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THE SCOTTISH HISTORICAL REVIEW



Volume Sixteenth

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Brus *versus* Balliol, 1291-1292: the Model for Edward I.'s Tribunal

IT is no small pity that the great lawsuit for the Crown of Scotland still waits a competent and full report of its many aspects not only as a great national episode but also as a brilliant example of exact juridical record, and a leading case in the law of feudal succession. Sir Francis Palgrave edited in 1837, in his *Documents and Records illustrating the history of Scotland*, a great number of till then almost wholly overlooked pleadings and minutes in the elaborate litigation of the would-be kings. For these legal muniments he wrote an important and in many respects fascinating introduction, which brought back for the first time into light and life the varied and often thrilling phases of claims and counterclaims, precedents, answers and arguments, minutes, procurations and notarial notes of the sundry sessions and adjournments of the cause, including the nominations of the Auditors for the various parties and for the postulant Lord Paramount himself in the great debate for a throne.

Much subtle and skilful interpretation was put forward in the introduction, the substance of which has stood little affected by the course of historical or legal criticism during the eighty years which have passed since then. It was a famous and worthy adventure in historical disquisition in which Sir Francis touched with a master-hand many of the constitutional issues at stake. But on one important theme he was silent, and upon that the curiosity of his critics seems to have been no livelier than his own.

The question indeed seems somehow never to have occurred to the Scottish historians or historical critics, ancient or modern. It is the question of a numerical peculiarity about the body of Auditors whom King Edward I. in setting up his tribunal ordered to be 'nominated and elected' to assist him in the judicial task committed to him of determining the right to the realm of Scotland claimed by a dozen aspirants. At a very early stage of the cause, on 3rd June 1291, the great roll of the plea, incorporated in Rymer's *Foedera* (ed. 1816-1869, vol. i. pp. 762-784), that is to say the *Magnus Rotulus Scotiae*,¹ records that King Edward, by unanimous agreement among the various vindicators of their right to the realm, arranged and ordained (p. 766) that for the hearing and discussion of the cause Sir John Balliol and John Comyn for themselves and other petitioners should choose forty fit and faithful men and that Sir Robert Brus for himself and the other petitioners should elect other forty, while the King himself was to nominate four-and-twenty more. The date appointed for these nominations and elections was the third day succeeding, viz. 5th June 1291. That day, at the adjourned sitting of the court, those nominations and elections were duly made, and it is specifically minuted in the great roll (Rymer, i. 766) as well as in the separate notarial protocol of the day (Palgrave, Illustrations, No. ii.) that forty named persons were chosen by Balliol, forty by Brus, and twenty-four by Edward himself. Edward I. therefore in setting up the tribunal that was to determine the great issue of right and succession to the vacant seat of Scottish royalty began by ordering the election of 104 Auditors to be in the closest sense associated with himself in deciding the historic cause. Why this number of the Court?

A return recently for other purposes to this old field of legal interest has made visible the fact that many of the Edwardian annalists and most of the Scots chroniclers were in error not only about the number but also about the precise character of the court. Pierre de Langtoft (*R.S.* ii. 192) does not state the number of the 'tryours' who examined the case. Walter of Hemingburgh persistently styles it an 'arbitration' in which there were 80 arbiters 50 of them Scots and 30 English. Nicholas

¹This great instrument bears successive dates, beginning with the minute of proceedings at the 'first convention' or opening meeting at Norham on 10th May 1291, and ending with the notarial attestation of Balliol's letter to Edward I. at Newcastle-on-Tyne on 2nd January 1293, some days after Balliol had done homage for the kingdom awarded to him.

Trivet (ed. Hog, p. 324), the anonymous author of the *Lanercost Chronicle* (p. 142) and Sir Thomas Gray in the *Scalacronica* (p. 119) unite in saying that the total number of associates was 40, of whom twenty were chosen from each realm. Fordun (ed. Skene, i. 312, 313) declares that Edward was called in 'not as overlord nor as judge of right, but as a friendly arbiter' (*amicabilis arbiter*), and that he invoked to his assistance eminent persons to the number of 80 according to some, 40 according to others, or according to yet other opinions 24, of whom 12 were English and 12 Scots.

Andrew of Wyntoun, of all the chroniclers by far the most elaborately and argumentatively juridical in his long discussion of this vital episode (ed. Amours, volume v. pp. 165-224), calls the case a 'compromyssion' or 'arbitry' (*ib.* pp. 165, 167 and 175), in which the English King was trusted

'as gud nychtbure
And as freyndful composytoure,' (*ib.* p. 167)

assisted by certain 'wise men' of each realm :

'Foure score sum said or fewar
Bot four and twenty thai said thai ware.' (*ib.* p. 215)

Evidently Wyntoun followed the same authorities as Fordun: in both chronicles it is clear that the conception of the English King's position was that of *amicabilis compositor*. This name, which throughout the middle ages had probably the widest currency as the technical term for an arbiter, nowhere appears in the petitions, pleadings or official protocols of the cause. The competitors themselves ('compromising' themselves it may be truly enough) owned by minuted writing under seal that to Edward I. belonged the jurisdiction *de oir, trier et terminer* the question of right. The entire form of the record in all its scattered parts is foreign to the conception of arbitration. At each stage Edward claims and is recognized to be not arbiter but judge.

Walter Bower, continuator of Fordun's *Scotichronicon*, states at one place (lib. xi. cap. 2) that the auditors were '104 in number, 24 of them English, 80 of them Scots,' but further on (lib. xi. cap. 10) he lapses into mingled error and uncertainty, declaring himself as not knowing whether they were 24 or 40 or 80 (just as Wyntoun had the figures), although mentioning that he had found that the majority of the manuscripts (*plures codices*) favoured the first number. This no doubt explains why the *Liber Pluscardensis* (lib. viii. cap. 2) states that they were 24, of whom 12 were Scots and 12 English. Long afterwards the same

statement was made by Bishop Lesley in his *History* (ed. 1675, p. 221) where King Edward is styled 'arbiter.'

Clearly there were confusions, and as we have seen, the English chroniclers had their share of them. Henry of Knighton (ed. *R.S.* i. 286) fell into more errors than one when he said that there were 30 Scottish and 30 English 'arbitrators,' that they 'chose' (*elegerunt*) John of Balliol, and that Edward accepted him (*acceptavit eum*). By far the most important record of the trial in the archives of English history, however, with the possible exception of the great roll itself, its component and complementary protocols and some stray pleadings, is an early fourteenth century manuscript, the *Annales Regni Scotiae*, ascribed on apparently quite inadequate grounds to William Rishanger, and therefore edited as part of his diversified important but somewhat scattered historical work in his *Chronica et Annales* (ed. *R.S.* pp. 231-368). There are better reasons¹ perhaps than the editor gave (pp. xxv-xxxi) for believing that this invaluable appendix to the great roll, with its very numerous touches of authentic detail on the course of the trial, came from a first-class contemporary hand, professionally engaged in noting the *res gestae* of the litigation. The acute informant, whoever he was, declares that the 80 of Scotland and the 24 of England were chosen as in the manner of compromise—*quasi per viam compromissi* (p. 238), which was a mode of election familiarly resorted to in contests for ecclesiastical appointments. The analogy is shrewd, especially in so far as a process of election was involved, but the *Annales Regni Scotiae* gives no more countenance than the great roll to the proposition that the law plea for the Crown was an arbitration. Whatever may have been in the mind of the Scots in their approach to the English King it is fair to point out, not merely that no document of process extant bears out the supposed arbitration, but also that Robert de Brus, the apparent original mover of the cause, appealed from the outset to Edward as King and overlord and even addressed him as 'Empereur' (Palgrave, p. 29). That there were nevertheless elective and other elements

¹ The editor, Mr. H. T. Riley, seems to have missed noticing John of Caen's own significant statement (Palgrave, p. 299) to Edward I., dating from about 1306, that he had 'about him' notes and remembrances of the weighty matters touching Scotland—*il eit vers lui notes et remembraunces des chariantes busoignes que touchent Escoce*. These notes, he said, he had not been able to work up in due form because he had been worried and 'rioted' by Archbishop Winchelsea. [*Chariantes* from *charger* (which recurs below) is more readily intelligible in the spelling *charjantes*].

about the cause to which a Lord Paramount's notary was not called upon particularly to attend, and which it was not always convenient to record, need hardly be denied.

It is at least faintly possible that the conflicting misstatements of the number of jurors or assessors in the trial may come in part from contemporary rumours or proposals about the coming trial, *i.e.* that there may have been conflicting methods discussed before the final victorious proposal was actually adopted. A natural precedent might have been the border assizes or commissions of knights. A principle of March law was to have an equal number of representatives of the confronting nationalities, for example, six knights of England and six of Scotland in 1248; twelve knights on either side (together twenty-four) in 1246, 1249, and 1285. In 1245 an enquiry relative to the frontier line was made by 24 knights of Northumberland.¹ There is therefore a little to go upon, admittedly not much, by way of precedent for that number 24 which the chronicler Bower found most prevalent in the manuscripts.

No chronicler, historian, or critic hitherto, however, has offered any hint to account for the actual historical number of 104 auditors, plus the Lord Paramount himself, as certiorated by the great roll, which is not only final regarding the auditors, their number and their character, but is equally definite in registering the fact that the suit was in its authoritative form, as actually conducted, no arbitration dependent for its sanction upon the consent of the litigants, but was projected and carried through by King Edward as a regular legal process of a feudal court, a plenary parliamentary court.

There is, in spite of the many prudential and cautious concurrent acceptances of jurisdiction, no real foundation for reckoning the cause as either in the modern or the contemporary sense an arbitration or 'compromission' of arbitral reference (*compromissum ad arbitrium*),² or to style the tribunal, as for instance one distinguished recent historian does, a 'Court of Arbitrators.'³ The 104

¹ As to these border commissions see Bain's *Calendar*, i. appx. No. 5, i. 1676, 1699; ii. 275; *Acts Parl. Scot.* i. p. 413.

² Compare the Scottish proceedings with the *Compromissio ad Arbitrium* made to Edward I. by the Count of Holland and the Duke of Brabant in 1297 (Rymer, 8th Jan., 1297). The complete difference is obvious.

³ Sir J. H. Ramsay, *The Dawn of the Constitution*, 1216-1307, p. 386. It is an occasion of regret to have to contradict an authority to whom on every count, alike personal and historical, so much deference is due.

were not arbiters, they were auditors; and it was through auditors in the thirteenth and fourteenth century parliaments alike of France, England and Scotland, that the Kings of these countries administered justice in their respective courts of parliament.¹ It was the normal method of parliamentary law; arbitration was a quite different thing. It will be difficult to find in the great roll a single word to countenance the interpretation that Edward I. was only a magnified arbiter, or that the auditors any more than Edward himself were 'amicable compositors' in the technical sense. Certainly they were appointed *ad ius dictorum petentium definiendum*, as the *Annales Regni Scotiae* (Rishanger, p. 238) has it, but these annals, equally with the great roll, emphatically state and shew that the function of the auditors was to discuss the case and report to the King who meant, he himself said, *jure proprio* to decide it at law (*definiendum de jure*); to him, he claimed, the decision belonged (*ad quem pertinet negotium diffinire*) and his right to decide was therefore expressly reserved (Rymer, i. 763, 764, 765, and 766; Palgrave, Ill. No. iii.). In fact, if we accept, as most probably we must, the *Annales* as a truthful record on that head, preferable to the great roll itself, the judgment rejecting the claim of Brus was drawn up (*ordinata*) by the King's 'whole council,' along with or inclusive of the 24, after which it was submitted to and approved of by the 80; but it was not the judgment of the 104, it was the King's judgment, and when the time came it was delivered as the King's judgment (*judicium*), not a decree arbitral, by his chief justice, Roger de Brabazon (Rishanger, pp. 261, 262, 358).

If the great roll had risen to the height of its lofty opportunity, each step of pleading and process should, with all attendant circumstance of date and detail, have been notarially recorded, fully, frankly and faithfully. But the notary, although his roll was a notable performance, fell somewhat short of even his own ideal. He confesses one bad oversight, which may well have mortified a medieval formalist: the place where the judgment was pronounced—*le lieu du jugement rendu*—an essential in the right 'rolment of Courts,' had been left out (Palgrave, 298). This was an omission of a most important character, an *article mout durement chariant*, in the chief point of the whole process (*en le plus fort poynt de tot le proces*), which only the hand of the

¹ The great constitutional, legal and historical interest of this for Scotland is dealt with in the introduction to the *Acta Dominorum Concilii*, vol. ii. A.D. 1496-1501; 1917, not yet issued by the Stationery Office.

notary himself John, son of Arthur of Caen (*Johannes filius Erturi de Cadomo, Johan de Caam*) who wrote it, could competently amend (Palgrave, 298, 299). Some Scotsmen may prefer to hold that the flaw in the judgment was far too deep to be cured. Apart from the question of validity, however, the great notarial roll, able and comprehensive document though it was, had graver deficiencies than a failure to register the place of judgment. Important stages of the trial, incidental findings which formed the base of the final decision, diets of the Court, *e.g.* on October 24, 29 and 31, November 3 and 5, 1292, and other matters of pith and moment, whether for fact or form have unfortunately been dropped. It was no doubt a sufficient register of the trial, but vital elements in the process and in the judgment are recorded elsewhere and are wanting from the roll. In fact the roll edited in Rymer is in the main an imperfect incorporation by Master John of Caen of the admirable protocols of Master Andrew of Tange recording from day to day the separate stages of the process. The roll in Rymer is thus not definitive on the entire course of the cause.

But we return from discussion of John of Caen's great roll to raise the enquiry whether it was not by something more than a coincidence that the persons of the court whereof the deliberations and decision it magistrally set down were precisely of the number of the ancient Roman court of the *Centumviri* consisting throughout large part of the republican period of one hundred and five men? It is well known by the evidence of Festus that from at least the middle of the third century before Christ until after Cicero's time the court was representative, each of the 35 Roman tribes having three constituents upon it. Gaius (iv. 16. 31. 95) tells that at its sittings a spear was set up, the historic emblem of quiritarian authority. Its jurisdiction clearly favours the suggestion of its direct adoption as a precedent by Edward I., for the peculiar province of centumviral authority lay in the decision of questions of right of property and specially concerned hereditary succession. The vouchers of the centumviral court and its activities embrace many great names, not only of Roman literature and law, but also of the long line of glossators and commentators who recovered the sense and majesty of Roman jurisprudence. Cicero, Pomponius, Julius Paulus (v. 16), Quintilian, Pliny, Phaedrus, Lucan, Martial, Gellius, Suetonius, Valerius Maximus and Dion Cassius are among the original authorities for the legal function and popular position of the

court. Although its 'ambitious sentences' had to be pruned by Domitian the Emperor, Justinian recognised the amplitude of reputation of the tribunal, and his approbation found emphatic expression in both Digest and Code.¹

Among the commentators² of the civilian renaissance Cujas was followed by Raevardus, Nicolas Boer, Heineccius and Kahl in chapters of exposition of this court which have been classified and expanded by the moderns³ Mommsen, Sohm, Greenidge, Muirhead and Fowler. Nor may we omit the quaintness of its appearance in the whimsical jurisprudence of Pantagruel (Rabelais, iii. ch. 39). But chiefly it is important to note as the common verdict of legal commentary that this court was noted for the magnitude and authority of its decisions: that one of Justinian's references to it has been styled a eulogium,⁴ that in its procedure the old *legio actio sacramento* was long in prevalent use and that its province specially consisted of the vindication (*vindicias dicere*) of rights of property and succession, and indeed that all its actions were *vendicationes*, primarily of quiritarian right. The scope of the court was modified under the emperors, its membership increased to 180, and its method of procedure changed in some respects from the republican conditions under which the 105 centumvirs had sat for over 250 years. Its dignity and importance persisted under imperial auspices.

The correspondence of the conditions as to the number of the court, the high question at issue, and the competitive demands of the petitioners in 1291, points to more than a suggestion of some relationship in constitution between the old Roman tribunal and the *pro re nata* court which was to pronounce the celebrated *dreituriel jugement* of 1292.

It will be convenient to recall certain stages of the cause; how its origin draws back to an appeal against the Scottish regents

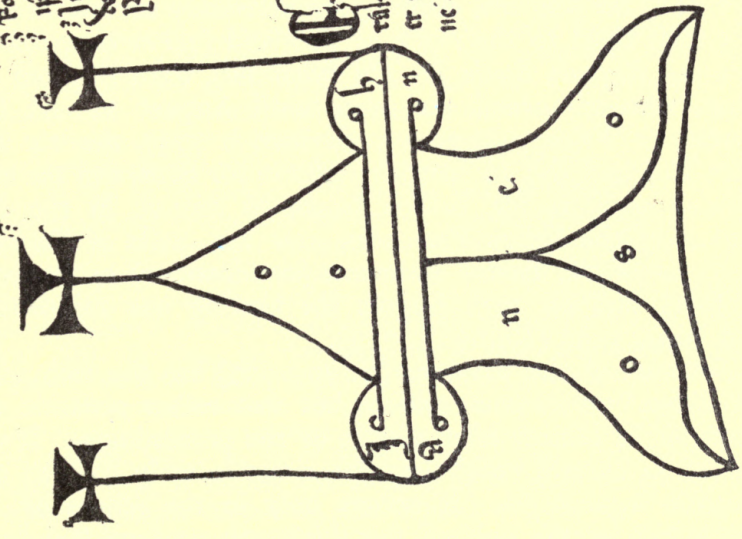
¹ Digest, i. 2. 29: v. 2. 13. 17: xxxiv. 3. 30. Code, iii. 31. 12: vi. 28. 4.

² Cujas, *Opera Omnia* (1595), i. 263, iv. 230. Jacobus Raevardus, *Protribunalium Liber*, in Ziletti, *Tractatus Universi Juris* (1584), vol. iii. p. i. fo. 92. Nicolas Boer, in *additio* to Jo. Montaigne, *De Parliamentis*: Ziletti, *Tractatus*, vol. xvi. 273 verso. Heineccius *Antiquitatum Romanarum Syntagma* (ed. 1841), lib. iv. 6. 9. Kahl (Calvinus), *Lexicon Juridicum* (ed. 1684), under *centumviri*, *centumvirale*, *hasta*.

³ Fresquet, *Droit Romain*, ii. 393-395. Rudolph Sohm, *Institutes of Roman Law*, translated by J. C. Ledlie, ed. 1907. Greenidge, *Legal Procedure in Cicero's time*, 1901. Muirhead, *Law of Rome*, ed. 1899. H. J. Roby, *Roman Private Law*, 1902, ii. 314-315. W. A. Hunter, *History of Roman Law*.

⁴ Claudius Cantiuncula, *De Officio Judicis*, ii. cap. i. sec. 15, in Ziletti, *Tractatus*, ii. part i. fol. 78, commenting on the Code, iii. 31. 12.

Johann de vallulo. Et in tricesima septima linea eiusdem foruli ubi scribitur predicere regnum. Item in
 plena linea ubi scribitur. Comine. Item in vicesimo sexto forulo in tricesima secunda linea ubi scribitur
 forulo. In decima tercia linea ubi scribitur. Bro. Et in a-us
 ipius linee. Et in principio linee proxime subsequens. Vbi s
 In isto eodem vicesimo octavo forulo. In decima quinta in
 dem foruli. ubi scribitur. Vii. Et in tricesima prima linea
 Basum fuit per me Infrascriptum Notarium et contet



Et Johannes Petrus de Adamo apo
 talis publicis. Permissis que Acta fuerunt pro vir sup
 et ut adhibeatur eisdem decimo plena fides. Rogans pro
 ne. In hanc publicam formam Redeg.

favouring Balliol, addressed by Brus to the 'King of England and his royal crown' (Palgrave, xiii. xlvi. 17), how at the very outset on June 3, 1291, with the unanimous approval of the claimants the King issued an order of court for the appointment of auditors, and how King Edward assigned June 5th as the day for their nomination. On that date accordingly these auditors are recorded by the notary who kept the roll to have been duly appointed by the 'noble men vindicating their right to the realm of Scotland' (*nobilibus viris jus ad Regnum Scocie sibi competere vendicantibus*) and by King Edward himself. On the part of the King of England there were 24; on the part of Brus and others 40; and on the part of Balliol, John Comyn and others, 40; in all 104 auditors, nominated in presence of distinguished witnesses, including Master John Caen, 'notary public, specially called and required,' while the other notary Master Andrew Tange separately executed a public instrument, attested by his notarial sign, testifying that he also was present, and saw and heard the whole proceedings (Rymer, i. 767-767. Palgrave, Illustrations No. ii. pp. iv to xvi).

On June 6 in the King's chamber in Norham Castle (Rymer, i. 767-768) the litigants, claiming by hereditary succession to vindicate their right to the realm of Scotland (*qui ex successione hereditarie ad Regnum Scocie jus sibi vendicant*), were received by the King, who adjourned the cause until August 2. At Berwick Castle, on Friday, August 3 (Rymer, i. 775), the 24 auditors from England, the 40 Scottish auditors for Brus, and the other 40 Scottish auditors for Balliol, began to receive in the deserted church of the Friars Preachers, near the castle of Berwick, the petitions of the twelve claimants (*vendicantium*) to the realm of Scotland, and on 12th August the hearing was adjourned until 2nd June, 1292 (Rymer, i. 777).

Not one of the petitions (*ib.* 775-777) has the technical term 'vindicate' in its composition, but that rather pedantic word is reiterated in minute after minute of the proceedings. It was not a word in current vocabulary use either in early English or early Scottish legal style. It occurs only in the echoes of Roman law, which at the end of the thirteenth century had begun to make themselves very definitely heard in Great Britain.¹ On

¹ Bracton used the term *rei vindicatio*, although very rarely, and when he did so was usually taking over some passage from Azo or other civilian. Bracton, *De Legibus Angliae*, ff. 9, 103. Maitland's *Bracton and Azo* (Selden Soc.), pp. 105, 106, 116, 121, 176. A considerable search for instances of the use of the term *vindicatio* or

2nd June, 1292, the King and the 104 auditors sat again and ultimately the cause was adjourned until 14th October (*ib.* 777). At the important sitting on that day, according to the great roll, but really perhaps on November 5, the King asked the bishops, prelates, earls, barons, and councillors, as well as the auditors, the vital questions of the cause, and they all 'unanimously in agreement and finally¹ replied' that of two claimants the one remoter in degree lineally descending from the first-born daughter was to be preferred to the one nearer in degree issuing from the second daughter (*ib.* 779). Thereupon the cause was adjourned for judgment (*ad audiendum judicium*) until Thursday, 6th November, at which date the magnates and auditors answered other questions, after which a readjournment was made until Monday, 17th November. On that date (*ib.* 780) in the hall of the castle of Berwick in full parliament (*in pleno parlamento*), present also the 24 English and the 80 Scottish auditors and 'the foresaid petitioners being called

vindicare in the records of actions of right, etc., has yielded no examples. That early examples exist may be probable enough, but it appears certain that normally the term did not pass current in the early law reports, in the sense in which it is employed in the reports of the Scottish Crown case.

¹ This comprehensive proposition is quite correct, but it does not advert to the extremely interesting and important facts set forth in the *Annales Regni Scotiae* (1) that Edward on Monday, 3 November, 1292, put the vital question of the principle of hereditary descent, not to his Auditors as a body, but to his whole Council (*totum Consilium suum*) which comprised 51 persons, the list of whom includes very nearly all of the 24 auditors nominated *pro rege* the year before (Rishanger, 259-260); (2) that they agreed in approving the principle of primogeniture above quoted (*ib.* 260); (3) that on Wednesday, 5 November, 1292, in presence of the King and his whole Council a certain form of judgment (*quaedam forma judicii*) nonsuited Brus was drawn up (*ordinata*) and accepted by the whole Council (*ib.* 261-262); (4) that next day, Thursday, 6 Nov., 1292, this 'form of judgment' was laid before the 80 auditors of Scotland and the 24 for the King and was answered separately, and with separate approval by all the available members of the 80, virtually by them all (*ibid.* 262-265); (5) that thereupon on same day the King formally gave judgment that Brus 'had not right in his petition to the realm of Scotland according to the form and mode of his petition' as in the question with Balliol; (6) that subsequently after intermediate decision as regards partibility of the realm and other points on which the 80 of Scotland advised (*ibid.* 354), the King on 17th November, 1292, at Berwick gave judgment by Brabazon, auditor as well as chief justice, and awarded the foresaid realm of Scotland to Balliol, as nearest heir of Margaret, Lady of Scotland (*ibid.* 358). It will be observed here that the *Annales* uses the precise words which on 19 November, 1292, were embodied in the precept of sasine, although in the notarial narrative of the great roll (Rymer, i. 780) the terms of the judgment itself are not so set forth (*ibid.*). Whether or not the *Annales* can be interpreted as being or representing the *notes et remembraunces* of John of Caen will depend on the character and degree of such differences and coincidences.

who vindicated right to the aforesaid realm of Scotland,' the judgment was given in accordance with the 'relation' or report of the auditors that the remoter in degree in the first line of descent is to be preferred to the nearer in degree in the second line; and therefore, runs the decision,—'it was considered that the aforesaid John of Balliol should recover and have seisin of the foresaid realm of Scotland, with all its pertinents in said kingdom.'

And so the great cause reached its close in an award of possession of the Kingdom of Scotland to Balliol, to whom a precept, by Edward, with the formula *teste meipso*, was accordingly granted (*ib.* 780) on November 19. The award of possession, that eminently natural consummation, appears to have been the essential point and significance of *vindicatio* in Roman law also. The use of the term both by John of Caen, the notary of the great roll, and prior to him by Andrew of Tange¹ in the protocols, was in terms of Roman law perfectly correct. This, however, would be less remarkable were it not that the term was by Roman law specially apt for cases of centumviral judgment. The preceding considerations might be left to present their own argument, their direct hint of source for the form of the judgment, but there is a final fact which possibly removes the problem from the region of speculation altogether and justifies, if it does not compel, a definite conclusion regarding that source.

In the manifesto by which on 8th February, 1340, Edward III. set forth his claim to the kingdom of France, he found it necessary to denounce David II. of Scotland, and to maintain that the crown of Scotland had been duly and competently awarded to John Balliol as king, and that Robert the Bruce had been a mere tyrant and sacrilegious perjurer. The reference to the award is of a revealing significance. In the manifesto of 8th February, 1340, which is the proclamation *Super titulo ad Regnum Franciae*, Edward III. declares that David II. has no right to the Kingdom of Scotland, which, he says, on the question of succession arising between

¹ Master Andrew, son of William of Tange, a clerk of the diocese of York and apostolic notary, not only appears as attesting along with John of Caen, the chief of the separate protocols in 1291-1298 (Palgrave, *Illustrations*, pp. vi, xvi, xxvii, 150). After the great suit was decided Master Andrew notarially certified the homage of King John Balliol (Bain's *Calendar*, ii. p. 152). He attested the Ragman Roll in 1296 (Bain's *Calendar*, ii. p. 214). He is also mentioned in 1318 and 1321 as having attested 'the Great Roll of 48 pieces beginning *Quoniam antiquorum* as to the King's right to Scotland' (Bain's *Calendar*, iii. pp. 115, 137). This is the chief Roll of fealties and homages in 1291. *The Ragman Rolls*, Bannatyne Club (1834), pp. 3-56.

John Balliol and Robert Bruys, was disputed at law between them, and was 'by centumviral judgment' adjudged to the said John—*per centum virale iudicium iudicatum fuit praefato Johanni* (Rymer, ii. 1110).

Surely we have here a plain intimation that some tradition of the English diplomatic service or chancery had preserved the name by which the award of the Scottish crown had in legal circles been characterised. It was a *Centumvirale Iudicium*: a term of legal technique of unknown antiquity even in Cicero's time, revived for a unique occasion. The name thus applied in 1340 to the famous trial was no misnomer. It deserves to be noted that John of Caen, the papal notary of the court in 1291-1292, who had been the King's procurator¹ in France in 1278 and at Rome in 1289, was now a master of the English chancery,² and that William of Kylkenny, one of the panel of 24 auditors (Rymer, i. 766) nominated by Edward I., was styled in the nomination 'professor of civil law' (*juris civilis professor*). This is by no means a sole proof of contact with Roman law. Francesco Accursi the younger, a famous civilian of Bologna, was for some time in the service of Edward, and has been referred to as his favourite jurist. At any rate, he had from the English King a retaining fee of £40 a year.³

The *Magnus Rotulus* itself, let us remember—in whatever light the judgment and its mixed motives may by patriots and counter-patriots be regarded from a political standpoint—is an example of a judicial report and decision so splendid that it has been declared in Pollock and Maitland's *History of English Law* (ed. 1898, i. 197) to be 'the most magnificent of all the records of King Edward's justice.' This superb compliment to the French notary is by at least a full half a misdirection, in that it fails to render the honours due to John of Caen's Yorkshire colleague Andrew of Tange, whose name never appears on the Frenchman's version of the great roll. *Tulit alter honores*.

As for the series of facts and phrases which now go to correlate the shaping of this unique auditorial court and judgment of Edward I. to a remote model of the foremost classical and legal note, is it too much to regard the chain of connexion submitted in this article as irresistible? If the 'centumviral judgment' of

¹ *Roles Gascons*, ed Bémont, Nos. 1158-1160.

² Pollock and Maitland, *History of English Law*, 1895, i. 197. Jenks, *Edward Plantagenet, the English Justinian*, 1902, pp. 159, 248, 340.

³ Rymer, 23 October, 1290.

Edward I. was not in truth a rebirth of Roman parentage why should the chancery of Edward III. have given it the Roman name? To engraft after nearly a millennium the old centumvirs upon the new creation of Anglo-Scottish auditors was a feat of distinction worthy of the cleverest of Renaissance jurists. A fine—even more than an adroit—adaptation of Roman precedent to a high occasion, it reflects by its felicity no small credit upon the unknown civilian—was he himself a notary or a centumvir?—who out of the most dignified memories of Roman law suggested as a precedent for the frame of the tribunal which Edward I. was to erect, a court of such antiquity, standing and appropriateness for the pattern. If by chance the emblematic spear was not set up to denote the ultimate authority of military force behind the tribunal, shall we not say that all men of discernment saw it clearly enough in the air? Thus the term *Centumvirale Judicium* used in the chancery of Edward III., a capitally correct label for the award in *Brus v. Balliol*, becomes a footnote of international and legal history imparting fresh point to the epithet which designated Edward I. as ‘the English Justinian.’¹

GEO. NEILSON.

¹ The plate (page 9) is from a photograph by Mr. A. P. Monger, for which I owe my thanks to Mr. H. Rodney of the Public Record Office, London, for facilities and instructions to the photographers. It shews the notarial mark of John of Caen attached to the *Magnus Rotulus Scotiae*, edited in Rymer's *Foedera*. The length of line in the roll made it necessary to cut off most of the notarial docquet which begins *Et Ego Johannes Erturi de Cadomo*. At the top of the plate is seen, correspondingly docked, the end of John of Caen's long and conscientious declaration of erasures, etc., in his extension of his historical instrument.

Two Features of the Orkney Earldom

AS lords not only of that once formidable archipelago, the Orkney Islands, but of the Shetlands, all Caithness and Sutherland, and at one period of a considerable part of Scotland besides, the ancient Orkney Jarls had much more than a local influence. The Orkneys were in fact but one sector in a long chain of kindred communities always in part under these chieftains, and during at least the reign of Earl Thorfinn the Mighty, entirely under their sway. This paper touches on two characteristic features of the Norse Jarls' rule, the constant dividing of their realm into lots or shares, and their 'gæðings' or vassal nobility, through whom they exercised authority. The second feature I have referred to very briefly once before,¹ but the first has not, so far as I know, been dealt with previously.

The Earls' Shares of Orkney.

It may be observed in the first place that the system of sharing their realm did not extend to Caithness (then including Sutherland), which was always in the gift of the Scots King as overlord, and was apparently granted to whichever of the joint earls he preferred. Shetland presumably was divided, but it is only of Orkney that we have any particulars.

We first actually know that the isles were shared on the death of Sigurd the Stout at Clontarf in 1014, though from later analogies it seems probable that they were divided also at an earlier date among the three sons of Torf Einar, since all three appear to have held the title of Jarl contemporaneously; but the Saga touches that period very briefly. On the other hand, it seems certain that they were not shared among the five sons of Earl Thorfinn Skullsplitter, for these are described as succeeding one another in the title. Apart from these two cases, there were no occasions for division before 1014.

¹ Introduction to the *Records of the Earldom of Orkney*.

In that year they were divided into thirds (*triðungar* or trithings), and till 1046 remained so, with the exception of a short period of division into halves between Earl Thorfinn II., the Mighty, and his brother Brusi, and about six years when Thorfinn was sole earl. From 1046 to about 1090 they remained undivided, first during the second period of Thorfinn's sole rulership, and then under the joint rule of his sons, Paul I. and Erlend II. Dissensions between these sons led to their division for the second time into halves, and from about 1090 down to the death of Rognvald II., the Saint, in 1159, they were sometimes undivided, but for the greater part of the time shared in halves. After that they passed under the sole rule of Earl Harald Maddadson, and we have no record of further divisions.

Thus for thirty-two years they were almost continuously split into trithings, and for about seventy years remained in halves most of the time, and the first question is—How complete was the division and how independent were the divided lots?

Though the references in the *Orkneyinga Saga* are few and brief, they fortunately answer this question very clearly. At the beginning of the trithing period the three earls were Brusi, Einar II., and Thorfinn II.; Einar's third becoming, after his death, a disputed heritage. In Chapter 22 we learn that 'Brusi had the northermost lot of the isles and was then there,' *i.e.*, when Thorfinn was defending the rest of the isles against the King of the Scots. Again, Chapter 14 tells us that 'a great dearth arose in his (Einar's) realm from the toil and outgoings which the bonder had; but in that lot of the land that Brusi had was great peace and plenty, and the bonder had an easy life.' So we know that Brusi's third was a geographically distinct realm in the North Isles, and was ruled by him after his own fashion quite independently of his brothers.

Two more brief passages complete the picture. In Chapter 26, when Rognvald I. claimed King Olaf's third (Einar's old trithing, escheated for his misdeeds) in addition to his father, Brusi's, third, Thorfinn consents and gives him the disputed trithing with the words, 'His help is more worth to me than the scats which I get from it.' And finally, in Chapter 30, when Thorfinn and Rognvald had fallen out, Rognvald's friends 'said too, it was bad counsel that Rognvald should lay himself out to fight against Thorfinn with that force he could get from two lots in the isles, when Thorfinn had a trithing and Caithness

and a great share of Scotland and all the Southern Isles.' Hence it is quite plain that each trithing (and the same would obviously apply to the halves) was for practical purposes a self-contained small earldom in itself, and in the case both of trithings and halves one would like to know what they were and how they were bounded.

It is only with regard to Brusi's third that we have a definite statement as to its position, but scattered through the *Saga* it is possible to find a number of clues to the other trithings and to the halves; as for instance in references to the earls' seats, their private estates, or places where they obviously had special influence or exercised jurisdiction.

Taking the trithings first, we have Brusi definitely established in the North Isles. Then in Chapter 33 we find Thorfinn living in Hrossey (now the Mainland), and his subsequent connection with Birsay is well known. He lived there 'almost always,' and founded there the first bishop's see; so that evidently the West Mainland was in his lot. And of Einar's third we have two indications. We know that Thorkel Amundason of Sandwick in Deerness was evidently a chieftain in his share of the isles, and we also find him descending on the Norwegian noble Eyvind Urarhorn while he lay sheltering in Osmundwall in Walls, and making short work of him (hence the subsequent forfeiture of his trithing).

It will be noted that all these indications are consistent with one another, placing the three lots in different corners, as it were, of Orkney, and they serve to give us a good rough idea of the lie of the land and its general division into North Isles, West Mainland, and East Mainland with the South Isles.

But it is possible to define these trithings exactly, and the principle to be applied is one that may help to elucidate other questions concerning all parts of the Norse dominions in Scotland where the land measures of the 'urisland,' or ounceland, and the pennyland were in use. The urisland of eighteen pennylands was the earliest land unit for the collection of the scats or taxes,¹ and hence if we know that two districts paid the same scats, we know that they must have contained the same number of urislands. But we have already seen that 'the scats which I get from it' represented the value of a trithing to Earl Thorfinn, so that a

¹ This is the true original urisland, and must be distinguished from the parish districts styled 'urslands' (though these last were originally based on the true urislands).

general equality of urislands must be assumed in the case of these trithings. Also it is clear that natural boundaries must have been respected, since each trithing or half was a self-contained realm, and apt to be on delicate terms with its neighbours.

Without going into the details of the process of enumerating the urislands, it may be said briefly that the basis was the three rentals of 1492, 1502-03, and 1595, plus additional information from various other sources, and that no 'quoylands' were included, since these neither paid scat, nor, like the earl's 'bordlands,' rent to him instead. In some parishes the evidence is conflicting, but the margin of error is never more than a single urisland, and very seldom that. In the case of Eday and one or two of the minor islands I can find no evidence at all, but the number of urislands thus omitted is quite certainly extremely small, and the total works out at a few more than 188; 192 being probably about the precise number.¹ The figures placed in each parish and island of the annexed map, or beside the names, may safely be taken as extremely close to the mark.

Starting now with Earl Brusi's 'northernmost lot,' we find that the group divided from the rest of Orkney by the Westray and Stronsay Firths, and always styled the 'North Isles,' contains at least 66 and very probably 68 urislands. This is a trifle over a third of 192, and may safely be taken as Brusi's trithing.

Crossing the Westray Firth, if we begin with Rowsay and sweep through the West Mainland, the first natural boundary we come to is the belt of moorland hills forming the southern margin of the basin of the Harray and Stenness lochs. This includes the islands of Rowsay, Egilsay, and Wyre, and almost all the West Mainland, and contains 64 urislands as nearly as may be, exactly a third of 192 (one urisland in Stromness is included and one in Stenness cut off by the natural boundary, but presumably the marches of the parishes would be followed). And here we evidently have Earl Thorfinn's lot.

¹ Captain Thomas, in his paper on 'What is a Pennyland' (*Proc. Soc. Antiq. Scot.*, vol. xviii.) made the suggestion that the fine of 60 merks of gold paid by Earl Einar on behalf of the Orkney border represented approximately the value of their lands, since in return they pledged their lands to him. Since then a note in the *Old Lore* series enlarged on this supposition and calculated the number of ouncelands (64 ounces = 1 gold merk) as 170 at $22\frac{1}{2}$ years' purchase. The principle seems sound, but 170 is too few, and $22\frac{1}{2}$ years seems a curious number to select. But 20 years' purchase gives 192 urislands, already known to be practically the number, and therefore probably the exact number.

In the third trithing, Earl Einar's, we are left with all the parishes and islands round Scapa Flow, plus Shapansey, and this contains just under 60 urislands.

These are the dimensions and boundaries of the three trithings as defined on the urisland principle, and as some confirmation of its accuracy as a guide, a very significant coincidence is to be noted. In another place I drew attention to the four different compartments, as it were, into which Orkney was divided for the purposes of the 1502-03 rental (and presumably for many a long lost rental before then).¹ The four actually are: 1. Thorfinn's trithing; (2) Brusi's trithing; (3 and 4) Einar's trithing. To follow up the apparent connection suggested by this between the trithings and the political divisions for the Lawthing would be outside the scope of this paper. But some connection seems highly probable.

Passing now from the trithings to the halves, we know that this form of division was first made for a short time between Earls Thorfinn and Brusi about the year 1021, and it may safely be taken that each would retain his own lot, and that Einar's would be cut in two. Then about 1090, when Paul I. and Erlend II. were joint earls, we find the long period of division into two lots beginning with the statement that 'the isles were shared into halves as they had been between Thorfinn and Brusi.' This seems to imply that the boundaries were the same, and all the facts bear it out.

The division thus made between Paul and Erlend can be traced long after their time. Paul's half was inherited by his son Hakon, then by Paul II., Hakon's son, and finally by Harald Maddadson, Paul's nephew; while Erlend's half went first to his son Magnus and then to Rognvald II., the Saint.² It is thus possible to get data over a long period to identify certain places in these halves.

Taking first the Paul I.-Hakon-Paul II.-Harald, half (which we may term here Half A), we find Paul II. living at Birsay and Orphir, and after a truce had been arranged with Rognvald and the isles were divided into lots, he went to stay in Rowsay. Then in the three-cornered contest between Rognvald II., Erlend III., and Harald, we have Harald lying

¹ Introduction, *Rec. of Earldom of Orkney*.

² See chaps. 47 and 64, *Ork. Saga*, where the inheritance of a particular half is very explicit.

with his force off Cairston in Stromness¹ when he was surprised by Erlend and Sweyn Asleifson. Driven from the islands, he went to Caithness, and returning secretly a little later, he lay for two nights under Graemsay and then landed at Hamnavoe in Stromness. So that we have Birsay, Orphir, Rowsay, Graemsay, and Stromness apparently in this half.

Coming to the Erlend-Magnus-Rognvald half (Half B), we know that Erlend's legitimate daughter inherited an estate in Paplay, in Holm, and that his natural daughter lived at Knarstane in St. Ola. Then in chapter 72 we find Kol urging his son Rognvald to make his famous vow in the following very suggestive terms:—‘My wish is that thou vowest to him (St. Magnus) if he will grant thee the inheritance of thy kindred and make thee his heir, that thou wilt let a stone minster be built in the Orkneys at Kirkwall . . . so that thither may come his halidome together with the bishop's seat.’ As Rognvald was only claiming St. Magnus's half of Orkney, it is obvious from this that Kirkwall lay in that half, and Birsay—the seat of the bishops hitherto—in the other.

When Rognvald at last descended upon Orkney, it was in the North Isles that he landed, and the men of Westray were the first to swear allegiance to him. Then when the truce was arranged, he took up his abode in Hrossey, and thereafter is found holding *things* with the Orkneymen in Kirkwall. And finally we know that he had a private estate of his own at Knarstane in St. Ola.

Thus we have the East Mainland, St. Ola, and the North Isles identified with Half B, and corroboration of Birsay being in Half A; so that simply on the data given by the *Saga*, Orkney falls into the two halves indicated in the map. And this is exactly the division which would naturally be made between Thorfinn and Brusi when they fell heirs to Einar's trithing, and

¹ Munch suggested that this place (Kjarrekstaðer in the *Saga*) is a mistake for Knarrarstaðer (Knarstane in St. Ola), as an explanation of the tale of Arni's flight from this battle to the church at Kirkwall (*Ork. Saga*, chap. 100). But references to Knarstane are frequent, and this place name is quite different; and what is more, it is repeated in the next chapter. Also, there was a castle at Kjarrekstaðer, which would certainly have been mentioned again in connection with Knarstane had the places been the same. Two years later Sweyn and Erlend surprised Earls Harald and Rognvald off Knarstane, and another fight took place under almost identical circumstances and with the same result. I think there can be no doubt that the tradition of Arni's flight has simply been attached by the *Saga* writer to the wrong battle.

moreover the two halves each contain, as nearly as one can calculate, 96 urislands, on the basis of the total being 192. In any case there is almost, if not quite, an exact equality.

And not only does the impossibility of materially rearranging the boundaries in the face of all these data confirm this division, but there is one curious and interesting little bit of evidence in still further corroboration. When Earls Hakon and Magnus met to decide their differences, Egilsay was the appointed rendezvous. Why? There would be obvious objections to holding such a meeting (with but a small following on either side) in any of the large islands belonging to either of the rivals. A small island, whose position made it a half-way house, would clearly be the ideal spot, and given the line of partition we have discovered, a glance at the map will show why Egilsay was selected, and how it confirms this boundary.

It is difficult to think that these complete divisions of the isles persisted so long without leaving some traces in their wake. A trace we have indeed noticed already in the early rental, and it seems more than likely that there are others only waiting to be discovered.

The Earls' Gæðings.

'Among the Norsemen in Orkney and Shetland, *gæðing* was used synonymously with *lendir menn* in Norway,' says Vigfusson in the *Oxford Dictionary*, and he adds that the word meant 'properly a man of property,' evidently deriving it from *gæði* (emoluments or profits). Subsequently he seems to have changed his mind and considered it equivalent rather to 'good men' in the Greek sense of *αριστοι*.¹ The reputation of Vigfusson is so high and so well deserved that his mere opinion must always carry weight, but in this case he quotes no evidence and it seems difficult to avoid the apparently obvious connection between the *gæði* (easements or emoluments of office) specifically stated to have been enjoyed by Sweyn Asleifson,² and the peculiarly Orkney title of *gæðing*.

Certainly, however, it was a word associated chiefly with Orkney. One or two references are given in the Dictionary to other sagas, and several to the Bible, the meaning always being 'nobles' or 'lords,' but its peculiar connection with Orkney is shown not only in the repeated mention of the *gæðings* in the *Orkneyinga*

¹ *Corpus Poeticum Boreale*, vol. ii. p. 594.

² *Orkneyinga Saga*, chap. 100.

Saga, but in the allusion to the *gæðinga-skip* (a ship conveying Orkney nobles) in the Icelandic Annals, and in that refrain running through the Orkney Bishop Bjarni's *Jomsvikinga-Drapa*, reminiscent (one trusts) of his pre-episcopal youth, 'The noble's (*gæðings*) daughter, she alone kills all my joy; the scion of a great house is she that works me sore distress!'

As to the term being used synonymously with lendirmen in Norway, a general similarity is apparent from various passages in the *Saga*. Like the lendirmen, the *gæðings* were vassals. 'Gæðings of Earl Paul,' 'all the Earl's *gæðings*,' 'many of his (the earl's) *gæðings*':—these and many other passages prove a semi-feudal relationship to the Orkney jarls. Again, like the lendirmen, they held fiefs of land of the earl (not heritably, but presumably for life or long periods). Kugi held the earl's bordland of Rapness in Westray; Thorkel Flett was given the lands in Stronsay escheated from Sweyn Asleifson; and Olaf Hrolfson 'had great honours given him by Earl Paul.' They were under oaths to rule the land; they were summoned to the earl's feasts and councils; they were responsible for the defence of the country in time of war; and in all these particulars they resembled the lendirmen.

The lendirmen were the barons of medieval Norway (indeed, the title was finally changed to baron), an aristocracy half feudal and half traditional or tribal. They were in fact the *hersar* or ancient hereditary district chieftains under a new name and placed in a new vassal relation to the sovereign. This change was instituted by King Harald Fairhair towards the end of the ninth century and thenceforth they derived their authority nominally from the King as overlord, but actually, as appears from various passages in the *Heimskringla*, to a large extent from the traditional respect in which they were held by the bonder as being their immemorial leaders and representatives.¹ Theoretically they were not strictly hereditary, the title and emoluments being re-created at every generation, but practically they were so strict a hereditary caste that Professor Taranger tells us:

¹ See for instance chap. xlv., *Saga of St. Olaf*. 'These lendirmen were of great help to the kings or earls who ruled the land; for it was as if the lendirman had the bonder of each district in his power. Earl Sweyn being a good friend of the lendirmen, it was easy for him to collect people.' Earl Sweyn was at that time ruler of Norway, and it is to be observed that it was he who derived his influence with the bonder through the lendirmen, and not the lendirmen who derived theirs through him.

‘The King could create a bonde lendirman, as Sigurd Jorsalafarer did with Ottar Birting. But practically this happened extremely seldom in the early middle ages ; because by tradition and custom a man should be lendirman-born to become a lendirman, and jarl-born to become a jarl. Prejudice against a breach of birth or family *ret* (right or privilege) was so strong that an upstart always played the part of parvenu in the eyes of his equals by birth. And this was a thing no honest man took pleasure in.’¹

It was in fact that ideal state of society in which every man is a high Tory, and this passage makes an interesting comment on those curious theories once in vogue (even held by so eminent a writer as Samuel Laing) that our viking ancestors were a democratic people. And an equally instructive comment is to be seen in the case of republican Iceland, where the *goðar* or district chieftains formed a close and absolutely hereditary oligarchy, very much on the lines of the lendirmen.

With such ideas permeating the Norse people, and knowing such facts as we do know about the Orkney *gœðings*, it is manifest that they must have been an aristocracy with the same essential feature of traditional hereditary position in addition to the authority and emoluments given them as vassals by the earl. At the same time Orkney was a self-governing and practically independent colony, and we can no more assume that the structure of her society and her constitution were absolutely identical with those of the mother country than we can assume the same thing of the British or Spanish colonies. It is necessary therefore to examine such evidence as exists and see how far we can define these Orkney *gœðings*.

One difference between them and the lendirmen appears pretty clearly from several references, and seems to be emphasised by certain negative evidence. In more than one passage in the *Orkneyinga Saga* a *gœðing* is termed a ‘bonde.’ Sigurd of Westness, Thorkel Flett, and Kugi of Rapness are instances where both terms are specifically applied to the same man ; though on the other hand we do find in one place a distinction drawn between the ‘riksmen’ or nobles and the bonder or rank and file of the landowners. But in Norway this distinction was always made, the lendirmen having become a class apart by the eleventh and twelfth centuries.

Again, there is no mention anywhere of a man being created *gœðing*, or of any *gœðing*’s privileges, and this negative

¹ *Udsigt over Den Norske Rets Historie*. Part ii. p. 137.

evidence, added to the bonder references, points decidedly to the gœðings being, so to speak, like the lendirmen, only less so. Looking to the great difference in size between Norway and Orkney, and the one or two references to 'many' gœðings, most of them must have been chieftains on a smaller scale than the lendirmen, and one would judge them to have remained, like the Icelandic goðar, still of the bonder, even though sometimes alluded to in contra-distinction to the rest of that class. They may, in fact, be styled a kind of semi-baronage, though certain powerful individuals, like Sweyn Asleifson, with his eighty retainers, had no reason to envy any baron who ever defied his liege lord.





The best light thrown on the gœðings as a whole is to be found in Chapter 59 of the *Orkneyinga Saga*, where a list of magnates is given, beginning with the explanation, 'There were then in the Orkneys many *göfgra manna* (noble or worshipful men), who were come from the stock of the Earls.' In this list is included every man who is either specifically termed a gœðing in the course of the *Saga*, or who at that time clearly must have been, with the exceptions (*a*) of one or two of the men named in Chapter 39 as being 'all earl's kin and gœðings in the Orkneys' (the others being included in Chapter 59); and (*b*) of Eyvind Melbrideson, one of the chieftains who came with his war ship to Earl Paul at Westness, when he hurriedly summoned his gœðings.

This inclusion of every recorded chieftain of the time, with the one exception of Eyvind, within the circle of families 'come of the stock of the Earls' is most suggestive, and seems clearly to imply that the great majority of the gœðings belonged to such families. As the learned Torfæus long ago observed in commenting on this list, the precise steps of the descent of these families from the stock of the earls is not given, but there can be no doubt that they must have been sprung, like the chieftains Einar oily-tongue and Einar hardchaft, at an earlier day, and one or two known cases in this list, from daughters of the earls who in the course of more than two centuries had married Orkney magnates, since male cadets would have had a claim on the earldom. And naturally the men who married into the ruling family would be the traditional chiefs of the bonder. We may therefore safely take it that the earls pursued the obvious policy of creating this vassal nobility chiefly out of the great odallers attached to them by ties of kindred.





Mainland Parishes

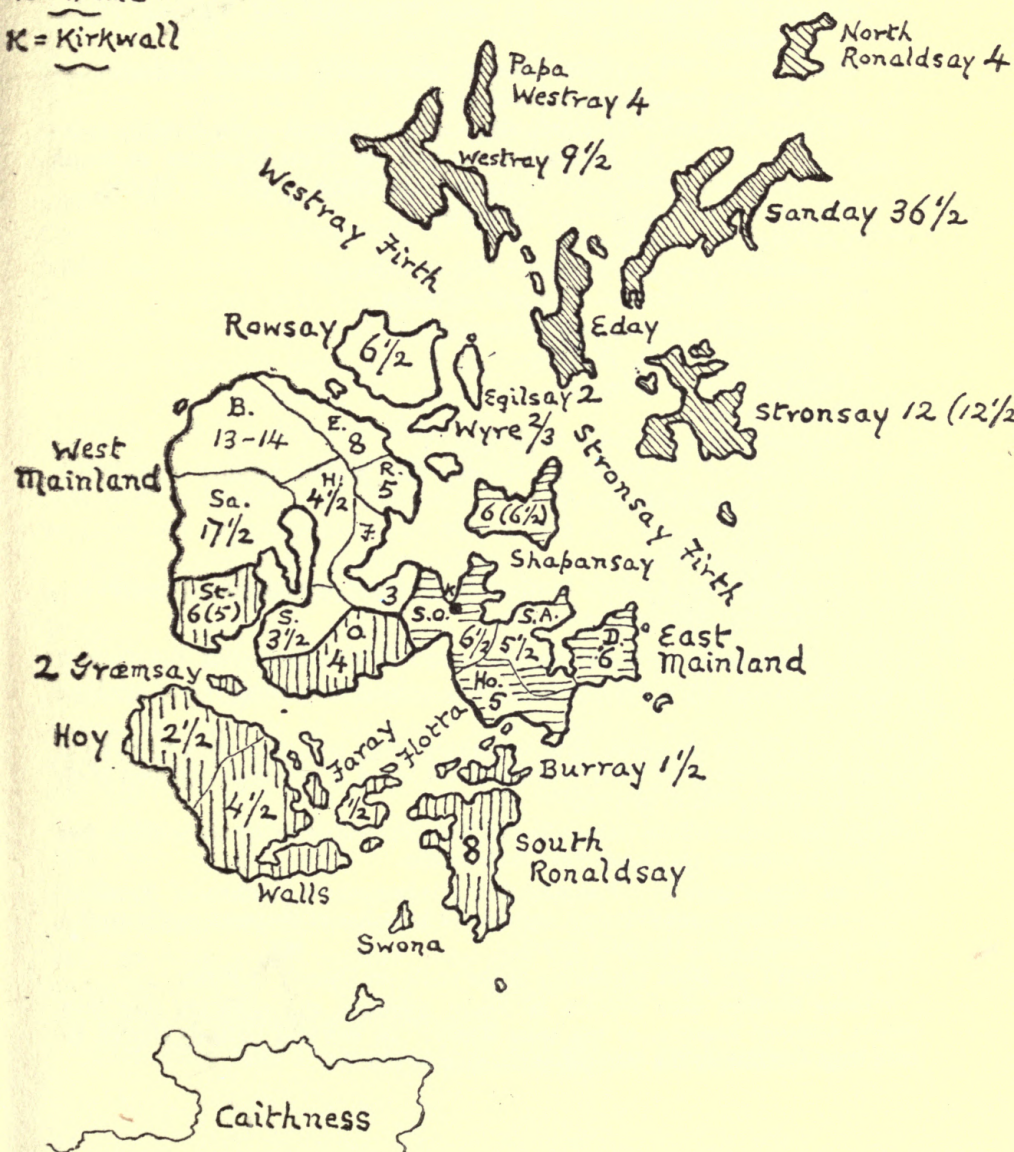
B = Birsay
 E = Evie
 R = Rendall
 H = Harray
 S = Stenness
 Sa = Sandwick
 St = Stromness
 O = Orphir
 F = Firth
 S.O. = St Ola
 S.A. = St Andrews
 D = Deerness
 Ho = Holme
 K = Kirkwall

Trithings

Thorfinn's - 
 Brus's - 
 Einar's -  & 

Halves

Half A -  & 
 Half B -  & 



But this list, when analysed, seems to throw some light also on the system on which the earls distributed their gœðings through the isles. Below are given the names in it, and also the islands and parishes where they either lived or with which they were connected; and an asterisk is attached to such men as were either styled gœðings, or can safely be taken as such. One or two of the others are probabilities, but the evidence is insufficient, and only in the cases of Grim of Swona and Borgar do the *Saga* references to them seem distinctly against their being gœðings.

*Sigurd of Westness and his sons *Brynjulf and *Hakon Pik.—Rowsay.¹

*Magnus and *Thorstein, sons of the gœðing Havard Gunnason.—Sanday (containing 3 parishes).

*Hakon Klo and *Dufnjál, also sons of Havard.—No locality mentioned, but the family belonged to the West Mainland or South Isles (see below), and Stenness is indicated by other evidence.

Erling of Tankerness.—St. Andrews.

*Olaf Hrolfson².—Rendall.

*Sigurd of Paplay and his son *Hakon.—Holm.

*Thorstein Ragnason.—North Ronaldsay.

*Kugi of Rapness.—Cross, Westray.

*Helgi.—St. Mary's, Westray.

*Thorkell Flett.—Westray.

Grim.—Swona.

Dagfinn Hlodver's son.³—Fair Isle.

Thorstein of Flydruness.—Hrossey (no precise locality mentioned, but Firth is suggested).⁴

Borgar Jaddvorson.—St. Ola.

John Wing.—Hoy.

Richard of Brek (John's brother).⁵—Stronsay (containing 3 parishes).

Grimkell of Glaitness.—St. Ola.

The feature of this list to be noted is the fact that practically every family is in a separate parish. And knowing how ancient

¹ An early list of the parish kirks in Orkney states that there were '3 kirkis of old' in Rowsay, implying three parishes in the island at one time. (*History of the Church in Orkney*, vol. ii. p. 232.)

² Olaf was father of the famous Sweyn Asleifson (Asleif being his mother), but Sweyn only came to the front after Olaf's death.

³ From chap. 74 it would appear that Hlodver was a kinsman of Sigurd of Westness, and very probably they represented branches of the same family with a common descent from the earls' house.

⁴ Thorstein's son Blian was keeper of the castle on Damsay in Firth.

⁵ These brothers were kinsmen of Sweyn Asleifson, and again we may have simply different branches of the same family. In fact this is likely enough to have been the case with a number of the men in this list.

these parishes were (in the form of districts created for some purpose), it looks very much as though the jarls placed their vassals through the isles on the general principle of a vassal in each district. This is of course an inherently probable system, and certain passages in the *Saga* seem not only to provide some evidence in confirmation, but also to indicate that gœðings were sometimes placed on the earl's bordlands (away from their own odal estates) for purposes of administration in peace time or defence in war.

For example we have the bonde or odaller Kugi living on the bordland of Rapness in Westray, with no odal lands at all in that part of the island. He, Helgi, and Thorkell Flett are the three Westray chieftains in the list, and when Thorkel got a gift of a forfeited estate in Stronsay and removed himself thither, the two left, Kugi and Helgi, are specifically named as the two men under whose leadership the Westray men immediately placed themselves when Rognvald invaded the island; so that these were manifestly the only three gœðings in Westray. Two ancient parishes are known, Cross and St. Mary's, and Kugi certainly lived in one and Helgi in the other. But from the quite disproportionately large size of St. Mary's and from analogy with Sanday and Stronsay, it seems likely there were once three parishes; and in any case Papa Westray formed a separate parish. Thus the single instance of Westray, when the facts are put into some relation with one another, affords considerable support to both the suggestions made above.

Again, turning to Sanday, when the islands were in a state of war, and invasion was imminent from the north-east, we find Magnus Havardson placed in charge of the beacon there, and his brother Thorstein in the same island shortly afterwards. But their father, Havard Gunnason, was a chieftain of Earl Hakon's (since he was one of his party that sailed to meet St. Magnus), and the family were therefore certainly not North Islemen. And the point of this is seen when one remembers that Sanday, and also Westray and Stronsay, formed part of Rognvald's heritage, that half of the islands which he was seeking to invade and conquer. Indeed, it seems not improbable, from some of the circumstances we have noticed, that others of Earl Paul's gœðings, such as Kugi and Thorkell, may also have been trusted chieftains from his own proper half of the islands, placed where they would act most effectively in his interest.

It is plain that the evidence is insufficient to justify dogmatic

conclusions or give a detailed picture of the Orkney Earls' gæðings and their office, yet it all seems to point one way, and the general outline that emerges is entirely consistent with what one would reasonably expect from the analogy of the Norwegian King's lendirmen. And it is not only in the Orkneys that we should naturally look for such vassal chieftains, with much the same origin, functions, and relation to their liege-lord, but round the northern and western rim of Scotland too ; so that a somewhat wider application may perhaps be found for what can be learned from those isles.

J. STORER CLOUSTON.

The Revolution Government in the Highlands

AN unfortunate prominence has been given to the massacre of Glencoe, which, however discreditable to its authors, was an isolated event, and cannot be regarded as a real indication of a settled policy. The interest taken in it has only tended to distract attention from the more important question of the way in which the problem of Highland government was regarded by the Revolution statesmen, and of how they attempted to deal with it. The preliminary negotiations with the chiefs for a settlement, and the correspondence connected with them, furnish evidence on this point, and while it exonerates all but a few individuals from responsibility for the massacre, it gives grounds for a far more fundamental condemnation of the whole system and character of the government as applied to the Highlands. The affair of Glencoe itself has been compared to some of the repressive measures taken by James VI. against the Macgregors and others, but even this period affords no parallel to the infirmity of purpose and lack of scruple which were shown towards the Highlanders under the authority of William III. When the general character of the government is in question, it is impossible to assign personal blame, but it is hard to exonerate the Master of Stair for his failure to pursue the policy which gave promise of a permanent settlement by his half-heartedness in dealing with Argyll, for using so untrustworthy an agent as Breadalbane to negotiate with the chiefs, and for giving him the excuse and opportunity for using public resources to execute private revenge.

The worst acts of the Revolution government in the Highlands were not the result of any deliberate intention ; it made the fatal mistake of not pursuing any definite policy and drifting into inconsistencies which made it impossible for the Highlanders to rely upon it either for good or evil. The trouble was inherent in the political circumstances of the time, and for that very reason served to emphasize the Highlanders' innate distrust of

a change in the hereditary succession to the throne, and their hostility to a foreign usurper.

The administration of James VII. in the Highlands was unusually intelligent and sympathetic, and it is, therefore, not surprising if their experiences of the change confirmed the clans in a loyalty which successive disappointments and failures could not shake. The Revolution statesmen were chiefly occupied with more important concerns—the European war against France, the settlement of the Church, and many constitutional and financial questions which were a constant menace to the stability of the state. The King himself was never in the country, and had to consider first the political affairs of England.

The Revolution had strengthened the influence of the aristocracy in Scotland, always dangerously strong, by removing the restraint of an autocratic monarchy, and Jacobite intrigues and propaganda created a condition of uncertainty which was ruinous to political morals already at a low ebb by a long tradition of unrest. The government was divided, and its policy consequently erratic. The Scottish Privy Council was always liable to be overruled by the intervention of the King, who left it to carry out orders it might not approve, and to aid negotiations of the exact nature of which it was ignorant. To add to the confusion the exercise of the royal authority itself was divided between the King in Flanders and the Queen in London, and however united the two sovereigns were in intention the difficulties of communication led to the appearance of difference in their policy. The Council was thoroughly confused and annoyed at the interference with its own decisions, and disliked Stair's influence with the King; 'the different orders from the King and Queen looked very odd to us at distance, and I wish the Queen be not imposed upon, which your Lo., being on the place, may more easily discover, and put her Majestie on her gard.'¹ This was from Hamilton to Melville in London. Livingstone, the commander-in-chief, was even more perturbed. 'I am at present so circumstanced that I know not what way to turne myself. . . . I am now again commanded to encamp. . . . If I encamp, I cannot make the horse subsist but by eating of the people's cornes. If I do this, to well affected ther is a clamour; if to disaffected ther is a breach of that they call cessation of armes, of which the Council will not take notice; and after all, my hands is ty'd up

¹ *Papers illustrative of the Political Condition of Highlands of Scotland*, 1689-96, p. 27, Maitland Club, 1845.

in committing no acts of hostility ; all this, together with other difficultys, putts me under hard circumstances.¹ The effect of all this upon the clans can be imagined. They had very accurate and speedy information both of the intentions and resources of the government, and Colonel Hill found that they were sometimes better informed than himself. For his own part he sums up the situation in the complaint, 'I love not soe many masters.'²

This characteristic of the government, so different from that which Hill had known under Monck, rendered it peculiarly unfitted to deal successfully with the clans. The military and financial resources of the country were so limited that even when a decision was taken it could not always be carried out, and it was impossible that an authority so divided should develop or follow a consistent policy on a matter about which there was little accurate or disinterested knowledge and no general agreement.

From the very first there were two conflicting policies before the Council for the conquest or the settlement of the Highlands. First, there was a military policy of a more or less drastic type. Opinion came to be generally united upon the essential importance of garrisons in maintaining order in the hills, but this was only a beginning. Even after the defeat of the Highlanders at Cromdale, in May 1690, Buchan remained in command, and it was feared that the disorganised forces might gather again, especially on any rumour of invasion. Various strong houses rendered the clans more or less secure in their own districts. Troops were urgently needed in Flanders, and the Scottish forces were ill supplied with ammunition, provisions and other necessities. There was constant fear of the arrival of a force from France as long as the Highland Jacobites were prepared to afford it a welcome. A vigorous campaign would have been the best solution in the opinion of such men as Sir Thomas Livingstone. The government should make the necessary effort to find money and supplies, and allow the soldiers to complete the conquest of the Highlands by seizing and occupying Invergarry, Duart and other strong houses, and thereby forcing the chiefs to submit to whatever conditions the government saw fit to impose upon them for the permanent settlement of the country. There was no question here of massacre, but of straightforward military measures of whatever severity was needed to ensure a complete pacification.

¹ *Ibid.* 28-9.

² *Ibid.* p. 11.

There were two serious obstacles to this policy ; first, that of expense—the provision of men, money, and materials, which were either unobtainable or badly needed elsewhere ; second, considerable opposition, from the military party, from interested or Jacobite intriguers, and from the advocates of the alternative scheme of conciliation. Colonel Hill, the old Cromwellian commander, was heartily in favour of the continued military occupation, to the success of which he personally had so much contributed, but he was of opinion that a regular campaign was unnecessary, and that it would prove a far more costly and difficult undertaking than the Council thought. He was confident that the people could be induced to submit in time by a sufficient show of force if they were given the opportunity. He was constantly able to report signs of willingness to do so. Lochiel let him understand that he was determined not to desert his associates by being the first to submit, but that he would not prevent his people doing so, and had no intention of rising in arms.¹ He had similar hopes of Maclean and others, but these were constantly dashed by some circumstance connected with the war in Europe or rumours that the Duke of Berwick with a French force was expected to take command of the Jacobite forces.² The Council wanted to set some period to this sort of diplomacy, and gave Hill orders to take action in the hills, but at the last moment the expedition was countermanded, greatly to his relief. The order had been known to the Highlanders, he wrote, ‘ worde by worde, long before it came to my hands.’³ The country was peaceful, except for ‘ broken men and thievis.’⁴ His own plan was ‘ the taking off the Chiefs, by some such munificence off the Kings, as might be no longer continued than they prove honest ; but money was not proper ; ffor iff a fforce come, itt will but make them to joyne them the better ; iff none come, they must submitt of course.’⁵ It was a policy such as that of which he had proved the value under Monck, but it demanded firmness and patience, and the government displayed neither. Hill complained that he was expected to settle the matter out of hand, ‘ which if I could doe there would be as little need for them as they say there is for this garrison.’⁶ The question of the garrisons was fundamental. They were absolutely necessary for the settlement of the country, or for its conquest,

¹ *Highland Papers*, p. 15.

² *Ibid.* 9, 10, 16, 17.

³ *Ibid.* p. 11.

⁴ *Ibid.* p. 16.

⁵ *Ibid.* p. 20.

⁶ *Ibid.* p. 10.

and were open to attack from two sides. The party which advocated a more active military policy complained that they were doing nothing, and there were constant Jacobite intrigues aimed at getting rid of them altogether. There was a danger that concessions of any kind might be exploited as a means of attaining their withdrawal or of obtaining control over them,¹ a danger which had not been present under Monck's command.

The natural suspicion that the policy of conciliation was simply a cloak for Jacobite intrigue made it impossible that it should be considered entirely on its merits, and even rendered those who were anxious to adopt it less whole-hearted in carrying it through than was necessary for its success.

It was pointed out by Lord Tarbat that the chief of all causes of disturbance in the Highlands was the existence of feudal superiorities and other similar claims by certain nobles and chiefs over the property or people of other clans, which gave rise to innumerable feuds, ambitions, and rivalries, and kept the whole country in a state of unrest. Under Cromwell the superiorities and heritable jurisdictions were abolished, but revived at the Restoration. James's personal influence in Scotland, both as Duke of York and King, tended to the settlement of various old disputes by getting rid of feudal rights which were inconsistent with the independent position of different clans. His methods were questionable, and as Argyll was the chief superior affected, James's Highland policy did not commend itself to the Whigs. Tarbat saw no reason why it should not be carried out in a more thorough and impartial manner. He recommended that the King should free the Highlanders from their worst financial or legal embarrassments by buying up the claims of Argyll and others, and so bringing them into direct relations with the Crown.

He claimed various advantages for his scheme. First it met the practical obstacle to the carrying out of the military policy to which he was opposed—it would be much cheaper. He estimated that the last Highland campaign had cost £150,000, that the conquest of the Highlands would take two or three years and involve a greater loss in men and money than the ruin of the clans was worth, and that £5000 or thereabouts would be sufficient to settle the claims of Argyll.² The reform

¹ *Ibid.* 20-1, 47.

² Sir J. Dalrymple, *Memoirs of Great Britain and Ireland*, Edinburgh, 1771, ii. 209; *Leven and Melville Papers*, Edinburgh, 1843, Bannatyne Club, pp. 584, 588.

effected in the feudal status of the chiefs was likely to attach them definitely to the new government, as the partial attempts of James in the same direction had already bound them to him. Foreign opinion would be favourably impressed by the willing submission of the clansmen to a government which claimed to rule by consent of the governed. The settlement should be safeguarded by the permanent establishment of the garrison at Fort William, which was to be made a burgh, with some 'neutrall man to all adjacent interests' as Governor.¹

The essence of the plan was that the money should go, not to the Jacobite chiefs, but as compensation to Argyll for the changes which were to bring the chiefs under the direct feudal authority of the King. This step would not only have relieved them from many galling inconveniences, but would have been an important reform in the constitutional position of the monarchy, and one which has been recognised in numerous other cases as essential to progress. The power of a factious aristocracy had been the curse of Scotland, and the Revolution, according to the Master of Stair, had increased their power as against the Crown.² The improvement in the position of the chiefs proposed by Tarbat remedied their just grievances, but was not of a kind to render them more independent of the government. On the contrary it gave to the Crown a more direct power of control over them, as well as rendering it more independent of the great noble houses. The maintenance of garrisons to carry on the duty of policing the country, which Colonel Hill so judiciously discharged, was recognised as essential to the success of the whole scheme of conciliation. The distribution of money to the chiefs was quite subsidiary, and was moreover so usual an expedient as to be regarded on both sides rather as a commonplace. Pensions were a recognised method of government, and the contention of the chiefs, that without money compensation for their losses in the war their clansmen could not exist without preying upon their neighbours, had much truth in it.

Any arrangement of this kind was harmless, as long as it remained entirely subordinate to the main plan; it became dangerous only when the government was tempted to follow the way of least resistance, and substitute a money distribution among the chiefs for the purchase from Argyll of rights which stood in the way of a genuine settlement of the Highlands.

¹ *Leven and Melville Papers*, p. 565.

² Burton, *History of Scotland*, 1689-1748, i. 59, London, 1853.

The case of Lochiel, who was generally regarded as the leader of the Stuart cause among the Highlanders, gives the best illustration of the troubles involved by the dual ownership of land characteristic of feudalism in practice if not in theory, and of the clashing between the feudal authority of the landlord and the customary patriarchal authority of a chief over his clan. During the Civil Wars Lochiel's Tutors, he being then a minor, had lent money to his superior, the Marquis of Argyll, on the security of lands belonging to the Huntly estates given to Argyll on the Marquis of Huntly's forfeiture. For better security the Camerons also secured a warranty over lands in Ardnamurchan which were actually Argyll's property. Their foresight was justified when Huntly's estates were given back at the Restoration,¹ and the justice of Lochiel's claim was so far recognised that Parliament recommended his case to the Commission appointed to deal with the settlement of Argyll's estate after his forfeiture, and the satisfaction of his creditors.² When the Argyll estates in their turn were restored to the Earl of Argyll by Lauderdale, Lochiel's chances either of repayment or compensation from the warranty lands vanished—the last was a serious loss, for since the inhabitants of Ardnamurchan were Camerons, Lochiel, if he could have purchased the lands in question, would have done away with the clashing of authorities by the union of the patriarchal and feudal powers in his own hands.³ This was more important to him and his clansmen than the mere loss of the money lent to Argyll, but the injustice of this loss became the more marked when Lochiel was obliged to borrow in his turn from the Earl of Argyll in order to buy off ancient claims of superiority over other portions of his lands which had caused centuries of warfare between the Camerons and Mackintoshes. This loan was made nominally free from interest, but Lochiel was obliged to accept Argyll's superiority over the lands in question and pay a small feu duty.⁴

This arrangement in turn led to new complications ; on the Earl of Argyll's forfeiture these rights were transferred to the Duke of Gordon, who at once took measures to evict Lochiel from the lands and to obtain repayment of the money he had

¹ *Memoirs of Sir Ewen Cameron of Lochiel*, 167, 168, Edinburgh, 1842, Abbotsford Club.

² *Acts Parlt. Sc.*, 5th Sept. 1662.

³ *Memoirs of Lochiel*, p. 170.

⁴ *Ibid.* p. 193.

borrowed from Argyll,¹ which was practically speaking the price of the superiority and not a loan. Repayment of the money would not relieve Lochiel of the superiority of Gordon, who had lent him nothing. In short, in order to buy from Mackintosh the legal ownership of the lands which he had occupied from time immemorial, the Cameron chief was obliged to sell a legal right to Argyll, which when transferred to Gordon enabled him to take the lands and demand the restoration of the price at the same time. Throughout the reigns of Charles II. and James VII. Sir Ewen Cameron, notwithstanding his undoubted loyalty, was involved in a succession of lawsuits of a most complicated kind with all their accompaniments of intrigue, outlawry, and private warfare, involving visits to Edinburgh and London and endless worry and expense. From the point of view of equity, if not of strict law, Lochiel's claims were very strong, and a settlement was most desirable in the interests of the country.

In this connection two things are particularly noticeable : first, that a similar state of affairs had been impossible under the government of Monck, owing to the abolition of the Superiorities and feudal jurisdictions, and to the military force which rendered the government effective ; secondly, that King James had taken a real personal interest in the matter, and had gone far to remedy Lochiel's grievances even at the risk of offending the Duke of Gordon, at the time when he was most anxious to secure his political support.² Moreover James had certainly intended to do more, and other clans had found him equally ready to interest himself to procure a judicious compromise in similar affairs. Therefore if James had remained upon the throne there was reasonable expectation that the Camerons would attain to a position as favourable as that which they had occupied under Monck, and it is natural to suppose that if the Revolution government had carried out a policy which Monck had adopted and James entered upon, and which William and Stair recognised as sound, the chiefs' ambitions for themselves and their people would have centred less exclusively upon the forlorn hope of a Stuart restoration, which actually remained the only outlet for Highland patriotism. All accounts agree in attributing to Lochiel the main influence in holding the Highland combination together. He was both from principle and interest a life-long royalist, but however idealistic his sentiment for the ancient monarchy, he was

¹ *Memoirs of Lochiel*, pp. 221-2. *Acts Parl. Sc.*, 15th June 1686.

² *Memoirs of Lochiel*, pp. 210, 222, 231.

a practical man and not a visionary. Hill informed Forbes of Culloden in November 1690 that Lochiel, alone of the Highland chiefs, did not believe the prevalent rumours of assistance from France,¹ and he had even expressed the opinion that unless England appeared ready to reverse the decision of 1688 it was useless to attempt anything in the north. Nevertheless he was convinced, and persuaded others, that they could best fulfil their duty to their master and serve their own interests by continuing to hold out as long as possible,² and the treatment of Seaforth, who submitted, was not calculated, according to Tarbat, to encourage the others to follow his example.³

Throughout 1690 and 1691 the progress of events not only influenced the attitude of the chiefs with regard to resistance or submission, but caused equal vacillation on the part of the government as to the nature of the terms they were willing to give. When their affairs prospered the government became more strict in their demands, when things went ill they became correspondingly generous, and this was the real reason of Lochiel's determination. French aid was not practically to be relied upon, but the fear or expectation of French aid was of very real value in obtaining concessions from the government and encouraging the chiefs to stand together. Lochiel knew as well as Stair that they would be at the mercy of the government if their combination was broken, and besides their own advantage, while they held together they were always ready for the King's service if his hopes and promises turned out after all to have been well founded. The government made half-hearted efforts at a settlement through Tarbat, Hill and others which came to nothing. Sir Thomas Livingstone's success at Cromdale and the dying down of fears of a French invasion caused the conciliation scheme to be dropped for a time, and there were further signs of Highland willingness to make terms.⁴ Sir Donald Macdonald, who had not signed a bond drawn up by some of the others that they would not submit without the consent of King James's general and a majority of themselves,⁵ tried to negotiate for an indemnity, a pardon, the restitution of his son's forfeiture and a pension, 'because his estate is sore broken, that he may have what to live on in peace.' He was informed that

¹ *Culloden Papers*, 1625-1748, p. 13, London, 1815.

² *Memoirs of Lochiel*, pp. 292-3.

³ *Leven and Melville Papers*, 552, 585.

⁴ *Dalrymple Memoirs*, i. 187, ii. 209.

⁵ *Acts Parlt. Sc.*, ix. app. p. 60.

he might perhaps get concessions if he first surrendered unconditionally.¹ This the chiefs were naturally determined not to do if they could help it, and Tarbat urged that they should be given something annually during their fidelity, and goes on to say that if this concession is refused the clans will break out plundering, and make more profit out of it than any losses the garrisons could inflict.² This can only refer to some money payment, an unsatisfactory expedient from every point of view except that of an immediate and temporary peace.

In the early months of 1691 the situation grew worse. Colonel Hill had been seriously ill, and was short of officers; the troops were mutinous for lack of pay, some French ships actually arrived in Skye, and on the continent Mons was surrendered to the French. Rumours of invasion took more definite shape, Hill was disappointed of various expected submissions, and Glengarry began to strengthen his fortifications. It was calculated that cannon must be brought up to reduce him.³ The Government felt the necessity of strong measures, while their ability to carry them out effectively was doubtful, and a reverse would have been most dangerous. The Council ordered an expedition, the Queen countermanded it. The Council challenged her authority, and were referred to William in Flanders, only to find that he had authorised a truce with the clans, and had commissioned the Earl of Breadalbane to negotiate.⁴ Stair defended the policy which he had inspired in a letter to the Duke of Hamilton, in which he reviewed the situation: 'I have sent your grace a copy of the concessions to the Highlanders; the application of the money is by buying in from my Lord Argyll and from Mackintosh those lands and superiorities which have been the occasion of trouble in the Highlands these many years. When your grace does consider that the expense comes not from us, that the apprehensions of danger were great when it was begun, and that the King could not refile, with the care we may have of two or three regiments which we cannot pay, and that the French may be the more earnest to get a footing in Britain, that they are likely to lose Ireland, I hope your grace will find the settlement not so ill, nor so ill-turned, as to be either dishonourable to the king, or useless to the country at this juncture.'⁵

¹ *Leven and Melville Papers*, 551-2.

² *Ibid.* p. 584.

³ *Highland Papers*, pp. 5, 9, 11, 16, 29.

⁴ *Highland Papers*, 24-5, 30.

⁵ *Dalrymple Memoirs*, vol. ii. pt. ii. p. 209.

It is not clear how Breadalbane came to be chosen as negotiator ; Hill attributed it to the influence of Stair and Mackay,¹ and Breadalbane was known to have considerable influence, both at Court and in the Highlands. His intimate knowledge of the latter was his most obvious qualification, and it is possible that his most obvious disqualification also served to commend him to Stair. He was known to be thoroughly untrustworthy in the sense that he was frankly guided by his personal interests. The events of 1715 seem to show that he was a Jacobite at heart, but in 1691 he was certainly convinced that Jacobitism did not pay, and probably he wished to make his own position sure by rendering an important service to government. Mackay described him as 'one of the cunningest temporisers in Britain,' and accused him of having fomented trouble, not from love of King James, but in order to render himself necessary.² The chiefs seem to have been willing to negotiate with him in the belief that he was secretly favourable to themselves and their cause, although Glen-garry was bitterly opposed to treating with him, and also Macdonald of Glencoe, to whom Breadalbane was a personal enemy. None of them really trusted him, according to Hill, particularly Lochiel, his cousin, who knew him well, and for whom personally Breadalbane seems to have done his best. They doubted if he really had the money he promised to give, and suspected that he would retain a good deal of it.³ On the second point they were wrong, for Dalrymple was careful not to give him the opportunity, and although the money was available somewhere, it is very uncertain if the government really intended to part with it. Hill perhaps makes the most of the chiefs' suspicions, for his own diplomacy was at once rendered nugatory by the very fact of Breadalbane's negotiations ; he had also good reason for regarding the Earl as an enemy of the garrisons ;⁴ he certainly had a scheme for creating a Highland militia and giving Cameron of Lochiel, whose Jacobitism Fort William was specially intended to check, an important share in their command.⁵ 'I should have had much more off the people under oath,' Hill wrote, 'hade not this provisione ship, and my Lord Breadalbin's designe hindred, which I wish may doe good, but suspect more hurt than good from it ; ffor my parte, heirafter, iff I live to have geese, I'll sett the ffox to keep them.'⁶ Tarbat, whose pet scheme was thus

¹ *Highland Papers*, p. 20.

² Mackay's *Memoirs*, 306, 72.

³ *Highland Papers*, p. 20.

⁴ *Highland Papers*, p. 47.

⁵ *Dalrymple Memoirs*, vol. ii. pt. ii. 218.

⁶ *Highland Papers*, p. 19.

filched from him by one whose motives were so gravely suspect, expressed his annoyance to Melville: 'if B. gett 10,000 lb. sterling, as they say, for what, if you had pleased, I had easily done, he is a wiser man nor I am, and of that there is little doubt.'¹ It was generally assumed that Breadalbane would cheat someone, but even his contemporaries, though they were aware of his double dealing, were quite unable to decide which party he really intended to betray.

Stair promised Breadalbane a sum of £12,000 with which to adjust the rival claims and ambitions of the clans, and left him a fairly free hand as to the details, on the general understanding that it was desirable to buy out Argyll's and Mackintosh's claims over lands inhabited by other clans. Breadalbane had taken a leading part in Charles II.'s reign in settling the famous feud between the Camerons and Mackintosh on these lines.² His intimate acquaintance with the various rights and ambitions of the different parties and their capacity for enforcing their wishes was a very great asset, even though it was not combined with impartiality. The first step was to arrange a cessation of arms; this was done behind the backs of the Council, which was then ordered to do all in its power to assist the negotiation. The object was set out in a letter from William, in which it is noticeable that there is not a word about money being distributed to the chiefs, but stress is laid on the question of the superiorities.

'We being satisfied that nothing can conduce more to the peace of the Highlands, and reduce them, than the taking away the occasion of these differences and feuds which obleidge them to neglect the opportunities to improve and cultivate their countrie, and accustome themselves to depredationes and idleness. Therefore, we are graciouslie pleased, not only to pardon, indemnifie and restore all that have been in armes, who shall take the oath of alleadgance before the first day of Januarie next. But lykewaves, We are resolved to be at some charge to purchass the lands and superiorities, which are the subject of these debates and animosities, att the full and just avaiill, wherby the Highlanders may have their imediat and entire dependance on the croune. And since we are resolved to bestow the expense, and that no bodie is to sustain any reall prejudice, we must consider it as ill service done to Us and the Countrey, if any concerned shall, through obstinacy or frouardness, obstruct a settlement so advantagious to our service and the publict peace. And we doe

¹ *Leven and Melville Papers*, 644.

² *Memoirs of Lochiel*, 191.

expect from yow the utmost applicatione of our authority to render this designe effectuall.’¹

The Council issued the necessary proclamations, but there is little evidence of hearty co-operation on their part to make the scheme a success, and it was hardly to be expected. Breadalbane was known to be attempting to undermine the effectiveness of the garrisons, and was suspected of using his position in the Jacobite interest. Hill judged the preliminary conditions assented to by Breadalbane ‘too dishonourable to the King my master, and too advantageous to those gentlemen off the Highlands, and their cause; and it hath often mett me, that it was our cessation proposed to and pressed upon them, and that they did nothing but what was honourable in accepting such offers of advantage to themselfes and King James his affairs, which some of them have said to myselfe before many witnesses.’² The Council knew what the proposed scheme was in a general way, and showed no enthusiasm for it; of the details they were kept entirely ignorant, and when they became aware of them, found them to be of a highly suspicious nature.

In addition to the public truce, Breadalbane had entered into private articles with the chiefs. The condition on which they absolutely insisted from the first, that James’s consent should be obtained, was more or less public property, but Breadalbane also agreed that the cessation of arms should be null and void in case of an invasion or organised rising, and undertook himself to join them with a thousand men if William and Mary refused any or all of the articles, one of which was ‘That if their forces goe abroad, then wee will rise.’³ Presumably the chiefs believed, like many others, that he was secretly working in the interests of King James,⁴ but Glengarry, who was opposed both to him and to the treaty, sought to ruin both by giving information to Colonel Hill.⁵ The Council were naturally startled, and Breadalbane’s enemies gladly seized the opportunity to expose his treachery to the King. The Duke of Hamilton wrote to Melville ‘That Breadalbane will deny these articles sent by Collonell Hill, I put no doubt of, as I little doubt the truth of them wold be found, if put to exact tryall; but if he had leave to allow the Highlanders to send to France, I shall thinke no thing strange of all the rest,

¹ *Highland Papers*, 33-4.

² *Ibid.* 47.

³ *Highland Papers*, 22.

⁴ *Memoirs of Lochiel*, p. 307.

⁵ *Acts Parl. Sc.*, 10th June, 1695.

and does admire the politicke.'¹ William himself was not disturbed by the revelations which Hamilton regarded as so scandalous. His attitude is probably correctly represented by the *Dalrymple Memoirs*, which attribute to him the remark that 'Men who manage treaties must give fair words.'² Breadalbane wrote to defend himself from the charge of treachery, and was assured by Stair, 'Nobody believes your Lordship capable of doing either a thing so base, or that you could believe there could be any secrets in your treaties when there were so many ill eyes upon your proceedings; but the truth will always hold fast. The King is not so soon shaken; and this attempt against you is so plain that it will recommend and fasten you more in his favour, when the issue clears the sincerity on your part. And I hope it's not in anybody's power to deprive you of the success to conclude that affair in the terms the King hath approved.'³ It is unfortunately impossible to regard this as a protestation of Stair's belief in the straightforwardness of Breadalbane's diplomacy. Another letter attributed to Stair warns Breadalbane, 'I need not tell you here your enemies insult on the apprehensions that the Hylanders will say the sham articles were true.'⁴ William thwarted the Council's attempt to bring Breadalbane to trial for high treason, and there can be no reasonable doubt that Stair and perhaps William were accessories to Breadalbane's double dealing and were satisfied that he did not intend to betray them. What then was the nature of the terms the King had approved? Breadalbane continued to carry on his negotiations, though the exposure of his methods must have told heavily against the chances of his arranging a really permanent settlement on sound lines.

From this point of view the negotiation was certainly a failure, and a part of the fruits of the failure was the massacre of Glencoe. The massacre belonged neither to the policy of conciliation nor of conquest, and it marked the inability of the Revolution Government to find any solution of the Highland problem. It is not so easy to determine to what the failure was primarily due or who was responsible for it. There are some causes which lie upon the surface, such as the activities of Jacobite intriguers who were determined to frustrate any settlement by exploiting the rivalries of the different clans. There were enemies of Breadalbane who were eager to 'stop the work for the despite against

¹ *Highland Papers*, 44.

² *Dalrymple Memoirs*, i. 189.

³ *Highland Papers*, 45.

⁴ Burton, *History*, 1689-1748, i. app. p. 528.

the instrument.’¹ Stair blamed the shiftiness of the chiefs, but this is little more than an expression of his own impatience at their refusal to conclude an immediate bargain. He constantly protested that they were wrong in thinking that by waiting they would get better terms.² The fundamental difference between them and the government was that their idea of submission to William did not preclude the possibility of the restoration of James; they refused to regard the oath to a King *de facto* but not *de jure*, taken with James’s permission, as abrogating James’s own original claim on their loyalty. The Revolution government did nothing to deserve their loyalty for itself by a real attempt to redress genuine grievances and promote the welfare of those who had unwillingly become its subjects. As a matter of fact the chiefs never had a really firm offer from the government of the terms which had been proposed as likely to lead to a real settlement. The necessary condition of success was that Argyll should surrender a power and position which his ancestors had long and painfully built up. The government never succeeded in securing this condition, and the whole scheme degenerated into one for a distribution of money to enable the chiefs to adjust their own grievances as best they could—a very different proposal both from their point of view and that of the State. Eventually the modified scheme went the way of its predecessor, the superiorities were not bought, the money was not distributed. Stair was perfectly aware from the beginning that Argyll was unlikely to consent without pressure, but beyond the general direction to the Council in the King’s letter there is no evidence of any real attempt to secure his adhesion to the scheme. Apparently Stair left to the Council, of which Argyll was an influential member, the whole responsibility for arranging this delicate matter, in the interests of a policy which he had undertaken without their knowledge, and to which many of them were strongly opposed. All he did himself was to give Breadalbane a hint that he might with advantage add this to his other diplomatic activities. ‘If you can see and fix Argyll, it would magnify you, though that cannot be required at your hands. I am sure you are able to make him sensible, considering what the King knows, that his part of the terms are very kind and advantageous; and it must make clear to the world his engagements elsewhere, if he does obstruct his own conveniency, and the King’s Service in this settlement.’³ But it

¹ *Highland Papers*, 52.

² *Ibid.* 57.

³ *Dalrymple Memoirs*, vol. ii. pt. ii. p. 211.

seems unlikely that the difficulty made much difference in Breadalbane's offers to the clans. In December Stair wrote that none of the chiefs could get the money they had been led to expect, if Argyll did not consent to the scheme, 'for that destroys all that is good in the settlement, which is to take away grounds of hereditary feuds.'¹

It was late in the day to leave so important a point unsettled if there were any sincerity in the government policy. As regards the government as a whole there certainly was not; the executive authorities in Scotland were frankly hostile to it. William personally could not be expected to give the question much attention, and Stair was busy with far more important concerns. Nevertheless he found time to deal in some detail with the question, and it is impossible to believe that he cared very greatly for the best aspects of the scheme. It is possible that the whole affair was simply a blind, calculated to divide the Highlanders, so that those who refused terms having been the more easily destroyed, those who accepted need not be given what they had bargained for. 'The King,' says a letter attributed to Stair, 'by the offer of his mercy, hath sufficiently shown his good intentions; and by their ruin he will rid himself of a suspicious crew.'² This coincides with the Jacobite estimate of the *Lochiel Memoirs*, that 'King William meant no more in yielding to the conditions of that treaty but to amuze them, and to catch them in the snare which he (with so much art and policy) contrived to ruine them.'³ If this was a deliberate plan Breadalbane may have allowed himself to be made a more or less unconscious instrument. Possibly he thought he could outwit Stair so far as to obtain real advantages for himself and his friends, help to ruin his own enemies among the Macdonalds, and be able to claim that he had rendered valuable service to either James or William as events demanded.

It seems more likely that Stair's policy was shaped by events, than that he devised and carried through so doubtful a scheme consistently. Tarbat's original plan of conciliation was perfectly genuine, and Stair undoubtedly recognised its good points, but he had no such sincere desire for the improvement of the Highlands as to make him take it up with real interest. Without real interest it was impossible that it should be carried through in the face of interested obstruction and Jacobite intrigue. He betrays his attitude of mind in writing to Breadalbane: 'what account

¹ *Highland Papers*, 51.

² Burton, *History*, 1689-1748, i. 525.

³ *Memoirs of Lochiel*, 306-7.

can be given why Argyle should be forced to part with Ardnamurchan, to which Lochiel hath no more pretence than I? You cannot believe with what indifferency the King heard this matter.’¹ Lochiel’s claim had actually a strong foundation from the legal, moral and utilitarian point of view, but Stair regarded Ardnamurchan merely as a concession proposed to bribe Lochiel without any force of justice or reason behind it. For various reasons Stair was ready to try the policy of conciliation; if Breadalbane could carry it through, and quickly, so much the better, but this he scarcely expected, and he could console himself for failure by making the most of the resulting situation. There was an alternative to fall back upon, and for some reasons Stair preferred the alternative. He had formed the opinion that Breadalbane’s attractive offers would induce some of the chiefs to come in at once, and perhaps combine with the government against those who held out. He had made up his mind that Glengarry would hold out, and that his neighbours could be induced to save the government trouble and expense by helping to take the strong house of Invergarry, which would make a convenient additional garrison between Fort William and Inverness. ‘I wrote to you formerly that if the rest were willing to concur, as the crows do, to pull down Glengarry’s nest this winter, . . . garrisoning his house . . . will be full as acceptable as if he had come in.’² ‘I doubt not Glengarry’s house will be a better mid-garrison betwixt Inverness and Inverlochy, than ever he will be a good subject to this government.’³ He had no doubt that at least the Protestant chiefs could be induced to accept offers which certainly appeared extraordinarily favourable. ‘I am satisfied these people are equally and unthinking, who do not accept what’s never again in their offer. And since the government cannot oblige them, it’s obliged to receive some of them to weaken and frighten the rest. The M’Donalds will fall in this net. That’s the only popish clan in the kingdom, and it will be popular to take severe course with them.’⁴

By degrees Stair found out his mistake. The loyalty which induced the clans to insist on King James’s permission was a first and serious obstacle to his policy. It prevented the early submission which was expected to release troops for Flanders and relieve the Scottish Treasury of expense, and it obviously rendered the oath of allegiance nugatory, since by implication it

¹ *Highland Papers*, 51.

² Burton, *History of Scotland*, 1689-1748, i. 527-8.

³ *Dalrymple Memoirs*, vol. ii. pt. ii. 213.

⁴ *Highland Papers*, 52-3.

made effective Breadalbane's sham concession that the clans were free to resume hostilities in case of an invasion or organised rising, the only occasions on which they were really dangerous. The way in which the chiefs continued to stand by each other was equally disconcerting. Even in December the Protestant clans had not deserted the Macdonalds, and Stair expressed his annoyance to Breadalbane. 'I should be glad to find, before you get any positive order, that your business is done, for shortly we will conclude a resolution for the winter campaign. I do not fail to take notice of the frankness of your offer to assist. I think the Clan Donnell must be rooted out, and Lochiel. Leave the M'Leans to Argyll. But before this, Leven and Argyll's regiment with two more would have gone to Flanders. Now all stops, and no more money from England to entertain them. God knows whether the 12,000*l.* sterling had been better employed to settle the Highlands or to ravage them; . . . their doing after they get K.J. allowance is worse than their obstinacy, for those who lay down their arms at his command will take them up at his warrant.'¹ This must have been obvious from the first, yet Stair had consented to the condition at the beginning, and the necessary messengers had received passports from the government. He wanted to go back on his bargain when it proved likely to become a reality. It is to be noticed, too, that the £12,000 of which he speaks was not used for settlement any more than for destruction, for it remained in the hands of the government. The *Lochiel Memoirs* state that the chiefs' delay in taking the oath, although they had been given until January 1 to do so, was made the excuse for the non-payment of the money,² and this is borne out by Breadalbane, who says they refused to take it in November, and therefore lost the chance of it through their own folly and fault.³ He is discreetly silent as to the superiorities. In December Stair wrote that the consent of Argyll to the scheme was necessary before the chiefs could get the money they expected, which is surely conclusive evidence that the excuse about their delay in coming to terms was trumped up for the occasion.

If the clans were unwilling to trust to Stair and Breadalbane, and were therefore the more difficult to bring to terms, they can hardly be blamed. Even Breadalbane was doubtful as to the fact of the £12,000 being really available, and had to be assured of it

¹ *Highland Papers*, 49.

² *Lochiel Memoirs*, 312.

³ *Highland Papers*, 54.

by Stair,¹ who also protests once or twice that those who submit will not be attacked afterwards. When expressing his satisfaction at hearing that Glencoe was late, he added, 'It's necessary that it be well understood that those who have submitted and taken the oaths are safe, least wee fright them altogether again.'² Glencoe was one of those who had submitted and taken the oaths, only he had gone first to Colonel Hill instead of the Sheriff, and was therefore a few days late. In view of complaints of the betrayal of information to the Highlanders, there is little doubt they were aware of William's cryptic command that the troops should 'show noe more zeall against the Highlanders after their submissione, then they have ever done formerly, when these were in open rebellione.'³ The Council itself felt it necessary to ask for an explanation of a phrase 'which being somewhat unclear, may perhapps be understood otherwayes by these officers then your Matie intends it.'⁴ A proclamation directed against the Macgregors was an indication of policy which was not reassuring. It is scarcely surprising if the clans remained deaf to promises from this quarter while the superiorities remained unpurchased and the £12,000 was held back. Absolutely no proof of good faith came from the government, while Stair continued to put forward new demands for the surrender of houses and the giving of hostages by the chiefs. In all the circumstances the reason he gives for this last condition is decidedly unfair, 'for there no regarding men's words, whom their interest cannot oblige.'⁵

For obvious reasons it suited Stair to attribute the failure of the negotiation which he had authorised against the wishes of the Council to the foolish and wilful perversity of the clans, although he on his part had made no real effort to overcome the foreseen difficulty of Argyll's obstruction, which was the real rock on which the conciliation policy was wrecked. As the fear of France abated, Stair saw less reason for troubling about a settlement, and repented of the concessions he had made. He had many enemies who were ready to make the most of every miscalculation, and several had hopes of profiting by the expected Highland forfeitures.⁶ The military were heartily tired of the taunt that the garrisons were doing nothing, and were glad of a fair occasion to show that they served for some use.⁷ Breadalbane was angry

¹ *Dalrymple Memoirs*, vol. ii. pt. ii. p. 212.

² *Highland Papers*, 62.

⁴ *Highland Papers*, 39.

⁶ *Dalrymple Memoirs*, i. p. 189.

³ *Highland Papers*, 34.

⁵ *Highland Papers*, 51.

⁷ *Highland Papers*, 69.

at being given away by Glengarry, and Stair must have been extremely embarrassed by the consequent accusations of treachery made against his agent, even though William knew the truth. He wrote to Breadalbane, 'I am not changed as to the expediency of doing things by the easiest means, and at leisure, but the madness of these people, and their ungratefulness to you, makes me plainly see there is no reckoning on them ; but *Delenda est Carthago*. Menzies, Glengarry, and all of them, have written letters, and take pains to make it believed that all you did was for the interest of King James. Therefore look on, and you shall be satisfied of your revenge.'¹ Stair himself was resentful at the non-success of his diplomacy. His calculations were upset by the fact that the genuine loyalty of the Highlanders to King James, who had never treated their vital interests with indifference, outweighed their old tendency to private feuds, and enabled the leadership of Sir Ewen Cameron of Lochiel to secure an unprecedented unity of action. When the chiefs unanimously held out to the longest possible moment, and when their eventual submission was so general that the government was left with no solid excuse for military action, it dawned upon Stair that he had been outwitted. He tried to make up for it by an exemplary vengeance upon Glencoe.

The government had been half-hearted in its policy of conciliation, and at last fell back upon a policy of very partial severity. Breadalbane had early informed Glencoe that he should obtain no good from the settlement, a direct inducement to the Macdonald chieftain to put off his submission to the last moment in the hopes that Glengarry's efforts or some lucky chance might render Breadalbane's negotiation abortive. The Glencoe Macdonalds were not a powerful sept compared to some others, but they had continually raided the Campbells, and the situation of their valley made the enterprise against them easy. 'I would be as tender of blood or severities as any man,' wrote Stair, 'if I did not see the reputation of the Government in question upon slighted mercy, and the security of the nation in danger by those who have been obstinate to that degree, that if wee believe them rationally, wee must think they depend upon such assurances of help, that wee can never oblige them even to their own advantages from this Government, and therefore it must make sure of them.'² No doubt Stair thought an example necessary on public grounds, but the particular victim was selected for other

¹ *Highland Papers*, 51.

² *Ibid.* 59.

reasons, not merely due to the accident by which Glencoe offered his submission to Hill at Fort William and not to Campbell of Ardkinlass at Inveraray. When he realised his danger, his anxiety to take the oath was extreme, and the circumstances can hardly have been unknown to Stair, although some obscure intrigue in Edinburgh prevented the facts from being brought officially to the notice of the Privy Council.¹

There was no slighting of mercy here, compared with others who were spared, presumably because they were better able to protect themselves. Menzies, a supporter of the government, procured an extension of time for his people, on the ground that he could still persuade them to submit.² The obstinate Glen-garry was allowed to surrender his stronghold and receive terms.³ Clanranald, another papist, but a minor, took refuge in France, yet his estates were not forfeited nor his clansmen attacked.⁴ Maclean, who, like Clanranald, had influential friends, surrendered Duart; of his clan Stair speaks most highly as a law-abiding people who had rendered distinguished service to Charles II. during the Civil Wars, a singular contrast to his former suggestion that they should be left to Argyll.⁵ In the end he fell back upon the thieving habits of Glencoe for his justification; it was a poor one, for cattle-lifting was, after all, not so abnormal as to call for punitive measures of so exceptional a kind.

Even had the massacre of Glencoe stood alone it could hardly have failed to re-animate the hostility of the clans towards the Revolution; it did not stand alone, for the whole preceding negotiations and their outcome were calculated to inspire mistrust. Stair also distrusted the clans; 'the reputation through the world of their submissiones is of more importance than anything can be promised from their honesties';⁶ possibly he thought this absolved him on his part from any obligation of honour towards them. As a matter of fact they seem to have been far the more reliable of the two parties to the negotiation, but this virtue told in favour of King James rather than of King William, and Stair accordingly did not appreciate its merits. On the one essential point of the consent of King James they were perfectly definite from the beginning, and stuck to their point and to their own confederation to the end; in spite of the

¹ *Ibid.* 114.

² *Highland Papers*, p. 56.

³ *Ibid.* 65, 69.

⁴ A. Mackenzie, *History of the Macdonalds*, p. 421.

⁵ *Highland Papers*, 76.

⁶ *Ibid.* 49.

numbers and the rivalries of the chiefs, it is comparatively easy to determine their intentions and policy throughout. With regard to the government it is impossible. The question whether they ever really intended to part with the £12,000 is one instance; Stair's attitude as to King James's consent to the treaty is another. Having agreed to this at the beginning, his complaint in December that it rendered the whole bargain valueless, indicates that he had regarded it simply as a decoy, and when his concessions failed to entrap the chiefs, he saw no use in maintaining them merely for the sake of 'the reputation of the government.'

The clans fulfilled the conditions, and the government did not, and Stair had no right to complain of slighted mercy. The chiefs had every ground for the belief that the mercy they slighted was far from genuine; it sprang from the embarrassments of the government and the poverty of its military resources. The chiefs had been given until January 1 to submit, and as they were honourably waiting for the return of their messenger to France, their delay to submit sooner was not a fair reason for altering the terms agreed upon. Undoubtedly the game of bluff was played on both sides, but the erratic policy of the government was far more responsible for the chiefs' conviction that it was worth holding out for concessions than any real dependence upon France. Stair himself, as was natural, was ready to offer more or less according to circumstances; even after the truce had expired, he instructed the military not to risk a disaster to the King's troops by adhering too rigidly to his instructions only to accept unconditional surrenders.¹ The government as a whole was divided, opportunist and irresponsible; to have attempted to call it to account was to undermine the Revolution. Its principal supporters were interested parties. It was from its very nature incapable of united or straightforward action, and it dealt with the Highlanders as beyond the pale.

In every respect the government of William in the Highlands compared ill with those which had preceded it. The comparison with that of Monck is fallacious, except in the one matter of the establishment of garrisons. Superiorities and heritable jurisdictions were then swept away, the clan organisation remained and the chiefs took no oath and surrendered no arms, but undertook to live peaceably. Monck's rule was consistent, effective and popular, neither he nor his subordinates had private ends to serve. Colonel Hill continued worthily to represent the English

¹ *Highland Papers*, 66-7.

tradition, and his personal influence was the one redeeming feature of Revolution government. Neither William nor the Council effectively directed or controlled its policy. This was under the influence of innumerable private interests and intrigues only comparable to those of the Restoration period in lowland Scotland, and was vacillating and untrustworthy. Finally vengeance fell upon a chieftain who had shown a real intention of complying with the government demands, because he was weak and unprotected. The manner of it was unprecedented, and called forth from the Earl of Carmarthen the remonstrance that no act of James had been so arbitrary, and that it was to deny to one section of the people the status of subjects.¹ The Highlanders knew that the government which had been forced upon them claimed to rest its power on the subjects' consent, whereas there was nothing in its dealings with them to attract a free people or to compel respect for its authority. It displaced a king whose administration, except only when perverted by religious zeal, was able and conscientious, and in the Highlands had been unusually sympathetic and just. Under his personal influence the authority of the Crown had done much for them in the vital matter of feudal claims, even when he ran the risk of losing powerful support.

The Revolution increased the too great power of the Scots nobility, and the alien Prince proved no such guardian of Highland national liberties as the King who claimed an ancient hereditary right, and acknowledged a corresponding responsibility to God for his subjects' welfare. Early experience formed the conviction which Hanoverian rule did nothing to dispel, that no good could come to the country from a government based upon usurpation and bolstered up by the interests of an aristocratic party. Religion, tradition and experience combined to fortify a political creed which such a man as Dr. Archibald Cameron continued to hold even after 1745, and expressed when he gave his life for the cause of his native Prince; 'I pray God to hasten the restoration of the Royal Family, without which these miserably divided nations can never enjoy peace and happiness.'²

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¹ *Memoirs of Lochiel*, 317.

² Mackenzie, *History of the Camerons*, 276.

On the Church Lands at the Reformation

THE feuing of the Church Lands is a matter to which adequate attention has not been directed by historians of the Reformation. It is one of the important economic factors in the period. There can be no doubt that organised research by a number of workers would throw a much-needed light upon things which are still somewhat dark and neglected. In the meantime it may be useful to state some facts, and to indicate some lines of inquiry.

No account of the Reformation can be intelligible unless it goes back to the time of James I. and the end of the great schism. From that period it is easy to detect a growing assertion of the power of the Crown, and an increasing sense of nationality in opposition to the claims of the Papacy. A desire to prevent the flow of money to Rome, to control the appointments and important benefices and attach the prelates to the Crown, to recover some of the wealth alienated by the ancient piety of David I.—these are some of the familiar features of the development. At the present it is with the impulse to regain some of the resources made over to the Church that we are especially concerned.

In the fifteenth century the Crown right to the temporality and to advowson, *sede vacante*, was satisfactorily established. James III. was able to agree with Innocent VIII. for an interval of eight months after vacancy, during which royal nominations would be awaited, a favour with obvious financial consequences. The conduct of James IV., notably the promotion of his brother and then of his natural son to the primatial see, and the exploitation of ecclesiastical patronage by the Regent Albany were a prelude to the action of James V., who frankly bargained for what he could extract from the fears of the churchmen and the diplomatic difficulties of the Papacy.

Along with the mere necessities of royal finance, aggravated by the growing expense of artillery, which had to be provided out of the funds at the disposal of the Treasurer, there was genuine interest in the general development of the country.

James IV., 'for policie of his realme,' obtained permission from Parliament to feu his proper lands. It was thought that security of tenure would promote wealth, and that military strength would be greatly increased. The Parliament of 1503-4, which authorised James to proceed, also encouraged the churchmen to follow suit; but they were in a somewhat difficult position owing to the restraints of Canon Law, which regarded perpetual *emphyteusis* as alienation.

It cannot be doubted, however, that the action of the Crown and the recommendation by Parliament tended, along with the natural inclination of ecclesiastics who were becoming more and more secularised, to produce a development along the lines of what was considered a national policy. In 1556 it was officially stated that alienation of kirklands began to be a serious abuse in the period immediately after Flodden.¹ The confirmatory evidence is necessarily scattered and defective; but there is no reason to reject the assertion. In a period of faction and confusion, with a Governor intent upon the profits of his office, relations with Rome by no means settled, and the Reformation movement already on foot upon the Continent, the churchmen were likely to follow a course which offered immediate personal or political advantages. The Roman authorities could not fail to see that any considerable change from tenure by renewable lease to heritable possession at a fixed duty would free the tenant from ecclesiastical control. Yet it was difficult to meet the danger without affronting national policy and feeling; and illegalities were an important source of papal revenue.

The first marked development of feu-farm in connection with kirklands came about in a curious way. During the minority of James V. and the regency of Albany the royal finances fell into a hopeless state. Money must be found at once; and, as a profitable marriage could not be arranged, James and his intimate advisers, notably Erskine of Haltoun, the secretary, applied to Clement VII. for assistance. The Pope, whose position was very difficult owing to the power of Charles V. and the danger which threatened from the conduct of Henry VIII., was persuaded or forced to impose a heavy tax upon the Scottish prelates for the benefit of the Crown. The endowment of the College of Justice was the specious motive put forward, with some vague references to the administration of the realm. Privately, the Emperor and Clement were led to

¹ *Papal Negotiations* (Sc. Hist. Soc.), 529.

understand that this 'great tax' would have military consequences useful to their policy and disagreeable to Henry VIII. James himself was chiefly bent upon clearing up his financial affairs and supplementing his deficient resources.¹

The prelates were very angry—with the Pope as well as with the King. They succeeded in preventing the tax of £10,000 from becoming a perpetual annuity, as it was planned to be; but even for a few years the payment of 3s. 3d. on the pound of Bagimond's assessment proved an unwelcome burden upon their incomes. It occurred or was suggested to them that the tax might be defrayed by feuing kirklands for a consideration. This was an expedient which exactly suited the royal views. Over and above the advantage to the realm, James would get his money out of those who were ready to pay handsomely for heritable possession; and he would get it without irritating the clergy or laying a direct tax upon the laity. The Crown would derive its profit and the national economy be fostered in a perfectly natural way. As for the Pope, he had put himself in an impossible position. Having offended the sentiment of autonomy in the Scottish Church and used the prelates as his diplomatic tools, he could hardly refuse to approve the methods by which they proposed to recoup themselves. When Henry VIII. was the head of a National Church it would not be wise to exasperate the Scottish ecclesiastics. There can be little doubt that they were now freed from former scruples and restraints; and it is easy to detect in the narratives of their feu-charters a desire to exonerate themselves and lay the responsibility upon the Pope and the King.

The grantees were quite aware that they had to do with two competing powers, the Crown and the Papacy. The most complete security was, of course, to be obtained by resort to both authorities for confirmation. This is illustrated in an interesting series of documents described by Dr. Neilson.² The feuing of Drygrange was not carried out owing to the 'great tax,' and was in no danger from any charge of dilapidation; but the steps taken deserve to be noted. The feu-charter and infeftment were followed by a confirmation under the great seal. The grantee then forwarded a petition to Rome, and a commission of inquiry was appointed, which sat in St. Giles and issued sentence of confirmation. The whole performance covered a space of two years.

¹ For the story, see *Sc. Hist. Rev.* xv. 30.

² *Sc. Hist. Rev.* vii. 355.

This was not a case where scrutiny could be unwelcome. The feus which were granted, however, in order to raise money for the taxation were in a somewhat different position. It is certain that very many feuars never faced the expense of a resort to Rome, and did not apply to the Crown. As regards Rome, it is probable that the churchmen did not go out of their way to advertise the papal claim, because that might interfere with their own profit. Sometimes they stated in their charters that they expected confirmation to be obtained by the grantee from the Roman Court, expressing it as a pious opinion rather than as a condition of validity.¹ The Crown, on the other hand, directly interested in the success of the feuing process, was not unwilling to foster the belief that the royal approval would serve in practice: it was never its policy to divert Scottish money into the Roman exchequer. Hence, while there was a widespread neglect of the Roman authority and no insistent application to the Crown—for the Crown was clearly understood to approve—there was at the same time a tendency on the part of prudent people to make their position secure at home, and to take out writs of confirmation.

There was, in fact, a very considerable variety of practice, from complete neglect—probably the more common—to abundant precaution. In 1593 an Act of Parliament, dealing especially with one manner of confirmation adopted before the Reformation, described the position.² Prelates had ‘of auld’ granted infeftments of feu-farm; and in certain cases, particularly in the reign of James V., the grantees had contented themselves with a writ under the privy seal and the royal subscription, ‘quhilkis according to the estait of tyme wer lauchfull securities to the ressaveris thairrof, and neidit na particular confirmation to be interponit thairto, aither be auctoritie of the pape or of our soverane lordis predecessouris, thair being na law, statute, nor constitutioun ressavit obleissing the subjectis thairto; and incace ony confirmatioun haid bene requisit, the samyn culd import no forder in effect or substance than the consent of the prince under his seill and subscription.’³

¹ Cf. *R.M.S.* iii. 2741 (2): in 2636 the granters consent to confirmation *ubi facilius haberi posset*.

² *A.P.* iv. 20.

³ Specimens of these privy seal writs occur occasionally in the Register down to 1557. The feu-charter, entered at length, is granted by royal *license* and is fortified by (1) the chapter seal, (2) the privy seal, and (3) the royal subscription. Sometimes there is great seal confirmation (*R.S.S.* xii. 73; *R.M.S.* iii. 2298).

In the time of James V. the royal attention was fixed upon the national economy and upon extracting sums from the churchmen by way of contribution. It was natural, therefore, to encourage a process which would facilitate payments. The authority of the Pope was not openly contested: it was being quietly undermined. Of this the Roman Court was not unaware; but the King had contrived a subtle policy and knew how to make capital out of the situation. Paul III. was repeatedly asked to grant Cardinal Betoun the powers of legate *a latere*, and complied only when the death of James and the general position of affairs made it absolutely inevitable. It is easy to see that the Pope's reluctance must have been due in great measure to the fact that the Cardinal, chief minister of the Crown, would be competent as legate *a latere* to institute commissions of inquiry for those who desired confirmation of their infeftments in kirklands.¹

The ecclesiastics, led by Betoun, committed themselves and James to war with England. The death of the King in 1542 modified their position but did not relieve them of financial burdens. They had now to grant subsidies directly for the conduct of the struggle with Henry VIII. and the maintenance of their church. The policy of feuing kirklands was an obvious expedient to procure money and win support. In the case of St. Andrews archbishopric, for instance, the process had been carried so far that in 1545 Cardinal Betoun ordered the compilation of a new rental book.²

James V. cultivated the commons; and it was far from his intention to oust small tenants in favour of capitalists. It is reported, indeed, that he actually threatened to make the clergy feu their lands without augmentation.³ Yet circumstances rendered the development prejudicial to the smaller men. This had already become apparent when Lyndsay wrote the *Satire of the Three Estates*. We hear of 'gentill men' who take the steadings of the humbler sort in feu:

'Thus man thay pay greit ferme, or lay thair steid,
And sum ar plainlie harlit out be the heid
And ar distroyit, without God on thame rew.'⁴

Again the spirituality is advised to set their temporal lands in feu:

'To men that labours with thair hands,
But nocht to ane gearking gentill man,
That nether will he werk nor can.'⁵

¹ *Rentale S. And.* (Sc. Hist. Soc.), xxvi. ² *Ibid.* xxviii.

³ Robertson, *Statuta*, i. 137 n. 2.

⁴ Laing's ed. 2575.

⁵ *Ibid.* 2685 ff.

and we can detect some apprehension that a development which was originally expected to be of military advantage, owing to the increased wealth which would arise from heritable right, was actually tending in an opposite direction. The English war pressed very hardly upon Scotland. The prelates became less considerate in raising funds; and those who could offer large and ready money for feufarm were apt to be preferred. It was also beginning to dawn upon the Crown that methods which had proved attractive to James V. were not by any means designed for the enrichment of his successors.

When Mary of Guise assumed the regency in 1554 she was compelled, like her husband in 1531, to appeal to the financial resources of the churchmen. Clement VII. had granted the 'great tax' to James V. in connection with the endowment of the College of Justice: Paul III., satisfied that James was really committed to war with Henry VIII., imposed another subsidy, which was inoperative owing to the King's death;¹ and now Mary of Guise sought to repair the losses suffered under the Hamilton administration by an application to Rome. Paul IV. seems to have granted a taxation beginning in November, 1556, and ultimately extended for a second year.² The representations made to the Pope by the Cardinal Protector of Scotland dwelt upon the wealth of the churchmen; but it was pointed out how 'for about forty years' prelates had been alienating, usually to the more powerful nobles, and had in fact practised dilapidation to the detriment not only of the Church but also of the Crown. The Pope was asked to revoke alienations carried out without regard to the forms of Canon Law; and he was to insist upon the necessity of the royal license.³

On the eve of the Reformation the tendency to dilapidation was naturally accelerated. Apprehensions for the future, present needs, and the loosening of the papal authority induced many prelates to consult their own interests and those of their relatives. The churchmen themselves were forced to legislate upon one aspect of the matter. In the last General Council, 1558-9, a statute was passed to forbid the setting of lands over the heads of kindly tenants, a practice which led to the impoverishment of the lieges and the lowering of military efficiency.⁴ This

¹ *Letters and Papers* (Hen. VIII.), xviii. 319; *Scot. Hist. Rev.*, xi. 1 ff.

² *Papal Negotiations* (Sc. Hist. Soc.), 3.

³ *Ibid.* 529.

⁴ *Statutes of the Scottish Church* (Sc. Hist. Soc.), 179.

enactment may have been prompted by Mary of Guise, who exercised a considerable influence on the proceedings of the Council ; but it could not fail to be accepted as prudent.

It is clear from the representations made to Paul IV. on Mary's behalf in 1556 that direct interference by the civil authority was becoming inevitable: the Pope, as has been said, was to recognise and support the licensing power of the Crown. It was significant that a petition for a papal imposition like that granted to James V. in 1531 should now contain a request for action against improper alienation. The 'great tax' upon the prelates by Clement VII. had produced disastrous results. The spiritual estate from time to time voted subsidies, and was in these cases responsible for its own conduct ; but the device of alienating in feufarm for money down and an augmentation which was almost nominal, adopted specially to meet the exigencies of the 'great tax,' proved too tempting for greedy and careless churchmen. Thus Paul IV. is frankly informed by the Cardinal Protector of Scotland that the clergy are wealthy and must be compelled to contribute to the royal exchequer ; but the contribution ought to be out of their ample incomes. They are well able to subscribe to the needs of the Crown and to spend upon the fabrics of their churches without resorting to dilapidation. It looks as if the statute of Provincial Council anent kindly tenants of kirklands was directly connected with the taxation which the Pope had recently imposed ; and it should not be forgotten that March 6, 1558-9, when the Council was in session, was the date from which Crown supervision of the feuing process and protection of the kindly tenants were afterwards supposed officially to begin.¹

Unfortunate gaps in the Register of the Privy Council prevent us from following events very closely ; yet the recorded measures will now be fairly intelligible, and may be set down in chronological order :

(1) General proclamation in June, 1561, forbidding churchmen to feu their lands.²

(2) Act of Council in September, referring to the prejudice suffered by the Queen and the poor tenants, and the export of money by grantees applying to Rome for confirmation : no papal

¹ This was the date recognised by the Act of Oblivion as the beginning of the troubles.

² *Treasurer's Accounts*, xi. 55 ff.

confirmation was to be sought for any feu of kirklands since March 6, 1558-9.¹

(3) Act of Council in December against removals from kirklands set in feu. A respite till Whitsunday, 1563, granted to tenants, pending legislation in Parliament.²

(4) Act of Council in February, 1562-3, explaining that Parliament has not been held, and extending the respite till Whitsunday of 1564.³

(5) Act of Parliament in June, 1563, in response to 'grevous complaintis,' continuing the respite to Whitsunday of 1566: royal license is required in order to enforce removal of tenants, and also for any feu to be granted during the next three years.⁴

An interesting case arising out of this Act of 1563 came before the Privy Council. It illustrates the necessity for Crown intervention and, incidentally, the immediate profits which might be realised by the churchmen.

John Achesoun, burgess of Edinburgh, held certain lands in Perthshire, one-third of the Crown, two-thirds from the monastery of Scone. Of the kirkland he had an assedation covering his own life, that of his wife, and the life of an heir. He fell at Pinkie; and his widow continued to occupy the land. She and her son, aware of the legislation for the protection of kindly tenants, applied to the commendator, Patrick Hepburn, Bishop of Moray, for a feu, 'and offerit him in compositioun xxx merkis for ilk merk of maill, howbeit the extremitie of the law gevis bot xx merkis for ilk merk land in heretage, without payment of feu maill out of the samyn.' Hepburn chose, however, to feu the land to a natural son. The Privy Council ordered the Commissioners on the confirmation of feus—who, as we shall see, had been appointed—not to compound for a signature until the circumstances were fully considered before the lords.⁵

Another inducement to interference by the Crown was found in 'eirnest sute' by the Queen's subjects. They desired confirmation of feus set by the prelates since March, 1558-9, 'in tyme of troubill contrare the tenour of hir graces letters of inhibitioun,' and also of feus given prior to that date.⁶ The Queen is now 'avisit' and intends to grant confirmations,

¹ *Register of the Privy Council*, i. 162; *T.A.* xi. 71 ff.

² *R.P.C.* i. 192.

³ *Ibid.* 234.

⁴ *A.P.* ii. 540.

⁵ *R.P.C.* i. 465-6.

⁶ The day is hereafter March 8, not 6 as in previous enactments.

‘willing that the samin be sure to sic as sall obtene thame.’ The Act of Parliament (Dec. 15, 1564) goes on somewhat timidly to declare that the confirmations now to be granted by the Crown shall be as good as those proceeding from Rome, and provides that infestments since March, 1558-9, require ratification in order to be effectual.¹

The hesitating and somewhat diffident tone of this Act is remarkable. It was not in fact clear at the time how events were likely to turn; but there was one circumstance which must have weighed heavily—the condition of the Treasury. Under the Hamilton administration there was a deficit of £31,000. Mary of Guise, as we have seen, obtained an ecclesiastical tax from the Pope,² and in 1558 her treasurer actually showed a small balance on the right side; but Richardson, who followed, could not make ends meet. His deficit in 1559 was £7100: by 1569 it was £60,500. It was necessary for the Crown, therefore, to make the very most of its casualties.

In the Treasurer’s account which begins at January 16, 1564-5, we have the first charge of compositions for signatures of kirklands. About three months after the Act of 1564 proclamation was issued that unconfirmed infestments since March 8, 1558-9, should be submitted to the commissioners sitting in the Treasurer’s chamber during April, May, and June.³

It was a function of the Privy Council, if necessary, to advise upon the passing of signatures. When the finances of James V. had reached a desperate condition, a special committee of ‘compositors’ was appointed to deal with a dangerous abuse, the gift of casualties by corruption or favour to the detriment of the Treasury. The Act of 1564 opened up new ground and required a special body of commissioners,⁴ as each individual case would have to be examined on its merits.

We may assume that the Crown authorities approached the matter with the intention of exacting all the profit they could obtain. The condition of the Treasury demanded it: subsequent legislation proves it; and the Earl of Montrose, speaking in 1579, represented confirmation as a *privilege* granted by Parliament to Mary and James VI.⁵

¹ *A.P.* ii. 545. ² *Papal Negotiation*, 3: cf. *T.A.* x. 444. ³ *Ibid.* xi. 353 ff.

⁴ See *R.P.C.* i. 466: cf. *A.P.* iii. 97 (Act of 1578): ‘the composition of the infestmentis of few ferme of kirk landis sall pas be the commissioneris appointed tharto, as the consuetude hes bene befor.’

⁵ *A.P.* iii. 165.

An inspection of confirmations granted in 1565, with the compositions paid, shows that the work of the commissioners must have been intricate. There were clearly several points to be considered. What was the date of infeftment? What was the character of the bargain? How much might the grantee be able or be prepared to pay? What of kindly tenants? And so on. The compositions bear no obvious or constant proportion to the duties. The first confirmation recorded was that of a feu by Robert, Commendator of Holyrood, to his half-brother Laurence Bruce.¹ The composition was *fifteen* times the duty. Again, the Prioress of North Berwick feued to a kinsman twenty-six acres of arable land at a duty of £3, for which the grantee now gave a composition of 100 merks—exactly the same sum as was taken in the case of another parcel of Priory lands, where the duty was almost £50.²

It is not necessary to accumulate details. Upon comparing the duty with the composition in upwards of thirty cases it appeared that the latter was scarcely ever an exact multiple of the former. The approximate multiples varied, apart from the instances quoted, from ten to about one-and-a-half. In a single case—an infeftment of 1555—the composition was a little over one-half and the duty was high, well above £100.³

The Treasurer charged himself with £9104 from these compositions between January, 1564-5, and June, 1566. He started that account with a deficit of £32,696 and ended it with a deficit of £42,937. By 1569 the debt exceeded £60,000. The confirmation of feu-charters of kirklands did not make ends meet, but it prevented matters from being much worse than they were.

Though a respite had been granted in favour of kindly tenants till Whitsunday of 1566, it does not seem to have been effective. In December, 1567, a few months after Mary's abdication, the Lords of the Articles were informed of the damage that was being suffered. 'The commonis quhilkis ar the gretest part of the people ar and wilbe altogidder maid unhable to serve in the kingis weris.' It was suggested, therefore, that a statute should be framed to protect the poorer sort for a definite number of years till the proper policy could be determined.⁴ Nothing further appears to have been done. The clamant poverty of the Crown and the disinclination of the landlords must have been

¹ R.M.S. iv. 1593; T.A. xi. 304.

² R.M.S. iv. 1598, 1604; T.A. xi. 305-6.

³ R.M.S. iv. 1605; T.A. xi. 306.

⁴ A.P. iii. 45.

important factors in the situation. As regards the Crown, we are told in 1574-5 'how unabill it is upoun the present rentis thairof to sustene evin now the estait of our soverane lord and public chargeis of the realme, meikle les to beir out his majesteis estait and expensis at his mair mature and perfyte aige.¹ The accounts of Ruthven, as Treasurer, amply support this statement. In 1583 his total deficit amounted to £67,000.

In 1578 an Act was passed which requires some explanation : it has been frequently and seriously misunderstood. It will be remembered that the Act of 1564 did not compel confirmation. There were many applications to the commissioners, but even in 1584 there was a large number of feus prior to March, 1558-9, which had never come in.² This Act of 1578 was partly designed to stimulate application by providing that in cases where there were double infeftments priority of confirmation should determine validity.

The preamble explains how double confirmation came to be given. Feuing of kirklands, as we have seen, had been in active process for many years. It was not surprising, accordingly, that the compositors were from time to time between 1564 and 1578 confronted with the problem of double infeftments. They naturally applied for advice to the Privy Council, who laid it down that 'our soverane lord and his hienes compositouris aucht not to deny his confirmatioun upoun the ressonabill expensis of the pairtie sutand upoun thair awin perrall.' This view, which seems to have been repeatedly expressed, does not appear to be recorded in the Register of Council. The omission will not surprise anyone who has perused the minutes of proceedings during the century from 1478, when the record begins. Administrative ordinances of the kind are disappointingly few ; and it may be assumed that much of the advice given to officials was never formally entered.

These 'sundry ordinances' were made between 1567 and 1578—or between 1564 and 1578, if the reference to the King may be held to include Queen Mary. The topic is clearly feu-farm of kirklands : there is express mention of the compositors ; and it was in pursuance of the Act of 1564 that special commissioners were appointed to consider confirmation and compound. The preamble adds that the practice of giving double confirmations had extended to the alienations of lands held immediately of the Crown. It does not say whether this was a contemporary development, due to the principle laid down by the Privy Council anent

¹ *A.P.* iii. 89.

² *Ibid.* 351.

the confirmation of feus of kirklands. The wording—‘confirmatiounis ar grantit’—naturally suggests that the matter is recent.

The result of this practice was discontent and expensive litigation. It was therefore enacted that priority of confirmation, both in the case of kirklands and of lands held of the King, should determine the title. Thus holders of infestments of kirklands who had been diligent to compound were rewarded; and a stimulus in the interest of the Treasury was provided for the future.

The Act went on to forbid double confirmations, and hence to modify the ‘sundry ordinances’ of the Privy Council; but it safeguarded the Crown by providing that if they *did* pass—presumably *per incuriam*—the competitive title should be decided on the principle of priority already laid down. In fact, it was now the law that the King and his compositors ought to deny double confirmation; but that, if a second confirmation happened to be granted, it was still at the risk of the applicant.

Sir George Mackenzie draws the inference from this Act ‘that the Lords of Exchequer ought not to refuse to grant confirmations.’¹ Erskine, referring to the superior’s right of refusal, says that the Crown ‘by several acts of Privy Council, mentioned in 1578, c. 66,’ gave up this right for the public utility.² Stair makes the remarkable statement that ‘it is declared by several ordinances of the Privy Council that the King or his commissioners ought not to deny his confirmation upon the reasonable expences of the party; which ordinances are repeated in an act of Parliament; and tho’ the design thereof gave not occasion to ratify the same, yet they are contained in the narrative, as motives of that statute; and therefore are not derogate from but rather approved.’³ It may be as well to point out that the historical evidence does not support the views of these distinguished lawyers. Stair’s view, especially, the historian will find the utmost difficulty in accepting: he does not seem to have grasped the circumstances and significance of the Act.

The Act of 1578 anent double infestments and confirmations (*A.P.* iii. 103) narrates that ‘it is fundin be sindrie ordinances of the previe counsall that our soverane lord and his hienes compositoris aucht not to deny his confirmatioun upoun the ressonabill expenssis of the pairtie sutand upoun thair awin perrall.’ The reference to ‘compositors’ (1) places the ‘ordinances’ between 1564 and 1578 and (2) confines them to feus of kirklands. The ‘commissioners’ or ‘lords compositors’ (*T.A.* xi. 353 ff., 524) were

¹ *Observations.*

² *Institutes*, ii. 7, 6.

³ *Institutions*, ii. 3, 43.

specially appointed under the Act of 1564 (cf. *A.P.* iii. 97, 112). They are to be distinguished, of course, from the 'compositors' who assisted the Treasurer at the Justice Ayres (*T.A. passim*). It is true that 'compositors' appear in 1526 (*A.P.* ii. 304), when James V. was in financial trouble; but these were specially appointed to prevent the sale of casualties below market value and to act as a check upon the young King (*A.D.C.* Ap. 19, Aug. 2, 1528; March 13, 1528-9). The matter is made clear by the Act of 1578 anent the Privy Council (*A.P.* iii. 96). Certain signatures are to be considered in Council: other 'common' signatures, including confirmations where there is no change in the tenor, may be dealt with by the Treasurer and his clerk, 'as has been usit befor': compositions for infeftments in kirklands 'sall pas be the commissionaris appointit tharto, as the consuetude hes bene befor.'

Failure to observe these facts has led Stair and Erskine into error. Stair's interpretation is not happy. He leaves out 'sutand upoun thair awin perrall'—an essential part of the dictum. He also states that the ordinances were not 'derogate from but rather approved,' which seems to indicate that he had not read the Act carefully, for 'derogate' was just what it *did* do. Erskine's mistake is mainly historical. The Privy Council were not thinking of 'public utility': they were thinking of the Treasury, and of feus of kirklands. They could not mean that the Crown ought to give confirmation wherever the party was willing to pay the reasonable expenses. The Act of 1564 assumed a discretionary power to refuse; and necessarily so, for the Crown had inhibited feus without licence, and the kindly tenants had to be considered. The right of refusal was the trump card which the Crown held in its hand. Both Stair and Erskine may have been misled by the arbitrary and unauthorised punctuation introduced by editors like Skene and Glendook.

The Act of 1564 admitted no right on the part of the applicant: it stated that confirmations would 'be sure to sik as sall obtene thame.' This was the correct and indeed inevitable attitude, owing to the complaints from kindly tenants, and the knowledge that dilapidation had been practised. Our records do not indicate what applications, if any, were refused. The needs of the Treasury and recurring complaints from old possessors suggest that the Crown acted mainly upon financial grounds and was apt to ignore the claims of these smaller men. It is remarkable that in one or two recorded instances of obstructed confirmation the complaint of the applicant is not that a right has been denied, but that a handsome offer has been refused. The Crown had undertaken to confirm, at its own discretion; but the circumstances of the time did not permit of drastic action. The Treasury needed the compositions and had to adopt an attitude of invitation: the grantees were naturally disinclined to disburse money, particularly where there was no apparent danger to their infeftments; and doubtless there

were those who preferred to run a certain amount of risk, rather than pay the large compositions in which the nature of their bargains would involve them.

What actually happened, therefore, when the Commissioners on feus of kirklands began to sit in 1564-5 seems to be clear. Certain cases of double infeftment occurred: the Privy Council was consulted, and replied that these should be passed on composition: it was, in fact, the business of the compositors to get in money, and the risk lay with the parties. The Act of 1578 was designed to meet the very natural complaints of those who went into the law courts and found that they had paid compositions for nothing, and at the same time to provide an incentive to grantees hitherto neglectful.

This, however, was not all. In the Parliament of 1585 it was represented that John Hamilton, the last Roman archbishop of St. Andrews, granted the lands of Cragfudy and Middlefudy in Fife to Grissell Sempill in liferent and to John Hamilton, their son, heritably. Infeftment was on July 10, 1567, just after Mary's surrender at Carberry and a fortnight before her abdication. The Hamiltons, as is well known, took the Queen's part and suffered the consequences. The archbishop's son alleged in 1585 that he 'maid instant sute be his freindis, offering greit sowmes of mony at sindry and divers tymes to our said soverane lordis thesaurar to haif the confirmatioun thair of exsped.' Archbishop Hamilton was executed in 1571; but Grissell Sempill does not seem to have been disturbed,¹ and survived until 1575. In 1576 Patrick Adamson became archbishop. He seized the opportunity to grant a feu to his own son: contrived to obstruct John Hamilton's confirmation, for which the signature was now actually granted; obtained his own confirmation; and finally procured the Act of 1578 to clinch the matter.

John Hamilton, in seeking redress, resorted to the patronage and influence of his cousin Lord Hamilton, now restored to Scotland, who told the story in the Parliament of 1585.² The facts were accepted by the house as 'notorlie knawin,' and by special dispensation John Hamilton was allowed to 'purches confirmatioun' and that 'upoun his expensis as accordis.' He was required to pay £200 in composition.³ The demands of the Treasury were as urgent as ever. In 1582 the revenue from

¹ *R.P.C.* ii. 100.

² *A.P.* iii. 415.

³ Register of Signatures, ix. 109; which mentions Cragfudy alone. The duty (Middlefudy included) was about £200 (*R.M.S.* iv. 2703-6, 2725).

casualties had been particularly unsatisfactory, and attention was drawn to the increase in the King's debt.¹

Hamilton of Drumry's case was much more complicated than the narrative in Parliament would lead us to suppose. It illustrates so many of the points under discussion that the story, pieced together with difficulty and uncertainty from the extant records of the Session, deserves special treatment.

On June 14, 1566, Grissel Sempill, Lady Stanehouse, and John Hamilton, her son by the Archbishop of St. Andrews, obtained a tack for nineteen years of Cragfudy and Middlefudy.² On July 10 of the following summer a feu-charter was granted, with the liferent to Grissel Sempill.³ This disposition created difficulties with the kindly tenants, some of whom were there in Cardinal Betoun's time. In 1577, when Patrick Adamson had become Archbishop and Lady Stanehouse was dead, the new prelate granted a charter of Middlefudy to his brother-in-law, James Arthur, and charters of Cragfudy, in four equal portions, to kindly tenants of whom three belonged to influential families in Fife. These charters were confirmed by the Crown without delay:⁴ whereas Hamilton's charter had never received confirmation.

Thus there were five feuars holding of the Archbishop; but it is important to notice that there were other kindly tenants, who seem to have remained in possession of their land, paying rent to the feuars. It is sometimes assumed that *nativi tenentes* were necessarily quite humble folk. As a matter of fact, in this period, the expression applies without distinction to those who had been in occupation for a period of years and who held by more or less formal agreements. When we read of complaints from 'kindly tenants' regarding their hardships where kirklands were feued over their heads, it must be remembered that some of the voices are those of substantial men, even neighbouring lairds, and not merely the cry of the poor threatened with removal. The present case illustrates what might happen when a prelate alien to the locality attempted to establish his kin in a place where they were comparative strangers. It was true that the richer occupiers tended to absorb the land and were ultimately those who could afford to purchase feus, when feus were in the market; but the humbler sort, who remained as their subtenants, naturally allied themselves with the local feuars, and distrusted the alien.

Litigation over Archbishop Adamson's charters began in the St. Andrews courts. On January 30, 1577-8, the Lords of Council and Session advocated two actions by Adamson requiring John Hamilton of Drumry to exhibit his infeftments.⁵ Unfortunately he could not comply, as doubtless

¹ *R.P.C.* iii. 478-9. Craig (*Jus Feudale*, i. 15, 29) says that the Act of 1584 anent confirmation (v. *infra*) was notoriously *augendi aerarii causa*.

² *Acts and Decreets*, lxxi. 357.

³ *A.P.* iii. 415; *A. and D.* civ. 81, gives June 10.

⁴ *R.M.S.* ix. 2703-6, 2725.

⁵ *A. and D.* lxxi. 191.

the Archbishop had reason to suspect. It was explained that his writs had been deposited with his father in Dumbarton Castle, and after the fall of that fortress had come into the hands of Cunningham of Drumquhassill, who became keeper of the place. It would be necessary to have evidence from Hamiltons and others now exiled in Flanders, and from Hew Johnston, the late Archbishop's chamber servant, who had found his way into Sweden. Commission to take depositions was procured for Captain Hary Balfour, 'crouner to the Scottis cumpany' in Flanders, and for the ordinary judge in Stockholm.¹

Meanwhile Drumry was engaged in trying to enforce his tack, which would not expire till Whitsunday of 1586. Adamson boldly asserted that this document was 'fals and fenzeit,' and demanded production, hoping probably that it also was missing. He was disappointed. There was some talk of an obligation by Grissel Sempill, undertaking not to molest the kindly tenants; but the aged Mr. John Winram, whose position as sub-prior of St. Andrews would involve him in the business, seems to have discredited the story; and the lords upheld the tack, though they required caution for the repayment of rent should it be proved invalid.²

According to the sequence of events represented in the Parliament of 1585, James Arthur relinquished Middlefudy in favour of his nephew James Adamson, with liferent for his sister Elizabeth Arthur, the Archbishop's lady. As Drumry's infeftment had not been found, and had not been confirmed by the Crown, the Act of 1578 anent double infeftments and confirmations was peculiarly opportune to secure the interests of Archbishop Adamson's grantees. Even if the evidents turned up, Drumry could be no more than tacksman till 1586.

By a decret, unfortunately lost, the lords reduced Hamilton's infeftment; and he was compelled to make terms with the Archbishop. For a sum of 5000 merks Drumry ratified the decret so far as concerned Middlefudy and renounced his tack thereof, leaving Elizabeth Arthur and her son in possession. In return Adamson promised to make no further attempt to invalidate the tack in relation to Cragfudy. The missing charter and sasine were ruled out by the Act of 1578; and it was understood that Drumry would pursue his search, and hand them over, if discovered, that they might be cancelled.³

While Hamilton was still hotly engaged with the occupiers of Cragfudy, who, though apparently deserted by the Archbishop, fought a series of delaying actions with great pertinacity and skill, the missing documents were traced. The circumstances are not explained; but, when Lord Hamilton returned to Scotland in 1585, Drumry was able to air his grievances in Parliament, and obtain a special Act authorising the confirmation of his infeftment, which was now to be valid as against Adamson's. The signature (Jan. 6, 1585-6), as registered, mentions Cragfudy only: it is exceedingly difficult to suppose that the royal charter did not include Middlefudy as well.

¹ *A. and D.* lxxii. 40.

² *Ibid.* lxxi. 279, 357, 414; lxxvi. 74.

³ *Ibid.* lxxix. 365.

The tables were turned, and a portentous vista of litigation now opened. Drumry's infeftment was to prevail over those granted by Adamson: yet there was the agreement of 1580 ratifying the reduction in respect of Middlefudy. Even these hardy men quailed before the prospect, and submitted to arbitration, with Betoun of Balfour as oversman. It was decided that the Archbishop should cause Drumry to be infeft in Middlefudy, and should hand over the titles granted to James Arthur, Elizabeth Arthur, and young James Adamson: that Hamilton should pay over £6500 to be invested in land or annual rent: that James Adamson should be infeft therein, and should then infeft Drumry in warrandice of Middlefudy. Hamilton was not to sue the Adamsons for warrandice of Cragfudy, though his right to take action against a succeeding archbishop was reserved. This decret the Archbishop very shortly declined to fulfil; and it was registered in the Books of Council and Session.¹

A mysterious fact is that when his infeftment received royal confirmation Drumry does not seem to have been in actual possession of his charter. How the confirmation was obtained, in view of this, there is not a word to explain. In April, 1586, he sued Cunningham of Drumquhassill and Hamilton of Rouchbank for delivery. The charter turned out to be with Rouchbank, who stated that he received it from the late John Cunningham 'about the tyme that the last erlis of Ergile and Atholl assembled thame-selffis in the castell of Striveling aganis umquhile James erle of Mortoun, than regent,' *i.e.* in 1578-9. It had passed into Cunningham's hands when Lord Fleming, in 1571, lost Dumbarton Castle.² There is no evidence to show what part Rouchbank was playing in this curious affair; but it should be noted that he was one of the two arbiters named by Drumry in February, when he and Adamson submitted their quarrel.

We are not told why the Archbishop declined to fulfil the decret arbitral. He may have hoped that his feuars of Cragfudy, who had been for years in vigorous controversy with Drumry, might after all succeed. These men clung tenaciously to their assertion that Grissel Sempill had executed an undertaking not to disturb the kindly tenants. They represented that both the tack and the heritable feu were forged at her instance by the late Mr. Robert Winram and Alexander Forrester, Archbishop Hamilton's secretary, who kept the round seal. Knowing that there would be public controversy, Winram and Forrester, it was said, sought to secure themselves by obtaining Grissel Sempill's obligation not to use the infeftment as an authentic evident.

This was a highly coloured tale. Mr. John Winram, who seems to have denied the story in 1579, was dead and could not contradict it. Yet in spite of the inherent improbabilities of forgery, there seems to have been an obligation. When the tenants now demanded production of the bond, Drumry made no attempt to deny its existence: in fact he alleged that it was in the hands of Archbishop Adamson.³ Possession of it was perhaps what regulated the tactics of the prelate after the decret arbitral.

Drumry, with infinite labour, had lately succeeded in entering upon possession of the Cragfudy lands. Now the dispossessed were working

¹ *Deeds*, xxiv. 231.

² *A. and D.* civ. 81.

³ *Ibid.* cv. 40.

vigorously to get him out; and in the autumn of 1586 his goods were arrested.¹

To settle the question of Grissel Sempill's obligation it was necessary to call the Archbishop, among other witnesses. He paid no attention to the summons.² In addition he was put to the horn for refusing to fulfil the decreet arbitral,³ and was inhibited from dilapidating or putting away the lands of Middlefudy.⁴ In 1587 we find him taking action to quash the decreet, still withholding Middlefudy, and put to the horn, with his brother-in-law, his wife, and his son.⁵ It seems that the controversy came up in the Parliament of this year, in which the kirklands were annexed to the Crown, and that Drumry's claim to this part of the lands was ratified. Yet the Archbishop succeeded in obtaining suspension. The interminable litigation, however, had become more than could be tolerated. The Lords of Session had the case before them, in one form or another, on some fifty occasions; and even the protagonists were becoming weary. They submitted themselves to arbitration before judges who were all Senators of the College of Justice, with the Chancellor as oversman. Drumry was to pay 5000 merks, to be invested for the benefit of Elizabeth Arthur and her son, and was to hold Middlefudy directly of the Crown, according to the annexation. For an additional 6500 merks he could take over the land free of any tacks set by the Adamsons and set it to whom he pleased.⁶

Cragfudy, however, he had to relinquish. In the autumn of 1588 we find Adamson's feuars in possession.⁷ Whether this was due to Grissel Sempill's obligation we are not informed.

Another interesting case shows the common attitude towards composition and confirmation. In 1581 Dunbar of Cumnok produced an infeftment in certain fishings feued from Pluscardin about twenty-two years earlier. He paid 1000 merks for confirmation; but for some reason, apparently at the instance of a competitor, the keepers of the seals had been ordered to stay expedition. Dunbar's view was that confirmation 'aucht not to be denyit unto him mair nor to ony utheris fewarris of kirklands, especially sen he hes already payit sa great a compositioun thairfore.'⁸

As regards the lot of the kindly tenants, we hear their voices in petition to the Parliament of 1578. Bishop Graham, provided to Dunblane by the influence of Montrose, proceeded to feu the temporal lands to the Earl on a comprehensive scale. The

¹ *Fife Hornings*, Oct. 24.

² *A. and D.* cv. 292, 347.

³ *R.P.C.* iv. 125.

⁴ *Fife Hornings*, Dec. 23.

⁵ *A. and D.* cxii. 152; *Fife Hornings*, Aug. 15.

⁶ *Deeds*, xxxi. 89; *R.M.S.* v. 1642.

⁷ Auditors of Exchequer, 1584-98, 167.

⁸ *R.P.C.* iii. 391.

holders represented that removal would be their inevitable fate. A thousand of the King's 'commonis and pure people' would be ruined, and his Majesty's service would suffer 'quhen as sa grite rowmes, quhairupoun sa mony ar sustenit, salbe reducit in the handis of ane particular man.' This was proposed in spite of the fact that the petitioners were 'content abone thair power to do everie ane for thair awin rowmes.' Parliament ordained 'the lordis commissionaris deput for the confirmatioun of fewes' to consider the case, and before passing Montrose's confirmation to see that 'the saidis kyndlie tenentis be satisfeit for thair kyndnes.'¹

In January following, 1578-9, the Earl found caution before the compositors; but he objected to the conditions imposed upon him, and raised the matter again in the Parliament of 1579, especially as he had not been called in 1578. One paragraph of his remonstrance is very instructive. 'The said act is gevin in manifest hurt and prejudice of our soverane lord and aganis the privilegis grantit to him and his hienes predicessouris of befoir in parliament anent the confirmatioun of all fewis of kirklandis, quhilk was frielie grantit to his hienes and his majesties dearest mothir bering regiment for the tyme, without ony sic provisioun or prescrivit conditioun as is contenit in the said act gevin aganis him, and swa stopping his hienes to have sic commoditie as the said erle wald be glaidlie contentit to gif.' Montrose added that he was being treated exceptionally, 'aganis all ordour usit in sic caisis and forme of all confirmationis of few landis usit to be grantit be our soverane lord, the like quhairof was never usit aganis ony nobilman within this realme quha had gottin few of kirklandis.'²

Up to this time the Crown had not succeeded in bringing all infestments of kirklands before the compositors, so as to obtain the profits of confirmation and conserve the interests of kindly tenants. On March 24, 1583-4, the matter came up again before the Privy Council. The Acts of 1564 and 1578, it was said, had been neglected by very many, and the result was 'greit misordour and hurt.' Sometimes composition was made; but the signature was left lying on the Treasurer's hands without any attempt to expedite the writs: in numerous cases there was no application at all for confirmation. The situation was naively revealed in the hope that people would 'acknaulegge thair awin weill and dewitie as becummis thame heirin.'³

¹ *A.P.* iii. 111-2.² *Ibid.* 165.³ *R.P.C.* iii. 643.

In August of 1584 Parliament passed an Act which indicated that the Crown authorities were now convinced that general exhortation would not serve. All unconfirmed feus of kirklands, including a large number prior to March 1558-9, were to be submitted by September 1585, that was within about a year. Failure to apply—this was the new sanction—would be a sufficient ground of reduction at the instance of the Advocate, and the lands would fall to the King's disposition.¹

There was a special clause in this Act in favour of 'auld possessouris,' stating that they might have their confirmations within a year at a fixed charge, four times the mail or money rent, and twice the ferme or victual rent. If they procrastinated the charge would be eight mails and three fermes respectively. It is not in the least clear what this means and how it was intended to apply. The preamble refers to 'lang takkis' as well as feus, both requiring royal confirmation. Speculation is useless in the absence of precise indications. What is important is the fact that legislative consideration was now given to the kindly tenants so as to make it possible for them to secure their position.

This Act, which could not be carried out to the letter owing to pestilence, was prorogate in 1585; and December 10, 1586, was fixed as the last day upon which holders of feus might obtain confirmation.² On July 29, 1587, immediately after James VI. was of age, came the Act annexing the temporalities of benefices to the Crown, whereby the King had 'recours to his awin patri-monie dispoit of befor (the caus of the dispositioun now ceissing) as ane help maist honourable in respect of him selff and leist grevous to his people and subjectis.'³ The full significance of the annexation this is hardly the place to discuss. One point, however, directly bearing on the financial aspect of the matter, should not be allowed to escape notice in view of the development which has been traced. Secretary Maitland, according to the writer in the *Historie of King James the Sext*, affirmed 'that it war necessar that the temporal lands of prelacieis sould be annexed to the Croun to enriche the same, which was then at small rent. And he considderit weill that offers wald be maid be every possessor, wha wald bestow layrge money to obtene the gift thareof to him self heretablie, and that the King was frank in granting lands as he mycht be persuaded, being facile of his nature; and thareby he thought to make gayne of a part of the offerris to be maid, as it fell owt indeid.' It would have

¹ *A.P.* iii. 351.

² *Ibid.* 380.

³ *Ibid.* 431.

been a great benefit, he adds, to James and his successors if the temporalities had been appropriated, or if the sums offered had been invested so as to yield annual revenue. He blames Maitland for 'a new uncumlie custume that never Prince did afore, nor ever was counsallit or permittit to do for whatsoever caus : to sell, annalie, engage the rents of his Croun for a pecuniall sowme.'¹

R. K. HANNAY.

¹ *Historie of King James the Sext* (Bann. Club), 231, where the subject is treated at some length.

Reviews of Books

MEMOIRS OF SIR ANDREW MELVILL, translated from the French, and THE WARS OF THE SEVENTEENTH CENTURY. By Torick Ameer-Ali. With a Foreword by Sir Ian Hamilton. Pp. xvii, 297. With nine Illustrations. London: John Lane. 1918. 10s. 6d. net.

THIS fascinating account of the adventures of a Scottish soldier of fortune, or rather of misfortune, was first published during the lifetime of the author, at Amsterdam in 1704. It is extraordinary how such a memoir escaped the attention of the various Scottish literary and historical clubs, and that now it has been translated (and, on the whole, very well translated) by one who has no Scottish or even European blood in his veins.

Who Sir Andrew exactly was and how or when he got his knighthood are still matters of mystery, notwithstanding his own statements and a portentous birth briefe issued by the Privy Council in 1683, but which is as unvaracious as such documents usually are. There is no doubt, however, that he was a cadet of one of the lesser branches of the house of his name, and, like so many Scottish lads of his time, he was sent abroad for his education at the age of thirteen. Soldiering rather than study, however, appealed to the boy, and we find him enlisting in the service of the King of Poland before a year was out; but he saw no fighting, got his discharge, and returned home. His brother being a captain in Lord Grey's regiment he joined that, and became a cornet in a sort of officers' training corps attached to it. But he got no pay, and he and his fellows lived on the country and made themselves so universally unpopular that the people rose against them and took them to 'a castle,' where he suffered many things, but excited the compassion of a pretty servant maid of the governor, who helped him on certain conditions. The whole episode of this amour does not show Melvill in the best light, but everything connected with it and the locality in which it occurred are delightfully vague.

After the surrender of Charles to the English, Melvill went to France and served under Marshal de Gassion at the siege of La Bassée and Lens, in a part of the country which has now so many memories for us all. At the latter place, he says, he was dangerously wounded, but he must have made a speedy recovery, as he was not long afterwards at the siege of Dixmude and of Ypres under the great Condé. At Armentières he was taken prisoner by a band of Croats, by whom he was stripped and put against a wall to be shot. He escaped by the skin of his teeth, and found himself defenceless and naked in an enemy country but free. How ultimately, with no more covering than an old sack, he reached comparative safety must be read to be believed. The horrors of a military

hospital of the sixteenth century were too much even for the hard-bitten Scot, and if it had not been for the kindness of some Irish monks things would have gone very hard with him.

We next find him in the service of the Duke of Lorraine ; but, while no commanders of the day were remarkable for liberality towards their soldiers, the Duke was stingier than any of them, and would neither give his men pay, food, clothes or arms. Melvill, however, had plenty of fighting and adventures, but after the campaign was over he resolved to follow King Charles II. to Scotland in 1650. He got across with difficulty, saw the King, but did not get much more than fair words from him. He accompanied him to Worcester, was taken prisoner in the battle, and was deliberately shot in the stomach by one of his captors. He was most brutally treated by the Parliamentarians, and lay across a cannon mounting all night almost dead. Some one kinder than the rest got him a bed in the house of a poor woman, but the house was pillaged, and he was thrown into a trench with a corpse on the top of him. His hostess and her daughters, who had themselves lost everything, managed to extricate him, and were the means of enabling him, after a confinement of some weeks, to reach London. Here he had some luck, and met with friends who clothed and cared for him.

This adventurous soul could not rest, and before long he was back in France. Staying in Paris a little while he got into a sad scrape through no fault of his own, and was thrown into prison. He was offered his liberty if he became a Roman Catholic, but though, probably, religion did not at this time play a great part in his life, his steadfast Scottish spirit refused the bribe, and he was in the long run set free unconditionally. After serving for a short time in the bodyguard of the Cardinal de Retz (it was at the time of the Fronde), he went off again to a new series of hardships, this time under the command of Turenne and Condé. After some active service with them he left and entered the service of the Count of Waldeck, and fought first for Brandenburg and then for Sweden. To the Waldeck family he owed some friendship, and when, to his great sorrow, his first patron died, he attached himself to his brother Josias.

In 1664 he was fighting under the Emperor with the Turks who had invaded Hungary, and was present at the battle of St. Gothard, which at first promised to be an easy victory for the enemy. Melvill's own regiment retired in good order, but many of the others were so panic-stricken that they did not even offer to defend themselves, but, he tells us, allowed their heads to be cut off without stepping out of their ranks ! French troops, however, were sent forward, and the Turks were handsomely defeated. The campaign ended, Melvill was presented with a medal and gold chain by the Emperor and returned to Germany, where he got a further acknowledgment of his services from the Elector in the shape of his portrait mounted in diamonds.

He now took service with the Duke of Hanover, afterwards Duke of Celle Lüneburg, and was made Commandant of Celle, where he led for a time a life of comparative quiet, and celebrated it by marrying a lady in the household of Sophia Duchess of Hanover, mother of George I. of

England. But he was ere long recalled to active service. The Emperor and the Elector of Brandenburg declared war against France, which was endeavouring to crush Holland. After a year's not very successful campaigning, Melvill was at the battle before Trèves, where his squadron was completely broken, and he himself ridden over by the flying troops. He had eighteen wounds, eight of which were on the head, but his excellent constitution stood him well in service and he recovered rapidly, with the exception of an injured hand, which compelled him to go home and be nursed by his wife. In 1676 he was at the siege of Staden, but this was his last piece of active service. The peace of Nimeguen was proclaimed in 1678, and in the same year Melvill was appointed High Bailiff of the County of Geshorn, at which date his memoirs close.

We know that in 1680 he paid what was probably his last visit to England in the suite of that prince who was afterwards to sit on the English throne as George I., and got the degree of Doctor from the University of Oxford. He died in 1706, after a strenuous and adventurous life of 79 years.

Much labour has been bestowed on the editing of these memoirs. Mr. Ameer-Ali has given a synopsis of the wars of the seventeenth century in 46 pages—a wonderful feat of condensation—and an appendix of corroborative documents relating to the details in the text, and Sir Ian Hamilton has written a bright and appreciative Foreword. The book will keep in remembrance one of Scotland's bravest sons, whose name was in danger of being quite forgotten.

J. BALFOUR PAUL.

NORMAN INSTITUTIONS. Charles Homer Haskins, Gurney Professor of History and Political Science. (Being Vol. XXIV. of Harvard Historical Studies.) Cambridge, Harvard: The University Press. 8vo. Pp. xiv, 377. Med. 8vo. With seven Illustrations.

THIS is a most important book. Of the 'Norman Conquest' much has been written, but of Normandy singularly little. William's success, by some regarded as a crusade at the time, has since been hailed, by Frenchmen, as a reaction of Romance culture against Germanic barbarism, and denounced by Englishmen as the origin of feudal oppression in a land erstwhile free. Normandy has thus always fallen victim to some theory, and even in these later days we have been inclined to regard her gift to England as something impalpable—a breath of new life perhaps, or the touch of the formative hand.

Professor Haskins has brought us down to facts, and has dared to tackle the question of Normandy's influence on the English Constitution, by examining the Norman institutions themselves. His task is difficult, for across the Channel are no Domesday, no Glanville, no 'Dialogus,' and with the possible sources revolution and ignorance have played sad havoc. The ducal archives may have been in part transferred to England,¹ but of them little now remains. A few municipal records survive to offer fragmentary information, but the mainstay of the investigator lies in the

¹ P. 243.

monastic collections, where charters, both original and in cartularies, survive in large numbers, in spite of the efforts of the good canons of Coutances.¹ With painstaking care, Professor Haskins has collected these charters from many different sources, and to the investigation of their contents he has brought not only an *apparatus criticus* of the highest order, but a judgment eminently sane and scholarly.

Pre-conquest Normandy was in many ways very like pre-conquest England, which is not surprising, since 'racial' conditions were somewhat similar, and both countries inherited the Frankish tradition. The *Domus*, for instance, was much the same on both sides of the Channel, although the Norman chancery developed much later than that of England. The 'fyrd' was very like the *arrière-ban*, and the *placita regia* had their parallel in Normandy. As regards military service, the dukedom was better organised than the monarchy, and, as Dr. Round had already judged,² 'the Normans were familiar with the *servitium delitum* in terms of the ten-knight unit when they landed in England,' perhaps since the days of Robert the Magnificent. Over the affairs of the Church, too, the Norman dukes had a tighter grip than the English kings, and the Council of Lillebonne (1080) is the true parent of the Constitutions of Clarendon. As regards the fiscus, despite the importance of the Dangelde machinery in England, both lands had similar systems, and the 'farm of the shire' had its counterpart in Normandy—with a difference perhaps, for the *vicomté* was but a pale reflexion of the robust English shire, and Normandy lacked the system of local government whose tough persistence meant so much to England.

It is this parallelism which is the keynote of the whole book, in which the author goes on to depict Normandy under its various rulers until the year 1189. Henry I. and Henry II. are well known to English readers, but Robert Curthose and Geoffrey Plantagenet are much less familiar figures, and the latter was perhaps a much bigger personality than has been realised. Throughout the whole period we see the working of tendencies common to both countries.

In Normandy as in England there develops a judicial system which comprises both itinerant justices and a central court, whose personnel is almost that of the exchequer; and the ministerial class, who rose to power as administrators of this system, was really common to both countries. Many of its members, indeed, like the Brown family, of Sicilian fame, held land on both sides of the Channel. The Norman treasury, too, with its headquarters at Rouen, and its own treasurer,³ was very like the English. In fact, it is clear that the two administrations were not distinct, and that while the minor officials were stationary, the great officials of the king crossed the sea along with him. The fierce energy of Henry II.,

¹ P. 242. About the time of the Revolution they spent days in burning charters they could no longer read.

² P. 18. The author adduces an argument of great weight, unused by Dr. Round.

³ P. 107.

which willingly transferred to one part of his empire a system which appeared to work well in another, did in a sense produce uniformity of administration, though England and Normandy continued to preserve their individuality. Still it must be noted that in his reign the great Norman administrators served an English apprenticeship, and *per contra*, England received the benefit of experiments first tried in Normandy, as, for example, the Saladin tithe, and probably 'the Jury.'

To the Jury Professor Haskins devotes an excellent chapter, founded principally upon the *Livre Noir* of Bayeux, in which, while rejecting Brunner's evidence,¹ he accepts Brunner's conclusion that the royal, or ducal, inquest on oath could become common property only by ducal act—an 'assize' of some sort. That assize, he contends, was certainly earlier in Normandy than any of the English assizes, and may even date back to Geoffrey. He points out that when the duke began to deal, not only with the demesne of his tenants in chief, but also with their fiefs, he was virtually beginning to submit to a jury cases of tenure as between lord and tenant, and that after all the real basis for such extensions of the royal privilege is the popular belief in its efficacy. The jury is finally founded on consent.

To many readers much of the book's value will lie in the appendices, which give, verbatim, many of the authorities used, and supply an admirable survey of the documentary evidence; others will find pleasure in the seven excellent reproductions of Norman charters. Professor Haskins' volume, though it could not be light reading, is a great contribution to learning, and will rank as one of the chief authorities for the period.

J. D. MACKIE.

WARREN HASTINGS IN BENGAL, 1772-1774. Oxford Historical and Literary Studies, Volume IX. By M. E. Monckton Jones. Oxford : Clarendon Press. 1918. Pp. xvi, 359. With three Illustrations. Demy 8vo. 12s. 6d. net.

ROUND the policy and actions of no other British Administrator of the first rank did controversy surge more furiously during his lifetime than round those of Warren Hastings. Posterity, taking a saner and more judicial view of his policy and career, unbiassed by the partisan considerations which too often mar the pages of Macaulay, is compelled to concede that to his wise prevision and courageous handling of the almost unprecedented difficulties and snares by which he was surrounded is due the ultimate consolidation of our Indian Empire.

This learned and admirable monograph treats solely of the civil administration set up during the two years 1772-1774, when, prior to the passing of Lord North's Regulating Act, Hastings, as Governor of Bengal, laid the foundations of the system of our rule in India. Subsequent to the passing of that Act, Hastings acted as Governor of Bengal for eleven years; but Mr. Monckton Jones rightly concludes that, whether we study the character of Hastings or the justice of our rule in India, the years that

¹P. 200.

follow these two can best be understood in the light of his original aims, when his hands were free to execute his own policy unhindered, and that it is by the actions he then took and the policy he then inaugurated that the character and aims of Hastings must be judged. And the conclusion to which the learned author comes is justified—that the work which Hastings did in a career of thirty-five years in India raises him above praise or detraction; by a gradual and steady growth the ideals which he sought have come to prevail. It was Hastings' determination to protect the down-trodden cultivator more than any other single thing that stamps him as a statesman: it served him as a clue through the labyrinth of Bengal's disorders; holding this fast, he was able to do more than save the British power in Bengal—he saved Bengal itself.

To all who are interested in the British Raj and in the career of one who was practically its creator, we cordially commend this studious and scholarly volume. There are two excellent portraits of Hastings.

W. WALLACE.

ECONOMIC PROBLEMS OF PEACE AFTER WAR. Second Series. By W. R. Scott, D.Phil., Professor of Political Economy in the University of Glasgow. Pp. xii, 139. Med. 8vo. Cambridge: University Press. 1918. 6s. net.

THIS is the second series of Professor W. R. Scott's 'Stanley Jevons Lectures' delivered at University College, London, during the early period of this year.

Like the first series, it is a most readable volume. In the first series Professor Scott shows how the general principles should be applied, and in this volume he deals rather with concrete illustrations.

The first chapter gives the history of the *Mare Liberum*. Many people are under the impression that this is a theory recently enunciated by the Germans. This, however, is not so. The subject was touched upon as long ago as 1606 when Grotius published a tract on the subject. During the Napoleonic wars the French advocated the same views. Some of the publications on the subject seem to have been so singular, that Isaac Disraeli included them in his *Curiosities of Literature*.

The second lecture deals with the League of Nations and commercial policy. The difficulties attending the practical realisation of this scheme have not escaped Professor Scott's notice. He pertinently remarks that 'an enforced tariff may produce as much unrest as an imposed frontier, and that compulsory economic dependence is a more subtle evil than political subserviency.' He adds the faint praise that while diplomatists and statesmen who advocate the scheme are cautious as to the political side, they incline to be optimistic as to the economic side; while the economists are optimistic as to the political side. The conclusion at which he arrives is that 'the most that can be said of the scheme present is that it is a favourable uncertainty.'

Professor Scott then dips into the future, and his last lecture is headed 'Ten Years After.' In this chapter he deals with the financial burden

which may have to be borne, and seems to reach to the conclusion that a national debt of ten thousand millions and an annual taxation of 665 millions might not be insupportable. These are very large figures.

Perhaps the chapter which will be considered most interesting is that on Conscription of Capital. Professor Scott states that much of what he has said in that lecture is necessarily negative. Some people would prefer to say that it was more than negative, that it was largely destructive. The difficulties attending every such scheme are dealt with in a searching manner. The words Conscription of Capital no doubt appeal to many who are misled by the analogy of Conscription in the Army, but the practical difficulties cannot be overlooked, and they are interestingly described in this chapter.

Professor Scott mentions, apparently with approval, the theory of the alleged tendency of borrowing, to cause inflation of general prices. This theory is not universally accepted. High prices are principally caused by the expenditure of Government. It is their enormous buying that drives up prices. How they acquire the power of buying does not seem to be material; that is whether they get the money by taxation or by borrowing. The inflation is caused by their spending the money, not by their method of getting it.

Professor Scott's wealth of information commands admiration. He has contrived also to find quotations, interesting and apposite to his subject, from sources as unlikely as the *Pilgrim's Progress* and *Paradise Regained*, from Swift and Burke, from Galt's *Annals of the Parish* and Thackeray's *Roundabout Papers*, from *Hudibras* and *Rasselas*. He has also laid under contribution many recent writers on Economics, British, American and Continental.

ALEXANDER MACINDOE.

THE CHARTIST MOVEMENT. By the late Mark Hovell. Edited and completed with a Memoir by Professor T. F. Tout. Pp. xxxvii, 327. Manchester: The University Press; London: Longmans, Green & Co. 7s. 6d. net.

BORN in Manchester in 1888 Mark Hovell, after teaching for some time in that city, entered the University, and in 1908-1910 distinguished himself as a student of history. Intermediate lecturing led to an assistantship in political history at Leipzig in 1912-1913. He had just returned to England when the war came, and in the spring of 1915 he applied for a commission, being soon afterwards gazetted to the Sherwood Foresters. July 1916 found him in France, and on August 12 in the explosion of a mine under the German trenches he was killed—'an excellent scholar in many fields,' says Professor Tout, 'a magnificent worker,' a man of 'strong judgment and sound commonsense.' A portrait shows a shrewd energetic face. His book is a most diligent performance: its material has been essentially drawn from newspaper files, but the biographies of the chartists, the controversial pamphlets of 1836-1848 and the voluminous letters and memoirs in manuscript in the British Museum have been carefully gone through for much addition of intimate fact. Hovell had used to good

purpose his brief span. His study of Chartism and the Chartists—for the human side of the subject with all its comedy and tragedy of character strongly appealed to him—affords a unique register of the movement. He has, with sympathetic insight, appraised the measure of democratic achievement which attended its primarily abortive yet by no means ultimately ineffective activities. There was much good leaven, if there was no loaf. The ideals were discordant, and there was continual schism, with consequent incapacity to reach a practical centre of gravity.

Mr. Hovell shows the call to action which French Revolution theory had popularised, although he does not maintain that English socialism developed out of the revolutionary ideas. He reckons the socialistic theory of the Revolution as having been of little practical importance, and he regards Chartism as largely a cry of distress under industrial and political depression. The French Revolution had been a revolt against aristocracy. The Reform of 1832 was not wholly different and had resulted in disappointment. 'The middle class were using their newly acquired political supremacy to further their economic interests. Hence the idea of class war, which made the possession of political power more essential than ever to the working classes. Without the franchise the working man would be absolutely at the mercy of the middle class.'

This interpretation is perhaps the most important tenet of the book, indicating a mingled economic and political explosive spirit to explain and unify the shifting programme of Chartism in all its phases. It is good to have dispassionate estimates of the leaders. William Lovett, an Owenite convert, to whose activities the movement owed its origin, and who drew up the Bill of 1837, published in 1838 as the 'People's Charter,' makes a persistent and striking contrast with the notorious Feargus O'Connor, whose incoherent advocacy of physical force was only less remarkable than his blatant megalomania. The quarrel of these two was a radical conflict of ideals, and it persisted to the end of the chapter. Thomas Cooper, author of the *Purgatory of Suicides*, completes a trio well worth the patient tracing of their careers. O'Connor's ascendancy was the ruin of the cause : under his heading came at last the grand fiasco in the demonstration of 1848 which escorted the Chartist Petition to an inglorious grave of ridicule in the House of Commons. Praiseworthy effort has been made to assess the values of different localities—London, Birmingham, and certain Scottish centres—as contributory to the story of an enthusiasm which failed, but these provincial aspects of the enquiry leave much to be desired. Radical influences, for example, in Scotland are inadequately considered as a whole, although the part played by Glasgow receives prominence. 'The limited outlook of a Lovett or a Cooper must not blind us to their steady honesty of purpose,' says very justly Professor Tout, who commands assent when he adds that 'Chartism as a creed possessed no body of coherent doctrine.' Representing, however, a noteworthy effort to formulate and realise certain projects of reform, mostly destined afterwards to be brought about by other methods, it deserved the adequate history which Mr. Hovell has left as its monument and his own.

GEO. NEILSON.

Adams : English Constitutional History 81

AN OUTLINE SKETCH OF ENGLISH CONSTITUTIONAL HISTORY. By George Burton Adams. New Haven : Yale University Press. 1918. Pp. viii, 208. Cr. 8vo. 7s. 6d.

IN the multitude of new details thrown up by the 'spade-work' conducted so vigorously in the years before the great war there is a danger of allowing broad general principles to fall out of sight.

In this modest and business-like little volume Professor Adams, Senior Professor of History in Yale University, whose accurate knowledge of mediaeval texts, and ripe, unprejudiced judgment have gained for his opinions respect on both sides of the Atlantic, has endeavoured to restate fundamental principles and to analyse anew tendencies at work in the growth of the Constitution. In such a field of enquiry every historian has his own angle of observation ; but of the helpfulness and suggestiveness of Professor Adams' valuable contribution there is no room for doubt. His book will be widely read ; and even where its solutions of disputed problems are not accepted as final, they will form starting points for new research and will stimulate discussion. As an introduction to a study of the development of free institutions it can be strongly recommended to students in England and Scotland, as well as in America.

WM. S. McKECHNIE.

DU CONTRAT SOCIAL OU PRINCIPES DU DROIT POLITIQUE. JEAN JACQUES ROUSSEAU. Modern Language Texts. French Series. Modern Section. Edited by C. E. Vaughan. Pp. lxxvi, 184. Crown 8vo. London : Longmans, Green & Co. for the Manchester University Press. 1918. 5s. net.

IT is a pleasure to read the introduction to this book, which, albeit the author did not suspect it, though he was persecuted from State to State for writing it, was one of the inspirations of the French Revolution. The poise between Rousseau and Montesquieu is well kept as well as their contrast with Hobbes and the allied older social philosophers, and Rousseau's *démarche* into the field of State religion brings him into comparison with the 'fathers of Free Thought,' Locke and Milton. There is a chapter on the origin of the philosophical idea of the 'Social Contract' which must not be neglected. One is tempted to quote from this book in conclusion, an earlier writing by Rousseau *à propos* of the present World-War, 'It is certain that in the long run, nations are what their Governments make them : warriors, citizens, men, when the ruler so wills it ; populace and rabble when it pleases him.' The French text in this 'Contrat' is excellently edited.

FRONTIERS : STUDY IN POLITICAL GEOGRAPHY. By C. B. Fawcett. Illustrated with 5 Diagrams. Pp. 107. Crown 8vo. Oxford : Clarendon Press. 1918. 3s. net.

THIS is an admirable little essay on frontiers and their delimitation. All things relative to them are considered, whether natural or artificial boundaries ; and the correlation of the frontier with either national or imperial expansion. It would be difficult to imagine a subject connected with the frontier boundary that is not here described, weighed, or examined.

82 President's Control of Foreign Relations

THE PRESIDENT'S CONTROL OF FOREIGN RELATIONS. By Edward S. Corwin, Ph.D. Pp. viii, 216. Demy 8vo. Princeton University Press. London: Oxford University Press. 1917. 6s. 6d. net.

THIS book is particularly apposite at this time. It shows how the control of the foreign relations by the President of the United States has grown in spite of all opposition, and how after a century and a quarter it not only remains paramount, but is in its zenith. The careful compilation of historic evidence is worthy of remark, and also the comment that the outcome is calculated to 'give pause to those who harp so unceasingly at 'secret diplomacy,' to say nothing of those who would wage wars by referendum.' It is a book at this juncture to be carefully studied.

OUTLINE OF ECONOMICS. By R. E. Nelson, B.A. Pp. x, 154. Crown 8vo. London: G. Bell & Sons, Ltd. 1918. 2s. net.

THIS short epitome of economic theory is destined for the use of economic students. It is intended to be simple and is so, and, very wisely, only the less obvious points are elaborated. The 'Wages Fund Theory' and the 'Marxian Theory of Value' are thus omitted.

SELECT CONSTITUTIONAL DOCUMENTS ILLUSTRATING SOUTH AFRICAN HISTORY, 1795-1910. By G. W. Eybers, M.A. Pp. lxxxvii, 582. Demy 8vo. London: G. Routledge & Sons, Ltd. 1918. 21s. net.

UNTIL this volume appeared there was no special work dealing with the constitutional history of the colonies of South Africa, a very interesting subject, bristling with difficulties from the Dutch and British elements in the past and the native questions. This work now fills the gap. The Editor tells us that there will be found 'some mention of practically every important step taken towards the extension of British rule and the placing of native territories under European control.' This alone gives indication of its value to students of constitutional history. The growth of the four colonies that formed the Union is followed up, and in one appendix is given documents to which the Editor attaches great future value, one being the agreement as to the British and German spheres in Africa in 1890, and the other the capitulation in German South West Africa on July 9, 1915.

THE ANNUAL REGISTER FOR THE YEAR 1917. 8vo. Pp. [341] 225. London: Longmans. 24s. net.

THE true perspective of events is not revealed until they appear in the *Annual Register*. Time allays the fever of over-estimated victory, disaster, crisis, and sensation. The twelve months' narrative of the war has little of the diurnal thrill which the news from day to day, always exaggerating expectations whether of hope or anxiety, gave at the time. A retrospect of 1917, especially as regards British prospects, confirms the impression of a year of balancing towards a turning point; it terminates in unabated determination, although the decisive turn had not yet come. In the surveys

of foreign history the point of view is so inevitably confined to war-politics that other public movement there appears to be none.

Little wonder that the sketch of Literature reveals an absence of initiative, and that science seems to suffer from the same inertia. There has not been a single first-class controversy, and debate is the barometer of civilisation. The summary of finance and commerce aptly traces in the facts of insurance business the many-sided refractions of the war. The obituary section condenses much varied biographical fact. There is a capital index in which (other index-makers please note) general heads and subjects are not smothered by proper names. In style the *Register* continues imperiturbably its succinct, clear and practical tradition as an impartial year-book of the world.

THE GATE OF REMEMBRANCE. The Story of the Psychological Experiment which resulted in the discovery of the Edgar Chapel at Glastonbury. By Frederick Bligh Bond, F.R.I.B.A. Pp. x, 176. Demy 8vo. Oxford: B. H. Blackwell. 1918. 6s. net.

THIS is, according to the writer, a successful result of an experiment in 'controlled automatism.' He was deeply versed in the history of Glastonbury Abbey and a member of the Society of Psychical Research, while his friend J. A. was believed to possess the faculty of automatism in a marked degree. Together they worked, with this curious termination, that questions about the Abbey, asked (in modern English) by the one, led to script in medieval Latin or English being written down through the medium of the other, which (says the author) was the cause of the discovery in 1908 of the site and dimensions of the lost 'Edgar Chapel.' This result, surprising in itself, made the experimenters continue, and revelations were forthcoming not only about a pleasant monk 'Johannes' hitherto unknown to history; a gargoye which is stated to be a portrait of Abbot Bere; and curious reminiscences about the foundation of the 'Loretto Chapel.' The book comes from the hands of a learned and cultured architect interested in his art and in Psychic matters, and Mr. Everard Feilding, of the Society of Psychical Research, assures him in a letter 'that the writing about the Edgar Chapel preceded the discovery of it by many months.'

A. F. S.

THE WAR AND THE COMING PEACE: THE MORAL ISSUE. By Morris Jastrow, Jr., LL.D. Pp. 144. Post 8vo. Philadelphia: J. B. Lippincott Company. 1918. 5s. net.

THE American writer sets out in this work to prove that the War is being fought by the Allies against 'an unholy alliance of power and natural ambitions,' and he develops this by showing how 'in the history of mankind a moral issue always ensues, when power or the threat of power is used to force a national policy.' He ably recounts the examples in the past down to the outbreak of war in 1914, when 'Germany had enthroned power as her God, and ruthless power at that,' until almost all the rest of the world rose instinctively against the glorification of power; and he examines the state of German thought (with Heine on the other

84 Jastrow : The War and The Coming Peace

side) which led to the 'Might is Right' doctrine. The second part of the book deals with 'The Problem of Peace,' and however the author's theories may interest us, they are considerably less certain than his historical facts, on account of the fortunes of the War itself.

THE PROCESSES OF HISTORY. By Frederick J. Teggart, Ph.D. Pp. x, 162. Crown 8vo. Yale University Press. 1918. \$1.25 net.

THIS is a thoughtful little book, 'an attempt to do for human history what biologists are engaged in doing for the history of the forms of life.' The writer lays stress on the enlargement of the scope of history through the means of the study of anthropology, geography, art, literature, religion, philology, politics, and economics, not as heretofore to be treated as separate sciences, but as aspects for the more comprehensive study of man. He pleads therefore for a scientific method to be used to discover the causes and effects of the most knotty historical problems.

In his *League of Nations in History* (Oxford University Press. 3d. net) Professor A. F. Pollard has made a valuable addition to a valuable series. What he gives is mainly an account of the historical reasons explaining the failures in the past of all attempts to realise the idea, by no means new, embodied to-day in the phrase 'League of Nations.' To the friends of that conception, not always overburdened with a knowledge of historical phenomena, nothing is more necessary than such a pamphlet as this, admirably and briefly told by so competent an authority as Professor Pollard.

A proposition of some reach and ambition is advanced by the Rev. James Primrose in his *Ancient Megaliths and Primitive Religion*, to which the sub-title, *The Origin of Ecclesiology*, affords a key. (4to, pp. 15, privately printed 1918, with plates of the great circles at Carnac and Avebury.) Stone monuments are everywhere, whether single columns, stone tables, or circles of standing stone, and everywhere they challenge questions of origin, purpose and history. Mr. Primrose aligns a miscellany of facts and inferences towards the conclusion that the last of these, the *cromlech*, is a sort of crucible of evolution. 'So far as can be made out,' he says, 'the cromlech is the conception from which our whole church architecture has been evolved.' The Pantheon at Rome, he contends, was a repetition of the ancient circles of unhewn stone, and the type was to culminate in the chancels of Gothic cathedrals. This is difficult doctrine, more easily applicable to profane circular structures, say, for instance, the Coliseum at Rome. Logical and historical connection between cromlech and cathedral there may be, but the process calls for more concrete proofs and examples of the transition.

An astonishing output of speeches and printed essays is catalogued in the *Bibliography of Woodrow Wilson, 1910-1917* (pp. vi, 52, Princeton: Library of Princeton University, 1917), by George D. Brown, Reference Librarian of the University. The lawyer in politics is a characteristic theme with the coming President. The post-presidential pieces are almost

all *ex cathedra*, and they include utterances for the epilogue of which a merely American bibliography will not suffice.

'A sculptured relief of the Roman period at Colinton' (reprinted from the *Proceedings of the Society of Antiquaries of Scotland*), by Dr. George Macdonald, skilfully identifies a group of three seated figures built into the garden wall of Mrs. Turnbull of Hailes. That they are three mother goddesses, no one will doubt after comparing the pictorial analogues from the continent. The figures in all the examples but one carry 'kindly fruits of the earth,'—the mark of the cult which in Britain was not a local adoption by the invaders, but an importation.

The *English Historical Review* for July opens with Professor Haverfield's search after signs of 'Centuriation in Roman Britain,' that artifice of land surveying administrators in Mediterranean territories, in which division into large squares (as shown in a graphic map of a region between Venice and Padua) was the characteristic. British examples have not hitherto been established, and Professor Haverfield's record of a possible instance along the Stane Street from Colchester to Dunmow admittedly falls short of proof. Miss Grace F. Ward follows out the early history of the Merchant Staplers during the thirteenth and fourteenth centuries, emphasizing their judicial functions, as well as their mercantile privileges, and illustrating the evolution of a corporate character and a federal element in their organization. Dr. E. R. Turner traces the evolution of the doctrine of inviolability of the post. Modern conditions recall primitive practices of an opposite tendency. Short papers deal with various matter: the commencement of the year in the Alfredian chronicle; Canute's charter to Fécamp; rights of sokemen in the village waste; Friar Malachy, an Irish author, assigned to circa 1300-1310 (and distinguished from St. Malachy); and an Irishman's letter, giving account of Ireland in the troubles of 1797. Professor G. Lapsley usefully collects facts about various castle-officers (*capellani, clerici, custodes civitatis, portarii, janitores, ostiarii, vigiles*, and others) in the twelfth century. A notelet on Bruce's rebellion in 1306 turns on a letter (misdated 1297-1298 in the Rolls edition of Whethamstede in the St. Alban's chronicles), which Mr. Charles Johnson now persuasively assigns to March, 1306, prior to Bruce's coronation. Dr. J. H. Round corrects a good many errors of place-name identifications in a recent calendar of miscellaneous inquisitions.

In the *Juridical Review* for June Mr. W. Roughead begins a sketch of the poet Robert Fergusson's life in special connection with his relationships to the law. A capital article by Mr. C. S. Lobingier, a presidential address to the Far Eastern American Bar Association, groups many proofs of the infiltration of Roman law into medieval English law. 'Roman law,' he says in plain terms, which are a contradiction of some current prejudices on both sides of the Atlantic, 'is one of our *fontes*.' The conception of English law as an independent growth is subject to many qualifications. We have all been borrowing from Rome since the twelfth century.

In the *Proceedings of the Berwickshire Naturalists' Club*, vol. xxiii. part ii., Mr. George Bolam's cyclopedic catalogue of the fishes of Northumberland and the eastern border is concluded. Diversifying natural history with occasional anecdote and much descriptive fact, its attraction will not be confined to anglers. In 'Alnwick Topography, 1748-1900,' Dr. C. C. Burman has drawn up a meritorious bibliographical list of publications. Several good short pieces further attest the catholicity of Mr. J. C. Hodgson's editorial choice, as well as the extensive ramifications of his own biographical researches, and maintain the quality of these transactions. Among them may be singled out Mr. Hunter Blair's pictorial note on the seals of Berwick, and the Rev. J. F. Leishman's biographical sketch of John Baird of Yetholm (1799-1861), the Gipsies' Advocate. An extract from the Belford Parish Register for 1790 mentions the erection a year or two previously of several threshing mills in that and the adjoining parish of Northumberland. Of this mechanism the memorandum of 1790 says: 'Muckle, an ingenious mechanic from Scotland, who built Warn Mill about six or seven years ago, was, if not the original inventor, the first that brought them to any degree of perfection.' To an inventive millwright recognition is due, and perhaps Muckle ought to have more.

The Journal of the United Provinces Historical Society, September, 1917, Vol. I. part I, edited by the Honorary Secretary (Calcutta: Longmans, Green & Co.), inaugurates the published work of a Society instituted at Allahabad and already accomplishing excellent Indian, Persian, and Arabian studies of provincial customs and antiquities. Its wand of authority does not range quite so far as that of the Royal Asiatic Society, but the United Provinces of Agra and Oudh, with a population of forty-seven millions, are assuredly a wide enough domain. The opening number outlines the Society's programme, records and illustrates excavations at Garwha, discusses folk-lore and games and festivals, and historically analyses the coinage of the Mughal Emperors. A special contribution of nearly 100 pages by Mr. R. P. Dewhurst edits an old commentary in Hindi, written early in the seventeenth century, but without either transliteration or translation. In a Notes and Queries section mention is made of an important statue of Alexander the Great, standing seven feet high, found at Cyrene, in North Africa, and claimed as probably the most authentic of all the likenesses of Alexander.

The American Historical Review for April, in reporting the annual conference of the American Historical Association, notes the important conclusion of Professor Andrew C. McLaughlin, that the background of American Federation was the practice of the old British Empire before 1764 under the fierce criticisms of 1764-1787, with particular relation to parliamentary control as the one thing indispensable. Mr. P. J. Treat discusses the Mikado's ratifications of treaty 1858-1861. Mr. W. W. Pierson, Jr., comes closer to modern politics in describing the committee of Congress on the conduct of the Civil War which, evoked by the disaster of Bull Run, sat and criticised, for the most part wisely, from 1861

until the secession was put down. Professor Roland G. Usher tracing Austro-German relations since 1866, accentuates the growth of Pan-germanism as at first a secret mutual policy, afterwards developing into the explosive assertions which made the war. Professor G. B. Adams offers a theoretic reconstruction of private jurisdiction in England, reviewing conclusions of Vinogradoff and Maitland, as well as Professor Hearnshaw's standpoint on Leet jurisdiction. The distinction of Baronial, Franchisal and Domanial types is put forward rather hazily to explain the specialisations of tribunals with economic advantage and consideration of private convenience as forces in determining the fate of courts.

The circumstances of the time have tended to direct the *Bulletins* of Queen's University, Kingston, Canada, chiefly into economic grooves, but the series wanders between politics and economics, applied to current conditions.

Mr. F. W. Baumgartner on *Neutralization of States* takes an adverse view of it as a constitutional expedient chiefly because, being conceived in the interest of the guarantors rather than of the guaranteed state, it cannot create lasting conditions of peace. Mr. H. Michell on *Profit Sharing and Producers' Co-operation* narrates what he himself styles 'the rather melancholy story' of the attempts in Canada to realise the ideals of the self-governing workshop. Mr. W. C. Clark writes on the question *Should Maximum Prices be fixed?* He approves of the Canadian general attitude of encouraging production and refusing to fix maximum prices.

Notes and Comments

MARY QUEEN OF SCOTS AT LANGSIDE, 1568. This booklet by Mr. Ludovic MacLellan Mann, published on the 350th anniversary of the battle of Langside, and well illustrated, takes a high place among the works written during war time for the benefit of the sick and wounded. Its *raison d'être* was a small but interesting collection of relics of the ill-fated Queen, and of the battle that counted for so much in her life, which was formed at the Langside Public Library. The book contains a *resumé* of the Queen's life and association with Langside, pleasantly written and with a good account of the battle, and it mentions many of the exhibits which were collected. These included the Queen's 'death mask' (which much resembles a cameo portrait given by the Queen to the Duke of Norfolk, now in the collection of the Duke of Portland), and the 'casket' (which Mr. Lang thought was 'probably one of the two silver caskets of Mary's which Hepburn of Bowton saw at Dunbar in April-May 1567') from Hamilton Palace; the beautiful Pollock portrait, the Queen's beads (lent by the Duchess of Norfolk), examples of her embroidery, MSS. and relics from Langside field itself. The little book is worthy of the trouble bestowed upon it.

HIGHLAND SCHOOLS TWO HUNDRED YEARS AGO.
The following return was found among a packet of letters dated 1708-1732 belonging to the Society for Promoting Christian Knowledge. The Editor is indebted for it to the Rev. W. K. Lowther Clarke, Editorial Secretary of the Society.

Schools erected by the Society in Scotland for propagating Christian Knowledge, with the number of Schollars taught at each of them.

Schools		Schollars
1	Hirta or St: Kilda in the Island of Sky, a minister maintained here by the Society	—
2	Harray in the Continent of Orkney	118
3	Larg in the Shire of Sutherland	044
4	Duirness in the Shire of Sutherland	085
5	Glenelg in the Shire of Inverness	042
6	Abertarph in the Highlands of Shire of Ross	062
7	Walls a Island in Zetland	046
8	Glenlivet in the Highlands	060
9	Shappinshay a Island in Orkney	061
10	Monaltrie in the Shire of Aberdeen	100
11	Snizort in the Isle of Sky	053
12	Kildonan in the Shire Sutherland	030
13	Pollow in the said Shire	030
14	Lochearn	080
15	Glenlednoch	
16	Glenartna	
17	Tombelly in the Highlands	070
18	Edinkilly 3 small schools in this Highland Country	080
19	Strathire in shire of perth	024
20	Balquhidder in shire of perth	040
21	Blair of Athol in perthshire	084
22	Southronaldshay a Island in Orkney	075
23	Kilmalie in the Country of Lochaber	020
24	Pennymore in the Island of Mull in the shire of Argyle	033
25	Bridge of Turk	These foure in the highlands Lately erected and no return as yet from them
26	Latter	
27	Anie	
28	Cullintengle	

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Mr. Hutcheson's 'Journal,' 1783

ARRAN in 1783 was frequently visible to Robert Burns in Ayrshire; many people besides Keats and Wordsworth have wondered why there is no thought of the island in his poetry; there is no mention of it in his prose either, for the matter of that. As Burns is for most readers the chief representative of those coasts at that time, and as Keats's walking tour in 1818 and his remarks on Burns are pretty generally known now, the island is frequently thought of as lying beyond the reach of the eighteenth century; an unsubstantial vision far off. The *Journal* shows that Arran in the eighteenth century was a real place as well, and of some importance for the holidays of the West of Scotland; 'a place where companies are fed.'¹ Mr. Charles Hutcheson, a young man (aged 21) of some spirit and intelligence, with a taste for good literature and a device of a sentimental journey engaging his holiday mind, has been able to set down some part of the truth about the life of himself and his friends, and may be thanked for another instalment, none too large, of such travels as Dr. Johnson had recorded ten years before, as Faujas de Saint-Fond was to make in search of Fingal's Cave the year after.

Arran is divided, like the adjacent island of Britain, into two

¹ Mrs. Dunlop speaks of Arran to Burns, 22nd Sept. 1791: her daughter 'has lost her whole wardrobe and paintings by a large trunk stolen or cut from the back of the carriage as her brother and she were travelling between Blair and Beith, on her return from Arran, where she had spent the summer, and was come in full contemplation of the Ayr races.'

parts, north and south, or like Scotland, into highland and lowland. Opinions and tastes are still divided between the south and the north, between Whiting Bay and Sannox. The factor's records show that Corrie was a resort of tourists in time of this Whiting Bay document. Mr. Hutcheson goes no further north than the String and Brodick, and takes no notice of the mountains except as impeding the view. To do him justice, it should be remembered that the tops were all in mist as he came over the pass to the head of Glen Shirag. He is less of a mountaineer than Mr. Boswell, who went up Dun Caan in Raasay, and Prieswall near Talisker in Skye. But it cannot be said that his time was wasted.

His record is written under the influence of literature. His book at Whiting Bay is the *Spectator*, but obviously his model is not Addison so much as Sterne, though the likeness to the manner of Sterne is partly accidental; 'the brisk intemperance of youth' encourages the broken style of phrasing, the dashes and ejaculations. There is no suspicion of anything exaggerated or dressed-up falsely for effect in the ingenuous narrative; though clearly the writer is pleased, as the reader well may be, with the way his experiences fall out according to imaginary schemes. The churl at Kildonan is followed by the pastoral harmony of Shisken (July 14-15); this contrast might have been invented for a moral essay, but it really happened so. There is no reason to doubt 'Charles's best deed' (Wednesday 23rd) in helping the poor woman at Lamlash. It has some rhetoric attached, in the mention of Rumbold and Clive, putting those heroes in their place according to the true scale of humanity. But this is additional, and does not spoil the truth of the story, while it adds to the expressive disclosure of the author's mind and interests.

The *Journal* has been published before, though not verbatim: first in the *Evening Times*, Jan. 1, 2, 3, 1885, then about sixteen years later in the *Kilmarnock Standard*, 1901, under the title *A Trip to Arran in 1783. Written by a Glasgow Merchant*: of this 25 copies were printed in pamphlet form.

The original MS., here followed as exactly as possible, is now in the possession of Dr. George Neilson, who bought it about two years ago from Mr. James Glen, bookseller, Parliamentary Road, Glasgow. It was shown at the Old Glasgow Exhibition in 1894 (Cat. No. 2572); the owner then being Mr. Allan Buchanan, Burnsyde, Fairlie (he died in that same year). Mrs. Buchanan was a granddaughter of Charles Hutcheson, author of the *Journal*;

daughter of his son Charles (1792-1860), a well-known Glasgow citizen, who had the same literary tastes as his father; a friend of Motherwell, and one of the earliest members of the Society of *Dilettanti*; of whom something has been written by Strang, leaving still much that might interest readers of this *Review* in a later enquiry.

Charles the diarist was born about 1752, in 1764 'Carolus Hutcheson filius natu secundus Caroli, Bibliopolæ Glasguensis,' entered the University of Glasgow; his elder brother James was matriculated in the same year. In 1789 Charles entered the Merchants' House. In 1795 (Oct. 26) he became a member of the Grand Antiquity Society of Glasgow, exhibiting three burgess tickets. In 1799 (Jan. 16) Charles Hutcheson, Merchant, Glasgow, was served heir to his father, Charles, bookseller there. His wife was Rothesia Chalmers. He died on the 24th of February, 1818, and was buried in the Cathedral churchyard; his age in the Register is 66. In connexion with the entry 22nd July, 1783, regarding 'two new acquaintances from the main land, a Mr. Lockhart and a Dr. Gibson,' it may be of interest to some readers to have the notice of his son's marriage—*Glasgow Herald*, 6th June, 1825: 'At Glasgow, on the 3rd inst., by the Rev. Lawrence Lockhart, Inchinnan, Charles Hutcheson, Esq., to Margaret, eldest daughter of Stewart Smith, Esq.'¹

Attached to the original book is a letter dated 11th October, 1897, addressed to Mrs. Buchanan by Mr. Patrick Blair, some time Sheriff-substitute of Inverness, which gives information about some of the company at Whiting Bay, as follows:

I am very much obliged to you for the perusal of Mr. Hutcheson's Journal to Arran in 1783, and now return it in a separate parcel with my thanks.

I think the Mr. Robinson was John Robinson who married one of the Misses Paterson, and who had two daughters; one married a Mr. Hood, a minister at Neilston, and the other married Mr. Mathew King, of Port-Glasgow.

Doctor Shaw, afterwards captain in the 51st Regiment, was killed in Corsica; he was the eldest son of Bailie James Shaw, who died in 1790. Dr. Shaw was a brother of Ellenora or 'Heely' as Mr. Hutcheson calls her. She married (1st) Hamilton Robertson, writer in Irvine, and (2nd) the Rev. Alexander Campbell, minister in Irvine, and died in 1832.

¹ For these particulars the Editor and his collaborator, Dr. Neilson, have to thank Mr. J. R. Anderson, Ayr, and for general furtherance of enquiries, Dr. David Murray, Dr. Robert Renwick, Mr. James A. McCallum, Mr. H. Moncrieff, and Mr. M. Graham, Editor of the *Evening Times*.

Miss Margaret Shaw was a daughter of John Shaw, of Treesbanks, Kilmarnock, and sister of Sir James Shaw, who was created a baronet in 1809. In 1813 he obtained a second patent with remainder to his nephew John, son of his sister Margaret. Margaret married John Macfie, calico printer, Kilmarnock, afterwards merchant in Glasgow. She died in 1843. She must have been married about 1783, for I find that her daughter Helen was born on 10th October, 1784. Her daughter Helen married Mr. William Muir, merchant in Glasgow, and was the mother of John Muir, C.I.E. and D.C.L., the distinguished Sanscrit scholar, and Sir William Muir, K.C.S.I., principal of Edinburgh University.

These Macfies are no relations of the Greenock Macfies.

The unusual spelling 'Ellenore' may interest (far from Whiting Bay) the biographers of M. Benjamin Constant, who thus writes the name of the heroine of *Adolphe*.

Spring Bank, where some of the cavalcade rested on the way home from Brodwick, is the old house now standing at the back of the Douglas Hotel. Miss Stoddart, Strathwhillan, has kindly given some of the story of the place: the house was built by her great-grandfather, Hector M'Alister, who left Kintyre, where he had three small estates, and came to Moniquil in Arran (see *Journal*, July 15th); later he got a feu of Spring Bank and built the house there. Mrs. M'Alister was a Miss Fullarton, of Corse, in Ayrshire. A letter from Hector M'Alister addressed to his sister 'at Milliken by Glasgow,' and dated 'Monyquill March 18th 1774,' tells of the loss of his only son Charles, drowned, a fortnight earlier, on a voyage from Drumadoon to Islay. It was said of Hector M'Alister that he was a Jacobite, and on that account left Kintyre and took refuge in a Hanoverian island; but this rumour is not confirmed by the latest historian of Arran.

Some points of glossary remain for the commentator. The Sail Fish (Friday 11th) is a basking shark, such as is described by Pennant at Loch Ranza, and represented in one of his best illustrations. What is the meaning of 'Leige' in Sunday 20th? 'We had the Same Dull Leige, that held furth to us the preceeding Sabbath' (13th) at the Parish Church of Kilbride; when he 'gave us a 15 minutes discourse which any body wou'd as soon have believed to have been *Senecas*, as his, had they read it in a Book.' A year or two were to go by before Burns at Mauchline bethought him of 'Socrates or Antonine or some auld pagan heathen,' with a rather different application. But what did Mr. Hutcheson mean by 'Leige'? Is it a word vaguely remembered out of a play-book, as Mrs. Proudie remembered 'unhand me!' at the great crisis

in her new drawing-room? It seems to serve the author's intention well enough. By the way, Mr. Hutcheson's spelling of 'Hely' or 'Helly Isle' is remarkable. 'Brodwick' had already been turned to the southern form from 'Braithewick.' When did *Gaitfell* (= *Geitafell*) turn to *Goatfell*? Mr. Hutcheson has nothing to say about that mountain. On 'Rumbold and Clive' (once more) it may not be irrelevant in an Historical Review to observe that the life of Sir Thomas Rumbold, Governor of Madras, has recently had some fresh illustration in the second volume of Mr. William Hickey's *Memoirs* (1775 to 1782). 'Pickocks' (Wednesday 23rd) are small saith. 'The Kiskadels' (Monday 28th) 'about a mile or so up hill' evidently does not mean both North and South Kiscadale; the plural is like two other familiar Arran names: Sannox=North Sannock and South Sannock (=Sandvik), and the Corrygills, probably one and another Carragil (=Kjarra-gil).

We may add for epilogue, a reference to Arran, not too well known, in the letters of the young Adolphus to Richard Heber, on the author of *Waverley*: 'The sublime Hebridean Archipelago is as yet unentered by the novelist; but he, as well as the poet, extols with great ardour, and in language forcibly descriptive, the enchanted isles and shores and waters of the Firth of Clyde, and the savage grandeur of Arran.'

W. P. KER.

Journal to Arran in [Buteshire] Argyle-Shire¹

7th July 1783

WONT the dog of a Driver wait a few minutes on me Said I—'tis ten o'Clock, and I have 20 things to do at 12 different places—well I Swear—'tis provocking—no matter—! this is the case, will you Lose your Seat in the Kilmarnock diligence, & 6/ to boot, or leave these 20 mighty matters to annother time—I'll go Said I—!—like every man, that has not a moment to Spare, I thought the Time flew fast away out of Spite—However I got Forward and found only one passenger on Board,—a M^r Govan from Anderston. "There's a mighty fine day—" it is so indeed : how many tickets are out do you know Sir—" 5 the people tell me—any Ladys, because we must give them the "best Seats,—that is Just if they come in time—!"— Well thinks I, we must Just, it seems, Sit here as as the good folks ly in the Grave, without distinction,—my Soliloquy was Interrupted by the ingress of M^r John Austin—a Big, Jolly, good natured Blyth Fellow,—So Bigg, that my impatience for the detention of the machine was Exceeded by my Anxiety for its departure—with one Voice we roar'd to the Driver, to mount and move on—Snail-like, he Crept thro' the town, well knowing that the more passengers there was, the more perquisites there would be—

Stop Stop!

why? Says I, O here is another Companion & fellow Traveler—'twas a Lady from the Town of Kilmarnock whither we were bound—your Servant madam Said we all, hand here your Bant box—! On we Drove—! I thought it was Female Shyness that prevented our Fair Companion from Entering into discourse

¹ Title page of MS. is—in the writer's best half-text—'Journal to Arran,' followed, in pencil, by the words, 'Lent by Chas. Hutcheson, 270 Bath Crescent, Glasgow, 1857.' On the reverse of that fly-leaf title is, in the writer's half-text, 'Journal to Arran in Argyle-Shire' with the correction '[Buteshire]' and addition 'by Ch. Hutchison, Merch^t Glasgow.' *Argyle* is pencilled through to delete.

for the first two miles—no! She was Constitutionally Silent—impossible! what!—— a woman So——! Come now Cha^s no reflections!—truely, I never was so long in Company with so Dumb a Lady—& I think I never before used more Stratagems to make a Young Lady Speak, without Some Success, answerable to my Expectation,—positively I thought She was a Quaker—Come Says M^r Austin to her, do now give us a Song—you're very Grave, why dont you Speak! tell us Some Cracks—you're very Dull—these severe Charges, produced only alittle uneasiness in the person Address'd with 4 words—"I dont Sing "Sir!"—— She was resolved to keep her Lips as Closs as an Oyster when the Tyde is out—On we went recording Such little anecdotes as Ocured to us anent Sailors & Irishmen—having diverted ourselves about an hour or so with these, without any thing from the Lady but a Smile now & then M^r Austin threw his Arms Arround his neighbour Miss Morrin (for that was the Quiet Ladys Name) and again repeated the Same desire of hearing her Sing—but it wou'd not do— How Cruel are We Men, Said I to myself, to Say that talkativeness is a female Vice, and yet we are Still more wretched, to See a Woman Sit Dumb—I've found it—! 'tis the *music* in their Voice 'tis the Soft modulations thereof that Captivates—well did Solomon (was it) desire people to beware of "Singing Women"—with the Single Accomplishment—Women have had more humble Servants in Europe, than all the Popes in Christendome have had Applications to Kiss their Bigg Toe's—well we arrived at *Kilmarnock* & unloaded the Coach of our talkative nymph and the rest of our Baggage— When we were dining at the Public House—in Came M^r Galt who intends taking a Trip to Arran with me M^r Galt has for these twelve years resided in New York & Virginia,—he is very fond of music & performs upon Several Instruments, particularly the German flute & Fiddle—¹ We were intimately auquainted before he left this Country, and till the commencement of the troubles in the Western World, we had established a regular & friendly correspondence—our tempers are much the Same—he labors under one very Material disadvantage in being exceedingly near (that is Short) Sighted to assist his Eyes he allways walks with Spectacles. I had informed him the day before by post that I wou'd be here (*Kilmarnock*) by this day—well, after finishing two Bowls M^r Galt & I took leave of the other two Gentlemen & proceeded on our way to Irvine which is about 8 miles from

¹ A note is pencilled here—'probably an uncle of John Galt.'

Kilm^k.— After marching a good way out of Town, and beguiling the time with relating old Storys and wishing for Some fun on the road and also Intending to try my Friends temper I pointed to Some thing and ask'd him what Gentlemans house that was—he immediately pulled out his Spectacles with great expedition & Looking the way I pointed told me it was “Dreghorn Kirk,” “O (you fool) its a Hay Stack”— he bore it well—which made me think I had done enough in that way for one day well on we went,— the day was pleasant and the roads good, M^r Galt is concerned in the Coal works at the Warricks So, we agreed to Step out of our way & view them—the Engine is a Curious pice of Mathematics, we however were Soon Satisfied therewith, for there is Some thing dreadfull in the Operation, and is ready to Scare a Stranger (which I believe proceeds from the consideration that the Ground is all Boss below)¹—the motion of the Lavers over ones head—the dreadfull & disagreeable noise of the Steam Bursting from the Boilers & the Gushing of the water raised by the Engine from the Pit, which added to the frightfull appearances of the miners, hoisting now & then out of Heugh, all of them as black as little Devils—the Sight was rather awfull than pleasing— *on* we came, and arrived at Irvine Bridge which was built over a Small Burn, but is rebuilding by one M^r Muir who it Seems has undertaken to do it for £150: owing to Some miscalculation however this Undertaker finds he will be a Loser of about £50 which has so affected his mind that he has (it is Said) lost his Judgement altho' rich enough to Sustain the Loss without any detriment to his family— Alas ! that any body Shou'd Lose so valuable a Blessing as a Sound Judgement on account of their being indifferent Arithmeticians ! but So it is—the Bridge is only half finished—well, *now* we come to

IRVINE

The Situation of this Place makes it truely agreeable—every now & then, there is a fresh importation of fine Sea Smelling Air—So extensive is the prospect that, Arran, the Craig of Ilsa and Some times the mountains of Ireland in a very Clear day are visible— On the Other Side of the Town, the Eye is regal'd with the view of a fine, fertil, Level, plain, Campaine Country—the Landscape nicely Studded w^t the Seats of different Gentlemen, & the fields abound with the Blessings of Ceres— If the Ayr Bank Hurt the Country in its money matters, it has done good to the Grownds, for the Landed Gentlemen not being nice Calculators and leaving

¹ Over the word Boss there has been written ‘hollow,’ now almost erased.

Figures to your Dull mechanical Geniuses, put off the Day of Reckoning with their Banker & laid out their Cash accounts in purchasing & improving their Lands, which indeed are Beautifull & pleasant thro' the whole of this neighbourhood, & through all Ayrshire. This Town (Irvine) is a receptacle of *Kind*, Humane, polite, Hospitable people—being Strangers to Affectation, their manners are unfettered with the Shackles of restraint, reserve or distance—the Situation of the Town & the Genius of the people entirely Correspond—the *advanced* among them, consist for the greatest part of Old Seamen— &, as old Masons make good Barrow-men, (altho' they have given over Sailing,) they Still are fond of venturing part of their property on the Briny Billows, and carry on a very Snug coasting Trade with the Isles and w^t Ireland, by which a Considerable revenew Arriseth to the Place—the Streets are Elegant, Clean and Handsome & their Relief & Parish Churches are Surprisingly fine in a Short time this Little Town may grow into a Rich and oppulent City—M^r. Galt, Introduced me to Several of his Acquaintances particularly to M^r. & M^{rs}. Dunlop—the last is a Sister of M^r. Galt's at their house I have taken up my Quarters, and now I am in my bed room a Writing, Waiting till Morpheus give Signal of his Approach with repeated yawnings—but there's 12 o'Clock—*Sleep*, or not Sleep I must to bed—So my prayers are for all my Freinds, and God Bless them !

Twisday 8th

To the Sterility of Arran this Town is obliged in Some measure for part of its Stirr—The Sloth of the inhabitants of that Island is by no means a disadvantage to Irvine—, Had we been bound for Some desert place, unvisited by mortals, whose Soil had never been disturbed by the plough or Harrow of the Peasant, we cou'd not have been more industrious to prevent the evil consequences resulting therefrom,—Tea, Sugar, Bacon Hams Loafs Biscuits, pease Barley & I dont know how many other Articles were this day Laid in by us—when our marketing was over—I Lugg'd M^r. Galt away to the Quay, to See *the vessels* was my pretence but my whole intention was to find a boat going Soon to Arran— Had I told my errand to my friend, ten to one but he woud have Shifted the walk (about a mile from the Town) but by good Luck, I found that Cap^t M^e Lish was to go off to Arran by Tomorrow at 3 o'Clock i'the morning—M^r. Galt wou'd fain have had me to postpone it for a day or two that I might have the opportunity of Seeing the rest of his freinds but as Arran was the

place of our destination I accounted every hinderence, Impertinent & So Struck a bargain with M^r. M^cLiesh, M^r. G. Saw there was no help for it, So he agreed too & told that his Sister & M^r. Dunlop wou'd also go— Home we went, & both M^r. & M^{rs}. Dunlop & M^r. G. & I did little else all day but pack up our provisions and Clothes—when Business is over, the pleasures of amusement are never better relished, 'tis painfull to think of Something omitted, when we are embarkd in recreation—with unbended minds then we went about the Streets—the walks & Gardens, & often with ironical, Satyrical and Complimental observations on the different objects that presented themselves, amused ourselves; (till Supper time) in which we were much assisted by M^r. Duncan¹ a Class Fellow of mine & and now a preacher in the parish Church through which he conducted us, (after having given us some Grogg,) he then made us mount to the pinnacle of the Temple, (thats the top of the Steeple) where I had a most Beautifull prospect: touching my Sleeve, "Charles! "you See the Hills yonder,—you also see the Wood with the top "of a House peeping through them"—"I do" well, the next time "you come to Irvine you must Call yonder for *me*"— what do "call yon Charming place"? Said I—"Dundonald:" have "you got a Call there?" yes: Lord Eglinton has done me a "Service" I wished him much Joy & promised I woud very probably Wait Some time or another upon him——*. Well Supper being over I departed to my Bedroom rather earlier than usual because to morrow we must all be up by times—adieu altho' I cant, yet I must *try* to Sleep—

Wednesday 9th

Three o'Clock Surprised us all fast asleeping, but were awaked by Cap^t M^cLish, who beg'd us to Breakfast as fast as possible & hurry away as the tide & wind were in our favōrs—all Hands were employd, & in half an hour we were all Sitting at Breakfast when in Came a Miss Jeany Brice² who went along with us As a passenger,— all things being now ready for our departure we

* Note by the authors son. This intention of visiting Dundonald was realised about the year 1802 when the writer & family visited the Clergyman in his beautiful Manse—he died about 1808. He was celebrated in the Parish for his likeness to Charles J. Fox.

¹ A note is pencilled here—'afterwards Parish Minister of Dundonald.'

² Pencil note, 'Mrs. Crawford, Hillend, Greenock.'

marched along with part of our Baggage in our hands, We Men, were dress'd in Long Jacky Coats the Ladys in long Cloaks & hoods, So we looked like a parcel of Irish Emigrants Just going to embark— M^r. Galt Carried with him a Dog by name Boatswain w^{ch} he thought woud now & then afford us Some Amusement— well aboard we got at the Quay of Irvine—in Going over the Bar we Struck down one of the perches and Broke our Je-bomb—, we Soon got it Spliced, (Lash'd rather) and off we went with a fine Southerly wind—Saw Several vessels, and among the rest the Isobella Cap^t M^cAlester, oft did I wish the wind woud Chop about, that I might have an opportunity of coming aCross C Galbreath who is on board that vessell but, this felicity was deney'd me—well now up got one of The Ladys then M^r. Dunlop then M^r. Galt and all on board were Sick except the Hands Cap^t M^cLish Miss Brice & I—

what Strange Creatures are we Miss Brice? why are *we* not affected as well as they—? they are Surely made of other Sort of Clay—” “atleisure awee” Sayd Miss Brice “you'll perhaps be “as sick as any o'them”—— it proved otherwise—our Invalids Cou'd not Speak a word till they Landed which in 5 Hours after our departure from Irvin we did, on the Island of

ARRAN

a Strange Mountanous bleak looking place—one woud think that Nature must have been in one of her merry moods when She Dropped from her hands this romantic Island.— It is almost of a Circular form, it is a continued Series of Steep Hills & deep valleys to the North & Eastward—about 24 miles Long—it is finely water'd with innumerable rivulets constantly Supplied with the neighbouring Springs—its Situation for trade is excellent but the Laziness of the people, obligeth them to overlook that advantage and were it not necessity they woud not even plant their few patatoes, Sow their oats, or venture a mile from their Shore in Search of their Fish —Civilisation has made but a Small advance—and were it not for the Intercourse betwixt this Island and the Main land—the Natives, I believe wou'd be but a little remote from Barbarism—those however who are Situated near the Bays where Vessels come to Anchor are better off, and now & then trafficking with the Seamen they pick up Something that renders them more conversible than the more interiour inhabitants—but perhaps, it is too early to give an Acco^t of this kind let me then pursue my own diurnal movements—

whitingbay was the place where we disembarked and Landed our

Sick—a M^{rs}. Hobbard, and a miss Polly Niel¹ both daughter of M^r. Niel Haberdasher in Edin^r. and acquaintances of M^r. and M^{rs}. Dunlop came to the Shore and welcom'd our Arrival—with them we breakfasted and laid our Sick a bed. Largy-more is the name of M^{rs}. Hobards House and lies at the South End of the Bay—M^{rs}. Hobard is a most Excelent Body, exceedingly Clever, & very ready witted her husband Cap^t Hobbard of the 21st Reg^t is on the Mainland but expected in a few days Miss Polly Niel is a fine aggreable girl, but younger than M^{rs}. Hobbard.* After M^r. Galt had alittle recoverd, He and I Set out in Search of Quarters and being informed where we had the best Chance of geting a House, we directed our Course thither—about a mile to the northard of Largymore, and found a most convenient Lodging—that is a room w^t 2 windows 3 Chairs & a Bed, every thing both about and in the house was Cleanly & neat & the Landlady herself at first Sight prejudiced me in her favors as She was neat and well dress'd altho' She expected no Company— upon Seeing the room, we were determind to have it, and therefore told her we would give 3/ a week for the use of it w^{ch} in Broken English She thanked us for, & promised to Assist us in Cooking our Victuals,— we then returned and dined with M^{rs}. Hobbard and the rest of the Invalids who were now begining to crawl about after dinner We departed to our Lodgings (caled Shore house) to put all things to rights & Stow away our Baggage & provisions—this was Soon Accomplished— So we thought we could not do better than Spend the remainder of the day in playing the flute each of us were provided with them, So we caled our Landlady to enquire if there was any place nigh at hand where there was an Echo' for the flute is as pleasant again where the Sound is repeated— but it was not in our power to make her understand what we meant by "*Echo*"—"is that a Peast?" Said She no, no, Said I it is, (filling the flute) when you hear that among the Hills again and again—— She then directed us to a Glen whither we repaired & play'd Several Tunes, but our Music Was disturbed by Boatswain who pushing his head into a Bush at our Side (where we were Sitting) & making a mons'trous growling, we arrose to See what he was about & found he was tearing to pices a prodigious Large Toad—we caled him off & Left this place which now became irksome by the very Sight of that unsightly Annimal Thus ended we the evening of the 9th

* half Sisters of M^{rs}. Ro Thom of Camphill who died about 1842—3—

¹ Pencil note, 'Mrs. Lightfoot of London.'

and repairing home Sup'd on milk & Bread & went to bed like good boys.

Thursday 10th

Early this morning our Landlady visited us with a pint of Goat whey, which we cou'd easily have dispensed with for it was ushered in with Such a noise that our agreeable Slumbers were disturbed with the Barking of Boatswain whom we planted near our Bedside to watch our Clothes & provisions—no Sooner did he hear our Landlady Sliping in with our mornings Draught, than he flew with fury at her & wou'd have torn her Clothes to pices had not Mr Galt Saluted him with a parcel of Curses and Caled him to "*Lay Down*"—but the Screams of Christian (our Landladys name) Mr Galts Oaths & Boatswain & Colleys Quarrel (each of the last engaged in their master's disputes)—these—put all further thoughts of Sleep out of my head ; So having hushed our civil Broils, we drank off our whey—took a turn w^t Mr Galt to the Northward, and after Breakfast met with Mr M Liesh & Mr Dunlop & play'd at pennystone, with various Success—Saw a Mr Hutcheson of Southfield, & Shook Hands with him, I remembered to have been twice in Company w^t him in Glasgow—recived an Invitation to drink tea with the two Miss Shaws—(the one from Irvine & and the other from Kilmarnock)—accepted,—as we were going home to Dinner "pox on it" Crys Mr Galt what a pity it is that So *many* fine Girls Shou'd want Husbands! —'pshaw" Says I "thats only two we have Seen to-day" well Says he but Look up that Strath, every Hut you See there is Choke full of Ladys & all of them Deserving good Creatures—I wish then Hugh we may not be "Led into temptation"—or Says he, "that we may have Grace to resist it—Amen! Say'd I—With Hearts determin'd to be proof against the Charms of Beauty, or the wining alurements of an engaging Behaviour, we Sat down to Dinner in our own house, Situated about half a mile from the place where we were to drink Tea,—Bacon Ham, Some Cold mutton & Green pease & Butter composed our repast, after which we fortified ourselves with a good Draught of Grogg—Drank to Friends and favōrites & then Sallied forth away to the Ashlin Birn on the Banks of which are Situated a number of Small Houses, each of them the Lodgings of a Social Groupe of Friends from The Town of Irvine—, Our kind entertainers met us, so In we went,—here, there was Crued up in a Small room not 8 foot Square 5 Gentlemen & about 8 or 9 Ladys besides, 3,

outside of the House, whose tea and Bread were handed them out of the window—I certainly was the Dullest among them—a Certain Sheepishness I believe will Cleave to me inspite of many resolutions till I am no more—well no help for it, they must fight *hard*, that fight against nature—however once I am alittle Acquainted *then*—but I wont say any thing—— but, considering the Shortness of Life—it Surely is preposterous to higggle about ceremony—were we indeed to Live as Long as the Ante-dilvians did, we might be excused in Saying for a month or two, O’ yes Sir ” “most undoubtedly Madam ” “you’re certainly right ”—“ I am Just of your oppinion ” and all these remote Complimentary Sayings Accompanied with a Bow, a Courts’ey or an Inclination of the Head which of it self, without the words are Sufficient with your tongue-tied folks—My Principles wher’eer I go, is *freedom of Behaviour*, But my Practise is wide-ly different—till riper Acquaintance render it *Justifiable*—*Justifiable* ! is it then a fault— ? yes ; if you cannot Suport it uniformly—that happens to be my Case—poor Devil that I am ! what is the reason— ? want of Ideas : want of vivacity : want of Sense : & want of Assurance : the Lord Help me Say I : — well the Joke went round and M^r. Galt and his Spectacles, were not Spared, for he has Learned the Language of Ashdod in Virginea & Swore like a Trooper, every now & then, which the Ladys with a push with their Hand & Sometimes Scolding him with their warmed tea Spoons punished him for”— Tea being over & having Invited all the Ladys present to repay us their Visit tomorrows afternoon, & to bring any of their Acquaintances alongst with them that we had not yet Seen, & orderd each of them to Bring Tea Cups & Saucers also ;— This evening being very mild we agreed to Spend it in fishing, & having provided ourselves with Lines in Irvine, we rowed out about 3 miles with a Most Bloody Design, but after two howrs work of it we only Caught 18 Fish— Home we then went with a few of the fish which Christian prepared for supper—

Friday 11th

’Tis too much like the Town to ly abed all the morning, So giving my Bed Fellow a Lusty Skelp it procured me a Sweet benediction—he D—d my Blood and ask’d if the D—l was in me— ? up we got and having procured two fishing rods went up Nockenkelly Birn about $\frac{1}{2}$ a mile to the northward of us and after having toiled all the morning we only Caught 2 or 3 Trouts, but if we were Disappointed of Sport I was regaled with the fine

Glens, Cascades, & other Romantic Scenes, which my Companions want of Eyes to See made Exceeding dull, so that all my relations of the Beautys which I Saw, only entertained him, in such a manner as was Accompanied with the melancholly reflection that he was unable to Discern them— now Hugh Says I, I'm ready for Breakfast So home we went and w^t Porridge & milk we allay'd our hunger & then all hands fell to work to prepare the House for the reception of the Ladys— Accordingly I went owt & procuring a Prodigious Quantity of Shrubery with the Broadest Foliage I cou'd Find, we ornamented the Brace pice with them with a Variety of Figures, Imitations of Fine pilasters at each Side of the fire Seemed to Support a Romantic Arbor composed of Boutry Leaves & Honey-Suckle, the two Windows also were richly adorn'd with Birch Leaves & Heather, the Bread Basket too was finely twisted round with Bear Stalks, with a neat Festoon of Beer heads hanging down from the Handle which like a Cornucopia Seemed to point out to all the *plenty* that prevailed not only the Biscuits & Bread & Butter in the Basket, but that the fields about promised *more*, when the Contents was *gone*, The Tea Kettle too wanted no embellishment, whilst the Tea Table was rigg'd out in all the Collours of the rain bow—inshort we had Collected all the Sweets of the Country to grace our repast, —5 o'Clock came & in Came one posey of the Ladys usherd by Cap^t M^r. Lish M^r. Dunlop & a M^r. Ferrie they had Scarce finished their Laugh when Came a Second Company Accompanied with M^r. Brice I think there was 13 Ladys & 6 Gen^t the Ladys were M^{rs}. Bannatyne & her 3 Daughters, three Miss Brices, 2 Miss Pattersons Miss Helen Shaw & Miss Peggy Shaw, M^{rs}. Dunlop & Miss Niel—every one of them produced their Cups and Saucers—they also Brought tea Spoons with them, So we laid down our own two which with two horn Spoons & a Slap Bowl & a Chopin Can, Composed the whole of the Contents of our Cupboard—it was hard work to Spread Bread to them all but no matter, it most be done— we were as merry as So great a Company Could be, had it been less, I believe we Shoud have enjoyed it Better—to Accomodate our Guests we had planted round the Walls 3 Planks which with the Bed & 3 Chairs Served us very well for Seats— having finished Tea— we agreed to walk to Kings Cross a place about 2 miles North on our way we Look'd at the Sail Fish w^{ch} was come ashore and which was killed by Some fishermen from the main land— it was Cast ashore about a Stone cast from our house, as if Neptune Seemed to favōr

us w^t a present from his Hoary Dominions— this fish is about 22 foot Long—thick in proportion—a fine Shapely fish— After Looking at the works of Nature presented to our Eyes in this Strange Creature our Brilliant Company went up a high hill near the mouth of Lamash Bay we went up with Great regularity & halting at the Top and Seeing a Kings Cutter (Cap^t Hamilton) Cruising very near the foot of the Hill M^r. Galt and I pull'd out our Flutes & play'd "God Save the King" M^r. Hamilton in Return Hoisted his Jack to the mast Head & Gave us 3 Cheers, which we all returned— about Ships he then went & we play'd the Highland march, he kept his Jack flying for 10 minutes we then Conveyed the Ladys home as it was now turning late— returning to our own place of abode we play'd flute till Supper time & then went to bed

Saturday 12th

I cou'd have wished for a little more ingenuity to find out ways & means to Spend my time in this Curious Island which surely furnisheth many resources had I penetration to find them out— but entirely unacquainted with rural life, I am obliged to pursue Such diversions as are too flagrant to elude observation— Fishing, (which no man but must think of when he views the tremendous Ocean) Fishing, the business of our Antient Predecessors, was ever uppermost & and as we are at all times ready for the Sport will, I find, be one of our principal Employments when the Weather will permitt This day I rowed 3 miles from the Shore to one of the Best Banks, but the fish were very Shy, we only Caught 1 doz, & rowed Back with Blister'd hands, So that I can Scarce hold the pen, Sent our fish with our Comp^s to M^{rs}. Banatyne, who Invited us to tea— Christian ever watchfull of her guests had prepared a whole pot full of Stoved potatoes for us which with many a Slice of Bacon & draughts of Grogg we dispatched with Keen Appetites— having thus Gorged ourselves we threw ourselves on the Bed & Sleep'd profoundly till it was past five— when Hugh put me in mind of our Invitation to Tea— we then Shak'd ourselves like two Dogs & repaired to M^{rs}. Banatynes Drank tea with her & her Daughters— After which we caled upon the miss Brices & the miss Shaws, As we wished to See the Cascade up the Ashlin Birn which the Ladys Assured us was worth going 6 miles to See— It was too fatiguing work (to propose it) to the Ladys we therefore declin'd their Company ; so M^r. Dunlop M^r. G. and I took our Stafs in our hand

& like 3 pilgrims trudged away up the Glen, but whither it was the Bushes, the up & down-hill-road or Chance or Design we all Separated & cou'd Scarce find out one Another M^r. Galt had wandered half amile from us, but I Soon found M^r. Dunlop, but cou'd not give ourselves any rest about the other Stray'd Sheep—we halo'd on him we whistled, but nothing was returned—Owing to his Short sightedness we were much affraid he had falen into Some of the Chinks of the rocks or down Some of the precipices, and we were Begining to Sympathize & bewail the Loss of one of our Mates & to abuse ourselves for Leaving one Another & Separating in a place So dangerous when Boatswain (his Dog) presented himself Jumping over Bushes 3 foot high and thereby Anounced his Arrival—he began with abusing us for taking Such a Crooked navigation notwithstanding it was himself that mistook, but we were too happy at meeting him to recriminate—we resolved to keep together the remainder of the Journey, which was now nearly Completed ; Atlast we arrived at the

CASCADE !

which indeed is one of the Beauties of the Island— It Tumbles down a Rock near about 100 foot High & makes Such terrible noice, that Speech is of no manner of Use—Signs, answer'd in the place of language—it has Scoop'd a monstrous Rock before its fall nigh about 6 foot on Each Side, by which I conjecture it must have run in that Tract near about 5 thousand years— at the Bottom it has Made itself a very Capacious Bason, & runs with great rapidity over two Smaler precipices— It was now Turning Late, we therefore returned home, calling upon M^{rs}. Hobard : we had our flutes with us, & play'd Several tunes by the way, which Some of the Miss Brices, whom we met, informed us they heard & “Liked Vastly!” we then went home for BATCHELORS HALL as the Ladys now Call it & here what with fatigue & hunger we rather devoured than Eat our Supper

Sunday 13th

This is a day that comes very oppertunely once in 8 days— The weary, if So disposed, have leisure to relax themselves :— one wou'd think he Hears on that day (there is so little noice) the very Sound, of the whirl-ing about of the Spheres :— It pleaseth me much, where'er I go, to See the Deference paid to it :— *he* cannot be quite void of Religion, who altereth his mode of living on that day, when *that* difference of Conduct, proceedeth

from conviction that it is his duty, However to be uniformly what one Shou'd be, is far Better—a Good person will make Scarce any distinction, he will always maintain his good Character without regard to Time or Place— Upon this day, (which Some Christians have taken upon them to Change from Saturday, the *original Sabbath* in memory of the Resurrection of our Saviour) Upon this day, I am well pleased, to See our Tradesmen in Glasgow, throw aside their Dirty Dudds, & appear upon the Street and at Church, like So many Bride-grooms—the maid Servants, & our plain, better-Sort-of-folks, appear very Decently—methinks there is Something more meant in it than merely to please their Acquaintances— I wou'd consider it as an acknowledgement of Gratitude, to that divine Being who not only Supplieth us with the *necessarys*, but also with the Conveniencys of Life—. Lamblash kirk is the nighest & is about 3 miles off— I cou'd hardly prevail upon Hugh Galt to Shake off his Laziness and go to Church with me, as the day was Exceeding Hott.— However I pull'd him along, and on our way Descanted on the Beauties of the adjacent fields, and the Capacious Bay of Lamblash, which is Capable to Contain the whole British Navy— it is finely Shelterd from almost every wind— Nature Seems, in its formation, to have had its Eye to the present, and furture ages, when Navigation wou'd flourish & be the Link for Cementing distant Nations— The Hely Isle is Situated about a League from the Shore & Defends the Bay with its prodigious Hills from the rough Salutes of the East N:E: & S:E: winds, whisl't the Land on which the Bay is formed, is protected from the virulence of the other Arts— there is comnication w^t the Bay both at N. & S. end of the Helly Isle, so that vessells may come in, or go out with the utmost freedom— we now enter'd the Church which has nothing but the Shell to recomend it, it is very ill appointed as to Seats & the windows are all Broke in pieces— the pulpit is without a Cloth and has more the appearance of a Cockstool, than the Chair of Verity— there were placed Several forms around it, in Imitation of a Bench, which I Shou'd not have known to be such, had it not been for the reverend faces that Sat there— their faces were all be-brown'd with the Sun like a parcel of Fox hunters & their hair, Some Gray & Some jett Black was combed down each Side of head & Cheek, with a division in the middle w^{ch} ran from the front to the Crown of the Head— The parson (a young fellow, & Son of the present Incumbent) whose name is *Stewart*, gave us a 15 minutes discourse, which any body wou'd as soon have

believed to have been *Senecas*, as his, had they read it in a Book— Benevolence was the Subject— which was good enough to preach up to Highlanders, (with proper restrictions) for they are like every other Wild nation, quite Romantic in their attachments, and when affronted, their *revenge*, is not to be Glutted w^t the very Blood of their adversaries.—it however is no difficult thing to live in Amity with them, for the Smalest concession at the *Begining* of a Quarrel, will pacify them, & the way to live happy with them (& allmost every other people) is to “Study to please”—

Sermon being over—we were desired to remember our Charity to the poor— Small purses of Black velvate & very like a Mole-skin in Size, fixed on the end of a Staff, was presented to us, in which we threw our mite— we then departed home, leaving the Highlanders in the Church, who immediately thereafter receive a Sermon in the Galic Language, coming home, met with Cap^t M^cLiesh M^r. Dunlop & Some Ladys, and Conserted a Jaunt as to morrow— We mean to go round the South end of the Island & Up by the *String* and next day to Come Down to Brodwick, where all the Ladys our nighbours are to meet with us & dine.— hope they will keep the day & Hour.— Having got home M^r. Galt & I read Spectators till Supertime & then Christian Sounded the Horn for Bread & milk

Monday 14th

SESKIN, is one of the Largest Farms in the Island, Situated about 17 miles from Batchelors Hall.—in consequence of our yesterdays Bargain, we, M^r. M^cL. M^r. D— M^r. G & Self Sett off about 11 o’Clock— The day was rather warm than pleasant,—a prodigious fogg all round the Coast, permitted not the rays of the Sun, (tho’ unclouded) to point out to us any Land but our own Barran Mountains— Plada a Low flatt Lying Island, being nothing but a Rabbit Warren, unpeopled with the Human race, Situated I suppose about a League from Arran, was the only Land detached from our Own which Phoebus wou’d condescend to render Visible, & that, even *that Island*, was not So conspicuous, as to enable me to form any proper Idea of its dimensions. M^r. Galt turning very Sick on the road we thought it would be prudent to halt alittle, at *Kildining* (Kildonnan)¹ Castle and endeavour to procure Something for him; but, *money, Fair words, promises* nor any thing we cou’d think of, cou’d procure for our *patient*, Somuch as a drink of Grog a dram of whiskey or a draught of milk or

¹ Kildonnan is a correction, probably by the author’s son.

whey—the proprietor of this farm has had a very Long & Cheap Lease of it—& the fields are the most Beautifull & the farthest forward that I have yet Seen in the Island, prosperity Seem'd to Smile upon the Landlord, but he had a Nabals Heart (and a Nabals Hand)—it cou'd not melt at the recital of distress nor wou'd so much as Solace my Friend, w^t a Cup of Cold water, he never So much as ask'd us to participate of the Shade which the very Stones of the House cou'd have imparted— Hospitality! these are not thy Tabernacles, Blest are the Habitations where thou residest—

Looking Round the fields Says Cap^t M^cLeish they Seem to have plenty too

Says M^r Dunlop, had they less, they might perhaps be more Liberal Says I fy upon them & their plenty!

Says Hugh Galt “Curse them & their plenty too may Thistles”

Says he “grow inplace of wheat & cockle in place of Barley” well, there was no help for it, the day was advancing, & Something we must determine on, M^r G *cou'd not* go forward—I proposed returning home with him, but he wou'd not consent, So we with difficulty got a Lad as a Guide, whom we tipp'd with a Shilling, who promised to carry him and his horse *home*, (about 3 miles from this Same Kildining)—when ever we saw M^r Galt fairly on his way, we proceeded on ours, & Came thro' many a wild & desolate place, till we arrived at Lagg— Here, we dined on mutton ham (as hard as Leather,) & Some eggs; for nothing else could this Tavern afford us, but M^r M^cLish Suspecting this woud be the Case, procured A fishing rod, & in a few minutes Brought in five excelent Trout which w^t our ham and Eggs made a Shift— After dinner we Mounted our horses & proceeded to— *Seskin*, the place where I am now Writing, as both M^r M^cL and M^r D. are out— the rest of this days transactions, I shall write tomorrow If I can get it Cleverly done

Tewsday 15

Yesternight M^r M^cLish & I, walking round our Landlords Farm in Company with our Said Landlord we discovered a long String of Peat diggers coming down from the Moss leaping & jumping Like mad-ones, our Landlord Soon informed us they were his servants, coming from the muirs to Supper & that they usually had a dance after their work was over— Happy State! when the *pleasures* of Life, is not the *Business* of Life, but when they only Serve to Strengthen & encourage us in the performance of our Duty— Our Host was a Lowlander, his name Crawford, &

cou'd once Shake his foot w^t the most agile—but Age, blunted his relish :—no matter—the Sweetness of his disposition, was an encouraging circumstance to the young folks who well knew it, & Liked him well for it— After Supper we heard the Sprightly notes of a Fiddle— Says M^r. M^cLish will you go & hear the music, yes Says I & See the dance too— Accordingly we repaired to the great Barn, where there was about 10 or 12 fat, Blooming Country Lasses, Wallouping it away to the tune of Greigs Pipes— M^r. M^cLish & I were Soon Accomodated with partners, and danced till we were tired, but were far eclipsed by the Country Lads, who had more kicks & flings in 3 Setts than we had in 50— So having left Something for them to drink, we retired—

By Seven o'Clock this morning we left Sesskin & on our way bye *Mony-Quil* & the *String* traveled many a Weary Step— Some Hills were exceeding Steep & we were often obliged to alight and Lead— our View was often Interrupted by exceeding high hills on each Side the road, and when we got into a more open place our prospect was most ungraciously Block'd up with thick mist and fogg— well, having drank Some Grogg at

BRODWICK

our Business was to thank God for many things to witt

- 1st our Safe arrival without Hurt or Skaith of any Kind
- 2^{dly} Our meeting with only one Kildining all our life
- 3^{dly} The Happy meeting of about 13 Ladys & M^r. Galt in perfect health—who with a M^r. Brice two M^r. Ferreys & a Doctor Shaw (Brother to Miss Heely) Served as Guardships to the Fleet & Saw them Safe *Here*, where we all dined together after the Ladys had employ'd alittle time at the Toilette, as the riding 6 miles had Shak'd away the powder which no doubt perfumed the Breeze which those woud relish who rode to the Lee-ward— After dinner & a Glass of wine—the Ladys *drop'd* off in pairs into Another Room, So we plyed the Glass pretty Briskly, every now & then, put in mind by the Ladys that it was turning Late— Having Seen them all mounted on their Poneys we followed— there was about 21 of us in the Cavalcade we rode pretty Smart Some part of the Way, but Stopping at Spring Bank a party drank tea there (at M^r. M^cAlasters) the rest of us proceeded to Lamdash where we drank tea in two Seperate houses— we all mounted again, & arrived Safe excepting one of the Miss Shaws¹ who fell twice of her horse on which I Soon reinstated her

¹ Pencil note, 'Sister of Sir James Shaw, Baronet. The first Scots man that was Lord Mayor of London, and mother of Sir John Shaw, Baronet.'

—being a Bad & fearfull rider Says I, “Miss Peggy If you’ll ride double, my horse is strong— but She declin’d it, So on we went, and arrived Safe at Batchelors Hall, & there took fareWell of the Ladys, as none of them woud be prevailed on to alight—— the Lasses were all dressed Suitable to the occasion & made a most Capital Appearance—

Wednesday 16th

We wou’d not have Seen the Light of this morning before 11 o’Clock, had not Christian burst open the door of our appartment and presented us with a Choppin of delicious warm milk which we drank with the Greatest *Gout* or *Gu* as the French Call it— fatigued alittle with our yesterdays Excursion, we thought it woud not be Amiss, Softly to lay down our heads and let pleasant dreams alone awake us, but we had Scarse begun them when Mr. M^cL & Mr. D. Batter’d at our door & roared out “Huzza for a match at Quoits” as I was turning pretty Good at the Sport & Liking it very well I Soon got rigg’d, & Mr. G & I were both ready before they had well condescended on where the best place wou’d be— Penny Stone is a Game which we often are obliged to have recourse to, and as the Exercise is not Violent, we are the easier perswaded to engage in it; — A Jamaica Vessell passing this way this morning we were Soon Visited with a Rum merch^t from whom We bought a Gallon at 6/— I find we drink much more Grog than Goat whey, for this is the Second Gallon within these 8 days. Happening now to be pretty well Stock’d with provisions we detained Mr. M^cL & Mr. D. to Dinner— they threaten to Come and live with us, but we told them we wou’d inform our Porter Mr. Boatswain to deny them free ish & Entry without Special Liecence, & we wou’d let them know that We had Seen *Kildining* This afternoon with the above Gentlemen we drank tea at Mr^s. Pattersons where there were Several of the Ladys that yesterday dined w^t us at Brodwick—— After Tea Mr. Galt & I proceeded homewards & made 50 remarks, on Women Simply as Such— Secondly, Women of prudence 3^{dly} the danger of a Good education bestowed on Women of bright parts— 4^{thly} how effectually education was Lost upon a man or woman of mean & weak abilities 5th How pernicious to Society Education was, in either Man or Woman whose hearts were Bad or had any predominant Vicious Bias— Our observations on all which pretty much disposed us for Supper & Supper & *Bed*—

Thursday 17th

After my Friend Hugh had drank his mornings draught—
 “well” Says he “how are we to kill this day for Curse me if all
 “we do here is worth the while of any rational Creature— we
 “visit and receive visits, we pitch Stones, & Fish,—D—n it there
 “is no variety— its all the Same dull repetition without the least
 “prospect of mending the matter”— “take another Draught
 “Hugh” said I “it may brighten your faculties I know you
 “have *Invention*, and I know that you only want one to go hand
 “in Hand with you— he did So he did So— then peeping out
 at the window “D—n it Charles” Says he “the Wind is all
 “Southerly we Shall have glorious Fishing to day”— finding it
 to be So I Left him in the House to hoop hooks whilst I went &
 gathered Logue, Cockle & Mussel— by 1 o’Clock we Set off in
 a Neat Skiff which I thought wou’d have thrown us all into the
 Water— We were very Sanguine in our Expectations, which we
 have often Seen to answer little good, as it frequently embraceth
 disappointment— the whole amount of our Success was 2 doz of
 whitens However, I consoled myself & my Partner as we were
 rowing Back with the thoughts of a few Slices of Bacon which we
 wou’d command in about $\frac{1}{4}$ of an Hour & which was Locked up
 in our Chest.— But why Does Fate take notice of any Such
 reptiles as we are, or rather are we Such odditys when Buffeted as
 to Occasion her any merrymment in Such a predicament— Reader
 who ever thou art—drop one Sigh (if thou hast any Bowels of
 Compassion,) for the Bacon is—gone! — Hugh Says I, I find I
 was Counting without my Host— we expected Some fine Slices
 off our Bacon, but as I was allways telling you the Aversion that
 Some Consciencious people had to Swines Flesh, I am Sorry to
 Say that there most be Some foundation for their Scruples for I
 am pretty Certain the Chest was Lock’d, & that now it is open
 & the Bacon is Departed— “what!” Says he “the Bacon
 gone”— “every ounce,” Says I, “how i’the *D—l* is that—”
 “He doubtless can Tell, I doubt he has a predilection Still for
 “Hoggs Flesh, & that in pure Spite, he has run down Some
 “Steep Place & Drowned our Ham in Lamash Bay”— “I’ll
 Cane the Scoundrel”— he was Just pronouncing when
 Christian, brought in the Stray’d Bacon in a Large Earthen
 plate— “you Just came in Time Christian! M^r Galt was this
 “moment Flourishing his Cane & threatning a threshing to the
 “thief.”— She then Informed us that the door of the Chest was

left open & that She was afraid that Some of the Children might have peep'd in, & that the Cat, or Colly, might have lighted on it, & that She thought it Safest in another Place, as we had not left the Key— Hugh, now threw his Snow Balls at me which I deserved & Bore— he threatened taking the Keys from my Girdle and Giving them (by way of Contempt) to Christian all of which I bore— Having finished our dinner & Several Cans of Grogg we Stroll'd awhile among the Hills and returning home, play'd at penny Stone till Supper time

Friday 18th

This day Mr. & Mrs. Dunlop a Mr. Hutcheson of Southfield & Several young Ladys departed the Island & Sett off for Irvine— There was about 1 doz young Ladys upon the Shore taking FareWell of the Emigrants, or rather of the Home ward Bound— when we Saw them fairly off, we, & the Left Ladys Sympathized with one another for the Loss of their Society,— we then returned home—& Shamefull to tell did nothing all day but play at Pennystone, Eat, Drink, play the Flute & Go to Bed— well one good this idle day affords—it may lead us to Comparison with other days— Alas ! this Journal contains little else but a repetition of this day—every day varys almost nothing—I mean there are So little done, as a Wise man ought to have done, that I feel my Cheek Blushing for my Conduct— why do we censure *time as Short*—? we use a thousand Expedients to get ridd of it and yet after all we Say *Life is Short*— we are either Bad *Trustees* of our Time, or Very Bad *Logicians*—perhaps, that we are *Both*, is the Truth— !

Saturday 19th

This morning the God of day was wrapt about with thick impenetrable clouds but as he advanced in our horrison these dispell'd, & our prospects of a Beautifull day were not disappointed— After Breakfast we spent $\frac{1}{2}$ an hour w^t Mrs. Hubbard & Miss Niel— their is a Liveliness in their Conversation, that we thought might in some measure assist in diverting our thoughts from the Loss of Somany of our Friends— we found the Expedient afford a temporary relief, but on Going Home I found Mr. Galt was almost Broken Hearted— I bade him look himself in the Glass & See if he did not See a fool— “you repine “at things now impossible to be remedied— 10 days more & we “are home ourselves— I am with you— our provisions are not

“done all together— & to Crown all Miss Heley Shaw (who
 “by the bye is engaged to a M^r Robertson Writer in Ayr) is Still
 “Here”— “what have I ado w^t her”— “w^t half an Eye Hugh
 “I can See that if there’s a Lass in the Island that you like better
 “than another, it is *She*”— “Faith She’s a Fine Girl” Says he
 Scratching his head, “but who was pope when you were made
 “father Confessor— the D—I!” Says he “to be Sure”—
 I posed him no farther, but whilst he was at my Elbow reading
 the Spectator I took up the pen & Seeing a Bit of paper on the
 Table I writ the following Accrostic & Enigma which I presented
 him, bid him transcribe & present to his Sweet heart

M, en often choose a Wrong pursuit
 I, n pitching Stones, or playing Flute
 S, ome Fishing choose, & like it well
 S, ome Beau prefers an Ogling Belle

H, ow vain are all who so employ their Time
 E, ach day I wish to read or write in Ryme
 L, et each their fav’rite wish pursue
 E, ach Lad his Lass be’t Sall or Sue
 N, one’s to be found like Helen true }

S, hall empty Fops in verse their Phillis praise
 Harmonious numbers they Shall Hely raise
 A, rt she disdains— tis Virtue Join’d with Grace
 W, ill with these Lines proclaim the Ladys Face

ÆNIGMA

In Court’s^{ey} a *term*, there is given young Women,
 In Town & in Country, by Bishop & Layman ;
 prefix it to her that Occasioned Troys Wars,
 A Term of disdain too, if you add it Declares,
 The Name of a Nymph, near mountains thats Barren
 At the Side of a Brook, in the Island of Arran

The good effect of these Verses upon my Friend was very Con-
 spicuous for he was So partial as to thro’ the Spectator to the
 other Side the House & wrote & transcribed every Verse & upon
 Occasion Quoted more of it than he Cou’d of Joseph Addison.

Sunday 20th

We were Determined to go to no Church to day— but we had
 Scarse finished Breakfast when a neighbour of ours Beat at the
 door & Inform’d us he had 2 horses for us in his hand if we
 meant to go to Church the offer we did not choose to resist for
 two Reasons first, the fellow that brought them about a mile off

to us— we knew woud be affronted w^t our refusal, Secondly the Kirk *here*, is the market place, where people meet once aweek, to See, & be Seen; So our mornings determination was overruled by 1st Slavish Fear

& 2^{dly} by Vanity

two very bad principles of Action— may we never be Actuated by them Again— well to Church we went, and as the day was mighty fine we were honor'd with the Company of mostly all the Ladys & Gentlemen within 6 miles of the Church, all of them dress'd well.— at coming out of Church, I found most of the Gay part of the Audience, were on a Closs Confab on the Green before the Church door, now & then Casting a Sheeps eye at the Strangers as they came out as if they wou'd Speak, however there was only a few that embraced the Invitation— We had the Same Dull Leige, that Held furth to us the preceeding Sabbath— his discourse had nothing novel in it but its Shortness— There were people in Church, who had marched 7 miles to hear his 15 minutes discourse— but 7 miles, to a Country man, is only what he Calls a *Bittock*— well—Pleasure in the way we Choose it—before I wou'd go 7 miles a foot/every Sunday/ to hear such a Sermon, I must of necessity have burnt my Library, and have Lost the powers of the Sweetest employment of the Human mind— I mean, *meditation, reflection Contemplation*, &c^c. Well Home M^r. Galt and I went— read Spectators on the Green before the door till Suppertime

Monday 21st

There was a Terrible fall of Rain Last night, and as the Birns were now coming down, I thought their woud be Sport— So I left my Good friend M^r. Galt with the Spectator in his hand, Saying Hugh, do you replenish your mind with Seasonable Truths, & I will endeavour to have our Table replenished with *Trouts in Season*— “ psha ” Say'd he, (for he does not, nor *can* fall in with all my Sports)— “ I'll roast all you'll Catch on my Little finger ”— “ If you do, you wont eat them too with the Same,”— off I went & in a Short time killed 8 very fine Trout, but it rained So very hard, I thought it prudent to desist & Come home— “ Huzza ” said Hugh when he Saw the fish, “ we shall Live Like Kings ”— “ ay, but remember how you are to roast them,”— “ O yes Honey ! we shall eat them first, & then Speak about “roasting them afterwards— The Spectator in rainy days is the Best Companion one can have in this Same Batchelors-hall, for

this reason Mr Galt and I (very Soon exhausting our Subjects, and very often our Breath itself) Step to the Spectator; the reading a paper of which, furnisheth, both with powder and Lead, for a hot battle, but our Civil wars are Soon quashed, for Christian Coming in, in the midst of our hottest fire, with a mess of Broth, or a few potatoes, will most effectually Sound a Retreat, & make the Combatants drop their Logical Weapons, to take up the Horn Spoon, or with unanimity of Sentiment, fall upon the ribbs, of some poor Lamb, whose fate it was, to tumble in to Christians bigg Kail pot— This afternoon we Visited Mrs. Banatyne & Mrs. Hobbard, and having our flutes with us, we play'd all the way home, when two young Ladys and Mrs. Patterson meeting us, insisted on a Tune, accordingly having planted ourselves on the grass, we play'd Rosalind Castle Etrick Bank, Birks of Invermay & Tweed-side—for which we had more thanks than we had Buttons on our Clothes, which indeed are Snibbing off very Cleverly, & there is no replacing them here— thus ended we the Evening of the 21st—

Tewsday 22^d

It is amazing, that what people have in their power to do, & which they know to be in Some measure necessary to be done, yet they Seldom think of doing it—*Bathing*, was recommended to us, & yet, altho' the water is at the very door, we are quite Indiff^r about it— all the Ladys of our Acquaintance here do it every morning— Says I “Hugh its a Shame we dont use better “our good fortune—the day is good, Lets Strip & Bathe”— we did So, but it was So cold, we thought it enough to kill a Cow— however we determined to try it Some other time— To day we were joined with 2 new Acquaintances from the main Land (a Mr Lockhart & a Dr Gibson)— we play'd Several Games at penny stone, & gave them Some Grogg, which is all the Cordials we have & with w^{ch} we treat both Ladys and Gentlemen— by the assistance of Mr Galts telescope, we Saw Several people at a distance, & a pilot boat Cruising backwards & forwards, w^{ch} made us believe it must be Some Company from the mainland; we went down to them and found it to be So— John Wilson of Coultershoggle, Gilbert Hamilton, Walter Nielson, Will Ingrame, & Some other Glasgow Gentlemen, all dressed in Seamens Garbs, & wading up to their Henches, pulling out a most enormous net, at the foot of the Birn, where I was yesterday a fishing,— they only Caught 2 Smal Trout, 2 Codd & 2 Bull fish, I dare say every fish they Caught Cost them 2

Guineas, if all their Charges were Counted.— Came home & dined & afternoon, we Drank Tea with the Miss Brices.— we then walked with them all the evening, & were now and then favor'd with a Sprightly Song from Miss Betty Brice,— we then Saw the Ladys fairly home, & we proceeded to Batchelors hall, where Christian had kindled a Large peat fire, which induced M^r. G. and I, to Crack an hour Longer out of Bed than usual.— having Suped we went to Bed— !

Wednesday 23^d

This day being pretty Easy, we fell a fishing off the Rocks which project alittle into the Sea at full Water— I had only time to Catch two Small pickocks, when we observed a Boat coming out of the Bay of Lamlash, and Bearing down upon us.— it proved to be a Cap^t Alexander of the Jenny belonging to Irvine, Just arrived from Memel w^t Timber, and was on a Visit to Some Irvine people our neighbours— he found out M^r. Galt at once, but M^r. Galt with Spectacles & all, cou'd not recolect the Skipper, till explanation took place ; a thing which proud Spirits can Scarse Stoop to, but the Cap^t Soon informed him who he was— on which M^r. Galt Invited him to go up to our house & take a bit of dinner, which he refused altho' we were better provided than usual, which I knowing, Seconded M^r. Galts proposal, with every possible Argument, but it Seems he had Something to do on board, & he Said he was not Sure but he might Sail that night for Irvine.— however, after he had Caled upon his friends, he in $\frac{1}{2}$ an hour Came to our house, and his Mate alongst with him, who had a Quid of Tobacco in every Cheek, as Large as 2 Walnuts So that he Looked like a highland piper filling his Bag-pipe,— I then opened the provision Box & took out a few Biscuit & a Bottle of Rum drank grogg, & Chatted for a whole hour, when the Cap^t turned merry and insisted upon our Going back in his boat to Lamlash, & dining with him on Board the Jenny, on Such fare as the Ship Could Afford.— being Idle men, we had no excuse left us to refuse the Invitation, which the Skipper knew very well, & therefore half forced us aboard his boat— as the Wind was all a head, we had to row all the way, but 4 Good Oars made the work easy, & we arrived Safe on Board the Jenny, where we dined on Good Broth, Salt Beef & Biscuit, & made ourselves very happy with the Captains Gin & Grog— I was now tired of the Cabin, w^{ch} is always much lumberd after a Voyage, & therefore went upon Deck, and

observing a hand line at the Stern, I threw it over, and in $\frac{1}{4}$ of an hour Caught a Dozen very fine fish.— We then went on Shore, and treated the Cap^t at the public house in Lamlash, with 3 Gills— whilst we were Sitting here, I peep'd out of the window, and Saw a poor Girl whom I recollected to have often Seen in Glasgow ; She had a Child in her arms— I Saw She was a Stranger here, and as I Saw no body taking any notice of her,— I caled upon her, telling Cap^t Alexander that I was Sure She was a Good Girl, and one that I had Seen in Glasgow, but, I knew not her Name She however, wou'd not be perswaded to Come into the public house, till M^r. Alexander with much intercession prevailed upon her— immediately on her Coming into the room She recolected and named me at once— we then gave her Something to drink— I asked if She did not come from Glasgow She answered in the affirmative, & named Several people that I knew with whom She lived— I found the poor thing had been Married about 18 months ago, & that her husband was Gone to Dublin where he was thriving, and had wrote for her, & of consequence, She was following with a very Sickly Child, & with all her Clothes, & furniture, which were on board a Sloop in the Bay, which being wind bound, waited here in Comp^y with Several others.— She was so very Simple however, as to part with all her provisions, to her fellow passengers, who I observed, to be people of a Quite Contrary Stamp to this poor woman *they* looked like the *worst* of *women* & the *men* looked very *neer-do-well like* ; for there Seemed to be 6 or Seven besides this poor Christian whose *face* & *modesty* prejudiced us all in her favors These passengers were faring Sumptuously upon this honest Creatures provisions, whilst She was runing up & Down in Search of meat for the present & also for the remaining part of the Voyage, but no body, She Said, wou'd part w^t what they had.— I pitied the poor Woman, for Women, *are* to be pitied if in a Strange place, & in Similar circumstances,— So after She had drank Some Grogg I bought a Leg of Mutton to her, & prevailed w^t Cap^t Alexander to part with Some of his biscuit to her, w^{ch} he assured me he wou'd that night give her out of the Ship— Blush Charles ! for I believe this is the Best deed thou hast done, Since thou Camest to the Island of Arran ! Our taking So much notice of this poor Body, however, procured her Some degree of Credit with the Publican, in whose house we then were— it seems that before this he had refused to admitt her into his house, but so Soon as we began doing her Some office of humanity, his frozen heart

began to thaw, & tho' it was now 8 o'Clock at night & we had near 3 miles to walk home we woud not leave the house till our Landlord made a promise that She Shou'd not want for any thing, that his house cou'd afford whilst the vessel Staid, in which too he promised to Charge no profit— Then Says I, begin & Give her Salt for her mutton, which he readily did and Charged nothing for it— All of us (I think) had the modest prayers & thanks, of (I believe) a poor, yet *Virtuous* Woman— ample payment, for So small an outlay.— well, home we trudged, with lighter hearts, than ever Rumbold or Clive possessed, after Cutting the throats of a thousand Asiatics, altho Such Carnage might Cram their Strong boxes Choke full of Roupees— money, is a Curse, if it is ill laid out, And (can be) a blessing (*then only*), when it is employ'd in a Good way

This night Brought as a new lodger at Batchelors-hall, a Mr. Roxburgh, whom we the more readily admitted, as he Brought with him, Bread, Rum, Sugar, Some Vegetables, & Some Excellent mutton, ready roasted, & Quite Cool for eating.— this Supply is the more Acceptable, as our own provisions are neither So *good*, nor So *fresh* as these, & besides all, are nearly Consumed, owing partly to the keenness of our Appetites, and partly to our Liberality to neighbours and Strangers.— I find Roxborough is a Boisterous, roaring Blade of a Tar ; & that Miss Jeany Patterson is his Flame.— these circumstances, are leading Strings enough, to an Acquaintance-ship ;— Altho' I never Saw him before, we are almost well enough Acquainted to be free with one another— But I *must* to bed

Thursday 24th

We may thank the Wetness of this Morning for a new Breakfast (Viz Tea & Bread & Butter) & Mr. Roxburghs Company, for Jeany engross'd all his thoughts— “D—n the Rain” “Curse my old Shoes” were only Simple things, to what he annexed by way of making a well turned period.— however we Breakfasted together, but no Sooner did the Sun push through the Watry Clouds, than Jack Button'd his Coat, & Swore “he woud get “down, if it Should Rain *Old Wives*, & Great Guns”— Mr. Galt & I play'd a few Games at penny Stone, but I beat him so confoundedly, that he lost all heart, & proposed reading apaper of the Spectator— “why Sure it wont teach you to play at Quoits—?” this nettled him “Damn it” Says he “I'll go & See Miss Shaw “or Miss Niel”— “do” Says I “& I'll go & fish your Dinner

“for the Birns are Down”— Away we went, taking different routs, to our respective Amusements— I had Just begun the Sport, & do think, I woud have made a very Good hand of it, had not Christian come running up to me, & told me that “M^r. Galt “& a Bra’ Gentleman wae a rid Coat was in the House & had “Sent her to desire me to Come & Speak with them”— with reluctance I left the Sport, but was Shock’d with myself, when I recollected that the Stranger was my Guest, & that it Cou’d be *no other* than Cap^t Hobbard, who had Come over, in yesterdays boat, with a M^r. Boyd, M^r. Roxburgh & Some others.— I immediatly wound up my fishing tackle, & marched homeward, and found it to be no other than Cap^t Hobbard, to Whom I was Introduced by M^r. Galt.— Cap^t Hobard has been long in America, & was unfortunate enough, to be among the rest of these *poor*, but *Spirited Clever* fellows, that were under *Burgoyne* when taken.— Cap^t H. is a *fine merry hearted*, facetious Gentleman, & one of the best players on the German flute, I ever heard.— So much So indeed, that I dont know, if I will touch a flute again this month, for I am perfectly Sick of my own Music.— we drank alittle of our Grogg, & he insisted on our Going along & eat a Bit of mutton with him at his house, we Consented & found there M^{rs}. H. Miss Niel & a Miss Hamilton from Edin^r. who also arrived yesterday— Miss Hamilton, Seems to be a very delicate young Lady— I doubt the Air of Arran, is too keen for her.— Dinner was Soon on the Table— but owing to C^t. Hobards merrymment, & the Chit Chat on all hands, we Sat long, & eat much, & Concluded all, with Some Toddy— after^{*} which Cap^t H. entertained us, with a vast variety of Tunes on the Flute, Accompanied in Some of them, by M^{rs}. Hobbard who Sings very well.— we then Walked about, as the evening was fair, & as I had the Keys of the provision-Chest and fearing Lest our Son of Neptune Shou’d be roaring for meat, I, & M^r. Galt, took leave of Cap^t H. who went up the Birn to Visit the other Ladys there— by good Luck, we arrived at Batchelor Hall, $\frac{1}{2}$ an hour before M^r. Roxburgh, but he no Sooner came in, than in a Voice, that woud have made every Soul hear him from Stem to Stern of a first rate he roared out— ‘CHRISTIAN’!

“D—n your B—d Bring the Mutton & patatoes!” Christian *heard*,—but I *answered*, for I had all under Lock & Key— “why M^r. Roxburgh” Said I “I think Love, both “strengthens your *Lungs*, & whets your *Appetite*”— “D—n “me” Says he “if I love any thing that does’nt both—” So

applying his lips to a Can of Grog—"Here's your health D—n your Blood!" "well" Says I "heres Miss Jeany Patterson"

"Ah my Boy Drink it off if it were as Deep as H—I I'll "pledge you"—I did So, & he was as good as his Word—He was so intoxicated with the Charms of his dear Jeany, that we cou'd not get a rational word out of him, from 10 till 12 in which time, I believe, he Sang 4 Score Songs, whilst M^r Galt & I, so willingly fell in with his Humour, that we Sung our selves Hoarse, and beg'd of him to desist till next night,—he was the more easily perswaded to give it up, as he found he was begining to be foundered himself—

Friday 25

No sooner had poor Roxburgh opened his Eyes this morning, than he Saluted it (now considerably advanced) with a *Loud roar* of a Song, by way of Clearing his pipes.—this by the bye was a plan of a Certain Virtuoso Or one of your *Literati* that I have heard of, Some where, who every morning, So Soon as awake, used to Run in his Shirt to the window, & Repeat in as loud an Accent as he Was able, Several of the Hardest Greek Verses he cou'd find in Homer, which he *Said* or *thought* was an excelent method of both Strengthening his *Lungs* & improving his *Voice*,—but I very much doubt if our Lodger, is so *Servile*, as to make this Genius or any Land Lubber (as he calls us all that never Lost Sight of Land) the object of his imitation—no—it was a mere impulse—of *what*, I dont know, if it was not mischief—for what had we poor people, who were enjoying Sound Sleep and agreeable dreams to be plagued w^t

"Too much care will make a young man Look Sad
 "And too much care will make a young man go mad
 "But thou Shalt dance & I shall play
 "So merry we Shall be
 "For I hold it one of the Wisest things
 "To Drive Dull care away"

How ever this was our mornings Salute, after which he flew to his Clothes, & dressed in 10 minutes, & away he went to Breakfast w^t Jeany, leaving poor Hugh & I, to our own Meditations.—After M^r Galt & I had breakfasted, we Ventured once more to Bathe, and having play'd at Quoits till dinner time, we did not Spare M^r Roxboroughs mutton, altho' he was absent (for Lovers are always So—but thats a pun—nay there was 5^{lib} of the mutton—but thats another pun—nay it is 5 of them—will there no end to this I will Stop—) well M^r M^cLiesh & Cap^t (or rather Doctor)

Shaw (for he both fought & Bled—(more puns) under General Murray at Fort St. Phillips—the Doctor & Mr. McLiesh, I say, Just whilst we were exercising our knife & fork, cald upon us—drank Some Grog, & went w^t their Guns in Search of Some fowls, but returned without Success;— we went home with them, & Miss Shaw being at home, we chearfully embraced the oppertunity of an Invitation from the Doctor to Drink Tea with her & Mr. McLiesh.— we were pretty Happy, till about 7 o'clock Mr. McLiesh thought, it wou'd be a Good night for fishing, So Cap^t Shaw Mr. McL. Mr. G. & I rowed out about 2 miles & got only a few Dog fish and Some whitens the first of these is a very ugly fish and quite detested by all fishers who generally cut their head off & throw overboard as they are ill to unhook & destroy the Lines Like an Eel, what was pretty Surprising I observed that Boatswain always flew at them as if they had been Rats, whilst he never So much as looked at the other fish, whither he read in our Countenance, our *hatred* at them, or Actuated by pure Instinct, I cannot tell, but Sure enough, he cou'd not have displayed more Inveteracy at any noxious Annimal, than he did at the Dog fish.— Night coming on we rowed Back & went home—no word of Roxburgh— the Ladys have realy bewitched him—

Saturday 26th

It is not an unpleasant thing to hear the Billows roar & Beat on the peeble Beach—to hear the wind whistling about the roof, whilst Some Solitary tree at the end of the House in a kind of Trio makes natural responses whilst we are Safe ourselves & protected on all hands— The wind being very High this morning, I partook of this pleasure Such as it was,— I cannot now recolect how many Vessels of diff^t Burdens went past our Window, during the Hurricane;— Several of them Seemed full Loaded,—& a Strong Southerly wind favõred Some of them, whilst it Chased others for Shelter, into Lamash, after Beating about for Some days, in order to get out to Sea—. How magnificent a Sight is the Sea— So Seldom am I blessed with the prospect of it,—that I, almost never view it without a kind of religious Awe & pleasure, whither in its Boisterous or Serene States.— This morning whilst I was Viewing this August Spectacle, while Hugh was pore-ing on the Spectator, & I, insensibly (as I was leaning my head upon my Hands) fell into the following (Categorical) *Soliloquy*— How long hast thou retained thy present Situation?— How many fathom art thou in

thy Deepest profundity?— How are thy Subterraneous recesses peopled?— How many millions of annimals doest thou give birth & Life to?— Where are these inexhaustible magazines of Salt, which with continued infusion, preserve thee from putrefaction?— what a number of Inhabitants doest thou Support!— Fish of all Shapes and Siezes!—like the Terrestrial annimals, Some please the Eye, and Some Shock the Sight— Some excite our Smile, while others provoke our hostile hand,— Some raise our aversion, and others Seem to Call upon our Pity— Some are trimm'd in Silver, and Some in Gold— Some Seem to have borrowed their Garb from the refuse of the ocean, whilst others are wrapt about in Suits, that for the Brilliancy of their Spots, & vivacity of their Collours, far outstript the Beggarly imitations of Manchester—. others Seem calculated for Hostilitys, and Continually carry their Amour on their Shoulders— Some are So Exceeding Small, as to be Scarsely perceptible, whilst others are tremendously Large—! prodigious Ocean! Hou many of the unfortunate Sons of Adam have in a moment been Swallowed up by thee!— Hou vast are the Treasures which thou Containest!—Durst yon gripping miser Leave his Iron Box without Dread of being plunderd, He wou'd venture to thy very Extremitys in Search of Golden Ore—— Here I was interrupted in my Soliloquy, by receiving a good Slap on the Shoulder with the Spectator from M^r. Galt who roared out—"G—ds Curse man "I believe you're in a Brown Studdy—whats the matter"— I answer'd (like a Child that) "I was looking at the water"— he Laugh'd— why d'ye Laugh? "because I think you might "employ your time better,"— "why, I'm Sure the Subject is 24 "miles Broad,—unmeasurable in Length and as to its depth—"you know, *your* line which is 23 Fathoms *cou'd not reach it* the "other day— now, In imagination, I have Explored it—visited the "miriads of its inhabitants, & Sumoned up many Shapless, Beautiful, terrible, Shapely & well proportioned fish, whilst you have "been reading the Tea Table chat, Current in the year 1712— pray "what mighty improvement have you Acquired in the Land of "Letters?"— Breakfast being over, and the day Quickly calmed — when M^r. M^eLiesh & Doctor Shaw, called upon us & Drank Some of our Grogg— they had their Guns with them— we Accompanied them to the Bay, where they killed two plover—that Madcap Roxburgh had prevailed upon Miss Jeany Patterson Miss Brice & Miss Banatyne to Accompany him & M^r. Boy'd (his Great Companion) to Lamdash— they Were all provided

with Horses— but Scarse Had they mounted, when I Suppose Some of the Company (I suppose our Lodger) Set Spurs to the Horses & poor Miss Banatyne Losing her Seat fell Back & was taken up for dead— by Invitation, we came & Drank tea at M^{rs}. Banatynes, who Inform'd us of the misfortune which if We had known we wou'd have postponed. For when trouble is in any Family it is a hard matter to behave in Such a manner, as not to Seem, either *rediculously disinterested* in the *present & immediate* concerns of it; or *rediculously affected* therewith— the first I am apt to Look on as an *insult* done the family—the *other*, is an implicit charge of Hard heartedness against *them*—for they *will* upbraid themselves when they see a *Stranger* feel So much, unless Better Sense falls to their Share, than is Generally the portion of most part of people— Called with M^r. Galt on his Sweet Creature Miss Heely Shaw and Miss Brice— Both of whom we found as Bussy as Bees— after Chatting Some time, we repaired to Batchelor Hall, where I am now writing & waiting upon our Marine, who I suppose is engaged with his Ladys who were at Lamlash with him— M^r. Galt now Insisted on Reading all my Journal, which I chearfully agreed to, but as I Saw my write was too bad for him to make any progress, I read the remainder myself, which furnished us with a method of putting bye the time till Supper time—

Sunday 27th

There are no Bells here to anounce the parsons intention of Holding furth— I'm told it is a popish Custom (the ringing of Bells,) whither it is aversion to any thing that Savōreth of the *Beast*, or the Scantiness of their funds, I Shall not determine, but Sure enough, there is not a Church in the island with one to it— but I am apt to believe it is rather owing to poverty than principle— indeed the people are all So far Scattered that perhaps the Sound of a Bell wou'd not reach $\frac{1}{3}$ of them, but it is hard even on that proportion to Come to Church in a Cold winter day & find the doors Shut, which I am told is very frequently the Case, without intimation there of the preceeding day, for the people Say that the Minister of Lamlash preacheth only when he pleaseth, but they also Say that when they Hear what Company he has been with on Saturday, or what Company Dined with *him* on that day, they can draw Shroud Conjectures whither there will be Sermon or not.— The *Clergy* think the *Laity* are Dull, Stupid annimals, where as they are Sagacious enough to detect *their* errors, & policy

enough to Shun Some of them— Superior Learning will not encrease, though it may improve our Abilitys— *Judgement* then, may be the portion of the most *illiterate*— if So, *his* opinion must have weight altho' deliver'd in words not cut & carved conformable to Grammatical rules— but, Such is the frailty of Human nature that we no Sooner arrive at any degree of knowledge, than we contemn all whom we are able to instruct, & are allways Sure to be so proud of *attainments*, as to despise instruction, or advice, from people whom we judge not *So learned* as ourselves— 'tis no wonder then that Certain Sects of Christians affirm that a regular Education is by no means necessary to Assist in preaching¹ the Gospel, for Seeing that the effect of Human Learning is the promoting of Pride, & that the Genius of the Gospel is to Discountenance it, & promote Humility—they undoubtedly have reason on their Side—

Mr^r Galt & I agreed to go for the Last time to Lamlash Kirk where there was a Great number of Genteel people but I thought Our Acquaintances Miss Niel Miss Shaw, Miss Binnie & Mr^s. Hutcheson of South field & I dont know how many more Quite eclipsed the rest of the Congregation, fortunately, we all were crowded into a Table Seat— As all the Ladys had Horses, & Mr^r Galt & I were walking— we Set off immediately after Sermon.— a fine northerly wind having Struck up when we were In Church, we had the pleasure of Seeing no less than 10 Sail of Vessels, Crouding all their Canvas, to get out of the Bay.— it was really a pretty Sight— I fancy our Dublin woman is among them— well a Good Voyage to her— they were all out of Sight in about 3 or 4 hours— After Dinner, we entertained ourselves reading Spectators at the Door on the Green where We had Spread an old Blanket Sail on which we reclined ourselves, & read our book Like Good boys— about 5 o'Clock, However, our Studys were disturbed by the arrival of Some of our freinds, who had been hearing Sermon at Lamlash, and were Coming up at full Gallop and coud hardly Stop their Horses when they came to Batchelor hall— however they dismounted—viz

Mr^r Hamilton Robertson, Miss Shaws Lad,

Doctor Shaw

Miss Niel

Miss Hamilton &

Miss Heely Shaw— they did us the Honor of

¹ Over the word 'preaching' has been written—now almost erased—the word 'practising.'

Drinking tea with us, and with agreeable Chat we Spent about 2 Hours together, which, the Ladys told us, would Likely be their Last Visit at Batchelors Hall (as we intend departing tomorrow)— Scarse had we got these Ladys mounted on their poneys, than we were favōred w^t another Company of Ladys who also came to take farewell of us— there were about 10 or 12 of them Accompanied with M^{essrs.} Boyd & Roxburgh the Ladys having Drank tea, we allowed them to rest alittle, & then we had recourse to Grogg, of which when they had all tasted alittle, we Sallied out With a Slow pace to Kings cross & in order to give a Collour to our Walk we agreed to drink Goat milk there— The Town consists of 4 or 5 Houses— the Sight of Such a number of people Looked like an invasion & Brought all the people in the Village to their Doors, Some were Leaning on the Dykes, & others Lying over the Fences, but all of them were very much our Humble Ser^{ts} when we approached & touching their Bonnets, or Clawing their Heads, or making acward Courtseys, they by these Signals testified they were not used w^t Such Visits or So much Good Company on a Sunday night— there was only one of them that understood English— to him we Signified our Errand, So having planted ourselves on the Grass, we Soon received what we wanted, and drank in presence of about 20 Gaping Spectators about 5 pints of Goat milk— we then went homewards, after paying for our milk, which however we were obliged to throw down on the Ground, for we cou'd hardly perswade the people to take any thing for it, as they thought themselves honored by the Visit— had we been at Kildining we wou'd have fared otherwise— We then took Leave of the Ladys, at our own house into which they woud not be perswaded to venture again, as they Said it was now too late— M^{r.} Roxburgh finds this night very hard upon him— he is now as much Chop-falen as he was a few nights ago, *immoderately happy*— well, it preserves the poise— commend me however to an Evenly temper— the remainder of this night we employ'd in packing up our alls.

Monday 28th

The Boat we came & meant this day to have gone in, is the Property of M^{rs.} Patterson Family, as this Lady means to Accompany us—the Boat will not Sail till Said Lady is in a Humour for it— they are to be pitied who depend wholly on the Caprices of any Woman— She is a Great Coward on Water, having once got a fright that ever Since intimidated her— She did not feel Bold

enough to day altho' She gave out, that this was to be the day of departure, which however, She has postponed till tomorrow, altho' this was as fine a day as cou'd be, & the wind fair, tho' little of it— It vexed us a little this, as all our Baggage was Carried down— and as we did not know but She might take it in her head to go off early to-morrow morning, We Lodged all our articles w^t M^{rs}. Banatyne which is near the Boat— Well Patience and resignation are Christian Virtues, We therefore Studied to make our disappointment subservient to us, So we all went a fishing— our Sport was dull & the Day was Warm, & having Cleared our Quarters at Batchelors hall we embraced an Invitation to Dine and drink Tea at M^{rs}. Pattersons where was present her two amiable Daughters— after Tea we fell in with the two Miss Brices Miss Shaw & M^{rs}. Banatyne & M^r. Robertson all of whom were fond of having a Sail, but the Evening being So hot, or rather our being So Lazy (and altho' they offered to take Spell about as the Sailors call it) we had the address to Shift it, which they Soon Saw, and proposed a Walk to the Kiskadels about a mile or So up Hill mostly, & to give an Air of Bussiness to the Walk they purchased at different Houses about 5 doz Eggs at 2^d per Dozen & Some fowls at 6^d per p^r.— we then walked home with our purchases, & as our own provisions were packed up, (which by the Bye consisted of only a few handfulls of meal ½ doz Biscuit and about a pound of Mutton & Some rum) we went & Suped with the Miss Brices— We then went to our old Quarters, which Christian Expected wou'd be the Case, altho She would not discourage us by the Information— with M^r. Roxburgh I Spent a full half hour Explaining to him the nature of Love & what a Glorious Passion it was— the Influence it had upon men of diff^t Tempers,— how powerfull an incentive it was to Action &c &c in short my discourse was heard with attention both by M^r. Galt & Roxburgh, the Last of whom frequently, in the midst of my Rhapsody, cry'd out—"Give me your hand my "Boy— D—n me If I dont think So myself— but who i'the "D—I told you all these things—! you'll be Some D—d "Methodist, I Suppose, when at Home now"— "No no Said M^r. Galt "but I'll be Cursed if he has not been Studying it these "10 or 12 years"— Gentlemen if you have felt What I have Said, you Shoud rather Applaud than Critiscise— I will therefore proceed to the Sweetest part of my Subject I mean the

APPLICATION!

"For the Love of G—d Lets have no more of it" Say'd

Roxburgh my head is Light with what you have already Said—
 “if you do I Shant Sleep”—— finding the half of my Congregation
 dissenting & being pretty tired my Self I willingly gave it up in
 hopes thereby of Geting 10 minutes more Sleep myself So to bed
 we went & waited with Impatience for the Light of

Tewsday the 29th

which Blew a perfect Tempest & rained so hard that even Mr. R.
 was obliged to keep house with us & play at pitch & Tost—
 Tho’ we had been never So willing it was imposible to Sail
 to day, being therefore fairly Storm Sted, we amused ourselves in
 the best manner we cou’d till 5 o’Clock afternoon when we went
 to M^{rs}. Hobbards to drink Tea— this was a Lucky thought for
 we were designed after tea to have gone and taken a formal
 farewell of all the Ladys, but were Saved that trouble as one
 half of them Drank tea here & the remainder with the 2 Miss
 M^cAlastirs of Springbank came afterwards— So many young
 folks together implied a Dance, So having procured the piper of
 the Cutter we fell to work ; I had the honor of footing it away
 with one of the 2 Miss M^cAlasters, whom Miss Brice whispered
 me, were the very Gayest people in the Island & the Duke of
 Hamilton when here frequently danced at their House & with
 “*my partner*”—— I gave her a twitch for her Information & told
 her that if I had known it & thought *that* any Honor, I certainly
 wou’d have given the perference to Some other Gentlemen there,
 who had a better right to it— your Servant, M^r. Modest
 Humility— your Servant Mem—

Had my Strength, been equal to my Spirits upon this Occasion I
 woud have enjoyed it Better, but, *Disappointments* clogg’d my
 Spirits ; my Boots were heavy on my Legs & two pocket fulls of
 little matters, which cou’d not So conveniently be packed up with
 our other things, weighed So heavy as Considerably to impede *my*
Exertions—foolish fellow ! however we finished the Diversion by
 Introducing a Spae wife who in broken English promised good
 things to most part of us— After taking a Sorrowfull Leave of
 the Ladys we proceeded homewards, hoping that the Old woman
 M^{rs}. Patterson will be courageous enough to venture her precious
 body in the Boat To morrow—

Irvine Wednesday 30th

The Good old Woman plucked up a Good Spirit this morning &
 determined to venture on Board, in Company w^t Miss Brice a

Miss Patterson M^r. Boyd M^r. Roxburgh M^r. Galt a number of Highlanders & myself we Set Sail about 9 o'Clock and in two hours & 50 minutes arrived Safe here with a Cargo of Sick Passengers— dined with M^r. & M^{rs}. Dunlop, & hearing there was a Company of Strolling players in Town I went w^t Several Irvine Bucks to See Douglas.— was poorly entertained with the play, but then I fell in with M^r. John Wilson a M^r. McLean & a M^r. Frazer of Greenock all dressed like Tarrs w^t round hats, Jackets & trousers,— if M^r. Wilson had not roar'd out to me I Should not have known him he was So disguised— they have the pilot Boat w^t them and are Going as far as Campbleton for a pleasure Expedition, but were obliged to put into Ayr J Wilson was exceeding funny— after drinking a Bowl with them, I saw them fairly lodged in their Chaise w^{ch} Carrys them to Ayr this night, where I mean to be tomorrow—

Thursday 31st

Having mounted our horses, we proceeded Accompanied with fine poneys and a fair day— M^r. Galts Shortsightedness was now more felt by me than ever, for there was not a Gentlemans Seat that he Cou'd give me the Smales certain Account of, altho' born in the very neighbourhood— however, we rode Smart, in order to overtake Some person or other who cou'd give Some Account of the Country, but without effecting this we arrived at

AYR

which I confess is a neat Town enough, but by no means So Cleanly as Irvine— having traversed the Streets, observed their Public buildings, & Look'd at their Harbour, we returned to the Tavern and dined together— took Horse & made off again for Irvine— when we were half way, by Good Chance we over took a Country man on Horse back who was going to the Same place— he was well Acquainted with every Acre of the Ground, and gave us every information we wanted— In order to make the most of our Time after our Arrival at Irvine we Drank Tea at M^{rs}. Patterson's in whose Boat we Came over— After Tea we Caled on the Miss Brices— we then went once more to Look at the Country round the Town which owing to its flatness & the improvements visible every where give one an Idea of its fertility and the riches of the proprietors— In Company with two or 3 Irvine Bucks we Caled upon the Players at their Quarters and finding them to be entertaining enough in their own Line, we treated them with Several bottles of Porter— Garrick & M^{rs}. Siddons, furnished us with an

hours talk, and—having now and then a Song between hands we Spent this Evening but with very Little Satisfaction (to myself,) for the greater part of their Songs were Calculated for foxhunters—Drunkards—Debauchees, or Fools

GLASGOW

Friday 1st August

Its a good thing to have a freind at Court by virtue of it I procured a Seat in a neat Chaise hired by M^{rs}. Granger (an Edin^r Lady) to Kilmarnock— M^{rs}. Granger was on her way to Edin^r So we were Fellow Travelers all the way to Glasgow— She is an Excelent Body & fine Company— Assoon as we arrived at Kilmarnock we procured tickets for Seats in the Glasgow Diligence— There was 3 boys w^t us who had been at the Schools in Kilmarnock & were on their way to Port Glasgow the Place of their Nativity,— being Informed there was another passenger a Comming, we waited a full half hour upon them past the usual hour.— losing all patience, and the Crowd Gaping at us, we ordered the Driver to get forward when— “Avast Brother”! was Vociferated as thro’ a Trumpet— “Dont weigh Anchor till “you get your Cargoe on Board”— it was a Drunken Tar, who was talking with Some of His Companions behind the machine— I was Sure we woud get fun, After he had fairly planted himself beside 2 of the young Boys, and the Diligence had Got clear of the Town we Chalenged him for not appearing Sooner as we had waited full 20 minutes on him— “D— me if I wou’d not have “waited till the wind Shifted” Said he “before I wou’d have “enter’d the Ship till I knew if all hands were before me— Jack, “Thom & I, were just over hauling old Storys till the Canvas fell “a trivvesing— “well but” Said M^{rs}. G., “you might have Seen “that all the Passengers were in but yourself”— “why d’ye See “Madam, I thought I might Assoon account 3 muskettoes your “passengers as any of these D—d Little fellows— Give me “your hand my Boy”— you may perhaps be an Admiral of the “Blue you little Dog—” I Suppose Jack you have been on Board of Man of War”

O D— me that I was— look that D—d Eye of mine”— all round it I saw where Several piles of powder had Lodged— “I lay 3 months in my hammock w^t that D—d Eye” Said he Giving it a Blow w^t his fist— “what 3 months”! “yes faith 4 “months & a fourthnight in Blanket Bay under Cape Rugg & all

“that time I was out of my Senses”— “in what Action did you get it”— “why did you ever hear of the 12 of Aprile”— “yes”— “well”— winking very hard & Looking Very Arch— “that was a Day”—! here he Launched out in the praises of the British & (to Magnify that the more,) into the praises of the French, to a most immoderate Length— his own Exploits were also rehearsed with all the rhetoric of a Veteran, who in the recital of his adventures Seems to repeat, both by his Gestures & Speechs the very part he play’d in the Scene of Action— he Several times in the midst of his description knocked off the Boys hats w^t as great facility as the heads of Frenchmen— for the Elbows &^c of a Drunk man & especialy of a Drunk Tar are insensible— the Hardness of their work (even *without inebriation*), so braceth their nerves, as to render them less Susceptible of Delicate Sensation— Both M^{rs}. G & I found Jack however to be a lying Dog & often detected him, but the Same impudence which tempted him to attempt to deceive us, furnished him also with Specious reasons for his Assertions— it had been the Fair at Kilmarnock the preceeding day, & Jack had Just come home w^t 32 Guineas as his proportion of prize money— it flew about like feathers it seems, for having only 2 Acquaintances in the Town he insisted on Having a Frolic and made them Bring a dozen of their Friends & Some Girls & 2 Fiddlers, with which Society, Jack Drank & Danced till morning, & when he came into the machine he had just parted with the last of his Company— his tawdry appearance Justified this account that he Gave of himself— turning pretty familiar on the road, M^{rs}. G. asked him “If he was at all the Expençe”— he Said he was— “& how much was that pray?” “—that is Sailing nigh the wind, but madam call it 2 Guineas & “you are within 10/6 of it”— “& how Long was you in the “Service?” “why about 6 years— O you are Cunning madam I “Spy what mischief you are meditating your looking Smart after “me— now I’ll wager all that is here Left of 32 Guineas”/ pulling out his purse in which thro’ the Mashs I saw about 12 Guineas/ “that you are going to tell me how Bigg a fool I have “been— why Says M^{rs}. G you are right for once, and I cannot “help telling you that you have been a Great fool indeed you “have Spent as much in one Night as might have Supported “Some familys a whole month— besides your last nights frolic “or folly, has cost you 6 months of your Labour for all you have won by your 6 years Service is 32 Guineas—”

——“well Mam, I believe you keep a very Good reckoning, but

“you know the old Saying—Sailors win their money like Horses
 “and Spend it Like Asses, and an ass I believe I Shall Live &
 “Die”—— “well but have not you a mother——” “I hope in
 “G—d Shes dead 5 years ago— By G—d I woud not go near
 “Glasgow If I thought She had eat a Biscuit this 5 years— *She*
 “drove me to Sea— I might have been as rich as a Jew and as
 “fat as a Hog, but the Jade woud Give me no rest but always
 “took my Wages & Drank it like a Devil as She was”—— “what
 “Trade was you before you went to Sea?” ——“I wrought in the
 “Glass house” Here an old Beggar Woman going Past— Jack
 roared out—“Here D— your B—d,” and threw a handfull of
 Half pence at her.— A Marine Officer going past w^t 2 Ladys—
 “Jack! do you know that Livery?” “O D—n him— I know
 “that fellow by the Cut of his Gib”—— As we went nearer
 Glasgow, the Grounds were more familiar to Jack for he pointed
 out where he used Steal wheat & pease, where he had a Bonnet,
 & where he had a Coat taken off him— As the machine drove
 Exceeding Slow Jack Haild the Driver & orderd him to “take
 out all his reefs” & “clap on the Studding Sails”—— At last we
 arrived— I dined at the Saracen with M^{rs}. G. & having Gone
 through part of the Town with Her I called upon my friends &
 found them all well & So ended the expedition to ARRAN!^{1 2}

C. H.

¹ At the end there is pasted a memorandum in pencil on a piece of bluish notepaper :—‘Miss Morrin, one of [illegible], Miss Jeany Brice, Mrs. Crawford, Hillend, Greenock; Miss Polly Neil, Mrs. Lightfoot, of London, sister to Mrs. Constable; Miss Betsey (?) Brice, afterwards Mrs. Boyd, of Port-Glasgow. Communicated by Mrs. Edward Connell, of Manchester, formerly Miss J. Montgomery, of Irvine.’ This memorandum is addressed on the back ‘Edward Connell, Esq.’

² The terminal C. H. is on the final fly-leaf.

Precedency among the Canons of Carlisle

THE dissolution of the chapter of Carlisle Cathedral during the civil war in the middle of the seventeenth century was not attended with any permanent break in the traditions of that establishment. After the Restoration in 1660, when the chapter was reconstituted, the threads of administration were taken up by the new dean and canons, without appreciable change in the old methods of procedure. In an institution of this kind, composed by its very nature of elderly men, a period of sixteen or seventeen years must necessarily cause great changes in *personnel*, but by a happy coincidence there was one comparatively young canon in the chapter at its suppression in 1643-4, who bridged over the intervening period and ensured a continuity of administration in the revived institution.

Lewis West was the only member of the old chapter who survived the Restoration, a man of high intelligence and ample knowledge of the traditions and customs of his cathedral. In the administrative work of the restored chapter he took a prominent part. The liturgical revival, associated with the great name of Archbishop Laud, had full expression in the cathedral while he lived. The ritual observances were carried out on the old lines: old forms of procedure were continued. Bishops were elected and enthroned, and deans and canons were installed, according to the old rites.

The statutes of this church, under which the capitular body discharges its duties, are so general in their scope that much discretionary power is left for the management of details. If it be true of civil life that *de minimis non curat lex*, the law of cathedrals often lumps great things with little things and cares for neither. For instance, since 'the spacious days of Queen Elizabeth' it has been a subject of complaint that the statutes of Carlisle make no provision for the mode or rite of enthroning bishops or of installing deans and canons. As the law of Carlisle leaves such things to the discretion of the chapter or perhaps of the dean, tradition becomes an important element in wise adminis-

tration. But when five earnest men of mature years, each more or less independent of the rest, are associated in a corporation, charged with the furtherance of a high purpose and governed by a code of rules conspicuous for their elasticity, the wheels of progress are apt to cause friction or generate heat. To the credit of the dean and chapter of Carlisle be it said, that they have been, all things considered, singularly free from domestic broils throughout their history. The student of ecclesiastical records does not welcome tameness. In church as well as state it is often the mischievous man who makes history, and, happily, very few of such disposition have found a resting place in the cathedral of the Border city. When the eye is thrown over the modern story of Carlisle on its ecclesiastical side, there is scarcely anything to arrest attention or relieve monotony, except the occasional vagaries of some eccentric dean or ambitious canon.

After the Restoration, however, when the expositor of the old traditions of the place was dead, one of the new canons was so exercised in his mind about the indefiniteness of the Cathedral statutes on the matter of precedency that he took the trouble to make elaborate investigation and submit it to the judgment of a learned friend. It was not exactly an inquiry as to which of the canons should be accounted greatest in the capitular body, but which of them should sit nearest the dean in church and chapter-house or precede his fellow canons in capitular functions. It may be assumed that one canon alone was obsessed with the need for guidance: in the letter below he ascribes the origin of the doubts to another, but there is other evidence to show that he himself was the person chiefly interested. Jeremy Nelson was in many ways a remarkable personage, though by no means a personage worthy of imitation. While he was canon of Carlisle, 1667-1685, he was a source of anxiety to his bishop, to his brethren of the chapter, and most of all to his distinguished father-in-law, Dr. Isaac Basire, archdeacon of Northumberland and canon of Durham. One dean of Carlisle tried to befriend him, and another treated him with scant respect, but Canon Nelson remained restless and wayward to the end of his life.

The documents here reproduced, for the first time, from the Hunter manuscripts¹ in the library of Durham Cathedral bear no indication that Nelson's letter was addressed to Dr. Basire, or

¹ Most of these manuscripts were collected by Dr. Hunter, a Durham physician a century or more ago, for the purpose of writing a biography of Dr. Basire, a task which he failed to accomplish.

that his Four Cases about precedency at Carlisle were submitted to him, or that the opinion expressed thereon is that of Dr. Basire, but there is little doubt that such is their true ascription. Whatever else may be said of the author, it must be acknowledged that he was diligent and sincere in his inquiries. In the circumstances of the period from which they emanate, the contents of the documents are neither surprising nor lacking in interest.

[LETTER FROM CANON JEREMY NELSON.]

Carlisle, Dec. 8th, 1670.

Sir,

I was very unhappy, my urgent occasions calling me away from you so suddenly, remembring very well my former happynes when I was near you & under ye influence of yo^r commands & directions. I must also beg yo^r pardon of that trouble I gave you in the paper of Cases about precedency: I think I need not repeat to you that M^r Sill¹ is the person therein mainly concerned, possessed of y^e first Prebend (my Lord Bishop's domestick), which I thinke myself obliged again to represent, he intending shortly after the approaching Holydays to wait on you, as also on M^r Dean² of this Church. I need not assure you that y^e rest of the Prebendaries here, M^r Savage, M^r Musgrave & myself value not themselves upon their places, but since we must not doe or suffer wrong, nor entail it upon o^r successors, we are unanimously resolved to consult the Learned. The Dean of this Church is acquainted with the friendly dispute of precedency from ye Bishop's mouth, but is ignorant of ye course taken & has never seen or heard the cases I troubled you with: neither is my Brother Sill privy thereto. I will not intreat your silence to them both, being confident thereof, notwithstanding ye inquiries they may make concerning ye same.

Sir, I beg that I may by ye next adde to your trouble & intreat you to instruct me further in a case of Dilapidations, w^{ch} my present occasions will not suffer me to state at present: you knowing me to be bad at stating such cases. I returne you my humble thanks for your Book³ & am commanded to give

¹ William Sill, canon of the first stall, 1668-1681: afterwards canon of Westminster and archdeacon of Colchester.

² Dr. Guy Carleton, 1660-1672: afterwards Bishop of Bristol.

³ This would be the second and enlarged edition of Dr. Basire's book on *Sacriledge arraigned and condemned by St. Paul*, which he was distributing among his friends about this time.

you my Father's¹ service & thanks therefor. Apprecating to you good health & long life for ye good of the Church, & presenting my humble service to yo^rselfe & yo^r Relatives, I remain;
Sir, Yo^r most obedient servant,

JEREMY NELSON.

[No endorsement.]

Acknowledgments are due to the Dean and Chapter of Durham for permission to make known these documents, and to the Rev. H. D. Hughes, their accomplished librarian, for transcribing them for that purpose.

JAMES WILSON.

IV CASES STATED ABOUT PRECEDENCY.

King Henry viij., having suppressed the Monastery of St. Mary in Carlisle, in the room thereof founded a Cathedrall Church there, consisting of one Dean, four Prebendaries and divers others Ministers, and for governing the said Church made sundry Statutes, requiring all the members thereof at their admission to take their oathes to observe the same. By which Statutes the Prebendaries are not distinguished by any discriminating names or titles, nor placed in any order of dignity or precedency: but they are all Residentiaries, and their offices and stipends are the same, unless they shall be elected into the offices of Vicedean, Receiver or Treasurer. Only 'tis thus provided therein: '*Ædes Decani et Canoniorum ad fermam quovismodo dimitti non permittimus, sed quo melius diligentiusque in posterum reparentur, statuimus ut Canonicus de novo electus et admissus in mortui aut resignantis aut quovismodo cedentis aedes succedat, easque cum horto et stabulo, cum aliis commoditatibus ad dictas aedes pertinentibus sibi habeat. Adhaec stallum in choro, locum in Capitulo Predecessoris sui similiter possideat.*'² But since it hath been accustomed to distinguish the Prebends which are possest by the Prebendaries by the names of first, second, third and fourth: according to which order the Prebendaries have been and still are successively installed in and possest of their seats in the Quire and in the Chapter House, the Prebendaries of the first Prebend the first seats next to the Dean, the Prebendaries of the 2nd Prebend the second seats, etc. By vertue of which custome A. B., lately admitted to the first Prebend, not only keeps the first seats next to the Dean in the Quire and Chapter House without any let or molestation hitherto, but also challenges of the other Prebendaries that were admitted before him and are of the same degrees in the

¹ Father and son, who bore the same name, are often confounded. Jeremy Nelson, the elder, was admitted to the rectory of Elsdon in Northumberland in 1657, and was brought by his son's influence to Carlisle and made incumbent of Wetheral in 1671, a benefice in the patronage of the dean and chapter.

² Statute 20.

University the first place elsewhere within the precincts of the said Cathedrall Church and College: requiring also that his name be first called at the Chapters, and that all orders and writings be first signed by him and then by the other Prebendaries according to the order of their Prebends.

Against which his claims 'tis alleged

1. That by the Register book of the said Dean and Chapter, during the reign of King James, which gives a full account of many yearly generall and other chapters then held, it appears that the Prebendaries were never once called at the said Chapters according to the order of their Prebends: but sometimes according to the dignity and precedency of the offices they then bare, the Vicedean first sometimes then of the 3^d Prebend, the Receiver next sometimes of the 4th Prebend, then the Treasurer sometimes of the first: lastly the Prebendary not elected to any office, of whatso[e]ver Prebend he was. But very oft and usually their names were called according to the seniority of their admission, without any respect had to their offices, insomuch as sometimes the Vicedean being the junior Prebendary by admission was then called in the last place. The practice observed before King James's reign does not appear, some Register bookes having been lost, and what are extant being very confused, neither does the practise appear after the said King's reign till towards the middle of the late King's reign, since which time it appears by the Register bookes that the Prebendaries were usually called at the Chapters according to the order of the Prebends they enjoyed, although some instances to the contrary may be given, but upon what account this alteration was made it does not appear.

2^{ly} 'Tis alleged that the said Register bookes declare that the orders and writings were always signed by the Prebendaries according to the seniority of their admission, although the senior was of the 4th Prebend and the junior of the first: only the Vicedean for the time being, of whatsoever Prebend he was, always signed first, excepting only 3 or 4 instances of two Prebendaries successively of the 4th Prebend being of superior degrees in the Universities that signed before the other Prebendaries that were of inferior degrees. But it appears by the said bookes that it was otherwise practised at other times.

There has been also a long uninterrupted custom and practise observed in the said Church for the Prebendaries to precede within the precincts of the said Church and College (except only in the Quire and Chapter House) according to the seniority of their admission.

3^{ly} 'Tis alleged that the said Statutes seem to oppose the aforesaid claims, taking no notice of the 1st Prebend, but giving power and privileges to the senior Prebendary by admission in these words—'volumus et mandamus ut tam Canonici quam Minores Canonici et caeteri ecclesiae nostrae ministri omnes et singuli ipsum Decanum caput suum et ducem agnoscant, ipsumque revereantur et in omnibus rebus et mandatis licitis et honestis quae Statuta nostra concernunt, aut ad bonum regimen et statum ecclesiae nostrae pertinent ipsi Decano seu Vicedecano aut (illis absentibus) seniori secundum admissionem Canonico pareant, obediant, adstant et

auxilientur.’¹ Again—‘volumus et mandamus ut in commune pio affectu consulant Decanus et Prebendarii. Ita tamen ut praecipendi potestas unius Decani sit, aut (eo absente) Vicedecani, vel (utroque absente) senioris secundum admissionem Canonici.’² And thereby ’tis further ordered that the Prebendaries shall admitt the new elected Dean, and that at his admission he shall take the oath therein appointed, ‘Vicedecano (si praesens fuerit) aut seniore secundum admissionem Canonico hujusmodi juramentum exigente,’ etc.³

Against w^{ch} allegations ’tis objected that notwithstanding the aforesaid custom and practise the right appertaining to the 1st Prebend will be prevalent: and ’tis pretended that in other Cathedrall Churches of the same and like foundation precedency is taken according to the order of the Prebends. As for the Statutes recited, ’tis objected that ‘senior secundum admissionem Canonici’ may signify either ‘seniorem secundum admissionem in Academia,’ whereby a Prebendary of a superior degree in the University, or that is senior in the same degree is to be preferred: or ‘Canonicum primae Prebendae,’ although he be last admitted: or if there be evasions, by the said Statutes the senior Prebendary by admission hath not precedency granted to him, nor any power or privileges in the presence of the Dean or Vicedean.

Qu[estion] 1. What is the rule of precedency in Cathedrall and Collegiate Churches within their precincts? Is it the seniority of the admission of the Prebendaries, or the order and place of the Prebends, or the dignity of the offices of Vicedean, Receiver and Treasurer etc. in such Churches, or the superiority and seniority of degrees in the Universitys? And may a Prebendary that is last admitted and into the last Prebend, who is Dean of another Church, or Chancellor or Archdeacon of any Diocese by vertue of such his superior dignity or office precede all the Prebendaries of the same Church whereof he is Prebendary within the precincts thereof?

Qu[estion] 2. What is the usuall custom and practise in the case of precedency in other Cathedrall and Collegiate Churches? And will the uninterrupted custom and practise in the said case observed in the Church of Carlisle prevail against all contrary pretended pleas of right?

Qu[estion] 3. What is the genuine sense of the words exprest in the Statutes aforesaid—‘senior secundum admissionem Canonici’? And are the two aforesaid interpretations thereof reconcileable with the plain and grammaticall sense of the said Statutes? Or is it agreeable to them that the Prebendary first admitted should precede within the precincts of the said Church and College?

Qu[estion] 4. Whereas in the said Statutes ’tis appointed ‘ut omnibus Festis principalibus Decanus, majoribus autem duplicibus Vicedecanus, caeteris vero Festibus duplicibus reliqui Canonici (quisque suo ordine) in Divinis officiis celebrandis executor sit’⁴: is the order of the Prebends or of the Prebendaries (i.e. their seniority of admission) there intended?

II. The said Statutes require the Dean and Chapter of the said Church every year to elect out of the Prebendaries their officers, a Vicedean, a Receiver and a Treasurer, giving full power and authority to the Vicedean

¹ Statute 10.

² Statute 17.

³ Statute 3.

⁴ Statute 33.

so elected and sworne to govern the said Church in the absence of the Dean and in the vacancy of the Deanry: commanding also that the Vicedean shall be '*proximus Decano praesenti tam in Choro quam alibi, caeterisque (Canonicis) eminentior.*'¹ Notwithstanding which Statutes the Prebendaries of the first Prebend always (for ought that appears to the contrary) have been successively installed in the first seats next to the Dean in the Quire and Chapter House. But 'tis affirmed by credible witnesses that such Prebendaries have not always used the same seats, and that in the late King's reign when any Prebendary of the 2nd, 3rd, or 4th Prebend hath been Vicedean, during that time he hath relinquished the seats assigned to his Prebend and hath possess the first seats abovesaid by vertue of the abovesaid Statutes, the Prebendary of the first Prebend at such times using the seats there next to the Vicedean: which custom the present Vicedean hath not observed, but retains the seats of his Prebend: the present Prebendary of the 1st Prebend keeping the said first seats alleging therefore the Statutes afore recited—'*Statuimus ut Canonicus de novo electus et admissus stallum in Choro, locum in Capitulo praedecessoris sui similiter possideat*': requiring also that his name be first called at the Chapters before the present Vicedean who is of the 2nd Prebend: whereas beside the aforesaid power and dignity granted to the Vicedean by the said Statutes, 'tis also thereby further ordered that he, for the time being, in the absence of the Dean, shall call the Chapters, and that all the Prebendaries shall meet at the time appointed by the said Vicedean.²

Q[uestion] 1. Hath the Vicedean for the time being by vertue of the abovesaid Statutes right to be first called at the Chapters, and to sit in the first seats next to the Dean in the Quire and Chapter House: notwithstanding that the Prebendary of the first Prebend has been installed in the same?

Q[uestion] 2. If the Vicedean shall take the said first seats, ought not the seats of the Prebendaries to be otherwise assigned then now they are, i.e. ought not the Prebendary of the first Prebend to sit next to the Vicedean, the Prebendary of the 2nd Prebend next to the first, etc. and ought not the succeeding Prebendaries to be installed accordingly? May the Dean and Chapter order and determine the same, and will such their order oblige their successors? Must the Bishop's confirmation be procured to make it effectual? Otherwise wh[at] remedy must be provided in this behalfe?

III. By the said Statutes the Bishop of Carlisle for the time being is appointed Visiter of the said Church and expounder of the said Statutes—'*Quotiescunque ambiguitas aliqua aut dissentio orta fuerit inter Decanum et Canonicos, aut inter Canonicos ipsos de vero et sincero intellectu Statutorum nostrorum, quae omnia juxta planum et grammaticum sensum intelligi volumus, decernimus ut Statutum illud, vel aliqua Statuti clausula, de qua orta est contentio, ad Episcopum Carliolensem referatur, cujus interpretationi et declarationi (modo Statutis nostris non repugnet) eos, qui dubitarunt et contenderunt sine dilatione aut contradictione stare et*

¹ Statute 18.

² Statute 38.

obedire præcipimus. Inhibemus tamen Visitatori aut Statutorum declaratori aliisque omnibus cujuscunque dignitatis aut autoritatis fuerint, ne ulla nova Statuta hiis nostris Statutis contraria condant aut in horum aliquo dispensent. Inhibemus etiam Decano et Canonicis ecclesiae nostrae ne hujusmodi Statuta ab aliis condita recipiant sub poena amotionis perpetuae ab ecclesia nostra.¹

Qu[estion]. If the Bishop aforesaid shall determine precedency to the Prebendary of the first Prebend, ought not the rest of the Prebendaries to submit to such his determination, notwithstanding their pretenses to the contrary, and if not, what must be done?

A. B. commenced Master of Arts 2 or 3 years before C. D. commenced the same degree: C. D. was admitted Prebendary of a Cathedrall Church one year before A. B. was admitted Prebendary of the same Church: A. B. challenges precedency of C. D. within the Diocese and elsewhere, which C. D. denys to give, alleging, 1. that a dignity or preferment in the Church ought to be preferred to an inferior degree in the University, and therefore C. D., being senior Prebendary by admission, is to precede A. B., senior Master of Arts (except in the Universities), 2. that it hath been and is accustomed within the Diocese where they reside for the Prebendaries to precede the rest of the Clergy of the same degree with them, 3. that the Heralds affirm that the degrees which any man shall take in any University shall not entitle him to any other place out of the said University then what he might take justly without any of the said degrees.

Qu[estion] 1. What is the rule of precedency for the Clergy in places not privileged?

Is it their seniority or superiority in respect of their degrees in the Universities, or in respect of their dignities and preferments in the Church, or in respect of their orders? And is A. B.'s claim first or C. D.'s pleas?

Qu[estion] 2. What place may a Chaplain to an Archbishop or Bishop, or to any Nobleman take?

Qu[estion] 3. What places may a Dean of a Church, a Chancellor and Archdeacon take in the Diocese?

CONJECTURES CONCERNING THE CASES OF PRECEDENCY, ETC.

The principall Quest[ion] in the cases about precedency depends upon the true sense of the 18th and 20th Statutes concerning the place of the Subdeane, and of the other Prebend[arie]s: and to find out the meaning of those Statutes. The surest rule is so to expound them that they may not thwart and destroy one another, but that they (words *interlineated above*) may be satisfied wth an obvious grammaticall sense and according to the Statute 39, for *maledicta est expositio quae destruit textum*: so that if the 20th Statute be construed that the 'stallum in Choro et locum in Capitulo predecessoris sui similiter possideat' shall be meant only that the first Prebend[ary] may precede all but the Subdeane, then the words of the Statute 18—'Vicedecanus proximus Decano presenti tam in Choro quam alibi'—will be clearly satisfied and a reasonable construction made of the

¹ Statute 39.

20th Statute, so that the first shall be next to the Subdeane, and the second next to him, and the rest in order accordingly.

To the Question concerning the signification of 'senior secundum admissionem Canonicus,' there is no shadow of reason that the words should be meant of admission in the University, but it is intended of senioritie in the installation, that being the inherent antecedent to this subsequent relative.

To the several Questions concerning precedency within the precincts of the Church and of precedencie in the University, it is without the least scruple that precedency of the Dean or Prebend[ari]e within the precincts of the Church, *quatenus* they are members of the Church, extends no further. But superiority of degrees in the University qualifies the parties to take place all the Nation over, as they do in the Universities, unless they be members of the same Church, and within the precincts of it only, and then they are to be regulated as before.

Two Unpublished Letters of James VI.¹

I. JAMES TO HIS WIFE (1594-5).

JAMES VI. of Scotland and I. of England married Anne of Denmark in 1589. This letter was written not long after the birth of her son, Prince Henry, in 1594. He was taken from her and entrusted to the Earl of Mar on account of her suspected Roman Catholic proclivities. Calderwood, in his *History of the Kirk of Scotland*, v. 365-6, states that James was averse to his Queen's having the keeping of their son Henry.

There is no indication of date on the letter itself. It is a holograph, in easily legible writing.

My hairte,

Immediately before the resaitte of your letter I was purposed to have written unto you, & that without any greate occasion except for freeing myself at your handis from the imputation of suearenes, but now youre letter has given me more maitter to vryte, althoch I take small delyte to meddle in so unpleasant a proces, I vonder that nather your long knowledge of my naturall, nor my laite earniste purgation unto you, can cure you of that rooted erreure, that any living darre speake or inform me in any vayes to your preiudice, or yett that ye can thinke thaime youre unfriends that are treu servantis to me, I can say no more but proteste upon the perrell of my saluation & damnation that nather the erle of marre, nor any fleshe living ever informed me that ye was upon any papiste or spanishe course, or that ye hadde any other thoughtis but a wronge conceaued opinion that he claimed interest in youre sonne, or volde not deliuer him unto you, nather dois he farther charge the noblemen that was with you thaire but that he was informed that some of thaime by force

¹These two letters (for which the Editor is indebted to Dr. Preserved Smith, Cambridge, U.S.A.) are found in the collection of autographs made by the late Frederic Dreer and now housed in the Pennsylvania Historical Society, 1300 Locust Street, Philadelphia.

so have assisted you in the taking of my sonne out of his friendis handis, but as for any other papiste or forraine practise, be god he doeth not so much as alleadge it, & thairfore he saies he will neuer presume to accuse thaim, since it maye importe youre offence, & thairfor I saye ouer agane, leaue these womanlie apprehensions, for I thanke god I carrie that loue and respecte unto you quhiche be the law of god & nature I ouchte to doe to my wyfe & mother of my children, but not for that ye are a Kings dauchter, for quhither ye uaire a Kings or a cookes dauchter, ye must be alyke to me, being once my wyfe, for the respect of youre honorable birthe & discente I married you, but the loue & respecte I now beare you is for that ye are my married wyfe, & so pairtaker of my honoure, as of all other fortunes. I beseache you excuse my rude plainnes in this for the casting up of youre birthe is a neidlesse argument to me, god is my witnesse I euer praeferred you to all my bairnes, much more then to my subjectes, but if ye will euer give place to the reporte of euerie flattering sicophante that will persuaide you that quhen I accounte well of ane honest seruant for his treu service to me, it is to compare or praeferre him to you, then will nather ye or I be euer at rest. I have according to my promise coppied so much of that plotte quhair of I wrotte unto you in my last, as did concerne my sonne, quhiche heirin is inclosed that ye ye [*sic*] maye see I wrotte it not without cause, but I desyre it not to have any other secretaries¹ then yourself. As for your doole ueede it is alluterlie impertinent at this tyme for sicc reasons as the bearer will show unto you quhom I have lykeuayes comandid to impaite dyuers other points unto you, quhiche for fear of uearieing your eyes with my raggit hande I haue heirin omitted, praying god my hairte to praeserue you & all the bairnes, & so send me a blythe meiting with you & a couple of thaime.

Your awin

JAMES R.

II. JAMES VI. OF SCOTLAND TO HENRI IV. OF FRANCE.

Engrossed by Secretary, signed by the King. This letter is a further illustration of King James's persistent policy of keeping on good terms both with Protestant and Catholic rulers, with the object of eventually securing the English Crown.

¹ *I.e.* sharers in the secret.

Falkland, September 3, 1597.

A très hault très excellent et très puissant prince nostre très cher très ayme bon frere Cousin et ancien allié le Roy de France &c.

Très hault très excellent très puissant Prince, nostre très ayme cousin et ancien allié : L'occasion que nous avons tant delaye d'envoyer par-devers vous pour renouveler l'ancienne amitié, alliance et confederation qui este entre les couronnes de France et d'Escosse a este pour ce que nous attendions touiours nostre ambassadeur selon vos lettres que nous furent apportez par le Sieur de Meynne l'accomplissement de quelles nous expectons aussitost que vos grandes et continuelles occupations seront en quelque repos. Ce que nous souhaittons de tout nostre couer [*sic*] avec la continuation et accroissement de vostre honneur et prosperité.

Priant dieu très haut très excellent et très puissant Prince nostre très cher et très ayme cousin et ancien allié qu'il vous ayt en sa très sainte et digne garde.

Escrit a fakland le 3 de septembre 1597.

JAMES R.

Peasant Life in Argyllshire in the End of the Eighteenth Century¹

I WAS born in the year 1774 at Barichreil, a small village of Nether Lorn.

My father was a descendant of that McCallum of Colagin, the sight of whom, as he entered Kilbride Church one Sunday, followed by his twelve sons in order of their age, provoked the Lady of Dunollie to exclaim : 'A third of Albyn were none too much for McCallum of Colagin !'

My mother's family, the Macnabs, belonged to Glenorchy. Her forefathers had been armourers and silversmiths for seven hundred years, the son stepping into the father's place throughout the whole of that long period.

My mother had a training such as fell to the lot of few Highland girls of the period in which she lived. In early girlhood she went to live in the family of a relative, whose wife had been educated in one of the best schools in Edinburgh. This lady delighted to teach my mother not only all that a good housewife ought to know but also the spinning of wool and flax, and the working up of both from the raw material to the finished web.

My childhood was cast in that transition period when the domestic life of the Highland people was gradually adapting itself to modern civilisation. To-day one can hardly realise a time when there were no railways, no steamboats, no penny post, no telegraph, no looms driven by machinery, no wheaten bread nor tea in country districts, no newspapers giving us the news of the wide world.

Clive had just laid the foundation of our Indian Empire. Canada had become one of our possessions. The first ominous mutterings were heard of the storm about to break over our

¹ The following paper by Mrs. K. W. Grant of Oban gives an account of life in her native village as related to Mrs. Grant many years ago by her grandmother.

American colonies. Australia and New Zealand began to loom on the horizon. That was abroad. At home the forces which were to overturn social life were already set in motion. Watt was busy improving his steam-engine. Arkwright's spinning-jenny had penetrated into the Scottish Lowlands.

In the Highlands the spinning-wheel was beginning to supersede the spindle and distaff; schools were being established in every parish; the New Testament was translated into Gaelic, and the books of the Old Testament were in capable hands for translation.

At the same time the daily life of the people continued to be what it had been for ages. They had not outlived the simple life which had been theirs from time immemorial; the shielings were still theirs; nor were they restricted from fishing the rivers, or from taking a hare from the hill.

Our village was an important place in its own estimation. It consisted of a group of sixteen thriving families, whose boast it was that every known trade required in the district was represented among the men. That was something to be proud of in those days, when to be a first-rate tradesman meant that a man possessed as thorough a knowledge of every branch of his craft as a master-workman is expected to have in these days.

The town of Oban did not exist except in the brain of the then Duke of Argyll and his Chamberlain. The first time I walked into Oban there were but three houses on the bay: the Custom House, the Inn, and a farmhouse.

The edict that made the wearing of our national costume punishable made a tailor of my father. The finest linen underwear as well as upper garments were made at that time by the tailor. When some thrifty dame brought a web of linen and another of woollen material to be made up, my father turned the web of linen over to my mother, who could manipulate it as well as any tailor. When, on the other hand, my father was out boarding with a family till all the household sewing was finished, he received $7\frac{1}{2}$ d. per day, which sum was considered to be very good pay.

When I was old enough to attend school my brothers pled with mother to allow me to accompany them. It was an unheard of thing for girls except the daughters of 'gentlemen' to be sent to school. But my mother came of a family that loved learning, and she knew how to value education, so it did not take much coaxing to get her to consent to my taking a winter at school.

So I trudged there and back in company with my kind brothers, who, if the weather proved severe, took turns in carrying me, so that I might sit dry and cosy at school.

It was always during the six winter months that we attended school. Each boy carried a peat under his arm to keep the fire blazing. One of the older lads provided a good broom of long, wiry-stemmed moss from the marsh, wherewith to sweep the earthen floor. All had helped to gather the thatch and cover the roof before the winter session began.

That season in school would, I was confident, enable me to go on by myself afterwards, so I made the most of my time. For I doubted whether there would come another opportunity. When could a woman find time for schooling with the clothing of the whole family dependent upon her knowledge and skill in working wool and flax; even the sewing thread had to be manufactured by her deft fingers. The women had also the care of the cattle to a great extent, and oftentimes they were obliged to grind the meal before baking it. How could time be spared to read and write?

When my eldest brother was old enough he was allowed to go to the harvest work in the Lowlands. On his return he brought with him an English Bible; he read it aloud to us in the evening, not in English but as if written in Gaelic.

My brothers learned trades. John became a farmer; another brother built many of the houses in Oban and the Congregational Chapel, which was the first place of worship in Oban. He erected also the high wall around Iain Ciar's grave.

One morning our quiet village was greatly startled by a rumour that we might have a visit from the press-gang. A friendly warning was sent us to the effect that the press-gang were in the vicinity and would be certain to pay us a call in the passing as we were quite near the highway.

The good wives of Barichreil were not in the habit of overstepping the bounds of modest conventional womanhood, but on this occasion they took the law into their own hands. The husbands, with all the sons and brothers old enough to be impressed, were ordered off to make peats, and forbidden to return until sent for. Boy scouts were stationed here and there to keep us women informed of the appearance of the enemy, and report his movements. Meanwhile, a supply of ammunition was prepared in the shape of clods and turf.

At length the press-gang arrived, and looked greatly astonished

on finding a village composed of women and children only. Before they had time to ask, 'Where are the men?' the wives attacked them with such a volley of clods and turf that they wheeled right about and marched off, the officer saying he 'wasn't going to fight with women,' and there was no time to go about the hills searching for the men.

Our village lay in a green glade, flanked by two low, brown hills. The houses were clustered on both sides of a burn that divided the glade in two and fell into the river Euachir just below the highway. The Euachir is a fine salmon stream running through a deep channel between steep banks covered with birch and hazel.

My brothers were keen fishers. There was a beautiful salmon that haunted a deep pool in the Euachir; all the fishermen about had tried in vain to catch it. My brothers were determined not to be baffled; they would blaze the river. They got up during the night and sallied forth with torches and fish-spears. I was suddenly awakened at daybreak by the call, 'Get up and see our fishing!' In a twinkling I was up, dressed, and in their midst. There among smaller fish was the great big beauty!

Salmon was so plentiful that when a farmer engaged a ploughman he was bound to promise not to give him salmon oftener than four days in the week.

Each family in Barichreil owned a few sheep and cows. The sheep provided us with wool for clothing, the cows with milk, butter and cheese.

The sheep were the native sheep of the Highlands; small, intelligent creatures covered with fine wool, each answering to its name, and milked as well as the cows. We were obliged to fold them at night, because of the numerous foxes and wild cats that prowled about freely. Our fowls, too, had to be carefully closed in for protection.

Our household utensils were made of wood and a few of pewter. Bowls of all sizes were made of hard wood, preferably birch, because of its sweetness, also because it was easily kept clean. Tubs, too, were of all sizes; shallow tubs for holding milk and for working butter in, as well as wash-tubs such as are still in use. There were cogues for milking, luggies for feeding calves, pails and stoups for bringing water from the well. Our spoons were of horn, some thin and finely ornamented, and used only on special occasions.

Each croft had a plot set apart for the cultivation of flax. On it we depended for linen for household use as well as for underwear.

The cloth of which the men's suits were made was very much the same as that called tweed or homespun nowadays. The women wore drugget. Their best dresses, as well as the cloaks of the men, consisted of a firm shiny material called temin, which lasted a lifetime, being manufactured of the longest and finest wool, and treated in the working exactly as flax was. The temin for dresses was often watered to look like silk. A softer cloth was called caimleid, which was as fine as temin. It was, however, dyed in the web, and dressed so as to have a nap on the cloth.

The dye-stuffs for all kinds of cloth were gathered, each in its season, all the year round. Berries, flowers, leaves, bark, roots, heather, and lichens formed our principal stores of dyes. There was hardly a plant on hill or meadow that was not laid under contribution for dye, or medicine, or food. Even the autumn crowfoot had its use as a substitute for rennet, when no rennet could be had; nettles were prized when the 'curly kale' was exhausted in spring.

The fulling of a web of woollen material was the least agreeable as also the most toilsome labour connected with the manufacture of cloth. When the web came home from the weaver, word was sent out to the most experienced women and girls to the number of from sixteen to eighteen. A fulling-frame of fine wicker—the common property of the village—was set on trestles of the proper height. It was from two-and-a-half to three feet wide, and eight or nine feet long. The most experienced and careful woman was installed mistress of ceremonies at the head of the frame, to deal out the web and watch over the working.

Seven women stood on each side of the frame, care being taken that each couple were of the same length of arm. There was one at the foot of the frame to fold the cloth as it was passed along, and to attend to it being kept soaked with liquid as it was being thickened.

About a yard of the cloth was unrolled to begin with, by her who stood at the head. It was soaked at once with ammoniated liquid, then drawn slantwise across the frame; that is No. one on the hither side worked with No. two on the opposite side—not with the woman directly in front of her, for that would bring no nap on the cloth, and it would be streaky, because the treatment would not be equal. Then the cloth was rubbed and pounded to thicken it, and drawn backwards and forwards till it was ready to be passed on for the next two couples to thump, and rub and see-saw it and pass it down farther to undergo the same process.

The whole of this toil was set to music. Every movement of the hand was regulated by a waulking-song, sung in perfect tune by all. If a part (or the whole) of the cloth needed more working, the women never said, 'It will take another half-hour, or hour's work,' but 'It will take another song,' or 'It will take so many more songs.'

The tweed being thickened and smoothed to the satisfaction of the experts, a thin straight board three inches wide was brought, on which to wind the web. This process was called 'winding the cloth into a candle.' The board was necessarily a little longer than the width of the cloth. The winding of the web was done with the minutest care, lest there should be a crease or a wrinkle or an unequal overlapping of the selvages anywhere. In this winding the cloth, the women kept slapping every inch of each fold with all their might, with the open palms of their hands. The song sung during this performance required a different measure from the other. It was called *Port-nam-bas*, the palm-chant, or rather palming-chant. Those who sang it were well acquainted with the gossip of the country-side. They knew who was the favoured laddie of each lassie, present or absent. In the song the names of the maidens and their real or supposed sweethearts were coupled, thus adding to the merriment and the interest. Such songs are termed 'pairing' songs. The candle of the cloth was left lying as it was till next day, when it was soused in water and left to dry.

Here is a specimen of one of the 'pairing songs' sung on such an occasion. The title is, 'An Long Eirionnach,' The Irish Ship. It begins with the lines :—

Hó ! *có* 'bheir mi leam, air an luing Eirionnaich,
Leis an fhidhil, leis an truimb, air an luing Eirionnaich ?

The rhythm of the words requires that it be translated :

Ho ! *who* sails with me, on the ship 'Irishman',
With a fiddle, with a harp, on the ship 'Irishman' ?

Ho ! *who* goes with me, on the ship 'Irishman' ?
Mórag I'll take with me, on the ship 'Irishman' !

Ho ! *who* sails with me, on the ship 'Irishman' ?
Donald I'll take with me, on the ship 'Irishman' !
O'er the billows riding free, on the ship 'Irishman'.

And so on to any number of couplets, as long as there were names in the district to be linked together. When those gave

out the next district yielded a fresh supply, till the web was rolled into a 'candle.'

Very gradually during these years, potatoes were becoming more and more an article of diet, but so little were they used that we set aside only one creelful as seed potatoes against the following spring. Turnips, too, were slowly coming into general use. Tea was still a rare treat; baker's bread—soft, spongy stuff!—was not to be thought of. Until then it was honey that was used for sweetening. Salt was very expensive, being taxed to more than forty times its value.

There was one kind of food used occasionally which is probably unknown nowadays. Some of the stronger cattle were bled in spring by an expert; the blood was carefully prepared, salted in a tub and set aside for use. We called it black pudding.

We had no winnowed rye-grass or turnips in those days to feed the cattle; we were entirely dependent on the natural grass. When the lower pastures became bare it was necessary to take the cattle to be fed once, or in some districts twice, a year to those higher pastures where sweet hill grass was plentiful. This relieved the lower pastures, allowing the grass on them to grow afresh.

A green, grassy hill was called an Airigh (pronounced ah-ry). When spring work was over, the men of the village went to the airigh to get the sheilings, that is the huts, into order. Being built of turf they required to be put into thorough repair, so as to make them habitable after the storms of winter and the rains of spring, which were sure to dismantle the roofs.

One end of every hut was banked up some eighteen inches from the rest of the floor, and part of it covered with heather-tops for a bed. The heather made a fragrant springy couch, and, as it was to be used in June weather, a thin blanket to cover it, and another to cover the sleeper, were all that were needed for comfort. The remainder of the banked up space served for a seat. We did with as little furniture as possible for our six weeks' picnic.

The little village of turf huts was a woman's township. Only one man, the aireach (herdsman) was there to help about the cattle in all matters that needed such experienced aid as his special knowledge could afford.

The sheilings were generally ready for occupation by the first week of June; then a day was fixed upon for the setting out. Of course the whole village set out together. The children

were welcome, boys as well as girls, at that first outset. There were so many articles to be carried that all alike could be of help. There were the utensils and implements needed for making butter and cheese—cogues, churns, luggies, milk-tubs, cheese-vats, a large iron pot for heating the milk in, and a block of iron which, when heated red-hot, was used to sterilise the milk. The women took their distaffs and wool, for they were in the habit of going among their flocks twirling their distaffs as they minded them. Household provisions were taken, clothing too, and a few dishes and cooking utensils, and each company carried a milking-stool.

The cows and the little sheep knew the way and gave little or no trouble. To prevent any bother about the calves, a churn called an imideal (butterer) was carried on the back. This special make of churn was flat on one side, so as to fit on to the back, and was covered with a skin. The lid also was secured with a skin round it; but on such an occasion as this setting out it was not so tightly fastened but that a few drops of milk were jolted out of it while climbing the hill, and trickled down over the skin covering. The calves, lured by the dropping milk, followed the imideals of their respective owners, licking the skin as often as they were able to overtake the climber, and thus they arrived at the airigh.

There were frequent journeys to and from home during those six weeks. As often as a certain quantity of butter and cheese was ready it was carried home to be stored for future use. When the home was not too distant some of the stronger young women were accustomed to put the proper amount of cream into the imideal, then, strapping it on to their backs, they thus carried it to its destination, the churning being done by the jolting in going down the braes. The butter in this case was washed and salted after arrival. The churn did not slip off when it was bumped up and down so much, because it was held securely by two stout straps, and rested on the bunched gathers of the drugget skirt as on a cushion. When several of those heavy drugget and plaiding skirts were worn, as was the habit then, there was quite a shelf for the churn to rest on.

Every meal taken in the open air was a feast. We rarely took our food indoors. We had whey porridge very often, which I liked better than the rich milk porridge, which was our Sunday treat. What a wealth there was of wild strawberries and blaeberreries, as many as we could eat! We had children's rhymes to repeat too for almost everything we met.

When we children came upon a bed of cuckoo-stockings and primroses, we sang out :

Primrose, cow-sorrel, wood-sorrel, white clover ;
Food for all the little children all the bright summer over !

Did we come upon a bird's nest, we covered our mouths, believing that if our breath came near the eggs it would taint them and so scare the bird away. In leaving the nest we sang :

Tweet-tweet-tweet-O,
Who spoiled my nest so sweet, O ?
Should he be a tall man,
Fling him headlong from the keep !
Should he be a small man
Toss him from the rocky steep !
But a clown—who doesn't care !
Turn him over to his mother
And leave him there !

If a corra-chòsag—a wood-louse—crossed our path, we instantly stopped and asked it gravely :

O, corra-chorra-chòsag, pray,
Will to-morrow be a lovely day ?
If you tell me quick and true,
A pair of brogues I'll make for you !

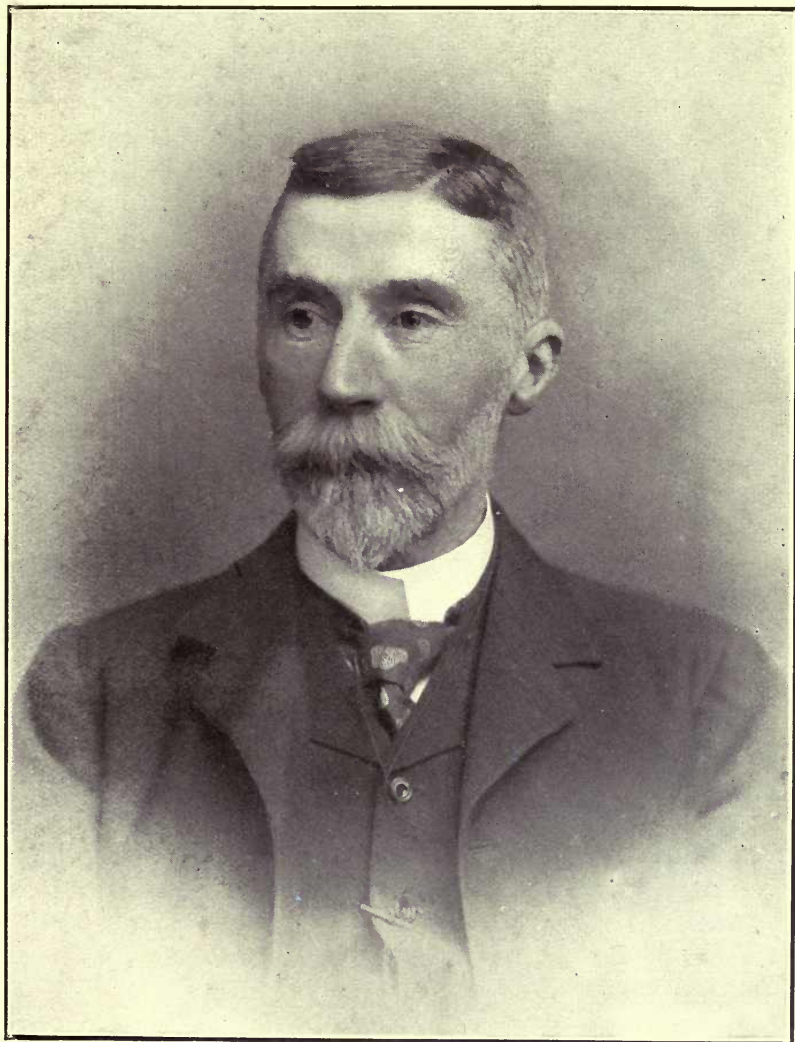
When the cuckoo was due to return in April we were careful to eat a bit of bread before turning out in the early morning, as it was deemed unlucky to hear it for the first time in each season with our fast unbroken. But in June, it was bound to forsake its summer haunts, so we addressed it thus :

'Cuckoo !' cried the gowk on a spray,
'I've missed thee yestre'en and to-day' ;
'Cuckoo !' cried the cuckoo, 'farewell !'
By the hunter I'm chased from the dell !'

The little blue scabious was treated rudely, I don't know why. Holding it by the neck firmly between the root of the thumb and the palm of the hand, we twisted the stem with the other hand, then, loosening the pressure of the thumb, the flower began to turn slowly round. As the flower began to turn round we repeated :

Gillie, gillie blue-boy, if thou turn not round, down comes
my fist upon thee.

Suiting the action to the word, at the emphatically pronounced word 'down' we crushed the head of the flower by the violence of the blow.



PETER HUME BROWN

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In Memoriam

PETER HUME BROWN

THE life of a scholar is in his writings, not in its external incidents; it is through his books that he exercises his influence, it is through them that his memory is kept alive outside the circle of his friends. Professor Hume Brown was born at Haddington on December 17, 1850, and graduated at Edinburgh in 1878; he was designed for the Church, but abandoned the intention of entering it, and, after a few years' schoolmastering and private teaching, resolved to devote himself to literature. He found it a hard struggle, but adhered to his purpose, and published in 1890 his *Life of George Buchanan*. The biography at once attracted attention, for the subject involved both exact research and wide reading, and it showed by its solid workmanship and discriminating criticism evidence of maturity of judgment and sound scholarship. There was something significant in the choice of Buchanan as the subject of his first book. 'In his own country,' wrote Hume Brown, 'his great name and the inspiration of his example have been amongst the strongest influences in maintaining the tradition of the higher studies. For such studies Scotland has always had the most meagre provision, yet in every generation since Buchanan's day there never has failed a line of students with the highest ideals in learning and national education, and it is to Buchanan, more than to any other, that this tradition is due.'

In another way, too, the example of Buchanan may have influenced Hume Brown. Buchanan, he tells us, 'might have found in the Church some comfortable benefice that would have enabled him to cultivate his muse in peace. That the temptation came to him we have some reason to believe. But he was too deeply moved by the new ideals of the time in religion, in literature, in politics, to make the compromise without injury to his best self. Accordingly, as we believe, he made what for a man of his type is

the highest sacrifice he possibly can make. He sacrificed the life that would have yielded him the best opportunity of cultivating his special talent.'

The biography of Buchanan was followed in 1895 by a *Life of John Knox*. Both were representative men, but while the first represented the intellectual movement of the beginning of the sixteenth century, the second represented the religious revolution which succeeded it. Hume Brown elucidated from fresh evidence the political activities of Knox, and settled by documentary proof the vexed question of his portrait. His estimate of Knox as a man was in all essentials the view which Scottish tradition has handed down. In a remarkable passage at the end of the book he insisted on the value of such national traditions—'the deposited impression of collective bodies of men,' he terms them—as a guide to the historian in forming his conception of historical characters. As to the doctrinal system of Knox, Hume Brown was too deeply imbued with the modern spirit to accept it without large reservations. He treated it philosophically, as the manifestation of the religious needs and ideals of the time. The adoption by Scotland of some form of Protestantism was, under existing conditions, inevitable: the particular form Protestantism took in Scotland was determined by the character of the nation, which the Presbyterian Church in its turn reshaped and moulded.

After writing these two lives, Hume Brown abandoned historical biography. 'The history of no individual, however great or fascinating, is to be weighed against the interest that belongs to a people evolving the fate conditioned by its own natural forces and the changing circumstances in which these forces must be exercised.' In other words, he found the life of a nation more interesting than the life of a man. Accordingly, in 1899, he published the first volume of the *History of Scotland*, which he completed ten years later. 'Remarkably compendious and lucid,' said one of the critics of the first volume; others complained that he omitted the romantic, and seemed sedulously to avoid the picturesque. But the moderation and sanity of his judgment, his breadth of view, and his learning, were too conspicuous to be disregarded, and when the last volume had appeared it was recognised as the best history of Scotland in existence. One merit was its completeness. Tytler ended in 1603, Burton and Lang stopped with the '45, Hume Brown carried the story of the Scottish people down to the Disruption, and in a later edition down to 1910. Another merit was that he gave a clear and consecutive narrative

of events, bringing out their significance, but not crowding his pages with superfluous details or controversial digressions about doubtful points. He was critical in his use of evidence. 'I have confined myself to what seems to be indisputable fact'—'Between the conflicting authorities it is impossible to fix with certainty the exact sequence of events'—'A detailed account of the battle would consist only of balancing authorities; and these authorities themselves are both brief and obscure, and, in general, entitled to no implicit faith.' This caution gained him the confidence of other historians, who knew of what flimsy materials smooth accounts of historical events are often constructed.

However, the history was constructive as well as critical. By adducing fresh evidence, or by incorporating the results of recent researches by other scholars, Hume Brown made the story of Scotland more accurate, and filled up a certain number of gaps in it. At the same time he brought out with more clearness and fulness the various factors which retarded or furthered the political development of Scotland, such as the physical condition of the country itself at various times, the progress of trade and agriculture, and the social changes. In the two volumes entitled *Early Travellers in Scotland* and *Scotland before 1700, from Contemporary Documents*, published respectively in 1891 and 1893, he had collected a mass of evidence illustrating these problems, and his editorship of the *Register of the Privy Council* familiarised him with another mass of evidence bearing on the same side of his subject. In the Rhind Lectures on *Scotland in the time of Queen Mary*, published in 1904, he showed how these and other sources of information could be systematically combined so as to produce a true and vivid picture of the life of the nation at any particular stage.

Another feature of the *History of Scotland* is the systematic employment of literature to explain the intellectual life of the nation and the ideas which influenced its development. In one of his lectures Hume Brown shows the nature of the assistance which literature affords the historian. Contemporary chroniclers are often preoccupied with petty details and incapable of philosophical or spiritual insight. They do not see the true proportions of the events they record. The writer of history in a later age 'sees past ages through a double veil—the veil of his own personality and that of the age to which he himself belongs.' He can only escape from 'this double illusion' by familiarising himself with the

literature of the generation whose actions he is relating.¹ In the literature of any period 'we have the veritable expression of its spirit, disfigured by no distorting medium.' Furthermore, 'the deepest springs of natural life' are only to be discovered through the study of its literature.

'What were the conceptions of man's relations to his fellows, to life itself, to the general scheme of things, which dominated the mind of the nation at the different periods of its history? It is only with these conceptions in our minds that we can adequately interpret the outward and visible signs of a nation's life at any given period. Behind the social order, behind the forms of government, which meet our eye, these conceptions are the impelling and directing forces that brought them to birth. They inspire and regulate the policies of statesmen; they make what is called public opinion, and they determine the ideas to be found in all art and literature.'

Selecting four literary monuments as representative documents, Hume Brown shows how they reveal the varying ideals of individual and collective life which inspired successive generations of Scots.² The lectures quoted form part of a series of addresses delivered to the class of Scottish History at the opening of successive sessions. Taken together they make up a commentary on Hume Brown's *History*; they emphasise the principles which underlay his accounts of the facts, state them disentangled from details and made plain by examples, show his conception of the problems to be solved and his method of arriving at their solution. They give us, in short, his philosophy of Scottish history. In one he explains the process by which the various races and classes of Scotland were consolidated and amalgamated into a nation.³ In a second he vindicates the Scottish nobility from the sweeping condemnation often pronounced upon them, proving that their action was not so purely selfish and its results not so maleficent as is generally supposed.⁴ In a third he discusses the Union of England and Scotland.⁵ The Union was

¹ 'Literature and History,' *Scottish Historical Review*, vi. 9.

² 'Four Representative Documents of Scottish History,' *Scottish Historical Review*, x. 347.

³ 'The Moulding of the Scottish Nation,' *Scottish Historical Review*, i. 245.

⁴ 'The Scottish Nobility and their part in the National History,' *Ib.* iii. 157.

⁵ 'Scotland in the Eighteenth Century,' *Ib.* vi. 343; 'Intellectual Influences of Scotland on the Continent,' *Ib.* xi. 121.

also the subject he selected for the six lectures he gave in Oxford in 1912, as Ford Lecturer. He held that the Revolution put an end to the conflicts about religion which began at the Reformation, by effecting a working compromise between Church and State, and that henceforth secular interests were predominant. The Union completed the change by making material progress possible, and in the end producing material prosperity. The two together 'opened the way to a larger life,' and made possible the intellectual development which gave Scottish literature and Scottish thought European fame and influence. Hume Brown quotes Masson, who declares that the latter half of the eighteenth century was for Scotland 'the period of her most energetic, peculiar, and most various life.' He goes even further, and terms it 'the most distinguished period of her annals,' because of 'her contribution to the world's thought' during those years. Here and elsewhere his strong national feeling and his pride in the achievements of Scots is combined with a resolution to estimate men, facts, and ideas from a European as well as a local standpoint.

Hume Brown was the pupil of Masson, to whose teaching he always expressed great obligations. He succeeded Masson as editor of the *Privy Council Register* in 1898, and completed during his editorship fifteen volumes of the digest, covering the period from 1627 to 1684. He was also chosen to succeed Masson in the office of Historiographer Royal of Scotland in 1908, which was a fitting recognition of the value of his work, and pleased him because of its antiquity, and because his patent bore the great seal of Scotland. In 1901 he was elected to the Fraser Chair of Ancient History and Palaeography, of which he was the first holder. In his palaeography class and by his lectures on Scottish history, he inspired a few students with his own enthusiasm for his subject, and equipped them for historical investigations. Some have since done credit to his teaching by their writings, and more will in due season. As the adviser of the Carnegie Trust in questions of historical and literary research, he was able to secure for his best pupils opportunities to continue their training and to produce their work, and to help in the same way students trained in other universities. No one was more eager to encourage young students, none a better judge of their merits.

While he did much for the higher branches of learning, he was equally zealous for popular education. In an address delivered in 1908 he discussed the teaching of history in schools. 'Know-

ledge of our own national history must be the basis,' said he ; to be supplemented by teaching the history of England and the British empire afterwards. Not for patriotic reasons chiefly, but because a child could understand and assimilate the history of his own country as he could that of no other country, and by developing his intelligence and imagination, it would qualify him to understand the history of any other country. At the time the chief obstacle to the teaching of Scottish history in schools was the lack of a good text-book. The publication of his *Short History of Scotland*, in 1909, supplied this want : it has since attained a circulation of many thousand copies.

Hume Brown was essentially a man of letters as well as an historian, and literary topics filled a large place in his conversation. Two of his favourite authors were Montaigne and Sainte Beuve : the speculative freedom of the one, and the delicate critical insight of the other attracted him, and his way of thinking was influenced by both. Perhaps the greater ease and freedom which marks the style of Hume Brown's later writings compared with the earlier ones, was in part due to constantly reading great French writers. With German literature of the best time he was also familiar. A mask of Goethe, which he inherited from Carlyle through Masson, stood for the last ten years over his bookcase, and for twenty years a life of Goethe occupied his leisure moments. The first instalment of it was published in 1913 ; the rest lies in manuscript, ready for printing. Its completion was a source of great satisfaction to Hume Brown, for he feared he might not be able to finish it. Not that he was conscious of any weakening of his faculties, but his strength was diminishing, and he felt that time was a dangerous antagonist. A few weeks before his death he wrote to me, saying that he wished to read an unfinished book of my own, and hoping that it would be published before long, because 'the night cometh.' What I took for a warning was a premonition. He died suddenly, after a very short illness, on November 30.

Hume Brown was a man of very equally balanced mind and character, in whom, like Horatio, the blood and judgment were well commingled. His temper was remarkably even and cheerful. His feelings and enthusiasms were strong, but he was restrained in his expression of them by habitual self-control and a natural sense of measure. What he believed he adhered to tenaciously, and was as constant to his ideals as to his friendships ; but he was open to new ideas, and received new acquaintances with an attrac-

tive kindness. Sensitive himself, he had in matters of feeling the gift of understanding instinctively without many words, a delicate consideration for others, and great tact in conveying his sympathy. His conversation had a peculiar charm, it was an honest exchange of ideas over a wide range of subjects ; he never talked for effect or seemed to seek an argumentative victory ; the opinions he expressed were the result of independent thought and long observation ; his large knowledge had served to form them, it was not an appendage to his mind, but something he had absorbed and assimilated so that it was a part of himself. As he talked on his quiet eyes glowed, his face lighted up, and he allowed his humour and his imagination to find free play.

C. H. FIRTH.

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¹ Jointly with Professor Masson.

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Reviews of Books

RUSSIA FROM THE VARANGIANS TO THE BOLSHEVIKS. By Raymond Beazley, Nevill Forbes and G. A. Birkett. With an Introduction by Ernest Barker. Pp. xxiv, 601. Cr. 8vo. Oxford: at the Clarendon Press. 1918. 8s. 6d. net.

THE four authors of this book have done their difficult work well. It is a long period from 852 to 1917 to pass in review and show, as they have done, the latent causes which have led to the sudden collapse of what was in all appearance a giant and a united empire. Yet the causes were not really far to seek. Russia, through the suppression of all popular government to suit a Byzantine system of kingship made more autocratic through its borrowings from the Khans during the Tartar conquest, was a colossus with one head and many bureaucratic hands but no real popular support. From the time of Peter the Great it became, owing to the impetuous will of that Tzar, a Western power with a great army, and until 1917 this army supported the *Chinovniks*, who in turn (for their own advancement and through no spirit of real patriotism) supported the sovereignty of the different Tzars without much sense of personal loyalty. Indeed when one considers the heterogeneous races of Russia and the heritage of the long period of serfdom, the idealistic nature of some of the Románovs, the retrograde character of other emperors and empresses, and the passivity of the Orthodox Church, 'We are beginning to realize,' as the Introduction shows, 'that the dissolution of the great State . . . is less astonishing than its long continuance in the past.' That it lasted so long is no doubt due to the continual repression of all popular thought through the jealous fears of the bureaucracy, but with this came the jealousy of all progress. This was not so easily seen in peace time, but every war tried the system, and during the great war of 1914 to 1917—'a war which dwarfs all previous wars to child's play'—the Russian State, though it endured the strain for a time, 'cracked and collapsed.'

The early history is well given here. The 'Time of the Troubles,' a period having some analogy to the present Anarchy, is also instructively dealt with. So is the tortuous policy of the partitions of Poland, which like serfage also left a long legacy of evil to Russia. The modern political movements (the 'Developments' so called) are instructive as leading up to the Revolution of 1905, and the summary of events since must be read and studied. The whole book is a real addition to political history.

A. FRANCIS STEUART.

THE CONTROVERSY OVER NEUTRAL RIGHTS BETWEEN THE UNITED STATES AND FRANCE, 1797-1800. A Collection of American State Papers and Judicial Decisions. Edited by James Scott Brown, Director. Pp. viii, 510. Royal 8vo. 15s. net.

THE DECLARATION OF INDEPENDENCE, THE ARTICLES OF CONFEDERATION, THE CONSTITUTION OF THE UNITED STATES. Edited, with an Introductory Note, by James Scott Brown, Director. Pp. xxiv, 94. Royal 8vo. New York and Oxford University Press. 1917. 4s. 6d. net.

THE public are indebted for these volumes to the generosity of Mr. Carnegie. They contain certain important American State papers, legal opinions, and decisions of American courts regarding the origin, nature, extent, and legal effect of the hostilities between the United States and France at the close of the eighteenth century.

In the infancy of the national life of America, she entered into a convention with her former ally, France, then just starting the Revolution. The convention dealt, amongst other matters, with the regulation of maritime affairs in time of war. Almost immediately after this convention had been agreed to, the French Revolution reached its climax, and two republics were called upon to deal with each other. Had France remained at peace with other nations, no trouble might have arisen; but her war with England, and the effort made by this country to starve her into subjection, raised the usual questions involved in prize taking, and the rights of neutral vessels. France made the same charge against America which Germany has recently revived, namely, that she acted to the advantage of England. Matters went so far that the American Attorney-General gave it as his opinion that a state of maritime war existed between France and the United States, authorised by both nations. Yet war was never actually declared, and in 1800 an agreement was arrived at. The bulk of the volume consists of legal decisions upon maritime points. One peculiarity is that a number of these were not given until nearly ninety years after the claims which originated the actions had arisen. This was in consequence of the passing of an act of Congress dealing with French spoliation claims, and which did not become law until 1885. It would be interesting to know whether France has ever given effect to the claims made good in the American courts.

The documents contained in what may be considered a supplementary volume, are of special interest at the present time when the question of the league of nations is under discussion. The editor, Mr. James Brown Scott, supplies a valuable introduction. W. G. SCOTT-MONCRIEFF.

ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1914. In two volumes. Vol. I. Pp. 504. 8vo. Washington, 1916. Vol. II. General Index, 1884-1914. Pp. 793. Washington, 1918.

ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1915. Pp. 375. Washington, 1917.

UNUSUALLY rich in fresh openings, the Report for 1914 (cf. Report for 1913 reviewed *S.H.R.* xiii. 287) will command notice for some striking

pronouncements. Professor James H. Breasted sets forward a bold claim for the influence of east-Mediterranean civilization upon that of Europe. Specific among these debts of Europe are the clerestory, an Egyptian device; the Roman triumphal arch from a type developed on the Tigris; the church spire inherited from the Babylonian temple; the art of writing; and last but not least, the more or less theocratic concept of the State symbolized by an eagle in standards, seals, etc. The claims of long descent here indicated are sometimes subtle, but invariably they demand discussion.

Professor N. D. Gray advances the less concrete proposition that the political ideal of the Emperor Hadrian was to conserve the Romanizing institutions and exclude barbarian, especially oriental customs and beliefs. The Professor's summary of tendencies touches the North English Wall and its problems of construction, and he quotes an English opinion 'that recent discoveries of pottery under the stone wall seem to confirm the older theory that this wall is Hadrianic.'

Professor Lybyer challenges the views (1) that the old trade routes between Asia and Europe were blocked by the Turkish conquests, and (2) that this conducing to voyages west and south led to the rounding of the Cape and the discovery of America. He shows that the Levant was not closed as alleged, and that the proposition fails.

Professor E. H. McNeal examines the poems of Chrestien de Troyes for evidence of the relations between the feudal nobility and the Church, but finds very little. More modern matter dealt with includes two Napoleon papers, one a sort of bibliographical survey of Napoleonic literature, the other a generally adverse estimate of Napoleon's generalship. Important discussions by archivists are continued.

Volume II., the General Index, covering thirty years of these Reports, shows the surprising catholicity and wealth of the historical materials they register. The headings 'Scotland,' 'Scotch,' 'Scots,' however, scarcely reflect the importance of our national connections with America.

In the Report for 1915 the discussions, not less interesting than those of the year before, include Professor W. S. Ferguson's examination of causes of the Peloponnesian War. Contending against the prime or exclusive force of economic incentives, he says: 'The modern issues—balance of power, freeing small States, the maintenance of liberal institutions, the freedom of the seas, the rights of neutrals, the expediency and iniquity of dreadfulness, financial strength versus military efficiency, sea power versus land power, the strategy of exhaustion—would have been appreciated by Thucydides and his contemporaries without a word of explanation: for all of them were raised in their age also.' His conclusion is that wars have no dominant but 'many different' causes, in which 'brain-storm' gives the final impetus.

Professor J. W. Thompson describes the circumstances and the mode of East German colonisation in the Middle Ages, an eastward expansion from the eighth to the eleventh century, paralleled in America by the advance of white settlers through the Red Indian territories.

Difficulties of defining Nationalism are illustrated in two papers by

Professors Krehbiel and Laprade, all evidence showing the complex roots. Various reports on departmental archives strike a British observer specially by the prominence and variety of the functions discharged by the State in the transatlantic communities.

These annuals of history afford the highest proofs possible of the energy and success of American Research. In some future volume we should like to see specimen facsimiles of American records, illustrative of European styles of writing modified by American practice which has developed a fairly distinctive individuality of what may be called the American hand.

GEO. NEILSON.

FRANCE MEDIEVAL AND MODERN, A HISTORY. By Arthur Hassall, M.A.
Pp. viii, 319. 8vo. Oxford: Clarendon Press. 1918. 5s. net.

To write the history of France, from Roman Gaul to the present year, in 293 pages means a miracle of compression, which in most hands would be well-nigh unreadable. Mr. Hassall's book will tempt the reader to continue his studies in French history; it is a pity therefore that he has no bibliography to advise him as to the best books written on the subject in French as well as in English. There are useful genealogical tables, and seven maps which are rather unpleasantly confusing. In the first map Firmo should read Fermo, and in the last Albi should be placed on the river Tarn.

L. STAMPA.

SIDELIGHTS ON RUSSIA. By Hugh Brennan. Pp. 112. Crown 8vo.
London: David Nutt. 1918. 2s. 6d. net.

THESE pages continue the History of Russia to the present time. The book is so well written that it is a pleasure to read, and the problems it deals with are carefully considered and so placed before us that we ponder over them unconsciously as we read. Mr. Brennan commences with his impressions of the Revolution, and one of these is that among all the members of the British colony the idea was that it was caused by 'the deliberate policy of the late Government,' and by no sudden outburst of popular fury. He narrates the impassivity of the Czar and his subservience to the Dark Forces. The Cossacks sided with the people, the Czar abdicated, and the Revolution was complete on March 2, 1917, with wonderfully little popular disturbance. Then came the decadence. At once a pro-German element arose, and working secretly in favour of the Central Powers and openly in favour of Bolshevism, it soon 'reduced the Russian army to a looting rabble and the Russian fleet to a gang of murderers.' Perhaps it included some real idealists also, but their honesty was swamped by the activity of their colleagues in the path against the Allies.

The character of Kerensky is considered, and his failure gently treated as that of a too eloquent visionary divorced from the realities of a difficult time. It is pointed out that a free democratic Russia, once a strong and neutral government is settled, will be of far more value to the British, even commercially, than the old Russia of the Czardom, for then Autocracy and

Bureaucracy fettered commerce and education at the same time and was always hostile to the development of the wonderful resources of the country. We are told of the gradual curtailment of the power of the people by the autocrat and the constant repressive measures taken by the Government to terrorise them. This, the reviewer thinks, cannot be too strongly insisted on in examining the present troubles in Russia, as the Russian has for long been accustomed to political murders and massacres, and he is used to suffer much from both Czars and Bolsheviks before he revolts against either. The differences of the nationalities in the Russian Empire, once held together by stern repression but now free to develop in their own way, must also be considered as a great factor for unrest when the artificial band which united them is suddenly relaxed or removed.

A. FRANCIS STEUART.

SIR WALTER SCOTT AS A JUDGE: HIS DECISIONS IN THE SHERIFF COURT OF SELKIRK. By John Chisholm, K.C., Sheriff of Roxburgh, Berwick, and Selkirk. Pp. viii, 221, with 2 Plates. Royal 8vo. Edinburgh: W. Green & Son. 1918. 7s. 6d. net.

MR. JOHN CHISHOLM, K.C., the present holder of Sir Walter Scott's sheriffdom, has given us an instructive and welcome little volume, which rescues from the oblivion of the archives of the Selkirk Sheriff Court all the known cases which Sir Walter decided during his period of office. They number 114, and as he held office for 33 years he cannot be said to have been overworked, judged by this documentary record.

These decided cases are not remarkable for their variety or difficulty—the kind of case which a modern, busy sheriff-substitute would dispose of pretty quickly. But these were the days of replies, duplies, lengthy procedure and delays, which the Small Debt and other Acts have long since knocked on the head. Sir Walter's judgments, most of them written in his own clear hand, almost without a clerical correction, are succinct, lucid, brief, and always to the point, even when he fines a slack agent half a guinea for putting in a vague and irrelevant defence, or Betty Stevenson, domestic servant, who sought damages for an alleged assault upon her, twenty shillings 'to go to the rebuilding of the new prison,' which retreat no doubt the learned sheriff thought was the proper place for so importunate and untruthful a pursuer. But Betty would have none of this, and appealed to the Circuit Court, where Lord Meadowbank promptly—and properly—recalled the sheriff's interlocutor, remitted the fine, and gave the injured Betty £2 as *solatium* for her wounded feelings, with expenses of process.

Sir Walter in one case expresses some pungent views as to Sheriff Court wrangles, equally applicable now as then, thus: 'There is something sickening in seeing poor devils drawn into great expenses about trifles by interested attorneys. . . . Very few cases come before the Sheriff Court of Selkirkshire that ought to come anywhere. Wretched wranglings about a few pounds, begun in spleen, and carried on from obstinacy, and at length, from fear of the conclusion to the banquet of ill-humour, "D—n—n

of expenses,"¹ I try to check it as well as I can, "but so 'twill be when I am gone." It is.

Another interesting case is that in which his friend, James Hogg, the Ettrick Shepherd, is sued for an account for sheep and the cost of grazing, which Sir Walter had to decide against him. The pursuer's written criticism of the 'Mountain Bard's' defences is a gem of sarcastic pleading. 'Indeed, there is neither Rhyme nor Reason in the whole defences, and one or both might have been expected'—a sly dig at Hogg's poetic eminence. Of the debt the defender says 'he remembers nothing, and yet this is the man who writes his own life, and seems to remember everything.' Hogg had just published the third edition of the 'Mountain Bard,' in which he had included a Memoir written by himself.

Mr. Chisholm's preface is admirable, and one wishes there was more of it. It gives an account of the relative positions of sheriff and sheriff-substitute—very different from what it is now. The substitute gave decree only in undefended cases; in others he took the preliminaries and the proof, and forwarded them to the sheriff for final decision. There was thus no appeal from the substitute's decision to the sheriff. Both, as it were, were rolled into one; but a disappointed litigant was permitted to badger the sheriff to recall or alter his delivered judgments by not more than two reclaiming petitions. The records show that only once Sir Walter was induced to change his mind.

Mr. Chisholm's notes throughout are elucidating, some of them facts one had almost forgotten; for instance, that Lord Gillies in *Thom v. Black*, 5th Dec. 1828, 7 Shaw, 158, quotes Monkbarn's disquisition in the *Antiquary* on the subject of imprisonment for debt, as a correct exposition of the law of Scotland—rather a trying ordeal for Sir Walter, who, as Clerk of Court, probably sat at the table below when the judgment was delivered. The report in *Shaw* gives a long extract from Chap. XXXIX. in a footnote.

This book will commend itself not only to Scott enthusiasts but to the legal profession.

P. J. B.

The reputation of the *Proceedings of the Royal Irish Academy* suffers no diminution in the weighty papers contained in the latest issues (vols. xxxiv., section C, Nos. 7 and 8; xxxv., section C, No. 1). In No. 7 there is a learned discussion on the Domnach Airgid, or silver shrine, acquired by the Academy in 1847; the descriptive part is supplied by Mr. E. C. R. Armstrong, and the historical is told with critical skill by Professor Lawlor. The new evidence produced by Dr. Lawlor enables him to upset or modify previous conceptions of its origin and history. Photographic reproductions of the Domnach from all points of view give intense interest to the contribution. Mr. T. J. Westropp continues his archæological survey of Co. Limerick (No. 8), in which he examines local traditions and cults, as well as earthworks and such survivals in the south-eastern portion of the county. Mr. Westropp has succeeded in keeping a cool head while traversing some devious bye-ways of Irish legend.

¹ Burns' 'Address to the Unco Guid.'

The original charters of the Cistercian abbey of Duiske in Co. Kilkenny, belonging to the Marquis of Ormonde, and preserved at Kilkenny Castle, were transcribed by Lady Constance Butler, and are now printed for the first time, with explanatory notes by Dr. Bernard, Archbishop of Dublin (vol. xxxv, No. 1). The abbey was founded by the famous William Marshal, Earl of Pembroke, about 1204, and colonized from the abbey of Stanley in Wiltshire. The charters here printed are fairly well distributed over the medieval period, and are of considerable interest to students of Anglo-Irish history. Mr. Robert Cochrane adds an appendix on the conventual buildings at Duiske. The illustrations comprise a plate of seals, a ground-plan, and an old view of the abbey. This number is complete in itself, with a full index.

History for July, the attractive quarterly of the Historical Association, opens with Prof. Andrew C. McLaughlin's definition of the standpoint and programme of the U.S.A. in entering the War. Mr. Geoffrey Callender describes Drake's expedition to Cadiz in 1587 in which the oared-galleys may be said to have fought their last fight, being outshot by the 'great ordnance' which was the latest note of the ships under Drake's command.

Mr. Hubert Hall discusses recent reports on public records, and incidentally hints that 'compared with the remarkable development of the State archives abroad our own methods and establishments may certainly appear somewhat rudimentary.' He speaks with something like envy of the superior scientific construction and fittings of foreign archives and the inventories, guides, and other aids with which not infrequently even local collections are furnished. Scottish and Irish records are not reported upon, and it would seem that there has been chronic Welsh complaint of 'contemptuous treatment' of Welsh records. The question why more use is not made of contemporary official registers is answered by the odd critical judgment 'that no criterion of historical truth has been recognised by politicians,' their attention not having been directed to the matter by clamant public dissatisfaction.

Professor Pollard gives a historical revision of the doctrine 'No Taxation without Representation,' concluding that the real American objection was to the absolute Sovereignty of Parliament.

In the issue for October Professor F. M. Powicke, reviewing the studies of Jacques Flach on *Les Origines de l'ancienne France*, traces the passage of feudalism from the personal to the territorial, and regards the claim of homage as a regional tradition merging itself in a national unity. 'France,' he concludes, 'became a single feudal State when she became a nation.' Dr. H. M. Beatty gives a life-like account of the historian and biographer Pasquale Villari. Miss E. E. Power offers a revised estimate of the effects of the Black Death on English rural organisation, pointing out that the recent studies of Dr. T. W. Page, Mr. H. L. Gray and Miss A. E. Levett have culminated in the disproof of the cataclysms alleged by economic theorists, and tend to establish that the Death, which was 'something of a myth' as an economic factor, had only indirect political and social consequences.

In *The Modern Language Review* for July the short-lived dubiety as to Dryden's authorship of *Mac Flecknoe* is to all appearance ended by Mr. G. Thorn-Drury's vindication.

In *Notes and Queries for Somerset and Dorset* (September) perhaps the most interesting of many odd extracts, biographical notes, epitaphs, depositions, etc., is the register of the admission of a Trinitarian friar by the 'minister' of Thelesford in 1494.

In the *Juridical Review* for September Mr. W. Roughead completes 'A Note on Robert Fergusson' which, well fortified with quotations, is a hearty and informing critique of Fergusson considered as the poet of Edinburgh. The slender link of legal connexion with which the paper began disappears in the broader interest of a poet's life and work treated with a sympathy and enthusiasm which few readers will resist.

The Freiburg Review, vol. i. No. 1, appeared in August, a very bright magazine from the prisoners' camp. Under the title 'The building we live in,' Lieutenant W. M. Andrew contributes a well-informed account of Freiburg University, founded in 1457, although the existing structure dates only from 1576. The armistice will doubtless affect the continuance of this interesting periodical.

The Maryland Historical Magazine (March, June and September, 1917), kept late in reaching us by the War, continues that entertaining serial the 'Carroll Papers.' Young Charles and his father, corresponding from opposite shores of the Atlantic, discuss in an amusingly matter-of-fact and business-like fashion a proposal in 1763-1764 by the former to pay his addresses to an English girl, a Miss Baker. There were difficulties, and the solemn young prig wrote to his father, 'I can not sacrifice the future aggrandisement of our family to a woman.' So in the end Charles after his return to Maryland in 1765 married a Miss Darnall, with whom his father thought he would be 'Extreamly Happy.' A serious quarrel, in which the son and the father were alike grossly insulted, failed to result in the bloodshed such an affair might have induced, and the indignant but prudent son wished to have recourse to legal proceedings. 'I think,' he says, 'the scurrilous rascal should be exposed to public shame by a suit at law.' It certainly was a thorough-going effort in libel for Lloyd Dulany to write to Charles thus—'As for that monster of Vice and profligacy your father I will still Echo the universal Voice of his Country, that he is the deep stain of the times.'

A most interesting exchange of opinion is exhibited in letters in 1768 between Carroll senior and Wm. Graves of the Inner Temple, in which with vehemence on both sides the great Stamp question and other colonial grievances are discussed. Carroll writes as 'an old man warmed by a love of Liberty and of His Country,' and faces the situation without reserve. 'I must say something,' he observes, 'of Poor America or rather of Poor England, for I am persuaded if she pursues the Steps she Has taken she will Have Abundant Cause to Rue Her folly.'

In 1770 Graves returns a temperate and reasoned answer, which will deserve consideration as a good statement of British standpoints as against the more impassioned exposition of colonial wrongs. Such letters are the marrow of the controversy, and are prime historical material.

In another contribution on 'Men of Maryland specially honoured,' there is printed a resolution by the General Assembly of that State in 1832 on their being 'apprized of the death of the venerated Charles Carroll,' in which they extol him for his resolute patriotism and as a model of public spirit. The contrast with Dulany's 'monster of Vice and profligacy' is a curious illustration of the extremes of political estimate.

A short, well-informed paper by Mr. L. C. Wroth quotes and expounds the tenure of the province of Maryland, by Henry Harford, as a holding 'of our Castle of Windsor,' ... 'Yielding therefore unto Us our heirs and successors Two Indian Arrows of those parts to be delivered at the said Castle of Windsor every year on Tuesday in Easter week'—besides a more considerable 'fifth part of all Gold and Silver Ore.' Numerous receipts for the arrows from 1633, just after the charter became operative, down to 1765 prove that the archaic tenurial impost upon Maryland as an appurtenant of Windsor was regularly and literally rendered at Windsor Castle.

The Caledonian (New York, September 1918) has, with miscellaneous literary setting of its usual popular kind, portraits of Marshal Foch, Admiral Sims, the last of the Czars, Mr. Lloyd George, General Smuts, and President Wilson. A daring contributor writes a metrical postscript to Kipling's poem *If*, and applies it to the President!

University of Illinois Studies in the Social Sciences (vol. vii, June 1918) include a study, in over a hundred closely-printed pages, of the *Legislative Regulation of Railway Finance in England*, by Ching Chun Wang, director of the Kin-Han Railway in China, and an honorary fellow in Economics of Illinois University.

The latest *Bulletin* of Queen's University, Kingston, Canada, is Mr. O. D. Skelton's *Canadian Federal Finance, II*. Its conclusion is that for a country of great resources unravaged by war Canadian burdens will be 'bearable, particularly in comparison with the load that Europe will carry.'

Communications

COURTS OF 'GUERRA.' There is a statute of James III. (*A.P.* ii. 112: an. 1475) referring to abuse of the law by sheriffs, stewards, bailies, and other officers in holding courts of 'guerra,' to the 'grete hereschip and skathe' of the lieges and of the King in his Justice Ayres, 'quhilkis ar spylt be the said guerra courtis.' Skene (*De verb. signif.*) was puzzled to account for these courts. In the original record the word is 'querra,' not 'guerra'—a fact which escaped both Thomas Thomson's transcriber and that editor himself. It is interesting to note that the traditional reading 'guerra' is apparently supported by the first occurrence of the word in the Act; but on closer inspection what looks like a 'g' is really 'q,' disguised by a flourish belonging to the word immediately underneath. The 'q' is unmistakable in the two succeeding instances. It is true that Sir Philip Hamilton Grierson has found 'guerra' in the *Acta Dominorum Concilii* at a later period. There are earlier enactments, however, which suggest that 'querra' is the correct form.

In a General Council at Stirling in 1397 (*A.P.* i. 570) 'grete and horrible destruccionis, heryschippis, brynnyngis and slachteris' were discussed. Each sheriff was to proclaim 'that na man rydand or gangande in the contre lede na personis with hym bot thaim that he wil mak ful payment for.' The sheriff should then 'tak diligent enquerrez' regarding any who may have injured the lieges in this fashion; and after 'enquerre' he should arrest offenders, taking security for their appearance at the next Justice Ayre. If a man could 'nocht fynde sic borows,' the sheriff should immediately 'gif knaulage of assise' and condemn him, when guilty, to death. Again, in 1398-9 (*ibid.* 573-4) the Act was amplified, and injured parties were allowed to take the initiative by lodging complaints, 'the quhilkis complayntes sal hafe the samyn force and effect as to ger the personis be arrestit as the enquerre comprisit in the said statut of Stryvelyn.' Thus there were two modes of procedure, 'be enquerre or complaynt,' as is indeed more expressly indicated by a subsequent clause—'gif ony trespassouris be fundyn be enquerre or gifyn up be complaynt.'

We are certainly justified in correcting Thomson's text, and the general index, which proceeds upon the misreading. The Acts of Robert III. contribute to explain what puzzled Skene, and obviously suggest the true etymology of 'querra.' It is not surprising that the word should occasionally and at a later period be confounded with 'guerra.'

The Act of 1475 did not extinguish these courts. In the period of confusion after Flodden, when it was no doubt difficult to hold Justice

Ayres, power was to be given to sheriffs, stewards, constables and bailies to deal with 'recent slauchteris, reiffis, stouthis and heirschapis committit sene the feild.' If there was 'notour inimite or feid' between the officer and persons in his jurisdiction, there might be resort to the Justice-General; and it was thought necessary to quote the Act of 1475 'that na courtis of guerra be haldin within the realme' (*A.D.C.* xxvi. 89). Sir Philip Hamilton Grierson has provided interesting illustration of the matter (*Trans. Dumf. and Gall. Nat. Hist. and Ant. Soc.*, 1916-8, 208), from which it appears likely that an objection to the 'court of querra' was the *initiative* of the officer, who might seek to gratify his private enmities. The particular case explained by Sir Philip, belonging to 1516 and following closely upon the Act of Council just quoted, incidentally supports the etymology suggested by the enactments under Robert III. The record has 'query' (*A.D.C.* xxvii. 190) and 'quary' (*ibid.* xxix. 12). The word, in fact, is equivalent to 'inquisitio' (cf. *A.P.* i. 571a) and looks like the 'enquerre' of 1397 cut down.

R. K. HANNAY.

THE ORKNEY EARLDOM (*S.H.R.* xvi. 21). Mr. Clouston's elaboration of Vigfusson's suggestion that the gœðingar of Orkney corresponded with the *lendirmenn* of Norway—the fact that one gœðingr was in occupation of an earl's bordland, that other gœðingar were located in districts in which there were earldom estates, and the suggestion that the term gœðingr is derived from gœði, emoluments, applied to the earldom revenues, such as were held by Sveinn Ásleifarson in Caithness—is an exact repetition of the results of my original research as contained in *Orkney and Shetland Folk*, p. 16, which was afterwards printed in *Old-Lore Miscellany*, vii. p. 132 (1914). An advance copy of *Orkney and Shetland Folk* was sent to Mr. Clouston when he was writing his Introduction to *Records of the Earldom of Orkney*, in which he also made use of my research—my line of argument, proofs and original derivation—without any acknowledgment or indication that he was giving an opinion other than his own.

ALFRED W. JOHNSTON.

29 Ashburnham Mansions, Chelsea.

As it would be an impertinence to question this gentleman's estimate of his own work, and as a discussion as to priority of research is never a very dignified form of debate, it is perhaps better to leave those who have studied the papers and Introduction referred to (and also, I may add, certain earlier papers in the *Old Lore* series) to judge of my indebtedness to Mr. Alfred W. Johnston.

J. STORER CLOUSTON.

EARLY SCOTTISH BURGH LIBRARY. An interesting record of a seventeenth century public library has recently come to light in Dundee, in the form of a manuscript catalogue compiled in 1724, giving the titles, places of origin, and dates of 1750 volumes then in 'the Library of the Burgh.' The earliest volume in the catalogue is the *Liber*

Chronicorum ab Initio Mundi, printed at Augsburg in 1467; and the latest is Dr. Humphrey Prideaux's *Connection of the Old and New Testament*, published at London in 1718. Many of these books are first editions or special editions not in the British Museum catalogue, nor are they mentioned in Watt's *Bibliotheca Britannica* nor other bibliographical works.

This library, probably originated by the monks in the Franciscan Monastery at Dundee, was lodged in the vestry of St. Mary's Church, and after the Reformation it was under the charge of the Protestant ministers. The Church of St. Mary, founded by David, Earl of Huntingdon, in 1178, was under the control of the Abbey of Lindores; but having fallen into disrepair after various invasions, the Abbot consented in 1442 to hand over the Kirk fabric and its contents to the Town Council of Dundee, and thus the books became the property of the burgesses. There are several references in the Town Council Minutes of early times to the library, and to the preparation of a catalogue of the books; but no such document could be found after a diligent search in the Dundee Charter Room. In January, 1841, a disastrous fire destroyed the greater portion of the structure, in which four separate congregations worshipped, and the vestry containing the library was totally destroyed, with the exception of six volumes, which are now in the Free Library at the Albert Institute, Dundee.

About nine years ago the Chief Librarian, Dr. A. H. Millar, received a letter from Mr. D. Murphy, schoolmaster, Oakbank, South Australia, stating that he had seen a manuscript *Catalogue of Books in the Dundee Library*, 1724, which had been formerly in the possession of the deceased James Thompson, a native of Dundee, and was then in the hands of a poor labourer, who would sell it for a moderate sum. The money was sent, and two years afterwards, 1910, the book reached Dundee, having been overlooked by Mr. Murphy until he was removing to a new situation at Magill, South Australia. Probably it had been picked up on the street by Thompson at the time of the fire, and taken by him to Australia. It is now in the Dundee Library.

The catalogue is a volume of 44 folio pages, bound in vellum, beautifully written, probably by the Rev. Samuel Johnson, minister of St. Mary's at the date, with the aid of his son, who was Lecturer on Hebrew at St. Andrews University. The list includes books in Latin, Greek, Hebrew, French, German, Italian, and Spanish, as well as English works on theology, history, the classics, medicine, and miscellaneous subjects. As a contribution to the literary history of Dundee, the Town Council might with much advantage have this catalogue published with annotations.

THE DOUGLAS FAMILY AND THE LANDS OF LEVINGSTOUN, WEST LOTHIAN. In the reign of Alexander II., *circa* 1216-1224, the feu of the lands of Levingstoun was granted by Malcolm, Earl of Fife, to Archibald, son of William of Douglas (*Registrum Honoris de Morton*, I. xxxiii, xxxiv). Is there any further mention of these lands

in connection with the Douglas family to be found anywhere? The *Registrum Honoris de Morton* contains no other reference to them.

KILMARON FAMILY OF FIFE. Is anything known regarding the origin and subsequent history of this Fifeshire family, which flourished in the thirteenth century under the Celtic Earls of Fife? One of its members, William of Kilmaron, held the feu of Levingstoun, *circa* 1200, and is mentioned as Douglas's predecessor in these lands in the above Morton charter.

E. B. LIVINGSTON.

St. Raphael, Westgate-on-Sea.

Establishment of the Army 3 ways at london

20 januar [16]67¹

The following paper is copied from the original in the Charter Chest of the Marquess of Tweeddale at Yester. Its presence there is accounted for by the fact that the first Marquess was virtual head of the administration at this period. See *S.H.R.* xii. 145.

C. CLELAND HARVEY.

	The present Establishment Per diem			Per mensem		
Lieutenant Generall	03	00	00	84	00	00
Major Generall	02	00	00	56	00	00
Staff officers off 00 Regiment of horse						
Major Gen ^{ll} drummond Collonell	00	16	00	22	00	00
Regiment Chirurgion & 2 mattes	00	07	00	09	16	00
Provest Marshall & two servants	00	07	00	09	16	00
Officers & troupers of Seven Companies off horse						
7 Captaines each at 11. 4s.	08	08	00	235	04	00
7 Lieutenants each at 12s.	04	04	00	117	12	00
7 Cornets att xjs.	03	17	00	107	17	00
7 quarter masters att 7s.	02	09	00	068	12	00
21 Corporals 3 to each troupe at 5s.	05	05	00	147	00	00
7 Clerkes att 4s. per diem	01	08	00	039	04	00
14 Trumpets 2 to a troupe att 4s.	02	16	00	078	08	00
7 fferriers with ther servants 5s. p. diem	01	15	00	049	00	00
600 troupers att 3s. p. diem	90	00	00	2520	00	00
Staffe officers off two Regiments off ffoot						
Two Collonells att 12s. per diem	01	04	00	033	12	00
2 Lievtenant Collonells at 7s. p. diem	00	14	00	019	12	00
2 Majors at 5s. per diem	00	10	00	014	00	00
2 Chirurgeons & matte each att 7s.	00	14	00	019	12	00
2 Provest marshalls each att 5s.	00	10	00	014	00	00
2 Quarter masters att		—			—	
26 Captaines att 8s. per diem	10	08	00	291	04	00
26 Lieutenants att 4s. per diem	05	04	00	145	12	00
26 Enseignes att 3s.	03	18	00	109	04	00
52 sergeants att 1s. 6d.	03	18	00	109	04	00
78 Corporalls at 1s. per diem	03	18	00	109	04	00
52 Drummers att 1s. per diem	02	12	00	072	16	00
26 Clerkes att 2s. per diem	02	12	00	072	16	00
2470 men att 6d. per diem	61	15	00	1729	00	00

¹This is the last of the 'Communications' and transcripts left with the Editor by the late Lieut. Charles Cleland Harvey. (See *S.H.R.* xiii. 417.)

By Act 12 Sess. 3 of 2
parl. of K. Ch. 2
Per mensem

	Per diem	Per mensem		
Lieutenant Generall	001 16 00	050 08 00		
Major Generall	001 04 00	033 12 00		
Major Gen ^l Drummond Coll	000 12 00	16 16 00		
Regiment chirurgeon and two mates	00 04 00	05 12 00		
Provest marshall & 2 mattes	00 04 00	05 12 00		
7 Capitaines each at 16s.	05 12 00	156 16 00	7 Ca. each 20 lib. p. m.	70 lib.
7 Lieutenants each at 8s.	02 16 00	078 08 00	7 L. each 3 li. 10s.	24 lib. 10s.
7 Cornets each at 7s.	02 09 00	068 12 00	7 Co. each 3 l. 3s. 4d.	22 3 4
Quart masters not necessar	—	—		
14 Corporalls 2 to a troupe att 4s. per diem	02 16 00	078 08 00	14 Corp. at 2 lib. 5 sh.	31 10 0
9 att 2 to ye guards & one to ye others at 3s.	01 07 00	037 16 00	Tr. 9 at 2-1-8	18 15 0
450 Troupers 300 at 1s. 8d. p. diem & 150 at 2s.	40 00 00	1120 00 00	300 Troop. at 30s. 150 Troop at 40s.	450 0 0 300 0 0
2 Collonells at 8s. p. diem	00 16 00	022 08 00	2 Col. p. mens. 16-13-4	33 6 8
2 Lieutenant Collonells at 5s.	00 10 00	014 00 00	2 L. Col. at 10 li.	20 0 0
2 Majors at 3s. 4d.	00 06 00	009 06 00	2 Mar. at 8-6-8	16 13 4
Chirurgeon not necessar.				
2 Marshalls each 2s. 6d	00 05 00	000 07 00	2 Mars. at 2-10-0	5 0 0
26 Capt: at 6s per diem	07 16 00	218 08 00	26 Cap. at 5-10-0	143 0 0
26 Lievt: at 3s. 6d.	04 11 00	127 08 00	26 L. at 3-6-8	91 13 4
26 enseignes at 2s. 6d.	03 05 00	091 01 04	26 Ens. at 2-10-0	65 0 0
52 sergeants at 1s. 4d.	03 09 04	097 01 04	52 ser. at 1-5-0	65 0 0
78 Corporalls att 1s. p. diem	03 18 00	109 04 00	78 Corp. at 1-0-0	78 0 0
52 Drummers at 1s. pr. day	02 12 00	072 16 00	52 Drum. at 1-0-0	52 0 0
Clerkes not necessary	—	—		
2070: men at 6d. pr. diem	51 15 00	1449 00 00	2070 sold at 15s. 0.	1552 10 0

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Newhall on the North Esk, with its Artistic and Literary Associations

IMMEDIATELY on issuing from the hills at Carlopbrig, the boundary between Midlothian and Tweeddale, all but a thousand feet above the sea, the Esk assumes its easterly trend, and starts on its course along the foot of the Pentlands by Brunstane, Penicuik, Roslin, Dryden, Hawthornden, to Dalkeith and the sea at Musselburgh. A little more than a mile below Carlopbrig, on the north side of the stream, looking south, is the site of Newhall; one of those bastions which so frequently occur on the banks of the river, where little water-courses have delved two little glens on either side of a harder knot of rock, leaving a promontory or platform, what the French call a 'butte,' dominating the main glen. The gorge of the Esk at Newhall is very narrow and steep, and at least eighty feet deep. Until it was profusely planted, at the close of the eighteenth and opening of the nineteenth centuries, there was hardly any timber about the place, and its dominating site commanded wide sweeps of vision both up and down the Esk, and out across the Harlaw Muir to the Moorfoots and the more distant hills of Tweeddale. Newhall has an air and a character of its own, which it seems to have impressed on the various families who owned it and the diverse people who came in contact with it.

There is a tradition, recorded in the life of Chief Baron Clerk, of Penicuik, that Newhall and the lands attached to it were once a religious foundation under the Cathedral Church of Glasgow, and

the names of Monksburn, Monkshaugh, and Monksrig, with Friartown and St. Robert's Croft, still applied to places in the neighbourhood, are cited as confirmatory evidence. The name of the Spitals of Newhall, attached to the farms of Spital and Paties-hill, seems to indicate the existence of an hospitium or hospice for the reception of travellers crossing the hills; and until quite recent years the Spital was supposed to have been under the obligation to furnish food and shelter to wayfarers who might demand it, before the Newhouse inn was built, near Nine-mile-burn, on the old Edinburgh-Biggar road. I have my doubts, however, as to the truth of the monastic tradition. The original Crown charter declares the lands to be in the Barony of Penicuik, which does not favour the theory of ecclesiastical ownership.

We do not come to solid ground in the history of the place, and that is not very solid, till the opening of the fifteenth century. There is evidence that a Crown charter of the lands of Newhall was granted by Robert III. to Lawrence Crichton. The charter itself presumably went to the bottom of the sea along with the other archives which Cromwell was sending to London in 1660. We have knowledge, however, of the contents of these lost rolls from a Latin Index made between 1554 and 1579, now in the Register House, and an English Index, known as Robertson's Index, from the name of its first editor. Under the rough date Robert III. we get this entry in the Latin Index, 'Carta Laurentii de Creichtoun de terris de Newhall in Baronia de Pennycuik,' and in the English Index, 'To Lawrence Crichton of the lands of Newhall in the Barony of Pennycook Edinburgh.' From the company in which it finds itself indexed we may pretty safely conclude that the date of the lost charter was about the year 1405, and from these entries we learn, first, that there were distinct lands of Newhall; that the place was a well-defined and recognisable entity; secondly, that it lay within the Barony of Penicuik, and therefore probably was not in itself a Barony; and thirdly, but more conjecturally, that, as the lost charter was a Crown charter, the lands were held *in capite* of the Crown and not of the Barony of Penicuik, then the fief of the Penicuiks of that ilk; in short, that Newhall was a *dominium*, a lordship held of the Crown. At what date the lands of Newhall were carved out of the Barony of Penicuik and erected into a separate *dominium* held of the Crown, is not clear, but we may venture a conjecture that it was about the latter half of the preceding century, when we find another branch of the Crichtons, in the person of William Crichton of

that ilk, receiving a Crown charter of Brunstane and Welchetoun or Walston, and in 1375 a Crown confirmation of the lands of Braidwood, all in the Barony of Penicuik, and contiguous to the lands of Newhall. The view that the lands of Newhall were a *dominium held in capite* is confirmed by subsequent charters, especially by a Crown confirmation of a charter by Alexander Crichton, in which the lands are specifically described as the *dominium* of Newhall. There is a tradition that the *reddendo* for the said lands was a pair of silver-gilt spurs, but the loss of the original charter leaves us in doubt.

To whichever of the numerous branches of that family the Crichtons of Newhall may have belonged, they do not seem to have played any considerable part in the history of their time; we do not find them involved in the bloody business of the Chancellor Crichton, the Livingstones and the Douglasses and the black bull's head for dinner in the Castle of Edinburgh; but we know that the family was prosperous, extending its possessions into Tweeddale, where we find Alexander, grandson of Lawrence, holding Kirklawhill, in the parish of Skirling, in 1503, and immediately involved in a lawsuit with Sir William Cockburn of Skirling, which ran on for many years. The Crichtons fortified the bastion on which Newhall stands, and built a castle there, with chapel and chapel-yard attached, and flanking defence works running along the crest of the glen, traces of which exist to this day. It must have been a strong place, commanding the only line of transit along the Biggar-Lanark road, where it runs between the slopes of the Pentlands and the impassable hags of Auchincorthy Moss and Harlaw Muir.

Though there is no proof and not much probability that Newhall was a Barony, the Crichtons seem to have claimed and exercised baronial rights, with power of *fossa et furca*, pit and gallows. There is a grim legend, still current in the countryside, attached to Newhall in this connection, though it is not clear to which Crichton it refers. The son of a widow on the estate had been caught robbing the orchard in the east-garden of Newhall; as this was by no means a first offence, the Crichton of the day condemned the boy to death by hanging on the tree he had robbed; but intending this sentence as a deterrent and a warning, with no desire that it should be carried to its fatal conclusion, he ordered his men to cut the boy down the moment he had been turned off. This the gardener, in revenge for his stolen fruit, failed to do, and the mother met the men carrying the lifeless

body of her son back to the castle. She thereupon bitterly cursed the whole Crichton family, praying that none of the name might be blessed with a son to inherit the estate. The tale is told with some variations, and was made the subject of a romantic drama, called *Mary's Bower, or the Castle in the Glen*, by a later proprietor of Newhall, and Watson-Gordon painted six large canvases, illustrating scenes from the play, which are still in the house; it also furnished Sir James Fergusson of Spitalhaugh with the theme of his ballad, 'Lord Crichton.' Whether the Crichton of the tale was Nicholas Crichton we cannot be sure, but the widow's curse took effect in his person. Nicholas Crichton, son of Alexander Crichton and Agnes Craufurd, married Agnes Otterburne of Reidhall, and left only four daughters, Marietta, Elizabeth, Agnes, and Alisone, his heiresses portioners. He had run the estate into difficulties; the usual course, mortgages to merchant-burgesses of Edinburgh. He was dead by 1604. The lands passed through the families of Fairlie of Braid, Hay of Forresterseat, Scott of Drumsheugh, and Patrick Baxter, till in 1634 they came into the possession of David Crichton, younger of Lugton, 'and others,' a phrase which suggests the closing of a mortgage. In the following year they were acquired by George Watson and his wife, by whom they were sold in 1646 to the next family of any interest in the possession of Newhall, a representative of the Penicuiks of Penicuik.

Alexander Penicuik, who now acquired Newhall, was lineally descended from the Penicuiks of that Ilk, the earliest owners of the Barony and lands of Penicuik. The Penicuiks had alienated their family estate some time before it came into the possession of the Clerks; but it is a curious coincidence that Alexander Penicuik should have bought Newhall, thus returning to his own countryside and becoming neighbour to the lands whence he took his name, in 1646, the year before John Clerk, merchant-burgess of Montrose, purchased the lands and Barony of Penicuik. Alexander Penicuik of Newhall had been surgeon to General Bannier in the Swedish wars, and afterwards Surgeon-General to the Scottish Auxiliary Army in England. The first step taken by the new owner was to secure a Crown charter of the lands and *dominium* of Newhall in favour of himself and his wife, Janet Leslie, and their heirs. This charter changed, or rather restored, the nature of the tenure from ward to blench-farm at the quit-rent of a silver penny, 'it having been proved from the Exchequer Rolls of November 9th, 1497, from the Sasine of

Alexander Crichton, and from the accompts of the late Ludovic Stuart, Duke of Lennox and Sheriff of Edinburgh, that the lands were originally so held, but that, *defectu originalium cartarum*, the lands had for some time past been held on service of wardship.' The surgeon, on the decease of his first wife, Janet Leslie, married the daughter and heiress of Murray of Romano, between West-Linton and Newlands in Tweeddale, became possessed of that estate and settled there. His Murray wife bore him two sons, Alexander, born in 1652, and James. The family lived chiefly at Romano, where the Surgeon-General died at the age of ninety, 'the oldest Esculapius of our age,' as his poet son calls him, and was buried in Newlands Kirkyard.

Romano continued to be the principal residence of Alexander the younger, and it is pretty certain that neither he nor his father made any alteration upon the old Crichton house or tower at Newhall. At Romano they had many and near neighbours. Up at Newhall they had few or none. At Romano they had the public-house of Cant's Walls and the village of West-Linton—it had already changed its name from Linton Roderick—to amuse them. Linton and its neighbourhood furnish the themes for Alexander's humorous pen. It is in Alexander Penicuik the younger that we meet for the first time that dangerous bacillus of the pen which is apparently native to Newhall, and attacks all who come within its influence. Alexander had been bred to his father's profession of medicine. He had travelled in his early years, and when he settled at Romano with his father he gave free rein to his literary instincts; translations from the classics, Anacreon, Horace, 'Stattius the heathen,' as he calls him, from the Italian of Machiavelli and Guarini's 'Pastor Fido.' His comic verses on his neighbours and the humours of village life in Linton give us in a few Teniers-like touches a faithful picture of the countryside. Alexander, however, was physician and botanist as well as poet. He was in close relations with James Sutherland, the author of that early and admirable work on botany the *Hortus Edinburgensis*, published in 1684, and the first superintendent of the first Botanic Garden in Edinburgh, established by Sir Andrew Balfour, with the help of Sir Robert Sibald and the Faculty of Advocates about the year 1670. This double employment, as physician and as botanist, obliged Alexander, as he says, 'to know and observe every corner of Tweeddale, having made so frequent surveys through all the hills and valleys of that country both on horse and foot, and made a nice scrutiny

into all things I found remarkable'; and this 'nice scrutiny' is embodied in the author's remarkable work, his *Description of Tweeddale*, published with his poems in 1715. It was suggested by, and no doubt modelled on, Sir Robert Sibald's *Fife and Kinross*, published in 1710, and is in a way the precursor of the famous *Statistical Account*. Penicuik's *Tweeddale* is a work of considerable interest, displaying a literary skill far above that of his poems, and enlivened by many quaint, felicitous, and picturesque turns of phrase.

Alexander Penicuik parted with Newhall during his lifetime. He gave it in 1702 to one of his daughters on her marriage to Mr. Oliphant of Lanton. Mr. Oliphant, a spark of those days, was deep in debt, and promptly sold Newhall the following year to Sir David Forbes of the Culloden branch, uncle to Duncan Forbes, the celebrated Lord President, and father of Mr. John Forbes, a friend of Allan Ramsay and also of Dr. Penicuik himself, who visited Newhall more frequently after he had parted with it than when it was his own. Penicuik kept the Romano estate till his death in 1722, when it passed to his other daughter, married to Mr. Farquharson of Kirktown of Aboyne, in Aberdeenshire, from whom it was purchased by Mr. Adam Kennedy, whose only son married the sister of a later proprietor of Newhall, and thus recemented the connection between the two estates.

With the advent of the Forbeses the story of Newhall becomes more alive, and begins to acquire a considerable interest in the literary and artistic annals of the lowlands. The Forbeses came to Newhall to reside on it, and the first thing they had to consider was the house. The Crichton tower or house belonged to the period of feudal or castellated architecture, probably resembling, though *longo intervallo*, those splendid examples Borthwick and the original castle of the Crichtons in the Lammermoors—strong places indeed, but certainly not comfortable dwellings. Moreover, its recent proprietors, the Penicuiks, had lived there but little. The Crichton tower probably had fallen into considerable disrepair. Besides, the Forbeses were people of taste and dying to express it. All their work, most of which is still extant, abundantly proves their cultured refinement. They resolved to rebuild the house, and Newhall entered on the second stage of its architectural existence. Under the Crichtons it was a feudal keep; the Forbeses made it a mansion-house in that attractive style which, though perhaps strictly speaking Gothic, yet betrays the spirit of the Renaissance in its reserve and sense of pro-

portion struggling to express itself just before the Adam brothers carried it to its full perfection. Later owners modified it under the influence of the Romantic revival through Strawberry-hill Gothic down to baronial Scotch, and thus the architectural life of Newhall is, in a very modest degree, an epitome of the architectural epochs that have succeeded one another in Scotland.

We do not know the name of Sir David Forbes's architect. We have a picture of the house, however, drawn by A. Carse and engraved by Robert Scott, which shows a fore-court with two pavilions connected by a screen through which a Gothic portal gives entry to the house. The main body of the house, which preserved on the ground floor a vaulted chamber of the Crichton tower, is described by Mr. Forbes himself as 'a double house.' The design is extremely simple and symmetrical. It presents six gables in all, two on the south-west and a corresponding two on the north-east, explaining Mr. Forbes' phrase a 'double house'; and a single gable to the south-east corresponding to a single gable to the north-west. The house consists of a ground floor, first floor, and attics. The gable-ends, with crow-steps leading up to massive, well-moulded and finely proportioned chimney-stacks, are the great feature of the house; that and the simple but well-designed pinnacles or *gullie* which adorn the angles and surmount the buttresses dividing each gable-end. Between the ground floor and the first floor runs a string-course of simple yet massive moulding. Inside, on the first floor, a long gallery ran from the single south-east gable to the corresponding north-west gable; it was known as 'the great room at Newhall,' with dwelling-rooms opening off it, an arrangement that will at once recall the interior plan of a Venetian palazzo. The ceiling of the staircase showed Jupiter's eagle carrying off Ganymede. The house was furnished with tapestries in the panels of its bedrooms and pictures in the great room. One panelled bedroom, still known as the Advocate's room, was reserved for Duncan Forbes, then Lord-Advocate and afterwards Lord-President, while upstairs in the attics Allan Ramsay, Mr. Tytler, and William Clerk, son of Sir John of Penicuik, called 'Wandering Willie,' from his addiction to country-house visits, had also fixed chambers adjoining each other, with splendid views to the Moorfoots and across the glen of the Esk to the Tweeddale hills.

But there was one marked difference between then and now. When Sir David took over Newhall there were hardly any trees about the place, and that should be borne in mind when we think

of the scenery in which *The Gentle Shepherd* is laid. The idea of policies round a Scottish mansion is a comparatively recent development; anything in the nature of an English park was unknown. At most there were some rectangular green fields adjoining the house, called parks in a restricted sense, and divided perhaps by rows of trees, which gave the mansion all its boskage. Sir David and his son began extensive planting, and to them and the next proprietor we owe the wooded glen of Habbie's How. But, in accordance with the taste of their time, it was avenues that chiefly engaged the Forbeses—fine broad straight drives, nobly conceived and proportioned, with their double row of justly-spaced beeches, the lines of which may still be traced, led from the house north-east to the Edinburgh road at the foot of Patie's Hill and away south-west across the Esk and out by Kitleybrig towards Peebles, connecting the place with its two capitals.

Sir David was married to Catharine Clerk, sister to the first Sir John of Penicuik. His wife's sister had married Mr. Aikman of Cairney, father of the painter. Sir David himself was uncle to Duncan Forbes, the friend of Thomson the poet. His son, John Forbes, was an intimate of Allan Ramsay, who addressed several poems to him, and for whom Ramsay wrote a touching elegy on Mrs. Forbes, the Lady Newhall, as he styles her in the fashion of the time. His daughter Abigail was mother of Sir David Rae, Lord Eskgrove, Lord-Justice Clerk. Obviously there was an artistic and literary society gathered round Newhall, and the principal figure undoubtedly is Allan Ramsay. It is not my intention to rekindle the heated controversy as to the place and scenery of *The Gentle Shepherd*, the Glencorse or the Newhall site. Allan himself lays the scene in 'a shepherd's village and fields some few miles from Edinburgh.' As far as I am aware there never was a village in the upper recesses of the Glencorse valley, whereas the Carlops is nigh at hand to Newhall, and its scenery with that of the Newhall glen respond with striking accuracy to the setting of the play. Then again Tytler, in his edition of King James' poems, declares that 'while I passed my infancy at Newhall, near Pentland hills, where the scene of this pastoral is laid, the seat of Mr. Forbes, and the resort of many of the *literati* at that time, I well remember to have heard Ramsay recite different scenes of *The Gentle Shepherd*, and particularly the two first before it was printed.' Yet again, David Allan, the painter, was projecting an illustrated edition of *The Gentle Shepherd*, which

appeared in 1788. Two years earlier he paid an unexpected visit to Newhall for the express purpose of noting the scenery and the costumes of the play; and he declares in the dedication to Hamilton of Murdison that 'I have studied the same characters' as Ramsay, 'and from the same spot, and I find that he has drawn faithfully and with taste from nature.' These evidences seem conclusive.

The Newhall-Glencorse controversy appeared to have died away, but the publication of Strahan's edition of Ramsay's works in 1880, revived the Glencorse claim in the most assertive form. This called forth the two volume edition of *The Gentle Shepherd, with Illustrations of the Scenery* (published anonymously in 1808), by Robert Brown, who had by that time acquired the estate of Newhall. In these two volumes, which contain a mass of information about the place, and several sketches from his own pencil, and might be justly called a history of Newhall and its district, the editor vigorously and, I think, successfully maintains the Newhall tradition.

But the name which Ramsay chose for the knight in his play, 'Sir William Worthy,' suggests to my mind a further link between the poet and Newhall, and introduces us to an interesting episode of the literary and artistic story of the place. Clubs, as is well known, were then all the fashion; Lord Cockburn has an instructive essay on Edinburgh clubs. We hear of the 'Wig,' the 'Loose,' the 'Whin-bush,' the 'Easy,' to which Ramsay belonged, under the club names of 'Isaac Bickerstaff,' and later of 'Gavin Douglas.' In the minute-book we find this amusing entry, 'Gavin Douglas and Dr. Pitcairn having behaved themselves three years as good members of this Club are adjudged to be gentlemen.' It seems that one such club, entitled 'The Worthy Club,' used to meet at Leith in a tavern kept by a handsome Mrs. Forbes. The pleasant and easy walk from Edinburgh, the sea air, the golf links, the fish, and Mrs. Forbes' good cheer made the club popular with several persons of distinction: the Lord-President Duncan Forbes, Sir Gilbert Elliot of Minto, John Forbes of Newhall, William Aikman of Cairney, the painter, John Stuart of Innereity, Capt. Kennedy of Craig, Dr. Clerk, whose portrait by Sir John Medina is in the Surgeons' Hall, and Dr. Alexander Penicuik of Romano. This club frequently met at Newhall in the summer. Its members are no doubt the *literati* to whom Mr. Tytler is referring in his statement that he often heard Ramsay recite passages from *The Gentle Shepherd* to

Mr. Forbes' literary guests. The room in which they met at Newhall always has been and is still known as the Club-room; their portraits and that of their landlady were painted by Aikman, kit-cats in wigs, and distressingly like one another. These portraits, along with a portrait of Allan Ramsay by Smibert, and another of Duncan Forbes by Allan Ramsay, junior, are now in the Club-room at Newhall, where they were transferred from Leith. Let into the ceiling of the Club-room is a picture, not, I think, by Aikman, more likely by David Allan, representing the club in full session, with Ramsay standing, reading his poem, and handsome Mrs. Forbes bringing in a steaming bowl of punch.

Ramsay left two daughters, Christian and Janet, and one son, Allan, who became Court painter, amassed a fortune of £40,000, it is said, and won high and even excessive praise from Horace Walpole, his contemporary, who, writing to Dalrymple, says that 'Reynolds seldom succeeds in women, Ramsay is formed to paint them.' He seems to have continued the family connection with Newhall, for a portrait of his sister Janet—a rather severe old lady in rose-coloured satin and abundant lace, a black velvet cap trimmed with lace on her head, who lived to a great age, and only died in 1802—is still at Newhall.

Mr. Forbes added considerably to the estate. He acquired the contiguous property of Carlops, across the Esk, in Tweeddale. The Carlops belonged to the family of Burnet, cadets of Burnet of Barnes, purchased by them from Menzies of Menzies. The lands of Carlops at that time were all held as a single sheep-walk, with some moss and peat-hags lying at the foot of the hills. The tenant resided in the mansion-house of Carlops, now called Carlop Mains, a small white-washed house, with some architectural enrichments over the door, which stands beside the Carlops rock, a few paces back from the high road. The Burnets were Jacobites, and in the early years of the eighteenth century Archibald Burnet was attainted and his lands forfeited. They were eventually purchased by 'Canny' Mr. Forbes, as Ramsay calls him, and added to the Newhall estate. There exists at Newhall a portrait of a man in the archer's uniform by Waite, for long supposed to be the Chevalier de St. Georges. There is little doubt, however, that this is the portrait of Archibald Burnet, the last of the Carlops, who was admitted to the Royal Company of Archers in 1708. It is the earliest known representation of the uniform of a private in the Royal

Body-guard, and on that ground a copy has recently been added to the fine gallery of portraits in the Archers' Hall.

As Dr. Penicuik recovered the lands of Harlaw Muir, which were originally included in the lands of Newhall, so Mr. Forbes restored the Fore and Back Spitals of Newhall, the hill lands about the ancient *hospitium*, now known as Cockrig, Spital, and Patie's Hill, thus rounding off the estate of Newhall and Carlops as it exists to this day. At the time of their restoration to Newhall the Spitals were owned by a family named Oswald. The last proprietor, James Oswald, was accidentally shot by his servant when after wild duck on Slipperfield Loch, near Linton. He was buried in Linton Kirkyard under a large slab of stone, no longer *in situ*, which was once his hall-table, and on which, in anticipation of this use, he had caused to be engraved in his lifetime an inscription in Latin.

But Mr. Forbes did not confine his attention exclusively to literature, the arts, and the amenities of his place. Agricultural experiments for the improvement and development of his lands occupied his mind. His ventures rendered Newhall notable for other and more practical things than poetry and painting. Potatoes and Newhall are intimately connected. In *The Transactions of the Highland Society* there is an 'Essay on Peat' by the Rev. Dr. Walker, in which he says 'the potato forms one of the most useful and profitable crops that can be raised in pure peat earth. Though this was long known in Ireland, the first trial in this country was made in 1750 at Newhall, in Midlothian. The experiment was conducted on an enclosure of about four acres, consisting of such soft, wet peat soil as to be incapable of bearing a horse. Having lain some years in grass it was planted in lazy-beds with potatoes, chiefly indeed with a view to having it more perfectly drained by means of the trenches. The crop turned out so abundant both in size and quantity of the roots as to be a matter of surprise to all the neighbourhood.' At New Liston, on the northern side of the Pentlands, and about the same date, John Earl of Stair was raising turnips and cabbages in the open fields for the first time. Hitherto potatoes, turnips, and cabbages had been known only as garden plants.

But poetry and pictures and experimental potatoes and added acres were costly tastes, and by 1740 Mr. Forbes was in difficulties. He has laid out, he says, considerable sums on his house, parks, planting, and improvements, and upon coal-works. He has therefore been unable to reduce the burden of debt, and

has been brought under by bankrupt debtors and his father's and his own cautionaries. It is the old pathetic story of land and literature in unworkable wedlock, luring the victim to his doom. Mr. Forbes died about 1750. And his children, John, Duncan, Katharine, and Margaret, by his wife Annabella Bruce, were either unable or unwilling to keep the place. After passing through various hands it was purchased from the Hays in 1782 by Mr. Thomas Dunmore of Kelvinside as an investment for the fortune of his ward and grandson, Robert Brown.

The place immediately dominated the newcomers. Like the Penicuiks, the Forbeses, and the Oswalds, they succumbed to poetry, painting, and the arts in general. The house underwent its second modification. Having passed from the feudal tower or fortalice of the Crichtons, through the semi-classical mansion-house of the Forbeses, it now received a romantic addition in the Gothic chapel-style, as Mr. Brown describes it. This addition, which still exists, consisted of a gallery in which to house the collection of pictures the new owner was bringing together. He bought widely, but seems to have preferred the Dutch school, as indeed one would gather from the genre of his comic and pastoral poems, in the taste of Teniers and the Dutch masters. I remember a tradition that his purchases were carried out to Newhall by relays of men, the carrier's cart being considered unsafe. Mr. Brown has left a catalogue of this collection incomplete, as he himself declares, but nevertheless it numbers about 250 canvases. I do not think that room was found for all these pictures on the walls of the new Gothic gallery, and many of them were still standing stacked against the walls when Robert's son parted with them in order to make his own alterations on the house, keeping merely a few which pleased him most, notably works by Scottish painters, Runciman, Carse, Geddes, Watson-Gordon, Nasmyth, and David Allan.

But Robert Brown was not merely a collector, he drew and etched himself, designing some of the plates for his edition of *The Gentle Shepherd*. He carried his taste into all about him, his library, with its uniformly bound volumes in solid calf, his seals, his clothes; I found a drawer full of fine flowered and embroidered waistcoats, black satin coats with cut-steel buttons, white cloth coats with gilt buttons, breeches of the finest soft pale-yellow chamois leather. From these we gather that he was a little man. In that curious and illuminating volume *The Political State of Scotland*, compiled by Adam of Blairadam for

Henry Dundas, when he was running Scotland on behalf of Pitt—a sort of Scots *Who's Who* for 1788, with telling little thumb-nail sketches of the 2262 gentlemen who then composed the county electorate of Scotland—Robert Brown finds a modest but honourable place in the brief record, 'A lawyer. Little in practice. Small estate, but very independent.' With such tastes, and living within fairly easy reach of Edinburgh, Robert Brown was naturally intimate with most of the artists of the day; Steel made a bust of him, Raeburn painted his portrait, and Geddes a large family group of Robert Brown, his wife, Elizabeth Ker, and their son Hugh, all in a Pentland landscape. He corresponded with Geddes; there are letters referring to the purchase of copies from the old masters, for which Geddes was famous, and one large canvas by Geddes, a mythological scene, with nymphs and goddesses, in which the influence of the Venetian masters is plainly discernible in the glowing rich and fluid handling of both flesh and drapery, hangs on the stair. Watson-Gordon painted a portrait of Mrs. Brown, and also a series of six large canvases to illustrate Robert Brown's drama of *Mary's Bower*. Besides this play Robert Brown also published a volume of *Comic Poems*, in Scots, like all of their kind, direct descendants of *Peebles to the Play*. He edited Penicuik's *Tweeddale*, with copious notes on the agriculture, ornithology, and botany of the county, and above all he edited *The Gentle Shepherd*. It is characteristic of Robert Brown that he never put his name to any of his numerous publications, nor claimed any recognition.

As with Mr. Forbes so with Robert Brown, painting and poetry and literature generally were not by any means the sole occupations of their lives. Robert Brown left untouched the Newhall avenues, now grown up, but he continued the planting of the grounds and the glen, and much of the timber now in Habbie's How is due to him. He studied practically and wrote learnedly on farming; he has treatises on the rotation of crops suited to that high, poor, peaty soil; he experimented in carrots as Forbes did in potatoes, and he discusses the vexed question of the proper size of farms. The village of Carlops, too, as we at present know it, is entirely his work. In his day there was certainly Carlopbrig, and Dr. Penicuik's *Tweeddale* notes 'Carlops itself, with a considerable inn,' and there was the mansion-house, Carlop Mains, but how much of a village there was is uncertain. Robert Brown built most of the houses of the present village in 1784, and established an industry of hand-loom weavers. I can

remember hearing the clatter of the two last looms that were working in 1860.

Robert's son Hugh, born in 1795, made the last alterations on the house, still further deviating from the simplicity of the Mr. Forbes' mansion. By his orders Bryce carried out additions in the Scottish baronial style, which have certainly improved the accommodation but disturbed the original design of the building by the application of turrets and towers. Hugh Brown, no more than any of his predecessors or than his successor in the possession of Newhall, escaped the literary infection of the place, which seems to attack all who come within its reach, from Ramsay down to its lairds, shepherds, mole-catchers, weavers; all have contributed to the *Corpus Poeticum* of Newhall, and hardly a summer passes without some addition from one or other of the visitors to Carlops and to Habbie's How.

HORATIO F. BROWN.

The Scottish Craft Gild as a Religious Fraternity

ON 27th February 1558-9 the Provost, Bailies and Council of Glasgow granted a charter of erection to the Cordiners and Barkers, indwellers of the city, burgesses and freemen of the same.

It proceeds to narrate the petition to the council of fifteen cordiners for themselves and the remanent freemen of that occupation in the following terms: Wherefore the loving of Almighty God, the honour of holy kirk, worship and common weal of this good town and for the profit of all and sundry our sovereign Lord and Lady's the King and Queen's grace's lieges and others repairing thereto and for augmentation of divine service at the Altar of St. Ninian situate in the metropolitan kirk of Glasgow, the honour of the Saints Crispin and Crispinian our patrons, we desire that we may have these statutes, articles and rules following granted and given to us by your authority, where-through good rule and guiding may be had among us and our successors of the said craft both masters and servants in time coming.

The articles which were their 'reasonable desires' were as follows: (1) That the most able and worthy craftsmen shall have power yearly to choose a deacon and kirkmaster who shall be defended by the provost and bailies in all their lawful acts and statutes. (2) That every man of the craft pretending to set up booth in this good town, shall be made first freeman with the town and pay to the upholding and reparation of the said altar the sum of three pounds, six shillings and eight pennies for his upset. (3) That all freemen's sons in the upsetting of their booths of new shall pay allenarly for their upset to the reparation of the said altar six shillings and eight pence money and every apprentice at his entry, twenty shillings for the same purpose. (4) That every master of the said craft shall pay weekly to the

reparation of the said altar one penny scots and for every servant (apprentices being excepted) shall pay in like manner weekly one half-penny to those who happen to be depute to the gathering of the same, and also that every man of the said occupation both free and unfree that presents to the market any worked or barked leather to sell shall pay each time they present the work one penny to the upholding of the suffrage of the altar, and (5) That all those who are absent from the four quarter accounts being duly warned and required by the officer of the craft shall pay to the altar four shillings.

Then follow articles more particularly relating to the regulation of the trade. These need not be described, but each rule is fenced with penalties varying in kind ; some are payable in wax, some in money, and in certain cases pecuniary penalties are to be shared between the town and the gild. The deacon has power conferred upon him to poind and distrain for dues and penalties, and in default of payment to close the booth and window of the defaulter until full payment be made. Finally, the deacon with the advice of the best and worthiest of the craftsmen has power conferred upon him to make statutes for their own craft for the common weal and profit of the said burgh and city and for upholding the said altar and suffrage to be done thereat in all time coming, 'as efferis ane deacon to do.' Glasgow was not yet a royal burgh. Originally created a burgh of barony it was then a burgh of regality, but the provost and bailies were still appointed by the Archbishop and all their official acts were subject to his confirmation. In witness and verification, therefore, of the consent, approbation and ratification of 'ane maist Rev. fadir James be the mercie of God Archbishop of Glasgow' his seal was appended together with the common seal of the town.

This document, commonly called a Charter of Erection or Letter of Deaconhead but more usually a Seal of Cause, from the name of the official seal appended to it, is framed in a style common to all such deeds in Scotland. Its legal effect was formally to erect the petitioners and their successors in the trade into a corporate body with a separate legal existence apart from the individual members, and it included or attempted to include as corporators the whole individual householders following the tanning and shoe-making trades in the city.

It is plain this Charter has two aspects : a religious purpose and the regulation of the industry ; yet the first is so much the main purpose that the whole tenor of the document is moulded

by it. Its object appears to be to obtain authority to enforce payment of contributions and penalties not so much for a trade or economic purpose as for the support of religious rites and observances. The provision for sharing certain penalties with the town was the consideration they derived from the grant, and did no more than enlist their interest and good will.

It is this purpose of the pre-Reformation craft gilds—the promotion of religious duties and services at the altars of their patron saints—that is the subject of this paper.

The argument is that all the Scottish craft gilds of pre-Reformation times were religious fraternities, that the incorporated gilds which we find in Scottish record in full economic and social activity at the end of the fifteenth and during the sixteenth centuries developed out of such associations formed by men of the same occupation, and that a religious, and not merely an industrial motive, was the effective cause in their organisation whether they were ultimately incorporated or continued to exist as private associations, and impressed upon them a character which their survivals down to our own times still display.

There is not a hint from the Charter I have briefly resumed or the extant records of the city to show that before this date the Cordiners of Glasgow were associated together either as a religious fraternity or a secular gild. Considering the times, one might very well doubt their sincerity. The Reformation in Scotland was approaching a crisis. That very year 1559 the interior and windows of Glasgow Cathedral were wrecked and the altars destroyed. It was the days of the Good and Godlie Ballatis, biting satires in literature, burnings of heretics and churches, and murders of churchmen throughout the country. The supreme power was then in the hands of Knox and the Lords of the Congregation. The Queen Regent was supported by French Forces and an English army had invaded the country. The old church had expended its last breath in passing a series of resolutions for reform, and then sank exhausted and unresisting in the storm. It must have been one of the last official acts of Archbishop Beaton to fix his seal to the Cordiners' Charter before packing up with the muniments of the See and the University and leaving Scotland with the French troops in the summer of the next year.

The place and development of the craft gild in the history of industry in Western Europe is now well ascertained, and there is nothing peculiar about the development in Scotland except that it followed that in England by about from 100 to 150 years, just as

England was behind the Continent ; and when the gilds began to obtain recognition from the towns in the form of Charters of Erection they followed the continental models provided by the similar gilds in the low countries rather than the English and particularly the London companies. The universal obligation to produce an essay or master-stick before admission to the gild, which is rare in England but is common both on the Continent and Scotland, the frequent references to the practices of Bruges and the towns of France and Flanders in these charters and similar trade records, the expression Seal of Cause—itself a continental term—as applied to such charters, and the ascertained fact that many Flemings and other foreigners were members of the Edinburgh trades, are all evidence of this connection between the Continent and Scotland.

The general body of craftsmen arose between the agricultural population of the country and the trading class in the towns, who were already organised in their merchant gilds, and as the craftsmen grew in numbers and wealth they gradually built up an industrial class as opposed to a trading class. During the fifteenth century in Scotland this industrial class first challenged the control which the merchants had gained over the government of the towns, and in the following century established their position on something like an equality of influence.

In the later Middle Ages the immense town populations of the present day, dependent on steam power and foreign bread and meat, could not and did not exist. The country was wholly, and many of the towns themselves largely, agricultural in character. International markets with a world price fixed by the demands and supplies of all countries did not exist, nor was there even a national market, but prices and supplies were entirely local in character. Communications were bad, and consisted of riding tracks, and times of rude plenty alternated with periods of dearth and pestilence. The populations of great towns were those of villages to-day, Edinburgh, the largest, had at the Reformation possibly 3000 families. Glasgow had perhaps a total population of 5000 persons, many of whom were churchmen, and probably there were not 1000 families in the town. In these circumstances demand was steady, supplies were local and known, and prices were comparatively easy to fix. The town councils regulated the prices of food and drink and the common articles of daily use to yield the customary profit which would maintain the recognised classes of the community in their accustomed standard of comfort.

Forestalling of the market or engrossment of supplies was a crime, and such crimes were said by Adam Smith some centuries later, when conditions, however, had wholly changed, to be as imaginary as witchcraft.

There was no such freedom of opinion or of association as we are accustomed to. Objection to the person or disagreement with the policy of a prince was treason, and, later, an association for what would now be called political purposes was considered as sedition or unlawful conspiracy. If one's opinions differed from the dogmas of the Church they must be kept to oneself on pain of excommunication for heresy. All the immense and widespread activities, social, charitable and benevolent, which characterise modern society, and are only now being taken over by the State piecemeal and at intervals, were enjoined and promoted by the Church as an exercise of religion, and the instrument by which this was effected was the association for those, or some of those purposes, in the form of a gild. These gilds, under the protection and authority of the Church, were constituted in the name of some patron saint whose altar was founded in the parish or some other favourite church. In the capitularies of Archbishop Hincmar of Rheims, in 858, it is laid down that the brethren and sisters of the gild shall unite in every exercise of religion.¹

This *obsequium religionis* included not only devotions and prayers, but every exercise of Christian charity. In general, it involved mutual assistance of the gild brethren in every exigency, especially in old age, sickness and cases of impoverishment, if not brought about by one's own crime or folly. Gilds provided for loans to members, provision of work, setting up of sons of deceased members in trade and finding their daughters in a dowry. The gild also provided for the burial and masses for the souls of deceased members. There are provisions extant providing that persons leaving legacies for the objects of the gild should be received as members, and the safety of their souls be provided for at the cost of the gild. Many gilds made provision for schools and schoolmasters, education in the Middle Ages being supplied by or at the instance of the Church, and some provided aid for the maintenance of poor scholars. There were gilds for the repair of bridges and highways, and the building and repair of churches. Of this last there is an instance in connection with the rebuilding of Glasgow Cathedral after its demolition by fire, when Bishop Jocelyn founded a fraternity, which was approved by

¹ Quoted by Brentano, *Introd. English Guilds*, 1870. [E.E.T.S.].

King William the Lion about 1189-92, to collect subscriptions throughout Scotland.¹ Gilds were also founded and encouraged by the Church for the express purpose of the representation of religious plays, and to bear the expenses of the public processions on *Corpus Christi* day and other Church festivals, when all sections of the community—with their banners and in the livery or with the badges of their trades on their breasts—went in procession through the town in great splendour and magnificence before assembling at the church for service. After attending mass, the members generally met again to banquet together. These processions, in which the crafts were ranked in groups, such as the metal workers, cloth workers, leather, wood, and other trades, had much to do with the union of several cognate trades in one craft gild. The Hammermen is the best example of those composite bodies. No one gild pursued all these objects, but both the merchant gilds and, later, the craft gilds performed many of them, and it was these activities involving great expense which necessitated the collection of contributions from members, and fines and penalties for their neglect.

There is curiously little mention of these religious fraternities in surviving Scottish record, but their more domestic and general purposes are well illustrated by the *Statuta Gilde*² of the merchant gild of Berwick, the earlier statutes of which, dated about 1429, begin with an invocation in the name of the Holy Undivided Trinity and of the Blessed Mary the Virgin. The brethren met in the hall of the Friars of the Holy Trinity at Berwick, and although there is no mention of a priest or fines of wax in the Scottish Record Edition (the fines being chiefly casks of wine, which illustrates the social side of such gilds), nevertheless several of the English merchant gilds were incorporated in the name of the Holy Trinity and were undoubtedly religious fraternities. There was no general merchant gild in London; but that was not necessary there, because most of the early London companies were themselves trading or commercial gilds, such as the Fishmongers' Company, the members of which owned fishing boats and traded in fish; the Merchant Tailors' Company, whose members dealt in cloth; the Goldsmiths, some of whom were farmers of the royal taxes and financial advisers to the Government; and the Grocers, who dealt as merchants in all classes of foreign spices

¹ Reg. Episc. Glasguen. vol. i. No. 76.

² Acts. Pt. Scot. Rec. Ed. vol. i. p. 431.

and other articles of imported luxury. In connection with every one of them a religious fraternity has been found.

There was an ancient merchant gild at Edinburgh, as in most other Scottish burghs, and in 1518 the magistrates, on the petition of the haill merchants and gild brethren, gave to them the aisle and altar in honour of the Holy Blood of our Lord Jesus Christ founded in St. Giles', with power to them to honour and repair the same honourably as they think most expedient to the honour of God and the Holy Blood, to be patrons of the said aisle and altar and to make the Holy Blood to be their patron, . . . and the gift disposition and removing of the chaplains to be founded or instituted by them at the said altar to be at the election and disposition of their master of faculty, councillors and officers of their faculty for the time.¹

The merchant gild of Stirling still survives, and prior to the Reformation frequent references are made to payments of wax as well as wine on entry to that gild. There are also references, at the same time as in Edinburgh, to the Brethir and Fraternity of the Holy Blood of our Lord Jesus Christ, indeed the very words—A Faculty of Brethren—are used. They received fines levied by the town council, consented to payment of chaplains, and in one instance undertook to indemnify the council of the stipend of the priest of that altar; and many donations were made to them for obits. I suggest that the Brethren and Fraternity of the Holy Blood at Stirling, hitherto unidentified, was really the name by which the Stirling merchant gild was known in pre-Reformation times.² Each craft gild, Hammermen, Weavers, Cordiners, and others, all over the country had the same patron saint, and it may possibly be established that the tutelar patron of the Scottish Merchants was the Holy Blood of our Lord Jesus Christ.

These religious fraternities were governed by officers elected by themselves, the principal being the Dean, a name borrowed from the presiding officer of the Chapter, or Deacon, the name of the lowest order in the ecclesiastical hierarchy. An oath was taken on entrance not to reveal the secrets of the community, and its breach involved severe punishment. Members who on election refused to accept office were fined. Contributions were collected every quarter at meetings held either in the hall or chapel, if the fraternity owned one, or in the tolbooth, or in the parish church

¹ Extracts Edin. Counc. Rec. [Burgh Rec. Soc.] vol. i. p. 186 : Reg. Mag. Sig. 1513-46 No. 2600.

² Extracts Stirling Rec. [B.R.S.] vol. i. pp. 13, 19, 58, 70, and 266.

at which they worshipped. Absence from these quarterly meetings at which the quarterly wage or payment was collected, was visited by fine, and so were absences from the services on the Saint's Day, the festivals of the Church, and the dirges and funerals of members, and the fines were applied to the various purposes of the gild. The funds, the banners, missals, charters, and other valuables were kept in a shrine or common box in the custody of the dean or deacon, and keys to its several locks were kept by the worthiest members. The members often wore a livery, although there is no evidence of this in Scotland. Disputes among members were to be settled by the officers of the gild, and resort was not to be made to the courts. Persons of ill-fame were not accepted as members, and those guilty of aspersing the deacon were fined, and if recalcitrant, were expelled. The chaplain of the gild was maintained in rotation by the more wealthy members, besides having, when in the service of a richer fellowship, a fixed annual fee and special fees on the occasions of baptism, marriage, and death. In later times, when the fraternities proceeded to record their transactions, he invariably acted as their clerk.

In the later Middle Ages it became increasingly common for wealthy merchants and craftsmen, in imitation of princes and great magnates who founded abbeys and endowed colleges, to found chaplainries for a priest to sing for ever for the weal of their souls and the souls of their near relatives at the altar of some favourite saint. This practice was followed in Scotland, as well as in England and on the Continent, by groups of men of the same occupation, who founded 'co-operative chantries,' supported by the voluntary contributions of the members. Besides fulfilling the function of a modern benefit society, sick club and burial society, the chief concern of the craft chantries was the welfare of the souls of deceased members. Every year requiem was sung for all departed gild brothers, who were all mentioned by name. On the death of any member services were held for the weal of his soul and a trentall of masses was paid for. Special services were held on the feast day of the patron saint and on all the festivals of the Church, especially at Christmas and midsummer.

In London it has been ascertained by the publication of records that there was a fraternity—sometimes several—in connection with each city gild. These fraternities arose among the members of a particular trade and ultimately absorbed all practising that

trade. They provided not only the financial resources, but also the protection of the Church, which enabled the London Companies, for example, at the beginning of the fifteenth century to capture and control the government of London.

I do not propose to follow the long drawn-out contest of the Scottish craftsmen with the merchants for a share in the government of the towns in any detail, except to indicate from the Acts of the Scottish Parliament the general course of legislation. We first hear of craftsmen in Scottish record in a grant¹ by King Malcolm IV. to the Abbot of Scone about 1164, when he allowed the monastery to have a smith, a skinner and a shoe-maker for the service of the abbey with all the privileges such tradesmen enjoyed in the town of Perth. This is an instance of the 'family' or household system existing contemporaneously with the gild system in a neighbouring town. The merchant gilds rigorously excluded craftsmen from their membership; and the condition that the craftsman must first renounce his trade was embodied in the royal letters patent to the towns of the time. These merchant gilds became in many instances, such as Edinburgh, Leith and Stirling, almost indistinguishable from the town courts or councils. In the statutes of the merchant gild of Berwick, already referred to, many regulations of the more common handicrafts are found. For example, to take only one relating to shoe-makers who tan their own hides, 'that no shoe-maker ought to tan any hides but such as have the horns and ears of equal length.'² That is a distinction between the trades of tanner and skinner continued through all subsequent legislation and recognised in the leather trades and industries of to-day. It draws the line of demarcation between workers in the heavier hides of cattle and in the lighter skins of other animals, hornless or horned, such as sheep and goats, the horns of which are obviously longer than the ears. In later times the Great Chamberlain of Scotland made inquiry as to offences against the burgh laws committed by the different craftsmen, such as saddlers, malt-makers, weavers, tailors, skinners and shoe-makers. He was to inquire whether shoe-makers bark and make shone otherwise than the law allows, whether they make shone, boots and other graith of the leather or it be barkit. Whether they sew with false and rotten thread, through the whilk the shone are tynt or they be half worn. Whether, where they should give their leather good oil and tallow, they give it but

¹ *Liber Eccles. de Scon.* Nos. 5 and 8.

² *Statuta Gilde*, No. 24.

water and salt, and whether they work it or it be courait in great hinder and scaith of the king's lieges.¹

There is no indication in such provisions of the craftsmen being treated otherwise than as individual delinquents, and no principle of association appears.

In the fifteenth century, however, in the reign of James I., this early system of regulation must have broken down, and Parliament in the statute of 12th March, 1424, which contains the first instance in legislation of the word 'deacon,' enacted that: 'In each town of the realm in each sundry craft used therein there be chosen a wise man of their craft by the layff of that craft and by the council of the officers of the town who shall be held deacon or maister man over the layff for the time till him assigned to assay and govern all works that is made by the workmen of his craft so that the King's lieges be not defrauded and scathed in time to come as they have been in time bygone through untrue men of crafts.'²

This statute shows that it had occurred to the legislature of the day that the best method of regulation was to select the deacon or head of the fraternity to act as an officer of what would now be called the local government. But the deacons so appointed probably exceeded their powers, for by the next statute on the subject, dated 30th September, 1426, it was enacted: 'The King of deliverance of parliament has ordained that . . . the Deacon of ilk craft shall have no correction of the craft nor of the layff of the men of that craft but allenarly see that the workmen be cunning and the work sufficient which he shall assay and examine once every fifteen days.'³ In the same year Parliament enacted that the town councils should price the goods of each craft, taking into account the costs and travail of the workmen, and fix the price for working up other men's materials.⁴ Then a statute of the following year, dated 1st July, 1427, wholly repeals the two preceding statutes as to the appointing of deacons of crafts. It is in Latin and enacts that 'for the future no such deacons be elected among the craftsmen in any burghs of the realm and that those already elected shall no longer exercise the functions of deacons nor hold their usual assemblies which are considered to savour of conspiracies.'⁵

¹ *Iter Camerarii*, No. 22.

² *A.P.S.* vol ii. c. 21, p. 8.

³ *A.P.S.* vol. ii. c. 2, p. 13.

⁴ *A.P.S.* vol. ii. c. 3, p. 13.

⁵ *A.P.S.* vol. ii. c. 4, p. 14.

Apart from the use of the word 'deacon' in these statutes, it is the last words, giving the reason for the abolition of the office, *suas congregationes consuetas*, which savour of conspiracy, that gives the clearest hint of the character the bodies of craftsmen had taken. Two annual meetings since 1425 can hardly be called accustomed or usual. They are more likely to have been the quarterly meetings of the brotherhood. In medieval Latin the word *congregatio* meant primarily a religious assembly or meeting for a religious purpose, a meaning which it still has in our word 'congregation.' The word has the same religious signification in France, where *congrégations* is used of those religious orders and houses whose dissolution, disendowment and dispersion was until lately so prominent a policy of the French legislature.

But although deacons elected by the trade were abolished, some efficient method of supervision was still necessary, and at the end of the same year Parliament enacted in the statute of 1st March, 1427, that 'it is sene spedfull, ande the King withe the hail consal has ordanit for a yere that of euery craft there salbe chosyn a wardane be the consal of the burghe, the whilk wardane with consale of uthir discret men unsuspect, assignyt till hym be the said consal, sal examyn ande pryse the mater ande the werkman-schip of ilk craft and sett it to a certane price.'¹ These statutes mark the beginning of the prolonged contest between the craftsmen and the merchants for a share in the government of the towns.

No further statutes are recorded until 1457, when it was enacted that for the reformation of gold and silver wrought by goldsmiths there shall be in each burgh where goldsmiths work 'ane understandande and cunnande man of gude conscience, whilk sall be dene of the craft.'²

In the interval of thirty years between 1427 and 1457, the craftsmen of the burghs grew in wealth and numbers, and apparently continued to elect the kirk-masters of their fraternities, although they had no rights of supervision. Many of them traded in the raw materials of their business, and so came into conflict with the exclusive privileges of the merchants to deal in merchandise. There were disputes as to entry money to the gilds diminishing the dues on burgesses entering as townmen. At yet another point—the control and alienation by long lease or feu of the burgh acres—they protested against the administration of the town councils composed wholly of merchants, and there continued

¹ A.P.S. vol. ii. c. 3, p. 15.

² A.P.S. vol. ii. c. 8, p. 48.

the galling supervision by wardens in whose appointment they had no choice and who were not necessarily members of their trade. The craftsmen were excluded from the gild merchant unless they renounced their craft, and the gild merchant controlled the town councils. It would not be surprising if the activities of societies among the craftsmen were driven underground. By the town councils and the Parliament of which merchants were members and craftsmen were not, their associations were regarded as seditious conspiracies, and it is in this period that the first Act against bands and leagues in burghs was passed in 1457.¹ Protected by the Church as religious fraternities, their proceedings fenced by an oath of secrecy, and provided by the contributions of their members with what funds might be required, they exerted very considerable political influence. A similar situation had already in London produced very much the same effect. The founding of religious fraternities among the unorganised craftsmen there received an immense stimulus on the eve of the contest which at the beginning of the fifteenth century resulted in the capture and control of the London municipality by the city companies. A deacon was the lowest order in the priesthood; and though I know of no similar instance in Scotland, yet in London Hamo de Chigwell, the Master of the Fishmongers' Company and a Lord Mayor, was at a perilous moment fortunately for himself conveniently discovered to be in holy orders and so beyond the reach of his enemies.

In 1469 the Scots Parliament enacted anent the election of aldermen, bailies and other officers in burghs, because of the great trouble and contention yearly in choosing the same through multitude and clamour of common simple persons, that no officers nor councillors be continued in office for longer than a year; and, among other provisions, that 'ilka craft shall cheise a person of the samyn craft that sal have voce in the town electioun of the officiaris for that tyme in like wise yeir be yeir.'²

The crafts had now obtained a status and a footing which no doubt they used to the full. The consent of the deacons soon becomes necessary to make acts of the town councils, and they act as auditors of the burgh accounts. But it was not till towards the end of the next century that craftsmen became eligible as members of the town councils. A further statute in 1473 in favour of the goldsmiths, to the effect that 'thare be deput and ordanit a wardane and a decanne of the craft that salbe sworne

¹ *A.P.S.* vol. ii. c. 24, p. 50.

² *A.P.S.* vol. ii. c. 5, p. 95.

thairto and examyne al the werkmanschip that cummis fra thare handis,'¹ showed that the government had been convinced that in that trade, at least, regulation under the town councils by the trade itself offered the best method of control.

The legislation, however, in favour of merchants and repressive of the class of handicraftsmen still continued. In 1491² an Act was passed against leagues and bands and convocations in burghs; a second Act³ stigmatised the Cordiners, especially, as oppressors of the King's lieges in levying a penny of each cordiner who sold shoes in the market, thereby enhancing the price; and a third Act,⁴ on the narrative that the using of deacons in burghs is 'rycht dangerous' and as they use the same may be the cause of great trouble and convocation and rising of the King's lieges by statutes made contrary to the common profit and for their singular profit and avail . . ., ordained that all such deacons shall cease for a year and have no other power but only to examine the finish of the stuff and work that is wrought by the remanent of his craft. The crafts, however, proceeded on their course and continued to elect their deacons. After an Act⁵ in 1551 anent the exorbitant prices 'rasit be craftsmen,' a final attempt to suppress the powers of deacons was made. In 1555, during the minority of Mary, a statute⁶ was passed 'because it hes bene clairlie understand to the Quenis grace Regent and the thre estatis that the chesing of dekinis and men of craft within burgh hes bene rycht dangerous, and as they have usit thameselfis in tymes bygane hes causit greit troubill in burrowis, commotioun and rysing of the Quenis lieges in divers partis, and be making of liggis and bandis amangis themselfis, and betuix burgh and burgh quhilk deservis greit punischement,' therefore it was statute and ordained that 'thair be na dekinis chosin in tymes cumming within burgh,' but visitors of the crafts were to be chosen by the town councils.

But the gilds were now too strong. The craftsmen throughout Scotland immediately formed the most famous league and band in their history. They interviewed the Queen Regent and procured a repeal of the most obnoxious sections of the statute under the Great Seal in January, 1556, which, as the Edinburgh Hammermen who had taken a leading part in the matter record in their

¹ *A.P.S.* vol. ii. c. 17, p. 105.

² *A.P.S.* vol. ii. c. 17, p. 226.

³ *A.P.S.* 1493, c. 13, p. 234.

⁴ *A.P.S.* 1493, c. 14, p. 234.

⁵ *A.P.S.* vol. ii. c. 18, p. 487.

⁶ *A.P.S.* vol. ii. c. 26, p. 497.

minutes, was 'ryte honest and pleasant to all the craftsmen.' On the young Queen attaining her majority in 1564 the repeal was confirmed, and before the end of the century the craftsmen were able to win half the representation of the town councils (though Glasgow did not follow till 1605), and the constitution of the burghs thus set remained until the Burgh Reform Act of 1833.¹

The statutes in favour of the goldsmiths in 1457 and 1473² permitting the election of a deacon had made a precedent. It became impossible to prevent its extension to other trades. There followed rapidly charters of incorporation of the hitherto voluntary societies and fraternities of craftsmen primarily organised for religious purposes, with power now freely to elect their deacons and kirk-masters, and with power also, increasingly as time went on, to regulate their own industry. This movement was extended, and often promoted by the town councils, during the next century and a half over the whole industrial field in every burgh in Scotland where a separate trade could be said to exist. The co-operative chantry forming the nucleus of organisation of the trade and absorbing all the members exercising that trade, became the incorporated craft gild and a recognised organ of local government. This great change took place at the close of the period of forty-five years which elapsed between 1427 and 1473.

St. Giles was the parish church of Edinburgh till 1466, when by virtue of a grant from King James III. it was established as a collegiate church on the foundation of the old altarages and chaplainries. These were then at least thirty-four in number and included altars to most of the saints who are later found as the patron saints of the craft gilds.

The first Charter was to the Edinburgh Skinners in 1474, their patron Saint, St. Christopher; the next to the Masons and Wrights in 1475, patron St. John the Evangelist, and the town council conveyed to them their whole right in the aisle and chapel of St. John in the collegiate Church of St. Giles; in 1476 the Weavers, their patron St. Severane; in 1483 the Hammermen, patron St. Eloi; in 1488 the Fleshers, patron St. Cuthbert; in 1489 the Coopers, patron St. John; in 1500 the Walkers and shearers of cloth, patron Saints Mark, Philip and Jacob; also in 1500 the Tailors, matron St. Ann, the mother of the Virgin. At the beginning of the next century, in 1505, the Surgeons and Barbers, out of which arose the Royal College of Surgeons of

¹ Royal Burghs (Scotland) Act 1833.

² *A.P.S.* vol. ii. 1457, c. 8, p. 48; and 1473, c. 17, p. 105.

Edinburgh, patron St. Kentigern; in 1510 the Cordiners, patron Saints Crispin and Crispiniane the martyrs; in 1520 the Bonnet-makers combined with the Walkers and Shearers, their patron St. Mark; and the Bonnetmakers stipulated that as often as the chaplainry of the said altar should fall vacant they should have an equal right with the Walkers and shearmen in choosing a chaplain to fill the vacancy. In 1523 the Baxters were incorporated as a gild, their patron St. Hubert.

In Glasgow the same development took place somewhat later. There were seven pre-Reformation gilds. The first Charter was to the Skinners and Furriers in 1516, the regulations in which are on entirely a religious account. They had an altar to St. Christopher their patron in the Cathedral, and members were bound to pay each his weekly penny to the reparation and adornment of the altar and sustain the priest's meat thereof as it comes about, that is, in rotation. Fines were half a pound of candle of wax to the altar, and they asked leave to hold the solemnity of the feast of their altar on the Sunday next after St. James' Day. They besought their lordships the town council 'sen we ar tua craftis and unyte ourself in charite togidder to ye uphald of goddis service' to grant their reasonable desires, which was done with the approval of the Archbishop. The Weavers followed in 1518, but their charter is lost, and although it was confirmed by the Scots Parliament in 1681 from a notarial copy the Saint's name is amissing. It was without doubt St. Severane as in other weaver gilds throughout Scotland. The Bakers' charter is wholly lost, but was probably of the same character and their patron St. Hubert. The Hammermen were incorporated in 1536, patron St. Eloi or Eligius; the Tailors in 1546, matron St. Ann; the Masons, Slaters, Sawyers and Quarriers incorporated as one gild in 1551, patron St. Thomas, and the Cordiners and Barkers in 1558-9. There were other crafts, which however only obtained charters in post-Reformation times.

The same process is observed in Aberdeen, Stirling, Perth, and all the other towns of which early records have been published; all exhibit the religious character of the gild, and that sanction was sought to bring compulsion on all those of the trade to contribute in their varying degrees to the expenses of the altar and religious observances.

In Aberdeen certain Cordiners, 'in honour of God Almichtie, the blissit virgine Mary, Sancts Crispin and Crispian and al Sanctis,' had chosen a chaplain to make ministration of divine service at

their altar as effeirs and had bound themselves 'to sustene the said chaplane honestlie as effeirs in meytis, drinkis and sustentatioun circualie, be sevin of ye best and worthaist of the said craftismene, ilk ane day in ye oulk ; ande payand to him xls. usual monie of Scotland yeirlie for his fie,' by the other members. They failed to do so, and were sued before the Bailies upon the contract, which was recorded in a notarial instrument. The Chaplain won his case, and the deacons and masters of the craft were ordained to compel and distrain their neighbour craftsmen and cordiners to maintain him after the tenor of his evident.¹

This was in 1495. It was not till 1520 that this voluntary group of craftsmen framed anything like the formal constitution of an incorporated gild. On 13th June of that year, eleven cordiners met in the principal chamber of their deacon, John Wishart, for the purpose of electing new deacons and office-bearers, and of rectifying and amending all and sundry defects existing at the time in that craft. They then proceeded to elect deacons and a beadle ; they determined to establish a common box into which to collect every week a penny from each master and a halfpenny from each servant, apprentice and domestic for payment of the stipend of their chaplain, and if the craft should prosper the chaplain's stipend was to be increased nearly to the amount of the contributions, and the balance was to accumulate in the box for the repairs of the altar and its furniture. Thereupon Thomas Brodie, one of those present, paid over thirty pence which he had received nearly two years before from delinquent servants which he was bound to pay over in wax to the altar, and the meeting immediately devoted the money to the repair of the base of their chalice.²

But Edinburgh, the mother city of the affiliation of Scottish burghs, affords the clearest instances. The earliest is that of the Edinburgh Skinners, who are first met with as a religious fraternity. On 12th January 1451, a time when deacons were still suppressed and associations of craftsmen were still regarded as conspiracies, seventeen men of that trade asked a notary to record statutes they had agreed upon for the maintenance of the altar of Saint Christopher lately founded by them in the parish church of St. Giles. This instrument narrates that they had bound themselves to lend a helping hand during their lives and according to their means towards the service and support of a chaplain to

¹ Bain : Hist. Aberdeen Incorporated Trades, p. 65.

² Bain : op. cit. p. 266.

celebrate at the altar and the repair of its ornaments. Each member receiving an apprentice agreed to pay five shillings towards the repairs, and apprentices on joining were to become bound in the same obligations.¹ In their first charter of 1474, twenty-three years later, the contribution according to means becomes a fixed payment of one penny per week, and in their second charter in 1533 they obtain power to pound for it, and are to 'sustene the preistis meit thairof as it cumis about.' That the Edinburgh Skinners regarded themselves as a religious fellowship appears from their minute book beginning in 1549, in which they describe themselves as the 'freternite and craft of Sanct Christopheir.'

It is, however, the published minute book of the Edinburgh Hammermen, dating from 1494 and coming down to the Reformation, which gives the most vivid picture of one of these guilds in its daily life and activity.² Every item of expenditure on the altar of St. Eloi, the image and vestments of the saint, the adornments of the altar, the masses and services, pageants and processions, is given in minute and exact detail. There is hardly an enactment recorded in the whole sixty years of a trade or economic character. There are a few records of disputes amicably settled, and a very few instances of a shilling or two, sometimes only some pence, given to a poor member or his widow. But large sums were paid for masses for their souls. Either the Edinburgh Hammermen were exceptionally prosperous or the poor of the craft were maintained in their almshouse. Monetary assistance, like private charity, was regarded as an alms; no decayed member had any right to demand it, and organised charitable aid by the guilds only became prominent in their expenditure after the Reformation. The charity of the guilds, however, never became a benefit to be claimed in return for entry money paid, and to this day it retains its eleemosynary character.

The early minute book of the Glasgow Cordiners does not record their expenditure, and for that reason may lack some of the interest of the Perth and Edinburgh Hammermen's books. It begins in 1550, when, on Michaelmas day, the Cordiners and Barkaris met in the Tolbooth and elected their deacon or kirk-master according to 'auld use and consuetude.' It discloses a fully organised guild with a court of assisters, searchers of the

¹ Ext. Edin. Counc. Rec. [B.R.S.] vol. i. pp. 9-11.

² Smith's *Edinburgh Hammermen*.

market, an officer, and a clerk. The latter was Sir David McKeown, a well-known priest and notary of the day, and clerk to the chapter of the Collegiate Church of St. Mary and St. Anne on the south side of the Trongate. Apprentices with the different masters are duly booked, and the dues are entered indifferently as prentice silver or altar silver. The weekly penny from sellers in the market is collected in a box called the market box. The Edinburgh Hammermen as well as the Glasgow Hammermen called these weekly pennies St. Loye's brod, from the wooden platters or bowls in which they were collected. These old Cordiners every year set up their market box to auction among their members, and secured a certain sum in advance, leaving the risk and trouble of the weekly collection to the successful bidder. Every year they carefully recorded the delivery of the common box containing their charter, banner, bonds and evidents, with the money on hand, to the new deacon. In the first year recorded there were thirty men paying the twelve pence a quarter on the four quarterly account days, making from that source alone an income of £6 per annum. The entry moneys or upsetts, of which many are recorded, were no doubt treated as income and applied in meeting the annual expenditure, which, if we only knew it, was probably of the same character as that of the Edinburgh Hammermen. In addition, the new member had to give a dinner to the masters of the craft. These quarterly meetings were distinct from the annual meeting at or about Michaelmas, when the election of the deacons and other office-bearers of the crafts took place, an arrangement among all the incorporated trades which still continues. The membership gradually grows until in 1581 there are 106 members given on a list of which 36 are deleted, leaving 70. The book ends in 1612.

In 1550 the Cordiners appear to have contemplated applying for a charter. In the interval between that date and 1559 they proceeded to record in their book, one by one, the more strictly trade regulations which I have referred to as also included in their first charter. The rules as to religious rites and observances, aliment and others, were recorded, if recorded at all, in some earlier book, or, more probably, were matter of use and wont. It seems impossible to credit the view that the Glasgow Cordiners were not also a religious fraternity like other craft gilds throughout the country long before 1550, or that they were associated together for the first time either by their charter in

1559 or at the meeting recorded in their surviving minute book in 1550.

The early Glasgow records are unfortunately rather imperfect. The town council minutes only begin in 1573, thirteen years after the Reformation, and I know of no other continuous pre-Reformation minute book connected with Glasgow. Like most records of the kind it omits all mention of public events, or only refers to them inferentially. Its great interest and value—when read along with their pre-Reformation charter of 1559 and post-Reformation charter of 1569—is to show at the moment of a great change how the gild of an important trade was affected; and how, while they became more specifically an industrial unit, they developed in other and more practical directions their religious and benevolent activities.

The Glasgow Cordiners had no altar of their own. That was common enough. Many of the crafts appropriated or had allotted to them an old altar imperfectly endowed, and set up the image of their own saint upon it. There is very little known of the altar of St. Ninian in Glasgow Cathedral. Hardly any reference to annual rents payable in support of the prebendary is found in any of the published records relating to Glasgow, and it appears to have been very scantily endowed. Its site has been forgotten and probably cannot now be determined, unless a trough stane with the craft emblem of a cutting knife hewn upon it should be found under the floor of the Cathedral.

The Cordiners of the Canongate, a small craft gild in the Abbot's burgh of Holyrood, received from the commendator permission to build an altar in honour of their patron Saints in the Abbey and were given seven years to complete the work. The document¹ recording the grant reads like a bargain. They obtain power to levy dues upon other cordiners in the Abbot's barony of Broughton and royalty of Leith on condition of completing the altar within the time. This grant is dated in 1554, very near the Reformation.

Archbishop Spottiswood's picturesque story of how the devoted craftsmen saved Glasgow Cathedral from destruction has often been exposed, but they probably saved some of their own property. Although their altars were destroyed and the images of the saints were thrown down, the Edinburgh gilds saved most of their property. The Hammermen saved their chalice and so did some of the Stirling gilds. The Edinburgh Skinners received

¹ *Liber Cart. Sancte Crucis*. App. II. No. 39.

£5 for the remains of their altar and prosaically roused off their 'kyrk geir,' for which they obtained £65, a large sum of money. In Aberdeen things did not go so smoothly, and a petition was made to the Privy Council for recovery of their property by the crafts from the magistrates, into whose hands they alleged it had unlawfully come, but no decision is recorded. The Scottish craft gilds were little affected by the dissolution of the chantries and chapels. There was no confiscation of their funds for secular purposes. It was only the funded endowments of chantries and chapels in the form of annual rents which were affected by the legislation of 1567; the craft gilds simply ceased their voluntary expenditure.

After the Reformation the regulations as to attendance on Sabbath at church and at funerals became if possible stricter than ever. They still continued to collect their quarter accounts, exact a weekly penny and dues on entry; but the money now went in considerable sums to repair at intervals the decay of cathedrals and churches, to support ministers, and to a growing extent to maintain the poor of the trade. Not only was the membership growing, but a labouring class as distinct from the master craftsmen was now becoming visible. Various causes, the growth of population, wars, changes in agriculture and the break up generally of the medieval order of things, were producing a social question not confined by any means to Scotland alone. The maintenance of the decent and unfortunate poor—the cruikit folk, the seik folk and waik folk—has never been a problem of much difficulty. It is the sornor and beggar, the idle rascal and vagrant who cause the trouble. These classes were fed and increased not only by the indiscriminate charity of religious houses and old foundations badly administered, but by almsgiving for the soul's sake of the giver. Legislation had been chiefly of a repressive character by branding, lopping of ears, and banishing the town. Even hanging had proved a failure.

It was Ypres whose reforms early in the sixteenth century in the treatment of this problem pointed the way to success. The reforms of Ypres depended on a classification of the poor. Those that belonged elsewhere were to be sent to their own place. The town poor were absolutely prohibited from begging. The sick and aged were to be maintained in almshouses and hospitals; the strong and idle were to be set to work, and work was to be found for them. If they did not work they should not eat. The honest poor were to be maintained in their own houses. The

administration was placed under superintendents assisted in each parish by persons specially charged with the duty, and the cost was to be provided by the reformation of endowments, by bequests, by collections in churches, and the money to be saved from expenditure on festivities. These reforms were discussed all over Europe and gradually found their way into legislation.¹ The great Act of 1574 in the reign of James VI. in Scotland is the foundation of the poor law to-day.

The craft gilds, like the town councils and the Government, were affected by this great movement, and after the abolition of altar worship had set free their funds, they are seen everywhere founding or enlarging almshouses, either alone or in co-operation with others, and undertaking the regular maintenance of the poor of their trade. Projects of all kinds begin to be found in the minutes of town councils. After the constitution of the Glasgow Gildry in 1605 the Merchants and the Convenery of Crafts both founded hospitals for their poor. The Cordiners' minute book shows the same movement in many entries, but the earliest instance of its effect on their declared purposes appears clearly from their second charter in 1569, when they petitioned the town council for an amended grant to obtain power to exact increased entry money to support their 'puire dekeyit brethir.'

The Glasgow Cordiners still flourish. With many of the surviving craft gilds throughout Scotland they have never forgotten the exercise of religion. Since their exclusive privileges of trading, long impossible of maintenance in practice, were formally abolished in 1846, these gilds have devoted their funds to the relief of decently nurtured middle-class people. Much also was spent on education until the State took over that service in 1872; and now, not forgetful that the notion of apprenticeship implies that of education, many are preparing, in addition to their other activities, to promote technical skill and scientific research in connection with their industry.

ROBERT LAMOND.

¹ Ashley, *Econ. Hist.* vol. i. pt. ii. p. 347.

Glasgow in 1781

SOME months ago, in the course of examining a collection of family papers belonging to Mr. W. S. Turnbull, I came upon a MS. volume containing copies of forty-five letters dated from 25th October, 1780, to 25th October, 1781, under the heading 'Letters relative to the Town of Glasgow, 1780.' The letters are in the handwriting of Hugh Wyllie, and the volume appears to have served as a letter-book in which he entered copies or drafts of official letters written by him as Provost of Glasgow. As the letters are of interest, and have not otherwise been preserved, Mr. Turnbull has been good enough to place them at my disposal for publication, and a selection follows.

The years to which the letters belong were among the most critical in British history, and to Fox and his followers each sunset which marked their passage seemed symbolic of the rapid decay of national honour and prosperity. They witnessed the series of disasters which brought the War with the American colonies to a close, the struggle of the British Navy, which had been neglected under the regime of Sandwich, to confront the united forces of France, Spain and Holland, and the loss for a time of superiority at sea. The war was keenly felt by the merchants whose fortunes were often at the mercy of privateers, and the capture of a fleet of fifty-five Indiamen by the enemy in August 1780 was only an extreme example of the frequent failure of convoys to protect British commerce. Glasgow, which had been one of the centres of the tobacco trade, received a heavy blow when relations with Virginia were severed, and the merchants who were attempting to direct what remained of their resources to other channels, such as the West Indies, were naturally apprehensive of enemy naval activity.

These considerations of commercial policy naturally predominate in the correspondence which follows, but it is apparent from the tone of the letters addressed to Mr. John Crawford that he was not really designed to be the representative of an active burghal

constituency. Crawford had complained bitterly of the drinking contests into which his election for Renfrewshire resolved itself, but once elected for a county constituency his duties were not onerous.¹ That astute 'doer' of the Hamilton family, Andrew Stewart of Craighorn, complained bitterly to the Duchess of Argyll in 1773 of an arrangement which Crawford, in the political innocence of his heart, had made for the Hamilton interest getting the Lanarkshire boroughs and Campbell of Shawfield the county. 'It is not,' he wrote, 'from a notion of any essential difference between having a seat in Parliament from a County or from Boroughs that I should have been so averse to this measure, but I have neither genius nor constitution for contested Borough elections; on the contrary, have a decided aversion to such contests, for I neither understand how to make love to Boroughs, nor have I any disposition for the variety of attentions and other means requisite for gaining their favour.'²

Crawford had probably frequent cause when he was transferred from the electors of Renfrew to the Glasgow boroughs, to echo the sentiments of his Parliamentary colleague. It must be noted, however, that the political life of the parliamentary burghs was open to charges of corruption, and that the period covered by the following letters was succeeded by a strong agitation in favour of municipal reform. Political power in the Glasgow Burghs was in the hands of a small oligarchy, but the oligarchy was one of active merchants and manufacturers whose far-reaching interests preserved them from the most flagrant forms of abuse. The Glasgow oligarchy used their political influence for selfish ends, but these ends were generally those of the commercial prosperity of Glasgow and the Clyde.³

Glasgow was developing as an industrial centre, manufacturing products for export and seeking new channels for the business experience and enterprise which in happier days had found an

¹ Of 114 voters in Renfrewshire, 82 were 'faggot' votes. Mathieson, *Awakening of Scotland*, 20.

² Argyle, *Intimate Society Letters*, i. 180.

³ Mathieson, *op. cit.* 101 *et seq.* Some interesting details of the finances of Glasgow are given in Marwick, *Glasgow in 1781 and 1833* (Regality Club: Fourth Series, 127), and in a report which R. B. Sheridan prepared in 1793 on behalf of a Committee of the House of Commons (*Reports of Committees* (1803), xiv. 1). For contemporary treatises and pamphlets on the economic questions of the period, v. Scott, *Scottish Economic Literature to 1800* (Glasgow, 1911).

El Dorado in Virginia. The offensive ostentation of the tobacco plutocracy was a thing of the past, and the men who were directing the energies of the growing town were touched with that 'benevolence' which marked the age. The neighbouring counties were finding the industrial community in their midst a source of uneasiness and almost alarm. The foodstuffs which they could supply were insufficient for the population, and the steps which the town was taking to regulate prices and provide cheap transport by canal seemed to threaten the agricultural interest. Writing in 1769, Sir James Stuart of Coltness observed: 'The trade of Glasgow has augmented the number of her inhabitants. These now call for more subsistence than the county can supply; so the landed interest of Lanarkshire looks like the indigent parent of an industrious son, who has become independent of him from the time he has been forced to provide for himself. The high prices of sustenance, owing, of late years, to the deficiency of the county supply, and the difficulties Glasgow has found in having its wants elsewhere supplied with certainty and regularity, have excited, on the one hand, a taste for agriculture among the farmers; while, on the other, the citizens (by means of a navigable canal between the Forth and Clyde) have been driven to the necessity of looking for a more certain supply from without.'¹ Glasgow had a clear interest in the Corn Laws, and did not fail to express its views. A memorial on the subject by the merchants evoked in 1777 'An essay on the Corn Laws, in opposition to the inflammatory memorial for the merchants of Glasgow,' and Stuart complained of the manner in which the magistrates exacted 'ladle' dues on corn and meal in transit, and checked circulation.² When the important Corn Act of 1791 was passed it contained special provisions in favour of the Forth and Clyde Canal, and consequently of Glasgow.³

Hugh Wyllie first appears in the Records of the Burgh of Glasgow in the year 1766 as one of the partners of the Glasgow Rope Manufactory, an industry which was created in 1696 and was carried on as 'The Rope Work Company of Glasgow' by the firm of James Corbet & Company. This firm also included

¹ 'Considerations on the interest of the County of Lanark,' *Works* (London, 1805), v. 282.

² *Ibid.* 343.

³ 33 George III. cap. 38. 'An Act for regulating the importation and exportation of Corn, and the payment of the duty on foreign corn imported, and of the Bounty on British Corn exported.'

among the sixteen partners Wyllie's father-in-law, James Dunlop.¹ He was one of the parties to the Agreement of 1766, under which Cow Lane was formed into Queen Street.² The only light cast on his previous history is his statement, in his letter to Crawford of 29th December, 1780, that he was 'bred to the sea near 25 years.' On 2nd October, 1769, George Buchanan and Hugh Wyllie were ordered by the Magistrates to remove a quantity of gunpowder from the vicinity of the Castle of Glasgow, and a month later the Procurator-Fiscal was instructed to prosecute the latter for his failure to implement the order.³ This contact with public life was followed by Wyllie's election in 1770 as Bailie of Gorbals and in 1771 as Bailie 'of the Merchant rank.' After being Dean of Guild from 1776 to 1778 he was elected Provost on 16th October, 1780, and died in office 'after a lingering illness' on 20th February, 1782.⁴ He was succeeded by that pompous criminologist, Patrick Colquhoun, and was survived by his wife Elizabeth, daughter of James Dunlop of Garnkirk. He died in at least temporary financial embarrassment, and his widow received help from the Town Council 'until the remittances of her late husband's effects from America be made.'⁵

The zeal with which Wyllie sought to promote the interests of Glasgow is apparent in his letters, and the care with which he recorded them is typical of the ex-sea-captain merchant class to which he belonged. He may have been responsible for an unregarded resolution which the Magistrates passed on 11th December, 1780, for the preservation of official correspondence.

John Crawford of Auchenames, to whom about one-fourth of Wyllie's letters are addressed, succeeded Lord Frederick Campbell as member for the Glasgow Burghs in 1780, but at

¹ The history of the business can be traced in the Preamble to 24 George III. cap. 7 (1784) which in consideration of a payment of £2250 extinguished a claim to exemption from customs and duties.—*Glasgow Records*, vii. 613 and 635.

² *Glasgow Past and Present*, ii. 422 and 429; *Glasgow Records*, vii. 635 and 1277.

³ The magistrates subsequently spent considerable sums in erecting a powder magazine near Cowcaddens, which was little used. Wyllie doubtless interested himself in this question when he attained 'municipal honours.' *Glasgow Records*, vii. 301 and 309, viii. 12 and 74.

⁴ *Glasgow Mercury* of 21st February, 1782.

⁵ *Glasgow Records*, viii. 75-80. *Old Country Houses* (1878), 22 and 107.

next election in 1784 he was replaced by Ilay Campbell, Lord-Advocate. On Campbell being appointed Lord President of the Court of Session, in February 1790, Crawford again became member, but was succeeded by William M'Dowall of Garthland at the general election in the following July. In a confidential political report prepared in 1788 for the Whig Opposition candidates, he is described as 'Rich Little in Scotland Goes with Opposition,' and this terse judgment adequately describes his political activities.¹ He made one unsuccessful attempt to address the House, and played the rôle of a silent ministerial voter under Lord North, save in the famous division of March 1782, when, in deference to his friendship for Charles James Fox, he abstained from voting. Insignificant as a politician, he was well-known as 'a man about town,' and a steady 'punter' at the gaming table. His insatiable curiosity earned for him the nick-name of 'The Fish,' under which he appears constantly in the Familiar Letters of the period. 'Crawford,' wrote Horace Walpole, 'has been robbed in Oxford Road in a hackney-coach at ten at night. He lost twenty guineas and his pocket-book; and as he has always presence of mind enough to be curious, Hare says that he said to the highwayman, 'You must have taken other pocket-books: could you not let me have one instead of mine?' George Selwyn shared Walpole's contempt for him, but a hopeless and life-long devotion for the widow of Stephen Fox, and his unfailing friendship for her distinguished brother-in-law, implies some merit on his part.

As a young man he accompanied Charles James Fox on his Grand Tour, was at his elbow to assist him in the most fateful hour of his political career, and was his constant companion when he went out into the wilderness in 1782. Lord Holland and Trevelyan pay tributes to his unrecognised merits, and their estimate is supported by the splendid list of friends he gained and retained. He was a favourite of Voltaire and an intimate of Madame de Deffand, who preferred him to Fox and called him her 'petit Crufurt.' To the friendship of David Hume he added that of Edward Gibbon, and was the last visitor with whom the great historian conversed before his death. Trevelyan describes him as 'a man of parts and vivacity, but too self-absorbed and affected even to have made a successful politician,' and this judgment may be accepted as accurate.

DAVID BAIRD SMITH.

¹ *Political State of Scotland* (Edinburgh, 1887), 30.

To Jas. Samber, Esqr., Commander of his Majesties Ship
Satisfaction at Greenock, from Provost Hugh Wyllie.

Glasgow 25th October 1780

Your letters of the 17th & 22d Curt. I received & am happy to find your disposition to suppress these Piratical Smugglers, for such I believe them to be, I am well convinced you could not put to sea in such tempestuous weather even with a better sailing Ship than the *Satisfaction*, & it seems agreed on all hands that she sails heavy & is otherwise very ill calculated & unfitt for the Service. I wish you had a better Ship for, from the account I have received from my friend Baillie Moodie of Greenock of your Character, you are entitled to a better, & I mean in conjunction with the other Magistrates of this City to apply soon for a better Ship to be put on this Station & it will be agreeable to us all that you get the Command.

Whenever it suits your convenience to come here I assure you the Magistrates wish to see you, & they will be happy to drink a Glass with you.

I am at present unacquainted with the limits of your Station as also with the Instructions you have from the Lords of the Admiralty respecting the orders you are to take from the chief Magistrate of this City. I will be much obliged to you to inform me of both & you may depend I will make no bad use of them. I only wish to know them, least I should give you unnecessary trouble, and that I would wish to avoid In your next please say when I may expect you in town.

The printed Naval Records of the period contain no reference to Samber and his inappropriately named ship. She was in the Clyde in March, 1778, under the command of Captain Foulks. *Glasgow Records*, vii. 521.

To Capt. Samber from Provost Hugh Wyllie.

Glasgow 14 Novr. 1780

It is the wish of the Gentn. Interested in the Jamaica Fleet (which may be looked for in a few days) that you would embrace the first favourable wind & put to Sea with the *Satisfaction* & Cruize in the Channel for their protection, which I think absolutely necessary; & I doubt not of your agreeing with me in Sentiment & I hope your best Endeavours will not be wanting to guard them into Port, Last Night I received Intelligence from Greenock that the *Glasgow*, Capt. Porter arrived there that

morning from Liverpool, on her passage was brought too on the 12th Curt. off the point of Corshill by an American Privateer of 14 Guns; but the Sea ran so high they could not board her & she kept off: this Circumstance alone shews the necessity of putting to sea without Loss of time which I hope youl not fail to do whenever wind & weather will permit. I presume this is the very Privateer I wrote you off formerly, probably drove out of the Highlands by the *Seaford* & her Cutter.

The Provost's instructions were not given effect to, for the *Glasgow Mercury* of 16th November records the departure on 14th of 'armed ship *Satisfaction* for England with impressed men.'

The *Seaford* was built in 1754. She is entered in the list of ships in commission in 1770 on the dispute with Spain regarding the Falkland Islands, was one of the squadron at the Leeward Islands under Vice-Admiral James Young and is entered in the list of the British Navy in June, 1778, and in a later list of the British fleet at or near home. She is included in the list of the squadron under the command of Captain Charles Fielding, sent to intercept a Dutch convoy, laden with naval stores for Brest in December, 1779. Her armament is given as 20/24 guns, and she was commanded from time to time by John Jackson, John Colpoys, and John Prescott. Beatson, *Naval and Military Memoirs* (1804), vi. 19, 88, 93, 150 and 198.

She has a modest place in the history of mechanical invention as the first ship on which Cole's improved chain-pump was worked with success, in 1768. Traill, *Social England*, v. 211.

To Jno. Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 1st Decr. 1780

I observe by the votes of the Ho of Commons that leave is given to bring in a Bill for regulating the Importation & Exportation of Corn & Grain within several Ports & Places therein to be mentioned; least this bill be against the Interest of this Country, I beg you may transmit me a Copie of it as soon as you possibly can, & at same time, I must request you to give me the earliest Intelligence of every Bill that may hereafter be brought into Parliament, which may in any respect effect the Trade or Manufactures of this Country.

I shall soon have occasion to Correspond with you again on the Subject of procuring a proper Ship to be Stationed here for the protection of our Trade, As the one we had is very unequal to the Task.

I will be much obliged to you if you'll tell Mr John Seton that I shall correspond with him upon our City Business when any thing occurs that lies in his way.

The attempt to balance the interests of the producer and the consumer can be traced in the legislation of the period, and the difficulty of the task increased as the industrial population grew. In 1783 the House of Commons appointed a Committee 'to take the Act for regulating and ascertaining the Importation & Exportation of grain into consideration.' Two reports were issued. The failure of the crop in part of Scotland, including Dumbartonshire, led in the same year to relaxation of restrictions on import (23 George III. cap. 53). The important Act of 1791 on the subject (33 George III. cap. 30) merits careful study by students of Glasgow history. Reference may also be made to the interesting reports by Committees of the House of Commons from 1774 to 1800 printed in *Reports from Committees* (1803), ix. 1-197.

John Seton was the London agent of the City from 21st July, 1779. His chambers were in John Street, Golden Square.

To Philip Stephens, Esqr., Admiralty Office, London, from
Provost Hugh Wyllie and Dean of Guild John Campbell.

Glasgow 15 December 1780

We are desired by the Corporation, & petitioned by the Merchants, to apply to the Lords Commissioners of the Admiralty, for a proper Ship to be stationed here (in room of the *Satisfaction* Armed Ship now gone to England with impressed men) for the protection of our Trade.

The *Satisfaction*, from her built & Construction is no ways adequate to the Task, In the first place she sails so heavy that she can scarce come up with a loaded Merchantman, & far less with an Enemy fitted out in the quality of a Privateer, & in the second place, she has been originally built for the Coal trade, consequently very unfitt for action, She carries her Guns on no less than three decks, a rough draught of which, we inclose for their Lordships Inspection.

For these two last years, our Coast has been very much infested & our trade distressed, by a set of Piratical Smuglers, & yet from the unfitness of the *Satisfaction* for such Service, they have all escaped with impunity; from what we have said of the Ship, we would not wish to be understood to throw the Slightest reflection on her Commander Capt. Samber, for we know him to be an active, experienced Officer, & well acquainted with the Navigation of the River Clyde & the adjacent Coast, and it would

give us real pleasure was he promoted to the Command of a proper Ship on this Station.

We must entreat of their Lordships, Seriously to Consider the Naked & defenceless state of our Coast, & we hope they will be pleased to order a frigate of 24 Guns to be stationed here for the protection of our trade; such a Ship, if She sails fast, will effectually prevent further molestation. We beg Sir, you will take the earliest opportunity of laying this Letter before the Lords Commissioners of the Admiralty, & as you know Sir, that the City of Glasgow is not disposed to trouble Governmt. with any thing they can possibly avoid, we doubt not of your best endeavours to procure us a favourable answer.

On 11th December the magistrates instructed this letter to be written. *Glasgow Records*, vii. 614. Philip Stephens (1725-1809) was Secretary to the Admiralty from 1763 to 1795.

To The Rt. Honble. Lord F. K. Campbell, M.P., London,
from Provost Hugh Wyllie, Patrick Colquhoun, Walter
Stirling and Alexander Buchanan.

Glasgow 15 Novr. (Dec. ?) 1780

We are authorized by the Councill to return your Lordship our best thanks for procuring Provost Buchanan so respectable and so Beneficial a place as Commissioner of the Customs of Scotland, & we can assure your Lordship that this particular mark of your friendship to an old Magistrate will be long remember'd by the Inhabitants of this City.

Lord Frederick Campbell (1729-1816), third son of 4th Duke of Argyll, M.P. for Glasgow Burghs (1761-1780) and for County of Argyll (1780-1799), Lord Clerk Register (1765-1816).

Provost Buchanan was James Buchanan of Drumpellier, eldest son of Provost Andrew Buchanan, Virginia merchant. He was Dean of Guild in 1772 and Provost in 1768 and 1774. His firm of Buchanan, Hastie & Co. was ruined by the American War in 1777. He died in Edinburgh in 1786. His nephew, Andrew Stirling, purchased Drumpellier from his trustees. For note on Andrew Stirling, *Old County Houses* (1878) and Mitchell's *Old Glasgow Essays*.

To Geo. Chalmers, Esqr., Edinr., from Provost Hugh Wyllie.

Glasgow 30th Decr 1780

I received your favours of the 28th Curt, with a Memorial which I have carefully read & considered, you have much merit

in the Composition of it & the Country at large is indebted to you for the great pains & Labour you have taken to show how much the fair Trader is imposed upon by the Custom ho. Officers of this Kingdom, I shall recomend the matter to Provost Buchanan, who I am persuaded will do every thing he can consistant wt. his Office.

George Chalmers was probably the author of *Caledonia*. He published a number of pamphlets with reference to the economic effects of the American War. In 1780 the Convention of Royal Burghs made him a grant of £50 'for soliciting an alteration of the duties on culm.'

To J. Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 29th Decr. 1780

I received your much esteemed favours of the 22d Curt. informing me that you have procured the *Seaford* frigate of 24 Guns, Copper bottom'd to be stationed here for the protection of our trade in room of the *Satisfaction* armed Ship which is a piece of great service done to this City & a very particular mark of your friendship & regard for its Inhabitants, You have much merit in bring this matter (of so much importance) about in so short at time, therefore give me leave to return you my best thanks as also the thanks of the Dean of Guild, the Corporation & the Trade at large

I must now request you to get this Ship put under the direction of the chief Magistrate here, for the time being, in order that he may send her out at any time for the protection of the Trade when it does not interfere with his Majesties service, I wish to have liberty to order her wt. the Trade from Clyde to Cork or from Clyde out the North Channel perhaps 50 leagues not to exceed 100 to the westward of the Island Torry—for without the liberty of such traversing she cannot render the Trade such essential Service as is necessary for its protection, I hope my Lord Sandwich will gratify you in this fresh application & his Lordship may depend no bad use shall be made of the trust he may repose in me, I shall give no unnecessary trouble to his Majesties Ship nor at any time interfere with his Majesties Service, nay on the Contratry I shall use my best endeavours at all times to promote it, I was bred to the sea myself near 25 years, therefore I hope their Lordships will grant my request & order me a Letter to that effect—I am told the Lord Provost of

Edinr. has the direction of all the Ships on that Station—If my Lords Commissioners of the Admiralty thought proper to grant letters of mark to Revenue Cutters Station'd in & about the River Clyde who are all now double mann'd and Gun'd they might be of very great service in Suppressing the Piratical Smugglers who in Common infest our Coasts from the 1st of Febr'y. to the begining or end of October, If My Lords Commissioners of the Admiralty will please to send me an impress Warrant I will use my best endeavours to procure some men for his Majesties Sea Service I have the honor to be

N B accept of my best thanks for the Covers which I duly received—

Covers = franks.

To Jno. Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 25 Jany 1781

I refer you to my last respects of the 29th ulto. & I have now to inform you that by the Edinr. papers to day, I observe the *Seaford* frigate arrived in Leith roads after protecting the Herring Fishery, which is an unlucky Circumstance to the Trade of this City

I expected to have had her to Convoy our West India Ships (which are now near clear to sail) the length of Cork, It will therefore be necessary that you apply again to Lord Sandwich & to urge him to send her round here immediately or some other fast sailing Ship of equal force, I reken it my duty to communicate this piece of Intilligence to you & I shall ever be attentive to give you the Earliest notice of every thing that may interfere with the Interests of this City, as I well Know you are disposed as much as you can I have the honor to be with Esteem & regard

To Philip Stephens, Esqr., from Provost Hugh Wyllie.

Glasgow 26th Jany. 1781

I received in Course your Letter of the 20th Curt. and I am much obliged to my Lords Commissioners of the Admiralty, & to you Sir, for informing me of the time appointed for the sailing of the Second Convoy from Cork for the West Indies, & which

I have communicated to the Merchts. here,—Upon the 15th ulto. the Dean of Guild & I, at the desire of the Corporation & Merchts. of this City, transmitted you a Letter to be laid before my Lords Commissioners of the Admiralty, requesting they would order a frigate of 24 Guns to be stationed here for the protection of our Trade, we expected soon thereafter a favourable answer, but having no reply, nor yet a Ship for our protection, we cannot well account for your unusual silence on this particular occasion, may I beg the favour of you Sir, to inform me if you laid that Letter before my Lords Commissioners of the Admiralty, & what answer they gave to it,

Our M.P. Mr Crawford made me believe, that my Lord Sandwich had orderd the *Seaford* Frigate to this Station, after protecting the Herring fishing, but I see by the Edinr. Papers, She is arrived in Leith Roads, which at present is a very unlucky Circumstance for the Trade of this City, for our outward bound W; India Ships, to a very considerable number, are very nigh clear to sail, but unfortunately there is no Convoy for them to Cork, & the risk would be too much without it, I hope my Lords Commissioners will seriously consider our defenceless situation, & the necessity there is for a Convoy immediately for the West India men to Join the Second Convoy at Cork,—Glasgow being a large Commercial City, ought never to be without a fast sailing frigate not less than 24 Guns, for the protection of her Trade, & this I hope will appear obvious to my Lords Commissioners of the Admiralty, I beg Sir, an answer to this & the former as soon as you possibly can.

To Jno. Crawford, Esq., M.P., London, from Provost
Hugh Wyllie.

Glasgow 14 February 1781

I received your much esteemed favours of the 1st Curt. and duly note the Contents, The *Satisfaction* Armed Ship is not yet arrived here, the *Seaford* appears to be otherwise disposed of I received a Letter yesterday from the Lord Provost of Edinburgh confirming it which Letter I enclose for your perusal, I cannot well accot. for my Lord Sandwich conduct in this matter, you'll be necessitated to apply again, I am sorry on your accot. that ever mentioned the assurance he gave you of the *Seaford* being order'd to this Station I hope to hear from you soon of one

frigate or other being ordered here, its very unlucky we have nothing to convoy our W: India Ships to Cork, I have the Honour to be with much esteem & regard

To Mr John Seton, London, from Provost Hugh Wyllie.

I received your favours of the 15th with a Letter for Provost French, which I deliver'd, he told me to day he had sign'd the power of Attorney you transmitted him, & was to return it in Course, I am particularly obliged to my Ld. Frederick Campbell for the pains he has taken to procure payment of the Expence of Erecting the Battery at Greenock & to him my best thanks is due—I am much obliged to you for the early information you were pleased to give me of that matter Messrs Kempt & Gairdner of Edinr. who you say, have received payment of the Battery itself, has not mentioned the matter to me, please to advise me in Course if you think I should apply to them for payment or wait further orders—The Corn bill is mentioned in our papers as being once read, as soon as you can transmit me a Copie of the Bill—My reason for not answering your Letter of the 19 Decr., was to save you postage, I desired Mr Crawford our M.P. to return you my best thanks & to inform you I received that Letter, which he has probably omitted to do, but if I were possessed of some Franks directed to yourself I would Correspond with you more frequently.

There are a number of letters on this subject.

'In 1778, a detachment of the Western Fencibles, under command of the Right Honourable Lord Frederick Campbell was quartered in town, and remained for several months... In the same year a correspondence took place between the Magistrates of Greenock and Glasgow respecting the defenceless state of the Clyde, and the necessity of securing its towns and trade from the depredations of American or French privateers. Lord Frederick had informed that application had been made to Government to have a permanent Battery or Fort erected at Greenock, and that if Government agreed, he was doubtful if they would defray the expense of a temporary one, which it was necessary to construct immediately. His Lordship had no funds for the purpose. The Magistrates of Greenock put themselves in communication with the Cumbræ Lighthouse Trustees, with a view to their furnishing the money. This was accomplished, as appears by their minute of 8th September, by which "the Trustees recommended to and authorized the Honble. Lord Frederick Campbell, the Commanding Officer at Greenock for the time being, to take charge of, and give directions for the carrying on and finishing the Battery, and other works now carrying on below Greenock, for the defence of the shipping

belonging to the River Clyde and West Coast: and authorized the Magistrates of Greenock to draw upon the Magistrates of Glasgow for payment of the workmen's wages and other necessary expenses, which must be immediately paid." On leaving town, his Lordship received the cordial thanks of the Magistracy, not only for his general attention to the town, but, in particular, for his getting the battery erected for the security of the town and the trade of the river Clyde.' Williamson, *Old Greenock* (Paisley, 1886), i. 168.

An earlier instance of the difficulties of recovering money advanced in the public interest in an emergency is found in the Acts of the Scots Parliament, vi. (1), p. 21, and vi. (2), pp. 714 and 724. The Commissioners of the Burghs of Glasgow, Ayr and Irvine had advanced 5000 merks 'for outreiking tuo shippes in the west against the Irish and Dunkirk friggotis and cleareing of the cost betuixt this Kingdom and Ireland.' On 4th August, 1643, the Parliament took measures to relieve them, but the business was still before it six years later.

To David Stewart, Esqr., Lord Provost of Eder., from
Provost Hugh Wyllie.

Glasgow 21st Febr'y 1781

I have now to own receipt of your Lordships letter of the 17th with Copy of the Letter you wrote the Lord Advocate on the Subject of the Linen Manufacture of Scotland, & which I have Shown to those principally concerned in that branch here, who all approve of its Contents, & request me to return your Lordship their best thanks for the trouble you have taken in a matter of so much importance to the Country at large, & to acquaint you they have now procured the Information they wanted from Ireland & will soon transmitt your Lordship their Memorial—

Your Lordship will please accept of my best thanks for the particular pains you have taken to have the Linnen Manufacture of Scotland put upon an equal footing with that of Ireland; the Landed Interest, as well as those more immediately concern'd, ought & should be deeply Interested in the application to Parliament, for if redress is not obtain'd, lands will sink in their present value very considerably.

The destruction of the Irish woollen industry in the interests of the manufacturers of Great Britain had been to some extent counter-balanced by encouragement given to the Irish linen trade. The Irish manufacturers had enjoyed a large export trade with America and France, which was brought to an end by the war. After a struggle, which was decided by the menace of the Irish volunteers, the Parliament of Great Britain on 24th February, 1780, abandoned the system of restriction on Irish trade. Free export of Irish wool and woollen goods to any part of Europe was granted and Ireland

was admitted without restriction to the colonial markets, and this new situation was emphasised by additional bounties granted by the Irish Parliament. The result was that the bounty-favoured Irish Linen trade was able to compete with the manufacturers of Great Britain. The Scottish Linen trade was up in arms. On 11th April, 1781, Mr. Dempster, M.P. for Perth Burghs, moved 'That this House do on tomorrow fortnight, the 26th inst., resolve itself into a committee of the whole House, to consider of the state of the linen manufacturers of Great Britain,' and in support of the motion he explained that 'the indulgence in favour of the Irish linen manufacture had been given by a compact, in lieu of another manufacture. By the extension of trade bestowed by the late Act, the Irish were relieved from all the disadvantages for which the linen trade had been granted; and therefore it was but fair and reasonable to give to the linen manufacturers of this country equal advantages with Ireland.' When the motion came up on the 26th Mr. Dempster referred to the Act of twenty-ninth year of George II. which granted a bounty on all linen exported from Great Britain and Ireland, excepting printed and stained linens. The Irish legislature had recently removed the exception, and he urged that Great Britain should do the same, and thus cut down the difference of 10% in favour of Ireland, which the unrestricted bounty involved. He also urged other concessions in respect of taxation on soap, &c. The motion was supported by the Lord Advocate (Dundas) and Lord F. Campbell and was carried, but of Mr. Dempster's other recommendations only one relating to the free import of wood ashes was agreed to. In the course of the debate Lord North stated that the bounties payable under the act of George II. had never been claimed, and that a sum of £44,000 was on hand (*Parliamentary Register*, iii. 157 and 167). On 21st May a motion by Sir Thomas Egerton to place cotton on the same footing as it was proposed to place linen in regard to bounties was approved (*Ibid.* 371). The provisions in favour of British linens and cottons were embodied in 21 George III. cap. 40. The Glasgow linen industry dated from the first quarter of the eighteenth century and for half a century formed the staple industry, but in consequence of the American War cotton rapidly superseded it. Bremner, *Industries of Scotland* (Edinburgh, 1879), pp. 230, 272, 282.

The Magistrates of Glasgow took an active part in the agitation, and Wyllie wrote to Crawford, Lord Frederick Campbell, Andrew Stewart, George Dempster, and Henry Dundas on the subject.

To Lord Provost, Eder., from Provost Hugh Wyllie.

The practise of Illuminating Windows & making Bonfires upon every frivolous occassion has of late prevailed but too much all over Scotland, this City in particular, These Illuminations are generally set a going by a few Idle & disorderly Boys much against the Wish & Inclination of the principal Inhabitants but so it is, Unless the Rabble are gratify'd, Windows are broken & destroyed

The Magistrates of this City wish much to put a stop to every Irregularity of the Kind, they have had it in Contemplation to prohibit Such rejoicings (except when they think proper to allow them) by Public advertisement, I would beg to be enformed, if your Lordship & the Magistrates of Edinburgh mean to adopt any System similar to what I have Just mentioned, or if you think proper we should go hand in hand with you in any other measure you may Judge better for preserving the Public peace, not only of the Cities of Edinr. & Glasgow but of every Town in Scotland—I beg your Lordships answer as soon as convenient.

The rejoicings probably celebrated the acquittal of Lord George Gordon.

To Ph. Stephens, Esqr., from Provost Hugh Wyllie.

Glasgow 5 March 1781

I count it my duty to give you the earliest notice of everything that comes to my Knowledge respecting Maritime affairs & for that purpose I have now taken the Liberty of troubling you with the following Information which you may Communicate if you think proper to my Lords Commissioners of the Admiralty—

‘On the 31st January a considerable fleet of dutch Ships sailed from St Eustatia for Holland under Convoy of a Man of War of 64 Guns & that the Dutch in St. Eustatia were then expecting a War wt. Britain’

This Information I have by a Ship which arrived in this River yesterday in 29 days from St. Kitts & which may be depended on as truth—

On 28th September, 1780, Horace Walpole wrote: ‘We have little news. The papers say that General Dalrymple is arrived with bad accounts from New York—it is probable, for nothing is told. But I credit little on any side for some time. From Glasgow, we are told of revolts in five Spanish-American provinces, but it is from *Glasgow*, whence I am still longer before I believe. Can any truth come out of Nazareth? *Letters* (Ed. Toynbee), xi. 287.

To Jno. Seton from Provost Hugh Wyllie.

Glasgow 23d March 1781

I received your favours of the 15 Curt. and am much obliged to you for noting the new taxes as soon as the law is pass'd please send me a Copie of it, also a Copie of Mr Stephens bill entitled an

act for the more speedy maning his Majesties Navy & Merchant Ships, the New taxes are not disliked here particularly as they remove many Intricate matters respecting the duty on Tobacco, I hope you'll soon be enabled to settle the affair of the Battery at Greenock to your own liking & the Satisfaction of this City.

The 'new taxes' were imposed by 21 George III. cap. 16 on tobacco and sugar. 'Mr. Stephen's Bill' is probably 21 George III. cap. 15.

To Jno. Crawford, Esqr., from Provost Hugh Wyllie.

Glasgow 23d March 1781

We are much perplexed from the Report which says the Commanders in Chief have confiscated all the British Property at St. Eustatia, for my own part I do not believe it, I will be obliged to you, if you'll take the trouble to inform me the Certainty thereof, & if true, what measures this City should adopt for redress.

St. Eustatius, a small Dutch island in the West Indies, had been used with the connivance of the British Government as a place for the purchase of foodstuffs from Americans by West India traders, and had developed as a centre of contraband and even trade with the enemy. When the island surrendered to Rodney on 3rd February, 1781, over 150 vessels were at anchor there and a Dutch convoy was captured in the neighbourhood. The spoil of the island was estimated at £4,000,000, and was granted by the King to the captors. Rodney, holding that the place was a 'nest of villains,' confiscated everything, including British property. The fears of the Glasgow merchants were only too well founded. On 6th April the 'West Indian Planters and Merchants' petitioned the King for redress (*Scots Magazine*, 1781, p. 283). On 14th May and again on 4th December, 1781, Burke raised the matter of Rodney's confiscation and sale of goods without the exercise of any discrimination in the House of Commons, but his motion was defeated, though in the course of his speech he had waved in the face of the House a piece of linen from the coat of a Jew, a venerable old gentleman, who had been ill-treated for endeavouring to remove 36 shillings from the island (*Parliamentary Register*, v. 82; *Parliamentary History*, xxii. 218, 769 and 1023). The claims of some of the British merchants came before the House of Lords on appeal. *v. Mitchell and Gay v. Rodney* and *Vaughan* (24th Nov., 1783) (*English Reports*, i. 1039; *Mundy's Rodney*, ii. 29; *Walpole's Letters*, xi. 446 and 447).

To The Provost of Air from Provost Hugh Wyllie.

Glasgow 26th March 1781

I take the earliest opportunity to acquaint you for the Information of the Merchants of the Town of Air, that his

Majesties Ship *Tirmagant*, Arthur Kempe Esqr. Commander will sail from Liverpool in a week after the 29th Curt for Belfast Lough being the place appointed for Rendezvous where She will take under her Convoy all Ships bund up the Baltic.

N.B. It is requested this Information may not be published in the News Papers.

Copy of the foregoing to the Provost of Irvine

Do to Robt Ried Cunningham Esqr. Seabank

Do to the Magistrates of Pt. Glasgow

Do to . . Ditto Greenock

To John Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 11th April 1781

I had the honour of your Letter of the 2d Inst. and I am happy to find the Business relative to the linnen Manufacture is in a proper train & likely to succeed to our wishes I cannot pretend to say when you ought to present the Petition, you are much better able to Judge the proper time than I am you will no doubt act in Conformity with the Ld Advocate & the other Scotch Members who attend to the Linnen Business; This Letter will be handed to you by Mr Andrew Stirling who I beg leave to Introduce to your acquaintance, he is fixed on by the Manufacturers here, as their agent for conducting the Linen Business he is a very Intelligent man, & much Interested in the Manufactures of this Country consequently will be able to give you every Information you may require concerning the Linnen Manufacture, & you may Introduce him to any of the Members who want information on this Business, I am very well pleased at Mr Stirling being made Agent for the Linnen Manufacturers, because I think it will save you a great deal of trouble—

The *Seaford* Frigate arrived here on the 7th Inst. but as I have had no Letter from her Commander, I suppose he is not to take any directions from the chief Magistrate of this City, in which Case she can be of little service to the Trade of this River for unless the Chief Magistrate have it in his power to order a Convoy to Cork, or out the North Chanell or to Cruise as the Circumstance of the times may require she will do us very little Service & this you may if you think proper communicate to Mr

Stephens who will see the impropriety of not lodging some little power with the Chief Magistrate

In order to have the *Seaford* mann'd expeditiously (if she was short of men) as well as for the Benefit of his Majesties Service at large the Corporation order'd a Bounty to be paid, to all Seamen who should Voluntarily Enter with the Regulating Capt. at Pt Glasgow or Greenock, this Bounty Commenced the 31st March and is to Continue for 3 Mo. from that time

I propose being in London about the middle of May when I will do myself the honour of waiting on you

In the course of the debate on 26th April on the bounties on linen, Mr. Turner complained of the *inertia* of the English members, and stated that Scotland and Ireland had linen boards which watched over the interests of the manufacturers (*Parliamentary Register*, iii. 170).

Andrew Stirling was the eldest son of William Stirling and Mary Buchanan, daughter of Provost Andrew B. and sister of Provost James B. (v. p. 220.) Stirling lost his money at a later date (*Old Country Houses*, 189).

The *Glasgow Mercury* of 12th April notes the arrival on the 7th of 'Seaford Frigate, Captain Christian, from a cruise' and the departure on the 6th of 'Satisfaction (a.s.) on a cruise.'

The offering of bounties to seamen by towns was common during this period. Glasgow offered bounties on 12th March, 1778, 30th June, 1779, 7th July, 1779, 5th April, 1781, 19th October, 1781, and 11th July, 1782 (*Glasgow Records*, vii. 521, 556, 557; viii. 6, 27, 51). It is noted that no one had responded to the offer of 30th June, 1779, and the magistrates were instructed to bring the matter before the Merchants' House and the Trades' House.

To Mr John Seton from Provost Hugh Wyllie.

Glasgow 12th April 1781

I received your favours of the 5 Inst. wt. a Copie of the act for granting additional duties on tobacco & sugar &c for which accept my best thanks,

I see by the notes of the House of Commons of the 2d April page 555 a petition from the County of York complaining of the mode of opening the Ports for the importation & exportation of Corn, if a new act is pass'd on this account please transmit me a Copy as soon as you can, I mean to be in London about the 15th May, when I will do myself the pleasure of waiting on you.

The Act referred to is 21 George III. cap. 16, and the Petition probably concerned 21 George III. cap. 50.

To Bn. Christian, Esqr., Commander of his Majesties Ship
Seaford, Greenock, from Provost Hugh Wyllie.

Glasgow 13th April 1781

I had the honour of your Letter of the 10th Inst & I congratulate you on your safe arrival, You may depend on having the earliest notice when a Convoy is wanted & of every Intelligence that may come to my Knowledge respecting the Enemy being on our Coast—As I am unacquainted with your Instructions from the Admiralty, you'll please advise me the limits of your Station so as I may not at any time give you unnecessary trouble, and if I find your Instructions are not calculated for the protection of the Trade of this River, I will advise My Lord Sandwich thereof & have them rectified

You ought to have liberty to proceed a Convoy with the Trade to Cork & bring back with you any Vessells that are ready bound up St. Georges Channell, and at other times to proceed wt. the trade out the North Channell perhaps from 50 to 100 leagues to the westward of the Island Torry & on your return to Cruise there & there about perhaps for a week or 10 days, where I think you'll have a Chance of meeting with some rich Dutchmen

I mean to go for London about the beginning of next Month, I would be happy to see you here before I set out, & if you can make it Convenient, I will esteem it a favour if you'll dine with the Magistrates upon Tuesday the 24th Inst. when I hope my friend Capt. Samber will accompany you & to him please present my best Compts

Commander Brabazon Christian had commanded the *Vigilant* (20 guns and 150 men) armed ship, under Lord Howe (Clowes, *Royal Navy*, iii. 406 and *errata*).

To Bn. Christian, Esq., Greenock, from Provost Hugh Wyllie.

Glasgow 18th April 1781

The principal trade of this River is to the W Indies & North America, the greatest part of which goes & comes by the North Channell the rest by St. Georges Channel, many vessells have been captured of late years in & about the N. Channel, & there is but too much reason to fear that more Enemys will Infest those Seas through the Course of this Summer than any hitherto, I am therefore to request the favour of you, to inform me, if your

Instructions from the Lords Commissioners of the Admiralty will permitt you to Convoy the Trade bound out the Nr Channel clear of the Irish Coast as also to Cruise for a few days off the Island of Torry for the protection of the homeward bound Ships for this River & the Adjacent ports both in England and Ireland,

To Jno. Crawford, Esqr., from Provost Hugh Wyllie.

Glasgow 8th Octr. 1781

I am desired by the Corporation of this City to transmitt you the Inclosed Memorial in favours of Lieutenant Robertson of the 83d Regt. of Foot & to request you may take the Earliest opportunity of laying it before his Majesty, & I doubt not of your best endeavours to promote Mr Robertsons Success which is the real wish of the Corporation.

I expected you would have paid us a visit during the recess of Parliament I will not take it Kind if you do not see us next Summer

The 83rd or 'Glasgow Regiment' was raised in Glasgow in the spring of 1777 (Fortesque, *History of the British Army*, iii. 245). Lieutenant James Robertson rendered the services for which promotion was sought in the course of the French descent on Jersey in January, 1781. The garrison included five companies of the 83rd commanded by Captain William Campbell, who with some artillery composed the garrison of Fort Conway. He marched with all the men that could be spared from the fort to La Roque, a redoubt which had been seized by the French. 'He, therefore, resolved to storm it with the grenadier company of the 83rd regiment, which service they performed with great spirit and judgment. To prevent the enemy from making their escape, he divided the company into two equal parts, keeping the command of one of them to himself and giving the other to Lieutenant James Robertson of the same regiment. They attacked the redoubt on opposite sides. The party commanded by the latter were the first who entered the place, when they received a heavy fire from the enemy, which killed six and wounded seven or eight men; but instantly forcing open the guard-house door, most of the enemy threw down their arms and sued for mercy, after having had twenty killed and as many wounded' (Beatson, *Naval and Military Memoirs*, v. 367; vi. 306). In a letter of 7th January, written by Captain Mulcaster, R.E., to Lord Amhurst, the former wrote: 'The rear-guard of the enemy being near Grouville Bay, in the neighbourhood of the 83rd regiment, were attacked with great spirit, and defeated by the grenadier company, commanded by Lieutenant Robertson, they distinguished themselves exceedingly.' Cf. *Annual Register for 1782*, p. 96; *Glasgow Records*,

viii. 14 and 19. The *Glasgow Mercury* of 25th January, 1781, contains an extract from a letter from an officer in the Glasgow Regiment which states: 'Lieutenants Robertson and Davidson, grenadiers, showed equal spirit.'

To Russell, Esqr., Clerk to the Signet, Edinr., from Provost
Hugh Wyllie.

Glasgow 25th Octr. 1781

I am much Obliged to you for the Gazett Extraordinary on Saturday last I wish its contents had been more pleasing, as we are not much acquainted here with striking the assize of bread you'll please furnish me with the mode used in Edinr. In the plainest & fullest manner the difficulty lies in ascertaining the price of the Boll of wheat Our bakers say the method made use of at Edinr. for that purpose is first to take the average price of new wheat say crop 1781 & then of Crop 1780, then they say that $\frac{3}{4}$ of the Old and $\frac{1}{4}$ of the new makes up the price of a Boll of wheat from which the Assize is to be Struck adding to that 4/ Shillings Stg as charges of Manufactory for Example, suppose the average price of the Old wheat to be 24/- P boll $\frac{3}{4}$ of which is £0. 18. — suppose the average of new wheat 20/- P boll $\frac{1}{4}$ is 0. 5. — charge of Manufacturing 0. 4. — The price of the Boll wheat Including Manufacture amounts to 27/ Stg or 6/9 P Winchester Bushell of 4 to the Boll, I have endeavoured to explain this matter as well as I can think of at present, & I hope you'll meet with no difficulty in procuring the necessary information for our Government in time coming Its said by people not in the Baking line that at Edinr. the price of Old & new wheat is added together & the medium the Standard for fixing the Assize adding to which for Manufacture this mode would bring the boll of wheat according to the prices on the other side to 26/ in place of 27/- as I wish the Assize to take place next Thursday I will expect your answer in Due time

The letter refers to the 'Assize of Bread.' The earliest regulations on this subject are found in the *Assise panis vini et cervisie* (*Acts Par. Scot.* i. 675), which belong to a date before the thirteenth century, and in the *Leges quatuor burgorum* attributed to King David. The latter contain provisions for the price of bread baked in the burgh being fixed at the sight of the *probi homines* of the town (*Ibid.* 344). In 1496 provosts and baillies of burghs were ordained by the Parliament to fix prices and impose penalties

for their infringement (*Ibid.* ii. 238). By an Act of 1669 the duty was imposed on the Privy Council (*Ibid.* vii. 574). The matter was the source of much friction between the Town Council of Glasgow and the Bakers' Incorporation, which in 1693 appealed to the Privy Council and then, finding no prospect of support, endeavoured to get the Principal of the University and another to arbitrate, and then submitted. The ostensible subject of dispute was the Town's right to 'laddles,' *i.e.* dues, but the interference of the magistrates with the craft was the question at issue (*Glasgow Records*, iv. 101). Again in 1696 some of the bakers were imprisoned by the magistrates for making bad and insufficient bread, and the Court of Session declined to interfere (*Morrison's Dictionary*, 1868). The custom of fixing the price of bread continued until last century (*Glasgow Records*, iv. 208, 519; v. 440; vi. 45; vii. 261 and 598; *Merchants' House of Glasgow*, 141, 183). One of the duties imposed on the 'intendant of police' in 1788 was 'to report to the magistrates the current price of wheat at the west end of the canal and in the country, that they may judge how far it may be proper to order a proof of it for fixing an assize of bread' (*Glasgow Records*, viii. 282). A Bill on the subject, promoted by the Incorporation of Bakers in Edinburgh and supported by that of Glasgow was considered by the Town Council in November, 1790 (*Ibid.* 387). For subsequent developments *v. Parliamentary Report on Municipal Corporations (Scotland) Local Reports*, part 2 (London, 1835), p. 24. Reference may also be made to a Report by a House of Commons Committee of 1774 printed in *Reports from Committees* (1803), 1 *et seq.*

Some Unpublished Letters of Henry Cardinal York, 1767

THE letters of Henry Cardinal York, which are published below, were sold in July 1918, at Sotheby's under the heading 'Various Properties,' and were bought by Mr. Charles R. Cowie, of Glasgow, who most courteously placed them at the disposal of the present writer for purposes of study. The series consists of nine letters, or rather drafts, all in the holograph of Henry Cardinal York, in his legible but rather sprawling hand. They are unsigned, and the name of the addressee is not given. By a curious coincidence the present writer acquired at the Alfred Morrison sale in April 1918 a parcel of papers relating to Henry Cardinal York which included *inter alia* the letter dated 20th May, 1767 [No. VI.] which clearly belongs properly to this series. There exist also several other letters of the same period already published or described in the Hist. MSS. Comm. Reports which fit into the series and probably, though not certainly, are addressed to the same person.

The letters are of distinct interest, because of their bearing upon an episode in the life of Charles III. (Prince Charles Edward)—his reconciliation with the Pope; but still more because of the way in which they show Henry himself in a rather new light. Henry's biographies generally give the impression of a rather pompous, stodgy, somewhat ostentatious person. These letters show the real Henry—deeply devoted to his brother, much concerned as to his welfare, a man of genuine religious devotion.

The historical setting of the series is as follows: Charles had been estranged from his brother Henry ever since 1747, when the latter had somewhat suddenly decided to accept a Cardinal's hat. Their father, James III. died in January 1766, and Charles immediately returned to Rome, reconciled with his brother who had most devotedly maintained his interests. But he did not receive from Pope Benedict XIV. and the Papal Court that recognition of his royal station which he claimed. For about sixteen

months Charles continued to live in Rome in a palace placed at the disposal of his family by the Pope and drawing a pension from the Pope, but without consenting to be received in audience by the Pope.

The letters, collected from the three sources mentioned above and arranged chronologically, are as follows :

I.

[Hist. MSS. Comm. Report 9, p. 479.] Dated 7th April, 1767.

Alluding to his brother's besetting frailties, love of wine and freakishness of temper, Henry writes :

'I have had no very bad account as to the bottle of late, but *ce qui me desole*, is the singularity and incomprehensibility of his temper.'

II.

[Cowie MSS.]

Cent huit cotte vingt deux.

Frascati. April ye 21st 1767.

I received yesterday your's of the 6th and God be praised can give you good accounts of my health after the considerable fatigues of this week past together with a new coald I got from the irregularity of the season which is so coald that wee had yesterday snow within a couple of mile of this place. My Brother has been a good deal out of order in the week by his Pile's he was obliged to keep his Bed for a few day's but I conclude he is quite well, since he talks of comeing to dine with me one of these day's. For my part I wonder how he exists in this Climate withe the singular life he leads. I have allwaise neglegted mentioning to you how much wee have all been plagued here these several months with a most ridicolous pretension of Lord Elcho's claming as a dept from my Brother a considerable sum of money he brought to him when in Scotland from Charter's his Brother. He can have no proofs of any kind, and both my Brother and those about him assert it was a donative from Charters. Elcho is in Rome these six month's past very ny, never has come ny me and every now and then plague's me with very improper letters in which he never call's my Brother King and say's in one that he has no other country but France et le Roy est mon Maitre. I never answerd any of these Letters as you may believe so much the more that I had a year agoe got him be toled I cou'd not nor wou'd not medle with his affair, but at last being quite tiered with so many importunity's I got underhand a person to desire the French Minister to oblige him in some shape to be quiet and to stir any more so ridicolous a pretention, when to my greatest Surprise I had for answer that the respect etc he had for me made him not obey the positive Orders he had from his Court to protect Lord Elcho in that very Pretention. I own to you I was shocked to such a degree that I

cannot comprehend it to this very moment. I reckon you will make of yourself those reflections, the want of time does not allow me to make.

Lord Elcho, to whom reference is made in this letter, was a Jacobite adherent of very doubtful value. In 1766-1767 he gave a good deal of trouble to Charles and Henry. He appears to have visited Miss Walkinshaw (Charles' mistress) at Meaux, and probably encouraged her to press her claims upon the King. Then he came to Rome and endeavoured—as stated in this letter—to recover either from the King or the Cardinal a sum of £1500, which had been as he said lent by him to Charles at Edinburgh in 1745.

III.

[Cowie MSS.]

Cent douze cotte vingt deux.

Frascati. April ye 29th, 1767.

I received your's of ye 13th yesterday evening and was hoping to answer it immediately but was hindered, so that I am in a great hurry for fear this shou'd not come in time for the Post. I have had accounts that all that has regarded my B's letter has gon with great regularity and edification. He came last Saturday¹ to see me and dine with me, and it is certain that I was much comforted since I perceived a certain change in his way of discourse with me that I cannot well express myself in what it consisted in, but was an evident signe to me of the good effect of the Holy Sacraments, and as I had been apprised of his being in some disposition of goeing privately to the Pope as I had so often suggested to him but to no purpose, I attacked him again and found I had been well informed, so that I hope in God wee shall get over soon this great point which certainly is of the utmost consequence. When wee come to the point of execution, his difficulty's and odd notions are such, that it is indeed enough for to make one run madd; and I have perceived in this occasion that he has so little practice of the worled that he insists on sum particulars that are in reality against his own Dignity but that one must comply with for not to spoil all. The thing I own has pleased me the most in all this is, that he has repeated to me several times that he wou'd never yeald to such a step with any Monark in the Univers except the Pope out of Spirit of Religion; however I am very anxious to have this affair over, for I allwise tremble of the singular new found out notions that come's in to his head when one least thinks of it. My being at a certain distance from him instead of being of prejudice to him is certainly advantagious for him, since he feel's

¹This is confirmed by the Diary of Henry Cardinal York under date 25 April, 1767.

'Ebbe a' pranzo S.A.R. in questa Mattina Sua Maestà Fratello quale parti poi alle 21 di ritorno in Roma.'

I belive the want he has of me, encreases his tenderness towards me, and makes him take less amiss the home things I sometimes let drive at him. I shall not forgett to remembre you and all you desire in my poor Prayers. Do you the same for me hwo want it much on many accounts. You know my sentiments &c.

IV.

[Cowie MSS.]

Cent soixante onze cotte vingt deux.

Frascati. May ye 6th 1767.

I have as yet no Letter from you, but do not wonder at it since you had then no letter of mine to answer. I have very little to say this Post to you and am in a hurry for want of time fearing this may not arrive in time at Rome for the Post. I hope by next Post to be able to give you an account of my B's Secret Audience with the Pope. I have maneged all thing's in Such a Shape that he certainly loses nothing either of his Dignity nor of his proposals, but I own I long to have this affair over, for I allwaise tremble of some new odd notion comeing in to his head. Stafford is to arrive in Rome this Evening, he brings all the Baggage from Avignon. Wee are all destroyed here with a singular exsessive cold Season, which makes me never get well ridd of my Coald. Otherways I am God be praised well enough notwithstanding a number of disagreeable incidents that have given me a good deal of uneasiness of late. In this worled there is no resource but Praire. You know my unalterable sentiments &c.

V.

[Hist. MSS. Comm. Report 3. Appendix, p. 421.¹] Dated from Frascati, 12th May, 1767.

This letter is probably not to the same person as the others, for the letter of 20th May (No. VI.) covers much the same ground.

God be praised, last Saturday evening, after a good deal of batleying upon very trifling circumstances, I carried my brother to the Pope's privately, as a private nobleman, by which means he certainly has derogated nothing of his just pretentions, and has at the same time fulfilled with an indispensable duty owing to the Head of the Church. The visit went much better than I expected, the Pope was extremely well satisfied, and my brother seemed well enough content, tho' I asked him very few questions, and so I hop to draw from it a great deal of good, provided my brother does not obstruct all by his indocility, and most singular way of thinking and arguing, which indeed passes anybody's comprehension.

The visit of Charles III. to the Pope is described also in the Diary of the Cardinal Duke under date 9th May, 1767.

¹ Sold in the Morrison sale at Sotheby's on 13th December, 1918, and bought by a London dealer who has since resold it.

Naturally the incident became known in Roman society and the ever-watchful Sir Horace Mann describes what he was told about it in a letter :

‘The eldest son of the late Pretender has at last been induced by his Brother to make a visit to the Pope with an intention, it is supposed, to live in society for the future. But for that visit he was forced to desist from all his pretensions whatever from the Pope, who treated him without any distinction. His Brother carried him there, but he was made to wait, though the Cardinal, by right of his Hat, was immediately introduced and seated. He was then called for by the name of—The brother of the Cardinal of York ! He knelt to kiss the Pope’s foot, and remained on his knees till the Pope said Alzatevi (arise !) and he then stood for a quarter of an hour, the whole time of his audience.’

VI.

[Formerly in Morrison collection : now in collection of the present writer.]

Cent quatre vingt deux, cotte vingt deux.

Frascati, May ye 20th 1767.

These few lines will only serve to accuse the receipt of your’s of the 4th. Have no time to write at length. My Br was to dine with me last Sunday, I found him very well pleased of his visit to the Pope and particularly so of his having had in that occasion a present from his Holiness of a pair of Beads of such a kind as are only given to Sovrain’s, and cou’d wee but gett the better of the nasty Bottle which every now and then come on by spurts, I wou’d hope a great deal of ouer gaining a good deal as to other things but I see that to gett the better of that nasty habit there must be the hand of God. I have nothing else remarquable to mention to you, so make an end with the usual assurances, &c.

Evidently the relations between the brothers were becoming more cordial, for the Diary notes a further visit to the Cardinal on 27th May, 1767, to which reference is made in Letter VII.

VII.

[Hist. MSS. Comm. Report 3. Appendix, p. 267. MSS. of Rev. F. Hopkinson.] Dated 10th June, 1767, from Frascati.

My brother was here last Sunday and is to come back on Saturday to see the Ordination. I am persuaded we should gain ground as to every-thing, were it not for the nasty botle, that goes on but too much, and

certainly must at last kill him. Stafford is in desolation about it, but has no sway, as in reality no living body has with him.

Charles duly appeared at Frascati for the Ordination which was on 13th June, 1767, and which is mentioned in the Diary.

VIII.

[Cowie MSS.]

Cent soixante quatorze, cotte vingt deux.

Frascati. June ye 16th 1767.

I have received your's of the 1st that gives me a great deal of comfort in perceiving the singular changes in your parts in regard of the publick discourses that are held on my B's Topick. You may easilily remark by this, how false a step it wou'd have been to have given way to the ridiculous project of his writeing a sort of a profession of faith which in a time was thought so absolutely necessary, and God be praised I was not mistaken when I alleged that his exteriour actions were alone to disabuse people of the assertion cast against him. He came yesterday¹ when I less expected him, heard my Mass with a great deal of devotion and after haveing staid with me a little went back to dinner at Albano. Cou'd wee but gett the better of the Bottle I shou'd yet hope everything; as I have nothing to add that is worth the while, and that I am afraied of this letter not arriving in time for the Post I make an end with the usual assurances &c.

IX.

[Hist. MSS. Comm. Report 3. Appendix, p. 421. From MSS. of J. Webster, Esq., Advocate in Aberdeen, acquired from the Lauderdale, Southwell, Leeds and other collections.] Dated 7th July, 1767.

I have very little to say, except to deplore the continuance of the bottle; that I own to you makes me despair of everything, and I am of opinion that it is impossible for my brother to live if he continues in this strain; you say he ought to be sensible of all I have endeavoured to doe for his good; whether he is or not is more than I can tell, for he never has said anything of that kind to me; what is certain is, that he has singular tenderness and regard for me, and all regards myself and as singular an inflexibility and disregard for everything that regards his own good. I am seriously afflicted on his account when I reflect on the dismal situation he puts himself under, which is a thousand times worse than the

¹Confirmed by the Diary under date 16th June, 1767, which shows a discrepancy, as the letter says 'yesterday.'

'Venne d'Albano a Cavallo colla sua Comitiva S.M. per far visita a S.A.R. ed ascoltò La Sua Messa con che si parti dopo breve discorso, di ritorno alla d^a Citta.'

situation his enemys have endeavoured to place him ; but there is no remedy except a miracle, which may be kept at last for his eternal salvation, but surely nothing else. For what regards the Lady, I am in very little trouble about her, since I am persuaded she might wait to the day of Judgment without having any answer. I am sorry to afflict you with such melancholy reflexions but it is allwise a comfort to open ones mind with such freedom to such a friend as you are. You know my unalterable sentiments towards you.

X.

[Cowie MSS.]

Cent soixante seize, cotte vingt deux.

Rome, July ye 14th 1767.

I have received yesterday your's of the 30th last month and am very sorry to be obliged to continue to deplore the nasty bottle ; wee all conclude that it is impossible he can live if he continues in the way he has been in of late and he has been somewhat out of order these days past. For what regards the Fauteuil that is supposed was denied my Br when he was at the Pope's it is a dream, since there cou'd be no pretensions where the maxime I adopted in that occasion was, that as my Br cou'd not have everything that was due to him he was to accept of nothing and for that reason I presented him as a Stranger recommended to my care, and that so rigourously that I was sitting with the distinction I have as Duk of York and he was standing, by which means he did not yeald in the least to his just pretensions and every thing was *sans consequence*. I found my Br very sober yesterday as he has been for some days but the fear is that as soon as he gets well again he forgetts everything. As I am in a great hurry I must make an end with the usual assurances &c.

XI.

[Cowie MSS.]

Deux cente cinq cotte vingt deux.

Rome, July ye 29th 1767.

I accuse the receipt of your's of ye 13th. All what you say in it is very wright and very just but all useless to be communicated to my Br who betwixt you and me is as incapable to govern any soul as he is incapable to have a wife as long as the nasty habit of the Bottle cannot be got over and I am sorry to tell you that I think it rather takes more wroot every day than otherwise. All I can say or doe has no effect upon him, and by the credit he gives to people of this country he scarce knows who they are, he puts it entierly out of my power to serve him here in a province that by all sort of respects ought to have been entierly left to myself. The only dolefull comfort is that no body in the worled can doe him any serious advantage by his indocility and by the constant obstacles he puts to everything that is his true interest. Your new Nuncio dined with me the other

day: he is on is departure and reckons to be at Paris for Lady Day of Septembre. I spoke to him much of your person and as he promissed me to seek for you imedately on his arrival he will be able to confess to you by word of mouth the sentiments I constantly retain towards you. It will be allwise of some use that you should cultivate his friendship and I believe you will be satisfaid with his sentiments towards my Person and family. In a hurry I renew my sentiments &c.

XII.

[Cowie MSS.]

*Cent onze cotte vingt deux.*Rome, August y^e 4th 1767.

I received yesterday your kind letter of y^e 20th last month and remarque all what you say on regard of Pesse Shalmond's project, which tho very good in it's self will not be easy as to the execution when there shou'd be question of proposeing it to my Br but what wou'd in my opinion not be advisable wou'd by my writing, since independenly of the little hopes of success it wou'd picque the first person against one so that there wou'd be no more remedy even in case circumstances shou'd change whereas my Br's writing wou'd be of no consequence. However I shall think of it better betwixt this and the other Post, but all your zeal and all my wishes must be allwise useless as long as this nasty Bottle continues. For my part I do not comprehend how he lives and I am convinced that it must end soon in some very serious Illness. I must end at present so conclude with the usual assurances &c.

XIII.

[Cowie MSS.]

*Cent sept cotte vingt deux.*Rome, August y^e 19th 1767.

I have scarce time to acknowledge your's of y^e 3^d and have nothing to add to what I saied in my last concerning the Lady except that by what I find my Br does not open his mouth to any body of the letter he received, much less to myself as you may well believe and I am very certain now that she may write till Dooms day without ever getting any answer, but if she continues to be makeing bussles in a matter where in reality she may expose my Br to some perhaps false step, considering the irregularity of his temper, I shall certainly take at last some resolution that will make the mother repent all her lifetime the way she has used me in this affair, and I wish you cou'd contrive to let her know it in plain English. The Bottle has gon on but so much some days past; there are however four days of entier sobriety. God send it may last. I own to you I am quite tierd seeing the total uselessness of every thing I can doe for his service. You know my sentiments &c.

XIV.

[Cowie MSS.]

*Cent quatre vingt trois, cotte vingt deux.*Rome, August ye 26th 1767.

I quite forgott this day was the Post day so that I am reduced to have very little time to answer your Letter of ye 10th. I cannot imagin where you cou'd hear the ridiculous invention of my Br's being insulted in the streets &c. and of his haveing had a message to goe from hence, since there has not happend the least incident of any kind to give the smallest colour to such false reports. My Br is just in the same way he was. His situation is without doubt very dismall, but he makes it a great deal worse then it wou'd be by his own fault by not yealding to my replicate suggestions which have allwaies tended to preserve is dignity together with rendering his life more agreable. I find people are very ready to find fault with the Pope on my Br's regard, but nobody sollicitous either to plead his cause or to give him any sort of assistance which finally the Pope has never refused. As to Jones the only thing I have against him is his being a Protestant, and when my Br has gon so far as to have more confidence in a private man of this country than in is own Brother, I do not see how it is possible to form a settled judgement against any body; what is a fact that a certain Lady sent her letter by a quite different channel then that of Jones. Sobriety has gone on very well all these day's past, but I am allwaise affraid wee shall soon have some relaps. The short and long of every thing is that God Almighty must touch is heart and change is head before wee can expect any essential change; for my part I am tiered of every thing except comending him to God in whose infinite mercy wee may to be sure hope every thing that is good and great. I have no more time so remain &c.

As already stated, it has not been ascertained who was the Cardinal Duke's correspondent. As the letters are in English, it may be supposed that he was an English or a Scottish adherent of the Stuart House, as the Cardinal would not otherwise have written in English—a language never very familiar to him. He was probably resident in Paris, as one may gather from the letter of 29th July, 1767, in which reference is made to 'your new Nuncio' who 'reckons to be at Paris for Lady Day of Septembre.' Unfortunately, the Cardinal's diary does not refer to this particular dinner party. An attempt has been made, through the courteous co-operation of the Librarian of Windsor Castle, the Hon. John Fortescue, to ascertain whether the letters mentioned in the correspondence as having been received by the Cardinal, are in the Stuart Papers, but the inquiry has shown that there are none such there.

WALTER W. SETON.

The Lady's Gown : A Forgotten Custom

‘OUR unwritten or customary law,’ says Erskine, ‘is that which without being expressly enacted by Statute derives its force from the consent of King and People, which consent is presumed from the ancient custom of the community.’¹ Of well-known examples may be mentioned the laws of primogeniture and succession, and much of our Mercantile Law. These are still with us, but many customs disappear. Not the least interesting of our Scottish forgotten customs is that called ‘The Lady’s Gown.’ We learn what it was in that mine which preserves so much that is illustrative of the daily life of Scotland in by-gone times—the Collections of the reported decisions of our Courts, and chiefly the collection made by Morrison in the form of what the lawyers of older days called a ‘Dictionary.’

There are three reported cases which throw light on the custom—one in the year 1709 and two in the years 1750 and 1751 respectively. It was before shorthand came into vogue. The Judges in many instances made brief notes of the cases in which they took part, and there is little of the careful reporting to which the lawyers of modern times are accustomed.

The first case is reported of the date July 26th, 1709,² and the parties were Dame Janet Murray, Lady Pitfirran, and Mr. Alexander Wood, chamberlain to the Earl of Kinnoul, and for part of the report we are indebted to Sir John Lauder of Fountainhall, Lord Fountainhall. The facts are simple : David Drummond of Cultmalundie sold his lands of Cultmalundie to the Earl of Kinnoul (or the Viscount of Dupplin, as Fountainhall styles him), and when the bargain was made it was agreed that besides the price the purchaser was to give 100 guineas to Cultmalundie’s lady ‘for her consent to the disposition and for renouncing her right and jointure therein,’ which gratuity is commonly called ‘The Lady’s Gown.’

The time is nearly two hundred years before the Married Women’s Property Act, and we can imagine that ‘The Lady’s

¹ Erskine’s *Principles*, B. i. T. i. 16, p. 6 (18th edn.). ² F. C. p. 5729.

Gown' was a perquisite highly prized, as by custom it was treated as of like nature to the wife's *paraphernalia*, and so did not fall under the *jus mariti*—that is, the wife could deal with it as her absolute property without consulting her husband or requiring his consent. That the ladies were most anxious to make sure that the gratuity should not by any chance fall under the husband's right is clear from Lord Fountainhall's note. A bond was granted by Mr. Wood, the buyer's chamberlain, to Lady Pitfirran, the mother of Cultmalundie's lady, and not direct to the lady herself. The lady must have had cause to suspect the good faith of the buyer's chamberlain, because he appears to have at the same time taken a bond from her husband for an equivalent sum. Lady Pitfirran charged Mr. Wood to pay the sum in the bond, which she held for her daughter's behoof, and Mr. Wood brought a suspension of the charge, in which process he pleaded the bond granted by the husband as extinguishing the debt by compensation. Fountainhall's report gives the arguments briefly—the pleadings themselves were written at great length in those days. The charger (that is to say the pursuer) in the course of her answers says 'it was not very honest to take a bond from the husband at the same time to found a compensation to meet it,' *i.e.* the bond granted to Lady Pitfirran. This is placing a very mild construction on the transaction.

The following passage from the same answers is quoted in full, 'and such gratuities are of the nature of *peculium separatum* to the wife, and are as much exeemed from the husband's *jus mariti* as her *paraphernalia* are ; for which if the 100 guineas had been actually employed to buy her cloathes, rings and jewels, the husband nor his creditors could have claimed no right therein, and no more can the husband claim the money so destined in compliment for giving her consent.' To which the chamberlain replied : 'The wife can have no moveable sums though hid and screened under other confident names ; but the same *ipso momento* accresce and belong to the husband.' The Court of Session, however, would have none of Mr. Wood's pleading, and the custom is upheld in these terms : 'The Lords found the bond not compensable by a bond granted of the same date for the like sum by the husband to Alexander Wood the Suspender in respect the customary gratification to a wife for her consent to the alienation of her husband's lands, commonly called 'The Lady's Gown,' falls under the *paraphernalia* and excludes the *jus mariti*, and it hardly consisted with *bona fides* in the Suspender to take another bond at

the same time from the husband, to defeat the security granted to the lady.'

The next case (reported January 11th, 1750)¹ shows another purchaser doing his best to get out of the obligation to fulfil the custom, but this time he has not the husband conniving with him. Janet Mungel, spouse of James Hastie of Boggo, charged Patrick Calder of Reidford to pay the sum contained in the following bill: 'Against Martinmas next pay to me Janet Mungel, Spouse of James Hastie, of Boggo, or my order, secluding my Husband's *jus mariti*, in the house of William Rannie, Merchant, in Falkirk, the sum of twenty guineas, value in your hand received of, (signed) Janet Mungel.' Mr. Calder brought a suspension of the charge. This case as well as the case following is reported by Sir James Ferguson, Lord Kilkerran. From the very curtailed report it appears that Mr. Calder pleaded the presumption of law that the value must have belonged to the husband, 'therefore the acceptor (Calder) is not bound to pay to her (the wife) but to her husband against whom the suspender had a compensation to plead.' The nature of the compensation is not stated, but the wife's answer was 'That the bill was granted as the value of a gown, which was agreed to be given to the charger, upon the sale of certain lands by Boggo to Reidford, and which did not fall under the *jus mariti*, and the husband nor his creditors had no interest in it.' The decision both of the Outer House and of 'the Fifteen' could not be reported in fewer words: 'Which the Ordinary sustained and found the letters orderly proceeded and the Lords adhered.' This was another victory for the custom.

So far it will be noticed that the Court supported the view that 'The Lady's Gown' belonged in absolute property to the lady, and could not be touched by the husband or his creditors even although the money had never been used to buy clothes or jewellery. It was thus given the same protection as goods properly *paraphernal*—such as articles of wearing apparel and personal adornment. Our institutional writers, Bankton, Erskine of Carnock and Professor Bell are of the same way of thinking. There is, however, a third case reported, January 25th, 1751,² Dame Jean Douglas against Anne Kennedy, which also went before 'the Fifteen,' and in which a somewhat modified view is taken. It is right to say that in this case a much wider sweep is sought to be given to the custom than has hitherto been spoken of. Dame Jean Douglas, relict of Sir John Kennedy of Cullean,

¹ M. 5771.

² M. 6019.

raised an action before the Commissary in which she sued her daughter, Anne Kennedy (spouse of Blair of Dunskey), executrix confirmed to her father, Sir John Kennedy, for her mournings, and obtained decree. The executrix brought a suspension of the decree on the ground of compensation (the usual plea), 'for the Lady had in her hand, when her husband died, money to the amount of about £70 Sterling.' To this the answer was given that the money was the lady's own, consisting of compliments at several times given her on occasion of letting tacks, selling cattle, and other such occasions by her husband's allowance. As in the previous cases, it was pleaded that the property in the money rested with the husband, but the Lords, following the Lord Ordinary, repelled the plea of compensation and adhered to his decision. In Lord Kilkerran's report there occurs the following passage: 'It is common in some parts of the country, where tacks are let, on which grassums are paid, or where a considerable number of cattle are sold, that the taker of the tack, or the buyer of the cattle, gives a present to the lady; and the money made up of these presents, though it be not inter paraphernalia, yet it is considered as a donation by the husband *quae morte confirmatur*.' It seems fairly clear that although the custom here referred to is analogous to 'The Lady's Gown,' there is a distinction, and the Court no doubt were right in deciding that the money in 'Lady Kennedy's possession represented gifts from husband to wife, confirmed by his dying without revocation.'

JAMES F. WHYTE.

Reviews of Books

SIR GILBERT DE MIDDLETON: AND THE PART HE TOOK IN THE REBELLION IN THE NORTH OF ENGLAND IN 1317. By Sir Arthur E. Middleton, Bart. 4to. xi and 118 pp. Mawson, Swan & Morgan, Ltd. Newcastle-upon-Tyne. 1918.

ON September 1, 1317, a pompous procession rode north from Darlington. Louis de Beaumont, whom the king had advanced to the see of Durham, sore against the wish of the chapter, was on his way to his consecration, and with him went two cardinals sent by the Pope to mediate between Edward II. and the Scots. When they had gone about nine miles these churchmen were set upon and robbed by a party under Sir Gilbert de Middleton, a Northumbrian knight, and the author seeks to show that this action was a protest by the whole north country against the installation of an unworthy bishop, and that Gilbert was the leader of a 'chivalrous enterprise' in defence of the see of Durham.

Lancaster, he thinks, was a party to the scheme, as was also the Prior of Durham; Pembroke too, who seems to have lent his castle of Mitford, was possibly involved, and two stalwart Scots, Sir Thomas Randolph and Sir James Douglas, were there in person. The presence of the legates ruined the plot. Against them Gilbert had no feud, but the Scots (at this period notoriously hostile to papal bulls and messengers) attacked the cardinals. Shocked by this outrage the supporters of what was really a respectable rebellion backed out, leaving Sir Gilbert to pay the price, and after a brief period of successful defiance he was taken and executed as a felon in January 1318.

This representation of the facts is hard to accept. There is no evidence of a general rebellion of all good men against the insult to a beloved church. Pembroke, who would hardly make common cause with Lancaster in any event, had only returned from captivity in France a week or two before, and his long absence from England may well account for the occupation of Mitford Castle by Gilbert. It was the Prior of Durham, again, who warned the legates of the impending attack. Lancaster, on the other hand, may well have been involved, for next year 188 of his adherents were pardoned, 'the robbery of the cardinals excepted.' His relations with Bruce were a matter of doubt, and it is quite likely that some of his followers joined the Scots in a scheme for enriching themselves, and turning the legates back from Scotland.

That Gilbert de Middleton should lead the attack was not odd, for, only a year before, a Richard de Middleton, described by some as his brother, had been executed for complicity with the marauding Scots, and

Gilbert himself, even when king's yeoman and in garrison at Berwick, had plundered his fellow Englishmen. It is significant that, after his death, his chattels were valued at over £2600, an enormous sum for a man whose lands were worth about 50 marks per annum.

The imposition of a 'simoniacally elected' bishop may have given to the scheme a few extra adherents and an admirable pretext, but its root cause lay in the prevalent anarchy. Many of the Northumbrians joined the Scots (Lancaster's own farms, it is said, were never ravaged), and plundered promiscuously; the outrage on the legates was but the central point in Gilbert's career of rapine.

While we cannot accept the author's interpretation of the facts, we are indebted to him not only for a vivid picture of Northumbria under Edward II., but above all for an admirable collection of the available evidence. In view of modern theories as to the importance of the 'Household,' the activities of the 'king's yeomen' are well worth studying, and the relations of Lancaster with the Scots are of peculiar interest. Upon these points Sir Arthur Middleton only touches in passing, but other investigators will find valuable help by consulting the numerous authorities which he has used so fully in compiling his book.

J. DUNCAN MACKIE.

BRIGADIER MACKINTOSH OF BORLUM, JACOBITE HERO AND MARTYR. By A. M. Mackintosh. Pp. 64. Nairn: Printed for the author by George Bain. 1918. 4s. 6d.

MR. MACKINTOSH'S predilection for the genealogical department of research does not mar his aptitude for wider biographical and historical study. First with him stands his clan, but close behind it, as he shows us, comes his country. This sketch is written to add to the general stock of British historical knowledge of the rising of 1715. It is a return to a subject on which he wrote in 1877, revised and expanded himself in 1903, and now presents his hero again with corrections and additions. Who could wish a better sign than this of fidelity?

William Mackintosh of Borlum, near Inverness, born about 1657, may have served in the French army towards 1678, and certainly was active in the Jacobite plots. In the actual rising he served with the rank of brigadier. A glimpse of the southward march in 1715 shows him conducting into Kelso his Highlanders wet and weary and bedraggled, 'tho' their old Brigadier who marched at the head of them appeared very well.' He wanted to attack the Royal forces there under Carpenter, but was overruled, and marched instead to fiasco and surrender at Preston. Pending his trial for treason he overpowered a jailor, made good his escape, and became a ballad hero of credit and renown. In 1727 he, being at it again, was apprehended by order of General Wade, and thereafter languished long, more or less comfortably, a prisoner in Edinburgh Castle, where, among other employment, he wrote as 'a Lover of his Country' an essay on agricultural reforms. He died, still a prisoner, in 1743, after a career of intrigue and peril perhaps without its match in that age of conspiracy. He

has been fortunate in the diligence and sympathy of his biographer, an exemplary searcher out of facts, with a stout indisposition to believe either Patten's accusation of avarice against the brigadier or the Master of Sinclair's scarce less heinous charge of 'ane affected Inverness-English accent.' Jacobite loyalty can seldom have surpassed the biographer's commendation of the dying brigadier for dedicating one of his teeth to the cause by writing with it on his prison wall a blessing on James VIII.

GEO. NEILSON.

SOME SUBSCRIBED COPIES OF THE SOLEMN LEAGUE AND COVENANT. By D. Hay Fleming, LL.D. (From the papers of the Edinburgh Bibliographical Society.) With six full-page Plates.

THIS is a paper read by Dr. Hay Fleming in 1914 before the Edinburgh Bibliographical Society. He points out that 'the National Covenant was usually, if not almost invariably, written on large sheets of vellum or parchment; whereas the Solemn League and Covenant was issued for subscription in the form of a quarto pamphlet, with blank leaves at the end for the signatures.' The latter form appears to have been suggested by a decision of the General Assembly, a few days before the League and Covenant was adopted, to issue the National Covenant in quarto with blank paper for the names of subscribers.

After a useful summary of events, we have a full description of the copy signed in the East Kirk on October 13, 1643, by the several Commissioners of Assembly, Convention of Estates, and Parliament of England. Evan Tyler, the King's printer, had the text ready within two days. Six very beautiful facsimiles are a most interesting and valuable addition to Dr. Hay Fleming's close analysis. Then we have the Privy Council copy; the St. Andrews copy, containing also the signatures at the 'second swearing' in 1648-9; the Newbattle subscriptions—less than one-third autograph; an Edinburgh specimen, that of the Tolbooth or West Kirk; a Dundee copy, in which the majority of signatories are literate. With the Glasgow University copy goes the 'Solemn Acknowledgment of Publick Sins and Breaches of the Covenant, and a Solemn Engagement to all the duties contained therein,' prepared in connection with acts for the renewal in October of 1648, with Tyler's new issue of the Solemn League.

Some copies of this 1648 edition are described—one signed in a district of Glasgow, a second probably by the Synod of Lothian and Tweeddale, a third in the parish of Kilbarchan, and a fourth in the parish of Traquair. Then we have the important MS. on vellum, containing both the National Covenant and the Solemn League and Covenant with the signature of Charles II., which belongs to 1650.

Dr. Hay Fleming concludes by dealing with some English prints and relative pamphlets. The whole study is, as one would expect, close and accurate. It contains matter which will be valuable to the historian as well as to the bibliographer; and there are some useful facsimiles of title-pages.

R. K. HANNAY.

An Empire Builder of the Sixteenth Century 251

AN EMPIRE BUILDER OF THE SIXTEENTH CENTURY. By L. F. Rushbrook Williams. Pp. xvi, 187, with 16 Illustrations and 7 Maps. Cr. 8vo. London : Longmans, Green & Co. 1918. 7s. 6d. net.

THE wealth of learning in this excellent life of the founder of the Mughal dynasty makes the reviewer feel his unworthiness. Here we have complete mastery of the difficult politics of India in the fifteenth century exemplified, and also the inter-relations of those States—almost forgotten until now—such as Mughalistan, Farghana, and parts of what we now loosely call Afghanistan, which the Mongols seized and made their jumping-off ground for the conquest of the rich plains of India; and, in addition to this, exact knowledge of the complicated genealogies of the Mughal Mirzas. All this makes the book a remarkable work and of great interest.

Founding on a long list of authorities, the author recounts the adventurous career of his hero Babur from his birth in 1483 (he was descended from both Chingiz Khan and Timur the Lame, 'the two greatest Empire Builders who ever afflicted Asia'), as prince of Farghana, to his death at the Ram Bagh, near Agra, in 1530, as Padshah and Emperor of India. His early boyhood ended at the age of fourteen with the fruitless siege of Samarkand, which he later conquered. Then came days of adversity and his flight as a landless prince. Then the seizure of Kabul, the reconquest of Samarkand and the apogee, the conquest of Hindustan by the two decisive battles of Panipat (a finely detailed account of this battle is given here) in 1526, ending the Lodi power, and Kanua in 1527, which destroyed the menace or chance of the Rajputs and allowed the new dynasty to take possession of Hindustan.

The details of Babur's life are put before us, his private life and its vicissitudes, his paternal love (his advice to his successor was 'do naught against your brothers, even though they deserve it'), his culture and his bravery. The incidents of his career are also depicted in very valuable illustrations taken from the Alwar and Agra codices, Muhammadan art of great rarity. The author is in obvious sympathy with his hero, and says that the work he did endured long, and that his Imperial idea is still a living force in India.

A. FRANCIS STEUART.

TWO ESSAYS: (1) DON QUIXOTE; (2) THE POLITICS OF BURNS. By W. P. Ker. Pp. viii, 52. Glasgow : MacLehose. 1918. 1s. 6d.

CERVANTES did not smile Spain's chivalry away; nor did he defy the literary conventions of his time. Indeed, this latter tenet is the critic's main position which accentuates the irony of the fact that the author of *Don Quixote* wrote in the grip of the delusions of Arcadian romance. Burns is shown in his earlier stage as an admirer of Pitt, and the revolutionary tendencies which made him a Foxite are interpreted as of perhaps inferior poetic inspiration. The professor adroitly analyses the artificialities of the political-ballad type. Always stimulant he throws out a general chronological verdict of comparison, viz. that Burns's later thoughts in prose or rhyme 'have not the significance or the force of the miraculous volume of 1786.' This needs pondering. Did not the new revolutionary intensity heighten and deepen even the miracle of 1786? GEO. NEILSON.

THE EARLY ENGLISH CUSTOMS SYSTEM. A documentary study of the Institutional and Economic History of the Customs from the Thirteenth to the Sixteenth Century. By Norman Scott Brien Gras, Ph.D., Associate Professor of History in Clark College, Assistant Professor of History in Clark University. Pp. xiv. 766. 8vo. Cambridge : Harvard University Press (being Vol. XVIII. of the Harvard Economic Studies).

PROFESSOR GRAS has rendered a great service by printing in full selections of customs accounts, which undoubtedly shed much more light upon constitutional, social and economic questions than the summary accounts and general documents hitherto used. He sees the origin of a national system of customs in the local customs of the towns, and rejects Mr. Hubert Hall's view, that it arose in the royal right of 'Prise,' at first arbitrary, later commuted for a definite money payment. Prise, he contends, only become a tax accidentally, owing to the great rise in the price of wine, while the king kept the right to buy at the old reduced figure.

He shows how the Crown, in search of money, organised a central machine, complete with a corps of officials, a scheme of collection, and a system of valuation. This machine was in working order before the death of Edward I., and the consolidated system of 'custom and subsidy,' which prevailed unaltered—except for 'impositions'—through the Tudor and Stuart periods, was fully developed by the close of the fourteenth century. The net conclusion is that the birth of a national system of economy must long antedate the traditional 'sixteenth century,' and must be attributed to political rather than to economic causes.

The author is at his best in guiding us through the tangle of 'the Ancient Custom of 1275,' 'the New Custom of 1303,' 'the Cloth Custom of 1347,' the 'Petty Custom' and the 'Subsidies,' to the complete system which embraced all goods either under 'Subsidy and Custom on Wool, Woolfells and Hides,' or under 'Subsidy (Tunnage and Poundage) and Custom on all other goods.' In dealing with the prime origins of the customs he is less fortunate. He holds that 'the germinal forces in the early towns were the burgesses,' and explains how 'the dominating local economy of the day' swallowed up an early attempt at centralisation which survives in the dues of 'lastage,' 'scavage' and the wine custom. These three customs, together with the accidentally added 'Prise of Wine,' Professor Gras describes as 'semi-national customs,' and he believes that they formed a bridge between local customs proper and the centralising efforts of John and the three Edwards.

In all this there is much disputable. We have no proof of 'an early Anglo-Saxon effort at nation-building by centralisation which was destroyed by the rival process of feudal decentralisation'; there was no machinery for collecting customs dues prior to John's short-lived effort of 1203; there is no royal decree in any form establishing any of these semi-national customs, and, indeed, except for the wine-prise, the profits are often enjoyed by others than the king. They are very like local customs, and, in fact, in a feudal society there could be no sharp distinction between 'local' and

'national' rights. The burghs, like any other feudal seigneurie, held their rights (including the rights of toll) from their feudal lord, and ultimately from the king. It is thus possible that the local customs on which the author lays such stress had their origin in that very right of purveyance which, in the hands of the king, produced the wine-prise.

In effect, Professor Gras differs from previous writers less than he supposes. The connection between local and central customs has always been assumed, and even rejecting Mr. Hall's theory, the wine-prise does represent the groping fingers of the central authority. None the less, the book solves many difficulties and upsets some preconceived ideas. It is surprising, for instance, to learn that as early as 1303 'England's chief exports were wool and cloth, not wool at an earlier period and cloth at a later, but both together.' Perhaps in these days when Stubbs' 'Parliamentary constitutionalism' is somewhat discredited, the main interest of the book is to show how the Crown developed a money-making machine over which the 'faithful Commons' had very little control. J. DUNCAN MACKIE.

LA PATRIE DU B. JEAN DUNS SCOT. Par P. André Callebaut. Pp. 16. Firenze : Quaracchi Press. 1917.

THIS closely vouched discussion (extracted from the *Archivum Franciscanum Historicum*, vol. x.), gathering up the entire evidence on the nationality of the 'subtle Doctor,' is a convinced denial of the Irish claim, as founded on an interpretation of 'Scotus,' essentially forgotten and long abandoned in that famous theologian's time, the end of the thirteenth century.

The learned Italian Franciscan, André Callebaut, should have included in his authorities the essay 'Duns Scotus: His Life and Times,' by Mr. John Edwards, contributed to the Royal Philosophical Society of Glasgow in 1905 (see *S.H.R.* iv. 361). What might have savoured of patriotic prejudice on Mr. Edwards's part clearly gains by the concurrence of a continental scholar, free from any apparent need for bias in the long debate, and arriving very definitely at the same conclusion.

LEARNERS AS LEADERS. By Henry Spenser Wilkinson, M.A., All Souls College, Oxford. Pp. 41. Cr. 8vo. Manchester : University Press. 1918. 1s. 6d. net.

THIS address was delivered by Professor Spenser Wilkinson on 26th April, 1918, at a memorial service for members of Manchester University who had fallen in the war. It is devoted to the history of Owens College, and its growth from a small College to a great University ; it deals also with the teaching ideal there, and the memories of both teachers and taught, who held that 'the mark of nationhood is Leadership, the secret of Leadership the will to learn, the single eye.'

SELECTED SPEECHES AND DOCUMENTS ON BRITISH COLONIAL POLICY, 1763-1917. Edited by Arthur Berriedale Keith, D.C.L., D.Litt. 2 vols. Pp. xvi, 381 ; viii, 424. Small 8vo. Humphrey Milford : Oxford University Press. 1918. 2s. net each volume.

IN these two handy little volumes we find historical materials illustrating the growth of responsible government in the colonies of Britain. The

evolution of the Dominion of Canada, the Federation of Australia, the Union of South Africa are all elucidated by speeches and documents properly arranged, and with an excellent short introduction; and, in addition, part of the second volume is devoted to the growth of autonomy in internal affairs of the self-governing parts of the Empire, the interesting subject of their relations with foreign Powers, and the unity of the whole.

EUROPEAN HISTORY SINCE 1870, WITH SPECIAL REFERENCE TO THE CAUSES OF THE WAR OF 1914. By C. H. Currey, M.A. Pp. xii, 235, with 3 Maps. Demy 8vo. Sydney, N.S.W. : The Teachers' College Press. 1918. 4s. 6d. net.

THE writer of this study has accomplished his difficult task well. As he points out, it is too soon yet to know all the secret causes of the great war, but it is necessary to go back to 1870 and review the political history of each contending Power since then. He is right in insisting on the culpability of Austria-Hungary, together with Germany, in starting the war, and in emphasising that the ultimatum to Serbia should be forgotten no more than the invasion of Belgium. His views on the ideas and work of Prince Bismarck are especially instructive, and he is convinced that the world is still tormented by his spirit; 'Bismarck,' he says, 'taught Official Germany to prefer absolutism to democracy, and force to free will.'

In the *English Historical Review* for January Dr. R. L. Poole concentrates much detailed light on the difficult biography of St. Wilfrid of Hexham and Ripon, whose death he concludes occurred in April, 709. Professor G. Lapsley collects a fine store of material about the knights of the shire in the parliaments of Edward II. Mr. Miller Christy has a good narrative of Queen Elizabeth's visit to Tilbury in 1588 while the Armada was still somewhere on the seas. M. Esposito records and locates a text of the supposed lost treatise of our Scottish theologian and ambassador, John of Ireland, on the Immaculate Conception. It proves to be extant in a MS. I. 5. 21 at Trinity College, Dublin. In some extracts presented there is a reference to Thomas Livingston, abbot of Cupar, as distinguishing himself at the Council of Basle. It appears, however, to be chiefly a quotation from Æneas Sylvius.

History for January has several strong papers. In the first Professor Powicke completes his survey of M. Jacques Flach's four volumes on the *Origins of Ancient France* (S.H.R. xvi. 168), and is specially interesting on feudalism. 'M. Flach has shown,' he says, 'that our ordered feudal system was of very slow growth and that feudal homage is rarely found before the eleventh century.' But whereas Flach denies a vassal relation between the Crown and any regional prince before the second half of the twelfth century, Powicke adduces high critical authority of continental scholars for instances of early date of the vassal relation between the Crown and the greater fiefs.

Lord Morley's *Reminiscences* are examined by Professor Pollard with rather a sense of disappointment that the deliverances regarding the historians, so far as concerns the art of writing history, are somewhat casual. Dr. R. W. Chambers opens the ball for an assembly of all the authorities

on the troubled problem of Geoffrey of Monmouth. Students of history as well as of romance will watch for the future chapters of this 'revision.'

The *Modern Language Review* has of late had several very useful articles. In October Mr. A. C. Baugh edited 'A Seventeenth-Century Play-List' and Mr. W. F. Smith a critical account of 'Rabelais' lists of fowls, fishes, serpents and wild beasts,' while Dr. Paget Toynbee applies the medieval *cursus* as a touchstone for the question of Dante's authorship of the *Aqua et Terra*. In January there are good notes on the alliterative poems and *Sir Tristram*, on prose in Elizabethan Drama and on German 'War-words.' A severe review of a Yale University doctorate edition of Ben Jonson's play *The Case is Altered* bluntly raises the question how such work could warrant a degree.

The *American Historical Review* for July contained three articles on three types of Imperialism—Oriental by A. T. Olmstead, Greek by W. S. Ferguson, and Roman by Geo. W. Botsford. The trend is to make clearer the oriental influence upon Alexander, the ultimate conquest of the eastern ritual over the Greek world, and finally the Hellenistic impress on Rome under and after Julius Caesar. In the October number Arthur E. R. Boak analyses the *imperium militiae*, the successive forms of the extraordinary commands from 80 to 48 B.C. in a very important conspectus of the changing commissions which by degrees expanded the powers as regards duration from a strict single year to five years, and from a definite remit to an *imperium infinitum*, which at last, as the *imperium infinitum maius*, was superior to the magistracies of all proconsuls and propraetors. The striking conclusion is drawn that the real model of Augustus for the transition to the Empire was in Pompey's commissions. Samuel F. Bemis studies, especially as concerns the American share in it, the curious and abortive armed neutrality of 1794 by which the British allied measures to harass French commerce were to have been checkmated. America has often been adroit in neutrality, but in 1794 she saw that the facts of British sea-power were conclusive against America supporting the Baltic combination in the interest of France.

In the issue of the same review for January Prof. W. R. Thayer makes admirable reading on the 'Vagaries of Historians,' illustrating the dangers ahead of doctrinaires when they apply principles of science or of evolution as ground plans for human action. He thinks the Germans went mad over 'the survival of the fittest.' For himself he chooses 'Man the Measure' as motto for historians who 'compete with God' in their duty to see everything. In his view history, studied as the 'manifestation of will,' yields the richest compensations. Joseph V. Fuller examines the war-scare of 1875 which Bismarck plotted and Gontaut-Biron French ambassador detected, unmasked and checkmated.

The *Iowa Journal* for October is almost monopolised by a description of the Social Work at Camp Dodge, which is a training camp near Des Moines, Iowa. In the January number Mr. Cyril B. Upham has a monograph on 'The Speaker of the House of Representatives in Iowa,' treated

as a direct descendant of the Speaker of the English House of Commons. A list of the Speakers in Iowa since 1838 is scheduled, and both personal and functional notices are given of the speakership down to the current year. Professor Cardinal Goodwin sketches the gradual inhabitation and settlement of the State from 1833 until 1860.

The last issued *Bulletin* of the Queen's University, Kingston, is Walter Sage's paper on 'Sir George Arthur and his Administration of Upper Canada.' Lieutenant-Governor when the Earl of Durham went out as Governor-General in 1838, Arthur resisted the proposal of 'responsible government,' but had to accept it after Durham's recall had roused to fighting pitch the Colonial determination.

The *Caledonian* for February has a series of portraits of Scottish poets, including the Marquis of Montrose, Rev. John Skinner and James Hogg, besides greater singers. Another series groups the divines Edward Irving, Dr. Chalmers and Dr. Guthrie.

In the *Revue Historique* for July-August, 1918, M. Joseph Reinach concludes his study of the Somme offensive of 1916, and M. Halphen continues his critical studies of the history of Charlemagne with an important estimate of the Monachus Sangallensis, *De gestis Karoli Magni*. The 'Bulletin Historique' by M. Louis Bréhier is devoted to a survey of works on Byzantine history published during the two years from 1914, including Young's *East and West through Fifteen Centuries*, i. and ii., which, subject to some reservations, is judged to be a good historical summary. Fotheringham's *Marco Sanudo* and Gibbon's *Foundation of the Ottoman Empire* are favourably noticed. The most important contribution to the number for September-October, 1918, is M. Marion's 'La question du papier-monnaie en 1790,' in which he deals with the issue of *assignats* professedly secured on the confiscated possessions of the Church, and indicates the disastrous economic consequences. The 'Bulletin Historique' by M. Halphen deals with works on French history from the Middle Ages to the Valois, including the fourth volume of Flach's *Origines de l'ancienne France* ('un livre à thèse'), Haskins' *Norman Institutions* and Wilmotte's 'le Français à la tête épique,' which deals with the vexed question of the origins of the *chanson de geste*. The fourth volume of Herkless and Hannay's *Archbishops of St. Andrews* is favourably noticed by M. Bémont, and attention is drawn to the value of M. Grand's *Contrat de complant depuis les origines jusqu'à nos jours*.

Notes and Communications

CHARLES HUTCHESON'S JOURNAL TO ARRAN, 1783¹ (*S.H.R.* xvi, 94).—I have looked over some jottings I made about the Galts. Hew Galt was a son of John Galt, farmer at Craiksland, Dundonald, Ayrshire. His father was admitted as an Apprentice Mason in a lodge in Kilmarnock the same evening as Burns was made an honorary member. Hew Galt, along with his brother and a son of Mr. Walker, minister of Dundonald, were apprentices in a mercantile firm in Glasgow. The Walkers were with Cunningham of Lainshaw, and Professor Josiah Walker, an early biographer of Burns, speaks bitterly of Lainshaw's treatment of his brother when in charge of one of Cunningham's stores in Virginia.

Hew Galt and a brother, William Galt, went to America prior to 1775, and made money as pedlars. Beyond the Arran Diary there is no trace of Hew after 1783. William settled in Richmond, Virginia, after the war, and built up an immense fortune. He died without issue, leaving his fortune to a nephew, John Allan of Irvine, whose mother was a sister of William and Hew Galt. This John Allan adopted Edgar Allan Poe, who was related to him. I have a note that the Mrs. Dunlop (sister of Hew Galt) who figures in the Diary was a cousin of John Galt, and if so Hew and William were cousins of John Galt, the novelist. The latter, however, came from Dreghorn, and it is in the neighbourhood of Dreghorn he places Dalmailing.

The Dundonald kirk-session have a set of communion plate said to have been presented by the Galt brothers, with an inscription, 'Let the U.S. of America flourish.' John Galt in his *Literary Life* speaks of an ancestor (a Covenanter) from Dundonald who was banished after Bothwell Bridge. Possibly he was the ancestor of Hew and William Galt.

William Galt, of Virginia, brother of Hew, had a bit of romance in his life. He sought in marriage a Jean Galt, who, however, preferred her cousin, a William Galt, shipmaster. Her husband died and left her, with three boys, in poor circumstances. William Galt handsomely helped her, and when she died, three years after her husband, he brought the three boys out to Virginia. One died before reaching America. The other two were well educated, entered his store at Richmond, and at his death shared with John Allan his great wealth. Their descendants are still in America, and I have been supplied with information through them and also through John Allan's grand-daughters.

¹ The Editor is indebted to Bailie Hogg, Irvine, for these notes on Arran and Mr. Hutcheson's Journal.

In Galt's *Annals of the Parish* you will find Jean Galt as the prototype of Mrs. Malcolm, who refused the Lord Provost of Glasgow—for her cousin. The story of the Galts is partly told in an edition of Poe's *Poems* (1911) published in Boston. The chapter 'Poe and Scotland' was contributed from my notes.

Though William Galt had several brothers and sisters, yet in 1825 when he died in Richmond there were no descendants to share his wealth. He owned large plantations and hundreds of slaves. I have a copy of his will. His tombstone in Shocco-Hill Cemetery speaks of him as a native of Dundonald, son of John Galt, farmer in Craiksland, an elder of the Parish Church. In the Customs records of Irvine the Galts figure as smugglers, and it is said that the cause of Hew and William's hurried departure to America was some smuggling affair at Troon. Dr. Currie, biographer of Burns, was acquainted with the Galts in Virginia, and I have notes of letters from Currie to Galt. An uncle of Dr. Currie died in Richmond, and William Galt acted as executor on his estate.

I have a diary of a visit to Arran in 1780, written by a Glasgow professor: it has never seen the light. It was written by Professor Walker, who met Burns on his Highland tour. Walker was then a tutor. He was engaged writing out the diary from notes during the time of Burns's visit.

As to the Diary of 1783, I append a few jottings:

The 'Warrix Pit' still remains surrounded by an old wall. It is on 'Tarryholm,' where the English army encamped, 1297, prior to the capitulation of Irvine. Old folks know the pit as Lourie's Lea.

The Bridge of Annick was built by David Muir, who also built the Parish Church. The kirk-session records speak of it as erected by contributions from collections at church doors in the Presbytery of Irvine. The Earl of Glencairn promised to make up the balance, and when it came to payment he refused—hence Muir's difficulty. He had not underestimated the cost. A descendant of this David Muir is my friend, Provost Walter Muir, present Provost of Irvine.

The description, 'level champagne country around Irvine,' seems a quotation from Defoe's tour.

The Arran trip was the trip of the year 'to drink the goat's whey.' The Eglinton family went there regularly. Poe went as a schoolboy to Arran with the Allans and Galts, and his description of the tarn in the *Lake* poem is reminiscent of his visit. There are no tarns such as he describes in America.

The Rev. Mr. Duncan was assistant to Rev. Mr. Richmond of Irvine, who figures in Galt's *Annals*. He is Burns's *Duncan Deep*, etc. He succeeded Rev. Mr. Walker in Dundonald. Duncan's name figures in Account of Irvine Kirk Session. He had £40 a year, paid partly by the town and the shipmaster of Irvine who owned a gallery called the 'Sailor's Loft.' The new *Fasti* (Scott) should have some notes about him.

The Shaws belonged to an Irvine family. The father was a brother of Sir James Shaw's father. One of his sons, Captain Shaw, fell fighting by the side of Sir John Moore at Corsica. Miss Helen Shaw married

Hamilton Robinson, a solicitor for a time in Irvine and Ayr. He was related to Gavin Hamilton, and had been an apprentice in his office in Mauchline. He was a native of Dalry, and is buried there. He acquired the MSS. of six of the poems of the Kilmarnock edition, 1786, from Gavin Hamilton. This was the printer's copy furnished to John Wilson. Possibly it was gifted to him by Gavin Hamilton. His widow married afterwards Rev. Alex. Campbell, first minister of the Original Secession Church, Irvine (now Trinity Church). He gifted the MSS. to the Irvine Burns Club. He was a great friend of David Sillar.

Captain Hamilton, of the revenue cutter, figures in the old Customs records. His station was at Millport.

R. M. HOGG.

NOTE ON SIXTEENTH CENTURY BIBLIOGRAPHY.—In their *Annals of Scottish Printing* Messrs. Dickson and Edmond give a short account (p. 512) of what they describe as 'doubtful and spurious Works.' The false imprints which they mention are few in number and include : (1) *Dialogi ab Eusebio Philadelpho . . . compositi . . . ; Edimburgi. Ex Typographia Jacobi Jamaei 1574*, and (2) *Le Reveille-Matin des François, et de leurs voisins. Composé par Eusebe Philadelphie Cosmopolite, en forme de Dialogues. A Édimbourg, De l'imprimerie de Jaques James. Avec permission. 1574.*

These are Latin and French versions of the same Huguenot political tractate. 'It is supposed,' write Messrs. Dickson and Edmond, 'that these works were printed abroad, either at Basle or at Geneva.' It is clear that the name of the printer is a fictitious one, and all that is left for speculation is the question why the somewhat unusual name of 'Jaques James' was selected. It is probable that in selecting a *nom de guerre* for his printer the writer or publisher sought a name which had comic associations, and if this suggestion be well founded the name chosen was appropriate.

Jaques James appears twice in the *Testament* of François Villon (ll. 1812, 1944), in the first passage as a legatee :

Item, a maistre Jacques James,
Qui se tue d'amasser biens,
Donne fiancer tant de femmes
Qu'il voudra ; mais d'espouser, riens.
Pour qui amasse il ? Pour les siens,
Il ne plaint fors que ses morceaulx ;
Ce qui fut aux truyes, je tiens
Qu'il doit de droit estre aux pourceaulx,

and in the second as one of his three executors, in the event of the three previously named refusing to act :

Et l'autre, maistre Jaques James,
Trois hommes de bien et d'honneur,
Desirans de sauver leurs ames
Et doubtans Dieu Nostre Seigneur

Plus tost y mettroient du leur
 Que ceste ordonnance ne baillent,
 Point n'auront de contrerolleur,
 Mais a leur bon plaisir en taillent.

M. Longnon (*Œuvres de François Villon* : Paris, 1914, p. 116) describes James as 'fils d'un riche maître des œuvres, ou architecte, de la ville de Paris, qui était mort vers 1457.' Further information regarding him has been collected by M. Pierre Champion (*François Villon* : Paris, 1913, i. 295 and ii. 168, 172, 368-369). Jaques James was a miser and a rake, and M. Champion comments on the first of the foregoing passages as follows :

'Toujours dans le même ordre de plaisanteries amoureuses, M^e Jacques James, le fils du maître des œuvres de la ville de Paris, qui vient d'hériter de son père de nombreuses maisons, entre autres de celle de la rue aux Truies et d'une maison à étuves qui n'est peut-être pas bien famée, recevra la permission de se fiancer avec autant de femmes qu'il voudra, mais de n'en épouser aucune ; ou il y a là-dessus un proverbe : 'tel fiancé qui n'épouse point.' Sans doute Jacques James ne cherche guère à se marier. Pour qui amasse-t-il donc ? Pour les siens. Mais il ne regrette que ce qu'il mange. Et Villon de conclure, en équivoquant vraisemblablement sur la maison qu'il possédait : ce qui a été aux truies doit revenir aux porceaux ; ce qui vous est venu par la débauche doit y retourner.'

The selection of the name may be a coincidence, but when the wide popularity of the verses of Villon is kept in view it seems arguable that it was an example of the *humeur narquois* of the pamphleteers of the French Wars of Religion. The association of Jaques James with Edinburgh supports this view, for to Villon 'le gentil Coçis' was the synonym for a thief, and the ironical reference to the godliness of James might justify the attribution to him of a religious pamphlet.

DAVID BAIRD SMITH.

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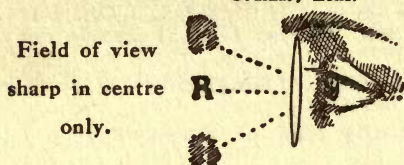
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John of Swinton : A Border Fighter of the Middle Ages

TO-DAY it seems strange to look back across the Renaissance and the centuries to the old feudal warfare, to a time when printing, rifles and America were all alike unthought of, when men lived and prayed and loved and quarrelled like children, when the Black Prince and John Chandos, Bertrand du Guesclin and the Captal de Buch, Harry Hotspur and James of Douglas were all fighting for the joy of fighting, and believed with Froissart that 'La Chevalerie est le fondement de l'Etat.'¹ Wide indeed is the gulf between us and the Middle Ages, and the pity is that to bridge that gulf and look back at the doings of our forefathers we have in Scotland so little trustworthy evidence, only a few parliamentary reports, some hundred pages of monkish chronicle, and perhaps a thousand musty charters giving us little but a statement of how land passed from one family to another with bare lists of witnesses. Even making allowance for the loss of our national records in 1660, and the destruction of abbeys and castles in the ceaseless raids of the three preceding centuries, when we compare such scraps as have survived with the wealth of documents in England and France, it is evident that as a race we were bad at writing down. And tradition passed by word of mouth is rarely reliable. Therefore it may be worth while to dig out and piece together what is already scattered about in

¹ *Kervyn de Lettenhove*, vol. i. 198.

various books and manuscripts of the deeds of one early Scottish fighting-man. As the English and French writings of his time become easier of access much more may be found out about him, mainly because in his youth he formed ties south of the Tweed which bind his life-story together, but already of no Scotsman of the fourteenth century is there more on contemporary record than of John of Swinton in the Eastern Marches—'Nobillissimus et validissimus miles.'²

Close on five hundred and fifty years ago, on 22nd February, 1370-71, died David the Second. The male line of Bruce failed, the Stewarts succeeded, and Froissart tells us that a truce was established between England and Scotland with a provision that 'the Scots might arm and hire themselves out like to others for subsidies, taking which side they pleased, either English or French.'³ Of this provision John of Swinton availed himself, and rode south to make his name and fortune. He must then have been quite young, and we do not know under whose banner he first took service, but we soon find him in the following of John of Gaunt.⁴ And remember who John of Gaunt was. In Spain a king, in England not only a Royal Duke, but the richest and most powerful subject that the country has ever known. For twenty years he held the steps of the throne. The moment he was dead his son—less loyal than he was—seized that throne. When John Swinton joined him, though they were still campaigning, the best years of Edward III. and the Black Prince were past, and Lancaster was accused of aiming at supremacy. He had castles and manors all over the country, and 134 peers and knights were in his retinue; not all Englishmen, though it would appear as if the new-comer was the only Scot among them. Swinton's various indentures are given in his Register, and, while in the fullest and most formal document the Borderer binds himself⁵—'envers le dit Duc pur pees et pur guerre a terme de vie,' his Scottish nationality is admitted, and it goes on later, 'le dit Duc voet et grante qu'il ne serra pas tenuz d'estre ovesque ly contre sa ligeance.' When he comes to Court he is to be 'a bouche en courte ovesque un chamberleyn mangeant

² *Liber Pluscardensis*, vol. i. 327.

³ *Johnes*, 3rd edition, vol. iv. 81.

⁴ I have gleaned and shall quote much from two most valuable books, the *Life of John of Gaunt* and *John of Gaunt's Register*; the first written, the second edited for the Royal Historical Society, by Mr. Sydney Armitage-Smith. Unfortunately only a very few years of this Register have been preserved for us.

⁵ *Register*, 789.

en la sale'; when campaigning the Duke will convey him and his men and horses across the seas, and will apparently recompense him if his horses are taken or lost; but, on the other hand, 'en droit des prisoners et autres profitz de guerre prizez ou gaignez par le dit Johan ou nulle de ses gentz l'avantdit Duc avera la tierce partie.'

Mr. Armitage-Smith points out that Lancaster—no bad judge of soldiers—was so anxious to have him that both as Squire and Knight he paid him double fees and gave him special privileges. And little wonder, for Swinton's whole history proclaims that he was not only a man of valour—Macfarlane and Anderson quote his custom of giving a general challenge to fight anyone who would come against him—but a master of his weapons, and in those times such men had an extreme value. Leaders went out of their way to attract them to their side, for it was the day of individual combat, and one warrior, as we shall see later on at Otterburn, might almost win a battle.

But it was also the day of romance and fantastic vows, when 'it was not merely the duty but the pride and delight of a true Knight to perform such exploits as no one but a madman would have undertaken,'⁶ and our man was hardly out of Scotland ere he gave his proofs. Froissart describes how Sir Robert Knolles, one of Lancaster's greatest captains, marched with his company along that line which we now know so well, the eternal battleground of Europe, past Arras, where they burnt the suburbs, and on by Bapaume and Roye, ravaging the country, while the inhabitants fled into Ham and St. Quentin and Peronne. What belonged to the Lord of Coucy they spared, for he had married King Edward's daughter. And when they came to Noyon, one of the Scots who was with them, John asueton,⁷ 'a very valiant and able man, perfectly master of his profession,' saw his opportunity. Riding to its gates accompanied only by his page he dismounted, and leaping the barriers said to the knights who came to meet

⁶ Scott's *Minstrelsy of the Scottish Border*. Notes to 'Auld Maitland,' vol. i. 45.

⁷ We see in his account of Otterburn how Froissart, or rather his copyists, played havoc with our Scottish names. North of the Border we have no family of Ashtons, and, by tradition, this John a sueton was the John of Swynton or Swenton of whom I am writing. At that time, in Froissart's country, 'a' was commonly used instead of 'de,' as Sir Archibald Dunbar showed in his little booklet correcting Stodart's badly copied version of the *Armorial de Gelre*. In this fourteenth century manuscript we find not only the Contes 'a douglas' and 'a straderen,' etc., but the coat, so well known in the Preston aisle in St. Giles' Cathedral, put down to 'Syr herri apreton.'

him : 'Seigneurs je vous viens voir ; vous ne daignez issir hors de vous barrières, et je y daigne bien entrer ; je viens éprouves ma chevalerie à la vôtre, et me conquérez si vous pouvez.' And there he fought for upwards of an hour, 'alone against them all'—'giving many grand strokes with his lance.' 'He wounded one or two of their Knights ; and they had so much pleasure in this combat, they frequently forgot themselves.' And this went on until his page called to him that he must come out again as his army was on the move. Two or three thrusts to clear the way, and then, springing again across the barriers and up behind his page, he cried to the French—'Adieu, adieu, seigneurs, grands mercis,' and spurred away to join his companions. Froissart ends the tale—'La quelle appertise d'armes fut durement prisee de toutes gens.'⁸

Nothing of importance happened for a time, while plans were being prepared, and then, in August, 1373, the Duke of Lancaster himself rides south with a mighty following. Crossing to Calais he mustered 15,000 men, all mounted, among them 300 Scots lances, and swept the country. There were two divisions at the start, and we read of many towns with familiar names. The Duke of Brittany marched straight down by Hesdins, Doullens, Corbie-sur-Somme and Soissons, while Lancaster took a line roughly parallel but further east, by St. Omer and St. Pol and Arras, getting into touch with his ally at Bray-sur-Somme and then sweeping round by St. Quentin and Laon. The historian says, 'The area enclosed between the two lines represents roughly the sphere of devastation.'⁹ How like to-day. They converged at Vailly-sur-Aisne, and then passed on by Epernay to Troyes and the south. It was a martial parade through Champagne and Burgundy and Auvergne and Aquitaine, and it finished at Bordeaux at Christmas-time. Much damage was done to the country-side, but little else happened, for the French refused fighting and retired into the fortified towns, and Lancaster refused sieges. No one could question that it was a great feat to march unchallenged from one end of France to the other, and the French Chroniclers are polite enough to write, 'la dite chevauchée leur feust moult honorable,'¹⁰—that is the best that can be said of it. The loss of men and horses from hardship and starvation had been terrible, and financially the whole expedition was disastrous.

⁸ *Johnes*, 3rd edition, vol. iv. 86, and *Buchon*, Paris, 1837, vol. i. 614.

⁹ *John of Gaunt*, 106.

¹⁰ *Grandes Chroniques de France*, vi. 339.

But the Duke's followers had to be paid, and on the 7th of August, 1374, he writes from the Castle of Leicester, 'a sire Thomas Swaby nadgairs nostre tresorer pur guerre saluz. Nous voulons et vous mandons que vous accompez ovesque nostre tres ame chivaler monsire Johan de Swynton de cest derrier viage es parties de France et d'Acquitaigne et de ce que vous trovez que ly soit dehue de ses gages ly faites une bille desouz vostre seal.'¹¹ Later we find that the bill amounted to £7 7s. 4d.¹²

John of Lancaster had burnt his fingers badly and exhausted his credit, and the next over-seas expedition was headed by his brother Edmund, then of Cambridge and afterwards of York, John Swinton being lent by the Red Rose to the White. In the Chancery Files, under the date of December 15th, 1374, there is a 'Fiat for Protection for a year for Sir John of Swynton Knight, about to go in the King's service beyond seas, with his son Edmund Earl of Cambridge';¹³ and in the Gascon Rolls, on the 16th of the following February, there are further 'Litteræ de protectione et generali attornatu concessae' to him and others.¹⁴ There is little chronicled about this campaign, but Swinton's engagement on it brings into our story two ladies, one only a name, the other a personage of unpleasant notoriety.

Hitherto we have seen Swinton in his armour, but there were times when he was in England and at Court, and the entrée to Lancaster's Court must have been worth having. The Duke was much more than a soldier and a politician, he was fond of music, Chaucer was not only of his retinue but his intimate friend, Wycliff was his honoured guest, and there were dames both fair and frail. Moreover, John Plantagenet had taste and loved fine things. It was a sumptuous age. In his personal accounts, in the list of his presents and in his will, we see how he disposed of gold and silver plate and costly raiment and furs, above all of jewels. Jewels were the craze of the time. 'For the charge of the pearls, diamonds, rubies, sapphires and emeralds in the Savoy a whole staff of warders under a yeoman of the Jewels is necessary.'¹⁵ If only precious stones could speak and recount to us their history. Re-strung, re-cut, re-set, they are the loot of all countries and all time. Some are stones of destiny. Did Don Pedro, King of Castille, when after murdering the King of Granada mainly for his jewels he gave a certain pierced ruby to

¹¹ *Register*, 1457.

¹² *Register*, 1670.

¹³ Bain's *Cal. Scot. Doc.* vol. iv. 221.

¹⁴ *Catalogue des Rolles Gascons*, vol. ii. 114.

¹⁵ *John of Gaunt*, p. 225.

the Black Prince, imagine that Henry V. of England would wear it on his helmet at Agincourt, and George V. of England in his crown at Westminster five centuries later ?

Among the ancient petitions in the Record Office is one—
 ‘A nostre tres redoute Seigneur le Roi et a son noble Conseil. Supplie humblement Johan de Swynton que come it estoit en le Service votre tres noble ayel notre Seigneur Le Roi que dieu assoile en les parties . . . Bretagne en la compaignie monsieur de Cantebrigg en quel temps Johanne femme du dit Johan morust apres qi mort Alice Perrers par la grant poer qele avoit en cele temps Non obstant la proteccion de dit Roi prist les biens et Joyeaux du dit Johan cestassavoir un filet en quel il avoit 5 Rubis et vint grosses perles et 5 aneaux or Rubys et Dyamantz estanz les dys Joyeaux de la value de IIIIC et L marcs desqueux le dit Johan depuis en sa vie ne poet avoir restitution. Que pleise a votre dit Seigneur le Roi et a son noble conseil de ly purveyer de remede ainsy que le dit Johan ne soit tant perdant a cause de sa Demeure en parties susditz en service du Roi et de roialme.’¹⁶

Here we have an insight into the seamy side of the Court life of this time. Where Joan came from we shall perhaps never know. It is the only mention of her. Probably she was a girl wife, the romance of his youth, and she left no issue. Her husband is away at the wars, and she dies. Enter that baleful figure, the King's mistress, not only a scandal and a danger to the realm but a notable thief, so fond of jewels that two years later she stole the very rings from her King's fingers when he in his turn lay dying. And John's rubies and pearls, more probably the spoil of his 'viage' through France than the heirlooms of a Border family, pass into her treasure chest. Where are they to-day ? For it goes on to say that the 'Seigneurs deputed' of Richard II., to whom the petition went, though prepared to see justice done, seem to have been doubtful whether they could be traced.

In the spring of 1375 Lancaster went to France as an Ambassador, and in June a truce was concluded, but he had now got the reputation of being an unlucky and expensive General. He was becoming more unpopular every day, and when, in June, 1376, the Black Prince died, leaving a father who was past all work and a son too young to undertake it, the position of the ambitious uncle lay open to evil report. On the

¹⁶ Record Office, *Ancient Petitions*. File No. 139, No. 6910.

20th February, 1377, at Wycliff's trial in St. Paul's Cathedral, the Duke quarrelled fiercely with the Bishop of London, and the smouldering embers burst into flame. Thomas of Walsingham was a cruel critic of Lancaster all his days, but his account now is certainly picturesque. London was in an uproar, the mob howled outside the Duke's palace of the Savoy, reversed his arms, 'quod muttum bilem ducis postea concitavit,' and killed a monk who took his side. With the greatest difficulty he and Percy succeeded in escaping across the river to Kennington. Then writes the Monk of St. Albans :

'Quidam et ex Militibus Ducis Dominus Thomas (John) Swinton¹⁷ nacione Scotus Domini sui favorem cupiens eodem die ausus est per frequentissimas plateas urbis equitare armatus in despectu civium ferre circa collum signum Ducis quo plus furorem populi comoveret. Qui mox a commonibus equo deiectus amisit Domini sui signum vulgarium violencia collo suo detractatum passurusque penas inconsulte temeritatis ibidem nisi maior eum ab eorum manibus liberasset et post modicum suo Domino remisisset.'¹⁸

He goes on to say that after this it was seen that those to whom the Duke had given these badges—'quorum superbiam vix tellus sustinere poterat'—became very humble and hid them away in their bosoms and their sleeves. John Swinton may have been a Paladin and a Hercules, but his bravado nearly cost him his life ; for no one man can succeed against a mob which is angry and in earnest.

Perhaps he was tired of England, and garrison work in peacetime in France did not appeal to him, but more probably it was for very different reasons that nine months later he turned his face once again towards his native land. Not so long ago he travelled with 'one man at arms and three archers,'¹⁹ now we find Richard II., on 31st December, issuing a 'Warrant for safe conduct till the last days of April for 'Johan Sire de Swyngton Descoce,' with 60 men . . . to pass through Normandy, take ship at Harfleur . . . for Southampton . . . thence to the King's presence . . . and thereafter to Scotland.'²⁰

¹⁷ Walsingham, or his copyist, mistakes the Christian name, but Mr. Armitage-Smith alters 'Thomas' to 'John.' For no Thomas Swinton appears at that time anywhere, and certainly none was in John of Gaunt's service. All his Knights and Squires of that period are named in his Register.

¹⁸ B.M. *Harleian MS.* 3634 f. 143.

¹⁹ *Calendar of Close Rolls*, 1372.

²⁰ *Cal. Scot. Doc.* vol. iv. 254.

And this may have been the reason of his journey. Something had happened to the little old ancestral Barony on the Border. The family who took their name from it had been there ever since surnames and inheritance were recognised in Scotland—until 1335, when, after Halidon Hill, Edward III. annexed the Eastern Marches. Then the John de Swynton of that day, probably our man's grandfather, was forfeited,²¹ the family apparently retiring to other lands at Abernethy which they had possessed since the time of William the Lion,²² while Swinton, 'vasta propter destructionem guerre,'²³ was granted by the English king to Edward of Letham. Letham died in 1367, Swinton being then still in his possession,²⁴ but he left a son, and even a decade later England was continuing to claim all Berwickshire except its highest ground. 'These are the boundes of Goldyngtham schire and the Marche which we demand for our lord the King of England.' From 'Colbrandespathe to the River Boune,' that is across the lower Lammermoors from the sea to near Lauder, 'and from the Boune following the Ledre water running into the Twede.'²⁵

But now at last there came signs of restitution. The fortress of Roxburgh England held on to almost for another century, but Swinton, though centrally situated in the Merse, twelve miles from Berwick, four from Norham, and six from Wark, can never have been a place of strength, and perhaps the King's advisers were now ready to restore it to a rightful owner, especially when he was a friend and could be expected to keep the peace. Perhaps even it was for this that John had served for the last six years, for the homing instinct is strong with Scotsmen. At first there was trouble, for when he got there he found that another of the family, Henry de Swynton, probably an uncle, had already arrived from Abernethy and taken possession, and it was possibly a question as to which of them, after the forfeiture, was the rightful owner, one styled as we see 'Lord of Swinton,' the other 'Lord of that Ilk.'²⁶ Whatever the difficulty may have been²⁷ it was overcome by William Earl of Douglas, who produced lands in Perthshire which Henry accepted in amicable exchange.²⁸ Abercromby tells us that 'between the deaths of

²¹ *Cal. Scot. Doc.* vol. iii. 326.

²² *Scottish Historical Review*, vol. ii. 172.

²³ *Cal. Scot. Doc.* vol. iii. 371.

²⁴ *Cal. Scot. Doc.* vol. iv. 140.

²⁵ *Cal. Scot. Doc.* vol. iv. 295.

²⁶ *Douglas Book*, vol. iii. 397, Henry de Swenton.

²⁷ *Swintons of that Ilk*, Appendix I. ²⁸ *Carnegies, Earls of Southesk*, p. 493.

David of Scotland and Edward of England there had been neither settled peace nor open war on the Border,' and Lancaster, who soon after we find designated 'Lieutenant of the King of England in the Marches,'²⁹ may have been at the back of this arrangement; for it is well known that he had formed a definite Scottish policy, and with his eyes fixed on foreign conquest was always most anxious for peace with Scotland. But a quiet border-side unquestionably suited the Northern Kingdom also, and a strong man with a French reputation was worth welcoming home.

Berwickshire must have been a change from the luxurious living of the past seven years, but most likely it saw little of Swinton at first. He still had dealings with London, and a certain William Calle, who owed him forty pounds, was outlawed until he paid it—an early instance of a Scot getting his legal rights against a Southerner³⁰—and he still appears in Lancaster's Register. On the 2nd November, 1379, the Duke writes from Kenilworth that he is to be given sixty pounds which are owing to him;³¹ and again, on 23rd August, 1380, there is an order from Tuttlebury that 'nostre cher et bien aime bachelier Monsire Johan Swynton' is to be paid his annuity.³² But his indenture could no longer hold 'a terme de vie,' however attached he might be to his old leader.

And that leader was soon himself again in bad trouble. Froissart says that no envoy was so well acquainted with Scotland and its inhabitants, or able to secure such good terms from them as John of Gaunt, and, in the following spring, a March-day having been appointed at Ayton for 12th May, he rode out of his splendid palace at the Savoy on a diplomatic journey to the North. A month later he was at Coldingham, and the same day the Savoy was in ashes. London and Kent and Essex had risen against him, the gates of Bamburgh were shut in his face, and he took refuge in Edinburgh. Another month, the storm blew over, and he turned South once more, escorted with great pomp to the Border by the Scottish magnates. At Berwick, on the 13th July, two days before Wat Tyler was killed, he issued a proclamation—'A touz capiteins castelleins et leurs lieutenantz viscontes maires baillifs ministres foialx subgitz et liges de notre dit seigneur le Roy as queux cestes presentes lettres vendront saluz. Porce nous

²⁹ *Cal. Scot. Doc.* vol. iv. 297.

³⁰ *Patent Roll*, No. 308, 4, Richard II.

³¹ Register (not yet printed), ii. f. 14.

³² Register (not yet printed), ii. f. 36.

eions pris en nostre especiale proteccion monsire Johan Swynton ses gentz servantz biens chateaux et hernoys vous mandons que as ditz Monsire Johan ses servantz gentz biens chateaux et hernoyses ne facez grief mal moleste ne damage ne en quanque en vous est ne suffrey estre fait ne riens pris encontre leur gree. Cestes noz presentes a durer par deux ans procheinz ensuantz.

Donnee etc a Berewyk etc.³³

It looks very much as though Swinton was installed as a peace-maker of the Marches.

But if he was friends with John of Gaunt, who on 12th July, 1383, is still commissioner of England, he was in high favour in Scotland also. The lands of Swinton had from the earliest days been divided. The Swinton family held Parva Swyntona, but Meikle Swynton, the township, was a possession of the Monks of Coldingham. In 1333 the then Prior had petitioned King David that William Lord of Douglas was holding on to 'lour ville de Swyntoun,' which had been granted to the good Lord James 'pour sone conseil et eide avoir en temps de guere,' and that it was 'chief de lour sustenance.'³⁴ Probably at that time Edward of England settled the business for them by force of arms, but now, nearly fifty years later, when the English have quitted the Merse, we find the Abbot of Dunfermline handing over 'omnes et Singulas terras tocijus dominij de Swyntoun Magna dilecto nostro Johanni de Swyntoun militi,'³⁵ and Robert II. and his son confirming the gift in 1382 'dilecto bachelario nostro,'³⁶ with Pope Clement VII. fortifying a transaction so important as the surrender of Church lands by a papal Bull.³⁷ And money too was forthcoming, for on the 4th June of that year King Robert granted to him and his heirs a pension of £20 a year 'pro suo fideli servicio nobis impenso et impendendo.'³⁸

He was also either forming or perhaps only consolidating a strong family connection. In 1384 William, first Earl of Douglas, died, and before August, 1387, we find Swinton—now himself styled 'Lord of yat Ilk'—married to Margaret of Mar,

³³ Register (not yet printed), ii. f. 142.

³⁴ *Correspondence of Priory of Coldingham*, Surtees Society, p. 21.

³⁵ *Swintons of that Ilk*, Appendix III.

³⁶ *Swintons of that Ilk*, Appendix IV.

³⁷ *Swintons of that Ilk*, Appendix VI.

³⁸ *Register Great Seal of Scotland*, vol. i. 700. This pension is frequently referred to in the Exchequer Rolls, in 1391 'pro se et heredibus suis annuatim.' As late as 1417 we find his son claiming it.

his widow ; and, though the Douglasses had somehow absorbed the Mar Earldom, the marriage brought him an additional courtesy title of Lord of Mar—it was before the days of what we now call peerages, with the exception of Earls of Earldoms—as well as a gallant stepson. If he still had scruples as to taking the field against his old English comrades—well, Lancaster was away in Portugal and James of Douglas managed to break them down. A fighting instinct is hard to kill. In August, 1388, they rode together to Melrose, where the charter confirming the church of Cavers to the Abbey bears Swinton's name, Douglas calling him ' carissimo patre nostro,'³⁹ and then on into England. Modern historians have all followed Froissart in his description of the field of Otterburn, and his is the version known to every schoolboy, while Philip Sidney has told us that the fighting of Douglas and Percy moved him more than a trumpet, but the early Scottish chroniclers, who were on their own ground, all give less credit for the actual victory to the ' dead Douglas ' than to his stalwart step-father. The younger man, in his haste insecurely armed, striking out right and left with his battle-axe, fell early in the fray, unrecognised, borne down by three lances fixed in his body, while of the elder, a wary fighter, we read that when the battle was not going too well for his countrymen,—

' Swenton dominus Johannes miles Scotus, dum configere inciperant Scoti et Angli, ex ala lateraliter secessit, et dum alterutra pars se lanceis impeteret, ipse elevata longa lancea rubea, graui percussione, Anglorum lancearum capita ferrata in terram multum concussit, propter quod Scoti primo Anglos penetrarunt lanceis et eos retrocedere compulerunt, sed, certamine aliquantisper durante, Angli terga verterunt etc.'⁴⁰

In different words Bower and *Liber Pluscardensis* tell the same tale, the former calling him ' probatissimus miles, validus et robustus,' and John Major saying ' our chronicles make mention of John Swinton with all honour ' ;⁴¹ while one of the oldest ballads on the battle hails him as leader of one of the three divisions, and describes his following :—

' Swynton fayre fylde upon your pryde
To battel make yow bowen ;
Syr Davy Scotte, Syr Walter Stewarde,
Syr Jhon of Agurstone.'⁴²

³⁹ *Liber de Melrose*, vol. ii. 466 and 617.

⁴⁰ *Extracta ex Cronicis Scocie*, Abbotsford Club.

⁴¹ John Major's *History*, p. 328.

⁴² Percy's *Reliques*.

But where all men of both sides fought their way almost into immortality, little matters now as to who was primarily responsible for the victory. The Chevauchée (Chevy Chace) was over, the battle lost and won, Hotspur and his brothers, the sons of Lancaster's old ally Henry Percy, were prisoners, and another head of the house of Douglas had died in his harness. It must have been a mournful band which bore his body back across Carter Fell to lay it in the Abbey of Melrose, which he had quitted less than a fortnight earlier.

James of Douglas left no rightful heir, and the wide territories of the Douglasses were divided. A race as masterful as they were set little store by legitimacy, and, by an old entail, the Earldom and what should belong to it went to Archibald the Grim, while Cavers went to one of James' natural sons, Drumlanrig to another. Perhaps it was feared that Swinton and his wife might lay claim to this last, and on 5th December, 1389—'Johne of Swyntoun, Lord of Mar, and Margaret, his spous, countes of Douglas and Mar . . . ' say, 'Witt ye us of ane mynd consent and assent, to hef faithfullie promiseist to William Douglas, sone to umquhile James Erle of Douglas (whom they later on call 'our sone') that we shall nevir in onywayes move any questioun or contraversie against him . . . concerning the baronie of Drumlanrig . . . ' etc.⁴³

This document is still in the Drumlanrig charter-chest, and appended to it is the only impression of John Swinton's seal which is known to-day. It is a fine seal, the shield couché with supporters standing upon it, and it is interesting to note that the helmet, coronet and crest are the exact counterpart of the great Garter-plate, in St. George's Chapel at Windsor, of his contemporary, Ralph Lord Basset of Drayton.⁴⁴

But if the Douglas inheritance was easily settled it was different with the lands of Mar. Not only were James of Douglas's mother's husband and his sister's husband—both Lords of Mar—interested in them, but there were more distant heirs. It appears from a confirmation of Robert II. in 1387, 'dilecto consanguineo nostro,' that James had handed over to his step-father the lands of Tillicoultry in Clackmannan and Clova in

⁴³ *Hist. MSS. Com.*, Drumlanrig Charters, p. 9.

⁴⁴ Swinton's shield—Le Seigneur de sancton—argent, a chevron between three boars' heads erased gules, armed argent—is blazoned in the Berry Armorial, where it comes first after the shields of 15 earls, of whom Crawford alone remains in male descent.

Angus,⁴⁵ and perhaps this grant or something further caused Thomas of Erskine to come before the King at Perth, in 1390, and say that he was given to understand that Sir Malcolm de Dromonde and Sir John of Swynton had made a contract concerning lands of the Earldom of Mar and the Lordship of Garvvauch,' over which his wife Issabell had rights.⁴⁶ He claimed that these rights should not be prejudiced, and the King agreed, with the result that though perhaps Swinton enjoyed Tillicoultry and Clova during his life-time they did not pass to his heirs at his death, while, perhaps as a recompense, we shortly find Robert III. confirming 'infeodacionem illam quam dilectus frater noster Malcolmus de Dromonde miles fecit et concessit Johanni de Swyntone militi dilecto nostro et fideli,' of a pension of 200 marks a year.⁴⁷

Possibly money suited a man who was then childless better than land, and, in March 1392, Robert III. also confirmed to him the £20 pension granted by his late royal father,⁴⁸ but the childless argument did not long continue, for about that time Margaret of Douglas and Mar died, and Swinton was wedded to a third wife, another Margaret, this time of royal blood, who gave him a son and heir. The older historians chronicle her as the daughter of Robert II., but it is almost certain that she was his grand-daughter, and child of a much more powerful man, the Regent Albany.

We have now seen Swinton in contact with many interests, but in March, 1391, we find him for the first and last time appealed to by the Church. It is amusing to note how an ecclesiastic of those days, even one who held as proud a place as the Prior of Durham, bows down before a soldier. It is a letter asking for his help, 'Eximice probitatis viro, domino Johanni de Swyntone, militi,' beginning 'Reverende Domine, vestra nobilis discretio non dubium satis novit . . . etc.'—continuing 'Quo circa, cum sit militiæ proprium, immo debitum,

⁴⁵ *Swintons of that Ilk*, p. 12, Note 2.

⁴⁶ *Acts of Parliament of Scotland*, vol. i. 578.

⁴⁷ *Register Great Seal of Scotland*, vol. i. 829.

⁴⁸ *Swintons of that Ilk*, Appendix V. Presumably this was a State pension. If it came out of the Privy Purse those accounts must have been sadly muddled; for in the Exchequer Rolls, in 1391, we find the King paying back 150 gold nobles (£62 10s.) which he had borrowed from Swinton. But perhaps Swinton was a capitalist, and had lent money to the heir to the Throne, to be repaid when he succeeded.

jura antiqua ecclesiæ defendere . . . vi et armis, vestram militarem præeminentiam in Christo requirimus et sub spe mutuae amicitiae inter nos præhabitæ, ampliusque in futurum habendæ vestram benevolentiam imploramus . . . etc.’—and ending ‘Utinam in famosa prosperitate vestra diu vigeat probitas militaris.’⁴⁹

He seems to have helped in some way, for a later letter, without superscription but apparently addressed to him, gives grateful thanks.

At last England and Scotland were really at peace. There had been a truce for three years from 1388, and towards the end of 1391 the question of its renewal arose.

On 14th November ‘John Swynton of Scotland, chivaler, and 30 “persones Descoce,” all unarmed, had a safe-conduct.’ The next day there are further safe-conducts for David Lindesay of Scotland, and ‘Wauter Styward Descoce chivaler, friere a nostre cousin Descoce.’⁵⁰ Six months later, on the 24th July, there was a definite Embassy. ‘Sciatis quod suscepimus in Salvum et securum conductum nostrum ac in Protectionem Tuitionem et Defensionem nostras speciales. Johannem de Swynton, Henricum de Douglas, Johannem de Saintcler, Henricum de Preston et Johannem de Dalzell de Scotia Milites . . . cum sexaginta Equitibus, in comiteva sua pro certis negotiis—adversarium nostrum Scotiæ tangentibus.’⁵¹

They evidently negotiated terms satisfactory to both countries, for the peace held marvellously, running on to ten years. Were both nations exhausted, or was it only the result of good diplomacy? In October, 1397, the time was nearly out, and arrangements were made for a meeting in the following March. Then to Hawdenstanke, opposite Birgham, for the last time, came ‘time-honoured Lancaster,’ true to the policy which he had formulated nearly twenty years before. ‘Old John of Gaunt’ was only fifty-eight years old, but he had lived a full life, he had just seen his son exiled—‘a sentence of death to the father’—he had made his will, and after this Scottish visit he took no further part in public affairs. His last mission had been one of friendship, and within a year he breathed his last. Three Scotsmen, Rothesay, Albany, and Lindsay, are on record as attending at Hawdenstanke, Swinton is not mentioned, but it is significant

⁴⁹ *Correspondence of Priory of Coldingham*, Surtees Society, pp. 68 and 69. Same, p. 75.

⁵⁰ *Cal. Scot. Doc.* vol. iv. 431.

⁵¹ *Rymers Foedera*, vol. vii. 733.

that two months later his services are acknowledged in England, by a grant 'during pleasure' of the pesage of the wool at Scarborough.⁵²

South of the Tweed now we suddenly have revolution, when Richard falls and Henry of Hereford reigns in his place, but the trouble need not have spread to Scotland had it not been for an act of personal injustice. March's daughter had been wedded to the heir to the Throne—the old story was simply of a betrothal, but it is now known that the marriage had been actually consummated—when suddenly, at Douglas's request, backed they say by a large sum of money, the marriage was annulled, Marjory of Douglas taking the place of Elizabeth of Dunbar. As John Major puts it: 'Hence let Kings take a lesson not to trifle with men of fierce temper . . . nor yet with their daughters. Rather than this woman had been scorned it were better that the Scots had given her a dower of two hundred thousand pieces of gold.'⁵³ To the son of the Gospatricks the Douglasses though valiant men were mushroom upstarts, while this Earl was a bastard at that. The insult was unbearable. March wrote his grievance to Henry of England, and on 21st June crossed the Border, 'coming to an interview with the King.'⁵⁴ A few days later Henry gave safe-conduct to two other parties, to 'Master John Merton, Archdeacon of Tevidale, and Adam Forster Esquire, ambassadors from Robert King of Scotland,' and to 'Sir John Swynton of Scotland, Knight, with 20 attendants, horse or foot, who proposes to come to the King's presence.'⁵⁵ In an order of 8th July these three parties are classed together for safe-conducts without fee,⁵⁶ but their objects were in all likelihood very different. March was burning for vengeance; Merton would state King Robert's case; Swinton may well have been an unofficial mediator. He must have known Henry from his childhood, he was his father's friend, and neither of them were then, or ever in life, to know that twenty years later their two sons now in the nursery were to meet in battle at Baugé, and that a second Swinton that was 'ever ready for the fight'⁵⁷ was to ride down Thomas of Clarence. He was tied moreover not only to the Regent, but

⁵² *Calendar of Patent Rolls*, May 12th, 1398.

⁵³ John Major, p. 340.

⁵⁴ *Cal. Scot. Doc.* vol. iv. 546.

⁵⁵ *Cal. Scot. Doc.* vol. iv. 549.

⁵⁶ *Cal. Scot. Doc.* vol. iv. 550.

⁵⁷ John Major, p. 345.

to both March and Douglas by blood and interest. But if peace-making was the purpose of his journey, this time he went back a disappointed man. Three weeks later March's family followed the Earl across the Tweed, and Henry started north. The dogs of war were again unchained.

It was not a great campaign. Henry marched to Leith and sent out proclamations far and near, summoning the King of Scotland to do him homage and fealty at Edinburgh. Nothing happened ; and, sparing Holyrood because it had given asylum to his father, he rode back again ; but the heather had been lit once more, and the fire smouldered. March was given land in England and nursed his wrongs.

Archibald the Grim was dead now, and Swinton was closely allied to the son who succeeded him, witnessing many of his charters, and in the next two years receiving from him grants of land in three counties, Cranshaws in the Lammermoors,⁵⁸ Petcokis near Dunbar,⁵⁹ and Culter in Lanarkshire.⁶⁰ The first his descendants continued to hold for three centuries ; of the last he probably never took possession. For two months after the Charter was sealed, his end came. The old Border broils had broken out freely again, and March was on the war-path. In 1401 he raided Scotland, and the following year, when attempting retaliation, two disasters befell the Scottish arms. On the 22nd June a small force, 'the flower of the Lothians,' was annihilated near Nisbet in the Merse, at a place on the land of Kimmerghame called to this day 'The Slaughter Field,' and on the 14th September came the even worse defeat at Homildon. There John Swinton died, as he must have wished to die, in his boots and for his country.

⁵⁸ *Swintons of that Ilk*. Appendix, ch. xii. Later on—Appendix XXXIII., in a Petition to the King—ante 1460—we find Cranshaws being claimed for the Earldom of March, and Swinton's grandson, a third Sir John, protesting, and writing, 'my grantschyr schir Johne of Swyntoun gaf for thaim to the said Archebald of Dowglas, his seruice, and als mony siluer veschale as war vorth fyff hundreth markis of Scottis mone, . . . for my grantschyr bocht tha landis der eneuch, consideryng qwhat he gaff for thaim ; and in contrar of the Erle of Marche, in defence of zour Realme he was slane at Homylton . . . etc.' Silver vessels to that value shows that luxury was not unknown in Scotland in 1400, even on the oft-plundered Border. If they were hall-marked what would they be worth now ?

⁵⁹ In General Register House.

⁶⁰ The Precept of Sasine to John Kay of Culter, informing him that the Earl has granted Culter to Sir John de Swynton, is in my possession. No witnesses are mentioned. Appended to it is a very fine Douglas seal.

The story of Homildon is in all the history books, and the fatuous insistence of the Scottish leader on keeping the hill and awaiting an attack of the English which never came is duly recorded. Hotspur would have led an assault on their position, but March laid a hand on his bridle. The older soldier knew wherein England was always strong and Scotland always weak. And the arrows fell like hail. One Scotsman at any rate knew how to counter. ‘‘My friends,’’ exclaimed Sir John Swinton, ‘why stand we here to be slain like deer, and marked down by the enemy? Where is our wonted courage? Are we to be still, and have our hands nailed to our lances? Follow me, and let us at least sell our lives as dearly as we can.’ Saying this he couched his spear, and prepared to gallop down the hill; but his career was for a moment interrupted by a singular event. Adam de Gordon, with whom Swinton had long been at deadly feud, threw himself from his horse and, kneeling at his feet, solemnly begged his forgiveness, and the honour of being knighted by so brave a leader. Swinton instantly consented, and, after giving him the accolade, tenderly embraced him.’⁶¹ Then they charged together. It was useless. The attack was gallantly made, but the attackers were too few, and they were not supported. Swinton and Gordon fell side by side. Livingstone of Callander, Ramsay of Dalhousie, Roger Gordon, Walter Scott and Walter Sinclair were also killed. The great mass of the Scottish army, bristling with arrows all over like a huge hedgehog, was ignominiously defeated. The rank and file were shot down or drowned in the Tweed in their flight. Most of the leaders in armour were wounded and taken prisoner. Only the other day, at Dunster Castle far away in Somersetshire, was discovered a small roll of parchment on which was written: ‘Les nouns des Contes, Seigneurs, Barons, Banerettz et Chivalers qui feurent prises et tuez a le Bataille de Homelden. Contes Fife, Douglas, Moray, Orkney, Angus and Strathern; 14 Barons et Banerettz, Swinton and Gordon among them; and 65 Chivalers.’⁶² The archers alone won the battle, for the English men-at-arms were never in action. Seldom has bad generalship brought about a more complete disaster.

Sir Walter Scott, who inherited the blood not only of Swinton, from whose descendants he tells us he learned much of his Border lore, but of Gordon, Douglas, and March, has painted the story on a brilliant canvas. He calls his essay ‘A Dramatic Sketch,’

⁶¹ Fraser Tytler, vol. iii. 131.

⁶² *Hist. MSS. Com.*, Luttrell of Dunster.

'designed to illustrate military antiquities and the manners of chivalry,' but he had a further reason. As I write three manuscripts of his pen are before me, the original score of *Halidon Hill*, with very few alterations, and two letters dealing with it. The first letter, dated 10th July, 1814, is to a kinsman who may have invited him to recount John Swinton's deeds of yore, replying, 'I have some thoughts of completing a sort of Border sketch of the battle of Otterbourne, in which, God willing, our old carle shall have his due.'

But Otterburn became Homildon, and this in turn was altered to Halidon, while—perhaps for cadency—John became Alan, a name very common in the early Swinton pedigree. Moreover, the poet made his 'Sir Alan' only an old soldier, his influence gone with his reduced following, whereas, by 1402, Sir John was unquestionably, both by experience and position, a leading Scotsman. But if he adapted his history to add to its picturesqueness Scott kept to its main feature, the eternal trouble of the Scottish leaders quarrelling for precedence; and when the Regent—a mythical figure—in debating the order and plan of battle commands that as no one will resign his pride of place each company shall fight where it stands, he puts into Swinton's mouth the scornful comment :

O sage discipline,
That leaves to chance the marshalling of a battle.

While later on, when Swinton counsels an attack on the archers, he makes the Regent ask him :

And if your scheme secure not victory,
What does it promise us ?

and Swinton answers :

This much at least—
Darkling we shall not die ; the peasant's shaft,
Loosen'd perchance without an aim or purpose,
Shall not drink up the life-blood we derive
From those famed ancestors, who made their breasts
This frontier's barrier for a thousand years.
We'll meet these Southron bravely hand to hand,
And eye to eye, and weapon against weapon ;
Each man who falls shall see the foe who strikes him.

Reading Scott's poem through we may perhaps agree with the concluding words of his second letter which I have before me—one to James Ballantyne which has, I believe, never been printed :

‘I will endeavour to transcribe the rest of Halidon to-day, d—n me if I think it so bad.’

It is difficult to judge a man solely by his spirited actions and his mode of life ; and one petition (of which the words may have been put into his mouth by a professional petition-writer), and one speech, or rather war-cry in the heat of battle, tells us little of Swinton’s character. Walsingham, hating Lancaster and all his friends, hating Scotland, bitter to the end, notes his death, spurns his peace-making efforts, and damns him—‘infidus utrique regi.’⁶³ Was he this ? There is no sign of it in Scotland ; but was it any truer in England ? On the contrary, both countries appear always to have counted him trustworthy, and recompensed him accordingly. He was a fighting man, with a strong arm and a good head on his shoulders. John of Gaunt was against trouble on the Borders, and when he crossed them, even as an enemy, there was little blood shed. John of Swinton was reared in his school, and we never find him in arms against his old leader. Both Duke and Knight were prepared to draw their swords as a last resort, but both may have preferred to gain their ends by diplomacy. Probably Albany, the master-mind of Scotland, agreed.

GEORGE S. C. SWINTON.

NOTE.

If any reader can help me on a genealogical point I shall be grateful. During the English occupation of the Merse, between 1335, when John de Swynton was forfeited, and 1377, when Henry and Sir John were competing as to which of them should get back to the old lands, there appear, in Berwickshire, in the Lothians, and at Abernethy, four other de Swyntons, an earlier Henry, an Alan, a William, and a Robert, but there is no guide as to how they were all related to each other. Any information helping to string them together would be welcome. Charters of twenty years later show that the line was then very thin.

G. S. C. S.

⁶³ *Historia Anglicana*, vol. ii. 252.

The Highland Emigration of 1770

POPULAR tradition, and even literary tradition have come to associate all the great Scottish emigration movements with poverty and distress. This is particularly so of emigrations from the Highlands. The mere mention of them suggests at once rackrents, brutal landlords, and evictions.

In the face of this prevailing impression, it is worth while to analyse the nature and the causes of the first great exodus from the Highlands, an exodus which reached its highest point of activity in the early seventies of the eighteenth century.

Emigration from Scotland was of course not new. To judge from the dispatches of the colonial governors, before the eighteenth century was well begun the Scots were already penetrating into most of the English plantations. They brought with them both their business instincts and their zest for Presbyterianism, and everywhere their trail is marked by newly planted kirks and flourishing settlements. Even the last outposts of the English in America, the frontiers of the new plantation of Georgia, depended for part of their defence upon the little settlement of Mackintoshes from Inverness.

But this emigration, considerable as it must have been, was a gradual process, and went on comparatively unheeded, whereas the violent outburst that followed close after the middle of the century drew attention at once, and was hailed by travellers, statesmen, and patriotic writers as a new and startling phenomenon.

Roughly speaking, the phase referred to may be said to have lasted from 1740 to 1775. Knox in his *View of the Highlands* (pub. 1784) suggests 1763 as the earliest date, but there are several reasons for putting it earlier. Pennant in his *Travels* gives 1750 as the starting-point for Skye. A letter in the *Culloden Papers* hints at emigration from the Western Islands as far back as 1740, while the *Scots Magazine* as early as 1747 had begun to take notice of the spread of emigration. The latter reached its zenith in the early seventies, and in 1775 received a

decided check, which is attributed by most contemporaries to the general effects of the American War, and by Knox to a particular order of Congress. The lull which followed lasted almost ten years.

The emigrants were drawn from a fairly wide area. Perthshire and Strathspey contributed a few; the mainland districts of Argyllshire, Ross, and Sutherland contributed more; but the bulk of the mainland emigration was supplied by the glens of Inverness-shire, Strathglass, Glenmoriston, Glengarry, and Glen Urquhart.

The really sensational departures, however, were not from the mainland but from the islands; and the places that figure most largely in the records of the exodus are Skye, the two Uists, Lewes, Arran, Jura, Gigha, and Islay.

A few districts in America received the emigrants. Some, but not many, went to Georgia. To the majority the desired havens appear to have been the Carolinas, Albany, and Nova Scotia. To estimate the actual numbers that went is a matter of extreme difficulty. The sources of information are vague.

From the *Old Statistical Account* we gather that before 1775 emigration had taken place from some sixteen Highland parishes; the *Scots Magazine* in the numbers published before 1775 contains twenty definite references to ships leaving with Highland emigrants, apart from the mention of emigration projects which may or may not have materialised; and a variety of rather indefinite evidence bearing on the subject is supplied by the Privy Council Papers relating to the Colonies, the Scottish Forfeited Estates Papers, and innumerable contemporary writers and periodicals.

Occasionally the embarkation would take place from a regular port, like Glasgow or Greenock, and be duly noted, but more often the emigrants set sail as unobtrusively as possible from some lonely Highland loch. Gigha, the Skye ports, Campbelltown, Dunstaffnage Bay, Fort William, Maryburgh, Stornaway, Loch Broom, Loch Erribol, and even Thurso and Stromness all figure as collecting centres and points of embarkation.

Under these circumstances the numbers become in the highest degree conjectural. Two estimates, however, were hazarded, by men who were almost, or quite, contemporaries of the movement. Knox gives as his figure 20,000 between 1763 and 1773, while Garnett in his *Tour* (pub. 1800) states that 30,000 emigrated between 1773 and 1775. The latter estimate seems almost

certainly exaggerated, and it is not easy to find satisfactory corroboration of even Knox's figures. The statistics furnished by the *Old Statistical Account*, and the miscellaneous sources are mostly too vague to be of much help. Our most reliable guide is certainly the *Scots Magazine*, which has the advantage of being contemporary, and of recording the emigrations as they occur. Yet if we add together all the Highland departures before 1775 chronicled by the *Scots Magazine*, the total is something under 10,000 persons. No doubt the entries in the magazine are not exhaustive, but allowing for some omissions the discrepancy between its figures and those of Garnett, and even of Knox, is very great.

A partial explanation of the latter's estimate might be found in the recruiting records of the period. Many Highlanders left the country as soldiers. A writer in the *Scots Magazine* of October, 1775, calculated that upwards of 9500 had been thus drawn from the Highlands, and of these many, like Fraser's Highlanders, eventually found homes in the New World, and might be counted in a sense emigrants.

Both at the time and later there seems then to have been a tendency to exaggerate the numbers of those emigrating at this stage. The emigrants were not many, and if this seems difficult to reconcile with the great agitation expressed at their going, the explanation can be found in the social standing and comparative wealth of the leaders of the movement.

That the emigrants included a large percentage of persons possessed of some capital is everywhere abundantly testified. The *Scots Magazine* generally gives in its entries some description of the emigrants, but only two or three times does it refer to their poverty, and once when it does, the emigrants set sail from Stranraer, and were almost certainly not Highland. The only allusions in fact to the poverty of Highland emigrants appear in connection with those from Sutherland.

What weight can be attached to such references is doubtful, for elsewhere we read in the *Scots Magazine* of September, 1772, that the persons emigrating from Sutherland between 1768 and 1772 took with them not less than £10,000 in specie. Now if it is borne in mind that the total number of emigrants from that area between these dates was only 500 or 600, and of these a very large percentage were women and children, it is obvious that many of the heads of households must have been persons of substance.

Possibly the allusions to their poverty can be explained by the fact that they, almost alone of the emigrants, passed through Edinburgh on their way abroad. There they became at once an object of interest and compassion, and their unusual appearance and pathetic situation no doubt supplied to Lowland eyes sufficient evidence of distress.

Apart from this doubtful case of the Sutherland people, there is no suggestion that the Highland emigrants were being driven by acute poverty. The *Scots Magazine* normally refers to them in such phrases as 'people in good circumstances,' 'gentlemen of wealth and merit,' 'people of property,' and so on.

The impression thus given is confirmed by the mention of the amount of capital they took with them. As a typical example the 425 persons who sailed from Maryburgh in 1773 took £6000 with them in ready cash, while in a number of the *Edinburgh Advertiser*, dated January 17, 1792, it was stated that since 1772 £38,000 had been taken from the country by the emigrants from West Ross-shire and Inverness-shire alone.

It must be granted, then, that at least the leaders of the movement of the seventies were reasonably prosperous people. Knowing that they were strongly attached to their native land, and that they were not driven out by stress of poverty, the question naturally arises what induced them to go?

In answer to this question various suggestions have been put forward both at the time of the emigrations and afterwards.

If we disregard vague and unsubstantiated generalisations about the tyranny of landlords, these suggestions reduce themselves to the following five: the union of farms for sheep; the redundancy of the population; the effect of the Jacobite rebellions; the influence of the returned Highland soldier; and finally the rise in rents.

The first suggestion is rarely, if ever, mentioned in actual contemporaries. It is generally put forward in works written twenty years later, while a new and entirely different emigration movement was in progress. It cannot provide any satisfactory explanation for the period of the seventies, for in the districts most affected by emigration the introduction of sheep had then hardly begun.

The second suggestion comes nearer the truth. The Highlands economically utilised may have been capable of providing for all their population, but as things were, numbers had no proper employment and lived permanently upon the edge of subsistence. That was becoming increasingly true and increasingly

obvious, and was soon to result in emigration on an altogether unprecedented scale. But no more than the first does this explain the prosperous emigration of the seventies. The well-to-do farmer who sublet his lands, as practically all did, was in the first instance a gainer rather than a loser by a phenomenon which created an intense and feverish competition for land, and which in so doing sent up the rents and services paid to himself.

The Jacobite Rebellions, and the influence of the Highland soldiers, have both a genuine effect upon emigration. Highland families whose fortunes had been broken in the '45, and who regarded land as an essential of existence, turned naturally to America, and in going took numbers of their old dependents with them. Thus John Macdonald of Glenaladale having been obliged to sell his estate in consequence of difficulties following the '45, left Scotland in 1772 with 200 Highlanders for Prince Edward Island, but such cases are rather isolated.

The Highland regiments had also a distinctly stimulating effect. The habit of planting ex-soldiers in America led to the establishment of a connection between the Highlands and Nova Scotia and Albany. The letters and encouragement sent home by the soldiers are frequently mentioned as promoting emigration. But even this is rather an additional stimulus than a real cause. A prosperous family of well-established social connections does not readily tear itself up by the roots simply because it happens to hear hopeful accounts of a new world. Some stronger incentive was needed to urge on the leaders of the movement, though doubtless the influence of the soldiers simplified the work of persuading some of the poorer folk to go with them.

There is left then as a possible real cause the general rise of rents in the Highlands, and this is the explanation put forward most frequently to account for the emigrations.

Pennant refers to it repeatedly. It appears again in the writings of Knox, in Heron's *Observations* (pub. 1792), in Walker's *Economical History of the Hebrides* (1808), in the Privy Council Papers, in the Parliamentary Debates of the period, in the *Old Statistical Account*, and elsewhere.

But while most authorities agree in mentioning the rise in rents as a cause of emigration, the manner in which they make mention of the fact varies indefinitely. Some regard the rise in rents as a piece of absolutely indefensible tyranny; some like Pennant deplore the consequences, but suggest at least a partial justification for the landlord in the corresponding rise of cattle prices; while

there are others, like the writers in the *Farmers' Magazine*, who go so far as to regard the rise as a benefit to the Highlands, since it compelled the adoption of more modern and economical systems of cultivation.

Who were the persons primarily affected by this rise in rents, and what was the nature of the rents previously paid?

In answer to the first question, there can be little doubt that the people immediately affected by the rise were the superior tenants, who in Highland estate economy occupied a position not dissimilar to that of feudal tenants-in-chief. On many estates the landlord does not appear to have come into direct contact with the smaller tenants or cottagers. They held from the superior tenants, the tacksmen, and could only receive an increase of rents by the landlords, indirectly, and from the evidence that follows it will seem very doubtful whether the under tenant could have paid more for his land than he was already doing.

But the same is emphatically not true of the rent paid by the tacksmen.

The position of the tacksmen was peculiar. A definition is given of the term in Carlisle's *Topographical Description of Scotland* (pub. 1813), which runs as follows: 'One who holds a lease from another, a tenant of a higher class:—this term is usually used in contradistinction to Tenants in general, who are such as rent only a Portion of a Farm.'

Normally the special emphasis is laid on the holding of a long lease or tack—a tenure which in early days might be taken as a definite mark of social as well as economic superiority.

Generally speaking the original holders of the tacks were the younger sons of the chiefs, who found that to grant farms on long leases and extremely moderate rents was the simplest if not the only possible method of providing for their large families. As might be expected, the social prestige of the holders was therefore great. 'The class of tacksmen occupy nearly the same rank in the Hebrides as belongs to that of men of landed property in other parts of Britain. They are called Gentlemen, and appear as such; and obtain a title from the farm which they hold, nearly in the same manner as gentlemen in other parts of the country obtain from their estates.'¹

Almost all references to them, even when abusive as those made by Burt, by Buchanon and by Duncan Forbes, still make

¹ *An Account of the Present State of the Hebrides and West Coasts of Scotland*, James Anderson, 1785.

use of the term 'gentlemen.' They prided themselves upon the upkeep of a crowd of dependents, and the support of a constant and lavish hospitality. Indeed, so far as we can gather from Pennant and the Gartmore MSS. their personal habits and mode of life were strikingly similar to those of the chiefs.

The relations of the tacksmen and the proprietors were naturally strongly coloured by the social and kinship ties which bound them together. All the evidence we have from Pennant, who describes the state of things before the transition, to Buchanon, who in his *Travels in the Western Hebrides* is writing between 1782-1790 of those districts where the tacksmen still survived, confirms the belief that the leases were originally granted on terms abnormally favourable to the holders.

'The tacksmen,' says Anderson (1785), 'were treated with a mildness that made them consider their leases rather as a sort of property, subjected to a moderate quitrent to their superior, than as a fair and full rent for land in Scotland.'

The normal acquiescence of the proprietor in this view was not, of course, due primarily to sentimental attachments. As is well known, Highland estate values before the eighteenth century were reckoned not in money but in men. In the military organisation of the clan, the tacksmen formed an essential element, since by blood, instincts, and training they were its natural lieutenants. As such they were indispensable to the chief, and they paid for their lands in full by their services. Their money rents were altogether a minor matter, and not being fixed by any economic considerations, bore no necessary relation to the economic value of the land.

Once military services became obsolete, and the rent was the sole return made by the tacksmen for his land, the revision of rents by the landlord was inevitable. Even if there had been no special causes at work, such as the rise in cattle prices, rents must still have risen to correspond to the altered social conditions of the Highlands.

But there are other considerations that also influence the eighteenth century proprietor. The decay of the military side of the clan system left him viewing the tacksmen as an expensive and altogether unnecessary luxury on a generally poor estate. For not only did he pay an inadequate rent, but he possessed several other drawbacks that struck most forcibly those landlords who had some ideas on estate improvment.

The tacksmen were bad farmers. Pennant, who is always

most sympathetic towards them, admits candidly that they had not the habits of industry. Their establishments were frankly medieval, and as Pennant himself said, the number of labourers they maintained resembled a retinue of retainers rather than the number required for the economical management of a farm. Forty years later Macdonald, in the *Agricultural Report of the Hebrides* (pub. 1811), confirms this view. Macdonald is normally most moderate in his statements, but he is emphatic in the opinion that the tacksmen, despite their many virtues and accomplishments, had been largely instrumental in holding back the agricultural progress of the Highlands. Exceptions existed, but the average tacksmen appeared to regard himself as superior to the drudgery of farm work, while his natural conservatism was a bar to all improvements. The first step towards any progress in the eyes of Macdonald was the resumption by the proprietor of direct control over his estates, and direct relations with his under tenants.

This brings us to the second serious charge made against the tacksmen. Evidence abounds to prove that the tacksmen were not good masters. Exorbitant rents, heavy services, and insecurity of tenure are the characteristic marks of their dealings with their under tenants. With the ethics of such practices we are not for the moment concerned. The proprietor may have objected to them on purely moral grounds, it is certain that he regarded them as an economic grievance. By lavish subletting, or in the contemporary phrase subsetting, a tacksmen might live rent free, while the proprietor could only look on and see his estate reduced to beggary by the sweating practices already mentioned. A good landlord could not but resent a system so hostile to the bulk of his tenants; a bad landlord could not but chafe at a practice so entirely unprofitable to himself.

One of the earliest pieces of evidence we have on the subject is contained in a report, dated 1737, which was sent by Duncan Forbes of Culloden to the Duke of Argyll. The report concerned certain estates of the latter which Forbes had been sent to inspect with a view to the possibility of improvements. The following is a quotation: 'The unmerciful exaction of the late tacksmen is the cause of those lands (*i.e.* of the Island of Coll) being waste, which had it continued but for a very few years longer would have entirely unpeopled the island. They speak of above one hundred familys that have been reduced to beggary

and driven out of the island within these last seven years.' . . . 'But though your Grace's expectations or mine may not be answered as to the improvement of the rent, yet in this, I have satisfaction, and it may be some to you, that the method taken has prevented the totall ruin of these islands, and the absolute loss of the whole rent in time coming to your Grace, had the tacksmen been suffered to continue their extortions a few years longer these islands would have been dispeopled, and you must have been contented with no rent, or with such as these harpies should be graciously pleased to allow you.'

Further corroborative evidence is found in the British Museum MSS. dated 1750 (edited Lang), which, after detailing various acts of oppression, laid down the conviction of the author that the Highlands could not be improved until the tacksmen either were deprived of their power of subsetting or held it under conditions which would protect the interests of the under tenants, or better still, were only allowed to keep such land as they and their personal servants were able to cultivate.

It must not be thought that the oppressive practices detailed by Forbes and the anonymous writer were simply the lingering relics of a past age. Where the tacksmen continue in existence, the abuses appear to have continued also even to the end of the century and later.

An English traveller writing from his personal observation in 1785 makes the following statement :

'The chieftain lets out his land in large lots to the inferior branches of the family, all of whom must support the dignity of lairds. The renters let the land out in small parcels from year to year to the lower class of people, and to support their dignity, squeeze everything out of them they can possibly get, leaving them only a bare subsistence. Until this evil is obviated Scotland can never improve.'

The *Old Statistical Account* gives some cases referring to the same period. In Harris while the small tenants directly under the proprietor had leases, those under the tacksmen paid more rent and held at will. In Edderachylis, while the proprietor had abandoned all claims to personal services, the tacksmen exacted them so rigorously that they were able to dispense entirely with any hired labour. However extravagant the demands, no tenant holding at will, as all did, dared to refuse them, for no tacksmen would have received on his lands the rebellious tenant of another.

The writer on the parish of Tongue drew a similar comparison between the conduct of the proprietor and the tacksmen. He appealed to the authority of the former to restrain the merciless exactions of the latter, which left their tenants with neither time nor energy to cultivate their own farms. The tacksmen, he held, were little better than West Indian slave drivers.

But the heaviest indictment of all is that which appears in Buchanon's *Travels*. Buchanon was a Church of Scotland missionary, and the *Travels* are the result of his personal observations of Hebridean conditions between 1782 and 1790. The proprietors are referred to in terms of high praise, but the tacksmen incur Buchanon's unqualified condemnation.

'The land is parcelled out in small portions by the tacksmen among the immediate cultivators of the soil, who pay their rent in kind and in personal services. Though the tacksmen for the most part enjoy their leases of whole districts on liberal terms, their exactions from the subtenants are in general most severe. They grant them their possessions only from year to year, and lest they should forget their dependent condition, they are every year at a certain term, with the most regular formality, ordered to quit their tenements and to go out of the bounds of the leasehold estate . . . there is not perhaps any part of the world where the good things of this life are more unequally distributed. While the scallag and the subtenant are wholly at the mercy of the tacksmen, the tacksmen from a large and advantageous farm, the cheapness of every necessary, and by means of smuggling every luxury, rolls in ease and affluence.'

We may conclude from these accounts, which might be amplified indefinitely, that the lower classes in the Highlands did not stand to lose by any change which transferred them from the power of the tacksmen to that of the owner.

To the unsentimental observer the whole system of which the tacksmen was a part appeared a hopeless anachronism. The tacksmen were superfluous middlemen who farmed badly, paid inadequate rents, and by oppressive services prevented the under tenants from attending properly to their farms.

No landowner just becoming alive to the economic possibilities of his estates could reasonably be expected to allow the system to continue. Some tried to remedy matters by raising the rents of the tacksmen as they got the opportunity. In not a few such cases, owing sometimes to the greed of the proprietor, sometimes to his ignorance, and most often to want of proper

estate surveys, the rents were raised too high. Raising rents, however, is only one symptom of a general transition. So long as the tacksmen had the power to shift their burdens on to the shoulders of their under tenants, a mere rise in their rentals could supply no adequate solution for the landlord's problems. There is a case, for example, mentioned in the *Caledonian Mercury* of 1781, of a tacksmen holding lands near Lochgilphead. During the entire period of his lease, he had, by subsetting, received always more rent than he had to pay.

If the tacksmen were to be brought to fulfil a real economic function in the estate system, there had to be changes more drastic than rent raising, and the more advanced landowners were alive to this fact. The decay or the destruction of the tacksmen system did not proceed rapidly. It was not even complete by the end of the eighteenth century. Sometimes it was held back by sentimental considerations, the still surviving tie of kinship or the pride of raising family regiments. Sometimes it was due to the poverty of the proprietor and his real economic dependence on the tacksmen. Cases exist when the tacksmen possessed all the movable stock on an estate, and were therefore more or less indispensable to its running. Sometimes the slowness is due to mere geographical situation, remote areas perhaps not receiving the influx of new ideas until late in the century.

Still the changes went on, and what concerns us chiefly was their peculiar activity about the sixties and seventies. To avoid misunderstanding let us be quite clear as to what the changes implied. The elimination of the tacksmen did not mean necessarily the elimination of the individuals who formed the class, nor did it mean the elimination of leaseholders.

Under the new system leases are granted, but granted on rents which represent, or are intended to represent, the economic value of the land. These leases are granted to a much wider class, and so far diminish the profit and the prestige of those who had formerly held tacks. Again, the practice of subsetting was abolished, or the services which might be exacted from subtenants limited. Some of the subtenants were promoted at once to the dignity of leaseholders. Finally the whole relations of landlord and tacksmen were put on a simple business footing, thereby extinguishing the tacksmen's partial sense of ownership, and the half-traditional tie of kinship. The tacksmen, in fact, ceased to form a special and privileged class. Their status was lowered as that of the under tenants was raised.

Such were the changes that the more advanced landowners were aiming at throughout the period of the first emigration. How they were carried out we can gather from the records of the Argyll estates. In the early part of the eighteenth century certain lands in Mull, Tyree, and Morven which had been for several centuries under the chief of the Clan M'Lean, fell into the hands of the reigning Duke of Argyll, who in 1732 sent Campbell of Stonefield to investigate and report upon his newly acquired estates.

Campbell reported that the subtenants complained bitterly of the oppression of the tacksmen. This state of things Campbell proposed to alter, partly by raising the more substantial subtenants to the rank of tacksmen; partly by compelling the tacksmen to give leases to their under tenants; and partly by drawing up a fixed statement of the services the tacksmen might exact. An attempt was made also to commute the more oppressive services into money rents, and as Campbell himself was not a judge of local land values, and could not count on disinterested advice from anyone, he took the only method of fixing rents open to him, that was to invite the farmers to bid for their possessions.

It is not probable that all Campbell's ideas were put into practice. Campbell himself may not have possessed full powers, and the leases of the tacksmen could not in any case be altered until they fell in for renewal. Accordingly, we find Duncan Forbes being sent in 1737 on a similar mission to that of Campbell, a mission which resulted in the report from which we have already quoted. Forbes' policy runs on lines similar to that of Campbell, and he gives graphic details of the tacksmen's efforts to defeat his plans and unite their under tenants in an elaborate conspiracy against their own interests.

These examples, occurring earlier than most, are yet typical of the changes that begin to take place on many Highland estates. Tacksmen soon after the middle of the century found themselves continually faced with the prospect of heightened rents and lowered social position.

Some remained and adapted themselves to the new conditions; a few became successful farmers of a more modern type. Many of them, however, clung resolutely to the habits of their fathers, and rather than acquiesce in the changes, tried to transfer themselves and their whole social system to the New World.

The point of view of the tacksman is thus stated, somewhat unsympathetically, in an article which appeared in the *Edinburgh Advertiser* in 1772 :

‘Such of these wadsetters and tacksmen as rather wish to be distinguished as leaders, than by industry, have not taken leases again, alleging that the rents are risen above what the land will bear ; but,’ say they, ‘in order to be revenged on our masters for doing so, and what is worse depriving us of our subordinate chieftainship by abolishing our former privilege of subsetting, we will not only leave his lands, but by spiriting the lower class of people to emigrate, we shall carry a class to America, and when they are there they must work for us or starve.’

To say why the under tenants went might involve an elaborate study of the psychology of the Highlanders. We can only suggest here that the habits of obedience engendered for generations were not easily overcome, while the report of Duncan Forbes on conditions in Mull showed how apparently easy it was for the ignorant under tenants to be persuaded by the tacksmen into courses almost obviously opposed to their own interests.

Such were the causes and the manner of the emigration of the seventies, a movement which deprived the Highlands of a considerable number of its influential men and a still greater proportion of its available capital. The movement has been often misrepresented both by eighteenth century and by modern writers. As recently as 1914 we find an author in the December number of the *Celtic Review* treating the whole incident along traditional lines, the poverty and absolute helplessness of the emigrants being contrasted with the brutality and greed of the landowners.

But such a view is not in harmony with what we have been able to discover of the facts. We would go further and say that in many respects the Highlands gained rather than lost by this particular emigration movement. Putting aside the purely sentimental writers, those who have lamented most the departure of the tacksmen appear to have been influenced less by the thought of what they were than by the dream of what they might have become. The possibilities of the tacksmen system have for the Highland reformer an almost irresistible attraction. The tacksmen had the glamour of tradition behind them. They were picturesque. They had the pleasing appearance of bridging the social gulf between owner and crofter. They had some educa-

tion, some capital, and the habit of leadership, of all which qualities the eighteenth century Highlands stood in need.

But the value of this to the community was potential rather than real. In practice, the tacksman's capital was a means of oppression not of development, his leadership led generally in the wrong direction, while his insistence on lines of social demarcation could not have been surpassed by the proprietor himself. Rather than lose his social privileges he emigrated.

Regrettable as was the loss of any good inherent in the tacksmen system, the gain was greater than the loss, and the regret expended on the emigration of the seventies is a tribute to romance rather than to economics.

MARGARET I. ADAM.

Lord Guthrie and the Covenanters

IN his paper in the *Scottish Historical Review* (xv. 292) on Professor Terry's two recent volumes entitled *Papers relating to the Army of the Solemn League and Covenant*, Lord Guthrie is disappointingly inaccurate and surprisingly unfair to the Covenanters.

The National Covenant of 1638 was, he says, 'drafted by Sir Thomas Hope, the King's Advocate, and Sir Archibald Johnston of Warriston, the two most distinguished lawyers of the time.' It is certain that it was drafted or compiled not by Hope and Wariston, but by Alexander Henderson and Wariston.¹ It might have been supposed that 'Hope' was a slip of the pen for 'Henderson,' had he not added that he was 'King's Advocate,' and that the two drafters were 'the two most distinguished lawyers of the time.' Again, he says that the Solemn League and Covenant was sworn and subscribed by the Parliament of Scotland and by the General Assembly of the Church of Scotland in 1643. Strictly speaking, there was no meeting of the Scottish Parliament in 1643. No doubt the Convention of Estates met in that year on the 22nd June; but the Solemn League and Covenant was not subscribed by any one in Scotland before the 13th of October; and the Convention was prorogued from the 26th August until the 3rd January, 1644. The General Assembly of 1643 was closed on the 19th August, and did not meet again until the 29th May, 1644. In October, 1643, the Commissioners (or Committee) of the Convention and the members of the Commission of the General Assembly did subscribe, and the Members of Privy Council did the same in November; but these men did not constitute the Parliament, the Convention, or the General Assembly, although many of them were leaders.

Such errors are trifling compared with others. Lord Guthrie asserts that: 'The National Covenant reaffirms the persecuting

¹ *Roth's Relation*, Bannatyne Club, 1830, pp. 71, 72; Wariston's *Diary*, Scottish History Society, 1911, p. 319.

Acts of Parliament passed at and after the Reformation. It enacts that "none shal be reputed as loyall and faithful subjects to our soveraigne lord, or his authority, but be punishable as rebellers and gainstanders of the same, who shall not give their confession, and make their profession of the said true religion;" and the subscribers swear to be "careful to root out of their empire all hereticks, and enemies to the true worship of God, who shall be convicted by the true Kirk of God of the foresaid crimes."

This is a serious misapplication of extracts wrested from their context. For the sake of those who are not familiar with the National Covenant, it may be well to explain that it consists of three parts. The first part is the Band, Covenant, or Confession drawn up by John Craig, and first subscribed in January, 1580-81. The second part recites the Acts of the Scottish Parliament in favour of the Reformed Church, and is sometimes called the legal warrant. It was compiled by Wariston, with the obvious purpose of showing that the objects of the Covenant were in accordance with the law of the land, and therefore it appropriately begins with the words: 'Likeas many Acts of Parliament.' The third part was drafted by Henderson and Wariston, and, as Lord President Inglis pointed out, it is 'the operative and obligatory part.'¹

Both of Lord Guthrie's extracts are culled from the second part. As a simple and effective method of demonstrating that those who subscribed the Covenant were not thereby bound to give effect to these extracts, I quote in its entirety the passage from which the more striking of the two has been taken:

'And therefore, for the preservation of the said true religion, laws and liberties of this kingdom, it is statute by the 8th Act, Parl. 1, repeated in the 99th Act, Parl. 7, ratified in the 23rd Act, Parl. 11, and 114th Act, Parl. 12 of King James VI., and 4th Act, Parl. 1, of King Charles I., "That all kings and princes at their coronation, and reception of their princely authority, shall make their faithful promise by their solemn oath, in the presence of the eternal God, that, enduring the whole time of their lives, they shall serve the same eternal God, to the uttermost of their power, according as he hath required in his most holy Word, contained in the Old and New Testament; and according to the same Word shall maintain the true religion of Christ Jesus, the preaching of his holy Word, the due and

¹ *Blackwood's Magazine*, cxlii. 614.

right ministration of the sacraments now received and preached within this realm, (according to the Confession of Faith immediately preceding,) and shall abolish and gainstand all false religion contrary to the same; and shall rule the people committed to their charge, according to the will and command of God revealed in his foresaid Word, and according to the laudable laws and constitutions received in this realm, nowise repugnant to the said will of the eternal God; and shall procure, to the uttermost of their power, to the Kirk of God, and whole Christian people, true and perfect peace in all time coming: and that they shall be *careful to root out of their empire all hereticks and enemies to the true worship of God, who shall be convicted by the true Kirk of God of the foresaid crimes.*" Which was also observed by his Majesty, at his coronation in Edinburgh 1633, as may be seen in the order of the coronation.¹

I have italicised the words which Lord Guthrie quoted. Any one can see at a glance that the passage is not an obligation laid upon those who swore or subscribed the Covenant; but is expressly declared to be the coronation oath imposed by statute on the kings of Scotland—the oath which was taken by Charles the First barely five years before. How Lord Guthrie failed to see this is a mystery; surely he cannot have had before him one of the many authentic prints of the Covenant.

Lord Guthrie further alleges that the Covenanters 'bound themselves, under the National Covenant, not only to resist the imposition of Laudian or Anglo-Catholic Episcopacy upon Presbyterian Scotland, but to compel all Roman Catholics in Scotland to become Protestants, and all Episcopalians in Scotland to become Presbyterians.' Such a charge should not have been made without the clearest proof, and of proof none is or can be produced. The relevant words of the oath are: 'We promise and swear, by the great name of the Lord our God, to continue in the profession and obedience of the foresaid religion; and that we shall defend the same, and resist all these contrary errors and corruptions, according to our vocation, and to the uttermost of that power that God hath put in our hands, all the days of our life.' These words neither impose nor imply any obligation to compel Roman Catholics to become Protestants or Episcopalians to become Presbyterians.

In his next sentences, Lord Guthrie says: 'The citizens of Aberdeen were heavily fined for failure to take the National

¹ *The Confession of Faith*, Johnstone and Hunter, 1855, pp. 351, 352.

Covenant, and they were forced to subscribe it. They were actually compelled to swear that they did so "freely and willingly." It is quite certain that in April, 1639, those inhabitants of Aberdeen who had not subscribed the Covenant voluntarily were required to do so under pain of disarmament and confiscation of all their goods.¹ That was bad enough without compelling them to swear that they subscribed 'freely and willingly.' As far as I am aware this charge rests solely on the authority of Spalding. There is the highest authority for saying, 'at the mouth of two witnesses or three shall every word be established.' Can Lord Guthrie produce any contemporary corroboration of Spalding's statement, or can he tell us whether, on this point, Spalding was speaking as an eye-witness or merely repeating hearsay evidence? Few chroniclers are so minute in their details, but in this case his minuteness does not add to his trustworthiness. He says that, on the 10th April, Robert Douglas preached, read out the Covenant, and caused those of the people who had not already subscribed to stand up, both men and women, and the men subscribed. 'Thairefter, both man and woman wes *urgit* to sweir be thair upliftit handis to God, that thay did subscribe and sweir this Covenant willinglie, frielie, and from thair hartis, and not for ony feir or dreid that culd happin. Syne the kirk scaillit and dissolvit.'² It will be observed that where Spalding says *urged*, Lord Guthrie says *compelled*. I do not believe that Robert Douglas, a man distinguished by his moderation and good sense, either urged or countenanced the urging of this additional oath. John Row briefly says: 'Aprilis 10, Wednesday, the toun of Aberdeen subscryved the Covenant after Mr James Row had preached on Acts v. cap. 38, 39 verses.'³ The relative entry in the Council Register, under 10th April 1639, is quite as brief: 'The quhilk day, eftir sermone made be Maister James Row, minister, the toun for the most pairt subscryvit the nobilities Covenant.'⁴ Had Spalding been well informed on the matter, he would not have blundered so badly with the officiating minister's name. Moreover, had such an additional oath been imposed, it is not likely

¹ *Extracts from the Council Register of the Burgh of Aberdeen*, 1625-1642, p. 156. In the preceding year the Covenant had been sworn with enthusiasm over nearly the whole country. Aberdeen was the stronghold of Scottish Prelacy.

² *Memorials of the Trubles*, Spalding Club, i. 164, 165.

³ *Row's History*, Wodrow Society, p. 514.

⁴ *Extracts from the Council Register of the Burgh of Aberdeen*, 1625-1642, p. 157.

that Rothiemay would have ignored it. He explains a military method of obtaining subscriptions: 'The alarum of plundering brought many convertes to the Covenant; for the countrey people, fynding no hopes of protectione by Huntlyes meanes, and perceiving that they wer lying under the feete of ane armed power, began for to come in apace and subscrib the Covenant, which was the pryce of ther securitye: for to none was ther a safeguarde or protection graunted, subscribed by Montrosse, but to such as first subscribed the Covenante.'¹

'The Solemn League and Covenant of 1643,' says Lord Guthrie, 'was mainly the work of Alexander Henderson, with emendations by Sir Harry Vane.' From Baillie's statement that Henderson had given the representatives of England 'a draught of a Covenant,'² it has been hitherto inferred that he prepared the draft; but it is now known that Wariston had a hand or more in it.³ That it was subjected to a good deal of discussion by the committees is certain enough;⁴ but it is not known whether they altered it much or not. The General Assembly and the Convention of Estates accepted it as it left the committees. That was on the 17th August. When it reached London, the House of Commons, after obtaining the opinion of the Westminster Assembly on its lawfulness in point of conscience, made a number of alterations on it.⁵ Sir Harry Vane cannot be held responsible for these as he was still in Scotland.

Gilbert Burnet, who was not born until the following month, in speaking of the Edinburgh discussions, says that the English Commissioners by the 'general words of *reforming according to the Word of God* (cast in by Sir Henry Vane) thought themselves well secured from the inroads of the Scottish Presbytery; and in the very contriving of that article they studied to outwit one another, for the Scots thought the next words of *reforming according to the practice of the best Reformed Churches*, made sure game for the Scottish model, since they counted it indisputable that Scotland could not miss that character.'⁶ Burnet's quotations

¹ Gordon of Rothiemay's *History of Scots Affairs*, Spalding Club, ii. 229.

² Laing's *Baillie's Letters*, ii. 90.

³ Wariston's *Diary*, 1919, p. 72.

⁴ *Principall Acts of the Generall Assembly*, 1643, pp. 23, 24, 34.

⁵ *Journal of the Commons*, iii. 223 *et seq.*—As it left Scotland, it is printed in the *Acts of Parliamt.*, vi. part i. pp. 41, 42; and, as amended at Westminster, pp. 150, 151.

⁶ *Memoires of the Dukes of Hamilton*, 1677, p. 240.

are not quite accurate. Echard also attributes to 'the superior cunning and artifice' of Vane the introduction of the words 'according to the word of God' in the first article, and the word 'league' in the title.¹ It would appear, therefore, that his 'emendations' were limited to seven words!² Wodrow unaccountably thought that Vane's trickery lay in the words, 'according to the example of the best Reformed Churches.'³ From Lightfoot's *Journal of the Assembly* (p. 10), it is learned that the words attributed to Vane caused much discussion in the Westminster Assembly. 'This clause,' he says, 'bred all the doubting; "I will endeavour the preservation of the true Reformed Protestant religion in the Church of Scotland, in doctrine, discipline, worship and government, according to the Word of God." It was scrupled whether the last words, "according to the Word of God," were set for limitation, viz. to preserve it, as far as it was according to the Word, or for approbation, viz. as concluding that the Scottish discipline was undoubtedly according to the Word. Therefore, after a day's debate almost, it was resolved, that this explanation should be annexed to it: "as far as in my conscience, I shall conceive it to be according to the Word of God."'⁴ And so, in the opinion of the English divines, any undesirable dubiety due to these words did not lie in their application to the reformation of the Church of England. Lightfoot does not mention any trouble or discussion over the words, 'according to the example of the best Reformed Churches'; but he states that, as the word 'prelacy' was deemed doubtful, it was defined. Echard erroneously thought that that definition was introduced by the English Commissioners at

¹ Echard's *History of England*, 1718, ii. 449, 450.

² Ludlow alleges that Vane got over the difficulty 'concerning the preservation of the King's person,' by adding 'these or the like words, in preservation of the laws of the land and liberty of the subject' (*Memoirs of Edmund Ludlow*, 1698, i. 79). No such qualification or limitation required to be suggested by Vane or any one else. The limiting words in the Solemn League are almost identical with those of the National Covenant. Ludlow also gives Vane the credit for the words, 'according to the Word of God.' Clarendon vaguely alleges that Vane 'altered and changed many expressions in it, and made them doubtful enough to bear many interpretations' (*History of the Rebellion*, 1826, iv. 298).

³ Wodrow's *Nalecta*, Maitland Club, ii. 191, 240.

⁴ The Commons resolved to add this explanation in the margin, 'with a hand of direction'; but eventually, with the concurrence of the Scottish commissioners then in London, the words 'according to the Word of God' were omitted as applying to the Church of Scotland, and substituted for the words 'according to the same holy Word' as applying to the Church of England.

Edinburgh. As originally approved in Edinburgh, the Solemn League embraced only 'the kingdomes of England and Scotland'; but the House of Commons made it include 'the kingdomes of Scotland, England and Ireland.' Lord Guthrie says:

'Under the Solemn League and Covenant, the Church of England and Ireland was to be reformed in "doctrine, worship, discipline and government, according to the Word of God, and the examples of the best Reformed Churches." The English Parliament took care that the language should be ambiguous; but the Scottish Covenanters understood that both they and their English coadjutors were pledged to force Episcopal England to adopt the Presbyterian system of Church government as it existed in Scotland. Our ancestors had no doubt that "the example of the best Reformed Churches" meant their own Church!'

This statement is inaccurate and unjust. By the introduction of the definition of the word 'prelacy,' and by the repetition of the words, 'in doctrine, worship, discipline and government,' the language concerning the reformation of the Church of England was rendered less rather than more ambiguous than when the document left Scotland. Now for the injustice. It is not the case that our ancestors 'understood that both they and their English coadjutors were pledged to *force* Episcopal England to adopt the Presbyterian system of Church government as it existed in Scotland.' They neither hoped nor wished to force any form of Church government upon England, although grounds had been given them for hoping that England would accept of Presbytery in at least some of its distinctive features. In September, 1642, that is eleven months before the Solemn League was drawn up, the lords and commons of England in Parliament assembled were grateful—

'That our brethren of Scotland have bestowed their serious thoughts and earnest desires for unity of religion, that in all his Majesties dominions there might be one Confession of Faith, one Directory of Worship, one publike Catechism, and one Form of Church-government. . . . The maine cause which hitherto hath deprived us of these, and other great advantages, which we might have by a more close union with the Church of Scotland, and other Reformed Churches, is the government by bishops. . . . Upon all which and many other reasons we doe declare that this government by archbishops, bishops, their chancellours and commissaries, deanes and chapters, archdeacons, and other ecclesi-

asticall officers depending upon the hierarchy, is evill and justly offensive and burdensome to the kingdome, a great impediment to reformation and growth of religion, very prejudiciall to the state and government of this kingdome : and that we are resolved that the same shall be taken away. And, according to our former declaration of the seventh of February, our purpose is to consult with godly and learned divines that we may not onely remove this but settle such a government, as may bee most agreeable to God's holy Word, most apt to procure and conserve the peace of the Church at home, and happy union with the Church of Scotland, and other Reformed Churches abroad, and to establish the same by a law which we intend to frame for that purpose to be presented to his Majesty for his royall assent.'¹

With this object in view, a Bill was passed by both Houses of the English Parliament, and is thus referred to in the desires and propositions tendered to the King, at Oxford on the 1st February, 1642-43 : 'That your Majesty will be pleased to give your royal assent . . . to the bill for the utter abolishing and taking away of all archbishops, bishops, their chancellors and commissaries, deans, sub-deans, deans and chapters, archdeacons, canons and prebendaries, and all chanters, chancellors, treasurers, sub-treasurers, succentors and sacrists, and all vicars choral and choristers, old vicars and new vicars of any cathedral or collegiate church, and all other their under-officers, out of the Church of England.' The royal assent was also asked 'to the bill for consultation to be had with godly, religious and learned divines,' and the King was asked 'to promise to passe such other good bills for settling of church-government, as upon consultation with the Assembly of the said Divines shall be resolved on by both Houses of Parliament, and by them be presented to your Majestie.'² Needless to say, Charles did not give his assent. In August, 1643, the English Commissioners, in craving practical aid from Scotland, urged, among other arguments, that the advice previously received from their northern brethren had been seriously taken to heart and attempted to be carried out, 'that so the two kingdomes might be brought into a near conjunction in one form of church-government, one Directorie of Worship, one Catechisme, etc., and the foundation laid of the utter extirpation of Popery and Prelacie out of both kingdomes. The most ready and effectuall means whereunto is now conceived to be

¹ Husband's *Exact Collection*, 1643, pp. 602-604.

² *Collection of Declarations, Treaties, etc.*, 1662, p. 230.

that both nations enter into a strict union and league, according to the desires of the two Houses of Parliament.' ¹

This was the position in 'Episcopal England' (as Lord Guthrie calls it) immediately before the Solemn League and Covenant was drawn up. And when it was drawn up, the subscribers pledged themselves, not only to endeavour the reformation of religion in England and Ireland 'according to the Word of God and the example of the best Reformed Churches,' and to endeavour to bring 'the churches of God in the three kingdoms to the nearest conjunction and uniformity in religion,' but also to endeavour 'the preservation of the Reformed Religion in the Church of Scotland, in doctrine, worship, discipline and government, against our common enemies.' The hopes of our Covenanting ancestors, therefore, that England would look favourably on the claims of Presbytery, were not baseless.

What the Parliament of 'Episcopal England' thought of the surviving Prelacy in February, 1643-44, may be inferred from its approval of the 'Exhortation touching the taking of the Solemn League and Covenant,' which says of the hierarchical government, 'the very life and soul thereof is already taken from it by an Act passed this present Parliament, so as (like Jezabel's carcase, of which no more was left but the skull, the feet and the palms of her hands) nothing of jurisdiction remains but what is precarious in them, and voluntary in those who submit unto them.' ²

Lord Guthrie is by no means the first to charge the Scottish Covenanters with the desire or design of forcing Presbyterianism on England. So long ago as 1648, Samuel Rutherford, one of the Scottish Commissioners to the Westminster Assembly, indignantly repelled the charge in his 'Free Epistle to the Friends of pretended Liberty of Conscience,' prefixed to his *Survey of the Spirituall Antichrist*: 'As for the forcing of our opinions upon the consciences of any; it is a calumny refuted by our practise and whole deportment since wee came hither. Our witnesse is in heaven, it was not in our thoughts or intentions to obtrude by the sword and force of armes any church-government at all on our brethren in England.' In a rare pamphlet bearing the title, 'The Scots Commissioners their desires concerning unitie in Religion and uniformitie of Church-government as a speciall meanes for conserving of peace in his Majesties Dominions. Presented to the King's Majestie

¹ *Principall Acts of the Generall Assembly*, 1643, p. 17.

² Rushworth's *Collections*, part iii. vol. ii. p. 476.

and both Houses of Parliament in England, March, 1641. Edinburgh, Printed by James Bryson, 1641,'¹ there are the following enlightening statements :

'As wee accompt it no lesse than usurpation and presumption for one kingdome or church, were it never so mightie and glorious, to give lawes and rules of reformation to another free and independent church and kingdome were it never so meane, civill libertie and conscience beeing so tender and delicat that they cannot endure to bee touched but by such as they are wedded unto and have lawfull authoritie over them, so have wee not become so forgetfull of ourselves who are the lesser, and of England who is the greater kingdome, as to suffer any such arrogant and presumptuous thoughts to enter our mindes' (p. 4). 'We doe not presume to propone the forme of government of the Church of Scotland as a paterne of the Church of England, but doe only represent in all modestie these few considerations, according to the trust committed unto us' (p. 9).

In 1641, the General Assembly had requested Alexander Henderson, the great leader of the Covenanters, to draw up a confession of faith, a catechism, a directory for public worship, and a platform of government, 'wherein possiblief England and we might agree.'² He began to it, but soon ceased, his principal reason being :

'Although neither time nor weakness had hindered, I cannot think it expedient that anie such thing, whether confession of faith, direction for worshipec, forme of government, or catechisme less or more, should be agreed upon and authorized by our Kirk till we sie what the Lord will doe in England and Ireland, where I still wait for a reformation and uniformitie with us ; but this must be brought to passe by common consent, and we are not to conceive that they will embrace our forme ; but a new forme must be sett downe for us all, and in my opinion some men sett apart sometime for that worke ; and although we should never come to this unitie in religion and uniformitie in worship, yet my desire is to see what forme England shall pitch upon before we publish ours.'³

¹ There is another edition of the same pamphlet with a different title, and without a printer's name, but with a short preface to the reader : 'Arguments given in by the Commissioners of Scotland unto the Lords of the Treaty, perswading conformitie of church-government, as one principall meanes of a continued peace betweene the two Nations . . . Printed 1641.'

² Laing's *Baillie's Letters*, i. 365.

³ *Ibid.* ii. 2.

This letter was written on the 20th April, 1642. Lord Guthrie has probably been misled as to the intentions of the Covenanters, by those careless or prejudiced writers who have misunderstood certain passages in Baillie's *Letters*, as, for example: 'This [the office of ruling elder] is a poynt of high consequence; and upon no other we expect so great difficultie, except alone on Independencie; wherewith we purpose not to medle in haste, till it please God to advance our armie, which we expect will much assist our arguments.'¹ This and somewhat similar expressions do not mean that the Scots hoped to push their principles down the throats of the English at the point of the sword. The Independents were a small body in the Westminster Assembly, and, of the hundred and twenty-one city ministers in London, it was alleged that not three were Independents;² but their party was growing in the Parliamentary army, and the military successes of that army increased their influence.³ Hence the desire of the Scottish Commissioners that their army should also do exploits or be more in evidence.

While Lord Guthrie blames the Scots for wishing to press their form of church-government on England, he complains that they adopted 'the Westminster Confession of Faith, along with the Larger and Shorter Catechisms, compositions, all of them, of English scholars and divines, . . . who knew nothing whatever of Scotland.' Here he is oblivious of the fact that the Scottish Commissioners to the Westminster Assembly helped to frame these documents. And he blunders badly when he asserts that, because the use of the Lord's Prayer did not commend itself to the English Puritans, it was 'dropped from the worship of the Scottish people.' The Westminster *Directory for Public Worship*, approved by the General Assembly in 1645, expressly declares: 'Because the prayer which Christ taught His disciples is not only a pattern of prayer, but itself a most comprehensive prayer, we recommend it also to be used in the prayers of the Church.'

'The King, as well as the English Parliament,' says Lord Guthrie, 'angled for the support of the Scots. But his Majesty's meagre exchequer could not afford the golden bait held out by his rebellious English subjects.' And his lordship suggests, once

¹ Laing's *Baillie's Letters*, ii. 111.

² Laing's *Baillie's Letters*, ii. 271.—By the 25th April, 1645, Baillie was able to report: 'The Assemblie hath now, I may say, ended the whole body of the church-government, and that according to the doctrine and practice of the Church of Scotland in every thing materiall' (*Ibid.* ii. 266).

³ *Ibid.* ii. 211.

and again, that the Scots were influenced in their decision by 'the glitter of English gold,' by 'the sordid temptation of English gold.' Any one who reads the appeals of the English in August, 1643, and notably that letter signed by more than seventy divines which 'drew tears from manie,' and the General Assembly's answers to the appeals,¹ will refuse to believe that the Scots were moved by mercenary motives. There are also other reasons. On the 12th August, the English Commissioners frankly owned that at present their Parliament was unable 'to mak payment of those greate debts owing to this kingdome [*i.e.* Scotland] for the remander of the brotherly assistance and for the arreare of the airmie in Ireland.' Four days later, there was produced in the Scottish Parliament a statement from the English Parliament, avowing that they were not only unable to pay these arrears, but were 'even deprived of sufficient and competent meanes to defend ourselfis in the warre raised against us be the Papists, Prelaticall factioun and uther Malignants' of England.² There was not much of the glitter of gold in this. And when the Scots army 'crossed the Tweed in January 1644, there was but £10,400 in the military chest, and by the end of February this sum was exhausted.'³ Professor Terry has given, for the purpose of comparison, tables of the pay of the Scottish army on home service and on English service.⁴ Of the home-service he has given the cavalry scale for thirteen ranks from the colonel to the trooper; and of the infantry scale for sixteen ranks from the colonel to the private. They can be readily checked from the authority he cites (*Acts of Parliament*, vi., part i. pp. 351, 352); and, sad to say, in each of the twenty-nine cases the amount is wrong. With one exception they are all understated; but Lord Guthrie apparently never suspected this.

My revered friend Professor Mitchell knew the period as few do, and his deliberate opinion was very different from Lord Guthrie's:

'Bidding away the suggestions of worldly prudence, they resolved, as with one heart and soul, for the sake of that faith

¹ These can be easily consulted as they are printed with the Acts of the General Assembly of that year.

² *Acts of Parliaments of Scotland*, vol. vi. part i. pp. 38, 39.

³ *Correspondence of the Scots Commissioners in London, 1644-1646*, edited by Dr. Meikle for the Roxburghe Club, p. xvi.

⁴ *Papers Relating to the Army of the Solemn League and Covenant*, i. pp. lxxxiii., lxxxiv.

which was dearer to them than life, to put in jeopardy all they had gained, and make common cause with their southern brethren in the time of their sorest need. If ever nation swore to its own hurt, and changed not, made sacrifices ungrudgingly, bore obloquy and misrepresentation uncomplainingly, and had wrongs heaped on it most cruelly by those for whom its self-sacrifice alone opened a career, it was the Scottish nation at that eventful period of its history. It felt that the faith which was its light and life was really being imperilled, and it was determined, as in the days of Knox, to dare all for its safety and triumph, in England as well as in Scotland.¹

Lord Guthrie says that when Burns wrote :

‘The Solemn League and Covenant
Cost Scotland blood, cost Scotland tears,’

he was ‘speaking of men and women who died for their refusal to abjure the *National Covenant*.’ If there is any error here, it seems to me to be on the part of Lord Guthrie, not of Burns. Almost every one of the Covenanters, whose dying testimonies are in the *Cloud of Witnesses*, emphatically affirmed that they owned or adhered to the Solemn League and Covenant as well as to the National Covenant. A number of them also testified their adherence to the Westminster Confession of Faith, and to the Larger and Shorter Catechisms, and a few of them to the Directory for Public Worship—that Directory with which Lord Guthrie appears to be so unfamiliar. The Solemn League and Covenant to some extent superseded the National Covenant, of which there was no general renewal after the Solemn League took form, whereas the latter was renewed in 1648. Burns no doubt knew the *Cloud of Witnesses*, of which there were at least six editions (1714, 1720, 1730, 1741, 1751 and 1755) published before he was born.

D. HAY FLEMING.

¹ *The Westminster Assembly, its History and Standards*, 1883, pp. 166, 167.—Three days before the Solemn League was sworn at Westminster, Baillie wrote : ‘Surelie it was a great act of faith in God, and hudge courage and unheard of compassion, that moved our nation to hazard their own peace, and venture their lives and all, for to save a people so irrecoverablie ruined in their owne and all the world’s eyes’ (Laing’s *Baillie’s Letters*, ii. 99, 100). As for the officers’ pay, the Committee of Estates, on the 5th September 1643, gave ‘warrant to all the collonells to promise to thair under officers that so soone as they shall come into England they shall have such pay respectie as the officers of the Scottish army now in Ireland have’ (*MS. Register of the Committee of Estates*, Aug. 1643 to July 1644, fol. 19).

NOTE BY LORD GUTHRIE

I fully expected that my article would disappoint my excellent friend, Dr. Hay Fleming, and that he would think it unfair to the Covenanters. It is curious, however, that he treats it throughout as an attack on the Covenanters, instead of a defence, on different lines, by an admirer. It is also curious, and significant, that condemnation of my article is not confined to those who would like to credit the Covenanters with modern views of toleration, alien to their principles and their practices, which they would have emphatically repudiated. Those in the opposite camp, who abuse the Covenanters for holding and practising persecuting principles, which were held and practised by all contemporary Christians of all denominations, equally condemn my paper. It is a common judicial experience that the soundest judgments are those which disappoint both parties, and which both parties think unfair.

Dr. Hay Fleming begins, as a skilled controversialist always should, with an easy win. He convicts me of an undoubted error, which he himself, however, calls a trifling one, I having given credit to one Covenanter, Sir Thomas Hope, which belongs to another Covenanter, Alexander Henderson. It used to be said of a famous Crown prosecutor that when he had a difficult case, he kept it till late in the day, and then brought it on when the jury had been well 'blooded' by convictions in clear cases.

Passing from minute criticism to the first of the two questions at issue, I fear I still credit my Covenanting ancestors with consistency. Their position (an intelligible and not unreasonable one, held theoretically at least at the present day by the Roman Catholic Church), was that the soul being more valuable than the body or estate, any loss or injury to either of the latter should not be considered, if Heaven could thereby be opened for the immortal spirit. I confess it seems to me 'a large order,' to put it very mildly, to hold that the Covenanters were not expressing their own conscientious convictions, when they quoted the series of Scots Acts providing that all rulers shall be careful to root out of their Empire all heretics and enemies to the true worship of God, who shall be convicted by the true Kirk of God of the said crimes.

On the other question, which has stirred Dr. Hay Fleming so strongly, namely, the influence of the high rate of English pay

in inducing the Scots Covenanting Army, royalists to the backbone, to support the English Republican Army, in England, against the Scots King, I remain equally obdurate, because I believe that the Scots Covenanters were not 'plaster saints,' but human beings acting from mixed motives. In the case of the body of the Army, I do not place 'the glitter of gold' as the determining motive; in the case of the large number of Scots officers, who flocked back from the continent, where they had been subjected to the demoralizing life of a mercenary soldier—who sold his sword to the highest bidder, and was entitled, under the code of the period, to indiscriminate and unchecked plunder—I am afraid mercenary motives must have bulked much larger.

C. J. GUTHRIE.

The Seaforth Highlanders, August 1914 to April 1916

THE 2nd Seaforths were stationed at Shorncliffe when orders were issued for mobilisation on August 4th, 1914. Brigaded as a unit of the 10th Infantry Brigade of the 4th Division, their departure from England was delayed by a few days, with the result that they did not embark for France until August 22nd, the very eve of the Battle of Mons. They were at once rushed up to Le Cateau, coming under fire on the 25th, and, on the following day, when the Battle of Le Cateau was fought, they held the left wing of the British line. Although not seriously engaged, the men were exhausted by the action and by the heat of the weather. Nevertheless they had perforce to set out upon a long retreat under most trying conditions. Next day they retired 32 miles. Country carts were pressed into service, but many men had to march the whole way. In eleven days they covered a distance of 155 miles. It was not until September 4th that the battalion, now behind the Marne, was able to rest for a day and refit.

On the morning of September 6th they were once more advancing. In the course of the next few days they came into contact with the retreating German Army at La Ferté on the Marne, crossed that river, and pressed on rapidly to the Aisne. This they crossed on the 14th at Venizel, and at once pushed up the northern slopes to Bucy, where, under very heavy fire from the enemy's infantry and artillery on the plateau above, they hastily threw up cover and hung on for three weeks, steadily constructing a trench system.

It was on October 13th that the Seaforths next came into conflict with the enemy. They had left the Aisne a week earlier and had been moved northwards up towards the Belgian border. This sharp action was fought near Flêtre west of Bailleul. It consisted of an attack upon the German position delivered by the 10th and 12th Brigades of the 4th Division, the Seaforths

holding the right flank of the 10th Brigade. 'Point 62,' a hill north of Meteren village, was marked out as their objective. To reach it the Seaforths had to cross nearly two miles of flat and open country under enemy fire, in the haze of an autumn afternoon which prevented much artillery support being given. Nevertheless they pushed on and carried the enemy's position at the point of the bayonet. The Germans did not wait to receive their charge but fled in the gathering darkness.

Then followed a general British advance eastward through Armentières to the river Lys. Between October 18th and 26th the Seaforths came in for a good deal of difficult fighting in the outskirts of Frélinghien on that river. After part of the battalion had worked their way into some isolated houses on the edge of the town, an assault was delivered upon the enemy's trenches extending south-east from Frélinghien. Advancing over slippery and difficult ground under a cross-fire from enemy snipers in the town, they captured the trenches and did not let a single German escape. They then advanced further into the town, occupying several buildings, but were shelled out of them a few days later and compelled to fall back on the line of the old German trenches.

At the beginning of November 'D' Company of the 2nd Seaforths was moved across the Lys and attached to the 11th Brigade, then holding the British line in Ploegsteert Wood. The first Battle of Ypres was at its height. On November 7th a heavy German attack broke through our line on the eastern side of Ploegsteert Wood. 'D' Company advanced eastwards through the wood to bring help. On reaching its eastern edge a party of Germans was sighted 100 yards away. Two platoons, therefore, made their way through dense undergrowth to enfilade the Germans. Suddenly they were exposed to a terrific fire from another party of the enemy, and there was great slaughter. The remaining platoon, which had been left to line the edge of the wood, could neither see nor bring help. Their own position was insecure, for their right flank was now in the air, and on the left Le Gheer cross-roads had been rushed by the enemy. Their officer extended his line as much as he could, collected round him a number of Inniskilling Fusiliers, and held on till, next morning, the remainder of the Inniskillings joined up on his left. It was not until the following evening that the platoon could be relieved. Three days later the platoon, all that was left of 'D' Company, joined the rest of the battalion at Frélinghien.

Meanwhile, on October 30th, the 1st Battalion of the Seaforths had come into line on the Estaires-La Bassée road, some eleven miles south-west of the point held by the 2nd Battalion. Stationed at Agra when war broke out, the 1st Seaforths had landed at Marseilles with the Indian Expeditionary Force on the day before the action of Meteren. They were brigaded with various Indian regiments in the Dehra Dun Brigade of the 7th (Meerut) Indian Division. The brigade took over trenches which were in fact no more than a ditch running along the road-side. Here for a fortnight on end they lay exposed, day in, day out, to heavy shelling from enemy field guns and mortars and to enfilading rifle fire at close range from houses in Neuve Chapelle on their right. The enemy were entrenching and sapping up to 400 yards of their line, and made occasional infantry attacks without success. What with accurate sniping and shell-fire, the 1st Seaforths lost very heavily during this their first tour in the trenches.

Some six weeks later the 1st Seaforths took part in their first serious battle in France. They had been holding trenches in the neighbourhood of Givenchy—trenches that were constantly falling in, and were flooded with ice-cold water which had to be baled and pumped and drained day and night. It had been intended that a surprise attack should be delivered by the Dehra Dun Brigade upon a portion of the German line in the early morning of December 19th. Unfortunately the attack was anticipated by heavy bombing from enemy trench mortars, and had to be abandoned. Moreover the 2nd Gurkhas, who were to have taken part in the attack, were forced to retire to a new line slightly in rear of their original position. Their retirement had the effect of exposing the Seaforths' left flank.

On their right the Seaforths were still in touch with the Sirhind Brigade, which was holding the village of Givenchy. But at about nine o'clock in the morning of the 20th a succession of mine explosions on the Seaforths' right cut off connection with the Sirhind Brigade; and at the same time the Germans heavily attacked the front held by that Brigade, driving them back upon Givenchy. 'B' Company, which was holding the right of the Seaforths' line, was breakfasting when the German counter-attack began. The enemy rushed down the fire trench from their exposed right, hiding their advance under smoke-balls, and bombing as they came. Yet, taken by surprise as they were, the Seaforths made two determined stands before they lost

the trench. Their company commander threw back his men into a communication trench, which he held, facing right, but was himself shortly afterwards shot dead.

Meanwhile the Gurkhas had given way still further on the left, creating an ugly gap at the other end of the Seaforths' line. The Germans, attacking at this end with 'hair-brush' bombs, drove the Seaforths for a hundred yards up their trench. Here they were held up; a fresh supply of bombs reached the Seaforths, and a bombing party not only cleared the lost trench, but succeeded in retaking ten traverses in the Gurkha trench beyond.

Help was now on its way. The 58th Rifles came up on the Seaforths' left, and by six in the evening had filled the gap caused by the retirement of the Gurkhas. They also supported the Seaforths in their fire and support trenches. And during the afternoon half of a battalion of the Black Watch had succeeded in establishing connection with the Seaforths' right.

That night the 1st British Division arrived upon the scene. Its 2nd Brigade had orders to attack through the Dehra Dun Brigade on the 21st and recover the lost trenches. Their assault was delayed till seven p.m., and was then only partially successful.

At nine o'clock on the morning of the 22nd the enemy again suddenly attacked and bombed the Loyal North Lancashires of the 2nd Brigade out of several of the trenches which they had taken during the previous evening. The Seaforths' left was again unprotected, but one of their officers rallied some of the North Lancashires and bombed the Germans back, losing his own life in the process. Reinforcements were now brought up, and by three o'clock in the afternoon of this, the fourth day of the Battle of Givenchy, the Seaforths, who had lost heavily, were at length relieved.

On the very day on which the 1st Seaforths held up the German attack at Givenchy, the 1/4th, a Territorial Battalion which had come out to France six weeks earlier, came into the trenches for the first time to gain experience in trench fighting. They were attached to the Dehra Dun Brigade and so joined the 1st Battalion of their own regiment.

In the following March both battalions had their share in the Battle of Neuve Chapelle. The attack on the German trenches was timed for the morning of March 10th, 1915, and was directed to be undertaken by a British Division and by the Meerut Division of the Indian Corps. The Garhwal Brigade

was detailed for the assault, the 1st Seaforths being attached to them for that purpose. The assaulting troops rushed the enemy trenches and got into the village of Neuve Chapelle. But there was one portion of trench which remained untouched. Two companies of the 1st Seaforths were ordered to assault it from the left, while units of the Garhwal Brigade made a frontal attack. It was now four o'clock in the afternoon, and the advance on the Bois Du Biez, which formed the second phase of operations, was being retarded. So the two remaining companies of the 1st Battalion were ordered to co-operate in the attack. 'B' Company at once set to work bombing the Germans along the trench, with the result that 120 Germans surrendered. By nightfall the 1st Seaforths and two battalions of the Garhwal Brigade, all under the command of a Lieutenant-Colonel of the Seaforths, were holding a section of the old German line, and the village of Neuve Chapelle had been cleared of the enemy.

The Bois Du Biez is a large wood lying between Neuve Chapelle and the Aubers Ridge. To reach it from the village it is necessary to cross the little river Layes. Shortly after four o'clock orders were issued to the Dehra Dun Brigade to advance to Neuve Chapelle and attack the wood. At half-past five in the afternoon the assault was delivered by two Indian regiments with the 1/4th Seaforths in close support. The river Layes was crossed without difficulty, and the edge of the wood was reached. But the British Divisions which were to have co-operated upon the left had been held up, and the Dehra Dun Brigade were consequently obliged to withdraw across the river and then to dig themselves in.

Orders were received to renew the attack at half-past seven on the following morning (March 11th). Progress was difficult, for again no infantry support was forthcoming on the left, and our troops were met by heavy frontal fire. The commanding officer of the 1/4th Seaforths was wounded early in the day. Orders were issued to stand fast until the 8th Division came up on the left, and later, for a fresh attack at a quarter past two p.m., provided the 8th Division was in readiness. Although the expected reinforcements had failed to appear, the leading company of the 1/4th Seaforths left their support trenches at the appointed time and doubled forward. They lost heavily, and the survivors had to take cover in the trenches already filled with Gurkhas in their front. At six o'clock the battalion was

ordered to withdraw and re-form in rear. They were relieved that night.

All that day the 1st Seaforths and the Garhwal Brigade had continued to hold their line at Neuve Chapelle and assisted in repelling with concentrated machine-gun fire massed German attacks made against them on the morning of the 12th. Throughout that day they were subjected to a continuous heavy bombardment, their losses during the three days being somewhat heavier than those of the 1/4th.

It is now time to turn to the 2nd Battalion. After holding trenches on the river Douve, north of Ploegsteert, throughout the winter, they were taking a well-earned rest at Bailleul when the news came of the German gas-attack on the evening of April 22nd, 1915, and of the retirement of the Franco-British line before Ypres. Leaving their packs and greatcoats and waterproof sheets behind them, the 2nd Seaforths set out at once to march to Wieltje on the Ypres-St. Julien road. Covering the 17 miles of road that lay between them and their destination, they reached Wieltje on the evening of the 24th and were ordered to attack before daybreak on the following morning. Little was known of the situation, nor was there time to give much instruction to company commanders. The objectives given were St. Julien and the wood to the west of it. The attack was timed for four a.m., but was postponed at the last moment till five o'clock as some battalions were not ready. However, the Seaforths were already committed and were drawing upon themselves the enemy's fire, so had to advance at once. They met with heavy fire from rifles, machine-guns and artillery, suffered very severe losses, and found themselves unsupported on either flank. By seven o'clock they had reached Vanheule Farm, and were still nearly 1,000 yards short of St. Julien. No further advance could be made, so they had to dig in. Their commanding officer was wounded. Their casualty list was 50 per cent. higher than on the day when the Highland Brigade was mown down at Magersfontein. It was more than double the losses which they had suffered at Paardeberg, although that battle produced the heaviest casualty list in the South African War.

That night the 11th Brigade came up and extended the line to the right, the Seaforths continuing to hold their trenches in front of Wieltje in spite of violent shelling which inflicted numerous casualties. Their ordeal was not yet over, for at

half-past five on the evening of May 2nd a terrific bombardment broke out on the British trenches, and simultaneously a cloud of asphyxiating gas was released. For several days our men had been living in an atmosphere of gas fumes, and officers and men had been dropping off sick. No efficient type of respirator had yet been invented. So, when this new gas-attack descended in full force upon the 10th Brigade, one battalion was forced to leave its trenches. But the Seaforths stood firm, though nearly every man of the diminished battalion was badly affected. Five officers and 321 men were sick with gas; others died of it. Still the Germans were unable to press their advantage. They formed up for the attack, but the Seaforths were even now prepared to meet them, and the attack came to nothing. The next day the 1st Seaforths received orders to leave their trenches and retire upon the old line. So virtually ended their share in the second battle of Ypres.

A week later the Indian Corps, in co-operation with the 1st and 4th British Corps, again took the offensive at Festubert. The main object of the operation was to drive the enemy from the Aubers Ridge. With this in view the Indian Corps was to attack between the two British Corps, the assault being delivered by the Dehra Dun Brigade of the Meerut Division. This Brigade was directed to assault the enemy's first line trenches, to push forward against the La Bassée-Estaires Road, and finally to capture the Ferme Du Biez at the southern extremity of the well-known Bois Du Biez, which formed their first objective. The attack was made at twenty minutes to six on the morning of May 9th by the 1/4th Seaforths and two other battalions of the Dehra Dun Brigade; the 1st Seaforths and the remainder of the Brigade were in support.

Unfortunately the Germans had suffered little from the forty minutes bombardment which preceded the assault. Their line was well manned, and the 1/4th Seaforths were met by machine-gun and rifle fire the moment they attempted to advance. Numbers of their men were put out of action in the first minute. The remainder pushed forward in face of a hurricane of bullets, and as many as could do so took cover in the ditch running in front of the enemy's parapet. Here they were forced to remain. Many others were lying out in the open or in shell-holes, unable either to advance or retire. The 1st Seaforths made three gallant attempts to advance in support. Each attempt was checked after a few yards of ground had been gained. The task imposed upon

them was absolutely impossible. So at nine o'clock orders were issued that all men who could should crawl back. Few could do so, for the slightest movement drew a terrific fire from the enemy. More managed to regain their trenches when the Bareilly Brigade attacked in the afternoon, but the majority had to lie out under fire until darkness set in.

In this abortive attack the 1/4th suffered severely, the proportion of killed to wounded being one to two. The losses of the 1st Battalion were unprecedentedly heavy, especially in officers, and were half as high again as those of the 2nd Seaforths on April 25th.

During the summer months of 1915 many new divisions were added to our Expeditionary Force. On May 1st a Highland Territorial Division, the 51st, which contained in its 152nd Brigade both the other Territorial Battalions of the Seaforths, 1/5th and 1/6th, arrived in France in time to support the later operations of the Battle of Festubert. The 7th Battalion, which had been allotted to the 26th Brigade of the 9th (Scottish) Division, also came out in May, and on the last day of June found themselves in line with the Territorials of the 1/4th Battalion. The 9th Seaforths came out as a Pioneer Battalion in the same division. Finally the 8th Seaforths landed in France on July 9th with the 44th Brigade of the 15th (Scottish) Division. Both the Regular Battalions, all three first-line Territorials, and all three Service Battalions were now in France. The three battalions of the New Army were all in on the opening day of the Battle of Loos.

That battle opened on September 25th, after a four days preliminary bombardment of the German trenches. It began with an attack delivered by two army corps on a seven mile front extending from the La Bassée Canal to the village of Grenay south-west of Loos. Six divisions were involved in this main attack, among them the two Scottish Divisions of the New Army (9th and 15th). The 15th Division of which the 8th Seaforths formed a part, assaulted the German trenches in front of the town of Loos. Further north the 9th Division attacked the formidable Hohenzollern Redoubt. One company of the 9th Seaforths was assigned as pioneers to each of its three brigades. Of these the 26th Brigade was on the right, with the 7th Seaforths in the front line. Simultaneously with the opening of the main battle the Indian Corps commenced a subsidiary operation near Neuve Chapelle. Here the attack was delivered

by two brigades of the Meerut Division, but the Dehra Dun Brigade, to which the 1st and 1/4th Seaforths belonged, was that day held in Divisional Reserve. Proceeding from south to north of the battle-field, we shall tell first of the attack of the 8th Battalion at Loos; then of the fighting of the 7th Battalion round Hohenzollern; and finally of the part played by the 1st and 1/4th Battalions near Neuve Chapelle.

The morning of September 25th broke dull and grey. The wind was light and variable, veering between south-west and south, and seemed little favourable to the use of gas, which it had been decided to employ for the first time against the enemy. Until the last moment there was some doubt whether the original programme would be followed out. Nevertheless at ten minutes to six a.m. the gas cylinders were turned on. After some ten minutes a smoke screen was sent up from the British trenches. Then after an interval, the cylinders were turned on again full blast. Two minutes before the time fixed for the assault, the gas was stopped; the air was thickened up by triple smoke candles; and our men climbed out of the trenches and lined up behind the smoke barrier in readiness for the attack, which had been timed for twenty minutes past six.

The 15th Division attacked on a two-brigade front; the 44th Brigade, with the 8th Seaforths in the front line, being on the right. Company followed company of the Seaforths across the open, and within a few minutes from the time that the two leading platoons had started on their way, the whole battalion was launched to the attack. Although exposed to losses from artillery fire, the men bore steadily down upon the enemy's first line trenches, and had captured them within a quarter of an hour of leaving their own line. The German second line was forced in almost as short a space of time. Its garrison fled back into the town of Loos, the approach to which was guarded by enemy machine-guns. These were quickly put out of action, but the Germans within the town put up a stubborn resistance. Every house became a fort; every cellar a refuge for the enemy. Each in turn had to be cleared by our bombers; their occupants being captured or killed.

The Seaforths fought their way through the town, capturing a German battery of field-guns in the course of their advance. Until the bombers had cleared the houses from which machine-guns were firing on them, their losses were severe. Few of their officers were left. There was much desperate hand-to-hand

fighting. In the general *mêlée*, units broke up into small detachments, and the different battalions of the 44th Brigade became inextricably mixed. Still the fighting drifted steadily through the town and out beyond it towards Hill 60. By ten o'clock the 44th Brigade had made an advance of 2000 yards and were ascending the western slopes of the hill. Here they were met by troops of the 46th Brigade, who had been attacking from the left. And even men from the 47th Division, who had been fighting on the right, joined in the throng. They gained the crest of the hill, and then informally sorted themselves out into their units.

In an amazingly short space of time five successive objectives had been carried without a check, and for a moment there was an end of German resistance. But now came uncertainty and hesitation. Cité St. Auguste was their next objective. But which was Cité St Auguste? Hitherto the pylons of Loos had formed an unmatched guide. Now these were passed, and the landscape changed. Losing sense of direction, the brigade, instead of advancing due eastward, deflected its course to the south-east, towards the Cité St Laurent.

The Cité St. Laurent was a strong salient which formed part of the northerly defence of Lens. To the north of it, and on the left of the brigade as it advanced, was an entrenched enemy position, known as the Dynamitière, held by machine-guns. Fire from the Dynamitière made it impossible to advance down the bare slopes of Hill 70 without artillery support or without the steady flow of reinforcements which the brigade had been led to expect. An hour passed during which the enemy machine-guns developed a tremendous volume of fire. At length it became absolutely necessary to retire and take cover behind the crest of Hill 70. Our men fell back the best way they could, and were immediately followed up by a strong counter-attack which threatened to sweep them off the hill.

Preparations were hurriedly made to receive the enemy, and when they appeared over the crest of the hill, they were instantly checked. The British troops hung on tenaciously to their position a little way down the western slope. But their position was insecure. The Seaforths now had both flanks in the air, and their left was seriously menaced by an outwork which had again passed into the possession of the Germans during the struggle. A conference was therefore held at Brigade Headquarters at which it was decided to relieve the 44th Brigade by the 45th.

Accordingly the troops who had taken part in the attack were withdrawn in the course of the afternoon; the 8th Seaforths—now a handful of thirty-five men led by the adjutant and a single subaltern—passed out of the conflict.

At the same moment that the 8th Seaforths had started on their way to capture the village of Loos and Hill 70, the 7th Battalion left their trenches over against the Hohenzollern Redoubt. As they advanced at a steady walk behind clouds of smoke, machine-gun fire was opened on them and a few men went down under it. Then, quickening their pace, they bore down upon the Redoubt. At its first trench they lost a good many of their officers. Nevertheless they continued to advance, and bombed their way up the communication trenches leading from the Redoubt to the main German trench; pressed forward and went right on to the Trois Cabarets between Fosse 8 and the village of Haisnes. Here they stayed and waited until the two front companies had been reinforced by the remainder of the battalion. It was now half-past seven, and the 8th Gordons, who had been in support, went through them and carried on the attack. The 7th Seaforths had orders to stay where they were and convert their trench into a fire trench, at the same time making ready to deal with a counter-attack. They had lost touch with the Camerons on their left in the course of their advance, and their position on that flank was insecure until a battalion of the Black Watch came into line with them. They had lost their colonel and their adjutant at eight o'clock that morning. All four company commanders had been killed or wounded early in the action, and most of their officers had become casualties. All day they were exposed to a murderous shrapnel fire, but the behaviour of the men was beyond all praise.

About midnight they were relieved by a regiment of the 73rd Brigade. The Seaforths had filed out and re-formed preparatory to marching back, when the Germans attacked. The newly arrived troops showed signs of falling back; but two officers of the Seaforths led back their men, held the position once more, and drove out the enemy. They then withdrew to support trenches and there reorganised. Throughout the day of the 26th they continued to hold German trenches east of Fosse 8, under a very heavy bombardment, and assisted the 73rd Brigade to beat off several German counter-attacks.

In the course of the morning of September 27th the enemy

succeeded in driving the hard-pressed 73rd Brigade out from Fosse 8. By one o'clock the whole Fosse had passed out of our hands, and the Germans were pressing south against the Hohenzollern Redoubt. The 7th Seaforths had only six officers left when, at three p.m., they received orders to counter-attack with a view to restoring the position. They advanced across 200 yards of ground swept with bullets and shrapnel. The enemy opened on them with high explosive shell, inflicting a considerable number of casualties. German bombers were active on the right, but the Seaforths drove them back. Although they did not succeed in regaining the Fosse, their timely help prevented any further German advance and, for the time, saved the Hohenzollern Redoubt. The men knew that they had done well, and one of their pipers got up on the parapet of the Redoubt and played the 'charge.' About eight o'clock that evening they were withdrawn after having suffered losses greater even than those endured by the 1st Battalion at Festubert.

Up at Neuve Chapelle on this same morning of September 25th the 1st and 1/4th Seaforths were less seriously engaged, since they were not called upon to do more than support the attack of the Bareilly and Garhwal Brigades. The attack met with success on the left but failed upon the right, where the Garhwal Brigade was hung up on wire before the German front trench. Shortly before eleven the two Seaforth and two Gurkha Battalions received orders to concentrate on our own front line, with a view to attacking through the first line troops, and advance on the hamlet of Pietre. The communication trenches were crowded with troops, and movement along them was almost impossible; so it was not until nearly three that the Seaforths succeeded in pressing their way to the British front line. By this time the Bareilly Brigade had been forced to abandon the trenches captured by them in the early morning, and the Germans had recovered their front line. Further attack was useless. Nothing remained but to hold the British line against possible counter-attack. Night set in in a downpour of rain, which quickly rendered all further movement impossible.

Such was the share of the Seaforth Highlanders in the great Battle of Loos, a battle in which two battalions of the New Army, neither of them many months out in France, first met Continental troops, and worthily upheld the honour of the regiment.

Instead of recording in detail the part played by the various battalions of the Seaforths in France during the long period of

trench-warfare which intervened between Loos and the Battle of the Somme, we shall follow the fortunes of a battalion of this famous regiment which was sent out from France at the close of 1915 to Mesopotamia, there to take part in the attempted relief of Kut. It was employed with a force operating on the left bank of the Tigris, and its actions are crowded into two distinct periods of seventeen days each. The first extended from January 7th to the 24th, 1916, and was characterised by attacks on successive Turkish positions at Sheikh Saad, the Wadi, and Umm-Al-Hannah. The second period, April 5th-22nd, opened with the capture of Umm-Al-Hannah and, for the rest, consisted of repeated attempts to drive the Turks from Sannaiyat.

It was on New Year's Day, 1916, that the Seaforths disembarked at a point some distance up the Tigris. There they marched forward towards Kut, across country intersected by irrigation-ditches, and at noon, on January 7th, were approaching the Turkish position at Sheikh Saad, forty miles distant from their final goal. Their brigade had been ordered to turn the enemy's left flank, but before they had reached the assigned position, a very heavy cross-fire was opened on them from their front, right-front and right flank. At the same time artillery fire broke out on their right rear. They had, in fact, themselves been caught in a very dangerous salient.

The attack had consequently to be launched under most difficult circumstances against a position made invisible by mirage and towards an afternoon sun which shone full in the eyes of our men. None the less the Seaforths advanced with great rapidity, losing heavily as they went. One company even managed to get within 40 yards of the Turkish trenches, but the rest of the battalion was brought to a standstill 350 yards away. They had only five officers left. They had lost more than 33 per cent. of their fighting strength. Their position, at the close of the attack, was extremely dangerous, for, while two companies were in line with the brigade on their left, a gap of 700 or 800 yards separated them from the other two companies which were facing an opposite direction. By now the Turks were moving further and further round the flank. It was getting dark, however. In the night they were able to consolidate their position, join the gap in the centre, and dig themselves well in. Next evening they retired to a straightened line in the rear.

Two days later the Turks withdrew from Sheikh Saad to their next position, named the Wadi, some ten miles in the rear.

This in its turn was attacked by our troops on January 13th. The Seaforths were in reserve that day, but, as the attack proceeded, two of their companies were sent up into the firing line in support. They advanced with great dash and vigour under a very heavy fire. Although the main attack was held up, the Turks once more retired in the night and fell back upon Umm-Al-Hannah.

At eight o'clock on the morning of the 21st, after a few minutes of intense bombardment, the British once more attacked the Turks in their new position. Only 450 yards separated the front-lines of the opposing forces; but the ground between was as flat as a billiard table, covered with three inches of mud and water, and swept by machine-gun fire. The attack on the left was temporarily successful, but the ground gained had to be given up for want of support. The Seaforths failed to get forward on the right. Still less success attended the renewal of the attack at one o'clock. The Seaforths again endeavoured to advance, but there was no general forward movement. Any advance from the front line proved, in fact, quite impossible, and the attack petered out.

It is difficult to exaggerate the misery of that time, or the severity of the conditions under which the Seaforths had to engage in most difficult fighting. It rained incessantly till the level ground became a swamp and the trenches became ditches. Drenched and physically exhausted, with no rum or even tea to warm them, they stood and sat all night in the water. At best they lay down in their soaked clothes, with only their great-coats to cover them, and waited for the bitter cold of dawn, then woke to look out on a battlefield strewn with rifles and ammunition, and wounded men lying untended. For days and nights on end, subsisting only on their emergency rations, they fought and dug and marched till they were so exhausted that they slept as they marched. And all the time they were conscious that Kut lay before them and the undefeated Turks between.

An interval of rest and reorganisation led up to the capture of Umm-Al-Hannah by the troops of another Division upon April 5th, and made it impossible to drive forward against the Turkish lines of Sannaiyat, the last formidable barrier on the road to Kut. During this second period of fighting the Seaforths, by now much reduced in number, formed part of a composite Highland Battalion, having been amalgamated with the Black Watch, who had suffered even more severely than themselves.

Out of the three unsuccessful attempts that were made to carry the Sannaiyat position (April 6th, 9th and 22nd), the Highland Battalion took part in the first and last.

It had been decided to follow up the capture of Umm-Al-Hannah by a rapid blow against the enemy, and to deliver a surprise attack on their new position at dawn of the very next day. There was consequently no time to locate the Turkish lines with any exactness. Our men made slow progress in their advance over unknown country, and it was nearly broad daylight before they had come within striking distance of the enemy. The Highland Battalion had just opened out, but the brigade on their right was still in close formation when the storm burst on them from the enemy's trenches. Under this outburst of rifle and machine-gun fire the projected attack was stopped dead, while our own shells ploughed their way into the left rear of the column. It was Magersfontein over again. Further advance was out of the question; and, after digging and holding three lines of trenches during the day, and suffering considerable losses, the battalion was withdrawn at dark.

Before the third and final assault was made on Sannaiyat, the division steadily pushed forward its saps until only 500 yards separated them from the enemy's front line. But the ground was not favourable for an attack. Ankle-deep in water and hemmed in on the left by the river Tigris, on the right by the Suwaikeih Marsh from which water was continually blown by the wind into our trenches, the ground covered by the attack was limited to a narrow frontage, 300 yards broad. It had been intended to employ two brigades, but the brigade on the right found themselves unable to attack owing to the water on their front. The whole burden of the attack therefore fell upon the Highland Battalion, which had now come to be composed largely of drafts led by very young officers, and upon an Indian regiment reduced in strength to 200 rifles.

At six o'clock on April 22nd our guns commenced a deliberate bombardment. Seven was the hour named for the assault. The Highlanders, with the Indians on their right, advanced in splendid order, and quickly reached the enemy's front line, only to find it a mere water-logged ditch. The second line was carried with the same result. Pushing on to the third line and now supported by the brigade on the right which had succeeded in forcing the water in front of it, they beat off one counter-attack, and met another one made in much greater force and led with the greatest

bravery and determination. The leading Highland platoons were enveloped ; their rifles were clogged with mud ; still for a time they successfully resisted the attack. It was only after the troops on the right had fallen back ; after the Indians, their flank being open, had given ground ; after a second Indian regiment, thrown in on the left, had been decimated by machine-gun fire, and when the whole line was crumbling, that the Highland Battalion fell back, fighting stubbornly. Most of their killed and all their missing fell between the second and third Turkish lines. Small parties of men were pinned to the ground near the enemy's front line, but were got in later. The battalion's losses had been exceptionally heavy, and of the Seaforths no more than four officers remained alive and unhurt at the end of the day.

So ended the last gallant effort to relieve Kut, whose beleaguered garrison, after holding on for another week, their position being now hopeless, were at length forced to surrender.

H. H. E. CRASTER

Gibraltar in 1727

IN the Register House there lies the 'Journal of a Voyage from Leith to Newfoundland, Barcelona, etc., in 1726-27,' by Edward Burd, jun., supercargo of the ship *Christian* of Leith. Mr. Burd not only entered the accounts of his transactions, but also kept a careful note of events from day to day.

The *Christian*, Captain Alexander Hutton, sailed from Leith early in June, 1726. She put in at Herston in South Ronaldshay under stress of weather. Mr. Burd had leisure to visit Kirkwall, where he saw the cathedral, and remarked upon the scarcity of trees—'they might have trees of all sorts if the inhabitants would be at any pains about them.' On Sunday there was 'no sermon' at Herston, 'by reason the ministers having for the most part two or three churches to which they are obliged to go Sunday about, the minister of this place happened this day to be at some other of his kirks.' Fortunately the weather changed, and Mr. Burd was well out on the Atlantic by the end of the week. His next opportunity was on July 31, immediately after arrival at St John's, where he heard a 'very good discourse from one Tago, an Englishman,' who was parson. 'He makes about £150 sterling a year of it, which he collects from the inhabitants of the place and masters of ships that come here either upon the fishing accompt or to buy: this might make a very handsome living for him, if he could drink less punch and black stroap.'

Having drunk to the health of King George on August 1, the anniversary of his accession, and admired the illuminations on H.M.S. *Argyle*, Mr. Burd proceeded to business. According to instructions he was to dispose of his cargo and purchase 'a full loading of good merchantable fish, well dried and fair to the eye': he was then to sail without loss of time for Barcelona, sell the fish, take in 'a parcel of cork,' and come round to Cadiz; there he would get a cargo of sherry and fruit, with which, and the cork, he would return to Leith.

The *Christian* left Newfoundland on September 22, when Mr. Burd took occasion to record in the journal many impressions of the fishing industry and other economic matters. By the middle of November he was at Gibraltar, and at Barcelona early in December. Two months were spent at the latter port, regarding which Mr. Burd has a good deal to say. He seems to have obtained a cargo of wine for shipment to Gibraltar—the reason for the visit which is described in the following extract. The last entry in the journal is on April 5, 1727, when the *Christian* was trying to make Bordeaux.

Mr. Burd's observations upon the fruitless attempt to recover Gibraltar have been extracted and are here set down. Spelling has been modernised, except in the case of proper names, with which Mr. Burd had difficulties. In many instances he spells these names in a fashion of his own; and recognition is not always possible. The reader will at once conjecture, rightly or wrongly, that the vessels called 'sitties' derived their name from Ceuta.

R. K. HANNAY.

14th Feb., 1727.—This morning about five of the clock we came to an anchor in Gibraltar Bay, where we found riding at anchor eight sail of English men-of-war, besides a great number of merchant-men. All this last night and former day we saw firing from the batteries upon Gibraltar hill. The reason we conjectured to be some day of rejoicing, but found this morning that it was besieged by the Spaniards. About nine of the clock we went on board of Commodore Stewart, from that to the Governor's and afterwards to Mr. Holroyd. In the evening the ship went into the new mole, where we were to deliver the cargo.

I shall set down what transactions in the siege I could learn, together with the rest of my daily occurrences.

15th Feb.—I had the following account of the beginning of the siege: that the Spaniards ever since the middle of November had been forming of a camp upon the side of a hill in the bottom of the bay. They brought into the bay by water all manner of ammunition and provisions from Cadiz, Malaga, etc. They then built a battery of 15 guns in the bottom of the bay, both for the defence of their camp and likewise to annoy our shipping. They after that proceeded to break ground under the cannon of the

garrison, Colonel Clyton, deputy-governor of the place, having frequently ordered them to begone, and they still returning him for answer that the ground belonged to the King of Spain, their master, and that they would maintain it for him, the Governor upon Saturday the 11th instant called a council of war of the officers of the garrison and those of the fleet, where it was resolved that they should fire upon them. Accordingly, in the afternoon the Governor, with a great many of the officers, went up to Willis's Battery, from whence my Lord Forbes, captain of a 70-gun ship, fired the first gun at the enemy, Commodore Stewart the second, and the Governor the third, which served for a declaration of war. Immediately upon this the Spaniards fired from their battery in the bottom of the bay at our men-of-war, which obliged them to heave up their anchors and to go further down the bay after having fired some guns at the enemy. They kept firing upon the Spaniards all this afternoon and following night from the batteries upon the hill.

16th Feb.—Nothing extraordinary happened in the siege from Saturday (11th) to this day. Only the *Solbay*, man-of-war, who had two mortars in her, went about to the back of the hill and threw some shells into the enemy's trenches, and some others up to the hill, which, breaking the rocks, tumbled them down into the trenches below and killed a great many men—about fifty. The Spaniards took care to have a battery placed there against next day, which prevented any further mischief to them from that quarter. The enemy carried on their works in their trenches, chiefly in the night-time, for which reason our people fired hottest then to retard them in their works, and threw likewise every night a good number of shells.

17th Feb.—The fleet that came in here yesterday, and were attempting to get through the Straits in order for a cruise but were put back again by contrary winds, sailed again this day under the command of Admirals Wager and Hopsom. The merchant-men in the bay, to the number of forty sail, went with them. There were left in the bay only four men-of-war.

The Spaniards were still carrying on their works in the trenches, and the garrison continued to fire at them, without doing any great hurt.

18th Feb.—The enemy and the garrison continued their works as they had done formerly.

19th Feb. (Sunday).—I this day walked round all the fortifications of this place. From Willis's Battery I had an excellent

view of the Spanish camp and trenches. I saw a great many guns fired at them without doing any manner of damage. Part of the trenches were by this time within musket-shot of the rock.

21st Feb.—Nothing extraordinary happened in the siege these two days past. Only some deserters of the Walloon Guards and some Swiss came in from the enemy.

22nd Feb.—The Spaniards begun this morning at break of day to fire upon the town from two batteries of 7 guns each. They killed this day one man, and wounded some others.

23rd Feb.—The Spaniards killed this day one man more. A deserter came in—one belonging to the Irish regiments. They begun this day to throw shells into the town. All the harm they did was the ruining of some houses, which obliged a great many of the people to shift their quarters.

24th Feb.—A deserter came in this day from the enemy. They began to work upon a new battery, nearer than either of the other two, and greater than both of them.

25th Feb.—A deserter came in this day, a Scotsman, belonging to one of the Irish regiments.

26th February (Sunday).—Five deserters came in this day from the enemy, belonging to the Walloon Guards. A small *sittie*, taken from the enemy, was fitted out and sent to cruise upon them.

27th Feb.—The *Swallow*, man-of-war, having hoisted a signal for all merchant-men to go on board and receive sailing orders, I went down to the cabin and told the captain of it, and desired he might satisfy his men, who wanted to know where they were going. He told me that he designed to go for Leith, north about. I represented to him the inconveniences that would attend it; but he told me it was none of my business and that he was resolved to go home. I proposed to him he should take in what goods and passengers he could find for Lisbon, and there to load salt and some wines and fruits. In short, all I could say was ineffectual to move him after his resolution. In the time we were talking there comes on a hard Levanter, which hindered the ships from sailing for that day.

This morning there was brought in here a very rich prize, a ship of 30 guns taken off Cadiz by the *Royal Oak*, man-of-war, being bound for the West Indies, loaded with wines, brandies, and a great many very fine bale goods.

The Spaniards advance but slowly before the place. The officers have not the least apprehension of losing it, though they

need reinforcements both of men and ammunition, but especially gunners.

28th Feb.—The storm continued all this day—and the captain in his resolution of going to Leith, which made me give over my resolution of going to London and go home with him.

1st March.—The storm abated this day, and in the afternoon a great many of the merchant-men that lay in the bay sailed without convoy. We heard by a deserter that our *sittie* that was sent out to cruise was taken by the enemy, having been forced ashore in the storm.

2nd March.—The weather was still stormy, which kept us in the mole. This day a gun upon Willis's Battery split and killed two men.

3rd March.—About eight or ten ships sailed to-day under the convoy of one of the small sloops. More deserters came in. A trumpet came from the Spanish camp with a proposal from the General to exchange the prisoners taken in the *sittie* for some of their deserters. The Governor told him he would return an answer next day by a drum. We hauled out to-day from the mole into the bay; but by the time we got clear the ships were all out of sight.

4th March.—This day a French ship of 30 guns sailed, and with him went two English ships. The Governor sent a drum out to the enemy with this answer to the proposal they sent yesterday: that he would not deliver up any of the deserters, but that he would exchange those prisoners that we had taken in the prize with them that they had of ours. This the General refused, pretending he had not orders for it from Madrid.

5th March (Sunday).—The enemy fired very hotly this morning, both from their old batteries, and likewise from a battery of 6 guns they had erected on purpose to play upon the old mole, our guns from that galling them very much in working upon their great battery, from which they now began to fire some guns. They killed five men this day, beside the wounding of some others. Amongst the number of those that were killed was the captain of the train.

6th March.—The *Colchester*, man-of-war, arrived here to-day, on board of whom were some soldiers of the two regiments shipped from Ireland, taken out of one of the transports at sea taken up by the fleet. A gun upon the Royal Battery split and killed three men. Two soldiers deserted from the garrison.

7th March.—The Spaniards last night completed their grand

battery, from which they fired very briskly this day upon the town, dismounting some of the guns upon the old mole, and one upon Willis's Battery. They had mounted very near 20 pieces of cannon upon their grand battery.

8th March.—The enemy fired very hotly all this day. They killed one of the cadets in the garrison as he was walking upon the parade. The same bullet likewise wounded another man. I was present at the time. A gun bursted this day and killed some of the gunners.

9th March.—The Spaniards fired very briskly all this day. A deserter came in this morning—one of their gunners—who gave account of a mine they were working in under Willis's Battery. They proposed by the blowing up of that part of the rock to fill up the King's and Prince's lines. A gun split this day and killed three men. I heard to-day that the Governor had certain advice by the *Colchester*, man-of-war, from Lisbon, that a great part of the Spanish plate was arrived at Cadiz from the West Indies in some of their men-of-war.

10th March.—The enemy fired very hotly all this day without doing any damage.

11th March.—A deserter to-day reported that we killed a good many men to them every day and that we had dismounted six or seven of their guns in the great battery. He swam from the bottom of the bay to the old mole.

12th March (Sunday).—More deserters came in to-day from the enemy, who were gunners. They said that they were not able to endure our fire in their grand battery. They did not fire so hotly from thence as formerly. We heard to-day that Mulusmal, Emperor of Morocco, was dead, and that the whole country was in confusion, some declaring for one and some for another of his sons, of whom he had some thousands, as they say.

Some ships arrived here to-day from England, who heard nothing of the war: likewise some from Silloe in ten days, who heard nothing of it.

13th March.—This morning about eight of the clock we weighed, under convoy of the *Colchester*, man-of-war. The wind being to the westward of south obliged us to stand well over to the Barbary shore, by which means we had an excellent view of the city of Ceuta, belonging to the Spaniards, situated upon a peninsula much like that of Gibraltar, and very strongly fortified upon all quarters. About five of the clock in the afternoon, the wind springing up at east, we joined the man-of-war and stood

through the Straits. About eight of the clock at night it fell calm, when the man-of-war and the whole fleet went in head of us and left us off Teriff, deadly afraid of the Spaniards.

14th March.—This morning, about eight of the clock, the *Durley*, man-of-war, came up with us, to our great comfort. About ten of the clock, the wind being at north, we stood away for the Bay of Gibraltar, as did most of the ships that went out with us. We saw two Algerine men-of-war, cruising cross between Gibraltar Hill and Ceuta. We came to an anchor a quarter of an hour after four in the afternoon. I heard that two deserters came in yesterday and one to-day, who still confirmed the report we had of the mine. They said that they had digged into the rock 26 yards and designed to carry it 50 further, besides 20 yards of a vault was there before. The *Colchester* got through ; but the *Durley* came in again.

15th March.—A deserter came in this day, a Scotsman, and a sergeant in one of the Irish regiments. The *Royal Oak* sent in another prize, a Spanish man-of-war of 50 guns taken coming out of St. Anderas—one Sherlock, an Irishman, commander, and one English lieutenant. A gun split this day and killed two men.

16th March.—I was this day upon the Royal Battery, where we could perceive the embrasures of the enemy's great battery shut up. They told me that they had been so for three days, and that they believed they designed to convert it into a bomb battery. We saw that they had begun to work upon two other batteries. Just as I was leaving the town, a drum was going out from the garrison to the enemy.

About three of the clock afternoon we got under sail, under convoy of the *Durley*, man-of-war, with about 30 sail more of merchant ships, and stood through the Straits with the wind at east.

The Governor of the place at this time is Colonel Clyton, deputy under the Earl of Portmore: he came here only in December last in room of Colonel Cane, deputy-Governor of Portmahon, and who was here and acted as Governor for some time before this. Governor Cane acquitted himself of this charge very handsomely, and gained the love and esteem of every one in the place, not only of the officers but even of the common soldiers and of all the inhabitants. All of them seemed displeased

at the removing of him at this time ; and to say the truth I think it was no great prudence in the government to carry him away at this juncture, and to put a man in his place who was an entire stranger to it—one who knew nothing of its strength or weakness but what he was to learn now. There are now in the garrison seven regiments of foot and two more were embarked from Ireland, viz. Middleton's and Hay's, and daily expected. Some of the regiments were not full. The whole would not amount to more than 3000 men upon the arrival of the two regiments expected.

The garrison is very well stored with ammunition, but poorly provided of cannon : in the first place few of them, and next what they have very bad. The government carried from them not long ago some of the finest brass cannon that were in Europe and placed in their room rusty, old ships' guns. They will now see the folly of it, these very guns by their bursting having killed to the garrison thrice the number of men that the enemy had done at the time I left Gibraltar.

They likewise stand in great need of expert gunners, those they have being but indifferent and even so few of them that they are obliged to make use of common soldiers in their stead. They daily expect a good recruit of both guns and gunners from England in the *Torbay*, man-of-war.

They can never be in great straits for want of provisions so long as we are masters at sea. They are supplied from Britain and Ireland with salt provisions, and from Barbary and Lisbon with fresh meat.

The fortifications of Gibraltar, though strong, are yet not regular ; and for that very reason the place is the more impregnable. The great security of it lies in this, that the way by which the enemy must storm, when they come to that, is so very narrow that those in the garrison will be able to make a larger front than they. Besides they will flank them on both sides, on the one hand with their cannon from the old mole, and upon the other from Willis's Battery, and likewise from the King's and Prince's lines with their small arms. This is what they will certainly meet with, without they first dismount all the guns upon the batteries and level the lines : which they will find to be very hard work, a good many of them being little higher than the rock and therefore very difficult to come at.

The Governor was very much blamed for allowing the enemy to proceed so far without endeavouring to put a stop to it sooner.

If he had begun hostilities about the latter end of the year, he might have prevented the enemy from receiving a great many stores and provisions that were carried to him about that time from Cadiz and Malaga by water, and so would have retarded the siege so much longer. Some people tell us the Governor at that time had no orders for doing so : which, if true, is, I think, very strange : that the Spaniards should have been making preparations for the siege of this place so openly for three months before this ; and that in all that time the government in England should not send over positive orders to their Governor how to behave himself.

The conduct of the officers of the fleet at this time was also very much wondered at, and I think justly too, they lying at anchor in the bay, of which they did not command above one quarter, while the remainder was in the possession of the Spaniards, and whole fleets of their *sitties* going out and coming in every hour of the day, to and from old Gibraltar and down to the bottom of the bay, to their camp. Nay, which was scandalous to the last degree, I saw two row-boats very near carry an English ship that was coming into the bay, and this in the sight and almost within reach of the guns of our Royal English Navy. It was with difficulty that they rescued her by manning out all their boats. All the service that they at this time did the garrison was the securing them from any surprise by sea—a project that was concerted at Madrid, to wit that they should attack the place upon all quarters at once by sea in their row-boats and galleys, and so by dividing the garrison along the works (which are two miles in length) and by overpowering them with numbers they might find an opportunity of cutting at some one place or other—a project feasible enough and which they designed to have put in execution at the time that our fleet was out upon a cruise. Of this Colonel Stanhope, our ambassador at Madrid, gave Colonel Cane information, which put him on his guard, and so it was prevented.

There are in the Spanish army, besides the General, the Count de les Torres, a Spaniard, no less than six lieutenant-generals, eight major-generals, ten brigadiers, and twenty engineers. Count Spinola, who commanded with great applause in the wars in Sicily, is one of the lieutenant-generals. The chief engineer is Vaubonne, a Fleming, and the most famous man of his profession this day in Europe. The General has the reputation of being a very good officer, only somewhat rash and

fiery. Some say he differs little from a madman, though he is now come to a very great age, being about eighty years old.

The troops were said to amount to near 20,000 men, the greatest part of them foreigners, viz. six Irish regiments formerly in the service of France and the Walloon Guards. The rest were Swiss, and some Spaniards. They are the very same forces that behaved so well in the late wars in Sicily under the Marquis de Lede against the Emperor, and are indeed the best men the King of Spain is master of. The Duke of Wharton, the Earl of Mareshal and his brother, who serve as volunteers, were in their camp. The number of the slain amongst them, when I came away, was uncertain. Most people reckoned that they might amount to very near 300, while others said that they were thrice that number, and some that they were not so many. We heard that a colonel of one of their regiments was of the number.

Upon the whole, whether they will take Gibraltar or not is uncertain; but there is nothing more certain than this that if they do, it will be with the loss of a very great number of men to themselves, and at the same time that it will be a very great stroke to the British trade in general, that into the Mediterranean being reckoned near one quarter of that of the trade of Britain. As an evidence of the truth of this is the great number of ships that sailed from Gibraltar in the short time we lay there. I am sure they were above one hundred sail, besides those that went through without calling.

Reviews of Books

A HISTORY OF SPAIN. By Charles E. Chapman. Pp. xv, 559, with a Map. New York: The Macmillan Co. 1918. 14s. net.

IN these days of Spanish study it is of real use to read a history like this and to be able to recommend it heartily to other students. The Spanish authority on which it is founded gives his hearty approval to the way it is constructed, and the American writer adds three chapters of his own of special interest, that on 'Charles III. and England, 1759-1788,' and the two modern ones, 1808 to 1917. It is difficult to find special points to comment on in so long and so excellent a vista of the descent of the Spanish people and the history, political and economic, of the different provinces of Spain which have such varied origins. The author is right in drawing special attention to the close connection of the whole country with Africa, even during the late Roman time, when the two lands were conjoined in one diocese, which was no doubt prepared by their earlier associations through Carthage. It explains also how the foreign Visigothic Kings were, at first, so easily overcome by the Moslems, and how it took quite a long time before the Church was able to inspire the Christians with hatred and crusading zeal against the tolerant rule of their African masters. The account of this rule and the gradual expulsion of the 'Moors' is particularly well given, and one reads the succession of events with great interest as the Christian sovereigns gradually, by union, gained power for themselves while the nobles lost it, until there was almost absolute autocracy during the great reigns of Charles V. (here called Charles I.) and Philip II. which preceded such a long period of decline. This study deals with the progress (one way or the other) of government, law, literature and foreign politics. While adequate in its narrative it is by no means a dynastic history, and anyone who wishes stories of the sad and sombre Court life of Spain must go elsewhere. The writer is more concerned with the popular development than with the pedigrees of kings. It is perhaps this that causes a curious slip on page 74 when he calls the first ruler of the House of Burgundy in Portugal 'a French Count, Henry of Lorraine.'

A. FRANCIS STEUART.

PUBLICATIONS OF THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE.

1. THE ARMED NEUTRALITIES OF 1780 AND 1800. Edited by James Brown Scott. Pp. xxxi and 698. 10s. 6d.
2. THE TREATIES OF 1785, 1799 AND 1828, BETWEEN THE UNITED STATES AND PRUSSIA, as interpreted in Opinions of Attorneys

336 Publications of the Carnegie Endowment

- General, Decisions of Courts, and Diplomatic Correspondence. Edited by James Brown Scott. Pp. iii, 207. 1918. 8s. 6d.
3. **FEDERAL MILITARY PENSIONS IN THE UNITED STATES.** By William H. Glasson, Ph.D. Edited by David Kinley. Pp. xii, 305. 1918. 10s. 6d.
 4. **THE FINANCIAL HISTORY OF GREAT BRITAIN. 1914-1918.** By Frank L. M'Vey. Pp. iv, 101. 4s. 6d.
 5. **EFFECTS OF THE WAR UPON INSURANCE, WITH SPECIAL REFERENCE TO THE SUBSTITUTION OF INSURANCE FOR PENSIONS.** By William F. Gephart. Pp. vi, 302. 4s. 6d.
 6. **ECONOMIC EFFECTS OF THE WAR UPON WOMEN AND CHILDREN IN GREAT BRITAIN.** By Irene Osgood Andrews, assisted by Margareta Hobbs. Pp. x, 190. 4s. 6d.
 7. **EARLY ECONOMIC EFFECTS OF THE EUROPEAN WAR UPON CANADA.** By Adam Shortt. **EARLY EFFECTS OF THE EUROPEAN WAR UPON THE FINANCE, COMMERCE AND INDUSTRY OF CHILE.** By L. S. Rowe. Pp. xvi, 101. 4s. 6d.
 8. **LES CONVENTIONS ET DECLARATIONS DE LA HAYE DE 1899 ET 1907.** Avec une introduction de James Brown Scott, directeur. Pp. xxxiii, 318. 8s. 6d.
 9. **UNE COUR DE JUSTICE INTERNATIONALE.** Par James Brown Scott. Pp. vi, 269. 10s. 6d.
- All published at the New York Oxford University Press, 1918.
10. **YEAR BOOK OF THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, 1918. No. 7.** Headquarters of the Endowment, Washington.

HERE is presented a great deal of matter, the outcome of much careful research and thought. The list of subjects dealt with illustrates the widespread effects of a great war. It is safe to say that without the generosity of Mr. Carnegie this literature, so useful to the student of economics and international law, would never have seen the light. In December 1910 he handed over to trustees mortgage bonds to the value of two million pounds, to be administered by them 'to hasten the abolition of international war, the foulest blot upon our civilisation.' The money, it may be observed, is not wholly expended upon conferences and literary work, for recently the trustees voted five million dollars towards the rebuilding of waste places in France and Belgium.

The works before us will appeal to a variety of interests. The international lawyer will be attracted by Mr. Brown Scott's collection of the old treaties between America and Prussia which were founded upon in such recent cases as the 'Appam,' an illustration by the way of the coolness of the Germans who made use of an American port for the indefinite storing of an English ship taken at sea, and the 'William P. Frye' in which an American boat was the victim. Bankers and stock-brokers will read with interest and professional intelligence the somewhat technical treatise upon the financial history of Great Britain during the war years. President M'Vey recognises at once the adequacy and the

boldness of the British Government's provisions to meet the great crisis which faced it in the end of July 1914. America's experience in the matter of pensions is now of considerable importance to us. A subject of general interest is that dealt with by Miss Andrews and Miss Hobbs. 'That,' say the authors, 'the crisis of unemployment would be but a passing phase soon followed by unprecedented industrial activity seems not to have been anticipated.' The fears of the Fabian Society, and the creation of the Prince of Wales fund afford evidence of an unfounded dread of what was before the nation. But no doubt for the first few months there was a considerable amount of unemployment amongst women, some 44 per cent. being thrown out of work. A new difficulty has however since arisen, women are now refusing employment. Mr. Brown Scott presents in the language of France the Hague conventions and a treatise upon a Court of International Justice. The Year Book of the Endowment contains not only a full account of the year's business, but biographical notices of leaders of the movement recently deceased, of whom excellent portraits are given.

W. G. SCOTT MONCRIEFF.

THE CLAN CAMPBELL: Abstracts of Entries relating to Campbells in the Books of Council and Session, Register of Deeds 1554-1660. By Rev. Henry Paton. Vol. VI. Pp. viii, 383. 4to. Edinburgh: Macniven & Wallace. 1918.

THE great register of Clan Campbell, for such it is, out of the elaborate Campbell collections formed by Sir Duncan Campbell of Barcaldine, Bart., is advanced an important stage further by Mr Paton, its editor, in the present volume, which, from the central character of the record it is drawn from, throws up a more than ordinary mass of historical and biographical matter well worth sifting for the lost facts and interconnections it restores.

As there are calendered close upon 2000 deeds from all parts of the country, it may readily be surmised that much valuable wreckage is salvaged for us from the 627 unindexed registers searched for the purpose. A penitent reviewer, too impatient to appreciate pedigrees, confesses himself confounded by the variety, quality and quantity of broad historical data made available by the incidental associations of that infinite succession of Campbells whose long-drawn line is the peculiar care of their munificent registrar Sir Duncan Campbell, Secretary of the Order of the Thistle. Just as the story of a single parish may involve it in every historical crisis of five centuries, so every institution, custom and creed that leads to document (as almost all do) has its chance to find hiding in public record which, really obscure in its own time, becomes opaque the year afterwards. Fifty close pages of index make the individual and local entries accessible, but what abstract could reflect the social and institutional allusions? To instance a few—(1) the rarity of purely Highland terms or practices, and the apparent absence of Gaelic in the deeds, except in some few personal names; (2) the prevalence of feudal imposts and tenures such as ward, grassum, herezeld, bordland, and of current lowland processes like law-borrows, assythment, &c.; (3) interesting specialties of double names

showing the frequency with which Campbells and MacGregors, whether of necessity or for other self-interest, took aliases; and (4) instances (relatively infrequent) of horse theft, homicide and spuilzie, bonds of pension (in one case for 'a great fat cow' yearly), marriage contracts (in one case 'her tocher is 70 heid of ky'), and foreign commerce in French and Spanish wines 'arriving within the west seas.' The past is there sure enough, and it includes Italian moneylenders on the one hand and a recruiting contract 'for the States' service in the Netherlands' on the other.

Searchers of records for Scots history may note also that there is no restriction to or by the Highland Line. These innumerable items of our domestic annals constantly touch the lowlands too, being only a little less familiar with Holywood than Ardchattan or with Drumlanrig than Dunstaffnage. Lovers of the Gareloch may be glad of references to 'the Isle of Rosneath' (p. 137), as well as to Rahane, once as 'Raheavin' (p. 174) and once as 'Rochean' (p. 156).

This is a rich book of record of the 'west seas.'

THE ANNUAL REGISTER: A Review of Public Events at Home and Abroad for the Year 1918. Pp. xii. 229. Demy 8vo. London: Longmans. 1918. 28s. net.

A YEAR which saw Germany—on the failure of her last desperate throw, and in peril from an imminent irresistible advance—sign an armistice little short of unconditional surrender, naturally appears mainly to be a memory of the final crisis and overwhelming decision. What is not war in the register is largely foreign politics, although the home affairs and the general election have their great place in the calendar which is rounded off with the visit of President Wilson to Great Britain and his welcome there. What a contrast is afforded by the 26 pages devoted to Germany in disaster and revolution. A recognition at last that the game was up with the failure of the submarines, the semi-starvation of the blockade, the ruined moral of both army and fleet, the republican mutiny at Kiel—these were preludes of the revolution in which (the *Annual Register* thinks) 'the Emperor William was playing an incredibly ignominious part.' His and the Crown Prince's flight and abdication had no redeeming feature of spirit or character. Militarism went down without dignity, leaving the new republicanism only a sorry chance to impress by their strifes and their misfortunes. The climax of Allied victory so dwarfs all other interests that a reviewer cannot pretend to do justice to the calendar of general events or to the surveys of a jaded literature, science and art.

THE CENTURY OF HOPE: A Sketch of Western Progress from 1815 to the Great War. By F. S. Marvin. Pp. vi, 352. Post 8vo. Oxford: at the Clarendon Press. 1919. 6s. net.

WE have here a review of Western History endeavouring to 'exhibit the growth of humanity in the world,' a wide subject, embracing many sub-

divisions—all well considered in their turn. Where we say it contains chapters on Literature, on the birth of Socialism, Nationalism and Imperialism, Religious Growth (particularly praising T. H. Green), Education and other manifestations of civilisation, we show what a large territory it covers. Each chapter is well thought out, carefully written, and historically adequate ; the whole book is worthy of study.

DOCUMENTS OF THE CANADIAN CONSTITUTION, 1759-1915. Selected and edited by W. P. M. Kennedy, M.A., Toronto. Pp. xxxii, 707. Med. 8vo. Oxford : University Press. 1918. 21s. net.

THIS important collection is divided by the editor into six periods, and it is left for the historical student to find out the full and true worth of the documents in relation to the development of the system of government in Canada. The editor has tried to exclude all documents that have not proved their value, and omits, for reasons of brevity, Lord Durham's *Report*, which must be read by every student. He has produced a book that will be welcomed for its usefulness.

THE PILGRIMS AND THEIR HISTORY. By Roland G. Usher, Ph.D. Pp. x, 310. Post 8vo. New York : The Macmillan Co. 1918. 10s. 6d. net.

THE curious experiment which took one hundred and two 'Pilgrim Fathers' (who were, indeed, mostly young people) to America in 1620 is unfolded to us sympathetically in this study. We correct many ideas of the Pilgrims by it, and we follow them from their congregation at Scrooby in Yorkshire to their hard life in Holland whither, before their American venture, they had gone in a body to try to escape from the Established Church of England and the Puritans who submitted to it. The romance of their voyage in the 'Mayflower' and their early hardships in Plymouth (Mass.) are well described. There the Pilgrims were exposed to struggles (for on a coast teeming with fish they had no appliances for fishing) with starvation. The community prospered in spite of having evolved a caste system which differed only from that of the Mother country in degree, and a severe inquisitorial rule comparable only with that of the strictest Presbyterian *régime*. That this rule was tempered by good sense is indicated by how little Plymouth was tainted with the horrors of witch hunting which spread over the Puritan New World, but that its ethics differed from ours is shown by the fact that it regarded the Indians as 'demoralised' if they received fair payment. It is instructive to see how the settlement merged in the neighbouring communities, although, as the author points out, 'the loss of political independence deprived the Pilgrim tradition of localism and made it a heritage of the nation as a whole,' so bestowing on the settlement a world-wide interest little to be expected at its foundation.

340 Kincaid : History of the Maratha People

A HISTORY OF THE MARATHA PEOPLE. By C. A. Kincaid and Rao Bahadur D. B. Parasuis. Vol. I. From the earliest times to the death of Shivaji. Pp. ii, 394, with 8 Illustrations and 2 Maps. Med. 8vo. London : Oxford University Press. 1918. 16s. net.

ANYONE who has read Mr. Kincaid's earlier books will begin his joint-work with pleasurable anticipation and will not be disappointed. We have here a book which, though full of romance, is a serious history of a people (less known to us than to the generation that, like Colonel Newcome, were brought up on Orme's History) who inhabited Dauda-karanya or Maharashtra (the country of the Great Rashtrikas), and were thus called Marathas. The authors begin in this volume with the Andhra Kings from *circa* 185 B.C., and keep to their narrative to the death in 1680 of Shivaji, whom they style 'The Great King.' We are led through mazes of Chalukyas and Rashtrakutas to the rule of Delhi in the Dekkan, and the rise of Vijaynagar. Then come the struggles between the Moghuls and the Portuguese, and, lastly, the advent of Shivaji (born April 10th, 1627), who raised the Marathas, constituting them as a force against the Moghul Empire, and giving them a great place in Indian history.

THE CONGRESS OF VIENNA, 1814-1815. By C. K. Webster, M.A. London : Oxford University Press. 1919.

IT is more than useful to read this short and excellent digest of the doings of the Congress of Vienna when, little more than a century later, another Peace Conference is attempting to adjust harmony after the horrors of the Greatest War. The Congress of Vienna met to settle the *débris* of the Napoleonic Empire according to the Will of the Great Powers, and it was only by the skill of Talleyrand, who played upon their antagonistic interests and mutual jealousies, that France again rose to high diplomatic eminence. The questions of Saxony and Poland gave him his opportunity. When the Emperor of Russia said that the King of Saxony was a 'traitor,' Talleyrand, who knew that the position of every crowned-head had changed during the war, replied quietly, '*Traître, et de quelle date, Sire?*' The Emperor Alexander was, however, the only motive-power at the Congress at all in favour of the principle of what we now know as Nationality; but his idea of this was obscured by his own greedy desire for territory, with the result that Moore was able to write satirically of the result of the Congress :

'That Poland left for Russia's lunch
Upon the sideboard, snug reposes,
While Saxony's as pleased as Punch
And Norway's 'on a bed of roses.'

It is something to see in this book a fairer account of the British delegate Castlereagh than one has hitherto done. He was wonderfully disinterested, and save in the case of Murat, not specially false. He, like the other diplomatists, meant to destroy the Napoleonic Empire, and all were content with expedients. They accomplished their objects. British sea-power was not interfered with, and there was no decrease in armaments.

Brownbill : Coucher Book of Furness Abbey 341

THE COUCHER BOOK OF FURNESS ABBEY, printed from the original manuscript in the British Museum. Edited by John Brownbill, M.A. Vol. ii. part iii. Pp. xxviii, 585-880. Manchester : Printed for the Chetham Society. 1919.

The last part of the *Coucher Book of Furness Abbey* is very welcome indeed, when one has been wishing for thirty years or more to see the undertaking completed. The mills of learned societies may grind slowly, but with a little patience we almost invariably find that sooner or later they come up to our expectations. The great abbey of Furness in Lancashire north of the Sands occupies a large place in the medieval history of north-western England, and it was inevitable that the endowment of such an institution, and the subsequent administration of its extensive possessions should have bequeathed to posterity a diplomatic literature, not only of primary importance to the territorial history of its own district, but of no small use to the history of the country as a whole. Though several able men like West and Beck have taught us much about the abbey by printing some of the deeds and documents connected with the house, the Chetham Society has made the first genuine attempt to gather within its publications all the relevant information which may be ascertained from original deeds, chartularies, and other miscellanea touching the institution. The work was first entrusted to the late Canon Atkinson of Danby, an experienced antiquary, who produced the earliest instalments so long ago as 1886-7. The enterprise lay dormant after the publication of the first volume till recent years, when it was resumed by Mr. Brownbill, whose name and work in similar fields are a guarantee of scholarly equipment and thoughtful circumspection. Though the last part of the *Coucher Book* is not very exciting, it gives completeness to the whole collection, and supplies documents that the student could not wish to find omitted.

The portion under review is a congeries of fragments drawn from various sources, which includes a rental of the abbey about the time of the suppression, which, when compared with similar rentals found elsewhere, will prove useful in illustration of the early part of the sixteenth century : of court rolls, which, late though they are and bereft of special significance, could not have been passed over ; of letters and petitions of the usual nature which sometimes throw light on transactions more or less obscure ; of manumissions and transfers of niefs or bondmen in the thirteenth century ; of several Manx and Irish charters ; and of notes and additions supplementary to Canon Atkinson's first volume. It cannot be maintained that the fragments have little value : in fact they give completeness to the work, and could not be dispensed with.

It is not easy to discern any principle adopted by Mr. Brownbill in the treatment of his materials. Sometimes he reprints documents accessible enough elsewhere, and again he satisfies himself by references to other documents equally important printed in other collections. No definite rule can be detected except that of his own predilection. For his documentary sources the student of Furness Abbey will need more books than the two volumes supplied by the Chetham Society. Nor are we quite

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happy about some of the editor's authorities, a few of which appear rather antiquated. It was not wise, for instance, to cite A. W. Moore (p. 690) on a critical period of the episcopal succession of the Isle of Man, and ignore the more trustworthy delineation by the late Bishop Dowden. In reprinting, too, the charters of Savigny (pp. 730-33), the reader might at least have been referred to Mr. Horace Round's translations and to the repository where the original deeds of Archbishop Hugh of Rouen are at present preserved.

The period ascribed to the confirmation of the deed of Anselm de Furness by Bishop Bernard of Carlisle (p. 703) is an unfortunate slip. Since Stubbs explored the sources so long ago as 1856, there has been no doubt at all about the date of Bishop Bernard's tenure of the northern diocese. Mr. Brownbill has reproduced the traditional notation of 1157-1186, whereas in reality his episcopate was much later, covering the years 1204-1214. It is somewhat hazardous to adumbrate the ascription of this confirmation to the canons of Shap, an abbey in existence certainly in King John's reign, but not in that of Henry II., to which the Bishop's date is relegated. The name of Anselm, the donor of the original charter, first appears in public record at the close of the twelfth century, and therefore agrees with Bernard's true date.

Bishop Bernard's deed, which is one of the puzzles of every collection in which it is printed, has several marks of integrity, not the least of which are the chronological references and the Bishop's appended seal. If it cannot reasonably be pronounced a fake, it was so clumsily drawn up that its meaning is most obscure. There is no desire to be dogmatic in a matter of this nature, but it appears to us that the deed has nothing to do with the abbey of Shap or the river Lowther, but that the institution founded by Anselm of Furness was situated near the eastern shore of the Lake of Derwentwater, between Castlerig and Lodore, the latter of which may be identified with the Lauther of the text. In that case the deed was confirmed by Bishop Bernard in favour of the monks of Furness or Fountains, Anselm's foundation probably being the *domus sancti Johannis*, now represented by the place called St. John's or St. John's in the Vale.

It is no disparagement of an excellent work that doubts should be raised about the manner of treatment of some of the deeds in the collection. We are under too much obligation to the Chetham Society and to the diligence of its present editor to do more than express an individual opinion. The indexes to the completed volume are full and most acceptable, though more technical words might have been included in the index of words and things for the sake of the non-expert reader, so as to make this section glossarial as well as indicative.

JAMES WILSON.

THE LIFE AND WORKS OF ARTHUR HALL OF GRANTHAM. By H. G. Wright, M.A. Pp. viii, 233. 8vo. Publications of the University of Manchester. English Series, No. IX. Longmans, Green & Co. 1919. 10s. 6d. net.

THE first member of Parliament to be expelled and replaced by a new member, the first to have the immunity of members from arrest on civil

process extended to their servants, the author of a publication which disparaged the Commons and enhanced the prestige of the king and the nobles, Arthur Hall should not be unknown to the student of constitutional history. The economist will find in his proposals to James I. one of the earliest arguments for unfettered trade. A Scot may be attracted to him by his fearless but blundering advocacy of the imprisoned Queen Mary at the time of the Norfolk intrigue. But to none will he make a stronger appeal than to the lover of odd characters and odd books. His translation of ten books of Homer, from the French of Salel, is not only the first version in English but the most amazing. It is Homer 'fallen into the oddest man's hands that ever England bred.' As a curiosity of literature it ought certainly to be reprinted. An amusing travesty, it is at the same time an instructive example of the literary tendencies of the early translators. It is also a storehouse of vigorous, quaint vernacular. Mr. Wright's criticism is exhaustive, but, if justly severe in places, it is not quite consistent. In p. 169 he speaks of a certain phrase as serving to 'relieve the dead level of dullness of the rest of the poem'; in p. 149 he praises the diction as excelling that of the French original in vividness, directness and vigour.

But one can see that Mr. Wright, though he scorns the book as Homer, loves it as Hall. And it is as Hall that it merits a reprint. For he was a strange, perverse, spacious character; a blundering pioneer in many quarters; a cantankerous, vindictive wrangler, yet not unlikeable; a follower of Burleigh, a follower of Elizabeth, yet fearlessly independent. Mr. Wright has done the portrait well and filled in a large background with lively pictures of the men and manners of the time. T. D. ROBB.

SIDELIGHTS ON SCOTTISH HISTORY. By Michael Barrett, O.S.B., of Fort Augustus Abbey. Pp. 244. 8vo. London: Sands & Co. 1918.

THE author has produced a very readable volume, which is, however, a work of edification as well as a history. He has not, in most instances, studied original sources, but has followed well known authorities. Some of the chapters have already appeared in various periodicals. It is interesting to note that the essay on 'Factors in the Scottish Reformation' seems to be a deliberate inversion of Dr. Hay Fleming's book, and that much of the ammunition used in the attack has been supplied by Andrew Lang. Father Barrett attributes the success of the heretics largely to their searching system of persecution, but when all is said the martyrdoms for which Presbyterians are responsible did not exceed two, one of which is doubtful. The famous case of Ogilvy occurred under an Episcopalian régime. The sections which recount the steadfast persistence of the Catholic faith supply ample proof that the laws against Popery were not stringently or universally applied, and it is pleasant to read that many of the gallant missionaries, after suffering untold hardships on the Scottish mountains, survived to a good old age in their refuges abroad. The book is a useful compendium of the recognised Catholic historians, and the chapter on 'The Pioneer Scottish Seminary' is based on a manuscript source hitherto unused.

J. DUNCAN MACKIE.

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IRELAND IN THE LAST FIFTY YEARS, 1866-1918. By Ernest Barker.
Pp. 148. 8vo. Oxford : Clarendon Press. 1919. 3s. 6d. net.

IT is not an easy thing to write on Ireland candidly and yet impartially, for, as the author points out, the Irish Question is seven hundred and fifty years of age, and bristles with prejudices, misstatements and errors on all sides ; but in this short brochure we have the last half century put before us in a masterly manner. The rule of the Tudors, the Stuarts and Cromwell introduced into Ireland landlords holding ideas of property alien to those of the distressful island, and the discontent that thus arose was increased by an alien Established Church, buttressed up by a vindictive penal code against the native Irish Catholics. It is noteworthy that the author attributes the Irish hatred of the English less to the result of this than to the misery caused by the evictions and wholesale emigrations which followed the awful time of the famine of 1846. After that a new factor came in—the body of Irish in America hostile to British rule, and the Fenian movement was the result. We are given an able history of this and kindred movements, of the agrarian difficulties, of the complicated negotiations (‘constitutional’ or the reverse) with Parnell and his followers upon the thorny question of Home Rule ; and of the Land Acts and intended ameliorations until and after Gladstone’s ‘conversion’ and disestablishment of the Irish Church. The author points out that of late years there has been great political toleration in Ireland by the Government, and that the Church has educated in its own fashion, and yet it remains a fact that the standard of education is not high. So also the old landlordism has vanished and yet the peasant proprietor remains unsatisfied.

A very fine chapter deals with Ireland before the war and another on Ireland during the war, and neither the unpleasant incidents of gun-running in Ulster nor the horrors of the Dublin rebellion are belittled, though both are explained. The rise of Sinn-Feinn (originally a vague scheme to cultivate one’s own garden) into the sphere of politics and its capture of many waverers is well described, and the modern labour changes.

The conclusion the author has come to is that there is still hope for the future. The Home Rule Act of 1914 made the responsibility of the Irish Executive to an Irish Parliament part of the law of the land—though a part resisting yet in abeyance. He holds that one of the ways of winning Ireland is to draw it more into the currents of international communication—this and continued prosperity in a self-governing Ireland still part of the British Commonwealth would give the country a progressive life, and help ancient injustices and hatreds to be forgotten. We thank him for his historical essay and hope his prophecy is correct. A. FRANCIS STEUART.

FINANCE AND TRADE UNDER EDWARD III. By Members of the History School, edited by George Unwin, M.A., Professor of Economic History in the University of Manchester. Manchester : At the University Press. 8vo. London : Longmans, Green & Co. 1918.

THIS volume forms one of a series of historical publications by the University of Manchester. It consists of a number of papers relating to the subject of finance and economics in the reign of Edward III. This is a

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subject on which everyone may not be deeply interested, but it interests us to know how our economic system has been built up from the earliest times, and especially how it fared in the critical period under review. It was the time of the great French Wars—of Crecy and Poitiers ; it was also the time of Chaucer, for he was born about the middle of Edward's reign and lived into that of Henry IV. Further, he was appointed Comptroller of the Customs and Subsidy of Wools, Skins and Tanned Hides at the Port of London, an office which he was bound to exercise in person.

These papers are packed full of dates and figures. It would be quite impossible to do justice in a short notice to the valuable results of so much research and industry. The efforts of the adventurous king to raise money, the constitutional questions involved, the development of the great merchants into a power in the State, and the rise and fall of the Bardi and Peruzzi, the great financiers of Florence—all these matters are treated in great detail, and with a singular mastery of facts and historical references. The paper on the Wine Trade is one of the most interesting, and it shows what an anxious time the coming of the Gascon wine-ships must have been, when piracy was rife in the narrow seas. The wool staple, too, was one of the most vitally important of our institutions, and the infinite changes which it underwent, and the enormous sums involved, show us how, behind the more patent and picturesque shows of history, there lay a world of keen activity and intricate negotiation in the matter of providing ways and means.

The authors of these papers deserve the thanks of all historical students for the mass of useful information which they have gathered together.

DAVID J. MACKENZIE.

NORTHUMBRIAN DOCUMENTS OF THE SEVENTEENTH AND EIGHTEENTH CENTURIES. Edited by John Crawford Hodgson. Durham : For the Surtees Society. Andrews & Co. 1918. Pp. xviii, 288, 24.

UNDER Act of Parliament 1 George I. cap. lv., all Roman Catholic land-owners were required to register their lands, returning also names of tenants and special conditions of tenure. The Northumberland returns dating from 1717 to 1789 are now edited, along with the correspondence of Miles Stapylton, auditor and commissioner of the Bishop of Durham 1665-1673, relative to the bishopric estates which he administered under the closely attentive eye of Bishop Cosin. An extraordinary variety of local pedigree matter and analogous information about Northumbrian lands, their owners and their occupants, is contained in these papers, but the annotations by Mr. Hodgson in editing them outstrip the papers themselves by their fulness of genealogy and biography on the families concerned.

BOURGEOIS AND BOLSHEVIST. By James Cappon, LL.D.

'THE published programme of the Bolshevik, as we have seen, is 'mercilessness,' that of the Junker was '*Schrecklichkeit*,' or frightfulness. The difference was only in the class each represents.' This is the key to this interesting pamphlet. The author says of the Russian Mystery "No other

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government would have murdered in cold blood the helpless women of the Imperial Family; no other government would have been capable of the entirely shameless treachery to the Allies of Russia revealed by the Sisson documents. Any nation that enters into negotiations with the Bolshevik Government will have to keep such facts in mind,' for the rest of the governments are still 'Bourgeois,' believe in some sort of degree in democracy and settled government, and so are antagonistic to the Bolshevik ideal at the present time.

PARLIAMENT AND THE TAXPAYER. By E. H. Davenport. With an Introduction by Herbert Samuel. Pp. xviii, 256. Small 8vo. London: Skeffington & Son, Ltd. 1919. 6s. net.

THE introduction indicates that the Procedure of the House of Commons on Estimates and National Finance seems distant and mysterious, whereas the Tax Collector's visit is very direct. It is the connection between the two rather than the descent of the Treasury from the Norman Exchequer, that are examined and criticised in this essay, which dwells on the control of expenditure by Parliament, a much older historic fact than 1688, and dating back to the late Plantagenets. This is traced forward through Tudors and Stuarts until the Revolution secured the principle of an Executive responsible to the Legislature. Once secured, the control lapsed sadly in the days of the Whigs, until, under the rule of the younger Pitt, Parliamentary control was brought back to life. A transitional stage of reform succeeded until the time of Gladstone, who, says the author, 'made of Parliamentary control a whited sepulchre, hiding the corpse of National Economy.' The modern system is criticised; the evils we are told are not due to the Party system, nevertheless, 'the degradation of financial control is even more complete in 1918, after four years of a party truce.' Reforms of many kinds are suggested, and there is even a chapter on 'Ideal Control.' Altogether it is a very complete essay on a difficult and vital national subject.

GDANSK AND EAST PRUSSIA. Pp. 17. 8vo. Paris, May, 1919.

THIS tract, issued by the Polish Commission of Work, preparatory to the Conference of Peace, gives us the arguments for the plea that Danzig ought to be Polish. The German claim that it is a German city is disposed of by the counter argument that for seven centuries it was a Polish town, that it is not necessary to Germany, whereas it is to a free Poland more essential even than Posen. The brochure gives the history of Danzig, Poland, East Prussia, and the Mazurs, and is of ethnographic as well as political interest.

THE EUROPEAN COMMONWEALTH: Problems Historical and Diplomatic. By J. A. R. Marriott. Pp. vi, 370. 8vo. Oxford: Clarendon Press. 1918. 15s. net.

THESE are essays on the creation and growth of the Nation-State, and its problems in the future as seen by the historian during the period of the Great War. It covers a long period, from Dante's *De Monarchia* to the

present projects of Peace, and in a series of well-written essays instructs its readers on the Hohenzollern traditions which were bound up with the idea that war had for them been a success, forgetting the aftermath of *Weltmacht oder Niedergang*. Other essays, equally good, deal with problems such as the Small States, Poland, the Adriatic, Ireland, and others that the war has either brought into being or profoundly changed. The Vienna settlement is also discussed and not condemned, and the League of Nations considered with the sage comment that 'to attempt to include in such a Commonwealth States which are in very different stages of political growth is only to court the failure which inevitably overtook the League of Autocrats' of the Holy Alliance.

THE UNITED RUSSIA SOCIETIES ASSOCIATION PROCEEDINGS. Vol. I. 1917-18. Pp. 261. 8vo. London: David Nutt. 1919.

THE quick changes in the Russian position has made many of the papers in this volume seem, for the time, *vieux jeux*. Still one reads with some instruction Dr. Vinogradoff's *Impressions of the Russian Revolution* as it appeared to his observant eye. Mr. Aylmer Maud's paper on *Tolstoy and his Influence* is valuable also, for from it we can trace the origins of some of the more distressing features, e.g. Internationalism, of the Russian politics of to-day. Miss Davidson writes of *Russian Song*, and there are contributions on the Ukraine by M. Rastorgoueff, the Caucasus by M. Gambashidze, Russian-Armenia, and Siberia, which should also be read by those who are studying the Russian peoples.

JAMES MADDISON'S NOTES OF DEBATES IN THE FEDERAL CONVENTION OF 1787, AND THEIR RELATION TO A MORE PERFECT SOCIETY OF NATIONS. Edited by James Brown Scott. Pp. xviii, 149. 8vo. With four Illustrations. New York: Oxford University Press. 1918.

JAMES MADDISON was born in Virginia in 1751, and died there in 1836. In 1787 he was a Member of the Federal Convention which was held in Philadelphia. In this capacity he (by a self-imposed task) took full notes of the deliberations of the delegates of twelve of the thirteen 'free, sovereign, and independent States' of America—till then an inchoate Union—which resulted in the Constitutional Convention. It is timely to bring this book out just now, for the diligence of the reporter recreates the scene for us when another Congress is in progress, and the author points out, 'If men be minded to create a more perfect Society of Nations . . . they will be heartened by the history of these things, for, as the venerable Dr. Franklin said in speaking of the convention, 'We had much to reconcile.'

One of the most encouraging features of the period of war-stress has been the readiness and ability with which the great English seats of learning have provided expert guidance for statesmen and the public. The Clarendon Press has issued a series of admirable brochures upon various aspects of the League of Nations. Pre-eminent amongst these stands Professor A. F. Pollard's *The League of Nations: an Historical Argument*, which seeks to differentiate in the light of past experience

between what is possible and impossible of achievement ; and is not only brilliantly written, but wise and fearless. Though issued at the modest price of 1s. this is perhaps the most helpful of all the numerous publications, both large and small, that have appeared on this momentous subject. Any individual or society who provided the means of circulating it in thousands at one penny per copy would be a public benefactor. A cordial welcome is deserved also by Mr. Ernest Barker's *A Confederation of the Nations: its Powers and Constitution*, which, appearing in the same series, presents in a compact form a discussion of the machinery of government that such a League of Nations must require, and supplies authoritatively much useful information.

W. S. M'K.

Robert Bowes, when very young, followed his uncles, Daniel and Alexander Macmillan, from Ayrshire to Cambridge, joining and succeeding them in the bookselling and publishing business at Cambridge, which he continued until his death at a great age in the beginning of the present year. His tastes led him to study the bibliography of the university town of his adoption, and he not only prepared papers on the subject, but made a collection of examples of the work of the printers. To the town's Free Library he presented a 'splendid gift of books illustrative of the history of printing in Cambridge,' and the handing over of the gift was made the occasion of an address by the Rev. Dr. Stokes on *Cambridge Stationers, Printers and Bookbinders*. Now after nearly two years the address has been printed in book form (Cambridge: Bowes and Bowes. Pp. iv, 36. Demy 8vo. 1s. 6d. net).

It is a scholarly statement, tracing the origin of the stationers and other purveyors of books in the days before printing was introduced, and following on with notices of the University printers from the time of John Siberch to the present day. As becomes such a work, the book is furnished with lists of University printers (reprinted from Mr. Bowes); of stationers, printers, bookbinders, etc., and of Cambridge Guides. A clever type and rule diagram shows how in 1769 the printers and booksellers were grouped in the neighbourhood of Senate House Yard. Dr. Stokes's address forms an admirably lucid and attractive introduction to the subject with which it deals, at the same time that it is a useful survey for the non-specialising reader.

W. S.

We are glad to see that Professor Tout has prepared a new edition of his *History of Great Britain for Schools*, and also of his *Advanced History*. Both of these bring the story down to the Armistice in November, 1918.

At the same time we have received a new edition of Professor Grant's *Outlines of European History*. This new edition includes a History of England and Great Britain, which had not formed a part of the former issues, and the whole work is brought up to 1914, and deals with the causes which led to the Great War.

We welcome these new issues of books for children written by scholars. It is important that the books which form the elementary groundwork of historical teaching should be written by authors who can speak with authority, as these authors do, and also with a sense of proportion.

The British Academy publishes *The Saxon Bishops of Wells : a Historical Study in the Tenth Century*, by Dr. Armitage Robinson, Dean of Wells (Oxford University Press : Humphrey Milford. Pp. 69. Price 5s. net). After sketching the origins—a traditional church of St. Andrew since the eighth century, and a formal bishopric since 909—the dean examines the very involved and difficult annals of the see. The first bishop Athelm anointed and crowned King Athelstan in 925, and ten later bishops make up the tale of succession until 1033. A notice of the danger from Saracens suffered by English pilgrims in the tenth century agreeably tempers the severity of a close and learned chronological investigation.

Sir Walter Raleigh's History of the World, by Professor Charles H. Firth, a British Academy reprint (pp. 20, price 2s.) is capitably charged with facts and criticisms which together give the essay the double force of an exposition and an estimate. Raleigh's tendency to be 'too saucy in censuring princes' cost him dear. He stood out for public virtue, and as such wins the commendation of Professor Firth, who quotes the delightful verdict of Lord Acton, 'I venerate that villainous adventurer, for his views on universal history.'

A remarkable article by Professor Macalister on 'Temair Breg : a Study of the Remains and Traditions of Tara,' with a discussion of some Ogham inscriptions recently discovered in various parts of Ireland, brings vol. xxxiv, Section C, of the *Proceedings of the Royal Irish Academy* to a close. A fresh study of Tara Hill, which notices all the new evidence and applies it to the survivals on the famous site, confers obligation on all serious students of ancient history. In this instance the need was urgent. For such an important place, very few accounts are extant to show the growth of instructed opinion about its significance. The notice of Bishop Pococke in 1753 is not very illuminating. The only valuable discussion of the history and antiquities of Tara was made by Dr. George Petrie in 1837, who was materially assisted by the local knowledge and linguistic aptitudes of Dr. O'Donovan. The account resulting from this combination of undoubted genius 'still stands,' as Dr. Macalister very frankly acknowledges, 'as a model of industry and archaeological insight : and it is the quarry from which all later writers on the subject have drawn their materials.' But much water has washed round the Irish coasts since Petrie's day. New facts, new evidence, fresh texts, more critical methods of investigation have come from all points of the compass, all of which have been utilized in this study to bring our knowledge up to date. The careful survey here printed by Dr. Macalister, superseding that of Petrie on several fundamental issues, will associate his name with the famous site for generations to come. The maps of the archaeological survivals accompanying the contribution are very helpful, indeed indispensable, to an intelligent appreciation of the argument, but his map of one of the principal features of the site, reconstructed exclusively by his imagination, belongs not to the realm of ascertained history.

The early contents of vol. xxxv. of the same series are of a miscellaneous

nature, literary, archæological and biographical, by M. Esposito (Nos. 2 and 3) and Mr. H. C. Lawlor (No. 4). The latest issue (No. 5) is a biographical presentation of Richard Talbot, archbishop and chancellor (1418-1449), about whose career Archbishop Bernard has collected all the available information.

From the *Proceedings of the Royal Irish Academy* Mr. Henry F. Twiss reprints (Dublin: Hodges, Figgis & Co. Ltd., price 1s.) two papers on *Ancient Deeds* of St. Catherine's, St. James's, and St. Werburgh's parishes, Dublin, during the thirteenth to eighteenth centuries. Intimations of more than local interest are few. But why is *allutarius* (p. 272) rendered 'cutler'? Surely it is 'cordwainer' (for example see *Catholicon Anglicum* under word 'cordewayn.') And why is *alumpnus* rendered 'fosterfather'? A cellar under a church spire let to a brewer in 1664 (p. 277) looks like sacrilege.

In the *Modern Language Review* for April Herbert Wright registers a historical note on censorship by describing the suppression in 1738 of Henry Brooke's play, *Gustavus Vasa*, which too boldly challenged the Lord Chamberlain. Florence Page traces Hugo's sources for *Quatre-vingt-treize*, and establishes a large debt to Sébastien Mercier. Sir Izrael Gollancz has good notes on the alliterative poem *Cleanness*.

The *American Historical Review* for April has only one European article. It is by Guy S. Ford, and describes the social condition of the Prussian peasantry before the adoption of conscription. Held down at every turn and subject to excessive services of labour to the manorial lord (services which may be indicated by the old Scottish legal phrase 'arage and carriage'), the peasant was almost predestined from birth to that docile obedience to the drill-master which is the base of militarism. Other articles deal with American themes, one of them being W. Trimble's analysis of conflicting types of democracy in New York about 1837. The very names of the distinctive groups, the Locofocos (equal right party), the Hunkers (state bank supporters), and the Barnburners (antibank free-traders), leave one puzzled about the effect of the 'infusion of Slambangism,' in inspiring what is discreetly termed 'the ultra-idealism of the age.' A very suggestive editorial remark on the effects of the World-War is that as Europe has suffered enormously more, the situation of America is relatively one of affluence, and that 'it will for a long time be utterly impossible for European governments to spend as much money in sustaining learned publications as they have spent in the past.' The conclusion drawn is: 'It is for America to step into the breach.'

The latest *Bulletin* (History and Political Science) of Queen's University, Kingston, Canada, is by Fred. B. Millett on *English Courtesy Literature before 1557*. It is a brief survey from about 1430 of the didactic poems of manners. One conclusion regarding their whole type is noteworthy: that the influence of Italian courtesy literature is practically negligible.

The *Revue Historique* for November-December, 1918, contains the continuation and conclusion of M. Frank Puaux's study of the War of the Camisards, an interesting account by M. Gaffarel of some aspects of the Philhellenic movement in 1821-2, and a discussion by Abbé Berga of the authorship of the *Essai politique sur la Pologne* (1764). The *Bulletin historique* is devoted to recent works on the history of France from 1660 to 1789, in which local history predominates. Among the books reviewed may be noted Batiffol's *Les anciennes républiques alsaciennes* (Flammarion, 1918) and Baudrillart's *La vie catholique dans la France contemporaine* (Bloud & Gay), a propaganda volume in which a number of distinguished Catholics have collaborated to produce a true estimate of the religious forces at work in France. The number contains obituary notices of MM. Charles Bayet and Auguste-Émile Picot.

The *Revue Historique* for January-February, 1919, contains *L'affaire des Arginuses* (406 B.C.) by M. Paul Cloché, and *La mission de J. de Lucchésini à Paris en 1811*, by M. Paul Marmottan. The *Bulletin historique* deals with Roman antiquities and the French Revolution. A lengthy review by M. Guignebert of Frazer's *Golden Bough* (new edition) is followed by a critical notice by M. Louis Halphen of Benedetto Croce's *Teoria e storia della storiografia* (1917). The death is noted of M. Georges Daumet, to whom we owe the best account of the Scots College in Paris. Both the foregoing numbers contain the usual summary of propaganda and war books.

Notes and Communications

THE LADY'S GOWN (*S.H.R.* xvi. 244). The following is a later instance of this custom :

When my great-grandfather, Captain Archibald Swinton, a younger son of Swinton, retired from service in India the first place in his native country which he bought was Manderston.

Among old letters at Kimmerghame is this which he then received from Mrs. Home, the wife of the seller :

‘It is with great reluctance, Sir, that I take the pen, I intended to desire Mr. Home of Wedderburn to speak to you, but as he is not come to town, and you leave it soon, am obliged to plead my cause myself. I am persuaded you have not been informed that it is a constant custom for a purchaser to make a present to the Gentleman’s wife he buys an estate from, and that night the papers were signed none of us doubted of its being done. The reason Mr. Hay and Mr. Grant said nothing was because they supposed you acquainted before of the custom, and thought it would be indelicate in them to mention it. As you, Sir, are reconed very generous I make no question but I shall find you so by experience. And indeed there never was an offer made to Mr. Home for Manderston but at the same time a handsome present was mentioned for me, and it was owing to myself that it was not spoken of the Day of the Roup, for I took it for granted as did every person else. However, I have no fear of its being too late yet, and hope you will excuse this freedom, an with Mr. Home’s compts

Sir,
Your most Humble Servt.

JANET DRUMMOND.

Make my best compts to the Ladies.
Ed. Feb. 13, 1769.’

It will be noticed that this lady signs herself Janet Drummond, evidently her maiden name. I have not been able to discover her parentage ; but it may be more than coincidence that in the first case given by Mr. Whyte we have Janet, Lady Pitfirran, making a claim on behalf of her daughter, the wife of David Drummond.

Did Mrs. Drummond’s daughter Janet marry Mr. Home of Manderston, and desire to follow up the successes of her mother.

There is nothing to tell us what response Archibald Swinton made.

GEORGE S. C. SWINTON.

THE EXCAVATIONS AT TRAPRAIN, in Haddingtonshire, by the Society of Antiquaries of Scotland made chiefly through the liberality of Mr. John Bruce, F.S.A. Scot., Helensburgh, and conducted under the care of Mr. A. O. Curle, have had a startling and magnificent result in the discovery on the 'second floor level' of the hill of a treasure pit filled with a hoard of silver, crushed and disfigured, but still plainly revealing well developed a variety of finely executed patterns of early Christian art, including several figure-groups and some inscriptions. Mr. Curle has briefly described the find in the *Glasgow Herald* (May 31). A spoon with a fig-shaped bowl and a long pointed handle bears engraved on the former the Chi Rho monogram (derived from the first two letters of the Greek form of the name of Christ). Another has a leaf design engraved on the bowl. This last has a peculiar interest in that a similarly engraved spoon was found in a fourth century cemetery at Abbeville in France. A small cup-shaped strainer has, punctured in the bottom, the sacred monogram, the Chi Rho, while a punctured inscription around the edge gives the reading 'Jesus Christus.' A cup is decorated in repoussé with incidents in the Bible story. Adam and Eve appear on either side of the Tree of Knowledge, round which is coiled the Serpent—Moses strikes the rock, while two figures catch the water in cups—and the Virgin, seated in a chair, holds out our infant Saviour to receive the gifts which the wise men proffer. A large fluted bowl displays a well-executed figure of Venus rising from the waves. Another has a group of goddesses—Juno being recognisable. Another shows Pan, with his pipes. A flask, crushed flat, decorated with zones of gilding, bears around the neck in neatly executed punctured lettering an inscription which reads 'Prymiacoeisiapi,' with the Chi Rho flanked by Alpha and Omega filling the space between the last and first letters. The date of the deposit seems to have been towards the close of the fourth century or in the beginning of the fifth.

A primary suggestion thrown out by Mr. Curle and Dr. George Macdonald is that the hoard is the spoil from the plunder of a Gaulish monastery by some band of raiders, perhaps Teutonic. The happy discovery opens up a grand new chapter of archaeological investigation of the highest importance not only for the development of early monastic settlements in Gaul, but also for the relationships of the shores of Britain and the continent in the last stages of the Roman occupation.

A LAST WILL AND TESTAMENT, 1626. Sir William Peterson, Principal of McGill University, has issued in the *University Magazine* the following curious document. It is, he says, 'of interest not only in itself but also because of its historical and personal associations. It is a very human composition, intensely characteristic both of its author and of his age. He had played a considerable part in the ecclesiastical quarrels of his country in the days when Scotland, after settling her own Reformation, took up the challenge of James the Sixth, and strove to convince him and others that Presbytery was more to the mind of the Scottish nation than Episcopacy. In the long war of Kirk and Crown

the people of Scotland were generally on the side of the Kirk ; and though the struggle was in point of form mainly about methods of church government and church order, yet the principles involved called forth the devotion of a succession of Scotsmen. Of these men, one was the Reverend Andrew Duncan, Minister of Crail, whose life runs almost parallel with that of King James himself. He incurred the King's displeasure for the part he had taken, along with other contumacious ministers, in the unlawful Assembly at Aberdeen in 1605, and in punishment for his rebel words and deeds he was more than once imprisoned, like so many others of his kind, and banished 'furth of the realm.' But all that failed to shake the serene confidence with which he expressed himself when he came to die ; and Andrew Duncan's 'Last Will and Testament' is a fitting epilogue to the stirring drama of his troubled life.'

The Last Will and Testament of Mr. Andrew Duncan, Minister of Crail, 14th Apryle, 1626:—

I, ANDREW DUNCAN, a sinful wight, Christ's unworthie Minister, in his glorious gospel, being sickly and weakly, worn with years and heavyness of heart in this pilgrimedge, and being now weary of this loathsome prison, and body of death, because of sin, and having received sundrie advertisements, and summonses of my MASTER to flitt out of this uncouth country the region of death, home to my native land ; And now sitting upon the Prisoondoor threshold ready to obey, waiting till the last messenger be sent to convey me home to that glorious palace even the heavenly Hierusalem, that I may enter unto possession of my heretage, even that glorious kingdom of eternity whilk CHRIST came down from Heaven to conquss to me, and then went up to prepare and possess it in my name as my attourney untill it pleased his Majestie to take me thither that I may in my own person possess it : I set down the declaratiōe of my Latter will, concerning these things which GOD had lent me in this world, in manner following : FIRST, As touching myself body and soul, my soul I leave to CHRIST JESUS who gave it, and when it was lost redeemed it ; That he may send his holy Angels to transport it to the bosom of Abraham, there to enjoy all happinnes and contentment. And as for this fraill body I commend it to the grave, there to sleep and rest as in a sweet bed until the day of refreshment, when it shall be re-united to the soul, and shall be set down at the table with the holy Patriarchs, Prophets, and Apostles, Yea shall be placed on the throne with Christ and get on the crown of glory upon my head. As to the Children whom GOD hath given me (for which I thank his Majestie) I leave them to his providence to be governed and cared for by him beseeching [him] to be their tutor curator and agent in all their adoes : YEA and a FATHER, and that he would lead them so by his gracious SPIRIT through this evil world that they may be profitable instruments both in Kirk and Commonwealth to set out his glory : beseeching them on the other part (as they would have GOD's blessing and mine in all their affairs) to set him before their eyes, and to walk in his ways, living peaceably in his fear in all humility and meekness with all those they have adoe with, holding their course to

heaven, and comforting themselves with the fair to look and glorious heretage whilk CHRIST hath conquessed to them, and to all that love him : Under GOD I leave Mr. John Duncan, my eldest son, to be tutor to my youngest daughter Bessie Duncan his youngest sister to take a care of her, and to see that all turnes go right, touching both her person and geir : my exequitors. I leave my three sons, Mr. John, William, and David, to do my turnes after me, and to put in practice my directions, requesting them to be good and comfortable to their sisters, but chiefly to the two that are at home as they would have GOD's blessing and mine. As concerning my temporall goods, the baggadage and clathrie of the earth, as I have gotten them in the world of GOD's liberal hand so I leave them behind me in the world, giving most humble and hearty thanks unto my Heavenly Father for so long and comfortable a lone of the samen.

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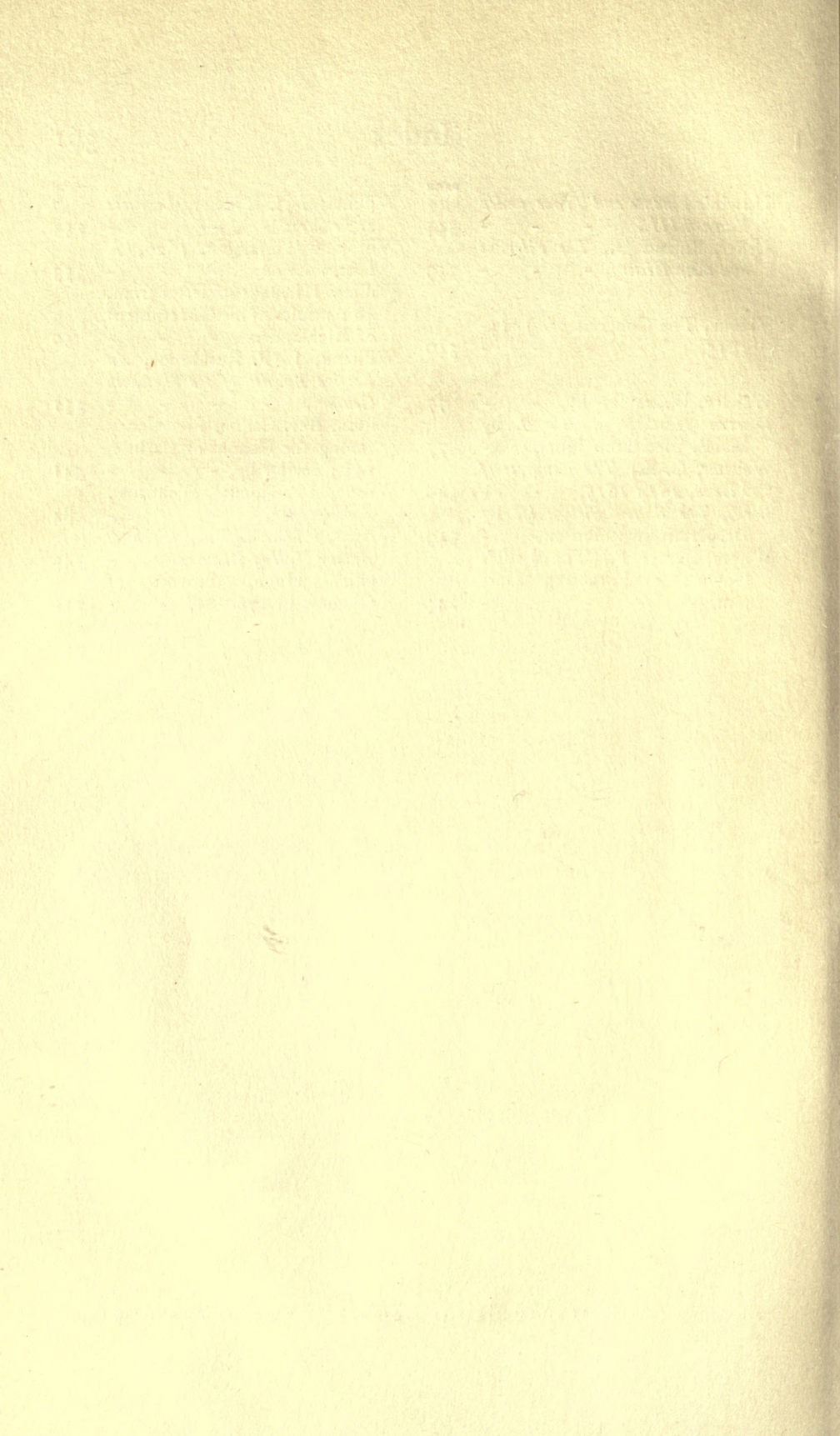
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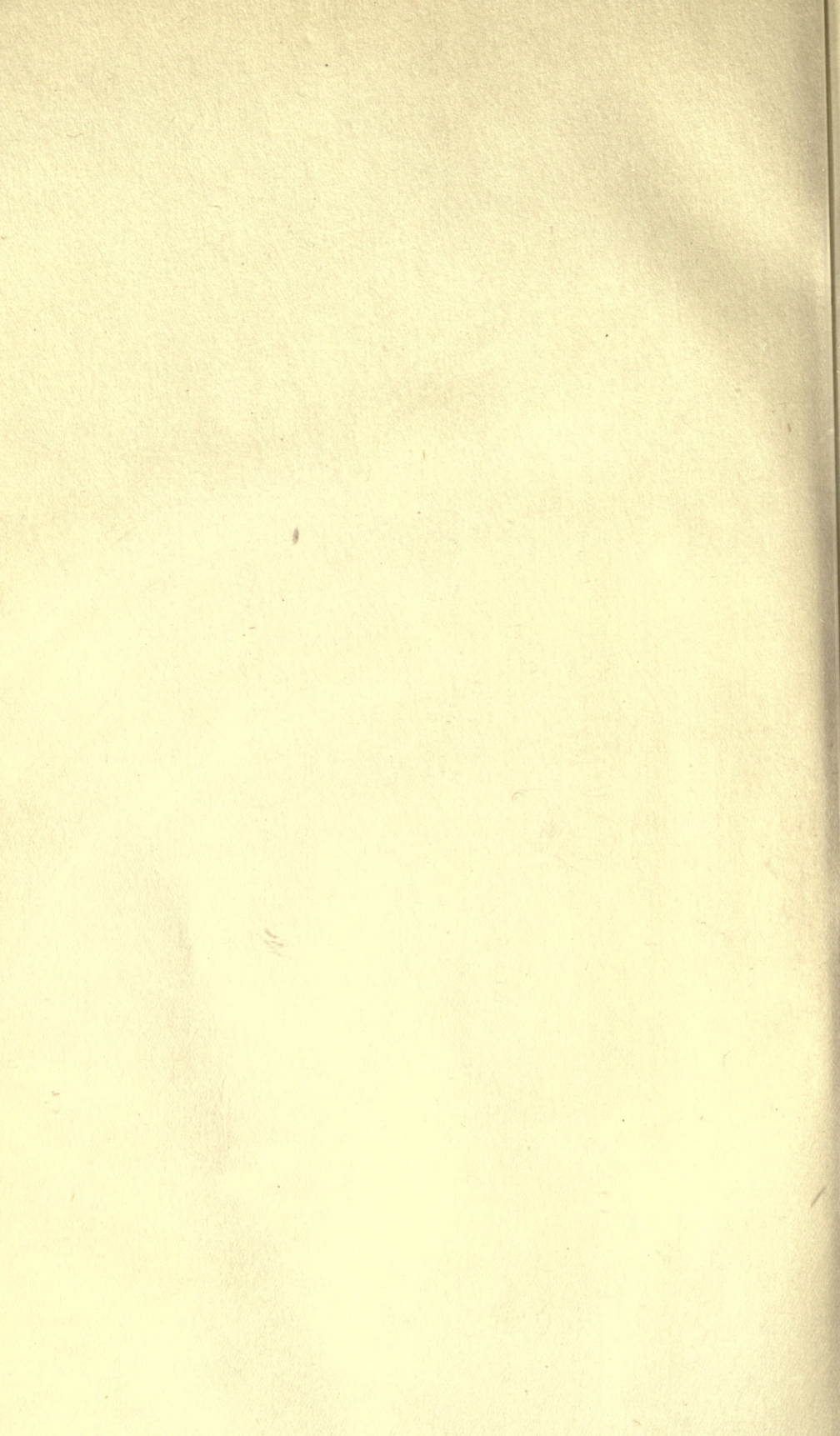
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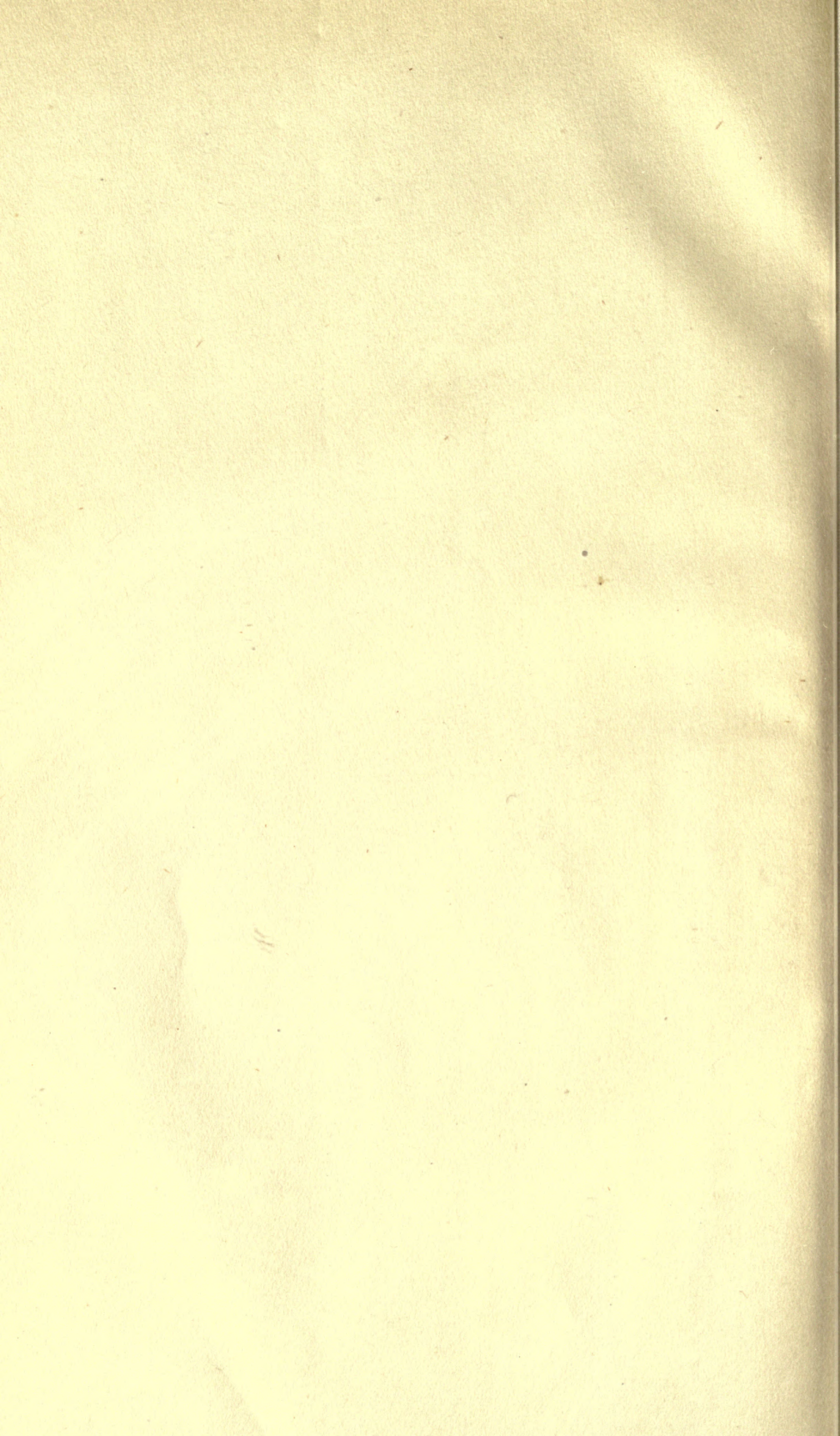
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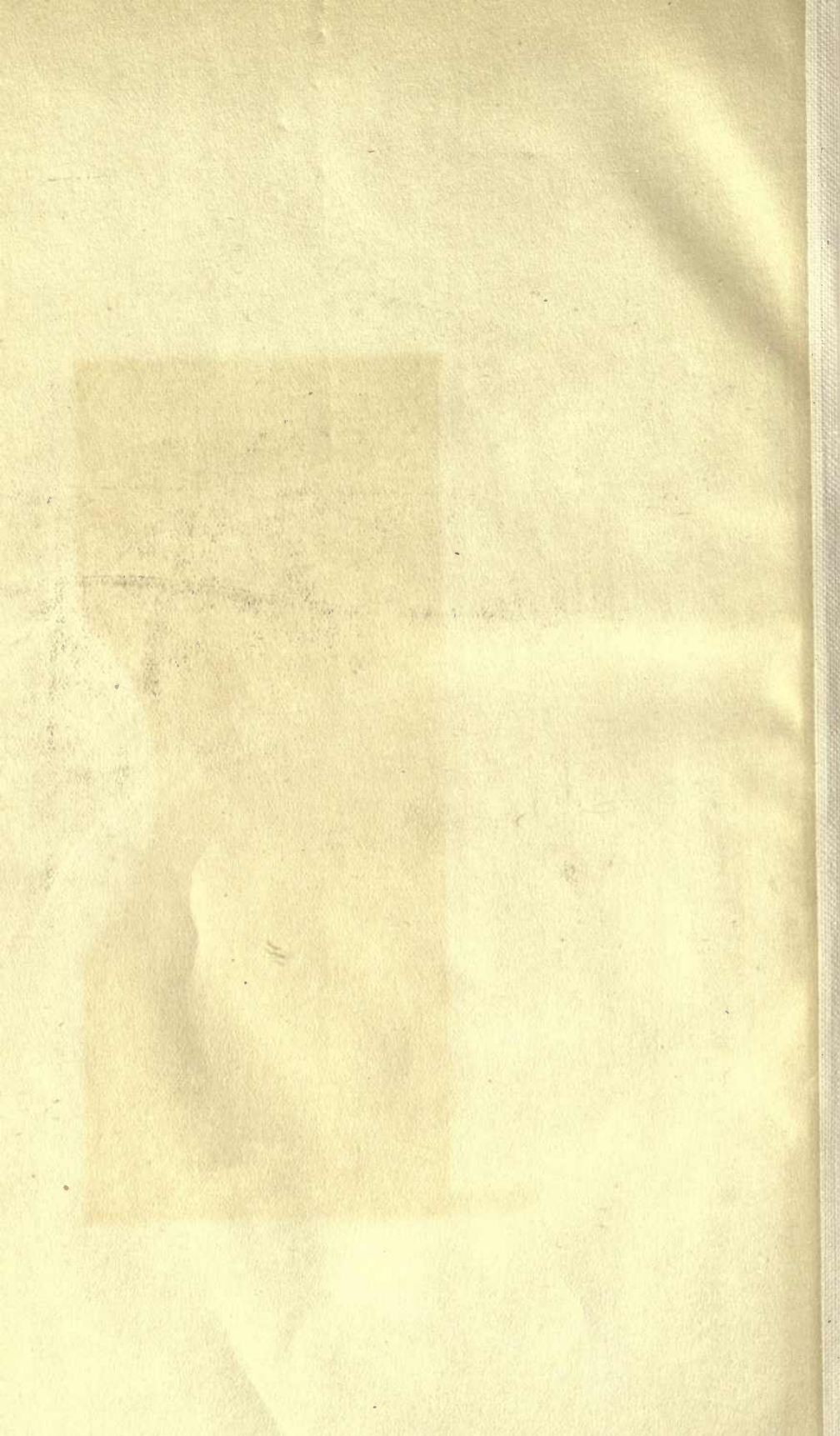












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