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SCOTTISH GYPSIES UNDER THE STEWARTS

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DAVID DOUGLAS

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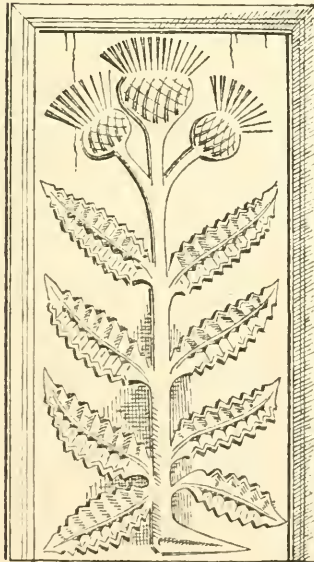
SCOTTISH GYPSIES

UNDER THE STEWARTS

BY

DAVID MACRITCHIE

AUTHOR OF "THE GYPSIES OF INDIA," ETC.



EDINBURGH: DAVID DOUGLAS

1894

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INTRODUCTION.

THE idea of the present work, as well as its title, was suggested to me by Mr Henry T. Crofton's *English Gypsies under the Tudors*, a pamphlet issued under the auspices of the Manchester Literary Club, in 1880. Mr Crofton subsequently embodied this pamphlet, with much supplementary information, in a paper entitled "Early Annals of the Gypsies in England," which appeared in the *Journal* of the Gypsy Lore Society;¹ and all who have read that admirable paper have realised that it contains, condensed within a very small space, an immense array of historical facts relating to the Gypsies of England, during the reign of the Tudors. But a study of *Scottish Gypsies under the Stewarts* has the advantage of embracing a much longer stretch of time than the Tudor period, as the era of Stewart rule, beginning with the accession of Robert II. in 1571, did not actually come to an end until the death of Queen Anne, in 1714. In another respect, moreover, it is of advantage to select this period; because although Mr Walter Simson's *History of the Gypsies*² gives an excellent account of the Scottish section of the race, yet his descriptions relate chiefly to the eighteenth and nineteenth centuries. Undoubtedly that *History* contains also a number of earlier references, but these are comparatively few. To Simson's *History*, however, the present writer owes an immense debt, for all

¹ Vol. i. pp. 5-24 Edinburgh, 1888-89; printed by T. & A. Constable.

² London and Edinburgh, 1865; very fully edited by Mr James Simson.

kinds of information regarding the Gypsies, in Scotland and elsewhere.

While taking as my model Mr Crofton's Tudor monograph, and stimulated still further by the profound historical researches of M. Paul Bataillard, researches which have occupied that student of the Gypsies for half a century,¹ I have, however, allowed myself a little more latitude than either of these writers, indulging occasionally in discursive remarks, inevitably suggested by some of the more important of the historical quotations. But it is to be understood that even these observations do not pretend to answer every question to which the facts cited give rise, or to offer anything like a final solution of the Gypsy problem. That problem, in the opinion of the present writer, has never been satisfactorily solved; and this study of the Scottish Gypsies cannot claim to do more than assist in the ultimate unravelling of this intricate question.

From Mr Francis Hindes Groome's *In Gypsy Tents*,² I have gleaned many important facts relating to my subject; and to that writer I am indebted for various other references and hints which may not be specially acknowledged in the following pages. I have only to add that most of the historical statements in this work will be found in a series of papers contributed by me to the *Journal* of the Gypsy Lore Society³ in 1890-91.

¹ How deeply, and with what painstaking precision, M. Bataillard has studied the question of "The Immigration of the Gypsies into Western Europe in the Fifteenth Century," may best be realised by English readers by consulting the papers contributed by that scholar to the *Journal* of the Gypsy Lore Society (vols. i. and ii.). [As these pages are going to press, I have to record with regret the death, on 1st March, of this veteran *tsiganologue*.] ² Edinburgh, 1881. ³ It may be stated that this *Journal*, so frequently referred to in the present work, can be consulted at any of the four principal libraries of Edinburgh, as well as at several of the leading English and foreign libraries.

SCOTTISH GYPSIES UNDER THE STEWARTS.

CHAPTER I.

IN considering the Gypsies of Scotland, one is met at the outset by the difficulty of ascertaining the exact sense in which that word has been used. The genuine Gypsy, the swarthy, fortune-telling Romany of our fairs and race-courses is unmistakeable; but the term "Gypsy" has been and still is loosely applied to many people of fair complexion, who cannot speak a word of Romanes, and whose chief claim to be so designated is that they lead a wandering, unsettled life. These latter are also known by various other names; of which the most popular in Scotland are *tinker* or *tinkler*,—and, in earlier times, *caird*,—as also *horner*, *magger* (*i.e.*, potter), and *faw*,—these last terms being more specially limited to the Border districts.

The difficulty of defining a Scottish Gypsy will be realised if we turn to the observations made by Baron Hume with regard to this subject. "Touching the proof of such a charge," he says, "it is not sufficient to prove, in general, that the pannel [the accused] is *habite and repute* a sornier, or a vagabond, or a thief, or that he is addicted to those pilfering and vitious courses, which are common to Egyptians [*i.e.*, Gypsies] with other wandering and dissolute societies. The special opinion of him as an Egyptian, or one of a different breed from the other inhabitants of this land, must be established; and this proceeding on those noted and peculiar circumstances of manner and appearance by which, in all countries that they have visited, this loose and lazy race have so remarkably been distinguished. Among these are the black eye and swarthy complexion; a peculiar language

or gibberish, intelligible only to themselves; the practice of palmistry and fortune-telling; and the custom of living (so far as the climate will permit) in the open air, and in solitary places.”¹

So far, this seems distinct enough. But the numerous Gypsy trials on which Hume comments are themselves sufficient proof that “the black eye and swarthy complexion” was either wholly wanting in many cases, or else it was also common to the accused “Egyptian” and to many of the non-Gypsy inhabitants of Scotland. For, if the distinction was one of race, why should it have been necessary to *prove* that the accused was a Gypsy? It would not be necessary, in any modern trial, to prove that a negro was a negro, or a Chinaman a Chinaman. Moreover, in those Gypsy trials, it frequently happened that the accused was acquitted of “being an Egyptian;” a decision which obviously could never have been given had the question been one of race. Further, we see from the following descriptions that certain notorious “Gypsy” families in Scotland were not at all distinguished by “the black eye and swarthy complexion.” “The principal names of the Gypsies residing at Yetholm,” says a writer of the year 1835,² “are Faa, Young, Douglas, and Blythe. The two latter are the most numerous, but they are evidently not of the same race. The Douglasses, the Faas, and the Youngs are generally dark-complexioned, with black hair; while the Blythes mostly are light-haired and of fair complexion.” Again, the minister of the parish of Borthwick, in Midlothian, writing in 1839, states that the village of Middleton was formerly “one of the chief seats of the tinkers or Gypsies,” and refers to the contemporary representatives of those people in the following terms:—“We have already said that these do not now exist as a separate tribe in Middleton, but are much intermingled by marriage with the common people of this and the neighbouring parishes. In some instances they have accomplished matches of a yet higher kind. Their prevailing names are Baillie, Tait, and Wilson. In occasional instances, the dark complexion and well-formed

¹ Hume's *Commentaries on the Law of Scotland*, Edinburgh, 1844, vol. i. pp. 474, 475. ² Stephen Oliver, *Rambles in Northumberland*, London, 1835, p. 270.

features and sparkling eye of the purer race may be discovered: but, in general, their colour is rather cadaverous, or of a darkish pale; their cheek-bones high; their eyes small and light coloured; their hair of a dingy white or red colour, and wiry; and their skin drier and of a tougher texture than that of the people of this country."¹ From this last sentence, it is clear that the writer, although he speaks of much intermixture by marriage, regards even the white-skinned Gypsies as belonging to a special caste, distinct from "the people of this country." And in this he agrees exactly with the writer whose description of the Yetholm families has just been quoted. The Blythes at Yetholm and, "in general," the Middleton Gypsies, in the earlier part of this century, were fair-haired, white-skinned people. But, at the same time, distinctly "Gypsies." If "the black eye and swarthy complexion" was necessary to establish the charge of "being an Egyptian," those people and their forefathers would have got off scot free. Yet, in everything that rendered them obnoxious to the settled people of Scotland they did not differ in the slightest degree from their brother-Gypsies of dark complexion.

One example illustrating this curious condition of affairs may be cited here. "On 10th May 1732," says Hume,² "Mary Alston, *alias* Yorstoun (a noted Gipsy name), was tried on a charge of being an Egyptian; but was acquitted of that charge, and convicted of stealing plaids at a fair, for which she was transported." There are several interesting particulars connected with this personage. Her husband was a celebrated Gypsy, named Matthew Baillie, who succeeded his father "Captain" William Baillie in the leadership of one section of the South-Scottish Gypsies, on the death of the latter in November 1724.³ This Matthew Baillie was the great-uncle of a certain Jane Baillie, whose grand-daughter, Jane Baillie Welsh, became the wife of Thomas Carlyle. Matthew Baillie is described by Mrs Carlyle as "the last of the Gypsies; could steal a horse from

¹ *New Statistical Account of Scotland*, vol. i., "Edinburghshire," Edinburgh, 1845, pp. 184, 185. ² *Op. cit.*, vol. i. p. 474, note 2. ³ He was murdered by two brother-Gypsies at Newarthill, Lanarkshire. His son Matthew was hanged at Lanark, as pointed out by Mrs Carlyle.

under the owner if he liked, but left always the saddle and bridle; a thorough gentleman in his way, and six feet four in stature!" She also says:—"By the way, my uncle has told me that the wife of that Matthew Baillie, Margaret Euston¹ by name, was the original of Sir W. Scott's Meg Merrilees." There are various incidental matters of interest in these references. But the point to be noted at present is that a woman who bore "a noted Gypsy name," who was the wife of a famous Gypsy leader, and the mother of four well-known Gypsy men (for Mrs Carlyle is in error in describing their father as "the last of the Gypsies"), and who was formally "tried on a charge of being an Egyptian," was nevertheless "acquitted of that charge," although she was sentenced to transportation as a thief. This fact alone denotes that to be a Scottish Gypsy or "Egyptian" was not necessarily a matter of race or complexion.

One finds a like difficulty in defining a "Gypsy" when the question is considered under other aspects. The belief presently held by most students of the Gypsies is that the fifteenth century marks the date of their first appearance in Western Europe; and it is certain that no evidence has yet been produced to show that the term "Gypsy" or "Egyptian" was used before that date in that part of Europe. But there is this to be considered, that genuine Gypsies have often been spoken of as "tinkers" (*chaudronniers*) on account of the occupation with which they have long been associated; and that, although there is no known mention of "Gypsies" in the British Islands prior to the fifteenth century, there are many earlier references to "tinkers" or "tinklers," as they are called in Scotland.

"It is at present by no means certain when the Gypsies made their first appearance in England," observes Mr H. T. Crofton. "*Tinkler* can be traced back to about the year 1200. *Tinker* and *Tinkler* were not uncommon titles at that time. Between the years 1165 and 1214 *James 'Tinkler'* held land

¹ Euston, Yowston, Yorstoun, Yorkston, and Alston are the variants given by different writers. Mrs Carlyle, however, is exceptional in calling her "Margaret," not "Mary." It may be added that the Carlyle references to those Baillies will be found in vol. ii. of Mr Froude's *Letters and Memorials of Jane Welsh Carlyle*, p. 54, and in vol. ii. of Carlyle's *Reminiscences*, pp. 103 and 128.

in the town of Perth (*Liber Ecclesie de Scon*, Edinburgh, 1843); in 1265 'Editha le Tynckere' lived at Wallingford, in Berkshire (*Hist. MSS. Com. 6th Report*, 1878); in 1273 a 'Tincker' and 'William de Tyncker' lived in Huntingdonshire (Lower's *Patronym. Brit. from Hund. Rot.*); and before 1294 'Ralph Tincler' had a house at Morpeth, in Northumberland (*Hist. MSS. Com. 6th Report*, 1878). All these seem to have had fixed abodes, and not to have been of the same itinerant class with which we now associate all tinkers, and which used to require the epithet 'wandering' to distinguish them."¹ To the same purpose as the opinion expressed in this last sentence is Mr Crofton's observation made elsewhere,² that "all Gypsies may be pedlars, brasiers, or tinkers, but the reverse may not follow."

While it is quite true that although many Gypsies are tinkers, yet all tinkers are not necessarily Gypsies, an argument which applies to the past as well as to the present, it must be pointed out that the possession of a fixed abode does not preclude the "tinker" from being also a "Gypsy." As an illustration of this we have the case of a well-known Scottish Gypsy of last century, who was the possessor and occupier of a house in the small town of Biggar, Lanarkshire.³ That this man was a representative of the caste known as "tinklers" or "Gypsies" there can be no doubt. If he was not a Gypsy, then Simson's *History* (which certainly construes that word too liberally) is altogether erroneously named, and none of the people described by him were really Gypsies. A similar instance is that of William Marshall, whom Sir Walter Scott refers to⁴ as "the Caird [Tinker] of Barullion,

¹ *English Gypsies under the Tudors*, Manchester, 1880, pp. 1, 2. ² *Notes and Queries*, July 8, 1876 (5th Series, vi.). ³ This was Matthew Baillie, son of the Matthew Baillie who figures in Simson's *History of the Gypsies*, 1865, pp. 196-228, and who has already been referred to as the brother of an ancestor of Mrs Carlyle. His house is mentioned in *Biggar and the House of Fleming* (Edinburgh, 1867, pp. 413, 414), where it is stated that "the back entrance has his initials, M. B., and the date 1752, along with the letters M. E., C. I., and a mason's mark. The title-deeds bear that the property was disposed to 'Matthew Baillie, indweller in Biggar, and Margaret Campbell, his spouse, in conjunct fee and liferent, and to John Baillie, eldest son of the said Matthew Baillie by his first marriage, in fee as to one-half, and to Rachel and Elizabeth Baillie, daughters of the said Matthew Baillie and Margaret Campbell, as to the other half.'" ⁴ In his "Additional Note" to *Guy Mannering*.

King of the Gypsies of the Western Lowlands," who is pictured as living in a cottage at Polnure, in Galloway, in 1789.¹ Now, both of these men, who were undoubtedly Gypsies if Scotland contained any Gypsies during the eighteenth century, combined the position of house-dweller with that of vagrant. Many similar modern examples, in the British Islands and on the Continent, might be adduced; but that would lead us from the point. What is of more importance is to observe that the two house-dwelling "tinkers" just mentioned were not exceptional specimens of their class. A whole street at Kirk-Yetholm was called "Tinkler Row" because it was inhabited entirely by those very people who spent their summers as *wandering* tinkers. Mention may also be made of a Tinkler Row in Edinburgh and a Tinkler Row in Newcastle,² while an allusion made by an English writer of the sixteenth century shows that certain streets in Southwark, London, were then inhabited by tinkers.³ But, in the absence of any strong indication that the inhabitants of those streets in the towns just named were not merely sedentary tinsmiths, these examples may be passed over. It is sufficient to remark that the dwellers in the "Tinkler Row" of Kirk-Yetholm were those very people who, living a nomadic life during the greater part of the year, have always been regarded as most unquestionably Scottish Gypsies.

Of these Yetholm "tinklers" a writer of the year 1847 says:—"They have physical marks in their dusky complexion, their Hindoo features, and their black penetrating eyes, peculiar to themselves, and still broader peculiarities of a moral kind which defy all doubt as to their being in a very emphatic sense Gypsies."⁴ If this writer is to be trusted,

¹ *Blackwood's Magazine*, August 1817. ² Referred to in Richardson's *Local Historian's Table Book*, London, 1844, vol. iv. p. 207. ³ See *The Rogues and Vagabonds of Shakspeare's Youth*, compiled by Messrs Viles and Furnivall for the Early English Text Society, reprint of 1880, pp. 35 and 59. The sixteenth-century writer (Harman) there quoted states that in order to recover a caldron of his which had been stolen he sent one of his men to London, "and there gave warning in Sothwarke, Kent Strete, and Barmesey Streete, to all the Tynckars there dwelling, that if any such caudron came thither to be sold, the bringar thereof should be stayed, and promised twenty shyllings for a reward." ⁴ *Gazetteer of Scotland*, Edinburgh, 1817, s.v. "Kirk-Yetholm."

these Yetholm "tinklers" were racially Gypsies; but it ought to be stated that these people are now dispersed, and therefore nothing can be done in the way of verifying this description, which is not borne out by the complexion of the late "Queen Esther," or her still surviving daughter. Esther, however, was really a member of the Blythe clan, described by the writer of 1835, previously quoted, as "mostly light-haired and of fair complexion." This consideration, indeed, qualifies to a certain extent the description just cited. Nevertheless, the testimony of the writer of 1847 is quite in agreement with that obtained by Mr Hoyland thirty years earlier. "So strongly remarkable is the [Yetholm] Gypsey cast of countenance, that even a description of them to a stranger, who has had no opportunity of formerly seeing them, will enable him to know them wherever he meets with them." "The progeny of such alliances [marriages between Yetholm Gypsies and non-Gypsies] have almost universally the tawny complexion and fine black eyes of the Gypsey parent, whether father or mother." Moreover, the Yetholm language, as recorded by Baird and Simson, is so clearly a dialect of Romanes, that it entirely bears out the belief that at one time or another those Kirk-Yetholm people and their language were essentially Gypsy.

"I have known the colony between forty and fifty years," says a writer of about the year 1816.¹ "At my first remembrance of them they were called the *Tinklers* (Tinkers) of Yetholm, from the males being chiefly then employed in mending pots and other culinary utensils, especially in their peregrinations through the hilly and less populous parts of the country. . . . Their residence . . . is at Kirk-Yetholm, and chiefly confined to one row of houses or street of that town, which goes by the name of Tinkler Row. Most of them have leases of their possessions, granted for a term of nineteen times nineteen years, for payment of a small sum yearly, something of the nature of a quit-rent. There is no tradition in the neighbourhood concerning the time when the Gypsies first took up their residence at that place, nor whence they came. Most of their leases, I believe, were granted by

¹ Quoted by Hoyland in his *Historical Survey of the Gypsies*, York, 1816, p. 98 *et seq.*

the family of the Bennets of Grubet, the last of whom was Sir David Bennet, who died about sixty years ago."

In order to understand still better the position of these people, it is necessary that the following additional statement, by the same writer, be quoted:—

"I remember that about forty-five years ago [about 1770], being then apprentice to a writer [solicitor],¹ who was in use to receive the rents as well as the small duties of Kirk-Yetholm, he sent me there with a list of names, and a statement of what was due; recommending me to apply to the landlord of the public-house, in the village, for any information or assistance which I might need.

"After waiting a long time and receiving payment from most of the feuers, or rentallers, I observed to him that none of the persons of the names of Faa, Young, Blythe, Fleckie, &c., who stood at the bottom of the list for small sums, had come to meet me according to the notice given by the Baron Officer; and proposed sending to inform them that they were detaining me, and to request their immediate attendance.

"The landlord, with a grave face, inquired whether my master had desired me to ask money from those men. I said, 'Not particularly; but they stood on the list.' 'So I see,' said the landlord; 'but had your master been here himself, he did *not dare to ask money from them, either as rent or feu-duty. He knows that it is as good as if it were in his pocket. They will pay when their own time comes, but do not like to pay at a set time with the rest of the Barony; and still less to be craved.*'²

"I accordingly returned without their money, and reported progress. I found that the landlord was right. My master said with a smile that it was unnecessary to send to them, after the previous notice from the Baron Officer; it was enough if I had received the money, if offered. Their rent and feu-duty was brought to the office in a few weeks. I need scarcely add, those persons all belonged to the tribe."

From these extracts, then, it will be seen that the Yetholm Gypsies of 1770 were a privileged class, holding their allotments, or cottages, "for payment of a small sum yearly; something of the nature of a quit-rent." No pressure was brought to bear upon them, as upon the other tenants, when they did not come forward with their rents upon the stated day. And these possessions were held upon leases granted by the former lords of the manor, whose line ended about the year 1755; and these leases were issued for the long period of three hundred and sixty-one years.

¹ Evidently in the neighbouring town of Kelso. ² Italicised in original.

Although other interesting accounts might be quoted with regard to the Yetholm Gypsies, it is enough to pass from the statements just made to the consideration of another section of the same people, situated also in southern Scotland.

“The name of *Tinkler* continues to be found in old charters to a comparatively late period,” says one writer,¹ in the course of a discussion upon this question. “Thus it appears in an old charter, of which I have an extract before me, referring to the lands not far from Hightae, where the Gypsies—the Faas, the Kennedys, &c., ‘the King’s kindly tenants,’ as they were called—long lived, and where some of their descendants, I believe, are still living. The charter is dated May 31, 1439, the third year of James II. It is by John Halliday of Hodholm (now Hoddam), by which he wadsetts [mortgages] his lands called Holeroft, a coteland, which was sometime belonging to William de Johnstone, and two oxgangs of land, which are called the *Tynkler’s* lands, in the tenement of Hodholm and lordship of Annandail, to John de Carrutheris, Laird of Mousewald, for 10 l., money lent him ‘in his grete myserie,’ dated Mousewald.”²

This evidence of Mr Ramage’s, if it be reliable throughout, is certainly the most important contribution to this question. The mere mention of “the Tynkler’s lands” in a charter of 1439 is, taken by itself, of minor importance; because we have already seen that there are references of that kind as early as the twelfth century. But when Mr Ramage implies that the Tinklers there alluded to were of the well-known Scotch Gypsy tribes of Faa and Kennedy, and that these Faas and Kennedys were no other than “the king’s kindly tenants” of Lochmaben, he points to the residence of Gypsies in that part of Scotland as far back as an era that might almost be styled “prehistoric.” We know that the district he speaks of, which is included under the more compre-

¹ Mr C. T. Ramage, *Notes and Queries*, January 15, 1876 (5th Series, v.).

² The remainder of Mr Ramage’s statements in this place may as well be given here, since it furnishes another though a more modern instance of the same kind. He adds:—“The name also *Tynkellaris* Maling [*i.e.*, Tinkler’s mailing or farm, from the word *mail*=rent], near Inchinnan, appears in an old document, dated April 23, 1530, in a dispute between the Countess-Dowager of Lennox and John Sympill of Fulwod, quoted by Sir W. Fraser in his work entitled *The Lennox* (vol. ii, p. 235).”

hensive name of Lochmaben, had a large Gypsy population in the eighteenth century.¹ And Mr Ramage says, in effect, that this population was no other than the peculiar and privileged caste known as “the king’s kindly tenants.”

The “kindly tenants” of mediæval Scotland are defined as “feudal tenants, termed *kindly*, from the circumstance of their being *natives*, born on those lands which had been possessed by their ancestors for many generations. Such persons were seldom ejected, so long as they paid the almost nominal rents of those lands, which they were thus permitted to occupy by a sort of hereditary title, after the decease of the former tenant. They were styled *Nativi* in old charters.”²

Such were “kindly tenants” in general. Those specially known as “the king’s kindly tenants of Lochmaben” are thus mentioned by Sir Walter Scott:—

“I cannot dismiss the subject of Lochmaben without noticing an extraordinary and anomalous class of landed proprietors, who dwell in the neighbourhood of that burgh. These are the inhabitants of four small villages, near the ancient castle, called the Four Towns of Lochmaben. They themselves are termed the king’s rentallers, or kindly tenants; under which denomination each of them has a right, of an allodial nature, to a small piece of ground. It is said that these people are the descendants of Robert Bruce’s menials, to whom he assigned, in reward of their faithful service, these portions of land, burdened only with the payment of certain quit-rents, and grassums, or fines, upon the entry of a new tenant. . . . This possession, by rental, or by simple entry upon the rent-roll, was anciently a common and peculiarly sacred species of property granted by a chief to his faithful followers. . . . Fortunately for the inhabitants of the Four Towns of Lochmaben the maxim that the king can never die prevents their right of property from reverting to the Crown. . . . [An attempt having been made last century to dispossess them,] the rentallers united in their common defence; and, having stated their immemorial possession, together with some favourable clauses in certain old Acts of Parliament, enacting that the king’s poor kindly tenants of Lochmaben should not be hurt, they finally prevailed in an action before the Court of Session. . . . The kindly tenants of Lochmaben live (or at least lived till lately) much sequestered from their neighbours, marry among themselves, and are distinguished from each other by sobriquets, according to the ancient Border

¹ Simson, p. 381, note. “Some of these villages [in the south of Scotland] are almost entirely occupied by Gypsies. James Hogg is reported, in *Blackwood’s Magazine*, to say that Lochmaben is ‘stocked’ with them.” ² Pitcairn’s *Criminal Trials*, Edinburgh, 1833, vol. iii. p. 366, note.

custom. You meet among their writings with such names as John Out-bye, Will In-bye, White-Fish, Red-Fish, &c. They are tenaciously obstinate in defence of their privileges of commonry, &c., which are numerous. Their lands are, in general, neatly enclosed and well cultivated, and they form a contented and industrious little community.

“Many of these particulars are extracted from MSS. of Mr Syme, writer to the signet. Those who are desirous of more information may consult Craig, *De Feudis*, lib. ii., dig. 9, sec. 24.”¹

To Scott’s account may be added a reference to another writer, who states that the ancestors of “kindly tenants” in general were of the class of “*villeyns (adscripti glebæ)*, literally *slaves*,” and that those of Lochmaben were probably freed at the end of the thirteenth century; after which “they got the name of *free tenants*, and afterwards the king’s *kindly tenants*.” This writer mentions the principal surnames of those Lochmaben people, among which are many well-known South-Scottish names, common to Gypsies and to non-Gypsies. It is noteworthy that he does not include the name of “Faa” among these.²

Neither of the writers last quoted give any hint that they regarded “the king’s kindly tenants of Lochmaben” as Gypsies, or even as tinkers. This silence is undoubtedly not to be ignored. On the other hand, James Hogg, who was intimately acquainted with the Scottish Borderland, states that Lochmaben was “stocked” with Gypsies; while Mr Ramage says outright that those “kindly tenants” were Gypsies, and had dwelt there from time immemorial. What is even more important is the fact that this peculiar Lochmaben caste existed on a footing nearly identical with that of the Yetholm Gypsies. In either case, we have a privileged class of “rentallers,” holding their property on “an almost nominal rent,” and understood to have occupied that position for an unknown number of centuries.

When, therefore, the peculiar position and unknown history of the Yetholm “Tinklers” is considered, together with the peculiarities attaching to the possibly kindred caste

¹ *The Minstrelsy of the Scottish Border*, note to “The Lochmaben Harper.”

² For this reference see *Lochmaben Five Hundred Years Ago*, by the Rev. W. Graham, Edinburgh, 1865, ch. vii. See also Bell’s *Dictionary of the Law of Scotland*, 7th ed., Edinburgh, 1890, s.v. “Kindly Tenants, or Rentallers,” and “Lochmaben.”

at Lochmaben, and with the known existence of "Tinklers" in Scotland as far back as the twelfth century (as witnessed by documents—not to speak of tradition and archæology), it is difficult to avoid the deduction that Gypsies were known in Scotland as early as the twelfth century. *Only*, it is necessary to prove first that "Tinkler" is truly synonymous with "Gypsy."

And this is very far from being proved at present. There is no doubt that "tinker" or "tinkler" has very often been employed as equivalent to "Gypsy." For example, the parish of Eaglesham, in Renfrewshire, is stated to have been formerly much "oppressed" by "Gypsies, commonly called tinklers, or randy beggars."¹ And the writer of an article in an Edinburgh journal of the year 1818 speaks of "the Gypsies, or *Tinklers*, as they are generally called in the county of Lanark." Of this usage there can be no question. Further, the swarthy complexion of the "tinkler" is seen, for example, in the song which Simson gives as sung by Scottish peasant-mothers to their babies—

"Hush ye, hush ye, dinna fret ye,
The *black* Tinkler winna get ye."

Nevertheless, distinct evidence has not hitherto been produced to show that the "tinkler" of the centuries preceding the fifteenth was of swarthy complexion, and those who are disposed to believe that he was not are quite entitled to assume that incoming Gypsies of true Romani blood have leavened an earlier white-skinned "tinker" stock within the last three or four centuries.

¹ *Statistical Account of Scotland*, Edinburgh, 1791, vol. ii. 124.

CHAPTER II.

IT is evident, therefore, that the word "tinker" or "tinkler," although often applied to genuine Gypsies, cannot be regarded as actually synonymous with "Gypsy." A similar uncertainty attaches to the word "faw."

Under the forms *Faw*, *Faa*, and *Fall* it has figured conspicuously as a Gypsy surname for about four centuries, especially in connection with the Border districts. "In Northumberland," says one writer,¹ "the name has become generic for the whole tribe of travelling tinkers and muggers, who, in that county, are much more frequently called Faas than Gypsies." So much is this the case that Wright, in his *Provincial Dictionary*, defines "Faw" as signifying "an itinerant tinker, potter &c.;" and Halliwell, in quoting the Cumberland term of a "Faw-gang," or "a gang of faws," refers to a certain "Francis Heron, *King of the Faws*," who was buried at Jarrow in 1756. "One thing is certain," observes a writer in Wilson's *Tales of the Borders*,² "that the name *Faa* not only was given to individuals whose surname might be *Fall*, but to the *Winters* and *Clarkes*—*id genus omne*—Gipsy families well known on the Borders." In this general sense the word has been employed by Mr Walter Besant, in a Christmas tale (1882), wherein he says:—"There were waggoners to talk with, friendly hawkers, whom the people call muggers [*i.e.*, potters], and faws, or tinkers, who are too often robbers and pilferers."³ Fuller evidence in the same direction is furnished by Mr Joseph Lucas, in his *Yetholm History of the*

¹ Stephen Oliver, *Rambles in Northumberland*, London, 1835, p. 271. ² See "The Faa's Revenge." ³ In his novel of *Dorothy Forster*, the scene of which is laid in Northumberland, Mr Besant makes a noteworthy reference (p. 3.) to "ghosts, spectres, witches, warlocks, elves, demons, fairies or *faws*, waufs, warnings, and other strange manifestations and mysterious powers;" but he offers no explanation for the identity thus suggested between the terms "fairy" and "faw."

Gypsies,¹ where he gives a series of extracts from Sykes's *Local Records* (1833); and as these throw considerable light upon the subject they may fitly be quoted here:—

(Vol. i. p. 196)—1750, Aug. 27.—James Macfidum, *alias* Macfarlane, was executed at Durham for robbing Robert Hopes, a boy about ten years old. . . . This man and woman were part of a *gang of Faws* who, for many years, had infested that neighbourhood.

(P. 201)—1752, Apr. 13.—The following felons from Morpeth Gaol were put on board the Owner's Goodwill, Capt. Moorland, in order to be transported to So. Carolina for seven years, among 17—viz., J. *Fall* and Margaret, his wife; William *Fall* and Jane, his wife. . . . These felons were part of the very numerous gangs of Faws who infested the county of Northumberland, and who were incessantly shopbreaking and plundering. Fourteen were advertised as having returned within two years, and were again lurking about Northumberland. See also E. Mackenzie, *History of Newcastle*, 1827, vol. i. p. 57.

(P. 203)—1752, July 11.—Seven of the *gang of Faws*, who had been a terror to Rothbury and its neighbourhood, were apprehended, and sent to Morpeth Gaol. Several more were pursued to the mountains; but could not be come at. Various of the goods belonging to the owners of shops which had been broken into at Morpeth, &c., were found in their possession.

(P. 209)—1754, Aug. 24.—A woman named Elizabeth Rochester made her escape from Durham Gaol. She was one of the *gang of Faws*, or strolling depredators, who infested the northern counties at this period.

(P. 213)—1756, Jan. 13.—In the burial register of Jarrow Church under this date, occurs "Francis Heron, king of y^e Faws" (*Sharpe, Chronicon Mirabile*).

(P. 261)—1767, Apr. 18.—Richard Clark was executed at York for breaking into a house near Knaresborough. As this man was one of the *Faw-gang* which so long infested the county of Northumberland, it may not be uninteresting to relate the particulars of his life [which the writer therefore proceeds to do].

Another reference to the same people is given in Tomlinson's *Comprehensive Guide to Northumberland*, p. 309:—

"One Margaret Crozier was murdered, 29th Aug. 1791, at Haws Pele, 3 miles N. of Elsdon, by William Winter, a desperate character, 'at the instigation and with the assistance of two female faws (vendors of crockery and tinwork) named Jane and Eleanor Clark, who, in their wanderings, had experienced the kindness of Margaret Crozier. The day before, they had rested and dined in a sheepfold, and they were identified by a shepherd boy who had taken parti-

¹ Kelso, 1882, pp. 127, 128.

cular notice of the number and character of the nails in Winter's shoes, and also the peculiar gulley or butcher's knife with which he had divided the food. All three were hanged at Newcastle, and Winter's body was hung in chains within sight of his victim's house."

Winter is thus described by another writer:—

"This man belonged to a family which was one of the worst of a bad gang of *faws*, itinerant tinkers, who formerly infested this part of Northumberland in considerable numbers, robbing and threatening the small farmers, who would not allow them to lodge in their out-houses, and who did not, either in provisions or money, pay them a kind of *black-mail*. Winter is described, by the country people who remember him, as a tall, powerful man, of dark complexion, wearing his long black hair hanging about his shoulders, and of a most savage countenance. The appearance of this ruffian in a small village was a signal for the inhabitants to close their doors; while he, as if proud of the terror which he inspired, would keep walking back and forward, with his arms a-kimbo, on the green."¹

From these various extracts it is evident that the name "Faw" has long been used on the Borders to denote the Gypsy or semi-Gypsy castes,² although the people spoken of as "Faws" bore, in a great many cases, such surnames as Winter, Clark, Heron, or Rochester, and only occasionally were actually named "Fall," otherwise "Faw."

This circumstance may be explained in two ways. It is quite possible that one influential family, distinguished by the surname of Faw, or Fall, had imposed that name upon all the inferior families over which it held sway; or that the non-Gypsy population, recognising that Faw, or Fall, was one of the most famous names among the Gypsies, had applied it loosely to the whole people. Such a usage exists, or lately existed, in Yorkshire, where Boswell, or Bosvile, is a celebrated Gypsy surname. From this fact has arisen the local saying "as black as a Bozzle," which denotes, as pointed out by Mr F. H. Groome, "as black as a *Gypsy*,"—not necessarily one bearing the name of Boswell. Similarly, I am informed that the arrival of "the Kennedys" in Thornhill, or one of the neighbouring villages of Dumfriesshire, was understood by everyone to mean the arrival of "the Gypsies,"

¹ Oliver's *Rambles in Northumberland*, London, 1835, p. 113. ² Mr Thomas Davidson, to whom I am indebted for the extract from Tomlinson's *Guide*, informs me that this usage still obtains in Northumberland.

Kennedy being the surname of most of them in that quarter. On the other hand, the word may be derived from the Anglo-Saxon *fah*, *faw*, or *fall*, signifying "parti-coloured." A good illustration of the use of this adjective is found in the name of the town of Falkirk, which, often yet pronounced as *Fu'* or *Faw-kirk*, was formerly written "the Faw-kirk," and in Latin and Gaelic was respectively known as *Varia Capella* and *Eaglais Bhreac*. In all three languages the adjective signifies "parti-coloured," and there are several good reasons for assuming that it was in this sense that "faw," or "fall," was first applied to Gypsies. But whichever of these may be the right explanation of the origin of this usage, it is evident that it is one of old standing. And from this fact one might draw an inference pointing again to the conclusion that Gypsies have been in this country for a longer period than is generally imagined. Describing the Yetholm Gypsies one writer says:—"Nearly the whole of them are 'muggers,' wandering dealers in earthenware;"¹ and we have seen that Wright defines a "faw" as "an itinerant tinker, *potter*," &c. Now, there is a passage in Blind Harry's *Wallace* (book vi. lines 435-460) which describes an encounter between Wallace and an itinerant potter, somewhere between Culter and Biggar, in Lanarkshire. According to Border terminology, this man was a "faw"; therefore, if the testimony of Harry the Minstrel is worth anything,—and, of course, it is far from being authoritative,—there were "faws" in the Biggar district during the thirteenth century, as certainly there were some centuries later.

Similar deductions might be drawn if one were to consider such terms as *caird*, or *horner*, both appropriately given to Scottish Gypsies, but both indicating castes and occupations of very old date in Scotland. Much also might be said on the subject of itinerant "kaulkers," and "keelers," or "keelmen," otherwise "ruddlemen." It could be shown that Gypsies have often been associated with, and in some cases identified with, those wandering vendors of ruddle, or hæmatite,—castes that have existed in these islands for a very long period. But although Gypsies have, in a great many cases, followed occupations such as these, it is

¹ *Gazetteer of Scotland*, 1847, s.v. "Kirk-Yetholm."

impossible to assert that all who followed such occupations were Gypsies.

Equal doubt attaches to certain references which Mr Crofton and others have assumed as possibly, if not probably, indicating Gypsies; for example, an Act of the Scottish Parliament of the year 1449 directed against "sorners [people who forcibly quartered themselves upon others], over-liers, and masterful beggars, with horse, hounds, or other goods." This Act, it has been pointed out,¹ aims at a class answering to the earlier Gypsies of the Continent, as described by Krantz; and there is no doubt that the comparison is a true one. Moreover, we find that when "Egyptians" eventually come to be named in the Scottish Acts of Parliament, the Act directed against them is also directed against people addicted to the habits which the edict of 1449 aims at suppressing. Not only that, but these habits, and other characteristics of such people, are precisely the habits and characteristics of the Scottish Gypsies as these are portrayed in Simson's *History*. But, again, this difficulty occurs. If we accept the Act of 1449 as referring to Gypsies, although it does not *name* them, then there is no reason why we should limit ourselves to so modern a date as 1449 for evidence of the presence of Gypsies in Scotland, because there are very good grounds for believing that the class of people legislated against in 1449 had existed in Scotland for a long period prior to that date. Whether such people were really *Gypsies* has never been convincingly demonstrated.

The crime of "sorning," however, was so closely associated with the Gypsies that Baron Hume specially considers it when discussing the crime of "being an Egyptian." And, as his remarks throw considerable light upon the position of the Gypsies, in the latter part of the Stewart period, they are deserving of quotation here. He observes as follows:—

"Along with that of being an Egyptian, we may rank the kindred, and also capital offence of Sorning; being one of the many evil habits to which that profligate and sturdy crew have everywhere been addicted. By sorning we understand the *masterful* taking of meat and drink without payment; a thing which in the former undisciplined condition of this country (happily very different from what it now is) was easily accomplished by those

¹ See vol. i. of the *Journal of the Gypsy-Lore Society*, p. 6.

numerous bands of dissolute and lawless people, more especially in remote and solitary situations, where they chiefly haunted, by the very terror of their looks and language, and their known violent and revengeful temper. The state of Scotland in this respect was indeed deplorable, if we may trust the description that is given of the numbers and the manners of those vagabond fraternities, by one who was able to judge and had opportunity of knowing. Fletcher of Salton affirms, in a treatise written in 1698, that the numbers who lived as vagabonds, even in ordinary times (and in that year of dearth they were twice as many) amounted to at least a hundred thousand; who might be seen on all occasions of public meeting, both men and women, perpetually drunk, cursing and blaspheming, and fighting with each other; who lived without any regard or subjection to the laws of the land, or even those of God and nature; fathers incestuously accompanying with their own daughters, the son with the mother, and the brother with the sister; ¹ and of whom no magistrate could discover that ever they were baptised, or which way one in a hundred of them died. 'They were not only (says he) a most unspeakable oppression to poor tenants (who if they give not bread or some kind of provision to perhaps forty such villains in one day, are sure to be insulted by them), but they rob many poor people, who live in houses distant from any neighbourhood.'²

It seems pretty clear that the people described by Fletcher of Salton were the Scottish Gypsies. His account may be one-sided, and indeed it is,—for he ignores many other aspects of Gypsy life. But any reader of Simson's *History* will see that the Gypsies described by him as vagabonds and "sorners" in the eighteenth century, were very distinctly the representatives, and presumably the descendants, of Fletcher's seventeenth-century vagabonds and "sorners." As already pointed out, however, the term "sorner" is too comprehensive to be held as equivalent to "Gypsy."

After consideration of the various statements made in this and the preceding chapter, the point to be established seems to be this—Did Gypsies inhabit Scotland for a much longer period than is popularly supposed, although (for one reason or another) they are not designated by the name of

¹ A writer in *Blackwood's Magazine*, April, 1817, speaking of the Teviotdale and Tweeddale Gypsies during the eighteenth century, states:—"The crimes that were committed among this hapless race were often atrocious. Incest and murder were frequent among them." Compare also the accusation of incest in the trial at Scalloway, in 1612, cited p. 53, *post*. And it may be added that this also is one of the crimes attributed to the English Gypsies by Dekker (*Lanthorne and Candle Light*, 1609). ² Hume, *op. cit.*, vol. i. p. 475.

“Egyptian” until the fifteenth century? Or did they enter Scotland for the first time in the fifteenth century, and, finding there an already-existing caste of nomadic, “magic-working” tinkers, muggers, peddlars, ballad-singers, mountebanks, &c. (as unquestionably there was), proceed to affiliate themselves with those castes, whom they eventually leavened to a considerable degree with Romani blood and Romani speech? As a matter of personal opinion I may say that the former of these two questions is the one which, for various reasons, I am disposed to answer in the affirmative. But those who take the opposite view have much to say in support of their belief. It is certainly the case that no instance of the application of the term “Gypsy” or “Egyptian” to any caste within the British Islands at any period preceding the fifteenth century has yet been brought to light.

Having thus considered, to at least as great an extent as our space allows, the question of Gypsy-like castes not styled “Gypsies” or “Egyptians,” we may pass on to examine the various references to people so designated.

CHAPTER III.

THE earliest period at which Gypsies are definitely stated to have inhabited Scotland is the latter half of the fifteenth century. But even here the evidence is traditional rather than historical. That is to say, if there is any contemporaneous document proving the statements to be presently quoted, that document has not yet been brought forward. However, in spite of the want of positive confirmation, these traditional accounts have too much value to be overlooked.

Two dates in particular are singled out—the period 1452–60, and the year 1470. The event placed in the first of these periods has already been noticed by Simson,¹ Crofton,² and others. The scene of its occurrence was the province of Galloway, in the south-west of Scotland, and one of the principal figures was the young heir of the then important family of Maclellan of Bombie, whose ancestral estate lay near the town of Kirkeudbright, in that province. It is in the history of this family, afterwards ennobled with the title of “Lord Kirkeudbright,” that one learns of this tradition; and one account is that given by Crawford, a genealogist of the beginning of last century.

Crawford states³ that, after having been forfeited in the middle of the fifteenth century—

“The Barony of *Bombie* was again recovered by the *Maclellans*, as the Tradition goes, after this Manner. In the same Reign [that of James II. of Scotland], says an Author of no small credit (Sir George Mackenzie in his *Baronage MS.*) it happned that a Company of *Saracens* or *Gipsies* from *Ireland* infested the country of *Galloway*; whereupon the King emitted a Proclamation, bearing, *That whoever should disperse them, and bring in their Captain dead or alive, should have the Barony of Bombie for his Reward.* So it

¹ *History*, p. 99. ² *Tudors*, p. 3. ³ *The Peerage of Scotland*, Edinburgh, 1716, p. 232.

chanced that a brave young Gentleman, the Laird of *Bombie's* Son, fortun'd to kill the Person for which the Reward was promised, and he brought his Head on the point of his Sword to the King, and thereupon he was immediately seized [vested] in the Barony of *Bombie*; and to perpetuate the Memory of that brave and remarkable Action, he took for his Crest a *More's* Head on the point of a Sword, and THINK ON for his Motto."

Although Crawford is not the first in chronological order who mentions this tradition, he is here quoted first because he unhesitatingly applies the term "Gypsy" to the "Moors" or "Saracens" of his story. What were his grounds for believing that the three terms were all equally applicable does not appear. It will be seen that the very writer whom he quotes does not speak of those people as "Gypsies."

The writer referred to—Sir George Mackenzie, a famous Scottish lawyer of the seventeenth century—in the course of a treatise upon *Crests*, observes that—

"Sometimes it [the crest] represents some valiant Act done by the Bearer, thus *McClelland* of *Bombie* did, and now the Lord *Kirkcudbright* [his ennobled descendant], does bear a naked Arm, supporting on the point of a sword a *Mores* head; because *Bombie* [the ancestral estate] being forfeited, his Son kill'd a *More*, who came in with some Saracens to infest *Galloway*; to the Killer of whom the King had promised the Forfeiture of *Bombie*; and thereupon was restored to his Fathers land, as his Evidents yet testify."¹

Here, it will be seen, the term "Gypsy" is not employed; and this is noteworthy, as the passage just quoted was written thirty-six years earlier than Crawford's version. Mackenzie here speaks of the leader of the depredators as "a Moor who came in with some Saracens to infest Galloway." "Moor" (Lat. *maurus*) has within recent times become somewhat restricted in its meaning, but when Sir George Mackenzie wrote it signified any person of dark complexion. The English settlers in New England, for example, spoke of the American Indians as "Moors."² "Saracen" also appears to have had a tolerably wide application at one time, and although sometimes applied to Gypsies (notably in France), it can hardly be held to denote, of itself, anything more definite than "foreigner," or perhaps

¹ *The Science of Heraldry*, by Sir George Mackenzie of Ross-haugh, Knight, Edinburgh, 1680, p. 90. ² *News from New England*, London, 1676; reprinted at Boston and Albany, U.S., 1850 and 1865.

especially an *Eastern* foreigner. However, another version of Sir George Mackenzie's shows that in this instance he regarded the whole of those "Saracens" as dark-skinned men, or "Moors." This version appears to be the "Baronage MS." referred to by Crawford; although, curiously enough, it does not employ the term "Gypsy" introduced by that writer. As it differs slightly from those already quoted, this account may also be given. After describing Lord Kirkcudbright's armorial bearings, Sir George Mackenzie proceeds:—

"His predicesor was M^cLellan of Bomby. Ther is a tradition that one of his predicesors being forfaulted [forfeited], his air [heir] having killed a moar who hade brought in a ship full of mores to Galloway, and against whom the King hade emittid ane proclamation that who ever should bring in the mores head should have the lands of Bomby then in the King's hand by forfaltur, gott his fathers lands again, and took for his crest the mores head upon a dager bleeding, and for his motto these words, Think On, because he desyred the King to think on his promise."¹

From these accounts, then, it appears that a tradition was prevalent in Galloway two centuries ago, according to which that district had been ravaged, two centuries earlier, by a band of Moors or Saracens, styled "Gypsies" by a writer of the year 1716. And of such importance were these people that a royal proclamation was issued, offering a manorial estate to whoever should slay the "Saracen" leader. As it happened, the fortunate victor was the young heir of the family which had owned this estate before its forfeiture; and he thereupon was "restored to his fathers' land, as his evidents yet testifie." It is possible that these "evidents" may still be in existence at the present day, in which case they would surely throw some light upon the event.² But one thing apparent is, that if the "Moors" of the story were really "Gypsies," then Gypsies occupied a very much more important position four centuries ago than at any subsequent date. Neither in this century nor in the last would a landed estate have been held out as a reward for the capture of a Gypsy chief in any country of Europe!

¹ "Collections of the Most Remarkable Accounts that relate to the Families of Scotland, by Sir George Mackenzie, His Majesty's Advocate."—Advocates' Library, Edinburgh, MSS. 34/3/19. ² The title of Maclellan, Lord Kirkcudbright, has been dormant since the death of the ninth lord in 1832; but the family charters may have been preserved.

But it is not by any means made clear that the swarthy depredators of 1452-60 were Gypsies. And Simson does well to point out that the Algerian corsairs were accustomed to make descents upon the British coasts even so recently as the seventeenth century.¹ It is true that the question of the ethnological ingredients of these "corsairs" would here have to be considered; and one writer asserts² that a race of North African "Zingari" figured prominently among the conquerors of Barbary and Spain. Gypsy corsairs in the Red Sea and the Indian Ocean we have already heard of; but to regard the Algerine pirates as, in any degree, "Gypsies" is an idea that will less readily find favour. Nevertheless, the belief that the "Gitanos" were descended from the Moors had a good many supporters in Spain at one time. And it is remarkable that while the British Isles were for centuries subject to the depredations of swarthy pirates from Algiers, who received white renegades into their ranks, and who presumably left some traces of their blood in those places where they landed, yet no trace whatever of an Arabic form of speech is found in these islands (outside of the domain of science). Whereas the Gypsies, who figure visibly as swarthy marauders, "land-pirates" at the least, at the very same period, and who also admitted renegades into their ranks, have unquestionably left their mark both in the speech and the physique of certain British castes. Moreover, it is to be noted that the English Parliament passed an Act in 1554, by which any one "importing" Gypsies into England after 31st January 1555 should forfeit forty pounds, while "any Gypsy so imported who remained in England one month should be deemed a felon, and forfeit his life."³ From this it is evident that a practice of "importing" Gypsies had become intolerable in England in 1554, and it is quite reasonable to suppose that a similar state of things had existed in Scotland.

Whatever the grounds for Crawford's statement that the

¹ This well-known fact, mentioned by Mr Stanley Lane-Poole in his *Barbary Corsairs*, has received some additional comments in the *Journal of the Royal Society of Antiquaries of Ireland*, vol. i., No. 2, 1890, pp. 167, 168. It appears that the Algerines of 1631-36 were frequently spoken of as "Turks."

² *Gyp.-Lore Soc. Jour.*, ii. 200. ³ Mr H. T. Crofton, *Gyp.-Lore Soc. Jour.*, i. 13.

Galloway "Moors" or "Saracens" of 1452-60 were "Gypsies," he wrote at a time (1716) when the Gypsies of Galloway were still a formidable body, acting under a certain famous leader whose family are said to have been "tinklers in the south of Scotland time out of mind." If Crawford merely *assumed* that the Galloway Gypsies of 1716 were the representatives of those "Moors" who had similarly terrorised that province in the fifteenth century, the assumption was natural enough. But the whole history of that memorable incident must be more closely inquired into before any decisive conclusion can be drawn. Certainly the later versions given by tradition do not do much towards dispelling the obscurity.¹

Although it is impossible to do justice to the subject within our present limits, it is necessary to add, in support of the foregoing remarks, that very much may be said on behalf of the theory that the terms *Moor*, *Morisco*, and *Morris*, or *Moorish*, have probably been applied, in a good number of cases, to Gypsies. More than one reference could be added which seems to indicate that the Morris-dance was kept up in England till the present century, notably by the *Gypsies*. And this association seems to have been distinctly recognised in Scotland. Thus, an annotator of the Poems of James I.

¹ Kirkcudbright tradition tells of a certain "Blackimore," "Black Morrow," or "Black Murray," who inhabited a wood near that town, still known as the "Black Morrow Wood." "Antiquarians say the sum of 50*l.* was offered by the king for his head, dead or alive; that one of the M'Lellans of Kirkcudbright took to the wood single-handed with a dirk, found the outlaw sleeping, and drove it through his head. With the cash he bought the estate of Barmagauchen, in Borgue; the foundation of the 'head on the dagger' in the M'Lellan's coat of arms." So says a local writer of the year 1824 (Mactaggart, in his *Galloridian Encyclopedia*, reprinted London and Glasgow, 1876, *s.v.* "Black Morrow"). Another writer states:—"Tradition affirms that the Outlaw above alluded to was a foreigner—a runaway from some vessel which had put in at the Manxman's Lake; that he used to cross the Dee in a small boat, to the opposite coast of Borgue, where he committed many depredations." And so on with the story of his death at the hands of young Maclellan (*Historical and Traditional Tales, &c.*, Kirkcudbright, 1843, p. 112). One phase of the story, as given in both of these accounts, and which is here omitted as irrelevant, is certainly not peculiar to that district, but is met with in at least one other part of Scotland. But it is clear that the "Blackamoor" of both versions, stated in each to have been killed by young Maclellan, is the same as the chief of the "Moors" or "Saracens" whom Sir George Mackenzie speaks of as remembered in tradition as far back as 1680.

of Scotland, writing in 1783,¹ explains a reference to the "Moreiss danss" in these words:—"Morrice or Moorish dances, rather of slow, solemn movement, performed usually by *gipsies* after the Moorish manner." Whether or not the dance originated with them,² therefore, the Morrice-dancers of Scotland appears to have been "usually" Gypsies. Consequently, when, as pointed out by Mr Crofton,³ a sum of forty shillings was paid to "the Egyptians that danced before the King [of Scotland] in Holyrood house," in the year 1530, it may with tolerable certainty be assumed that the Morris-dance was at least included in the performance. And when a sum of seven pounds (Scotch money) was paid "to the Egyptians by the King's command,"⁴ on 22d April 1505, it was not unlikely intended as remuneration for similar services. The two last references show, at least, that in the early part of the sixteenth century "Egyptians" were paid dancers; or, if the entry of 1505 does not prove this, that of 1530 does. Now, a Scottish poet of that very period (William Dunbar), in describing the evening amusements of the nobility and gentry then resident in Edinburgh, states that—

"Some sings, some dances, some tell stories ;
Some late at even brings in the *Moreis*."

This last term, as we have seen, denotes the Morris-dancers; and if these were "usually" Gypsies, as the writer of 1783 states, then the "Moreis" of Dunbar could hardly fail to be some of those "Egyptians" whose presence in Edinburgh is recorded in 1505 and 1530.⁵ Here, then, as in the Galloway

¹ *Poetical Remains of James the First, King of Scotland*, Edinburgh, printed for J. & E. Balfour, 1783, p. 170, note. ² Dr E. Lovarini states that the *Moresca* "was a favourite dance of the Gypsies, who mention it in some of their songs, and who had perhaps introduced it into Europe" (*Gyp.-Lore Soc. Jour.*, iii. 189). ³ *Gyp.-Lore Soc. Jour.*, i. 9. ⁴ Quoted by Mr Crofton, *op. cit.*, p. 7. ⁵ Nor does it seem imperative that we should limit ourselves to the terms "Moor" and "Egyptian" in looking for probable Gypsies at this period. We have seen that the "Egyptians" were paid for dancing before the Scottish King in 1530, and that the King also remunerated the same kind of people in 1505. But when, in 1491, a sum of thirty "unicorns" was paid "to the *Spaniards* that danced before the King on the causeway of Edinburgh before the Treasurer's lodging" (*Accounts of the Lord High Treasurer of Scotland*, 1473-1498 A.D., Edinburgh, 1877), may we not see in these people a company of Spanish *Gypsies*? Dr Thomas Dickson remarks in this connection, in his valuable Preface to these "Accounts" (p. cclx,

story, we have the term "Egyptian" or "Gypsy" identified with "Morrow" or "Moor."

Without attempting to pursue this analogy further, let us turn to the second traditional notice of Gypsies in Scotland during the fifteenth century. Like the Galloway story, this also is associated with the history of a noble family. Although the event is placed in the year 1470, the earliest record of it that has come under my notice is of so recent a date as 1835, where it forms the groundwork of a romantic tale.¹ But as the chronicler was well versed in the traditional lore of Southern Scotland, the date named by him (1470) may actually be the true one. This is the tradition, as given in a more serious work:²—

"Hermiston, or Herdmanston, an estate in the parish of Salton, in East Lothian. There are still some remains here of an ancient castle or fortalice of the Sinclairs, of which the following tradition is related:—In the year 1470, Marion and Margaret Sinclair, co-heiresses of Polwarth, being in the full possession of their estates of Polwarth and Kimmergham, were decoyed by their uncle Sinclair to his castle of Herdmanston, in East Lothian, and there they were cruelly detained prisoners. The feudal system then reigned in all its horrors, and every baron had the power of life and death within his territory. The two young heiresses were in great perplexity

note:—"Many of the performers of this class appear to have been Spaniards;" and he cites two similar payments out of the Privy Purse of England—one "to a mayde that came out of Spayne and daunsed before the Quene," and another "to a Spaynyard that tumbled"—in evidence of this. We know that there were Gypsies in Spain as early as 1447, and that when she tried to get rid of these people at a later date the edict against them referred to at least a section of them as mountebanks or "fools." Whether those "Spaniards" of 1491 came voluntarily to Scotland or not, to what caste of the Spanish people were they so likely to belong as to that of the "Gypsies"? That Spanish Gypsies should sometimes be called "Spaniards" in other countries is not at all unlikely. There are a score of instances in which Gypsies received the name of the country from which they came. For one appropriate illustration I am indebted to Mr Groome. A female mountebank who came to England about the year 1689 is referred to by one writer of the time as a "Dutch" and by another as a "High German" woman. "Oh, what a charming sight it was," says one of these writers, "to see Madam what d'ye call her, the High German woman, swim it along the stage between her two gipsy daughters" (*Notes and Queries*, 2nd S., viii., Aug. 27, 1859). Therefore, just as this nominally "German" woman was obviously a Gypsy, so with equal probability were those professional dancers from Spain also Gypsies. ¹ "Polwarth on the Green," in John Mackay Wilson's *Tales of the Borders*. ² *Gazetteer of Scotland*, Edinburgh, Fullarton & Co., 1847, vol. i. pp. 773, 774.

and terror. Marion, the eldest, conveyed a letter by the hands of Johnny Faa, captain of a gang of gipsies, to George Home, the young Baron of Wedderburn, her lover, acquainting him of her own and her sister's perilous situation ; upon the receipt of which the Baron and his brother Patrick set out with a hundred chosen men to relieve the two fair captives, which they achieved not without the loss of lives on both sides, as Sinclair made a stout resistance with all the force he could collect."

According to this tradition, therefore, the Gypsies—and in particular that division styled "Faas" or "Faws"—were established in the south-east of Scotland in the year 1470. On what historical basis the story rests remains to be determined.

One thing certain is that people bearing the name of Faw were settled in East Lothian at a period not very much subsequent to 1470 ; for the Register of the Great Seal of Scotland shows that, in 1507, a "John Faw" and a "Patrick Faw" each occupied a half-bovate of land in that county. They do not figure as incomers at that date, and there is nothing to show that they and their fathers had not been long in possession. It is true, they are not formally styled "Egyptians," but neither were the "kindly tenants" of Kirk-Yetholm, nor those other Gypsy proprietors and tenants referred to on a previous page. There is no strong reason for assuming that the John Faw who was in East Lothian in 1507 did *not* figure as the "captain of a gang of Gypsies," in the same county, in 1470.

More fanciful, it may be, but still worthy of remark in this connection, is the suggestion that a certain coat of arms of the fifteenth century bears reference to this or some other Gypsy chief. This design was painted, along with many other armorial bearings, in the year 1461, on the wooden ceiling of the dining-hall of Nunraw Castle, which is situated only a few miles from the castle of Herdmanston, the scene of the traditional tale of 1470. It is a fact not without significance that the three adders borne on the shield assigned to this "King of Egypt" are very closely duplicated in Gypsy designs in Hungary at the present day ; in which country, also, the serpent is engraved as a crest on the silver buttons of Gypsy chiefs. A few of these modern designs and this shield of 1461 were brought together in the *Journal of the*

Gypsy-Lore Society,¹ and the resemblance between the former and the latter was seen to be very striking. Whether this resemblance is fortuitous, or whether the shield, the John Faw of 1507, and the hero of the tale of 1470 are all in some way connected, is of course a matter of individual opinion.

It ought, however, to be mentioned, although I am endeavouring to consider the Gypsies of Scotland only in these pages, that those who have studied the history of the Gypsies of Europe are familiar with the fact that armorial bearings have been assigned to more than one Gypsy chief. Thus, "Crusius's *Annales Suevici* (1594)"—I quote from Mr Groome's *In Gypsy Tents*²—"records three emblazoned monuments of Gypsy chieftains buried in Christian churches. . . . The first was reared at Steinbach in 1445, 'to the high-born lord, Lord Paniel, Duke in Little Egypt, and Lord of Hirschhorn in the same land;' the second at Bautma in 1453, 'to the noble Earl Peter of Kleinschild;' and the third at Pforzheim [*read* Pfortzen] in 1498, 'to the high-born Lord Johann, Earl of Little Egypt, to whose soul God be gracious and merciful.'" And a certain Gypsy leader who was at Zutphen, in Guelderland, in 1459, was styled the "King of Little Egypt."³ With these examples before one, it is not a very daring thing to assume that the arms assigned to the "King of Egypt," in a Scottish castle, in 1461, were intended to represent those of a Gypsy chief.

¹ Vol. iii. p. 179.

² P. 124.

³ Dirks' *Heidens of Egyptiërs*, Utrecht, 1850, p. 42.

CHAPTER IV.

“THE first undoubted record referring to Gypsies in Great Britain is:—‘1505, April 22. Item to the Egyptianis be the Kingis command, vij lib.’” This statement of Mr Crofton’s¹ remains uncontroverted by anything that has been said in the foregoing pages; for however great may be the probability that the references already made denote the presence of Gypsies in Scotland during the fifteenth century, or earlier, it cannot be said that these references settle the matter beyond all doubt.

The entry just quoted appears in the Accounts of the Lord High Treasurer of Scotland.

“A few months later, in July 1505,” continues Mr Crofton, “we find the Scottish king, James IV., writing to the King of Denmark to commend Anthony Gagino, a lord of Little Egypt, who, with his retinue, had a few months previously reached Scotland during a pilgrimage through the Christian world, undertaken at the command of the Apostolic See.” This letter is preserved in the Royal Archives of Denmark, having still “remains of the seal impressed in red wax, and the inscription to King John.” The following is an exact copy:—

“Illustrissimo et Potentissimo Principi Johanni dei gracia dacie Swecie Noruigie Slauorum et gothorum Regi duci slesuaciæ holstaciæ stirmarie et ditmarie Comiti in oldenborg et delmenhost, Auunculo et Confederato nostro Charissimo, Jacobus eadem gracia Rex Scotorum Salutem amorem et successus optatos. Anthonius gagino ex parua egipto Comes et cetera comitatus eius gens afflictæ et miseranda, dum Cristianum orbem apostolico (vt aiunt) iussu suorum more peregrinantur, Ad limites nostri regni forte aduenerunt, Atque in miseriarum et sortis sue Refugium nos pro humanitate orarunt, vt nostros fines sibi Impune adire, Res et quam habent societatem liberius circumagere, et donec incontinente [*sic*] abnau-

¹ *Gyp.-Lore Soc. Jour.*, i. 7.

gent, quicquid consistere liceat. Postulata facile id hominum genus impetrat, quod miseris et iactatis viris succurrere Regium semper duximus. Ita aliquot iam menses bene et probe hic versati, ad te, Rex et Auuncule chare, in daciam festinant. Sed oceanum transmissuri nostras litteras exorant, quibus Celsitudinem tuam horum cerciorem Reddamus, simul et gentis Calamitatem tue munificencie Commendemus, que eo tibi quam nobis notior creditur, quo egiptus tuo Regno vicinior et maior horum frequentia tuo diuersatur imperio. Rex et Auuncule confederate felix vale. Ex Regia nostra Apud Linlithq^m die iulij tercio Anno salutis quinto supra millesimum et quingentesimum. James Rex.”¹

As the surname of this “Count of Little Egypt” appears differently in the draft of this letter, which may be seen among the Royal MSS. at the British Museum, and as there are a few other slight differences between the draft and the letter itself, it may be as well to quote the former also. It is as follows:—

MS. REG. 13 B. II.

Danica 25. In grañ Egyptiorç Vagotç.

Illustrissimo, &c. Anthonius gawino ex parua egipto comes, et cetera eius comitatus gens afflicta et miseranda : dū xpianū orbem peregrinationis studio aplice sedis (vt refert) Jussu : suorū more peregrinans : fines nri Regni dudum aduenerat. atq; in sortis sue et miseriarū huiç populi refugiū Nos pro humanitate Implorauerat : vt nros Limites sibi Impune adire : Res cunctas : et quā habet societatem libere circūagere liceret. Impetrat facile : que postulat miserorū hominū dura fortuna. Ita aliquot mēses bene et catholice (sic accepit) hic versatus : ad te Rex et Auuncule In Daciā transitum parat. Sed oceanum transmissurus nras Lras exorauit, quibus Celsitudinē tuā horū cerciorē Redderemç, simul et calamitatem eius gentis Regie tue munificencie cōmendaremç. Ceterū errabunde egipti fata moresq; et genus, eo tibi quā nobis credimç notiora : quo egiptus tuo Regno vicinior : et maior hmoi hominū frequentia tuo Diuersatur Imperio. Illustrissime, &c.

Here, then, we have Gypsies distinctly visible in Scotland in the year 1505. Whether the band of “Anthonius Gawino” was composed of those “Egyptians” to whom the King had paid seven pounds in the previous April, is not certain. But the favour shown to Gypsies by James IV. contrasts remarkably with the attitude of his grandfather, James II., towards the

¹ I have to thank Mr A. D. Jørgensen, the Royal Danish Archivist, Copenhagen, for his courteous gift of the printed section of the Archives containing the above copy letter.

“Moors” of Galloway story. In this, as in all that relates to the Gypsies of that period, there is much room for conjecture.

One detail of the letter which is difficult to explain satisfactorily is the reference to “Egypt” as nearer Denmark than Scotland. This has been assumed to denote mere geographical ignorance; and one writer (quoted by Dyrlund in his *Tatere og Natmandsfolk*, Christiania, 1872, p. 290) suggests that “Egyptians” were the same as “Lapp nomads,” in the estimation of “the simple Scotch king.” On the other hand, it is to be remembered that James was not only an accomplished man of the world, but that he was also the son of a Danish princess, and in both aspects likely to know almost as much upon this point as the King of Denmark. Moreover, it is pretty evident that he was not the first of his race who had come in contact with Gypsies. We cannot say positively that any of the “Moors,” or “sorners,” against whom his grandfather legislated so determinedly were really Gypsies. But it is to be noted that that monarch issued his edict against “overliers and masterful beggars” in 1449, the year of his marriage with Mary of Guelderland. By this marriage (which is stated by a biographer to have much strengthened his character, and to have made him still more determined to bring his kingdom to order, as such edicts would tend to do), James II. must have been made well aware of the existence of Gypsies, had he known nothing of them previously. For the “Heidens” of Little Egypt were then well known in Guelderland.¹ According to some writers, the “Heidens” then in Guelderland were of two kinds, the “Pagans” of Prussia and Livonia, and the Gypsies proper. The reasons for this distinction do not seem established. But it seems clear that the Baltic provinces had Gypsy populations at an early period;² certainly at the date of James the Fourth’s letter. And it is reasonable to assume that this was the country he had in view. Nevertheless, it cannot be said that this explanation will account for the application of the term “Egypt” to the country denoted.

After the date of James the Fourth’s letter to his royal

¹ See Dirks’ *Heidens of Egyptiërs*, Utrecht, 1850, pp. 39–42. ² See *Gyp.-Lore Soc. Jour.*, ii. 137, note.

uncle of Denmark, the next mention of Gypsies in Scotland—so far as is known to the present writer—occurs in the Council Register of the burgh of Aberdeen, in the year 1527. The following is the entry as it appears in the Aberdeen record:¹—

8th May 1527.

The said day, it was sufficientlie provin afor the baillies and a pairt of counsall, present for the tyme, be famosss diuerss witnes, that the Egiptiens tuk out of Thomas Watsouns houss tua siluer spounis, liand in the locker of ane schryne, quhilkis contenit ilk ane a wnce of siluer, quhairfor thai chargit Eken Jaks,² maister of the said Egiptiens, to deliuer the said spovniss agane, or thane thair awaill, within xxiii houris, becauss he ansuerit and come guid for his cumpany in jugement; and as to the money the said Thomas allagit tane away be thame, the bailzeis continewit [*i.e.*, postponed consideration of] the same, quhilk thai got na witnes to preif mair cleirlye. And atoure, John [*sic*] Watsoun, and his mother and serwand, was maid quit of all strubulance of the said Egiptiens, and that was geven for dovin [*read down, i.e.*, “doom”].

From this extract it will be seen that a certain company of Gypsies, under a different leader from that named in James the Fourth's letter in 1505, was established at Aberdeen in the spring of 1527. How long these Gypsies had been in that neighbourhood does not appear.³ One notable feature of the entry is that it quite supports the popular belief that “Gypsy” and “thief” were once synonymous terms. It must also be noted, however, that the two references of 1505, already quoted, do not present them to us in this unpleasant light.

But when, in the October of 1539, they again come into prominence in the same neighbourhood, it is, unfortunately for their reputation, in exactly the same reprehensible character. It is true that the two Gypsies specially accused of the theft were unanimously acquitted by the jury, and indeed turned the tables upon their accuser by claiming from him the expenses due by them for the trial. Never-

¹ *Extracts from the Council Register of the Burgh of Aberdeen, 1398-1570*, p. 117, Aberdeen, printed for the Spalding Club, 1844. ² “Jacks” (which, like its variant “Jack,” is derived from “Jacques,” and is an old surname in Scotland) was an Aberdeen name at that period. ³ In Kennedy's *Annals of Aberdeen* (London, 1818, vol. i. p. 74, note), it is stated that “the west skirts of the town” had been the immemorial residence of “tinkers and sorners.”

theless, the incident closely resembles that above quoted, where the guilt of the Gypsies was "sufficiently proved." The circumstances attending the alleged theft of 1539 are thus chronicled:¹—

22nd January 1540.

The said day, in the actioun and caus movit be Andro Chalmer, in Westar Fintra, upon Barbara Dya Baptista and Helen Andree,² thair complices, to the number of ten personis, frends and servands to Erle George, callit of Egipt, makand mentioun that in the monyth of October last bypast, come to his houses in Wester Fintra, and thair thiftiusly staw and tuik fra hym out of his kyst, in his chalmer, the sowm of twenty-four marks money of the realme, and will mak him na restitution thairof wythout thai be compellit.

Nomina Assise. Patrik Forbes, Duncane Mar, Walter Cullan, Maister John Fress, Gilbert Fress, Walter Hay, Androw Crawford younger, Androw Durtty, Alexr. Nicholsons, Alexr. Forbes, David Menzies, Johne Rattre, Henry Collisone, Thomas Hay, William Carnis.

The sayd day, Barbara Baptista and Helen Andree, Egiptians, war accusit in jugment be the prowtest for the wrangous waytaking of xxiiij marks money of Scotland fra Androw Chalmer in Wester Fyntra, out of his kyst, quhilk thai denyit be George Faw, thair capitane and forspeikar [*i.e.*, advocate or spokesman], and Maister Thomas Annand, thair procuratour. And thairefter, with consent of bayth the said partiis, the said action was put to the decisione and knowlege of the assyss aboun wrytine, quhilk was chosin and sworne in jugment, in presens of partiis, and admittit be thaim furtht of court remowit, and at lyntht awysit wytht the depositionis of the wytnes producit be the said Androw Chalmer, enterit in court, fand and deliuerit, all in ane voce, that the said Androw Chalmer hed failit in his preyf twyching waytaking of the forsaid money, and maid the said Barbara and Helene, Egiptians forsaid, quyt of the clame of the same claimit at thaim be the said Androw, and dischargit thaim thairof be the hail assyss forsaid. And the said Egiptianis protestit for thair expensis againe the said Androw Chalmer, and desyrit caution of the said Androw to answer at thair instans, as law will, quhilk fand John Chalmer cautioner, to Alexander Hay, officiar.

The said day, Alexander Chalmer, procurator for the said Androw Chalmer, protestit for tyme and place to persew the laif of the Egiptianis for the said money, and tuk not that the said Barbara and Helene allanarly ar made quyt of the said claim, as he allegit.

The said day, Maister Thomas Annand, procuratour for the

¹ *Op. cit.*, p. 167, 168. ² "Andree" appears as a local surname (*op. cit.*, pp. 374, &c.) as early as 1398. The name Baptista seems quite foreign to Scotland. The "Dya" in this person's name may be simply the Gypsy *dya* ("mother"), used to distinguish her from another Barbara Baptista.

Egyptianis, and George Faw, thair capitaine, requirit Androw Chalmer in jugment to nayme or nott samony of thair company as he was plenteus on for the thiftouss waytaking of his money, quhilke acceptit allanarlie at that tyme bot twa, that is to say, Barbara Dya Baptista and Helen Andree; and the forsaid procuratour protestit that he sald hef na place in tyme cuming to persew nane of the company, becaus thair war all present in jugment.

Six weeks later this case again came before the notice of the Council, as the following brief entry testifies:¹—

4th March 1540.

The said day, the Egyptianis quhilks wer maid quytt obefor of Androw Chalmeris clame maid [? George and] Joh Faw thair capitaneis procurators for thaim, to persew thair expensiss, and the bailzie geff him [? them] power to follow the same, on the queilks they tuk nott.

To remark in detail upon the many interesting features of this account is impossible in these pages, where the various citations themselves, rather than the ideas they suggest, ought chiefly to engage our attention. It may be noted, however, that either this company of Gypsies was different from that of 1527, or else the then chief had given place to a certain George Faw, with whom his brother John Faw² seems to have been associated in command. The surname "Faw" has been so identified with the Gypsies of Scotland, and also of the North of England; that it is worth noting that this entry gives us the year 1539 as the date of the earliest definite mention of a Gypsy bearing that surname. It is true that a "John Faw" is spoken of as a Gypsy chief of the year 1470, as previously noticed; but that reference was merely traditional, without any historical proof of its correctness. And although, as we have seen, "Faw" is an old surname in Scotland, this is the earliest known instance in which the bearer of it is clearly recognisable as a Gypsy.

The remarkable alternations of leniency and severity formerly exhibited towards Gypsies by the Scottish authorities are well exemplified in these Aberdeen notices of 1540. That Gypsies were then and there regarded as thieves by "habit and repute" is apparent from the tenor of the following entry:³—

¹ *Op. cit.*, p. 169. ² As will be seen from the next two extracts. ³ *Op. cit.*, pp. 168, 169.

21st *February* 1540.

The bailzeis charged George Faw, Egiptian, and his brother, to remouif thameself, their cumpany, and gudis of this toun, betuix this and Sunday nixt cummis, under all pane and charge that affir ma follow ; and in the myntime, that nane of thair cumpany cum in ony houss or cloiss in this toun, bot gif thai be sent about, and gif ony dois quhat beis away in the same houss, that the said George and his brother sal refund sayme."

In view of this municipal edict one may reasonably doubt whether the Gypsies were not as responsible for the theft committed in 1539 as they were proved to be for that of 1527. There is ample evidence, at subsequent dates, that the offences and crimes of Gypsies were often winked at by the officers of justice ; and in spite of the fact that their general manner of living was a constant infringement of existing laws, and that several of their leaders were at various times condemned to death and to banishment for murder, these special individuals are somehow found living on in their old way for many years afterwards, and the Gypsies as a class are visible in Scotland, century after century, calmly ignoring the successive waves of legislation directed against them. As already pointed out, this remarkable fact is illustrated in the Aberdeen of 1540. The reputation of this George and John Faw and their company was so notorious that the civic authorities formally pronounced a decree of banishment against them on the 21st of February. And yet we see from one of the above extracts that on the 4th of *March* the very same Gypsies were empowered by the same authorities to continue their suit against their accuser of the previous January.

One other incident of their stay in Aberdeen is revealed to us by the Council Register. Although it seems clear that the conduct of the Gypsies on this occasion was quite excusable (at a period when "blood-drawing" was an affair of no great moment), yet it is evident that the Gypsies were treated with all justice, if not with leniency. The entry is as follows :—

28th *January* 1540.

The said day, George Faw and Johnne Faw, Egiptianis, ware convict be the sworne assys aboune wrytine for the blud drawing of Sande [Sandie, or Alexander] Barrowne, and the said Barrowne convict for the strublens of thaim and the prouocatioune fundin in

hym; quharfor thai and ilk ane of thaim war in amerciamento of court, to forbeir in tym cumming, and amend as law will, and ordanit the saids Egiptianis to pay the barbour¹ for the leyching of the said Barrowne, and to gyf him a crowne of the sone [sun]² for the amends of the said blud within viii days.

It is to be noted that the decree banishing George and John Faw and their company from Aberdeen in February 1540 forms the earliest known instance in Scotland of legislation directed *especially* against Gypsies. There were undoubtedly laws in force, as early as the year 1424, which aimed at the repression of people living the kind of life followed by the Gypsies. But these laws make no mention of "Gypsies" or "Egyptians." Whatever may be the explanation, the Gypsies of the sixteenth century appear as the *protégés* of the Scottish monarchs, and not as men living under the ban of the law, from the time they are first mentioned in 1505 throughout three successive reigns (except for a brief interval, to be presently noticed). This is distinctly apparent with regard to the very John Faw whom the Aberdeen bailies prohibited from living in their town. Strange as it may appear, the authorities of Aberdeen were thus acting in direct opposition to the expressed wishes of the reigning monarch.

This sovereign, James V. of Scotland, was the friend of the Gypsies in a much greater degree than his father (whose letter of commendation to the King of Denmark has already been quoted). That, as tradition states, he sometimes associated with them in the course of those solitary roving expeditions for which he was noted, seems quite probable. It is true that if his Gypsy experiences were all of the same disagreeable nature as that quoted by Mr Simson in his *History* (pp. 104-106),³ they would not tend to make him

¹ At that period barbers practised surgery. ² With regard to this coin, Mr Adam B. Richardson, Curator of Coins to the Society of Antiquaries of Scotland, has been good enough to supply me with the information that the French *écu d'or* is indicated by these early references; and he adds:—"The only similar piece we have in the Scottish series is the unique gold crown of Mary, dated 1561, which has the sun for mint mark." Among certain spoil alleged to have been taken from the house of Anerum, Roxburghshire, in the year 1573, are "twentie scoir of crounis of the sone, price of the pece xxxvi. s." (*Register of the Privy Council of Scotland*, Edinburgh, 1878, p. 270). ³ This incident, which is also associated with King John of England, is referred to in the *Gyp.-Love Soc. Jour.*, vol. i. pp. 244, 245.

view those people with a friendly eye. But a proof of the King's friendship, which is of a much more reliable nature than any tradition, is afforded by the following writ of the Privy Council of Scotland, signed by the King at his palace of Falkland just four days before the bailies of Aberdeen had decreed the expulsion of this same John Faw from their town.¹ It is in these terms:—

Regist. Secreti Sigilli, vol. xiv. fol. 59.

James be the grace of God King of Scottis, To oure Shireffis of Edinburgh principall and within the constabularie of Hadingtoun, Berwik, Roxburgh, Selkirk, Perth, Forfar, Fife, Clakmannane, Kinross, Kincardin, Abirdene, Banf, Elgin and Fores, Narne, Inverness, Linlithqow, Peblis, Striviling, Lanark, Renfrew, Dunbertane and Drumfreis, Bute and Wigtoun, Stewartis of Annanderdale, Kirkcudbrycht, Menteith and Stratherne, Bailies of Kile, Carrik, and Cunynghame, and thaire Deputis, Provestis, Aldermen, and Baillies of oure Burrowis and Cieteis of Edinburgh, Hadingtoun, Lawder, Jedburgh, Selkirk, Peblis, Perth, Forfar, Cowper, Sanctandrois, Kincardin, Abirdene, Banf, Elgin and Fores, Narne, Inverness, Linlithqow, Striuling, Lanark, Glasqow, Rutherglen, Renfrew, Dunbertane, and Drumfreis, Wigtoun, Irwyn, Kirkcudbrycht, Quhitterne, and to all utheris Shireffis, Stewartis, Provestis, Aldermen, and Baillies within oure realme,—Greting : fforsamekill as it is humblie menit and schewin to us be oure louit Johnne Faw, lord and erle of Litill Egipt, That quhair he obtenit oure Lettres under oure Grete Seile direct to zow all and sundry oure saidis Shireffis, Stewartis, Baillies, Prouestis, Aldermen, and Baillies of burrois, and to all and sindry utheris havand autoritie within oure realme to assist to him in executioun of justice upoun his cumpany and folkis conforme to the lawis of Egipt, and in punissing of all thame that rebellis aganis him : Neuertheles as we are informyt Sebastiane Lalow, Egiptiane, ane of the said Johnnis cumpany with his complices and parttakaris undir writtin, that is to say, Anteane Donea, Satona Fingo, Nona Finco, Phillip Hatseyggow, Towla Bailzow, Grasta Neyn, Geleyr Bailzow, Bernard Beige, Demer Matskalla, Not-Faw Lawlowr, Martyn Femine rebellis and conspiris aganis the said Johnne Faw, and hes removit thame alluterly out of his cumpany, and takin fra him diuerss sovmes of money, jewellis, claithis, and utheris gudis to the quantite of ane grete sovme of money, and on na wys will pas hame with him, Howbeit he hes biddin and remanit of lang tyme upoun thame, and is bunding and

¹ Perhaps the explanation of the fact that, as stated on a previous page, those Faws are seen living in Aberdeen twelve days after the date of the municipal edict, may be found in the hypothesis that the latter had been practically cancelled by the Privy Council decree (which may not have reached Aberdeen until after 21st February).

oblist to bring hame with him all thame of his cumpany that ar on live, and ane testimoniaie of thame that are deid. And als the said Johnne hes the said Sebastianis obligatioun maid in Dunfermling befor our maister houssald that he and his cumpany suld remane with him and on na wys depart fra him, as the samyn beris : In contrar the tennour of the quhilk the said Sebastiane be sinister and wrang informatioun, fals relatioun and circumventioun of us, hes purchest our writingis dischargeing him and the remanent of the persones abone writtin his complices and parttakaris of the said Johnnis cumpany and with his gudis takin be thame fra him caussis certane oure liegis assist to thame and thair opinionis and to fortify and tak thair part aganis the said Johnne thair lord and maister, sua that he on na wys can apprehend nor get thame to haue thame hame agane within thaire awin cuntre, eftir the tennour of his said Band, to his hevvy dampnage and skaith and in grete perrell of tynsall of his heretage, and expres aganis justice : Owre will is heirfor, and we charge zow straitlie, and commandis that incontynent thir our Lettres sene ye and ilk ane of yow within the boundis of your office, command and charge all our liegis that nane of thame tak upoun hand to resett, assist, fortify, supple, manteine, defend, or tak part with the said Sebastiane and his complices abone writtin for na buddis nor uthir way aganis the said Johne Faw, thair Lord and maister, Bot that thai and ye inlikwis tak and lay handis upoun thame quhareuir thai may be apprehendit, and bring thame to him to be punist for thair demeritis conforme to his lawis, and help and fortify him to punis and do justice upoun thame for thair trespassis, and to that effect len to him zoure presonis, stokis, fetteris, and all uthir thingis necessar thairto as ye and ilk ane of yow, and all utheris oure liegis will answer to us thairupoun and under all heast pane and charge that eftir may follow swa that the said Johne haue na caus of complaynt heirupoun in tyme cuming nor to resort agane to us to that effect : Nochtwithstanding ony oure writingis sinisterly purchest, or to be purchest be the said Sebastiane in the contrar ; And als charge all oure liegis that nane of thame molest, vex, inquiet, or truble the said Johnne Faw and his cumpany in doing of thair lefull besynes or uthir wayis within oure realme, and in thair passing, remanyng, or away ganging furth of the samyn under the pane abone writtin : And sicklike that ye command and charge all skipparis, maisteris, and marinaris within oure realme at all portis and havynnis quhair the said Johnne and his cumpany salhappin to resort and cum to resave him and thame thairin upoun thair expenssis for furing of thame furth of oure realme to the partis bezond sey as thai and ilk ane of thame sicklike will answer to us thairupoun and undir the pane forsaid. Subscrivit with oure hand and under oure Priuie Seile at Falkland the seventene day of Februar, and of oure reigne the xxviii zeir.

Subscriptam per Regem.

Although this document is too important not to be given

here *in extenso*, it has long been known to all who have paid attention to the history of the Gypsies, and our present space need not be occupied in the consideration of its details. It is enough to notice that it affords ample testimony to the fact that at that period the Gypsies stood high in the favour of the King of Scotland.¹ And that this was no new thing has already been seen from the fact that in 1530, when he was only eighteen years old, "the Egyptians that danced before the King in Holyrood house" received from him, through the Lord High Treasurer, a sum of forty shillings. The fact that his father, James IV., had, twenty-five years earlier, ordered a sum of seven pounds to be paid "to the Egyptians," argues that they had enjoyed the royal favour for a long period.

Yet it is noteworthy that Aberdeen is not the only place which shows us the Gypsies in the character of thieves and housebreakers in 1539 and 1540. This is seen from the following brief entry in the Records of the town of Haddington:—"2nd March 1540. The Baillies after tryal fine a company of Egiptians for coming into a house and stealing—Two appear for all the laif [*i.e.*, the remainder] of the company—Ordain the Egyptians to pay 19s. 5d. in 15 days."² A comparison of the dates makes it evident that these could not have been the Gypsies who figured in the Aberdeen Burgh Court in January, February, and March 1540. It is therefore interesting to notice that in each case the Gypsies were not treated as individual offenders, but were recognised as a corporate body, with the right to delegate its defence to one or two of its members, and abiding by the decision pronounced upon them for the whole "company."

¹ With reference to the surnames of the Gypsies mentioned in this writ. It may be observed that "Faw" and "Bailzow" (a variant of Balliol, Baillie, &c.) are the only ones of distinctly Scottish association; and in this incident we seem to have, as Simson remarks (*History*, pp. 236, 237), an early example of the long-continued rivalry between the Faws and the Baillies. "Matskalla," if it ought to be "Maeskalla," as some read it, would be a Celtic name; and "Femine" may be a misspelling of "Fleming." "Lawlowr" or "Lawlor" is an old English name; and the "Not Faw" prefixed to this surname in one instance seems to be rightly interpreted by Mr Groome as being nothing else than a correction, made by the Gypsy to the clerk who was writing down his name:—"Not Faw, Lawlor." All the other names appear to be foreign. ² Quoted from *Proc. of Soc. of Antiquaries of Scotland*, vol. ii. p. 400.

The next document in point of date is well known to Gypsiologists, and was first printed by Pitcairn in his *Criminal Trials* (Edinburgh, 1833). One puzzling feature of it is that the son of John *Fall* appears as John *Wann* or *Wan*. "Fall" is used interchangeably with "Faw" to denote the same Gypsy family.¹ But this is the only instance of *Wann* (also an old Scotch surname)² being applied to a Gypsy. The following is the entry in the Privy Seal Register:—

Registrum Secreti Sigilli, vol. xiii. fol. 83.

Preceptum litere Johannis Wanne filii et heredis quondam Johannis Fall minoris Egipti comitis ac domini et magistri Egiptiorum infra regnum Scotie existentium Dando sibi sibi potestatem predictos Egiptios ad sibi obediendum et parendum plectere et punire, &c. Apud Sanctiandream xxvi die mensis Maij Anno Domini j^mv^cxl^o. x^s [*in margin*] per signaturam.

It is curious that the "son and heir" of John Faw (or Fall) should be known as John Wann. And even more inexplicable seems the fact that whereas John Faw was alive in March 1540, and, according to the above "precept," had been succeeded by his son in the following May, yet a document (to be cited) of the year 1553 refers to the same John Faw as though he were then still alive.

The next reference has also been printed by Pitcairn. It is an Act of the Lords of Council and Session; and although executed only one year after the very favourable order of the Privy Council, quoted above, it shows a complete reversal of the Gypsies' position. One thing it makes evident is that, not only at Aberdeen, but all over Scotland, the Gypsies had the reputation of being notorious thieves. This is the reason given for the King's withdrawal of his former privileges. He, however, must have been well aware of this long before 1541; but the Act bears strong evidence that, although it was sanctioned by the King, he had really allowed himself to be overruled by his councillors. The Act is as follows:—

¹ Assuming "Fall" to be the older form, its change into "Faw" will be at once understood by those acquainted with the Scotch usage in words ending in "ll" preceded by *a*, *o*, or *u*. ² It seems to have been a common surname in Fife and the Lothians in the fifteenth and sixteenth centuries. In 1436 a John Wan appeared as witness to an East Lothian charter.—*Register of the Great Seal of Scotland*, Edinburgh, 1882.

Acta Dominorum Concilii et Sessionis, vol. xv. fol. 155.

Apud Striveling, sexto Junii, anno Domini, j^mv^cxlii^o.

Sederunt archiepiscopus Glasguensis cancellarius, Willelmus episcopus Aberdonensis, Willelmus episcopus Dumblanensis, Alexander abbas Cambuskynneth, Malcolmus Dominus Flemyng, Hugo Dominus Somerville, Magister Henricus Sinclair, rector de Glasgw, Magister Jacobus Foulis clericus registri, Magister Thomas Ballenden clericus Justiciarie, et Magister Henricus Balnavis.

The quhilk day anentis the complaintis gevin in be Jhone Faw and his brether and Sebastiane Lowlaw, Egipitianis, to the Kingis grace ilkane plenyead upon uther of divers faltis and injuris, and that it is aggreit amang thame to pas hame and to have the samyn decydit before the duke of Egipt, the Lordis of counsale being avisit with the pointis of saidis complaintis and understanding perfiltie the gret thiftis and scathis done be the saidis Egipitianis upon our soverane lordis leigis quhairever thai cum or resortis, Ordanis letres to be direct to the provestis ballies of Edinburgh, Sanct Jhonstoun, Dundee, Monros, Aberdene, Sanct Androis, Elgin, Fores, and Invernes, and to the shirefis of Edinburgh, Fif, Perth, Forfair, Kincardin, Aberdene, Elgyn and Fores, Banf, Crummarty, Invernes, and all utheris shirefis, stewartis, provestis, and ballies quhair it happinnis the saidis Egipitianis to resort, to command and charge thame be oppin proclamatioun at the mercat croces of the heid burgh of the shirefdomes to depart furth of this realme with thair wifis, barnis, and cumpaneis, within xxx day efter thai be chargit thairto, under the pane of deid, nochtwithstanding ony utheris letres or privelegis grantit to thame be the Kingis grace. Becaus his grace, with avis of the lordis, hes dischargit the samyn for the causis forsaidis, with certificatioun and thai be fundin in this realme, the saidis xxx dayis being past, thai salbe tane and put to deid.¹

Stringent though this measure was, it did not really banish the Gypsies for ever from Scotland, as subsequent history shows. But it appears to have driven the Faws temporarily across the Border into England; for, in the year 1549, “Baptist Fawe, Amy Fawe, and George Fawe, Egyptians,” are discernible in the county of Durham.² But

¹ The Accounts of the Lord High Treasurer of Scotland show payments, on 23rd June 1541, to three King's messengers for “passing” from Stirling to “the Northland,” “the Westland,” and the districts of Merse, Teviotdale, and the Lothians, with these “Letteris to the Schereffis and Burrowis for Expelling of Egipitianis.”—(Quoted by Pitcairn, in his *Criminal Trials*, vol. i. part i. p. 310*.) ² *Gyp.-Love Soc. Jour.*, vol. i. p. 12. In this reference of Mr Crofton's, the Faws are accused of having counterfeited the Great Seal of England, and of having in their possession “a writing with a great Seal much like to the King's Majesty's Great Seal.” Whether this document was really

if any great number of Gypsies did leave Scotland, as a result of the decree of 1541, their absence was not one of long duration, nor did they remain under a cloud for any great length of time. For, in 1553, "John Faw, Lord and Earl of Little Egypt," appears once more in the full sunshine of royal favour; and, as of yore, not only countenanced by the Government, but receiving through it the support of the constituted authorities in dealing with Sebastian Lawlow (or Lawlor) and the other "rebels." There is no apparent reason for the favourable change in the attitude of the Scottish Government towards the Gypsies. Their protector, James the Fifth, had died in 1542, and the country was now under a Regency, the young Queen being still in France,—although the writ about to be cited runs in her name. As this document has not hitherto been quoted at length, it may be as well to reproduce it here without abridgment (although it is to some extent a repetition of the similar document of 1540):—

Regist. Secreti Sigilli, vol. xxv. fol. 62.

Marie, be the grace of God Quene of Scottis, to oure Shireffis of Edinburgh principal and within the constabularie of Hadingtoun, Bervik, Roxburgh, Selkirk, Perth, Forfar, Fife, Clackmannane, Kinross, Kincardin, Abirdene, Banff, Elgin and Fores, Nairne, Inverness, Lynlithqw, Peblis, Striuling, Lanark, Renfrew, Dumbertane, Air, Dumfreis, But and Wigtoun, Stewartis of Annanderdail, Kirkcudbright, Menteith and Stratherne, Baillies of Kile, Carrik, and Cunyngame, and thair Deputis; Prouestis, Aldermen and Baillies, of oure Burrowis and Ceteis of Edinburgh, Hadingtoun, Laudar, Jedburgh, Selkirk, Peblis, Perth, Forfair, Cowpar, Sanctandros, Kincardin, Abirdene, Banff, Elgin and Fores, Narne, Invernes, Lynlithqw, Striuling, Lanark, Glasgow, Rutherglen, Renfrew, Dumbertane, Air, Dumfreis, Wigtoun, Irwyne, Kirkcudbright, Quhitterne; and to all utheris Shireffis, Stewartis, Prouestis, Aldermen, and Baillies within oure realme, Greting: fforsamekill as it is humblie menit and schewin to us and oure derrest cousing and tutour, James, Duke of Chettellarault, erle of Arrane, lord Hammiltoun, protectour and governour of oure realme, be oure lovit Johne Faw, lord and erle of Litill Egept, that quhair he obtenit unquhyle oure derrest faderis letres of gude mynd, quham God

a forgery or not, the Faws had certainly obtained letters under the Great Seal of Scotland, about ten years earlier, as the King of Scotland himself testifies. It may be added that the person whose accusation led to the apprehension of those Faws was a certain "John Roland, one of that sort of people calling themselves Egyptians."

assolze, under his grete seill direct to you all and sindryoure saidis shireffis, stewartis, baillies, provestis, baillies, and aldermen of oure burrowis, and to all and sindry uthiris havand auctorite within oure realme, to assist to him in executioun of justice upoun his cumpany and folkis conforme to the lawis of Egipt, and in punissing of all thame that rebellis agane him. Nevirtheles as we ar informit, Sebastiane Lalow, Egiptiane, ane of the said Johneis cumpany, with his complices parttakaris undir writtin, that is to say, Anteane Donea, Satona Fingo, Nona Finco, Phillip Hatseygow, Towla Bailyou, Grasta Neyn, Gelyer Bailyow, Bernard Beige, Demeo Matskalla, Notfaw Lawlour, Martyne Femine, rebellis and conspiris aganis the said Johne Faw, and hes removit thame alluterlie out of his cumpany, and on na wys will pas hame with him howbeit he hes biddin and remanit of langtyme upoun thame, and is bund and oblist to bring hame with him all thame of his cumpany that ar on lyve and ane testimoniall of thame that ar deid, And als the said Johne hes the said Sebastyanis obligatioun that he and his cumpany suld remane with him and on na wys depart fra him as the samin beris. In contrair the tennour of the quhilk the said Sebastiane and his complices forsaidis will nocht remane with the said Johne thar lord and maister, bot rebellis aganis him sua that he na wys can apprehend nor get thame to have thame hame agane within thair awin cuntre, eftir the tennour of the said band, to his dampnage and skaith and in grete perrell in tynsall of his heretage and expres aganis justice. Oure will is heirfor, and we charge you straitly and commandis that incontinent thiroure lettres sene ye and ilkane of you within the boundis of youre offices, command our leigis that nane of thame tak upoun hand to resett and assyn, fortyfe, suppley, and manteine, defend or tak part with the said Sebastiane and his complices for na buddis nor uthirway aganis the said Johne Faw thair lord and maister, bot that thai and ye in likwys tak and lay handis on thame quhairvir thai may be apprehendit and bring thame to him to be punist for thair demeritis conforme to his lawis, and help and fortyfe him to punis and do justice upoun thame for thair trespas, and to that effect len to him your presonis, stokkis, fettaris, and all uthir necessaris thingis thairto as ye and ilkane of you and all utherisoure liegis will answer to us thairupoun undir all hiest pane and charge that eftir may follow sua that the said Johne have na caus of complaint heirupoun in tymes cuming nor to refer agane to us to that effect nochtwithstanding ony uthiroure writtingis senisterlie purchest or to be purchest be the said Sebastiane in the contrair. And als chargis alloure liegis that nane of thame molest, vex, inquiet, or trouble the said Johne Faw and his cumpany in doing of thair lefull besynes or utherwyss within oure realme, and in thare passing remanying or awayganging furth of the samyn in maner abone writtin. And siclike that ye command and charge all skipparis, maisteris, and marynaris of all schippis within our realme at all portis and havingis quhair the said Johne and his cumpany sal-

happen to resort for furing of thame furth of oure realme to the partis beyond seyis as thai and ilkane of thame siclike will answer to us thairupoun under the pane forsaid. Subscrivit be oure said tutour and Governour and gevin under our privie seill, at Hamiltoun the xxv of Aprile the yeir of God j^mv^c and fyfty thre yeris.

Subscriptam per Dominum Gubernatorem.

Equally favourable to the Gypsies—or to their “Faw” section—are the following “Respites,” granted under the Privy Seal.¹ It will be seen that the “slaughter” referred to had taken place in the month preceding the date of the document just quoted. And the reason for the issue of the second “Respite,” granted a year after the first, evidently was that only a small portion of those engaged in the “slaughter” had been named in the first act of remission, and the remainder were consequently still liable to be prosecuted for the deed. The two writs which thus protected the whole of the offenders are these:—

Registrum Secreti Sigilli, vol. xxvii. fol. 3.

Ane Respitt maid to Andro Faw, capitane of the Egiptianis, George Faw, Robert Faw, and Anthony Faw, his sonis, far [read for] art and part of the slauchter of umquhile Niniane Smaill, servand to John Bard, smyth, committit and done in the moneth of Merche the zeir of God j^mv^c liij yeris upoun suddantie, and for all actioun and cryme that may follow therupoun, and for the space of xix yeris to indure, &c. At Linlithqw the xxiiij day of Merche the yeir of God j^mv^c liiii yeris.

Per signaturam.

Vol. xxvii. fol. 36.

Ane respitt maid to Johnne Faw, Egiptiane, Andro George, Nichoalz George, Sebastiane Colyne, George Colyne, Julie Colyne, Johnne Colyne, James Hair, Johnne Broun, and George Broun, Egiptianis, now being within this realme, for arte and parte of the slauchter of umquhile Niniane Small, committit within the toun of Lyntoun in the moneth of Marche last bipast. And for all actioun and cryme that may follow thairupoun or be imputt to the saidis personis Egiptianis or ony of thame thairthrow. And that the said respitt for the space of nyntene yeiris but ony revocation to endure. At Linlithqw the viii day of Aprill the yeir of God j^mv^c liiij yeiris. Gratis.

Per signaturam.

In December 1558 a band of Gypsies “came out of Scot-

¹ In May 1584 an Act of Parliament was passed against the granting of such “respites and remissions for murder and other odious crimes.” They appear to have been very frequently granted.

land into England by Carlisle ;” according to their own statement when arrested in the south of England in the following year. And Mr Crofton’s observation that this was most likely the band apprehended in the October of the same year, in Gloucestershire, is quite borne out by the detail pointed out by him, that one of these was a “John Lallowe,” and therefore a probable kinsman of the Sebastian Lalow (or Lawlor) already notorious in Scotland.¹ If the further support obtained by John Faw from the Scottish Government in 1553 had proved of effect, it is evident that the “rebel” party under Lalow must have found Scotland an undesirable place of abode. And although the laws of England did not greatly favour them, the officials of that country, at any rate, were not specially authorised to lend John Faw their “prisons, stocks, fetters, and all other things necessary” to enable him “to punish and do justice upon them for their trespasses.” Thus, it is extremely probable that Lawlow’s company really did cross the Border in 1558.

¹ For these references, see *Gyp.-Lore Soc. Jour.*, i. pp. 15, 16, and Mr Crofton’s *Tudors*, pp. 16-18.

CHAPTER V.

TO give full consideration to the various important statements quoted in the preceding chapter is impossible within the limits of this work. But some reference must be made to the most significant of these allusions.

To those who have not studied the history of the Gypsies during the eighteenth, seventeenth, and sixteenth centuries, and to whom the word "Gypsy" only suggests a poor and often miserable outcast, it must appear almost incredible that the leader of the Aberdeen Gypsies of 1540 should have had "servants," or that he or his brother should have possessed "divers sums of money, jewels, clothes, and other goods to the quantity of a great sum of money." Yet, not only are these facts set forth by the highest authorities in the land, but they are also fully in agreement with descriptions given by various writers (by Simson, in his *History*, so far as regards Scotland), with reference to the Gypsies of past times.

Commentators on the Privy Council writ of 1540, signed by King James V. at Falkland, in the February of that year, have also regarded as remarkable the clause in which the king charges "all our lieges that none of them molest, vex, inquiet, or trouble the said John Faw and his company in doing of their lawful business." So much has been said about the Gypsies in their character of marauders, thieves, and nomads, that the idea of their having any "lawful business," in the prosecution of which they received the full support of the authorities of the crown, seems an idea too absurd to be seriously entertained. Yet, as the King and Privy Council of Scotland constituted a body of intelligent, educated, and capable statesmen, it is evident that they meant what they said; and that if their words and action seem incomprehensible to us, the fault lies with ourselves. If no

other document or reference remained to us but this writ of 1540, it would be of itself sufficient to show us that we do not clearly understand who or what the Gypsies were.

What *was* the "lawful business" of John Faw and his company? The word "faw," as we have seen, is synonymous with "potter" in the Border districts; and when Wordsworth describes the Gypsy comrades of his "Female Vagrant," he says that "they with their pannier'd asses semblance made of potters wandering on from door to door." Then, again, "tinker" and "tinkler" were used to denote itinerant workers in metal. The hero of the old ballad of "Clout the Cauldron" sings—

"My bonny lass, I work in brass,
A *Tinkler* is my station."

And Mrs Carlyle's celebrated ancestor spoken of in a previous chapter, was formally styled "William Baillie, brazier, commonly called Gypsy," in a precognition taken in the year 1725.¹ Thus, John Faw and his company might have been potters or braziers, either of which occupations was a "lawful business." Or, again, they might have been makers of spoons and other articles of horn; or dealers in ruddle, as many nomads in Scotland then and since have been. Further, they may have been pedlars. In discussing the Gypsies of England, and referring specially to the Act passed against them in 1554, Mr H. T. Crofton cites Samuel Rid, author of the *Art of Juggling*, who, "when speaking of his own time, 1612, says:—'These fellows seeing that no profit comes by wandring, but hazard of their lives, do daily decrease and breake off their wonted society, and betake themselves many of them, some to be Pedlers, some Tinkers, some Juglers, and some to one kind of life or other.'"² Here, then, it is distinctly stated that many Gypsies, about three centuries ago, were pedlars. It may well be questioned whether Rid was correct in assuming that they *became* pedlars, only after the Act of 1554. On the contrary, the indications are that they had been pedlars, tinkers, and jugglers for a very much longer period. But, at any rate, it is clear that there were Gypsy pedlars in England towards

¹ Cited at p. 206 of Simson's *History*. ² *Gyp.-Lore Soc. Jour.*, i. 13, 14.

the close of the sixteenth century; and there are several reasons for assuming that there were such in Scotland also. In one sense, indeed, tinkers and potters are "travelling merchants" as much as are those traders to whom the word "pedlar" is generally applied.

Viewed in this light, the Gypsies, whatever their actual or nominal calling, were "travelling merchants;" and as such they could claim rights under laws specially framed for them. In Scotland, this was known as "the law of farand-man," that is, "faring" or travelling man. Both in England and Scotland such "travelling-men" were, in the popular speech, appropriately styled "dusty-feet," or rather "dusty-foots."¹ In the language of legal documents they were known by the Latin and French equivalents of *pede pulverosi*, *picds-poudreuses*, and, more corruptly, *picpoudrous* or *picpowdrous*. For their benefit was established the now obsolete "Piepowder Court," or "Court of Dusty Foot," in England, and the "law of farandman or pipuderous" in Scotland. In Scotland, this law is said to have been established during the reign of David I. (1124-1153). "King David statut that gif ony stranger man merchand (*extraneus mercator*) or ony other passand thru the kinrik nocht hafand a certane duelling place within the sherradome bot beand vagabund in the contre the quhilk is callit pipouderus (*non habens certam mansionem infra vicecomitatum sed vagans qui vocatur picpowdrous hoc est anglie dustifute*) findis ane other man the quhilkis has done him felouny or jniur [injury] in ony maner quhar sumeuer"—he may obtain redress according to a form duly prescribed by the statute. Now, whatever the *precise* date of this enactment, it will be seen that it was peculiarly adapted to Gypsies, who had "no certain dwelling" in the country, or, at least, in many of the sheriffdoms through which they wandered, and who, in many cases were "*extranci mercatores*." And when James V. charged "all our lieges that none of them molest, vex, inquiet, or trouble the said John Faw and his company in doing their lawful business," he does not appear to have been taking any new or revolutionary step, but rather to

¹ Corrupted into "dustyfats" in some of the English counties. (See Wright's and Halliwell's Dictionaries.)

have been enforcing the spirit of the already-existing "law of faring men." There is, of course, no evidence proving unmistakably that John Faw and his people were "*extraneii mercatores*;" but there are several good reasons for inferring that this was the case. If it be further inferred that they traded as pedlars do, in articles of wearing apparel, this might explain why the lambskin garments introduced into Scotland and France from Lombardy during the fifteenth century were known as "Romany budge" or "furre Rommenis."¹ One notable feature of the "faring-man's law" is that it appears to have been primarily, if not exclusively, framed for the benefit of "strangers." The statute assigned to King David does, indeed, refer to "any other," but the first place is given to the "stranger" merchant. And this interpretation is quite in agreement with the definition given by Sir John Skene in his *De verborum significatione* (Edinburgh, 1597), a glossary explaining "the termes and difficill wordes" in the Scottish Acts of Parliament. This reference may be given in full: "FARANDMAN. *De Iudie. e. 47.* Ane stranger or Pilgrimer, to quhome justice suld be done with all expedition; That his peregrination be not stayed or stopped. *Peregrini mercatores, dicuntur Farandman, lib. 4., c. 39., in lib. Sconensi.*"

Although "farandman" literally means a "traveller" it is evident that Skene regarded the word as denoting, in 1597, one special caste of travellers, the *peregrini mercatores*. This is an important consideration when one turns to an incident of the year 1596, in which "sum licht [*i.e.* lawless or dissolute] farandmen" took part. It appears that these "licht farandmen" had materially aided a certain "John Greg in

¹ *Accounts of the Lord High Treasurer of Scotland*, i. 1473-98, Edinburgh, 1877, pp. clxxxvii and 404. For reference to the "dusty-foot" laws, see Thomson's *Acts of the Parliament of Scotland*, vol. i., Appendix V., pp. 29-30. With regard to England, the Act 17 Edward IV. c. 2 (1477) dealt with "courts of piepowders," and there are interesting references to "merchant strangers" and "pilgrim merchants" in the Acts 5 Henry IV. c. 7 and 4 Edward IV. c. 10 (1403 and 1464). Mr Groome has also drawn attention (*Gyp.-Lore Soc. Jour.*, i. 50) to "a charter of Edward the Third confirming and enlarging the privileges of St Giles Fair, Winchester, 1349 A.D.," which mentions "those traders from foreign parts, called 'Dynamitters,' who sell brazen vessels in the fair (*de illis Mercatoribus Alicinigenis vocatis Mercatoribus Dynamitters*)."

Kinloss," in the county of Elgin, in "violentlie," and "be way of bangistrie and minassis," ejecting the tenant of a farm which Greg seized upon.¹ Greg himself appears to have been an ordinary inhabitant of Kinloss. But, according to Skene, his temporary followers must have belonged to the caste of "strangers or pilgrimers," otherwise *peregrini mercatores*. It is not stated that they were Gypsies. Yet, in combining the two apparently opposite qualities of trader and "masterful oppressor," they agree admirably with the Gypsies of the sixteenth-century documents, and with the later Gypsies of the eighteenth century, as described in the pages of Simson's *History*.

The English writer of 1612 asserts that many of the Gypsies of England were then pedlars, tinkers, and jugglers. Formerly, and probably even in Rid's time, the word "juggler" denoted not only a performer of sleight-of-hand tricks and a mountebank, but also a *jongleur*, or minstrel. In all its phases, the word is applicable to Gypsies. Indeed, the versatility of the Gypsies, and the number of their occupations and accomplishments, may be guessed at from the following account which Mr Simson gives of the gangs that traversed Tweeddale and Clydesdale last century :—

"They employed themselves in repairing broken china, utensils made of copper, brass and pewter, pots, pans and kettles, and white-iron articles generally. But working in horn is considered by them as their favourite and most ancient occupation. In gratitude for their free-quarters, they frequently made from old metal, smoothing-irons for the mistress, and sole-clouts for the ploughs of the master, and spoons for the family, from the horns of rams, or other horns that happened to be about the house ; for all of which they would take nothing. Many practised music ; and the violin and bagpipes were the instruments they commonly used. This musical talent of the Gypsies delighted the country-people ; it operated like a charm upon their feelings, and contributed much to procure the wanderers a night's quarters. Some of the old women sold salves and drugs, while some of the males had pretensions to a little surgery." ²

All of the occupations just mentioned were, it is to be remembered, hereditary among the Gypsies ; and it must also be remembered that Mr Simson's description only shows the

¹ *Register of the Privy Council of Scotland*, vol. v., Edinburgh, 1882, p. 342. ² *History*, pp. 224-26.

people in their decay, after nearly two centuries of persecution. There is every reason to believe that their accomplishments in the sixteenth century were much greater than in the eighteenth.

If some of the references already cited in this chapter do not agree with the modern conception of a Gypsy, still more inconsistent with that idea is the undoubted fact that this same John Faw, who was described by James the Fifth, in 1540, and by the Regent of Scotland, in 1553, as "our lovit,"¹ was actually in possession of letters under the Great Seal of Scotland, commanding all the officers of justice in Scotland to assist John Faw "in execution of justice upon his company and folks conform to the laws of Egypt and in punishing all those that rebel against him." Further, those officials were directly commanded, on the presentation to them by the Gypsy chief of his letters under the Great Seal, to give him every assistance in securing a certain specified rebellious section of his followers, for which purpose they were to lend to him their "prisons, stocks, fetters, and all other things necessary thereto." That Gypsies should be put in the stocks, or imprisoned, is quite in accordance with conventional ideas on the subject. But that the whole legal machinery of the realm of Scotland should be made subservient to the will of a Gypsy chief, in order that he might secure certain Gypsies who had scouted *his* authority,—this is a fact so wholly at variance with the ideas generally current regarding Gypsies, that it seems evident these ideas require to be amended. Nor was it even to execute *Scottish* law upon the culprits that this authority was given: it was avowedly given in order that John Faw might "execute justice upon his company and folks conform to *his* laws,"—"conform to the laws of Egypt,"—"so that the said John might have no cause for complaint hereupon in time coming nor to resort again to us [the King of Scotland, in Council] to that effect." This last clause is perhaps the most remarkable of all. For the Writ not only endorses and supplements all the powers granted in favour of the Gypsy chief, by means of the letter under the Great Seal, but it distinctly admits

¹ A term originally meaning "beloved," but ultimately applied in a substantive sense to any of "the lieges."

that if those instructions were not properly carried out, he would have just "cause for complaint" against the King and his government!

It is further noteworthy that the Privy Council writ asserts that John Faw possessed an "Obligation" by Sebastian Lalow, which had been executed before the Master of the Royal Household at Dunfermline, whereby Sebastian bound himself and his "company" to remain with and under John Faw, "their lord and master." And it is to be observed that even Sebastian's revolt was not without Royal warrant; for the writ recites that he had, "by sinister and wrong information, false relation, and circumvention of us [the King], *purchased our writings* discharging him" and his accomplices from their allegiance to Faw; in which procedure he had enlisted the aid of a number of "our lieges."

In spite of their undefined connection with the King and the constituted authorities, it will be seen from several of the references in last chapter that the Gypsies were distinctly recognised as forming a separate community. This is quite apparent in the edicts just cited. It is also noticeable in the Aberdeen and Haddington incidents of 1540, where the leaders of the Gypsies are understood to be answerable for their respective companies. A parallel instance is that to be quoted on a subsequent page, where "Robert Baillie, captain of certain Egyptians, was ready for himself and his company to answer at the instance of John Pollock, Green [?], for any crime." (The date of this last extract is 1579.) But the Privy Council "Precept," dated St Andrews, 26th May 1540, gave full power to John Wann, or Fall, to execute justice over all the Gypsies in Scotland.

One result of this recognition of the Gypsy people as constituting an *imperium in imperio* was that, where Gypsies came into conflict with one another, the ordinary authorities of the land did not attempt to discover or punish the guilty party. The affair of Sebastian Lalow certainly forms an exception to this rule, but it will be noticed that the first advance was made by the Gypsies themselves, who applied to the King for aid. That the recognised practice was to abstain from interfering in all those cases where both the slayer and the slain were Gypsies, was plainly stated in a

trial of certain Gypsies at Scalloway, Shetland, in 1612. The following concise account of this trial is given by Mr J. R. Tudor, in his *Orkneys and Shetland* (London, 1883), p. 117:—

“On Earl Patrick’s imprisonment, Bishop Law for a short time held sway in the islands, not only in his episcopal capacity, but also as holding the King’s commission as sheriff, and held his first court at Scalloway on the 21st day of August, 1612. . . . At this court ‘Johne Faw elder, callit mekill Johne Faw, Johne Faw younger, calit Littill Johne Faw, Katherin Faw, spous to umquhill Murdo Brown, Agnes Faw, sister to the said Litill Johne wer indicted’ for the murder of the said Murdo Brown, and Littill Johne for incest with his wife’s sister and her daughter, and for adultery with Katherine Faw, and all for theft, sorcery, and fortune-telling, ‘and that they can help or hinder in the proffeit of the milk of bestiale.’ Katherine, who pleaded guilty to having slain her husband with ‘a lang braig knyff,’ was sentenced ‘to be tane to the Bulwark and cassen over the same in the sey to be drownit to the death and dome given thairupone, and decerns the remanent persones to be quyt of the crymes abonewritten.’ Walter Ritchie, who seems to have appeared as counsel for the accused, pleaded that *it was not usual to take cognisance of murder amongst the Egyptians.*”

It appears (*op. cit.*, p. 466) that this plea was not admitted, and that the doomed woman was duly “drowned to the death”; but it is evident that Bishop Law, in thus sitting in judgment upon a Gypsy who had killed another Gypsy, was breaking in upon the established usage prior to 1612.

Turning for a moment from Scotland to England, one seems to find similar evidence there. “A man, by Gypsy law, brother,” says one of Borrow’s female Gypsies,¹ “is allowed to kick and beat his wife, and to bury her alive, if he thinks proper. I am a Gypsy, and have nothing to say against the law.” That is to say, assuming this statement to be correct, an English Gypsy could kill his wife, if he liked, without suffering for the crime. Had it been the practice of the English authorities to execute one Gypsy for the murder of another, this custom would speedily have died out. That English Gypsies formerly exercised the right of life and death over their wives seems also to be indicated

¹ Ursula, in *The Romany Rye*, chap. xi.

by Shakespeare, when he makes the Duke in *Twelfth Night* say (Act V. Scene 1):—

“Why should I not, had I the heart to do it,
Like to the Egyptian thief, at point of death,
Kill what I love; a savage jealousy,
That sometime savours nobly?”

“Egyptian thieves,” in Shakespeare’s time and country, were English Gypsies; as one may see, for example, from Dekker’s *Lanthorne and Candle Light* (1609).¹ And the custom he refers to appears to denote that the English Gypsies of his time not only kept up the ancient custom of sending a chief’s wife to the other world along with her husband, but they were permitted to do so without any intervention on the part of the English magistrates.

With regard to Scotland, moreover, there are many instances in the seventeenth and eighteenth centuries which show that, long after 1612, the bloody and often deadly conflicts between rival Gypsy clans were regarded with comparative indifference by the non-Gypsy inhabitants of Scotland; who, indeed, probably rejoiced to see their turbulent neighbours engaged in mutual warfare instead of preying upon the general population. One description of such a scene, from the graphic pen of the Ettrick Shepherd,² is well worthy of quotation here, both because it illustrates the point in question, and also for the picture it gives of Gypsy life in the south of Scotland, at the close of the Stewart period:—

“It was in the month of May [about the year 1717] that a gang of Gypsies came up Ettrick;—one party of them lodged at a farmhouse called Scob-Cleugh, and the rest went forward to Cossarhill, another farm about a mile farther on. Among the latter was one who played on the pipes and violin, delighting all that heard him; and the gang, principally on his account, were very civilly treated. Next day the two parties again joined, and proceeded westward in a body. There were about thirty souls in all, and they had fine horses. On a sloping grassy spot, which I know very well, on the farm of Brockhoprig, they halted to rest. Here the hapless musician quarrelled with another of the tribe about a girl, who, I think, was sister to the latter. Weapons were instantly drawn, and the piper

¹ The passage describing those “Egyptians” has been quoted in full by Mr John Sampson in the *Gyp.-Lore Soc. Jour.*, iii. 248-50. ² Quoted in *Blackwood’s Magazine*, April 1817.

losing courage, or knowing that he was not a match for his antagonist, fled—the other pursuing close at his heels. For a full mile and a half they continued to strain most violently,—the one running for life, and the other thirsting for blood,—until they came again to Cossarhill, the place they had left. The family were all gone out, either to the sheep or the peats, save one servant girl, who was baking bread at the kitchen table, when the piper rushed breathless into the house. She screamed, and asked what was the matter! He answered ‘Nae skaith to you—nae skaith to you—for God in heaven’s sake hide me!’ With that he essayed to hide himself behind a salt barrel that stood in a corner; but his ruthless pursuer instantly entering, his panting betrayed him. The ruffian pulled him out by the hair, dragged him into the middle of the floor, and ran him through the body with his dirk. The piper never asked for mercy, but cursed the other as long as he had breath. The girl was struck motionless with horror, but the murderer told her never to heed or regard it, for no ill should happen to her. By the time the breath was well out of the unfortunate musician, some more of the gang arrived, bringing with them a horse, on which they carried back the body, and buried it on the spot where they first quarrelled. His grave is marked by one stone at the head, and another at the foot, which the Gypsies themselves placed; and it is still looked upon by the rustics as a dangerous place for a walking ghost to this day. There was no cognizance taken of the affair, that any of the old people ever heard of; but God forbid that every amorous minstrel should be so sharply taken to task in these days!”

CHAPTER VI.

IN his *Genealogie of the Sainteclaires of Rosslyn*,¹ Father Richard Augustine Hay introduces a Gypsy incident which ought evidently to be placed some time within the latter half of the sixteenth century. At that period, the head of the family was Sir William Sinclair, of whom the family chronicler states that "he was made Lord Justice-General by Francis² and Marie, King and Queen of Scotland, in 1559." And Father Hay relates that, among the various acts of Sir William Sinclair's life, "he delivered once ane Egyptian from the gibbet in the Burrow Moore, ready to be strangled, returning from Edinburgh to Roslin, upon which account the whole body of gypsies were, of old, accustomed to gather in the stanks [marshes] of Roslin every year, where they acted severall plays, dureing the moneth of May and June. There are two towers," he adds, "which were allowed them for their residence, the one called Robin Hood, the other Little John." Whatever may be the precise date of this incident, it is evident from an order of the Privy Council, to be afterwards cited, that the Gypsies enjoyed the favour and protection of the Roslin family as late as the first quarter of the seventeenth century.

Perhaps the most noteworthy reference in the above extract from Father Hay's chronicle is the statement that the Gypsies yearly "acted severall plays" at Roslin Castle, or in the adjoining "stanks," and that, like Wilhelm Meister and his fellow-actors, they had two towers (presumably in Roslin Castle) assigned to them as their residence, the period of their residence being apparently the whole of May and June. There are many statements which indicate that the Gypsies in Scotland and elsewhere, were once held in much higher

¹ Printed from the original MS., and edited by J. Maidment, Edinburgh, 1835 (*vide* p. 136). ² Francis II. of France, husband of Mary of Scotland.

esteem than now; but none is more significant than this. In England, at the present day, there are still many Gypsies who—although they lead a nomadic life—are much more refined than average workpeople or petty tradesmen. But it is scarcely conceivable that even a selection of the best of these would be offered free quarters for a month or two in any nobleman's castle; and this not once only, but every year. Obviously, however, these Roslin Gypsies ought to be regarded in the light of a company of strolling-players, which is really what they were.

After making a full extract from Sir William Ouseley's *Travels in Persia*, whence it clearly appears that the Persian Gypsies are puppet-showmen, and that they, indeed, go through a performance that is plainly a version of "Punch and Judy," Mr F. H. Groome remarks:—"At Göttingen, in 1873, I several times came across a family of German Gypsies, very full-blooded ones, who were marionette showers; and Mayhew's *London Labour and the London Poor* (1851) shows that the slang of an English Punch and Judy man contains several Romani words. The 'plays' that the Gypsies used to act at Roslin Castle, near Edinburgh, between 1559-1628,—what were they?"¹ He also subjoins several extracts which tend to show that Gypsies in England were associated with—it may be identified with—the itinerant performers known as "motion-men," or "gallantee-showmen," who acted "mysteries" and miracle-plays by means of marionettes, and transparencies. But although this detail is very interesting, it cannot be enlarged upon here. Moreover, the Gypsies who "acted several plays" during their residence at Roslin were clearly *actors*, and not mere puppet-showmen. And it is surely more than a coincidence that the towers assigned to them were known as "Robin Hood" and "Little John." It seems equally significant that their performances took place every year in May and June. Because "Robin Hood and Little John" was one of the most famous of the May-tide plays in Scotland, during the fifteenth and sixteenth centuries. And like the Gypsies themselves, it came under the ban of the law. By an Act passed on 20th June 1555, the Scottish

¹ *Gyp.-Lore Soc. Jour.*, ii. 23-24.

Parliament "ordained that in all time coming no manner of person be chosen *Robert Hude*, nor *Little John*, *Abbot of unreason*, *Queenis of Maij*, nor otherwise," under various severe pains and penalties. "Any women or others about Summer trees singing," and "making perturbation to the Queen's Lieges," were also severely dealt with by the same Act.

Thus, it would appear that of the "several plays" acted by the Gypsies during their two months' residence in Roslin Castle, the play of "Robin Hood" was one of the most important,—probably the most important. What the others were can only be conjectured. But one would think that a search in the charter chest of the noble family of Roslin would throw light upon this detail and upon the Gypsies themselves.

Although a few Romani words still linger among puppet-showmen, and even on the stage,¹ there is now no visible connection between actors and Gypsies. Yet, the assumption that the two were formerly intermingled would do much to explain the severe laws once in force against "strolling players." It is certainly noteworthy that the word *caird* (Gaelic *ccard*), which properly signifies "an artificer," but which has been for centuries equivalent to "tinker," in Scotland, was also regarded as a synonym for "actor" or "buffoon" in the sixteenth century. In the latter part of that century, Father James Dalrymple translated Leslie's *History of Scotland* from the original Latin (Rome, 1575, 1578) into the Scottish speech of his time. Now, in that *History* the following statement is made regarding an early King of Scotland²:—"Cairds and bards, gamesters, gluttons, and such kind of men that delighted in nothing but idleness, he banished, for the most part, quite out of his country, and compelled many of them to seek their living with all hardship and drudgery." The original Latin of the first four terms quoted is:—"Mimos, bardos, histriones, parasitos;" whence we see that Father Dalrymple regarded *caird* (*i.e.* *tinker*) as the most suitable translation for *mimus*. There is

¹ See Mr Leland's *English Gypsies*, London, 1874, p. 94. ² Said to have reigned *circa* 600; but with regard to the authenticity of the *History*, nothing need be said here. The point is the sixteenth-century usage.

a visible kinship between all the four terms, but the significant fact is that a Scottish ecclesiastic of the sixteenth century practically tells us that tinkers were actors, mountebanks, or buffoons.¹ A fact of equal significance is that, in the laws against "the idle, vagabond, and counterfeited people calling themselves Egyptians," they are associated with, if not actually identified with "fancied fools" and "professed pleasants." The evidence in England, at about the same period, points to the same conclusions. We have seen that Samuel Rid, writing in 1612, says that the English Gypsies were then pedlars, tinkers, and "jugglers," which last word had formerly a wider meaning than now,—signifying, as it certainly did at a still earlier period, actor, mountebank, and musician, as well as a performer of sleight-of-hand tricks. Dekker, again, who wrote three years before Rid, speaks thus of the English Gypsies:—"Their apparel is odd and fantastic, though it be never so full of rents; the men wear scarfs of calico, or any other base stuff, hanging their bodies like Morris-dancers, with bells and other toys, to entice the country-people to flock about them, and to wonder at their fooleries, or rather rank knaveries Yet the simple country-people will come running out of their houses to gaze upon them, whilst in the mean time one steals into the next room, and brings away whatsoever he can lay hold on. Upon days of pastime and liberty, they spread themselves in small companies amongst the villages; and when young maids and batchelors do flock about them, they then profess skill in palmistry, and (forsooth) can tell fortunes; which, for the most part, are infallibly true, by reason that they work upon rules which are grounded upon certainty; for one of them will tell you that you shall shortly have some evil luck fall upon you, and within half an hour after you shall find your pocket picked, or your purse cut." This, one may remark in passing, is singularly like the description given of a troop of Gypsies who visited Paris in 1427, of whom it was said that—"there were witches in their company who looked into people's hands and told what had happened to them, or what would happen,

¹ This reference, with many additional comments, will be found in the *Gyp.-Lore Soc. Jour.*, iii. 127, 183-85.

and sowed discord among several married people, for they said (to the husband), 'Your wife has played you false; or to the wife, 'Your husband has been untrue to you.' And what was still worse, while they were speaking to people, by magic or otherwise, or by the enemy in hell, or by dexterity and skill, it was said they emptied people's purses and filled their own." "The children, boys and girls, were as clever as could be," says the same chronicler, who himself saw them; and M. Paul Bataillard, who cites his account at length,¹ adds: "It appears that they performed feats of skill and strength."

What Mr John Sampson has referred to as "the number and variety of 'kindly epithets'" applied to the Gypsies by Dekker,² would almost tempt one to quote the whole of his quaint description. But it will be seen from the foregoing that the Gypsies of Shakespeare's time were, to a great extent, strolling mountebanks, amusing the simple country-folk, whom they at the same time tricked and robbed. And in glancing for a moment at other countries, the same evidence is obtained. In Scandinavia, a gang of Gypsies is called a *Fante-følge*; that is to say, literally, a troupe of mountebanks, or harlequins, or buffoons. The French reference just quoted shows that the fifteenth-century Gypsies of France were—as Béranger sings—"sorciers, bateleurs et filous;" and even yet a cunning Gypsy woman—a *cajoleuse*—is called a *charlatane*; a term synonymous with the Italian *gioculatrice*, defined by Baretta as "a she-juggler, a cunning Gypsy." And in Spain, an edict of 1512 speaks of "Gypsies and fools styled Gypsies." It may be said, of course, that the fact of Gypsies having been mountebanks, charlatans, and *joculatores* does not prove them to have been actors in the higher sense of the word. And undoubtedly *mimus* and *histrion* are not synonymous; although the one shades into the other. How much more akin they were in former times may be seen from the following statement of Lacroix:—"In the sixteenth century these dancers and tumblers became so numerous that they were to be met with everywhere, in the provinces as well as in the towns. Many

¹ *Gyp.-Lore Soc. Jour.*, ii. 28-31.

² Such as "Egyptian lice," "tawny devils," "hell-hounds," &c.

of them were Bohemians or Zingari. They travelled in companies, sometimes on foot, sometimes on horseback, and sometimes with some sort of a conveyance containing the accessories of their craft and a travelling theatre."¹ Here we have Gypsies figuring not only as *mimi*, but as *histriones*; and it is clearly under this latter heading that one ought to place those Scottish Gypsies of the sixteenth century, who "acted several plays" every summer in the "stanks" of Roslin.

¹ *Manners and Customs of the Middle Ages*, London, 1876, p. 230.

CHAPTER VII.

THE second half of the sixteenth century contains several other references to the Scottish Gypsies in addition to those already noticed. One of these belongs more strictly to the history of the Netherlands, but it nevertheless deserves mention here. In his *Heidens of Egyptiërs*,¹ Mr J. Dirks quotes an entry of 6th July 1564, from a Middelburg record of that period, which is to this effect:—

“Bastiaen [Sebastian] Hervi of the nation of Heydens [*i.e.* Gypsies], born at Bergen-op-Zoom, of mother and father of the same nation, and Catharina Catilho, his wife, of the same nation, but born in Guelderland, together with Catharine Mosroesse, of the same nation, but born in Scotland banished from Zealand, Holland, and Friesland for the rest of their lives.”

The surname of the Gypsy woman last named cannot easily be identified with that borne by any other Scottish Gypsy, but there may have been some misapprehension on the part of the Dutch writer. At any rate, the place of her birth is worthy of notice.

During the Regency of the Earl of Morton (after the abdication of Queen Mary, and while her son was still in his minority) the question of dealing with the “Egyptians” was twice before the Privy Council,—in 1573 and 1576; and the “charges” issued on both occasions prove that the Gypsies were regarded with anything but favour by the then governing powers. The first of these is glossed as a “Charge upoun the Egiptianis,” and is as follows:¹—

Apud Halvruidhous, tertio Aprilis, anno, etc., lxxiii^o.

Forsamekill as it is understand to my Lord Regentis Grace and Lordis of Prevy Counsale, that the commoun weill of this realme is

¹ Utrecht, 1850, p. 130. ² P. 210 of the *Register of the Privy Council of Scotland*, vol. ii. 1569–78 A.D. : H.M. General Register House, Edinburgh, 1878.

greittumlie dampnifeit and harmit, throw certane vagabound ydill and countirfute people of diverse nationis falslie nanyit Egiptianis levand in stowth and utheris unlauchfull meanys, quhilkis hes bene lang permittit to wander up and doun this realme unpuneist : quhais owersicht and impunitie apperis to bring greittar inconvenientis gif haistie remeid beis not providit. Thairfoir ordanis letters to be direct to command and charge all and sindry the saidis ydill vagabound and countirfaitit people calland thame selffis Egiptianis, men, wemen, and bairnis, that thay and every ane of thame—owther depart furth of this realme and na wayis returne thairin of new ; or ellis settill thame selffis at certane dwelling places with maisteris, gevand knowlege to the Magistrattis of the cuntre or burgh of the samyn, be quhat honest meane craft or industrie they have dedicat thame selffis to leif, betuix [this date] and the first day of Maii nix to cum ; with certificatioun to thame that failyeis, they salbe usit and demanit thaireftir as thevis. Quhilk first day of Maii being bipast, it salbe lauchfull to tak and apprehend the personis quhatsumevir fund doand in the contrair ; and to convoy thame and entir thame in the publict presonis of the nixt burgh, quhair my Lord Regentis Grace ordanis thame to be ressavit and kept upoun thair awin expensis during the space of aucht dayis, and at the end of the same aucht dayis, except thay find cautioun to observe this present ordinance, to be scurgit throughout the toun or parrochyn ; and swa to be impresonit and scurgit fra parrochyn to parrochyn quhill thay be utterlie removit furth of this realme.

That this nominally severe ordinance was never really put into force is seen from the fact that the Parliament which met at Edinburgh on the 5th of March 1574 found it necessary to pass an Act “for the staunching of masterful idle beggars, away-putting of sorners, and provision for the poor;” wherein the Gypsies are specially named as belonging to the class requiring to be “staunched.” For, in order

“That it may be known what manner of persons are meant to be idle and strong beggars and vagabonds, and worthy of the punishment before specified, it is declared,” by this Act, “that all idle persons going about in any country of this realm using subtle, crafty, and unlawful plays—as jugglery, fast and loose,¹ and such others ; the idle people calling themselves Egyptians, or any other that feign themselves to have knowledge in physiognomy, palmistry,

¹ “A well-known Gypsy trick,” says Mr Lucas (*Fetholm History of the Gypsies*, p. 145). It is thus referred to by another writer (Robert Bell, in a note to *Hudibras*, part iii. canto ii.):—“Fast and loose, formerly called pricking at the belt or girdle, a cheating game still in vogue amongst trampers and impostors at fairs. . . . There are numerous allusions to this game in the dramatic writings of the sixteenth and seventeenth centuries.”

or other abused sciences, whereby they persuade the people that they can tell their weirds [destiny], deaths, and fortunes, and such other fantastical imaginations . . . shall be taken, adjudged, deemed and punished as strong beggars and vagabonds.”¹

Although the Act includes other varieties of the vagrant class, not here specified, as coming under the denomination of “idle and strong beggars and vagabonds,” it is evident that the clauses just quoted are pointed directly at Gypsies. As if it were not sufficient to state that the fact of their being “Egyptians” brought them within the meaning of the Act, several of their most salient characteristics are particularised; so that apparently no excuse was left them for pleading exemption.

“The punishment before specified” was, that any one found contravening this Act after 1st June 1574 was to be imprisoned, and, if convicted, to be “scourged and burnt throw the gristle of the right ear with a hot iron of the compass of an inch about.”² But if “some honest and responsible person” agreed to take the offender into his service, the penalty was not enforced. Should he, however, quit this service before the expiry of a year, against the will

He cites the following apt reference made by Shakespeare (*Antony and Cleopatra*, Act IV. Scene 10) :—

“O this false soul of Egypt

Like a right Gypsy hath, at fast and loose,
Beguiled me to the very heart of loss.”

¹ In this and similar extracts I have modernised the spelling. ² The Act of 1424 against “beggars and idle men,” of which the above is little more than an amplification, orders such people “to labour and pass to crafts, for winning of their living, under the pain of *burning on the cheek*, and banishing of the country.” That of 1449, for “the away-putting of sorners, feigned fools and vagabonds,” decreed “that *their cars be nailed to the tron* [the weighing-post of the public market-place], *or to another tree* [or beam], *and their ear cut off*, and [themselves] banished the country. And if thereafter they be found again, that they be hanged.” None of such enactments were repealed. On the contrary, the above Act of 1574 recites in its preamble the penalty of the loss of the culprit’s ear. And, although the Act last named substitutes the burning of the right ear for the penalty of burning on the cheek (1424) or the loss of an ear, yet it will be seen (pp. 100–1, *post*), that in 1636, as also at Banff in 1700, certain convicted Gypsies were condemned to be burnt upon the cheek; while in 1714 a Gypsy woman was nailed by the ear “to a post at the cross;” and although it is not stated that her ear was thereafter cut off, this act of mutilation was practised up till the beginning of the eighteenth century; Simson’s *History*, p. 203).

of his employer, the convicted person was to undergo the allotted punishment, if apprehended. For sixty days thereafter he was free from a repetition of that punishment, but if he remained after that time "in his idle and vagabond trade of life," he was then condemned to "suffer the pains of death as a thief."

Like several of its forerunners, the Act of 1574 provided, by means of local taxation, for the "sustentation of the poor and impotent," as well as for the "punishment of strong and idle beggars." What it aimed at was to discriminate between helpless and innocent distress, and that indigence which, without begging or stealing, would have been the fate of "persons living idly and fleeing labour." But its most severe clauses did not apply to those who were under fourteen or above seventy years of age.¹ For the children under fourteen who could not plead bodily weakness, the Act provided a species of slavery akin to that to which the full-grown "sturdy beggar" was liable. For it ordained that

"If any beggar's child, being above the age of five years and within fourteen, male or female, shall be liked of by any subject of the realm of honest estate, the said person shall have the child by order and direction of the ordinary judges bound [*i.e.* apprenticed] with him, if he be a man-child, to the age of twenty-four years, and if she be a woman-child to the age of eighteen years; and if they depart, or be taken or enticed from their master or mistress' service, the master or mistress to have the like action and remedy as for their fee'd servant and apprentice, as well against the child as against the taker or enticer thereof."

This, it may again be repeated, applied to any contravener of the Act, Gypsy or Gentile; but it is quite plain that all the little Gypsies in Scotland were thereby made liable to a youth of enforced servitude; unless their parents adopted a settled and reputable way of living.

The Gypsies, however, seem to have laughed Privy Council and Parliament alike to scorn. For, in the year 1576, the Lord Regent and his Privy Council found it necessary to issue another "charge" in even stronger terms than the first. After quoting, in its preamble, the edict of 1573, this order states that the former "has not only wanted execution,

¹ The limits observed also in the Act of 1424 (c. 42. "The age, mark, and pain [penalty] of beggars").

but also the said idle vagabonds have continued in their wicked and mischievous manner of living, committing murders, theft, and abusing the simple and ignorant people with sorcery and divination, to the great offence of God and contempt of our Sovereign Lord's authority." Accordingly, the Council direct letters to be issued to all the sheriffs and other representatives of the Government throughout Scotland, commanding them

That thay and every ane of thame within thair awin boundis and jurisdiction, serche and seik the saidis ydle vagabound and counterfeit people calland thame selfis Egiptianis, and present thame within the Tolbuith of Edinburgh, to suffer tryell and jugement for sic crymes and offensiss as thay ar delaitit and suspectit of, betuix the dait heirof and the fyftene day of October nix to cum, nochtwithstanding ony licence or privilege that thay can pretend, as the saidis officiaris will answer to oure Sovereane Lord upoun thair obedience and diligence at thair uttirmest charge and perrell; certifeing thame quhilkis salbe found remysse and negligent heirin, —in caise ony of the saidis ydle and vagabound people may be provin to be permittit to wander and remane within ony of thair offices and jurisdictionis eftir the said day,—the saidis ordinar officiaris sa suffering and permitting thame, and not apprehending and presenting thame within the said Tolbuith of Edinburgh betuix and the said day, as said is,—thay salbe repute and haldin as favouraris and sustenaris of thevis and murtheraris, and callit and persewit thairfoir according to the generall band and the panis of the same execute upoun thame with all rigour in exempill of utheris.¹

Such an enactment as this—wherein Gypsies are without exception treated as “thieves and murderers”—ought to have cleared the country of them altogether, one would think. More especially as the very officers of the law—sheriffs, lords of regality, and others—were to be held liable to the severest penalties that could be exacted from “sustainers” of thieves and murderers, if it could be found that any Gypsies were in existence within the bounds of their jurisdictions after 15th October 1576. And yet the Gypsies were not rooted out! On the contrary, we see some of them living apparently quite at ease in one of the northern counties of Scotland in the very year following the issue of this terrible decree. This appears from a reference in a celebrated trial of the year 1590—the trial of Lady

¹ Pp. 555–56 of the *Register of the Privy Council of Scotland*, vol. ii., A.D. 1569–78: H.M. Register House, Edinburgh, 1878.

Fowlis for "certain crimes of witchcraft." In this trial, the fifteenth "point" of the "dittay" against Lady Fowlis accused her of sending her servant "to the Egiptianis, to haif knowledge of thame how to poyson the young Laird of Fowles and the young Lady Baluagoune." This happened in 1577; and although Lady Fowlis' trial did not take place till 1590, her servant had long before been convicted of this offence "and burnt for the same." It may be noted that the Gypsies seem merely to have been appealed to for *advice*, as the actual poison itself (rat-poison) was bought from "Thomas Roiss, merchant in Aberdene, in Elgne."¹

From the Privy Council edict of 1576, it is evident that not only the "Charge" of 1573, but also the very explicit Act of the Parliament of 1574 had "wanted execution." Accordingly, the Privy Council issued in 1576 those directions to the sheriffs and officials throughout Scotland which, as already noted, declared the very officials themselves as guilty of "favouring and sustaining thieves and murderers," if they were found remiss in their duty of searching out and bringing to justice the "Egyptians" within their jurisdiction. Notwithstanding this, the Gypsies continued to exist in Scotland, as may be seen from the Lady Fowlis incident, just quoted; and as is still more strongly proved by the passing in 1579 of another Act "for punishment of strong and idle beggars, and relief of the poor and impotent."

This Act was very closely a copy of its precursor of 1574. Like it, it begins by referring to "sundry lovable Acts of Parliament," previously passed for the same purpose, and, like it, it includes "the idle people calling themselves Egyptians" (with other descriptive clauses obviously denoting them) as among the "persons meant to be idle and strong beggars and vagabonds, and worthy of the punishment before specified." Like that of 1574, also, this Act explains its existence by stating that its forerunners "in times bypast have not been put to due execution through the iniquities and troubles of the times bypast [referring to the very disturbed state of Scotland], and by reason that there was not heretofore an order of punishment so specially devised as need required."

¹ See Pitcairn's *Criminal Trials in Scotland*, Edinburgh, 1833, vol. i. part ii. pp. 192-201 (specially p. 196).

It re-enacts also the laws as to the enforced servitude of "sturdy beggars" and their children; and in short, it is practically a repetition of the Act of 1574. One additional statement, resulting perhaps from the fact that James VI. though only a lad, was now at the head of affairs, is to the effect that "the said beggars, besides the other inconvenients which they daily produce in the commonwealth, procure the wrath and displeasure of God for the wicked and ungodly form of living used amongst them, without marriage or baptising of a great number of their bairns." It cannot be positively affirmed, however, that there is any indication that the Gypsies, any more than others of "the said beggars," are here denoted; or, indeed, that the reference applies to them at all.

As for the apology "that there was not heretofore an order of punishment so specially devised as need required," for the suppression of those nomadic and "idle" castes, it is ludicrously feeble; certainly in the case of the Act last mentioned. For it was merely an echo of that of 1574, which, if put into force, would have settled the whole question within a year. So far as it related to Gypsies, they had not a loophole of escape. Not to take into account several other clauses which struck at them indirectly, the mere declaration that "Egyptians" were to be held as "masterful idle beggars and sorners" was virtually a condemnation of the whole race, without the necessity of another word. For, by an Act of 1455, "sorners" were declared to be "thieves or reivers," and, as such, subject to death, whenever apprehended. A previous Act, of 1449, had condemned them to banishment in the first instance, and death if they were again found in Scotland. And as early as 1424 they were condemned to banishment. In fact, the worst features of Gypsydom could have been stamped out at once by means of existing laws, without the need of the name "Egyptian" ever appearing in an Act of Parliament. But besides all this, they had already been explicitly dealt with in the Privy Council edicts of 1576 and 1573, and the intervening Act of 1574. And even these, distinct and forcible as they were, were not necessary. For the "Letters to the Sheriffs and Boroughs for Expelling of Egyptians" from Scotland, which at the command of the

King and his Privy Council were sent to these authorities throughout the country, in June 1541, contained warrant enough to leave no Gypsy in the land after the expiry of that year. Thus, the excuse pleaded in the preambles of the Acts of 1574 and 1579 was really no excuse at all. Of anti-Gypsy legislation there had been, and there was yet to be, more than enough. The fault did not lie in the absence of "an order of punishment so specially devised as need required," but in the inability of the Government to put into force the many such orders that had long existed.

The Parliament which passed the Act last referred to began its sittings at Edinburgh on the 22d of October 1579. An entry made in the records of Glasgow in the previous summer shows us the presence of a Gypsy band in that city, at that date. (And it may be noticed, in passing, that it clearly illustrates what has just been said as to the futility of the enactments previously made.) Among certain "Extracts from the Records of the Burgh of Glasgow, A.D. 1573-1642,"¹ appears this entry :—

"31 July 1579.—Robert Baillie, capitane of certane Egiptianes, wes reddey for himself and his cumpany to ansuer at the instans of Johne Pollok, Greyne, for ony crym, quha comperit nocht to persew and thairfor protestit for releve thair of."

Down to the present day, Baillie has been a famous name among the Scottish Gypsies, and it was so forty years before the date of the above reference.² Whether the Robert Baillie who figured at Glasgow in 1579, ought to be identified with the "Robert Bayly" of 1569 who underwent chastisement for vagrancy, at Higham Ferrars, in Northamptonshire,³ is matter for conjecture. It is not at all unlikely, at any rate, that the "captain" of the Gypsy band at Glasgow, in 1579, was the same person as a certain "Capitane Baillie"

¹ Glasgow, printed for the Scottish Burgh Records Society, 1876 (p. 75).

² In the Privy Council Writ of 1540, where "Towla Bailzow" and "Geleyr Bailzow" appear among the rebels against John Faw's authority. This form of the name is used by Scott in *The Heart of Midlothian*, where (chap. li.) "Annaple Bailzou, a beggar and fortune-teller" figures. But the more common forms in recent centuries were Bailzie or Bailye (the Scotch "z" being simply "y"), and Baillie. That all these forms are variants of the Norman Bailleul or Baliol is undoubted. ³ See *Gyp.-Lore. Soc. Jour.*, i. 1, p. 17.

who was hanged at Edinburgh on 4th December 1594, "for counterfetting the Great Seall agains the merchants."¹ Counterfeiting was a favourite Gypsy weakness; indeed, a later representative of the same family, a William Baillie, (always to be remembered as one of the progenitors of Jane Welsh Carlyle) who was also a celebrated Gypsy "captain," was accused in the year 1699, and again in 1715, "with being art and part in forging and using a forged pass or certificate." He, however, was more fortunate than his namesake of 1594; as he succeeded in obtaining an acquittal. Still more probably akin to the William Baillie of 1699, and the Gypsy captain of 1579, is that "Williame Bailzie, Egiptiane," whose spouse figures in a trial of the year 1616, as noticed on a later page.

The Act passed in the autumn of 1579,—which, however, did not come into force till 1st January 1580,—evidently made very little impression. For, in 1587, the Scottish Gypsies are still visible, living their old life. On 11th October of that year a proclamation was made at Holyroodhouse "of a High Court of Justiciary to be held in his Majesty's [James the Sixth's] own presence, for trial of great crimes all over the realm." This was fixed for the 27th of November. It is stated in the proclamation that "his Majestie intendis to be present in his awne persoun in the tryale and punishment of sic enormiteis as cravis maist spedy reformatioun: thay ar to say, murthour, slauchtar, fyrreraising," and so on with a list, ending with "soirning [masterful begging], deforcementis of officiaris, forgeing, inbringing and outputting of fals cunye [*i.e.* coin], witchecraft or seikaris of responsis or help at witcheis,² caryaris of forbiddin guidis furth of the realme, convocationis, and the wicked and counterfute theveis and lymmaris calling thame selfis Egiptianis." In the catalogue of "enormities" specified in the proclamation there

¹ "Birrel's Diary"; in Dalryell's *Fragments of Scottish History*, Edinburgh, 1798. ² On a subsequent page will be cited an instance of an Aberdeen tailor who "confessed that he made inquiry at the Egyptians for a gentlewoman's gown which was stolen out of his booth," and who consequently had to undergo Church discipline "in respect of his consultation with witches." Both in that case, and in the above instance of Lady Fowlis, we have illustrations of what was meant by "witchcraft or seekers of responses or help at witches."

are many which may not have been practised by Gypsies ; but some of those just quoted certainly were.¹

A witchcraft trial of the year 1588 contains what is evidently a casual Gypsy reference. The accused woman stated that she "learned her craft" from her kinsman a certain William Simpson, who was a native of the town of Stirling, and whose father was the king's smith. This William Simpson "was taken away from his father by a man of Egypt, a giant, being but a child, who had him away to Egypt with him, where he remained to the space of twelve years ere he came home again." She affirmed that he (Simpson) "was a great scholar and doctor of medicine," and that "soon after his home coming," he "healed her of her disease in Lothian, within the town of Edinburgh, where she repaired to him."² It may be added that Scott, in his *Letters on Demonology* (Letter V.), has no hesitation in explaining "a man of Egypt" as "a Gypsy."

In spite of all these enactments authorising them to suppress, or even to extirpate the "Egyptians," the officers of the law still proved themselves unable or unwilling to grapple successfully with the difficulty. For the twelfth Parliament of James the Sixth, which met on 5th June 1592, found it necessary to frame a statute "for remeid of the great contempt, disordour and wrang, quhilk hes bene in diverse partes of this realme, in default of keeping and execution of the gude lawes and actes of Parliament maid of before, be the Schireffes, and vtheris judges ordinar, their deputes and clerkes"; and what these officials were then

¹ For the above, see pp. 217-18 of vol. iv. of the printed *Register of the Privy Council of Scotland*, Edinburgh, 1881. The same volume has many references to "strong and idle wandering beggars," "sorners, brigands and masterful vagabonds," &c., &c. (pp. 283, 300, 302, 356, 758, and 759); and it is evident that Gypsies came under these denominations, and must have suffered under these laws, even if none had ever been specially enacted against *Egyptians*. Indeed, it is by no means unlikely that an immense number of unnoticed enactments were really directed more against Gypsies than against other, non-Gypsy offenders. But in these pages our attention is chiefly confined to people who are distinctly styled "Egyptians" or "Gypsies"; because, as already stated, if we once assume that decrees passed against people bearing the characteristics of Gypsies were in all cases anti-Gypsy laws, then we should have to recognise the presence of Gypsies in Scotland at a date considerably anterior to that in which they are first named. ² Piteairn's *Crim. Trials*, vol. i. Part II. pp. 162-63.

commanded to do, "as they will answer to his Majesty at their peril," was to insure a thorough search for and apprehension of all traitors, rebels, and vagrants of every description. And among these last were "the dissimulate thieves and abusers, calling themselves Egyptians." Further, another Act of the same Parliament, "for punishment of masterful beggars and relief of the poor," concludes thus:—

"And for the better trial of common sorners, vagabonds, and masterful beggars; feigned fools and counterfeit Egyptians: And to the effect that they may be still pursued until they be compelled to settle themselves at some certain dwelling, or be expelled forth from the country: That the sheriffs and other judges ordinary, and their deputies, and other justices and commissioners above specified, take inquisition by inquest, at the head courts yearly, of the names and tokens¹ of them; And make denunciation of them to the next ordinary judges and parishes, in the four halves² about: As also to our Sovereign Lord and his secret council, within forty days, after the said head courts, under the pain foresaid."

It will be noticed that what was aimed at in the edict

¹ The word here used probably refers to the method by which the *deserving* poor (unable to support themselves) were distinguished from "idle beggars." The primitive form of "Poor Relief," which had long been in use in Scotland, consisted in the issue of metal badges, or tokens, by the local Sheriff or "headsman," to those really deserving and needing succour. And the mode in which each parish settled its "Poor Tax" was by the formal recognition of the right of the holders of these badges to beg for aid from all those within the parish able to give it. A very instructive paper on this subject, by Mr J. Balfour Paul (*Proceedings of the Society of Antiquaries of Scotland*, 1886-87, pp. 169-79), mentions that the Act of 1424—referred to above—provides for the issue of these tokens, as well as for the punishment of incorrigibly "idle men," who were not so distinguished. It will thus be seen that, if the authorities exercised a proper discrimination, the possession or the absence of these badges at once marked out the "sheep" from the "goats." And Mr Paul points out that at Ayr, in 1642, and at Kirkwall, Orkney, in 1674 (for which see also *op. cit.*, 1885-86, pp. 173-74), when the practice was apparently falling into desuetude, an issue of these tokens was ordained, on account of the increasing number of "strangers and idle vagabonds," whom it was necessary to distinguish from those worthy of relief. But the reason for the reference in the above Act of 1592, would seem to be that some Gypsies had got over this difficulty by the simple process of making spurious tokens for themselves. Among the many people denounced by the Act of 1574 as "idle and strong beggars" are:—"all counterfeiters of licences to beg, or using of the same, knowing them to be counterfeited." Gypsies, notorious as counterfeiters of money, could hardly fail to provide themselves with these useful badges; and indeed we have noticed (*ante*, p. 70), the trial of one famous Gypsy for "being art and part in forging and using a forged pass or certificate."² This curious expression was a conventional one, frequently encountered in those old Acts.

just quoted, as in similar enactments before and after it, was not the suppression and expulsion of Gypsies *as a race*, but as people living an idle and vagrant life. As soon as a Gypsy "settled at some certain dwelling," and followed some recognised occupation, he ceased to be an offender in the eyes of the law. Some of the earlier edicts, no doubt, were much harsher; but, by the end of the sixteenth century, the Gypsy was not of necessity condemned to banishment, or death, or (if a youth) to a form of slavery. Various special examples could be adduced showing that it was only the obdurate, irreclaimable Gypsy that these laws were directed against. A very striking instance of this truth—an almost grotesque instance—is afforded by the execution, at a later period (1770), of two notorious Gypsies. For the actual hangman of the town (Linlithgow) was himself a Gypsy (as was also the paid minstrel or "piper" of the town).¹ Conversely, as in the English instance of three yeomen who were "sentenced to be hanged 'because they had consorted for a month with Egyptians,'" ² any citizen of previously good repute could render himself liable to the penalties meted out to Gypsies simply by following their mode of life. The prime offence, therefore, was that of roaming about the country, and living upon the goods of others, obtained from them by ordinary begging, by intimidation ("masterful begging"), or by downright violence and theft.

The Burgh Records of Glasgow, which have already been quoted from, again (p. 182) give us a glimpse of Gypsies in that city; for, under date 23d October 1596, we read that

"In presens of the provest, bailleis and counsale, Agnes Brovne [Browne], ane of the company of the Egipsianes, being tane and put in the stokis, and becaus na thing wes tane with hir wes releivitt."

A brief enough notice, not clearly denoting whether this Agnes Brown was one of the company of the Robert Baillie of 1579, though it is not unlikely she was. Brown and Baillie were both well-known surnames among the Scottish Gypsies, and they appear together in the following century.

In 1597 it was deemed necessary to pass yet another Act

¹ See Simson's *History*, pp. 124, note, and 136. ² *Gyp.-Lore Soc. Jour.*, i. 1, p. 21.

of Parliament, declaring that "strong beggars, vagabonds, and Egyptians should be punished." Here it will be seen that the King, or his advisers, had thought it essential to again assume an attitude of severity; for the Act is in these terms:—

"Our Sovereign Lord, and Estates of Parliament, ratify and approve the Acts of Parliament formerly made against strong and idle beggars, vagabonds, and Egyptians; with this addition, That strong beggars and their children be employed in common [*i.e.* public] works; and their service, mentioned in the Act of Parliament in the year of God one thousand five hundred and seventy-nine years, to be prorogated during their whole life: And in place of several commission in landward to be granted by the King, for execution of the said Act, the power thereof to be granted to the particular Kirk-Session."

Referring to this Act, Mr Walter Simson, in his *History of the Gypsies*,¹ says: "By the above and subsequent statutes, in the reign of James VI., 'coal and salt-masters might apprehend and put to labour all vagabonds and sturdy beggars.' The truth is, these kidnapped individuals and their children were made slaves of to these masters. The colliers were emancipated only within these fifty years. It has been stated to me that some of the colliers in the Lothians are of Gypsy extraction." That *all* of them were so is not asserted, nor is it probable. Yet it is noteworthy that an Act "Anent Coalyers and Salters" (18 James VI. c. 11) ordains that "any Salters, Coalyers or coal-bearers," applying for work to a new master "without ane sufficient testimoniall of their Maister whom they last served" shall be "esteemed, reput and halden as theiues."²

The devolution of secular power to the inferior church courts or "kirk-sessions," is a notable feature of this Act; although it was really only an enlargement of a clause in the Act of 1592, which authorised the "Ministers, Deacons, and Elders," to select deputy-sheriffs from among the local justices of the peace and commissioners, who would thereby have authority to enforce the Act. These substitutes were to be thus elected in the event of the proper officials being "found remiss or negligent."

¹ Page 111, note. ² The anomalous position of those Scottish serfs of the eighteenth century aroused the indignation of Hugh Miller, whose remarks are also quoted by Mr Simson (*History*, pp. 121-22, note).

But, of course, the most important announcement in the Act is the declaration that the temporary serfdom to which former statutes had condemned incorrigible "sturdy beggars" and their children, should henceforth be extended to a life-long slavery. Still, although the term "slavery" expresses correctly enough the position of these convicted Gypsies, we should only imperfectly grasp the situation if we did not also understand that this was at the same time an earlier form of the sentence of "penal servitude for life." This is clearly illustrated by the case of a "thief" named Alexander Stewart, who was condemned to death at Perth in 1701, but whose sentence was afterwards commuted to "perpetual servitude." He was thereupon "gifted by the justiciars as a perpetual servant to Sir John Areskine of Alva," in whose service he presumably ended his days. (See Dr Daniel Wilson's *Prehistoric Annals of Scotland*.) Thus, a "perpetual servant" of those days resembled a well-conducted convict in our "Botany Bay" period, who similarly worked for another; and it may safely be assumed that this kind of "servitude," of whatever period, was generally accepted as preferable to death, and was certainly preferable to a lifelong imprisonment in "the hulks," or "the galleys," or in any of the great convict prisons.

What appears to be the first Scottish instance of the abbreviated form of "Egyptian" occurs in the year 1598. In that year a certain Mr John Nicolson of Lasswade, "one of the commissaries of Edinburgh" laid a formal "Complaint" before the Privy Council against James Bellenden of Pendreich, who had long nourished a feeling of animosity towards him, which had recently taken an active form. It is stated that the minister of Lasswade had, in the character of peacemaker, invited Nicolson and Bellenden to dine with him on the third of October, and on that occasion the latter pretended to renounce his former enmity. But when—two hours after Mr Bellenden had taken his leave—Mr Nicolson and his servant approached the Bridge of Lasswade, they encountered Mr Bellenden's son Hew, "being accompaneid with certane gipseis and divers utheris at ane house on the south syde of the said Brigend of Les-suaid." Acting, it was alleged, according to his father's

wishes, this Hew Bellenden, "hoiping that the rest of his cumpany sould have followit him efter he had begun the bergane," advanced upon Mr Nicolson and his servant with drawn sword, and, in the slight struggle that followed, succeeded in inflicting a wound upon his father's adversary. Nothing further is recorded of the Gypsies, who, with the rest of young Bellenden's followers, seem to have taken no part in the affair. The glimpse we have of them, however, shows them to us, not as hunted outcasts, but as among the adherents of a gentleman of good family. And this within a few miles of the Scottish capital, and in spite of the many laws previously passed for the complete effacement of the "Egyptians."

CHAPTER VIII.

YET another Act "anent strong and idle beggars" was passed in the year 1599; and it was followed by a "Ratification" of it in 1600. Although the Gypsies are not specially named therein, the terms used¹ leave no doubt that they constituted a portion, if not the chief portion, of the class legislated against.

"An unfortunate hiatus in the preserved series of volumes containing the original Minutes of the main proceedings of the [Privy] Council," prevents us from ascertaining the precise terms of an Act of that body "made in the month of June, or thereby, in the year of God 1603, and Proclamation following thereupon," by which all who lived the life of Gypsies² were given the alternative of banishment or death. But as an Act of Parliament, ratifying this Privy Council edict, was passed in 1609, the terms of the enactment of 1603 will be seen in this subsequent Act which confirms it.

The Gypsies, however, neither chose the one alternative nor the other, but continued to defy the law in the same fashion as formerly. Such a succession of adverse laws could not, of course, fail to affect them to some extent; but, as before, they are found incidentally named, as in such cases as the "Lady Foulis" reference of 1577, and the Lasswade quarrel of 1598, in circumstances which seem to denote that although every "Egyptian" was under the ban of the law, yet that did not very greatly affect his daily life, or threaten to cut short his existence altogether.

Nevertheless, the last quarter of the sixteenth, and the

¹ "Strong and idle beggars, being for the most part thieves, bards, and counterfeit limmers [rogues], living most insolently and ungodly," &c.

² For it is evident one ought not to read *literally* the declaration that all those who "are called, known, reputed, and held as Egyptians" come within the meaning of the Act.

first quarter of the seventeenth century is a period more adverse to the Gypsies, by reason of its stern and continuous anti-Gypsy legislation, than any period before or since. And this seems in a great measure due to the personal influence of James VI. of Scotland (now attaining the zenith of his power as James I. of Great Britain and Ireland¹); a monarch who, in spite of his pedantry and other faults, thoroughly realised his duty of bringing the whole United Kingdom into a state of order and civilisation.

Among the "heads or titles of Acts or Decrees" which are "entered collectively under date September 1604," in the *Minute Book of Processses*, which helps to fill in the unfortunate blank in the Privy Council Register of 1603-6, is the following:—"Letters: the Captan of the Guard against the magistrattis of Forfar for wrongous taking of Hary Fall, ane egiptian, off his hand."² No further information as to this incident appears to be obtainable from this source.

In 1605, two of the Commissioners appointed by King James to inquire into and settle the disorders in the "Middle Shires" of Great Britain (as the King now designated what were formerly the Border counties of two antagonistic countries), reported to the Scottish Privy Council that, among other things, "the Commissioners made a proclamation against 'all vagaboundis that had no lauchfull nor certane trade, and speciallie of that sorte callit Egiptianes, with certificatioun that quhaever ressavit thame within thair boundis (becaus thair hant [resort] wes ordinarlie grit in these boundis³), sould not onlie be thoct culpable of thair stouthis [thefts], bot farther comptable for quhatsoever could be provin wanting in ony of the boundis adjacent thairto during the tyme of thair resait,⁴ and xxiiii houris befor the same, and als lang efter thair departour thairfra, by and attour [beyond] the punischment of the

¹ By the death of his cousin, Queen Elizabeth, in 1603, James VI. of Scotland fell heir to the sovereignty of England and Ireland, and thus united the whole British Islands under one monarchy. ² *Register of the Privy Council of Scotland*, as printed and published in Edinburgh, vol. vii. p. 15.

³ The Borders of England and Scotland had for centuries formed a "debatable" or "no-man's land," and partly for this reason, partly because of the safe retreat afforded by its numerous "wastes," this territory was admirably suited as a refuge for people who were banned by the laws of both England and Scotland. ⁴ See remarks on pp. 88-96, *post*.

ressettaris bodyis, and fynning [fining] of thame in thair guidis and geir, according to thair estate and moyane."¹

It has been noticed that the Acts of 1592 and 1597 delegated a certain amount of secular power to the minor Church Courts, or "Kirk-Sessions" in the matter of the "Egyptians." This is to some extent illustrated by the following extract from the Records of the "Presbytery" of Aberdeen—a Court superior to the "Kirk-Session":—

"28th April 1608.

"The quhilk day, anent citatione rasis and execute against the personis under wreitten, videlicet, David Gray, in the Lyn, Alexander Abirdene, in Brotherfield, Alexander Andersone, at the Walk Mylne of Drum, Alexander Craig in Quhobbis, Jonet Gordon, wyf of David Bell, quha being callit, compeirit the said David Graye, Alexander Abirdene, and confessit *simpliciter* the receipt of the Egyptiance within thair houssis, gave thame harbrie and interteneament of meat and drink for thair monee; and the presbyterie ordenit the said David Gray and Alexander Abirdene to pay ilk one of thame tua markis monee in penaltie, and to mak thair repentance befor the pulpet on their kneis, and that on Sondaye cum aucht dayes, onder the panes of the censuris of the kirk. And as for Alexander Andersone, he confessit lykwayes thair receipt, and allegit he did nocht [nothing] without a warrand and commandement of the Larde and Ladie of Drum,² quhilk the presbyterie ordenit him to produce in wreitt befor thame the nixt day of the exercise: with certificatioune, and he succumbit, that they wald decerne in the penaltie and repentance as the said David Gray and Alexander Abirdene."³

However, although the fine of two marks apiece was a punishment of a distinctly secular character, it is evident that the offence was primarily one against religion. It does seem curious to the modern mind that to supply meat and drink to Gypsies, in return for money paid down by them, constituted an actual sin, demanding repentance and humiliation. But it must be remembered that Gypsies were then regarded as "witches" (as the same locality shows to us some years later⁴), and that anything that tended to encourage "witchcraft" was a religious offence.

The month of June 1609 is famous as the date of the

¹ *Privy Council Register, ut supra*, p. 713. ² Alexander Irvine of Drum, and his wife, Lady Marion Douglas, daughter of the Earl of Buchan. ³ *Selections from Ecclesiastical Records of Aberdeen, 1562-1681*: Aberdeen (printed for the Spalding Club), 1846, pp. 200-201. ⁴ In January 1619 (see p. 79, *post*).

Act which ratified the Privy Council edict of 1603; and upon it the future Gypsy prosecutions were based. With regard to these two edicts Baron Hume observes, *op. cit.*, p. 472:—"A few years after, this proclamation [that of 1603] was converted into a perpetual law, by statute 1609, c. 13; which bore this further convenient, but very severe provision towards the more effectual execution of the order, that it should be lawful to condemn and execute them to the death, on proof made to this effect only, 'that they are called, known, repute and holden Egyptians.'" The Act runs as follows:—

"ACT ANENT THE EGIPTIANS.

"OVR SOVERAIGNE LORD and Estates of Parliament Ratifies, approues and perpetuallie confirms the act of Secreet Councill made in the moneth of Iune or therby 1603 years, and proclamation following ther-vpon: Commanding the vagabounds, sorners, and common thieffes commonlie called Egiptians, to passe forth of this Kingdome, and remaine perpetuallie forth therof, and never to returne within the samin, vnder the paine of death, and that the samin haue force and execution after the first day of August next to come. After the whilk tyme if any of the saids vagabounds, called Egiptians, als well wemen as men, shal be found within this Kingdome or any part thereof; ¹ it shall be lesome to all his Majesties good subjects, or any ane of them, to cause take, apprehend, imprison, and execute to death the saids Egiptians, either men or wemen, as common, notorious and condemned theiffes, by ane assyse onely to be tryed, that they are called, knawn, reput and halden Egiptians. In the whilk cause, whasoever of the assyse happins to clenge [exculpate] any of the foresaids persons, Egiptians pannelled [accused], as said is, shall be persewed, handled and censured as committers of wilfull error. And whasoever shall at any tyme thereafter reset, receaue, supplie or intertein any of the saids Egiptians, either men or wemen, shall tyne [lose] their escheat, and be warded at the Judges will. And that the Schireffs and Magistrats in whais bounds they shall publictlie and avowedlie resort and remaine, be called before the Lords of his Heighnes Secreet Councill, and severlie censured and punished for their negligence in execution of this act. Discharging all letters, protections and warrants whatsomever purchased by the saids Egiptians or any of them from his Majestie or Lords of Secreet Councill, for their remaining within this Realme as surreptitiouslie and deceatfullie obtained by their knowlege. Annulling also all warrants purchased or hereafter to be purchased by any subject of whatsomever ranke within

¹ This only refers to the kingdom of Scotland; for, although the Crowns of England and Scotland had been united in 1603, the two Parliaments were not amalgamated till the year 1707.

this Kingdome for their reset, interteining or doing any manner of favour to the saids Egiptians at any tyme after the said first day of August next to come for now and ever."

An incident of this same year (1609), which indeed was occasioned by the Act itself, shows us clearly that the antipathy to the Gypsies was not due to their *race* but to their *habit of life*, and that it was open at any time for a Gypsy to cease from "being a Gypsy," and to become a loyal and law-abiding subject. The individual who exemplifies this was a certain Moses Faw, who after the passing of this severe anti-Egyptian Act appealed to the Privy Council, claiming exemption therefrom. The incident is thus summarised in the printed *Register of the Privy Council*:¹—

"Supplication by Mosie Faw, as follows :—He is informed that in the last Parliament an Act was passed ordaining Egyptians to leave this realm within a certain time under pain of death, with power to any of the lieges to apprehend and slay all Egyptians after the day foresaid. Now, though the said Act was 'most lauchfullie and werthelie set down aganis these infamous thevis and lymmaris who undir the counterfute name of Egiptianis commitis sa mony villanyis in the cuntrey,' petitioner 'is sure that the Estaitis of Parliament had nevir ony purpois or intentioun that the said Act sould ressave executioun aganis honnest, lauchfull, and trew personis'; and, as he himself 'disdanis and detestis the thevishe forme of doing of that infamous societie,' and has withdrawn himself and his wife and children from them, and as 'his birth, education, and residence hes bene in this kingdome, quhair, gif it might please God, he wald fane spend the rest of his dayis in the estate and condition of a quiet, modest, trew, and humble subject,' and as he has found caution [surety] in £1000 to obey the laws, appear before the Council as often as he may be required on ten days' warning, and not reset or have dealings, or allow his family to have dealings, with the Egyptians, he humbly prays that he may be allowed to remain in this country. The Lords, finding his prayer reasonable, accept the caution offered, and grant the required licence."

The person who thus became security for "Mosie Faw" was a landed gentleman of the east of Scotland, David Lindsay of Quarrellhill; and the head of the Lindsay family, David, Earl of Crawford, became "surety in relief."²

¹ Vol. viii. p. 372. ² *Op. cit.*, p. 712. "The band [bond] registered by Mr David Prymrois, advocate, is subscribed at the Cannongait, 11th November, before William Lyon, Alexander Lindsay, and Gilbert Rynd, servitors to the said Earl, and Alexander Wylie, servitor to James Prymrois, clerk of Council."

In spite, however, of all these solemn protestations, it is evident that this Moses Faw was an irreclaimable Gypsy. For, although it was only in November 1609 that he had given his bond for good behaviour, we find the following item among the memoranda for the month of April 1611 in the *Minute Book of Processes*: "Proces: [King's] Advocatt against Mossie Faw for hanting with Egiptians."¹ And to what extent he had "disdained the thievish form of doing of that infamous society" may be seen from the statements made at a meeting of the Privy Council two months later. At its session held at Edinburgh on 27th June 1611, the Privy Council granted a commission to the Selkirkshire justices against "Mosie Faw" and his companions. This is the summarised statement in the printed volume of the *Register*.²

"Mosie Faw and a number more of the 'counterfoote lymmaris callit the Egiptianis' having, for fear of punishment for their thievish doings, retired to the shire of Selkirk, where they not only commit reifs [robberis] and other villanies, but even attack the lieges with hagbutts and pistolets when opposed, and there being encouragement to them to continue in their wickedness 'in respect of the oversicht quhilk thay haif of the judges and magistratis of the cuntrey,' who pretend want of warrant in excuse for not apprehending them, commission, subscribed as above,³ is given to the Justices of Peace within the said shire to convocate the lieges in arms for apprehending and keeping them in ward till they are tried by an assize and punished with death."

That the instructions contained in this commission were very speedily and effectually carried out is certain. For, on 31st July 1611, "Moyses Fa, Dauid Fa, Robert Fa, and Johnne *alias* Willie Fa, Egiptians," were brought to trial at Edinburgh "for abyding and remaining within this kingdom, they being Egiptianis; contrair the tennour of the Actis of Parliament." The indictment against them begins by reciting the Act of 1609, and proceeds to say: "Nevertheless, ye and each one of you being vagabonds, sorners, common thieves, repute, called, and held [as] Egyptians" have "remained within this kingdom, in contempt of the

¹ *Privy Council Register*, vol. ix. p. 171. ² *Op. cit.*, p. 205. ³ That is, by these Privy Councillors "the Chancellor, Cassillis, Lynlythgow, Lothiane, Blantyre, Balfour, and Alexander Hay."

said Act of Parliament, and are notoriously known to be Egyptians, and so reputed and held. And therefore ye and each one of you ought to be demanit to the death, and suffer the pains thereof." There is here no distinction between Moses and the other Faws; and all are alike notorious vagabonds, thieves, and Gypsies.

In his defence Moses Faw produced the licence granted to him by the Privy Council in 1609; which was accepted by the King's Advocate, "*in quantum.*" The King's Advocate goes on to allege that the conditions specified in the licence were "in no wise kept" by the accused; whose surety¹ had failed to appear before the Council, and, having also failed to pay the penalty of a thousand pounds, had been declared an outlaw. And therefore, on account of the non-payment of the penalty, "as also in respect that the conditions specified in the licence are not kept, the said Moses Faw has fallen under the danger of the said Act of Parliament, and the pain of death inflicted upon him." The Advocate further declares "the remanent persones, his complices," as equally guilty of death, in terms of the Act, "and protests for Wilful Error against the Assize, if they acquit, according to the said Act." He produces also the Act of Council against Moses Faw's surety, making him an outlaw, and he repeats the deposition of a certain "James Ballache," "testifying the said Moses being in company and society with the Egyptians, and of his giving bond to the said James, for redressing of divers thefts."

The Assize unanimously pronounced all of the accused to be "notoriously known to be Egyptians, at the least so reputed and held"; and they were accordingly sentenced "to be taken to the Burghmuir of Edinburgh, and there to be hanged till they were dead: And all their moveable goods and gear pertaining to them to be escheated and brought in to our Sovereign Lord's use."²

From the statement made by an eminent lawyer of the

¹ The Earl of Crawford, who was "surety in relief," was himself at one time outlawed for his insurrection, with other Catholic nobles (Huntly and Errol), in 1588; and his character was altogether removed from that of a peaceable subject. The actual surety, Mr Lindsay, was evidently a cadet of the house of Crawford. ² For the above account, see Pitcairn's *Criminal Trials*, iii. 201-2.

latter part of the same century,¹ it would appear that this sentence was carried into effect on the same day. As this was, according to Baron Hume, "the first trial that took place on the statute" of 1609, it was in all respects notable.

This year was an unfortunate one for the Faw family. For we find that on 27th September 1611, hardly two months after the doom pronounced against Moses Faw and his friends, the Privy Council granted a commission of justiciary against "Captain" Harry Faw and other Gypsies. The statement in the printed *Register*² is as follows:—

"The 'counterfoote thevis' called the Egyptians, having been by diverse Acts ordained to depart this realm under pain of death, but, although the term of their departure is now long past, Captain Harie Faw, James Faw, his son, and a number of vagabonds, men and women, 'falslie calling thamselffis Egyptianis,' still remaining in this realm, wandering through all parts thereof at their pleasure, and committing reifs and other 'insoleneyis' on good subjects, and 'abusing the simple ones with telling of dreames and fortounis, and utheris foleyis nawyse sufferable in a Christeane commounwele,' commission under the signet, subscribed by the Chancellor, Glen-carne, Lotheane, Glasgow, Blantyre, and Lord Scone, is given to Sir James Erskin to apprehend the said Egyptians, put them to the knowledge of an assize, and minister justice on them conform to the laws."

This "Captain Harry Faw" is probably the same person as "Hary Fall, ane egyptian," casually noticed as having been "wrongously taken" by the magistrates of Forfar in 1603 or 1604. The name "Henry" was evidently long borne by representatives of one line of the Faw, or Fall, descent; as we read that, in the beginning of the eighteenth century, there was a noted Gypsy of the south of Scotland known as "Henry Faa."³

This "Commission of Justiciary" was only one of several indications that this year was one of renewed activity in the

¹ Sir George Mackenzie: *Laws and Customs, &c.*, Edinburgh, 1678, p. 318. By a slip of the pen this writer styles the Gypsy "Moses Shaw"; but this may be accounted for by the fact that he had acted as King's Advocate in the prosecution and conviction of four Gypsy *Shaws* in the beginning of the year when his *Laws and Customs* was published. ² Vol. ix. p. 256. ³ A writer of 1774 observes:—"I am most credibly informed that [he] was received, and ate at the tables of people in public office, and that men of considerable fortune paid him a gratuity, called blackmail, in order to have their goods protected from thieves." (Simson's *History*, p. 237; quoted from *Ruddiman's Weekly Magazine*, 4th August 1774.)

anti-Gypsy crusade. To enforce still further the powers previously granted, the Privy Council had, on 25th July 1611, included the following among their "Regulations concerning the Constables":—

"Constablis shall stay and arreist all vagabundis, sturdie beggaris, and Egiptianis, and carye thame beifore the nixt Commissionaris of Peace, who shall tak ordour for their committing or punishment according to the statute of Parliament."¹

The Justices of Peace were at the same time directed to "put to due and full execution" the Acts of Parliament "against masterful beggars and vagabonds, solitary and idle men and women lurking in alehouses, tied to no certain service, designed, reputed, and held as vagabonds." Their attention is also drawn to the existence of "sundry unnecessary alehouses in the country, which are the receipt of sundry masterless men and rebels at the horn [*i.e.* outlawed], and other persons guilty of divers crimes, and are the chiefest occasion of the stouths, reifs, and pickery [robberies and thefts] committed, as well in the day as night, upon his Majesty's good subjects travelling in the country"; and the justices are authorised to "take order" with such houses. (To such "unnecessary alehouses" as these belonged the "Mumps Ha" described by Sir Walter Scott in *Guy Mannering*, and the "tinkler howffs" mentioned in the pages of Simson.)

These "Articles and Instructions" were subsequently ratified (28th June 1617) by an Act "Anent the Justices for keeping the Kings Majesty's Peace, and their Constables."² The section (VII.) of this Act, which repeats the above-quoted directions to Justices with regard to "solitary and idle men and women lurking in alehouses," who were "reputed and held as vagabonds," adds this clause: "and against those persons who are commonly called Egyptians." This clause, apparently omitted as unnecessary in the instructions of 1611, left the Gypsies no possible pretext for claiming exemption. Nevertheless, what has been previously said as to the important fact that the Gypsy *life* and not the Gypsy *race* was what the law abhorred, receives a fresh illustration from the consideration of this particular detail. Because, Gypsies *themselves* were frequently chosen

¹ *Privy Council Register*, vol. ix. p. 226. ² And also by an Act of 1661.

as constables.¹ Thus, veritable Gypsies might be town-minstrels, executioners, and constables, and, instead of being under the ban of the law, help rather to enforce it. Moreover, besides these special appointments, it was at all times open to Gypsies to abandon their idle and wandering ways, and to settle down in a certain place, in some authorised mode of life.

On the other hand, any person might come perilously near being pronounced a "Gypsy," simply by associating with recognised Gypsies. For example, among the Gypsy incidents of the first decade of the seventeenth century is the trial of "Elizabeth Warrok, dochter of Warrok, in the Potterrow,"² which took place on 30th November 1610. This woman was not only charged with being "ane cowmone ressetter of Thift," and as having taken active part in a specified act of theft, but also with being "ane cowmone Vagabund and follower of the Gipseis, and taking pairt with thame in all thair thiftis and juglareis this ten yeir bygane, contrair the Actis of Parliament." She was "convicted of the said crimes," and sentenced to be scourged through Edinburgh and banished therefrom, and never after to be found within four miles of the city, under the pain of death by drowning, "without further doom or law to be held or pronounced against her."³

It will be noticed that this woman was only charged with being a "follower" and accomplice of Gypsies, and not as herself a Gypsy (*i.e.* a nomadic Gypsy). If such a charge could have been proved against her, the sentence would have been death, without any reservation, according to the terms of the Act of Parliament of 1609.

The trial of a party of Faws at the Sheriff-Court held at Scalloway, Shetland, on 22d August 1612, has already been noticed in our pages. They are described as "Johne Faw, elder, callit mekill Johne Faw, Johne Faw younger, calit Littill Johne Faw, Katherin Faw, spous to umquhill [*i.e.* the late] Murdo Brown, Agnes Faw, sister to the said Litill Johne."

¹ Simson's *History*, pp. 343 and 348. ² A street in Edinburgh, then outside the city walls. The name "Potterrow" is suggestive; for potters, or "muggers," and *tinklers*, *faws*, and *Gypsies*, were once almost synonymous terms. ³ Pitcairn's *Criminal Trials*, iii. 99.

Exactly a year afterwards (6th August 1613), we find that the *Register of the Privy Council*¹ records a "Commission under the Signet, signed by Jo. Prestoun, Sir T. Hammyltoun, and J. Cockburne, to the provost and bailies of Striviling [Stirling], to try Elspett Maxwell, alleged natural sister to the Laird of Newark [Patrick Maxwell of Newark], and James and Alexander Fae, her sons, thievish vagabonds and 'Egipteanes.'"

¹ Vol. x. of the abridged edition, Edinburgh, 1891, p. 132.

CHAPTER IX.

THE sin of “resetting” (that is, of harbouring or giving “receipt” to) the Gypsies, was specially struck at in the Act of 1609, as it had been by the Commissioners appointed to regulate the Borders of England and Scotland in 1605. The following extract from Mr Simson’s pages states the matter clearly and concisely:—

“On the 14th [*read* 4th] July 1616, the Sheriff of Forfar is severely reprimanded for delaying to execute some Gypsies, who had been taken within his jurisdiction, and for troubling the council with petitions in their behalf. In November following appears a proclamation against Egyptians and their resetters. In December 1619, we find another proclamation against resetters of them; in April 1620, another proclamation of the same kind, and in July 1620, a commission against resetters, all with very severe penalties.” (Mr Simson concludes by saying that “the nature of these Acts will be better understood” from an extract which he makes from the statute of 1616, quoted at length in the present chapter, pp. 94-96).¹

Those Gypsies, for befriending whom the Sheriff of Forfar was “severely reprimanded” in July 1616, were the band of John Faw, evidently the same that had brought trouble upon a landed gentleman of that neighbourhood in the previous year. For, on 25th January 1615, a certain Mr William Auchterlony of Cairny was “dilaitit” before the Justice-Depute at Edinburgh “for contravening the Actis of Parliament in resetting of Egiptianis; speciallie of Johnne Fall, ane notorious Egiptian and Chiftane of that unhappie soirt of people.” A neighbour of the accused, Mr David Lindsay of Balgavies, appeared as his representative, and

¹ Simson’s *History of the Gypsies*, pp. 113-14. The above extract is itself taken from *Blackwood’s Magazine* for 1817; “the conductor of which,” says Mr Simson, “seems to have been careful in examining the public records for the documents quoted by him, having been guided in his researches, I believe, by Sir Walter Scott.”

explained that his principal was "lyand bedfast and deidlie seik, nocht habill to travell to keip this dyet." The laird of Balgavies therefore became surety for the due appearance of the accused, on the occasion of the next circuit of the Lord Justice in that part of the country.¹ But this was rendered unnecessary by "a remission under the privy seal, granted to William Auchterlony of Cayrine [Cairny], for resetting of John Faw and his followers," which was granted to him in the very next month. To this statement Mr James Simson adds the following interesting note:²—

"The nature of this crime in Scotch law is fully explained in the following extract from the original, which also appears curious in other respects. The pardon is granted 'pro receptione, supportatione, et detentione supra terras suas de Belmadie, et infra eius habitationis domum, aliaq. edificia eiusdem, *Joannis Fall, Ethiopis, lie* [i.e. in common speech] *Egyptian, eiusq. uxoris, puerorum, servorum et associatorum; Necnon pro ministrando ipsis cibum, potum, pecunias, hospicium, aliaq. necessaria, quocunq. tempore vel occasione preterita, contra acta nostri Parlamenti vel secreti concilii, vel contra quecunq. leges, alia acta, aut constitutiones huius nostri regni Scotiæ in contrarium facta.*—Regist. Secreti Sigilli, vol. lxxxiii. fol. 291, *Blackwood's Magazine.*"

At Elgin, also, on the 6th of May 1620, an official of the Duke of Lennox, "by vertue of my patent, given by the Counsell, to grant remistiouns to all guilty persouns who have reset the Egyptians," granted such a remission to another landed gentleman, Alexander Gordon of Sidray.³

But the Sheriff of Forfar who, with his deputies, had got into trouble over John Faw, or Fall, and his band, in the summer of 1616, was no less a person than Andrew, eighth Lord Gray, in whose family the Sheriffship of Forfar had been hereditary for many generations. The Gypsies appear to have been apprehended by the local justices of the peace, and by them consigned to the prison at Dundee. Thereafter the Lords of the Privy Council issued a "Commission under the Signet, signed by the Chancellor, Sanctandros [the Bishop of St Andrews], Ja., Bishop of Glasgow, [Lord] Binning, and A. Drummond [Sir Alexander Drummond of Medhope], to the Sheriff of Forfar and his deputies, to try certain common thieves, called 'Egipitianis,' now in custody

¹ Pitcairn's *Criminal Trials*, iii. 307-8. ² *History*, p. 113. ³ *Social Life in Former Days*, 2d Series, by Captain Dunbar, 1866, p. 128.

in the Tolbooth of Dundie for contravening the Act of Parliament of 24th June 1609, by not departing from the realm. 'If it be fundin and tryit be the assyse that they ar callit, knawin, repute and haldin Egiptianis, that our saidis justiceis pronunce sentence of death, and caus the same be execute upoun twa of the principallis of the men, and twa of the principallis of the women; and that they pronunce sentence of banishment aganis the remanent of thame, and caus thame be scourgit throw oure burgh of Dundie.'¹

This Commission is undated, but as it is referred to in a "Charge" by the Privy Council, dated 4th July 1616, it was obviously issued before that date. It was because Lord Gray had failed to obey the orders in his "Commission" that the Privy Council found it necessary to issue the "Charge" of 4th July; and as the latter edict is very instructive, it may be well to quote it here in full, as it appears in the *Register*.²

"*Sederunt* — Chancellor; Bishop of Sanctandrois; Bishop of Glasgow; Mar; Scone; Bugcleugh; Binning; Master of Elphinstoun; Privy Seal; Treasurer Depute; Justice Clerk; Advocate; Kilsythe; Medope; Sir Andro Ker; Sir Peter Young; Sir James Skeene; Mr Peter Rollok.

"Forsamekle as, a number of the counterfute thevis, vagaboundis, and lymmaris, callit the Egiptianes, being tane and apprehendit be the justiceis of peace within the boundis of Angus [*i.e.* Forfarshire], and be thame enterit in wairde within the tolbuthe of Dundie, and, informatioun thair of being maid to the Lordis of Previe Counsall, they past and exped ane commissioun to Lord Gray, schiref principall of Forfar, and his deputis, within quhais boundis and office the saidis counterfaite theives and lymmaris remainit, for putting of thame to the knowlege of ane assyse and ministring of justice upoun thame in maner specifiet in the said commissioun, the execution quhair of hes hithertillis bene postponit be the said

Lord Gray and his deputis upoun some frivolous and impertinent resonis, pretextis, and excusis pretendit be thame, sua that the saidis lymmaris ar putt in hoip of impunitie and favour, and the magistratis of the burgh of Dundie ar troublit and weireit with the keiping and enterteyning of thame,—Thairfore the Lordis of Secreit Counsall ordanis letteris to be direct chairgeing the said schiref of Forfair and his deputis to put the saidis thevis and lymmairis to the knowlege of ane assyse, and to proceid and minister justice upoun thame, conforme

¹ *Register of the Privy Council*, vol. x., Edinburgh, 1891 p. 559. ² *Ibid.*, p. 556.

to the commissioun grantit to thame for that effect, within dayis nixt, efter they be chairgeit thairto, under the pane of rebellious and putting of thame to the horne,¹ or ellis that they compeir personallie befor the saidis Lordis upoun the day of and bring, present, and exhibite with thame the saidis counterfoote thevis and lynmaris, to the effect the saidis Lordis may gife ordour and directioun for thair punishement as accordis, with certificatioun to the said schiref and his deputeis, and they failye,² letteris salbe direct *simpliciter* to put thame to the horne.”

The effect of this “Charge” is seen in the fact that, twelve days later, a representative of Lord Gray “exhibited” four Egyptians before the Privy Council, who thereupon ordained them “to be presented to an assize.”³ And three days afterwards, on 19th July 1616, their trial took place. From the following account, extracted from Pitcairn’s *Criminal Trials* (iii. 397), it will be seen that only one of their “principal women” had been selected as a victim:—

“Jul. 19. — JOHNE FAA, Egiptiane; James Faa, his sone; Moyse Bailzie, Egiptiane; and Helene Broun, spous to Williame Bailzie, Egiptiane.

“Dilaitit of contravening of the Act of Parliament, maid in anno 1609 yeiris, in thair contemptuous repairing to this cuntrie, being repute and haldin to be Egiptianis, and abiding thairintill, nochtwithstanding thairrof, &c., viz.

“DITTAY *against Johne Faa, etc.*

“FORSAMEKILL AS, be Act of Parliament, haldin at Edinburgh, vpone the xxiiij day of Junij, 1^mVj^e and nyne zeiris, it is expresslie provydit, statute, and ordanit, that all Vagabundis, Soirneris, and cowmone Thevis, cowmonlie callit EGIPTIANIS, sould depairt furth of the kingdome, and remane perpetuallie furth thairrof; and nevir to haif returnet agane within the samyn, nor be fund thairintill, eftir the first day of August thaireftir, in the foirsaid zeir of God 1^mVj^e and nyne zeiris, vnder the pane of deid: and that it sould be liesum to all his Maiesteis guid subiectis, or ony one of thame, to caus tak, apprehend, imprisone, and execute to death, all maner of Egiptianis, alsweill men as wemen, as cowmoun, notorious, and condampned Thevis; only to be tryit be anc Assyse that thair callit knawin, repute, and haldin Egiptianis: As the said Act of Parliament at lenth proportis. NOCHITTHELES, it is of verritie, that the foirsaidis persones, being Egiptianis, sua callit, knawin, repute, and haldin, in contempt of the said Law and Act of Parliament, as Vagabundis, hes lurkit and remanit within this kingdome, sen the making and publicatioun of the said Act, and nawayis hes past

¹ *i.e.* sentence of outlawry. ² “If they fail.” ³ *Op. cit.*, p. 579.

away furth thair of : At the leist, aganis the tennour of the said Act, hes, sen the said first day of August, 1609 zeiris, repairit within this cuntrie, and ar tane and apprehendit as Vagabundis, and maisterles lymmeris and thevis, reput and haldin, knawin and callit to be Egiptianis ; quhairin thay and ilk ane of thame hes contravenit the tennour of the said Act of Parliament and incurrit the panes and pwneschment mentionet thairintill ; quhilk aucht and sould be inflictit vpon thame, with all rigour, to the example of vtheris of thair race and vnhappie Companie to eschew the lyk heireftir.

“ PERSEWER, Sir Williame Oliphant, kny. PRELOCUTOR in defence, Mr Thomas Wilsoun, Aduocat.

“ It is allegit be the pannell [the accused] and thair prelocoutour, that the Dittay is nawayis relevant to pas to ane Assyse, in respect it is nocht subsumet thairintill, that the persones dilaitit was within the cuntrie, the tyme of the making and the publicatioun of the said Act of Parliament, quhilk is the grund of this persute ; nather yit is the pannell tane and apprehendit for ony Thift, Soirning, or Oppressioun, nor accuset thairfoir : Off all quhilkis crymes, thay ar willing to byde ane tryell : And thairfoir, the Dittay, as it is set down aganis the pannell, can nocht pas to ane Assyse.—It is ansuerit be my lord Aduocat, that the allegiance aucht to be repellit, in respect of the Dittay and Act of Parliament.

“ The Justice Repellis the allegiance ; and Ordanis the pannell to pas to ane Assyse.

“ VERDICT. The Assyse, be the mouth of Thomas Creichtoun, mercheand in Edinburgh, chancellor, fand [found], pronuncet, and declairit the saidis *Johnne Faa*, *James Faa*, his sone, *Moyses Bailzie* and *Helene Broun*, all Vagabundis, and repute and haldin to be Egiptianis, to be fylet [filed, or recorded] culpable, and convict of contravening the tennour of the said Act of Parliament.

“ THE Justice continewit the pro[n]unceatioun of Dome vpon the persones foirsaidis, quhill he be advyset with the Lordis of Secretit Counsall : And ordanit thame to be returnit to waird, to the Tolbuth of Edinburgh, in the meyne tyme.”

The result of the judge's conference with the Privy Council is found in the sentence declared five days later :—

“ *Jul. 24.*—SENTENCE. The Justice, in respect na cautioun [surety] could be fand be thame, for thair departour furth of his Maiesteis dominionis, and that thai sould never returne agane within the samyn during thair lyftymes, ilk ane of thame vnder the pane of ane thowseand merkis money ; accourding to ane Ordinance of the Lordis of Secretit Counsall, direct for that effect, vnder my Lord Chancelleris subscriptioun, daitit the xxiiij day of Julii instant ; be the mouth of Johnne Dow, dempster of Court, Ordanit the saidis Johnne Faa, James Faa, his sone, Moyses Bailzie, and Helene Broun, Egiptianis, and sa reput and haldin, tane and apprehendit, to be

tane to the Burrow-Mure of Edinburgh, and thair to be HANGIT quhill [*i.e.* until] thay be deid; and all thair moveabill guidis to be escheit, &c.

“Quhilk was pronuncet for Dome; and that, conforme to the Ordinance of the Lordis of Secreit Counsell, of the dait above expremit.”

The fact that, had those Gypsies been able to find surety for their future absence from Scotland, they would have been permitted to go free, shows how strong the tendency was, in some quarters, to deal gently with them. For the mere recognition of them as “Egyptians” was itself a sentence of death, according to previous statutes. But, in the above instance, the mercy of the authorities went still further. It is evident that “Ane missive to his Majestie anent the Egiptianis,” dispatched by the Privy Council¹ very soon after this judgment had been pronounced, was written with a view to obtaining the Royal pardon. For the Gypsies, after remaining in the prison of Edinburgh for five weeks after the sentence of death was pronounced, received a proration of that sentence. This appears from a Privy Council Minute of August 28, 1616:—

“ANENT that mater of EGIPTIANIS, now lyand in the *Tolbuith of Edinburgh*, thay war only convict for contraveining the Act of Parliament, in not departing furth of the Kingdome; and no vther cryme was layed to thair charge, and no cryme is knawin whairvpon thay may be challengit. *The Counsell* according to His MA^{TIES} direction, hes gewin Warrant for staying the pronouncing of Dome, till His MA^{TIES} farder pleasour be knawin.”²

“His Majesty’s farther pleasure,” it became evident in the following November, was that they should be wholly pardoned, the only stipulation being that they should be banished from Scotland. The entry which records this decision in the *Register of the Privy Council* is in these words:—

“The quhilk day [12th Nov. 1616], in presence of the Lordis of Secreit Counsaill compeirit personalie John Fa, James Fa, his sone, and Moysie Baillie, and actit and oblist thame that thay and Helene Broun, presentlie prisonneris in the Thevis Hoill of Edinburgh, sall depairt and pas furth of this kingdome within the space of fyfteen dayis after the date heirof, and that thay sall nevir retorne agane within the same, under the pane of deade. And, in respect of this present act and oblisment, the saidis Lordis, according to his

¹ *Op. cit.*, p. 620. ² Pitcairn, iii. 397, quoting from “the Denmylne MSS.”

Majesteis warrand and directioun in write send unto thame, ordanis the Provest and Baillies of Edinburgh to putt the saidis personis to libertie and fredome and suffer thame pas quhair thay pleis."¹

Thus, all this great Gypsy prosecution had ended in smoke. As notorious thieves and "sorners" they could all have been executed under the Act of 1455 (11 James II. c. 45). As "habite and repute Egyptians" they were deserving of death according to the statute of 1609. Four of their leaders actually were tried, and, on 24th July 1616, sentenced to death. Yet, immediately after, we find their judges earnestly bestirring themselves in their favour, with the result that, on the 12th of November following, they were all set free. Their death sentence was not even commuted to "perpetual servitude," as was then a common practice. They were set absolutely free, with only the one condition that they should never again return to Scotland. But as they would find themselves almost as much at home in Northumberland or Durham, among their brother "faws," this was not a hard condition, after their narrow escape from the gallows.

It is a significant fact, however, that no sooner had John Faw, his son James, and their comrade "Moysie" Baillie quitted the Council Chamber as free men, than their Lordships proceeded to draw up "Ane act aganis Egiptianis and their ressettaris." This Act was formally passed at their meeting on the 14th of the month (two days afterwards); and its terms throw so much light on the position of Scottish Gypsies at that period that it may be quoted in full from the *Register*.

"*Sederunt*—Chancellor ; Lynlithgow ; Binning ; Bugcleugh ; Burley ; Privy Seal ; Justice Clerk ; Advocate ; Kilsyth ; Medop ; Sir Andro Hammiltoun ; Sir James Skene ; Sir Andro Ker ; Sir Peter Rollock.

"Forsamekle as, albeit the Kingis Majestie, with advise of the three Estaitis of this realme convenit in the Parliament haldin at Edinburgh in the moneth of Junij the yeir of God j^mvj^c and nyne yeiris, did straitlie command and ordane the vagaboundis, soirnaris, and commoun thevis commonlie callit Egiptianis to have depairtit and past furthe of this realme betuix and the first day of August nixt thairefter following, under the pane of [rebellioun], with certificatioun to thame and thay failyed, the said day being bypast, [that] all of thame, alsweill men as weemen, sould be takin, appre-

¹ *Privy Council Register*, vol. x., Edinburgh, 1891, p. 655.

hendit, and [exe]cute to the dead as commoun, notorious, and condempnit thevis, and [that] thay sould onlie be tryed be ane assyse that thay ar callit, knawin, [repute], and haldin to be Egiptianis, as in the said act of Parliament, cont[ening] ane expres prohibitioun and dischaarge to all his Majesties lieges and [sub]jectis in no caus to ressett, supplee, ressave, or interteny ony of the saidis thevis and lymmaris efter the day foirsaid, at lenth is contenit; notwithstanding quhair of it is of treuthe that,—the thevis and lymmaris haveing for some shorte space after the said act of Parliament [and dis]persit thame selfis in certane derne and obscure placeis of the cuntrey [quhair] thay wer not knowne to wander abroad in trouphis and companeis [according] to thair accustomed maner,—yitt shortlie thairefter, finding that the of the said act of Parliament wes neglectit, and that no inquire nor wes maid for thame, thay begane to tak new breth and courage, [and to] unite thameselfis in infamous companies and societies under [capitanes and] commanderis, and continuallie sensyne hes remanit within the [cuntrey com]mitting alsweill oppin and avowed reiffis in all pairtis [quhair thay ar] maisteris as previe stouthis and pyckeris¹ quhair thay may not be maisteris; and thay do shamefullie and mischantlie abuse the simple and ignorant people by telling of fortunes and using of charmes, and a number of jugling trickis and falsettis unworthie to be hard of in a cuntrey subject to religioun, law, and justice; and thay ar encourageit to remane within the cuntrey and to continew in thair thevishe and jugling trickes and falsettis, not onlie throw default of the executioun of the said act of Parliament, bot, whilk is worse, that grite numberis of his Majesties subjectis, of whome some outwardlie pretendis to be famous and unspotted gentilmen, hes gevin and gevis oppin and avowed protectioun, ressett, supplie, and maintenance upoun thair ground and landis to the saidis vagaboundis, soirnaris, and condampnit thevis and lymmaris, and sufferis thame to remane dayis, oulkis, and monethis togidder thairupoun without controlement, and with connivence and oversight to all stouthis, robries, and other juglingis whilkis thay committ in the boundis circumjaent; quhairby, as thir undewtifull subjectis, ressettaris and suppleairis of the saidis lymmaris, do testifie befor God and the world, that in heirt, consent, and opinioun thay ar favoraris of the saidis lymmaris and condampnit thevis and allowairis of thame in all thair thevis and wicked doingis, so thay do leave a foull, infamous, and ignominious spott upoun thame, thair housis, and posteritie, that thay ar patronis to thevis and lymmaris: And whereas the houpe of im-

¹ "Previe stouthis and pyckeris," *i.e.* "furtive thefts and pilferings." In an "Act anent fugitive persons of the Borders to the in-Countrie" (20 James VI. c. 10), such persons are accused of committing "*darned stouths*," an expression which has a curiously American sound, until one reflects upon its meaning. It is really synonymous with the "previe stouthis" of this Act, and the adjective is the same as the "derne" occurring a few lines higher up, and signifying "hidden" or "concealed."

punitie apprehendit be thir shameles ressettaris of the saidis theivis encourageis thame, without feare of God, reverence of the law, or shame of the world, to continew in thair unlauchfull ressett and favouring of the saidis lymmaris, and consequentlie emboldnes thame in contempt of his Majestie his lawis to remane within the cuntrey. Thairfor the Lordis of Secrite Counsall hes resolvit no langer to oversee this proud contempt of his Majesties auctoritie, nowther in the one nor the other, bot examplarlie to punishe the same ; and for this effect ordanis letteris to be direct to officeris of armes chargeing thame to pas to the mercat croceis of the heade burrowis of this realme and otheris placeis neidfull, and thair be oppin proclamatioun to mak new publicatioun of the said act of Parliament, and to command, charge, and inhibit all and sindrie his Majesties liegeis and subjectis that nane of thame presooome nor tak upoun hand to ressett, supplee, nor shaw favour to the saidis theivis and lymmaris callit Egiptianis, nor to suffer thame hant, resort, remane nor abyde upoun thair ground and land, bot that thay hunt, follow, and persew thame as theivis, soirnairis, traytouris, and condampnit lymmaris, ay and quhill thay be apprehendit and punist accordinglie, certifeeing thame that sall failie or do in the contrair that thay salbe repute, haldin and estimate as supplearis, ressettaris, and favouraris of commoun and condampnit theivis, and as assistaris and partakairis with thame in thair evill deidis, and salbe persewit and punist for the same with all rigour. And, to the effect that all pretext of excuse may be tane fra his Majesties saidis subjectis for not putting of the said act of Parliament to executioun aganis the saidis theivis and lymmaris, the saidis Lordis, according to the tennour of the said act of Parliament, hes maid and constitute, and be the tennour heiroyf makis and constitutis all our Soverane Lordis good and lauchfull subjectis his Majesties justiceis in that pairt to the effect underwrittin, with full power to thame to search, seik, and apprehend and committ to wairde all theivis and lymmaris, men and weemen, callit Egiptianis, and to caus justice be ministrat upoun thame conforme to the said act of Parliament ; and for this effect justice courtis to sett, begin, affix, hald, and continew, suitis, ” &c., &c. [as in other commissions of justiciary].¹

The year 1616 contains yet another Gypsy reference,—in an Orkney trial of June 13, when “Magnus Linay and his wife were accused of having accompanied the Egyptians, and of having ‘leirnit to take the proffeit of thair nyghtbouris cornis and ky of the saids Egyptians, as the captane of thame declarit.’ ”²

¹ *Op. cit.*, pp. 655–57. ² Quoted in Dalrymple's *Darker Superstitions of Scotland*, Glasgow, 1835, p. 236.

CHAPTER X.

TAKING the various Gypsy incidents in their chronological order, the next to be noticed is a trifling event of 31st January 1619, to which allusion has already been made in these pages. On that date, the church records of Aberdeen chronicle the following grievous sin, and its consequences:—"Patrick Bodie, tailor, confessed that he made enquiry at the Egyptians for a gentlewoman's gown which was stolen out of his booth; and therefore, in respect of his consultation with witches, the bishop and session ordain him to compear before the pulpit on Sunday next, and there, immediately after sermon, before noon, sit down on his knees before the pulpit, and confess his offence in presence of the congregation, and crave God and his congregation pardon."¹

It is probable that the Gypsies were able to tell the tailor where he would find the missing gown, which they could doubtless have returned to him on the spot, had they thought it judicious. But his offence, in the eyes of "the bishop and session," consisted in the fact that he and they believed that by consulting the Gypsies he was making use of a supernatural agency which none of them regarded as the proper one. It was an offence at law as well. For we have seen that, among the "enormities that craved most speedy reformation," in the opinion of James the Sixth, thirty years earlier, was the crime of "seeking of responses or help at witches." The whole affair, ridiculous as it seems to us nowadays, throws light upon one particular aspect of the Gypsy question, and upon the ideas of the time.

But it is curious to notice that, although the bailies of Aberdeen had, in 1540, forbidden the Gypsies to come again into that town, and although the year 1616 witnessed the

¹ *Selections from Ecclesiastical Records of Aberdeen*, Spalding Club, Aberdeen, 1846, p. 87.

passing of an Act that was supposed to do what none of its forerunners had done, namely to put an end for ever to the Gypsy trouble, yet here we have a company of Gypsies living at or near Aberdeen in 1619, apparently quite at their ease. The unhappy tailor was severely censured for having consulted them; but nothing seems to have been done to the Gypsies themselves.

The previous chapter gave a full account of the trial and conviction, in 1616, of John and James Faw, Moses Baillie, and Helen Brown, and their subsequent pardon by the King. The royal clemency was again displayed in a similar case, eight years later. The circumstances which occasioned it were these. The parish of Lasswade, and notably the Vale of Roslin, situated some six or eight miles to the south-east of Edinburgh, had been for some time a favourite resort of the Gypsies; some of whom, it will be remembered, figured at the bridge of Lasswade in 1598. Whether or not it was owing to the fact that the lord of the manor of Roslin had once saved a condemned Gypsy from the gallows on the Burgh Muir, it seems beyond question that the Gypsies were accustomed to assemble every summer in the "stanks" or marsh lands of Roslin, where they "acted several plays." The numbers of the Gypsies in the neighbourhood, and the freedom they enjoyed, formed the subject of a Privy Council enactment of July 15, 1623:—

"At the time noted," says Mr Robert Chambers, in his *Domestic Annals of Scotland* (vol. i. p. 536), "the Privy Council had their attention called to this Patmos of the outlawed race. They remark that, while the laws enjoined all persons in authority 'to execute to the deid the counterfeit thieves and limmers, the Egyptians,' it was nevertheless reported that a number of them were now within the bounds of Roslin, 'where they have a peaceable receipt and abode as if they were lawful subjects, committing stowths and reifs in all parts where they may find the occasion.' The Council, therefore, issued an order to the sheriff of the district, who happened to be Sinclair, younger of Roslin, himself, commanding him 'to pass, search, seek, hunt, follow and pursue the said vagabond thieves and limmers,' and bring them to the Tolbooth of Edinburgh for due punishment."

That this was done, and a large capture made of "Faws," men, women, and children, is evident from a trial of the following January, recorded by Pitcairn. On 23d January

1624, eight of their leaders were brought to trial; on the following day they were sentenced to be hanged at the Burgh Muir (the usual place of execution); and this sentence was carried into effect before the 29th of the month. These eight Gypsies are thus styled in the indictment:—

“CAPITANE JOHNNE FAA, Robert Faa, Samuell Faa, Johnne Faa younger, Andro Faa, Williame Faa, Robert Broun, Gawin Trotter, all Egiptianis, Vagaboundis, and common Thevis, &c.”

On the 29th of January, their widows and children were also “dilaitit” before the Court for the same offence of being “Egyptians.” They are described in the following terms:—

“HELENE FAA, the relict of vmq^{le} [*i.e.* the late, or deceased] Capitane Johnne Faa; Lucrece Faa, spous to James Broun; Elspeth Faa, brether-dochter [niece] to the Capitane; Katharene Faa, relict of vmq^{le} Eduard Faa; Meriore Faa, spous to James Faa; Jeane Faa, the relict of vmq^{le} Andro Faa; Helene Faa, the relict of vmq^{le} Robert Campbell; Margaret Faa, dochter to vmq^{le} Eduard Faa; Issobell Faa, the relict of vmq^{le} Robert Broun; Margaret Vallantyne, relict of Johnne Wilsoun; Elspeth Faa, dochter to vmq^{le} Henrie Faa. . . . Alexander Faa, sone to Eduard Faa, Johnne Faa and Francie Faa, sones to vmq^{le} Capitane Johnne Faa, and Harie Broun, brother to vmq^{le} Robert Broun.”

These also were found guilty¹ and sentenced to suffer death by drowning, but their fate was referred to the King's pleasure, by a letter of the Privy Council, written to the King on the day of their conviction. The King took five or six weeks to think the matter over; but when the condemned Gypsies heard the tenor of his reply, they no doubt thought it worth waiting for. The royal letter, addressed to the Scottish Privy Council, and dated at Hampton Court, 13th March 1624, is as follows:—

“We haue vnderstood, by your Letter of the 29 of Januar last, that a number of these Thieves and counterfooted Vagabondis, commonlie callit EGIPTIANIS, being apprehendit be your directioun, war thereftir put to a Criminall tryell, and being lawfullie convicted, that eight of the men wer executed, and that the rest, being aither childrene and of lesse-age, and wemen with chyld, or

¹ “The assize for the maist part findis, that the persones on panell, are vagaboundis, and repute and holden for Egyptianis, and be their remaining within this kingdome, and nocht removeing thaimeselfis furth yrof, conforme to the act of Parliament, findis thaine, and everie ane of thaine, giltie and culpable of contravening thereof.”

geving sucke to childrene, Ye haue therefore committed thair persones to prissone, superceiding the executione of the Sentence pronouced aganis thame, till yee should acquaynte ws, and know oure further pleasoure thairanent. IN whiche regard, these are to certefie to yow, that as We allow well of the course taiken for executeing of the men, so now, in colde bloode (these children and weemen haueing beene soe long kepte prisoneris), and cheffie in respect of that which yee wryte to be the present estaite of most part of these weemen, We can not bot inclyne to pittie and compassion of them. WHEREFORE, as We ar willing that their lyues be spared, soe that nather thame selues, nor any others of that kynd may be therby emboldnd to presume vpon our clemencie, yee sall caus thame act them selues to depairt, with thair childrene, furth of that our kingdome,¹ between and such a competent day as yee shall think fitting, for that effect, to prescriue; vnder the payne of death, to be inflicted (without any forder process or dome) vpon them, whersoever they can be apprehendit within our said kingdome, efter the said day. AND for your putting them to libertie (nochtwithstanding the Sentence pronouced against them), vpon condition foirsaid, these shalbe vnto yow a Warrant sufficient," &c.²

The year 1636 furnishes us with the following item:—

"APUD EDⁿ., 10 Novembris, 1636. *FORSAMEIKLE AS SIR ARTHURE DOUGLAS of Qubittinghame haueing latelie tane and apprehendit some of the vagabound and counterfut theives and limmars, callit EGYPTIANIS, he presentit and delyverit thame to the Shereff-principall of the shirefdome of Edinburghe, within the constabularie of Hadington, quhair they have remained this month, or thairby; and quhairas, the keeping of thame longer within the said Tolboith, is troublesome and burdenable to *the town of Hadington*, and fosters the saids theives in ane opinion of impunitie, to the incourageing of the rest of that infamous byke³ of lawless limmars to continow in their theivish trade: THAIRFOIR, *the Lords of Secret Counsell* ORDANS *the Shireff of Hadinton* or his deputs to pronouce DOOME and SENTENCE OF DEATH aganis so manie counterfoot Theives as ar men, and aganis so manie of the weomen as wants children, ORDANING the men to be HANGIT, and the weomen to be DROWNED: and that suche of the weomen as hes children to be SCOURGIT throw the burgh of Hadinton and BRUNT

¹ It may be noticed that, the laws of his two kingdoms being distinct and separate, this letter of the King's only applied to Scotland. Thus, the released Faws had simply to cross the Border into Northumberland, and there resume their former life; with this advantage, that, so far as English laws were concerned, they had a "clean record" to begin with. This, it is very probable, was the course they adopted. ² For this letter, and the trial of these Gypsies, see Pitcairn, iii. 559-62. ³ "Usually applied to denote a hive or nest of wasps, wild bees, or hornets."

IN THE CHEEKE:¹ And Ordanis and commandis the Provest and Baillies of Hadinton to caus this doome be execute vpon the saidis persons accordingle.”²

On 25th September 1637, the Lord Justice-General considered and disposed of the case of “John Stewart sone to Niniane Stewart of Stokwall in Glasgow and James faa sone to Moysie faa, bayth egipsianes, Quha grantit thame selffis to be Egipsianes and that thai had bene followeris and keipit companie with the egipsianes thir nyne or ten yeiris bygane.” It was stated on behalf of the prisoners that, since their capture, they had made supplication to the Privy Council to spare their lives, promising that they would voluntarily go and serve in the wars abroad, and never again return within “His Majesteis hail dominiones.” If their prayer be granted, they bind themselves to go “with all possible diligence in companie of Colonell Robert Stewart or ony uther colonell or capitane as sall tak thame To serve thame in the weiris, Quha sall be answerable for thame and geve band and assurance to my lord Justice Generall for thair transpourt and away passing furth of this Kingdome with the said Colonell or Capitane.” The prisoners also bind themselves “nocht to leave the service of the said Colonell or Capitane nor to ryn away or escaip frome thair said service directlie nor indirectlie.” The Lord Justice-General accordingly returned the prisoners to the custody of the Edinburgh magistrates, until “the said Colonell or Capitane tak thame off the saidis bailzeis handis to the effect above written.”³

Among certain “articles and desires” laid before the Scottish Parliament by the Commissioners of the Church of Scotland in 1641, the tenth in number states that—

“It is humbly desired that order may be taken with sturdy beggars, Egyptians, and vagabonds, and a solid course be laid down for removing the horrible villanies committed by such persons in all time coming.”⁴

This appeal did not apparently meet with a response till 1647, when the following “Answer” is (*inter alia*) recorded:—

¹ The old punishment specified in the Act of 1424, against “beggars and idle men.” ² Pitcairn, iii. 594-95 (quoted by him from the *Privy Council Register*). ³ *Justiciary Records*. ⁴ Thomson's *Acts of the Parliaments of Scotland*, vol. v. (ed. 1870), p. 646a.

“ITEM, for the overture anent the restraining of idle and sturdy beggars and gypsies, The estates [of Parliament] ordain the procurator of estate to consider all the Acts of Parliament made to that purpose, and to report their opinion to the next session of Parliament what is further necessary to be done to make these Acts effectual in time coming.”¹

The records of the burgh of Stirling show that a capture of Gypsies was made there in 1656. This is testified to by these two entries:—“1656, March–September Item, payit for ropes to bind the Egyptianes, £0. 2. 8: Item, to the hangman to go throw with them, £1. 10. 0.”² The ominous payment to the hangman seems to indicate that they were sent to Edinburgh for trial, and perhaps for execution. Or it may be that they lingered on in the gloom of the Edinburgh Tolbooth till the following summer, and that they formed the subject of these entries:³—

“Upon the 10 day of Iunij 1657, ane Egyptiane callit Phaa wes execute upon the Castlehill of Edinburgh for murthour.”

“10 July 1657. Sevin Egyptianes, men & women, were scurgit throw Edinburgh, and banished this natioun, with certifiatioun gif thai returned within the same, they sould be execute to the death.”

In 1661, “Commission and Instructions” were issued anew to justices and constables, by Act of Parliament, with the view of arresting Gypsies and other vagrants. And it is evident from subsequent references that a great many Gypsies must have been deported to the British “plantations” in Virginia, Jamaica, and Barbadoes during the second half of the seventeenth century. That they had there to undergo a temporary, if not a “perpetual” servitude, seems very likely; for certain merchants and planters who applied to the Privy Council in 1714 for permission to take them, did so with the avowed intention of using them as labourers. To what extent the people of those places to-day are possessed of seventeenth-century Gypsy blood is an interesting, though perhaps a delicate question.

The following passage, which, under the date November 1665, occurs in Robert Chambers’s *Domestic Annals of*

¹ *Op. cit.*, vol. vi, p. 763b. ² This extract, contributed to *Gyp.-Love Soc. Jour.*, ii, 64, by Mr A. Henry Constable, is from p. 321 of the Appendix to *Extracts from the Records of the Royal Burgh of Stirling* (Glasgow, 1890).

³ *Nicoll’s Diary*, 1650–67 (published by the Bannatyne Club), pp. 198 and 200.

Scotland from the Reformation to the Revolution (1858, vol. ii. p. 304), denotes very clearly the condition of Scotland, so far as regards its nomadic castes, during the second half of the seventeenth century:—

“The light regard paid to the personal rights of individuals was shown by a wholesale deportation of poor people at this time [1665] to the West Indies. The chronic evil of Scotland, an oppressive multitude of idle, wandering people and beggars, was not now much less afflicting than it had been in the two preceding reigns. It was proposed to convert them to some utility by transferring them to a field where there was a pressing want of labour. On the 2d of November, George Hutcheson, merchant in Edinburgh, for himself and copartners addressed the Privy Council on this subject, ‘out of a desire as weel to promote the Scottish and English plantations in Gemaica and Barbadoes for the honour of their country, as to free the kingdom of the burden of many strong and idle beggars, Egyptians, common and notorious thieves, and other dissolute and looss persons banished and stigmatised for gross crimes.’ The petitioners had, by warrant of the sheriffs, justices of the peace, and magistrates of burghs, apprehended and secured some of these people; yet, without authority of the Council, they thought they might ‘meet with some opposition in the promoting and advancing, so good a work.’ It was therefore necessary for them to obtain due order and warrant from the Council.

“The Council granted warrant and power to the petitioners to transport all such persons, ‘providing always that ye bring the said persons before the Lords Justice-Clerk, to whom it is hereby recommended to try and take notice of the persons, that they be justly convict for crimes, or such vagabonds as, by the law of the country, may be apprehended, to the effect the country may be disburdened of them.’

“Two months later James Dunbar, merchant, bound for Barbadoes, was licensed to take sundry ‘vagabonds and idle persons, prisoners in Edinburgh, content to go of their own accord.’”

It will be observed that those merchants modestly refrain from saying that they took all this trouble “out of a desire as weel to promote” their own interests as anything else,

but it is obvious that they were securing thereby, at very little cost, a caste of "perpetual servants" whose condition in the West Indies was little better than that of slaves.

The year 1671 is notable in Scottish Gypsy annals as the date given for the birth of William Marshall, a famous chief of the Galloway Gypsies. If the alleged date of his birth be correct, he lived to a truly patriarchal age; for it is certain that his death took place in 1792. Sir Walter Scott accepts the date of his birth as correct; so also did the editor of the *New Annual Register*, in which periodical his death was noticed as one of the "Principal Occurrences" of that year; and the inscription on his tombstone, still standing in the old churchyard of Kirkcudbright, is in these words:—"The Remains of William Marshall, Tinker, who died 28th Nov. 1792, at the advanced age of 120 years." Assuming, then, that he really was born in 1671, he spent the first forty-three years of his life under the Stewarts, and therefore—especially as he was quite a celebrity, in his way—he may be fitly noticed in these pages. The following are some of the statements made regarding him, gleaned from various sources.

He was born in the parish of Kirkmichael, Ayrshire, in or about the year 1671. "He was of the family of the Marshalls, who have been tinklers in the south of Scotland time out of mind. He was a short, thick-set little fellow, with dark quick eyes; and, being a good boxer, also famous at the quarter-staff, he soon became eminent in his core," *i.e.* among the Gypsies. Referring to what he recollected of his early life, when an old man, the account in the *New Annual Register* says:—"He retained his senses almost to the last hour of his life; and remembered distinctly to have seen King William's fleet, when on their way to Ireland, riding at anchor in the Solway frith, close by the Bay of Kirkcudbright, and the transports lying in the harbour. He was present at the siege of Derry¹ [1689], where having lost his uncle, who commanded a king's frigate, he returned home, enlisted into the Dutch service, went to Holland, and soon after came back to his native country." "Willie had been

¹ Another writer says: "The fact never was doubted, of his having been a private soldier in the army of King William, at the battle of the Boyne."

pressed or enlisted in the army seven times," says Sir Walter Scott, "and had deserted as often; besides three times running away from the naval service." Another writer states that, on one occasion:—"He and his gang being in the neighbourhood of Glasgow when there was a great fair to be held in it, himself and two or three more of his stamp, having painted their faces with *keel*,¹ they went to the fair and enlisted, getting each so much cash. They then deserted to their crew in the wild mountain glen, leaving the soldiers without a single cue [clue] whereby to find them." On another occasion, when he was serving as a soldier in "the wars in Flanders" (or, according to one version, when he was "a private in some of the British regiments which served under the great Duke of Marlborough in Germany, about the year 1705"), he told his commanding officer, who was of a Galloway family, that he intended deserting in a few days, as he wished to attend the annual Fair of Keltonhill, from which he had never been absent. And desert he accordingly did. A favourite haunt of his gang was the "Corse o' Slakes," a wild mountain pass between Cairnsmoor and Cairnhattie; and from the neighbouring Fell of Barullion he obtained his popular title of "The Caird of Barullion." "For a great period of his long life he reigned with sovereign sway over a numerous and powerful gang of Gypsy tinkers, who took their range over Carriek in Ayrshire, the Carriek Mountains, and over the stewartry and shire of Galloway; and now and then . . . they crossed at Donaghadee, and visited the counties of Down and Derry," in Ireland. In 1712, he and his followers were defeated by "a powerful body of tinkers from Argyle or Dumbarton," whose territories he was encroaching upon, and "many died of their wounds" after the battle. In 1723, he appears as the leader of the "Levellers," a party composed of peasants and small farmers, as well as Gypsies, who, resenting the action of certain landed proprietors in enclosing common lands, proceeded to knock down and "level" the offending stonedykes. In 1750, Anne Gibson, "daughter of William

¹ Ruddle. This proceeding on the part of the Gypsies seems clearly to indicate a survival of the custom of painting the face before going on the war-path.

Marshall, the gipsy and robber who had long harassed Galloway," was transported to "his Majesty's plantations." Marshall's descendants were "prodigiously numerous." "He had been seventeen times lawfully married," says Sir Walter Scott; "and besides such a reasonably large share of matrimonial comforts, was, after his hundredth year, the avowed father of four children, by less legitimate affections." "It seems that he had both the good and bad qualities of man about him in a very large degree. He was kind, yet he was a murderer—an honest soul, yet a thief—at times a generous savage—at other times a wild Pagan. He knew both civil and uncivilized life—the dark and fair side of human nature." "I would like to be excused from the performance of any such task as drawing the character of Billy Marshal," says one who had met him; and, after paying a tribute to his better qualities of mind and body, he goes on:—"It becomes my duty to add that (from expediency, it is believed, not from choice), with the exception of intemperate drinking, treachery, and ingratitude, he practised every crime which is incident to human nature. Those of the deepest dye, I am afraid, cannot with truth be included in the exception; in short, his people met with an irreparable loss in the death of their king and leader; but it never was alleged that the moral world sustained any loss by the death of the man."

Robber and murderer though he was, an "Egyptian" by habit and repute, if ever there was one, we find him in the year 1789 living comfortably in a cottage "at the hamlet or clachan of Polnure, a spot beautifully situated on the burn or stream of that name," in the south of Wigtownshire; and we have the assurance of Sir Walter Scott that "he subsisted, in his extreme old age, by a pension from the present Earl of Selkirk's grandfather,"¹—though Scott omits to state for which of his virtues it was granted. Nor does the weight of nearly six-score years appear to have subdued and chastened his real nature. It is true that the gentleman who visited him in 1789 records how the old Gypsy "admonished me to 'tak care o' my han', and do naething to dishonor the gude stock o' folk that I was come o';" but when this youth and

¹ This was Dunbar Hamilton, afterwards Douglas, fourth Earl of Selkirk (1723-99).

his friends revisited the cottage late that night, the old scamp was roaring out a ribald song, heartily chorussed by some of his gang who were drinking with him.

He died at Kirkcudbright on 28th November 1792, and, as already stated, was buried in the churchyard there; his tombstone having two ram's horns and two "cutty-spoons," crossed, sculptured on the back. "A great concourse of people of all ranks attended his funeral, and paid due respect to his astonishing age. The Countess of Selkirk, who, for a course of years, had liberally contributed to his support, on this occasion discharged the expense of his funeral." These are the words of a writer in the *New Annual Register*, who therein differs slightly from Scott as to the source of Marshall's pension. In other details connected with his latter end there are also some contradictory statements. One local historian says that he "was buried in state by the Hammermen, which body would not permit the Earl of Selkirk to lay his head in the grave, merely because his Lordship was not one of their incorporated tribe;" while another asserts that "Lord Daer [the Earl of Selkirk's second son] attended his funeral as chief mourner, to the churchyard of Kirkcudbright, and laid his head in the grave."

Such is an outline of the career and character of one of the most remarkable of Scottish Gypsies;¹ and if many of the statements made regarding him seem to us anomalous and incomprehensible, that fact does not render him the less typical of the caste to which he belonged.

¹ These various accounts are taken from—Scott's "Additional Note" to *Guy Mannering*; *New Annual Register*, 1792 ("Principal Occurrences"); *Scots Magazine*, Dec. 1792; M'Taggart's *Gallovidian Encyclopedia* (s.v. "Billy Marshall" and "Corse o' Slakes"); Mackenzie's *History of Galloway*, vol. ii. p. 403; and *Blackwood's Magazine* (August 1817). Marshall's death is also mentioned in Chalmers's *Caledonia*, and there are several references to him in Simson's *History of the Gypsies*, in W. Broekie's *Gypsies of Yetholm* (Rutherford, Kelso, 1884), and in the *Life of James Allan*—a Northumbrian Gypsy—published at Newcastle.

CHAPTER XI.

THREE years after the birth of "The Caird of Barullion" another notable Gypsy trial took place at Edinburgh. It is referred to incidentally by Maclaurin (Lord Dreghorn), who, when speaking "Of Jurors,"¹ states that formerly "they were brought *ex vicineto*, *i.e.*, from the neighbourhood of the place where the pannels [the accused] dwelt, however distant," and who, in illustration of this fact, observes:—"In the case of the Faas, tried at Edinburgh in 1674, for sorning, murder, etc., *ten* of the jury were brought from that part of the country in which the crimes had been committed."

The autumn of 1677 witnessed a Gypsy fray in Tweeddale, which, considering that there was scarcely a dozen combatants on either side, was fought with great desperation. It is thus described by a local writer of the year 1715:²—

"Upon the first of October 1677, there happened at Romanno,³ in the very spot where now the Dovecot is built, a Memorable Polymachy betwixt two Clanns of Gipsies, the Fawes and Shawes, who had come from Haddingtoun Fair, and were going to the Harestains to meet two other Clanns of those Rogues, the Baillies and Browns, with a resolution to Fight them; they fell out at Romanno amongst themselves, about divideing the Spoyl they had got at

¹ *Arguments and Decisions*, Edinburgh, 1774, p. xxvii *et seq.* ² Dr A. Pennecuik, in his *Description of the Shire of Tweeddale*, Edinburgh, 1715, pp. 14, 15. ³ A suggestive and appropriate name for a Gypsy battle. The lands of Romanno belonged to a family bearing that surname, which became extinct in the male line about the beginning of the sixteenth century.

Haddington, and fought it Manfully; of the Fawes were four Brethren and a Brother's Son; of the Shawes, the Father with three Sons, with several Women on both sides: Old Sandie Faw, a Bold and proper fellow, with his Wife then with Child, were both kill'd Dead upon the place, and his Brother George very dangerously Wounded."

The chronicler adds—

"February 1678. Old Robin Shaw the Gipsie, with his three Sones, were hang'd at the Grass-Me[r]cat [in Edinburgh] for the abovementioned murder, committed at Romanno, and John Faw was hang'd the Wednesday following for another murder."

From the contemporary MS. of a celebrated judge, it appears that the Faws and Shawes had intended to "chase" the Browns and Baillies back into Ireland, whence (it is stated) they had come. The execution of old Shaw is placed on 6th February, and the second execution on the 13th, when "one of the Faws, called Robert [not *John*] Faw, being convict of having killed one Young, a caird or tinker in Aberdene, was also hang'd."¹

The traditional story of the elopement of a Countess of Cassillis with a certain "Johnnie Faw, the Gypsy laddie," is popularly placed in the first half of the seventeenth century. The story is of old standing, as is also the ballad which has helped to perpetuate it. But, according to Sir William Fraser, it has no historical basis to stand upon. That writer² points out that the Lady Cassillis identified as the heroine of the ballad and tale died greatly regretted by her husband, after twenty-one years of married life. And he maintains that the "great respect and tenderness for the memory of the Countess Jane" which the Earl evinced, "is quite inconsistent with the story of her elopement with the Gypsy King." It might be urged that this is a matter of opinion; and that, the Gypsy lover and his band having

¹ *Historical Notices of Scottish Affairs* (printed for the Bannatyne Club), Edinburgh, 1848, p. 187. See also the *Privy Council Register*, and Simson's *History*, pp. 188-89. From these executions of 1678 it is evident that it was now becoming "usual to take cognisance of murder amongst the Egyptians." (Compare the plea urged in the trial at Scalloway in 1612, p. 53 *ante*.) ² In his *Memorials of the Montgomeries, Earls of Eglinton* (Edinburgh, 1859), vol. i. pp. ix-xii.

been hanged in front of the castle (as tradition states), the escapade may have been overlooked and eventually almost forgotten. Or, the correctness of the tale may be questioned only as regards the date fixed upon. The tradition is certainly deep-rooted. As a ballad it is very widespread, and as a story it still clings to the scene of the alleged adventure; where a ford¹ across the River Doon bears the name of "the Gypsies' Steps." But there is apparently no historical evidence to bear out the story.² This also is the view taken by Professor Child, who, in his *English and Scottish Popular Ballads* (Part VII., Boston, 1890), gives eleven different versions of the ballad (while a twelfth variant was recently obtained by Mr John Sampson from some English Gypsies; for which see *Gyp.-Lore Soc. Jour.*, ii. 84-85).

A casual reference in one version of the Faw-Cassillis tradition suggests another Gypsy incident. The arrival of the Gypsy lover at the Countess's home is thus described:—"One evening as she was taking her accustomed walk on the battlements of the castle of Cassillis, on the left bank of the Doon, she descried a band of Gypsies hastily approaching. Such bands were very common at that period, but the number and suspicious appearance of this company were calculated to create considerable alarm On arriving at the house, however, instead of offering violence, they commenced some of their wild strains," and so on with the tale.³ This reference to the formidable appearance then presented by a band of Gypsies is quite borne out by the many references in the statutes to their predatory habits, to the "insolencies" they committed, and to the fact that they went armed, and would "even attack the lieges with hagbutts and pistols

¹ More probably a series of stepping-stones. ² Even such a detail as the existence of a certain piece of tapestry commemorating the event (Anderson's *Scottish Nation*, i. 607) receives no confirmation at the present day; as I am assured that no such tapestry exists in the castle referred to, or is remembered by the representative of the family. Curiously enough, a piece of tapestry representing an incident in the life of these same Gypsy Faws, but of later date, is stated by Mr Simson (*History*, p. 237) to have been preserved in a Fifeshire family, of good social position, with whom they had intermarried.

³ Anderson's *Scottish Nation*, i. 607.

when opposed.”¹ And the fears ascribed to the Countess of Cassillis at the sight of the Gypsy band are (whatever the truth of that tradition) quite in agreement with the following anecdote :—

“A writer in *Blackwood's Magazine* mentions that the Gipsies late in the seventeenth century, broke into the house of Pennicuik [Mid-Lothian], when the greater part of the family were at church. Sir John Clerk, the proprietor, barricaded himself in his own apartment, where he sustained a sort of siege—firing from the windows upon the robbers, who fired upon him in return. One of them, while straying through the house in quest of booty, happened to ascend the stairs of a very narrow turret, but, slipping his foot, caught hold of the rope of the alarm bell, the ringing of which startled the congregation assembled in the parish church. They instantly came to the rescue of the laird, and succeeded, it is said, in apprehending some of the Gipsies, who were executed. There is a written account of this daring assault kept in the records of the family.”²

Such traditional stories as these, which, whether themselves authentic or not, are founded on an actual condition of things, help one to realise the necessity for that long succession of anti-Gypsy enactments, so often ignored and so fitfully enforced. And a very partial knowledge of the feuds and jealousies that long animated the great nobles of Scotland, enables one to understand that when one of these exerted his influence to save an accused Gypsy from conviction, or when—in the face of prohibitory laws—he “resetted” and sustained a Gypsy band for weeks, or even months at a time, he was really securing for himself a not unimportant body of adherents, for occasions of private revenge or (as in the case of the Earl of Crawford) of treasonable revolt.

The acknowledged leader of the Baillie tribe in the latter

¹ For confirmation of this practice, even in the eighteenth century, see Simson's *History*, p. 205, note. In passing, it may be noticed that Sir Walter Scott had recognised the formidable character of the Gypsy gangs in times anterior to his own, when, in describing the appearance of a certain old Scottish manor-house, he employs these words :—“Neither did the front indicate absolute security from danger. There were loop-holes for musketry, and iron stanchions on the lower windows, probably to repel any roving band of Gipsies, or resist a predatory visit from the caterans of the neighbouring Highlands” (*Waverley*, ch. viii.). ² Simson's *History*, pp. 195-96. See also Mr John J. Wilson's *Annals of Penicuik*, Edinburgh, 1891.

part of the seventeenth century, and until his death in 1724, was the celebrated "Captain William Baillie." "He appears in no very creditable light in the records of the Presbytery of Biggar [in the south of Scotland]. On the 9th of June 1695, Margaret Shankland, being summoned, appeared before that reverend court, and judicially confessed the crime of adultery with William Baillie, the Gipsy."¹ He is elsewhere styled "William Baillie, brazier, commonly called Gipsy."² The fact that a man so styled should also be "known all over the country"³ as "Captain Baillie" or otherwise as "Mr Baillie," and that he should have, as he is stated to have had, the bearing and breeding of a gentleman, forms not only an illustration of the superior position of high-caste Gypsies in former times, but it also indicates that the "brazier" caste had not, in the seventeenth century, entirely lost the importance which, as Mr C. G. Leland has pointed out,⁴ it once possessed. The account which Mr Simson, senior,⁵ gives of this celebrated chief is well worth transcribing here:—

"The extraordinary man Baillie, who is here so often mentioned, was well-known in Tweeddale and Clydesdale; and my great-grandfather, who knew him well, used to say that he was the handsomest, the best dressed, the best looking, and the best bred man he ever saw. As I have already mentioned, he generally rode one of the best horses the kingdom could produce; himself attired in the finest scarlet, with his greyhounds following him, as if he had been a man of the first rank He acted the character of the gentleman, the robber, the sornor, and the tinker, whenever it answered his purpose. He was considered, in his time, the best swordsman in all Scotland. With this weapon in his hand, and his back at a wall, he set almost everything, saving firearms, at defiance. His sword is still preserved by his descendants, as a relic of their powerful ancestor. The stories that are told of this splendid Gipsy are numerous and interesting.

"Before any considerable fair, if the gang were at a distance from the place where it was to be held, whoever of them were appointed to go went singly, or, at most, never above two travelled together. A day or so after, Mr Baillie himself followed, mounted

¹ *Biggar and the House of Fleming*, Edinburgh, 1867, p. 404. ² Simson's *History of the Gypsies*, p. 206. ³ *Ibid.*, p. 203. ⁴ *Gyp-Lore Soc. Jour.*, ii. p. 322. Mr Leland speaks of the workers in *bronze*, but this is a distinction without any real difference, the Gypsies being notable bronze-workers. ⁵ *History*, p. 202; also p. 197.

like a nobleman ; and, as journeys in those days were almost all performed on horseback, he sometimes rode for many miles with gentlemen of the first respectability in the country. And as he could discourse readily and fluently on almost any topic, he was often taken to be some country gentleman of property, as his dress and manners seemed to indicate."

But the Justiciary Records for the years 1698 and 1699 throw a lurid light upon the doings of "this splendid Gypsy" and his followers, during the previous quarter of a century ; and from the evidence given by witnesses in two of the most notable trials during this period, one learns fully the true meaning of such terms as "sorning," "masterful oppression," and "masterful begging," so often used with reference to Gypsies.

In December 1698 and June 1699 this "Captain William Baillie" and his gang were arraigned before the High Court of Justiciary, and were duly tried and sentenced. For some reason, the Gypsy leader was tried separately, in June 1699, being himself in custody at Dumfries when his followers were brought before the Court in December 1698. But, except that certain additional charges were made against William Baillie, the later trial was to a great extent a repetition of that of the preceding December. The names of those who were brought to justice on the first of these occasions were:—"John Baillie, Elder [*i.e.* senior], Hellen Andersone, Spouse to William Baillie, Elder, James, William, Patrick, Henry, Mary and Margaret Baillies,¹ Children to the said William Baillie and Hellen Andersone, and William Baillie, sone to the deceast Patrick Baillie." These were only a portion of the band, which was described as numbering as many as thirty persons, on some occasions, although, as a rule, so many were not seen together. Those prisoners, then, were indicted as "vagabonds and Gypties," and as "vagabonds, sorners, and common thieves," having, says the indictment, "taken to your selves the name of Ægyptianes as descended to you from your forefathers under the name of Baillies," and "commonly using amongst your selves

¹ It was formerly the custom in Scotland to add the plural "s" where more than one of the same surname were named.

the Canting Language of Ægyptianes." Together with this general accusation, there were various specific charges of theft, robbery and murder, the details of which cannot be fully entered into here. It appears that this band had been previously apprehended in 1697, but had been liberated on their leaders granting a bond, dated 22d April 1697, by which they bound themselves and their followers never to be seen again in the parish of Crawford, Lanarkshire, where they had been captured, and wherein they made their chief resort. But, in spite of this, they had "since frequently haunted and been seen in the said paroch;" where they followed the old high-handed, overbearing, and violent Gypsy ways, taking up, to quote the accusing words of the indictment, "your lodging within the bounds forsaid, Sometymes in one place and some tymes in another, by force and violence, offering, when refused Quarters, fire and suord, And having with you horses, Grey hounds and other dogs, Guns, pistolls, Swords, Durks and other Weapones. And where you lodged ther was always great loss of goods sustained by the Countrey about, As of Sheep, hens, Cornes, drawn out of Stacks and stollen out of barnes, fowell stollen, with cloathes, houshold plennishing and other goods. And you have bein seen coming from the mountaines about breake ofday, And immediatly therafter ther hes bein found upon the saids mountains the skins, heads, or intralls of new slain sheep. And when your persones hes bein searched and ryped for stollen goods, The same hath bein found upon you." Further, "as to particular Murders and thefts," they are accused of having, about the year 1670, murdered the servant of a local laird, on Tinto Hill, and having despoiled the body, buried it there; also of having murdered Patrick Baillie, a fellow-Gypsy,¹ in 1672. Also of having, in the year 1697, attacked a certain countryman "and beatt him almost to death, if he had not been rescued out of your bloody hands." And of having frequently threatened one William Veitch of Smithwood, in Lanarkshire; "and particularly," one day in February or March 1697, "you came in a great company and in hostile manner, with swords, pistolls, and Gunns, to murder the said

¹ This is noteworthy, in view of indications that it was previously "not usual to take cognisance of murder amongst the Egyptians."

William and his family, And attempted to make a breach upon the house for that effect, But finding the house a strong old built tower, you were therby hindered." Another charge was that when, one night some years previously, the Earl of March had been robbed at Nidpath Castle, in Peeblesshire, "you the said Ægyptians" arrived on the following night at "Kirkhope House in Crawford muire with back burdens and arnefulls" of clothes which (inferentially) were those stolen from Lord March. For these and many other minor offences, as well as for being notorious "Egyptians," this band of Baillies was now brought to account.

The witnesses who gave evidence against them were all in agreement as to their being "Egyptians" by common repute, "speaking amongst themselves a Jargon Canting Ægyptian Language which none but themselves understood." One witness testifies that he has always known John Baillie to be a Gypsy, and "he remembers that he [John Baillie] was following and in company with old James Baillie his father, also a knowen and repute Ægyptian about thretty years agoe, And he was teaching him to handle his arms." The same witness states that he and five others gave chase to the Gypsies, on the occasion of their capture in 1697, and succeeded in dragging James Baillie from his horse; after which they pursued and overpowered "William Baillie, sone to old William, who had a gunn, and offered to make resistance."

On 15th December the Assize returned their verdict, and on the 19th the Lord Justice-Clerk and Commissioners sentenced all the prisoners to death, with the exception of Margaret Baillie; ordaining that John Baillie should be hanged on a gibbet at the Gallowlee, between Leith and Edinburgh, his body thereafter being "hanged up in Chaines." The other doomed Gypsies were to be hanged in the Grass-market, on 6th January 1699. There seems no reason to doubt that this sentence was fully carried into effect.

On 26th June 1699, the chief of the band, "William Baillie, Elder, a vagaband goeing under the name of Ægyptian, and now prisoner in the tobuith of Ed^r," was brought before the High Court of Justiciary. He was charged with having, for several years past, along with a

number of other Egyptians, "wandered up and downe in severall places of the Kingdome as Idle vagabonds, Under the name and owning your Selfe, at least knowen, repute and holden to be one of these wicked people called Ægyptianes." And the indictment goes on categorically to accuse him of the offences charged against his followers in December, in the same terms. "As also yow the said William Baillie being pitched upon to goe to Flanders with the recruits that were sent there, and being put aboard a ship in Borroustainness road, And yow having Combyned with others of the recruits yow made a Mutiny in the ship wherof yow was the chief ringleader. And yow and others that Joyned with yow having Commanded the Ship and killed a serjant and severall other men that opposed you, Yee runn the ship aground upon a sand bank under Culross, And having made a Floatt of Dealles, Yow came ashoar. And some of the Countrey people offering to secure yow, yow killed a ploughman by a stroke with your musket on the head, And so escaped. As also you did committ many other thefts, murders and robbries."

The evidence given by the witnesses in this case also quite bore out the justice of the general accusation. Baillie was "by the common report of the Countrey always called and esteemed ane Ægyptian," and known "not only to be ane Ægyptian but the Captain of them." "And that he ordinarily was armed with Sword, pistoll and Gunns [*sic*] and that he was in arms when he was apprehended, and made resistance by presenting his pistolls against those who came to take him." His savage nature is clearly seen, also, in the account of an attack made by him and his people on some countrymen, when, "after several Countrey people had gathered, and that the gypsies were sett off, William Baillie the pannall floorished his sword about his head in a threatening manner, and told that what they had gotten was but ane arles penny [an earnest] of what they might expect."

One would think that if any man deserved hanging it was this William Baillie. Yet the jury only found him guilty of being a Gypsy and the Captain of the Gypsies, and of "striking and wounding" one of the countrymen referred

to. And the sentence was that he should be transported for life; having previously undergone the trivial degradation of standing for two hours at the Tron of Edinburgh, "with a paper on his face declaring his guilt," and being thereafter "burnt on the right Cheek with a hott Iron."

Although this sentence was passed on 28th June 1699, he remained in Edinburgh nearly three months longer; as is testified by the following reference in Chambers's *Domestic Annals*:¹—

"William Baillie, 'ane Egyptian,' prisoner in the Tolbooth of Elinburgh, but regarding whom we hear of no specific crime or offence, was summarily ordered (Sept. 12, 1699) to be transported in the first ship going to the plantations, the skipper to be allowed a proper gratuity from the treasury, and at the same time to give caution [security] for five hundred merks that he would produce a certificate of the man being landed in America.—*Privy Council Record*."

If he ever was "landed in America," it is evident he did not remain there for the rest of his days. For this same William Baillie again appears as brought to justice sixteen years later. In September 1715, he and his brother (?) John Baillie are arraigned as Egyptians, liable to death under the Act of 1609; and, moreover, William is charged "with being art and part in forging and using a forged pass or certificate." It is further set forth against him

"That he had been formerly, in 1699, convicted of the same crimes, and sentenced by the justiciary to be hanged: That the Privy Council had commuted this sentence into banishment; but under the express condition, that if ever he returned to this country, the former sentence should be executed against him; and that he gave bond, under the penalty of 500 merks, 'to obtemper the same, by and attour [besides] undergoing of the said pains of death in case of contravention thereof.' Which sentence, and appointment of the Privy Council, he had manifestly contravened by his returning again to Scotland."

The arguments for the defence need not be repeated here. It is enough to record that, on 7th September 1715—

"The jury brought in a special verdict as to the sorning, but said nothing at all as to any other point: all they found proved was, That William, in March and April 1713, had taken possession

¹ Vol. iii. (1861), p. 116.

of a barn without consent of the owners ; and that during his abode in it, there was corn taken out of the barn ; and he went away without paying anything for his quarters, or for any corn during his abode, which was for several days ; and that he was habite and repute an Egyptian, and did wear a pistol and shable [a kind of sabre].”

“ Upon this, *September 8, 1715*, the pannels were dismissed from the bar.”¹

A most amusing *non sequitur* ; which would be quite inexplicable, in the face of the immense array of statutes making every “ Egyptian ” liable to death, were it not for the fact that the ends of justice were defeated over and over again by the private influence which the Gypsies undoubtedly possessed.²

It does not seem to be quite apparent whether “ William Baillie ” who was tried as a Gypsy in July–August 1714, and who was then sentenced to transportation, was this same incorrigible William Baillie who had been sent to America in 1699, and who was again tried and “ dismissed from the bar ” in 1715. It is quite likely that he was. There seems no reason why he should not have continued to live in a chronic condition of trial and acquittal until he ended his earthly career in the natural way, and amid the lamentations of the great, as did his contemporary and colleague William Marshall. But he who had laughed the gallows to scorn throughout his life was doomed to die a bloody death, at the hands of his own fellow-Gypsies.

¹ Maelaurin's *Arguments and Decisions*, &c., Edinburgh, 1774, pp. 57–9.

² In Simson's *History* (pp. 121, 205, 213, 470), it is stated that this William Baillie was nearly related to the important landed family of Baillie of Lamington ; and, commenting upon this, Mr James Simson cites (pp. 470–71) “ a somewhat similar case, related by a writer in *Blackwood's Magazine*.” It appears that “ Tam Gordon, the captain of the Spittal Gypsies, [at Berwick] and his son-in-law, Ananias Faa,” had been seized “ in the very act of stealing sheep ; when the captain drew a knife, to defend himself. They were convicted and condemned for the crime ; ‘ but afterwards, to the great surprise of their Berwickshire neighbours, obtained a pardon, a piece of unmerited and ill-bestowed clemency, for which, it was generally understood, they were indebted to the interest of a noble northern family of their own name ; ’ ” indicating the Duke, or rather the Duchess of Gordon. In like manner, the otherwise astounding immunity from punishment enjoyed by the Galloway Gypsy Marshall, could be attributed to a blood relationship with the Earl of Selkirk, whose reasons for bestowing a pension upon this hoary reprobate have never been given.

On the afternoon of the 12th of November 1724, "about sun-setting," "three of those idle sorners that pass in the country under the name of Gypsies" rode up to the door of a tavern in the village of Newarthill, in Lanarkshire, and, dismounting, entered the house. The names of these three were William Baillie, James Cairns, and David Pinkerton.

They got a room for themselves, and there they sat for some time, drinking and talking,—“talking a jargon” which the landlord “did not well understand.” Eventually, they came to high words, and then to blows, and the landlord, rushing in, found Cairns and Baillie struggling on the floor. Whereupon he “threatened to raise the town upon them, and get a constable to carry them to prison.” At this, “Cairns and Pinkerton called for their horses, William Baillie saying he would not go with them.” The two others, having mounted their horses, ordered the landlord “to bring a chopin of ale to the door to them, where William Baillie was standing, talking to them.” This the innkeeper accordingly did, and having “filled about the ale,” he “left them, thinking they were going off.” At this juncture a villager, who had been in another room in the tavern, came to the door, “where he saw William Baillie standing, and Cairns and Pinkerton on horseback, with drawn swords in their hands, who both rushed upon the said William Baillie, and struck him with their swords; whereupon,” this witness avers, “the said William Baillie fell down, crying out he was gone; upon which Cairns and Pinkerton rode off: That the declarant helped to carry the said William Baillie into the house, where, upon search, he was found to have a great cut or wound on his head, and a wound in his body, just below the slot of his breast: And declares, he, the said William Baillie, died some time after.”¹

Mr Simson states that Baillie’s wife, a certain Rachel Johnstone, and his son, then a boy of thirteen, swore to bring his murderers to justice. Certain it is, that “David Pinkerton, alias Maxwell, John Marshall, and Helen Baillie,

¹ For this incident see Simson’s *History*, pp. 206–7. The extracts from the Justiciary Records, notably in the Baillie trials of 1698 and 1699, are here taken from the original Books, which, by the courtesy of G. L. Crole, Esq., Clerk of Justiciary, I have had an opportunity of examining. These trials, and others of 1714, are more specially considered from the legal point of view in Baron Hume’s *Commentaries*, vol. i. pp. 472–73.

alias Douglass," "being habit and repute Egyptians, sorners, or masterful beggars," were duly tried for "sorning and robbery"—though not for murder—on 22d August 1726.

Of other trials of Gypsies, belonging to the close of the Stewart period, the following may be noted. The "Process against the Egyptians" at Banff, in 1700.¹ The trial of John Kerr and Helen Yorstoun, on 19th July 1714; followed by that of William Baillie and other Gypsies, between 26th July and 11th August of the same year. As a sequence of this latter trial was the execution of Agnes M'Donald and Jean Baillie, "Egyptians," on 24th November 1714.² This may be fairly held to conclude the period under consideration, as the Stewart dynasty ceased on the death of its last representative, Queen Anne, on 1st August 1714.

¹ *Miscellany of the Spalding Club* (Aberdeen, 1846, vol. iii. pp. 175-91).

² For these, see the Justiciary Records.

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