to withstand a popular revolt. Through this sea of perils Queensberry steered his frail bark with admirable coolness, firmness, dexterity and tact; but even these qualities, invaluable as they were, could not have accomplished the Union without the action, or rather the inaction, of the Church.

Not satisfied with its exclusion from the Treaty, the Church had demanded that the continuance of the Presbyterian Establishment should be made a positive condition. An ecclesiastical Act of Security was, therefore, passed; but the clergy were not content, and insisted on amendments, some of which were accepted and others refused. The Government had consented most reluctantly to bring the Scottish Church into the Union, knowing that in that case the Church of England could not be excluded; and, in order to avert the necessity of re-debating the treaty on its return from Westminster, they took what one of their supporters admitted to be the 'very unprecedented step' of ratifying beforehand whatever ecclesiastical safeguards the English Parliament might insert. This was naturally denounced as a blank cheque in favour of the Anglican hierarchy and ritual. Happily the discontent of 'this terrible people the Churchmen,' as Defoe called them, evaporated

in protest. Had they condemned the treaty *in toto* and preached against it generally from the pulpit, as one or two of them did, the friends of the Union in Parliament would soon have been overpowered by its opponents in the street.

On January 28, 1707, the Queen announced to both Houses that the Treaty of Union, with some amendments and additions, had been ratified in Scotland. The amendments related chiefly to matters of trade; and the Scottish Ministers had warned Godolphin that they could not answer for the consequences, should these alterations be rejected or others introduced. The Whig majority accepted, and succeeded in giving effect to, this view. The English Act of Union was transmitted to Edinburgh in such a form that it required only to be read and recorded; and the Estates separated, never to meet again, on March 25.

Wm. Law Mathieson.

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 narrative, interrupted by the loss of certain folios, is here resumed in the middle of a sentence. The matter referred to is the capture by stratagem of Charles II. the Bad, King of Navarre, by John II. the Good, King of France.*

M.S. fo. 223 . . . of France by treachery, as he was seated at table, the Dauphin of Vienne, eldest son of the King at that time, having invited him to dine. The Comte d'Harcourt and other lords of Normandy [were] beheaded on a charge of being party to his [Navarre's] misdoing. And note that at this time the eldest son of the King of France was Dauphin of Vienne, which Dauphiné Philip the father of this John of France had purchased for the Crown of France, wherefore this King John gave it to his son.[1]

In the year of grace 1355, and in the thirtieth year of the reign of King Edward of England the Third after the Conquest, Edward, the eldest son of the said King of England and Prince of Wales, who throughout the year had remained in Gascony at his father's war, as has been described above, moved in force out of Bordeaux into France on the 6th day of July.[2] He held his way to La Rule, through Agonac and Perigueux and

[1] Humbert III., last sovereign lord of Dauphiné, being childless, bequeathed his province in 1343 to Charles of Valois, King of France, grandson of Philip VI., on condition that the eldest son of the King of France should always be known as Dauphin of Vienne.

[2] The first instance of the chronicler dating by the day of the month instead of by the ecclesiastical calendar. The 6th July is the feast of St. Columba.

Limoges and into Berri, where several fortresses were rendered to him. He came to Romorantin, a town in *Saloigne*, where the Seigneur de Croun and Monseigneur Bursigaud, an experienced knight, were sent to him by the King of France, who was not far off, to ascertain the strength and condition of the Prince's army. Which town the said Prince took by storm. The town having fallen, the Seigneur de Croun and Monseigneur Bursigaud shut themselves up in a strong tower which was there and held it; [but] surrendered it and the town, and sixty knights and esquires, to the Prince's mercy.

Thence he [the Black Prince] moved to the river Loire, intending to cross it in order to form a junction with the King his father, whom he believed would have arrived in the parts of France or Normandy in [pursuance of] his conquest of his heritage, France, or else that Duke Henry of Lancaster might have marched towards him (the said Duke having charge of Brittany, and having been sent by the King of England in that same summer) if he had found a passage by ford or bridge; though all were broken from Orleans to Tours, when he [the Prince] directed his march before Tours. In which march at this time were taken nearly two hundred men-at-arms of the French army, from some of whom the Prince obtained sure intelligence that King John of France was drawing near him with the royal army; so he crossed the Loire at Blois. To the Prince came the Cardinal Perigord craving for treaty, to whom answer was courteously made that he [the Prince] would be ready always to receive and offer negociation. The said Prince in his marches moved across the river Vienne, and received information through prisoners that the King of France would cross the said river near Poitiers; so that, after the said Prince had spent all night at the castle Arraud-le-Sumail, he marched in great haste with his three columns in order of battle across country, intending to intercept the King of France's passage of the said river at the bridge of Chauvigny; but long before he could reach the said place, he perceived that the King had crossed. However, a great mass of the French were in rear and on the flanks, with whom the Prince's people had to do, and defeated them; where there of the French were captured the Comtes d'Auxerre and de Joigny, and with them more than one hundred men-at-arms, knights and esquires, the rest being driven back to Chauvigny. This day's work was on Saturday, the 17th day of September, the tenth week of this expedition.

MS. fo. 223b

On the Sunday following, the Prince marched upon Poitiers; on the way thither his scouts came to inform him that the army of the King of France had arrived in array of columns within the distance of an English league; whereupon the Prince immediately dismounted and put his columns in array.

In this place the aforesaid Cardinal returned once more to the Prince, imploring him for God's sake to halt his troops until he [the Cardinal] had spoken to the said King of France for the saving of Christian blood, and [assuring him] that by the help of the Almighty he would cause him to have peace consistent with his honour. The Prince replied that he would listen most willingly to reason. The Cardinal departed, and soon returned to find that the Prince had marched on foot in order of battle nearer by a quarter of a league, so that there was scarcely more than half an English league between the two armies. The said Cardinal begged that he would appoint nine of his people to treat with nine others of theirs, midway between the two armies, about a reasonable way to peace; which was arranged and performed; but it took no effect. Now this was not done with the intention that appeared, but the Cardinal acted entirely for [the French] advantage, so as to test the purpose of the said Prince, and to prolong the affair to the detriment of the said Prince, [who should] run short of provisions and other munition, while their forces [the French] should be increased [by reinforcements] continually arriving. Negociations were prolonged throughout the night; next morning at sunrise the Cardinal returned, ever anxious to put off the battle, pressing for a long truce, during which lasting peace might be arranged. The Prince continued to tell him that he would agree willingly so far as was in his power, but that he would not go beyond that. The Cardinal said that he would go back to the King of France and let him know at once how much he might expect. He [the King] promptly returned word to the Prince that the matter could not be settled in any other way, but that each one should do his best.

The Prince, who was ready in battle array, caused all his people to mount their horses. They [moved] towards the flanks of the columns of the King of France, so as to choose better ground for engaging. The French thought that they were in retreat, and made great haste, and especially their
MS. advanced guard under two marshals, who, as was said, were
fo. 224 at variance because of bitter words [which had passed] between

them. The Prince's advanced and rear guards engaged with the marshals and defeated them. The column of the Dauphin, eldest son of the King of France, engaged with the Prince's column, and was very soon repulsed. And also the column of the Duc d'Orleans, brother of the King of France, which joined the King's column after its repulse, and, having dismounted, advanced with it gallantly to attack the Prince's column. The aspect [of Orleans' attack] was so formidable that a large number of the Prince's people retired beyond a hedge into another field, joining the other columns which had repulsed their enemy. These [other columns], when they perceived the check [sustained by] of the Prince's column, its plight and the conflict [it had to sustain], hastened to his support, and formed upon his flank with such cheering as greatly reassured their friends, and caused much alarm to the enemy; so that, by the special grace of the Almighty, victory remained with the aforesaid Prince.

At this battle of Poitiers King John of France was taken prisoner, and his son Philip, and thirteen counts and an archbishop, and of barons and bannerets sixty-six. The number of men-at-arms taken was two thousand. And there were slain, in the battle and in the pursuit the Duc de Bourbon and the Duc d'Athènes, Constable of France at that time, and the Maréchal de Clermont, and a bishop, and several viscounts, barons and bannerets, and about three thousand men-at-arms. Now the number of men-at-arms with coat armour in the army of France was eight thousand, and in the Prince's army but nineteen hundred, and fifteen hundred archers.[1]

William Lord of Douglas, desiring to make pilgrimage beyond the seas, left Scotland and arrived in France at the time when King John of France was marching in force against the said Prince in Gascony. He joined the said King, received knighthood at his hands, escaped from the battle and returned to his own country [leaving] several of his knights slain in the battle. This William became Earl of Douglas soon after

[1] The term *gentz darmys* means more than mere rank-and-file. Men-at-arms were of rank intermediate between esquires and common fighting men. They are usually called *homs darmys*, and I should have considered that the reference was to the rank-and-file, were it not that they are specifically described as bearing coat armour—*gentz darmis od cotis armours*. Froissart gives the total strength of the French army as 48,000.

the liberation of King David of Scotland.[1] This David de Brus at this time created William de Ramsay Earl of Fife, chiefly, as people said, by persuasion of his [Ramsay's] wife, whom he loved *paramours*. Which earldom the King declared was in his right to bestow owing to the forfeiture, as he said, of Duncan Earl of Fife in the time of Robert de Brus, his
MS. fo. 224b father, for the slaying of an esquire named Michael Beton, whom he had caused to be slain in anger at a hawking party, wherefore the said [King David] alleged that the said earl, in order to obtain from the king remission of the forfeiture, had by indenture devised the reversion of the earldom to the said king his [David's] father, in the event of his [Duncan's] dying without heir-male, which he did. But the said earl had a daughter by his wife, the King of England's daughter, the Countess of Gloucester.[2] This daughter was in England, and it was intended that she should be sold to Robert the Steward of Scotland,[3] but she married for love William de Felton, a knight of Northumberland, who was her guardian at the time, and she laid claim to the earldom which had been renounced by that contract.

This battle of Poitiers having taken place in the manner [described] two days before the feast of St. Matthew in the year aforesaid,[4] the Prince marched to Bordeaux with the said King of France a prisoner, and with the others, to place them in sure ward until the King his father should make [known] his pleasure concerning them. He [King Edward] indeed ought to thank God for his grace, seeing that he had as prisoners at the same time two crowned kings [namely], the King of France, most puissant of Christians, and King David of Scotland, who at that time had been detained for ten years a prisoner in England.

In the same season, within two months after the battle of Poitiers, the city of Basle was all thrown to the ground by an earthquake, and a great number of citizens were killed by

[1] William, son of Sir Archibald Douglas 'the Tineman.' He undertook this pilgrimage in expiation of his slaughter of the Knight of Liddesdale. Among the prisoners taken at Poitiers was Archibald 'the Grim,' Lord of Galloway, afterwards 3rd Earl of Douglas.

[2] Mary, daughter of Rafe de Monthermer, Earl of Gloucester and Hereford, grand-daughter, not daughter, of Edward I.

[3] *I.e.* that Robert should pay for the privilege of marrying an heiress.

[4] 19th Sept. 1356.

the fall [of houses], and several castles in the neighbourhood were thrown down.

In the same year, Duke Henry of Lancaster, who at the time was Guardian of Brittany for the aforesaid King Edward of England, besieged the city of Rennes from the feast of St. Michael until after that of St. John the Baptist in midsummer; which siege he raised in accordance with the truce struck between the said Prince of Wales, son of the said King of England, and the Council of France. The truce was to last for two years. But the Duke of Lancaster received a large sum of money from those in Brittany who were adherents of Charles de Blois for the expenses of said siege.

The said Prince of Wales brought the said King John of France to his father in England, which King John of France was for some time [kept] in London, and was then removed to Windsor.

At the feast of St. Michael following King David of Scotland was released for a ransom of 100,000 silver marks; his hostages were received at Berwick. The hostages were the Earl of Sutherland and the son of the said earl, who was the son of the sister of the said King David,[1] Thomas the Steward, who by the Scots was called Earl of Angus, Thomas de Moray Baron of Bothwell, with twenty others, sons of Scottish lords. MS. fo. 225

About this time a knight born in Languedoc, having caused himself to be styled the Archpriest,[2] gathered to himself young soldiers of several nations. They opened war in Provence and took some castles and towns in the neighbourhood of Avignon, whereby the Court of St. Peter, which at that time was established there, was sorely disturbed—which rising was greatly owing to the bribes[3] of Pope Innocent.

The Queen of Scotland, sister of the said King Edward of England, came in the same season to Windsor to confer with her brother the king, and to propose by negociation a larger treaty; and by the side of her mother, Queen Isabella, who

[1] William, 2nd Earl of Sutherland, who died in 1370, married Margaret, daughter of Robert I., and from them descended Elizabeth, daughter and sole heir of the 17th Earl, who in 1785 married the second Marquess of Stafford, created Duke of Sutherland in 1833, great-grandfather of the present Duke.

[2] 'Sir Arnold de Cervole, more commonly called the Archpriest.' Froissart, Book i. cap. 176.

[3] The Pope gave the Anti-pope 40,000 crowns to go away.

died at Hertford in the same season,[1] whom she had not seen for thirty years.

At which place of Windsor the said King Edward held his great festival of jousts and revels on St. George's day,[2] as was customary; where King John of France was in prison at the time, and where Henry Duke of Lancaster was wounded. While he was jousting with one knight, another one crossed and wounded him with his lance very dangerously in the side, from which he recovered. To which jousts came the Duke of Brabant and [the Duke] of Luxemburg,[3] who was brother to the Emperour Charles of Bohemia, to ask assistance against the Count of Flanders, who had waged war against him for some time for the town of Malines and other disputes between them. They had married two sisters, daughters of John Duke of Brabant, who had no son. But the said Duke of Luxemburg married the elder, the Countess of Hainault, wife of John, who died in Friesland, which duke had the duchy of his elder brother the emperor, according to custom of the Empire.[4]

In the previous season to this came two cardinals, Perigord and Urgen, to England to treat for the release of King John of France and for peace between the kings. They remained a considerable time in London, and negotiated a way to peace which was accepted by the king's council in a form that he could recommend, on condition that it should be approved by the commons of his realm, by whose advice the challenge of his right to France had been undertaken and pressed. But the commons in full parliament in London disapproved of the terms of the said treaty, so that it came to pass that no conclusion was come to. Thus it was that the Pope annulled for himself and his successors all the contract which King John had yielded by indenture and attornment to the Holy See in the time of Innocent, and the Holy Father withdrew from a business in which at the time he had taken great pains. Which thing the English lawyers pronounced to be greatly to the disadvantage of the Crown, because at that very time the king's justices were personally excommunicated because of a process of judgment which they had given in the King's Bench against Thomas de Lisle, Bishop of Ely, who was of

[1] 22nd August, 1358. [2] 23rd April.

[3] *Lenburgh.* John Leyland interprets this as Lüneburg.

[4] The Emperor Charles was Duke of Luxemburg before his election.

the Order of Jacobins, and who did not answer formally to a charge of felony on which he was indicted by his adversaries, the counsel of the Lady of Wake, wherefore the said justices gave judgment according to their laws, and the king seized the temporalities of the said bishop, who went to Avignon after being arrested and bailed by the archbishop, and made thereof a great process, so that the Pope laid claim to the temporality to the detriment, as the aforesaid lawyers declared, of the regality of the king. Which representation was sent to the Holy Father, and in consequence of this transaction and other difficulties the said cardinals departed from England, despairing of an agreement, notwithstanding that they had so nearly accomplished it that the two kings had embraced each other as a condition of a treaty of peace, which could not be kept by the French within the limited time set for its accomplishment. MS. fo. 225b

In the same season, truce having been struck as aforesaid, numbers of Englishmen who lived by the war invaded Normandy, plundered castles, seized manors, and carried on such warlike operations in the country by help of those of the English commonalty, who flocked to them daily against the king's prohibition. It was astonishing how they went in bands, each on their own account, without an appointed chieftain, and wrought much oppression in the country. They levied tribute from nearly all Normandy and the borders of the neighbouring lands, securing for themselves good fortresses in Poitou, Anjou, and Maine, and into fair France [itself][1] within six leagues of Paris. They were scattered in so many places over different parts of the country that no body could recount the combats and deeds of arms which befel them during this time; but they so acted that all Christian people were filled with astonishment. And yet they were but a gathering of commons, young fellows who hitherto had been of but small account, who became exceedingly rich[2] and skilful in this [kind of] war, wherefore the youth of many parts of England went to join them.

The villagers and labourers of the commonalty of France gathered in crowds after their King John was taken at Poitiers, despising the gentle folks and doing violence to

[1] *Deuers douce France*: printed *toute France* in *Maitland Club Edition*.

[2] *Durement deuindrent pussauntz dauoir*. *Durement* seems to be merely an intensive, as we might say, 'they became awfully rich.'

those whom they could reach, throwing down their houses and declaring that gentle folks were of no use except to oppress the commonalty and poor people by their extortions. They slew in some places the wives and children of gentlemen, wherefore the gentlemen gathered together and defeated them and put them to flight, and put down this rising.

In the same season the commonalty of Paris, having chosen themselves a leader, and named him Provost of the Merchants, rose suddenly and went to the palace of the king, where the king's son, who was called Duke of Normandy and Dauphin of Vienne, was in council. They broke open the doors of his chamber, killed in his presence the Maréchal de Clermont, brother of him who died at Poitiers, and beheaded sundry
MS. fo. 226 others there, accusing them of having wasted by living in great towns the treasure of France taken from them [the commonalty] without any intention of making war upon the enemy, notwithstanding that the said maréchal in that very season had [inflicted] a defeat upon the English in Normandy, where Godfrey de Harcourt was killed,[1] who in former times had adhered to the English.

The said Provost of the Merchants[2] clapped a cap of his colours[3] on the head of the king's son and brought him before the commons, where he [the Dauphin] entered into covenant to conduct himself according to their wishes; which promise he did not keep; [but] escaped as soon as he could, and raised force against them. Wherefore the said commonalty kept in custody the King of Navarre and any English who happened to remain in Normandy.

This King of Navarre was imprisoned by the King of France, as aforesaid, and was rescued by the Seigneur de Piquigny and his other friends, who took by night the place where the said king was imprisoned and brought him into Normandy.[4]

The said king, with a number of English, joined forces with the aforesaid commonalty of Paris [and] was within the city, whence the English sallied and seized a bridge of boats which the Dauphin had caused to be made anew across the Seine a couple of leagues above Paris. [Their object was] to

[1] The battle of Coutantin, see Froissart, Book i. cap. 171.

[2] Etienne Marcel, to wit.

[3] Marcel had caused all his followers to wear caps of one design; one writer says *mi partie bleu*, another *partis de pers et de rouge, le pers à droite.*

[4] See Froissart, Book i. cap. 179.

intercept the supplies. Here the Maréchal was waylaid and captured with a fourth part of his knights and brought to Paris by the said English, who were well received there and entertained, until they raised violent riots by their extortions in the city. Wherefore the commons rose against them, drove them out of the city, and followed in force those who escaped to the open country. The English, who had seized and fortified Poissy and other fortresses in the neighbourhood, had sallied forth towards Saint Cloud; hearing the noise [of the fight] and meeting the fugitives, they took a course towards the people who had come out of Paris, charged them and put them to flight, driving them back mercilessly into their city, many of them being killed and drowned in the Seine.

The King of Navarre escaped from Paris, [and] because of this disturbance the said commons on that very night rejoined the Dauphin, the king's son, who was near at hand in force. They beheaded without delay their Provost of the Merchants, whom they had raised as their leader, and with him several others among his supporters; wherefore the said King of Navarre and the aforesaid English who had settled in Normandy came before Paris in force, summoning the Dauphin to fight, but he would not come out. In marching thence they took the town of Creil by assault.

MS. fo. 226b

The King of Navarre had laid a plan with the people of Amiens, who at nightfall had seized two or three gates of the town and had left them open, intending that at the sound of a trumpet the said king, having approached near to the town, should enter. But, as it happened by fortune of war, on that same night the Count of Saint-Pol had entered the town at evening with four hundred men-at-arms. He heard the affray [made by] those who were in the plot and were expecting the immediate entry of the said king. But either he [the king] was not ready or he had not heard the signal; so they raised a riot and scattered for plunder, while the said Count and his people went to the gates, found them open, closed them, attacked the conspirators and overcame them.[1]

The said king, disappointed in his plan, destroyed the suburb and marched into Normandy. The English seized and garrisoned several fortresses, of which one lay between Beauvaisin and Picardy and bore the name of Mauconseil;

[1] See Froissart, Book i. cap. cxc. for a fuller account of this affair.

which place the Bishop of Noyon[1] and the Lord of Dawnay besieged. The Lord of Piquigny with four hundred men-at-arms of the said English went to relieve the said place, captured the said bishop and four barons and fifty knights with him, and defeated the others.[2]

Many a pretty feat of arms befel the English in this season in divers parts of the realm of France, which are not recorded here for reasons aforesaid. Since the beginning of the war these English had established themselves on their own account in many places throughout the realm of France, and, being young fellows gathered from different parts of England [and therefore] unknown to each other,[3] many of them beginning as archers and then becoming some knights, some captains, their expeditions could not all be recorded at the time they took place, because of the diversity of them. And forasmuch as it was forgotten to write down in making this book, which was not yet written, many notable doings in the order they happened, it is right that the rest of them should [now] be described.

First [then, as to] the campaign of Gisors in Gascony, when Hugh of Geneva was commander in the war for the same aforesaid King of England, Edward the Third, after the Conquest, in the year of Grace 1333, at the beginning of the war of his claim upon France, when the seneschals of sundry districts for the King of France had laid siege to the Abbey of Gisors, which the Anglo-Gascons had fortified. To the relief of which the said Hugh, with some other Anglo-Gascon barons and about four hundred men-at-arms and eight hundred soldiers and archers, came before the French, who numbered more than a thousand men-at-arms, arrayed in the field. The river Ille was between them, the English being drawn up at the ford of the said river. The English who were besieged in the said fortress made a sortie and skirmished so briskly in attacking the said enemy, that, without consent or wish of officers of the said English,[4] nearly all their soldiers[5] crossed the said river shoulder high without being observed, and dashed in with the others with

MS. fo. 227

[1] *Nogoun.*

[2] See Froissart, Book i. cap. 189.

[3] *Qi gentz estoint de coillet, jeunes, mesconuz* [printed *mes counz* in *Maitland Club ed.*] *de diuers countres Dengleter.*

[4] Namely, the officers of Hugh of Geneva's relieving force.

[5] *I.e.* private soldiers.

wonderfully bold spirit and enterprise. The French, thinking that they were too much among the hedges, moved off and fell back to take up a more open position, whereupon the English, perceiving this, undertook to cross the said river. The said soldiers of the English, seeing their lords coming and the French retreating, shouted with one voice and daring—'At them! At them! they are defeated!' whereupon the said Frenchmen made off in confusion as fast as [their] horses could gallop.

And then, a good while after this, some twelve years, more grand exploits happened in Gascony after the departure of the Duke of Lancaster, who was the King's Lieutenant in those parts, as was said before,[1] and before the coming of the King's son, the Prince of Wales, into the said country. Such was the affair of *Lymeloinge* at the relief of Lusignan, when the English knight Thomas Coke was seneschal after the departure of the said Duke; which Thomas, with the Anglo-Gascon barons, numbered five hundred lances. In marching [to Lusignan] there came upon them suddenly fifteen hundred French lances, seneschals of the country, in three troops. The advanced guard of the French avoided the lance points at the first encounter, moving round the ranks of the English, who had dismounted, [but] coming so close that every Englishman who chose to strike slew a horse with his lance, the Frenchmen being thrown out of their saddles to the ground.[2]

[1] The interpolation of a full stop here in the Maitland Club edition makes this passage unintelligible.

[2] The sense is very obscure. *Lauauntgard as Franceis eschueront au point dez launces le about assembler glasseront a reys des Engles qi descenduz estoient a pee, costauntz si pres qe chescun Engloys*, etc.

Thomas Maitland

THE fame of Thomas Maitland, youngest son of Sir Richard Maitland of Lethington, has been eclipsed by that of his two elder brothers, William, Mary's Secretary, and John, Chancellor of Scotland under James VI. Yet the brief glimpses afforded by contemporary authorities of the chequered and adventurous career of Thomas Maitland, a youth, as Archbishop Spottiswoode[1] says, "of great hopes, learned and courteous," taken together with his essays in literature[2] that are still extant, sufficiently warrant an expectation that, if he had not died in early manhood, he might have proved himself the most brilliant of a gifted family. His name, too, is indissolubly linked with that of George Buchanan, for the political treatise, *De Jure Regni apud Scotos*, took the form of a dialogue between the old scholar and the young one, both of whom had studied letters in Paris, and both of whom had returned to take leading parts in the politics of their native land. In every discussion of the *De Jure*, mention is made of Thomas Maitland. It is the more surprising that no sketch of his career has ever been written except the few meagre sentences appended to the life of his father in the *Dictionary of National Biography*. It is the object of this article to endeavour to piece together the scattered refer-

[1] *History*, ii. 122.

[2] These include, besides the Pasquinade referred to in the text *infra*, an MS. extending to 41 pages quarto—written apparently in 1570-1, in the College Library at Edinburgh: *Thomae Metelani ad Serenissimam Principem Elizabetham Anglorum Reginam Epistola*, and a number of poems published among the *Delitiae Poetarum, Scoticorum*, ii. 143-179, which comprise (I.) *Elegiae*, seven in number; (II.) *Sylvae*, viz.: (1) *Jacobi VI. Scotorum Regis Inauguratio*; (2) *Jacobo Stuarto, Scotiae Proregi, patriae sub Amaryllidis nomine, de reditu ex Anglia, gratulatio*; (3) *Domus Ledintonia*; (4) *Ad Gillelmum fratrem, de bello in Turcas suscipiendo praefixa*: (III.) *Epigrammata*, among which may be specially mentioned *In Paraphrasin Psalmorum G. Buchanani* (p. 178). M'Crie, *Life of Melville*, i. 123, says of these poems: 'If they do not display a vigorous imagination, his poems at least evince great command of the Latin language, and are written with ease and spirit.'

ences to this ill-fated youngest son of the house of Maitland, and to those other members of his family whose life-stories throw light on his career. Little need be said in this connection of Sir Richard Maitland, who, from prudence or from natural temperament, immersed himself in the study of law and literature, and abstained deliberately from the stormy politics of the period; nor of his second son John, whose time of activity as a statesman did not commence till after the death of Thomas. Of the four daughters of the house of Lethington, only the two eldest connect themselves in any way with the public life of their brother Thomas. All four of them, however, made good marriages. Helen became the wife of John Cockburn of Clerkington; Margaret, of James Heriot of Trabroun; Mary, of Alexander Lauder of Hatton; and Elizabeth, of William Douglas of Whittinghame.[1] William Maitland of Lethington, with whose disappointed ambitions Thomas was destined to be so intimately connected, was by some fifteen or twenty years his senior. Mr. Skelton gives the date of William's birth as between 1525 and 1530,[2] and that of John as 1545.[3] There is a presumption, however, from evidence to be immediately produced, that John's birth should be placed somewhat earlier, say in 1543, while that of Thomas should be dated in 1545. Thomas matriculated in St. Mary's College, St. Andrews (*in novo Collegio Mariano*) in 1559, along with ten other freshmen.[4] Andrew Melville, one of these, was then fourteen years of age, which was a usual time for entering a Scottish University, and it seems unlikely that Thomas Maitland would enter younger, especially as he left St. Andrews a full year earlier than Melville did, and preceded him by that period to Paris.[5]

No record can be traced of his curriculum in St. Andrews. 'The Graduation Roll,' Mr. Maitland Anderson, librarian of

[1] See Crawford, *Peerage*, 252 (who names the youngest lady 'Isobel'), and Douglas, *Peerage*, ii. 66 (who erroneously applies the name 'Isabel' to the wife of Trabroun).

[2] Skelton, *Maitland*, i. p. 1. [3] *Ibid.* i. p. 32.

[4] The list given in M'Crie's *Melville*, i. 418, has been kindly checked by Mr. Maitland Anderson, and found to be correct.

[5] The *Maitland MSS.* (Pepys. Collection, Magdalene College, Cambridge, p. 256) state that Thomas Maitland died in Italy in 1572, 'and lived of yeiris 22.' This would give 1550 as the year of his birth, and make him matriculate at St. Andrews at the ripe age of 9! If the 22 might be read as 27, this would agree with the dates adopted in the text, and would better accord with the incidents of the last few years of his life.

St. Andrews University, kindly informs me, 'is very defective at that period, and Maitland's name is not in it, nor is it in the Quaestor's fee-book as having paid the usual graduation dues. But it, too, looks defective, so that there is no definite information to be obtained on the question of his having taken the B.A. degree.'

Whether or not he persevered with the usual four years' course at St. Andrews, there is evidence that he set out for Paris in October, 1563; for Queen Mary, writing from Stirling on 2nd September, 1563, asked from Elizabeth a safe-conduct for Bartholomew Villemoir, Thomas Maitland, and fifteen others, some of whom were apparently their servants, to go in company through Elizabeth's dominions, and to return at pleasure within a year.[1] He was followed to Paris in the autumn of 1564 by Andrew Melville, then nineteen years of age.[2]

At Paris young Maitland soon established his reputation as a scholar of great promise; and he was equally distinguished by his zeal for the reformed faith. George Buchanan is the authority for the first of these statements; James, the accomplished nephew of Andrew Melville, for the second. The author of the *De Jure Regni* records how he had encouraged young Maitland to 'perseverance in that career of glory which he had so happily begun.' James Melville[3] tells how 'Thomas Matteland, a young gentleman of guid literature and knawledge in the treuth of religion,' was instrumental in bringing Thomas Smeaton, who had been 'put from the Auld Collage of S. Androos' (presumably for his Roman sympathies) 'to ken and be inclynde to the best way.'[4] There is no evidence of the exact date of Thomas Maitland's return to Scotland, nor as to his whereabouts on 7th February, 1567, when King Henry and Queen Mary granted Coldingham Priory to his brother John, under burden of a life annuity of 500 marks (Scots money) to Thomas.[5]

[1] *Cal. Scot. Pap.* ii. p. 24, and *Cal. For. Pap.* Elizabeth ix. p. 536.

[2] See M'Crie's *Melville*, i. 13. [3] *Diary*, *Wod. Soc.* p. 73.

[4] See also Calderwood, *History*, iv. 406. There are, however, some improbabilities inherent in this story. As Thomas Maitland returned to Scotland in 1567 at latest, he cannot have been more than 22 years of age, while Smeaton, if born in 1530, must have been nearly twice his age. Again, in 1572, we hear of Smeaton being still (or again) a member of the Society of Jesus, and journeying to Rome in company of young Maitland, who was at that time deep in intrigues with the Duke of Alva and other leading upholders of the Papal power in Europe.

[5] See *Registrum Magni Sigilli*, No. 1765. See also *Acts Scots. Parl.* iii. 277.

After the decisive battle of St. Denis in 1567 many Scots students returned from France 'because of the troubled times.' The Catholic League had inflicted a crushing defeat upon the Huguenots under Condé and Coligny; and it was no recommendation to the favour of the victors to be a fellow-countryman of Robert Stewart, who had killed the Constable Montmorency in the very moment of his triumph. Shortly before the battle, we find the Duke of Chatelherault writing to Elizabeth for a passport for several Scots students on 11th October, 1567.[1]

The number may possibly have included Thomas Maitland. It is more likely that he returned to Scotland at a somewhat earlier date, as he addressed a poem to the boy king on the occasion of his coronation, which would have had no point if composed long after the event commemorated. In any event, we soon find him (if we may believe the *De Jure*) discussing with Buchanan the two memorable events which made 1567 so tragical a year for Scotland—discussing them apparently only a short time after they had occurred. The entire Dialogue witnesses to the existence of a spirit of the utmost friendship and cordiality between the two debaters; and this goes far to prove that the *De Jure* was originally composed during the period in which Buchanan and the Maitlands continued to act in concert against Queen Mary.

In 1569, however, Lethington had veered round to Mary's side, and his young brother Thomas for the next few years was one of his most trusted instruments in the series of intrigues that centred round that unhappy Queen. Lethington's first attempt was to form an alliance, political and matrimonial, between Queen Mary and the Duke of Norfolk. The adherents of the Regent Moray determined to commit Mr. Secretary Maitland and have him condemned on a convenient, if belated, charge. Accordingly, on 2nd September, 1569, Thomas Crawford of Jordanhill (a henchman of the Earl of Lennox) suddenly appeared before the Privy Council at Stirling, where Lethington had gone unsuspicious of any guile, and there accused him, before the Regent and other lords of the Council, of complicity in Darnley's murder. This was not the real, or at least the only, reason of his arrest, which was rather, as Sir James Melville[2] informs us, 'for being of counsel with the Duke of Norfolk.'

[1] *Cal. Scot. Pap.* ii. 397. [2] *Memoirs* (Mait. Club), p. 216.

Placed in custody of Alexander Hume of Manderstone, destined to prove a bitter enemy of his family, Lethington was taken to Edinburgh and lodged as a prisoner in the house of David Forster. Suddenly at 10 o'clock at night, Kirkcaldy of Grange, Warden of Edinburgh Castle, appeared with a warrant purporting to bear the Regent's signature, ordering Maitland's transference to the Castle. This warrant had been forged by some one, presumably by the friendly Grange, who thus rescued Lethington from the clutches of his foes.[1] Both before and after these stirring events Thomas Maitland was in close attendance on his brother, for he signed as witness to his brother's signature at Blyth on 13th June, 1569,[2] and again at Edinburgh Castle on 5th and 8th November of that year.[3]

The Regent Moray was assassinated by Hamilton of Bothwellhaugh on 23rd January, 1570, and shortly afterwards, whether by accident or design, a political lampoon accusing him by implication of having aimed at the throne of Scotland was put into circulation. 'Immediately after the murther thair was a buik set fourth in form of a letter' (so we are told by Richard Bannatyne, the devoted secretary of John Knox), purporting to be the report of a conference at which the Regent Moray received the advice of six of his prominent supporters: Lord Lindsay, John Knox, Sir John Wishart of Pittarrow, James Halyburton of Pitcur, James Wood of Tilliedavie, and James Macgill, Clerk Register. Two manuscript copies of this pasquinade are still extant, one of them preserved by Richard Bannatyne in his *Memorials*, and the other among the Cottonian papers in the British Museum. The variations may be read in the *Bannatyne Miscellany*.[4] The Cottonian version is entitled 'The copey of ane bill of Adverteisment send be ane freind out of court to ane Kynisman of the Erle of Argillis, the X. of December, 1569, disclosand the consall of sax personis.' The date, which is omitted by design or accident in Bannatyne's copy (the one usually founded on), is important, since, unless it is the result of deliberate misrepresentation, it proves that the squib was sent to Argyll's kinsman seven or eight weeks prior to

[1] See *Cal. Scot. Pap.* ii. 394, and *ibid.* iv. 619.

[2] *Registrum Magni Sigilli*, No. 1933. [3] *Ibid.* No. 1927.

[4] i. pp. 37-50. Cf. also Bannatyne's *Memoriales*, pp. 7-13, with Calderwood, *History*, ii. 515-25.

the murder. Its author, therefore, does not necessarily merit a share of the odium incurred by those who put the lampoon in circulation immediately after the Regent's assassination. 'At that time it chanced,' so the anonymous author of this amusing squib declares, 'that I was sleipand into ane bed within the cabinate, sa weell hid that na man could perceave me; and efter I was walkit be the bruite they maid at their entrie, I mycht easilie heir every word that thai spake.'[1] There follows a humorous travesty of the peculiarities of the six speakers, each of whom, bluntly or unctuously as suits his reputation, advises the Regent to aim at being King.[2]

The authorship of this entertaining *jeu d'esprit*, remarkable as perhaps the first example of its kind, not only in Scotland but in Christendom, was attributed by his contemporaries to Thomas Maitland. 'The wryter or wryteris (for it apeiris thair hes bene moe than ane) laboures wonderfullie to counterfoute the countenance, the knawledge and the affectiounes of sic as ar broght in to give counsall to the Regent. Bot the wryteris, Hamiltounes, Maitlands, or vtheris of thair factione, they ar impudent liaris, or sones of the deivill.' . . . 'Who was the devyser and inventare of this most fals, sclandarous and deivilish lie against the Regent, it was not at that tyme publicklie knawin. Yet it was suspected to be some of the brether of the house of Lethingtoun, which was not far by, for afterwardis, it was plainlie affirmed that it was inventit be Mr. Thomas Maitland, the younger brother of that house, who after depairtit this life, gangand to Rome.'[3]

This early specimen of Scottish humour, whether composed as a purely academic exercise in satire or intended to throw ridicule on Moray's friends, has sometimes been regarded as a serious attempt to traduce the memory of the Regent. 'The evident design of circulating it at this time,' says Spottiswoode[4] 'was to lessen the odium of the murder and the veneration of the people for the memory of Murray.' Calderwood's learned editor was equally shocked by what he considered 'an atrocious attempt to blacken the memory of the murdered regent.'[5] These condemnations are but faint echoes of denunciations uttered at the time by the friends of Knox and Moray.

[1] See Bannatyne, *Memoriales*, p. 6.

[2] *Ibid.* pp. 6-13.

[3] Bannatyne, *Memoriales*, p. 13.

[4] *History*, ii. 121.

[5] Calderwood, *History*, ii. 515 *n.*

Mr. Andrew Lang[1] is astonished at Knox's vehemence. 'With a gravity that would have delighted Charles Lamb, Knox denounced the skit from the pulpit as a fabrication of the Father of Lies.' Yet, apart from the execrably bad taste of publishing such a caricature at such a time, there was some excuse for bitterness of feeling. The squib passed from hand to hand, and found some at least who believed its substantial truth.[2]

John Knox's Secretary gives a graphic description of his master's behaviour when a copy was at length brought under his notice by the wife of Sir John Cockburn of Ormiston. 'David Forester, called the generall, gave the copie heirof to Alice Sandilands, ladie Ormistoun, a litill efter the cuming abroad thereof, or with the first of thame, which he affirmed to be trew. But the gude and vertuous lady (quha wald beleive na sic thing) brocht the copie. Shoe gave it to Mr. Knox, which quhen he sawe, and after shoe had requyred the treuth thairof at him, he said, "Ye sall knaw my ansuer afterwardis"! And so the nixt day, when he preached, he schew the effect thairof in pulpet, and declairit that the devile, the father of leyis, wes the cheif inventer of that letter, quha evir was the penner thairof.'[3]

Archbishop Spottiswoode[4] gives a somewhat different narrative, citing as his authority Maitland's own sister Margaret, who had been present at the scene described. After mentioning the death of Moray on Saturday, 23rd January, a little before midnight, Spottiswoode relates how, on hearing the news, Thomas Maitland, 'knowing what esteem John Knox made of the regent, and loving none of the two, caused a writing to be laid in the pulpit where John Knox was that day to preach, to this sense and almost in the same words: "Take up the man whom you accounted another god, and consider the end whereto his ambition hath brought him." John Knox . . . after he had read the same, laid it by, nothing as it seemed commoved therewith; yet in the end of

[1] *John Knox*, p. 264.

[2] See Bannatyne, *Memoriales*, p. 13, and Calderwood, *History*, ii. 121.

[3] Bannatyne, *Mem.* p. 13. Lang, *Hist.* ii. 224, speaks of 'the black laird of Ormiston, one of Darnley's murderers,'—'a man stained with every crime. He took Northumberland, and robbed Lady Northumberland of all her own and husband's jewels.' See also *Diurnal*, 154 (Dec. 1569).

[4] *History*, ii. 121.

the sermon, falling to regret the loss the church and commonwealth had received by the death of the regent' denounced the culprit who had thrown the paper—here the Archbishop repeats the identifical words supposed to have been uttered by Knox—'"insulting upon that which is all good men's sorrow. This wicked man, whosoever he be, shall not go unpunished, and shall die where none shall be to lament him,"'—a phrase which Calderwood,[1] with evident gusto, but without revealing his authority, elaborated into 'in a strange land where he sould not have a freind neere him to hold up his head.'

'The gentleman was himself present at sermon,' so Spottiswoode[2] continues, 'and being come to his lodging, asked his sister, who was also there, if she did not think John Knox was raving, to speak so of the man he knew not. But she weeping said "that she was sorry that he had not followed her counsel, for she had dissuaded him from that doing. None of this man's denunciations," said she, "are wont to prove idle, but have their own effect"'—an anecdote which, whether true or false, witnesses to a contemporary belief in Knox's power of successful prophecy or of maledictory and prevailing prayer. 'This I thought,' so Spottiswoode concludes, 'not unworthy of record, being informed thereof by the gentleman's sister, to whom these speeches were uttered, and who was privy to the whole affair.'[3]

It will be observed that, while the faithful Bannatyne makes no allusion whatever to the alleged savage prophecy of his beloved master, Spottiswoode connects it not with the squib, but with the insulting message thrown into the pulpit. In view of the conflicting evidence, John Knox is perhaps entitled to the benefit of the doubt, although his biographer, Dr. M'Crie, resents the attempt made by George Mackenzie[4] to

[1] *History*, ii. 525. [2] ii. 121.

[3] This sister, 'so great an admirer of Mr. Knox,' if we may believe the doubtful authority of Mackenzie (*Eminent Scottish Writers*, iii. 196) was Margaret, wife of James Heriot, younger of Trabroun, 'probably the cousin of Buchanan.' (See Irving, *Memoirs*, p. 250 *n.*) This youth, the son of that other James Heriot who fought at Langside for Mary, and was there taken prisoner (*Cal. Scot. Pap.* ii. 405-6), was apparently an advocate by profession (Pitcairn's *Trials, James VI.* pp. 3, 23, 24), and was arrested at Kinghorn on Tuesday, 15th September, 1571 (presumably for complicity in the intrigues of the Maitlands), when about to sail 'in William Sibbat's ship' for France (Bannatyne, *Memoriales*, p. 188).

[4] *Eminent Scottish Writers*, iii. 120.

dissociate Knox's denunciation in 1570 from Maitland's death in 1572.[1] Calderwood[2] has fused into one continuous narrative the two anecdotes (assuming that one of them was not merely a garbled version of the other) told by Bannatyne and Spottiswoode respectively, and would almost seem to gloat over the tragical fulfilment of the prophecy.

In the year 1570, however, young Maitland was still full of life, and proved a capable instrument ready to his brother's hand, for the conduct of delicate negotiations on behalf of Mary. We hear of him in May as the bearer of despatches from the Earl of Suffolk to Lethington. Of the misfortune that then overtook him we have two accounts: in the *Diurnal of Occurrents*, and in a letter sent, a year later, by Lethington to Queen Elizabeth. English soldiers were expected to co-operate with the 'king's men.' Alexander Hume of Manderstone (to whom Lethington had given the slip the year before) and John Cunningham of Drumquhassill (who had been commissioned by Morton to succeed Kirkcaldy as Warden of Edinburgh Castle)[3] were sent to Berwick to welcome Elizabeth's troops. Cunningham's credentials, dated 1st May and signed by Morton, Glencairn, Mar, and others, testified that he was 'instructit with our myndis in certane heidis of greitt weicht, that may fall out to be of greit consequence to baith the realmes.'[4] On their way back, they 'tuik and apprehendit Mr. Thomas Maitland, broder to my lord secretare and the young ladie of Clarkingtoun, quha wes passand to Berwick with ane answer to the erle of Suffikis of ane letter send be the said erle to the said secretare, and put the saidis personis in captivitie in William Lasonis house in the heid of Leith Wynd besyd Edinburgh.'[5] Of the 'personis' thus arrested while on a dangerous mission, it seems strange that the lady of Clerkington should have been one; and 'young ladie' in the *Diurnal of Occurrents* may possibly be a mistake for 'young laird,' a surmise which is confirmed by Lethington's letter of 30th May, 1571,[6] complaining that his brother Thomas, *accompanied by his brother-in-law* and six or seven unarmed servants had been arrested. This brother-in-law was probably John Cockburn, the young laird of Clerkington,

[1] M'Crie, *Knox*, ii. 176, *n*.

[2] *History*, ii. 525.

[3] See Sir James Melville's *Memoirs*, p. 217.

[4] *Cal. Scot. Pap.* iii. 142.

[5] *Diurnal*, p. 173.

[6] *Cal. Scot. Pap.* iii. 589.

husband of Helen Maitland.[1] The *Diurnal*[2] proceeds bluntly to narrate how, upon the 6th May, Thomas Maitland was 'transportit furth of the said William Lawsonis hous to Leith, quhair he wes put in ane bote and transportit to the castell of Striveling.'

Later in the same month, loss and indignity again befell the house of Lethington. Rowland Foster, Captain of Wark, was over the border in search of English rebels, and descended on the family estate of Blyth with three hundred horsemen, making a rich spoil of the cattle and furnishings that belonged partly to the old and partly to the young lairds of Lethington. This happened on the 16th May, 1570.[3] These invaders acted on the invitation of Morton, who was urging the English troops to advance on Dumbarton Castle, held by Lord Fleming for the Queen. The spirit in which Sir Richard Maitland met this reverse of fortune showed mettle and self-control. His lament, half humorous and entirely manly, may still be read in his fine poem entitled *The Blind Baronis Comfort*, commencing:

> 'Blind man be blyth, althocht that thow be wrangit,
> Thocht Blythe be herreit, tak no melancholie.'

The younger Lethington, while writing Sussex to help redress his wrongs, boasted freely that by French aid he would cause Elizabeth 'sytt on her tayle and whyne,'[4] an image displeasing to the courtiers of the maiden Queen. Sussex denounced this ungallant threat[5] as 'a vile speech for such a varlet,' and suppressed it when writing to Elizabeth. Lethington had uttered what was more than an empty boast, since Elizabeth on 22nd May,[6] after an interview with the French ambassador, instructed Sussex to abandon the proposed attack upon Dumbarton, and outlined a plan whereby, 'without touch of her honour' (that is, without sitting on her tail and whining), she might suffer her forces to retire.

Maitland, from Blair Athol, on 14th June, 1570,[7] thanked Sussex for his unavailing diligence in attempting recovery of the stolen property, and stated that his brother Thomas was, for certain, still a captive on the 10th instant. This high-spirited

[1] Reference to the arrest occurs also in *Cal. Scot. Pap.* iv. 619. [2] p. 174.
[3] See Sir Richard Maitland's *Poems*, Maitland Club, p. 171.
[4] *Cal. For. Pap.* ix. 258. [5] 17th May, 1570.—*Cal. Scot. Pap.* iii. 180.
[6] *Ibid.* pp. 183-4. [7] *Ibid.* iii. 221.

youth, whom we last saw committed to Stirling Castle on 6th May, was treated as a prisoner of war, and only set at liberty in exchange for a captive king's man, which his brother considered unfair.[1]

Lethington had urgent reasons for desiring his young brother's immediate release, and consented, with reluctance, to exchange for him Sir Patrick Houston of that Ilk in Renfrewshire, a kinsman and 'doer' of the Earl of Lennox, and a personal attendant upon Darnley during the memorable years that immediately preceded the tragedy at Kirk-of-Field. Sir Patrick, who had been taken prisoner sometime prior to 16th April, 1570, was in June of that year lodged in Dumbarton Castle as Lord Fleming's prisoner.[2] The exchange was only effected after a long and delicate negotiation, as the scruples of four people had first to be overcome—of Lethington himself, who maintained that Thomas, having been unfairly captured, ought to be unconditionally released;[3] of Lord Hunsdon, in command of the English troops, who had his own candidate for the exchange with young Maitland;[4] of Lord Fleming, who waited until urged by Chatelherault and Argyle in a joint letter written from Dunoon before he would release the laird of Houston;[5] and finally of the Earl of Lennox, then at Stirling, still hesitating to accept the Regency 'until the Queen's Majesty's mind be known,'[6] who would not allow the enlargement of a member of a family he hated, until Sussex brought pressure to bear on him through Morton and others.[7] All difficulties were at length overcome, and Thomas Randolph wrote to Sussex on 23rd June[8] that Thomas Maitland is delivered, but adds that Lord H[unsdon's] brother will not be pleased because Thomas had been exchanged for 'the Laird of Howston.' Liberated thus from Stirling in the third week of June, young

[1] *Cal. Scot. Pap.* iii. 589.

[2] *Cal. Scot. Pap.* iii. 118. Lethington averred that Thomas and his brother-in-law, John Cockburn, were *both* exchanged for a gentleman whom Lord Fleming had for a long time detained within Dumbarton. *Ibid.* iii. 589. He may have exaggerated the length of Houston's imprisonment.

[3] See *Cal. Scot. Pap.* iii. 221.

[4] See Sussex to Lethington of 21st June (*Ibid.* iii. 221), and Randolph to Sussex of 23rd June (*Ibid.* iii. 222).

[5] *Ibid.* iii. 229.

[6] *Cal. Scot. Pap.* iii. 222 (Randolph to Sussex on 23rd June).

[7] *Ibid.* iii. 221.

[8] *Ibid.* iii. 222.

Maitland must have straightway set out for Aberdeen (where an important enterprise was preparing on behalf of Mary), presumably conferring with his brother, the Secretary, by the way. Lethington was reported to be at Dunkeld on 19th June with Captain Robert Melville and forty seasoned soldiers,[1] while from Blair Athole, on 17th July, he informed his brother John that his wife had been that morning at Dunkeld safely delivered of a son.[2] The 'bruit' was that the Secretary was 'boun' shortly towards Aberdeen.[3] This rumour was not accurate. Lethington did not go North, but his brother and Robert Melville did.[4] Thomas was to enlist Huntly's sympathies in the enterprise that was on foot. 'My brother, Mr. Thomas, will show further of this "propos" to your lordship.'[5]

The preparations at Aberdeen were for an expedition to Flanders under the leadership of the gallant old Lord Seton to beg soldiers and Spanish gold from the ruthless Duke of Alva, to be used to strengthen the garrisons and furniture of Edinburgh and Dumbarton Castles, held by Grange and Fleming for Queen Mary. On 31st July, Randolph had heard of this, and informed Sussex of Seton's object and destination, alleging that Alva had requested to hold conference with some noblemen standing at their Queen's obedience.[6] Spanish troops, so the rumour went, were to land 'in Angus towards Montrose.'[7]

The hapless Countess of Northumberland, a fugitive from the vengeance of Elizabeth for the participation of her husband in the Catholic rising of the northern counties, was to accompany the expedition, thus effecting her own escape and adding to Lord Seton's entreaties her own lamentations for her Earl, shut up in Queen Mary's former prison at Loch Leven. The opportunity of escape thus furnished to the Countess was made, by Lennox and Morton, an excuse for violent proceedings against Lord Seton, the Maitlands, and their friends.

After securing what troops and gold he could in Flanders, Lord Seton's intention was to pass to the Court of France in hope of further aid from Catherine de Medicis. His right-hand in all these important missions, was to be, so at least Lethington informed Mary,[8] 'my brother, Thomas Maitland

[1] *Cal. Scot. Pap.* iii. 219.
[2] *Ibid.* iii. 266.
[3] *Ibid.* iii. 219.
[4] *Ibid.* iv. 620-1.
[5] *Ibid.* iii. 280, 24th July, 1570.
[6] *Ibid.* iii. 285.
[7] *Ibid.* iii. 334.
[8] *Ibid.* iii. 303, 9th August, 1570.

. . . "quha for his age [25 years, at most] has ane sprete good eneugh," and has as good will to serve your majesty as any subject of this realm.' To Sussex and Elizabeth, Lethington put a very different complexion on his brother's conduct, and also on the objects of the expedition. In a letter of 13th October, 1570, after complaining of Lennox's aggressions, he explained how[1] 'Lady Northumberland was in Flanders before I heard she had any intention to go out of Scotland, and herself took purpose suddenly to depart' . . . 'and she requested Lord Seton to grant her passage.' As to Lord Seton's passing over, he went to *prevent* foreign troops being sent!—a hardy falsehood even for Lethington. 'As to my brother, he only passed in company with Lord Seton for pleasure, being his cousin, having the better will to be in another country, for that his youth cannot well digest the open injuries done to him by those who presently take upon them to rob all here at home, whom without offence they kept a long time prisoner, and have dispossessed him of 500 marks pension . . . which although small is all he had to live on in Scotland.'[2] Some four years later, Robert Melville (who had been at Aberdeen in July, 1570), questioned as to young Maitland's reasons for joining the expedition, deponed (so far as the defective record may be trusted) that he knew of no reasons 'saving that he was . . . sickly, and to see the country.'[3]

The expedition, round which centred so many hopes and fears, sailed from Aberdeen on 23rd August, 1570. So Sussex notified Cecil on 3rd September,[4] in a ship of Leith.[5] Next day, Henry Cobham reported to the same keen observer that the whole party had arrived safely at Bruges.[6] No record has been discovered of the part young Maitland played in the subsequent negotiations with the Duke of Alva, or how far he shared in the romantic adventures of Lord Seton, that fiery and unflinching advocate of Queen Mary's desperate cause. On or before 19th November, 1570, with characteristic bluff directness, Seton called for payment of the ten thousand crowns that had been promised to the Queen, his mistress, '*pour la fourniture des chastaulx de Lisleburg et Dombarton.*'[7]

[1] *Cal. Scot. Pap.* iii. p. 393. [2] *Ibid.* iii. 393.

[3] *Ibid.* iv. 620-1. [4] *Cal. For. Pap.* ix. 330. [5] *Cal. Scot. Pap.* iii. 324.

[6] *Ibid.* See also *Diurnal of Occurrents*, p. 185, and for details of the negotiations, *Cal. Scot. Pap.* iii. 456.

[7] Fenelon, iii. 373.

By the 18th December, the pieces had been paid to him, and he is reported as taking leave of Alva,[1] disappointed that he had received no troops, and only so small a sum of money.[2] He was off, with unflagging zeal, to the Court of France, there to press Mary's claims on Catherine de Medicis with an impetuous heat, that must have shocked the smooth-tongued courtiers of France.

Of the 10,000 crowns, he entrusted 7000 on the day of his departure (18th December), to Thomas Maitland '*qui est party, le mesne jour, pour s'aller embarqui a Fleysinghes* [Flushing].'[3] Out of the balance, Seton retained one thousand coins to meet the expenses of his embassy, while two thousand were sent to England by means of the Spanish ambassador, who delivered them to the Bishop of Ross to be used as he tells us, in defraying the expenses incurred by himself and the other Commissioners 'sent from the nobilitie of Scotland for the Queen our Sovereigne's parte, and their companie.'[4] Mary, on 10th December, instructed Seton, if in Flanders to take the orders of Alva, but if in Scotland, those of Lethington and Grange, according to whose advice 'you will employ for my service the 10,000 crowns.'[5] On the same day, she wrote to Lethington and Grange: 'I wrote to you in my last letter how the Duke of Alva had granted 10,000 crowns to Seton, for to serve the most urgent of your necessity, but know not if ye have received the same, or more as was looked for.'[6]

Did Thomas Maitland, eluding the vigilance of Mary's enemies in England, Scotland, and elsewhere, succeed in bringing the much-needed relief in money and materials of war to his brother and the Laird of Grange, closely beleaguered in Edinburgh Castle? A diligent search has failed to furnish evidence either way. There can be no doubt, however, that Thomas remained an ardent partizan of Mary; for a fortnight before he sailed from Flushing, he wrote to the Queen repudiating the political opinions attributed to him by Buchanan

[1] Fenelon, iii. 429-30; despatch dated 13th January, 1571.

[2] See Bishop of Ross's account, *Haynes*, ii. 48.

[3] Fenelon, iii. 429-30. Cf. Bishop of Ross's account in *Haynes*, ii. 48, who, however, mentioned only 3000 pieces as the sum entrusted to Maitland.

[4] Anderson's *Collections*, ii. 108. The other Commissioners were Lord Livingstone and the Bishop of Galloway. Their instructions, dated 26th December, 1570, are printed in *Labanoff*, iii. 138.

[5] Labanoff, iii. 132. [6] *Ibid.* iii. 135.

in the *De Jure Regni*,[1] while on 12th May, 1571, the Bishop of Ross records the receipt of letters from him to be forwarded to Mary.[2] In the early summer of 1571, two successive expeditions arrived from France to the relief of Edinburgh Castle, the first on 8th May, led by Grange's brother, James; the second towards the end of June, under command of John Chisholm. Is it possible that either of these had been equipped in whole or in part by means of the Spanish gold with which Thomas Maitland had sailed from Flushing in December? The financing of the earlier expedition is otherwise accounted for. Queen Mary was ready to part with such of her jewels as had not fallen to her enemies, and James Kirkcaldy had been sent to France to realise them for what they would bring. In April, 1571, Mary wrote from Sheffield to the Archbishop of Glasgow at Paris to hasten his despatch;[3] and on 8th May, Kirkcaldy arrived at Leith 'in ane pink' from France.[4] The cargo was a valuable one for the garrison at Edinburgh, where stores were running low. It included, if the author of the *History of James Sext* does not exaggerate, 10,000 crowns of gold, some morions (or open helmets) corselets, (or armour for breast and back combined), arquebusses, and wine, which were safely conveyed from Leith to the castle by the horsemen and soldiers of the town.[5] The cargo also included powder and shot for the big guns of the fortress, the arrival of which was well *a propos*, as Mary herself informed the Archbishop of Glasgow,[6] occurring when powder was sorely needed, shortly before the famous Parliament held in the Canongate under the guns of the Castle, for the sole purpose of passing sentence of forfeiture upon the three Maitland brothers, along with Grange and a few of their friends.

To understand the situation, it is necessary to turn back for a brief space. In the fall of 1570, an abstinence or truce had been arranged between King's men and Queen's men, mainly through the mediation of Sussex and the English; to last from 12th September to 12th November.[7] In violation of this treaty, the Regent Lennox sent officers to 'the old House'

[1] See Innes, *Critical Essay*, ii. p. 359. [2] *Cal. Scot. Pap.* iii. 530.

[3] Labanoff, iii. 266.

[4] *Diurnal*, p. 212, which adds erroneously, 'with money from the king of France.'

[5] *Hist. James Sext.* p. 75. [6] Labanoff, iii. 285. [7] *Diurnal*, p. 193.

of Lethington—where Sir Richard Maitland, now old and blind, was dwelling peacefully among the books he could no longer read—to demand surrender of the house and all that it contained within six hours, under the pains of treason.[1] Warm protests from Sussex against this gross breach of faith were unavailing, Lennox in a formal memorandum urging the ridiculous plea that the assistance given to the Countess of Northumberland by Seton and Thomas Maitland, *before* the abstinence had been signed, excluded the whole Maitland tribe from its benefits.[2] On 20th October, accordingly, David Hume took possession of Lethington, threshed the corn, and carried off whatever he could find, Sussex still protesting.[3]

Meanwhile, a show of complying with the requirements of law was being made with much parade by these breakers of the truce. On 17th September, 1570, the three brothers Maitland had been denounced at the 'Mercat Croce' of Edinburgh as traitors to that Sovereign Infant James; and they were put formally to the horn.[4] On 16th December, they were all three summoned to appear in the Tolbooth on the 29th of January following, to answer to a charge of treason.[5] On 16th May, 1571, the final stage was reached; the Maitlands were solemnly declared 'forefaulted'[6] by a small knot of the leading soldiers on the king's side, assembled in what is known to history as Morton's Parliament, or the Canongate Parliament, or even as the Creeping Parliament,[7] from the undignified demeanour required of those attending it, who had to dodge the bullets hurled among them from the Castle guns.[8]

The object of Lennox and Morton in holding this caricature of the Scots Estates under the guns of the castle was to

[1] See Sir Richard Maitland's *Poems*, pref. p. li. n, and *Cal. Scot. Pap.* iii. 392-3.

[2] See Bannatyne, *Memoriales*, p, 354.

[3] *Diurnal*, 192-3.

[4] *Ibid.* p. 189.

[5] *Ibid.* p. 192.

[6] *Ibid.* p. 214.

[7] *Hist. James Sext.* p. 76.

[8] Of the estates thus forfeited, Lethington was bestowed on Lord Lindsay; the priory of Coldingham (which had been burdened with Thomas's annuity of 500 marks) went to Hume of Manderstone, who had on several occasions been the instrument of the Maitlands' oppression; while the office of Privy Seal, held since 1562 by Sir Richard and his son John in succession, was entrusted to George Buchanan. The grant of Coldingham to Manderstone was confirmed on 8th February, 1574 (*Reg. Mag. Sig.* No. 2178, and *Acts Scots. Parl.* iii. 277).

complete the travesty of legal process considered necessary before the property of their enemies might be distributed, with a show of decency, among their partizans. The forfeiture was required by law to be proclaimed at the Market Cross, but to assemble there was to court death. There was luckily another cross, known as St. John's Cross, in the Canongate, at a more respectful distance from the castle. Lennox must have thought that any cross was better than none, for here he determined that the Parliament should assemble.[1] To prevent surprise, Morton placed a strong guard under Crawford of Jordanhill between him and the Netherbowport, having previously erected a battery on the southern slope of the Calton Hill and fortified a building belonging to one of his adherents as a harbour of refuge.[2] This was the dwelling-house of John Lawson, at the head of Leith Wynd, tall and strongly built, and, strangely enough, the very place where Thomas Maitland had been for a night confined in May of the previous year.[3] It was here, apparently, as well as at St. John's Cross, that the Creeping Parliament held session, and it was against this house that the chief efforts of the castle garrison were directed. Earl Huntly had Mons Meg dragged bodily from the castle, the effort costing 'two or three poore men their lyves.' 'Four-and-twenty of her enormous stone bullets,' we are told (each three hundredweight), 'were on this occasion discharged against the mansion of a certain obnoxious kingsman, John Lawson.'[4]

This unique assembly, its business effected to the satisfaction of the Regent and to the accompaniment of the incessant booming of ordnance, was adjourned without any unnecessary delay, to meet again at Stirling in the month of August. It is easy to imagine the feelings of William and John Maitland as they looked out from the battlements towards the Canongate; but where, all this time, was their younger brother Thomas? What had he done with the 7000 coins procured from the Duke of Alva?

Here, unfortunately, the chain breaks. There is sufficient

[1] *Hist. James Sext.* p. 76. [2] *Ibid.* p. 76.

[3] The *Diurnal*, 173, however, it should be noted, described the house at the head of Leith Wynd as belonging to William Lawson (not John).

[4] Grant, *Memoirs of Kirkcaldy*, 247. See also *Diurnal*, 215, and Bannatyne, *Memoriales*, *passim*. Mary, writing to Fenelon, described the Parliament as meeting 'dans une grange.' Labanoff, iii. 285.

circumstantial evidence, however, to make it not improbable that the Spanish crown pieces were invested in France in the equipment of Chisholm's expedition, which reached Leith in June, 1570. It was from Dieppe that Chisholm sailed,[1] and the French ambassador Verac accompanied him. These facts, if taken alone, might suggest that Mary's cause was beholden to the generosity of France. At that time, however, Catherine and her son had no desire to waste their gold on Mary; while they were anxiously conciliating Elizabeth, mocked with the hope that she would marry the Duc d'Alençon. On 31st May, 1571, Catherine, after she had kept Lord Seton waiting for months, at last admitted him to an audience, but absolutely refused to help him either with men or money.[2] Clearly, then, the cost of the expedition was not defrayed by her. Is there any evidence that the money came from Flanders? Lord Drury, writing to Burghley from Edinburgh on 30th June,[3] declared that 'sums of money *out of Flanders* are looked for by them of the castle, and for the coming of Verac with some men.' Finally we learn from Richard Bannatyne[4] that one of the two boats of Chisholm's expedition was known as 'John Cockburn's ship,' containing 'three kists of kalliveris' or arquebusses. Though Cockburn is not an uncommon name in Scotland, it is not impossible that this was the young laird of Clerkington, who had shared at least one of his brother-in-law's missions already, had been imprisoned and released along with him, and may have accompanied him from their joint prison in Stirling to Aberdeen and Flanders, and have thereafter been dispatched to Scotland in command of one of the two ships, while Thomas pushed on to Rome, there to plead once more on behalf of Mary. The ships arrived at Leith towards the end of June.[5] A sequence of three letters from Queen Mary to Fenelon, the French ambassador to Elizabeth, furnishes some details.[6]

Bishop Leslie has recorded in his *Diary* how Lennox, on sighting one of the vessels in the Roads of Leith, ordered boats to be manned and to proceed to the attack. This was on 2nd July.[7] Lord Lindsay meanwhile was told off to search 'on the

[1] Bishop Leslie in *Bannatyne Misc.* iii. 123. [2] *Cal. Scot. Pap.* iii. 592.

[3] *Ibid.* iii. 617. [4] *Memoriales*, p. 173. [5] *Ibid.*

[6] Labanoff, iii. 301-2, 313, and 317.

[7] Mary to Fenelon, 18th July; Labanoff, iii. 313.

land side' for Chisholm, who had taken fright and placed the money with the friendly Abbot of Icolmkell. Verac was seized and carried to Leith 'without either respect or reverence,' though he bore an ambassador's credentials. All his papers were taken from him, including a note of the amount of gold conveyed. Chisholm, threatened with torture, revealed its hiding place. In addition to this windfall, Lennox discovered in the ship 200 arquebusses, 200 corselets, 200 morions, 500 'great bullats,' and 'sum salt peper to mak gun poulder of.' This rich booty, 'the graith gotten in the ship,' was sent for safety to Stirling, but was captured on the way thither by Spens of Wormiston, who sank what he could not carry away for the use of the Queen's cause.[1]

Such was the fate of the bullion and munitions of war found in Chisholm's vessel. The companion barque described by Bannatyne as 'John Cockburn's ship,' did not so easily fall a prey to the Regent's men. Mary, in a postscript to Fenelon of 2nd July, 1571, tells how 'since writing this letter' she had learned that one of the two ships had entered Leith harbour and been taken, but the other, perceiving the enemy, retired to the other side of the water. 'I fear,' she adds, 'that the rest is also lost.'[2]

Queen Mary's despatches enlighten us no further; but the amiable Bishop of Ross, still in durance in the Tower, recorded in his *Diary*, not only each of the recurring fits of his ague,[3] fourteen in all, but also how on 13th July he had heard of the expedition ending in complete disaster,[4] an exaggerated rumour, as the event proved; for Leslie notes on 3rd August how a certain captain—Case by name—had brought tidings from Berwick that part of the money had found its way into Edinburgh Castle.[5] Is it possible that this bullion, successfully smuggled through the besieging lines, was identical with the coins that had left Flushing six months earlier under escort of Thomas Maitland, and that these were now safely delivered to the beleaguered Grange and Lethington by the young laird of Clerkington, Thomas's brother-in-law and companion? No

[1] *Hist. James Sext*, p. 83.

[2] Labanoff, iii. 301-2.

[3] *Bannatyne Miscellany*, iii. 124, *e.g.* 26th May, 1571. Fit 14 of my ague 'and thereupon I wan a nycht cap fra Doctour Caldwell, who said I sould have no mair after the 12th.' It is satisfactory to gather that this 14th was the last.

[4] *Ibid.* iii. 130.

[5] *Ibid.* iii. 135.

authoritative answer is forthcoming; and the enquiry, therefore, ends in an unverified hypothesis.

Of young Maitland himself we catch only one further glimpse, and that a sad one. Spottiswoode[1] relates how, 'in the year 1571,' Thomas Maitland, travelling through France into Italy, invited Thomas Smeaton, then a Jesuit, to journey in his company to Rome. No details are forthcoming of the incidents of the journey, save a bald reference to 'the gentleman contracting sickness by the way and dying,' and to the subsequent return of Smeaton alone to Genoa. The two travellers, it would thus appear, had penetrated into Italy before Thomas Maitland took ill and died, possibly in some monastery or hospice between Genoa and Rome, and probably early in the year 1572.[2]

Thomas Smeaton, a man of gentle and affectionate nature, is reputed to have composed an epitaph on the friend whom he had known in the old bright student days at Paris, and who (still in the first flush of early manhood) had come to Italy out of affection to his elder brother and loyalty to his Queen, only to find for himself a grave far from home and kinsmen.[3] His fate was sad enough; but it is some satisfaction to know of the disappointment of part at least of the unchristian hopes of those who had desired some signal vengeance to overwhelm, with swift and impressive retribution, the rash perpetrator of a brilliant satire upon so serious a person as John Knox. Thomas Maitland did *not* die alone in a foreign land 'with no freind neere him to hold up his head,' for he had beside him to the close a sympathetic and devoted comrade in the kindly and accomplished Thomas Smeaton.

WM. S. MCKECHNIE.

[1] *History*, ii. 320.

[2] The two friends, so Spottiswoode says, had set out in 1571, while the *Maitland MSS.* already cited, give the year of death as 1572 (a likely enough date, although the immediately following 'lived of yeiris 22' is probably a mistake). See *supra*, p. 275 n.

[3] Thomas Dempster, who is not an unimpeachable authority, gives a note of Smeaton's compositions (*Hist. Eccl. Scot.* p. 586), among them *Epitaphium Metellani lib. i. cui ille in Italia comes haeserat.*

The Balfours of Pilrig[1]

THE Balfours of Pilrig have not perhaps produced any men who will live in the history of their country as having been great statesmen, soldiers or divines, but they are an exceedingly good example of one of those many sober, honest, God-fearing and strenuous families of the upper middle class, esteemed by their contemporaries, and beloved by their relatives, who have done so much in building up the character of the country, and making Scotland what it has been and is to-day. Originally they were probably cadets of the Balfours of Monquhanny, a race which has produced many distinguished branches. The first member of the family from which undoubted descent can be traced was Alexander Balfour, occupying the position of *cellararius* in the king's household towards the end of the fifteenth century; he was a Fifeshire laird, possessing the lands of Inchrye, near Lindores. Later the family migrated to Powis, in Stirlingshire, and it was there that a younger son, James, was born about 1540, who was destined to be a shining light in his day. He married a sister of James Melville the diarist, ultimately became minister of St. Giles' Kirk in Edinburgh, and was one of that courageous clerical deputation who interviewed King James at Whitehall in 1606 in support of the Presbyterian cause. His second son, Andrew, was minister of Kirknewton, but died comparatively young, leaving, however, a numerous progeny, of which James, eldest, became an advocate, and ultimately one of the principal clerks of Session. He married a granddaughter of that Sir John Smith of Grotehall and Cramond, whose daughter was cured of the plague by a Barbary pirate, who then got her hand in marriage and turned out not to be a Barbary pirate at all but an honest Scot. His effigy as a Moor, however,

[1] *The Balfours of Pilrig*: a History for the Family, by Barbara Balfour-Melville of Pilrig. Pp. xxii, 287. Cr. 4vo. Edinburgh: William Brown. 1907. 25s. nett.

stands on the house in the Canongate in which he was married to this day.

The advocate's eldest son became a man of substance and enterprise. Few persons know that the modern recreation ground of Powderhall occupies the site of a manufactory of gunpowder, of which Balfour had along with others a monopoly. His greatest venture was not a successful one : he was one of the leading supporters of the Darien Company, and when that ill-fated scheme collapsed it must have hit the prosperous Leith merchant pretty hard. Indeed it probably killed him, as he died at fifty-five, leaving six surviving children. But matters improved : his son, another James, carried on the business in Leith and shared in the subsidy granted by the Government to the shareholders in the Darien Company. He it was who purchased Pilrig, then a fine country estate lying on the ground sloping down to the Broughton Burn. From at least the latter part of the fifteenth century till 1623 the land had been in possession of the family of Monypenny : it had then been bought by Gilbert Kirkwood, who built the present mansion-house, and after passing through the hands of one or two more proprietors was purchased by James Balfour in 1718 from the then Lord Rosebery.

Not the least interesting feature of this volume is the proof which it gives from old inventories and account books that the condition of a laird's house at that period was by no means so squalid and mean as the late Mr. Henry Grey Graham in his book on *Scotland in the Eighteenth Century* would have us believe. The Balfours if they lived simply lived in both elegance and comfort. Following the purchaser of Pilrig came a fourth James, who was an advocate and Professor of Moral Philosophy in the University of Edinburgh, a chair to which he was appointed in preference to an opponent of greater fame if of less orthodox opinions in the shape of David Hume. An interesting correspondence between the two is given in which we may admire the courtesy and consideration displayed on both sides. The Professor lived till 1795 and was succeeded by his son John, a merchant like his grandfather. He died in 1814, and the male line of the eldest branch of the family came to an end in the person of the late Mr. John Balfour-Melville, who died in 1893.

Such is the bare record of the successive heads of the family. But the book is full of interesting anecdotes, and as their families were large the collateral branches spread and flourished exceedingly. Many notable Scottish families appear on the pages : the

Hamiltons of Airdrie, the Elphinstones of Logie, the Elliots of Minto, the Whytes of Bennochy, the Gibsons of Durie, the Craigs of Riccarton, the Mackintoshes of Corrybrough, and many more, were all closely connected with the Balfours. There is no more delightful part of the volume than the letters written by one of the girls of the last mentioned family describing the doings of Edinburgh society at the commencement of the nineteenth century. The suppers at Lord Hermand's, when that convivial senator did not appear till past ten 'in high spirits': Jane, Duchess of Gordon, the leading spirit in the Assembly Rooms: the latter very hot and crowded with many of the people whose portraits we can now see in the matter-of-fact but graphic delineations of Kay: Charles Philippe, Comte d'Artois, entering the ball-room in the middle of a country dance, which was stopped till he had crossed the floor: all the distinguished people of the day who constituted the then exclusive and aristocratic Edinburgh society appear to us driving in heavy coaches or being carried in sedan chairs through dimly lighted streets to the door of the Assembly Rooms, where a jovial and enthusiastic crowd 'huzza'd at a great rate' as the ladies step out of their carriages.

Further back in point of time we have a picture of the state of the City of Edinburgh in the 'forty-five': Pilrig relatives hurrying down Leith Walk to the shelter of the old mother house to be out of the way of the shot from the Castle guns as they flew screaming over a terrified town. The house was supposed to be specially safe as she was more or less under the protection of the guns of the sloop of war *Fox*, which lay off Leith, but it seems doubtful if this belief was well founded. Another scare of war came to Pilrig at a later date, and we have all the arrangements which were made in 1803 for the mustering of forces and of transport in the district for which the Laird of Pilrig was responsible.

Enough has been said to show that though this volume bears only to be a history 'for the family,' it will interest many persons outside their circle. It is a very handsome book; its binding, printing and illustrations are all beautiful and leave nothing to be desired. The letterpress too is worthy of all praise: Miss Balfour-Melville has evidently made the writing of it a labour of love, and has woven through it all a pleasant thread of story which makes the various individuals mentioned stand out as real characters and not merely as so many articulations of a skeleton pedigree. She has a charming literary style, and her book is not

a mere family record, it is a valuable contribution to the social side of Scottish history. It only remains to congratulate the writer on the completion of a task which has been executed with discrimination and tact. There are several excellent genealogical tables which help to guide the reader through the mazes of the pedigree.

J. Balfour Paul.

Separation of Church and State in France in 1795

IN the year 1795, France, 'the object-lesson of Europe,' made her first experiment in the separation of Church and State. She is now, after more than a hundred years, making her second, and the story of the first experiment is not without significance in the crisis of to-day.

On the 21st of December last, M. Clemenceau, speaking in the Chamber of Deputies on the separation law, used these words: 'We are grappling with difficulties such as no Government has encountered since 1870.' In other words, the Premier acknowledged that the religious question was the most vital that has yet faced the Third Republic. It was the same more than a hundred years ago. The religious question was the most vital that National Assemblies, Convention, Directory, or Consulate had to face. It divided France against herself, it created royalists, it baffled Governments, and, finally, it forced Napoleon to a compromise. 'The patriots,' says M. Aulard, writing of the beginning of the struggle, 'began the Revolution with the sympathy of a large part of the clergy; they hoped to complete it by the establishment of a truly national, truly Gallican church. But it was this very attempt which brought about a rupture between the Church and the Revolution, and created the conditions from which sprang the civil war, the war with Europe, the violences, the misfortunes, and the partial failure of the Revolution.' 'As regards religion,' wrote General Clarke to Bonaparte at the end, 'our revolution has failed.'

Now the separation of Church and State in 1795 was only one in a series of experiments, and was forced upon France by their failure.

Under the old *régime* the Church was the first estate of the realm. Subject to Crown restraint, she was yet allowed to administer her vast wealth with but little interference, and her

bishops received institution from the Pope. To her was entrusted the care of popular education—her certificates of baptism were necessary to prove all civil rights, her clergy were immensely powerful, her religion entirely dominant in France.

Such domination was inconsistent with the theories of Liberty and Equality promulgated by the Declaration of the Rights of Man; and in little more than a year from the beginning of the Revolution, the Church had fallen from her high estate. Stripped of her property, which was declared national, she was reduced to an ecclesiastical establishment in the pay of the State, whose functionaries, in common with all others, were chosen by popular election, whose bishops received institution without reference to the Pope, and whose prelates and beneficed clergy were bound by oaths to maintain 'with all their power' this new order of things, known in history as the Civil Constitution of the Clergy.

By the laws which effected these changes, the first, or Constituent Assembly of France, created a schism in the Church, which was henceforth divided into the Orthodox clergy who refused the oath and the Constitutional who accepted it. From that moment the political element crept in.

The Orthodox priests who would not swear to support 'with all their power' an order of things which the Pope condemned were deprived of their cures, but not driven out of France; the king was known to be in sympathy with them, and they themselves almost to a man associated in their words and thoughts 'the altar and the crown.' They were accused, and often with reason, of stirring up rebellion. As the struggle between the Assembly and the Crown grew fiercer, more and more severe laws were passed against the orthodox clergy, until at last, before the Monarchy fell, a non-juring priest was in the eyes of the law almost the same thing as a traitor to his country. The Constitutional clergy, on the other hand, were bound to the Revolution by their oath and were in sympathy with Republicanism; but it was the Orthodox clergy who, braving persecution and hiding in France, were a power among the people. Thus devout Catholicism came to find itself pitted against what was commonly called patriotism.

With the fall of the Monarchy and the adoption of a Republic, a new stage was entered upon. A new oath,—adherence to Liberty and Equality,—was exacted from all priests, and he who refused it openly declared himself an enemy of

the Republic. At the same time the Republic was in imminent peril. Austria and Prussia were fighting against her; and when on January 21, 1793, France guillotined her well-meaning, self-sacrificing, but impotent Sovereign, half the powers of Europe were banded against her. At the same time a rising for 'altar and crown' broke out in the Vendée, and one of the most powerful parties in the Assembly, that of the Girondists, was accused of attempting to weaken the Government by breaking France into federal states. Enthusiasm for the Republic, 'one and indivisible,' became a first requisite in every citizen; to foster this enthusiasm, a first duty for the Government if all that the Revolution had effected was to be saved.

Hitherto the Constitutional clergy had been exempt from persecution, but in the spring of 1793 they too fell under suspicion; and from this time religion itself—that is, the worship and practices of the Church, whether orthodox or constitutional—was considered a danger to the Republic. To destroy divine worship, and with it all spirit of adherence to the throne, became the avowed aim of the ultra-Revolutionaries; to weaken it, that of the more moderate Republicans. 'Down with the religion of priests; yes, citizens, down with the religion of priests! It is the religion of priests that has given us kings, it is the religion of priests that has supported their crimes!' writes one contemporary. 'From the earliest times,' writes another, 'there has been a compact between the throne and the altar. Priests have declared to kings "we will cause you to reign, but do you in your turn render us powerful—let us be independent, free, and privileged, exacting tribute from a foolish people, to whom we in turn will assert that you are the images of God upon earth, that your authority comes from Him, and must neither be examined into nor contested."'

It was to prevent this that the Civil Constitution of the clergy had been decreed, that bishops were forbidden canonical institution, that the clergy were forced to take an oath approving a state of things which to most Catholics meant apostasy. The attempt had failed; the Constitutional Church had only weakened the Republic, and a fresh experiment had to be tried.

From the first dawn of the Revolution, the idea of Reason had been strong in the minds of the men who wished for reform. What does Reason say? men asked, in the spring of 1789, when discussing the basis of election to the promised

States-general, and a few months later the National Assembly drew up a declaration in which it asserted that 'the ignorance, forgetfulness, or contempt of the Rights of Man'—founded on Reason—'are the sole causes of the unhappiness of peoples and of the corruption of Governments.' Reason had become the test of political actions, and the Rights of Man the foundation on which a new political fabric was to be built. Reason, then, was the weapon to which the revolutionary leaders resorted in their attack upon the Church.

In this attack upon religion two different influences were at work, that of the Convention, and that of the Paris Commune, always more advanced than the Convention, and at this time, under the influence of Chaumette and Hébert, violent Jacobins, without fear of God or man, or respect for common decency.

First, then, for the Convention. Its efforts were directed against the Constitutional clergy, who alone were recognised by the Government; and its aim was not ostensibly to abolish religion, but to remove from it all those ceremonies and associations to which religious sentiment clings, and on which, spite of all reason, it so largely depends. To this end the Convention attacked the celibacy of the clergy, the religious instruction of the young, and, strange as it may seem, the ordinary or Gregorian calendar.

An unmarried priest, it was urged, had no stake in the country, whereas a married one gave a hostage to the State. Accordingly, special laws were framed for the protection of those priests who married. The bishop or priest who opposed the marriage of a fellow-clergyman was punishable by transportation; married priests were exempt from the law which allowed any six citizens to bring their parish clergyman before the law courts on a charge of 'incivisme,' a charge which exposed him to death by the guillotine; and priests who married, and were therefore expelled from their parishes by horrified parishioners, were specially provided for by the State. These laws had the due effect. The Constitutional clergy were not the most devout of Catholics, and the marriage of priests became a scandal to the faithful, a ridicule to the scoffer, and a matter of congratulation to the Convention.

About the same time the Convention, through its Committee of Public Instruction, substituted for the lives of the saints then read in schools, accounts of the heroic and virtuous deeds of the Republican arms.

Much more important than either of these was the decree of October 1793, which instituted the new Calendar, dating not from the birth of our Lord, but from the beginning of the Republic. Autumn was its first season; September 22nd its New Year's Day. Its months were called after the phenomena of the season—after rain, cold, wind, and heat; after vintage, reaping, and sowing. Its weeks became decades, three in each month. Its days were no longer Lundi, Mardi, and the rest; but Primidi, Duodi, and so on until the new Sunday or Decadi. But this was not all. In the new almanacks saints' days were replaced by the names of minerals, vegetables, or even agricultural instruments. 'For an almanack of two *sous*,' writes an enthusiast, 'a man becomes a physician, a botanist, and a mineralogist,' and, what was more to the point, he was *not* encouraged to become a saint. 'What has been and what is the most dangerous enemy of the Republic?' writes a contemporary, and answers, 'Fanaticism. What counter-poison has fanaticism most to dread? The Calendar.'

It was especially in its substitution of the Decadi for the Christian Sunday that the Committee of Public Instruction trusted to the new Calendar as an antidote to fanaticism, and to make the antidote more powerful it introduced civic festivals in honour of civic and patriotic virtues. 'On the morning of the last day of the decade,' runs an instruction for its observance, 'the bell, if one still exists, will announce the day of rest. Good citizens will assemble in presence of the constituted authorities round the altar of the country, or, failing that, round the tree of liberty, to sing patriotic hymns, hear the proclamation of the laws, a short account of the political situation of the day, and of the doings of the Convention,' and that was all. Religion and religious institutions the Convention quietly ignored.

So far Reason was used only as an instrument to minimise or nullify the influence of the Church; but in November 1793, the Commune of Paris raised Reason into a Divinity, and set up her worship as a rival to that of the Christian Church. To make the rival as formidable as possible they induced Gobel, Constitutional Bishop of Paris, and his somewhat weak-kneed clergy, to abjure their vocation and so leave the Cathedral of Notre Dame, the great metropolitan church of Paris, free for its use. A circular was sent out by the Mayor of Paris informing the citizens of the change, and

announcing that on the next Decadi, November 10th, by the old, Brumaire 20 by the new Calendar, a festival of Liberty and Reason would be held in the cathedral hitherto dedicated to the worship of God.

'Almost nowhere,' says M. Aulard, 'does the worship of Reason deny a Divine Being. What it does is to identify the Divine Being with the abstract Reason, or,' and this is more common, 'with human reason as itself divine.' Human reason, however, had in the mind of the Republicans but one true expression, that of a Republic, and religion but one function, that of maintaining the Republic 'one and indivisible.' Reason became a tutelary Deity peculiar to France, and its worship a weapon with which to destroy Christianity, the enemy of the Republic. What is somewhat vaguely spoken of as the worship of Reason was in fact an attempt at a kind of Theocracy.

'Thou shalt serve the Republic, one and indivisible, and her only.
Against Federalists thou shalt wage eternal war.
As a good soldier thou shalt perform thy duty diligently.
Thou shalt honour thy father and mother, and likewise old age.
Thou shalt be tolerant of all forms of worship, as the Law decrees.
Thou shalt cultivate the fine arts, which are the ornament of the State.
Thou shalt go to the meetings of thy Section, when legally summoned.
Thou shalt not fail to shut thy shop each Decadi.
Thou shalt obey the Constitution, as thou hast sworn to do.
Thou shalt perish at thy post, if thou canst not live free.'

'I believe in a Supreme Being, who has created men free and equal, who has made them to love and not to hate one another; who desires to be honoured by the virtues of man, and not by his fanaticism, and in whose eyes the fairest worship is that of reason and of truth.

I believe that from the unity and indivisibility of the Republic, comes the welfare of the people; that a boundless attachment to the Constitution which the people have accepted can alone secure their happiness, and that man, if he wishes to preserve his rights, must never forget his duties.

I believe in the approaching downfall of all tyrants and all rebels, in the regeneration of morals, in the spread of all the virtues, and in the everlasting triumph of Liberty.'

'Chaste Daughter of Heaven, O Liberty, thou hast descended for us upon earth. May thy name be hallowed.

Thy kingdom is come, and that also of the Law. May its will be done.

Provide for the wants of thy children. Give us our daily bread. Forget the wrongs which peoples yet enslaved commit against thee, and remember only the homage thou receivest from a people rendered free.

Divinity of my Country, take away from us all that may lead us into error. Remove from us the temptation to do wrong, and deliver us from our enemies.'

Such are the Commandments, the Creed, and the Lord's Prayer, as interpreted by the worship of the country.

The worship of Reason, as such, was short-lived, nor did the worship of the Supreme Being, inaugurated by Robespierre in June 1794, last much longer. But the attempt to secularise France was persisted in. Church-bells were silenced, monasteries turned into prisons, churches into store-houses, stables, or Temples of Reason. Children were baptised by presidents of popular societies, marriages were solemnised in temples of Vesta, funerals were unblessed by any sign of religious faith. Men covered their infants' cradles with the Declaration of the Rights of Man; they called their little ones after neither saint nor relative, but after Roman republicans, and French patriots. Figures of the saints were replaced by busts of Roman or Jacobin heroes; and, lest the hope of future bliss should render the citizens forgetful of present and Republican duties, Fouché, sent as pro-consul to the district of Nevers, had ordained that the dead should be conveyed to the place of burial covered with a pall on which was painted the image of Sleep, that a statue of Sleep should be erected in every cemetery under his jurisdiction, and that over its gateway should be engraved the words, 'Death is Eternal Sleep.'

Nothing was held sacred. The Christian Trinity was replaced by a Trinity of Jacobin martyrs, with Marat, Chalier, and Lepeletier, for its three persons. 'Women, children, old men, and thousands of useful tillers of the soil, were thrown into prison for having secretly listened to a mass or confessed their sins to the ear of a priest. The domestic hearth was nowhere held sacred; images venerated by a mistaken yet innocent faith were destroyed, and ridiculous ceremonies were invented to replace religious services, only loved the more, the more strictly they were prohibited.' So wrote Boissy d'Anglas, himself no believer in revealed religion, but an upright and moderate Republican.

The attempt to secularise France proved as ineffectual a remedy as the attempt to set up a State Church without allegiance to the Pope; and with the fall of Robespierre and the relaxing of the iron spell in which the Terror had held France, religion at once re-asserted herself.

The Orthodox priests who had remained in their country and had survived the guillotine, ventured forth from their hiding-places and resumed public worship: here and there

they even dared to take possession of the churches. Priests who had fled returned. Constitutional priests, many of whom had abjured, denied their apostasy, saying that they had renounced their orders not willingly, but by compulsion. At the same time letters from the pro-consuls of the Republic sent into the Departments to put down disturbances, petitions from district after district for that liberty of worship declared to be one of the rights of man, the fear of a second Vendée, all combined to impress upon the Convention the fact that the Catholic religion could no longer be safely ignored.

Obliged to take some step, yet resolved not to support religion, the Convention decided to free itself of all responsibility and leave religion to take care of herself. It had long ceased to fulfil its obligations towards the Constitutional Church; it now determined to deny that it had obligations. 'Seeing that religion exists,' said Boissy d'Anglas, in the report by which he introduced his *projet* on the separation of Church and State, 'seeing that the charm of custom and the power of early impressions have preserved it, and that persecution, instead of destroying, has revived religion, the question is how to make it as harmless as may be.' . . . 'Let those who believe in auguries,' he concludes, 'pay for them . . . treat assemblies for the purpose of divine worship as you treat private societies, grant them no facilities, deny them all publicity,' but let them exist. In other words, sever all connection with the State, permit liberty to any form of worship, but submit all to State surveillance. 'The exercise of all forms of worship shall be undisturbed; the Republic ceases to contribute to the support of any form of worship; she furnishes no locality for the exercise of worship nor for the lodging of its ministers; ceremonies belonging to any kind of worship are forbidden outside the building chosen for its exercise; the law does not recognise as such any minister of religion; every assembly of citizens met for the purpose of worship is subject to the surveillance of the police; no minister of religion may appear in public with the dress, ornaments, or costumes peculiar to religious ceremonies; no symbol peculiar to any form of worship may be placed on a public place; no inscription may indicate the building in which worship is held; no proclamation or public convocation may invite the citizens to worship; the *communes* may neither buy nor hire a building for religious worship; no tax may be imposed, no fund sunk to defray the expenses of worship;

whoever shall disturb the religious ceremonies of any worship whatsoever, or injure the objects pertaining thereto, shall be punished.'

In such words, on the 21st of February, 1795, France made her first essay in the separation of Church and State. It came not as a blow, but as a concession. It imposed no new conditions, but only re-stated existing conditions, and, subject to these conditions, it conferred on France the promise of religious liberty.

It was, however, only a promise. For a short time there was relief to the down-trodden Catholics; but the persecuting laws were not repealed, and fresh political crises under the Directory revived the old persecution. The separation of Church and State failed as the Civil Constitution of the Clergy, as the secularisation of France had failed, and it failed from three definite causes. It is these which makes the experiment of the first Republic significant to-day.

Speaking on December 21 of last year at the Institute of France, M. Ribot, a Liberal and former Premier of the Republic, said that the present separation of Church and State 'had been effected in circumstances galling to the Holy See, and, consequently, not less dangerous to the State than to the Catholic Church.' In an able article on the 'Reasons of the Concordat,' contributed by M. Vandal to the *Revue des Deux Mondes* of February 1st of this year, the writer quotes a hitherto unpublished speech of Napoleon in reference to his proposed Concordat: 'Il me faut le Pape maintenant pour réparer cette destruction impolitique que Robespierre lui-même jugeait telle quand le grand instigateur de la mesure, Chaumette, fut trainé à l'échafaud. Jamais le Pape ne pourra me rendre un plus grand service; sans effusion de sang, sans secousse *lui seul peut réorganiser les catholiques de France sous l'obéissance républicaine*.'

Non-recognition of the Holy See, the endeavour to secure the entire allegiance of the clergy to the State, was the first reason why, in the eighteenth century, the Revolution failed to solve the religious problem; and it is a danger acknowledged now by many who, like M. Ribot, are Republicans and anti-clerical.

Hardly less important were the restrictions laid on the outward observance of religion:—the silencing of the church-bells, the removal of crucifixes, the insistence by the State of the

observance of the Decadi instead of the Christian Sunday. M. Vandal, in the article already quoted, attributes the necessity of the Concordat in great part to this suppression of religious ceremonies, 'only loved the more, the more strictly they were prohibited.' 'At the end of the Directory,' he says, 'the mass of the rural population in the majority of the Departments of France was turning towards royalism, because the Republic, in their eyes, stood for religious persecution,' and he quotes the reports of the Commissioners from the Departments. 'Those who long for a return of the old *régime*,' wrote the Commissioner of the Loiret, 'do so, not that they may have a king, but that they may have their priests, their church-bells, and their processions. . . . Give the people back their crucifixes, their chimes, their Sundays, and, above all, those who live on such mummeries, and everyone will cry, "Vive la République."'

The restrictions imposed by the Third Republic on the outward observance of religion are much less stringent than those of her elder sister; but they are the same in kind. No religious symbol may be placed in or on any public building, or any public ground, save on buildings set apart for religious worship, in cemeteries, on memorial stones, or in museums and exhibitions. Religious processions, and the exercise of any religious ceremony outside a church, are forbidden, unless by permission of the civil authorities, and the ringing of church-bells is under the same control. Such things would be no hardship in England, but they are in France, and to trample on religious sentiment may be as dangerous to a Government as to create religious scruples.

Lastly, in the eighteenth century, there was, as there is to-day, the practical difficulty of the support of religious worship. The people of France have shown abundant devotion to their clergy, but they have never been accustomed to support them; and for this reason also the first experiment in a free church failed.

The separation of Church and State, brought about in 1795, lasted for less than six years, and was replaced by the Concordat of Napoleon.

The conditions of to-day are very different from those of 1795; yet who dare prophesy concerning the duration or the result of the new experiment? Who can say whether the Republic is not repeating the error of the Revolution; whether

in her attitude towards religion—above all, in her disregard of religious sentiment and religious prejudice—she is not with one hand raising a disaffection which, with the other, she is seeking to quell?

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Saving the Regalia in 1652

THE information printed below (of which the original was recently discovered amongst the Marischall Papers) contains some interesting details of the saving of the Regalia from Cromwell's forces in 1652. It must be remembered that, on the Restoration, an unfortunate dispute arose between the Keiths and the Ogilvies of Barras, in which each family claimed the chief honour of preserving the Regalia. This dispute was not ended until 1702, after legal proceedings had been taken. Some of the evidence for both sides has been published by the Bannatyne Club[1] and the Scottish History Society,[2] but the paper given below, which seems to set forth the principal contentions of the Keith side, has not been published by either of these. As it turned out, Lord Kintore gained the day; but to an impartial reader it would appear that on the whole the merits of preserving the Regalia were very evenly divided.

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INFORMATION FOR THE EARL OF *KINTORE*
AGAINST
SIR *WILLIAM OGILVIE* OF *BARRAS*, AND *DAVID OGILVIE* HIS SON

THE *Regalia* of the Kingdom of *Scotland* were entrusted to the then Earl *Marischall* during the time of the late Troubles, and were by the care of the late Earl, the Countess his mother, and especially by the Prudence and Firmness of *John* now Earl of *Kintore*, then Mr. *John Keith* the Earl's Brother, preserved from falling into the hands of the *English*, and after the Restoration of King *Charles* the second, discovered and restored to the Government, with an ingenuous and honest Account how they had been preserved, not omitting what concern *Ogilvie* of *Barass*, (who was the Earl's Lieutenant of the Castle of *Dunnotar*, by a Commission from the Earl himself) had in the matter.

But Sir *George Ogilvie* of *Barass*, conceiving that it might be a great Advancement for his Family, if he were understood to be the sole Preserver of the Honours, and that in a matter so mesterious and secret, it would be easie to assert boldly: Did therefore ungratfully and foolishly set up for the honour of having done that Service to His Majesty and the Nation, without any Assistance of the Familie of

[1] *Regalia Papers*, 1829.
[2] *Warriston's Diary and Other Papers*, vol. xxvi. 1896.

Marischal. But the thing being then recent and all the People alive who knew the Circumstances, which served to give light to the Truth, *Barass* let fall his Pretensions, and the true Account of the Preservation of the Crown, Scepter and Sword, has not been brought in question by any body for 40 years.

But in *Anno* 1701 there was a pamphlet printed and dispersed intituled, *A true account of the Preservation of the Regalia of the Kingdom of* Scotland. *Viz.*: the Crown Sword and Scepter, from falling into the hand of the *English* Usurpers by Sir *William Ogilvie* of *Barass*, Knight and Baronet, with the Blazon of that Family, and wherein he pretends to arrogat the chief merite of preserving the Regalia to Sir *George Ogilvie* of *Barass* his Father and to his mother, detracting at the same time from the Family of *Marischal*, and particularly alledging that the Countess Dowager of *Marischal* Grand mother to this Earl had suppress the Truth, and imposed upon K. *Ch.* 2*d.* and that the Earl of *Kintore* was Abroad, and Knew nothing of the matter.

The Earl has therefore raised a Complaint before the Lords of Privy Council, against *Barasses* elder and younger, for this false defamatory Libel.

And to the effect, that the Lords of Privy Council may be fully informed concerning the preservation of the *Regalia*, and that the Earl may be vindicat, and *Barasses* Falshoods discovered, the Earl begs liberty to make a true and ingenuous Narration.

King *Charles* the 2*d*, being obliged to leave *Scotland* upon the prevailing of the *English*, gave a Commission to the Earls *Crafurd*, *Marischal* and others to manadge the Government, and the Earl of *Marischal* having obtained an Establishment for a Garrison in the Castle of *Dunnotar*: He did name *George Ogilvie* thereafter, Sir *George Ogilvie* of *Barass* to be his Lieutenant, as not doubting but he would be trustie to him, seing the said *George Ogilvie's* Father, had been the Earl's Porter, and the said *George* himself had been bred up about his Familie, and had received by the Earl's favour the first advance towards his better fortune.

The Earl of *Marischall* having gote the *Regalia* did depositat them in a secret place of the Castle of *Dunnotar*, of which he kept the Key himself: but the Earl *Marischall* being surprised and taken by the *English* at *Eliot* sent the Keys of the place where the Honours were kept, to the Countess dowager his Mother, a person of great Vertue, Prudence and Loyalty, who came herself to *Dunnotar* and delivered the Honours to *George Ogilvie*, with special Order to take care of them, in case he should be forced to surrender the Castle.

About this time the Committee of Estates, seing the *English* like to carry all before them appointed the Honours to be delivered to the Earl of *Balcarass*, which the said *George Ogilvie* was ready to have complyed with, but was diswaded by the present Earl of *Kintore* who at that time, although very young, did project a far more effectual way to preserve the said Honours, and indeed if the Honours at that time had been sent thorow the Countrey, which was full of the Enemies

Troops, or even had been delivered to the Committee of Estates which was shortly afterwards dissipate, they would have undoubtedly fallen into the hands of the Enemy.

The *English* approaching to *Dunnotar* & there being no appearance of relief, the said *George Oglivie* gave the Honours to Mr. *James Granger* Minister at *Kinneff* who carried them out of the Castle, and the said Mr. *James* sent his wife to receive them, who by her Maid did carrie them away, being packt up in a Burden of flax, and thereby they were brought safe to the Minister's house, albeit they met with a Party of the Enemie upon the Road, and were by the Minister hid in holes digged under the Pavement of the Church, and as the Trust was intirely from the Countess of Marischal in absence of the Earl who was then Prisoner, So Mr. *James Granger* gave a Declaration to the Countess, written with his own hand, bearing Date, the 31 of *March* 1652, acknowledging the custody, and describing the very places of the Church where the Honours were hid: And concluding in these words, 'that if it should please God to call me by Death before they be called for, your Ladyship will find them in that place.'

But the better to cover this and to amuse the *English*, the Earl of *Kintor*, then Mr. *John Keith* retired secretly and went to *Paris* where King *Charles* was, and then it was given out, that he had carried the Regalia beyond Seas to the King; and when the Castle of *Dunnottar* was taken by the *English* and *Ogilvie* detained prisoner, until he should give an account of the Regalia: *Ogilvie* alledged for himself, that Mr. *John Keith* had carried them beyond Seas, and to support this storie, a Letter was procured from Mr. *John* owning that he had done so, upon which *Ogilvie* was liberat.

King *Charles* the 2*d.* being well informed and sensible of the Fidelity of the Countess of *Marishal* and her Children, wrote a Letter from *Collen* to the Countess, *January* 1655. which is written with his own hand, and yet extant, wherein he does in very oblidging terms acknowledge her good services which he forbears to name for his sake and hers; and which no doubt amongst others, had regard to the preservation of the Regalia, although at that time it was not fit to express it, for fear of intercepting it as the Letter insinuates.

King *Charles* 2*d.* having sent the Earl of *Midletoun* to command in *Scotland* the Earl of *Kintor* resolved to venture his Life for his Majesty, and came along with him, and when that Attempt proved unsuccessful, and that those who had been in Arms for the King at that time were forced to capitulat. The Earl of *Kintor* foreseing that he would be brought in danger for the Regalia, took from the Earl of *Midletoun* a Receipt for the Regalia, as if they had been delivered by the Earl of *Kintor* to the Earl of *Midletoun* at *Paris*, although it was truly dated at *Keppoch*.

The thing happened as the Earl of *Kintor* had forseen; for he was taken up and Examined strictly by Collonel *Colbe*, Governour of *Dundee*, who by General *Monks* Order did capitulat with the Marquiss of *Montross* and him, but having produced the Receipt, and answered firmly and

consistently, he was dismissed, and by these means the Regalia were no farther heard of, nor sought after till the Restoration.

After the Restoration, the Countess of *Marishal* gave a plain account of the whole matter ingenuouslie, owning *Barass* his part as a Servant under the Earl of *Marishal*, and which was no more then, that *Barass* had once the keeping of the Honours, and delivered them to *Grainger* and that he did not discover *Grainger* when he was examined by the *English*; Nor did the Countess forget Mr. *Grainger's* fidelity in the matter, which did not at all diminish her own and the Earl of *Kintor's* Merit, who were the principal actors and manadgers, and who projected the manner of preserving the Honours by lodging them in *Graingers* hands, and took his Declaration concerning them; and by a very wise and prudent device, led the Enemy off from the pursuit of the Honours; albeit that device did both expose the Earl of *Kintor* in his Person and Fortune; and his Majesty King *Charles* 2*d.* was so far convinced of the Earls good service, that he was pleased at that time to create him Knight *Marishal*, upon the narrative of the service done in preserving the Crown, &c.

But *George Ogilvie* of *Barrass* had laid the design, to have the sole merite of preserving the Honours ascribed to himself; and for that end endeavoured to perswade Mr. *Grainger* that his fidelity in that matter was not represented to the King; but that the Countess of *Marishal* and her Son, were taking the glory of the Action intirely to themselves, and the only way to prevent it was, to deliver the Honours to *Ogilvie*, that he might have them to show and *Ogilvie* was to make a Representation for himself and Mr. *Grainger* to the King, Mr. *James Grainger* being half perswaded by *Ogilvies* mis-representations, and yet not fully trusting him, granted him only a part of what he asked, having delivered the Scepter to the said *George Ogilvie* of *Barrass*, retaining the rest, but however he took *Barrass* his Receipt for the whole, which Receipt was qualified by a back-note given by the Minister to *Barrass*, whereby he acknowledges that albeit he had *Ogilvies* Receipt for the Honours, yet *Ogilvie* had gotten no more but the Scepter, and oblidges himself to make the rest furthcoming at demand; which back-note *Barrass* has published in his Pamphlet.

Barrass having by these means in appearance the Honours at command, and having his Son at *London* to solicite his business; under the favourable protection and countenance of the Lord *Ogilvie*, did boldly give it out, that he and his Lady were the principal Keepers and Preservers of the Honours, and procured an order to himself to deliver them to the Earl *Marishal*, hoping that if the Honours were so delivered as he might have a Receipt, it would confirm the story that he was the principal Keeper and preserver of the Honours: And this Order being transmitted by the Son to *George* the Father, *George Ogilvie* sent to Mr. *Grainger*, to go alongst with him to deliver up the Honours to the Earl *Marishal*, which he absolutely refused, having been abused by him before, and so went out of his House with the Crown and Sword to be delivered to the Earl *Marishal*, which *George Ogilvie*

perceiving, met the Minister on the Road, with the Scepter, and both came to *Dunnotar* at the same time, and accordingly delivered the Honours to the Earl *Marishal* in presence of the Viscount of *Arburthnot* and several others; But *George* having been Lieutennant of *Dunnottar*, and having had once the custodie of the Honours from the Earl and Countess of *Marishal*, did propose to the Earl *Marishal* that he might have a Receipt, under the specious pretext as being necessarie for his exoneration, and having gotten this Receipt from the Earl, he immediately transmits it to his Son at *London* who improves it as a proof that his Father had been the principal keeper and preserver of the Honours; and he procured a Patent to be Knight Barronet, with a Charter changing the holding of his Lands, &c.

But all these being but false representations, imposing upon his Majesty, and detracting from the good Service done by the Earl of *Kintor* were quickly discovered, and *Grainger* who had been abused amongst the rest, gave an account in a Letter to my Lady *Marishal*, yet extant, of *Barrass* his conduct with him, and the Countess of *Marishal*, and the Earl of *Kintor* having also complained, and redargued *Barrass* his false accounts by the Writs abovementioned, *Barrass* let his pretensions fall; the rather not only because he was redargued from the Writs but that the Earl of *Midletoun*, the English officers who had examined anent the Honours in the time of the Usurpation, and the Viscount of *Arburthnot*, and the other persons who were present, when Mr. *Grainger* als well as *Barrass* were all alive, and ready to have confounded *Barrass* his false and arrogant pretence. But now Sir *William Ogilvie* his son presuming that the obscurity by the length of time, and death of many worthie persons who knew the circumstances of the matter, may favour his Claim, has revived what his Father first fraudulently contrived and fraudulently dropt, and endeavours by the forecited Pamphlet, to insult the memory of the deceased Countess Douager of *Marishal*, and detract from the Merite and Services of her Son the Earl of *Kintor*, contrary to the Truth itself, and contrary to the evidences abovementioned But the Earl has the happiness to have the matter decided by his Majesty, in his Letters patent to him as Knight *Marishal* and by a Letter under King *Charles* 2*d* his hand to the Countess of *Marishal*, and another from the Earl of *Middletoun*, wherein *Barrass* is treated as a little fellow, and by a Patent creating his Lordship Earl upon the narrative of that very Service, long after *Barrass* his arrogant pretensions, with a prescription of 40 Years.

The Earls merite in this matter being vindicate by the Narrative abovementioned, *Barrass* Pamphlet with his pretensions upon that account, to have been sole keeper and preserver of the Honours, falls in consequence.

But because the Pamphlet does not only advance matters false, but represents them in a way injurious to the Earl of *Kintor*; and in a further vindication handed about in writing by the same *Barrass*, he insists farther upon the same Falshoods and Injuries. The Earl has

raised the foresaid Lybel before the Lords of Privy Council, and shall make the following Observes upon the Pamphlet.

And *First*, by the Pamphlet it is evident that *Barrass* his concern about the Honours was only as a Servant, intrusted by the Earl *Marishal* in als far as his Commission to be Lieutennant of *Dunnottar* was only from the Earl himself.

2. The Story as it is told by *Barass*, of his Mothers convoying the Honours out of the Castle without his Fathers knowledge and that this was by his Fathers own Contrivance, is little better than a jest.

3. Not to enter upon the question, whether *Barass* maintained the Castle of *Dunnotar* as long as it might have been kept out, or if the Capitulation without extremitie whereby he delivered up not only the Castle, but the Furniture and other Goods belonging to the Earl *Marischal* and others, to a very considerable value, was honourable; it seems strange and dis-ingenuous that *Barass* should have capitulat upon the terms of delivering up the Crown, which yet he knew was not in his power.

4. The narrative pages 7 and 8, alledges that the Lady *Barass*, being examined concerning the Honours, pretended that the Earl of *Kintore* had carried them abroad to the King: and yet page 11th the same Pamphlet alledges, that the Earl during the Transactions was abroad at his Travels, and knew nothing of the matter.

5. In the 10th page he asserts, that *Captain* George *and his Lady, were the principall Keepers and Preservers of the Honours whatsoever others pretend, and the only Sufferers therefore*: and in the 11 page he adds, *that the Countess of* Marischal *wrote to his Majesty, that her son* John Keith *now Earl of* Kintore *had preserved the Honours, being that he the said Captain* George *had unwarily imparted to her where they were hid, and that upon the said mis-representation, her Son was first created Knight Marischal, and thereafter Earl of* Kintore *with a Pension for his pretended preservation of the Honours*: Albeit by the Ministers Receipt it's clear and evident, that upon lodging the Honours in the Kirk of *Kinneff*, he gave the Receipt and Declaration to the Countess of *Marischal* bearing the particular places where they were hid: So that Captain *George* nor his Wife never imparted the same to the Countess; and not only thereby asserts what is false in that matter, but adventures even to bely his Majesties Patents.

6. By a Paper handed about in write, he asserts 'that he and his Lady were the only Sufferers for, and Preservers of the Honours'; and in the 3d page thereof 'asserts that Sir *George* his Ladys making 'the use of the now Earl of *Kintore's* name, was a very lawful 'Stratagem in her, and that which no generous Man Abroad would 'have declined to own: But would not have reaped the fruits of Sir '*George* and his Ladys Labours, nor taken the whole reward due for 'their Sufferings.' And in the last page thereof adds, that by his Narrative Truth doth appear in its naked Collour, without fear or favour of any; which is not only an aggravation of his former bold Assertions and Falshoods, but upon the matter a defyance to any who

would contradict them. And besides if (as *Barrass* grants) the Earl of *Kintore* owned the carrying away of the Honours, then it follows, that what he advances in his Pamphlet, page 11. is false, *viz.* that the Earl was abroad, and knew nothing of the matter.

7. This Paper of his seems to be inconsistent with it self, for he ascrives the sole Preservation of the Honours to his own Conduct; and yet in the 3d page of his written Paper says 'That his Lady 'did not discover to him where the Honours were, till she was on 'Death-bed, and then did import to him, how and where the Honours 'were hid and reposed, and took his hand upon Oath, not to betray 'the Trust she had committed to him.' By which it is evident that the Minister made only the Countess *Marischal* knowen to the Place where the Honours were hid, which is documented by his Receipt and Declaration to the Countess: And *Barrass* has nothing but his own bare Assertion to support his Ladys Knowledge and Discovery made by her to him on Death-bed.

8. Sir *George* seems to acknowledge by his own Papers, that the King himself was convinced that it was arrogance in Sir *George Ogilvie* to ascrive to himself the sole Preservation of the Honours; For in the sixth page of his own paper, he says, That when the Lord *Ogilvie* did solicite *Stafoord* to represent the eminent Services due by the said Sir *George* and his Lady in preserving the Honours of *Scotland*, That the King's Answer was. *By my Lord* Ogilvies *good leave it most not be so, for my Lady* Marischal *wrote to me, that she and her Son* John *preserved the Honours.*

And lastly, the Receipt granted by the Earl *Marischall*, does not prove for *Barrass*, that he had the keeping of the Honours but on the contrary, the back Note granted by Mr. *Granger* the Minister to *Barrass*, joyned with the Earl's Receipt, evince the contrivance on *Barrass* part; for to what end did *Barass* give a Receipt of the whole Honours, when he received only the Scepter, if that Simulation was not intended to be a false evidence that *Barras* had the keeping of the whole? Or if ever *Barrass* had got the rest of the Honours from Mr. *Granger*, is it to be thought that *Granger* would not have retired his Back-not in a matter of such consequence? But seing *Barass* had laid so many Plots to have the appearance of being the Keeper of the Honours, when he was not; it follows plainly, that the Earl *Marischal's* Receipt was only intended by the Earl *Marischal*, as an Exoneration to *Barass* of the Trust he had of the Honours when he was Lieutenant of *Dunnotar*, but *Barass* out of a fraudulent Design, took care to have the Receipt so worded, as might best suite his purpose.

By all which its clear and evident 1. That what was done by *George Ogilvie* in relation to the Honours, was by Commission and Trust from the Earl of *Marischall.* 2. That the Countess delivered the Honours to him out of her own hand, with particular Orders about their Preservation. 3. That the Earl of *Kintore* keeped the Honours from being given up to Lord *Balcarras*, when he demanded

them by Order of the Estates. 4. That the Honours were carried out of the Castle & keeped by the Minister of *Kinneff* by the Countess' direction during the Usurpation. 5. That the Earl of *Kintore* by his Letter from *Paris*, took upon himself all the danger, by owning that he had carried the Honours Abroad, that upon that account he was upon the Matter banished, and upon his return apprehended, and after his Escape hunted from place to place, that he gallantly hazard his Life under *Midletoun*, that he wisely contrived the getting that Generals Receipt, which intirely quieted the *English*, that he underwent many Hardships before Capitulating, that he behaved with so much Conduct and Exactness, that he intirely secured the Honours from all furder pursuit; And Lastly, that *Barras* these fourty years bygone, was so far convinced of all this, that it was never attempted till of late by this *Barras* or his Son, to call the same in question.

In respect whereof, and that *Barras* printed Paper is a most injurious Defamation and attrocious Slander contrary to Truth, to his Majesty King *Charles* the 2*ds*. acknowledgements, and to the Faith of repeated Patents, it's hoped your Lordships will not only Ordain him to retract the same, as a manifest Villany, but also will Ordain the foresaid ignominious Pamphlet to be burned by the hand of the Hangman, and all other Reparation made to the Earl of *Kintore* of his Honour, Fame and good Name, that can be proper against such injurious and reproachful Undertaking, and will punish *Barras* in his Person and Goods, as your Lordships shall think fit.

THE KINGS LETTER TO THE COUNTESS MARISHEL.

Collen January 4th 1655.

I have so much to thank you for, that for your sake I mention no particular; but am Confident I shall live to see you, when we shall be merry, and comfort one another with the Memory of what We have done and suffered, I choise rather to let you have these two or three Lines from me then to suffer you to imagine that I know not how much I owe you; And if this acknowledgment miscarry, it can do you no harm, and you will some other way know that I am very heartily *Your most affectionat Friend*

CHARLES R.

At this point in the original document the following papers are printed:

1. Mr. Granger's Receipt to Lady Marischall describing the places in which he had hidden the Honours 31 March 1652.
2. Letter from the King to Lady Marischall 4 September 1660.
3. Declaration by Mr. Granger concerning the Honours 19 Oct. 1660.
4. Letter from Mr. Granger to Lady Marischall 12 November 1660.
5. Letter from Lord Middleton to Lady Marischall 15 November 1660.

Of these papers Number 1 is already published in the *Proceedings of the Society of Antiquaries of Scotland* for the year 1890, and the others in the *Publications of the Scottish History Society*, volume xxvi. It is therefore unnecessary to repeat them here, with the exception of Number 4, in which many blank spaces occur in the former publication.

LETTER FROM THE MINISTER OF KINNEFF TO THE COUNTESS MARISCHAL.

Kinneff 12 *Novr.* 1660.

Madam,

I could not of duty ommit to write to your Ladieship at this time, for *Barrass* is now offering at high things, namely to improve against your Ladyship, has written to his Majesty anent the Honours, I do not write by Information, but he told me it out of his own mouth; I shall not now insist on Particulars, but for preventing any inconveniency I will write in general, for he thought to have drawn me on to concur in the Plot, for he feared without me he would not get anythings gone about rightly; But I have given up all dealing with him in that kind. His Son is at *London* and has written to him that my Lord *Ogilvie* has gone with him to his Majesty, and has declared that his Father did preserve the Honours, and offered that notwithstanding all your Ladyship had written to his Majesty, that they were yet in his Fathers hands, and has good hopes as he has written to his Father of great things: and if the Honours be not yet delivered that neither any Lord nor Lady in the Kingdom, should have them till he advertised him again; even albeit they had a commission from his Majesty, but since that was not now to be helped, he told me what course he should take for it, namely that he would shew a Ticket of Receipt subscribed by the Earl *Marshal* that he had received the Honours from him; I enquired where had he that and when he had gotten it, seing I delivered them, and he refused to give me Ticket of Receipt, O said he I got it the Night before by my Lord *Arbuthnets* moyen: Truly I thought it very strange, now I did refuse to concur with him till I heard all; and then I told him I would not be deceived any more with him, and your Ladieship remembers I did ever fear he would easily wind himself in my Lord *Marishals* favour. Your Ladyship may make the best use hereof your Ladyship can, for *Barrass* is very busie to post away his Letters to his Son, for he told me he was presently going to *Newgrange* to dispatch his letters in haste, I continue *Madam*

Your Ladyships humble Servant in the best service.

Sic subscribitur MR. J. GRANGER.

P.S.—*Madam*, It is easie to improve him, both that it was I that delivered the Honours and at your Ladieships Direction, and likeways that his Discharge was written the day before they were delivered, I hope to see your Ladieship next week God-willing.