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Eighteenth Century Highland Landlords and the Poverty Problem

DURING the latter part of the eighteenth century the inhabitants of many parts of the Highlands and Hebrides were living permanently in a state that bordered upon destitution. They were badly housed, they were poorly fed, and they had a continual struggle to pay their rents.¹

This state of poverty was not universal; in some areas and on some estates the tenants presented an appearance of comparative prosperity. Where it did exist it had certain limits, for its existence did not prevent a large increase in the population of the Highlands, and that increase was greatest where the poverty was most marked; apparently the food supply was not so short as to affect the birth rate. But, after making these reservations, the fact remains that in the districts in question the general standard of living was below what was regarded, even in the eighteenth century, as a decent level for subsistence. Highland farmers often enjoyed fewer of the comforts of life than the ordinary day labourers in the Lowlands, and the latter were not a class that could be accused of riotous living.

What was the cause of the low Highland standard?

No doubt, it was partly due to custom. There is no evidence that the standard of living amongst the Highland peasantry had ever been anything but low. Ministers of long residence in the

¹ See the *Old Statistical Account* and the *General Views of Agriculture* for the Highland Counties, 1794-18.

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Highlands, even when critical of the conditions that prevailed about 1795, made no attempt to represent the past as a golden age. When they made definite comparisons as a result of their own experience, these were almost invariably in favour of the present.¹ They appear to have had no illusions about the old order.

The second factor in the situation was the rapid increase of population. The figures given in the *Old Statistical Account*² are significant, and the increase continued to be equally remarkable for the twenty years following 1795. It is unnecessary to enlarge upon the subject since it has been already dealt with fully in a former article upon emigration.³ The increase was undoubted, and the only question that arose was how could the districts affected absorb these additions to their population? With their geographical conditions, and with their want of manufacturing towns, it seemed likely, that if things were simply left to take their natural course, the standard of living, low in 1755, would be still lower in 1795.

The conditions of the eighteenth century Highland poverty problem presented themselves thus.

Given a low standard of living to start with, given a rapid increase of population, given an area with no automatic method of providing employment for its increase, how was the standard of living to be raised, how, indeed, was it to be kept from falling? Obviously no merely negative policy on the part of the landowners would solve the problem. The proprietor who clung fondly to the methods of an allegedly paternal past did not avoid the distressing sight of poverty at his own gates. Highland unemployment and Highland distress could not be wiped out merely by rekindling the ashes of a dying feudalism. A positive policy was wanted.

As stated, the problem appears to have been mainly one of creating employment. That was true so far, and would have

¹ O.S.A. Fortingal (Perthshire), Lochgoilhead (Argyll), etc.

2	Typical Parishes.	Pop. 1755	Pop. c. 1795
	Applecross (Ross)	835	1734
	Glenshiel (Ross)	509	721
	Edderachylis (Sutherland)	869	1024
	Rogart (Sutherland)	1761	2000
	Abernyte (Perth)	258	345
	Kilcamonnell	1925	2448
	Kilberry (Argyll)		
	Hebridean parishes	49,485	75,466

³ *Scottish Historical Review*, vol. xvii. p. 73.

been still truer but for the psychology of the Highlander. The latter had strong prejudices against certain kinds of work, notably day-labouring, and would often prefer to live in a state of semi-starvation rather than accept such employment in his own parish, though he was quite willing to do so in the Lowlands ; very much as a middle class Englishman before 1914 would often do in Canada what he would have scorned to have been seen doing in England. This particular form of Highland pride was in process of decline, but it was still strong enough about 1800 to complicate the problem of finding work for all the Highland inhabitants in their own area.

For the moment, we propose to leave this consideration out of account. We are mainly concerned here with the steps which the landlords took, or might have taken, to raise the standard of living, and amongst the latter we do not include the working of psychological miracles upon their tenantry.

On the much discussed question of bettering Highland conditions, contemporary opinion was divided into several different groups. According to one of these groups, the only adequate policy was a lavish expenditure on public works, and the encouragement of local manufactures. The manufactures were to occupy the bulk of the inhabitants, and the owners would then be left free to run their estates upon the best Lowland models, no longer hampered, as they had been in the past by the necessity of using uneconomic methods for the sake of providing work for the surplus population. This was the view put forward by many persons intimately acquainted with Highland conditions, such as Sir John Sinclair, James Anderson the agricultural writer, and others. Sinclair, indeed, thought that nothing else offered any real hope for the future, not even the development of the fisheries upon which Knox built great expectations. The essential thing to keep in mind about the group is, that however the individuals in it differed in their details, they were all agreed that the solution of the Highland problem could only be found in the creation of employments other than agrarian, and *not* in changes in farming methods or estate management, though they thought that such changes were desirable. We do not propose in this article to enter into the detailed projects of this group, since these do not directly affect the landowners. It is true that many proprietors did take an extremely active part in promoting fisheries and manufactures, but such activities are not part of the business of the landlord as

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such, and he could hardly be blamed for not trying them, or for trying them and doing them badly. On the other hand the management of his estate was the landlord's business, and most eighteenth century writers took it for granted that he was under a social obligation to do it in a satisfactory way.

The method of coping with the situation advocated by the second group came within the sphere of the landowners, and appealed very strongly to those with a bent for agrarian improvements. Its essential feature was the consolidation of the existing small Highland farms into units of a more profitable size. In many cases the consolidation was accompanied by the introduction of sheep, but in others it was done to make easy the carrying through of general farming improvements.

There is not space here to enter fully into the prolonged controversy over the relative merits of small and large farms. At this particular stage, there were ranged on the side of the large farms most of the experienced improvers of the Lowlands; most of the writers of agricultural reports, Highland as well as Lowland; and a very large number of writers in the *Old Statistical Account*. It is safe to say, that the general consensus of opinion was, that the Highland farms had been so subdivided that it was impossible for the farmers to hope to live on them with any decent comfort.

Notice that this is not intended to apply to land in process of being reclaimed from the waste, when a small unit was often regarded as an advantage, but to the ordinary Highland grazing farm which, for geographical reasons, seemed likely to remain the normal type, whether the stock kept was sheep or black cattle. The writer who made the most elaborate defence of the small Highland farm was Brown.¹ He gave figures to show that a small tenant farmer might live comfortably, and yet, in many cases pay a higher rent per acre than the big farmer. But Brown partly destroyed his own case when he explained how this was to be done. The small farmer was to have some subsidiary means of support in the shape of fishing or kelp making, and it was from his profit from them that he was to pay his high rent. This could hardly be regarded as a satisfactory defence of the small farm, for it not only implied a most unfair relationship between owner and tenant, but it could only apply

¹ *Strictures and Remarks on the Earl of Selkirk's Observations on the Present State of the Highlands of Scotland*. Sheriff-Substitute Brown of Inverness-shire. 1806.

to the very limited areas which had the natural facilities for fisheries or kelp works.

We need not go further into this controversy at the moment. It is sufficient to say, that there was a fair amount of evidence to justify a number of landlords in coming to the conclusion, that they could only improve their estates and raise the level of their tenantry by following the Lowland practice of uniting farms.

Where the policy was adopted it certainly did raise the standard of living. Not only did the tenant of the good sized sheep or cattle farm live prosperously, but his servants enjoyed a degree of comfort far beyond what they had done as small independent holders.¹ Garnett² who disliked the development of sheep farming intensely, admitted that the shepherds were much better off than the very small cattle farmers had ever been. The ministers of Kilmalie, Fortingal, and other parishes give evidence of the same sort from direct observation.

But the policy, while so far successful, had one obvious drawback: its immediate effect was to diminish, not increase, the available amount of work. True, this difficulty could sometimes be got over in districts where some subsidiary occupation existed or could be developed, or where there was waste land to be brought into cultivation, but these conditions were not always present. If the policy was to be universally applied throughout the Highlands and Hebrides, it must inevitably lead to a rise in the general standard of living, but also to a considerable amount of emigration, or migration. Most of its advocates were willing to admit this, but argued like the Earl of Selkirk, that the transfer of part of a population was better than allowing the whole population to continue in a state of semi-destitution.

This argument was in its own way unanswerable. At the same time a policy which got rid of unemployment by the simple method of getting rid of the unemployed obviously left something to be desired. It was in the nature of a last resort.

Such was the feeling of many proprietors. Some of them had voluntarily abstained from introducing sheep farming because they feared the effects would be disastrous to the small tenants, and they had been disheartened by finding that the sacrifice of their own profits left the tenantry in the same stage of wretched poverty as before. A policy of consolidating farms would not help such landlords, for if they could not provide for

¹ *General View of the Agriculture of Perthshire.* Robertson. 1799.

² *Observations on a Tour through the Highlands.* Garnett. 1800.

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tenants to be displaced by sheep, neither could they provide alternative occupations for those displaced by the enlargement of cattle or other farms. What was wanted was a policy which would be within the scope of the landlords and which would raise the general level of life, without causing any serious removal of the inhabitants.

It was the opinion of several contemporary writers, that such a policy could be found without much difficulty, if only the owners would take sufficient trouble. Some of these writers insisted that the greed and indifference of the landlords were the chief, if not the only, causes of the deplorable condition of the tenants; others, like Macdonald,¹ paid a high tribute to the kindness of the proprietors, but thought that their outlook was too limited; all were agreed, that whether the cause was to be found in the greed or the negligence, the conservatism or the stupidity of the owner, the average Highland estate was not well managed, and that it was quite possible by changes to raise the general standard of living, and at the same time to supply enough work for all those inhabitants who were at present practically unemployed.

What we propose to consider now is :

(a) What were these proposed changes from which so much was hoped ?

(b) How far was it possible for the owners to adopt them ?

(c) To what extent did their complete adoption meet all the requirements of the situation ?

If we collect the various suggestions made by different contemporaries on the subject of estate management, the following is a summary of the programme mapped out for the proprietor :

1. He should try, by residence, to make himself thoroughly acquainted with the needs and circumstances of his own estate.

2. He should take measures to provide his tenants with houses suitable for human habitation.

3. He should refrain from rack renting.

4. He should give his tenants proper security of tenure.

5. He should take measures to introduce as far as possible all the improved farming methods that had been found to work well in the Lowlands, *e.g.*

the division of runrigged lands into independent holdings,
the abolition of out-field and in-field,

¹ *General View of the Agriculture of the Hebrides.* Macdonald. 1811.

the creation of proper fences, drains and enclosures,
the insistence on proper attention to breeding,
the introduction of green crops,
the introduction of better implements, etc.

6. He should also proceed to reclaim whatever waste land on his estate was capable of it.

Before discussing these suggestions in detail, it is essential to recall one of the characteristic features of old Highland estate management. It must not be forgotten that the Highland proprietor was not always in direct relations with all the persons holding farms on his estate. Where estates were still being run on the old system, there remained the normal division of farmers into tacksmen and subtenants. With the subtenants, who would form the major part of the tenantry on such an estate, the landlord had practically no direct contact.

It is true, that as the century advanced the middlemen were gradually being eliminated, but the process was very far from complete by the end of the eighteenth century. As late as 1808, 40,000 persons in the Hebrides,—practically half the population,—still held their farms as subtenants, and in Sutherland the indirect tenure was still the normal. The tacksmen, it will be remembered, held leases, often of great length, and they could only be got rid of when their leases expired, or in special cases, when sums, borrowed by the proprietor from the wadsetter tacksmen on the security of a farm, were repaid. Resumption of his direct control over all his tenants might therefore at any particular time be either legally or practically impossible for a Highland owner. The importance of this fact will become apparent later.

Absenteeism. The first and most immediate improvement which the landlord could make was to reside and take an interest in his estate. According to Macdonald, three-fifths of the Hebridean proprietors were non-resident, and the proportion on the mainland was probably similar. The drawbacks to this absentee habit were obvious.

The presence of the owners was urgently needed to give a lead to improvements of all sorts, a point which we shall touch upon again. In their failure to do this, the absentee landlord was not the only offender; not infrequently the tacksmen also was an absentee and rent lifter,¹ and the unfortunate subtenant was left without guidance of any kind.

¹ *Forfeited Estate Papers* (Lovat Papers). Scottish Historical Society.

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Residence of the proprietors would also have prevented their making serious mistakes from pure ignorance, when they came to fix terms of rent and leases.

More important still, it would probably have prevented a considerable amount of oppression by the factors, examples of which were given by many authorities. Pennant mentioned a bad case in Cannay on Clanronald's estates; Knox gave one in Harris; Sir George Mackenzie stated that most of Ross-shire was managed by factors who often made more profits than the owners, and deliberately multiplied the number of small tenants for the sake of the gain from their services. Sir John Sinclair, writing of Sutherland in 1795, indicated what were probably the main abuses when he suggested that all large estates should be split up amongst several factors to avoid giving one man too much power, or too much work to do properly, and that no factor should be allowed to accept services or presents from the tenants.

The presence of the landowner was particularly necessary where the farmer had small holdings and no leases, since that type of farmer was peculiarly at the factor's mercy. It was equally necessary on estates where the farming methods remained of a very backward type, and were not likely to be altered except by the personal encouragement and example of the landlord.

At the same time it is possible to lay too much stress on the value of constant residence. The owner of great and widely scattered estates could not be always in residence on them all, but it was not these great estates which were worst managed. Macdonald, though a very severe critic of the absentee, admitted that 'the best managed estates are of considerable size, some of them indeed the very largest of all.' The Argyll estates might be taken as a fair example of this.

What was wanted was a landowning class, that kept in close touch with what happened on its estates, but was not so isolated as to lose touch completely with the general current of ideas on the subject of improvements.

Housing. The condition of housing in the Highlands was due partly to the fact that it was the traditional, and even at the end of the eighteenth century still the normal, practice for tenants to build their own houses. The part of the landlord was generally limited to supplying a certain amount of timber and other materials. Houses so built did not last long enough to give rise to any questions of compensation when a tenant left.

In some areas they were built of earth, and every five or seven years were destroyed and added to the dunghill.¹

The housing of the smaller Highland tenants was frankly deplorable. We quote the following passage from Macdonald which referred particularly to the Hebrides, but which was equally applicable to conditions on the mainland, wherever the problem had not been specially tackled by improving owners: 'Three fourths of the forty-thousand cottagers of these Isles live in hovels which would disgrace any Indian tribe; and many of them are found on islands of the first rank in point of population and extent. At least seven thousand of the natives of Lewis (for instance) know nothing of a chimney, gable, glass-window, house flooring, or even hearth-stone by their own experience at home.'²

By the end of the eighteenth century the districts which had made most advance in housing, were those where the system of big farms and day labourers or cottagers had replaced the old system of small tenant farmers. This is not surprising. No serious improvement could be made in housing until the landlords took over the responsibility of building. If the landlord, however, put up solid structures, it would involve considerable expense, and he would expect to get back the interest on his outlay in the form of increased rents. But the small tenants could not, as things were, pay any such increase, and it is certain that given a choice they would have preferred to continue in their hovels rather than accept such an alternative.

In spite of these difficulties some landlords had faced the problem with very fair success. On the Argyll and Breadalbane estates something had been done before the end of the century, and in the Hebrides, Campbell of Shawfield and the smaller proprietors in Gigha and Colonsay had set a comparatively decent standard. In justice to the proprietors, it is only fair to mention that the expense of putting up solid buildings in the Highlands, particularly in the Hebrides, was considerably greater than in the Lowlands. Materials had often to be brought from a great distance, the difficulties of transport were enormous, and skilled artisan labour was often not to be had. Macdonald calculated, that in the Hebrides, a house that could be erected for £100 in the Lowlands, would cost £150, and that it would only last fifteen years instead of twenty, under the

¹ O.S.A. Kiltearn, Ross-shire.

² *General View of the Agriculture of the Hebrides*, Macdonald, 1811.

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greater stress of the weather conditions. Housing was certainly not a simple problem in the Highlands, but judging from the examples of the better estates, it was not insoluble, and many landlords might have done a great deal more to solve it than they did. At the same time the housing question must be considered in relation to the main Highland problem. There was nothing to be gained by putting up substantial houses on an estate, if the inhabitants could find no means of making a living there.

Rents. How far was the poverty of the Highlanders due to exorbitant rents? Some writers thought it was the main cause, but the more constructive critics were not amongst them. Still we must note in passing, that the minister of Kilcalmonnell and Kilberry felt so strongly on the subject that he proposed that there should be a statute passed regulating them.

Rents had certainly risen in the Highlands, though in very different proportions in different areas. In 1795 they had risen in North Uist by 33 per cent., and in Glenorchy parish by 200 to 300 per cent. Rents moreover continued to rise; Macdonald reckoned in 1811 that rents in the Hebrides had been multiplied by five since the process started, while from other sources it would appear that the rentals of the Forfeited Estates had been multiplied by six before 1806.

In connection with these facts certain things have to be remembered.

During the same period the rise of rents in the Lowlands averaged about 300 per cent., and the rise was accompanied not only by great advances in agriculture, but also by a general improvement in the standards of life.

Secondly, the rise of Highland rents was occasionally due to quite abnormal circumstances such as the suitability of a particular farm for kelp manufacture. A kelp farm in the Hebrides would sometimes yield five times as great a return for the capital expended, as the corresponding arable farm.

Thirdly, it must be remembered that where the middleman system was still in vogue, the increase in rents was not necessarily due to the proprietor, nor did he necessarily reap any share in the proceeds. Macdonald admitted that there were many tacksmen farmers in the Hebrides holding huge farms of several thousand acres at almost nominal rents; yet the subtenants of these did not apparently enjoy similar privileges. Sheriff Substitute Brown mentioned a case in Harris, where the pro-

prietor, after removing the tacksmen, was able to raise the rent he got personally from £895 to £3500, and the old subtenants were better off than they had been before.

Fourthly, the districts where the rents had risen comparatively little, were not those which showed the greatest signs of prosperity. Marshall¹ gave as his verdict, that as the small tenants farmed in the Central Highlands, they would still be wretchedly poor even if they paid no rents whatever, and his view is corroborated by several of the *Old Statistical Account* writers

High rents did not necessarily produce poverty in the Highlands any more than low rents necessarily produced prosperity. Most of the misconceptions surrounding the subject arose from not distinguishing clearly between the people who were asked to pay the rents. It might be said that there were three varieties of 'high rents' in the Highlands.

There were rents so high that they could hardly be paid under any system of farm management known at the time. Such rents might be the result of pure greed on the part of the owner or tacksman; they might be due to a foolish miscalculation of the value of the land; they might be due to an idea, not uncommon at the time, that the value of the land could best be fixed by putting it up to open auction, a method which in the existing state of land famine could hardly fail to force up rents to an impossible pitch. But rackrenting of this sort was not common. Macdonald stated that it was most unusual in the Hebrides, and that bidding for farms whether by public auction or private bargain was very rare. Occasional cases of the sort could hardly account therefore for all the poverty of the Hebrides.

There were high rents which could not possibly be paid by the small cattle farmer, but which could be paid without any difficulty by the big sheep farmer. The minister of the parish of Glenorchy where rents had tripled spoke in glowing terms of the increased comfort enjoyed by people of all classes.

There were high rents, which could be paid by the tenants of well managed cattle or arable farms, but which could certainly not be paid, while the latter remained in their aboriginal condition. The tenants on the improved estates of Islay paid as high rents as any in the Hebrides, yet they presented an appearance in every way superior to lower rented farmers on other islands.

¹ *General View of the Agriculture of the Central Highlands*, Marshall, 1794.

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The saner critics of Highland estate management, while viewing some rents as excessive, did not greatly stress the point, though it was observed by them that in the Highlands, the general rise in rents was more in the nature of unearned increment than the corresponding increase in the Lowlands; where the increases were much more often spent on solid improvements beneficial to the tenants. Still, with this reservation, the critics seemed agreed that if the owners managed their estates well, there was nothing to prevent them getting high rents without oppressing their people. They found the real grievance, not in the amount the tenant had to pay, but in the uncertainty regarding it. The uncertainty might arise, either from the tenant being still liable to irregular demands for personal services, or from the possibility of a fresh rise in rent at any moment, in other words from the want of leases.

Services. According to Knox,¹ it was possible for tenants to be required to give forty-two days of service in the year, and these days might be chosen at the very season when a man would be naturally busy on his own farm. Knox did not say that these services were normally exacted, in fact he admitted that the custom of servitude was dying out rapidly in the Western Highlands, and that in this respect they were considerably in advance of Caithness, and most of the North Country Lowlands.

For exact information about services the *Old Statistical Account* is the best source of information.

On the mainland of Argyllshire and in Perthshire the custom had evidently ceased to be of much importance. Where it existed, as in Lismore and Appin, it was less burdensome than Knox suggested. In that parish the services amounted to six or seven days yearly, on general work, and two or three days on road work, and usually some allowance was made for the work done; even in this parish the whole system was rapidly becoming obsolete.

As usual in the eighteenth century it was in Sutherland and in the Hebrides that the most sensational conditions prevailed. In the Hebrides² the services exacted sometimes came to five days work a week; in Reay (Sutherland) they varied from twenty to one hundred and twenty days a year; in Loth and Edderachylis (Sutherland) in 1795 the rents were still sometimes paid entirely in services which were quite unlimited in amount.

¹ *View of the British Empire*, Knox, 1785.

² *Travels*, Buchanan, 1793.

In cases like the last mentioned the services probably covered all sorts of agricultural operations. In general the common sort of services demanded were : the cutting, stacking, and housing of peats ; sowing and harvesting ; carting and thatching ; road making ; more rarely the spinning of a certain quantity of wool or flax ; and in some of the kelp islands in the Hebrides, the making of kelp.

The drawbacks of the servitude system are too obvious to call for much comment. It kept the tenant in a disheartening state of insecurity ; it caused his own holding to be badly neglected ; and it gave to the person receiving the services an extremely inefficient supply of labour. Undoubtedly where the services remained, they contributed to the miserable condition of the Highland tenantry.

On the other hand two facts must be remembered. Services were retained in some districts solely because it was impossible to persuade the people to work as day-labourers. There is abundant evidence that the small tenant often preferred to keep his family quite idle rather than have them act in that capacity. In the face of this psychological phenomenon, a big farmer with work to be done would be tempted to hold on to any services that he had it in his power to exact. The remedy for this was in the hands of the small tenants themselves.

The second thing to notice was, who got the benefit of the services ? Here there seems hardly any doubt at all that it was the middlemen and not the proprietors. The districts where the services first became obsolete were those in which the owners first took over direct dealings with the subtenants ; the districts where they lingered longest were those in which the middlemen survived. Apart from that, Buchanan and Sheriff-Substitute Brown, and the Old Statistical writers for Reay, Edderachylis and other Highland parishes, all deliberately made the contrast between the attitude of the proprietors and the attitude of the tacksmen towards services ; the former easy in his demands, the latter insisting on his utmost rights ; the former ready when approached to commute his claims into a reasonable money payment, the latter generally quite inexorable. The only definite case which Knox himself mentioned of oppressive services proved to be that of a tacksmen in Harris.

The attitude of the tacksmen was of course partly comprehensible, since he had to get labour in some way, and the Highland temperament made it difficult for him to get it by ordinary

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methods. A landowner who was not actually farming land had no similar problem to face. At the same time the middleman's use of his powers was often most unnecessarily harsh, and the whole system worked out badly for both parties and was best abolished. What we wish to emphasise is, that the comparative slowness of its disappearance in some areas was not due to the attitude of the owners who were abolishing it as fast as the terms of the tacksmen's leases would permit.

Leases. The insecurity of the small Highland tenants lay less in the uncertain demands for services than in the general absence of leases. The average small farmer either held a short lease of under seven years, or more commonly was simply a tenant at will. The absence or shortness of leases was commented on adversely by practically every writer who sincerely desired the improvement of the Highlands or a higher standard of living for their inhabitants; Macdonald went so far as to say—'The want of them is the most fruitful source of emigration and distress.'¹

Where leases did exist they were far from perfect. Macdonald thought that they were generally too complex, and urged that the stipulations in them should be made simpler, fewer, and more adapted to Highland farming conditions. As examples of absurd clauses, he mentioned some contained in certain Hebridean leases which insisted on kelp farmers raising turnips, which would have to be sown in June at the time when they were most occupied with kelp-making—and others which insisted on the destructive and futile practice of enclosing sand banks. Knox also complained of the custom still existing in some parts of charging a fine called a *grassum* for the renewal of a lease. But he admitted the custom was not general, and not specially peculiar to the Highland districts.

The general advantages of a system of long leases seemed indisputable. Eighteenth century writers had also immediately before them the example of Lowland Scotland, where a succession of improving farmers, encouraged by favourable leases, had in the course of two generations brought the land from extreme barrenness into a high state of cultivation—their own standard of life advancing with the improvement made.

¹ It is worth noting that Sheriff-Substitute Brown alleged that the emigrations from Clanronald's estates were of tenants who held beneficial leases, and it was by selling the reversion of these that the emigrants got enough money to pay their passage to America.

In some Highland districts the burden of making any capital improvements was still left, according to the old custom, to be borne by the tenants. In practice this usually meant that no such improvements were made, a state of things that might be attributed in part to the want of leases. A farmer was not likely to embark on any expensive improvements if he thought that the immediate result would be to raise the valuation of his farm and increase his rent, before he had had any time to repay himself for his own outlay and trouble. The obvious way to encourage him seemed to be to grant him a lease of respectable length, and the slowness of the landlords to adopt this policy laid them open to the charge of neglecting both the interests of their tenants and the interests of the country.

It would be unfair to the landlords to suppose that no estates had adopted the policy of leases for all tenants.

A great impetus in this direction had been given by the Commissioners of the Forfeited Estates. Their motives were political as well as economic, for they believed that by giving the small farmer an independent position they were minimising the danger of future Jacobite rebellions. An anonymous writer in 1750 who shared their view suggested 'that a law be enacted to Oblige all Landlords among the disaffected Clans to give long Written Leases to their Tenants none to be for a shorter Term than twenty Years, and that every man who lives by Husbandry or Grazing in those Countries have such a lease from the landlord or his Steward. . . . By this means the Tenants will Enjoy the Fruits of their own Industry and know the Sweetness of Peace and Liberty; which will put it out of the Power of their Tyrant Chiefs to Induce them to Rebel against a Government to whom they will be indebted for everything they possess.'¹

No Act was passed binding the landlords, but the Commissioners themselves put the policy suggested into effect on the Forfeited Estates, and landowners became familiar with the spectacle of small tenants in possession of leases.

To do the owners justice, some of them had anticipated the policy of the Commissioners. As far back as 1737 Duncan Forbes was authorised to offer leases to the under tenants on the Argyll estates in Morven. The leases were for nineteen years, a fair length according to prevailing standards. Forbes, in referring to them, does not speak as if they were a novelty except in that particular area.

¹ MSS. 1750, edited Lang 1895.

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Later in the century the Marquis of Breadalbane, Lord Macdonald, Campbell of Islay, and a little later the Sutherland family, were distinguished by their willingness to grant leases of reasonable length.

In spite of these notable exceptions the end of the eighteenth century saw most Highland tenants still holding their farms from year to year, a state of things which many writers promptly put down at once either to the gross tyranny, or the hopeless stupidity, of the landowning class. But when we come to look into the matter of lease-granting the whole question was not quite so simple as appeared on the surface.

There were several kinds of landlords who were slow to grant long leases. Some were of the kindly paternal type, beloved by the romantic writers, and their slowness was part of their traditional conservatism which opposed alike improvements or evictions; some were frankly greedy and did not choose to give up the possibility of raising rents; some approved of the general policy of leases, but were held back by a variety of practical obstacles; while some quite thoughtful landlords were not convinced that leases were going to improve matters,—they were particularly doubtful of the value of leases to small tenants without capital, and they thought that the Lowland analogy had no useful bearing upon circumstances so entirely different.

If we consider first the practical obstacles it will be found that some were anything but imaginary. It was too often forgotten that while the majority of the small tenants might be holding from year to year, the whole estate so far as the proprietor was concerned might be let out on lease. The situation is exactly similar to that which arose in connection with personal services.

On old-fashioned estates where practically all the land was held on lease by the tacksmen the owner had no direct power of granting leases to the subtenants. As for the middlemen themselves, their attitude towards granting leases, like their attitude towards the abolition of services, was much more decidedly conservative than that of the landlords.

To introduce a general system of leases generally meant that proprietors must start by getting rid of the middlemen; that is, they must start by destroying the whole social order with which they were familiar, and an order often defended warmly by the same writers who blamed the owners for the want of leases.

It is true that the landlords stood to gain from the abolition

of the middleman system, and that most of them were willing to proceed with it, but obviously a change of such importance could not be made so easily as the ordinary signing of a lease. However willing the owner might be, the process took time, some of the tacksmen's leases being for long periods like ninety-nine years.

The legal right of a leaseholder to sublet part of his land was not seriously questioned until the case of *Roughhead v. Mudie* in 1686-7, when the Court of Session decided in favour of the leaseholder. Subsequent decisions are not entirely consistent on the point, but the case of *Simpson v. Gray* upheld the theory that the power of subletting was implied in a long lease.

It was obviously difficult, if not legally impossible, for proprietors to get rid of the middleman system without getting rid of the middlemen themselves, and that they could only do gradually as the tacks expired.

This was the most serious practical obstacle to the grant of leases to the small farmers.

A minor one lay in the fact that the typical Highland farm was generally held in common by from four to eight persons. Such a system obviously involved a good many administrative difficulties even when the tenants held from year to year. A lease which would cover all the contingencies that might arise in such a common holding—tenants dying—tenants failing to pay their share, etc.—obviously required to be somewhat complex, a fact that should be remembered in view of Macdonald's demand that leases should be made simpler and less clogged with burdensome conditions. This particular difficulty was eventually got rid of by the abolition of the common holding, but that also was obviously not a thing that could be done in a moment.

These practical difficulties prevented some owners from carrying out the recommendations about leases, but there were others whose inaction was deliberate.

Some owners withheld leases from the small tenants because they considered their present situation was a purely temporary one. The point has already arisen in connection with sheep farming. Many Hebridean proprietors wished to turn part of their estates into sheep runs, but had refrained from doing so at a great financial sacrifice, because they could think of no suitable or happy way of providing for the tenants who would

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have to be displaced. Still could such a way be found, sheep farming was their eventual object, and they naturally did not choose to make its introduction impossible by granting long leases to the existing farmers. The other considerations that weighed with the owners were more subtle.

It must be remembered that leases were still associated in the landlord's mind with the old middleman system, and an evil odour hung therefore about them. A landlord who had just seen with his own eyes the very positive evils resulting from allowing his estate to pass out of his personal control, naturally wanted a considerable amount of convincing before he was willing to make what might be the same blunder in a slightly different form.

Secondly, he was liable to be influenced by the fact that the small tenants were not always as eager for leases as the writers imagined. In 1737 Forbes of Culloden paid the visit already mentioned to certain parts of the Argyll estates and was instructed to offer leases of nineteen years to all classes of tenants. To his astonishment the small tenants refused to pay the same rents to the Duke as they had been willing to pay previously to their tacksmen masters when they held from year to year. Many of them rejected the leases altogether.

In the beginning of the nineteenth century two cases of a similar kind are mentioned by Brown. One was on the estate of Clanronald in 1802, the other on the estates of Lord Macdonald in 1803.

In the latter case leases were offered to the tenants of an area which contained a population of over four thousand persons, but only the tenants of two farms accepted them.

It is true that all these cases were somewhat exceptional. On the Argyll estates the refusal seemed due to an organised conspiracy of the tacksmen; in the instances cited by Brown the tenants wished to leave themselves free to emigrate at any moment. Still, whatever the reasons,¹ the fact remained that leases were not always welcomed with enthusiasm by the tenants themselves.

¹ Cf. following quotation from *General View of the Agriculture of Midlothian* :

‘In some of the moorland parts of the county the tenants still remain without any lease whatever; but this is not owing so much to their landlords, who are willing enough to grant it, as to themselves, who have an aversion at being bound by such an express engagement; rather preferring the greater freedom that results to them from a paction which endures only for a single year.’

There was also another consideration present to the mind of the owner. Enthusiastic writers were trying to persuade him that leases to everyone meant high farming and general prosperity, and they pointed to the Lowlands for proof. But the Highland proprietor sometimes preferred to consult his own experience. His tacksmen had held long leases on particularly easy and generous terms, and therefore according to the argument ought to have been advanced farmers, but the landlord knew that in actual fact they had been nothing of the sort. Eager advocates of leases like Macdonald admitted that the old tacksmen were the most fatal obstacle to improvements of any kind.

The tacksmen had had the absolute security of tenure which reformers demanded, and the only apparent result had been that for generations all advance of any kind had been stopped. If this was the effect of low rents and security upon the Highland temperament of the upper class, what proof had the proprietor that it would affect the lower class differently? Perhaps the first flush of pride in possession of a lease might produce an outburst of energy, but after the novelty was gone would not the subtenants just go the same way as their social superiors?

So many landlords argued, and if they were slow to accept all the rose-coloured pictures that the enthusiasts painted, and if they tended to make rather elaborate stipulations in the leases they granted, they were not entirely without some defence.

Even Macdonald admitted that there was something to be said for their point of view. He himself thought it inadvisable to grant the Highland farmers leases longer than twenty-five years. The rents also were not to be fixed too low and there should be some definite conditions attached. Macdonald drew up a list of stipulations which he thought should be inserted into every lease to safeguard the interests of both parties. On the one hand the owner was to give compensation for improvements made, on the other, the tenant was to bind himself not to sublet his farm even to his own family without the landlord's consent, and was to bind himself to adopt a proper rotation of crops and a proper method of cultivation. Macdonald was obviously not too certain of the capabilities of the small farmers, and many landlords shared his doubts.

It is probable that attention to all the points raised above—more constant residence by proprietors, better housing of the tenants, moderate rents for the small cattle farmers, abolition of services, and a general system of leases—would have done

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something to improve the conditions of a section of the Highland population. None of them, however, touch on the extremely difficult problem of creating a sufficiency of work for the many wholly or partly unemployed inhabitants. It remains to be seen in a subsequent article how far that problem was likely to be solved by the landlords putting into effect the various suggestions made about estate improvements and reclamations.

MARGARET I. ADAM.

The Daughter of Anne of Denmark's Secretary

QUEEN ANNE'S secretary, where noticed at all, has been usually dismissed with undeserved contempt as a Malvolio-like lover of Arabella Stuart ; writers, repeating the same mistake, have prejudiced themselves against him in erroneously identifying him with William, son of Thomas Fowler, sometime a servant of Arabella's grandmother, Margaret, Countess of Lenox, and a spy on behalf of the English government. His literary remains (published by the Scottish Text Society) show him to have been neither a 'ridiculous person,' nor 'a simpleton and buffoon.' The following short account of his life may serve as an introduction to his curious and elusive daughter.

William Fowler was one of twin sons of the same name, born in 1560 to William Fouller¹ of Foullerlaw, a burghess of Edinburgh, and treasurer, at one period, of the French revenues of Mary Queen of Scots. His mother was Anne Fisher, who had come of English parentage. A sister of his, Susannah, became the mother of William Drummond of Hawthornden. In 1573-4 he was at St. Andrews attending St. Leonard's College, and in 1578 took the Master of Arts degree. Two years later he was studying law in Paris and incidentally offering himself as a disputant in divinity, although in that—to use his own words—an scoller of tender zeirs, of waik discretion, of raw judgement, of small countenance, and little understanding, cannot pyke mekyll praise for his travel.'

The young man's home atmosphere and training were anti-Catholic. In Paris he had acquaintance with 'my Lord Arbroith' (Lord John Hamilton); on the occasion of Master John Hay, a Jesuit, presenting a book composed by him on certain questions 'proponit to our ministers,' William Fowler, 'entering in my Lord's chalmer' was drawn into a heated controversy. There-

¹ This is the more common English spelling of his name ; in Scotch documents it is Fouller or Foular.

The Daughter of Anne

after he had cause to repent 'his waik discretion' in having engaged in it; for on the 18th of March, 1580,—the day bit itself into his memory,—Mr. John Hamilton, his fellow-countryman, but a Roman Catholic, with others in his company, set upon him 'as a Huguenot, a heretique, a contemner of saints, and blasphemer of the Virgin Marie'; they dragged him through the streets of Paris, kicking and beating him, as he tells us 'with pennerinkhorns and batons upon my head, to the effusion of my blood in grit quantity, disfiguring of my visage and wounding of my bodie,' 'everie man and woman running from the market-places to behald sic a spectakil.' Finally he was compelled to leave France 'by the cruel pursuits of Papists.' Whether now or at some other time, he went to Rome, and fared no better.

For the Parisian adventure he consoled himself by writing 'An Answer to the Calumnious Letter and erroneous proposition of an apostat M. Jo. Hamilton'; it was printed in Edinburgh by Robert Leprurk in 1581. This little book he dedicated to Francis, Earl of Bothwell, who later rewarded him with the parsonage of Hawick. Fowler, however, could only take two thirds of the profits of the parsonage (the remaining third being drawn by William Auchmootie, who, if not the acting minister, may have been the grantee of the crown); in 1594 he received a royal grant of the third of the same parsonage, his possession of it being thus completed. But though styled Parson of Hawick, Fowler was never in orders; his early addiction to theological disputation did not last long. Poetry proved more attractive to him than divinity. His talent of verse-making was put to the service of the King, to whose *Essaye of a Prentice in the Divine Art of Poetry*, 1584, he wrote a commendatory sonnet. Thereafter he remained in royal favour. He was sent in 1589 with Sir Peter Young the Scotch ambassador, for the negotiations of the marriage between James VI. and the princess Anne of Denmark. After the consummation of that event, he was appointed Master of Requests, and Secretary Depute, and finally Secretary, to the Queen. In 1603, when she joined the King in England and the members of her new household were nominated, he was continued in those posts at the yearly salary together of 66*li*. 13*s*. 4*d*., and with the allowance of two dishes of meat daily at the King's expense.

At the English Court amongst others with whom he came into contact were Gilbert, Earl of Shrewsbury, and his Countess.

A few of his letters to the Earl are extant ; though written in the stilted, respectful style then usual in addressing persons of high rank, they show something of familiarity, and the fact that the Earl was indebted to Fowler, according to the latter's last will, for what was in those days a not inconsiderable sum, suggests a friendly intercourse between them. Perhaps it was on that account that when the Queen's Secretary was brought into communication, through his official duties probably, with Arabella Stuart, that lady was disposed to regard him with favour. On his side he may have honestly admired her—in a letter to Shrewsbury he suggests that she might be 'to the seven the eight wonder of the world.' He certainly wrote a small number of sonnets to her, extravagant in style and far-fetched in metaphor, and scarcely poetical ; this does not warrant the unkind statement of Miss Strickland that the passion of this 'pragmatical coxcomb' for Arabella 'formed the amusement of the Court.' The poets and courtiers of the preceding reign addressed adulatory verses to 'Gloriana' of a much more amatory tone, yet none save the flattery-loving Queen herself would think them to be inspired by anything but the desire to stand well with her. With his letter to the Earl of Shrewsbury just mentioned, Fowler sent two sonnets for approval, one on a horologe and the other on 'that worthy and virtuous lady' his niece ; this is less the spirit of a lover than that of a man desiring to amuse his friends with a small literary effort in what he called an 'ungrateful and depressing age.' The secretary aimed in all likelihood not at the heart of the Lady Arabella, but at her patronage ; 'Patrona mia,' he named her, and recognising her nearness to the blood royal, he hoped her hands should 'statly scepters sway.' For William Fowler was a sober Scot now well over forty years of age ; he had been a friend of Sir Robert Bowes, ambassador of Queen Elizabeth at the court of James VI., and of Sir James Maitland, Chancellor of Scotland, to whose 'spous,' Lady Jane Fleming, he dedicated his translation of Petrarch ; though no longer, perhaps, eager for religious controversy, he still took life seriously. James Hudson in 1602, in asking Sir Robert Cecil for a pass 'for Mr. William Fowler the Queen of Scotland's secretary' then at Ostend, said of him, 'He is a very religious man and hath suffered persecutions and perils in Rome and in Paris by the malice of his own nation.'

He remained in the Queen's service until his death in 1612. On the 18th of May, 1612, 'William Foular. secretare to

the Quenes Ma^{te} of Greate Brittain being sick in bodie and haill in mynd and yet nevertheless considering the fragillitie and brakilnes of mans life is sumtyme trubled with the thought and dolor of death when the same approaches' drew up his will. He appointed Sir James Foularton, knt., John Foular his brother, James Ruth and Patrick Strivelinge his sons-in-law, conjointly to be the overseers of his testament, and Lodowick Foular his son to be his 'oneliie executor testamentar and intromittar,' Sir James Foularton to be tutor to him and to Fowler's youngest daughter Anna 'during all the time of their pupillaritie.' He directed his body to be buried in the church of St. Margaret, Westminster, according to the Christian use to be observed in the Church of Scotland. Among his bequests was a chain of gold and jewels worth £300 sterling, besides 'thre diayment ringes, to wit, one ring with nyne small dyaments geven me by her Ma^{tie} one other with nyne dyaments and the third with five diamentes' (which *inter alia* he left to his brother John). Among the debts owing to him was the sum of £843 from the Earl of Shrewsbury, due 'by his band' the last day of July following, and 2000 marks Scots owing to him in Scotland. For his two children—only one daughter is mentioned though she is called 'youngest'—he made the following provision:—
 'I leaffe and appointe to be geven by my executor and intromittar with my goods geir and debtes to Anna Foular my youngest dochter for her bayrnis parte of geir and preferment of her marriage five thowzand markis scotts money togidder with two thowzand markis moir for her apparell and ornamentis thereto, and in case of her deceise in the meane tyme I leaffe the same haill money to the said Lodowick Fowler my sonne.'
 'I appointe the same money to be payit to the said Anna my dochter upon the second daie after her marriage, she allwayes marrying with the advice and consent of the said oversears vtherwise the same to come to my said sonne Lodowick Fowler.'
 Lodowick was to have also all his goods within the kingdom of England, but in case of his death, they were to go to the Secretary's two brothers, William and John. The witnesses to the will were, James Kleghorn, a gentleman waiter of the Queen's Chamber, 'James Gibsonne Buckbinder' in Edinburgh, and William Fowler his nephew. On the 13th of July, 1613, the commission for the administration was issued to John Fowler, his brother, during the minority of Lodowick.

There is no mention in the will of Fowler's wife, his 'Penelope' as he calls her in a poem entitled *Orknay*; if she was his 'loveing dame' and 'deir' whom he bewails in another poem entitled a 'Complaint,' she had predeceased him. James Gibson, who witnessed his will, was perhaps a connection of Barbara Gibson, the wife of his twin brother William. The latter was presumably, like his father before him, a burghess of Edinburgh, and that William Fowler so designated who figures in several contemporary Scotch records, and was grantee of property in Ulster. The Queen's Secretary was generally described as Parson, or Rector, of Hawick.

Anna Fowler, so named probably after her paternal grandmother, Anne Fisher, or in honour of Anne of Denmark, has no discoverable history for a long period after her father's death. But five years after the Restoration, Sancroft, then Dean of St. Paul's, was receiving strange, begging letters from one who claimed to be the daughter of the late Queen's Secretary.

At Cambridge in 1665 there was living a very poor and (according to herself) loyal woman of Scotch descent, whose French husband had been slain in fighting for the crown. Towards the end of the Protectorate, she had got herself into trouble by a too open and too vehement manifestation of her political views in opposition to another woman of different sympathies; in other words, there was an unseemly wrangle, during which the royalist—Mistress Delille by name—flung a glass of wine at the Parliamentarian's face. The glass was broken, and a prosecution presumably for assault followed, the suit ending, 'after the King came in,' in a judgement against her. Widowed in the royal cause, impoverished, far from her own relatives, perhaps estranged from them, in arrears, moreover, for her chamber which she apparently rented from the Warden of Emmanuel College, she was unable to pay the fine of £10 imposed on her; the alternative was imprisonment, to which she had to submit for four years. Was that vulgar assault a sign of a gradual degradation, brought about by misfortune, above which she had not the spirit to rise, but which she tried to forget in intemperance? Or had sorrow rendered her a prey to melancholia? Was she subject to hallucinations? Upon the restoration the trials of the regicides not only must have stirred men's memories as to the details of the proceedings against Charles I., but also may have spread a fuller publicity of the

incidents in Westminster Hall. Did the fuller information about the tragedy of January 1649 reach her in imprisonment, and did she, dwelling on its injustices with a confused mind, imagine herself an indignant spectator on the scenes, and assimilate to herself the conduct of Lady Fairfax, exaggerating the details to suit her own principles as a devoted royalist? Or was she sunk so low that she had become a conscious humbug, and so determined to make a bold bid for charity and the favour of the Royal Martyr's son?

In 1665 she was out of prison, though apparently not at full liberty, the fine and her debts still remaining unpaid. Meanwhile she has become acquainted with a Dr. Levett (probably the John Levett who entered Emmanuel in 1626). He lodged on the same floor as Mistress Delille, though whether she now inhabited the tenement for which she still owed rent to the Warden is not clear. She must have been far from young, yet she had some charm, personal or intellectual, for the worthy Doctor. She told to him a wild tale of her sufferings for loyalty with conviction and assurance; nay more, she showed scars to him in proof thereof. His heart was touched. What could he do for her? With Sancroft, Master of Emmanuel, and now Dean of St. Paul's, he had a friendship, probably dating from college days. Doubtless it was he that advised the widow to write to the Dean, who perhaps could speak a word for her in high quarters. Her first letter to Sancroft is missing. The remaining three, ill-spelt and ill-expressed, but not so ill written, are given below from the originals in the British Museum. (Harl. Ms. 3784. ff. 270-274.)

Sir,

In all humilytie doe returne yo^w most humble thanks for yo^r ciuil acpantance of my abrupt lyns vnworthie of the trensparant of yo^r eyes but for yo^r account of me requyrd of the Mesenger that presented yo^w with my vnpolished lyns he is all together a stranger vnto me farther then the discharge of this Employment as in my letter I gave yo^r honred and grave wosdome account of. I am a stranger Scots by decent & my husband frenche, but heir from my Infancie that I am stranger in my natue land, my fathir being secretarie to quene Ann & is decent of subiats and seruants in places of ho^r to his Ma^{ties} predisours my husband kild in his serice my self maide the obiact of pitie for loyaltie be burned & imprisoned as yo^r dier friend Doctor

Leuett can tell but if I may humble beg my sutt to yo^r wosome & ho^r may be concealed he lodge on the same flore with me & knos not my Indigence but lements my suffrings so hon^l he is to conscaue better of me then I can meritte & if yo^w ples to ask of me at him concealing my preshumtione in my sutt to yo^w he will giue that charucture of me I darre not clame as merett but in submishion to his plesheure, I am aledgt dettor most injustly as the enclosed will make apare which I humble beg yo^w to seale vpp & returne agane & if yo^w be plaesed to speke of me giue me not out for sir yo^r humble suplicant but for one distresed lady that yo^w haue heird to be heir want of ten^{lb} pound hes kipld me heir to superceade all actions that my aduarsare hes in malice layd vpon me & if it stood with yo^r ho^r conuenincie to giue the Doctor a visit taking no notice of me he will treuly tell his knoledge of me whos prayers yo^w shall euer oblidge as

yo^r euer deuotd

seruant

AA. DELYLLE.

if I could be maide a catholike I could
not be trublisome.

Sir I haue for yo^r better asshurance my casce stated for truthe and the copi of my letter to his Mai^{tie} & to yo^r hon^{ble} self I leue the sucis of my necesitate & humble request whom the want of friends & mony make miserable.

(Address):—Theise For the honorable and the most
Reverend Dean of Paulls humble present.

Sir

I am once more constraned to giue you this truble hoping your goodness is such as to pardon me for it by resone I am so put to it now for to superceade my actions that I may mak my adresse to the king & the chanclore to try for my libertie & not longer perish heir for I haue left my self nothing to subsist but hes to menten my self soold & ingadgd & hes no mor left that will procure six pence & if he doe not superceade muday the begining of the term heir I may ly & if a peny would doe it I haue it not at present nor can command my frend that does some what for me being sent upon busines for the King that I am forgot till his returne & I kno not when it I did sir I think

The Daughter of Anne

send the copi of my cace to yo^w with the other paper & if yo^w haue it not it is miscaried by the mesenger I haue no more to say but in all humilite be yo^r (*sic*) and pray for yo^r many helthful days and craue the protection of yo^r fauore to subscrib as becometh

yo^r most hubl and devoted servant

AA. DELYLLE.

(Adress) :—For the honred & mos Reuered
Dean of Paulls humble present.

Sir

Yow may ples to conscaue me to be a very ingrate persone not haueng returned my thanks for yo^r ciuilytie to me sence my wnableities denys to performe a deeper dett but this delay was not by neglect of my obledgd deuty, but till I hadd superceade my actions & haue a certificate to make appare the truth which I haue heir enclosd for yo^r satisfaction & if I could haue compasd mony I might haue ben thus redy a weeke ago this litill paper stands me in 3^{lb} 10^s. of which I had 20^s. of yo^w sir for the which I returne yow humble thanks & wishes yo^r store may be lyke the oyle in the crus & the male in the barrell yo^w still taking & it euer encresing but now for my executione if I can not procure 6^{lb} heir I am lyk to stay and the seale day is on munday and ther will be no more but on on Wensday. I humble beg pardon for this trespas and humble entret yo^r ansuer by yo^r seruant & yow sall oblige the prayers of

the fleell tyme

yo^r deuot

is now precious.

seruant

AA. DELYLLE.

(Adress) :—Thesse

For the reuerend and much honred the Deane of
Paulls present.

What Sancroft really thought of the case is not clear, beyond the fact that he pitied the poor lady, for she thanked him for sending her money. Unfortunately the above with the two letters (Harl. Ms. 3784. ff. 271 and 287) presently to be quoted, is all of the correspondence on her matters now obtainable. She mentioned a letter to the King, which she had either sent before writing to the Dean, or proposed to send, upon the latter's approving of the copy enclosed to him. If Charles II. ever

received it, or any sort of petition from her, it is not discoverable among the State Papers of his reign. The probability is that Sancroft, only half believing her story, cautioned her against petitioning. He certainly was not satisfied as to her claims on the royal assistance, or perhaps on his own further help. He wrote to Dr. Levett for more information. That impressionable Doctor's answer reads like the outline of some modern sentimental Cavalier romance.

Noble S^r.

You are the first I intend to waite upon when my horse is saddled, w^{ch} may be (I thanke God) when I will, but some opportunity makes me affect a restraint at present. The Lady Delile you mention is my next Neighbour, & wth me above any man (I may say all in our blessed Colledge) acquainted, so that (if you dare credite the relator) you may expect a just relation of all you desire concerning her. She is a Scot by birth of a very worthy (if not noble family, especially by the mother side); many of her Ancestors have beene in place of great trust to the kings of Scotland, & her father (if I mistake not our Queene Anne her secretary). Her Husband was slaine in our late Kings warres, & for him. The Lady herselfe for abilitie scarce to be paralld by any of her sex: her engagem^t here is ten pounds at the most, & that occasioned by her breaking of a glasse full of wine in the face of a woman for treason (had it not beene in the time of Oliver) & the Judgm^t for the ten pounds was procured agst her since our king came in & although she was sued by a false name she hath beene a prisoner 4 yeares only for this, & now for chamber rent, & her out goings I heare that 150^{li} is demanded by our Warden; she is altogether miserable as to her fortune, if her friends faile her, she perishes. She hath two brands upon her, that of her shoulder I have seene, (a handfull broad) she received them from Col. Huson at the first tryall of our late king in open court for saying (upon their reading of his accusation) that it was not his subjects, but traytors and rebels that made it; His Maiesty then seeing her [flesh]¹ smoake, & her haire all of a fire for him by their hot irons, much comiserated her, & wished that he had beene able to have requited her; now his (God be blessed) can doe it, & it's an act (if not of justice) of great mercy that it shold be done, & whosoever shall be instrumentall in it will purchase to himself

¹ Crossed out in the original.

The Daughter of Anne

a good report. S^r when I have the happines to waite upon you I shall give you a fuller character of this Lady. In the interim & ever I am

y^r most affectionate & humble servant

JO. LEVET.

18 May —65.

(Address) :—For the Reverend my most
worthily Honord Friend
Dr. Sancroft Dean of St. Pauls.

The Dean, after receiving this extraordinary story, seems to have written to rebuke his friend's credulity, judging by the tone of Dr. Levett's next letter.

Noble S^r.

Take my letter to you concerning the Lady Delyle, (pardoning my naturall credulity) for an oracle. If Col. Gray (L^d. Gray of Warke his Brother, & now maior of his Ma^{tys} Regim^t of Foote) Mr. Andrew Cok (one of his Ma^{tys} Queeries) Mr. Robinson, the Duke of Yorks Chirurgion (who cured her brands) cum multis aliis confirme the same for a truth & especially if the Earle of Denby averre it who kissed her wounds, & condemned the then basnes of the L^{ds}, that she shold be the only assertor of Loyalty, besides that weeks newes booke expressing in generall the barbarous usage of a lady speaking for the king. S^t, I am taking horse, let it excuse my defects.

I am ever

yo^r most affectionate & humble servant

JO : LEVET.

17 June —65.

(Address) :—For the Reverend my most honr'd
Friend Dr. Sancroft Deane
of St. Pauls these.

Did Dr. Sancroft refer to any of the persons named? or did he take the trouble to inspect 'that weekes newes book'? The modern student of history will look in vain in the contemporary newspapers and accounts of the trial of King Charles I. for mention of the branding of any woman in his presence. On the charge of High Treason being brought against the King 'on behalf of the People of England' when

Lady Fairfax cried out 'it is a lie, not half the people of England,' she was not the only lady in the gallery. Sir Purbeck Temple, a witness in the trial of Colonel Axtel, said that he heard both Lady Fairfax and his own sister, Mrs. Nelson, make the interruption; but he spoke of no other woman up there with them, as 'assertor of loyalty' or otherwise. The only 'barbarous usage of a lady' known at the trials of the regicides was that of Colonel Axtel's order to the soldiers on guard in Westminster Hall to shoot into the gallery if Lady Fairfax and Mrs. Nelson were not quiet, and the consequent actual presenting of the muzzles of their muskets up to the gallery, according to an eye-witness, Griffith Bodurdoc, who remarked, 'My Lord, by this we were very hush.' That Mrs. Delille may have been branded, whether for loyalty to the King, or for some other offence, by the Parliamentary authorities on some other occasion, is possible. But without further evidence than her own words, the story which she gave to Dr. Levett as to how she came by the scars can only be regarded as fiction. That she, hallucinated and self-deceived, believed her own fabrication is quite possible also; else she must have perceived that the bold and wild tale, so easily refutable, would unmask her as a hypocrite and defeat her very object in appealing to Sancroft for help.

But her account of her parentage on her father's side was not incredible; perhaps it was on this account that the Dean of St. Paul's sent to her some alleviation of her penury. She signed her letters 'Aa. Delylle'; unless any one can produce another claimant, there is no reason to doubt that she was Anna, the 'youngest dochter' of William Fowler, mentioned by him in his will. But how came she to such an almost degraded state? Were her tutors faithful? To judge by her letters, they do not seem to have given her a particularly good education. Her assertion that she was in England, from her infancy, and a stranger to her native land, suggests that she may have been always out of touch with her own family. Had Mr. Delille been some young French soldier of fortune, who failed to win the approval of her guardians? And did she by an unwise marriage forfeit her little wealth to her brother Lodowick and was he later not disposed to help her? Or was he at the time of her need already dead? Of her younger years she herself tells us nothing sufficient to enlighten the obscurity from which she emerged for a brief while in 1665, and after her

32 Daughter of Anne of Denmark's Secretary

appeal to Sancroft at that date, she vanished into a like obscurity.

Authorities : *Works of William Fowler* (Scottish Text Society) ; *New Scott. Fasti Ecclesiae Scoticanæ*, vol. ii. p. 112 (revised edition) ; *An Answer to the Calumnious Letter*, etc. 1581 ; *State Papers, Scotland* ; *Register of the Great Seal of Scotland*, 1660-1668, p. 50 ; *Register of Privy Council of Scotland*, second series, vol. iv. p. 520 ; Marquis of Salisbury's MSS. (*Hist. MSS. Commissioners' Report*), vol. xii. p. 547 ; British Museum, Add. MSS. 27484, 38139 ; Harl. MS. 642 ; Somerset House, *P.C.C. Register*, 73 Capel ; Lodge, *Illustrations of British History*, vol. iii. ; E. T. Bradley, *Life of Arabella Stuart* ; 'Trial of Daniel Axtell' in *State Trials*, vol. v. pp. 1146 *seq.* John Levett is mentioned in the *Book of Matriculations and Degrees in the University of Cambridge*, 1544-1659.

E. MARGARET THOMPSON.

The Western Highlands in the Eighteenth Century

IN the muniment room at Dunvegan, the seat of MacLeod of MacLeod in Skye, are preserved a great number of documents which throw much light on the conditions prevailing in the Highlands during the eighteenth and nineteenth centuries.

‘One of the first objects of an enquirer who wishes to form a correct idea of the state of a community at a given time, must be to ascertain of how many persons that community then consisted,’ says Macaulay.¹

In the Highlands this is not easy, for no census was there taken till 1851. In the following estimate I have confined my attention to Skye, Harris and Glenelg, where the MacLeod estates were situated, but, probably, the same causes which increased or decreased population were equally at work all over the Highlands.

In early times, as far as I know, there is no evidence of what the population was. The force which a clan could put into the field at any given time gives no clue to the population living on its Chief’s estate, for that was more a question of arms than of men. It is not till 1772 that we find any definite statements. There is a report of that date on Harris, preserved at Dunvegan, which gives its population at 1,993, and in the same year Pennant fixes the population of Glenelg at 700, and that of Skye at from 12,000 to 13,000, but he says that about 1750 it may have been 15,000. This drop is probably accounted for by some emigration which took place about 1769, the first reference I find to emigration in any of the papers.

There are several letters from MacLeod’s factor on this subject. He says that Lord MacDonald’s tacksmen had formed a sort of company to purchase 100,000 acres of land in South Carolina, and that they proposed to emigrate in a body, taking a certain number of farm servants with them. He fears that the same

¹ *History*, vol. i. chap. 3.

thing may happen on MacLeod's Estate. Some few of MacLeod's tenants did emigrate, and all Lord MacDonald's went, and he had to import tenants from other parts of Scotland. As these tacksmen took a good many of their farm servants with them, this led to a considerable drop in the population.

Apart from this there is no reason to suppose that in earlier days the population was greater than it was about 1770. It was, I think, probably smaller. During the sixteenth century Clan Feuds had raged with frightful violence, specially towards its close. About 1570 the terrible massacre at Eigg had taken place; a little later a large force of Clan Ranald MacDonald's had landed in Skye to exact vengeance for this cruel deed; they surprised a number of the MacLeods in Church, and slaughtered the congregation, but were themselves almost entirely destroyed at the battle of 'the destruction of the wall.' About 1597 a feud broke out between the MacDonalds and MacLeods which brought both clans to the verge of ruin. After 1609, when the Statutes of Iona were agreed to by all the great Western Chiefs, there was not much fighting between the clans, but e'er long commenced a series of wars of another kind, though scarcely less devastating. The lives of many Highlanders must have been lost in the campaigns of Montrose; a gallant Highland army was destroyed at Worcester, the MacLeods alone losing nearly 1,000 men. It is difficult to estimate how many Highlanders were slain under Dundee, in the rising of 1715, and during the '45, though the number must have been very great. But it was not only the ravages of warfare which kept the numbers down. Smallpox was frightfully common; I find many references to it in the papers at Dunvegan, and in one year it swept away the whole population of St. Kilda except three men,—the infection having been brought on a ship which was wrecked there,—and outbreaks of the disease, hardly less destructive, occurred in other places.

For these reasons I am convinced that the estimates which are often formed of a teeming population in our Glens in ancient days are much exaggerated.

In the first half of the nineteenth century the population increased by leaps and bounds. The Duke of Argyll says in his book *Scotland as It Was and Is*, that people whose food consists mainly of potatoes are usually very prolific, and, if this is the case, it may account for the great increase in population, both in Ireland and in the Highlands.

From some figures in a Gazetteer of Scotland published in 1845, and from a memorandum in the late MacLeod's handwriting written about 1846, which gives approximately the population on different estates in the Highlands, as well as from the numbers Pennant gives, I have constructed the following table:

		1772.	1801.	1831.	1845.	1911.
Skye	-	13,000	13,728	22,796	29,500	13,319
Harris	-	1,993	2,996	3,900	8,500 ¹	4,974
Glenelg	-	700	2,834	2,874	1,800	481

I cannot account for the figures in Glenelg, but imagine that Pennant put the numbers too low in 1772, and that there was emigration between 1831 and 1845.

The rise between 1801 and 1831 took place in spite of the fact that in 1811 a great many tacksmen emigrated, taking some of their farm labourers with them. But there was no serious emigration till after the potato famine, when it became necessary that more than half the people should seek a livelihood in other lands. This emigration accounts for the great drop between 1845 and 1911.

What can be ascertained concerning the people themselves and the conditions under which they lived is of even greater interest than their numbers.

It is a remarkable fact that in the Western Highlands there were no small lairds, no class corresponding to the class of yeomen, which was then so numerous in England. The whole of the country was divided amongst a very few great families. The Earl of Sutherland owned nearly one million acres of land; the Earl of Argyle, the different branches of the MacKenzies, the MacDonalds of Slaitt and Clan Ranald, the MacLeans, the MacLeods all owned vast tracts of land. The estates of less powerful chiefs such as the MacKinnons and MacNeils covered large areas.

Up to 1745 these great chiefs still possessed their heritable jurisdictions, and practically governed the people on their estates. I find several instances which shew that this was the case, in letters from Sir Alexander MacDonald. In 1743 he writes that a man from the MacLeod Country had come over into his country in order to court a girl, that a quarrel had arisen between the MacLeod and a MacDonald rival, and that the

¹ This is probably over estimated.

former had cut off the ears of the latter. Sir Alexander asks MacLeod to punish the delinquent. In another dated March 1744 Sir Alexander tells how there has been 'a small invasion from Knoydart,' how three cows had been carried off, and describes the steps he is taking to punish the guilty parties. These would now be matters for the police; they were then attended to by the chiefs. And they also dealt with far more serious cases, and even possessed the power of inflicting the penalty of death. There is a hill near Dunvegan which is called the 'Hill of the gallows,' for here in old days criminals were hanged. A tradition says that the last occasion on which this power was exercised was in 1728. In that year a murderer escaped to the MacDonald country, was there arrested, brought back, and hanged on the hill of the gallows at Dunvegan.

To us, living in the twentieth century, it seems almost inconceivable that our forefathers not only possessed but exercised such powers less than two hundred years ago, but it is the undoubted fact that they did. Not only did the Highland chiefs possess them, but all the great landowners in Scotland. In 1747 the Heritable Jurisdictions Act was passed. In the *Scots Magazine* for that year the provisions of the Act are given. All these jurisdictions were taken away. There was a provision that those who held them should receive compensation, and there is in the same volume a long list of those who applied for compensation, and of the sums claimed which amounted to over £580,000.

I find none of the West Highland landlords in the list except the Duke of Argyle who claimed £25,000, MacKintosh who claimed £5,000, and MacNeil of Colonsay who claimed £1,200. I do not know the reason for this.

The Administration of Justice was put into the hands of Sheriff substitutes, who were then appointed all over Scotland. What we should call local Government was exercised by the Justices of the Peace. From some minutes of a meeting held at Sconser in 1788, we get some idea of what matters they dealt with, and the methods they employed. Attendance at the meetings was compulsory, and absentees were fined; they were the Highway authority for Skye; they made provisions for the hiring of servants, and fixed the wages which were to be paid—no one was allowed to pay more than the amount fixed. They made rules about such things as the maintenance of March dykes, the pounding of strayed sheep and cattle, the

certificates of beggars, the liability of people keeping dangerous beasts for any damage, the use of properly stamped weights and measures. There are provisions that no man shall be intoxicated at a funeral, or attend without an invitation, and that no one shall leave Skye during harvest time without the leave of two Justices of the Peace. This leave the Justices are not to give until after they have tried to get the applicant work in the island.

In theory the changes made by the Act of 1747 were very great. In practice they were probably small. The same people, who had previously acted under the authority of the chief, were now Justices of the Peace acting under the authority of the king, and they probably carried out their duties in much the same way as before.

Up to the end of the seventeenth century these powerful chiefs had lived at home. Each dwelt in his castle. Each had in his train a piper, probably many pipers, a harper, a bard, and a fool (who was possibly the cleverest man in his clan), beside many other retainers. They kept open house for their kinsmen, their clans and their friends. To them all disputes and differences were brought, and their decision was final. To quote Macaulay's words, 'Within the four seas and less than six hundred miles of London were many miniature courts, in each of which a petty prince, attended by guards, by armour bearers, by musicians, by an hereditary orator, by an hereditary poet laureate, kept a rude state, dispensed a rude justice, waged wars, and concluded treaties.' Nor, he goes on to say, had ignorance of what can be learned from books and of the fine arts kept them from managing their affairs with much skill and shrewdness. 'It is probable that, in the Highland Councils, men, who would not have been qualified for the duty of parish clerks, sometimes argued questions of peace and war, of tribute and homage, with an ability worthy of Halifax or Carmarthen, and that, at the Highland banquets, minstrels who did not know their letters, sometimes poured forth rhapsodies in which a discerning critic might have found passages such as would have reminded him of the tenderness of Otway or of the vigour of Dryden.'¹

After the passing of the Jurisdictions Act these all-powerful chiefs became no more than the owners of large estates, and, as the result of their loyalty to the Stuarts, some of them lost their estates altogether.

¹ *History*, vol. ii. p. 32.

Many Highland properties were confiscated on account of the share their owners had taken in the '45, but most of these were restored to them, or to their descendants, before very many years had elapsed. Clan Ranald recovered his estate about 1770. In his attainder he had been called Donald MacDonald, whereas his real name was Ranald, and his attainder was thus void. General Fraser received a grant of the Lovat Estates in 1774. Lochiel recovered his in 1784 under the general act of amnesty.

MacLeod who had taken no part in the rising sold Harris in 1779, and also sold large tracts of land in Skye before the end of the century. This land in Skye was sold in comparatively small parcels, so a class of small lairds came into existence there, and remains to the present day.

After the year 1760 many of the chiefs were absentees. Some were in Parliament and forced to go to London every year to attend to their parliamentary duties. Others preferred to live in the south of Scotland.

I do not know what the heads of other clans did, but it is certain that, throughout the whole of the eighteenth century, the MacLeods of Dunvegan were only occasionally at home.

This was bad for the country. There are many letters at Dunvegan in which the writers trace the evils from which the people were suffering to the absence of the chiefs from home, and it was disastrous in its results to the chiefs themselves, and brought about the ruin of many Highland families.

In the south rents had already risen to a high level, but the value of land in the Highlands, owing to their remoteness and to many other causes, was still low, and when a great Highland landlord went to Edinburgh or London, and lived with men of his own social position who possessed much larger incomes than himself, he was bound to get into financial difficulties. He too often tried to mend matters by screwing up his rents, and his people felt much aggrieved to find that the chief, to whom they were so devoted, had become an oppressor, whose one thought seemed to be how much he could get out of his people to spend on his own selfish gratification.

Many letters in the muniment room at Dunvegan prove how strong this feeling was, more so perhaps amongst the tacksmen than amongst the humbler classes. Yet it is wonderful how warm, in spite of all this, the feeling, even of the tacksmen, was towards their chief. This is well illustrated by a document

dated September 16th, 1777. In that year the financial condition of the MacLeod family was well nigh desperate, and the tenants of the estate came forward and signed the document from which I give extracts

‘We, the undersigned tacksmen, tenants and possessors on the estate of Norman MacLeod of MacLeod, Esq, wishing to shew our attachment to the family, and our desire to contribute, as far as our ability will admit, towards the support of their interest, and preservation of their estate, do hereby, in the hope that it may enable MacLeod and his Trustees to re-establish his affairs, and preserve the ancient possessions of the family, bind ourselves and successors for the space of three years to pay an additional rent of one shilling and sixpence in the pound of the rent now payable, on condition that, as our principal motive for becoming under this voluntary burden is our attachment to the present MacLeod, to the standing of the family, and our desire of their estate being preserved entire, that we shall be freed therefrom if we should have the misfortune to lose him by death, or if any part of the estate should be sold within the above-mentioned time.’ Here follow the names of thirty-six tenants.

Such an instance of the affection which the tenants on an estate felt for their landlord shews how strong clan feeling then was.

Taking the place of the small lairds and of yeomen in England were the gentlemen tacksmen on the estate. These were all cadets of the chief’s family, more or less nearly related to him. Out of the thirty-six who signed the document above given, nineteen were MacLeods, and five others were MacCaskills or MacSweyns, which were both minor septs of the clan. To them was entrusted the government of the people in their own districts.

The author of a report which was rendered to the British Fishery Society about the state of affairs at Stein towards the end of the eighteenth century says that the tacksmen had been ‘most tyrannical and cruel in dealing with their people.’ This may have been true in isolated cases, but I do not believe that it was generally true. When in 1772 and 1811 some of the tacksmen proposed to emigrate and take their people with them, it seems incredible that people who had been so cruelly treated should be willing to accompany their tyrants when they went away. They certainly were willing to do so, and, in a good many cases, they actually did so.

In 1708 these gentlemen tacksmen paid rents for their farms varying from 200 to 400 marks a year.

Besides these gentlemen tacksmen were a number of men holding smaller farms, which paid from 80 to 180 marks a year; in a few cases they paid as little as 40 marks. Roughly speaking the mark would probably be worth as much as a pound sterling is at the present time.

The whole estate was let to tacksmen, and the masses of the people lived under the tacksmen and were their servants. Pennant says that the tenant of a farm which paid £50 in rent would have twenty farm servants employed on the land. He draws a pitiable description of the condition of these poor people, but, as he happened to visit Skye in a very bad year, I think the picture he draws must be coloured in unduly sombre hues, and this probably is the case with his whole description of the Island of Skye.

I do not find in any of the old rentals any trace of crofters' holding under the laird until 1754, when a few were given holdings. Some of the holdings were no doubt small, but the tenants all ranked as tacksmen, not as crofters. In the rental of 1683 there were 179 tenants on the Skye Estate and 59 in Harris. We know that the population of Harris a hundred years later was just under 2,000. Had the land been in the hands of the people, we should find 400 tenants instead of 59. We may put the population of the Skye Estates at 6,000, and, had the land been in the hands of the people, the tenants would have numbered something over 1,000 instead of 179.

But, though the humbler classes were not holders of land under the laird, though the standard of comfort was very low, and though the wages then paid for labour strike us as ludicrously insufficient, I believe that they were not badly off, and not discontented with their lot.

Much of the land was under cultivation, dairying operations were carried on on a large scale, and the kelp industry was beginning to be a source of revenue to the landowners, and to give employment to the humbler classes. Early in the eighteenth century it had been discovered that the seaweed which grew on the rocks, and to a still greater extent the floating ware cast up by the sea, were rich in alkalis and iodine. To extract these the weed was burnt, and sent south (generally to Liverpool), to be further treated and refined. As early as 1722 kelp was being made in the Orkneys, and the industry began in

1735 in North Uist and in 1748 in Harris. Here the results were very soon seen in the increased revenue derived from the Island. In 1744 Harris was worth £356, in 1754 it had risen to £544 and in 1769 to £806. In Glenelg, where there was no kelp, values rose at the same time, but not to the same extent. The value of Glenelg in 1744 was £373, in 1754 £407, in 1769 £679.

The kelp industry rapidly spread to the other outer islands, and to Skye where, however, there was less floating seaweed, and consequently the industry was never so important.

It not only benefited the landlords, but it gave employment to the people. The cost of making the kelp was something like £3 os. od. a ton and all of this went in wages to the people.

Early in the century wages were very low. A gardener and a gamekeeper each received about £5 a year, a master mason received about £10 a year, a blacksmith's labourer received 1s. a week, a farm labourer may have been paid even less, but the cost of living was extremely low. The board, lodging and attendance of Lady Grange in 1745 only cost £2 10s. od. a year, a wedder cost one shilling and eightpence, a cow seventeen to eighteen shillings, butter a penny a pound, cheese a halfpenny, meal sevenpence a stone. Probably the people were allowed by the tacksmen to cultivate a piece of land, and, though they earned very little in money, they were given some meal, and some wool from which they could spin and weave their clothes. They had peat for the cutting, they could catch fish in the sea. I am under the impression that a good deal of mutton was consumed, and I think that they got a share of the Mairts which were salted for use in the winter, and of the milk which was produced by the cows. I am inclined to think that they owned cows which were allowed to graze with the tacksman's herds.

They had no luxuries and few comforts, but they had the necessities of life. In bad years, such as 1717 or 1772, they suffered terribly, and were reduced to picking up shell fish on the shores, and mixing blood drawn from living cattle with their oatmeal bannocks. But even then the laird was not unmindful of their sufferings. I find many references to his chartering ships to bring food to the country when the crops had failed at home. There was no poor law in Scotland until 1845, but I find in the estate accounts regular entries of 'pensions' being paid to poor persons who would otherwise have been destitute; and I believe that on most estates the duty of looking after the poor was thoroughly realised. I find also that many payments

were made to doctors and nurses, from which it would seem that the medical needs of the people were not lost sight of.

As time went on the cost of living rose but wages rose also. About 1775, the smith's labourer received 4s. 6d. a week, a farm labourer 4s. a week, if living in the house £2 a year and four pairs of shoes, a skilled carpenter £16 18s. 0d. a year. The wages of common women servants living in the house were 8s. a year and two pairs of shoes, of dairy women 15s. a year and three pairs of shoes. The shoes were valued at 2s. 6d. a pair. These later wages were fixed by a meeting of the Magistrates held in 1788.

In 1696 and 1708 education acts had been passed, and from the very beginning of the eighteenth century I find in the accounts payments to schoolmasters. The estate contributed about £5 a year towards the salary of each master, and every tacksman was bound under the conditions of his lease to make a certain payment for the same purpose. There were, I think, about six or seven schools on the Skye Estate, two in Harris, and certainly one in Glenelg. It would be interesting to know what language was being taught in these schools. Gaelic was undoubtedly the language of the people. In the report on Harris so often referred to, it is expressly stated that, out of the 1,993 inhabitants, only one hundred could speak English. The tacksmen no doubt spoke both Gaelic and English. I have no means of knowing whether the chiefs spoke Gaelic. They were certainly educated in the south. Sir A. MacDonald says in a letter written in 1744 that his son, Jamie 'is getting more Gallick at Kingsbourn than tongue can tell.' I suppose that up to 1747 the kilt was universally worn. It was then forbidden by law.

Turning to matters of religion I imagine that in early days the people followed their chiefs in these as in other matters. On the estates of Lord Lovat and Clan Ranald, the people are still Roman Catholic because their chiefs did not accept the Reformation. I incline to think that, during the first half of the seventeenth century, the Skye chiefs were Episcopalians, and that Ian Breac the sixteenth Chief of MacLeod, who succeeded in 1664, became a Presbyterian. At all events from the late seventeenth century onward the people on the ancient MacLeod Estates have been Presbyterians. From what Pennant and Boswell say of the clergy I gather that they were able and cultivated men. Certainly the Mr. McQueen mentioned by Boswell was.

In early days and during the whole of the eighteenth century much of the land was under cultivation. The climate and soil of the Western Isles are not really suitable for agricultural operations, but it was probably very difficult to import grain at that time. In some of the letters I find references which shew that this was the case. One letter describes the great difficulty of getting a ship to carry the corn, another says how badly the grain in a ship had been injured by salt water, a third relates the capture of a vessel laden with meal for use in Skye, by a French privateer.

Thus it was absolutely necessary to grow what corn was required at home. On much land now under heather are lazybeds, which shew that this land was once cultivated, but, on the other hand, some of the land now cultivated was then probably undrained marshland, lying as it does at a low level generally close to the sea, or on the banks of rivers. I gather from the quantity of meal which was paid as rent in lieu of money that Waternish and Minginish were the granaries of Skye.

The crops grown were beare, the *Hordeum vulgare* which is still grown in the Long Island, oats, a little rye, some flax from which a coarse linen was woven, and some linseed. The Harris report mentions that the home-grown seed was very bad, and says the shipwreck of an American vessel on the coast, which was laden with linseed, had enormously improved the crops. Clan Ranald introduced the potato in South Uist in 1743. At first the people would not look at it; 'You made us plant these worthless things,' they said, 'but Holy Virgin, will you make us eat them.' But these 'worthless things' were destined to become the staff of life in the Highlands. I find no reference to the potato in any of the eighteenth century letters at Dunvegan. Considering that from the point of view of the masses of the people its introduction was probably the most important event in the century, this omission is remarkable.

The methods of cultivation employed in the eighteenth century were somewhat primitive. The plough in use is thus described in an account of Harris dated 1772. 'Its whole length is but four feet seven inches, it is drawn by four horses abreast, it has one handle by which it is directed. The mould board is fastened with two leather thongs, and the soke and coulter are bound together at the point by a ring of iron.'

'Another instrument is also used called a ristle. It is only two feet long and is drawn by one horse. It has no soke, but

has a sharp crooked coulter which is drawn through the soil near ten inches deep. The use of it is to be drawn before the plough in order to cut the long twisted roots of a number of plants with which the sandy soil of Harris is infested, which are powerful enough to abstract the progress of so weak a plough as that which is commonly used.' Much of the cultivation was done with the 'caschrom,' the old kind of spade then in use.

Between 1732 and 1735 I find that mills were constructed at seven places on the Estate, and in all subsequent rentals, receipts from these mills appear. In the conditions of leases of 1769 there is a clause under which tenants were bound to grind their corn at the laird's mill, and if, for any reason, they chose to grind corn in their own querns, they were bound to pay their multure all the same. These new mills were probably worked by water power.

Before 1730 I assume that the corn was ground by hand-mills or querns. Pennant says it was a very laborious process and that it took two women four hours to grind a bushel of corn. He also describes a method of burning the corn which was called the 'graddan,' which takes the place of thrashing. 'This is performed in two ways, first by cutting off the ears and drying them in a kiln, then setting fire to them on a floor and picking out the grain, by this operation rendered as black as coal. The second method is more expeditious but very wasteful, as it destroys both thatch and manure. In this the whole sheaf is burnt without cutting off the heads.'

There were some sheep in the country. Probably the breed was similar to that now in St. Kilda, and it may be doubted if a sheep weighed more than 25 lbs. The price of a sheep remained during the first quarter of the century one shilling and eightpence, later it rose to two shillings and threepence, at which price mutton is little more than a penny a pound.

Plaid tartan and cloth are frequently referred to but the word wool is never used; probably neither sheep nor wool were exported in any quantities.

In 1772, however, some coarse woollen yarn and blanketing were exported from Harris. I should think that plenty of cloth was produced in the country to supply the local needs of the people by hand spinning and hand weaving. Pennant gives an account of the 'laughagh,' or 'walking the cloth.' Twelve or fourteen women sit down on each side of a long board, ribbed lengthways, putting the cloth upon it. First they work it

backwards and forwards with their hands and they then use their feet, singing all the time with such fury that you might imagine a troop of female demoniacs to have been assembled. This did the fulling of the cloth, a process which cleanses it from oil and grease.

There were more horses in the country than now. A little earlier we hear of droves of semi-wild horses wandering about the country, and the method of cultivation above described involved the use of a good many horses. These were probably rather ponies than horses, of a strong and serviceable breed.

The main wealth of the country lay in black cattle, of which there were large numbers. One result of this was that when a murrain occurred amongst the cattle, as happened in 1717 and 1772, the results were disastrous. There are a number of letters in the latter year which give an appalling description of the state of affairs. Every year a large drove was sent south for sale at Falkirk and other markets. The landlord received the money and settled with his tenants, deducting the rent due and charges for sending the drove.

In the eighteenth century the farm houses and farm buildings all belonged to the tenants. Macaulay gives an appalling description of the house of a Highland gentleman, and indeed of the Highland gentleman himself. This picture is probably painted in too dark colours, but the fact that, in the conditions of 1769, a rule is inserted that all new houses should be of stone and lime and no turf, implies that the old houses left much to be desired. It was not unnatural that it should be so. For centuries the raid of a hostile clan might reduce all the houses in the country to ashes, and it had been worth no man's while to build a house which could not be restored by the labour of a few days; and long after this danger had passed, men thought that what had been good enough for their fathers was good enough for them.

But not all the houses of the tacksmen were as bad as this. Johnson visited Talisker, the home of one of those on the MacLeod Estate, and writes thus, 'We spent two days at Talisker very happily, both by the pleasantness of the place, and the elegance of our reception.' He would not have written thus had he been entertained in a hovel. At Ullinish also, on a tacksmen's house still standing, is an inscription saying it was built in 1770. The humbler classes no doubt lived in black huts, some of which may still be seen in the Highlands.

There were roads in the country, some of which can still be traced. I doubt whether there were any bridges, and whether the roads were much more than tracks across the moors. Every able-bodied man was bound to give six days' labour every year on the roads. At the meeting of Magistrates in 1788 already referred to, each gentleman tacksman was to furnish a list of all such within his bounds, but it was provided that in future labour should be commuted for two shillings and sixpence a head, and that tacksmen should pay twopence in the pound on their rent in lieu of their personal attendance. A committee was appointed to obtain the services of a contractor to carry out the work on the roads. This was probably the first germ of the system of rates in the Highlands. Poor rates, school rates, County Assessments were all unknown. Local Government was certainly cheap in those days, and I believe that it was also effective.

Communication with the outside world was very slow and very difficult. In the early years of the century there was no post office in Skye, neither were there any mails. There was an official at Dunvegan called 'MacLeod's post.' It was his duty to take 'expresses' to any place to which he was sent. He received a regular wage of fifteen shillings a year, and fifteen shillings for a journey to Edinburgh. This seems very little, but it was equivalent to £9 in our own days. As early as 1742 I find MacLeod writing that he will write again by the next post, from which I assume that a mail was then being sent to the Western Isles. But the only post office in Skye was at Dunvegan, and people who lived in all parts of the Island had to send there for their letters. The authorities would not allow a bag to be dropped by the postman at Sconser, and in 1753 Lady Margaret MacDonald wrote several letters to MacLeod bitterly complaining of this, and asking that a post office should be opened either at Portree or Sconser.

The outer islands were served by a packet which sailed from Dunvegan once a fortnight. Stornoway had a fortnightly packet sailing from Poolewe.

There are among the papers at Dunvegan a great many papers relating to election business.

Until 1832 the County Franchise in Scotland was confined to freeholders who held land worth £400 Scots money under the old valuation of 1690. Sometime early in the eighteenth century a plan was devised by means of which the owners of large properties were enabled to multiply the votes on their

estates. The owner gave to any person on whom he could rely, a charter for life of land valued under the valuation of 1690 at £400 Scots money, and that person gave the original owner a charter of the land at a peppercorn rent.

The former then became 'the subject superior' of the land and as such was entitled to vote. The original owner still enjoyed the profits of the land, but held it not as before of the Crown, but of the 'subject superior' whom he had himself created. This last person holding of the Crown was by Scottish law a baron, so the process is referred to as 'making Barons,' or as 'creating superiorities.'

In 1690 the MacLeod Estate was valued at £8,874, which, judiciously split up, would give twenty-two votes. In 1782 there were only ninety-eight voters on the roll for Invernesshire. So that MacLeod then commanded nearly a quarter of the votes in the whole county.

But this system had many disadvantages. It involved much expense, it became necessary for an heir to obtain seisin from each of the subject superiors on succeeding, instead of obtaining one seisin for the whole from the Crown, and, in one instance at all events, a new baron, having obtained his charter, refused to reconvey the land.

It may be doubted moreover whether much was really gained. Other owners of land in the county were as busy creating superiorities on their estates as MacLeod was. The Duke of Gordon seems to have been specially busy in this direction, and the record of elections induces me to think that MacLeod was outstripped in the race. Elections were won in 1741 and 1790, but they were lost in 1733 and 1823. Generally, I think, the new barons paid nothing for their rights, but I find that about 1790 £400 was paid for a superiority in Argyleshire, and that between 1818 and 1830 £325 was received for superiorities.

The earliest instance of creating barons which I find is in 1733, and the custom continued till the Reform Bill of 1832 was passed.

Though there are very few papers on the subject at Dunvegan, no sketch of the state of affairs in the Highlands during the eighteenth century would be complete without some reference to the Jacobite plots which were incessant, and to the Jacobite risings, which were very frequent during the first half of the century. The Earl of Sutherland and the Duke of Argyle were undoubtedly Whig, but the majority of the western chiefs were

enthusiastic Jacobites. Lord Seaforth, Clan Ranald, and Sir Alexander MacDonald of Slaitt were all out in 1715. Sir Alexander MacDonald of Slaitt and MacLeod were certainly concerned in the abduction of Lady Grange, which is generally believed to have been carried out because she was a Government spy whom it was necessary to remove because she had knowledge of Jacobite plots. There is, however, some reason to doubt whether her abduction was a move in the political game at all. It may have been prompted by purely personal motives.

Murray of Broughton and Lord Lovat maintained that MacLeod had entered into the most solemn engagements to join Prince Charles, and that he was a double-dyed traitor because he did not do so, but there is absolutely no proof that he had done so, and I very much doubt whether he had entered into any engagements at all. When the Prince came, fervent Jacobites like Lochiel and Clan Ranald thought that it was a mad enterprise, and were only won over by the personal charms of Charles Edward himself. The Skye chiefs, whatever their sympathies, held aloof, probably under the influence of the Lord President Forbes, and actually raised their clans to fight on the side of the Government in the inglorious campaign under Lord Loudon in the winter of 1745.

This they had great difficulty in doing, as the sympathies of both clans were certainly Jacobite. Sir Alexander MacDonald in a letter dated September 25th, 1745, says, 'I need not tell you the difficulty of recruiting 100 men; the scarcity of bread forced away several in the spring to the Dutch Service, and the men here are almost as fond of the young gentleman as their wives and daughters are.'

During the last half of the century large numbers of men were raised in the Highlands for the army carrying out the policy which had been originally suggested by President Forbes, and adopted by Pitt. Among the papers at Dunvegan are references to recruiting which was going on in 1760 for some unnamed regiment.

In 1775 Norman MacLeod (afterwards General MacLeod) raised a company for the Fraser Highlanders. In 1780 he raised a large number of men for a second battalion of the 42nd, afterwards the 73rd. Some think that he raised the whole battalion. He was certainly its first Lieutenant-Colonel. In 1790 further recruiting was going on, though here again no regiment is mentioned.

RODERICK C. MACLEOD.

An Unpublished Letter of Sir Thomas Browne, M.D.

THE great reputation of Sir Thomas Browne, author of *Religio Medici*, as a man of literature and science, brought him many valuable friendships, and among his correspondents were some of the most eminent individuals of his time. A large number of letters which he wrote and received have been preserved, and of these a considerable proportion are printed in Volume I. of Wilkin's edition of Browne's Works.¹ Among the letters classified by Wilkin under the heading of Miscellaneous Correspondence there is a series of eight which passed between Browne and Sir William Dugdale between 4th October, 1658, and 5th April, 1662.² Dugdale was interested in the art of embanking and draining, and was contemplating a treatise on the subject, about the time when this correspondence opened. He applied to Browne for critical, historical and scientific contributions to his work. This was in due course acknowledged by Dugdale, not only by letter but also in his book. It is probable that Browne complied with Dugdale's request that he would look through the manuscript before it went to press.

The autograph signed letter by Browne, which is here printed (pp. 52-56), bears internal evidence that it belongs to the series referred to. It was not known to Wilkin, but its absence was commented upon by him. Another gap in Wilkin's series was filled in the early seventies of last century by the publication of another manuscript letter by Browne. This was in great part reproduced by Southwell in his edition of Browne's *Natural History of Norfolk*.³

¹ *Sir Thomas Browne's Works, including his Life and Correspondence*. Edited by Simon Wilkin, F.L.S. London: Pickering, 1835-6, 4 vols. Vol. I. (dated 1836) contains the correspondence. For the present series see pp. 380-393.

² Browne (1605-1682) was knighted in 1671. Dugdale (1605-1686) was created Garter King-of-Arms and knighted in 1677.

³ *Notes and Letters on the Natural History of Norfolk, more especially on the Birds*

The fens and a certain fishbone constitute the double thread upon which this correspondence is strung. The charming way in which Sir Thomas points out a fallacy that may arise in the interpretation of 'subterraneous discoveries' will appeal to the modern reader.

On 27th September, 1658, Browne wrote a letter to Dugdale, evidently agreeing to give some assistance asked for. This letter was not known to Wilkin, and so far as I know has not been recovered. Dugdale refers to it in the letter of 4th October, 1658,¹ in which he writes to thank Browne, promises to send him bones from a certain fish, and asks his opinion on the meaning of the Latin word *emuniendis*.

On 9th November, 1658 (Wilkin, letter 2), Dugdale writes to Browne. Wilkin thinks that this letter was a mere envelope, and that the discourse which it contained was the paper afterwards published as No. 9 of *Miscellany Tracts* (London, 1683), entitled *Of Artificial Hills*, and preceded by Dugdale's Note of Enquiry.

On 10th November, 1658 (Wilkin, letter 3), Browne writes to Dugdale on the correct interpretation of the word *emuniendis*.

On 17th November, 1658 (Wilkin, letter 4), Dugdale writes to Browne acknowledging Browne's letter of the 10th, and says: 'I have herewithall sent you one of the bones of that fish, which was taken up by Sir Robert Cotton, in digging a pond at the skirt of Conington Downe, desiring your opinion thereof and of what magnitude you think it was.' He also asks Browne for a list of writers who have described the improvements brought about by banking and draining in Italy, France or the Netherlands.

On 6th December, 1658 (Wilkin, letter 5), Browne writes to Dugdale: 'I received the bone of the fish, and shall give you some account of it when I have compared it with another bone which is not by mee.' He says he had been prevented by 'diversions into the country' from sending an answer that day to the inquiry about banking and draining in other lands.

On 24th February, 1658-9 (Wilkin, letter 6), Dugdale writes an interesting letter to Browne. He is recovering from

and Fishes, from the MSS. of Sir Thomas Browne, M.D. Edited by Thomas Southwell, F.L.S. London: Jarrold & Sons, 1902. Appendix B, pp. 91-94.

¹No. 1 of the eight letters published by Wilkin in the Browne=Dugdale series.

an illness, and is now able to look again at his books and papers, though not yet daring to venture abroad, owing to the cold weather. He thanks Browne for a note received on the preceding day 'touching the draining made of late years by the Duke of Holstein'; and also for his 'learned observations'¹ touching the banking and drayning in other forreign parts.'

'But that which puzzles me most,' he says, 'is the sea coming up to Conington Downe.'

This brings us to the consideration of the two letters which have come to light since Wilkin's time. Browne is obviously owing Dugdale a letter on the origin of the fens, and it seems permissible to infer from Dugdale's letter just quoted that Browne had not yet given him his views on the fish bone. Browne dealt with these two subjects in separate letters. I think the undated letter which was first published in the *Eastern Counties Collectanea* for 1872-3 (pp. 193-195), and was (in great part) reprinted by Southwell in the *Notes and Letters* in 1902, is the earlier of the two. It deals with the fish bone.

'Sr. I cannot sufficiently admire the ingenious industry of Sr Robert Cotton in preserving so many things of rarity and observation nor commend your own enquiries for the satisfaction of such particulars. The petrified bone you sent me, which with divers others was found underground near Cunnington, seems to be the vertebra, spondyle or rackbone, of some large fish and no terrestrious animal as some upon sight conceived, as either of camel, rhinoceros, or elephant, . . .

It seems much too big for the largest dolphins, porpoises, or sword fishes, and too little for a true or grown whale, but may be the bone of some big cetaceous animal, as particularly of that which seamen call a Grampus; . . . and not only whales but Grampusses have been taken in this estuarie or mouth of the fenland rivers. . . . We are not ready to believe that, wherever such relics of fish or sea animals are found, the sea hath had its course. And Goropius Becanus long ago could not digest that conceit when he found great numbers of shells upon the highest Alps. For many may be brought unto places where they were not first found. . .

For many years great doubt was made concerning those large bones found in some parts of England, and named Giants' bones till men considered they might be the bones of elephants

¹ So far as I know, this communication has not been recovered.

brought into this island by Claudius, and perhaps also by some succeeding emperors. . . . But many things prove obscure in subterraneous discovery . . . In a churchyard of this city an oaken billet was found in a coffin. About five years ago an humorous man of this country after his death and according to his own desire was wrap't up in a horned hide of an ox and so buried. Now when the memory hereof is past how this may hereafter confound the discoverers and what conjectures will arise thereof it is not easy to conjecture.'

This letter is necessarily later than Browne's letter of 6th Dec., 1658, in which he acknowledges receipt of the bone. It may likewise be assumed that it was written prior to 16th Novr., 1659, the date of the next letter to be referred to. Southwell notes that the will of Richard Ferrer directing that his dead body be handsomely trussed up in a black bullock's hide, and be decently buried in the churchyard of Thurne was proved 'about 1654.' This would be 'about five years ago,' if Browne were writing in 1659, as is highly probable. Finally, the letter is endorsed 'Sir Thomas Browne's discourse about the fish bone found at Conington Com. Hunt, Shown. Dr. Tanner.'

The second of the two letters deals with the fens, and has never, so far as I know, been printed before. It is, with the exception possibly of the postscript and probably of the endorsement, a holograph letter, and is dated and signed, but the name of the person to whom it is written does not appear in it. The contents, however, leave no room for doubt that it is the missing communication from Browne to Dugdale.

Sr

I returne you many thanks for that handsome account concerning the cause, courses, & progresse of the fennes. Therin yo^r conjecture is very rationall & raiseth a faire probabilitie: Hauing founded yo^r opinion upon the ancient & receiued cause, from the stagnation of the fresh waters: wch was also the reason alledged of old by Aristotle, & Herodotus, for the raysing of the grounds of Ægypt; & cause still assigned by the Ferrarians, why the innundations of the Po hath made so many marshes.

Concerning the sea or siltie soyle about the skirtes of Conington downe, where the fish bones were found, as also the burnt trees found under ground, in the Isle of Axholme; in points of such obscuritie probable possibilities must suffice for truth.

S. I return you many thanks for that handsome account,
 concerning the ~~travels~~ ^{travels}, & progress of the Genny
 Themi as you stile it very rational & ratiell a fair pro-
 babilite. Having found your opinion upon the ancient &
 received cause, from the stagnation of the fresh waters:
 it was also the reason ~~of~~ ^{of} whered of old by Aristotle, &
 Herodotus, for the raising of the grounds of Egypt; & cause
 still assigned by the Peruvians, why the inundations of
 the Sea hath made so many marshes.

Concerning the Sea or Silthe, foyle about the Rites
 of Cunningham Downe, where the fish bones were found, as
 also the burnt trees found under ground, in the Ile of
 Acholme; in points of such obscure probable possibili-
 ties must suffice for Aeneas.

How the sea should come to the skirtes of Conington, where the soile is siltie, & the bones of the fish were found, having noe knowledge of the place, or particular situation about it, I haue noe speciaall guide or direction to determin. But being not farr removed from the present fennes & great broads, it is not impossible that in large flowes, & great drifts of elder time, the silt might be landed so farr. For the soile was then lower, many foote, that is by the depth of the silt, & limous surface upon it : & the sea might flowe farr upon the face of the leuell, & so by frequent repetition of flouds, & windes extend it's silt & sands, till the higher grounds confin'd their progresse & expansion. Hee that considers some high sandie grounds in Brabant, wch they hold to haue beene made by the sea, may more easily apprehend this.

For the times when great mutations happened, or when thinges lately discoverd were lodged under ground, consideration must be made of the lower soyle, of the siltie soyle, & of the soyle aboue it. The lower ancient, & proper soyle was laid, when the Rivers had their free course & egresse, when the baye was deepe, not clogged wth sands, & the mouthes of the outletts free. The siltie soile might be laid when the flouds at higher tides came farr, when the baye being shallowed made the flouds large, & caried farr ouer the leuell ; as it happeneth on the coast of Cambaia in India, where the ebbes leaue the land drie for fifteen miles together. The fenny soile was raised when the sea was restrained, by art & nature, & the land flouds settled their mudd upon it : increasing when the sands blockt out the sea, & cloyed the mouths of the riuers. Now according to these seuerall times, some guide may be had to seuerall doubts arising concerning the possibilities & time of such substances w^{ch} are found in seuerall of them.

But for all great mutations, & obscure alterations in such places, wee may take in one way of salue from the hyemes magnae or great winters of Aristotle : for according to his doctrine in processe of time, & revolution of yeares there falls out a *μεγας χειμων* or great winter, abounding in continuall raines & flouds even to the dissipation of the inhabitants, which observation is confirmed by examples of lower countries, allowed by his comen-tators, & the reason assigned by Astrologers, from the conjunction of the upper planets in a watery Trigon. And though wee hold noe Register of such deluges, & perhaps they may be too old for o^r records, yet since the same hath happened in other

well be burnt, & the trees themselves be so weakened
 that when they fall or were forced down, by impul-
 sion from outward agents, the trunk might fall,
 & the burnt roots stand, in a black & burnt soil,
 & thus advantage its duration.

Nov. 1659

Nov. 1659

1659

Sir
 your very affectionate friend
 Thomas Browne

not to use
 of clearing the ground
 in Virginia (as with
 Indian labor) but
 to clear the ground
 of the trees

lowe regions, the like is probably possible in this; w^{ch} might ouerturne woods & trees, alter the site & course of Riuers, wash, shaue & pare away the upper grounds, raise & leuell others, settle lakes & broades, & admitt of large sea fishes.

How the trees found underground in the Isle of Axholme should have burnt bottomes, seemes very obscure, but may happen two wayes. First from the custome of Barbarous nations abounding in wood & making little account therof; who ordinarily cutt not downe their trees for fuell, but upon occasion make a fire about the bottome, & fire the tree about the lower part, wherin having serued their turnes, they depart: And this might well be practised by our unciuilised predecessors. Soe in the voyages of the North-west passage when o^r men come into the woodes they mett wth burnt trees. The like I haue often observed in Ireland, where passing through large woods I have obserued many hundred trees, burnt at the bottome, the trunke yet standing in many. And therefore these trees being burnt, & often halfthrough or more at the bottome, & so readily disposed to breake wth windes or floudes, might easily soe fall that they might lye by their rootes.

Another way is possible, especially in moorie, turfie, or bituminous soiles, for in such, the surface of the earth doth sometimes take fire, smoakingly, & smotheringly burning, for many dayes together, as it hath happened in seuerall parts both of England & Ireland: If so, the lower parts of the trees might well be burnt, & the trees themselves be so weak^{ned} that when they fell or were forced downe, by impulsione from outward agents, the trunk might fall, & the burnt roote stand, in a black & burnt substance advantaging its duration.

Norwich
Nov. XVI
1659.

Sr from

Your very affectionat seruant

THOMAS BROWNE

Ore the use
of clearing the ground
in Virginia & the west
Indies their buisnes
is to clear the ground
of the trees.

On 29th November, 1659, Dugdale writes to Browne (Wilkin, letter 7).

‘Yours of the 17th instant came to my hands about 4 days since, with those inclosed judicious and learned observations, for which I returne you my hearty thanks.’

Though the dates differ by one day, it is obvious that the letter which has just been transcribed at length is the one to which Dugdale refers.

This correspondence, so far as it is accessible at the present time, closes with a brief communication from Dugdale to Browne, of date 5th April, 1662 (Wilkin, letter 8). *The History of Embanking* had been published, and the author now sends Browne a presentation copy;¹ at the same time acknowledging how much he owed to Browne’s help, and stating that at p. 175 of the book he had made some brief mention of this indebtedness.

The manuscript letter now published for the first time can be deciphered without much difficulty. The only troublesome word is the one which I have rendered ‘Qre’ after Browne’s signature. The ‘e’ may be taken as correct; the earlier part of the word might be almost anything. ‘Qre,’ however, was in use in Browne’s time and is a likely rendering. Thus in a letter from Browne to Dugdale (Wilkin, letter 5) there is a marginal MS. note by Dugdale, ‘Qre: to ask the Docter whether ever he saw this draught’ (Wilkin, I. p. 387).

The letter occupies nearly three pages of a four-page folio sheet, folio size. In the lower fourth of the fourth page, at the right-hand, it is endorsed in two vertical lines:

Sir Tho : Browne
about the fens

The new letter belonged to the ‘Collection of Autograph Letters and Historical Documents formed by Alfred Morrison.’ When this collection was sold, the letter was purchased by Messrs. Dobell of London, through whom it came into my possession.

T. K. MONRO.

¹ *The History of Embanking and Draining of divers fenns and marshes, both in foreign parts and in this Kingdom, and of the improvements thereby.* By William Dugdale. London: 1662, folio.

Reviews of Books

DOCUMENTS ILLUSTRATIVE OF THE SOCIAL AND ECONOMIC HISTORY OF THE DANELAW, FROM VARIOUS COLLECTIONS. Edited by F. M. Stenton, M.A., Professor of Modern History, University College, Reading. (The British Academy: *Records of the Social and Economic History of England and Wales*. Vol. V.). Pp. cxliv, 554. Royal 8vo. London: Oxford University Press. 1920. 31s. 6d. net.

THE fifth volume of this great series, published under the patronage of the British Academy, is perhaps more intricate and of more permanent value than any of its predecessors. Its immense importance may be gathered from the bulky nature of its threefold division, an illuminating introduction of 144 pages, a collection of over 550 original charters, all of which belong to the twelfth century and relate to the five boroughs of the Danelaw, covering 400 pages, and an exhaustive index of 150 pages. We know of no volume like it in scope and value for any definite area in the period selected. That such an enterprise should be undertaken and accomplished for such a wide region, embracing the five shires of Lincoln, Nottingham, Derby, Leicester and Rutland, that is, the region between Yorkshire and the Welland, is a notable achievement. As our knowledge of the social conditions of the period between the time of Alfred and the Norman Conquest is largely dependent on our deductions from Domesday, we should be almost in a similar state of darkness for the century after Domesday, except for what can be gleaned from the early charters of the twelfth century. For this reason the importance of a systematic publication of documents of this nature cannot be exaggerated.

It is fortunate that an interpreter with the experience of Professor Stenton should have been chosen to guide the student through the by-paths of this miscellaneous collection. His introduction can be studied with profit by the expert as well as the ordinary student. The expert may go to the charters themselves and form his own conclusions, but he cannot safely overlook the commentary in the introduction, which contains not only new methods for the interpretation of early evidences, but also helps to unravel some difficulties in diplomatic lore. It is no disparagement of the editors of monastic chartularies to say that they will be much assisted in the interpretation of their local charters by the views and conclusions expressed in the introduction.

It is of course true that agrarian economy in the wide region known as the Danelaw has points of difference with other districts, but nevertheless the terminology of institutions and customs rarely changes. It is helpful

to know something of the evolution of the manor as the designation of an estate in any given district, and perhaps in no district is that evolution clearer than in Danelaw, where the unity of the village survived so long. Only two charters in this collection mention the *manerium*, and these were probably written by outside scribes. In subsequent documents about the same estates, which were written locally, there is a reversion to the *villa*, in preference to the newer word introduced by southern clerks.

In the same way numerous charters illustrate the conception of the toft as containing the house and buildings that belong to an arable farm. In the twelfth century it was not customary to alienate a farm without a farmhouse, but the word toft does not always indicate the site of a farmhouse or the homestead of a cottager. There is evidence of the conveyance of tofts without reference to an arable tenement. As Lincolnshire, for instance, had great sheep-runs, it is not surprising that tofts should be found there without arable appendages. After this manner Professor Stenton discourses on many of the elements of agricultural economy from the bovate, the normal unit of tenure in the Danelaw, to the selions in the open fields.

On the ecclesiastical side the foundation and early endowment of village churches receive important illustration in these pages. In the Danelaw, if anywhere, there should be evidence of communal endowment, when the divisions of lordship, characteristic of villages in that area, and the freedom of their inhabitants are considered. But there is not a great deal. One would have expected that the foundation of a chapel and its upkeep should have been a co-operative work in view of the rights of the territorial church. The chapel was built for the convenience of a township or district within a larger area already provided with ecclesiastical ministrations. If a section of the inhabitants within the area, perhaps at some distance from the village church, desired additional privileges, the cost of the provision would naturally fall on the local community. In other instances that might be cited outside the Danelaw, it was the lord of the district who founded the chapel for his dependents who needed it. Despite this, there is evidence that the seignorial divisions of a village were reproduced in the partition of a village church. Fractions of churches are often mentioned in Domesday, and the occurrence appears to go back to King Edward's days. It may be said, therefore, that the later partition of the advowson between co-heiresses and the division of the revenues into moieties are feudal incidents and not survivals of pre-conquest origin.

In the twelfth century Danelaw the rights of the patron had not yet been reduced to the mere power of making an appointment; he could stipulate for a money payment from his nominee. In this collection there is a solitary charter (No. 453) from Welbeck Abbey, dated about 1150, which shows conclusively this stipulation, on which Professor Stenton remarks that the ordinary formulae of enfeoffment were used as if to suggest that no fundamental difference was recognised at that time between a church and other profit-sharing appurtenances of an estate (p. lxxiv). But the stipulation was by no means confined to that area or to a date so early. It was the invariable practice of the abbot and convent of St.

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Mary, York, in the thirteenth century and perhaps later, to exact a bond for payment of a portion of the revenues from rectors nominated by them to some of their churches before they were presented to the bishop for institution.

It is notable that the old puzzle in some early charters of the use of *monasterium* in unexpected connexions has been adequately explained; it was the equivalent of *ecclesia*, as in the phrase—'in wood and plain: in minster and mill.' In a charter of the chapter of Lincoln, a tenement in that city is described as situated *inter monasterium Omnium Sanctorum et duas stratas regias*, the employment of the word being a survival of remote usage. It may also be pointed out as of rare occurrence that a village community (*tota parochia*) should be represented as witnessing a charter in its ecclesiastical capacity (No. 270).

There is only one reference remotely relating to Scotland in the collection, in which Stephen son of Herbert, the chamberlain of the King of Scotland (*regis Scotie*), confirmed a grant of some land in Swinethorpe and Snelland to the abbey of Kirkstead on 31st January, 1160 (No. 219). 'David de Scoce,' the first witness of a charter (No. 164), the date of which is ascribed to 1171-1184, has been wrongly identified in the index with David I., King of Scots, an unaccountable slip in a piece of work beyond praise, prepared with such skill and care by Canon Foster, of Timberland, and Miss Thurlby.

JAMES WILSON.

THE COLLECTED WORKS OF SIR FRANCIS PALGRAVE. Edited by his son, Sir R. H. Inglis Palgrave. In ten volumes.

THE HISTORY OF NORMANDY AND ENGLAND. In four volumes. Vol. III., xl, 554. With 4 Maps. Vol. IV., lviii, 798. With 1 Map. La. 8vo. Cambridge: University Press. 1921. 42s each.

THE first two volumes of the edition projected by the late Sir Inglis Palgrave of his father's collected historical works have been reviewed fully, *S.H.R.* xvii. 52, where a short attempt was made to appreciate the part played by Palgrave in British historiography. There is no need, therefore, on the occasion of the appearance of a second instalment of the venture, to do much more than note its publication and wish a good success for the completion of the enterprise. The great-grandson of Sir Francis, Mr. Geoffrey Palgrave Barker, has taken up the work which death prevented his grandfather, Sir Inglis, from completing. In an interesting preface Mr. Barker has told us how he has executed his task, and how he has enlisted the services of many fellow-workers in carrying through his edition. These volumes represent a harder piece of work than was presented by the first two, for they include a large mass of matter, left in manuscript on Sir Francis' death, and left, we gather, in a condition that required a good deal of editing before it could see the light. Even that part of the present volumes, which was published after Palgrave's death, lacked his own final revision, and has therefore, Mr. Barker tells us, been subjected to a laborious editing under the direction of Dr. Joseph Hall. But some seventy pages of Vol. III. contain an introduction on the 'General Relations of Mediaeval History' which was only privately printed in the writer's lifetime. Moreover the posthumous

volumes of *Normandy and England* stopped in 1101, and Vol. IV. of the reissue contains in addition to what the original edition gave us a combination which takes Palgrave's narrative through the reign of Henry I. to the death of Stephen, and that with such minuteness or prolixity that it needs some three hundred pages of print. Of this continuation we need only say that it is very much of the same type as the part of the work already known, and that, while welcome as a contribution to historiography, will not be of much real service to scholars, since, like all Palgrave's work, it is deeply coloured by his personality and is naturally not up to date in its scholarship. Of the discursive, suggestive, provocative introduction it is enough to say that it gives us Palgrave both at his best and his worst.

The great mass of illustrations and annotations shew much labour, but much of it, one is bound to say, is labour in vain. Sometimes, and that not seldom, the editor's notes are really valuable, as when Palgrave's emphatic statement that such palimpsests as the Verona Gaius, written over by St. Jerome's letters, represent the triumph of an intolerant and anti-literary church over heathen civilisation is rightly corrected by Traube's clear demonstration that palimpsests were simply due to the scarcity and excessive cost of parchment. But many of the notes are statements of the obvious. Other errors of Palgrave, such as his acceptance of the story that Ranulf Flambard threw the King's 'privy seal' into the sea, provoke no editorial comment whatsoever. The genealogical tables and maps have more value than the notes and deserve a word of recognition. Each volume has also a useful index.

T. F. TOUR.

BURKE AND HARE. Edited by William Roughead. Notable British Trials Series. Pp. xi, 280. Demy 8vo. With 13 illustrations. Edinburgh and London: William Hodge & Company, Ltd. 1921. 10s. 6d. (Also a limited edition, containing the whole proceedings against Hare, and several additional appendices, 250 copies on large paper, numbered and signed by the Editor. 25s.)

THE association of Burke and Hare in their career of murder has been described by the late Mr. H. B. Irving as a typical example of dual crime, but it is evident from a study of Mr. Roughead's most painstaking and interesting book that Dr. Knox, the Edinburgh anatomist, is entitled to claim almost an equal share with these two miscreants in their notoriety. At the end of the year 1827 Burke and Hare were both in a state of dire poverty, and their disinclination for decent work of any kind was so deeply rooted that it was unlikely either would ever be able to earn sufficient money to keep them supplied with the quantity of drink they so greatly desired. At this period a lodger in Hare's house died of natural causes, owing his landlord the sum of £4. To recover this bad debt Hare decided to dispose of the man's body to the surgeons, and, as a confederate was required, he communicated his plan to his friend Burke. The sale of the corpse was duly carried out, the purchaser being Dr. Knox, and the price £7 10s. After the sale the doctor's assistants said 'that they would be glad to see them again when they had another to dispose of.'

A vista of unlimited wealth opened before the greedy eyes of Burke and

Hare, and thus began what the editor calls the 'unholy alliance' of the twain. As lodgers did not die naturally in sufficient numbers to provide a steady income the partners decided to assist nature, and between them they accounted for at least sixteen persons all foully murdered within a space of nine months. Each body was sold to Dr. Knox at prices varying from £8 to £10 apiece. However reprehensible as a man Dr. Knox may have been, there is no question of his capability as a physician, and it is plain therefore that the cause of death in practically every case must have been evident to his professional mind. No questions were ever put to Burke and Hare by the purchasers as to how they had obtained possession of the bodies, and a constant demand was made on them for more. It is also a significant point that the murders were scientifically carried out in such a manner as to prevent disfigurement or external marks of violence on the victim, and it would be interesting to learn how such ignorant and unscientific persons as those two Irish labourers came by the knowledge that enabled them to commit murders with a skill which was later on a matter of wonder and dismay to the leading doctors of Edinburgh.

Burke and Hare were ably and actively assisted in their search for suitable victims by Helen M'Dougall, Burke's paramour, and Hare's wife, and when the disclosures regarding the murderous gang were first made public it was fervently hoped that all four would meet with the fate each so richly deserved at the hands of justice. Unfortunately, however, owing to the difficulty of securing a conviction, the Crown was forced to accept Hare and his wife as King's Evidence. M'Dougall was tried with Burke but got off on a verdict of not proven; Burke, of course, was well and duly hanged.

Mr. Roughead has marshalled his facts cleverly, and presents a series of incidents in the career of Burke and Hare in a manner which makes the story compact and thrilling. To a legal knowledge and ability which has enabled him to do this Mr. Roughead adds a charm of literary style and a vein of ironic humour particularly pleasing. The disclosure of Burke's crimes was directly responsible for the passing of the Anatomy Act, which put an end for all time to the horrors of the Resurrectionists. Further to his renown lies the fact that, as the editor points out, 'he has enriched our language by a new metonymy,' and now he has inspired this volume which entitles him to the thanks of all who enjoy the tale of a thorough paced villain and a full account of his ultimate trial and doom. D. A. MAXWELL.

THE ENCLOSURE AND REDISTRIBUTION OF OUR LAND. By W. H. R. Curtler. Pp. viii, 334. 8vo. Oxford: Clarendon Press. 1920. 16s.

THIS book is a monument of industry. Going back to the agricultural policy of the Germanic tribes as it appeared to Tacitus and carrying on the story of English agricultural policy to the passing of the Small Holdings Act of 1908, the author certainly covers a great deal of ground. It is difficult to think of the people at the time of Pliny as being skilful agriculturists, but Mr. Curtler quotes Pliny to say that the Britons marled their fields, and Professor Elton to say that 'they appear to have been excellent farmers, skilled as well in producing cereals as in stock-grazing and the

management of the dairy.' If all this is to be taken in the modern sense of the words, the Germanic tribes in invading England submerged a civilisation much higher than their own.

The author does not devote a great deal of space to this period of English agricultural history. He sets to work in earnest with the Domesday Book of 1086, where the statistical takes the place of the more or less conjectural. The importance of land tenure to the early Norman rulers of England seems to have centred on its capacity to furnish a powerful body of retainers and fighting men, and apparently in this originated the system of common ownership, where the Lord of the Manor protected and encouraged the commoner in exchange for the military service he was capable of rendering. Mr. Curtler's narrative brings this out clearly and shows how, as the need for military support diminished, the commoner became more and more a cumberer of the ground in the view of the titular owner. Gradually the old friendly relations of overlord and vassal disappeared, and it may almost be said that as land holding became commercialised, it became dehumanised.

The story of the gradual enclosure of the common lands is familiar. In essentials it does not differ greatly from the story of the Highland clearances, and the maxim, which probably describes both, may be bluntly put in the words of Tennyson's *Northern Farmer*, 'the poor in a loomp is bad.' Even Mr. Curtler, who sets out to prove that the landowners were the first to try to remedy the hardships undoubtedly brought on many of the poor through the loss of their commons, has to admit that much injustice was perpetrated, and many hardships inflicted on the dispossessed common holders, particularly during the enclosure period of the nineteenth century.

Throughout the whole period, in Mr. Curtler's own words, 'the politician can see two conflicting views of the basis of wealth : one, the old one, measuring it by the number of tenants able to do service ; the other, testing it by the maximum pecuniary returns to be obtained from each estate.' That is really, put tersely, what was happening. Granted that the enclosing and skilful cultivation of the land produced more food for the people of the entire country, the effect of the policy was to clear the people from the land and drive them into the cities, where they became wage-earners, with no stake in the country beyond what their precarious wages gave them. Thus many of our social evils are the direct result of the policy of land enclosure. Thus we come back to the old question—what is to happen to a land 'where wealth accumulates and men decay' ? It may be answered in the language of Goldsmith. The country is now seeking painfully and by slow degrees to retrace its steps and get the people back to the land, but while there was a selfish, and therefore powerful, motive in getting them cleared off the land, only the higher statesmanship animates the contrary policy, so the process may be expected to be slow and hampered.

Mr. Curtler's book is a mine of curious and detailed information, and if his defence of the landowners is not altogether successful, that does not detract from the interest of the book as a narrative of facts.

ANDREW LAW.

CALENDAR OF STATE PAPERS, FOREIGN SERIES, OF THE REIGN OF ELIZABETH, PRESERVED IN THE PUBLIC RECORD OFFICE. Vol. XX., September 1585-May 1586. Edited by Sophie Crawford Lomas. Pp. lxxv, 888. Imp. 8vo. London, and Edinburgh, 23 Forth Street : His Majesty's Stationery Office. 1921. 22s. 6d.

THIS volume covers a period of exceptional interest and throws considerable light on the details of English intervention in the Netherlands in 1585-6. The Dutch papers, which are calendared with admirable fulness, deal in turn with the surrender of the cautionary towns, the military exploits of Norryes, the arrival of Leicester and his eventual acceptance of the governorship of the United Provinces. Elizabeth's anger at this action, the despatch of Sir Thomas Heneage, and the later attempts at compromise, which resulted in such contradictory orders that the ambassador was more than once driven to expostulation, are also vividly illustrated, but the chief interest of the second portion of the volume centres round the numerous informal peace negotiations, about which many new details are forthcoming.

Mrs. Lomas in her very interesting preface describes clearly these attempts to bring about an 'accord' between Elizabeth and the Prince of Parma. The agents were usually Italian merchants who frequently began the negotiations on their own initiative. Burghley, Sir James Croft, Cobham and even Walsingham were concerned in one or other of these attempts, but in spite of the suggestion, which Mrs. Lomas is inclined to support, that the differences as to Spanish policy between Burghley and Walsingham may have been more simulated than real, it is perhaps significant that while in Andrea de Loo's negotiation, which Burghley supported, religious matters were carefully kept in the background, in the later abortive attempt by Dr. Hector Nunez, of which Walsingham was cognisant, the secretary stated in his memorial that religious toleration in some sort was essential.

The affairs of the United Provinces are naturally chiefly to the fore, and incidentally one may mention the strong impression one receives of the industry and ability displayed by the unfortunate Davison while ambassador to the States. The interest of the calendar is however by no means confined to these matters. Stafford's despatches to Burghley and Walsingham from Paris are very fully calendared, and throw much light on the political state of France during the League's struggle for ascendancy. Unfortunately the despatches to Walsingham are missing until January 1585-6. There are many papers relating to the negotiations with Denmark and in Germany to obtain help for the King of Navarre, the Protestant princes being described as 'very cool so far and very difficult to warm.' There are newsletters from such distant parts as Persia and the West Indies, and the strength of the trading interest and the importance of economic matters are illustrated not only by the large share taken by the foreign merchants in the peace negotiations, but by the numerous papers dealing with the enforcement of the blockade and with the lengthy dispute between Elizabeth and the Hanse towns.

The volume proves an invaluable supplement to Motley's *United Netherlands* and Bruce's *Leicester Correspondence* (Camden Society). Motley

quoted freely from the State Papers, but the Calendar gives full abstracts of documents only partly printed by Motley, and certain errors in transcribing have also been corrected. The care and completeness with which the calendaring has been done adds immensely to the value and interest of the volume.

F. M. GREIR EVANS.

CHETHAM MISCELLANIES. New Series. Vol. iv. Containing (i.) *Dunkenhalgh Deeds, c. 1200-1600*, edited by G. A. Stocks, M.A., and James Tait, Litt.D.; (ii) *Extracts from the Manchester Churchwardens' Accounts, 1664-1710*, edited by Ernest Broxap, M.A.; (iii) *The New Court Book of the Manor of Bramhall, 1632-1657*, edited by H. W. Clemesha, M.A.; (iv) *Latin Verses and Speeches by Scholars of the Manchester Grammar School, 1640 and 1750-1800*, edited by Alfred A. Mumford, M.D.; (v) *Records of some Salford Portmoots in the Sixteenth Century*, edited by James Tait, Litt.D. Printed for the Chetham Society by the Manchester University Press. 4to. 1921.

THE title-page of the latest volume of the Chetham Society is a sufficient indication of its miscellaneous contents, all of which are worthy of print, though it cannot be said that there is anything specially remarkable in the compilation. The deeds preserved at *Dunkenhalgh Hall*, in the parish of *Whalley*, are of the formal type often found in the charter chests of old families, from which can be gleaned the fortunes of the house, in addition to sidelights on the social and agricultural arrangements of the medieval period. To the local historian the 223 deeds here included are invaluable for the purposes of genealogy and topography.

The duties of the churchwardens of the parish of Manchester, as illustrated in their accounts for the period indicated, were not more onerous or more exciting than those of smaller parishes of less pretensions. If they did not employ 'the stool of repentance' for punishing the sinner, they forced him to stand in a white sheet in full view of the congregation. The 'bobber,' an officer of the churchwardens, had a stipend 'for keeping ye boys quiat in servis time.' In a neighbouring county this church functionary survived till recent years.

The new court book of the manor of *Bramhall*, though of too late a date to be very interesting, is useful for the illustration of manorial customs.

Seldom do we meet so full a set of Latin verses and speeches as those given from the records of *Manchester Grammar School*, though fragments of such exercises are often found in connexion with most of our ancient schools.

The portmoot records of *Salford* are supplementary to former volumes issued by the Society: these here given were either omitted or overlooked by the former editor. Special attention may be directed to Professor Tait's introduction.

The frontispiece of the volume is the reproduction of an old map of the manor of *Clayton-le-Moors*, from a coloured plan (c. 1680) in possession of Captain C. B. Petre. On this old plan the sites of obsolete institutions

like the cucking stool, stocks, pinfold, butts, village cross are marked. The map itself is a quaint bit of history.

We greatly dislike the separate pagination and separate index for each of the component parts of the volume. It will vex people who use the book for reference, and unnecessarily swell their footnotes.

JAMES WILSON.

SOMERSETSHIRE ARCHAEOLOGICAL AND NATURAL HISTORY SOCIETY PROCEEDINGS DURING THE YEAR 1920. Pp. xcvi, 192. 8vo. Taunton : Printed for the Society.

THIS solid annual contains more than the ordinary quantum of antiquary lore, and well deserves more extended notice than space here allows. First of all the President, Mr. A. Hamilton Thompson, contributes a paper on Medieval Building Documents, which puts together cumulative proofs for four important and still controverted positions regarding what is called architectural tradition, and which connects certain noted churchmen such as Lanfranc, William of Wykeham and Hugh de Puiset, with the direct charge and execution of building operations. The propositions which are Mr. Thompson's thesis are : (1) that loose assertion in chronicles about the marvellous edifices put up by bishops and abbots must, unless in very exceptional cases, be taken to mean no more than that they caused or contracted for the erection, which was practically in every case the work of professional craftsmen, viz. masters (*magistri*), workmen (*operarii*), and masons (*cementarii* or *lathomi*), of whom the master mason (*magister cementariorum*) was not merely in charge of the stone work, but in the standard sense was the architect of the structure ; (2) that the *comacini*, whilom interpreted as a guild of Como in Italy, were only co-masons who might belong to any locality ; (3) that 'freemason' did not imply membership of a guild, but meant a worker in freestone, as opposed to the less skilled 'rough mason' ; and (4) that documentary evidence coming from sources not officially concerned with the structures affected, and especially the casual notes of enthusiasm by church annalists are to be narrowly and indeed sceptically interpreted. These contentions are temperately stated and clearly documented, and the spirit of them ought to be borne in mind in the difficult process of reading the dates of historical stone and lime. Mr. Thompson does good service along his entire line of discussion by his firm doctrine that a tradition of skilled operatives, masters as well as men, is the indispensable foundation.

Dr. A. C. Fryer gives his sixth admirably and copiously illustrated instalment of a list and description of the monumental effigies in Somerset. The present section covers those of ecclesiastics of the thirteenth and fourteenth centuries. It offers many instances of the value of these stately figures for the determination of questions of clerical costume as regards such garments as the alb, stole, maniple, chasuble, dalmatic, tunicle and mitre, as well as the gloves, ring and sandals.

A series of papers on Bridgewater by Messrs. Albany F. Major, W. H. P. Greswell and T. B. Dilks form good comment on a delightful little sketch of the place in a Cottonian manuscript of the time of Henry VIII., showing

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the bridge which *longo intervallo* followed the original *Pons Walteri* of Walter de Douai, a Domesday magnate.

Sir H. C. Maxwell Lyte gives the fruits of much search on the Curci family, who, in descent from a certain Baldric in Normandy, came to England at the Conquest, gave name to Stoke as Stoke Curci (Stogursey), and numbered the conqueror of Ulster, John de Curci, among its most celebrated scions. The head of the Record Office has gathered much new matter, both topographically and genealogically, into his singularly compact essay.

GEO. NEILSON.

THE INTIMATE LIFE OF SIR WALTER SCOTT. By Archibald Stalker. Pp. viii, 207. 8vo. London : A. & C. Black, Ltd. 1921.

ONE can imagine the shade of the great Sir Walter saying to the author of this curious book, 'perhaps you were right to dissemble your love but why did you kick me downstairs?' for it contains every instruction to the reader of the way in which a biographical study ought not to be written. Every little foible Sir Walter had, everything disagreeable or unpleasant that occurred in his wonderful, noble and romantic life is put forward and magnified, and everything good in him is belittled. His first love is exalted into a tragedy, while, under the account of his wife, we are given the surprising information, 'There was nothing romantic about Scott, except his iron will, his passion for planting, and his healthy story-telling life. In matters of marriage he had not an atom of romance.' This is a sample of the writer's curious method, yet even he cannot take away the beauty of Scott's career, his talent for intimate friendships with all sorts and conditions of men, his love for every kind of animal, his great sympathy, bravery in distress, and his wonderful literary work—though he detracts from the latter when he can. He forgets that the subject of his biography lived in a different age from now, and was also a living *raconteur* of the past. He sneers at him for change of creed, adoration of rank, illiberalism and servility, and yet one cannot help seeing that, in spite of all this detraction, he has to admire his hero. His book is therefore a fine warning of the danger of writing a life of one with whom one has, in Lamb's phrase, 'imperfect sympathies.'

A. FRANCIS STEUART.

JAMES THE FIRST OF SCOTLAND. By Robert Bain. Pp. vi, 99. Cr. 8vo. Glasgow : MacLehose, Jackson & Co. 1921. 5s.

GREATLY daring, Mr. Bain chose the subject already made famous by another poet, for a play for the Glasgow Repertory Company. He admits a debt to the Book of Pluscarden and a phrase from Shakespeare, but the rest is his own idea, and it can be read with instruction and interest. Most of the characters are historic, and Catherine Douglas speaks pretty lines before she became Kate Bar-lass. But we have to criticise the language of the different ranks of players. The king, queen and nobles speak good English (it would be natural only in the case of the king and queen), while the ploughmen, packmen and minor characters speak Scots,

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and not the Scots of Sir David Lindsay, but of a more modern dialect. It is an addition, however, to the plays—none too many—founded on Scottish history.

A. F. S.

THE FALL OF FEUDALISM IN FRANCE. By Sydney Herbert. Pp. xviii, 230. Crown 8vo. London : Methuen & Co. 1921. 7s. 6d.

IN 1789 feudal tenures and their burdens existed all over France, though the administration of justice had been, after a long struggle, mainly wrested from the hands of the *seigneurs* and placed in the power of the state. The retrograde policy of Louis XVI. in regard to the nobles, probably increased the feudal demands of the latter against the peasants, and wide disaffection was rife when the Revolution broke out. The peasants at once seized the opportunity, abolished the oppressive tenures, and withheld the rights of the *noblesse*, in many cases harrying their domains, castles and churches with fire and sword, and often did this 'in the name of the King.'

The author gives a very interesting study of the landlords' claims and peasants' burdens as they stood at this critical time up to July 1793, when feudalism, which as he says 'had a long and not inglorious history,' was entirely dead in France. After this date there was no serious attempt to restore the *seigneurs*, and that period of moribund feudalism came to an end.

THE HISTORY OF THE WOOLLEN AND WORSTED INDUSTRIES. By E. Lepson, M.A. Pp. x, 273. With 2 Illustrations. London : A. & C. Black, Ltd. 1921. 10s. 6d.

ONE is apt to forget and therefore underrate the early importance of the woollen industry in England, but it was the source of most of the great riches until supplanted last century by that of cotton. From the fifteenth century it was a pillar of the state, 'the chief wealth of the nation' and 'the basis of all commerce.' It is right therefore that we should have this careful study to remind us of its past importance.

Gilds of weavers were established after the Norman conquest, and we are given a very interesting account of their growth and power. Edward III. brought Flemings in to teach, and thereafter the English cloth workers were paramount until Tudor times. This caused the wool-culture to encroach on corn growing, and sheep to be styled 'devourers of men.' Walloons came later to assist in the reign of Elizabeth, and French exiles after their persecution by Louis XVI. Women were found in every branch of the woollen industry, and a day was dedicated to St. Distaff (January 7th). The tangled web of state control is recounted, and then we have an instructive chapter on processes and improvements, and it is sad to see that Crompton, the inventor of 'the mule,' received, not the £20,000 promised him, but only £5000. The author has done his work well, and has given us a pretty complete history of the subject down to the introduction of machinery, and ends with a useful chapter on the geographical distribution of two cognate industries.

FREEDOM OF SPEECH. By Zechariah Chafee, Jr., Professor of Law in Harvard University. Pp. vii, 431. 8vo. New York : Harcourt, Brace & Howe. 1920.

THE Professor of Law at Harvard is to be congratulated on giving to the world this courageous, racy, and learned work on freedom of speech in America, which was for long an ideal ; and the limitations imposed on it both by the necessities of war time and the panic that followed thereon. Owing to the increase of legislation on the subject this book has become a necessity, and will be a useful corrective to those who take, or wish for, extreme and often illegal measures through timidity. The author's object is 'an inquiry into the proper limitations upon freedom of speech,' written by one who is neither an atheist nor a pacifist, an anarchist, socialist or bolshevik. He shows how the objects of the war changed in America, and the ideas of free speech with it ; the results were the Espionage Acts of 1917-18, with their savage sentences, and the legislation against sedition, which seems to have gone very far for a 'free country.' The 'Deportations' and their hardships are also considered, and the writer sums up the administrative machinery in the words :

I'll be judge, I'll be jury,
Said cunning old Fury,

as 'the power to tear a man up by the roots is now conferred upon officials . . . the same officials who prefer charges against him.' There are two interesting chapters on 'Wilkes and his successors,' showing how suppression of free speech sometimes reacts upon the Government ; and 'Freedom and Initiative in Schools,' which is always rather a thorny subject. Important appendices are given, and the whole work is valuable both for what it records and what it suggests. A. F. S.

AMERICAN HISTORY AND GOVERNMENT. By Matthew Page Andrews, M.A. Pp. xii, 528. With 163 Illustrations. Post 8vo. London : J. B. Lippincott Co. 1921. 7s. 6d.

THIS is a pleasantly-written history which attempts to avoid prejudice in the 'mooted matters,' and is well illustrated. It brings the story down to the present day, and the chronology of the war, from the American point of view, will be specially useful. The early history of the first settlers is well told, and also the struggle for independence, and the latter is so given as to offend neither of the nations most interested. On page 168 'Lord Germaine' ought however to read 'Lord George Germaine.' We hardly know exactly what to say about the statement : 'Although a young nation among the Great Powers of the Earth, the United States of America has the oldest form of government, or more accurately, the one which has lasted longest without destructive change.'

JOHN SIBERCH, THE FIRST CAMBRIDGE PRINTER, 1521-1522. By George J. Gray. Pp. 28. 4to. Cambridge : Bowes & Bowes. 1921. 2s. 6d. net.

ISSUED to commemorate the four-hundredth anniversary of printing in Cambridge, this little sketch gathers the few particulars of the life of

the pioneer printer and of the books he printed. His name was 'Joannes Lair,' and the location of presumably his native or home village of Siborch in Germany, or Holland or elsewhere, seems to be the sole question not examined in this tractate, which has its chief value in its careful raking together of the bibliographical information about the nine books which Siberch printed.

In 1521 probably he was printing Greek, the first to do so, he claimed, in England. Erasmus was not only his contemporary but his friend.

Siberch's trade mark, bold and effective, is well reproduced from the 'contio' or sermon of 1521. G. N.

Dr. James T. Shotwell's *Report on the Economic and Social History of the World War* (pp. 33, 4to, 1921), produced and published by the Carnegie Endowment for International Peace, outlines a plan for an ambitious and comprehensive economic and social history, collecting the facts for nearly every country and nearly every phase of civil life. The range rather staggers a critic not enthused over the results of co-operation in less extended works on modern, medieval and literary history. Nor does the general editor's phrase about the matter in its present stage, that it is 'only picking cotton,' give precisely the best assurance that the bales will be of first-class selection. That they will be good 'in parts' is perhaps the utmost to be anticipated. It is a scheme that will be modified by the execution, and we trust Dr. Shotwell's grasp of the objective will enable him to control, if not to direct, the lines of the vastest enterprise in history to which mankind has yet aspired. G. N.

Two *Bulletins* from Queen's University, Kingston, Canada, shew the singular conjunctions which the war has made in places remotely apart. Watson Kirkconnell writes *Kapuskasing—An Historical Sketch*, telling the story of a railway crossing settlement 706 miles east of Winnipeg. During the war, turned into a prisoners' camp for Slovaks, Ruthenians and Poles it was not evacuated of its captives until fifteen months after the Armistice. The process of settling 101 pioneers on it has cost about a million dollars but the climate has proved so trying that only 20 have elected to remain. Prisoners 'slashed and stumped' roads and made a broad clearing. At one time there were 1259 aliens and 256 troops in the settlement. Reduced to the tiny population of a rail-side village the community will carry into its history a tradition of the war, and the essay assembles the interesting facts of the foundation. Asst. Professor A. E. Prince's theme is *Palestine in Transition from War to Peace*. The author served under General Allenby, sharing the admiration which the followers of that gallant soldier and wise administrator hold as their common creed. The essay chiefly concerns the process of resettlement and its note is the combination of difficulties which confront the settlement when so many races and religions are at feud and economic interests are equally unaccommodating. Numerous touches of unusual interest occur in this rapid survey such as the effect of the so-called prophecy of the fall of the Turk 'when the Nile flowed into Palestine' with its realisation in the pipe-line from Egypt to Beersheba, or the allusion to the fitful recovery of activity by Caesarea, once the capital of Herod, or the

fierce problems aroused by Zionism and the deadly possibility of fanatic civil war. The matter is well grouped but the author should be more careful of his literary form.

The *English Historical Review* for July opens with Dr. J. H. Round's examination of the dating of the early pipe rolls, the net result of which is to confirm the doctrine of Joseph Hunter and Dr. R. L. Poole that the accounts in Exchequer were made up to Michaelmas. Dr. Round catalogues the instances of error caused by the failure to realise this fact.

Dr. C. H. Haskins has found a lively subject in a treatise of which only some seven or eight MSS. exist, the *De Arte Venandi cum Avibus* of which the Emperor Frederick II. was the author circa 1244-1250, and which was continued by his son Manfred, king of Sicily. Some of the copies are beautifully illuminated, especially the Vatican codex with more than 900 figures of birds, among which of course the falcon has its place of unique eminence. Based on Aristotle, current works on falconry, and personal observations the book is credited by Dr. Haskins with so much accuracy and acuteness on the personal side as to suggest that the Renaissance itself had its source in the imperial court. Numerous extracts fully support the high estimate thus formed. Falconry has a great literature, and a systematic dissertation like this while doubtless adding more to the piquancy of early literature than to the severity of ornithological science will call for the early production of an adequate text, while an ultimate necessity must be the reproduction of the illuminations. Dr. Haskins gives a very attractive impression of the work as an unusually original product of the Middle Ages.

Mr. H. Idris Bell contributes an instalment of 236 items of a 'List of Original Papal Bulls and Briefs in the Department of Manuscripts, British Museum.' The importance of this list needs no emphasis and its execution bears every evidence of care. Only one Scottish document occurs: it is the confirmation of Haddington Church to St. Andrews Priory in 1185. Among famous instruments in the list there may be mentioned the annulment by Innocent III. of King John's bargain with the barons: it is dated 24th August, 1215, ten weeks after Runnymede. Also in the list is the analogous annulment in December 1305 of Edward I.'s concessions to his baronage. Much high history is carried in these papal writings and the continuation of the list will be watched with attention.

An American contributor of note, Dr. Preserved Smith, gives a fine little paper drawn out of the matriculation book of Wittenberg University between 1524 and 1601. This interesting record of Wittenberg (where Shakespeare, evidently well informed about contemporary education however out of joint with the archaic time of buried Denmark, sent Hamlet and Horatio 'to school,') brings us into relation with a number of capitally interesting enrolments beginning perhaps (for *Dalticus* or *Daltinus* is doubtful) with William Tyndale and including Fynes Moryson. Our countryman Alesius receives passing mention in 1533 and Edward More, afterwards warden of Winchester College, matriculated in 1539. Dr. Smith lays to his door two sayings 'contrasting the valour and sincerity of the English with the arrogance of the Scots,' which warped the ear of Luther. What

prejudice our pious and modest nation had in those dark ages to sustain! A point of secondary importance is made concerning Moryson whose story that in Wittenberg there was shown 'an aspersion of ink cast by the Divell when he tempted Luther' is believed to be the more authentic version of an incident familiar in a different form.

History for April has important new definitions. The Master of Jesus, Cambridge, Mr. Arthur Gray, describes 'the beginnings of Colleges,' showing the distinction between the *collegium*, which was the scholars, and the *domus* or *aula*, where they lived. The connection with the Roman law corporate concept is well made out. Mr. G. P. Gooch exhibits the vicious network of Europe and its diplomacies before the war, making the 'stumble' into the war a better explanation of many things than is offered by the hypothesis of steadily planned iniquity. Professor Pollard entertainingly sets out the historical contradictions of the Barbellion Diaries, proving much unjustifiable tampering with a probably genuine text. The 'historical revision' in this number is Mr. Seton Watson's scrutiny of 'Serbia and the Jugo-Slav Movement.' It dwells on the blunders of Austria and the nemesis that overtook her ruthless ambitions. How intricate the theme is can be gathered from the page-and-a-half bibliography. A review of Prof. J. L. Morison on Canadian Self-Government commends its colonial spirit and its scholarship; and another of Prof. Pollard's recent book on Parliament, albeit a little fantastic about the 'glacial curse,' pays tribute to the freshness and boldness of a work of challenge upsetting or assailing so many orthodoxies.

History for July begins with Mr. G. G. Coulton's bold proposal to read the well known decretal (*Naviganti*) of Gregory as if the pope had at first said that a share of profits in a ship-venture was not usurious and then deleted the *non*. The question is discussed in an early M.S. *Summa* (belonging to the present reviewer) with the answer *Respondetur sine dubio est usura*. Mr. Coulton is seldom so unpersuasive.

Mr. C. R. Fay illustrates the social problems of the nineteenth century by noting the changes in agriculture, transport and industry, touching specially on railways, woollen and cotton spinning, steel, and mines. Prof. A. F. Pollard shews the recent rapid expansion of diplomatic function exercised by the Dominions in foreign policy and points out the delicate situations, 'the gravity of the perils' which must emerge. Miss I. D. Thornley proves that Edward III.'s Act of Treasons in 1352 was not the whole law of treason until the judges in 1628 declared it so.

In the *Juridical Review* for June, Mr. William Roughead devotes his customary wit to the 'Twenty-Seven Gods of Linlithgow,' a rather dull episode of litigation in 1690-1692 when the famous educationist James Kirkwood sought ineffectually for redress against the town council of Linlithgow. The next paper completes the Rev. Thomas Miller's reply to the strictures of Dr. Baird Smith who no doubt will re-examine his reading of the *Concordia* before David I. to defend himself from his critic's seven categorical charges of historical misinterpretation. Mr. Henry H. Brown discusses without much visible novelty the vague definitions of justice and Jurisprudence which, however imperfect, have served the civilians since the

days of Ulpian and Justinian. The obscurities are probably an inheritance of concepts prevalent long before Ulpian.

The *Revue Historique* for March-April contains a long and important study by Joseph Reinach on the responsibility for the war of 1870, and a notice of the death of the talented author on the 18th April. M. Marc Bloch contributes an interesting paper on the history of the term, *Serf de la Glèbe*. The *Bulletin Historique* is devoted to publications on the history of France in the nineteenth century, and on contemporary political questions.

The *Revue Historique* for May-June contains the second and concluding instalment of M. Ch. Bost's account of the Camisard movement in 1701-2, and an account of the activities of Charles Desmarets, a Dieppe corsaire, during the latter part of the Hundred Years' War by M. Boudier. In *Un Précédent de l'affaire Mortara* Commandant Weil deals at length with the pretensions of the Church of Rome to the education of Jewish children who had received Christian baptism in infancy, with special reference to a case of the year 1840. M. Alfred Stern throws light on the role played by the Empress Eugénie in the course of the negotiations between France and Austria which followed the Polish insurrection of 1863 and proved abortive.

The *Bulletin Historique* deals with Syrian historical literature (Chabot), and with the History of Modern France to 1660 (Hauser).

The *Revue d'Histoire Ecclésiastique* for April-July contains the concluding portion of M. Paul Fournier's *Étude sur la collectio xii Partium*, in which the learned canonist assigns the collection to Southern Germany, and dates it between 1020 and 1050. He emphasises its reforming character, and takes the view that its length prevented its taking the place of the Decretum of Burchard, which retained its popularity until Gregory VII. and his school supplanted it. M. Viller deals with the question of the union of the Greek and Latin churches in the period 1272-1438. Father Pinard continues his 'Theory of Religious Experience from Luther to William James,' bringing it down to Schleiermacher. The following English books are reviewed: M'Neile, *St. Paul; Property, its duties and rights*; Thorndike, *Medieval Europe* (highly favourable); and the number contains notices of numerous foreign publications on church history, and an elaborate and invaluable bibliography.

In the March number of *The French Quarterly* M. G. Roth deals with the influence of Crabbe on the muse of Sainte-Beuve in a most interesting manner. In the June number M. E. Gibson draws attention to the important studies which M. Albert Thibaudet is contributing to the history of contemporary French ideas and sensations in his books on Barres and Maurras. This admirable periodical offers an interesting combination of scholarship and actuality which seems to mark a new and fruitful development in the relations between France and Great Britain.

Notes and Communications

'CONCORDIA' AS ALLEGED PRECEDENT (*S.H.R.* xviii. 36). In the *Juridical Review* for March and June the Reverend Thomas Miller has replied to the criticisms of his interpretation of the *Eccles Concordia* which I contributed to this *Review* in October, 1920 (xviii. 36). The following observations deal with his leading contentions:

Mr. Miller's first argument is based on the fact that the *Concordia* was pled by way of exception. He assumes that the exception was that of *res judicata*, and draws the conclusion that Innocent regarded the *Concordia* as a judicial decision or legislative enactment. The words used by the Pope are: '*Monachi supradicti excipientes contra canonicos supradictos asseruerent controversiam super praefatis decimis tempore inclytæ recordationis regis David fuisse per concordiam terminatum.*' This is not the manner in which the plea of *res judicata* was stated. In a letter of 1206 Innocent wrote '*Contra petitionem autem hujusmodi, exceptionem rei judicatae Salseburgensis Ecclesiae procurator objecit, proferens authenticum instrumentum sententiae. . .*'¹ The exception used by the monks was the *exceptio transactionis*, i.e. a plea that the matter in dispute had been settled by a compromise. A statement of the nature of this exception and of its use to set up a *concordia* is given in the twenty-seventh chapter of the First Book of the *Regiam Magistatem*. Mr. Miller's assumption is unwarranted, and his conclusion is erroneous.

In the second place Mr. Miller contends that the *Eccles Concordia* is certainly the *Assisa Regis David*, and that I have misquoted Sir John Connell on this point. I am satisfied that the *Concordia* is not the *Assisa*. In the Register of the Bishopric of Moray (p. 5) there is a mandate by William the Lion for the payment of tithes, which provides that if anyone detains tithes or church dues, he shall be compelled to make payment '*secundum quod assisa fuit Regis David avi mei et sicut mos fuit in ejus tempore et adhuc est consuetudo in episcopatu Sancti Andrei, scilicet (i.e. videlicet) . . .*' Then follows a series of disciplinary regulations. This mandate narrates the provisions of the Assize of King David, and they have no resemblance to the terms of the *Eccles Concordia*. Connell prints this mandate after the *Concordia*, and his pointed juxtaposition of the two documents with their diverse provisions and character is sufficient indication of his judgment. Mr. Miller quotes the Moray mandate in an emasculated form.²

Mr. Miller's third argument is based on Innocent's Letter of 5th April, 1207, to the Abbot and Convent of Cambuskenneth (*Opera*, ii. 1134). On 28th March he had granted a privilege to the Monastery of Dunfermline,

¹ *Opera*, ed. Migne, ii. 856.

² *Juridical Review*, xxxii. 69.

renewing a similar privilege granted by Lucius III. in 1184. The representatives of Cambuskenneth apparently protested against this move on the part of their opponents, and represented to the Pope that the privilege had been improperly obtained. It was the rule of the Papal Chancery that if any Papal letters were obtained without express mention that the matters with which they dealt were the subject of litigation or dispute, the letters could be reduced. ‘*Si supra re litigiosa fuerit impetratum, de hoc non faceret mentionem non valet rescriptum.*’ In these circumstances Innocent granted the Letter of 5th April, which narrates that, although he had renewed the privilege of Lucius which contained certain subjects regarding which it was known that a question had arisen between the two religious houses, the renewal was not to be held as more than a renewal of the right of Dunfermline, whatever it might be. ‘*Vobis,*’ he assured Cambuskenneth, ‘*in jure vestro nullum valeat praejudicium generari, quia non intendimus jus novum conferre, sed collatum servare, contra quod nondum potuit a tempore praefati praedecessoris nostri praescribi.*’ Innocent assured Cambuskenneth that the privilege was granted without prejudice to any right which that House could successfully vindicate.¹ The reservation is a general one, and will not bear the precise interpretation which Mr. Miller seeks to give it. Innocent’s Letter has reference to his Privilege to Dunfermline, and not to his answers to the arbiters.

Mr. Miller had placed a remarkable interpretation on the last clause of Innocent’s Letter quoted above, ‘*contra quod, etc.*’ He cuts down the phrase to three words and argues that by ‘*nondum potuit praescribi*’ Innocent intimated ‘the possibility in the near future of a legislative measure by himself which would be unfavourable to Dunfermline’s rights.’² He adds in a footnote that the term *praescribi* is used in the sense common to Cicero and Quintilian. The term is used in the legal sense of prescription, and refers to the forty years’ prescription applicable to churches and religious houses.

Mr. Miller’s fourth argument is based on the fact that the preliminary narrative of Innocent’s Letter is omitted from the statement of his opinions, as these are incorporated in the *Decretals* of Gregory IX. He contends that this course was followed by the compiler of the *Decretals* to remove evidence of the fact that Innocent had, in violation of his own expressed principles, accepted a layman’s judgment on a question of tithes. He contends that in placing Innocent’s opinion on an *Eccles Concordia* in the title ‘*De fide instrumentorum*’ Raymond distorted its meaning, and that he was quite justified in doing so, as his compilation was professedly an attempt to produce a consistent body of law. This argument is based on very imperfect knowledge. In the preparation of his *Decretals* Raymond did not go to the original Registers, and depended for the most part on what are known as the *Quinque Compilationes*. Of these compilations the third and the fifth were officially promulgated. The excerpt from the Letter of Innocent III., which is the subject of discussion, appears only in the *Compilatio Tertia*, of which it forms Chapter IV. of the title ‘*De fide instrumentorum et decretalium.*’ Now the *Compilatio Tertia* was prepared by Peter of Beneventum, and was sent by Innocent III. to the University of Bologna in 1212

¹ *Cambuskenneth Register*, pp. 38, 40, 42, 48. ² *Juridical Review*, xxxiii. 43.

with a special Bull in which the Pope states that Peter had arranged the material under the proper titles. It will be observed accordingly that the author of the Letter took the view that his Letter dealt with a question of probation. Mr. Miller's elaborate fabric accordingly falls to the ground.¹

Is there any essential difference between the Papal Opinion in its original form and the form in which it is incorporated in the third *Compilatio* and in the *Decretals* of Gregory IX.? The answer is clearly a negative one. In his Letter to the arbiters, Innocent states that a dispute had arisen between the two religious houses concerned, *super quibusdam decimis ad ecclesiam de Egles spectantibus et damnis et injuriis irrogatis.* He then narrates the third question and his reply as already twice printed in the pages of this *Review*.² These passages contain the only mention of tithes in the whole Letter. The question was whether the instrument the witnesses to which were dead '*per se sufficere valeat ad probandum propositum*,' i.e. that a dispute regarding certain tithes had been compromised. The reply of the Pope was: '*Vos secure poteritis praeferatim admittere instrumentum.*' When the Opinion was incorporated in the collections of Peter of Beneventum and Raymond the *species facti* was omitted and the proposition of Innocent generalised and made of universal application. There was no alteration of the sense of the Opinion.³

In his first article Mr. Miller laid stress on the importance to be attached to the provision of the *Concordia* regarding the *alii homines parochiales*.⁴ He argued that a provision in the *Concordia* for the payment of tithes outside the original grant gave the transaction the character of a legislative act. My reply was: 'If we treat the *Concordia* as an arrangement between the parties representing the Parish Church and the Royal Chapel, it is clear that no other body had any claim to payment of tithes within the parish, and that they were not exercising any legislative function in apportioning between themselves the whole of the tithe.' Mr. Miller retorts that the Bishop could not act canonically without the consent of his Chapter, and that therefore the Parish Church was not properly represented. The answer to this objection is two-fold: (1) The provision that the tithes of the *alii homines* should be paid to the Parish Church was not an alienation, but simply an affirmation of the rights of the Bishop and Chapter, and the consent of the latter was not necessary; (2) as regards the tithes embraced in King Alexander's grant, the transaction was connected with tithes which had been restored to a religious house by a lay holder (or rather with-holder). This process was going steadily on throughout the twelfth century, and everything was done by the ecclesiastical authorities to facilitate the restoration, though it often resulted in regulars obtaining what ought to have gone

¹ Phillips, *Du Droit Ecclesiastique dans ses sources*, ed. Crouzet (Paris, 1852), 160: Tardif, *Histoire des sources du droit canonique* (Paris, 1887), 187: v. Schulte, *Geschichte des Quellen und Literatur des Canonischen Rechts* (Stuttgart, 1875), i. 82: *Corpus Juris Canonici* (ed. Friedberg), ii. p. xxii: Friedberg, *Quinque Compilationes* (1882), 114.

² S.H.R. xv. 266 and xviii. 37.

³ Reference may be made to a letter of Innocent in *Opera*, ii. 123.

⁴ The tithes of *alii homines* played an important part in the Cistercian revival of 1100.

to the secular clergy.¹ In these cases the Bishop consented willingly. The famous fourteenth canon of the Lateran Council of 1179 provided only for episcopal consent, thus confirming an established practice, and the opinion of Gratian (*Decretum*, P. ii. xvi. c. 16, q. 1, c. 55). In 1198 the question of the consent of the Chapter in a case of the restoration of tithes by a lay holder came before Innocent III., when he decided that the consent of the Bishop alone was sufficient.²

Mr. Miller gives an erroneous account of the legislation of Charlemagne on tithes. He writes: ‘The arbitrary appropriation of tithes which Charlemagne’s legislation permitted had no respect whatever to territorial considerations, but allowed a grant to be made to any priest or chapter or church or monastery, at the will of the tithe payer.’³ The following instances of Charlemagne’s legislation offer sufficient proof to the contrary: ‘*Quicumque voluerit in sua proprietate ecclesiam aedificare, una cum consensu et voluntate episcopi, in cujus parochia fuerit, licentiam habeat. Verumtamen omnino praevidendum est, ut alias ecclesias antiquiores propter hanc occasionem nullatenus earum justitiam aut decimam perdant, sed semper ad antiquiores ecclesias persolvantur.*’⁴ ‘*Ut terminum habeat unaquaeque ecclesia, de quibus villis decimas recipiat.*’⁵

The function which King David and his notables exercised in dealing with the Eccles *Concordia* was that of a royal chancery. In the words of Giry, it was ‘Le système qui consistait à conférer l’authenticité aux actes privés en leur donnant la garantie du sceau d’une juridiction’ (*Diplomatique* 855). This development is treated by M. J. Laurent in his Introduction to the *Cartulaires de l’Abbaye de Molesme* (Paris, 1907, i. 42 et seq.).

The essential error of Mr. Miller’s theory is the assumption that the Papal legislation of the twelfth and thirteenth centuries was a novelty. The fact is that it was an effort to recall a condition of things which had existed centuries earlier and which had been gradually affected in the first instance by feudal influences, and later by monastic encroachment. The first stage can be studied in M. Imbart de la Tour’s *Les Paroisses Rurales du IV^{me} au IX^{me} Siècle* (1900), which appeared originally in the *Revue Historique*, 1896, 8.⁶

¹ Joannis Monachus Cisteriensis ordinis, *De defensorum juris* (Zilettus, iii. P. ii. p. 128), *Contra praescriptionem et usurpationem*. He cites 30 cases, ‘in quibus non currit praescriptio,’ of which, ‘tertius, si laicus possideat decimas, quas de jure detinere non potest: eas nulla valet praescribere ratione. Ista casus est gravissimus punctus contra nos, qui est in tota theologia: cum nullus dat decimas, cui debet dare.’

² *Opera*, i. 272, and *Dec. Greg.* ix. Bk. iii. Tit. x. cap. 7.

³ *Juridical Review*, xxxii. 62; xxxiii. 42.

⁴ *Capitulare ad Salz.* (803), c. 3.

⁵ *Capitulare de Presbyteris* (811-13), c. 10. (Pertz, *M.H.G. Leges*, i. 123 and 161).

⁶ e.g. ‘L’évolution dont est sortie la paroisse était donc terminée à la fin du vi^e siècle... Mais, dans ses traits généraux, la paroisse est constituée. Elle a ses fidèles, son clergé et son culte, ses terres, ses ressources, ses institutions de bienfaisance et de prières. L’autel, le baptistère, le patrimoine: voilà ses éléments auxquels s’ajouteront un peu plus tard les dîmes.’ (*Revue Historique*, lxi. 24.)

‘A ce domaine foncier s’ajoutaient les produits de la dime. Rendue obligatoire par les capitulaires et les canons, elle devait être payée à chaque église paroissiale par les habitants de la paroisse. Chaque district ecclésiastique devint ainsi un district financier qui dut être délimité avec précision et qui le fut en effet dans les *libelli dotis*

For an examination of the struggle for tithes between the regular and secular clergy, reference may be made to M. Viard's *Histoire de la Dime Ecclesiastique aux XII^e et XIII^e Siècles* (1912). DAVID BAIRD SMITH.

A DRYGATE CHARTER, GLASGOW, 1567. Mr. Charles R. Stewart, of 46 Gordon Street, Glasgow, owns a charter (in Latin on parchment) dated 23rd September, 1567, by Thomas Knox, chaplain of the perpetual chaplainry of St. James the Apostle in the metropolitan church of Glasgow, with consent of the Dean and Chapter, in favour of Alexander Steuard, tutor of Castlemilk, and Margaret his spouse, and the longer liver, conveying to them All and Singular the tenements fore and back, partly ruinous, with yards and pertinents in the City of Glasgow, in the street called 'ye drigait,' on the north side of the public street of the same, between the tenements or manse of the rector of Askirk on the west and the tenement of Peter Clerk on the east, the public way on the south, and the torrent of Malyndonar on the north, in conjunct fee and to the heir lawfully procreated or to be procreated between them, whom failing, to the heirs of Alexander in feu farm fee and heritage : Reddendo yearly twenty marks Scots at half-yearly terms Whitsunday and Martinmas : the infestment to be null if the duty (*canon sive census*) is left unpaid for an entire term.

Whereupon Knox grants precept of sasine to be given by Robert Kalandar to the said Alexander and Margaret.

Executed at Glasgow : witnesses Mr. Archibald Crawford, Rector of Eglisshame ; John Stewart of Bouhous ; Sir Robert Watson, vicar of Clau-schant, and George Campbell, layman, and others.

Thomas Knox capellanus capellanie Sancti Jacobi
suprascriptus manu propria subscripsi.

Ja. Balfour decanus Glasguensis.

Jacobus Hammiltone Subdecanus, Presidens.

Johannes robyson rector de fale subscripsi.

Johannes Hammyltoun Succentor.

Johannes Miltone de Askirk.

David Gibsone ab Aire.

Mr Andro Hay Renfrew subscripsi.

Mr Williame Hammyltoune de Cambuslayng
subscripsi.

Robertus Herbertsoune a Glasgow secundo.

Johës Layng Rector de Lus.

Mr James Kennedy persone of Carstaris.

Archibaldus Crauffurd ab Egilshem rector.

The seal is red wax on white, attached, bearing apparently a saltire, which seems to be chequy. Most of the inscription has been worn away

des églises. Dans ce district, toutes les terres, quel que fût le maître qui les possédât, furent soumises au même tribut. Cette règle était absolue.' (*Ibid.* lxiii. 27.)

Reference may be made to E. Lesne, *La dime des biens ecclésiastiques ; Revue d'histoire ecclésiastique* (1913), xiv. p. 489, and to the following typical French chartularies : Molesme (Paris 1907, etc.), Tiron (Chartres 1883), Lerins (Paris 1883), Cluny (Paris *v.d.*).

and what remains is indistinct. The letters CUT * * M only are legible. The word 'tutori,' which is faded but legible, although in a fold of the document, is made certain by the contemporary endorsement on which the words 'Tutor of Castlemilk' are quite distinct.

By this deed the property of the Dean and Chapter of Glasgow passed into lay hands at a time when the fates of the old creed were at their lowest ebb and the estates of the Church were in various ways being detached and divided among lay impropiators, *i.e.* were being everywhere secularised.

Bouhous, residence of one of the witnesses, appears in the map of the Clyde district in Blaeu's Atlas, 1662, where it lies immediately to the northwest of Hags Castle, Pollokshaws. Another of the witnesses is vicar of 'Clauschant.' This was the ancient parish of Clachshant now embraced in Stoneykirk, Wigtownshire.

GEO. NEILSON.

AN INVERKEITHING SASINE, 1667. Mr. William Gemmill, Writer, Glasgow, has an Instrument of Sasine, dated 28th September, 1667 ('Jaj vi^e and sixtie sevin zeris'), recording that 'ane honest man Williame Roxbur[gh]t,' burgess of Innerkething, came with Thomas Thomsone, a bailie of said burgh, to 'ane tenement of land heich laich bak and foir lyand vpon the wast syde of the streit thereoff betuixt the landis of the airis of the deceist Robert Drysdail on the south and wast, the landis of the airis of the deceist John Davidsons on the north, and the Hie streit or commone gait on the other pairtis': And there the said William Roxbur[gh]t resigned said tenement in said bailie's hands as in the hands of the King's Majesty, immediate lawful superior thereof, for new infestments to be given to John Andersone, 'skiper burgis' of said burgh, for the said Jannet Roxbur[gh]t in liferent and to the heirs of their bodies in fee, whom failing, to the said William Roxbur[gh]t's heirs; Sasine duly given 'with all solemnities requisite,' 'betwixt twa and thrie houris in the efternoone'; witnesses James Douglas, John Andersone Younger, burgisses of the said burgh, Robert Dewie, toune offshar, with others.

Notarial docquet and mark by Robert Cant, notary public by the King's authority. The mark includes the signature and motto

Ro : Cant

Virtus lawdata cresscit

R · C · N · P ·

AN ANGLO-AMERICAN CONFERENCE OF PROFESSORS OF HISTORY was held in London, July 11-15, with relation partly to the objects of the recently inaugurated Institute of Historical Research and partly to the preliminaries, or at least the atmosphere, for some joint organization or federated system whereby students and teachers of history in the British Empire may co-operate with their colleagues in the United States in the publishing of studies, editing of texts and otherwise. Special addresses included Ecclesiastical and Colonial History, Legal, Diplomatic and Naval Records, and the methods of conducting Seminars in History. Functions included a welcome at University College, hospitality at King's College and a reception by Lady Astor, besides visits to the British Museum, the Public Records Office and the Guildhall, a conversazione

by the Royal Historical Society, tea at Lambeth Palace after an inspection of the Library, and finally a dinner by H.M. Government. The business done sums itself up in the appointment of a Provisional Committee to sketch out a sort of Constitution for a permanent Committee. Between two and three hundred delegates attended, adequately representative of all the great aspects of historical instruction.

QUEEN MARY'S PEARLS (*S.H.R.* xvii. 291, xviii. 83). The intimate knowledge of these pearls shown by Catherine de Médicis and her anxiety to secure them may be explained by a passage from Brantôme.

In his life of Catherine de Médicis, Brantôme¹ contradicts the detractors who asserted that this 'illustrious lady' was a Florentine of low estate. He explains that she brought to France lands worth 120,000 livres a year, which had come to her from her mother (Madeleine de la Tour d'Auvergne) and that, besides other lands and titles in Italy, she brought also 200,000 crowns 'avecques grande quantité de meubles richesses et précieuses pierreries et joyaux, comme les plus belles et plus grosses perles qu'on ait veu jamais pour si grande quantité, que depuis elle donna à la reyne d'Escosse sa nore,² que lui ay veu porter.'

J. D. MACKIE.

CLASSICAL EDUCATION. Persuasion, evidence, earnest but tolerant diversity of thought, and an elaborate discussion of scholastic history and tradition, as well as of current method and principle, are remarkably combined in *The Classics in Education* (H.M. Stationery Office). It is the report of the Committee appointed by the Prime Minister to inquire into the position of classics in the educational system of the United Kingdom.

First there is a statement of the general place of the classics, with an admirable summing up of their educational value and a glance in passing at translations; then comes a luminous historical sketch of classical instruction, beginning with medieval education and brought down to date with a brief but pregnant page of inferences on the whole subject. After this we have detailed discussions of practical problems, especially examinations and curricula, and finally the conditions, etc., of the University in England, Scotland, Ireland and Wales set forth from the evidence of the highest authorities. The whole matter is focussed in a conclusion and recommendations signed by nineteen commissioners of the first standing.

It is a noble plea for the classics as indispensable, but under limitations due to the varying educational objectives of the students. One can hardly say less than that on the one hand the aims of education in classics have never been stated with more spirit, cogency and moderation, and on the other that the historical presentment is probably the most interesting, vigorous and concise narrative of the course of European, and particularly British, education that has been written for many a day.

Not only is Lord Crewe's Committee's Report a monument of learning, it has emphatically style, and its general chapters, brilliantly phrased, lift a great and pressing problem to its true plane.

¹ Brantôme, *Œuvres complètes* (Soc. de l'Histoire de France, 1874), vii. 338-339.

² Nore = 'bru' cf. Latin *nurus*.

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Three Aikenhead and Hagthornhill Deeds, 1508-1545

LANGSIDE BATTLEFIELD

MR. WILLIAM GEMMILL, writer, Glasgow, has an unusually interesting little group of title deeds of lands on the south side of Glasgow, all originally part of the Aikenhead estate in the parish of Cathcart. Many reasons make these documents historical.

1. Charter (on parchment) dated at Akinhed on 23rd March, 1508-[09], by John Maxwel of Akynhed in favour of James Hamiltone of the fourth part of the granter's lands of 'le mekilakynhed,' viz. two and a half merklands of old extent with the pertinents lying on the east side of the toun (*ville*) of Akinhed within the lordship (*dominium*) thereof and county of Lanark in feu and heritage forever for his service repeatedly rendered and to be rendered and to the heirs male of his body lawfully procreated or to be procreated, whom failing to 'my' (*meis*) true lawful and nearest heirs forever by all the right meiths and marches with woods, plains, roads, waters, stanks, meadows, mills, hawkings, huntings, fishings, peateries, turbaries, coals, coalheughs, brewhouses, broom, pigeons and dovescots, rabbits and rabbit warrens, courts and issues of courts, woodfalls, woods, herezelds, bluduitis, and marchet of women (*mulierum merschetis*), also stone, lime and common pasture with free entrance and issue and all other liberties belonging to said lands, as the said

John Maxwell himself or any of his predecessors held the same. Reddendo yearly one penny Scots at Whitsunday in name of blench farm, if asked only, for all service. And the said John Maxwell warrants said lands against all mortals. Sealed before these witnesses Kentigern Maxwel, Robert Maxwel, John Crawford, Rankin Browne, Alexander Robisoune, and Robert Vrecht with divers others.¹

The battle of Langside makes this charter and the subsequent one of 1543-44 part of national history. Here follows the Aikenhead charter :

Omnibus hanc Cartam visuris vel auditoris Iohannes Maxwel dominus de Akynhed salutem in domino sempiternam noveritis me dedisse concessisse ac titulo vendicionis alienasse et hac presenti carta mea confirmasse dilecto meo Iacobo Hamiltoune quartam partem terrarum mearum de le Mekil-akynhed viz duas mercatas cum dimedia antiqui extentus cum pertinentiis Iacentes in orientali parte predictæ ville de Akinhed infra dominium eiusdem et vicecomitatum de Lanark pro suo seruicio michi multipliciter Impenso et Impendendo et heredibus suis masculis de corpore suo legitime procreatis seu procreandis quibus forte deficientibus veris legitimis et propinquiorebus heredibus meis quibuscunque Tenend. et habend. omnes et singulas prenomatas terras cum pertinentiis predicto Iacobo et heredibus suis masculis vt supra de me et heredibus meis in feodo et hereditate Imperpetuum per omnes rectas metas et diuisas pro vt Iacent in longitudine et latitudine in boscis planis moris marresis viis semitis aquis stangnis riuolis pratis pascuis et pasturis cum molendinis multuris et eorum sequelis cum aucupacionibus venacionibus et piscacionibus petariis turbariis carbonis et carbonariis bruariis brasinis et genestis cum columbis et columbariis cuniculis et cuniculariis cum curiis et curiarum exitibus siluis et siluicediis virgultis et nemoribus cum herezeldis et bluduitis et mulierum merschetis cum lapide et calce et cum communi pastura cum libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus asiamentis ac Iustis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram tam procul quam prope ad dictas terras cum pertinentiis spectantibus seu Iuste spectare valentibus quolibet in futurum libere quiete plenarie honorifice bene et in pace in omnibus et per omnia vt premittitur sine aliquo retinemento mei vel heredum meorum et adeo cum dimedia de le mekil akinhed cum pertinentiis tenui seu possedi tenuerunt seu possiderunt aliquibus temporibus retroactis Reddendo inde annuatim dictus Iacobus et heredes sui masculi vt supra michi et heredibus meis unum denarium monete regni in festo sancti Iohannis Baptiste super solum dictarum terrarum nomine albe firme tantummodo si petatur pro omni alio seruicio seculari exactione questione seu demanda que per me vel heredes meos exigi poterunt quomodolibet vel requiri Et ego vero prefatus

¹ There is a 'cauda,' or tag of parchment for the seal, but the seal is entirely gone. As to the lands see Renwick's *Glasgow Protocols* No. 3374, as well as numerous entries in *Reg. Mag. Sig.* and in *Fraser's Cartulary of Pollok*.

Iohannes Maxwel dominus de Akinhed et heredes mei et successores prenominatas terras cum pertinentiis predicto Iacobo et heredibus suis masculis vt supra in omnibus et per omnia modo forma pariter et effectum contra omnes mortales varantizabimus acquietabimus et Imperpetuum defendemus In cuius Rei testimonium sigillum meum huic presenti carte mee est appensum apud Akinhed vicesimo 3^o die mensis Marcii anno domini millesimo quingentesimo octavo coram hiis testibus Kentigerno Maxwel Roberto Maxwel Iohanne Crawford Rankino Browne Alexandro Robisoune et Roberto Vrecht cum diuersis aliis.

2. Notarial Instrument of Requisition dated 3rd December, 1541, recording that, of date above set forth, in presence of David Watsoune notary by apostolic authority, there appeared Walter Maxwell of Akinheid and set forth these words in the vulgar tongue 'the quhilk day ane honorable man Walter Maxwell of Akinheid past wy^t me notar publict and witnessmen underwritin to ye presens of ane honorable¹ man Maister Thomas Stewart of Gawstoune personillie apprehendit and in presens forsaid requirit ye said maister Thomas to contentt and pay to ye said Walter ye Mertymes maill last biepast of ye lands of Hagthornehill wy^t ye pertinentis liand within ye baronie of Renfrew and shereffdome of ye samin as he at wes donatour to our souerane lord ye kingis grace to ye escheit of Patrick Culquhoun of Pemountt or be ony wyer² ryght And ye said Walter protestit geif he wes not ansurit of ye forsaid Mertymes maill of ye saidis landis of Hagthornehill at he mycht do wy^t his awin landis as he thocht best expedientt.' Whereupon the said Walter Maxwell craved instruments one or more. These things done in the burgh of Edinburgh about 10 forenoon: witnesses George Buchquanan of that ilk, Patrick Porterfeilde notary and Thomas zonge.

Notarial certification by Watsoune that these things were so done and said and noted and thereafter reduced into the present public instrument.

Signed with his notarial mark bearing his initials D. W.
N. P. at the top and his full signature 'David Watsoune subscripsit' at the foot.³

3. Charter dated at Edinburgh 16th February, 1543-[44], by Alan Lord of Cathcart and Sundrum in favour of Walter

¹ Honorable, *sic*.

² Wyer (uther), other.

³ Pemount in Carrick, *Reg. Mag. Sig.*, 8 Feb., 1531-32. George Buchanan of that ilk was made Sheriff of Dumbarton on the forfeiture of Matthew Earl of Lennox. *Reg. Mag. Sig.*, 17 July, 1546.

Maxwell of Akinheid and Ewfamia Maxwell his spouse and longer liver in conjunct fee and their heirs, whom failing the heirs of the said Walter, whereby Alan granted, sold, alienated, and confirmed to the said Walter and Ewfamia his five merklands of old extent of Hagthornhill, the superiority and tenandry thereof, occupied by Janet Burnemuit. Also his whole thirty pennylands called 'Padyis maling,' superiority and tenandry thereof, then occupied by William Padyne with all their pertinents lying in the barony of Renfrew and county thereof: this in respect of a certain sum of money paid to the said Alan in his great urgent and well-known necessity by the said Walter. To be held and had away from the said Alan and his heirs and of and from our sovereign lady the Queen as princess and stewardess of Scotland (*tanquam prince et senescalla Scotie*) in fee and heritage forever by all the right meiths, etc. Reddendo to the Queen as princess and stewardess of Scotland the due and customary services of said lands: And the foresaid Alan warranted against all mortals the said five merklands of Hagthornhill, superiority and tenandry thereof, also the said thirty pennylands called 'Padyis maling' and superiority and tenandry thereof: seal and subscription manual appended at Edinburgh: witnesses Robert Vrry, John Gibsoun, Alexander Hamiltoun, Thomas zoung, John Johnnsoun and William Rethe notary public, with others.

ALLAN LORD CATHKART.

The seal, in red wax upon white, is imperfect but still attached to the parchment 'cauda' or tag. It has of the inscription only the 'S.' for Sigillum and the concluding letters of the granter's name, viz. '...art'. The top of the shield only remains, but there is enough to shew in the dexter corner of the shield the historical bearing, the cross and crescent of Cathcart.

From a legal standpoint the interest of this deed is very considerable in its complete contrast with the charter of 1508. In that grant Maxwell of Aitkenhead was, and was to remain, lord of the fief: the 'two and a half merklands of old extent' were to be held by the grantee James Hamilton as Aitkenhead's vassal for a blench feu duty of a penny Scots. But in the present deed Lord Cathcart absolutely sells and wholly parts with the lands of Hagthornhill, both tenandry and superiority, and therefore makes no provision for the lands being held of him (*de me*), but on the contrary expressly provides that they

are to be held *a me* (that is apart from the Lord of Cathcart altogether) as the direct vassal of the Crown and the subject of Queen Mary as Princess and Stewardess of Scotland.

This deed is of such local importance and so valuable as an instance of the carving out of a separate holding from the complex of lands which had formed the patrimony of the lords of Cathcart, that it seems best, as in the case of the deed of 1508, to append the original text in full.

Omnibus hanc cartam visuris vel audituris Alanus dominus de Cathcart et Sundrum Salutem in domino sempiternam Noveritis me non vi aut metu ductum nec errore lapsum seu dolo circumventum Sed mea mera pura libera et spontanea voluntate vtilitateque mea vndique previsa et pensata Concessisse vendidisse alienasse et hac presenti carta mea confirmasse necnon concedere vendere alienare et hac presenti carta mea confirmare Waltero Maxwell de Akinheid et Ewfamie Maxwell eius conjugii et eorum alteri diutius viuenti in conjuncta infeodatione et heredibus suis subscriptis Meas quinque mercatas terrarum antiqui extentus de Hagthornhill superioritatem et tenandriam earundem per Ionetam Burnemuit occupatas Necnon totas et integras meas triginta denariatas terrarum 'padyis malyng' nuncupatas superioritatem et tenandriam earundem per Wilelmum Padyne nunc occupatas cum omnibus suis pertinentiis Iacentes in baronia de Renfrew infra vicecomitatum eiusdem Pro quadam certa summa pecunie michi in mea magna vrgenti et cognita necessitate pre manibus per dictum Walterum gratanter et integre persoluta et in vsum meum totaliter conversa De quaquidem summa pecunie teneo me bene contentum ac plenarie et integre persolutum dictumque Walterum heredes suos executores et assignatos de eadem quietos clamo et exonero tenore presentis carte mee imperpetuum Tenendas et habendas prefatas quinque mercatas terrarum antiqui extentus de Hagthornhill superioritatem et tenandriam earundem Necnon totas et integras prefatas triginta denariatas terrarum 'padyis maling' nuncupatas superioritatem et tenandriam earundem cum omnibus suis pertinentiis dictis Waltero et Ewfamie eius conjugii et eorum alteri diutius viuenti in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus legitimis et propinquiorebus heredibus dicti Walteri quibuscunque a me heredibus meis et assignatis de suprema Domina nostra regina tanquam principe et senescalla Scotie et suis successoribus in feodo et hereditate imperpetuum Per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine In bossis planis moris marresiis viis semitis aquis stagnis riualis pratis pascuis pasturis molendinis multuris et eorum sequelis Aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis pomis pomeriis fabrilibus brasinis brueriis genestis domibus edificiiis ortis tignis lignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac iustis pertinenciis suis quibuscumque tam non nominatis quam nominatis tam subtus terra quam

supra terram procul et prope ad predictas terras cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace Sine aliquo impedimento reuocatione contradictione aut obstaculo aliquali Reddendo inde annuatim dictus Walterus et Ewfamia eius coniunx et eorum alter diutius viuens et heredes sui prescripti supreme Domine nostre regine antedictae tanquam principi et senescale Scotie et suis successoribus iura et seruitia de dictis terris cum pertinentiis prius debita et consueta tantum pro omni alio onere exactione questione demanda seu seruitio seculari que de predictis terris cum pertinentiis per quoscunque iuste exigi poterunt quomodolibet vel requiri Et ego uero prefatus Alanus Dominus Cathcart et Sundrum et heredes mei prefatas quinque mercatas terrarum antiqui extentus de Hagthornhill superioritatem et tenandriam earundem Necnon totas et integras prefatas triginta denariatas terrarum 'padyis maling' nuncupatas superioritatem et tenandriam earundem cum omnibus suis pertinentiis dictis Waltero et Ewfamie eius coniugi et eorum alteri diutius viuenti in coniuncta infeodatione et heredibus suis prescriptis in omnibus et per omnia forma pariter et effectu ut premissum est contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus In cuius rei testimonium sigillum meum vna cum mea subscriptione manuali presentibus est appensum Apud Edinburge Decimo Sexto die mensis Februarij Anno domini millesimo quingentesimo quadragesimo Tercio Coram his testibus Roberto Vrry Johanne Gibsoune, Alexandro Hammiltoune, Thoma zoung Johanne Johnnsoune et Willelmo Rethe notario publico cum diuersis alijs

ALLAN LORD CATHKART

Authorities on Renfrewshire history seem unaware of this foundation charter, which must be what the conveyancer calls a 'common title' to a very considerable area of Cathcart parish lying close in to the site of the battle of Langside.

The endorsement of the charter in a hand of a hundred years ago is 'Charter by John¹ Lord Cathcart to Walter Maxwell of Aikenhead of Hagstonhill etc., 16 Feb. 1543.' The name of these lands is very variously spelt, forms being Hagtonhill, Hagstonhill, Haghill. In some cases it is found closely associated with Titwood and in others with coal-mines, so that there can be little doubt that it lay somewhere near Haggs Castle, which, however, is of later date than the present charter, having been built, it is said, in 1585.²

Where was 'Padyis Malyng'? No doubt it took its name from William Padyne, its occupant in 1543-44. 'Padie' is a name of long settlement in Glasgow.³

¹ *sic* : of course an error.

² Hagtonhill, otherwise Hagthornhill, was granted by James VI. to Maxwell of Pollok on 23 June, 1615 (*Fraser's Cartulary of Pollok*, p. 342).

³ Renwick's *Protocols*, Nos. 2640, 3459.

The process of breaking up Cathcart Barony was going on actively in 1542-1545, as is shewn by two Crown charters under the great seal, dated 23rd December, 1543, and by another of 7th March, 1544-45,¹ the transaction in each case being a sale. In the second of these (No. 2982) the subjects included Cathcart with its castle lands, castle and mains, as well as Langside with its woods and coalheughs. The problems of locality involved in determining the site of, as well as the lines of approach to, Queen Mary's fatal field admit of more decisive examination now than they did in 1885 when Mr. A. M. Scott in *The Battle of Langside* made his capital investigation. The theme invites some district antiquary worthy to succeed Mr. Scott.

The Meikle Aikenhead lands of the charter of 1508 lay in the county of Lanark: Hagthornhill in the charter of 1543-44, across the county boundary, was in Renfrewshire. Taken together the territory conveyed by these two documents embraced the approaches to Langside close up to the battlefield.

GEO. NEILSON.

¹ R.M.S. Nos. 2981, 2982, 3076.

Documents relating to Coal Mining in the Saltcoats District in the First Quarter of the Eighteenth Century

THESE documents occur in a recently discovered account book. It is a volume of 374 pp. 8vo. There is no title page giving the owner or the property to which it relates, but both of these can be determined from entries in the volume. It was evidently compiled by a member of a well-known Covenanting family, Patrick Warner, who about 1709 bought the property of Dovecot Hall, Piperhaugh and part of the parish of Stevenston from Robert Cunningham of Auchendarvie. The property in the parish of Stevenston included Saltcoats, then a very small village,¹ and the lands of Hayocks. This can be verified from the history of the Cunninghams of Auchendarvie. The two Cunninghams who had dealings with the Warners of the manuscript were Robert Cunningham, the Physician, who succeeded to the property in 1678, and James Cunningham of Auchendarvie, his eldest son, who succeeded in 1715.

‘This Sir Robert . . . being endowed with a very active mind, began, soon after his accession to the estates to make improvements on the various subjects of which his property consisted. This was more especially the case with the coal on the lands of Stevenston—the working of which he brought to a degree of perfection never known before; as also the harbour of Saltcoats . . . all at no little expense.’²

His activities were recognised by Parliament in 1686. ‘Our Sovereign Lord with consent of the Estates of Parliament Statutes and Ordaines That four pennies Scots monney be

¹ Report by Thomas Tucker, 1654. Tucker declared that Saltcoats consisted of only four houses at that time.

² George Robertson, *A Genealogical Account of the Principal Families in Ayrshire*, 1823. Vol. i.

uplifted be the said Robert Cunningham his aires and successors from brewers and venders of aile or beer within the said parochines of Stevenston and Ardrossan out of each pynt thereof, and that for ye space of 20 years immediately ensueing the date of this act.¹

The proceeds of this grant were to be devoted to furthering the building of the harbour at Saltcoats to encourage the export of the native commodities of the country, 'especially coall and salt, wherewith it abounds.'

Sir Robert was, however, more enterprising than prudent: 'he was obliged at last to alienate a great part of his landed property, and this not merely the more distant possessions, but the greater part of this parish where he fixed his residence.' Among the properties sold were those of Grange and Ardeer, which changed hands about 1708. The property of Grange was bought by John Hamilton, and Robertson records that his daughter married William Warner of Ardeer. And in the manuscript account book, in an entry dealing with the births and marriages of the writer's family, we have the following entry:

'Sept. 8 1709. My son W^m was married to Janet Hammilton daughter to the deceased John Hamilton of Grange to which the lord give his blessing.'²

The account book then was started by Mr. Warner, father of Wm. Warner of Ardeer, about 1696. It begins with a species of ledger accounts containing records of loans and the payment of interest and principal and develops into an Estate account with payments of rents and lists of stock and crop. Later the original writer and his son William (who carried on the business of the estate in his father's old age and after his death) and their successors used blank leaves and even parts of pages for a variety of miscellaneous entries, including recipes, lists of books bought, inventories of deeds, books lent, genealogies, many pages relating to a dispute with Auchenharvie about the purchase price of the property, the blazon of the arms of the Warners, and so on. The result of this method of compilation is that where an entry is undated it is not safe to accept it as being written at the same time as those immediately before or after it, but some general guidance can be obtained from the handwriting, that of Mr. Warner and of his son William being quite distinct.

¹ *Scottish Acts of Parliament*, 1686, c. 45.

² P. 215. This Janet Hamilton was a great aunt of General Hamilton, the patriot and statesman of United States fame.

At the time of the purchase of the property Warner gave Auchendarvie a tack of the coal pits on it.¹ Later it appears that either this tack was transferred to one Peck or Warner gave a new tack to the latter. Warner had differences of opinion both with Auchendarvie and Peck about the coal pits, and it is through these disputes that the following memoranda were recorded.

The Tack of the Coal Mines (pp. 98-99).

Whereas in ye offer for Peace it is a^d yt Mr. P. ye Tacksman may well pay 6000 lib Scotts tack duty p. ann : he being allowed to putt in 50 hewers. This is clearly demonstrate by ye reckoning following. For 1) It will not be refused y^t ye reckoning is fair and just and as low as can be required when every hewer is reckoned to put forth but 50 loads p. week. Nor 2 can it be refused y^t every load at ye Coalhill gives 5 sh: 8^d Scotts. 3 That this per week to every hewer is 14 lib: 3 sh: Scotts. 4 That this p. an: comes to 735 : 16 : 0 for each hewer, and consequently for 50 hewers y^t comes to 36790 lib: We understand that in his bargain about a coall in ye East he is to pay ye 4th part of ye product as tack duty. Now ye 4th part of 36790 lib: is 9197 lib: 10 sh: Scotts so y^t in y^s bargain he paying but 6000 lib: of tack duty he has 3197 lib 10 sh: of advantage beyond q^t he has there.

Yet because it may be pretended y^t from abundance of water here difficulties in draining may be greater. As we doubt not but y^t ye 3197 lib 10 sh: will be much more yⁿ will suffice to surmount all y^s difficulties y^t are here beyond what they are in other coals. So we reckon y^t he may indeed deserve to have some ease of y^e Coall here beyond q^t he is to have of y^t Coall in y^e East and y^r fore instead of requiring y^e 4th part of y^e product as ye tackduty we think it may suffice to require ye 5th part only. But yⁿ even in y^t case ye 5th part of y^e 36790 lib: will come to 7358 lib:² From hence we hope Mr P will be convinced y^t

¹ Cf. Robertson, p. 277, vol. i. At the time of the sale of the Grange and Ardeer 'the whole of the coal, in both, was reserved for a period of 57 years thereafter, but the works (at this time at a very low ebb) were now conducted with a more cautious spirit and moderate success.'

² Cf. Dunn, *View of the Coal Trade of the North of England*, 1844. 'Mode of Letting Mines in Scotland. The general custom of Scotland provides for yielding to the landlord a royalty proportioned upon the net amount of sales at the colliery, in conjunction with a certain or sleeping rent payable half yearly. This royalty

we are not uneasy to him qⁿ instead of proposing 7350 lib as ye tack duty we propose only 6000 lib y^r by passing from 1358 lib: for his greater incouragement ; untill he gett his fire engines¹ to bear some better yⁿ hitherto they have done. Tho in ye meantime we incline to think y^t ye sale here is so much better qⁿ q^t can be expected in ye East y^t this of itself may

proportion is sometimes as high as $\frac{1}{4}$ the amount of sales, but, generally speaking $\frac{1}{8}$; of late years, many collieries have been let at $\frac{1}{12}$, or even so far as $\frac{1}{14}$ the amount of sales.'

¹ Cf. Robertson, vol. i, p. 278. 'One thing however is worthy of remark, that about this time the steam engine was invented, and, in 1719, the second one in Scotland was erected here (in Stevenston) with a cylinder, brought from London, of 18 inches diameter ; not much larger than the present pump.'

This conflicts with the statement of Bald, *A General View of the Coal Trade of Scotland*, 1808, that 'Although in this instant the Glasgow collieries are very numerous and extensive, yet it appears, that the steam engine was not introduced there until the year 1763.' The evidence of the manuscript account book certainly disproves the latter statement for, though the entry may not be as early as 1719, it is certainly not later than 1730. The entry belongs to the period between 1716 and 1730, when William Warner was managing the estate for his father, who was very old. Therefore he uses the plural 'we.' The old man seems to have died between 1725 and 1730. So that the probability seems to be that Robertson was right and a steam engine was introduced in this district as early as 1719.

The engine must have been a Savery engine for raising water by fire, or, more accurately, a Newcomen engine installed under Savery's patent. Captain Savery had been granted a patent in 1698 for a new invention for raising water 'by the impellent force of fire, which will be of great use in draining mines etc.' This patent was extended for a total term of 35 years, so that it would be still operative at the time of the introduction of these engines in Ayrshire. 'In Savery's machine the water was raised to the engine by suction obtained by the condensation of steam, and forced above it by means of high pressure steam acting directly on the water' (Galloway, *Annals of Coal Mining*). But this engine did not fulfil its creator's high hopes for it was found to be effective only when the whole lift did not exceed 30 or 35 feet.

Newcomen's engine was invented almost simultaneously with Savery's, and, although the two had nothing in common, they were brought into close relationship owing to the accident of Savery's patent. Newcomen was admitted into partnership by Savery, and the Newcomen engine was brought out under the same patent, and both were commonly spoken of as fire engines.

Savery's patent does not, however, hold pride of place as the first patent applicable to Scotland for a draining engine. In 1693 an inventor, named Marmaduke Hudson, obtained a patent and also an Act from the Scottish Parliament, the latter giving him the exclusive right for 19 years of using and manufacturing in Scotland the draining engine he had invented. He claimed that this draining engine could raise more water from a coal pit in an hour than any other engine in a week, and he further stated that its success had been proved in Cornwall (Scott, *Joint Stock Companies*, vol. iii, p. 186). However, there is no record of the application of this plant in Scotland, and in any case his patent had lapsed before 1719.

counterballance q^t ever ye difficultie in draining ye water here is beyond what it is there. And y^s appears more reasonable y^t as is shewed elsewhere ye least y^t is paid in tack duty q^r ye Coall is of any worth is reckoned 100 lib: for every hewer. And q^r y^s is paid where ye Coall gives but 3 p. load at ye Coalhill It will be found in a due proportion y^t q^r each load gives 5 sh: and 8^d at ye hill y^t ye tack duty for 50 [hewers] will be att or very near about 9197 lib: 10 sh: So y^t it will be found y^t by y^s proposal Mr. P. will have about 3197 lib of ease beyond q^t any round about have and this for each year of ye tack will certainly be enough to counterballance all ye difficulties he can have beyond what others have in draining ye water.

Note on a Draining Engine at Kirkcaldy (p. 364).

The Engine att Kirkcaldy is 6½ Inches wide in ye bore draws about 30 Tun an hour, twenty fathom of Elm pump and Rods.

Wages of Coal Workers and Cost of Transport (p. 326).

Five days of ye week is ye Coallhewers due and in ye Crosscraig coall 1 sh: Scotts to ye hewers¹ and 8^d to ye heaver for each load and 20 load each day, two men being in ye room.

And in ye Bogue Coall 1 sh: 10^d Scotts to hewer and heaver each load and twenty loads a day for two men in ye room. And now in ye muir 2 sh: 6^d Scotts to ye hewer and heaver 20 loads a day for ordinary two men being in ye room.

And in ye dry Quarrie coall 1 sh: 6^d Scotts to hewer and bearer and 26 loads each day two men in ye room.

¹ *I.e.* in English money hewers of Crosscraig coal received 1s. 8d. a day and heavers 1s. 1d. a day roughly (£1 Scots = 1s. 8d. st.). Compare this with Bald, *A General View of the Coal Trade of Scotland*, 1808, '... about that period, particularly in the year 1715, great coal was put free on board in the river Forth, at 4s. 8d. per ton, when the labourer's wages were at 6d. per day, and all the materials used at collieries cheap in proportion; the wages of a collier or sinker were 10d. per day; and as colliers' wages are generally rather more than double that of a common labourer, we may estimate their winnings at 14d. per day.'

Either Bald made too low an estimation of colliers' earnings or wages in the West of Scotland were higher. It seems clear in any case that these Ayrshire colliers were highly paid, for the most skilled English shearmen and drawers at the New Mills Cloth Manufactory only received from 1s. to 1s. 8d. a day between 1701-1703 (*Minutes of the New Mills Cloth Manufactory*, 1681-1703, Scottish History Society, 1905). However, the colliers were probably unique in having a five day week.

For carrying to ye shore 1 sh. 4^d from Cross Craig : 12^d from ye Muir : 1 sh: from ye Bogues.

Ground adjoining Coal pits (p. 326).

In Mr W's obligation to give to Auch: a tack of the Coall there is no mention of ground to lay the Coall upon, a proof that it was never design'd that he should putt in many Coal hewers.

Papers relating to the differences betwixt A: and Mr. Wr.
(p. 346).

No. 1. That given to My Lo: Eglinton Jan^r 9th 1723 shewing what Mr W^{rs} require of A: before they can give him a disposition to y^e Lands or tack of y^e coall and what A: demands should be contained in y^e disposition to be given. Shewing likewise what A: is indebted to Mr W^{rs}. And of ye Lochend and Meadow.

2. Shewing y^t A: has no right to any arth of ye Decreit founded upon ye minute of agreement betwixt A: elder and Mr W^r elder. Designed to be sent to Glasg:

3. Containing y^e state of y^e Coall in y^e Parish of Stevenson.

4. Shewing y^t the E: of Egl: is not obliged in law to warrand y^e tack of y^e coall given by his Lo: to M^r Peck.

*5. That Mr. W^{rs} are not obliged in law to stand to ye tack.

*6. A double of ye 3rd sent to Edinburgh with some additions.

5. The state of y^e Plea betwixt A and Mr W^{rs}. Particularly w^t respect to ye Coall in generall.

6. A particular account of y^e Tack of y^e Coall given by Egl: and A:

7. An offer of peace.

8. Short abbreviate of Mr. W^{rs} claim against A: with a short touch at y^e State of y^e Coall.

9. Information for Mr. W^{rs} about several things marked in the first pag: y^t of consisting of pagg: 38.

10. Another Information consisting of 32 pagg: y^e contents q^t of are to be seen in y^e last blank page.

11. Anoth^r Information about y^e Coall sent to Auckinlk: but this is since altered to y^e better only some thing may be observed from thence as is note pag: 12.

* These two entries crossed out.

12. Letter of a 3rd Information q^r in y^r is little except something concerning y^e restrictions as to y^e ground q^r y^e Shanks (?)¹ are to be sett down, y^t is noticeable.

13. Wherein y^e state of y^e Coall seems to be set forth more clearly y^a in y^e other papers from Numb^r 8 Inclusive. But y^e first 7 papers being latest done and upon best Information are most distinct and clear.

14. Account of Mr. W^{rs} lesions by A. amounting to 7321. 19. 06 besides violent profits of ye Lochend and Meadow for 13 years at Martt. 1723.

15. Information anent Lochend and Meadow And the Seats in the Isle.

16. Information anent ye Isle in Stevenston kirk more full yⁿ y^e former.

17. A Review of some papers past May 1723.

18. Observes about a submission required by ye E: of Egl: with what may be pleaded for a suspension in case of a summons.

19. Observes about Hayocks.

Letter to the E: of *and* (pp. 287-89).

My Lord

I understand that A: is plying hard to gett your Lo: together w^t the E: of upon my top, that seing he cannot by right or slight, he may bear me down by might. I cannot hinder your Lo: from complying with him if you so incline ; but humbly advise to consider how small your gain y^r by will be tho you should prevail. Allow me to accost you w^t what follows :

Egregiam vero laudem & Spolia Ampla refertis
Tuque alterque, Comes magnum & memorabile Nomen
Unus, & Is Senex, si victus marte duorum est.

Ætatis 83

¹This word is difficult to read, but it is probably 'shanks.' Compare this entry, p. 286 :

'Our tacksman swears (no oath he feareth)
He'll sett down Shanks on all our ground,
But he performs not what he sweareth
Because his right thereto is found
To be but lame. Though the great Name
Of Eglintoun is sought to prop it,
The good old Tacksman's glad to drop it.'

In English thus :

Great honour you acquire. No doubt
Your praise will sound the Earth throughout.
Two potent earls have overcome
One poor Old Man. O great Renown !

And yet it is not altogether impossible but y^t you may fail in your design. The Battell is not always to the Strong. Even Kings of great Armies have been foiled by a contemptible party. *Magna est vis veritatis & prevalebit.* One Holy Just and Almighty God is more able to protect the Innocent, than many Earls are to annoy them. I have no great men to betake to for my defence. This oblidgeth me to betake to y^t God who is the help of them who have no help of man at all. If he please He can avert whatever hurt may be designed against me. If, for holy ends, he see it fitt that I meet with new tryals this way ; It becomes me well to submitt, yet not despairing but y^t he will support me under y^m, and make them turn to my good. But withall if he please he can change your heart so as not to espouse any unfair plea against me. Of this I have some confidence ; because you know y^t I never wronged A.; but on the contrare ventured both my whole stock and credite to serve him and to save him and his family from Imminent and impending outward ruine. And I hope I have never given to your Lo: any just cause or provocation to seek my hurt or ruine. I have always been and resolve to continue (saving the priveledge of lawful self defence) to ye outmost of my ability.

My Lord

Your Lo: very ready and very Humb^{le} Serv^{tt}.

But *Usque ad Aras* and no further

Redentem dicere verum, quid vetat ?

Yet sometimes It is convenient that there be some *Seria mixta locis.*

N. M. SCOTT.

Robert Owen and the Congress of Aix-la-Chapelle, 1818

OWEN tells us that his mission at Aix-la-Chapelle was to bring forward 'the most important truths for man to know,' in order that the nations might be peacefully and gradually freed from thralldom.¹ These 'truths' he expressed in two *Memorials On Behalf of the Working Classes*. One was addressed to 'The Governments of Europe and America,' and dated at Frankfort, September 20, 1818; the other was addressed to 'The Allied Powers at Aix-la-Chapelle,' and dated at Aix-la-Chapelle, October 22, 1818. These memorials, which are much alike as to content, give a temperate statement of the essence of Owen's theories. There is no reference to communal rectangular villages, though he himself seems to have thought that the memorials would open an opportunity to present their advantages, and contemporaries inferred that such villages were being advocated.² Neither does he here attack religion, private property, the sanction of priesthood for marriage, or lawyers. The fact that the memorials during the period 1818 to 1858 were printed in five places and in five different forms in London itself, testifies to the importance ascribed to them, both by the author himself and by his contemporaries.³

¹ *The Life of Robert Owen*, by Himself, i, 186, cf. *ibid.* 243, 255, 349, and 353; vol. iA. Intro. vi. xii. and xxiv.

² *Tübingen Allgemeine Zeitung*, Oct. 23, 1818; *London Times*, Oct. 9, 1818.

³ Owen had at least the first, and perhaps both memorials, printed at his own expense in English, French and German in September, 1818, at Frankfort (*Autobiography*, i. 182; *London Times*, Oct. 9 and Oct. 23, 1818); he had them similarly printed at Aix-la-Chapelle in October; in November he had them printed, probably in French, at Paris (*Le Moniteur Universel*, Oct. 27, 1818); the *London Times* printed them in instalments on October 9, 23, and 27, 1818; but one other document similarly submitted was printed by the *Times*—an address praying for the abolition of the slave trade; the memorials were also printed in pamphlet form in London in 1818 and sold by leading booksellers; they were incorporated in Owen's book, *A New View of Society*, published in 1818; on July 19 and July 26, 1826, they were printed in the *New Harmony Gazette*, at New

In them he advanced the following ideas : the overwhelming effects of the new mechanical power, as shown by statistics, would soon be the creation of riches in such abundance that the wants and desires of every human being might be more than satisfied. But under the existing system of distribution the increased production would benefit only one person out of a thousand. This would generate evil passions and a premature social upheaval. Such a system could not long exist and a better one would have to be introduced in its place. Because character is formed for man and not by him, society can banish social ills through proper education amid favourable environment. Such training ought to be provided by governments which should be empowered to use a portion of the increased wealth of society for this purpose. To be convinced of the practicability of this proposal and to have it explained in detail, Owen invited the Congress to appoint a Commission to examine its workings in his factories at New Lanark and to hear him explain how the condition of the working classes might be ameliorated.¹

The desire to present his memorials in person appears to have been one of the principal motives which caused Owen to visit the Continent in 1818. At Paris he met the highest dignitaries and savants, who had already heard of his work at New Lanark ; in Switzerland he visited Pestalozzi and Fellenberg. He then journeyed to Frankfort-on-the-Main, accompanied by his partner and interpreter, John Walker, who was a man of considerable wealth. It was his intention to present his memorials to the German Diet which was in session at Frankfort at that time and which was attended by the diplomats of Prussia, Austria, and other German states. The presence of certain English noblemen and bankers in Frankfort at the time, as well as the Prussian delegation on its way to the Congress, gives this meeting of the Diet a peculiar significance. In fact it may be said that the first meetings of the Congress of

Harmony, Indiana ; on July 28, 1832, one memorial was printed in *The Crisis*, London ; finally both memorials were reprinted in Owen's *Autobiography*, vol. iA. in 1858. Their chief ideas are also found in his memorial to the Mexican Republic, 1828, and in the Address to the Governments of Europe and America, issued by the Co-operative Congress in 1832 (*The Crisis*, i. 10). The titles of the memorials doubtless aided their publicity.

¹ London *Times*, Oct. 9, 23, and 26, 1818 ; Owen's *Autobiography*, i. 126-128 ; *Gent. Mag.* vol. 89, 61 ; *The Crisis*, April 14, 1832. Many of the basic ideas of Karl Marx's philosophy were expressed by Owen, though in an entirely different spirit. Cf. Spargo, John, *Karl Marx, His Life and Work*, 72, 184 and 190.

Aix-la-Chapelle were held at Frankfort. A succession of dinners, receptions, and conferences offered numerous opportunities to the delegates to become acquainted with one another and to discuss informally the subjects which were to be considered. Metternich, Hardenberg, Capo d'Istria, Emperor Alexander, Gentz, and the great Jewish bankers, the Rothschilds, Parish, and Bethman participated in these conferences.¹ So important were they considered that some were held in Metternich's room when he was ill and confined to his bed. Gentz, the Secretary of the Congress and author of its protocols, was so busy that, although he arrived on September 3, it was not till September 20 that he found it feasible to walk for a half hour, solely for pleasure, along the streets of Frankfort.²

It was but natural, then, that persons who had business to transact with the Congress should appear in Frankfort early in September, 1818. Owen, as well as others, was not to find it easy to secure consideration of a subject which was not pressing for solution, though he did not seem to have realized this situation. His early environment, later experience, and character had not fitted him for diplomacy. Because statesmen and nobles had visited New Lanark and praised his ideas he seems to have come to Frankfort with enthusiasm, expecting to be granted a hearing and to achieve great results. He did not seem to realize that those persons who as his guests politely listened to his new views of society and superficially examined his factory, would entirely change their attitude when they were delegates to an international Congress.

Among other letters of introduction, Owen brought one from Nathan Rothschild to Bethman at Frankfort. Bethman entertained the highest dignitaries, and on September 7 gave a sumptuous dinner where Owen met Gentz, a satellite of Metternich. Owen and Gentz held diametrically opposing ideas of society, and it is not surprising that neither enjoyed the other's

¹ The diplomats needed the aid of the great Jewish international bankers at the Congress in order that they might finance the French indemnity. The first news that reached London of the formal decision to evacuate France came by two private expresses to the Rothschild bankers. A contemporary speaks of 'the Jews, who in all cases in which the money market is likely to be affected, are constantly in their intelligence beforehand with the Government.' It will be recalled that Rothschild made upwards of £2,000,000 by having fast news service from the Battle of Waterloo, *The Morning Chronicle*, Oct. 8 and Oct. 15, 1818; *London Times*, Oct. 2, 1818; *Le Moniteur Universel*, Oct. 3, 1818.

² Gentz, Friedrich von, *Tagebücher*, ii. 258-266; *London Times*, Oct. 2, 1818.

conversation, even though Gentz spoke English. To Owen's arguments, Gentz is said to have replied: 'Yes, we know that very well; but we do not want the mass to become wealthy and independent of us. How could we govern them if they were?' His frank statements convinced Owen even more completely that the existing system of society was incompatible with the system he advocated. A few days later at a dinner at Beckheim's the two met again and Gentz wrote in his diary: '*Diskussion mit dem langweiligen Owen.*'¹

It was at Frankfort that Owen wrote his memorials. He had them printed in English, French, and German under one cover. He states that he discussed them with the Russian ambassador, and adds that one day after the Emperor Alexander arrived, having provided himself with a copy of the memorials, he waited for the Emperor in the hallway of the latter's hotel. Upon attempting to present it he was coldly rebuffed. Owen probably never had a real interview with Alexander either at Frankfort or at Aix-la-Chapelle.² He presented his memorials to the Diet, but received no answer to his proposals, nor was he called upon to explain their details. When he left for Aix-la-Chapelle near the end of September, after a month's sojourn in Frankfort, he seems to have realized, though without embitterment, the futility of expecting results from existing governments.

Though all Europe took its problems and dissatisfactions to Aix-la-Chapelle the diplomats felt that the formal discussions should be limited to the evacuation of France, lest acrimonious debates should arise which would hinder the return to normal conditions. There was small likelihood that any serious consideration would be given to the condition of the labouring classes when urged by a single individual unsupported by any government or organization. Although the Duc de Richelieu had met Owen in Paris and had heard of his practical measures

¹ Gentz, *Tagebücher*, ii. 260-261; Owen's *Autobiography*, i. 183. Owen states that the dinner at Bethman's was given to all the members of the Diet and others, with the express purpose of allowing them to hear him debate with Gentz, though Owen was not informed thereof beforehand. Owen wrote his *Autobiography* forty years after this event, and probably exaggerates its official importance and the part he played. Gentz's diary only reads: *Bei Bethman im Garten gegessen; mit Graf Theodore Bathyanny, Parish, Worontzoff, dem Englischen Philantropen Owen*, 2c.

² *Autobiography*, i. 184-185; London *Times*, Nov. 6, 1818. Joyneville, however, in his *Life and Times of Alexander I.* (1875), iii. 275, states that Alexander met Owen.

at New Lanark, he was not in a position to initiate discussion even had he so desired. Owen's plans created an invincible repugnance in Prussia with her military system. The Prussian censors at Aix-la-Chapelle hesitated a long time before they even granted Owen permission to print his memorials.¹ Even less was to be expected from Metternich and his satellites. Castlereagh, the English delegate, was too thorough a diplomat to waste time on subjects not coldly practical; it was difficult to arouse his interest even in the abolition of the slave trade. Owen's personal relations with Lord Liverpool and other English statesmen probably led him to expect some support from the English delegation.

Russia was more encouraging to the reformers than any other nation. Her influence was felt to be paramount; everyone was impressed by the great size of her delegation and by the presence of all her European ambassadors at Aix-la-Chapelle. The idealism of Alexander himself made all reformers feel that Russia was their friend. What neither the reformers nor the reactionary diplomats realized was that at this very period Alexander was losing his enthusiasm for liberalism. Gentz wrote on December 15, 1818, after the Congress had adjourned: '*Das die Revolutionärs aber am Kaiser Alexander keine Stütze finden werden, das ist jetzt zum Trost der Bessern, und zum Heil der Welt vollständig erwiesen.*'² The reformers who came to Aix-la-Chapelle, however, thought only of the Alexander of 1815-1818.

Ever since the announcement of the meeting of the Congress persons from all parts of Europe had begun to journey to Aix-la-Chapelle. Sovereigns, diplomats, artists, merchants, bankers, women, and reformers came.³ 'Every plan or project for the amelioration of society that requires the aid or support of governments for its execution—every suggestion for the removal of oppression or for the recovery of right, however distant its origin' found its way to Aix-la-Chapelle.⁴ The mediatized prince and bourgeois reformer alike looked especially to Alexander to champion their cause. It was even reported that the Tsar would not announce his route in order that he might not be

¹ London Times, Oct. 23, 1818.

² Briefwechsel zwischen F. Gentz und Adam Müller, 270.

³ Daudet, Ernest, *Autours du Congrès d'Aix-la-Chapelle* in *Le Correspondant*, vol. 228, 40.

⁴ London Times, Nov. 19, 1818.

harassed on the way by petitions from the petty princes.¹ In less than two months Alexander was reported to have received nearly 8,000 petitions from all parts of Europe.² Other representatives had similar experiences on a smaller scale. Consequently, it was proposed to announce officially that only petitions or solicitations connected with subjects to be discussed would be received.³

Of all the memorials advocating reform, those offered by three Englishmen secured the most prominence.⁴ Each championed the cause of an oppressed class: Thomas Clarkson pleaded for the negro slaves, Lewis Way for the Jews in Europe, and Robert Owen for the working classes in the rising factories. Each pinned his hopes of success on Alexander. The first two were partially successful. Wilberforce recommended that Clarkson, the champion of negro slaves, should 'apply his lever to the great Alexander.'⁵ Clarkson prepared an address which was printed in English and in French. Alexander read the address and Clarkson's letter and granted him an interview for an hour and a half on October 9, in which he pledged his support for the latter's programme to declare the slave trade piracy, to provide for a mutual right of search, and to persuade Portugal to join in its abolition. Moreover, he also agreed to give, personally, a copy of the Address to the Emperor of Austria, the King of Prussia, and even to Castlereagh.⁶ Rev. Lewis Way, of the London Society for Promoting Christianity among the Jews, had worked among the Jews in Russia and while there had come to the notice of the Emperor. It was at Alexander's suggestion that Way came to Aix-la-Chapelle. He drew up a petition and a memorial asking Christian governments to extend equal civil, social, and especially educational rights to the Jews,

¹ London *Morning Chronicle*, Sept. 22, 1818.

² London *Morning Chronicle*, Nov. 21, 1818.

³ London *Times*, Oct. 3, 1818.

⁴ Stern, Alfred, *Geschichte Europas*, i. 475; Capefigue, M., *Histoire de la Restauration*, 2nd edition, ii. ch. xii.

⁵ This letter to J. Stephen is given in the *Life of William Wilberforce*, by his sons, v. 2-3.

⁶ Wellington's *Supplementary Despatches*, xii. 760; Castlereagh's *Memoirs, Correspondence, etc.* xii. 3; London *Morning Chronicle*, Oct. 14, 1818; *Le Moniteur Universel*, Oct. 16, 1818; *Tübingen Allgemeine Zeitung*, Oct. 23, 1818; London *Times*, Oct. 16, 1818. Clarkson's letter describing the interview is given in Taylor, Thomas, *A Biog. Sketch of Thos. Clarkson*, etc. 116-119.

to encourage them in the arts, trades, and especially in agriculture, and to extend to them charity and tolerance; the Jews were to modify some of their objectionable practices and habits. The great Jewish bankers supported the movement. Alexander granted Way an interview and through Nesselrode referred the matter to the Congress.¹ Like Clarkson and Way, Owen also had good reason to expect support from Alexander. The latter's sister, the Grand Duchess of Oldenburg, on her visit to London had listened for two hours while Owen explained his new view of society, and had promised him that she would explain it to her brother, Tsar Alexander. The Tsar, she said, was very desirous of promoting liberal views throughout society as far as he could, considering his position and the difficulty of carrying the nobles with him. Moreover, Alexander's brother, the Grand Duke Nicholas, later Tsar Nicholas I., had visited New Lanark. While there he had been Owen's guest, and had offered to take the latter's sons under his patronage and also to organize communities in Russia according to Owen's ideas if Owen would come to Russia to supervise the work. Owen therefore hoped that the influence of the Emperor might be used in bringing his proposals before the Congress.²

He arrived at Aix-la-Chapelle about October 4, intending to present his memorials in person.³ These he amplified, had reprinted, whereupon they were entrusted to Lord Castlereagh, who, according to Owen's statement, presented them to the Congress.⁴ If this was done, it was probably in a cursory way. Owen was disappointed in not being accorded an opportunity to explain his memorials and by the failure of the Congress to

¹ *London Times*, Nov. 19, 1818; Kohler, M. J., *Jewish Rights at the Congresses of Vienna and Aix-la-Chapelle*, 59, 55, 61 and 86. The question of Jewish rights also came up at the Peace Conference in 1919, and had an interesting bearing on the ratification of the treaty by the United States Senate. Some of the cablegrams which passed between Taft and Wilson on this subject are printed in Marburg and Flack, *Taft Papers on the League of Nations*, 330-334.

² Owen's *Autobiography*, i. 145-147; *London Times*, Oct. 32, 1818.

³ *London Times*, Oct. 9, 1818. It was the custom to draw up a formal 'Memorial' or 'Address' on a subject to be presented to the Congress. Clarkson and Way did so. A memorial was also drawn up by the Purchasers of Westphalian Domains (*Le Moniteur Universel*, Nov. 19, 1818; *London Times*, Nov. 23, 1818), and Sir Joseph Banks drew up a memorial providing for the freeing of Europe from the Barbary pirates and the civilising of northern Africa (*Tübingen Allgemeine Zeitung*, Oct. 27, 1818; *London Times*, Oct. 12, 1818).

⁴ Owen's *Autobiography*, i. 186-188; *London Times*, Oct. 12, 1818.

appoint a Commission to investigate his factories; even Alexander, who had given Clarkson and Way an interview, did not grant him a hearing, though he did read the memorials.¹ Those who accepted the existing order of society appear to have regarded the memorials as merely a curious visionary scheme. A French diplomat characterized them as being similar to the Jesuit establishments in Paraguay.² The *Times* correspondent at Aix-la-Chapelle wrote that it was Owen's intention to ask the Sovereigns and Ministers 'to go down to Scotland, to examine their justice, in the experiment of his cotton-spinning establishment at New Lanark' and that 'Mr. Owen will not succeed better at Aix in proselytising their Majesties, than the Quaker did who went to Rome to convert the Pope.' In an editorial, the same newspaper remarked: 'If Mr. Owen is a single man (and if married, perhaps he might be allowed two wives), why can he not marry Madame Krudener? they seem to be birds of a feather: the ex-King of Sweden might give away the bride, and the Abbé de Pradt perform the ceremony.' As to the disposition of the memorial, it was predicted that while the German questions would probably be referred to the Diet for settlement, Owen's plan for the regeneration of the world would be referred 'to . . . a more convenient opportunity.' Owen, however, was respected as a celebrated and benevolent reformer who had done a great deal of good at New Lanark.³

Owen probably sensed the situation, for he remained at Aix-la-Chapelle but about twenty days. About October 21, 1818, he left for Paris where, as did Way, he had his memorials again reprinted.⁴ Each of the three English reformers felt that they had failed to secure results. Clarkson's cause was recognized in a half dozen pages of protocols, but these did not declare the slave trade piracy, nor concede a mutual right of search.⁵ Way succeeded in getting a general clause in the protocol of November 21, 1818, which at least formally recognized the justice of his plea. In the treaties which were drawn up and

¹ London *Times*, Oct. 23, and Nov. 6, 1818.

² Stern, Alfred, *Geschichte Europas*, i. 475.

³ London *Times*, Oct. 26, Oct. 23, Oct. 9, Nov. 6, 1818.

⁴ *Le Moniteur Universel*, Oct. 27, 1818.

⁵ Letter of Clarkson to Wilberforce, Oct. 11, 1818, *Life of William Wilberforce*, by his sons, v. 4; *British and Foreign State Papers*, vi. 57-66; Martens, G. F., *Nouveau supplémens au Recueil de traités*, iii. 87-127. It is well to bear in mind that Martens does not print all the protocols that were drawn up by the Congress.

which have been printed, there is, however, not a single phrase or word which would indicate that Owen's memorials or the interests of the working classes were even considered by the Congress. Yet Owen states that a French minister told him in Paris that his memorials were considered by the members of the Congress to be the most important documents presented.¹ Owen in this instance may be pleasing his vanity, or his memory of what happened forty years before may have been in error, or the statement may have been that of a flattering courtier. That this statement is contrary to fact is shown by the entire absence of any mention of the consideration of his memorials in the official and unofficial correspondence, diaries, and reports of the leading statesmen at Aix-la-Chapelle.² With them, evidently, his ideas had practically no influence whatever. With his fellow reformers and other persons present at Aix-la-Chapelle they may have been influential in some degree. In all probability the numerous places where the memorials were printed at different times enabled the ideas expressed therein to reach and have some influence upon liberal and radical reformers in Europe and America.

The reactionaries, with their static point of view of society and their outlook towards the past, left Aix-la-Chapelle well satisfied. Metternich said that he never had seen 'un plus petit joli Congrès,'³ and Gentz, on December 15, 1818, wrote to his friend, Adam Müller, that the last two months had been the most interesting, the most peaceful, and the most glorious of his life.⁴ Owen, with his dynamic point of view of society and his outlook towards the future, realizing that his ideas were far ahead of his time, left Aix-la-Chapelle less well satisfied, but with his determination as strong as ever to assist the progress of the human race. It is probably this attitude towards life,

¹ *Autobiography*, 186-188.

² This statement is based upon an examination of the following sources: Wellington's *Supplementary Despatches*, vol. xii.; Castlereagh's *Memoirs and Correspondence*, vol. xii.; Metternich's *Memoirs*, vol. i. 314-334, and vol. iii. 111-176; *Les Conférences d'Aix-la-Chapelle d'après la Correspondance inédite du Duc de Richelieu*, edited by M. de Cisterne and published in *Cosmopolis*, v. 762-780, and vi. 150-165; Gentz, F., *Tagebücher*, ii. 258-288; *Dépêches inédites du chevalier de Gentz aux Hospodars de Valachie*, i. 397-415.

³ Lavissee et Rambaud, *Histoire Générale*, x. 73.

⁴ *Briefwechsel zwischen Friedrich Gentz und Adam Müller*, 266; cf. Gentz, F., *Tagebücher*, ii. 286.

illustrated so well in his business career, and permeating all his writings, however faulty their reasoning may be, that is responsible more than any other factor for the increasing interest to-day in all that concerns Robert Owen.¹

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¹ The universality of this interest is shown by the following list of books which appeared almost simultaneously in four different countries: G. B. Lockwood, *The New Harmony Movement*, New York, 1905; F. Podmore, *Robert Owen, A Biography*, 2 vols., London, 1906; Helene Simon, *Robert Owen, sein Leben und seine Bedeutung für die Gegenwart*, Jena, 1905; and Edouard Dolléane, *Robert Owen*, Paris, 1905.

Minutes of the Diocesan Synod of Lothian held on the 19th and 20th of March 1611

THE minutes of this meeting of Synod do not appear to have been previously printed. Of contemporary church historians Calderwood alone gives an account of it. Recent writers such as Grub, Parker Lawson, and W. Stephen do not refer to it. I have copied its minutes from a seventeenth century MS. belonging to Colonel H. Scrymgeour-Wedderburn of Birkhill, Fife, who has kindly given me permission to publish them. It will be noticed that *exercise* is used instead of *presbytery*. The spelling is erratic and irregular, and the writer rarely dots an *i*.

D. HAY FLEMING.

The Diocesian Assemblie haldin at Edinburgh, the nyntene day of March i m. vi^c and elevin zeiris, be George¹ Airschbischope of St. Androis, Primat and Metropolitane of Scotland, in the New Kirk² of Edinburgh.

Sessione prima.

The quhilk day exortatioun being made to (*sic*) the said George Airschbischope of St. Androis, and, efter prayer and thankis geving to God, the roll and names of the bretherin foirsaidis being callit, thair was electit and chossin the bretherin following to be upone the privie conference, thay ar to say Mr. David Lyindsay, Bischope of Ros, Mr. Johne Hall, Mr. Piter Hewart, Mr. Henry Blyith, Mr. George Ramsay, Mr. Archibald Symson, Mr. Robert Cornwall, Mr. Johne Gibbieson, Mr. Robert Muire, Mr. Eduard Hepburne, Mr. James Home, Mr. William Methven, Mr. James Carmichall, Mr. George Greir, Mr. Thomas Storie, Mr. James Dais.

¹ George Gladstones, who had been consecrated in the preceding December.

² Or eastmost church of St. Giles (*Cf.* Laing's *Baillie*, ii. 102, and Hope's *Diary*, Ban. Club, p. 197).

Sessione secunda.

Anent the materis referit fra the last diocesan assemble to this assemble :

And first, anent the provisioun of the kirk of Calder Comittis, orde[ns]¹ (*blank*) comissioneris, appointit of befoir in the last synodoll, to deall of new againe with my Lord of Torpichen, patron of the said kirk, and with my Lord Bischop of Glasgow,² quha standis presentlie provydit, for his demissioun of the said benefice, that ane minister may be provydit to the said kirk and benefice simple but onie conditioun.

And nixt, anent the comissioun grantit of befoir to (*blank*) for provisioun of the Kirk of Ellem. Becaus thair was na thing done thairin, ordaines new comissioun to be grantit to the saidis comissionaris for provisioun of the said kirk upone suit of the minister serving at the said kirk, and to repoirt thair diligence at the nixt synodoll assemble.

The forme of tryell of persounes to be admittit to the ministrie heirefter quha hes not exerseisit publictlie.

It is concludit that quhatsumevir persoun quha hes not exerseisit publictlie of befoir, and disyiris to be admittit to the ministrie, that befoir his admissioun he be tryit efter this forme : First that he teiche in Latyine privatly. Nixt that he teich in Inglis privatlie. Thridlie that he ad to the exerceis, and exerceis publictlie, teich in pulpit popullarlie. Last of all that he be tryit be depositiones and questiones upone the contravertit heidis and places of theologie.³ And all thir tryellis to proceid (*sic*) his admissioun.

Anent the supplicatioun gevin in be Mr. Adame Bannatyne of Kilconquhar, persoun and actuall minister of Falkirk, craving ane helper and follow lawborar to be grantit to him upone his awin chairgis for serving of the said kirk of Falkirk, in respect betuix the far distance of the said kirk of Falkirk and the landis of Kilconquhar,⁴ quhairwith he hes succedit and hes his necessar adois thair, as the said supplicatioun gevin in be him at lenth

¹ The margin is frayed.

² John Spottiswood.

³ See M'Crie's *Melville*, 1824, i. 339-341, 475-478 ; Ross' *Glimpses of Pastoral Work in Covenanting Times*, 1877, pp. 78-80.

⁴ Mr. Adam Bannatyne (or Bellenden), a son of Sir John Bellenden of Auchnoule, was minister of Falkirk from 1593 to 1616 (Scott's *Fasti*, i. 186) ; from which he was promoted to the see of Dunblane, and in 1635 to the see of Aberdeen (Keith's *Catalogue*, 1824, pp. 132, 133). In July 1609, he appears as 'de Kilconquhar' (*Register of the Great Seal*, 1609-1620, No. 153).

beiris; quhilk beand red and at lenth considderit, the said airschbischoep and haill bretherin of the synodoll convenit, all in ane voice, ordains the said Mr. Adam Bannatyne, supplicant, ather to transport himself fra the said kirk of Falkirk conforme to the act of transportatioun grantit till him in the last synodell, that the kirk may be declairit to vaik, or ellis to demit the said benefice, or ellis to serve in persoun and mak residence in his awin persoun, to teich and minister the sacramentis in his awin persoun, all substituitis and follow laboraris being secludit, under the pane of depositioun; and, failzeing of the premissis betuix and the nixt synodoll, that he be deposit of all functioun of the ministrie at the nixt synodoll.¹

Anent the supplicatioun gevin in be Andro Hairt cravand the executioun of ane act of the synodoll assemblee, haldin at Hadingtoun the first of November i m. vi^c ten, be the quhilk act it wes ordanit that all the bretherin of the synodoll and ilk ane of thame, sould deill with thair parochinaris for bying of ane Bybill to be ane commoun Bybill to the kirk, and the minister that sall be fund remis and slaw in doing of this to be cencurit as the said supplicatioun and act of synodell in the self at lenth beiris; quhilk being red and desyir voitit in assemblee, ordains this act till be put to executioun, with this aditioun that quhatsumever minister caussis not his parochinaris to by ane of the saidis Bybillis² betuix and the nixt synodoll he sall pay sex pund but [*i.e.* without] prejudice of the executioun of the act; and ordaines this act to be intimat to ilk conventioun of the bretherin of the exerceis, as lykwayes ordains the ministeris of Edinburgh to caus the Provost and bailleis of Edinburgh to buy four of the saidis Bybellis for thair kirkis under the pane of the censu[r] foirsaid.

Anent the supplicatioun gevin be my Lord of Cranstoun, Mr. David M^cGill of Cranstoun-Riddell, Adame Wauchope of Caikinnize, for thame selffis and the remanent parochinaris of Cranstoun, cravand libertie to be grantit to Mr. Johne Nymbill,

¹ According to Calderwood, 'there was just caus to deale thus' with him, 'becaus his parochie was destitute of the preaching of the Word the halfe of the Sabbathos of the year' (*History of the Kirk*, vii. 155).

² 'This edition [of 1610 in folio] was much admired, and it continued long to be accounted a high recommendation, to be "conform to the edition printed by Andrew Hart"' (Lee's *Memorial for the Bible Societies*, 1824, p. 56). A similar act was passed at the synod of Fife on 4th April 1611 (Lee, *ut supra*, and *Selections from the Minutes of the Synod of Fife*, Abbotsford Club, p. 10).

present minister¹ and titular of the personage and vicarage of Cranstoun, to mak and renew takis of the said personage of the said personage (*sic*) and vicarage, that ane sufficient provisioun may be maid for establischin[g] of the said kirk and for ane steipand to ane minister to serve thairat, as the said supplicatioun at lenth beiris; quhilk being red and considderit, the said airschebischoep and haill bretherin of the said synodoll grantis liecence to the said Mr. Johne Nymbill to set takis of the personage and vicarage of Cranstoun, with consent of Mrs. Johne Hall, Piter Hewart, George Ramsay, Archibald Symson, Henrie Blyith, David Lyndsay, zoungar, Mr. Johne Hall beand ane of the consenteris, and ordains ane act of synodoll to be maid heirupone.

Anent the resolutioun cravit in name of Mr. Patrik Symson, minister at Striuling, gif the celebratioun of the Lordis Supper within the kirk of Striuling sould be continwit quhill the eylistis and jaris newlie arrysin betuix the nytboras and indwellaris in Striuling war satlit and removit, it wes voitit be the said synodoll that the celebratioun of the continwatioun² sould be continwit till all neichboris war reconceillit and thair reconciliatiou[n] to be repoirtit to the nixt synodoll.

At Edinburgh the twentie day of March i m. vi^c and elevin ze[r]is].

Sessione prima.

Anent ordor taking with the sclander and ryet comitit in the kirk of Dunc³, the airschebischoep and bretherin of the synodell gevis comissioun to the bretherin of the exerceis of Edinburgh, and to Mrs. Archibald Symson, Alexander Cas, Johne Weymes, Tobias Ramsay, Williame Hog, Patrik Gaitis or onie thrie of thame jointit to the bretherin of the exerceis of Edinburgh, to direct out sumondis to sumond the comitar[is] of the sclander and ryat to compeir befor thame at Edinburgh quhat day thay sall think expedient to determyne anent the sclander and to censur thairfoir, provyding that na proces of excumunicatioun be deducit or sentence pronuncit bot according to the act of Generall Assemblie haldin at Glasgow, and in the meinetyme ordains the brether[in] of the exerceis of Duns not to sit within

¹ Cf. Scott's *Fasti*, i. 274.

² *Continwatioun* is obviously a clerical error for *communio*n. 'Should be continwit,' i.e. should be postponed.

³ There is an account of this riot in the *Register of Privy Council*, ix. 100-102.

the kirk of Duns quhill ordour be taine thairanent and that the commissionaris foirsaidis ordaine thame to sit thair agane.

Item it was ordanit that thir comissionaris abonewrittin, and with thame Mr. David Home and Mr. William Methven, to deill with Mr. Patrik Gaittis, minister at Duns, for adjoyning with ane follow laboroir to him to the kirk of Duns in respect of his aige and to [give]¹ his answer to the nixt synodoll.

At Edinburgh the xx day of March i m. vi^c elevin zeiris. Anent the supplicatioun gevin in be² George Airschbischof of St. Androis and the bretherin of the diocesan synodoll assemblee be Mr. Henrie Monnypenny and Fransiscus Apparissus, Italian, bursur and student in the New College of St. Androis, the said Mr. Henrie cravand sum supplie and suppoirt for releif of his grit and havie seiknes quhairwith he is presentlie and hes beine thir mony zeiris bypast vexit and diseasit, and the uther craving sum cheretabill meins to be fund out quhairby sum suppoirt may be grantit to him for furnesing of claythis and buikis and uthairis necessaris for furtherance of his cours in the studie of theologie, as the said supplicationes at lenth beiris: quhilkis being red, and the said airschbischof and the remanent bretherin of the said diocesan synode being at well thairwith advyssit, thay all in ane voice ordanes everie minister at ilk kirk within the boundis of the diocie convenit at this synodell to caus thair parochinaris and sessiounes help and supplie thir supplicantis with sum collectioun and contrabutioun, and to collect and ingadder the money that sall happin to be gevin betuix and midsomer nixtocum, and to delyver the money collectit to the bretherin of the exerceis of Edinburgh, to the effect the samyn may be distribuit to thir twa supplicantis at the sicht of Mr. Johne Hall and Mr. Piter Hewart, and the said Mr. Henrie to have the maist pairt of the soumes collectit extractit.

At Edinburgh the xx day of Marche i m. vi^c elevin zeiris. Anent the supplicatioun gevin in to my Lord Airschbischof of St. Androis, Primat of Scotland, and to the remanent bretherin presentlie convenit at the diocesan and synodell assemblee, be Johne Elphingstoun of Schank, makand mentioun that quhair he and his prediccessoris heritoris of thrie pendicles of the Mans of Arnistoun callit the Schank Bullioun and Cokhill, lyand in the parochin of Borthuik and scheref dome of Edinburgh, hes beine kyindlie takisman of the personage and vicarage teyindis thair of, pertening of auld to the prebendarie of Arnistoun as

¹ Omitted.

² *Be* is a clerical error for *to*.

ane pairt of the patromonie thair of; and albeit the said prebendarie be unitit and annexit to the personage of Borthuik, and that Mr. Patrik Turnour be persoun of the said personage and sua prebendar of the said prebendarie, nevertheles he will on na wayes set the said Johne Elphinstoun of Schank ane tak of the personage and vicarage teyindis of his landis without liecence be grantit to him; and thairfoir maist humblie beseikand my Lord Airschbischof of St. Androis and remanent bretherin of the senute to grant liecence to the said Mr. Patrik Turnat to set takis of the personage and vicarage of the saidis landis to sic persounes as he sould appoint with consent of the patron, for sic space as he sall be thocht (*sic*) expedient, as the said supplicatioun at lenth beiris. Quhilk being publictly red in presence of the said airschof and the haill bretherin of the senute, and voitit gif the desyr of the samyn was ressonabill or not, thay all in ane voice gaif liecence to the said Mr. Patrik Turnat to set takis of the said personage and vicarage teyindis of the landis abonewrittin with advys of Mr. Johne Hall, Mr. Piter Hewart, ministeris at Edinburgh, Mr. David Lyindsay, zoungar, minister at Leyth, Mr. Henrie Blyith, minister at the Cannogait, Mr. George Ramsay, minister at Leswaid, Mr. Archibald Symson, minister at Dalkeyth, or onie thrie of thame, to the said supplicant or onie uther persoun he sould appoint, and that for sic space and conditiones as sould be thocht expedient be thame, and ordanit ane act of synodell to be maid thairupone.

Anent the supplicatioun gevin in be me Lord Saltoun and remanent parochinaris of the parochin of Saltoun, craving ane provisioun to be grantit to ane minister out of the reddiest fruitis and teyindis of thair awin parochin, thair kirk of Saltoun beand ane of the kirkis of the prelacie of Dryburgh, and thair teyindscheavis extending [to]¹ the quantitie of threttie chalder victuall and rigourosly led of thair grund, as the supplicatioun at lenth beiris; quhilk being red it is ordanit be the synodell that my Lord Airschbischof of St. Androis sould writ maist earnestly to the Kingis Majestie, to my Lord of Mar, and to the Laird of Ruthvenis for ane provisioun to the said kirk.

Anent the supplicatioun gevin in be George Abernethi[e] and the parochinaris of the parochie kirk of Glencros, craveand ane ordinar pasture to be gevin to thame, quha may teich the Word and minister the sacramentis at the kirk of Glencros, in respect that Mr. George Ramsay, minister at Leswaid, pretendis

¹ Omitted.

rycht to the said parochie kirk as ane pendicle of his kirk of Leswaid, upliftis and leidis [and]¹ exactis the teyindis thair of extending to fourtene chalder victuall zeirlye, as the said supplicatioun at lenth beiris ; quhilk beand red the said Mr. George Ramsay beand present, and George Abernethie beand present and takand the burding upone him for the said haille parochinaris of Glencros, thay baith submitti[t] to my Lord Airschbischop of St. Androis the desyir of the said supp[li]catioun and his Lordschip [to]² give his sentence and determinatioun betuixt and the nixt synodoll.

Anent the supplicatioun gevin in be George Abernethie, procurator (*sic*) fischall of the commissariat of Edinburgh, desyiring ane ordinance to be maid that evirie minister sould inroll and give up the names of his awin defunct parochinaris, with thair wyffis or successoris names, intrometoris with thair geir, be designatioun of name, surname and dwelling-place to the effect that the defunctis testament may be confermit ; quhilk beand red it was voit (*sic*) and concludit be the haille bretherin of the synodell that evirie minister sould give up ane roll of the names of pairteis deceisand with (*sic*) thair parochinaris, with thair wyffis or successoris names, intrometoris with thair geir, be designatioun of thair name, surname and dwelling-place, and to report it betuix and the nixt synodoll quhat diligence thay have done thairanent.

It wes voitit be the haille bretherin of thir present diocesan synode that the exerceis of the bretherin sould be continwit in the ordinar places quhair thay ar presentlie, and that thay be not removit out of ordinar places betuix synodell assembleis.

Item, it was ordanit that the act of Generall Assemblie, haldin at Glasgow the aucht of Junii 1610 zeiris, aganes the absent ministeris fra diocesan assembleis and ordinar visitatioun of kirkis without just caus or lauffull excuis, sould be put to executioun aganes the absent ministeris fra the nixt synodell assemblie, viz. the minister that sall be absent without just caus or lauffull excuis sould be suspendit fra his office and benefice, and [gif]³ he mend not sould be depriyvit ; and this act to be intimat in the haille conventiones of the bretherin within this present diocesan synode.

Item, ordaines my Lord Airschbischop of St. Androis to direct ane missive for himself and in name of this diocesan

¹ Omitted.² Omitted.³ Omitted.

synode to (*blank*) for ane provisioun to be haid to the kirk of Chirinesyde.

It wes declairit and complenit upone be Mr. Daudid Forrest that Mr. Thomas Ambrois, minister,¹ sellis the sacrament of baptyme and takis money thairfoir, thairfoir this present synode gives comissioun to the bretherin of the exerceis of Lynlythgow and to Mr. Adame Bannatyne to tak tryell of the said complaint and to repourt [to]² the nixt synode gif the said be trew or not.

Anent the supplicatioun gevin in be Mr. Thomas Bannatyne,³ minister at North Berwik, aganes the bretherin of the exerceis of Hadingtoun, in respect thay refuisit to inroll him as ane actuall minister and as ane of the bretherin of the said exerceis, and wald not suffer him till exerceis with thame, as the complaint in the self at lenth beiris; the quhilk being red the said airschebischoep and bretherin of the synodoll ordanes Mr. Eduard Hepburne and Mr. James Home to pas to the bretherin of the exerceis of Hadingtoun to sie the said Mr. Thomas Bannatyne inrollit as ane actuall minister and ane of thair ordiner bretherin of thair exerceis; and, gif thay refuis, to repourt thair refusall to the nixt synodoll.

Ordains the bretherin of the exerceis of Dwmbarr to pas to the Erlle of Home⁴ and to chaarge him to subscrivve the Articles of Fayth conforme to the Act of Parliament and actis of Generall Assemblie; and, gif he refuis, to repourt his refusall to the nixt synode.

Ordains Mr. Eduard Hepburne to produce the sentence of excumunicatioun pronuncit aganes Buttardaine, and to dilyver the samyn to Mr. Johne Hall, Mr. Piter Hewart, Mr. Henrie Blyth.

It wes voitit and concludit be the said airschebischoep and hail bretherin of this diocesan synode that the present moderatoris of everie exerceis sould continw moderator to the nixt synodell assemblie.

My Lord Airschebischoep of St. Androis caussit reid and intimat to the hail bretherin of this diocesan synodell his

¹ Ambrose was minister of Slamannan.

² Omitted.

³ At the diocesan synod of Lothian, held at Haddington on the 1st of November 1610, 'Mr. Thomas Bannatyne was appointed minister of Northberuick by pluralitie of eight votes, fourteene or moe votes of laicks of the number of the voters for him' (Calderwood's *History*, vii. 129).

⁴ The Earl of Hume was 'suspected of Papistrie' (*Booke of the Universall Kirk*, iii. 1025).

ma[jes]teis will and declaratioun anent the dischipline that ministers hes over thair parochinaris and anent the ellectioun of the sessiounes of kirkis as at mair lenth is contenit quhais¹ Ma[jes]teis will and declaratioun red and intimat be the said airschbischoep to the said bretherin.

It wes voittit and concludit that the nixt diocesan synode sould hald at Edinburgh the secund day of November nixtocum.

And thankis being gevin to God the assemblie dissolvit.

[In a different hand :—] Produced the 9 of October.

[Indorsation, also in a different hand :—] Diocesan Synode holden at Hadingtoun.²

¹ *Quhais* is obviously a clerical error for *in his*.

² This error may perhaps be explained by supposing that the minutes of the synod held at Haddington were written on a separate sheet, and that that sheet was at one time folded up with the minutes of this synod.

A Note on a Moray Charter

THE Register of the Bishopric of Moray contains a *Compositio*, of the year 1232, which offers material for annotation.¹ The parties to the compact were Andrew de Moravia, Bishop of Moray, and David de Strathbolgyn, son of Duncan, Earl of Fife, and the subject was the claim of the respective parties to the lands of certain mensal churches and to another piece of land. In terms of the arrangement the church lands were granted by the Bishop to David in feu, and the former received the other piece of land. The Bishop retained the *advocationes* and the *jus patronatus* of the churches, and certain rights which two secular priests had obtained from the Bishop to some of the church lands were reserved. Further there were reserved to each of the churches from the lands so feued a modest area and rights of common pasture.

The clause regarding pasturage is as follows: *Quilibet vero sacerdos ministrans alicui ecclesiarum predictarum habebat sibi et suis communem pasturam per totam parochiam suam secundum quod est provisum et constitutum ab Episcopis regni Scotici in concilio eorundem.* The reference is possibly to No. 92 of the *Statuta Ecclesiastica* of the thirteenth century contained in a Lambeth MS. Robertson expressed a doubt as to whether the section of these *statuta*, to which this Canon belongs, were provincial or synodal. If the identification of the canon referred to in the Moray charter with Canon 92 is correct, it is clear that the body of canons to which it belongs was treated as provincial in 1232 and that it may be assigned to the period between 1225 and that date. If the *Compositio* in the Moray Register had referred to a Council presided over by a Legate, it would probably have mentioned the fact of his presence. It will be remembered that the Bull of Honorius III. authorising the Scottish Bishops to hold a Provincial Council is dated 1225.²

¹ *Registrum Moraviense* (Edinburgh, 1837), 29.

² Robertson, *Statuta* (Edinburgh, 1866) i. p. clxxxiv n. i. and ii. p. 45. ³ Patrick, *Statutes* (Edinburgh, 1907), p. 50 n.

A further question raised by the *Compositio* is found in the following clause of renunciation which it contains '*Et renunciavit pro se et heredibus suis omni exceptioni appellationi occasione et contradictioni et omni juris remedio tam civilis quam ecclesiastici et constitutioni de duabus dietis et remedio episcopali divi Adriani.*' This clause is followed by a renunciation in more summary form by the Bishop: '*et renunciatione consimili per omnia.*'

At first sight it appears clear that the *constitutio de duabus dietis* is the thirty-seventh canon of the Lateran Council of 1215, which provided: '*ne quis ultra duas dietas extra suam dioecesim per litteras apostolicas ad iudicium trahi possit, nisi de assensu partium fuerint impetratae, vel expressam de hac constitutione fecerint mentionem.*' This identification is supported by a *Compositio* of 1223 regarding tithes which appears in the Register of Melrose, and contains the following clause of a Mandate by Honorius III. which it incorporates '*Quia prefati Abbas et conventus ultra duas dietas extra suam dioecesim ad iudicium trahebantur contra statuta concilii generalis, du quo in litteris mencio non fiebat, predicti iudices in causa ipsa minime processerunt.*'¹ It is interesting to note that the monks of Melrose were pleading the canon of 1215 within eight years of its enactment.²

Assuming that the foregoing identification is correct, we ask, What was the *remedium episcopale divi Adriani*? It is submitted that the scribe or transcriber has made a mistake and that the words ought to read *redemium epistoli divi Adriani*. The reference is to the legislation of the Emperor Hadrian on the *beneficium divisionis* granted to several co-sureties.³

¹ Liber de Melros, i. 270.

² Reference may also be made to the letter of Innocent IV. of 1251, *De gravaminibus ecclesie Scotice emendandis*; Robertson, *op. cit.* ii. 246; and Patrick, *op. cit.* 212 n. and 217. Scotland was represented at the Council of 1215 by four Bishops, not by three and the Abbot of Kelso as has been generally stated on the authority of the Melrose Chronicle. Robertson, *op. cit.* i. xlii. The Zurich list of the bishops who attended substitutes the name of the Bishop of Caithness for that of the Abbot of Kelso. The list was published by M. Luchaire in the *Journal des Savants* of October 1905, from a Zurich MS., and is reprinted in Hefele and Leclercq, *Histoire des Conciles* (Paris 1913), v. p. ii. 1730; cf. Luchaire, *Innocent III.: le Concile de Lateran* (Paris 1908) 11 n. It may be noted that the Lateran Canon did not introduce a novelty in legislating regarding *dietae*. The question is raised in two letters of Innocent III. of 1207 in the narrative of pleadings. *Opera* (ed. Migne) II., 1177 and 1184. The use of the word *dieta* in the sense of a day's journey is exemplified in the devotional tract of Robert de Sorbon, *De tribus dietis* (ed. Chambon: Paris, 1902).

³ *Institutes*, iii. 20, 4. Gaius, iii. 121.

This slight emendation seems to make the reference clear, but a difficulty suggests itself in the collocation of references to the Civil Law of the classical period and to the canon of a Church Council of 1215 regarding quite distinct subjects. A reference to continental practice suggests that the collocation of the two references may be a typical example of scribal half-knowledge. The scribe had probably at the back of his mind the legislation of Diocletian and Justinian, *De duobus reis stipulandi et duobus reis promittendi*.¹ This emendation would make the references bear on cognate subjects and would give the form which is found in some of the French *coutumes*. Thus in a series of *Règles Coutumières*, which are based on the *Coutume de Touraine-Anjou* and appear to have been collected in the fifteenth century, we find in *La declaracion des renunciacions que les notaires doivent mettre en contrats et obligations* a careful exposition of the importance of the renunciation of the benefits of the Epistle of Hadrian and the legislation *De duobus reis*. The passage is as follows: 'Quant deux ou plusieurs s'obligent l'un pour l'autre, et chacun pour le tout, sans division de personne ne de biens, il convient qu'ils renuncent à l'epistolle de div. Adrien, et à l'authentique *De duobus reis stipulandi et promittendi*; car aultrement ils ne sont tenus chacun que pour sa porcion. . . .'² Again, a notarial instrument of Marseilles of 1234 contains an elaborate series of renunciations which includes, *epistole divi Adriani et nove constitutionis beneficio De duobus reis*.³ Pertile notes that this *beneficium* is explained in the Formulary of Irnerius.⁴

DAVID BAIRD SMITH.

¹ Code viii. 39 (40) and Novellae 99.

² Viollet, *Etablissements de S. Louis*, iii. 215.

³ Giry, *Diplomatique*, 562.

⁴ Pertile, *Storia del diritto Italiano*, iv. 510 et sqq. Reference may also be made to *Archaeologia*, xxviii. 227. The recently published *Ars Notariae* of Rainerius Perusinus (ed. Wahrmund, Innsbruck, 1917), a thirteenth century work, contains the form of a *carta plurium vendentium*, which gives the clause, 'Renuntiantes non numerati et non soluti eis pretii exceptioni, beneficii novarum constitutionum de pluribus reis et de fidejussoribus, auxilio epistole divi Adriani et omni legum auxilio' (p. 33).

Glasgow in the Pre-Reformation Period¹

THE first volume has just been issued of a work which will in all likelihood take the place of the authoritative history of Glasgow. It is notable by reason both of its qualities and the circumstances of its production, being the last work of its author, whose busy life closed ere it saw the light. Glasgow, it has been said, has never lacked pious sons, from McUre downwards, to celebrate her progress, nor spade workers to investigate her origins. Robert Renwick combined in a remarkable degree the qualities of both. Although not a native of the city, the spell of its wonderful and inspiring history had fascinated him. He was a student whose *école des chartes* was the manuscripts themselves, who by life-long investigation of original documents had first-hand knowledge, and possessed both the will and the ability to impart his knowledge.

As is fitting, to this first volume is prefixed a short memoir accompanied by a portrait. The sketch records adequately and sympathetically the life and work of the Depute Town Clerk, under whose care were the muniments of the city, and whose labour of love it was to arrange, classify, transcribe and edit them for the benefit of future generations. Sir James Marwick discovered Renwick, and notable results ensued in the conjoint editing and publication, over a long series of years, of Scottish Burghal Records.

The author's preface is characteristically accompanied by facsimiles of four pages of the ancient register, and gives an account of the work done by former historians. The debt we owe to Father Thomas Innes, through his transcribing and sending from France in the early eighteenth century copies of original documents, is rightly emphasised.

¹ *History of Glasgow*. By Robert Renwick, LL.D., late Depute Town Clerk, author of 'Glasgow Memorials,' 'Abstracts of Glasgow Protocols,' etc., and Sir John Lindsay, D.L., Town Clerk of Glasgow. With 59 illustrations and 2 maps. Vol. I., Pre-Reformation Period. Pp. lii, 434. 8vo. Glasgow: MacLehose, Jackson & Co., Publishers to the University. 1921. 25s.

The book consists of fifty-four chapters dealing with the history of the city from pre-historic times up to the Reformation. The first six chapters are devoted to the traces of man's occupation of the Clyde valley at Glasgow and to the early history of the religious foundation by St. Kentigern on the banks of the Molendinar. The diocese of Glasgow, its extent and the early bishops come next into view, the reconstitution of the Bishopric by King David receiving due weight.

When the Burgh of Glasgow is treated of in Chapter XIII., the author's command of his subject is abundantly evident. The energetic Bishop Joceline obtains recognition as the procurer of the Charter of erection granted by King William the Lion in or shortly after the year 1175. Later, in all probability, the Market-cross was set up 'at the convergence of what long formed the four chief streets of the older part of the city,—High Street and Walkergait or Saltmarket, Gallowgait and Trongait.' The Tolbooth was naturally placed alongside. The development of the booth for the collection of toll or custom into the combined jail, council hall and court house is pointed out.

The Roman road from the south, which passed through Glasgow by Drygait (so called because of the Bridge over the Molendinar), Rottenrow, and then on to *Partwich* (Partick), had probably more to do with the early settlement here than is generally supposed. Our oldest street—Rottenrow—is a survival of the Roman occupation.

The main thoroughfares of the little fishing village on the lower ground are enumerated, and we learn that there were three ports or gates in the upper town—Rottenrow port, North or Stablegreen port and Drygait port. The other ports were placed in the Walkergait, Trongait and Gallowgait.

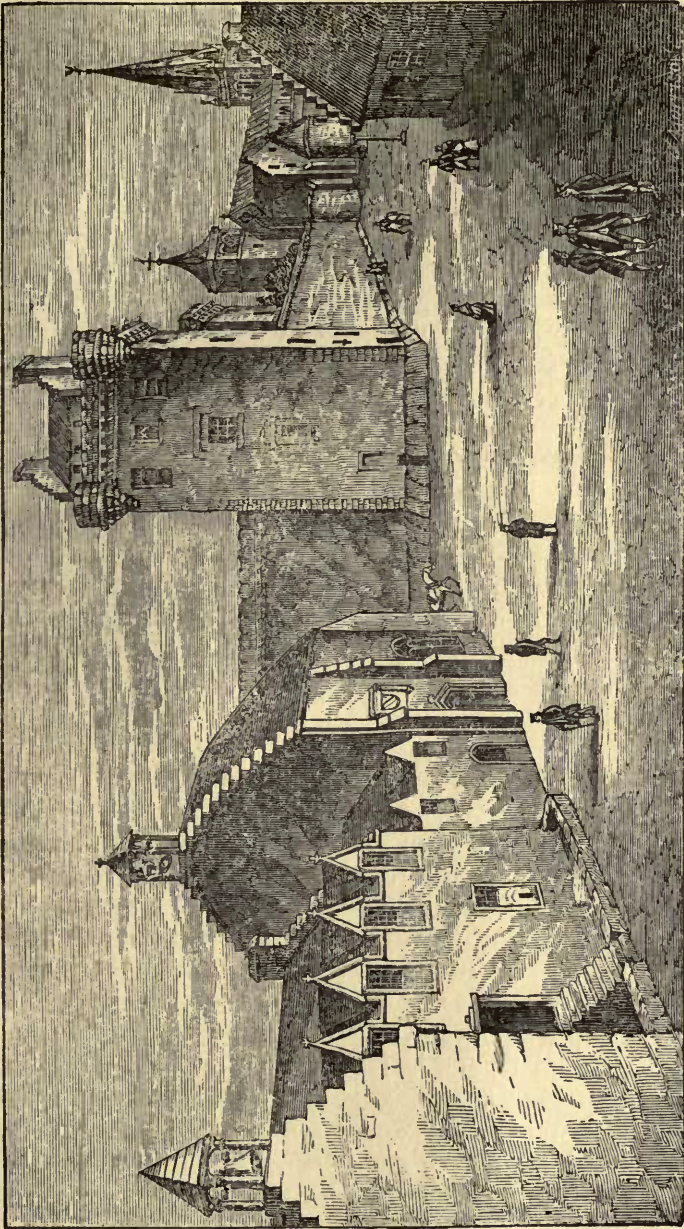
The fact that the original bridge over the Clyde was a wooden structure is well known. McUre, writing in the eighteenth century, gives Bishop Rae (1338-67) the credit of erecting a bridge of stone of eight arches. Dr. Renwick points out the difficulty of accepting this purely traditional statement. Lady Lochow, daughter of Robert, first Duke of Albany, whom McUre names as associated with the bishop in the work, belongs to the following century. The absence of original authorities makes it impossible to fix the date of the stone bridge. It appears to have been earlier than 1488, for Blind Harry, the manuscript of whose poem is of that date, says that in Wallace's time it 'was of tre.'

The inferior position of Glasgow as a bishop's burgh of barony and regality has been unduly emphasised by some of its former historians. Thus MacGeorge, while admitting the advantage of a clerical as compared with a lay lord-superior, does not recognise that Glasgow, by virtue of its earliest charters, had, as our author says, 'trading rights, home and foreign, as full as any enjoyed by a royal burgh.' It is true that it had not full freedom in the election of its magistrates, but even here the burgesses possessed a certain liberty of choice. The bishops were zealous upholders



The Auld Pedagogy.

of the rights of the community against attempted infringement by neighbouring burghs, and from their influence were successful. Thus in 1450 the King—no doubt at the instigation of Bishop Turnbull, Founder of Glasgow University—charged the bailies, burgesses and communities of the Royal Burghs of Renfrew and Rutherglen to make no disturbance or impediment to any of his lieges coming or going to the market of Glasgow with merchandise, granting these absolute freedom of buying and selling. The barony of Glasgow and the lands pertaining to St. Mungo's freedom are not to be entered for the purpose of taking toll or custom by water or land from persons going to or coming from the market. Bishop Turnbull thus promoted learning on the one hand, and on the other commercial prosperity. From a review of the early history of the city the conclusion may



Saint Nicholas' Chapel.

be drawn that the protection and fostering care of a succession of powerful ecclesiastics, many of them statesmen in high office, were of greater value than even the status of a royal burgh would have been.

As early as the reign of Alexander II. or III. coins were struck, almost certainly in Glasgow, and reproductions of these form one of the many excellent illustrations. The royal mint in those days moved from place to place, the moneyer accompanying the king and court, but the places, as indicated along with the moneyer's name on the reverse of the coins, are always important localities, such as Edinburgh, Berwick, Perth, Lanark or Roxburgh, so that from the early Scottish coinage may be inferred the rising influence of the burgh of Glasgow. So far as we are aware no coins were minted at any other burgh of barony or regality.

A chapter is assigned to the 'Arrival of the Friars.' The Black Friars were located on the east side of High Street in or before 1246. The founding and building of their convent is traditionally attributed to the Bishop (William de Bondington). They seem to have been welcomed by the secular clergy. A cordial reception from the secular and regular clergy was not a common experience of the friars. We are told that some years later, when the Bishop was in poor health, the Prior of the Friars-preachers was empowered by the Pope to absolve him from his vow not to eat flesh in his own house. This betokens friendly relations still subsisting.

It was not until the latter half of the fifteenth century that the other outstanding Order of Friars—the Greyfriars or Franciscans—settled in Glasgow. About 1476 the Observantine branch of the Order was housed upon the west side of High Street. Their convent, however, did not front the street. True to their principles of humility and poverty, they elected to be placed behind the houses and gardens of the burgesses.

Bishop Joceline favoured the great military religious Order of the Knights Templars, and he gave them a toft with the fishing of one net in the river Clyde. This toft upon the west side of the Fishergait, afterwards Stockwell Street, was held in the twelfth century by '*their man*' William Gley. The property, upon the suppression of the Templars, devolved upon the Knights of St. John of Jerusalem, and various tenants or rentallers are mentioned. In 1295, ere it had passed to the Hospitallers, a sale of the tenant right discloses the interesting fact that St. Tenu, the

mother of St. Kentigern, was already known as 'St. Enock.' The Latin indicates a *female* saint of this name, with her chapel in the neighbourhood.

James II. and James IV. were honorary canons of the Cathedral. The commanding role filled by Bishop Turnbull and his successors during the fifteenth century, in promoting the interests of the Church, the burgh and the university, is well brought out. The friendship of these statesmen-prelates with the Stewart kings was most advantageous to the little Cathedral City.

The book gives a clear and connected history, so far as the very fragmentary records allow, of the varied events and aspects of the life of the little burgh, with its two-fold characteristics, those of the wealthy ecclesiastical community located upon the hill near the Cathedral, and those of the burgher and trading classes dwelling for the most part upon the lower ground near the river. We have selected for comment only a few of these aspects and events, but enough to justify the conclusion that for comprehensive accuracy Dr. Renwick's work is a great advance upon previous publications. While never hesitating to give his view, he is always eminently cautious, and amid scanty records, where the tendency to assume surmises to be facts is powerful, it is well to have guidance upon which dependence can safely be placed.

The illustrations add to the interest of the volume, and the two sketch plans—one of the city about 1560, the other, from *Glasgow Protocols*, of the sites and buildings in the neighbourhood of the Cathedral—are of permanent value. Altogether this first volume augurs well for the success of the history, setting as it does a high standard of accuracy and scholarship. It is furnished with a full index.

JOHN EDWARDS.

Reviews of Books

NAVAL OPERATIONS OF THE GREAT WAR, BASED ON OFFICIAL DOCUMENTS
BY THE DIRECTION OF THE HISTORICAL SECTION OF THE COMMITTEE
OF IMPERIAL DEFENCE. Vol. II. By Sir Julian S. Corbett. Pp. xii,
448, with 17 plans. 8vo. London: Longmans, Green & Co. 1921.
21s.

THE second volume of Sir Julian Corbett's official history raises anew and acutely the problem of historical method. On what scale is the account of any part of the late war to be attempted? Unlike all previous wars, it was without geographical limits; it was fought, one might say, everywhere: in the air, in many lands, on every sea. The historian's difficulty is not, however, the magnitude and extent of the operations included within its vast and dread circumference so much as the stupendous, the stupefying masses of detail at his disposal. They tower around him on every hand, these mountain heights, enormous, unscaleable, paralysing. How to obtain sufficient and trustworthy information was the problem of the ancient historian, the modern is suffocated by its completeness. Millions of dispatches, decisions, orders, libraries of reports and findings, galleries of telegrams are open to him. But as well might the traveller attempt to wade a thousand miles through an ocean of glue as he to read, master and digest, without loss of mental balance, these minute and innumerable particulars.

Assume, however, that he has read and digested them, he has not yet shouldered his burden or entered upon his proper undertaking—to place before his readers a clear, bright, arresting picture of the events. Such a picture can only be secured by ruthless suppressions and omissions. Include everything and a heavy fog settles down upon the scene. The historian no longer sacrifices to the Muses, and it would appear that such history as we now look for, scientific history, is not within the reach of any writer, were he Gibbon himself.

Besides the embarrassment of his riches, beyond the dreams of any previous historian, Sir Julian seems to have been embarrassed by the two-fold character of his task. As official historian he felt himself bound to admit details for the sake of completeness, as well as for the sake of more popular writers who would draw from his volumes their material, and at the same time felt the necessity of providing for the ordinary reader a lucid and comprehensive view of the sea affair as a whole, a very different undertaking. It would be ungracious and untrue to say that he has not in great measure succeeded in both, but it will be no easy-going reader who, having

perused the chapters on the Dardanelles expedition, escapes bewilderment. The very names of the vessels of all types engaged, battleships, cruisers, trawlers, destroyers, submarines, their comings and goings from hour to hour, the names of their officers, the orders executed or attempted, the counter orders and abandonments of schemes found impossible, the enumeration of the forts and batteries attacked, the landings successful and unsuccessful, the difficulties associated with them, the number engaged on each, form a web of such intricacy that attention and interest fade in the attempt to unravel it. Sir Julian has, too, thought it necessary to give some account of the military aspects of the gigantic undertaking, which still further complicates his design. One cannot but think that, however accurate and complete his narrative, and it is both, it would, from the plain man's point of view, have gained by omissions.

The chapters dealing with the German raids on our coasts are easier reading. Most of us in the early days were puzzled by the comparative immunity with which these attacks were carried out. We suspected that, as by the ridiculous fable that in France the allies were constantly outnumbered, a fable imposed upon us till the very end, every excuse except the true one of incompetence somewhere, was offered us. But the explanation is simpler than we foresaw. The raids were expected, the day and the hour accurately determined, the preparations to meet them were complete, the dispositions for the interception of the raiders beyond criticism. Luck only was against us, and the German escapes from crippling injuries can only be ascribed to the chances, inseparable from all sea warfare, which from first to last, with curious persistence, favoured the enemy.

So wide is the field covered by it that to do justice to Sir Julian's admirable survey cannot here be attempted. Like his first, this volume is throughout charged with the highest interest, and supplies the final and satisfying answers to the many questions we all have asked. And one gladly bears witness that the author's judgment is as sure and restrained, his style as lucid and dignified as ever.

W. MACNEILE DIXON.

THE COLLECTED HISTORICAL WORKS OF SIR FRANCIS PALGRAVE. Vols. V.-VII. The History of the Anglo-Saxons. Pp. xxviii, 302, with 16 illustrations and 5 maps. The Rise and Progress of the English Commonwealth, Anglo-Saxon Period. Parts I. and II. Pp. lxx, 631 ; xxxviii, 898, with 1 illustration. Large 8vo. Cambridge : University Press. 1921. 42s. each.

THREE more volumes of this sumptuous edition of Palgrave's historical works lie now before us, and excite the same mingled feelings which the earlier part of the reprint inspired in the reviewer. Perhaps the flowing and interesting short *History of the Anglo-Saxons* contained in Vol. V. will be found the more useful to the modern reader. Intended to follow the model of Scott's *Tales of a Grandfather*, it was 'composed, de-composed and recomposed,' until it took the shape in which it was given to the world as a number of the *Family Library*. Its popular scope spares the reader the tedium of half obsolete discussions of points of scholarship, and

makes a refreshing contrast to the technical fashion in which pre-conquest history is often served out nowadays. At the same time Professor Chadwick and his pupil, Mrs. Ronald Coutts, have provided a commentary which brings the narrative as well up to date as circumstances permit. There are, moreover, excellent illustrations, useful maps, and valuable genealogical tables, these last contributed by Professor Chadwick himself.

One is more doubtful as to the utility of reprinting the *Rise and Progress of the English Commonwealth*. It shows Palgrave at his best as well as at his worst. Its incoherence, discursiveness and sublime disregard for the conditions of time and place permit him to wander at will over an enormous field. The acuteness, insight and learning of the writer enable him to state many things shrewdly, and all things agreeably, though at excessive length. But it largely belongs to the age of the emergence of criticism in old-English scholarship, and is now largely out of date. Though of interest and value to the scholar, and still more to the historian of historical method, it will often mislead the uninstructed, and there is real danger in it falling into the hands of the scholar in the making. No pains can bring such a work really abreast of our present knowledge, and the annotations given, useful as they generally are, cannot carry out an impossible task.

Perhaps the second part given in Vol. VII., with its copious 'Proofs and Illustrations,' will be more useful than the proper text contained in Vol. VI. In particular the lists of kings, under kings, aldermen and officials of the various 'heptarchic' kingdoms can still often save a scholar trouble, and frequently afford a good starting point for investigation, provided always that they be approached in a sufficiently critical spirit. The copious texts of charters, documents, and the extracts of chronicles and modern works—all when necessary with translations—will often be found useful, though the arrangement may well make it a little difficult to find any particular quotation. Yet it is hard to see the point gained in these days of dear printing of setting forth in type once more such documents as the Assize of Clarendon, or of giving, each with its translation, even in the case of French books, the words of wisdom of half-forgotten eighteenth century scholars. But many of the Anglo-Saxon charters quoted are, as the editors recognize, of more than doubtful authenticity, and Palgrave, though conscious of the unhistorical character of the pseudo-Ingulf, cannot always resist the temptation of quoting him and using him.

Yet side by side with very disputable doctrine, we are struck by the shrewdness with which Palgrave gets hold sometimes of the very root of the matter. His short dissertation on the use of Seals by the Anglo-Saxons could hardly be bettered, and is remarkable for the time at which it was written. Mr. Palgrave Barker, whose short notes usher in the various stages of the work, deserves commendation for the unostentatious piety with which he has carried out his grandfather, Sir Inglis Palgrave's, dispositions. If the work was to be done at all, it could hardly have been better done, or in a more right spirit.

T. F. TOUR.

LORD FULLERTON. By Lord Strathclyde. Pp. 129. With Portraits. 8vo. Glasgow : William Hodge and Company, Ltd. 1921. 7s. 6d.

TWENTY years ago Lord Strathclyde, then Mr. Ure, delivered an address to the Scots Law Society upon Lord Fullerton as a lawyer and judge, his attention having been attracted to the subject by the frequency with which Lord Fullerton's opinions were being still quoted in the daily practice of the Courts. The address we imagine forms Part III. of the present volume, and is an admirable and very able estimate of the judicial work of this eminent judge, 980 of whose opinions are to be found in the first fifteen volumes of *Dunlop's Reports*. These Lord Strathclyde has read, and read to advantage, bringing out from his study of them the peculiar merits of the author, his keen logical mind, his search for principles upon which to base his judgments, and the respect for authorities which always characterised him. But Lord Strathclyde realizes that Lord Fullerton was more than a lawyer, and he has put together the somewhat scanty materials for a biography—for the most part a few letters and a journal kept during a visit to Frankfort in 1839.

Lord Fullerton was one of a group of brilliant young men who, at the close of the eighteenth and the beginning of the nineteenth century, joined the Scottish Bar. The majority of them were whigs, in spite of the fact that the opposite party, the holders of all legal patronage, had long been in office and seemed likely to continue there for an indefinite period. Cockburn has told us of the forlorn position in which he and his friend Jeffrey stood at the outset. They were keen politicians. Fullerton took little or no part in politics, but he seems to have been faithful to his party, and obtained his first step of promotion from the veteran Harry Erskine. The talent on the Liberal side in the Parliament House was indeed remarkable. Scott in his *Journal* writes, 'I do not know why it is that, when I am with a party of my opposition friends, the day is often merrier than when with our own set.' He partly attributes it to their superior talent, and doubtless this was in great measure the explanation. His 'own set,' with the exception of himself, have passed into oblivion. But the society of the Clerks, John and William, of Cranstoun, Cockburn and Jeffrey, of Fullerton and Murray could not fail to be enjoyable.

If Fullerton is now only remembered as a lawyer, and finds no place in the *Dictionary of National Biography*, he is himself to a great extent the cause. 'The only material blunder of his life,' writes Cockburn, 'has consisted in allowing his fine powers to evaporate in his profession and in society.' For it seems that Fullerton had 'an ambition of publication and used to lament that he had never tried it.' We have abundant proof that he was a most industrious and painstaking man, but his industry seems to have been confined to his professional work.

Lord Fullerton was raised to the bench in 1829, and the appointment is to the credit of Sir Robert Peel, who gave judicial rank to more than one whig. Lord Strathclyde makes reference to several of Lord Fullerton's most important judgments, including that in the case of the *Presbytery of Strathbogie*, a case exhibiting the extraordinary muddle which had arisen out of the conflict between the civil and the ecclesiastical courts. It is only

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fair to the Free Church party to keep in mind that the legality of its action was maintained by the most eminent Scottish judges of the day. The general reader will turn with more interest to the extracts from Fullerton's letters and journal, and only regret that they are so few. They exhibit a bright, cheery man of the world, a shrewd observer of men and manners, not unlike in character his brother-in-law, Cockburn.

The volume contains engravings of the Parliament House bust, and two striking portraits by Crabbe. Lord Strathclyde has performed his task so well that it is to be hoped he will follow it up by rescuing other Scottish lawyers from obscurity.

W. G. SCOTT MONCRIEFF.

ENGLAND UNDER THE LANCASTRIANS. By Jessie H. Flemming. Pp. xxi, 301. 8vo. London: Longmans, Green and Co. 1921. 12s. 6d.

THIS handy and closely printed book aims at a standard seldom or never reached before by the normal types of its class. Projected as one of the University of London Intermediate Source-books, it has a preface by Professor Pollard, who shows that much of the matter selected goes systematically back to other chronicles, etc., than those in the Rolls Series, and he adds the remarkable fact that 'not a little comes from MSS. not yet edited.' Extracts are classified in five series—political, constitutional, ecclesiastical, economic and social, and Irish. The war record is thus not a main branch, which surely is a wise departure from older ways. Scotland for once is neglected, and the picturesque James I. seems to escape notice. The observations on the sources would have gained by a tabular list, but the ten prefatorial pages of analysis manifest a sound conception of the mass of authorities surveyed. A curious result, in itself a notable feather in Miss Flemming's cap, is that in virtue of so many MS. passages, now woven into the fabric of Lancastrian annals of 1399-1460, what was written as a book of sources must now be looked at and examined as a text of record, so much of the contents not being elsewhere accessible. By its method this work lifts considerably the standing of the source-book.

GEO. NEILSON.

ENGLAND IN TRANSITION, 1789-1832. A Study of Movements. By William Law Mathieson, Hon. LL.D. Pp. xiv, 285. 8vo. London: Longmans, Green and Co. 1920. 15s.

HONESTY compels the reviewer to preface his comments upon this book with the confession that the delay in the publication of the review is his fault. Mr. Mathieson here opens fresh ground, for his reputation has been gained by his able and suggestive commentaries upon the development of post-Reformation Scotland. The present work has not been received with the unanimous verdict of approval which welcomed his other books, and such dissent as has been expressed is, we think, due to a misconception of his aim and his subject. He calls his book *A Study of Movements*, and he has made his individual selection of the movements with which he deals. *England in Transition* has been described as 'an inadequate survey,' and it would be obviously and hopelessly inadequate if it professed

to be an appreciation of all the currents of thought and opinion which influenced this country during more than forty momentous years. It is, in fact, an acute analysis of certain aspects of some of the great movements which left their mark upon our history, and the method and the treatment are analogous to the author's 'studies' of selected aspects of the political, ecclesiastical and intellectual history of seventeenth and eighteenth century Scotland.

The Reform Act of 1832 closed an era of British, and especially of English, history. The era itself and the moderate and partial revolt symbolised by the Reform Act, were closely related to the intellectual and the political results of the French Revolution. The years from 1793 to 1815 may be regarded, from one point of view, as a mere marking of time. The country was almost ready for great changes in 1789; it was no more, and perhaps definitely less, ready in 1815; the changes became actual or possible in 1832. Mr. Mathieson has set himself the task of estimating the contending factors in the intellectual and moral life of the nation at the beginning of the period, and of showing how the more liberal and humane ideas survived the immediate check produced by the Reign of Terror in France and the war with the French Republic; how they recovered a large proportion of their lost influence when the character of the war changed with the growth of the Napoleonic regime in Europe; how they met with a second check in the disillusionment which followed the return of peace; and how they finally triumphed over the forces of reaction.

This thesis Mr. Mathieson illustrates in five suggestive chapters. He introduces many topics, both of intellectual and of political history, and pursues them just as far as they are useful for his purpose.

The reader will find here neither a complete history of the anti-slavery agitation or the reform of the penal laws or the growth of Trade Unions, nor a systematic account of the tenets of Burke or Paine in the earlier part of the period or of Cobbett, Place, or Russell in the later. But he will find each of these subjects, and many others, cleverly employed to give life and force to a remarkable and always interesting essay on a topic which has been, to some extent, neglected.

ROBERT S. RAIT.

A HISTORY OF THE DOUGLAS FAMILY OF MORTON IN NITHSDALE, DUMFRIESHIRE, AND FINGLAND, KIRKCUDBRIGHTSHIRE, AND THEIR DESCENDANTS. By Percy W. L. Adams. Pp. xxiii, 925. 4to. Bedford: the Sidney Press. 1921. 42s.

THE worst feature in this book is the physical difficulty in reading it. It is a substantial quarto of nearly a thousand pages and four inches and a half thick, and of proportionate weight: but it is a carefully compiled history of a branch of the great family of Douglas, a branch which has never before been treated in detail, and of which the origin has always remained obscure.

It is now shown that they were descended from the Drumlanrig family through Patrick Douglas, bailie of Morton, who died circa 1570. He was one of the many illegitimate sons of Sir James Douglas of Drumlanrig, and received letters of legitimation along with his brothers on 16th August,

1546. The author struggles gallantly to indicate that he may not have been base-born. But his great-great-grandson Colonel James Douglas, when he recorded arms in 1696, got the Drumlanrig coat with the bordure compony as the brisure of bastardy, which proves that at that date at all events Patrick was evidently understood to have been illegitimate. The Lyon Office, however, has been rather inconsistent in its acts, for the Colonel's son, Archibald, a surgeon in Moffat, was assigned the undifferenced arms of Douglas of Whittinghame in 1772, thereby indicating, quite erroneously, the Dalkeith line of Douglasses as his ancestors. This Archibald Douglas was the progenitor of two families well known at one time in Edinburgh. The Torrie Douglasses distinguished themselves as searchers of Public Records, while the Brown Douglasses gave to the City of Edinburgh in 1859 a Lord Provost of dignity and efficiency.

Another branch of the family to which particular attention is paid is that of Fingland. Archibald Douglas, Chamberlain to his kinsman the Duke of Queensberry, was the son of James Douglas of Morton, and through family arrangements Fingland became his property. He in his turn became the progenitor of the Douglasses of Witham, co. Essex, and of Salwarpe, Worcestershire, both of which families are discussed at length.

Apart from the strictly Douglas family, there is a wealth of 'confused feeding' in the book. There are what are modestly called 'Notes' on many families intermarried with the Douglasses; these take the form in most instances of separate pedigrees. Some twenty Scottish families are thus treated, most of them of Dumfriesshire origin; and these are written by Mr. Robert C. Reid of Mouswald, whose name is a guarantee of the care and accuracy with which they have been compiled. Their value is that they contain information which it is difficult to find elsewhere, such as about the families of Macmath of Dalpedder, Gordon of Troquhain, Murray or Drumcrieff, and Johnston of Clauchrie. About a dozen English families are dealt with in the same way. There is a specially interesting account of William Van Mildert, the last Prince Bishop and Count Palatine of Durham. Indeed he overflows into other parts of the book, as he had many Douglas relations to whom he was kind and helpful. As Bishop he kept up great state. He had two large houses to maintain and entertained largely. At a dinner during a visit the Duke of Wellington paid him, there were a hundred and twenty guests, including Sir Walter Scott, who gives a pleasant account of it. In addition to all this the Bishop kept, according to custom, a pack of hounds, a pack with which he probably never hunted. It is to his honour that he was the founder of Durham University, and gave up Durham Castle, one of his houses, to its use.

There are more than a hundred and fifty illustrations in the volume. Some, like that of Morton Churchyard, are of high artistic excellence, and the rest are delightful in other ways. Specially to be noted is the fascinating sketch by Charles Kirkpatrick Sharpe, of Sara, Hyde and Clerk Douglas, three of the daughters of the Laird of Holmhill. Of the last of these old ladies there is another portrait taken in extreme old age; she died in 1859 within a few weeks of completing her hundredth year. Some representations, such as that by Sharpe, are more grotesque than otherwise;

but if the reader wishes to study a pure type of English beauty, let him turn to the portrait of Augusta Douglas, Lady Castletown. The artist has managed to catch the singular sweetness of expression of his sitter, and she was no mere professional beauty, but a woman of remarkably able mind. Among other portraits may be mentioned that of Lady Gertrude Fitzpatrick as a little Colleen by Reynolds, but the author has spread his net very wide to be able to include her in a Douglas history.

There are several useful pedigree charts, and an excellent and full index. A hundred and sixty-seven pages of Appendices contain abstracts of nearly seven hundred documents, which support the statements in the text. It is ungracious to criticise a book like this, which has been produced with so much loving care, expenditure of money and ability of execution, but there is a good deal that might have been drastically abridged, or omitted altogether. This, however, does not prevent the book from being one of the most valuable and interesting contributions to Scottish family history that we have had for a long time.

J. BALFOUR PAUL.

ON SOME ANTIQUITIES IN THE NEIGHBOURHOOD OF DUNECHT HOUSE, ABERDEENSHIRE. By the Right Rev. G. F. Browne, D.D., D.C.L., F.S.A., formerly Bishop of Bristol. Pp. xiv, 170. With 63 plates and 5 figures in text. 4to. Cambridge : The University Press. 1921. 63s.

THIS handsome volume is the outcome of a suggestion to provide a sort of guide book for the sake of visitors at Dunecht, 'giving some simple description of the objects of antiquarian interest in the immediate neighbourhood, and their meanings and uses.' In pursuit of his object, the author has travelled far from this original conception, and has produced a volume full of information and of learning not, we venture to suggest, very happily applied to his subject. It must be borne in mind, however, that the work 'does not profess to be scientific.'

Too much cannot be said in favour of a regional survey of prehistoric and other ancient remains such as this is. It brings together for comparison the particular monuments of each class, and directs attention to local peculiarities, and, in so far as this book performs these offices, it serves an excellent purpose. Moreover, as the author wisely remarks, 'to quicken interest is to effect an insurance against neglect or destruction.' It is when Bishop Browne undertakes to explain the meanings and uses of the monuments he treats of that his book is more likely to mislead than to educate.

Stone circles, Early Christian sculptured monoliths and cup-marked stones form almost entirely the subject of the survey, and about these the author has woven his theories of origin and use. Stone circles in his view were temples of the Druids. We are told that it is out of the question to imagine that someone had set to work to invent the idea of Druids' Temples, and he quotes in support of this, the frequent occurrence of the term in the *Statistical Account*. Why should this 'traditionary' attribution be any more reliable than that, also having the authority of the *Statistical Account*, connecting the Romans with numerous earthworks, which we now know have had no connection whatever with these invaders? If, as Bishop Browne suggests, the designation 'Druid's

'Temple' is far too general in its occurrence to have been a comparatively late invention, it is strange that Professor Garden, writing about these very Aberdeenshire stone circles in 1692, had found 'nothing either in the names of these monuments, or the tradition that goes about them which doth particularly relate to the Druids or point them out,' and perhaps it is even more remarkable that the term does not appear as a place-name in any of the indexes to the published volumes of the Register of the Great Seal. The author has gathered together much information regarding the cult of the Druids, very interesting in itself, but it does not suffice to connect it indubitably with the Aberdeenshire stone circles. He quotes at length the well-known passage from the *de Bello Gallico*. But surely if the great stone circles in Gaul had been the Druids' Temples, Caesar would not have omitted to record such a notable fact.

Generalisation from the external features of a small and peculiar group of stone circles in the neighbourhood of Dunecht, without any systematic excavation, is not a sound method of arriving at the meaning and use of this mysterious class of monument.

Though we are told much about Druidism and human sacrifices, Bishop Browne almost overlooks one outstanding fact connected with stone circles, viz. their intimate association with burial in Bronze Age times. There are numerous instances of circles actually surrounding burial cairns; there are cases in which circles are placed immediately in front of cairns; and, lastly, there are many records of the finding of burials within circles which no longer contain cairns, and all such burials belong to the Bronze Age. If, as Bishop Browne suggests, Druidical rites were practised in these monuments till the dawn of Christianity, how comes it that no Iron Age relics are ever found in them? A plain statement of ascertained facts connected with such monuments would have been of much greater value, especially to the uninitiated, for whom seemingly this book was written, than pages of unsubstantiated theories.

Turning to the consideration of the one hill fort dealt with, the 'Barmekyn of Echt,' we are informed that we have here an Oriental name brought back by the Crusaders of 1096 or 1147, and as if to unite the Barmekyn more intimately with the Crusaders, we are told that in 1823 a coin of Islam, struck at Marakash (Morocco) in A.D. 1097, the year of the arrival of the Crusade, was found at Moneymusk about six miles away. The author has an ingenious suggestion to make in regard to the symbols on the Early Christian monuments, and offers as the simplest theory of their origin that when the first Christian teachers told the Picts, said to have been painted or tattooed with elaborate devices, that they must clothe themselves decently, the latter obtained permission to transfer their patterns to the stones.

The theory that cup and ring markings are, in some cases at least, star charts meets with the Bishop's approval. This subject also demands a wider field of study. 'If the Druid priests had the habit of using indelible cup marks on stones of their edifices as registers of recurrent events, as it would appear they had—they could not fail to see how like the grouping of cups was to the heavenly bodies.' If this was so, it is strange that only in the Northern

circles are stones found marked in this fashion. Why then did these supposititious Druids only in this part of Scotland register events on their edifices? Was Druidism only applicable to the stone circles around Dunecht with their recumbent stones and pillars?

Bishop Browne's theories are not such, we fear, as to commend themselves generally to archaeologists, but the book will no doubt admirably serve its main purpose, that of interesting the visitors to Dunecht. The illustrations are admirable.

A. O. CURLE.

A SHORT HISTORY OF THE BRITISH COMMONWEALTH. By Ramsay Muir. 2 vols. Vol. I. Pp. xvi, 824. London: Geo. Philip & Son. 1920. M. 8vo. 17s. 6d.

PROFESSOR MUIR'S guiding motive in the world of history, like Sir Henry Newbolt's in the realm of poetry, is 'faith in all the island race.' He has set himself to write, as he says, 'the noble and stirring story of the development of the British Commonwealth,' never forgetting that that immense fellowship of peoples in every quarter of the world has been built up from two small islands in which, century by century, four nations learnt the 'difficult lesson of living together in peace as members of a single great State.' His interest in the world as it was is drawn from his enthusiasm for the world as it is.

No one can read Mr. Muir's book without seeing how forcibly this central idea has shaped it. The whole proportion of treatment is novel. Less than one quarter of this first volume is assigned to the period from the Ice Age to the end of the Wars of the Roses. The remaining three-quarters carry on the tale to 1763. A second volume of the same size will be devoted to the history of the following 150 years. By deliberate choice, that is to say, Mr. Muir has carried to extreme lengths that disparity of treatment between the medieval and modern world to which all historians are partially compelled by necessity. To his way of thinking, much of what happened to the British Islands in the Middle Ages is irrelevant, since it was in the fifteenth century only that 'the great age of their history began, for which all the earlier ages were but a long preparation.'

It may be admitted at once that this outlook has its advantages even for the medieval portion of the book. It has enabled the author to string the contradictions and perplexities of those amazing centuries on a single thread. It has enriched his narrative with many an illuminating analogy and vivid illustration. It has supplied him with an inducement wherewith to tempt the utilitarian reader into at any rate a nodding acquaintance with ages concerning which he might otherwise be totally incurious. Nevertheless, most medievalists are likely to feel that the world they know demands either lengthier treatment or frank omission. Mr. Muir's scale is quite big enough to make an uninstructed reader think that he is being told all he need know, whereas in reality it is so small that it hampers the author at every turn, and often suggests a false perspective. Thus, for example, to dismiss in two lines the Treaty of Paris of 1259 as 'a treaty with France whereby all claims to Normandy were abandoned' (p. 99) is to do scant justice to a great diplomatic turning-point, which ended a struggle that had lasted fifty years,

and determined Anglo-French relations for another hundred. Moreover, the haste with which the author bestrides the centuries leads him into some slips of detail. The eldest son of Henry III. was not 'Prince' Edward (p. 98), in 1290 there was no 'infant Prince of Wales' (p. 115) and that title has not been borne since 1301 by every heir to the throne (p. 112), for Edward III. never received it. It seems strange to say that Edward I. 'cared little for his French lands' (p. 124), when we know that he would not come to England to be crowned until he had settled certain affairs in Gascony, and that later in his reign he lived there for more than three years without a single visit to England. Any traveller who has sought in the Somme estuary for Blanchetaque ford, and who also has made his way through Crécy forest to the famous field, will feel that the vague description of that battle as taking place 'on the northern side' of the Somme (p. 126) wipes out of existence many miles of historic ground. Neither Savonarola (p. 247) nor Luther (p. 249) was a monk.

Even in the medieval section, however, the reader will find much to admire, and as soon as, with Book III., he reaches the period of which a Professor of Modern History is rightly a master, he may beat his swords into ploughshares. In a clear and often eloquent narrative, with a refreshing novelty of arrangement and illustration, Mr. Muir guides his readers through the intricacies of three crowded centuries. Much that has been staled by text-book repetition he is able to revivify, throwing aside hackneyed comment and well worn anecdote. His vivid realisation of the unity of the British Commonwealth enables him to write of the fortunes of its more distant members with the same intimate concern as when dealing with matters nearer home, and to make his spacious chapters on the navy, the colonies, overseas trade, and kindred subjects, no mere appendages, but essential parts of his main story. Moreover, though there is no such crowding of trees that the wood cannot be seen, Mr. Muir is willing to give his readers sufficient detail to make explicable events which are too often treated as isolated phenomena. Half the explanation of the catastrophic view of history, which has won too wide acceptance, lies in the tendency of historians to begin to give reasons for a crisis only at the point in their story when the crisis occurs. Some of Mr. Muir's most absorbing pages deal, for example, with the nominally peaceful years which preceded the Seven Years' War, and he prefaces his account of the establishment of British power in India by an admirable survey of the main factors in Indian politics.

It would be impossible to enumerate here all the distinctive features of Mr. Muir's book. Among them are his full and sympathetic treatment of Scottish, Welsh, and Irish affairs; his lucid explanations of Continental politics, due to his lively realisation of the interdependence of English and European history; his exposure of the weakness of the foundations for many popular misconceptions; his eye for telling illustrations to drive home his generalisations. He writes primarily for the general reader, and that at a time when there are many such readers seeking for a clear, full and impartial restatement of British history. For such an audience Mr. Muir has provided a masterly first volume, and his second will be eagerly awaited.

HILDA JOHNSTONE.

THE NORSE DISCOVERERS OF AMERICA: THE WINELAND SAGAS, translated and discussed by G. M. Gathorne-Hardy. pp. 304. 8vo. Oxford: at the Clarendon Press, 1921. 14s.

THIS is an admirable work. The voyages of Icelandic and Norse adventurers to the coasts of North America are one of those dramatic episodes which stir the imagination of us all, yet their record is so beset by technical difficulties, so clouded by learned prepossessions, that even historical students, if they have not given very special attention to the matter, find it hard to form a clear idea. Mr. Gathorne-Hardy has removed these preliminary difficulties and written a clear, impartial guide to the extensive literature which has been devoted to the casual discoveries of Bjarni Herjulfson and the deliberate voyages from Greenland of Leif and Thorvald, the sons of Eric the Red, and Thorfin Karlsefni. It is a scholarly book and the author has definite opinions which he expresses with force as well as with patience; but the various views are set out with such candour and Mr. Gathorne-Hardy writes so lucidly, that his work should bring the subject once and for all out of the 'northern mists' of technical controversy. He begins with a translation of the few pages from the Norwegian and Icelandic sources which, with the exception of a few references by Adam of Bremen and others, are the sole source of information. He goes on to discuss the value of the stories, and especially of the version to which he definitely ascribes a Greenland origin, in the Flatey Book, a composite work compiled at the end of the fourteenth century. His next task is to establish the historical accuracy of the traditions as here given and to show that they cannot be (as Dr. Nansen has urged) imaginative exercises suggested by passages in Isidore of Seville and other late Latin references to the Fortunate Isles. This part of the book is important as a study in the canons of historical criticism, and should be read by all who are interested in Scandinavian literature. Finally, Mr. Gathorne-Hardy discusses the voyages in detail and expounds his theory that the various parts of Wineland lay between Cape Cod and the Hudson River.

Only a geographer and navigator with a working knowledge of Norwegian philology and North American ethnology, a geographer, also, who does not lose his head when he breathes the atmosphere of the schools, could succeed in such a task as Mr. Gathorne-Hardy has attempted. He has succeeded. If he has not solved to general satisfaction the problem of the exact locality of Wineland, he has established the 'fixed points' and shown where the real difficulties lie.

F. M. POWICKE.

COLLECTED PAPERS: HISTORICAL, LITERARY, TRAVEL AND MISCELLANEOUS. Vol. V. Travel and Miscellaneous. By Sir Adolphus Wm. Ward. Pp. x, 507. 8vo. With one illustration. Cambridge: The University Press. 1921. 36s.

THE fifth and concluding volume of the *Collected Papers* of the Master of Peterhouse consists of twenty-seven sections, many of which are studies of towns visited by him and of the part they have played in European history. Delphi, Treves, Marienburg, Cracow and others have given him an opportunity of dealing with episodes which belong to the past, and of

throwing light, in his delightful style, on matters which usually escape the attention of any but students of history ; and all are worthy of close perusal. Several sections deal with university matters—the teaching of history, the tripos at Cambridge, and the question of increasing the number of universities in England. Settled though these have been since the publication of the original articles the arguments employed there are still of great interest.

The last part of the volume is devoted to brief notices of eminent men and students—Jacob Grimm, Karl Ritter, Ernst Curtius, Alfred Aingu and others.

BRUCE SETON.

CALENDAR OF STATE PAPERS. Domestic Series, September 1st, 1680, to December 31st, 1681, preserved in the Public Record Office. Edited by F. H. Blackburne Daniell, M.A. Pp. lx, 805. Imp. 8vo. London : His Majesty's Stationery Office. 1921. 25s.

THE appearance of another calendar of the Domestic State Papers of Charles II.'s reign is a particularly welcome event, for the new volume covers a period, many of the events of which are confused and difficult to understand, and which witnessed alike the high water mark of Whig fervour and anti-Catholic frenzy, and the sudden Tory reaction in Charles' favour. The scarcity of papers dealing with the two last parliaments of the reign is very disappointing, but on the other hand the calendar renders accessible much interesting information as to the numerous political trials of the period, including that of Fitzharris, and the many disturbances at civic elections in London and elsewhere.

Mr. Daniell in his concise and efficient introduction has summarised the main points of interest in the volume under various headings, such as 'The King and the Royal Family,' 'Parliament and Public Affairs,' etc., without indicating to any extent the bearing of these events upon the general trend of politics. No doubt restrictions of space made any such attempt impossible, although it would have added considerably to the interest of the volume.

The majority of the papers here calendared belonged to the active and 'faithful drudge,' Secretary Jenkins. A valuable complement to his letter and entry-books among the State Papers is to be found at the British Museum among the manuscripts of William Blathwayt, chief clerk to the Earl of Conway, the other Secretary of State. An interesting indication of the growth of the Secretariat at the expense of the Privy Council during this reign is provided by the dispute (calendared on p. 493) as to the Secretary's right of keeping his 'intelligences' from the knowledge of the Council as a whole.

A notable feature of the volume is the large number of interesting papers bearing upon Irish questions, while Scottish news and facts relating to foreign affairs generally are contained in two very useful series of news-letters to Roger Garstell (or Gastrell) and John Squier of Newcastle. The numerous points of minor interest, which arise range from vivid descriptions of the persecution of Protestants in Poitou, to such warrants as that granting the right of holding three markets of straw and hay a week in the Haymarket

to certain individuals who are to be responsible for the cleansing, paving and maintenance of the street.

The chief interest of the volume, however, remains political, and its appearance causes one to look forward eagerly to the publication of the companion volumes dealing with the close of the reign. It should then be possible, from a study of these secretarial records and miscellaneous correspondence, to understand far more clearly than has hitherto been the case both the temper of the people and the policy of the crown and its executive during the years of crisis and strangely peaceful anti-climax in which the reign of Charles II. closed.

F. M. GREIR EVANS.

THREE ACCOUNTS OF PETERLOO BY EYEWITNESSES. Edited by F. A. Bruton, M.A., Litt.D. (Publication of the University of Manchester : Historical Series No. xxxix). Pp. viii, 91. With 14 Illustrations. Crown 8vo. Manchester University Press. 1921. 6s. net.

THE three eyewitnesses of the unhappy incident at Manchester on Monday, 16th August, 1819, whose accounts of what they saw are given in this little volume, were Edward Stanley, rector of Alderley and afterwards bishop of Norwich, father of Dean Stanley; the first Lord Hylton, then a young lieutenant who took part in the charge of the 15th Hussars, and John Benjamin Smith, first chairman of the Anti-Corn Law League and for many years member of Parliament for Stockport.

It was a curious accident which brought together three men of their calibre as spectators of an encounter which lasted only a few minutes but made history. One of them was present in the execution of his duty, but Smith was only there at the instance of a relative who wished to see the meeting, and Stanley had ridden in from Alderley on business with the tenant of the house overlooking it, in which he found the magistrates in session. From an upper room Stanley obtained the best general view of the scene that was possible, and both his narrative and his evidence at the subsequent trial (reprinted here) show the keenness of observation and caution in statement characteristic of one who was more man of science than theologian. Yet in an affair which passed so quickly the best human eyesight had its limitations, and he does not seem to have noticed that the forty or fifty Manchester Yeomanry whose charge was directed only to the arrest of the leaders got into difficulties which led the magistrates to order the Hussars to disperse the meeting.

As Dr. Bruton has pointed out in his admirable handling of the whole story in the 1919 volume of the *Bulletin of the John Rylands Library*, the disaster seems to have flowed directly from the action of the magistrates in launching a small body of ill-trained local Yeomanry, inflamed by class feeling, upon a thickly packed mass of people. They had in their minds probably the successful arrest of the leaders of the Blanketeers on nearly the same spot two years before, but that was accomplished by regular troops and the crowd was smaller. Their action was not only ill-advised but illegal, for in the interval the suspension of the Habeas Corpus Acts had been repealed and Hunt and the other leaders of the Reformers were holding a perfectly lawful assembly. The impartial evidence of Stanley and Hylton

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is quite decisive as to the peaceable character of the meeting and the absence of any provocative acts on the part of the crowd at the critical juncture.

As to the numbers present, Dr. Bruton very rightly rejects Hunt's absurd figure of 150,000, but we have some doubts whether the estimate of 60,000, which he accepts from Smith's account, does not contain a large exaggeration. Would it have been possible to pack so many in the circle of about a hundred yards diameter shown on his excellent plan?

All three narratives were used by their editor in his article in the *Rylands Bulletin*, but those of Stanley and Smith now appear in print for the first time, while Hylton's was buried away in Pellew's *Life of Lord Sidmouth*. Dr. Bruton has supplied all needful explanations and an interesting selection of portraits, views and plans. The report of Stanley's evidence at the trial in 1822 contains one passage difficult to understand, where he is made to say: 'he (Hunt) was speaking before I arrived' (p. 28). He had already told the Court (as he wrote in his narrative) that from the magistrates' room he saw Hunt arrive on the ground (p. 26).

JAMES TAIT.

WAR GOVERNMENT OF THE BRITISH DOMINIONS. By Arthur Berriedale Keith, D.C.L., D.Litt. Pp. xvi, 354. Large 8vo. Oxford: The Clarendon Press. 1921. 10s. 6d. net.

THIS volume forms one of the series on the *Economic and Social History of the World War* projected by the Carnegie Endowment for International Peace which will create a valuable record. 'Half-way between memoirs and blue books' is the apt definition of these monographs given by Professor Shotwell, the general editor, and Professor Keith's volume is far more than a book of reference. In effect it is an able continuation of the study of the growth of Responsible Government within the British Empire which he has already made in his former books. As is natural from the plan of the work, economic problems are given a less detailed study, while the main interest is concentrated on the constitutional development of the Dominions, and their relations with the mother country and with the new formed League of Nations. Here Professor Keith has performed yeoman service, for the changing status of the Dominions has led to much loose thinking and loose speaking: in pages that are admirably clear the precise legal effects of the recent changes are explained, and the speeches of leading statesmen acutely analysed and discussed. But while he insists on the accurate use of terms, and shows the problems which have already arisen in the interpretation of the Covenant of the League, Professor Keith does not lose sight of the broader aspects of the question, both the law and the custom of the constitution have fair weight. We see the varying forms of Coalition forced on the Dominions by war conditions, the growing opposition from racial, economic or particularist causes, and the ultimate breakdown of the unstable governments when peace had removed the very cause of their being; we see the straining of the various written constitutions of the Dominions, tested to their limit by the war, and the quieter but even more fundamental change which creeps over the Empire as a whole. Lastly we face the greatest of all racial problems, the question of the treatment by the Dominions of Indians and of the native races within their own borders, and

we are left with a feeling of the complexity and number of the problems to be solved.

The book is written in a studiously impersonal spirit, and private judgments, when they are implied, are all the more refreshing for their unexpected appearance.

C. S. S. HIGHAM.

TUDOR IDEALS. By Lewis Einstein. Pp. xiii, 366. 8vo. London : G. Bell & Sons, Ltd. 1921. 14s.

THIS is a thoughtful and able work, the result of much research in what may be called the by-ways of history. The ordinary historian is only able to touch upon the subjects here dealt with. The student, say of Froude, will do well to examine at the same time the material which the industry of Mr. Einstein has supplied him with. The title seems to us somewhat misleading. The popular meaning of an ideal is something which is to be aimed at, and possibly in the future realised. What one acts upon are ideas not ideals. The period dealt with exhibited ideals, for it was the period of More and the publication of *Utopia*, but the views which then prevailed concerning the crown or the individual, or concerning religion, toleration, or persecution, were ideas upon which men's conduct was based. It is to be feared that those who indulged in ideals were then, as now, few in number.

The age of the Tudors, or in other words the sixteenth century, presents the most interesting chapter in English history. We have here presented in the persons of Henry VIII. and Elizabeth the most powerful sovereigns who ever held the sceptre in England, rulers who acted without a constitutional government, and yet, on the whole, maintained the hearty support of their subjects. The extraordinary changes brought about in the religious conditions of the country, always mainly through the actions of the crown, would alone render this period one of fascinating interest. The king asserted a divine right and acted as if he possessed it, but, as Mr. Einstein points out, it was not based, as in the following century, upon a hereditary claim : 'Henry VII.'s authority was won by the sword.' His grandfather may have been butler to a bishop, but 'the nation had traversed too violent a crisis to care.' The king *de facto* was the king *de jure*. An Italian 'who travelled in England in 1500 remarked that if the succession was at all in dispute the question was settled by recourse to arms.' Our author holds that 'hereditary right was secondary to forceful ability.' In this age royalty obtained an omnipotence such as it had never before possessed, and Elizabeth declared that kings were not bound to 'render the reason for their actions to any other but to God.'

The chapters dealing with The Training for Authority, Office and Corruption, and Political Morality will be found very interesting. Of still greater interest, it seems to us, are those which relate to Religion in the State, Tolerance and Persecution, Puritanism and Free Thought. The fifteenth century witnessed England successively anti-papal, reformed, catholic, and finally again reformed. No other country went through such rapid changes. As regards persecution, Mr. Einstein does not sufficiently allow for the political character of the intolerance shown to

Catholics. We question if they were ever put to death merely because of their theological views, as were Protestants under Mary Tudor. Even the friar Forest, who had a peculiarly cruel fate, suffered under a perverted construction of the law of high treason. The priests, who in the reign of Elizabeth were put to death, were dealt with as agents of a foreign power, acting against the peace of the realm. No doubt there were many Protestants who would have welcomed the persecution of Catholics; Knox held that a priest should be put to death for saying mass. But they had to content themselves with sending to the stake mere Brownists and Anabaptists. As to Free Thought, we must remember that in these days free thinkers had to be very cautious. The term infidel or even atheist was applied to those who were broad minded enough to think little of the distinctions between the different sects. Elizabeth herself did not escape suspicion; she was described as an atheist because 'of her reluctance to go to extremes.' In much later times the saintly Mr. Erskine of Linlathen was pointed out as an infidel. As for Toleration it is essentially a modern sentiment, which some even now would attribute to a decline of faith. But Mr. Einstein says 'Moderation was generally the rule among the upper classes, and Essex said openly that in his opinion no one should suffer death because of religion.' As to morality the opinion is expressed that Englishmen in the sixteenth century were little better or worse than at other times. 'The violent outbursts of Puritans were largely partisan, and John Knox's private life proves that even in his circle men were susceptible to feminine charm.'

Nationalism and Internationalism are dealt with separately. 'The new nationalism,' we are told, 'by an odd paradox, was born of foreign origin.' When England saw men upon the Continent exalting their origins and magnifying their achievements it followed the example. The Church and the intercourse of scholars made for Internationalism. 'The Church alone during the Middle Ages reminded men of their brotherhood.' 'When the rift of creed split Europe in two, the fragments of the more civilizing aspects of internationalism were preserved by a universal scholarship.'

W. G. SCOTT MONCRIEFF.

MATTHEW LEISHMAN OF GOVAN AND THE MIDDLE PARTY OF 1843 : a page from Scottish Church Life and History in the Nineteenth Century. By James Fleming Leishman, M.A. Pp. 259. 8vo. With 21 Illustrations. Paisley : Alexander Gardner. 1921. 10s. 6d.

BORN at Paisley in 1794 Matthew Leishman, son of Thomas Leishman, an honourable and ultimately successful merchant, went to Edinburgh to study divinity in 1812. After being licensed in 1816 he spent four years before being presented to a parish, but four years of the kind were probably never better spent, both in learning the details of pastoral work and in making the acquaintance of many interesting and influential people. He made also a tour abroad, visiting the field of Waterloo, hardly then cleared of the relics of the great battle of three years before, and spending a considerable time in Paris. It was apparently the only time he ever crossed the channel, but even as it was it was an unusual experience for a young

Scots probationer of the period, and it had the effect not only of enlarging his mind and giving him a wider outlook on affairs in general, but of imbuing in him a taste for literature of a kind he could not find in the arid fields of Scots theology. It is curious to read of him returning home laden with thirty volumes of Voltaire's works which he had purchased at the sale of Marshal Ney's library, twenty volumes of Bossuet, and a considerable collection of the masters of post-medieval eloquence. He may have seen and read some of Voltaire in Scotland before he went abroad, as that author was a favourite with some of the better read moderate clergy of the eighteenth century, but it is interesting to note his acquisition of the works of so many French preachers.

After an abortive attempt by his father to purchase from the University of Glasgow the living of Govan for £2100 the matter settled itself by his being appointed by the University, who were the patrons, to that parish, then a pleasant rural retreat for the wealthy Glasgow tobacco lords of the day. When he first went to Govan it did not contain a thousand inhabitants; before he left it (for it was his only and life-long charge) the population had increased to upwards of 26,000.

Good and energetic parish minister though he proved himself to be, it was principally as a Church statesman that Matthew Leishman will be remembered, and a great part of this biography, admirably written and judiciously brief, is devoted to an account of his actings as the leader of that Middle Party whose efforts were directed to a reconciliation between the opposing parties in the Church, and an endeavour to find out a *modus vivendi*, which, if successful, would have obviated the schism which ultimately took place. And indeed these efforts fell not far short of success, but there was by this time too much bitterness of feeling evolved in the contest to render it likely that the matter could be settled calmly by a compromise. The Government, whether misled or supine, did not, with the exception of Lord Aberdeen, grasp the gravity of the situation, and what might have been prevented by judicious legislation became an accomplished fact.

The account of what happened nearly eighty years ago in respect of this great schism in the Scottish Church is but melancholy reading. With a little more give and take and a little more Christian charity how different might have been the result. Fortunately the lapse of years has brought calmer judgment, and there seems every probability of the mother and daughter church sheltering under the same roof once more.

Leishman was an old-fashioned conservative in matters ecclesiastical, and no doubt many present-day 'innovations' would have filled him with horror. He had, notwithstanding, far too much good sense to be bigoted or illiberal; he was brought into family connections with some of the Anglican clergy, and he was a welcome and honoured guest in more than one English rectory, and even towards dissent his attitude was tolerant and conciliatory.

Not only is there an adequate account of Leishman's life in this volume, but there are many appreciative notices of his friends and fellow-workers in the party of which he was the leader. And a fine set of men they were.

Laurence Lockhart of Inchinnan, brother of John Gibson Lockhart and father of Col. Laurence Lockhart the novelist ; Lewis Balfour of Colinton, the grandfather of Robert Louis Stevenson ; Robert Story the elder ; Dr. William Muir, whose looks in themselves were sufficient to attract attention. It is strange to read of one who became in later years almost the symbol of all that was conservative in Scottish churchmanship that he was so sick of disruption affairs (as who indeed with a mind like his could fail to be) that had it not been for the difficulty of re-ordination he would have joined the Anglican communion.

Leishman died in August, 1874, just as Church Patronage in Scotland was abolished, a proceeding with which he would have had little sympathy, and the effects of which have rather been to accentuate than to allay ferments in congregations on the settlement of a minister. He had outlived almost all his contemporaries, and had led a full and useful life. There could be no more suitable memorial of him than this discriminating biography by his grandson.

J. BALFOUR PAUL.

A CENTURY OF PERSECUTION UNDER TUDOR AND STUART SOVEREIGNS, FROM CONTEMPORARY RECORDS. By the Rev. St. George Kieran Hyland, D.D., Ph.D. Pp. xvi, 494, with Frontispiece. 8vo. London : Kegan Paul, Trench, Trubner & Co., Ltd. 1920. 21s.

THE muniments at Loxley Hall, near Guildford, in Surrey, have not been neglected by historical students. As far back as 1835 a selection of documents from it was published by A. J. Kempe, an antiquary of some note, and the collection has been calendared, seemingly with considerable fullness, in the *Appendix to the Seventh Report of the Royal Commission on Historical MSS.* (Part I. 1879). It still contains, however, unpublished material of some historical value. The Elizabethan Sir William More of Loxley was an active man of affairs in his day—Deputy Lieutenant, twice Sheriff of Surrey and Sussex, Knight of the shire, and a Justice of the Peace, busily engaged, among other things, in the execution of the laws against Recusancy ; and the Loxley manuscripts are consequently rich in matter relating to what Dr. Hyland calls ‘that travesty of Reform wherein with hypocritical effrontery the sovereigns and their minions made pious zeal a cloak for wholesale robbery and murder.’ He has set himself to construct from them a picture of English Catholic life in the days of the penal laws : and as the Loxley records contain much that illustrate the hapless lot of the Elizabethan recusants, he has given us some things that were well worth printing—the letters of Thomas Copley, for example, a Surrey neighbour of Sir William’s, who went into exile for his faith (pp. 128-131), and a curious correspondence relating to the ‘internment’ at Loxley in 1570-73 of the Earl of Southampton, the father of Shakespere’s patron (pp. 136-149).

Unfortunately it cannot be said that the interest or importance of the material now for the first time printed compensates for Dr. Hyland’s manifest editorial deficiencies. His picture is far from historically faithful ; largely owing to the inadequacy of the editor’s historical equipment it is

in fact sadly out of perspective. He makes the most extraordinary mistakes in commenting upon his documents, as may be exemplified by his remarks on a letter from the Italian merchant, Horazio Pallavicino, printed (pp. 175-176) from the *Calendar of State Papers*. Pallavicino writes that letters from Rome announce that his brother had been tortured in prison. 'The malignity and perfidious disposition [of that Government]' he says—to Walsingham, be it noted—'has (*sic*) easily broken all bounds of law and justice.' It would seem fairly obvious that the Government which tortured people in Rome was the Papal Government, and that Pallavicino's brother had been tortured in Rome. Dr. Hyland might have discovered from another letter in the same volume of *State Papers*.¹ But to describe a Government (even to a leading member of it) as malignant and perfidious is sufficient to identify it in Dr. Hyland's eyes with Elizabeth's; so he ingenuously remarks that the brother was probably tortured to make Pallavicino more amenable to her will.

The transcribers of the manuscripts printed were obviously little acquainted with sixteenth century handwriting, and the texts bristle in consequence with palpable misreadings. Some are distinctly amusing. One wonders what the copyist can possibly have imagined the Vicar of Epsom to have meant when inscribing a letter to the Sheriff with the mysterious legend—'To the Right Worshipful Sir William Moore Knight . . . Deliver chfo' (p. 327). Blunders of this kind cannot be misleading, but they indicate what is abundantly confirmed by other and more serious errors—that one can place little reliance on the verbal accuracy of the transcriptions which appear in *A Century of Persecution*.

J. W. WILLIAMS.

HISTORY OF THE PEOPLE OF ENGLAND. By Alice Drayton Greenwood. Vol. I. 55 B.C. to A.D. 1485. Pp. xii, 388, with 15 maps and genealogical tables. 8vo. London: Society for Promoting Christian Knowledge. 1921. 8s. 6d.

HISTORY has always been a field cultivated, not without considerable success, by the S.P.C.K., and in this project of 'Bede Histories' the enterprise pushes forward on lines of novelty and promise. Aiming to meet the needs of a senior course of school students, and certainly achieving the first necessity of plain but interesting narrative, the book shortens the military and constitutional space usually allotted, and expands the allowance for the religious and intellectual development, and for the growth of town life, with its political and social activity. The note of insistence in the preface on the work of the Church is perhaps excessive, but can be understood.

Miss Greenwood covers the whole ground of a survey which coordinates historical politics and the changing public and national mentality as major interests of its outlook, and the popular elements have been woven into the grimmer structure of facts with a fairly successful art of hiding the blend. This new history carries a very great load of detail, yet so diversifies

¹ *Calendar of State Papers, Foreign Series*, Eliz. May-Dec. 1582, p. 104.

the material by domestic incident as to give a certain liveliness. Vigorous sketches are thus effected, for example, ch. xxxviii., which swiftly sums up the Anglo-Irish annals. If we miss a discussion of Peter's pence, if we feel that the military side of the English conquest of Ireland is inadequately treated, and the subsequent centralised administration and boroughs and shires and parliament reduced to insignificance in the chronicle, the spirit of the description of English rule in Ireland is not amiss.

As regards Scotland, which was in closer contact, the points of successive crisis are fairly put. One notes, however, that arbitration is a misnomer for the great law plea for the Crown in 1291-1292, that Edward I.'s mode of military usurpation is not well characterised, and that the contrast of the medieval Scottish parliament from that of England has failed to secure the attention it claims.

On certain phases of debate there is evidence of moderate alertness. The date of the Antonine wall (p. 10) need have been no mystery. The shield wall of Hastings in 1066 is ill described, the mote is little more than visible, and the significance of Wallace's formation at Falkirk in 1296 is equally lost. On the other hand Brunanburh (937 A.D.) is brought to the Solway, the place of the Borders from 1328 onward is well set down, and the beginnings of trade between the two countries sufficiently indicated. Generally the commercial themes, town life, cloth industry, fisheries, and the story of the sea are diligently assembled. There are pedigree tables, schedules of contemporary monarchs and events, and a reasonably adequate index. The map of Roman Britain is hardly up to date : that of Plantagenet England is better. Pictures of old English life mainly come from coeval sources, and are at once pleasing and helpful. The religious label is not obtrusive, and the chapters on Wyclif and Wat Tyler show the authoress at her best. Volume I. bids fair for its sequel.

THE PROCEEDINGS OF THE HAGUE PEACE CONFERENCES—THE CONFERENCE OF 1907. Vol. II. : Meetings of the First Commission. Pp. lxxx, 1086. 4to. Humphry Milford. 1921.

TREATIES AND AGREEMENTS WITH AND CONCERNING CHINA, 1894-1919. Compiled and edited by John V. A. MacMurray. Vol. I. : Manchu Period, 1894-1911. Pp. xlv, 928. London : Humphry Milford. 1921.

TREATIES AND AGREEMENTS (completing the preceding work). Vol. II. : Republican Period, 1912-1919. Pp. 929-1729. London : Humphry Milford. 1921.

PUBLICATIONS of the Carnegie Endowment for International Peace come with a massiveness of format and a profusion of issue which attest the energy and comprehensive spirit and capacity of an institution surely prophetic of the League of Nations. The Hague Minutes are an immense medley of international law and history, with a vast detail of negotiation and discussion, showing the various proposals, declarations and agreements, chiefly regarding prize courts and other expedients of pacific settlement. The great Chinese treaty-book embraces in its 1700 pages seven maps,

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upwards of 500 diplomatic agreements, letters and documents, 24 pages of chronological classification of the contents, and 200 pages of a positively alluring general index to an amazing complex of international relationships, and an encyclopedic variety of eastern places, peoples and characteristics, trades, products and institutions coming within the ken of merchants, ambassadors and consuls. An allusion to the Great Wall in a treaty of 1902 is a circumstantial assurance that, despite the manifold exploitation of China, antiquity serenely survives.

COMMONS DEBATES FOR 1629 CRITICALLY EDITED, AND AN INTRODUCTION DEALING WITH PARLIAMENTARY SOURCES FOR THE EARLY STUARTS. Edited by Wallace Notestein and Frances Helen Relf. Pp. lxvii, 304. Large 8vo. With one illustration. Minneapolis : the University of Minnesota. 1921. 4 dollars.

THE University of Minnesota has done well to publish this careful result of scholarship and research. The editors were faced with the fact that, except perhaps that of 1614, there is no Parliament between James I. and the Long Parliament, where the material for its history is all printed. They have, however, collected all the available sources for the proceedings of the House of Commons of 1629, and have compiled and compared them so that they can be read by the student as a narrative, and thus have given a much-needed help to Parliamentary history. "Mr. Pym," Arminians, Recusants and Jesuits flit through these interesting pages, which are most characteristic of the contemporary religious thought.

A. F. S.

AN OUTLINE OF MODERN HISTORY : A SYLLABUS WITH MAP STUDIES. By Edward Mead Earle, M.A. Pp. x, 166. 8vo. New York : The Macmillan Co. 1921. 9s.

THIS book is intended to accompany Carlton J. H. Hayes' *A Political and Social History of Modern Europe*, and attempts to be a guide to the study of modern history. It fulfils its mission very well, and gives much food for thought. It is not an easy thing to make a syllabus of this kind cover and throw light upon so long a period equally, but here we can congratulate the author.

THE NATIONAL LIBRARY OF WALES—CALENDAR OF DEEDS AND DOCUMENTS. Vol. I. The Coleman Deeds. Compiled by Francis Green. Pp. xii, 466. 8vo. Aberystwyth. 1921. 15s.

RIGHTLY conceiving the function of a library as inclusive of manuscript, the authorities of the newly founded institution began early with a purchase from the representatives of James Colman. A distant reviewer may be permitted to wonder who he was and why half a sentence could not be spared in the prefatory note or the introduction to give the information. It is, however, a great pleasure to recognise in Wales the activity of the historical spirit indicated by so prompt an issue of an adequate and informative

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calendar of the collection. Generally speaking, the documents are somewhat modern: there is a sprinkling of the sixteenth and seventeenth centuries, but the bulk of dates lies in the eighteenth. Arranged mainly by counties, the deeds number 1535, and Mr. Green presents a succinct analysis of each, giving some thousands of personal and place-names and briefly characterising the purport. This leaves a mere Scot deploring his ignorance of even enough Welsh to translate the vernacular words which stud these abstracts of title much more lavishly than happens in normal Highland conveyances and sasines. Legal elements abound which parallel the expedients of conveyancers equally within the Welsh marches and in our northern feudal domains. Deeds of Hawarden go back to 1384. A place-name like Llanerch recalls the connection of St. Kentigern with St. Asaph's. Tenures are rarely given, but a peppercorn rent is recurrent. In 1675 'heriot' is stipulated for in Glamorgan. Types of document include verdicts of coroners' inquests, indentures of all sorts, probates, concords, inventories, mortgages. Interesting terms like 'comot' (one remembers it in the Irish annals) occur, and there are several cases of 'mote' in suggestive connection with lordship lands. The mill repeatedly appears as an economic centre. The present critic notes gratefully the care with which Mr. Green has explained the conditions of reversion and the like attached to many security writings. Was it in relation to these back-letter clauses that Shakespeare was twitted with picking up stray knowledge of *Noverint*? It is the customary opening of these declarations of conditions on mortgages. One cannot hope for a legal expositor, but one welcomes the intelligent abstracts of Mr. Green. He is a practised hand at such calendaring, and we trust that his promised full index in a future volume will include a grouping of the legal specialities. This calendar is suggestive and of value far beyond its local bounds.

THE EVOLUTION OF WORLD-PEACE. Essays arranged and edited by F. S. Marvin. Pp. 190. 8vo. London: Humphrey Milford. 1921. 9s. 6d.

THIS enquiry is specially intended for those 'who are determined to do their best to make the League of Nations a success.' The Editor and Professor Arnold Toynbee contribute a chapter on the conquests of Alexander the Great and the Hellenism that spread through it over a wide area of the world. Sir Paul Vinogradoff gives a brilliant essay on the world-empire of Rome. Mr. H. W. C. Davies adds an account of the attempt of the medieval Church to unify the world. The later writers, including G. N. Clark, G. R. Gooch, Professor Beazley and Frederick Whelen, treat of the period when International Law came to be used as the link between nations, interrupted as it was by the French Revolution, by the Napoleonic wars, and by the Congress of Vienna, which had very definite results in the nineteenth century. Mr. H. G. Wells gives 'An Apology for a World Utopia,' and Miss Power a final chapter on the teaching of History in regard to 'World Peace.'

Terry : A Short History of Scotland 147

A SHORT HISTORY OF SCOTLAND. By Charles Sanford Terry, University of Aberdeen. Pp. xv, 266. With 3 maps. Cr. 8vo. Cambridge : The University Press. 1921. 8s.

THERE is always room for a short history of a country and this is what the book before us designs to be. It commences with useful genealogical tables and ends with the period of 'revival and reform' in the eighteenth century which followed the collapse of the last Jacobite attempt. The writer points out that at this period Scotland 'gave a Lord Chief Justice to the United Kingdom in 1756, an Archbishop of York in 1761, a Prime Minister in 1762, and Governor General to India in 1785.'

But the struggle had been a long one before Scotland and England had become united to the benefit of the former. Professor Terry mentions a forced attempt at union in the Treaty of Falaise in 1174, which, King William of Scotland being a prisoner, fettered humiliating terms of English suzerainty on him. But he does not point out that although this forced treaty had a certain effect, it could have been disavowed at any moment as made under duress. Perhaps rather too much space is taken in this work with the early kings, and the Stewarts before Queen Mary, which gives somewhat too little for the reign of that unfortunate Queen and her successors; and the writer hardly emphasises the immense and tyrannous power of the Kirk, which lasted well into the eighteenth century. We note, however, he does not omit the sad plight of the non-juring Episcopalians down to 1792, which is so often forgotten. There are many points on which the writer does not always see eye to eye with older historians; but we heartily welcome his point of view as shown in this volume.

GLIMPSES OF MEN AND MANNERS ABOUT THE MUIRSIDE. By D. H. Edwards. Pp. xvi, 288. With Illustrations. Cr. 8vo. Brechin : The *Advertiser* Office. 1920.

WE have here a collection of local history and story which must interest anyone who knows Forfarshire and the Parish of Kinnell. Put together without much method we find much lore of the past, Jacobitism, School and Kirk life, Sabbath breaking (in one case a man taking his dinner—a hot one, most likely—on the Sabbath was spied on and denounced to the Kirk Session), poor relief, and in fact all that appertained to the work of the parish as well as 'the clash of the country.' The writer obviously loves the 'neuk' he writes of, and he has enriched his book from much delving into local records, with verses of Lord Southesk and Miss Violet Jacob, who, luckily for him, wrote in the immediate neighbourhood, as well as from the works of that charming writer of prose, the author of 'Rob Lindsay and His School.'

A HISTORY OF THE MAHARATTAS. By James Cunningham Grant Duff. Revised Annotated Edition, with an Introduction by S. M. Edwardes, C.S.I. 2 vols. Pp. xcii, 581; xxi, 573. With Portrait and Maps. Cr. 8vo. Oxford : The University Press. 1921. 36s.

THE Maharattas and their history have had an attraction for many more readers than Colonel Newcome, and in these two volumes, excellently

edited with a learned and valuable introduction, we have their story from the fall of the Moghul Empire down to 1818, told by their best historian. We are still left a little in doubt about the origin of the Maharattas, in whom there seems to be a little more Dravidian and aboriginal descent than has been hitherto allowed; but here we read the account of the rise of Sivajee, the struggles of the Peshwas against the Portuguese and British and their intrigues with the French. We read of the rise also of Holkar and Sindia, the continual wars and conflicts in which the unfortunate peasant always suffered at the hands of his warlike superiors, until the complete mastery of the British led to the settlement of the country in 1819 by the Hon. Mountstuart Elphinstone.

PAPERS OF THE AMERICAN SOCIETY OF CHURCH HISTORY. Second Series.
Vol. VI. Pp. xxxvi, 240. 8vo. New York: G. P. Putnam's Sons.
1921.

THESE include an account of the mission work among the North American Indians during the eighteenth century, which narrates among many tales of bloodshed many of Christian self-sacrifice. A paper also by D. S. Schaff on the 'Fame and Failure' of the Council of Constance, the 'failure' being the mistake of making martyrs of Huss and Jerome. The third contribution is 'The Training of the Protestant Ministry in the United States... before the Establishment of Theological Seminaries,' which is interesting historically on account of its Anglo-Dutch origin and American Development. The fourth paper is an exhaustive one by P. J. Healy on 'Recent Activities of Catholic Historians.'

A SHORT FISCAL AND FINANCIAL HISTORY OF ENGLAND, 1815-1918.
By J. F. Rees, M.A. Pp. viii, 246. Cr. 8vo. London: Methuen
& Co. 1921.

IT is a special power of this author to enthrall his reader whether the latter is a student of finance or not. In the present case the reviewer has read the book with great interest and has noted the importance of the comparisons of the financial situations in England after the two great Wars, the Napoleonic War and the late World War. In both cases the aftermath has convulsed the markets and thrown all finance, already unsteady with war legislation and altered money values, entirely out of gear. Mr. Rees gives a complete history of the intervening periods which abounded in economic changes, down to 1892-1914, years which were famous for 'Armaments and Social Reform,' and ends with a chapter on 'War Finance,' 1914-1918. This contains the pregnant phrase 'A hundred years ago the States had to face internal economic problems; now they have to grapple with international ones,' showing in a few words how the financial position of the world has changed. We must congratulate Mr. Rees on the amount of detail placed in a readable form in so short a space.

Clark and Gray : Old Plans of Cambridge 149

OLD PLANS OF CAMBRIDGE, 1574 TO 1798. By J. Willis Clark and Arthur Gray. Part I. Text with numerous illustrations. Pp. xxxvii, 154. 8vo. Part II. Plans in Portfolio. Cambridge : Bowes and Bowes. 1921. 84s. net.

ALL lovers of Cambridge, and indeed all students of old town growth, will hail this archaeological legacy from a long distinguished historical and architectural scholar.

Part I. is a topographical and cartographical essay with armorial cuts and segments of old plans, which reproduce in the bird's-eye-view method of the old mapmakers snatches of sundry corners of the ancient city. Hamond's plan of 1592 is the source of these instructive reminiscences.

Brief preliminary introductory sketches deal with the river (that is, the alleged 'river'), the castle, and the King's ditch, each a compact historical memorandum of deep interest. Many of us who knew little of Cambridge learned the significance of its Roman *castrum*, its Norman mote, and its Edwardian castle, after Professor Maitland had made the evolution a typical illustration of manorial and civic development. The entire course of that pregnant evolution is now finely footnoted by Mr. Gray, who tracks the decline of the castle into the county bridewell, on which Maitland made smiling commentary.

The late Mr. Clark himself wrote the note on the arms of the University and the town. The writer of this notice has before him in the penmanship of Jeremy Taylor a passage which perhaps Mr. Gray will accept as a purple patch of additional quotation. Under the head 'Universities,' Jeremy wrote thus: 'Chemnitius termed them *ecclesiae plantariae*, being like the Persian tree w^{ch} at the same time doth bud and blossome and beare fruite. My deare nurse the Vniversitie of Camb: hath hir armes hath for hir armes (sic) the booke clasped betwene fower lyons and her worthy sister Oxenford the booke open betwene thre crownes hereby signifying (as I conjecture) that Englishmen maye study the liberall Arts closely and quietly as also professe them openly and [plainly (delete)] publikely being guarded with a Lyon and the Crowne. That is, encouraged thereto by Royall Charract^r and princely priveleg: The Vniversity of Heidelberg giveth a Lyon holding a booke for her armes: Insinuating that princes ought to be favourers of good literature. B 8 sund. after Trin. 192.' Jeremy's note begins in the beautiful post-Elizabethan or modern hand he chiefly used, but where the text now printed here is in italics he reverted, as was not infrequently his practice, to the court or 'Secretary' hand, the still lingering descendant of the so-called Gothic script.

TRANSACTIONS OF THE SCOTTISH DIALECTS COMMITTEE. No. IV. Editor, William Grant, Ashfield. Cults, Aberdeen. Pp. 90. La. 8vo. 1921. 2s. 6d.

THIS surprising publication, which had its cost defrayed by a Carnegie grant, contains mainly unrecorded modern Scots words, and unconfirmed, doubtful or untraced words needing investigation. The number and variety of these supplements to the accepted vocabulary ought to satisfy anybody that the Scots tongue has not ceased to live and grow. The

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present reviewer found himself 'stumped' in about 95 per cent. of the 1200 words or thereby scheduled in this valuable and convincing pamphlet, which does the editor and his committee no small credit. They have made good their authority.

OFFICIAL HISTORY, NAVAL AND MILITARY, OF THE RUSSO-JAPANESE WAR.
Vol. III. San-de-Pu, Mukden, The Sea of Japan. Pp. xx, 904. With case of Maps. Large 8vo. London: H.M. Stationery Office. 1920.
70s.

THE publication of the third and completing volume of the *Official History of the Russo-Japanese War*, which has just been issued by H.M.'s Stationery Office, may seem to come to some extent 'after the fair.' The Russo-Japanese war no longer represents the latest developments in the spheres of strategy and tactics: indeed to read of as recent a war in which neither side made any use of air-craft seems quite curious to-day. The compilers of this volume writing in 1914—the whole volume was practically complete and all but ready for issue when the war broke out—speculate on the influence which air-craft might have exercised, for example at the beginning of the battle of Mukden, where the whole plan of the Japanese largely depended on their keeping their Third Army hid from the Russians in the opening stages. Ludendorff did no doubt succeed to some extent in concealing the exact place of his attack of March 21st, 1918, and the exact force he meant to employ, but Oyama's scheme would probably have been detected had his enemy had aeroplanes.

The battle of Mukden fills the greater part of this most substantial volume, 460 pages out of 850, the remainder being occupied with comments on the defence and capture of Port Arthur, with an account of Kuropatkin's abortive offensive at San-de-pu in January, 1905, and with what will perhaps prove the most interesting and attractive to most readers who do not study the book for professional purposes, a full and lucid narrative of Admiral Rozhdestvenski's ill-fated voyage and of the destruction of the Russian Baltic Fleet at Tsushima. This is elucidated by plans and diagrams and is an excellent piece of work, doing full justice to the devotion and gallantry of the Russians as well as to the skill both in strategy and in tactics of the Japanese.

The maps need special commendation: there is a portfolio full of them, larger even than the volume itself. Like the text they give an amount of detail which is almost beyond the non-professional reader, but their execution is excellent, and they are a great help in elucidating the detail with which the story is told.

A.

THE WARS OF MARLBOROUGH, 1702-1709. By Frank Taylor. Edited by G. Winifred Taylor. Two volumes. Pp. xxiv, 466; viii, 555. With 10 Maps. 8vo. Oxford; Basil Blackwell. 1921.

MR. FRANK TAYLOR, who died in 1913 at the age of forty, had before his death completed the larger portion of a life of the Duke of Marlborough on which he had been for some years engaged. The chapters dealing with the years 1702-1709 have now been edited by his sister. Though

necessarily suffering from lack of the author's revision these volumes supply a better account of Marlborough's chief campaigns than is to be found anywhere else. Mr. Taylor was an enthusiastic student and a writer of real distinction, and his volumes are both valuable and readable. His account of the political situation throws much light on Marlborough's difficulties at home, and his narratives of the different campaigns and battles bring out well the Duke's merits as a far-sighted and daring strategist and as a resourceful and brilliant tactician. The new sources of information which have become available of late years have been carefully studied and utilised, and the book is one which no student of military history or of the age of Anne can neglect. Mr. Taylor's chapters on Marlborough's earlier years (which are given as appendices) do not seem to have been worked up to the same standard of completeness and add but little to the account given by Lord Walseley, whose biography stops where Mr. Taylor's completed portion begins, but it is fortunate that these two attempts to write the great Duke's life should supplement each other so exactly. A.

The reprint from *The American Angler of The Walton Memorial Window : its Story as related by various hands* gives a pleasing account of the window placed in memory of 'The Chief of Fishermen,' Izaak Walton, in Winchester Cathedral. There the great angler was buried in 1683, as he was a friend of Bishop George Morley and father-in-law of one of the Winchester prebendaries. Sir Herbert Maxwell's address at the unveiling ceremony, June 8, 1914, is interesting and instructive, pointing out the beautiful traits in Izaak Walton's character, his gentleness, his patience, his loyalty to the Stuart line, and his religious toleration in the 'angry and distracted' time in which he lived. This volume is due to Mr. Harry Worcester Smith of Lordvale, whose interest in this window has been unremitting. A. F. S.

Dr. David Murray has reprinted from the *Scottish Historical Review* his article on *Ninian Campbell* (4to, pp. 32) and from the *Transactions of the Glasgow Archaeological Society* his paper on *Some Old Scots Authors whose works were printed abroad* (4to, pp. 41). Each of these reprints is enriched by a series of old title pages reproduced in facsimile, eminently fit illustrations of these valuable and characteristic blendings of bibliography, history and criticism. They express a unity of research in their dedication to Scotsmen, whose scholarly activities found vent through continental printing presses.

Archaeologia Aeliana (Third Series, vol. xvii. 1920, pp. xxxiv, 358, with many plates, 4to) has two papers which dwarf the others equally by their size and importance. The first, in 135 pages and with about 200 illustrations, is the text of a now much-needed new edition of the *Catalogue of the inscribed and sculptured stones of the Roman era in possession of the Society of Antiquaries of Newcastle-upon-Tyne*. The first edition of 1857 by Dr. Collingwood Bruce was followed in 1887 by the second edition, in preparing which he was assisted by Mr. Robert Blair; this new or third edition is brought out by Mr. Blair incorporating numerous additions to

the Society's magnificent collection during the last third of a century. It is in itself a *Lapidarium*; perhaps no such compendium of Romano-British history is to be found in any other collection in Great Britain. Wherever possible a plate is given in the text. Mr. Blair, from his position for so many years as secretary and editor of the society, had intimate connection with the recovery of the additional remains, besides being master of the interminable discussion, long drawn out, which has pursued its course parallel with the finding of these new items of the great Northumbrian reliquary.

Not by accident, nor inappropriately, the catalogue has as its next article in the *Archæologia Aeliana* a capital, life-like and wholly artistic portrait of the late Professor Haverfield, and a concise obituary notice and bibliography of 'the great scholar who for five and twenty years put his learning and enthusiasm simply and unselfishly' at the service of the antiquaries of Newcastle and of the world.

After papers on Thomas Slack, a Newcastle printer, 1723-1784, on Uthred of Boldon, 1315-1396, prior of Finchale and a voluminous author, on John Hodgson Hinde's ancestry, and on the chartulary of Clervaux near Darlington, we come to the second large performance in the present part.

It is Mr. C. H. Blair's terminal contribution but introductory section to that catalogue of Durham Seals, about which the *Scottish Historical Review* has so often had occasion to offer its congratulations to the Newcastle Society. The last part is, of course, to come first in the completed series, to which it is an expository foreword in 70 pages of general heraldic and sigillary description, classification and historical criticism, accompanied by well executed photographic renderings of about a hundred seals, besides gems and other accessories typically illustrative of the art, craft and evolution of medieval seals. Mr. Blair's analysis of the seal as a customary and legal institution is a mine of lore which at once adds his name to the list of historical authorities on the subject. It is a readable and curious miscellany, touching off with rapid characterisations the distinctive types, the variations and the fashions they represent, the strange menagerie and museum of animals, arms, utensils and plants commandeered by heraldry and embodied in seals and their devices, the alphabets of the inscriptions, and the medley of pious, jocular or rimed mottoes which brighten the story of the medieval seal. Mr. Blair has made out of Dr. Greenwell's wonderful collection not so much a catalogue as a full-bodied historical treatise on British seals.

An important notice tells of the disposal of the collection since Dr. Greenwell's death. By the generosity of Mr. W. Parker Brewis the local seals have become the property of the city of Newcastle, and are now housed in the Public Library. Those having no local connection now belong to Mr. Hunter Blair himself. They could hardly be in fitter hands.

The final contribution to this notable volume of *Aeliana* is a well illustrated account of the Black Friars' monastery at Newcastle, by Mr. W. H. Knowles, who adds a lucid plan with elevations. Edward I., Edward II.

and Edward III. in turn were repeated visitants as paying guests in the Dominican house founded prior to 1239.

The Newcastle antiquaries are to be commended for the proof this volume affords of their various accomplishment and energy.

The *Proceedings of the Society of Antiquaries of Newcastle-upon-Tyne* (3rd series, vol. x. No. 10) contain an excellent description of the society's visit on 15th October to Tynemouth and Seaton Delaval. The plan of Tynemouth Priory by Mr. W. H. Knowles is excellent, and has the more illumination from its being accompanied by a capital sketch of a conjectural restoration of both the priory and the castle as supposed to stand *circa* 1500. It will be remembered that Malcolm Canmore, falling in battle at Alnwick in 1093, was buried at Tynemouth, where, according to Matthew Paris, the bones of both Malcolm and his son Edward were discovered in 1257 when foundations for a building at the priory were being dug. Robert of Mowbray, Earl of Northumberland, whom Paris styles founder of the priory, was the leader of the king's force which defeated Malcolm, and it was on his order that Malcolm's body was sent from Alnwick to the recently constructed priory of Tynemouth for interment. A monk of Kelso (who curiously cites a 'Historia Danorum' for some of his particulars), writing not long after the finding of the bones, mentions that the remains were those of 'a man of great stature and of another of less stature' (see Simeon of Durham, *anno* 1093; Matthew Paris, *anno* 1257; *Priory of Hexham* (Surtees Society), I., illustrative documents No. xi.). This matter is dealt with at some length in our pages now as Scotland has an obvious interest at Tynemouth in the grave of Malcolm Canmore.

But there is always a problem, even if the averments come from the Danes. William of Malmesbury says that Alexander I. got his father's body removed to Dunfermline, of course for interment beside Queen Margaret. This transference more than 130 years before 1257 is fatal to the prior of Tynemouth's picturesque identification of the two taller and shorter skeletons. They could not have been Malcolm Canmore and his son. Besides it seems to be most improbable that the son in question, who died in Jedwood forest, could ever have been buried at Tynemouth. We are therefore in no haste to claim those bones, notwithstanding the uncomfortable fact that a sort of postscript to the *Chronica Majora* of Matthew Paris (vi. 372) declares that when the Scots begged for the return of the royal corpse the monks fobbed off on them the body of a plebeian nobody—*cujusdam hominis plebei de Sethtune*—so that for once the Scots were deluded. It is a story which not even Matthew Paris can readily persuade one to believe.

Opportunely reprinted in this part is Mr. F. G. Simpson's note on the *Vallum Romanum*, in which he adventures a chronology and sequence of the structure, including the 'crossings' and 'gaps' which are the most recent complication of the perplexity of the wall.

Mr. Parker Brewis prints a very observant itinerary of 1829, which diversely describes a coal mine in operation, a 'sight of the branks' or scold's bridle, and an impression of 'the Old Picts Wall' at Denton 'built by the Emperor Hadrian.' The segment seen was 'little more than a low

mound of earth' overgrown with grass, although 'three courses of large square hewn stones' were traceable.

A recent acquisition by the Museum at Black Gate is 'a groat of the second coinage of David II.' dug up by the donor at the Grainger park allotments, Newcastle.

History for October begins with the Rt. Hon. Herbert Fisher's addresses at the opening of the Research Institute and at the Historical Conference in London in July last, followed by two papers on the study of legal records by Sir F. Pollock and Dr. W. S. Holdsworth. Other articles deal with evidences of occasional failure in medieval commercial morality, with a revised critical interpretation of English place-names, and with notices of current literature. Miss Jeffries Davis sets agoing her readership in the records of London by an effort to define London and determine what are its records. Her paper is not finished, but she has of course succeeded in showing forth the immense complexity of what is to be her province. 'What are the records?' she pauses to ask, and we wait till next number for the answer. Professor Pollard has it out with the editor of the *Barbellion Diaries*, whose indignation was provoked by a criticism in *History* for April. But we fear Professor Pollard in his answering footnote has justified his original objections to the editorial method used in presenting a slightly 'garbled' text of Barbellion's pathetic introspections.

Reprinted from the *Journal of Roman Studies* of 1919, a paper by Dr. George Macdonald, *The Agricolan Occupation of North Britain* (foolscap, pp. 111-138), stands in the first class of historical proposals, and must be reckoned as a motion which archaeology must promptly consider and tentatively approve or reject. When an important general inference or opinion is surrendered and a new conclusion set up in its place, there is a greater readiness to accept the revised version when the reviser is going back on himself. The short and insecure hold of the Caledonian posts left behind at Agricola's departure was the orthodoxy of the earlier Haverfield period of investigation. Dr. Macdonald concurred, at least he more than countenanced, e.g. in 1906, the view that Agricola's 'conquest' of Caledonia would seem to have reduced itself to the level of a brilliant raid, followed by a brief and precarious tenure of a few advanced positions.'

Much spade-work since then has revealed not in single instances, but in almost all, an unexpected complexity of the stations, visible in changes of plan and in signs of successive constructions, and—most important of the whole phenomena—the singular fact that even earthwork forts have been found to manifest indications of continued occupation. It is when these data are incorporated in the evidence to be sifted that the revised version is tabled.

Inchtuthil is now thought to be a semi-permanent camp designed for a stay of some duration, its equipment including a cold bath of solid masonry in wonderful preservation. But still more significant are two rows of stone buildings, clearly recognisable as *centuriae* or permanent barracks. At Ardoch too, along with the remains of temporary work, there are again *centuriae*, to say nothing of the immense entrenchments which surely denote

exceptional and scarcely temporary precautions. There are besides other direct evidences of successive periods in the occupancy. And the same thing came under notice as the puzzle of Camelon, now better guessed at than it was at its excavation. Ardoch accords with Inchtuthil, which again Camelon confirms.

Out of all which emerges what Dr. Macdonald styles 'a glimpse of an unexpected picture—a large portion of Scotland garrisoned by the Romans at a period long after that at which we have been taught to believe that they had withdrawn behind the Cheviots.' There are obstacles, but the facts prompt one to second Dr. Macdonald's guarded motion to expand the Agricola hold upon the north.

Dr. George Macdonald has sent us a reprint from the *Numismatic Chronicle* of his important article on 'A Hoard of Coins found at Perth' (pp. 24), with a fine plate of ten specimen coins. The hoard, which was discovered near the Guild Hall Close, consisted of 1128 pieces, and must have been deposited shortly after the accession of James IV. to the throne.

Every coin was identifiable, comprising Scottish gold, Burgundian gold, and English silver specimens, besides 499 placks and half placks of billon. The silver showed a remarkable contrast: of the groats only 15 per cent. were English, but less than 10 per cent. of the half groats were Scottish. The absence of a type of three-quarter-face groats with thistle heads and alternate mullets is ingeniously used as negative proof that these were erroneously ascribed to James III. The new facts go to brand them as coins of James V. As this hoard was in every sense of considerable consequence, and was when found in a deplorable condition of corrosion and decay, it is gratifying to note Dr. Macdonald's compliment to the skill of Mr. A. J. H. Edwards, assistant keeper of the National Museum at Edinburgh, in the treatment and perfect preservation of the hoard, which when dug up seemed only a weltering lump of soil. The article is numismatically fuller than the parallel paper appearing in the *Proceedings of the Scottish Antiquaries*.

The *Antiquaries Journal* for October has papers on Relic-holders, on a fifteenth century panel-painting of the Annunciation (with a friar in the foreground), on a neolithic bowl from the Thames, on a hoard of iron currency-bars from Winchester, and on a bronze polycandelon found in Spain. Other communications include a description of a polygonal type of settlement in Britain, suggesting on rather indefinite grounds a connection with the *bannum leucae* familiar in French customs.

A section devoted to a miscellany of archaeological notes is crowded with records of discovery in which the description of a coin-find at Abbeyland, Navan, county Meath, is perhaps the chief attraction.

In the *Juridical Review* Mr. W. Roughead in 'The Hard Case of Mr. James Oliphant' deals with the strange and stupid, albeit intelligible, case of legal oppression in 1764 by a Durham coroner. 'The Ballad of the Twa Courts' by B. R. M. shows that neither the wit of Outram and Bird nor the tradition of happy legal verse has deserted the bar. Ex-Sheriff Scott Moncrieff recounts pleasant memories of sheriffdom forty years ago in Banff.

The Law Quarterly Review for July has good medieval and early jurist matter, 'Sir Matthew Hale on Hobbes,' by Sir F. Pollock and Dr. Holdsworth, a fourteenth century lawyer's commonplaces (including a most uncommon burlesque or pseudo-Arthurian letter about Piers Gavestone, circa 1315), by Mr. W. C. Bolland, and a learned classification of old authors on maritime law, by Mr. W. Senior.

An obituary notice, *Robert Munro, M.A., M.D., LL.D.*, reprinted from the *Proceedings of the Royal Society of Edinburgh*, is from the sympathetic pen of Dr. George Macdonald. Dr. Munro's life-story, his antiquarian evolution and his controversies are well outlined. His masterly work on *Lake Dwellings* appropriately dominates the record of his singularly fruitful archaeological career.

The *Revue Historique* for July-August, 1921, contains the first instalment of M. Léon Homo's study of the administrative privileges of the Senate of Rome under the Empire, and their gradual disappearance in the third century, and an important article by M. de Labriolle on 'Spiritual Marriage' in Christian antiquity. The *bulletin historique* is devoted to works on paleography and other auxiliary historical sciences which have appeared from 1912 to 1920. The number for September-October contains the conclusion of M. Homo's study. The *bulletin historique* contains a survey by M. Petit-Dutaillis of recent publications on French history from 1378 to 1498, and an account of works on the history of Islam, which appeared between 1914 and 1920. These excellent surveys of the different fields of historical study during the years of the war are of great value to students.

D. B. S.

The *Iowa Journal* for April has economic papers on immigration to Iowa and on the internal grain trade between 1860 and 1890. These are followed by a set of letters in May, June and July, 1845, relative to the Indians in Iowa. They are from John Chambers then Governor of the Territory of Iowa and Superintendent of Indian affairs there. On the whole the incidents of trouble recorded, though numerous, are trivial.

Notes and Communications

DICTIONARY OF EARLY SCOTTISH. Dr. W. A. Craigie, Professor of Anglo-Saxon at Oxford, intends before long to begin the preparation and publication of a dictionary of the older Scottish tongue from the fourteenth century down to the close of the seventeenth, *i.e.* approximately from 1300 to 1700 A.D. It is now nearly a hundred years since Dr. Jamieson completed his dictionary, and since that time an immense amount of new material has been made accessible. This has not yet been fully utilized, although the older Scottish vocabulary has not been neglected in the Oxford English Dictionary. It is Prof. Craigie's intention to bring this material together in a work which may take its place with the dictionaries covering the middle period of such related languages as Dutch, Danish, and Swedish.

To this end a considerable collection of material has already been made by a few voluntary workers, but much more help is required if the dictionary is to make any approach to completeness and to proceed rapidly when the actual work of preparation has begun. An appeal is therefore made to all who are interested in the national tongue to give whatever assistance they can towards the collecting of the material which is still required. More particularly it is desirable that all records and documents (whether published collectively in volumes and series, or scattered in works on local and family history) should be fully excerpted for that purpose, as these contain a large number of words rarely found in the literary works of the period.

Anyone who is prepared to make some contribution, however slight, is requested to communicate with Miss Hutchen, 16 Pitt Street, Edinburgh, who will furnish information regarding the work which could be most usefully undertaken and the method to be observed in carrying it out.

COURTS OF JUSTICE IN THE SIXTEENTH CENTURY. Amongst the treasures of the Cottonian MSS. in the British Museum are many documents relating to Scotland. Of these many are being, or have been, embodied in the *Calendar of Scottish Papers*, begun under the editorship of Joseph Bain, but others seem to have escaped notice. Indeed it is quite certain that a student of Scottish history, with time at his disposal, could unearth from the Cottonian mine, material of the greatest value, although constant care would be required if time was not to be wasted in the copying of manuscripts already in print. For many of these documents are themselves copies; others have already been copied by contemporary hands and are found in other collections. It is, for example, very hard to

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be sure that any given manuscript of the Elizabethan period does not occur also in the series *Scotland, Elizabeth* in the Record Office, among the Hatfield MSS. or in some other part of the Cottonian collection; and as transcripts from these vast hoards abound in all sorts of forms, it is always possible that a 'find' may turn out to have been printed before.

The document here presented appears in the catalogue as *Caligula B. VIII* f. 212, but in the more recent pagination it is really f. 200. It is written by an Englishman, who contrasts the justice that he knows with that administered in Scotland. It is not dated, but the hand, which is clear, is of the close of the sixteenth century. The spelling is arbitrary. My thanks are due to Mr. D. T. B. Wood of the British Museum for his ready help in deciphering obscure passages.

J. D. MACKIE.

The Manner of holding Justice Courtes in Scotland viz.

ffirst the prisoners are called for by name.

Next the assizers and prisoners to oppone against them (if they have any cause) whie they shall not passe upon their assize.

Then the assizers sworne, viz :

That they lelelie soothsaie and nay sooth conceale, for naything that be may, in so far as they are charged to passe upon the said assize so helpe them God, by their own hands, by God himself, and by their parte of Paradise, as they shall answer to God upon the day of Judgment.

And they answer Wee shall.

Then they read the dittie (or inditement) against the prisoners in forme as foloweth, viz :

The coppie of the dittie

Ye and ill ane of you are indited for commeing under scilence and cloude of night to the dwelling house of G. H. and brack up his dores and theftouslie stole, reft and awaie took his whole insight and goodes being therein, estimate wourth the summ of 500 mkes., had and convaied the same awaye and disposed therof in theftuous manner. This ye did in sick a minut of sick a yeare of God, which ye cannot denye

Item for common theft, common resett of theft, both old and new, and a fugitive to the Kinges lawes.

Then take his graunt or deniall of his dittie

Thereafter the assizers removes out of court and choisis a chauncelor amongst them by most of their elections, which chauncelor hath 2 votes and demaundes everie man of the assize in particular whether he will file or cleane, and as most votes declares, so the chauncelor of the assize comes in alone and gives verdict of guiltie or not guiltie. And if he be guilty the judge causeth the Dempster of court to pronounce Doome in manner following, Viz :

The court shewes for lawe that the prisoner A.B. is foule, culpable and convict of sick and sick crimes; viz. etc.

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and contayned in his dittie whereof he was accused. Therefore the said A.B. is ordeyned to be taken to sick a gallows and ther to be hanged by the head untill he be dead, and all his moveables to escheat and imbrought to our soveraigne lordes use. And that I give for doome. And so God have mercie on him

Observations

The cousen germane or cosen removed of the prisoner is not *idoneus testis* against a ffelon.

No evidence against a ffelon is geven in open court nor in the hearing of the ffelon accused ; but the assizers being in a chamber apart as our (?) grand juries might be.

An oath is exacted of the pursuer of a ffelon to verefie the dittie (that is the Inditement) ; if he refuse to swear the prisoner is acquitt.

After the assize is impannelled they retorne no more into the court, but send their foreman alone, whom they call their chancellor, who pronounceth the verdict in all their names.

The judge doth not pronounce the sentence after verdict, but a poore ignorant old beggarlie ffellowe

This ffellowe all the tyme of the Session sitteth mute in some corner of the house, wher the court is helde, and is called Dampster of the courte, is called for, and following the wourdes of the clerke pronounceth sentence Before sentence pronounced the judge may appoint the dampster to give sentence of death either by hanging or drowning at their choise.

The prisoner is convicted or cleered by pluralitie of voices, the foreman having twoe voices.

The chancellor or foreman is not chosen by the judge in courte, but after the assize is empanelled and retyred into a chamber he is chosen by pluralitie of voices. The number of the jury is 15.

They use noe grande jurye.

They putt diverse ffelonies against one ffelon in one inditement

A fugitive from the lawes that hath been sought for as a ffelon and ffound guiltie thereof by the assize hath judgment as a ffelon.

A man indited for common theft, or to be a common theif, without nayming any speciall felonie, and convicted thereof, hath judgment as a ffelon.

‘THE BRILL’ AND ‘THE BASS.’ ‘The other town before us is the corporation of Haddington ; and this is the Brill ; but the Bass you may see is a prodigious rock, that makes an island on the skirts of the ocean.’ So Richard Franck’s *Northern Memoirs*, penned in 1658. The passage is to be found on page 216 of the late Dr. Hume-Brown’s *Early Travellers* ; and to it Dr. Brown has added the footnote : ‘I cannot discover what Franck meant by the Brill.’

A lead, however, to a possible meaning is furnished to us by a recollection that Franck’s particular hobby was angling, and that in literary style he delighted in the allusive. ‘Franck,’ says Dr. Brown, ‘was an enthusiastic angler, and in his own fantastic manner a lover of nature as keen as Izaak Walton himself,—there could hardly be a greater contrast between the sim-

plicity of Walton and the grandiloquence of Franck.'—*Early Travellers*, 182. To this enthusiastic angler from the South, then, the strange rock had a familiar name, the name—no less—of the 'daynteuous fysshe and passinge holsom,' the perch, or a variety of it. The brill, on the other hand, was a flat fish—of the turbot kind, perhaps, but inferior to it, it is said, in flavour. In comparison with the rock, then, Haddington in the estimation real or affected of Richard Franck was in some respect or other flat. That was all.

J. H. STEVENSON.

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Eighteenth Century Highland Landlords and the Poverty Problem

IN the previous part of this article¹ we discussed some of the suggestions made by contemporary writers for the improvement of the eighteenth century Highlands. We tried to show how far these suggestions had been or were being put into effect; what were the practical or psychological obstacles which prevented their progress being more rapid; and how far the suggested policy, if fully carried out, would have met the needs of the situation.

The conclusion arrived at was, that security of tenure, decent housing, and reasonable rents would have relieved the situation of some of the Highland farmers, but they could not be expected to provide a complete solution for a problem the crux of which lay in a present excess of population. They created no new demand for labour, and their benefit to the farmers depended mostly on the hope that they would be accompanied by radical improvements in Highland farming methods.

The reformers themselves, feeling the insufficiency of mere changes in tenure, urged the Highland owners to make haste in matters of farming to follow the example of improving proprietors in the Lowlands.

Before the sheep era, the typical Highland agrarian unit was the medium-sized cattle farm rented by a group of tenants, either from a superior tenant, or directly from the owner. Such

¹ See *Scottish Historical Review*, xix. p. 1.

a farm would include a small portion of arable, some meadow and heathy pasture, with probably grazing rights over a considerable tract of mountain.¹ The arable was sometimes held and worked in common, but more often it was divided on the runridge principle, each tenant having his own strips, separated from those of the other tenants by turf balks. As in the unimproved Lowlands, the cultivated land was divided into in-field and out-field; the former got practically all the manure, and was kept constantly under crop; the latter got no manure but that of the animals folded upon it, but was also kept under crop as long as it would bear.

Enclosures were very rare. Occasionally there was a *march dyke* separating one farm from another. In a hilly area this would invariably run vertically up the hill, stopping when it reached the mountain pasture common to all the farms; in such a case there would probably also be a *head-dyke* dividing the farms proper from the higher slopes. Often the only enclosure would be that separating two estates.

Rents were paid from the profits of the black cattle, which were usually sold to southern drovers. Crops were raised, not for the market, but to supply the food for the farmers' households, and to keep the animals alive during winter. Very often they failed to do either. Apart from a few favoured districts, the Highlands, except in good years, had to import grain for food, and a large proportion of the live stock perished every winter from want.

Such was the old system, a system which gave an extremely miserable living to the farmers, and left practically no margin for rents either reasonable or unreasonable.

In connection with it, we must remember that the Highland farmer laboured under several serious geographical drawbacks, the chief of which were the nature of the climate² and the soil,

¹ Marshall, *General View of the Agriculture of the Central Highlands*, 1794.

² The Rev. John Warrick of Cumnock calls attention to one source of poverty to which Samuel Johnson refers in his *Journey to the Western Isles*. 'Mull,' he says, 'had suffered like Skye by the black winter of seventy-one, in which, contrary to all experience, a continued frost detained the snow eight weeks upon the ground. Against a calamity never known no provision had been made, and the people could only pine in helpless misery. One tenant was mentioned, whose cattle perished to the value of three hundred pounds—a loss which probably more than the life of man is necessary to repair. . . . In Mull the disappointment of a harvest, or a murrain among the cattle, cuts off the regular provision; and they who have no manufactures can purchase no part of the superfluities of other coun-

and the remoteness from good town markets. The climate and soil were a serious hindrance to grain cultivation; the distance from markets practically destroyed the value of the minor produce, such as milk, eggs and butter.

It is true that none of these difficulties were insuperable. It was possible to modify both climate and soil by enclosures, by planting, and by draining the swamps. It was possible to create markets by better communication, and by the encouragement of towns and villages.¹ But as matters stood at the end of the eighteenth century these obstacles were serious.

A few writers like Macdonald² believed that a considerable extension of grain cultivation would have been possible and profitable, particularly in the Hebrides. This opinion was not generally shared by their contemporaries. The opposite opinion was stated with great vigour by the minister³ of the parish of Kilmuir, Skye, who spoke with some authority, having struggled with grain crops upon his own glebe. His experience was that it was madness to try to cultivate anything there more exacting than sown grasses.

Possibly this view was somewhat exaggerated, but there was certainly nothing in Highland experience to warrant the hope that any general measure for converting the existing cattle into arable farms was likely to meet with any success. Even if such a transformation had been possible, it is doubtful if it would have done much to solve the poverty and unemployment problems of the Highlands. It remained, then, for the landlord to do what he could towards making the existing cattle farms more profitable.

The weaknesses of the existing system were sufficiently obvious.

Carelessness in selecting Breeds. This was invariable amongst the tenant class who formed the problem.⁴ Even the big Highland sheep farmers generally failed in competition with Lowland stock breeders on that account, and if the men with money enough to embark on sheep-raising were indiscriminate in their selection of breeds, the small cattle farmer usually failed to grasp the fact that any choice of stock existed. If by any chance there

tries. The consequence of a bad season is here not scarcity, but emptiness; and they whose plenty was barely a supply of natural and present need, when that slender stock fails, must perish with hunger.'

¹ Knox, *Tour through the Highlands*, 1786.

² Macdonald, *General View of the Agriculture of the Hebrides*, 1811.

³ *Old Statistical Account*.

⁴ O.S.A. Monivaird and Strowan, etc.

was a farmer who took the question seriously, it was practically impossible for him to do anything so long as his pastures were all unenclosed, and his beasts mixed freely with those of the other tenants.

Overstocking. This was more immediately disastrous than even the casual method of choosing stock. The situation on the average Highland farm was that, with a large extent of available summer pasture, there was relatively a very small quantity of food available for the animals over winter. But few Highland farmers were proof against the temptation offered by the summer grazing; practically all attempted to keep a number of beasts which they could not possibly provide food for during the winter. The result was inevitable. Every spring saw the herds terribly depleted by deaths from starvation, while the beasts that survived were reduced to mere skin and bone, and ruined for all purposes.¹

In the parish of Glenorchy, 510 cattle of all ages, the property of a single person, died in one season from starvation.² As late as 1808, in Kildonan, Sutherlandshire, there perished from want in a single spring, 300 horses, 126 cows, 500 cattle, and this though every second calf had been killed to give the others a chance.

Obviously the difficulty of finding enough winter food for the cattle was a serious one, and it was intensified by the extraordinary number of horses supported on a Highland farm. These were partly superfluous and partly made necessary by the poorness of the farm implements and the badness of the Highland roads.

Undoubtedly one of the most pressing tasks for the Highland landowner was to persuade his tenants to make their stock correspond with the feeding capacity of their farms, either by decreasing the number of animals, or, if possible, by increasing the amount of winter food stuffs.

Poor Cultivation. At the root of the food problem was the wider question of the general backwardness of Highland cultivation. At the end of the eighteenth century there were few parts of the Highlands or Hebrides where any green crop other than potatoes was grown. Turnips and sown grasses were either unknown or unheeded by the small cattle farmer.

The grain crops were generally very poor. The in-field and out-field system left one part of the land practically barren, and

¹ Marshall, *Central Highlands*.

² O.S.A. Glenorchy.

kept the other foul with weeds, while climate made the harvest late, so late that often the crop could never be lifted.

Matters were not improved by the type of implement used. The *caschrom*, the crooked Highland spade, though slow and uneconomical compared with a proper plough, was not ineffective, and was useful on some sorts of land where ploughing was hardly possible. But the ordinary Highland plough itself was extremely clumsy and unsatisfactory; the light, wooden harrows used were practically useless; while many of the most valuable implements common in the Lowlands were simply unknown. Under these circumstances, grain crops were often deplorable; in the parish of Kilbride, in Arran, it was reckoned that the best land only yielded two returns.

Want of Enclosures. Cultivation was further held back by the subdivision of the arable fields into ridges, and by the want of proper enclosures. Macdonald reckoned that in 1808, in Arran, Mull, Skye, Jura and the Long Island, there were still 800,000 acres without enclosures of any kind. The want of enclosures made it useless for individuals to experiment with green crops, and on the spongy arable land common in the Highlands good culture was impossible so long as the cattle continued each year after harvest to overrun the arable fields and destroy the surface of the soil. The difference in productive power between enclosed and unenclosed lands was so great that farms which had with difficulty yielded 2d. an acre, could readily pay three shillings an acre after enclosure.

These being the weak points of Highland farming, the line of policy for the landlord seemed clearly indicated.

An owner could restrict the disastrous practice of overstocking, though no doubt he would be regarded, in the first instance, as a brutal tyrant for doing so; he might insist, though it would not be quite so simple, on the abolition of out-field and in-field, and the adoption of a regular system of rotation of crops; he might replace the runrig holdings with compact, enclosed farms. It was also possible for him to improve conditions by draining damp lands, by making plantations that would give shelter in exposed areas. Finally, on his home farm the landlord might experiment with new crops and implements, and so give his tenants some practical illustrations of what might be done with the land.

A general policy of this kind was actively pursued on the lands administered by the Forfeited Estates Commissioners from

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the time of the fifties onward. It was followed to a greater or less degree on the great estates of Argyll and Breadalbane, and after 1795 on the possessions of the Sutherland family. It was taken up by Dempster of Dunnichen on his lands at Criech. It directed the activities of the Hebridian improvers, Lord Macdonald, M'Lean of Coll, M'Leod of Raasay, the Macneills of Barra, Colonsay, and Gigha, and most zealous improver of all, Campbell of Shawfield.

On many Highland estates, however, the improvements, even when begun, never got beyond the home farm. It might be found well drained, well cultivated, properly enclosed, with a good rotation of crops, and the newest implements in use, while beside it the farms of the tenants remained in their aboriginal condition.

The backwardness of Highland farming, at a time when the Lowlands were advancing rapidly in the path of progress, led to very unfavourable comparisons being drawn between the Highland and Lowland owners. The public spirit and energy of the latter were constantly contrasted with the apathy and ignorance of the former. The comparison was sometimes just, especially as regards many small Highland proprietors who lived outside the influence of the agrarian revolution movement; some of them were indifferent, and most of them were intensely conservative. But it was not only on the estates of such proprietors that the improvements mentioned advanced slowly.

One of the things which the critics tended to forget was that the Lowland progress had been due as much to the tenants as to the owners. But if the average Highland landowner seemed dubious of the advantages of the new methods, and strangely unimpressed by the propaganda of the scientific agriculturists of his day, how much more was this the case with the tenants who possessed the same conservative temperament as the owner, quite unmodified by any contact with the non-Highland mind. Yet it was with this material that the proprietor had to carry through the elaborate programme of reforms.

Further, it must be remembered that, apart from a few families, the Highland landlords were not rich. Their estates had received no accidental increment from proximity to growing manufacturing towns, and they had no mineral wealth. Without the co-operation of the tenants, expensive improvements like enclosures were simply not financially possible.

Again, in many parts of the Highlands day labour was difficult

if not impossible to get ; hence, if the farmer would not help in the actual work of building dykes and drains, the latter must remain unmade.

Undoubtedly many Highland owners laid themselves open to the charge of trying to shift too much of the initial burden of the semi-permanent improvements on to the shoulders of their tenants. In the Lowlands the expense of improvements of this kind were mostly borne by the proprietors, but it must be remembered that this outlay was in the nature of a reasonably secure investment, for they had the co-operation of tenants with respectable working capitals, who could be counted upon to make the most of the improved farms.

Above all, it must be recalled that reforms on a large scale in the Lowlands were almost invariably accompanied by the union of farms, the creation of a new class of substantial tenantry and the degradation of the small farmers to the rank of cottager. Many of the best known improvers like Sir John Sinclair thought that such a change was inevitable if any solid advance was to be made. If the Highland proprietors had universally adopted this system, undoubtedly farming would have progressed much more rapidly than it did. The Highland districts which compared most favourably with the Lowlands were those like Kintyre and Islay, where not only were geographical conditions most favourable, but where the Lowland example of big farms with substantial tenants (often of Lowland blood) had been followed most extensively.

From a purely farming point of view the results of such a policy were excellent. But such a policy universally applied in the Highlands could only have solved the problems of poverty and over-population in a manner similar to the introduction of sheep farming. Poverty would have been cured by the emigration of the existing tenants, and the substitution of a new type of farmer more fitted economically and, perhaps, temperamentally for his particular work. But it was this probable effect on his tenants which had caused many landlords to refrain deliberately from turning their estates into sheep runs ; the same reasons prevented them from taking the shortest and most sensational method of improving the level of Highland farming.

The position of a would-be-improving Highland landlord who felt strongly about depopulation was difficult in the extreme. He had to struggle along against the obstacles created by the conservatism and the poverty of the small tenants. He had not

much money to spend on risky investments. He had no reason for feeling confident that Lowland methods would work when applied under such difficult conditions and with such a different tenantry. As a final discouragement, he had to allow for not only the conservatism, but the active destructiveness of the small Highland farmers.

The Lovat Papers gave a description of the efforts of the Forfeited Estates Commissioners to carry out a large scheme of afforestation in the Highlands, and showed how their plans were hampered by the tenants who kept peeling off the barks of the young oaks.¹ But the following passage from Macdonald gives the best description of what the improving Hebridian owner had to contend with :

'The man who builds inclosures or constructs gates in the Hebrides must always bear in mind the nature, not only of the climate and soil and other circumstances of a similar description, but also of the people and the animals which they possess. These are more difficult to manage than those of any other portion of Scotland. The people, one would be tempted to imagine on a superficial glance, take pleasure in mischief, and find a peculiar delight in destroying everything which conduces to human comfort. They throw down stones from the battlements of bridges, they fill up wells or drains, they deface milestones, break the windows of churches, of other public buildings, they leap over hedges, dykes and ditches, cut down the banks of rivers, and alter their course for inundating the adjacent fields, and all this with the utmost *gaieté de cœur*, and without the slightest notion of its being taken ill, or the idea that any malicious construction can be put upon their amusement. . . .

Nor is this strange tendency confined to what we call (perhaps Hibernically) the *rational* animals of this country. The horses and cows and sheep are universally of a similar disposition. The same inclosure that suffices for protecting the rich meadows of Suffolk and Essex would be no more heeded by an Hebridian beast, not even by the smallest cow, than if it consisted of the mist of the mountain. . . .

The *sangfroid* with which an Hebridian pulls down a dyke for a passage to himself and his cattle (and without dreaming of rebuilding the gap) is to a stranger most ludicrously provoking. The scene is sometime acted before a gentleman's door, and he himself an indignant witness. The Hebridian is surprised at

¹ See also Marshall, *Central Highlands* ; O.S.A. Rogart (Sutherland).

his rage, and tells him that he meant no harm by taking the nearest road home with his horse ! He perhaps adds in the same strain, ' And as for the grass, you need not mind it, Sir, it will grow again.' ' ¹

Given such a tenantry, a certain amount of caution on the landlord's part in spending money on improvements does not seem entirely unnatural.

But there is another question. Suppose that none of these obstacles had existed, and the landlords had gone on rapidly in the path of improving, draining, planting, enclosing, etc., how far would this action have done anything to relieve the situation of the Highland population ?

Most of the permanent or semi-permanent improvements created some initial demand for additional labour. That indefatigable improver, Campbell of Shawfield, employed at first a hundred labourers all the year round. This might have lasted for some time, and it was possible that there might have been a certain permanent increase in the number of day labourers required to keep farms and drains in repair.

On the other hand, the new methods of cultivation generally meant that in the long run the amount of employment was decreased. Such, at least, was the Lowland experience. With enclosures the need for herds must vanish ; with the new improved ploughs much of the old agricultural labour must become superfluous. This last is obvious if we consider how ploughing was done in the eighteenth century Hebrides. When a piece of grass sward was turned up, two men went first with an implement called a *ristle*, made necessary by the ineffectiveness of the Hebridian plough. They were followed by a cavalcade of four horses drawing the plough proper, and accompanied generally by three more men. In other words, it took five men and five horses to do what one man and one horse would do under the new system.

Undoubtedly anything done to improve the old cattle farms was likely to raise the standard of comfort among the farmers, but it would not provide work for the rapidly increasing population. At best, all it could do was to make necessary a certain limited number of additional day labourers, as in the case of Islay.

That in itself was all to the good. A day labourer in the Highlands, as we have said before, could often live more

¹ Macdonald, *General View of the Agriculture of the Hebrides*, 1811.

prosperously and comfortably than the tenants with minute possessions.¹ There appeared to be during this period a serious shortage of day labour both on the Hebrides and on the mainland, and when we read the demands made for it, it is difficult at first to see why a great part of the practically unemployed Highland population could not have been profitably occupied in that way, at least while the improving era lasted. Anywhere but in the Highlands, it would seem a contradiction in terms to say that a shortage of day labourers and an excess of population existed side by side, but such appeared to be the fact.

The situation is explained by the psychological phenomenon which we have mentioned before. We quote from four independent witnesses, two of whom had spent their lives in the Highlands as parish ministers, the others being close and interested observers of Highland conditions :

'The genius of the people is more inclined to martial enterprise than to the painful industry and laborious exertion requisite to carry on the art of civil life. Till of late it was even with reluctance that they would live as day labourers ; and still the greater number of those employed in this way are brought from other countries.'²

'The people seem to be more inclined to idleness than to industry. They are extremely frugal of the little they have, but as to earning anything more, it is a melancholy fact, that a poor tenant, who rents land only to the value of twenty shillings or thirty shillings, and whose labour could well be spared from his little farm many days in the year, will rather saunter or sit idle at home than work for sixpence a day, which would be a considerable addition to his own and his family's scanty meal.'³

'Day labourers are unknown on the Highland farms ; though about the castles of chieftains and men of fortune they are found in sufficient abundance ; and, in the Lowlands, they will do the meanest of drudgery for the meanest tenants ; yet, cannot brook the idea of working for their neighbors ; they will rather loiter away the winter in idleness, and starve on the pittance they have saved in their summer's excursion.'⁴

'They (the subtenants) often prefer having their children about them in the most miserable state imaginable, to the hardships (or what they are pleased to call such) of driving them into

¹ See *O.S.A. Rogart* (Sutherland) ; *Kiltearn* (Ross).

² *O.S.A. Kingussie and Inch, Inverness, 1795.*

³ *O.S.A. Rogart* (Sutherland).

⁴ Marshall, *Central Highlands.*

service, either on their own island or anywhere else. It is a common sight, on entering the cottage of one of those subtenants, to find five or six grown-up individuals, half-naked and savage looking, around a peat fire watching a pot of potatoes (their sole food for nine months of the year), without any idea or wish of changing their manner of life ; and on being demanded to work for hire, asking the most extravagant wages, or determined to remain as you found them.’¹

These quotations make the attitude of the average Highlander towards ordinary day labour sufficiently clear. No doubt this point of view was gradually being modified, especially in districts that bordered on the Lowlands, but it was undoubtedly still strong enough in 1811 to be a factor that had to be seriously considered. So long as the Highland people felt as described, it was useless for anyone to suggest that the landlords could solve the Highland problem by increasing the demand for day labourers.

However zealously the owners adopted all the suggestions regarding tenure and better farming methods, he was always liable, at last, to come up against a blank wall. By the policy proposed, he could and did raise the standard of life amongst a limited number of people, but he could not, by means of it, provide acceptable occupations for all the persons who continued to make their headquarters upon his estate. The fact had to be faced that what they wanted was not work but land.

The only conceivable solution, then, of the Highland problem which was at the same time open to the landowners and desired by the people, was to plant the unoccupied persons upon the waste lands. True, this might not be possible for the individual proprietor ; he might possess none ; but it might be put forward as a solution of the problem as a whole, subject to the assertion that there were a considerable number of Highlanders who thought that there was nothing to choose between migrating to another district and leaving the country altogether.

Ignoring this last complication, we can start with the fact that at the end of the eighteenth century the Highlands possessed a certain area of reclaimable land.

Macdonald estimated that in 1811 there were something like 300,000 acres of waste in the Hebrides alone ; of these, 120,000 were mountain and 80,000 were pure bog, but the remaining 100,000 of mossy or heathy moor he thought were capable of becoming agricultural land if properly drained and limed.

¹ Macdonald, *The Hebrides*, 1811.

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On the north and west coast of the mainland, the proportion available for improvement was not so high, for the mountains came very close to the water line, and in the interior the climatic conditions raised more serious difficulties than in the islands; still there did exist here and there straths which had not hitherto been fully utilised.

A landlord who approached the subject of reclamation from the purely economic standpoint would have several things to consider. First, was the whole thing likely to be worth while? Would the land, which had no doubt already served some purpose as rough pasture, really produce any crops likely to give a sufficient return for the labour and money spent in reclaiming it. Secondly, if the reclaiming was to be done, what was the most economical method of doing it? Conceivably it might be done by the landlord himself undertaking the work and employing the labour; it might be done by getting the tenants of any large farms which adjoined the waste to reclaim some part as one of the conditions in their leases; it might be done by allowing crofters to take up some acres and bring them into cultivation by their own labour. In the case of very wet lands the second and third methods would hardly be possible without a considerable amount of co-operation by the owner.

Whichever one of these three methods was adopted, some additional work would be given to the inhabitants. But if the main purpose of the landowner was a humanitarian rather than an economic one, he would naturally choose the third plan as the one that appealed most to the people he was trying to help. Even from a purely economic point of view some owners preferred the crofter system. Lord Kames, for example, when he set himself to consider the case of reclaiming Kincardine Moss, found that to do the work entirely by himself would involve a prohibitive expense, and would compel him to charge a rent subsequently of from twelve to fifteen pounds an acre, if the operation was to be a commercial success and repay the outlay.

The policy of reclaiming the waste was eagerly urged upon the landlords by Macdonald and other writers, on the ground that it would supply the nation with more food (a strong argument in the early years of the nineteenth century); that it would provide a satisfactory method of disposing of the surplus population, and might even allow the landlords to enlarge the existing grazing farms to a size that would lend themselves better to the sort of improvements already described. The country as a whole, the

existing tenantry and the landlords, were all to benefit by the proposed changes.

Many landlords did take up the policy of reclamations, some mainly from the idea of making the most profitable use of their estates, others with the problem of over-population specially in mind.

The earliest and most conspicuous reclamation on a large scale within the Highland area was Kincardine Moss. This Moss was situated in the Monteith district of Perthshire between the Forth and the Teith, and extended to something like 2000 acres, of which 1500 were on the Blair Drummond Estate of Lord Kames. When Lord Kames took possession of his estate in 1766, his plan was to reclaim the Moss by a huge scheme of irrigation, the moss to be floated off, revealing the good soil underneath. The expense deterred him from doing it quite as originally planned; and the ultimate reclamation was the result of the joint efforts of Kames and his irrigation works and the crofters whom he got to co-operate with him. When Kames first projected his scheme it met with no enthusiasm from the surrounding farmers, and finally nine-tenths of the crofters were brought from the parishes of Callander and Balquhiddy, from which they had been displaced by the development of sheep farming. By 1790 most of the Moss was in occupation.

The agreement with the tenant was on the following lines. He was given eight acres of moss for a lease of thirty-eight years. He was allowed a share of the water power for floating off the moss. He was allowed timber sufficient to build a house; and two bolls of meal to support him while building it. In return he paid:

- For the first seven years—no rent.
- For the eighth year —1 mark Scots.
- For the ninth year —2 marks Scots.
- By the nineteenth year —19 marks Scots.

Then twelve shillings for each cleared acre, and half-a-crown for each acre unclaimed.

Once the scheme was well started there appeared plenty of Highlanders willing to carry on the reclamation on these terms.

Other estates took up the general idea and adapted it to local circumstances. Reclaiming with a view to giving employment was carried on at Strachur, in Islay, and in different parts of the Hebrides. Sheriff-Substitute Brown, who was a very cordial advocate of the crofters, described how, in the Central High-

lands, some comparatively high waste land had been brought into cultivation by means of them. As evidence of the general success of the crofting system, he stated that many owners who had turned most of their estates into sheep runs had by 1806 begun to reconsider matters, and had broken up some of the great sheep runs into small crofts.

The policy of reclamation was also taken up by various Sutherland proprietors. Dempster of Dunnichen, at all times a warm believer in small farms, was one of the pioneers upon his estate at Criech. The arrangement there was, that crofters might reclaim all the waste they could in return for an annual payment of one shilling during the crofter's life-time. When the crofter died, his heirs had the option of taking over the holding at a rent to be fixed by arbiters chosen by the landlord and the heirs. The rent so paid was to remain unchanged during the new possessor's life-time and to be similarly revised at his death. Crofters were also given enough seed corn and building materials to help them to make a start. The part of the waste that remained unoccupied could be used as common pasture by all the tenants, unless it was specially enclosed by the owner for the purpose of making plantations.

In the course of the first twenty years of the nineteenth century a similar system was in progress on the Sutherland estates of the Marquis of Stafford and Lord Reay. In these cases the development of the crofting system on the flat areas beside the shore was carried on simultaneously with the extensive development of sheep farming on the high lands in the interior. The earliest crofters were small cattle farmers who had been transferred.

In the face of these facts, it cannot be alleged that the Highland landlords ignored the possibilities of reclaiming, though from the statements of Macdonald in 1811, it is evident that the process was still capable of being carried a good deal further so far as the Hebrides were concerned. Where the crofting system was started, it appeared to have been welcomed by the inhabitants, and to have provided a considerable additional population with the means of support. Sheriff-Substitute Brown mentioned that about 1770 there had been on the eastern side of the Long Island, a district that was mainly waste, only some ten families; at the time he was writing, that is in 1806, the same area supported a population of nine hundred souls.

Undoubtedly the crofting system of reclamation helped to solve some of the immediate Highland difficulties, but whether,

from a broad point of view, it was a success was a matter of much controversy at the time and later.

Some contemporaries were enthusiastic about the results. Brown, writing in 1806, spoke in glowing terms of the contentment and comfort amongst the crofters who had come under his observation. The following quotation from an article in the *Farmers' Magazine* on the Sutherland crofters corroborates Brown's view :

'Services and payments in kind have been abolished ; in lieu of which, fixed money rents, on a moderate scale, have been substituted. To every cottage is attached a quantity of land at least sufficient for the maintenance of a cow ; but in most cases, every cottager has been allotted to him from two to three Scotch acres, capable of cultivation, with a proportional quantity of hill pasture. The new settlers have adopted every improvement in agriculture which their limited means will permit. The improvements which they have commenced, and which are now in progress by bringing into cultivation considerable portions of waste land, may be said to be astonishing ; and the exertions they have made since their industry has received a proper direction, and has been confined within proper limits, adapted to their respective means, give them a character totally different from that which formerly distinguished them. As they have increased in industry, so have they increased in the knowledge and the desire to possess those comforts which their circumstances can afford. Their turf hovels, after having, in the first instance, given place to cottages built of rough stones, without mortar, are, by degrees, changed into neat houses constructed of stone and lime. A greater attention to cleanliness commences to be an object ; and the cow and the pig begin no longer to inhabit the same dwelling with the family.'¹

As against such comparatively favourable descriptions, we have to put the vigorous attacks made on the crofting system from two very different quarters.

To some extent the creation of crofts of the type described went on simultaneously with the spread of sheep farming, and was intended as a provision for the displaced farmers. In such cases the crofters were given portions of waste land, generally small, and were concentrated in villages convenient for additional sources of livelihood like fishing and kelp-making. It was this aspect of crofting which attracted the attention of some writers

¹ *Farmers' Magazine*, February 1816.

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and led to their vigorous denunciations. It was obviously not the work of reclaiming to which such authors¹ objected; they were men deeply and very genuinely moved by the distress of the Highland people, and by the wrongs which they believed the latter had suffered at the hands of brutal and oppressive landowners, and they were inclined to see sinister motives in any changes proposed by the proprietors. The objections they made to crofting were its association with sheep farming; the compulsory transfer of the small tenants to new homes; the insufficient quantity of land provided; the exorbitant rents charged for it; and the wretchedness often existing amongst the crofters, which they compared unfavourably with the state of comfort previously enjoyed by the small cattle farmers.

The second group of critics, of whom one might select as types Sir George Mackenzie² and Dr. Macculloch,³ approached the whole subject from an entirely different point of view. They started from a much more friendly attitude toward the landowners, and their main preoccupation was how to make the best use of the land rather than how to make the situation of the majority of the local population more comfortable. Much of their criticism of crofting is purely economic, and is closely connected with the general dislike of the eighteenth-century improver for the small farm. They considered that crofting was an uneconomic method of reclaiming land, and that the results of the work of the crofters were very small in proportion to the vast expenditure of labour. Such criticisms, though they may have served to discourage some proprietors at the time, would not necessarily have detracted from the social value of the crofts. More serious was the fact that neither Macculloch nor Mackenzie thought that the system held out any hopes for the crofters themselves. Mackenzie thought that its weak spot was that, by confining a man permanently to a few acres, it offered no reasonable incentive to ambition, and gave the Highlander no chance of seriously improving his lot. Macculloch, touring

¹ *Sketches of the Character, Manners and Present State of the Highlanders*, Col. David Stewart, 1822.

A Critical Examination of Dr. Macculloch's Work on the Highlands and Western Isles of Scotland, Anon. 1826.

² *General View of the Agriculture of Ross and Cromarty*, Sir George Mackenzie, Bart., 1811.

³ *A Description of the Western Highlands of Scotland*, Dr. John Macculloch, 1819.

the Hebrides in 1819, thought that the generally deplorable condition of the crofters was a sufficient commentary on the drawbacks of the system.

Both groups of critics could bring a considerable amount of evidence in support of their views. Crofting was in many cases accompanied by injustice and oppression on the part of owners, and used by some as a fresh means of extortion, but the opponents of the change overlooked certain fundamental facts.

It will be evident from all that has been said, that writers like Colonel Stewart took an impossibly sentimental view of the previous situation of the crofter. At worst he was exchanging one life of poverty and hardship for another.

Again, as regards the insufficient size of the crofts, though there was justice in the charge, the situation arose partly from a real shortage of land and partly from the difficulty of preventing the tenants from subdividing their crofts. Those landlords who refused to allow such subdivision laid themselves open to a charge of brutality, since they virtually compelled some emigration; those who allowed it were blamed for the consequent state of wretchedness existing on their estates.

At first sight it seems difficult to reconcile the roseate view of crofting taken by Sheriff-Substitute Brown and the writer on the Sutherland improvements, with that taken either by Colonel Stewart or Dr. Macculloch. Though the two latter writers disagreed on most things, they were both emphatic in asserting that the crofters mostly lived a wretched existence.

Their view has some support from other sources. In 1826 a Parliamentary Report¹ on emigration produced sensational evidence as to Highland and Hebridian conditions, including areas where crofting had been tried. In Tiree one half of the population of the island had to live on the bounty of the rest. On Benbecula one-third of the population had no land, while the owner had had to spend nine thousand pounds between 1812 and 1818 simply to keep the people alive. The situation was then relieving itself in the usual way by a fresh outburst of emigration.

The two opposing views as to the value of crofting as a solution for Highland poverty and unemployment are not absolutely impossible to reconcile. The success of crofting depended largely on the existence of favouring circumstances. In the eighteenth century it worked best in those districts where cultivation of the land was not the sole resource of the crofter. On the

¹ *Parliamentary Papers*, vol. iv. 1826-1827.

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Sutherland estates, for example, the crofts planted along the shore did partly achieve their object. It is significant that during the bad years between 1812 and 1818, when most of the Highland areas suffered seriously, the Sutherland family had to distribute twelve thousand pounds to support their inland tenants who were still farming on the old system, but the crofters on the coast weathered the storm with little help. They could fall back in bad seasons on the fisheries.

Similarly, so long as kelp-making remained a profitable industry, which was the case until 1822, the crofters on the Hebrides stood a chance. But by 1822 prices of kelp, which had once ranged as high as ten pounds a ton, had fallen as low as two or three pounds, so that resource could no longer be relied upon.

Even at its best, crofting obviously had decided limits as a method of meeting the Highland difficulties. It was necessarily limited by the amount of waste land capable of intensive cultivation. It was hampered by the difficulty of preventing the Highlanders from subdividing their crofts into such small portions as could not possibly provide subsistence for a family. It is noticeable that on the Sutherland estates subdivision was forbidden. The Highlanders themselves were the chief obstacles to the crofting system being given a fair trial.

As a commentary on this whole discussion, it might be mentioned that in 1837 the Highlands again approached a sensational crisis in destitution. A report was drawn up by Mr. Robert Graham¹ and ordered to be printed by the House of Commons.

The report bore out the view that the destitution was due, not to any special oppression by the owners, either by way of rents, tenures, introduction of sheep or enlargement of farms.

'The evil consists in the want of occupation for the great mass of the population, in any way which will pay in any quarter. In many large districts the small tenants could not live as well upon their present possessions as the poorest labourers in the low country, if they were freed entirely from the burden of rent.'

Certain conclusions regarding Highland distress at this period would seem to emerge from the whole of this investigation.

First, that no manipulation of their estates by the owners could have provided employment for any length of time for all the people who wished to remain there. To maintain decently

¹ Letter from Mr. Robert Graham to Mr. Fox Maule on Highland destitution, 6th May, 1837.

even the existing population, leaving out of account the natural increase, subsidiary occupations of some sort were necessary—fisheries, kelp-making, canal building, manufactures, etc.—and the early nineteenth century saw these sources of employment diminished, not increased. The withdrawal of the fishing bounties, the abandonment of the protection to kelp, the revolution in the textile industries and their concentration in coal areas, were all aggravating factors in Highland distress.

Secondly, it must be admitted that those Highlanders who succeeded in their ambition of getting and retaining a small piece of land, were unlikely, even under a favourable system of tenure, to reach a comfortable standard of living. It is true that modern experience has shown that there are many more possibilities in the small farm than were dreamed of by the eighteenth-century improver. But where small farming in the late nineteenth and twentieth centuries has been a success it has been associated with certain conditions.

(a) More natural advantages than were to be found in the Highlands. (b) Good market facilities and some co-operative system of marketing. (c) Intensive cultivation. (d) A considerable amount of capital supplied by way of Land Banks and Credit Societies.

Of these conditions of success, not one was present in the Highlands or Hebrides.

What the eighteenth-century Highlands wanted was not a patriarchal chief, but an eighteenth-century Raiffeisen or Sir Horace Plunkett.

MARGARET I. ADAM.

Aesculapius in Fife : a Study of the Early Eighteenth Century

AMONG the many records of Scottish domestic accounts during the seventeenth century which have been published there are few which make any reference at all to expenditure on medical attendance, though, as the papers dealt with below clearly show, the doctor's bill must have formed an appreciable item in the annual budget of the family man.

The three accounts printed below, which have only recently come to light, are, probably, fair samples of the doctors' bills of the early years of the eighteenth century outside such towns as Edinburgh and Glasgow, and they throw some light on the activities and methods of the country practitioner of the time ; and, though they differ in respect of the fact that one deals with the every day slight affections of a healthy and growing family, and the other two with an illness which terminated fatally, they resemble each other in the remarkable variety of drugs prescribed,—with what particular object it is impossible to say.

A word is necessary regarding the two doctors concerned, Archibald Arnott and Robert Scott.

They were certainly not ' qualified ' in the modern sense of the term, but had learnt their business by an apprenticeship to a local ' chyrurgeon-potingary ' who, for a fee of about £600 Scots, undertook to instruct the pupil in the ' airtes of surgery and pharmacy.' After the three years of apprenticeship the pupil, if he desired it, could appear before the Incorporation of Surgeons and Barbers in Edinburgh or the Faculty of Physicians and Surgeons (including barbers) in Glasgow, and undergo a perfunctory examination, qualifying him to call himself a Chirurgeon-Apothecary. There was apparently no obligation whatever for the would-be practitioner to undergo any examination at all, and large numbers of men were in practice who had neither obtained this diploma, nor had any regular instruction in their profession. This condition of affairs is not to be wondered at

as, even in Edinburgh, there was no University school of medicine before 1726.

Nor is it likely that these men read much current medical literature, such as it was. The popular work called after its author 'Tippermalloch's Receits,' and a large volume by Pomet, chief druggist to King Louis XIV. of France, entitled 'A compleat history of Druggs' were available; but it is evident from the details of the accounts below that these two doctors at least had abandoned the empirical remedies recommended by Tippermalloch, such as applications of snails for 'cold distemper of the brain,' ants' eggs and onion juice for deafness, 'ashes of little frogs' for baldness, the burnt and powdered bones of a man for epilepsy, or the application of a living duck or frog, or a sucking puppy to the seat of colic pains. Doctors Arnott and Scott may have been empiricists, but they were not mere charlatans, as was Tippermalloch. On the contrary Arnott shows that he had been influenced by the teaching of the English physician Dr. Sydenham, who advocated the use of emetics containing antimony in the treatment of fevers. A report on this treatment had been made at the end of the seventeenth century by one Dr. Andrew Brown of Dolphington, and the practice of prescribing what were elegantly described as 'vomitors' was well established in Fife at this time.

If they made use of frogs, snails, pigeons' blood, and the like, these worthies presumably employed them on their 'panel' patients, not on the laird and his family.

It would be out of place here to enter into a critical examination of the accounts with a view to discovering the particular diseases from which the patients were suffering—it might, indeed, fail to produce any conclusion at all. The practitioner of that day was as ignorant of the causes of disease as he was of the action of his drugs on the diseased part; he worked by rule of thumb, and what he lacked in knowledge he made up for by energy of treatment, and a versatility in prescribing which could scarcely be surpassed now. It is quite clear, however, from the nature of the remedies, that the Lady Raith was suffering from a fatal complaint accompanied, as the rapidly increasing doses of laudanum show, by pain; while the family of Sir John Wemyss were principally victims of errors of diet.

Dr. Archibald Arnott's treatment was always thorough, and he believed in a whole-hearted assistance of *Natura Medicatrix*; he commenced with bleeding and followed that up with a

'vomiter,' which must have added markedly to the discomfort and weakness resulting from loss of blood. As his charge for a vomiter was thirty shillings, the fact that the operation of bleeding was performed gratuitously—in which he differed from Dr. Scott—must have tempered the wind of adversity to the Laird, whose finances, we know from other sources, were heavily embarrassed.

Among the drugs prescribed by name were some which are still in use, such as 'Cenna' (Senna), Turpentine, Laudanum, Syrup of Poppies and various essential oils—even the now fashionable Cinnamon was then in use. But, generally, Arnott preferred to conceal the identity of his drug and to leave his patient in ignorance of the remedy he was prescribing, by merely entering in his account such terms as 'A gargarisme' (gargle), 'the purging materials,' 'a vomiter,' and so forth. Incidentally he was not above prescribing for the Laird's stock, as in one account we find 'The Burgundie pitch for the horses'; in another account there is 'Rats bane for the house of Raith,' and 'Arisnick' (Arsenic), which was presumably used for the same purpose. Sometimes special reference is made to the fact that the drug was supplied in a 'glass' or 'paper.'

The financial aspect of the Wemyss account is not without interest. The Laird, who was actively engaged in developing his coal measures, was generally acutely embarrassed, and was in the habit of allowing his bills to remain unpaid. The opening entry in his account is for arrears of £784 Scots, which, at the rate for the period from September, 1714, to May, 1716, must have represented some six or seven years' attendance. During the twenty months covered by the account Dr. Arnott attended the family nearly a hundred times, so he must have been a familiar feature at Bogie. He had to come in some five miles from Kirkcaldy; and, in the absence of any road suitable for wheeled conveyances, he no doubt rode a horse to visit his patients. For this attendance his total charge amounted to £204 Scots. At first sight this appears a large amount, but a scrutiny of the drugs employed shows that in nearly all cases they were imported from England or abroad, and had to be paid for in the depreciated currency of the time. The most remarkable feature of the accounts, however, is that no charge was made for the attendance apart from the profit made on the medicaments supplied. It is regrettable to find from other documents that Dr. Arnott's bill was not paid for years after the Laird's death.

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The second account dated 1710/11, shows that Dr. Robert Scott was more a believer in drug treatment than Dr. Arnott; but he was less addicted to bleeding and the administration of vomiters. Variety was his strong point, and he changed his line of treatment, perhaps at the urgent request of his patient, nearly every time he was called in. He made use of what might almost be regarded as proprietary remedies, such as 'Jesuit's powder,' 'Melilot plaster,' and 'Mathe's pills,' evidently accepting them at their face value. But he also employed well known drugs, such as 'Ippoocacoan' (Ipecacuanha), Nitre, and Sal Ammoniac. Cosmetics were within his province, as is evidenced by his supply of 'ane large pott with Pomate'; here he manifested the ancient confusion between the functions of the barber and the surgeon.

His fee for bleeding was twelve shillings; on the other hand a 'vomiter' of a simple type was the same price, and it was only when 'Ippoocacoan' was an ingredient that he charged as much as Dr. Arnott. The bill for over two years was only £57 odd, but it was not paid until after her Ladyship's decease.

During the last three years of her life, the Lady Raith was under the care of Dr. Arnott, and to the layman it is evident that the increasing dosage of Laudanum betokened increase in pain suffered by the patient. This drug indeed was the principal one prescribed until January, 1719, when it was abandoned and cordials substituted.

The closing entries show that the duties of a medical man were not as strictly defined as they are now, and that, besides being professionally associated with the ancient art of the barber, he was also required to be an embalmer, and to perform certain of the functions of the undertaker. He provided not only the 'powders and oylls' necessary for embalming, but also the 'cear cloath' for 'wrapping the bodie.' Embalming, in varying degrees, according to the social position of the subject was a recognised duty of the apothecary, and full details of the methods to be employed are given in 'The compleat history of druggs' above referred to.

The account in this case, excluding the 'undertaking' items—which stand at £90 13s.—was about £260 Scots for a period of three years.

BRUCE SETON.

MY LADY RAITH'S ACCOUNT WITH ROBT SCOTT.

		lbs	s	d
	Rests of ane former account	27	14	6
Oct. 2 1710	Imp. one drop Oil of Cloves	00	04	00
6	It. Three drops of the oil of cloves	00	12	00
March 10 1711	It. Pott Venice turpentine	00	17	00
	It. ane large liniment with chyminal oils	02	12	00
23	It. ane dose Mathe's pils	00	12	00
	It. ane glass with Sweet Spirit Niter	01	18	00
	It. Volatile salt ammoniack gl(<i>ass</i>)	00	13	00
April 8	It. Oil of maros by expression	00	12	00
	It. Ane vomiter	00	12	00
August 1	It. two ounces of the white oint- ment	00	08	00
Oct. 4	It. 36 of Matheu's pils	01	16	00
	It. Spirit of Niter. gl	01	14	00
Nov. 6	It. four drops Spirit of Harthorn gl[<i>ass</i>]	00	14	00
	It. Spirit Sal Ammoniack gl.	00	13	00
8	It. Volatile Salt Harthorn 2 drops	00	13	00
12	It. 3 ounces of the white ointment	00	12	00
	It. ane vomiter gl	00	12	00
	It. ane Liniment pott	00	17	00
15	It. Jesuit's powder	00	18	00
	It. 2 drops volatile salt of harthorn	00	12	00
Jan. 5th	It. Ane vomiter gl	00	13	00
1712	It. Ane Defensive plaster	00	10	00
	It. Spirit Sal Ammoniack	00	12	00
Feb. 24th	It. ane Vomiter Ippoocacoan gl.	00	18	00
April 29	It. 3 dozes of Arisnick	00	17	00
	It. Seven ounces of white ointment	01	08	00
June 3	It. ane ounce and ane half of Senna	01	01	00
17	It. Vomiter of Ippoocacoan	00	18	00
24	It. ane vomiter gl.	00	12	00
Sept 1st	It. bleeding Mrs. Lindsay	00	12	00
Oct. 1st	It. ane Mixture gl.	01	10	00
	It. ane Vomiter gl. Butler	00	12	00
	It. bleeding another woman	00	12	00
	It. ane sudorifick mixture	00	18	00

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		lbs	s	d
Nov. 20	It. ane mutchkin Pennyroyal water	00	08	00
	It. 3 ounces white ointment	00	12	00
Dec. 20	It. bitter materials	00	12	00
	It. ane large pott with Pomate	00	16	00
Jan. 20th	It. Pomate as before	00	16	00
1713	It. ane bleeding plaister Cook	00	12	00
	It. ane Red Lead Plaister	00	17	00
March 10	It. Bleeding the chambermaid	00	12	00
	It. purging materials	02	14	00
13th	It. ane plaister	00	09	00
24th	It. Arsenick 3 doses	01	10	00
26	It. Ane blistering plaister	00	09	00
	It. Ane Melilot Plaster	00	03	00
28	It. Ane vesicatory plaster	00	07	00
August 25	It. Ane ounce of Liquorish	00	03	00
	It. Ane purging powder for 2 dozes	01	04	00
Sept. 17	It. 3 ounces white ointment	00	12	00
	It. ane red lead plaster	00	12	00
Nov. 16	It. Spirit of harthorn	00	12	00
	It. half an ounce of Empl. Oxycrot	00	06	00
	It. powder of Mastick half ane ounce	00	05	00
Dec. 7th	It. Venice turpentine pott	00	05	00
	It. ane large defensive plaster her woman	01	02	00
	It. ane large red plaster	00	17	00
	It. glasses and pots	01	15	00

Servants particular accounts given in.

All 82 12 06

Recd from My Ladie Bogie the soume of Eighty two pounds Scotts money and that in full payment and satisfaction for ane accompt for medicaments by my Lady Raith to me, and discharges her La:shipe and all concerned for now and ever, as witness my hand att Coatts the twenty day of May one thousand seven hundred and nineteen years, by me

ROBERT SCOTT.

ACCOUNT FOR THE MUCH HONOURED SIR JOHN WEMYSS OF
BOGIE TO ARCHIBALD ARNOTT. 1715.

		lib	sh	d
Jan 16	1715	A vomiter to Miss Ann	00	14 00
		A purging potion	01	10 00
	17	The potion with adition	01	14 00
	19th	Materials for white wine	02	18 00
Feb 4th		A fomentation to My Ladie	02	09 00
	20th	A vomiter	01	10 00
		The tincture to you	02	09 00
		A plaister to Miss Marie	00	02 00
March 5th		A purging potion	01	17 00
	7th	The potion	01	16 00
	8th	The potion	01	16 00
	10th	Letting your blood		
	11th	A purging potion	01	17 00
	13th	The potion	01	16 00
	15th	The potion	01	16 00
	19th	The potion	01	16 00
	21st	The potion	01	16 00
	29th	The plaister and liniment to your Ladie	00	18 00
April 4th		The plaister	00	10 00
	7th	The purging potion	01	16 00
	15th	The potion	01	16 00
May 3rd		The potion	01	16 00
Julie 4th		To letting Miss Babie's blood		
		A vomiter	00	18 00
		Two supositors to Miss Ann	00	08 00
		A clyster pipe mounted	00	14 00
	7th	Letting your blood		
		The purging infusion for both	03	00 00
	8th	The spirit of hartshorn	00	17 00
	11th	A vomiter to Miss Ann	00	18 00
		The syrup Viollots	01	05 00
	12th	A vomiter	00	18 00
Aug 16th		Letting my Ladie's blood		
		A plaister	00	06 00
		The spirit hartshorn	00	17 00
		The cinnamon water	00	13 00
	20th	The Laudanum	01	05 00

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		lib	sh	d
Aug 20th	The alkarine (? alkaline)	01	06	00
27th	A vomiter	01	10	00
Sept. 8th	The cinnamon water to Miss Ann	00	13	00
9th	The cinnamon water and purging materials	03	13	00
	Letting her blood.			
10th	The cinnamon water	00	13	00
11th	The cinnamon water	00	13	00
12th	The cinnamon water and seeds for emulsion	00	13	00
	The syrup white popies	00	17	00
14th	The syrup	00	17	00
	A julep	01	19	00
19th	The syrup and spirit hartshorn and seeds	01	18	00
20th	A liniment in a pott	00	19	00
26th	A liniment	00	19	00
30th	Letting Miss Babie's blood			
	The seeds for emulsion	00	12	00
Oct 3rd	A gargarisme for Miss Ann	00	19	00
	Three powders	01	09	00
	Two drop cafron	01	04	
5th	The purging materials	03	00	00
	A julep to Miss Babie	01	19	00
7th	Letting Miss Marie's blood			
	A vomiter	00	18	00
8th	A julep to Miss Babie	01	19	00
	The seeds for emulsion	00	12	00
11th	Three drops cafron	01	04	
	The purging materials	03	00	00
12th	The powders to her and Miss Ann	02	08	00
19th	The cinnamon water	00	13	00
	The laudanum	01	05	00
	The chamomile flowers	00	02	00
	The liniment for her boills and wounds	01	06	00
20th	The pills for Miss Babie	00	16	00
	A purgative potion for Miss Marie	00	19	00
27th	A julep for Thomas	01	19	00
	The Syrup of white poppies	00	17	00
28th	The blistering and drawing plaisters	00	18	00

		lib	sh	d
Nov. 8th	A purging potion to you	01	17	00
10th	A vomiter	01	10	00
16th	A purging ptizan to the children	01	14	00
23rd	The turpentine	00	03	00
Dec 13th	A drawing and blistering plaister to Thomas	01	02	00

Received full payment of the Above and all other Accts
preceding this eighth of June 1716 years

ARCHIBALD ARNOTT.

The following is an extract from Dr. Arnott's account

ACCT. THE RIGHT HONBLE MY LADY RAITH
TO ARCHIBALD ARNOTT.

		lib	s	d
March 21 1716	Imp. The Laudanum to your Lāship	00	07	00

Note : This entry is repeated at intervals of three or four days until November, 1718. The amount supplied increased steadily ; at first the quantity was $2\frac{1}{2}$ drachms, in the later weeks it had risen to 10 drachms.

In December, 1718, other drugs begin to appear, but laudanum in still larger doses was still prescribed until a short time before the patient's death. These entries are omitted here for want of space.

Dec 2nd	Oills for your Lāships foot	01	11	00
	Materialls for Sock ¹	02	08	00
17th	Spirit salt ammoniack	00	09	00
23rd	Spirit harthorn	00	09	00
31st	The Senna	00	09	00
1718. Jan 6th	The Syrup of violots	01	13	00
10th	A vomiter ²	01	10	00
	The spermacetie	00	16	00

Note : This drug was frequently prescribed in this case.

13th	The salt harthorn	00	13	00
16th	3 papers materials for ptizan	02	19	00

¹ The word 'sock' is quite clear in the script, but its meaning is obscure. It is repeated several times.

² Dr. Arnott spared this patient in his prescribing vomiters.

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		lib	s	d
Feb 28th	The oylys for her Lāps side	01	17	00
	A plaister for her ankle	00	18	00
Sept 14	The manna and powder	01	04	00
19	The stomachick decoction	01	05	00
Dec. 19	For Rats bane to the house of Raith	00	16	00
	The lotion for her Lāships mouth	01	05	00
1719 Jan 8th	The Cordial	02	09	00
Feb 2	A cordial julep	02	09	00
	$\frac{1}{4}$ mutchkin Cinnamon water	00	10	00
12th	The oyll of Maros	01	05	00
	The oyntmenti	00	05	00
	The plaster	00	12	00
	The julep	01	04	00
	$\frac{1}{2}$ mutchkin The cinnamon water	00	18	00
24th	Item : To wrapping the bodie in cear cloth	66	13	4
	Powders and oylys for the bodie & cofin	24	00	00
		<hr/>		
		ye soume of ye whole is 352 07 02		

Letters from Queen Anne to Godolphin

THE following letters form the sole contents of Add. MS. 28070 in the British Museum. They are all written to Godolphin by Queen Anne, the first before her accession to the throne. Three of the letters illustrate the opinion of the Queen of the characters of the Scottish statesmen who were mainly responsible for the Union of 1707. The last apparently reveals the Queen's anxiety about the naval measures to be taken to avert the expedition of the Pretender to Scotland in 1708. The letters are not fully dated, but an attempt has been made to supply as exact dates as the internal evidence permits.

G. DAVIES.

I.

WINDSOR, Tuesday night. [?23rd September, 1701.]¹

I can not let your servant go back without returning my thanks for your letter he brought me, & assuring you it is a very great satisfaction to me to find you agree with Mrs. Morley concerning the ill natured cruel proceedings of Mr. Caliban, which vexes me more than you can imagine, & I am out of all patience when I think I must do so monstrous a thing as not to put my lodgings in mourning for my father. I hope if you can get a copy of the will Lord Manchester says he will send over you will be so kind as to let me see it, & ever believe me your faithful servant.

For the Lord Godolphin.

¹ James II. died $\frac{5}{10}$ September, 1701. Manchester (the English representative at Paris) mentions that he hopes to send a copy of James's will to England in a letter dated $\frac{17}{28}$ Sept. (Tindal, *History of England*, iii. 494-5). Under Thursday, 18th Sept., Luttrell, *Brief Historical Relation*, v. 91, mentions a rumour that William III. had given orders to forbid the court going into mourning.

'Mr. Caliban' is William III., and 'Mrs. Morley' Princess Anne herself.

II.

WINDSOR June the 6th. [1705.]¹

I give you many thanks for your letter & for the answer you have given the D. of Queensberry, for indeed it would be very uneasy to me to have any thing said to him which might look like a command to go down into Scotland, being sure if upon that, he and his friends behaves themselves well in the Parliament he will expect to be taken into my service wch. is a thing I can never consent to, his last tricking behaviour having made him more odious to me than ever. I have enquired of the Prince about what you mention of Sr. G. Rook & he told me presently he was afraid his name was in the commission for when it was brought to him to sign Mr. Clark told him it was the same as the old one, only with the name of Mr. Walpol instead of Mr. Bridges which the Prince says he did not then reflect upon, always looking upon Sr. G. Rook to be entirely out of service but remembering since he signed the commission what Mr. Clark had said, he intended if I had not spoke to him to have enquired into the matter & order a new commission to be drawn leaving out Sr. G. Rook. You will easily imagine that these things that reflect upon the Prince are very uneasy to me, & consequently that I will use my utmost endeavour to get him to part with him that is the occasion of them. Pardon this strange scrawl & believe me with all trust your humble servant.

III.

WINDSOR June the 14th. [1705.]²

Tho you tell me you intend to be here either tomorrow night or Saturday morning, I can not help venting my thoughts upon the Scotch affairs, & in the first place I think those people use me very hardly in opposing Lord Forfar's being of the Treasury & I should be very glad to know your opinion whether upon this refusal I might not write to the Commissioner to let him know if he does not think it for the service that Lord Forfar should

¹ The date of this letter is 1705, because Sir Robert Walpole was appointed one of the Council of Prince George of Denmark on 28th June (*Dict. Nat. Biog.*). Also Queensberry was in London at this time. His 'tricking behaviour' took place in 1704, when he allied himself with the Jacobites (Hume Brown, *The Union*, p. 96).

² It is clear from the first sentence of this letter that it was written on a Thursday. 14th June was a Thursday in 1705.

have that post I recommended him to, I would have let him have some other that may be equivalent to it and that I do expect he should comply with this one desire of mine in return for all the compliances I have made to him. This may displease his grace's touchy temper, but I can't see it can do any prejudice to my service and in my poor opinion such usage should be resented. As to the Duke of Queensberry, tho he is none of my choice, I own it goes mightily against me, it grates my soul to take a man into my service that has not only betrayed me, but tricked me several times, one that has been obnoxious to his own countrymen these many years and one that I can never be convinced can be of any use, but after all this since my friends may be censured & that it may be said if I had not been obstinate every-thing would have gone well, I will do myself the violence these unreasonable Scots men desire & indeed it is an unexpressable one. The draught of the letter and instructions as you propose, will certainly be much better than those that are come out of Scotland, but I am entirely of your opinion that no method will succeed. My heart was so full that it was impossible for me to forbear easing it a little, & therefore I hope you will excuse this trouble.

IV.

WINDSOR July the 11th. [1705.]¹

Your telling me yesterday that when you were at London you would consider to whom it would be proper to give the great seal, is the occasion of my giving you this trouble at this time, for I think it is always best to tell one's thoughts freely before one takes a final resolution in a thing of this nature, & therefore I can not help saying I wish very much that there may be a moderate Tory found for this employment, for I must own to you I dread the falling into the hands of either party and the Whigs have had so many favours showed them of late, that I fear a very few more will put me insensibly into their power which is what I'm sure you would not have happen no more than I. I know my dear unkind friend has so good an opinion of all that party, that to be sure she will use all her endeavour to get you to prevail with me to put one of them into this great post & I can not help being

¹ The date is fixed by the mention of the lord keepership, a position in which the Whig Cowper succeeded the Tory Wright in October, 1705.

The 'dear unkind friend' was the Duchess of Marlborough, whose zeal for the Whigs is well known.

apprehensive that not only she but others may be desirous to have one of the heads of them in possession of the seal, but I hope in God you will never think that reasonable, for that would be an unexpressible uneasiness and mortification for me. There is nobody I can rely upon but your self to bring me out of all my difficulties and I do put an entire confidence in you not doubting but you will do all you can to keep me out of the power of the merciless men of both parties, and to that end make desire of one for Ld. Keeper that will be the likeliest to prevent that danger.

V.

WINDSOR, Wednesday evening. [?26th Sept. 1705.]¹

I could not resolve with myself to send any answer to the flying packet which is come from Scotland without asking your opinion what is proper to be done in the business concerning Lord Annandel which the Commissioner & some of the other servants are so very pressing in. I can't but say the reasons they give seem very reasonable as to Scotland, but I believe it will not be thought so here as to England, however what you think is best to be done I shall very readily agree to. I find some are against the Chancellor's coming hither, & very desirous the D[uke] of Q[ueensberry] should be sent for, may be his being here may be of use, but then I think the chan[cellor] should be sent for too, or else he will have reason to think himself neglected & in my poor opinion he should be called up whoever is, for besides that he is the best tempered man amongst them & that he has behaved himself the most faithfully of all my Scots servants I really believe he will give the purest and impartialist accounts of things and people & his stay need be but a very little time here. I do not send you the Commissioner[s] letter to me there being nothing in it but what you will have a fuller account of in Sir David Nairn's letters & for that I shall trouble you no more at this time on that subject.

I desire if you can conveniently that you would give your self the trouble before you come from Newmarket to go and look

¹ The business concerning Annandale is probably his dismissal from the secretaryship of state, which took place on 29th Sept. 1705 (*Dict. Nat. Biog.*). Anne was at Windsor at this time (Luttrell, *Brief Historical Relation*, v. 594). The reference can scarcely apply to the contents of Annandale's letter of 3rd July (Hume Brown, *The Union*, pp. 190-1), because Seafeld and Queensberry would not have been sent for during the parliamentary session at Edinburgh.

upon my house. I am in such haste that I fear I have writ nonsense.

VI.

WINDSOR June the 4th. [? 1706.]¹

I thank you for your letters which I received this morning as soon as I was awake & did intend if I had not heard from you to have troubled you with a letter about a thing I have forgot a long time to speak of & that is concerning what the States & I are to give Prince Charles of Denmark in recompense of his loss of the bishopric of Lubeck. I find the Prince thinks it will be expected that the States should give two thousand pound a year & I four, Mr. Secretary Harley telling me yesterday you had some thoughts of proposing to the Prince to give some estate that he has in Denmark to his nephew for my four thousand pound, I should be glad to know if you continue of the same opinion that I may try how the Prince is inclined to this change, knowing he thinks the States are very slow, & is very desirous this business should come to a conclusion. I desire you would let me know what answer you think will be proper for me to give to the enclosed, not that I have any objection against the thing, for now that we have God be thanked so hopeful a prospect of a peace there can not be those inconveniences in making promotions of this kind as there was two years ago, but because I am not sure what Mr. Secretary Hedges has said to Coll. Stanhope on this subject.

VII.

WINDSOR. Wednesday evening. [?February, 1708.]²

Seeing Lord Dursley here today when there ought to be two flags with the fleet besides Sr. G. Bing, to go with the two intended expeditions makes both the Prince and me very uneasy,

¹ As Harley was appointed secretary of state in May, 1704, and Hedges was dismissed from that office in December, 1706, this letter must belong to one of the years 1704-6. The last is the most probable year, because there were indirect peace negotiations then, and because Harley had been interested in the question of the bishopric of Lubeck earlier in that year (Hist. MSS. Com., *Portland MSS.* iv.).

'Coll. Stanhope' is James Stanhope, created brigadier-general 25th August, 1704 (Dalton, *Army Lists*, v. 17)—roughly two years before June, 1706.

² The clues to the time this letter was written are slight, but point to about the end of January or the beginning of February, 1708, since the Queen seems to be referring to the preparations for sending out a fleet to stop the intended

& the more because Lord Dursley desires to stay two or three days longer in town. He has asked the Prince's leave to stay twice since he came hither which the Prince has denied him as often, but not knowing what resolution his Lordship may take, I can't help giving you this trouble to desire you would speak with him when he comes to town and endeavour to prevail with him to return to his duty, for else if Sir John Jennings must have leave to go to the bath, there will be no flag to attend Sir G. B[ying] in his expedition nor to go with the ships that are ordered to Ireland which in my poor opinion would be very shameful, & is all I have to say at present but that I am sincerely your humble servant.

expedition of the 'Old Pretender' to Scotland. On 26th January, 1708, Byng was gazetted as admiral to command the fleet, Sir John Jennings was made vice-admiral of the red, and James Berkeley, by courtesy Viscount Dursley (he had been called to the upper house as Baron Berkeley in March, 1705. *House of Lords MSS.* 1704-6. The date given in *Dict. Nat. Biog.* is incorrect) was made vice-admiral of the blue. These were the two flags who were to accompany Byng and finally did (Luttrell, vi. 269, 272; Burchett's *Complete History*, p. 742 seq.; Charnock's *Biographia Navalis* and *Dict. Nat. Biog. sub.* Byng, Berkeley and Jennings).

Bellenden's Translation of the History of Hector Boece

IN October, 1919, the present writers published in the *Scottish Historical Review* (xvii. 12) an article dealing with some features of the *Translation of the History of Hector Boece*, by John Bellenden, Canon of Ross, and called attention to an important Manuscript of Bellenden, the Auchinleck Manuscript, now in the Library of University College, London. In particular, attention was directed to the important and significant differences between the Auchinleck text and the printed text of c. 1540, reprinted in 1821-22.

One result of the former article was an invitation from the Scottish Text Society to the present writers to prepare an edition of Bellenden for that Society. The invitation was accepted, as it appeared highly desirable that a new and more accurate edition of Bellenden's *Chronicle* should be attempted, in the hope that it might be a not altogether unfitting sequel to Professor Craigie's admirable edition of Bellenden's *Livy* for that Society. The new edition is now in course of preparation; but as some time must elapse before the first volume can appear, it may be of interest to students of Scottish history to have now some additional information which has come to light.

The further result of the article was to bring from various sources valuable information as to other Manuscripts of Bellenden which were unknown to Thomas Maitland, the editor of the printed edition of 1821-22. Altogether nine Manuscripts of Bellenden's *Chronicle* are now known to exist.

1. PIERPONT MORGAN. The finest, most accurate, and probably most primitive MS. of Bellenden at present known is in the wonderful private collection of Mr. J. Pierpont Morgan of New York. It was prepared for King James V. of Scotland and has a beautifully illuminated title-page, containing the arms of King James V. impaled with those of his Queen, Madeline. It is a large folio of 312 leaves, many with fine borders or

capitals. It is complete in every respect. It was formerly in the possession of the Earl of Lauderdale and has an autograph inscription by him on the first page.

The text has been compared with that of the other Manuscripts and with the printed text: also with the original Latin version of Boece. Its general superiority is so marked that the editors have decided—with Mr. Morgan's permission—to make this Manuscript the basis of the definitive text, adding, of course, notes on collation with other MSS. For brevity this MS. will be referred to below as M.

At this point reference may appropriately be made to the great courtesy and generosity of Mr. Pierpont Morgan, who has sent the MS. to London and deposited it in the British Museum on loan for the editors' use; and further, has contributed to the funds of the Scottish Text Society, to pay for the cost of transcription, the cost of rotographing the whole Manuscript (in itself, a most important point, so that in future years there will be a complete record of this interesting document in this country, when the original has returned to America), and the cost of reproducing two of the best pages in colour and eight in collotype.

2. AUCHINLECK. In the Library of University College, London. This was described to some extent in our former article. One point may, however, be added. Mr. James F. Kellar Johnstone of Aberdeen, who has examined the binding, believes that this MS., before it passed into the Boswell collection, must have belonged to one of the Maitland family, either to John Maitland, 1st Viscount Lauderdale, or Richard Maitland, the antiquary and biographer. It is possible that Viscount Lauderdale, if it was his, got it from his father-in-law, Alexander Seton, 1st Lord Fyvie and 1st Earl of Dunfermline, the Chancellor of Scotland. It will be called A.

3. REGISTER HOUSE, EDINBURGH. A sixteenth century MS. of 173 leaves. Defective—it begins in the middle of Book I., Chapter ii., and breaks off in the middle of Book XVI., Chapter ii. It will be called R.

4. TRINITY COLLEGE, CAMBRIDGE. 1193. Marked G 25. No. 310. Folio, early sixteenth century. Defective in the table of contents at the beginning: also at the end, where it breaks off in the middle of Book XVII., Chapter v. At the end of the *Ballate* it contains a note: *Liber cronicarum Regum et gestorum Scotorum pro domino Johanne Roull, Priore de Pettinweym, alias maizo (?)*.

It will be called C. It has not yet been examined in detail by the editors.

5. BATH. A fine folio in the Library of the Marquis of Bath at Longleat. It appears to be perfect and complete: it is on 246 leaves. Its previous history is explained by the following note: 'Found in Edinburgh at the wyninge and burninge thareof the 7th of May being Wednesday the xxxvith yeir of the Reyn of our Soverayn Lord King Henry the eight per John Thynne.'

It has been placed on loan at the British Museum, for the use of the editors, by the courtesy of the Marquis of Bath. It will be called B.

6. UNIVERSITY LIBRARY, EDINBURGH. The Catalogue of the Laing MSS. contains the following entry:

p. 16, 205. Translation of Boetius *Chronicles of Scotland*, by Mr. John Bellentyne, Canon of Ross. Sixteenth century. Arms of Gordon of Earlston inside of cover.

This MS. also has not yet been examined by the editors. It will be called L.

7. ADVOCATES' LIBRARY, EDINBURGH. This Library possesses a seventeenth century Manuscript, which appears to be closely similar to the printed text. It will be called E.

8 and 9. Manuscripts rather similar to E and, as far as can be judged from a somewhat cursory examination, possessing much the same characteristics as the printed text, are in the possession of Dr. George Neilson and Dr. J. T. T. Brown, of Glasgow, who were good enough to show them to one of the editors. These will be called respectively N and Br.

Probably other Manuscripts of Bellenden will come to light before the proposed edition is ready.

Summarizing then to this point, the investigation has resulted in locating eight more MSS., besides Auchinleck—the starting point. Of these four, viz. M, A, B, and probably L, are complete: two, viz. R and C, are incomplete: three, viz. E, N and Br, are too late to be of much importance.

The present article is only an interim statement, and the editors are not in a position to offer an exact and accurate genealogical tree of the MSS., showing their interrelation. They can only at this stage suggest some general principles.

In the *Scottish Historical Review* (xvii. 12) attention was called to the striking differences between the text of A and the printed text; and to the fact that Bellenden, having in October,

1531, received £30 for his 'translating of the Croniclis,' received in July, 1533, £12 for 'ane new Cronikle.'

The work already done in examining and comparing the various MS. texts and the printed text serves to demonstrate that while the differences between one MS. and another are numerous and sometimes important, they are few compared to the differences between the MSS. generally and the printed text. It would be no exaggeration to say that the printed text is a version in which almost every sentence has been rewritten. It would be difficult to find a single line of the printed text which agreed absolutely with the corresponding passage of any of the MSS., except of course, E, N, and Br. We have in the printed text essentially 'ane new Cronikle.'

The more interesting, as naturally the more difficult, problem, is the interrelation of the more important MSS. In our previous article some characteristic passages were given, illustrating the differences between A and the first printed text of c. 1540. It is proposed to give the passages in M, B, and R corresponding to some of these. Points of comparison are italicized.

Book XIV. cap. 5 [See *S.H.R.*, xvii. 12].

M.	B.	R.
Robert Bruse quhilk <i>was</i> yis tyme with ye Army of Ingland, thynkand nocht eneuch to invaid ye Scottis with batall <i>bot als</i> to eik his iniure with mair tresoune come on ye bakkis of Scottis. . . .	<i>was</i> [A. reads <i>wes</i>]	<i>was</i>
For you sall nocht faill ane <i>myschevous end</i> be punicioun of God, quhen you belevis lest, for ye frequent iniuris done sa oft- tymes aganis yi native cuntre. <i>I compte</i> na payne nor deth in defence of my cuntre, and sall cess nothir nychtis nor dayis for defence yairof.	<i>bot</i> [A. omits]	omits <i>bot als</i>
	<i>mishevus dede</i> [A. <i>mischevis deia</i>]	<i>miserable deid</i>
	<i>certifying ye yat</i> before <i>I compte</i> [A. also] <i>nor displessour</i> [A. <i>displeseir</i>]	<i>certifying ye yat</i> before <i>I compte</i> <i>nor displeseir</i>

Book XIV. cap. 5.

M.	B.	R.
It is sayid yat Robert Bruse <i>was</i> ye causs of ye discomfitoure of yis last feild at Dunbar, for in ye begynnyng of ye bataill he pro-	<i>was</i> [A. <i>wes</i>] <i>yis</i> [A. <i>ye</i>]	<i>wes</i> <i>ye</i>

M.	B.	R.
mittit to king Edward to cum <i>fra Ballioll</i> with all his freyndis and kynnismen quhilkis wald assist to him . . . yai tynt curage and war slayne lyke <i>schepe</i> but ony defence. Eftir yis discomfi- toure Robert Bruse come to king Edward desyring ye rewarde of his tresoun, quhilk (as he belevit) sulde haif bene ye realme of <i>Scotland.</i>	<i>fra Ballioll</i> [A. <i>fra king Ballioll</i>] <i>miserabil creaturis</i> [A. ditto] <i>Scottis</i> [A. ditto]	<i>fra Ballioll</i> <i>miserable</i> <i>creaturis</i> <i>Scottis</i>

Admittedly these are only small verbal variants, but they have some significance in determining relationship. The words 'lyke schepe' above are a translation of Boece's *veluti pecora*, wrongly spelled 'peiora' in the Latin text of 1526. M is thus slightly nearer to the Latin original than the other MSS.

Book XIV. cap. 7.

Attention was called in 1919 to A's mistake about the meeting of Bruce with his brother. Boece's Latin text says Bruce met *Fratrem Dauidem cum Roberto Flemein*. A gives this as 'Dauid Bruse and Dauid Flemyn': while M, B, and R all give 'Dauid Bruse and Robert Flemyng.' All three are thus more accurate than A, or rather more faithful to their original, for as a matter of historical fact Boece and all the Bellenden MSS. are wrong, since Bruce's brother was Edward, not David.

Book XIII. cap. 15.

Reference was also made in 1919 to the comments on S. Gilbert, as showing the growing tendency towards advanced ideas in religion. B is interesting in one detail. M and R agree with A in admitting that miracles were being wrought by his body 'to our dais': but the scribe of B, either intentionally or accidentally omits the words 'to our dais,' possibly being in some doubt whether the miracles were still being wrought. B is in this point a half-way house towards the rationalistic printed text, which has omitted the whole sentence about the miracles.

From these and a good many other variants which have been studied, the editors have come to the following provisional opinions:

(1) That M is the best text and the one nearest to the Latin original.

(2) That M is at present in a class by itself, possessing certain quite characteristic features.

(3) That B, R, and A are closely allied—more closely than any one of them is to M.

(4) That the printed text represents a fresh recension, probably based upon the common ancestor of B, R, and A.

R. W. CHAMBERS.

WALTER SETON.

Rent-Rolls of the Knights of St. John of Jerusalem in Scotland

IN the years 1828-29-30 the late James Maidment, Advocate, Edinburgh, published in very limited editions copies of certain papers which had come into his hands relating to the history, privileges and possessions of the Knights-Templars in Scotland and their successors the Knights of St. John of Jerusalem. These pamphlets, five in number issued in paper covers, are now rare. To one of them entitled *Abstract of the Charters and other papers recorded in the Chartulary of Torphichen from 1581 to 1596* is prefixed an introductory notice wherein the loss, or supposed loss, of the greater part of the Chartulary is deplored.

It is, however, clear that Manuscript Rentals of the varied possessions of the Knights Hospitallers in Scotland were made with some care in the fifteenth and sixteenth centuries, and that more than one copy has come down to us. Not only the yearly tack and feu duties payable, but especially the dues exigible on the entry of heirs and singular successors made these rent-rolls necessary for the ingathering of the revenues of the preceptory by the officials appointed for this purpose by the Lord of St. John's.

In the General Register House are preserved in manuscript certain 'Minutes of evidents of Temple lands' which belong to the late sixteenth and early seventeenth century. These contain matter of some historical and genealogical value, and the present writer transcribed certain portions, but they have not been published as yet.

The late Mr. John Smart, W.S., Edinburgh, had made a copy executed with great care of a Rent-roll which had come into his possession. He was much interested in the history of the Order of Hospitallers in Scotland and contemplated publishing a volume upon the subject. Some excerpts from Mr. Smart's copy are appended to this note in the belief that their quaint

interest will stimulate a desire to see in print the entire rent-roll with its asides indicating the trials of a landowner in Scotland upwards of three hundred years ago. JOHN EDWARDS.

EXCERPTS FROM TRANSCRIPT OF THE HOSPITAL (TEMPLE) RENTAL
PRODUCED IN *HILL v LOCKHART*, 1852

[folio 13]

Terre et Baronia de Denny iacentes infra vicecomitatum de Striueling

Memorandum, ze barony of Denny at this tym pais be zeir . . . xxiiij. [s] War ze Miathill¹ weill set it war bettir, quhilk ze Kincadis haldis on [blank] quhill God send remeid.

Item, ilk fywe² zeris, ze landis of Denny, ilk mark land pais xxs. of gersum.

Item, ze haill landis pais zerlie ix dussan of pultre.

Item, ze myln of Denny wes wont & suld pay zeirlie of meile . . . iij chalder bot now I get nocht sa mekyll. The lard of Artht³ haldis ze meile of ze Garwald, and ze Kincadis haldis ze meile of ze Miathill, bot & God will, zar wil be remeid gottin. Zai haue gottin discharge of naine to zis tym bot al ma be.

Memorandum, ilk xxs. of land of Denny suld pay zeirlie of meile clerlie [blank] and millar suld pay four boll meile.

Item, ze uast⁴ medow suld pay zeirlie v rukkis of hay.

.

The Garwald.

The Lard of Artht hes this . . . iij mkis xxd.

The Miathill.

This toun ane Kincaid hes it aganis my veill,⁵ & pais bot iij markis & a half.

[folio 29]

Heir followis the schiris of al zis realme and to quhom ilk part is set at zis present tym & for quhat proffit. Imprimis, the schyraiffdom of Berwy, set to Thom Brovn, & takkis for ze awellis zarfor as he plesis to gyf at zis tym.

Item, ze schyraiffdom of Tawedaile⁶ is output to proffit, & Sande Weddale is band to help, as he may, to put it to order.

Item, the schyraiffdom of Tueddaile is set to William Dudingstoun.

Item, Estlothian fra Colburnispetht to near Mussilburcht-schir with Ouer-lothian set to Andro Lyndesay, payand zarfor yeirlie xii markis.

Item, Wost lothian & Lynlythcu schiris, set to William Polwort for v markis, quhilk he hes in his fyre.

¹ Mutehill, Motehill.

² Five.

³ Airth.

⁴ West.

⁵ Will.

⁶ Teviotdale.

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Item, Stirling schir, set to Alexr. Lewingstoun of ze Benzardis.

Item, Cliddisdaile set to Thom Hammiltoun in ze Wodhale bayth ouerward & neythir by ze barony of Renfrow, Payand zeirlie . . . xis.

[folio 57]

STRAGRIF.

Barnran	-	-	-	-	ij s.
Hirskin [<i>Erskine</i>]	-	-	-	-	ij s. iiij d.
Hinchinan :					
Stephanus de Colgare	-	-	-	-	xiiij s.
Regni filius Spothan	-	-	-	-	vij s.
Ioannes de Lessaw	-	-	-	-	vij s.
Terra de ponte	-	-	-	-	xij [s.]

RENFREW.

Henricus Eufemie	-	-	-	-	ij s.
De terra Leidis soulre	-	-	-	-	xviiij d.
Terra Johannis Coci	-	-	-	-	ij s.
Crokestoun	-	-	-	-	ij s.
Pollokis	-	-	-	-	ij s.
Heglinham	-	-	-	-	ij s.
Newton in lie Mernis	-	-	-	-	xiiij s.
Casteltoun	-	-	-	-	ij s.
Belliis Croft & Pennyshill,					
possesit be James Widraw.					

GLASGW.

Terra Oliver	-	-	-	-	xij d.
Terra Nicholaii de Permetar	-	-	-	-	xij d.
Terra Richardi Belle	-	-	-	-	xij d.
Terra Willielmi de Madwell,					xij d.

RUGLEN.

Terra de Flede	-	-	-	-	xij d.
Terra Henrici Brady	-	-	-	-	xiiij d.
Terra Willielmi Colt	-	-	-	-	xij d.
Terra Willielmi Osualde	-	-	-	-	ij s.
Terra Willielmi Clerici	-	-	-	-	ij s.

The Professional Pricker and his Test for Witchcraft

NOTWITHSTANDING the strenuous advocacy of James I., in his *Daemonologie*, the cold-water ordeal, or, to borrow the royal phraseology, 'fleeing on the water,' never became popular in Scotland, as a test for witches. In England it was different. This ordeal was the favourite *modus operandi* of Matthew Hopkins, the infamous Witch-Finder of Manningtree; and long after witchcraft, as a crime punishable by death, had disappeared from the statute-book, 'swimming the witch' was indulged in as a serious pastime in many a rural district.

That there may have been sporadic instances of its employment in Scotland is possible; certain place-names that still survive would seem to suggest this. There is, for example, at St. Andrews a Witch Lake, into which, according to local tradition, suspected witches were cast, to sink or swim. Dalzell, however, may be more correct when he says that 'The Witch Lake, a rocky bay of the sea at St. Andrews, is said to be so denominated from the ashes of the victims having been thrown into it.'¹ In the *Statistical Account of Scotland*,² from the description of the parish of Kirriemuir, comes the sentence: 'A circular pond, commonly called 'the Witch-pool,' was lately converted into a reservoir for the mills on the Gairie; a much better use than, if we may judge from the name, the superstition of our ancestors led them to apply it.' The statement is non-committal on the particular way in which the superstition manifested itself. The scattering of the ashes was regarded as imperative, in order that they might not be employed for further malefices by the surviving sorceresses. Increase Mather,³ throws light upon this. 'It is noted in the Germanic Ephemeris for the year 1675, that a man troubled with a fistula, which the physicians by all their art could not relieve, a person that was esteemed a wizard undertook

¹ *The Darker Superstitions of Scotland*, Edinburgh, 1834, p. 636.

² 1791-9, xii. 197.

³ *Remarkable Providences*, 1890, p. 192.

to cure ; and applying a powder to the wound, within a few dayes the sick party recovered. The powder was some of the ashes of a certain woman who had been burnt to death for a witch.'

The pricker sprang into existence owing to the Devil marking his own. Some of the witch marks were visible, others invisible. The invisible marks could only be recognised as such by their anaesthesia ; logically, therefore, pricking was the only sure test. At first, this process would be entrusted to enthusiastic amateurs, such as the parish ministers interested in the various cases. Catherine Oswald was found guilty of witchcraft in 1630 ; ' the advocate for the instruction of the assyze producing the declaration of two witnesses, that being in the tolbuith, saw Mr. John Aird, minister, put a prin in the pannell's shoulder, (where she carries the devill's mark) up to the heid, and no bluid followed theiron, nor she shrinking thereat : which was againe done in the justice-depute his own presence.'¹ Rev. John Bell, minister of the Gospel at Gladsmuir, discoursing on the ' stigma ' says : ' I need not insist much in describing this mark, which is sometimes like a blewish spot ; and I myself have seen it in the body of a confessing witch, like a little powder-mark of a blea colour, somewhat hard, and withall insensible, so as it did not bleed when I pricked it.'² Soon, however, pricking would be taken out of the hands of the clergy to be given over to a set of specialists, who would make it their profession, and a lucrative one.

Such an adept gave trouble to the Privy Council in 1632. This was ' John Balfour in Corshouse,' who practised ' by remarking the devil's mark upon some part of their persons, and thristing of preens in the same.' ' Upon the presumption of this knowledge,' say the Privy Council, ' he goes athort the country abusing simple and ignorant people for his private gain and commoditie.' In 1643 ' James Scobie, indueller in Mussilburgh, being sent for, and brocht in before Jonet Barker, as he that had knowledge in finding out, and trying the devillis mark, he fand out the said mark betuix her schoulderis, in the quhilk he did thrust ane lang preane, the quhilk preane abaid stiking thrie quarteris of ane hour ; and yet the said preane was nawayis felt sensible be the said Jonet.' On the 22nd November, 1649,

¹ C. K. Sharpe, *A Historical Account of the Belief in Witchcraft in Scotland*, 1884, pp. 104-5.

² C. K. Sharpe, *op. cit.* pp. 208-9.

the Presbytery of Lanark instructed one of the ministers 'to write for George Cathie the pricker for helping to discover the mark.' At their next meeting (6th December, 1649) 'Mr. Robert Birnie doeth report that he had writen for George Cathie, the pricker, who hath skill to find out the marke in witches; and that, upon the last day in November last bypast, in the tolbooth of Lanark, before famous witnesses, to wit, Gideon Jacke and Patrick Craig, baillies of Lanarke, James Conynghame of Bonytoun, James Coninghame of Coblehaugh, Mr. James Vetch, Mr. Robert Birnie himselfe also being present, and by consent of the forenamed suspected women of witchcraft, (eleven women sent by the Marquis of Douglas out of the parish of Crawford Douglas,) the said George did prik pinnes in everie one of them, and in diverse of them without paine the pinne was put in, as the witnesses can testifie.'¹

Sinclair, in Relation XV. of his *Satan's Invisible World Discovered*, mentions by name an Ayrshire pricker. Bessie Graham, of Kilwinning, was suspect of witchcraft, and 'at this nick of time one Alexander Bogs skilled in searching the Mark, came, being often sent for, and finds the Mark upon her ridge-Back, wherein he thrust a great Brass Pin, of which she was not sensible: neither did any blood follow, when the Pin was drawn out.' In this year the name of John Kincaid, of Tranent, occurs, for among the expenses in connection with the execution of Margaret Denham is an item: 'To Johne Kinked for brodding of her, VI lib. Scotts.'² Kincaid's name recurs with distressing frequency in the annals from this date on. The magistrate and minister of Dalkeith caused 'John Kincaid in Tranent, the comon pricker, to prick Jonet Paiston, and found two marks upon hir, which he called the devill his marks—which appeared indeid to be so, for shoe did nather find the prein when it was put into any of the said marks, nor did they blood when they were taken out again: and quhen shoe was asked quhair shoe thocht the preins were put in, shoe pointed at a pairt of hir body, distant from the place quhair the preins were put in, they being lang preins of thrie inches, or thairabout, in lenth,—quhilk John Kinkaid declares wpon his oath, and verifies by his subscription to the same.'³

Another woman, Jonet Cock, was implicated by Jonet Paiston, and next day the same minister and magistrate 'charged the

¹ *Extracts from the Records of the Royal Burgh of Lanark*, Glasgow, 1893, p. 143.

² Pitcairn, *Criminal Trials*, iii. 599. ³ Dalyell, *op. cit.* p. 640.

said Johne, vpon his great oath, to goe about his office faithfullie, and to do nothing therein but what sould be of trueth—and the said Jennet being tryed, their was tuo marks found vpon hir, and pricked without any sense or feilling thereof, or any of the leist appearance of any blood: the preins being taken out, the holles remained vnclosed, as if the samine had bein put into whytt peaper.’¹ In the same year, 1661, John paid a professional visit to Forfar. There he was so successful in the performance of his duties that he received the freedom of the burgh, just ten days after the same honour had been bestowed on Keith, sheriff-depute of the county, and of the noble family of Keith Marischal. But the next year finds him in sore trouble. The Privy Council had received complaints of his inhumanity, and they ordered him to be put in prison. At the end of nine weeks’ durance he petitioned for his liberty, representing that, being an old man, the confinement was telling upon his health, and if he were confined much longer his life would probably flicker out. The Council, in a merciful mood, acceded to his request. He was set free on condition that he would prick no more without warrant from them.

A contemporary of his, named John Dick, flourished in the North. One, John Hay, a messenger in Tain, who had reached the age of sixty without a shadow on his character, was denounced by a distracted woman as a wizard. He fell into the hands of Dick, who without any authority, pricked him all over his body, first shaving his head to see that there were no marks upon it. Hay was brought from Tain to Edinburgh, and imprisoned in the Tolbooth. The Privy Council ordered his liberation, likewise that of two women who had lain six weeks in gaol, subjected to ‘a great deal of torture by one who takes upon him the trial of witches by pricking.’ Yet another appeared at Inverness, as we learn from the Wardlaw Manuscript, under the date, 1st March, 1662. ‘There came to Inverness one Mr. Paterson, who had run over the kingdom for triall of witches and, was ordinarily called the Pricker, because his way of triall was with a long brasse pin. Stripping them naked, he alledged that the spell spot was seen and discovered. After rubbing over the whole body with his palms, he slipt in the pin, and it seems with shame and feare being dasht they felt it not, but he left it in the flesh deep to the head and desired them to find and take it out. It is sure some witches were discovered, but many honest men

¹ Dalyell, *op. cit.* pp. 640-1.

and women were blotted and broak by this trick. In Elgin there were two killed : in Forres two, and one, Margaret Duff, a rank witch, burned in Inverness. This Paterson came up to the Church of Wardlaw, and within the church pricked 14 women and one man. . . . Several of these dyed in prison never brought to confession. This villain gained a great deal of money, having two servants : at last was discovered to be a woman disguised in man's cloathes.' This instance of a female pricker is probably unique.

The next witch-storm broke out in the year 1677. Again we find the prickers active. In Stirling Tolbooth several unfortunates suspected of having caused the death by drowning of two sons of Douglas of Barloch, had to undergo the usual ordeal. 'Their bodies being searched by the ordinar pricker, there were witch-marks found upon each of them, and Janet M'Nair confessed that she got these marks from the grip of a grim black man, and had a great pain for a time thereafter.'¹ In the same year Fountainhall saw a man being examined at Haddington. 'I did see the man's body searched and pricked in two sundry places, one at the ribs, and the other at his shoulder. He seemed to find pain but no blood followed.' At this period the prosperity of the prickers began to wane. Catherine Liddil laid a complaint before the Privy Council against one Cowan of Tranent, who had been a pupil under Kincaid, for subjecting her to the painful process of pricking on the suspicion of her being a witch. Cowan was committed to prison during the Council's pleasure.

So famous had the Scottish prickers become in the detection of witchcraft that their services were requisitioned by their neighbours across the Border. Increase Mather, in his *Cases of Conscience*,² relates : 'I have heard of an Inchaned Pin, that has caused the Condemnation and Death of many scores of innocent Persons. There was a notorious Witch-finder in Scotland, that undertook by a Pin, to make an infallible Discovery of suspected Persons, whether they were Witches or not, if when the Pin was run an Inch or two into the Body of the accused Party no Blood appeared, nor any sense of Pain, then he declared them to be Witches : by means hereof my Author tells me no less than 300 persons were Condemned for Witches in that Kingdom. This Bloody Jugler after he had done enough in Scotland, came to the Town of Berwick upon Tweed : an

¹ Chambers, *Domestic Annals*, vol. ii. 380.

² 1862, pp. 248-9.

honest man now living in New-England assureth me, that he saw the Man thrust a great Brass Pin two Inches into the Body of one, that some would in that way try whether there was Witchcraft in the Case or no : the accused Party was not in the least sensible of what was done, and therefore in danger of receiving the Punishment justly due for Witchcraft : only it so happened, that Collonel Fenwick (that worthy Gentleman, who many years since lived in New-England) was then the Military Governour in that Town : he sent for the Mayor and Magistrates advising them to be careful and cautious in their proceedings : for he told them, it might be an Inchaned Pin, which the Witchfinder made use of : whereupon the Magistrates of the place ordered that he should make his Experiment with some other Pin as they should appoint : But that he would by no means be induced unto, which was a sufficient Discovery of the Knavery and Witchery of the Witchfinder.'

From Newcastle comes a much fuller account of a pricker's performances in the North of England, which appeared to have had, like Scotland, no dealings with the ordeal by water. It is contained in Ralph Gardiner's *England's Grievance discovered in Relation to the Coal Trade*,¹ 'Ioh. Wheeler, of London, upon his oath, said, that in, or about the years 1649, and 1650, being at Newcastle, heard that the magistrates had sent two of their sergeants, namely, Thomas Shevel, and Cuthbert Nicholson, into Scotland, to agree with a scotch-man, who pretended knowledge to finde witches, by pricking them with pins, to come to Newcastle, where he should try such who should be brought to him, and to have twenty-shillings a peece, for all he could condemn as witches, and free passage thither and back again. When the sergeants had brought the said witch-finder on horseback, to town, the magistrates sent their bell-man through the town, ringing his bell, and crying, all people that would in any complaint against any woman for a witch they should be sent for, and tryed by the person appointed. Thirty women were brought into the town-hall, and stript, and then openly had pins thrust into their bodies, and most of them was found guilty, and near twenty seven of them by him, and set aside. The said reputed witch-finder acquainted lieut. colonel Hobson, that he knew women, whether they were witches or no, by their looks, and when the said person was serching of a personable, and good-like woman, the said colonel replied, and said, surely this woman

¹ London, 1655.

is none, and need not be tryed, but the scotch-man said she was, and therefore he would try her ; and presently in sight of all the people, laid her body naked to the waste, with her cloaths over her head, by which fright and shame, all her blood contracted into one part of her body, and then he ran a pin into her thigh, and then suddenly let her coats fall, and then demanded whether she had nothing of his in her body, but did not bleed, but she being amazed, replied little, then he put his hand up her coats, and pulled out the pin, and set her aside as a guilty person, and child of the devil, and fell to try others whom he made guilty. Lieutenant colonel Hobson, perceiving the alteration of the foresaid woman, by her blood settling in her right parts, caused that woman to be brought again, and her cloaths pulled up to her thigh, and required the scot to run the pin into the same place, and then it gushed out of blood, and the said scot cleared her, and said, she was not a child of the devil. So soon as he had done, and received his wages, he went into Northumberland, to try women there, where he got of some, three pound a peece, but Henry Ogle, esq. a late member of parliament, laid hold on him, to answer the sessions, but he got away for Scotland, and it was conceived, if he had staid, he would have made most of the women in the north, witches, for money. The said witch-finder was laid hold on in Scotland, cast into prison, indicted, arraigned, and condemned for such like villanie, exercised in Scotland ; and upon the gallows, he confessed he had been the death of above two hundred and twenty women in England, and Scotland, for the gain of twenty shillings a peece, and beseeched forgiveness, and was executed.' It is good to hear of one, at least, of these ghouls hoist with his own petard. Gardiner's narrative is, in the Newcastle reprint of 1796, illustrated by a cut, in which the smirking pricker is, Judas-like, receiving his blood-money, while four of his victims swing from the gallows over his head, and three more miserable wretches await in tears the descent of the hangman from his ladder.

The fact that two of the gentlemen in the North of England at the time of the witch-finder's visit, were suspicious of his pretended science finds its parallel in Scotland. Sir George Mackenzie, in his *Laws and Customs, etc.*, is conversant with the fraud of it : ' This mark is discovered among us by a pricker, whose trade it is, and who learns it as other trades : but this is a horrid cheat, for they alledge that if the place bleed not, or if the person be not sensible, he or she is infallibly a witch. But,

as Delrio confesses, it is very hard to know any such mark, '*à nevo, clavo, vel impertigine naturali.*'—From a mark or a natural insensibility,—and there are many pieces of dead flesh which are insensible even in living bodies : and a villain who used this trade with us, being in the year 1666 apprehended for other villainies, did confess all this trade to be a mere cheat.' Fountainhall is equally emphatic : 'I remained very dissatisfied with this way of trial, as most fallacious : and the fellow could give me no account of the principles of his art, but seemed to be a drunken foolish rogue.' It was evidently amid the common people and the clergy that the pricker was accepted on his own valuation. At one time the Synod of Glasgow deliberated upon the necessity of having 'those in readinesse at the Justiciar Court, that hes skill to try the insensible mark.' Nowadays that is the province of the police-surgeon.

The dogma of the 'devil's mark' called the pricker into existence, just as that mark, taking the form of a teat in England, necessitated the existence of imps that would derive their sustenance therefrom. In Scotland the mark was just a mark, and the imps are absent, except, perhaps, in the case of Isobel Gowdie of Auldearn. One cannot help thinking that the credulous Jesuit, Delrio, had a great deal to do with the prevalence of the devil and his devotees in Scotland. His great volume on magic was a *sine qua non* with every lawyer, who might have to plead in a case of witchcraft at any moment. Perhaps every presbytery clerk had also his copy, for the questions put to those suspect of witchcraft are practically those recommended by Delrio. He has already been quoted with regard to the difficulty of fixing upon the correct 'stigma,' and for the purpose of identification he also recommends the use of a needle or a small poignard, *acu vel pugiunculo*. The cases which he gives as illustrations of the success accruing from this method of investigation on the Continent are just the Scottish ones *nominibus mutatis*, though the appointment of an official pricker is not recorded.

Pricking was a profession, although an ignoble one. Doubtless a substantial bribe to the operator would, in many cases, secure immunity from the fatal charge of witchcraft, and there must have been hundreds who saved their lives in this way, the pricker finding no fault in them. In such a case the operation may have been performed, as Sir Walter Scott suggests, by using 'a pin the point or lower part of which was, on being pressed down, sheathed in the upper, which was hollow for the purpose,

and that which appeared to enter the body did not pierce it at all.' That may have been why the pricker at Berwick on Tweed was unwilling to experiment with the pin offered him by the magistrates.

But the great majority of the witches would have nothing to offer as a bribe, for witches were notoriously poor, notwithstanding diabolic promises. In their case the absence of blood when the instrument was withdrawn, and the lack of sensibility to its presence, must have been due to other causes, which modern medicine can possibly define. The pricker must have had some slight knowledge of anatomy, for a sharp instrument, three or four inches long, in the hands of an inexperienced lout, would have meant murder in every case. It is this acquaintance with the anatomy of the human frame which entitles the pricker to be regarded as a professional man. His place is in the ranks of those quacks and charlatans who have followed in the wake of the profession of medicine.

W. N. NEILL.

A Franco-Scottish Conspiracy in Sweden

THE madness of Eric XIV of Sweden led to his deposition on January 25th, 1569, and the accession of his brother as John III. During the next seven years three rebellions with the object of reinstating the ex-king agitated the country. His place of residence was changed many times, and he spent three years of rigorous confinement in the Castle of Gripsholm on Lake Mälär before being finally removed to his prison at Örbyhus, where he died apparently of poison. Before this event took place desperate efforts were made for the release of Eric, and the Mornay Conspiracy resembles in several of its details the Babington Plot.

The principal actors in the drama were Charles de Mornay, a Frenchman, and Archibald Ruthven and Gilbert Balfour, who cannot be regarded in any sense as typical Scottish settlers. Their antecedents show that they were likely to prove apt pupils in the art of dissimulation then so common. Ruthven was the son of that brutal lord who instigated the murder of Riccio, and rose from a sick bed to perpetrate the deed. He was recommended to King John by the Regent Mar in 1572, attaining the rank of Swedish General, so that there can be no doubt of his treachery. Gilbert Balfour had no scruples in deserting one political party for another. He was like his discreditable brother, Sir James Balfour, who was a fellow-prisoner with John Knox in the French galleys and afterwards abandoned the Reformers, taking good care to purchase his own safety at the fall of Queen Mary by surrendering the Casket Letters and the Castle of Edinburgh to the Confederate Lords.

The arch-conspirator was Mornay, who signed himself in contemporary documents as Baron of Varennes. He came to Sweden in 1557, and rose to high rank in the favour of Eric, being employed by him in his unfortunate matrimonial missions to the English and Scottish Courts when the king in turn solicited the hands of Queen Elizabeth and Mary, Queen of Scots.

Unsuccessful as a diplomatist and as a soldier in the Danish War, Mornay began indulging his passion for intrigue. Doubtless he was bound to Eric by ties of gratitude; but, while scheming on his behalf, he did not hesitate to win his way into King John's favour and to accept daily proofs of his friendship.

In June 1573 certain Scottish levies arrived in Sweden, and Mornay approached Ruthven and Balfour with a view of trading on their cupidity. His plan was to represent the king as a bad paymaster, who, whilst availing himself of their services, intended to banish them and their troops to a distant place where they would die of cold and hunger. When he saw that he had made some impression, he unfolded his plans in detail. The king was to be slain at the Royal Palace during the performance of a sword dance—a novelty at the Swedish Court—and Eric was to be liberated. The reward was to be 100,000 thaler each and three months' pay for their men. The sword dance was actually performed at a brilliant banquet given by King John in the palace; but, like many similar attempts, the plot failed owing to the presence of a traitor in the camp, one Hugh Cahun, who disclosed the secret designs of Mornay and the Scottish officers. Either the signal was not given at the right moment or the conspirators realised that the attempt would be hopeless, as the king was strongly guarded.

Then followed a hue and cry after the persons implicated. Mornay, in order to throw dust in the eyes of the Court and to screen himself and the others, boldly accused Cahun of having long borne a grudge against Ruthven. He demanded his seizure, and so powerful was the Frenchman's influence that the unfortunate man was executed, the weak king assenting to this. The tables were soon turned on the plotters, for the Scottish regiments were ordered to Reval with Ruthven. He wrote to the king and tried to exculpate himself by casting the blame on Balfour, who after an attempt to escape by sea was captured. Before long Ruthven was also put under arrest, and the two Scots were sent under a strong escort to Stockholm. Meanwhile Mornay, to avoid a similar fate, fled to the king's brother, Duke Charles.

But the toils were fast closing round the three conspirators. Mornay was soon surrendered for trial, found guilty and executed on the Market Place of Stockholm, his last words being: 'To-day Carolus shall die, he by whose leniency King John lives,' a strange admission of his share in the plot. Balfour was

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condemned 'to the loss of life, goods and honour,' being kept in prison while the trial of Ruthven proceeded. The Scottish Government then took up the cause of the prisoners, and Morton in the name of James VI. wrote to the Swedish king, even sending over a special envoy to plead on their behalf. Fresh plots broke out, and after several postponements Balfour was executed in August 1576. He seems to have admitted his complicity in the conspiracy, but stated that after having satisfied himself as to the payment of his soldiers he took no further part in Mornay's treasonable plans.

Ruthven's life was spared and he was imprisoned in the Castle of Vesterås for nearly four years, being given a certain amount of freedom as he was allowed to walk about the town. He did not long survive, and died in February 1578. He continually complained of want of proper food and clothing, and at his funeral there was not even enough money left to pay the sexton for tolling the bell.

GEORGE A. SINCLAIR.

Reviews of Books

THE ENGLISH DOMINICANS. By Bede Jarrett, O.P. Pp. xii, 236.
8vo. London: Burns Oates & Washburne, Ltd. 1921. 18s.

THIS book supplies a long-felt want by giving within the compass of a moderate volume a plain, clear and intelligent account of the English province of the Order of Preachers from its first establishment by Gilbert de Fresney in 1221 down to the present day. It is doubly appropriate that it should be issued on the seventh centenary of Gilbert's mission, and that it should come from the pen of Gilbert's present successor as provincial prior, Father Bede Jarrett.

The book is well written, skilfully arranged under appropriate chapters, shows wide knowledge of the literature of the subject, and is largely based upon the sources. Its scale is insufficient for completeness, but no one is more conscious of that than is the writer. The study is made more interesting by Father Jarrett's keen enthusiasm for his order and faith in the Dominican ideal, a faith which colours, but does not distort, his facts. Sometimes perhaps his zeal leads Father Jarrett to see the hand of the preaching friars in matters with which they had a real, but a less decisive influence than he imagines. For instance, he makes his own the ingenious and interesting but rather dubious claims made by his 'master and friend,' Mr. Ernest Barker, that the Dominican system of elections introduced to England the representative idea firstly into the provincial convocations and ultimately into the national councils. All that can be safely affirmed is that representation was in the air, and that the Dominicans as innovators made an early use of it. A tendency to 'whitewash' persons like Edward II. or Richard II. because they were friendly to the Preaching Friars is an even more harmless illustration of the same tendency. But substantially the work is written on critical lines, and the author's zest in his subject does far more good than harm. It makes the book human and likeable and carries the reader along.

It is inevitable that the scope of the work raises, rather than settles, many problems on which we should have desired Father Jarrett's mature guidance. For instance, the constitutional history of the order requires a more detailed working out than he has found space to devote to it. The archaeology of the few remaining Dominican convents of the pre-Reformation period in England deserves a more detailed and a more concentrated treatment. As things stand, the rather dispersed statements of the text do not explain all the valuable photographs which illustrate the book. More adequate is the description of the Dominican life, and the appreciation of

the contribution which the most intellectualist of the mendicant orders made to the philosophy and theology of the middle ages. But conscious, no doubt, of the restricted space at his disposal, Father Jarrett generally sticks pretty closely to the English province, which is his special theme. He might have brightened up his account of the academic and didactic work of the order, had he drawn more freely upon the surviving records of the provinces of Toulouse and Provence, which have enabled Bishop Douais to give so copious a description of the organisation of study within the order of preachers in those provinces. It is true that the provincial records of England have perished centuries ago, but there is every probability that the system which we know worked in Southern France was equally active in England. We may accept this view without always endorsing the local patriotism which makes our author claim for the English province almost a paramount position among the provinces of his order.

To many readers an interesting and novel part of the work will be the account of the painful efforts to keep up the provincial tradition in the sixteenth and seventeenth centuries, its re-establishment by Cardinal Philip Howard in the period of the Restoration, and its enormous development during the nineteenth century. Very valuable to workers on the subject will be the appendices giving full lists of provincial priors, of the dates and places at which provincial chapters have been held, and of pre-Reformation Dominican houses in England. The one house of Dominican nuns at Dartford is adequately dealt with in the text. Scotland and Ireland are outside his conception of his subject.

A regrettable omission is a bibliography, and its absence is the more to be lamented since Father Jarrett cites his authorities in such a compressed form that only experts can identify many of his references, and some will unluckily defy identification even to experts. Our author is clearly not thoroughly at home in the Public Record Office, or he would have had more definite ideas of what a 'letter patent' was than he sometimes shows. Anyhow it is certain that a letter patent is not a letter close, though a mention on p. 102 of the 'Royal Patent Rolls of 1320' is authenticated by a reference to the close roll in a note—a reference the more otiose since the particular letter close can be read in print in the pages of Rymer's *Foedera*. The 'treasury receipts' of p. 210 and the 'private note books' of p. 114 show that exchequer and wardrobe mechanism are as unfamiliar to Father Jarrett as is that of the Chancery. This is only a part of those limitations in medieval technique which are revealed in many *obiter dicta* throughout the book, notably in the university section where we read of 'lay professors' at Oxford at a time when there were no permanent 'chairs' or endowed professorships at all, and when every student, and therefore every graduate, had to be a 'clerk.' But it would not be fair to stress all this, since technical scholarship can hardly be demanded in a book that is frankly popular in scope. Indeed it is remarkable how seldom the thinness of the background reveals itself, and that despite a certain want of minute care in correcting proofs, and an occasional *lapsus calami*, such as that which makes the 'great regent,' William Marshal, alive in 1233, and makes the chronicler Trivet a prophet of rare insight, for 'his signature is

appended to a condemnation by the University (of Oxford) of the opinions of Wycliffe' in 1315. There is no need to labour such details. But Father Jarrett's book is good enough to be taken seriously, and they could all be emended without much difficulty in a second edition.

In conclusion, let us thank the prior provincial for having put so fairly before us the great part played by his order in our history. He represents his order the more vividly since to him its history and ideals are not a mere matter of archaeology but the conditions of his daily life. It is a thousand pities that, while many scholars are intently studying the origins and early history of the Minorites, the Order of Preachers should have so long lacked an English historian. The allowance must fully be made to Father Jarrett which is due to pioneer work, especially since pioneer popularisation is more difficult than pioneer investigation. It is much to be wished that the subject he has sketched as a whole should be envisaged in detail by scholars both outside and inside the order.

T. F. TOUT.

FRANCE AND ENGLAND, THEIR RELATIONS IN THE MIDDLE AGES AND NOW. By T. F. Tout, Professor of History, University of Manchester. Pp. viii, 168. Crown 8vo. Manchester: The University Press. 1922.

THIS volume may fairly be described as a *livre de circonstance*. It contains four lectures delivered before the University of Rennes, which present in an expanded form the substance of the author's Creighton Lecture of 1920. In its original form, it probably presented the articulated bones of a clearly defined skeleton based on Professor Tout's intimate knowledge of two centuries of history, but the expansion which it has undergone has somewhat loosened its structure. The value of Professor Tout's volume lies in its presentation of France and England as sharers in a common inheritance to which the modern idea of nationality was alien. 'England and France,' he writes, 'were more like in the Middle Ages than they are now, because medieval conditions were similar in all Western Europe.' He contends further that within that common civilization, there was a more restricted unit which included France and England. This smaller unit was the result of racial, institutional and other affinities. He traces the development of the Anglo-French community from the loss of Normandy to the beginning of the Hundred Years' War, noting increasing political division on the one hand, and a growing institutional and social resemblance on the other. The concluding lecture is devoted to the Hundred Years' War and a rapid survey of the succeeding period. This long struggle inevitably produced national feeling, but that only to a degree which was compatible with the persisting influence of a common inheritance and a common social system. In his journey, Professor Tout passes rapidly over wide stretches of Debatable Land, on which many historians have broken lances, but his general conclusions may be accepted as sound from the English point of view. His readers will, of course, understand that the Lectures partook of the nature of propaganda, and as such they are certainly of more value than many similar productions. They are interesting, and suggest fruitful fields for research and speculation.

DAVID BAIRD SMITH.

BRITISH DIPLOMACY, 1813-1815. Select Documents dealing with the Reconstruction of Europe. Edited by C. K. Webster, M.A., Professor of Modern History in the University of Liverpool. Pp. xlvii, 409. 8vo. London: G. Bell & Sons. 1921. 12s. 6d.

It is to be regretted that Professor Webster, instead of assuming the more modest rôle of editor, has not himself given us a chapter of history, as, from his able introduction, it is evident he was well qualified to do. But it seems that the author is about to deal with the subject in the forthcoming *Cambridge History of British Foreign Policy*. The events covered by the years 1813-15 are amongst the most momentous in the history of the modern world, events bearing a strange resemblance to those which have recently taken place and at the same time a striking contrast. The materials of the present volume consist of dispatches and memoranda drawn from published and unpublished resources, and it is stated that perhaps fifty or sixty thousand documents have been consulted in its preparation.

The outstanding figure now brought before us is Castlereagh, of whom Mr. Webster has a high opinion, considering that he has suffered from 'the scurrility of writers like Creevey and the jealousy of rivals like Brougham.' Castlereagh is associated with an unpopular policy at home, where he was the introducer of a bill for the suspension of the Habeas Corpus in 1817, and he may not have got sufficient credit for his services in the work of European reconstruction. Mr. Webster says that he stood alone 'in his attempt to substitute discussion and agreement for force in International affairs.' He also seems to have done his best to induce other nations to follow England's example in the suppression of the Slave Trade. We are told that he wished 'most scrupulously to avoid any appearance of forcing the old dynasty on an unwilling France.' But he was an opponent of constitutional liberty in Europe, and had no sympathy with the doctrine of self-determination, which has played so great a part in recent negotiations, and has added much to the anxieties of present-day statesmen.

W. G. SCOTT MONCRIEFF.

THE OLD DEESIDE ROAD, ABERDEEN TO BRAEMAR: ITS COURSE, HISTORY AND ASSOCIATIONS. By G. M. Fraser, Aberdeen Public Library. Pp. xv, 260. With 38 Illustrations and a Map. Large 4to. Aberdeen: The University Press, for the Aberdeen Natural History and Antiquarian Society. 1921.

THE object of this book is concisely defined in the introduction as an 'Inquiry into the course and history and associations of the Old Deeside Road, the Mounth Passes over the Grampians, the Ferries and Fords on the Dee, and the Cross-country Roads to the north that were connected with the old highway.' Bringing to his task a wealth of detailed knowledge won by years of close study in the local history of Aberdeen and its neighbourhood, Mr. Fraser has achieved a conspicuous success in dealing with a difficult theme, and has added yet another to the long list of his excellent published works. His book is characterised by minuteness and accuracy of research, good arrangement, and lucid treatment. Apart from

its local interest it will be welcomed in wider circles as a weighty contribution to a branch of Scottish history which only in recent years has begun at last to receive adequate attention : the study of the great lines of communication by which the course of Scotland's development, national and local, has been so largely determined. Round the story of the Old Deeside Road Mr. Fraser has grouped a mass of interesting topographical and historical information which will make his book an authoritative work on the district.

From the viewpoint of the general historian, by far the most valuable part of the work is contained in Chapters VI. and VII., which discuss in great detail the cross-roads leading over the Grampian range. The main historic communications ran north and south, and in the days when the great northern province of Moravia was the centre of recalcitrant Celticism these routes across the Mounth were of prime strategical importance. Mr. Fraser has conducted this part of his researches with painstaking accuracy, and has produced the first comprehensive account of these important passes. The story of the gradual progress in the twelfth and thirteenth centuries of Anglo-Norman civilisation over these passes would in itself form the theme of a valuable study. Thus by the middle of the thirteenth century there were Bissets at Aboyne, Durwards at Lumphanan, Strachan and Coull, Frasers at Durris, the Normanised Celtic Lords of Mar at Kindrochit, Migvie, Invernochty and Kildrummy, Normanised Celtic Earls of Fife at Strathbogie, De Moravias at Boharm, and De Pollocs at Rothes. The historian who should in future attempt the study of the settlement of these great Norman families along the routes from south to north, and the introduction by them of feudalism into a Celtic district, will find his labours greatly lightened by the competent geographical apparatus which Mr. Fraser has provided.

There is an excellent map at the end of the book ; but it is to be regretted that space was not found for the insertion in the body of the work of detailed sectional sketch-maps accompanying the text—such as Mr. Hilaire Belloc has furnished so lavishly in his delightful work on the Old Road between Winchester and Canterbury. Such detailed maps would have greatly helped the elucidation of complex problems of minute local topography which otherwise can be understood only by reference to the large scale O.S. maps.

The weakest feature in the book is its index, which is at once meagre and capricious. On one or two points of detail criticism may be permitted. At page 98 doubt is suggested as to the whereabouts of the manor-house of Durris, visited by Edward I. in 1296. But the site known as Castle Hill, on which relics of medieval occupation have been found, is a well-defined Norman motte of twelfth to thirteenth century type, and there is no doubt that the chief message of the manor of Durris stood here. On page 192 Gairn Castle—which incidentally is more properly to be called Abergairn Castle—is described as 'probably fifteenth century' ; but the 'two-stepped' plan, the thin walls, and the well-marked style of masonry—consisting of large rough boulders with small flat stones wedged into the interstices as pinnings (compare Knock, Birse and other local castles)—prove that the

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present remains cannot date from earlier than the end of the sixteenth century.

Four appendices deal respectively with the Causey Mounth Road, the Skene and Alford Road, Toll-houses in Aberdeenshire, and the Milestones in Aberdeenshire, and contain useful information, much of which is now available for the first time. A feature of Mr. Fraser's book is its series of illustrations, which form a valuable and charming record of the road and of the scenery through which it passes.

W. DOUGLAS SIMPSON.

A SHORT HISTORY OF THE IRISH PEOPLE FROM THE EARLIEST TIMES TO 1920. By Mary Hayden, M.A., and George A. Moonan. Pp. viii, 580. With 13 Maps. Demy 8vo. London : Longmans, Green and Co. 1921. 20s.

THIS is an able book containing much useful information well condensed. The authors, who are both engaged in the teaching of history, seem to aim at doing for their country what Mr. Green did for England, and, more recently, Professor Terry for Scotland.

Ireland is such a controversial subject that its treatment can hardly be expected to satisfy everybody. 'While writing,' they say, 'from a frankly national standpoint, the authors have made every effort to attain accuracy and avoid prejudice.' They are fairly entitled to make such a statement. Thus when telling the story of the famous Irish chieftain, Shane O'Neill, they do not attempt to conceal his treachery or cruelty. With reference to the Irish Church establishment it is pointed out that there was not the smallest hostility felt towards its clergy, often popular in these districts, priest and parson being close friends. 'Many had generously spent themselves in work for the relief of the victims of the Famine, and this was remembered with gratitude.'

Among much other interesting matter are careful accounts of the art and literature of the country from the earliest times.

A series of maps, specially designed, show for example the divisions of the country at various dates, the Irish mission field, which included a great part of Europe, the extent of the Pale, and of the Tudor and Stuart plantations.

W. G. SCOTT MONCRIEFF.

A HISTORY OF FRANCE FROM THE DEATH OF LOUIS XI. VOL. I., 1483-1493. By John S. C. Bridge. Pp. xvi, 296 and one Map. 8vo. Oxford : Clarendon Press. 1921. 16s.

THIS volume bears to be the first instalment of a larger work, and if the standard which it sets is maintained, the English reader may look forward to a valuable contribution to French history. The ten years with which it deals have been somewhat neglected by recent writers of political history, not because they are wanting in interest—Mr. Bridge has demonstrated the contrary—but rather on account of the superior and more varied attractions offered by the succeeding period. Mr. Bridge has resisted the temptation to regard events with an eye on the future, imposing on himself something of the self-denying ordinance which S. R. Gardiner exhibited

in dealing with England in the seventeenth century. His material lends itself to this treatment, in respect that it concerns ten years almost as clearly defined as the reign of a powerful Pope. Anne de Beaujeu took up the reins after a sharp struggle which had something of the character of a disputed Papal election, and abandoned them so completely and swiftly that one is tempted to speak of her political death. She carried on in a modified form the policy of her father, Louis XI., but when her brother took her place everything was changed.

Mr. Bridge confines himself to the political history of Anne's regency to the exclusion of art and letters and ecclesiastical affairs. It may be that he will deal with these aspects of the period in a subsequent volume, but they have received recent attention from Champion, Renaudet and others. In any event by confining his treatment to one field he has given his study cohesion and point.

In an interesting note Mr. Bridge deals with the vexed question of the relative political importance of Anne and her husband. Petit-Dutaillies took the view that husband and wife had an equal share in directing the government, but Mr. Bridge discards this judgment in favour of the lady, and provides numerous citations in her support. He fails, however, to convince at least one reader, who recalls the tendency of supporters and opponents equally to exaggerate the rôle played by a female ruler, a tendency which found frequent expression in the political writings of the sixteenth century. If one may revert to the Papal simile, it may be suggested that Anne and Pierre played the parts of a Pope and an influential Secretary of State. But it is a thankless task to come between husband and wife.

Mr. Bridge's study is admirably composed, and clearly and pleasantly written. It cannot be neglected by any student of Scottish foreign policy in the latter years of the fifteenth century, and offers a background for the diplomatic activities of John of Ireland and William Dunbar.

DAVID BAIRD SMITH.

THE GLASGOW PRESS IN 1840. By William Stewart. Pp. 31. 4to. Glasgow : Printed for private distribution. 1921.

BIBLIOGRAPHERS sometimes make finds, and Mr. Stewart has had his share. His present recovery is the opening number of the *Scottish Radical*, December 5, 1840. Whether there was ever a second number neither Mr. Stewart nor the Mitchell Library can say. The first number had a stock of satire and invective pro-Chartist, anti-Tory and anti-Whig in about equal proportions, and keen and intimately informed regarding the contemporary press. Peter Mackenzie comes in heavily for abuse. Motherwell, William Weir and Thornton Leigh Hunt are commended. 'The renegade Bennet' (originally Bennoch) is so designated as a pervert to toryism from republicanism. This well introduced reprint of the inaugural leading article of 1840 is the rescue of a foundation document for which the future historian of radicalism (may his day be hastened) will owe Mr. Stewart hearty thanks.

GEO. NEILSON.

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A TRAVERS LA HAUTE EGYPTÉ. Nouvelles notes de Voyage par Camille Lagier, ancien Professeur au Caire. Pp. 260, with illustrations. 8vo. Bruxelles : Vromant et Cie. 1921.

THIS volume is a collection of travel notes, and gives a vivid impression of the country and people. The sketches convey lucidly the impression at one time of sunshine and colour in the crowded noisy towns, and at another of the wide spaces of the desert.

M. Lagier writes learnedly, but with a light touch, of the religious practices of various peoples in ancient Egypt, and there is a particularly interesting chapter on Catholic establishments in Egypt in the fourth century, so numerous at one time that there were said to be six hundred convents round Alexandria, and from the Nile Valley they spread through Europe.

He discusses Egyptian historical problems both ancient and modern, and shows how much of modern Egypt has an almost Biblical atmosphere. He describes fully some of the ancient customs which have survived among Mohammedans and the Copts, and also gives an interesting account of a visit to one of the principal Catholic families in Egypt, where the patriarchal system was strictly observed. The head of the family was surrounded by his sons and grandsons, who treated him with the greatest respect and neither spoke nor smoked in his presence without his permission.

There are two panoramic plans of the Nile basin, a map of Egypt and many excellent illustrations.

JOURNAL OF INDIAN HISTORY. Editor, Shafaat Ahmad Khan. November, 1921. Pp. 187. Humphrey Milford : Oxford University Press. Single copy, Rs. 3.

THIS is apparently the first issue of a new periodical to be published three times yearly under the direction of the Modern Indian History Department. The editor is a professor of Indian history at Allahabad, and not only edits but contributes five out of the eight articles which this number contains. There is much valuable matter here for the student of Indian history and its connection with England. In his second article Dr. Khan deals at length with the data for the history of British India in the seventeenth century. There is an interesting account of the ancient Mughal Government. It may be news to many that the same struggle between the state and ecclesiastical control, exhibited in Europe during the sixteenth century, prevailed at the same time in India. There is an interesting account of the weighing of the emperor on his lunar and solar birthdays—he being weighed against articles afterwards distributed among courtiers and the poor.

THE INFLUENCE OF GEORGE III. ON THE DEVELOPMENT OF THE CONSTITUTION. By A. Mervyn Davies. Pp. 84. Post 8vo. Oxford : University Press. 1921. 4s. 6d.

To the author of this essay was awarded the Stanhope Prize for 1921, and it well deserves such an award. The influence of George III. is a marked

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element in the political history of the period covered by his reign. It raises a curious question, viz. how could an honest man, who made much of what he took to be his conscience, fail to see that bribery and corruption must only work for evil? For that he bribed, either directly with money or by conferring posts of various sorts, clerical, civil and military, which he kept in his own hands, is beyond all doubt. He was not the merely simple-minded man some have pictured him to be. He had talent and great talent of a sort. Mr. Davies points out that the way in which he stimulated 'a feeling of suspicion and estrangement between Newcastle and Pitt showed in a young man of twenty-three an extraordinary aptitude for political tactics.' The fact that he overthrew the Whig oligarchy at the very outset of his reign is alone a proof of his great skill. He had but one purpose in life—the carrying out of his own will. He cared nothing for ministers or for Parliament, except as the means by which this will could take effect. Unfortunately the power which he exerted was all in favour of the retention and not the removing of the great abuses which abounded. As to his influence upon the Constitution, in so far as of a permanent nature, Mr. Davies considers that it was exactly the opposite of what the king aimed at effecting. 'George III. by his very steps to strengthen monarchy against liberalism only succeeded in strengthening liberalism against monarchy. He became the sport of what might almost, to borrow a psychologist's term, be called 'the law of reversed effort'.'

EVERYDAY LIFE IN THE OLD STONE AGE. Written and illustrated by Marjorie and C. H. B. Quennell. Pp. x, 109. Crown 8vo. London: B. T. Batsford. 1921. 5s.

THE joint authors of this attractive little book are already favourably known by their publication, *Everyday Things in England*, which dealt with the social life of that country from the date of the conquest to the end of the eighteenth century. It was, like the present work, very fully supplied with most useful drawings illustrating the text.

In dealing with this old stone age the writers cannot present the same definite dates. When man first appeared in Europe must always be a matter of conjecture. So indeed must the manner of his life be, but as regards this we have much assistance from a study of the ways and habits of races still or recently existing, such as the Tasmanians, Australians and Eskimos, who have made no real advance from primitive times. This book is intended, as was their former work, for boys and girls, and every effort is made to tell the story in as popular and simple a manner as possible. Much assistance is afforded by the illustrations, seventy in number and varied in character. Amongst the subjects illustrated are the remarkable and highly artistic cave drawings, which raise curious questions.

THE HISTORICAL GEOGRAPHY OF THE WEALDEN IRON INDUSTRY. By Mary Cecilia Delany. Pp. 62. 8vo. With three sketch maps. London: Benn Brothers Limited. 1921.

COVERING portions of Kent, Surrey and Essex the Weald, now almost wholly agricultural, was anciently not only a forest of large extent feeding

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an immense stock of swine, but also of far wider national importance for its extensive product of iron, which it would seem was specially developed in Roman times but prevailed right through the middle ages down to the eighteenth century. Old bloomeries have left remains dotting the entire area of a region which supplied Henry III. and Edward III. with horseshoes, Henry VIII. with cannon, and the lieges of George III. with their stores of pig-iron as the staple of the domestic supplies. Both wrought-iron and cast-iron were turned out in large quantities and we hear of artificial blasts and great water-hammers used in the manufacture. There is always regret about an exhausted industry like this, and Miss Delany has gathered up the historical memories with a sigh. The facts are many and were well worth collecting.

THE OLD CALTON : GLASGOW GREEN : RIVER CLYDE. By James M'Farlane. Pp. 24. 8vo. Glasgow : Aird & Coghill Limited.

THE CHINA CLIPPERS. Same author and publishers.

EX-TREASURER James M'Farlane has reprinted from the Old Glasgow Club's records his notes, half personal memories and half historical surveys. A little sententious, but with a scintillation of humour throughout, he rescues from oblivion many associations of Glasgow localities, incidents and personages, and puts wind anew into the sails of the old clippers which were the last thing in sail craft and made a gallant attempt to rival steam. These two sketches are sympathetic and informing, interspersed as they are with actual recollections of an observant man.

SCOTLAND'S MARK ON AMERICA. By George F. Black. Pp. 126. 8vo. Published by The Scottish Section of 'America's Making.' New York : 1921.

How deep has been the seal set by Scotsmen on the other side of the Atlantic is overwhelmingly demonstrated by Dr. Black's industrious and surprising compilation of a biographical list, with brief characterization of career in each instance, comprising notices of upwards of 1300 men. They are statesmen and politicians, judges, lawyers and diplomats, men of letters and science, artists, financiers and journalists. 'Whatever men do,' the Scot was there, and one of the number is the chiel among them taking notes for the information and delectation of his compatriots yonder and here. One overlooked name is that of Samuel Elliott of Lockerbie. There is a word about various St. Andrew's Societies and a thousand cognate bodies, collectively nourishing the memory of the old land, which in return watches them with the ardent interest of close kinship. The Scot at home welcomes this compact memorial as an integral chapter of his own history. It is a continuance of capital service, bibliographical and historical, which Dr. Black has been steadily rendering since he crossed the sea.

ANCIENT TALES FROM MANY LANDS. A Collection of Folk Stories.
By R. M. Fleming. With an Introduction by H. J. Fleure, D.Sc.
Pp. 194, with 9 Plates. Demy 8vo. London : Benn Bros. 1922.
10s. 6d.

THIS is a collection of folk tales from many countries : Japan, Polynesia, New Zealand, China, India, Africa, Egypt and other European stories, including a couple from Ireland and one from Wales. The author has taken great pains to get at the spirit of these tales, and recounts them in an interesting manner. She adds appendices with reference to the use of traditional stories in the teaching of geography. She emphasises the importance of the half-legendary tales which gather round the names of great heroes, and shows how traditions help to mould the future of a race. 'Their presence or absence means much in the life of a people, for inspired action must always be preceded by inspired ideals.'

INTERNATIONAL LAW. A treatise by L. Oppenheim, M.A., LL.D.
Vol. II. War and Neutrality. Third edition, edited by Ronald F. Roxburgh. Pp. xlv, 671. 8vo. London : Longmans, Green and Co. 1921. 36s.

THE distinguished author of this work died before the revision of the present volume had been completed. While the war has involved changes, they are, as the editor points out, fewer than might have been expected. While opposed to the idea that recent events have made an end of the laws of war, the author had to admit that they were placed in a state of partial suspense due in some measure to the new conditions introduced by the new methods of carrying war on.

The subject of the settlement of State differences is very fully entered into. The recent establishment of the League of Nations has rendered certain modifications necessary under this head. As to war by means of air vessels, it is pointed out that this must necessarily 'blur or even efface, the distinction between members of the armed forces and civilians.'

THREE LECTURES ON OLD NEWCASTLE, ITS SUBURBS AND GILDS, AND AN ESSAY ON NORTHUMBERLAND. By Frederick Walter Dendy.
Pp. vi, 85. Demy 8vo. Published by the Literary and Philosophical Society, Newcastle-upon-Tyne.

THE name and reputation of Dr. Dendy have grown with the years. Long ago the present reviewer first heard his unique merit as a municipal chronicler and expositor declared by the late Mr. R. O. Heslop, no mean judge of 'Men of Mark' on the Tyne. These lectures lose no time, but plunge into the reconstruction of the past, quickly reaching the middle ages, pausing to build and repair the castles, to register the coming of the friars, and to keep watch and guard on the warring Scots who were making a new Border tradition needing a new military policy. The Black Death called for readjustments, economic and political, but through all the living organism drove ever forward. Field maps of Benwell 1637, Walker 1745, and Elswick 1800, as well as a re-creation chart of Jesmond field-names are

part of a topographical survey of those townships absorbed by the borough, most of them not very long ago.

Gilds are set in relation to the European system they exemplify, and the lecturer gleans from the waste the story of merchants of woollen cloth, mercers and merchants of corn, and of their rivals, the crafts of skinnners, tailors, saddlers, bakers, tanners, cordwainers, butchers, smiths and fullers, whom the fifteenth century found challenging the merchant monopoly of government. Not till James VI. carried south his experience with the wayward burghs of Scotland did the vastly augmented list of crafts achieve terms approximating share and share alike in the constitution of the town council. Peculiarities of the Tyne included the 'Hostmen' who entertained foreign merchants visiting the town. Curiously, the coal export trade, starting somewhat late in the race of commerce, fell to the Hostmen's gild, whose records thus form a bureau of information about the chief historical industry of 'coaly Tyne.' Dr. Dendy's general view of the gilds is a fairly good summary of their place in Europe, albeit inadequate in theory. Lastly we turn with expectation to the account of the shire, but find it a reprint of a capital sketch written in 1906 which links the rise of borough fortunes with those of the county, and joins the remote agricultural day of acre strips and leases with the mechanical enterprises of the present time.

THE SOCIAL HISTORY OF THE WESTERN WORLD. An Outline Syllabus. By Harry Elmer Barnes, Ph.D. Pp. xiv, 126. Crown 8vo. London and New York : D. Appleton & Co. 1921. 6s.

THIS volume is a syllabus which has been prepared mainly for historians, although, as the author states, he is hopeful that 'it will prove equally useful to historical sociologists, and to students of historical and institutional economics.'

Fairly full biographical references are given for suggested readings under each heading.

ARCHAEOLOGIA AELIANA. Edited by R. Blair. Third Series. Vol. XVIII. Pp. xxxix, 217. 4to. Kendal: Titus Wilson and Son. 1921.

THE work of the Newcastle antiquaries for 1920 is notable for variety rather than for the close-knit monograph type of contribution. Professor Allen Mawer skates over some thin ice in his inferences on Northumbrian history from place-names, which are slippery footing. There ought to be a jury of scholars to pass such speculations before they are promoted to the plane of historical data. The pursuit of place-words in this connection has fascinations, but the danger is excessive, and the rational certainties are too few to enable the craft to make much progress in public confidence. How much more secure are the architectural characteristics of the parish churches as exhibited by Mr. A. Hamilton Thompson, whose five-and-twenty plates of examples are visible types. His comments are generalisations from art history as well as from local structures, sometimes 'exceeding magnificent' and autobiographical. Manuscript is probably safer than either

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philology or architectural specialities, and Mr. J. C. Hodgson, editing Shawdon Court Rolls, 1708-1719, has so much family fact about this township in Whittingham that its rather drab manorial record in his hand reveals the later chapters of a long evolution.

THE DEVELOPMENT OF AN INDIAN POLICY, 1818-1858. By G. Anderson, C.I.E., M.A., and M. Subedar, B.A. Pp. viii, 179. Post 8vo. London : George Bell & Sons. 1921. 5s.

THE haphazard growth of the East India Company's power in India gave little scope for an Indian policy until there came a period of peace after the Maharatta power had been destroyed. The editors of this volume trace the gradual development of the political trend from that time to the end of the Company's existence, and they have made a very judicious selection from the original sources. We follow the enlightened policy of Mount Stuart Elphinstone, the methods of legislation, the changes of relations between the Europeans and Indians, the introduction of the competitive system in the public services (Lord Macaulay is quoted), the suppression of Sati and Jhagi, and the gradual growth of education. It is a useful work and one that is a pleasure to peruse.

AMONG THE FISHER FOLKS OF USAN AND FERRYDEN. With Descriptive and Historical Jottings and Anecdotes regarding the Antiquities and Places of Interest in the Parish of Craigend and its surroundings. By D. H. Edwards. Pp. xv, 256. Crown 8vo. Brechin : The Advertiser Office. 1921.

THE fishing villages are communities by themselves and have many ways and customs of their own. In Usan we are told there is one prevailing surname, Paton, the only exception being 'one or two Perts and Coutts . . . by marriage of Usan Patons with Ferryden folks.' The book recounts many legends of their customs and peculiarities, the fishing which bulks so largely in the local life, the kirks and schools so dear to the Scots heart, the local lairds, 'gossiping' provosts and bailies who perhaps still exist, as well as tales of smuggling and other things now past history.

NATIONAL WELFARE AND NATIONAL DECAY. By Wm. M'Dougall, F.R.S., Professor of Psychology in Harvard University. Pp. viii, 214. With 4 plates. Crown 8vo. London : Methuen & Co., Ltd. 1921. 6s.

THIS volume contains the lectures delivered by the author at the Lowell Institution in Boston under the title, 'Is America Safe for Democracy?' These lectures are now published in a somewhat altered form so as to suit the problems which confront Britain. They deal with various aspects of eugenics, but mainly from psychological and historical standpoints, rather than from the biological point of view.

The author takes up the old controversy as to whether there is or is not a larger proportion of persons of superior natural endowments in the upper social classes, and endeavours by psychological arguments to prove that this is so.

Very great is the contribution to British history which year by year is finding its record in American publications, such as those of the Carnegie Institution of Washington, the American Historical Association, and the historical periodicals, all-too shortly noticed from time to time in these pages. The mass grows from which at many points the future will collect its impression and correct the impressions of the earlier generation. Take, for instance, the Continental Congress which debated the American Revolution from 1774 until 1883 when debate was no longer requisite. To the Carnegie Institution is due the enterprise of a stately volume gathering the scattered correspondence, diaries and memoranda of that history-making body. Publication has now begun with *Letters of Members of the Continental Congress*, edited by Edmund C. Burnett, volume i., August 29, 1774, to July 4, 1776 (pp. lxvi, 572). It includes no fewer than 762 letters, memoranda, diary entries and the like, and is a first class body of documentary evidences of what the generation of the Revolution thought and believed. The tome is equipped with admirable but never obtrusive annotations and a brief biographical apparatus explanatory of the careers of the writers of these letters, the recovery of which has been a labour and a triumph. There are to be other five volumes, so the prospect is that the sextet will be one of the greatest American books of American history which the patriotism of the United States has ever inspired. There will be future occasion to return to this theme. The format is worthy of the work.

Different in style but not less historically weighty is the *Annual Report of the American Historical Association* for the year 1918 in two volumes and a supplemental volume (vol. i., pp. 487, 8vo, Washington Government Printing Office, 1921). The second volume is *The Autobiography of Martin van Buren*, edited by John C. Fitzpatrick (pp. 808, 8vo), and the third is *Supplement: Writings on American History*, compiled by Grace G. Griffin (pp. 206, 8vo). The trio make a solid tribute to United States history with some overflow into Europe. First comes a record of the Proceedings of the Association in 1918, in which mention is made of the *Historical Outlook*, a continuation of the *History Teacher's Magazine*, conducted under regulation by the Association. We should have been glad to see this periodical. Then follow reports on Publications on Bibliography, on the *American Historical Review* and on the financing of Miss Griffin's work. Obituary sketches include two cordial pages on Theodore Roosevelt as a student of history.

Chief of the American articles is L. G. Connor's 'Brief History of the Sheep Industry in the United States.' Crowded with statistics, 'graphic' maps and citations of agricultural journals and reports, this all-comprehensive treatise discusses in a hundred pages the history of sheep (with all sequels of mutton, fleeces, prices and economic relationships) from their first introduction into Jamestown in 1609. Memoirs of the Albemarle Agricultural Society, with the minute-book of that Virginian association founded in 1817, furnish, through the editorship of Dr. Rodney H. True, a large commentary which one day the student of the comparative farm will find packed with data on horse-breeding, ploughing matches (ox-teams still in

evidence), cattle shows, machinery, implements, and domestic manufactures. Lyman Carrier writes a substantial life-sketch of a naturalist, cartographer and historian, Dr. John Mitchell—birth year unknown, died 1768. He practised as a physician for nearly fifty years in Virginia, and the record of his studies and observations rewards perusal. Dr. W. R. Thayer illustrates the 'Vagaries of Historians' by witty quotations from Henry Adams alternating with rather doctrinaire expositions of German 'obsession' which remind us how far away the crisis of 1918 now seems. The Directory of the American Association, a *Who's Who* in miniature, embodies a most useful idea.

Van Buren's 'Autobiography' (forming vol. ii.) is very elaborate, and as the life of a leading statesman 1782-1862, president U.S.A. 1837-1841, it is a standard work of American political history from the inside and a perfect store of information, anecdote and episode.

Volume iii., Miss Griffin's bibliographic 'Supplement,' registers 2379 publications on American history in 1918.

Lavish indexes to each of these three volumes make them eminently helpful by the almost incredible fullness of the references.

The Rev. Dr. King Hewison has reprinted from the *Dumfries and Galloway Standard* a reply to Professors Baldwin Brown and Blyth Webster. Bearing the title *The Runic Roods of Ruthwell and Bewcastle* (an unfortunate repetition of the name of his book of 1914), it concentrates on the heart of the question, viz. the actual and extant inscriptions, especially that at Bewcastle, which, it will have to be acknowledged, is in somewhat sorry case. The sheet of illustration, exhibiting at one view the various reproductions of the Bewcastle stone in 1742, 1801, 1816, 1854, 1857, 1892, 1914 and 1921, adds a legitimate and telling corroboration to the argument against the eighth century which he has consistently maintained. Perhaps the detached onlooker at this great discussion will incline to favour the inference that the final archaeological issue will have to be decided, so far as decision is possible, on circumstantial grounds of a general historical character, rather than on absolute epigraphic determinations of the runes after a thousand odd years of weathering in our strenuous climate.

Among the gleanings in the recent volume, *Dante 1321-1921 Essays in Commemoration* (University of London Press, 1921) primary notice falls to Viscount Bryce's interpretation of the poet's anti-papal view of the transcendence of the Empire with the theory of universal monarchy. Dr. Paget Toynbee's 'Oxford and Dante' is a prodigiously diligent catalogue and criticism of five hundred years, erratic and spasmodic sometimes, though of growing fruitfulness, in which much honour was done to the great Italian. Concerning the date of the *De Monarchia*, now critically examined by Cesare Foligno, certain reconsidered lines of evidence including the poet's correspondence, use of Roman law, and the express reference to the *Paradiso* in the work itself, favour *circa* 1319 for the *De Monarchia*.

Perhaps the finest paper of the whole set is Professor J. W. Mackail's parallel of the Italy of Virgil and the Italy of Dante, in which the local patriotism of the former for Mantua and his attitude towards a then unifying

Italia merging with Rome, is shewn to be almost duplicated by Dante's passion for Florence on the one hand and his glorification of Latin-Italian-Roman-imperial unity on the other. Mr. Philip H. Wicksteed follows, with many citations, Dante's innumerable phrases and allusions shewing how much his thought was tinged by the Latin poets. Professor W. P. Ker in his essayette 'Allegory and Myth' poses an important problem when he suggests that Dante's intensity often carries allegory beyond imagery into reality and vision.

The Berwickshire Naturalists' Club, in its *History*, vol. xxiv. part iii., being its publication for 1921, has put into archaeological circulation several excellent papers of research as well as some delightful contributions to natural history. Foremost among the latter must be set a brilliant study of waterfowl by Viscount Grey drawn from his observations of his own birds in the pond at Falloden. The touch of personal acquaintance and individual characterisation of various of the duck tribe, British and foreign, gives to these notes a positively biographical note which imparts a peculiar charm to the presidential anniversary address.

Meetings of the Society at Cockburn Law, Holy Island, Belford and Berwick are well described, and there are two very notable articles by Mr. John Ferguson, the one on the priory of St. Bathans or St. Bothans and the other an important new structural essay on the abbey of Kelso. It claims to bring collateral authority, hitherto overlooked, about the outward shape—*instar ecclesie Sancti Augustini de Urbe*—of the abbey church in 1517. This offers piquant and hopeful points of (possibly confirmatory) criticism to a constructional theory of Mr. Macgregor Chalmers suggesting at Kelso a parallel to the west front of Ely Cathedral. One wants to know something now not only about St. Augustine de Urbe, with its twin cross in plan, but also about the basilica of St. Peter, with its square and pyramidal (?) tower (*quadrata* and *fastigiata*) similar to Kelso.

Mr. Howard Pease writes on sundry moorland crosses in Northumberland and Mr. J. C. Hodgson is strong in genealogies of Berwick families.

A reprint from the *Proceedings of the British Academy* likely to enlist interest is Professor A. F. Pollard's 'Raleigh Lecture' entitled *The Elizabethans and the Empire* (Pp. 20, Humphrey Milford, price 1s. 6d. net), which traces the building of the Empire as scarcely begun and not yet visible when Elizabeth died. The command of the sea was the condition which was to count for most of all in the colonizing civilization which has proved to be the peculiar type of the British empire, with its special capacity in the long run for the recognizing and cheerfully in the long run tolerating liberty in other peoples.

The Viking Club issues indexes for vols. vii. and viii. of its *Old Lore Miscellany of Orkney, Shetland, Caithness, and Sutherland*, ingeniously combining, where suitable, a glossarial exposition along with the references. Volume ix. part i. is attractive with its store of Caithness customs and superstitions, 'weather words' in Orkney dialect, a rental of Brabster (Caithness) in 1697, and a series of notes on Orkney and Shetland 'fiscal antiquities,' the last named including 'skatt,' 'eyrisland,' 'bordland,' and

'ploughland,' as well as the contrasted 'lispund' measure of Orkney and of Shetland.

In the *English Historical Review* for January Dr. J. H. Round crumples up certain minor inconsistencies of Mr. Walter Rye, more or less concerning Eudo Dapifer. Mr. Godfrey Davies watches and notes the subtle changes slowly accomplishing themselves in the matter of 'Council' and 'Cabinet' between 1679 and 1688. His studies prove that any attempt to restore the former greatness of the privy council was futile and that by 1688 the cabinet was pressing hard against personal rule of the sovereign and had pushed its way far towards the necessity of representative government. Other contents include a proposal for arbitration between Simon de Montfort and Henry III. in 1260, a petition of the clergy of Canterbury in 1297 to Pope Boniface VIII. and a visitation of Westminster Abbey in 1444.

Scottish interest will be keenly aroused by a considerable series of excerpts from the Register of Louvain University from 1485 to 1527. They give names and places of origin of over 250 foreign students admitted to matriculation. Many of them were from Scotland, especially from the north, Aberdeen being prominent in the list of those it sends, such as Thomas Coutes, John de Strapeghey, William 'de Abordonia,' John Moat, William Hay, James Vrwyn. St. Andrews has many representatives, including Master Roland Blacader, Thomas Grane, Dominus Alex. Fotheringham and George Bruyn. Glasgow also has its contribution, embracing Master Robert Blakadair and Master James Herioth. Even Codburt Thomson de Idenburgo belongs to the Glasgow diocese. There are students from other places, John Hay of Dundee being one of a number, and John Cockcresh and Andrew Clamerloch hailing from Dumfries. The list has celebrities, chief among them Magister Erasmus of Rotterdam, professor. Johannes Despaultre, identified as the grammarian whose fame is European, appears in 1498 along with two Scots, Master Patrick Panter [afterwards secretary of James IV.] and Master Adam Witla. The identification of all this fine list of student Scots abroad offers some pretty problems. Père H. de Vocht who edits the extracts has great credit in presenting so important a voucher of advanced education sought by Scotsmen in the great medieval university. He has identified many of them, and his succinct notes excellently open the task.

History for January has its chief article in Prof. A. J. Grant's stimulating essay on 'Dante's Conception of History.' For Dante the world-centre was Roman Law, for which his admiration was without bound and, it must be added, without criticism. On the other hand the Church, as well as the Papacy, had failed: it was not merely Boniface VIII. with whose memory Dante was at feud. Prof. Grant himself rather too cheerfully gives up the conception of 'progress' at the touch of Prof. Bury. Miss Jeffries Davis concludes her introduction to London records in a strain conceding a good deal in her coming work to local pride; we shall watch for the other side also.

The finance of an Elizabethan festival observed at Yeovil from 1564 until 1577 make a valuable contribution to *Notes and Queries for Somerset*

and Dorset for December. Robin Hood and his garments and the 'fetherynge of Robyn hooode's arrowes' are standard items in the charges. In 1572 it was appropriately John Fletcher who was paid for the feathering. Local traditional references to the mystery of King Arthur's 'passing' to Avallon and the alleged finding of his bones at Glastonbury come from the pen of Canon Armitage Robinson and invite scrutiny. A 'View of Gillingham Manor' circa 1650 gives a capital specimen of a detailed perambulation with point to point tracing of the line, record of 'bound-stones,' and incidental register of numerous field-names.

In *The American Historical Review* for July 1921 Carl Becker discusses 'Mr. Wells and the New History,' expounding his general doctrine with a disposition to favour, and finally classifying the book as 'the adventures of a generous soul among catastrophes.'

John R. Knipfing, on 'German Historians and Macedonian Imperialism,' contrasts the antipathy of Niebuhr with the enthusiasm of Hegel, followed by Droysen, Beloch and Holm, Eduard Meyer, Kahrstedt and Drerup, the last of whom oddly seeks to disparage either Demosthenes or Asquith by likening the two. The poisoning of Demosthenes and Philip is Cicero and Cæsar over again. The survey of the German historians establishes for Mr. Knipfing 'beyond reasonable doubt that the studies of even the foremost of German historians on the period of Greek history from 358 to 338 B.C. are in crying need of revision.' But, one asks, will our own or the Italian or the French studies stand the test any better? Lord Bryce, on 'The Life of Disraeli,' vols. v. and vi. is perhaps too serious and adverse in his estimate of the politician. The piquancy of the Queen Victoria episodes is with obvious deliberation left out of the emphasis. It is a political rather than a biographical notice of Mr. Buckle's remarkable biography of Beaconsfield. Percy Bidwell describes the agricultural revolution in New England, induced by western competition, improved transport, concentration of textiles and organised production mainly since 1840.

Valuable peeps into a somewhat unfamiliar province of history are afforded (1) by Kenneth Latourette, who writes a short account of the earlier Chinese historians, and traces the main contributions, Chinese and European, during the last seven years, to the exposition of Chinese history, and (2) by a general notice in a paper by Walter Swingle on Chinese Historical Sources. There is a wilderness of annals, and the introduction of studies in so vast a field by Americans in particular as the 'next door neighbours' of China is advocated by Mr. Swingle as a proper task of United States scholarship.

A first instalment of a Journal occupying twenty pages of small print describes first in extremely well informed detail a passage by sea from Haiti via Jamaica to Cuba and Havana in 1765. There the voyager 'had sight of the moro Castle.' [This was just three years after 'the Moro low was laid at the sound of the drum,' as the ditty of the soldier in Burns's *Jolly Beggars* expresses it.] Our traveller (who is anonymous, but is believed to have been a Frenchman, and who wrote a homely English as well as an equally ill-spelt French) speaks of the fine harbour of Havana, and goes on to say 'the moro Castle stands on a rock on the larbord side going in and the punto opposite to it on the starbord side.' In March 1764 he set sail

for the American continent, landing in Carolina. He made a very extensive tour through Carolina and Virginia, picking up much statistical and topographical information as he went. He reached Newcastle, Delaware, on June 6, and on June 8 came to a halt near Fredericksburg, Virginia, from which a future instalment will conduct him to Annapolis and New York. This diary of a passage through the Colonial states of the coast, made by an observer who had something of Defoe's skill in gathering news and local fact, and who perhaps meant to derive material gain from the compilation, has been discovered in Paris among certain hydrographic service archives by Mr. Abel Doysie. It may almost be reckoned a gazetteer of the districts traversed.

The same review in the October number strikes out fresh constructive and critical lines on the coal trade in seventeenth and eighteenth century England, and on early colonial architecture in America. Edward R. Turner's study of the English coal industry is heavily vouched with authorities, and is full of incident and oddity. The connection of mining and shipping proves unexpectedly close. Scottish coal takes its part alongside of the English coal, of which the chief consignments were to the port of London. As manufacture developed the demand from founders, distillers, soap-boilers, dyers and sugar-bakers grew steadily. An early author said that to his knowledge the collieries 'bred up more mariners than all of England's commerce with other countries.' The 'hostmen' of the Tyne tried hard to secure their monopoly, which was briskly resisted. In 1704 we read, 'Her Ma^{ty} disapproves all sorts of Combinations of the like Nature.' The story touches instances of primitive organization among the miners. Customs duties made the coal traffic a special subject of Government promotion and regulation. Before the industrial revolution arrived the struggle between the capitalists, the carriers and shippers and the pitmen was in full swing, and Mr. Turner indicates in his careful yet spirited record that miners, keelmen and coalheavers, prohibited from striking, were worsted in their policy.

Fiske Kimball maintains that recent writers on the American frontier system have misinterpreted the facts when they supposed that log cabins and Indian palisades were the standards of style for the gradually expanding early settlements. He denies this, and urges that the whole theory of the frontier is an outrage on actual history. The new view is that the American types of frame-buildings were little behind the homesteads which the settlers had left behind them in England and had not forgotten. Soon, by structures modelled on English handbooks, they were erecting dwellings quite worthy of any comparison. When 1776 came it found the colonist ready to regard the Declaration of Independence as applicable to matters of art. In church building the essentially Gothic style, traditional in England, had been adapted with notable success.

Carl Becker edits a remarkable letter or memorandum appearing to be written by Danton to Queen Marie Antionette, dated 4th August, 1793, when she was a prisoner in the Conciergerie at Paris. The genuineness of the document seems scarcely disputable, and Mr. Becker discusses warily the purpose of a communication obviously open to suspicion of some motive

of treason to the Republic. A facsimile of the curious writing is a piquant feature of Mr. Becker's paper.

Professor Franklin Jameson describes the recent Anglo-American Conference of Professors of History, evidently gratified by the entire spirit of the gathering and its work.

The second part of the French Traveller's Journal in 1765 exceeds if possible the first part in the value of the observations. Many details of the state of the settlements and the appearance of the country, the towns, villages, rivers and ports are given. British readers will note that the colonists would drink the king's health and then drink 'Damnation to the Stamp Act,' proclaiming their determination to 'fight to the last Drop of their blood' rather than consent to 'any such slavery.'

The American Historical Review starts the year with a discussion of the diplomatic exchanges out of which there came the announcement of the Monroe Doctrine, and especially of the part played by Russia and Metternich in 1822-24 in rendering the doctrine of little effect. Dexter Perkins, who writes the article, frankly concludes that the weakness of America a century ago explains its light weight in diplomacy with Europe. Monroe's stand, he acknowledges, 'did not alter in any essential respect the view-point of the Continental powers.' Have we changed all that? Nelson Gay out of the letters from Italy of Moncure Daniel to the U.S. Secretary of State in 1860 surveys the Sicilian Campaign of Garibaldi and the curious openness with which its intrigues and preparations were conducted. The article illustrates as the vital factor of the situation the irresistible desire of the Italian people from Sicily to the Alps for a unity of liberty. Darling Foster describes Daniel Webster's 'Seventh of March Speech' and its influence in checking the Secession movement in 1850. A long letter of 1834 lightly, brightly, but with circumstance and point, describes the appearance and life of the city of Washington. It was written by Robert C. Caldwell, a naval lieutenant, to his father, and is an excellently readable and even racy production.

Among reviews attention will be drawn to a brief condemnation of Strachey's *Queen Victoria* as a shallow and thin performance. A rather important verdict on a much debated issue is given by Julius Olson who, against the unbelieving Nansen, supports the credibility and good faith of the Wineland Sagas and reckons Nansen 'definitely vanquished.'

The Iowa Journal for July has two local articles, both by John E. Briggs tracing the connection of Iowa State with the diplomatic service, and emphasising the part played by John Adam Kasson during 1860-1901. His significance overflows into the second article on his work as a postal negotiator. Clarence R. Aurner takes up a good social theme in sketching the rise of Mechanics' Institutions in Britain during 1817-1823 and the derivative foundations in the United States from 1826, inclusive of the association formed in Iowa in 1841.

There is a sharp side-light on the share of these movements in United States public education, although the chapter of decline of such democratic popular-science organisations seems to be a different course of events from

what happened in Great Britain. Students of education might find the subject a profitable investigation. Clarence Aurner points out the large interest Glasgow has in this branch of social evolution. Dr. John Anderson, as far back as 1760, had begun his 'anti-toga class' attended by operatives in working clothes. On his death this course was standardised in the Andersonian University, where in 1796 the lectures were given to over a thousand persons. In 1799 Dr. George Birkbeck lectured to large classes, and was called to Anderson's chair. 'It has generally been conceded,' says Clarence Aurner, 'that these lectures were the origin of mechanics' institutions under whatever name they were organised,' and he cites from the *American Journal of Education* the dictum that Anderson 'opened the temple of science to the hard labouring mechanic and artisan.'

Subsequently the idea of a library was added by Dr. Andrew Ure, and in 1823 the Glasgow Mechanics' Institute was established.

It is curious that the Scottish source of these facts should not have been plainly stated in the article; apparently it is from Dr. (afterwards Sir) David C. McVail's well informed introductory address of 1878-79 at Anderson's College that the narrative in general ultimately comes regarding that remarkable personality John Anderson.

Probably the most important article is by Louis B. Schmidt, being a second instalment of a study of the Internal Grain Trade of the United States, 1860-1890. Starting with an engaging picture of the great tow-barges of the Mississippi from the early 'sixties before and after the Civil War, the article follows the amazing development of thirty years, the end of which found the grain traffic concentrated in ten capital towns—Chicago master of them all with 223 million bushels of grain and flour receipt. St. Louis was second, but far behind, with 77 millions. A third and final instalment is to treat of the Atlantic export. The description of the riverine development is intelligible and instructive, the more so as it is not overwhelmed by the wilderness of figures which it controls and absorbs.

Professor Schmidt has specialised in this wonderful cereal movement for many years with especial regard to the agrarian revolution which has resulted from it, inducing in its turn an equally surprising expansion of transport facilities, as well as a marked geographical influence on the changing distribution of the population. The summations of his third article promise important generalisations.

In the *Iowa Journal* for October there is a wonderfully illuminating record of the Thirty-ninth General Assembly of Iowa, in other words, the Senate and House of Representatives of that State. It is a skilful analysis of 89 days' legislation last year. A perusal of the article (which is by John E. Briggs) probably furnishes a better basis of comparison between British parliamentary methods and local State legislation in America than can be otherwise found. It is instructive to find that '90 per cent of the work of every legislative session is code revision'—a sign that enactments are shortlived indeed. Codification (see *S.H.R.* XIX. 156) is a great enterprise evidently worthy of all the labour of drafting and debate which it entails. But the general subjects of the Assembly are a vast field of shifting, directive, and corrective survey. They touch public and private life at points and angles

of observation so different from our own in the things themselves, yet so closely akin in the spirit of treatment, that perusal is an instructive glance not only at the legislation, the administration, and the judicial procedure of the State, but at municipal management, street and road policy and practice, 'jitney busses,' railroads, motors, and the taxation of transport, as well as a mass of provisions for 'social welfare' as the comprehensive technical term. Crime naturally is a very necessary head, including kidnapping for ransom and train robbery as punishable by imprisonment for life. 'A bad world, my masters'! Among many social administrative details 'the practice of podiatry' and regulation of 'drugless healing' arouse curiosity. Drainage and sanitation require far-reaching ordinances and the 'park tax' is an enlightened institution.

The *French Quarterly* for September contains the outline of a project of an edition of the apologetical portions of Pascal's *Pensées*, by the Rev. H. F. Stewart, of Trinity College, Cambridge, and an interesting article by Mr. A. F. Powell on the relations between Sainte-Beuve and Matthew Arnold. The December number contains a study by M. Chauviré on Henri de Regnier. In 1914 M. Chauviré published an interesting study of Jean Bodin. He is more at home in the sixteenth than in the twentieth century. M. J. Deschamps contributes a note on the Youth of Sainte-Beuve. Both numbers contain useful notices of current French publications.

In the *Revue d'Histoire Ecclésiastique* for October Dom. Villecourt publishes the first part of a study of the chrisme in the Coptic Church based on a unique Arab MS. in the Bibliothèque Nationale. M. Viller continues his account of the question of union between the Greek and Latin churches between 1274 and 1438. Fr. Callery makes a contribution to the history of the 'spiritual' Franciscans, with reference to the *Arbor Vitae* of Ubertinus Casaleensis, and M. Pinard concludes his series of articles on the 'Theory of Religious Experience.'

Among the books reviewed are Watkins' *History of Penance* ('travail méritoire et consciencieux'), Butters' *Benedictine Monachism* (described, with some reservations, as a substantial contribution to monastic history and theory), Cohn's *Das Zeitalter der Normannen in Sizilien* (12 pages: critical but favourable), Murray's *Erasmus and Luther* (critical), and a new volume of Pastor's *Geschichte der Päpste, 1559-1565* (12 pages). Reference is made to the Liebaert collection of 1644 photographs from Latin MSS., sets of which can be purchased from the Roman photographer, Pompeo Sansaini, via Antonio Scialoja 3, Rome. Professor W. M. Lindsay has drawn attention to the importance of this collection. The number contains the usual admirable bibliography.

D. B. S.

The *Revue Celtique* xxxviii. contains an interesting note by Mr. M. V. Hay on a mis-representation by Skene (*Celtic Scotland*, ii. 7) of the import of a letter of St. Columbanus to Boniface IV. Skene has been followed by a number of Scottish historians, without verifying his reference. Mr. Hay makes it clear that St. Columbanus' words will not bear the anti-Roman interpretation which Skene gave them.

Notes and Communications

SCOTTISH EMIGRANTS IN THE SEVENTEENTH CENTURY. Mr. George A. Taylor, of Boston, has sent me the following document, transcribed from the original in the Archives Department of the State of Massachusetts. It is interesting as showing the care which was taken by the original settlers in that part of America to ensure that new immigrants should be worthy of acceptance as neighbours and of good moral character. *Autre temps, autre mœurs.*

J. BALFOUR PAUL.

To the Hon^{ble} Gov^r, Dep^{tie} Gov^r and the rest of the Hono^{ble} Magistrates and Dep^{ty}s now assembled in the Gen^l Court held at Boston
12th February 1679.

The Petition of Hugh Campbell, merch^t in Boston, Humbly Sheweth that whereas yo^r Petitioner at the time of his Departure from Scotland, was desired by sundry Godly Persons, inhabiting in the West Parts of Scotland, to informe myself of the customes, way of Gov^mt and priveledges of his Majesties subjects in these parts of y^e world, and to give them an acco^t thereof; for that they did apprehend that the severity which was exercised towards them by some in powre there, and other troubles would necessitate them to leave their Native Land, and to transplant themselves and famalyes into some of his Maj^{ty}s plantaçons where they might find acceptance. And I, having seriously considered their request, and taken the advice of sundry Christian Friends in this place doe apprehend none of his Maj^{ty}s Plantations so convenient for them (all things considered) as amongst his Maj^{ty}s good subjects in this colony: whereupon some time since I did acquaint the honor^{ble} Gov^t and Councill with the matter, who did signifie to me that a people of a Holy Conversation, Orthodox in matters of Religion and such as would be conformable to the Laws of England and of this Place would be acceptable to them. And since that y^e Transportation of famelys into a Strang Land is a matter of so great concernment, and not to be undertaken in the place to which they shall come,

Your Petitio^r therefore humbly Intreats the favour of this Hono^{ble} Court to take this matter into their serious consideraçon, and for the Incouragem^t of such a People (so qualified as aforesaid, bringing with them an able and orthodox minister and schoolmaster) to grant to your Petitio^r for their use and account a convenient quantity of

Land sufficient to accomodate one hundred ffamilys or thereabout,
so shall he ever pray as in duty bound st. [servant]

HUGH CAMPBELL

[endorsed]

In answer to this petition the Magistrates Judges meet to allow to the petitioner on behalf of such as may on that account transport themselves hither, such accomodation to their number in the Nepmug Country¹ as it will afford, provided they come within two years after this graunte

6 febr 29. The Magists have past this, their brethren the Deputys hereto consenting. Edward Rawson, secret.

Consented to be the Deputys

WILLIAM TORREY, Cleric.

SEVENTH CENTENARY OF DUMBARTON AS ROYAL BURGH. *Scottish Royal Burghs*, by John Irving (Pp. 71, 8vo, Dumbarton: Bennett & Thomson 1921), is a well-timed preliminary to the coming celebrations of the septcentenary of Dumbarton being made a royal burgh by Alexander II.

It shows good cause for gratification over the part the burgh played. Many historical phases are here lightly sketched, especially the conditions which evoked the foundation charter, and the periodic variances with overshadowing Glasgow are duly chronicled. A main line of a brief essay is to give the burgh its place in Scottish institutions of its class. The founding of the county, the story of shipbuilding and the many themes of the 'Murragh' and the seaport are historic factors purposely subordinated in reserve for the fuller sept-centenary light which the occasion may be expected to generate.

¹ About 40 or 50 miles west of the present city of Boston.

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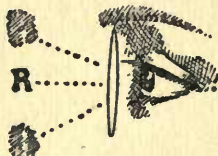
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Sir Archibald Lawrie's Charter Collections

BORN at 48 West Nile Street, Glasgow, 8th September, 1837, oldest child of Professor James Adair Lawrie, M.D., and of Janet Finlay of The Moss, the future Sir Archibald Campbell Lawrie was fated to win high distinction as an advocate, judge and historical scholar. On his retiral from his supreme judgeship in Ceylon he returned to Scotland in 1902 to settle down at The Moss, an ancient property of the Buchanan family situated at the foot of Dumgoyne, a well-known spur of the Campsie Fells in Stirlingshire. It was at The Moss that the great George Buchanan was born: it had belonged to his brother, Thomas Buchanan, from whom Lawrie was a descendant. It had passed out of Buchanan hands in 1751, but was purchased by the Finlays, in whose ownership it remained until by inheritance from his uncle, William Finlay, it became the property of Lawrie, whose interest, as will be seen, in the Buchanan ancestry was naturally considerable.

Sir Archibald's return after a strenuous career on the colonial bench was not the prelude to any quest of inglorious ease. It would be difficult to point out a dozen years more absolutely and productively employed than those which Sir Archibald spent at The Moss in his retirement. He greatly extended the old mansion, laid out the gardens anew, and stocked the library with the standard materials for early Scottish history. That his ancestor Thomas Buchanan was the brother of the lauded scholar and sorely discussed historian of Queen Mary and tutor of King

James may have remotely affected the studious tastes of the occupant of Buchanan's birthplace by the side of the Blane Water in Stirlingshire—in *Levinia Scotiae provincia natus est ad Blanum amnem*—may be left to psychological speculation. Sometimes we know historical pursuits are hereditary. Whilst Lawrie, called to the Scottish bar in 1860, was beginning with only small hopes of practice he came into touch with Professor Cosmo Innes, then at the height of his antiquarian distinction, an archaeologist of records whose broad fine spirit of enquiry and criticism ranged with masterly freedom over the past, especially the medieval periods of Scotland when the cathedrals were building and the great sees were being laid out, and the institutes of the feudal system flourished in the land. In Cosmo Innes there was a lofty flight above mere antiquity into the divine, serene ether of history, and he had a gift of style that transformed his prefaces to the cartularies into literature and his lectures on legal antiquities into an idyll of feudalism. The acquaintance began through Margaret (Lawrie's eldest sister, to whom he was greatly attached) being a school friend of Mabel Innes, the professor's daughter. When Lawrie and Margaret took charge of the upbringing of their two younger sisters and removed to Edinburgh, the acquaintance became so much the more intimate. Lawrie's father himself, too, had been a fellow-student if not a class-mate of Innes at Glasgow University, and the social opportunities of Edinburgh, of course, were many. Innes by this time was finishing the edition of *The Acts of the Parliaments of Scotland* started by Thomas Thomson—closing his predecessor's task with a mighty index volume, which was the thirteenth tome of Scottish law and legislation from the coming of David I. in 1124 until the parliamentary Union of 1707. The making of this final statutory volume with Innes as editorial chief was entrusted to Lawrie, along with Mr. Archibald Anderson, another advocate, and their execution of the massive task left little to wish for : it provided Scotland with an apparatus of over 1200 double-columned folio pages reflecting, analysing, glossing, and affording exhaustive references to the entire body of judgment, legislation and history of the land for six hundred years. A unique condensation of the long record of Scottish institutional life, it was approaching completion when Lawrie's appointment to a judgeship in Ceylon called him away, leaving to colleagues at home the work of passing through the press this key to the parliaments of Scotland. Innes was dead when at

last the work was, with preface by Mr. Anderson, issued in 1875.

Long before his departure to Ceylon, Lawrie had won the confidence and affectionate regard of Innes. A significant token of intimacy is seen in the transcript still extant which Innes in 1864 made for Lawrie of the charter of 'Middle Ledlowan' (the old name of The Moss) to Thomas Buchanan, Lawrie's ancestor. It is hard to resist speculating whether this was not the veritable beginning of the young advocate's antiquarian life. About this time he drew up a series of notes on 150 pages quarto manuscript on the Buchanan family. Antiquarianism can hardly find apter beginning than at home.

Before his Ceylonese appointment Lawrie had for a year or two acted as interim sheriff-substitute in Glasgow, where he established a gratifying reputation—so much so that his reception led him for a time to desire a permanency there. After his awaygoing to the East a long letter pleasantly associating Innes, the old sheriff, editor, and scholar, with the young District Judge of Kandy was sent to Lawrie. A closing sentence said :

'In society you always stood well, and the same good qualities that made you popular and respected will tell now. Let one who has tried your temper most, speak of it as *imperturbable*—and is that not a testimonial worth all others !'

The old scholar, who died in the following year, had judged shrewdly of his young friend, who quickly adapted himself to his new environment, making a judicial reputation as a patient investigator, a little incredulous but full of kindly sympathy, and constantly increasing his store of knowledge of local topography, history, statistics, monuments, and general lore of the Central Province which then formed his jurisdiction. He believed that the Roman basis of much of Scots law helped him to assimilate the Dutch-Roman elements in the code of Ceylon. He remained there until 1892, when he was raised to the position of Senior Puisne Judge of the Supreme Court of Ceylon. His administration in Kandy was remarkable for the degree of confidence reposed in him by the native races of the island. His social gift and modesty of bearing, as well as his unfailing good-humour, hospitality, and zest in life lent grace to justice. All the while he was by a study of the records, journals, returns and official registers, amassing a body of information never before collected, which must have shaken much dust out of many pigeon-holes, and which by degrees he shaped into a truly surprising couple

of volumes of 974 large pages, the *Gazetteer of the Central Province of Ceylon*. Its miscellany of geography, ethnology, architecture, archaeology, history, detail of land tenure, town and village characteristics, provincial and judicial government service, etc., illustrated by very numerous translations of quaint documents, inscriptions and title deeds, anecdotes, incidents, and historical annals could only have been the work of a born compiler. It marks the extreme of contrast between the life of the author as a Scottish advocate and as a judge in Ceylon. His home for nearly twenty years was at Peradeniya, a village about four miles out of Kandy. Once it was a royal residence, and there are still traces of ancient buildings, as well as of Dutch fortifications. The locality is of striking beauty on the banks of the stream Ma-oya, with famous botanical gardens, and the judge's house was well suited to its picturesque and historic situation. He had married in 1880 Constance Dennistoun (widow of John Hamilton), who died in 1890. It is not difficult to trace in the *Gazetteer* his admiration for his place of abode, and he transcribes curious deeds concerning the village lands. They are fortified by queer imprecations, as vehement and no doubt as effectual as those which served as the warranty of similar documents of conveyance which have come down to us from Anglo-Saxon charters and continental formularies. References to 'vengeance' and to oaths on the 'five ordeals' evince some of the juristic parallelisms if not the basal magic unities of pre-historic Indo-European law. East and West have never been parted.

On his promotion in 1892 the judge changed his residence to Colombo, where his last nine years of Ceylon were spent. His eldest sister (who died in 1898) and his youngest sister, Miss Louise Lawrie, paid him several visits there. During the eight-and-twenty years of his being stationed in the island he met or entertained many celebrities and some royalties, including the Prince of Wales (afterwards King Edward VII.) and Prince George (now King George V.). He saw Arabi Pasha pass from Egypt into his Indian exile. On his homecoming he was knighted by King Edward VII., an honour announced to him in a letter from Mr. Joseph Chamberlain in 1901 expressing high appreciation of his colonial services.

In Ceylon, of course, the annals of Scots kings and parliaments and earls were impossible, beyond the rim of his eastern world, however wistfully his eye may have turned to homeward themes. But very soon after his taking up residence in Scotland and setting

up his home at The Moss he must have been devising his plans of work on Scottish history on an ambitious scale, and having as the inspiration a purpose to offer a critical study of early reigns, beginning with David I. Generalisations he instinctively distrusted, and a fireside critic hit him off very neatly in declaring that he was 'no philosopher.' He had no leaning towards picturesque or speculative elements in our annals; he was not in quest of sensations; and he was free from prejudices equally as regards Pict and Scot on the one hand and the racial rivalries of Gael and Saxon on the other. He had little faith in, and still less liking for, ethnological inferences: he believed in pedigrees which admitted of concrete ascertainment, and he had a passion for exact chronology, for the 'diplomatic' of our old documents, and for the descents of the great families. John Barbour himself was not more eager to bring out the truth—

'the suthfastnes

That schawys the thing rycht as it wes.'

He had a fine scent for a forgery, and a demure zeal in critical dubitations and hostilities when required. These were capital equipments for the general editor and critic of the annals, charters and cartularies of the feudal period which had been left in somewhat of a tangle for a whole century.

Some bundles of letters addressed to him in his preliminary enquiries and examination of material display numerous signs of the mixture of caution and self-confidence with which he felt his way into the subject, diffident at the outset but gradually encouraged to the high achievement he meditated by the verdict of the scholars he consulted about the lines of his enterprise, and the principles of his scrutiny of the annals and charter grants of David I. and his successors. Not to reconstruct in the mode of Dr. W. F. Skene the constitution of Scotland under the kings who followed Skene's more shadowy Celtic monarchs with other ideals and traditions than theirs, but to piece together the chart and plain autobiography of the time from the collective chronicles and charters which time has preserved, he shaped a method for himself. It was less, much less, a narrative than a collection of text, with a special annotation of each document in what might in entirety be reckoned a historical cartulary. The letters he received concern sometimes the format, sometimes they have more attractive hints and discussions. Thus Dr. John Maitland Thomson, in quantity and quality Lawrie's greatest correspondent

of all, debates the alternatives 'Rex Scotiae' and 'Rex Scottorum,' or interprets 'Jhu' (a contraction for 'Jesu'), in which, as he says, 'of course the *h* is Greek *eta*,' or he explains the Count of Holland's claim in the grand multiplepointing for the vacant Scottish throne. The Rev. Henry Paton records his results from searches of charters. Professor Hume Brown warmly endorses his scheme, recommends Henry Paton as the safest of searchers, and discusses the problem of the relationship between our two earliest chroniclers. 'As far as I know,' he says, 'Wyntoun and Fordun have never been carefully compared with a view to settling the relation of their narratives to each other. My own impression is that both used common sources which undoubtedly existed in their day. I quite agree with you in thinking that Fordun did not invent the Macduff story, but that he only made use of a legend to which he may have given his own touches. Such legends are not created by one author. The same remark applies to the 'Weird Sisters,' which is almost certainly a tradition¹ from an early time with considerable accretions which could not fail to accumulate round the original nucleus of the story.'

A working basis determined, the pace of preparation did not slow down, and in 1905 the book *Early Scottish Charters Prior to A.D. 1153* made its appearance, winning at once the recognition by charter students of its standard value. Glasgow University made him LL.D. Dr. J. H. Round expressed himself handsomely, as also did Dr. William Farren, whose labours on the charters of Lancashire had given him a parallel experience. Reviewers were equally complimentary. Few of his judgments on authenticity were challenged, but some may be noted here. He had condemned, although with hesitation, two Swinton charters (Nos. C and CI), also the Scone Foundation Charter of A.D. 1120 (No. XXXVI.) by Alexander I. The outcome of the defence discussions was that in the case of the Swinton deeds his doubts were heavily undermined, and in his private interleaved copy of his book he deleted on page 343 the words 'but there is not sufficient evidence for that assertion'—the assertion, namely, that Hernulf was the Swinton ancestor. With characteristic generosity, although he never withdrew his observation 'I am not sure that these charters are genuine,' he made gracious *amende* to the house of Swinton by presenting to Captain Swinton the

¹ Cf. Amours' edition (Scottish Text Society) of Wyntoun's *Chronicle*, book vi. line 1902, and notes in vol. i. pp. 63-65.

precept (which he had acquired) by Archibald Earl of Douglas to John of Swinton, dated 5 July, 1402. Thus the episode was rounded off with a personal courtesy. On the Nostell question he was probably not convinced, and certainly was obdurate in his doubt when confronted with the fresh documentary vouchers adduced by Canon James Wilson, powerfully supporting the authenticity of the impeached charter of Scone.

Besides these, other two deeds stigmatised by him as spurious were Coldingham charters, preserved like the Swinton charters in the treasury of Durham. That the verification is difficult must be owned, but the authenticity of both (Nos. XVI. XVII.) had long ago the support of James Raine, historian of North Durham, and will still find defenders. The curious fact is that in each of these Coldingham grants the Scottish monarchs represented as making compromising acknowledgments of their relation to English kings were at the respective times of the grants in the actual position of being supported on—or towards—the Scottish throne by English arms. There was room, however, for Sir Archibald's doubt.

Out of 271 deeds edited in his work in 1905 only eight are condemned, of which, as above suggested, four are capable of defence. He was a constitutional doubter, but generous enough in his admission of his own occasional error. The present writer had the pleasure of accompanying him in 1905 to Durham to inspect amongst others the Swinton charter, as well as the charters implying homage to English kings, and can well remember Lawrie's expressed wish on account of some detected slips in the *Early Charters* to cancel and re-issue the book. It was the time of the conflict on the Ruthven of Freeland barony and peerage, on which his opinions were contrary to his sympathies. The meeting with the almost nonagenarian Canon Greenwell and Maitland Thomson at Durham, the quadrilateral conference over the challenged deeds of homage, and the collation of certain of the challenged Coldingham charters left a unique remembrance. Nor less of instructive interest to me was the journey with Lawrie that evening to Richmond and our inspection of the Castle next day. During that happy week-end of antiquarian associations, replying to some question of mine, he said he did not know whether he had been attracted to Cosmo Innes by antiquities or to antiquities by Cosmo Innes. One other link of thought with a great antiquary aforetime joins itself

with these reminiscences of Durham and Richmond. When introducing Sir Archibald to Miss Violet Hunt, at once guest, guardian, and protégée of the venerable Greenwell, I mentioned to him that she was a grand-daughter of James Raine. To Miss Hunt's delight Lawrie said in his salutation that he raised his hat not only to her but in respect to the good old historian. For me also the shadows of honoured names now gather round my memories of Durham.

As regards any ultimate scheme of his projected books, it may be supposed that his *Annals of the Reigns of Malcolm and William, Kings of Scotland* A.D. 1153-1214, which came out in 1910, revealed a change of plan. The annals were edited by themselves, intended to be followed in one or more separate volumes by the charters. These, had life and health been granted to him, would have been a goodly accession to the critical sources available for research. The piles of his manuscript notes evince the diligence and assiduity with which he carried on to fulfil his purpose. They were, after Lawrie's death, put in Maitland Thomson's hands, and he took steps to complete for publication certain parts of the collection. Unfortunately his state of health prevented the realisation of his hope, although, happily, before his illness forced the surrender of his purpose, he had made large advances towards it, in particular adding to the gatherings of text by Sir Archibald his own extensive, most important and often recondite documents from the Vatican, from Scottish baronial strong rooms, and from a lifetime's connection with lawyers, antiquaries and archivists, communicating to him materials within their knowledge or affording him access to ancient charters. That all this wealth of text, the labour and search of two of the most eminent charter authorities that Scotland has known, should have failed to reach the printing press is no doubt deplorable, but there is every occasion to congratulate the Faculty of Advocates on the public spirit with which Miss Lawrie and the relatives of Sir Archibald have arranged, with the hearty and most generous approbation of Maitland Thomson, to present the whole of these MSS. to the Advocates' Library. With that end in view they have been carefully bound in a series of large foolscap books, the title page of which is

SCOTTISH HISTORICAL DOCUMENTS.

Transcripts and Notes by Sir Archibald C. Lawrie, LL.D.
In Fifteen Volumes.

Sir Archibald Lawrie's Charter Collections 249

The contents of the respective books may be briefly indicated, with here and there a notification of special characteristics :

- Vol. I. Malcolm IV. charters.
- Vol. II. William the Lion charters.
- Vol. III. Alexander II. charters, 1204-1222.
- Vol. IV. Alexander II. charters, 1223-1230.
- Vol. V. Alexander II. charters, 1231-1237.
- Vol. VI. Alexander II. charters, 1238-1243.
- Vol. VII. Alexander II. charters, 1244-1249.
- Vol. VIII. Holyrood, Coldingham, Newbattle and Inchaffray.
- Vol. IX. Melrose, Dryburgh, Jedburgh.
- Vol. X. Kelso.
- Vol. XI. St. Andrews, Lindores, Scone.
- Vol. XII. Paisley, Dunfermline, Cambuskenneth, Kinloss.
- Vol. XIII. Coldstream, North Berwick, Isle of May, Soltre,
English Religious Houses.
- Vol. XIV. Aberdeen, Inchaffray, Brechin, Argyll, Dunblane,
Whithorn, Caithness.
- Vol. XV. Burghs, Church Privileges, Miscellanies.

Miss Lawrie has asked the writer of this article to express her grateful acknowledgments to her brother's friend, Mr. James MacLehose, for the labour and solicitous thought he has given to all the arrangements regarding Lawrie's collections, and for his advice in the matter of their ultimate transfer to the Advocates' Library.

From a letter of 1910 it appears that Maitland Thomson had sent to Lawrie his list of William the Lion charters, and his frequent letters prove him to have been an invaluable auxiliary of his friend. There was no flattery in the words printed in the forefront of Lawrie's *Annals of Malcolm and William* in 1910: 'Dedicated to John Maitland Thomson in acknowledgment of much kindness and assistance.'

On 20th October, 1910, a reply was sent in these terms :

Dear Sir Archibald Lawrie—I accept with some shame. For I neither have done anything nor am anything worthy of such an honour. But at least no one takes more interest in your subject or can have a warmer wish for the success of your book.

Yours very truly, John Maitland Thomson.

This letter has still its place inside Lawrie's own copy of the *Annals*, as if it lay near to his heart.

In the first volume alone not fewer than sixteen charters are noted as having come from Thomson's transcripts, and some of them contain phrases which feudalists will one day add to the repertory of their glosses. For instance, in a grant by David, brother of the King of Scotland, to Malcolm, son of Bartolf, there occur the words *cum furca et omnibus aliis libertatibus praeter fossam*, upon which Lawrie proposed conjectures. Perhaps a better answer than his is that *fossa*, fully interpreted, is *fossa iustitiae* (*judicii*), as the exact Mr. Madox has it (*Hist. Exch.*, 1711, p. 256), that is to say the ordeal of water. A Perth burghal charter excepts from the civic liabilities the enclosing of the burgh (*claustrura burgi*), an exemption which possibly accounts for the claim made by the burgesses against Edward I. in 1307 for the costs of the *pielle et le fosse* which they had made (*National MSS. Scot.*, part ii. No. 15). Thomson remarks in a letter of 1913 that grants of *fossa et furca* never became normal in English charters. Another transcript, from an original at Welbeck, obviously implies that in the phrase *furca et fossa* the fosse is the 'pit' or 'dykepot' of the ordeal.

To pretend that Lawrie was void of predilections of doubt approximating to prejudices might be to strain the due inferences. That his scepticism was deep-seated and inherent in his character and no mere assumption for his editorial function is certain: he had a habit of question, and his dubieties were not easily overcome. One notes that in the *Early Charters* he denied the name and disbelieved portions of the text of the *Inquest of David*, and that in the *Annals of Malcolm and William* he ignored the charter of Malcolm to Walter son of Alan the Steward of Scotland—a plain hint of his refusal to be convinced either by Sir John Skene or Dr. Maitland Thomson that Sir James Balfour's fraudulent miscopying of the charter left its authenticity without a stain on its character.¹

Volume XV., on Church Privileges, etc., and the like, is a restricted enquiry into the functions of bishops and others, but neither here nor in the parallel annotations concerning the offices of chamberlain, etc., do his studies appear to have been focussed. What he had done was a unique preliminary assembling of the evidences from every source for the story of the founding and development of the bishoprics and the abbeys, as well as for the regal annals and the institutions of state.

¹ See *History of the Berwickshire Naturalists' Club*, vol. xxiv, pp. 126-147, for a discussion of the charter, with facsimiles.

It is no mere *torso* of texts that is thus made over to the Advocates' Library, it is almost a body of history in itself, and the future enquirer into the record of the twelfth and thirteenth century is to be congratulated on the assistance assured him by these many tomes. But a primary and pressing need is to have the fifteen volumes adequately indexed along with a few subsidiary collections of notes which have also been carefully bound and are at the same time being handed over. For the future editor what shall be said except to wish that he will come soon? A long and a noble task lies before him to complete, or at least to carry well forward, the enterprise so efficiently begun.

Of The Moss as a home Lawrie was always intensely fond. The library was, and still is, a cosy and ideal work-room, entering from the hall and looking southward out upon the abrupt peak of Dumgoyne which beautifully dominates the valley of the Blane below, while a mile or two away the church steeple of Killearn and the obelisk to the memory of George Buchanan crown the ridge. A picture of the old place of the Buchanans hangs on the library wall. We have seen that Buchanan was an early study of Sir Archibald's, but apparently it did not carry him far; albeit in the library there are the first issue of the *History* (1582) and various subsequent editions, especially the *Opera Omnia* (Ruddiman's folio of 1715), which last bears inserted MS. notes on the portrait of the stout old preceptor, politician and poet.¹ His book collections—he did not collect nor even greatly study manuscript—were in the main for the purposes of his historical work, although by no means unrepresentative of general literature. More than forty years ago a friend of mine deputed to approach John Hill Burton found the old historian

¹ In 1905 Sir Archibald did the honours of host with peculiar felicity when the 'pilgrimage' of the Buchanan quater-centenary was made to The Moss. But he would not contribute to the quater-centenary volume, and does not seem to have written anything formally concerning his most illustrious kinsman.

While engaged in the alterations and extensions of The Moss, Sir Archibald meditated, but apparently deferred, the setting up of an inscription outside the front of the house. I have letters from him discussing his proposal for an inscription in those terms:

'A few yards to the north stood the house in which George Buchanan was born.
February, 1506.

Mente firma provocat discrimina.
Virtute vixit, Memoria vivat, Gloria vivet.'

The first Latin passage is from Buchanan's *Psalms*, psalm 112, verse 7. The second is from a tomb in Rome.

in the confusion of dispersing his library, the books gathered into boxes for transmission to a London saleroom, the shelves and cases an aching void, knowing no longer their store of the erst-while book-hunter's trophies. There was pathos in the scene, the picture of the end of a literary life. Miss Lawrie has postponed the process in the case of Sir Archibald by keeping his reliquiae in their places. His shelves are rich in cartularies and chronicles, in tomes of the record series, in peerage biographies, and in the publications of the clubs and societies which contain the arcana of Scottish antiquity, and one never knows but that any volume may contain some little memorandum to supplement the work. One of these, dated 8th February, 1862, is the death notice of 'John Riddell Esq Advocate' in his seventy-seventh year.

The copy of the Scone cartulary has inserted a letter by its anonymous editor, David Laing, announcing to Hew Scott his election as a member of the Bannatyne Club in 1852. He had an instinct thus to bind up with the works the personalities from which they came. His copy of the famous Session Paper on Old Extent in the case of Cranston *versus* Gibson, 1818, Faculty Collection, p. 511, carries in it numerous MS. additions by Joseph Robertson to the elaborate erudition of Thomas Thomson. Curios do not seem to have been greatly his quest. He kept his library as one that loved it. He was not given to pencilling his cross references, corrections or memoranda, preferring an untainted page and being a bit of a 'beau in his books,' which for the most part are good copies, well-bound and in admirable condition. He was never a member of the Society of Antiquaries or the Scottish Text Society or the Scottish History Society, and he was averse from speech-making and essay writing. Reviewing he frankly detested. He had his own domain, knew too well the limits of time, and with grim concentration plodded along till the annals and the charters began to loom out of the vague into compassable shape and dimensions. This was the world of his mind: the mundane Sir Archibald moved about among his fellows the blithest and most hospitable and companionable of men—a gay contributor to the talk of his club, with a whimsical, self-depreciatory manner as far as possible apart from any pretensions of literary or historic aloofness. No wonder that he was universally popular: the testimonial of Cosmo Innes never needed revision. My acquaintance with him is to me a delight to remember.

He died on 11th May, 1914, and was interred in Killearn Churchyard amid a great concourse of his Stirlingshire neighbours and his Glasgow and other friends. One of the obituary notices refers to his visit with other archaeologists, in 1909, to the Roman Wall in Northumberland, when he 'faced every responsibility save that of proposing a toast.' It also makes an important suggestion concerning his unfinished writings—'As since 1910 he is known to have been, so far as not interrupted by illness, steadily continuing his studies of the early period, it is hoped that these continuations, however incomplete, may yet be available to bring further public honours to his distinguished and genial memory.'

It hardly needs saying that now, when the value of the original collection has been so markedly confirmed and enhanced by the amalgamation with it of Maitland Thomson's transcripts, the necessity has become still more obvious and clamant of making adequate and honourable acknowledgment by a prompt editing of the material. The unselfish conjunction—for it was two collections, and is now one—will be an enduring monument of a generous friendship, a splendid gift to the Advocates' Library, and a priceless register of Scottish feudalism.

GEO. NEILSON.

Relation of the Manner of Judicatores of Scotland

THE document here printed has been unearthed from among the treasures of the British Museum. It has been printed as it stands—even to the misspellings—and the original method of paragraphing has been retained. For greater clarity, however, additional punctuation marks have been introduced, and the paragraphs have been furnished with numbers and headings.

The general tenor of the document is clear. The account of the judicatures of Scotland begins with the Parliament, which is treated at some length. The College of Justice, which comes next on the list, receives even fuller discussion. The remaining eight paragraphs are devoted to inferior civil jurisdictions, ecclesiastical courts, and the criminal courts of the Justiciar, his deputies, and various minor authorities.

Many points of interest emerge, some of them of great importance to the student of constitutional history. Only a few of the latter—those relating to the Scottish Parliament in particular—can be discussed in this paper.

We have first to discover what importance may be attributed to the statements contained in the text, and this raises the questions as to by whom, and at what date, the report on the Scottish courts was composed.

As for the authorship, certain points are obvious. The memorandum was written by a Scotsman (Paras. 19 and 14—'Wee' and 'our'), and that Scotsman was in England (Para. 1—'this Kingdome'). He was writing for the information of some person of consequence in England (Para. 17), and he was plainly a person of consequence himself—probably a Lord of Session (Para. 14), certainly a lawyer. Not only is he expert in the law of Scotland, but he knows enough about the law of England to be able to emphasise points which would strike an Englishman as being important.

The hand, unfortunately, is of no assistance. It is a clerk's hand, and Professor Hannay, who has consulted with other experts at the Register House, is confident that it is the hand of an Englishman. He makes the conjecture that the document was dictated to an English clerk by the Scottish author, and in view of such spellings as 'president' for 'precedent' (Para. 7), 'begone' for 'bygane' (Para. 23), and 'repute' for 'depute' (Para. 23), it is hard to reject his conclusion.

It is with regard to the date that difficulties appear. One would naturally expect that the memorandum should date from the time of the negotiations for union, when English ministers would naturally wish to acquire information about the government of Scotland. But the description of the Scottish Parliament given in the text seems to point to a date considerably later, in that it mentions, as already existing, certain features which are commonly supposed to occur only in and after the year 1612.

Thus in paragraph 2 we are informed that the Scottish Burghs each sent only one commissioner to parliament, except Edinburgh, which sent two. According to the official view, this arrangement was introduced only in 1619, and that by a decision of the Convention of Royal Burghs.¹

Again the method of choosing the Lords of the Articles here described has not been found before the year 1612, and its introduction at that date is generally ascribed to the subtlety of James, who, having made the Churchmen his servants, used this means of controlling the whole committee.

Lastly, in paragraph 4, it is categorically stated that, during the sessions of the 'Articles,' the rest of the Estates did nothing at all. Now Calderwood represents that only in the year 1621 were the members of Parliament 'restrained from the necessarie use of the ancient priviledges granted to the severall states, to conveene by themselves in time of parliament, for advising, reasoning, and preparing themselves the more deliberatlie to vote in publict.'²

Here, then, are three good arguments for dating our memorandum after 1612, and their total effect is to point to the year 1621. If, as Calderwood alleges, the government was then conducting an attack on the privileges of parliament, what more likely than that some Scottish statesman should be at pains to inform James' English advisers exactly how the case stood? Is it possible that the author is none other than the Earl of Melrose,

¹ *A.P.S.* i. 17.

² Calderwood, vii. 492.

the redoubtable 'Tam o' the Cowgate' himself, whose 'Ordour and Progres of the Parlement, October 1612,'¹ reveals him as an authority on the Scottish constitution?

This view of the genesis of the memorandum is plausible. But a closer examination of the text favours an earlier date, and an origin still more interesting.

In the first place the *a priori* argument, already cited, must be emphasised. Surely by the year 1621, English statesmen, at all events the statesmen concerned, must have been well informed as to Scottish affairs.

Again, paragraph 2 states quite distinctly that it is only some twenty years since commissioners from the shires began to attend parliament. This can only refer to the Act of 1587, and would therefore date the document at about 1607. If the author had been writing in 1621, 'twenty years' would be a long way out; it would have been quite as easy to write 'thirty' or 'thirty-five.'

The account of the Officers of State on the 'Articles,' given in paragraph 3, is correct only for a date prior to 1617. In that year the number of such officers was definitely fixed at eight.²

The same argument applies to the statement, in paragraph 6, that there were five extraordinary Lords of Session. By the original act of institution the number of such Lords was limited to four, but the crown abused its power, and before long seven or eight were sitting. In the time of Mary of Guise protests were raised, and from then on the number was steadily reduced, until in March 1617 it was formally fixed at four. Clearly our document was written before 1617.³

The mention of the hereditary right of the Argylls in the office of Justiciar supplies evidence pointing in the same direction. Archibald, seventh Earl of Argyll, left Scotland rather under a cloud in 1617, and in 1619 he was proclaimed traitor. Two years later he was pardoned, but though he survived till 1638 he never returned to Scotland; and it was his son, the eighth earl, who, in 1628, surrendered to the crown, 'as far as lay in his power,' the office of Justice-General of Scotland. These circumstances were quite abnormal, and the casual notice, in our text, of the earl and his father, must plainly apply to the seventh and the sixth earls. Now the sixth earl died in 1584, and this

¹ *Miscellany of the Maitland Club*, iii. pt. i. p. 112.

² *A.P.S.* iv. 526.

³ Brunton and Haig, *Senators of the College of Justice*, xlviii.

establishes a presumption that the memorandum was written soon after 1603; otherwise the earl's father would hardly have been within the memory of the writer. In any case the absence of any reference to the troubles of the Argyll family precludes a date later than 1619.

Another argument *e silentio* appears from a study of the paragraphs (21 and 22) which deal with the Commissary Courts. All that we are told is that they were composed of lawyers, and that they were inferior to the Session. Prior to the year 1609, it was quite correct to represent these courts as purely legal institutions, for the bishops had lost their control at the time of the Reformation, and, since 1567, the Commissars had been appointed by the Session. In 1609, however, the Commissars became once again dependent on the bishops, who in their turn were made responsible for the salaries.¹ Surely a document written after this year would have contained some reference to the episcopal control.

A further reason for attributing our document to an early date is supplied by the statement (in paragraph 2) that writs of summons were issued to all bishops, abbots and priors, for, after the 'constitution' of the estate of bishops in 1606, the abbots and priors hardly appear in parliament at all. The evidence is admittedly incomplete, but it all points in the same direction, and indeed the occurrences of abbots and priors are so few that they may be examined in detail.

In 1604 there appear among the Lords of the Articles, the Abbot of Holyrood-house,² the Prior of Blantyre,³ and the Commendator of Tongland.⁴ They are plainly regarded as clergy, for along with the five bishops they complete the normal clerical representation of eight members. All were, in fact, laymen; all were Lords of Session and active politicians. In 1606 the lands of the first two were erected into temporal lordships. Holyroodhouse and Blantyre, that is to say, were elevated to the peerage, although for some reason the former received his charter only in December 1607. William Melville possessed both the spirituality and the temporalities of Tongland, but there is no record that his estate was erected into a temporal lordship.

¹ Sir George Mackenzie, *Observations on the Acts of Parliament*, 328.

² John Bothwell, eldest son of the Bishop of Orkney.

³ Walter Stewart, son of Sir John Stewart of Minto.

⁴ William Melville, fourth son of Sir John Melville of Raith.

In the Articles of 1606 both Holyroodhouse and Blantyre appear again, and still as clergy, though the list is now headed *pro clero episcopi*.

In 1607, however, Blantyre appears as a temporal lord, but among the clergy both Holyroodhouse and Tongland find place, along with the abbot of Inchaffray.¹ This last was also a lay commendator, whose abbey was this same year erected into a temporal lordship, and who became Lord Maderty.

Holyroodhouse, as has been seen, received his charter in the month of December, and in the parliament of 1609 he sat as a lay lord. On that occasion there is no record of the presence of a single abbot or prior. For the year 1612 we possess not only the list of the 'Articles,' but the whole sederunt of parliament. Except for Tongland, who was on the Articles, no abbot or prior sat. He died in 1613, and the only subsequent appearance of an abbot in parliament occurred in 1617, when the Abbot of Crossraguel was present. This is odd, for the crown had been commendator of Crossraguel for many years, and in this very year the spirituality and temporality of the abbey were annexed to the bishopric of Dunblane by King James VI. What happened was that the nominal abbot—described by Spottiswoode as a contentious person—appeared to try his luck, but he did not repeat the experiment.² Crossraguel did not appear again, and the parliament of 1621 was not graced by the presence of a single abbot or prior.

In the face of this evidence, it is difficult to suppose that any well-informed person, writing in the year 1621, could represent the abbots and priors as an essential part of the Scottish Parliament. No doubt the theory was that the religious houses should receive special writs, even when they were represented by lay commendators, but after 1607 no commendator save Tongland remained.

Our document, then, was probably written before the end of 1607 at latest; and if the evidence supplied by paragraph 16 is pressed, it is possible to argue that the most likely date was 1604 or 1605. The method of filling vacancies in the Session was fixed by an Act of Sederunt in 1594,³ and the procedure described in our text was first used, so far as is known, in 1595. In 1605 the system was elaborated; the king decided that only

¹ James Drummond, son of David Lord Drummond. Unlike the others, he was not a senator.

² *History* [Ed. 1677], p. 533.

³ Brunton and Haig, xli, xlii.

certain classes of persons should be eligible for presentation in the first instance, and also ordered the judges to prescribe a definite form for the final trial of the candidates.

Paragraph 16 certainly mentions the final trial; but some sort of trial probably existed before the regulation of 1605, though its exact form was not fixed. In any case it should be noted that our text follows the wording of the earlier ordinance in the phrase 'choise of the worthiest,' and that it contains no reference to the initial qualifications demanded by the system established in 1605. Considering that our author is usually so informative on the subject of the Session, this omission is noteworthy; and taken in conjunction with the other evidence, it gives good ground for the conclusion that the memorandum was composed soon after James' accession to the English throne.

But if this date is to be accepted it will be necessary to discount the evidence in favour of the year 1621. This is not impossible, for that evidence rests upon assumption rather than upon definite facts and dates.

Take, for instance, the question of burghal representation. The editor of the Acts of Parliament certainly asserts that this was fixed by an order of the Convention of Royal Burghs, 'as it appears unsanctioned by parliament.' This does not sound very probable, and no evidence is adduced; but the statement gains some support from a comparison between the lists of burgh commissioners for the years 1617 and 1621 respectively. In the latter year no town save Edinburgh sent two members; in 1617 no fewer than eighteen burghs sent two commissioners apiece.

But an examination of earlier lists is very instructive.

No burgh save Edinburgh sent two commissioners to the parliaments of 1579, 1581, 1584,¹ 1585 and 1587. For the year 1592 no list survives. In 1593, however, Perth, St. Andrews, Aberdeen and Glasgow, besides Edinburgh, each sent two members; and in 1612, the next year for which a list survives, Dundee, Stirling, St. Andrews and Glasgow share with the capital the privilege of being represented by two burgesses. Amongst the eighteen burghs exercising the privilege in 1617 are found Anstruther Easter, Anstruther Wester, Cupar, Kinghorn, and Rutherglen.

Surely these lists speak for themselves. The rule was that no burgh save Edinburgh should send more than one commissioner;

¹ There were two Parliaments in 1584.

but certain large burghs, especially when they had to transact business of local importance,¹ began to send two commissioners. But when Anstruther Easter and Anstruther Wester began to follow suit the Convention of Royal Burghs intervened, with the order cited by Cosmo Innes. When, then, and by whom, was the representation of the burghs fixed? No evidence is available, but the presumption is that it was fixed by parliament. At all events parliament, by an Act of 1578, ordained that no town save Edinburgh should send two members to the Convention of Royal Burghs; and as the Convention repeatedly fixed its meetings to coincide with the meetings of parliament,² it seems reasonable to conclude that the Estate of Burgesses in Parliament resembled in personnel the Convention of Royal Burghs. This would explain the fact that, while parliament fixed the cess, it was apportioned out by the Convention.

The account of burghal representation, then, given in our text, affords no proof that the document was written after the year 1619; nor is the description of the choice of the 'Articles,' contained in paragraph 2, evidence that our author composed his memorandum after 1612.

The system whereby the Lords and Prelates jointly selected the representatives of the other estates, has hitherto been found in no document earlier than 'Tam o' the Cowgate's' Memoir of 1612; but that is no proof that the system was first invented in that year. The fact that our text omits all reference to royal interference in the choice, whereas 'Tam' mentions the rolls of royal nominees, may be adduced as evidence that the account here presented was written before the year 1606, in which year James presented a formal list for the approbation of the Estates.³

A study of the early parliaments of James VI. and I. certainly bears out our memorialist in his assertion that eight was the number of 'Articles' usually elected by each estate, for if the two Edinburgh burgesses be reckoned as one, it will be found that the only exception from the rule occurs in 1607. In that year both the clergy and the temporal lords chose nine representatives apiece, if the lists are correct. It is, however, noticeable that in the 'Articles' of this year there were few officers of state, and it is possible that one of the clergy and one of the lords, shown on the lists, were really present in some official capacity. Thus

¹ Cf. Aberdeen in 1593; Stirling and Glasgow in 1612. This is evident from the published Burgh Records.

² *Records of the Convention of Royal Burghs*, I. viii.

³ *The Melrose Papers*, i. 15.

the clerical list includes the name of Tongland, who in the Convention of 1608 was accounted a 'councillour' and not a prelate, and who was several times employed as a commissioner for the opening of parliament. Of the lay lords most held important administrative posts, and several were privy councillors.

It is true that of the whole eighteen none seems to have held an office which would normally entitle him to a seat on the 'Articles,' but even if it be admitted that on this occasion prelates and lords each elected nine representatives, this one exception is not sufficient to destroy the general rule. Whatever the rule, a certain laxity in practice is not abnormal. In 1617 the number of officers of state eligible for the 'Articles' was fixed at eight; but in the next parliament only seven seem to have been chosen.

On the whole, therefore, the statements of our text about the choice of the 'Articles' supply no evidence which would date our document after the year 1612; on the contrary, they place it before the year 1606, when—so far as is known—royal interference first began.¹

The discrepancy between our author and Calderwood on the subject of the separate meetings of the Estates during the sessions of the 'Articles' is easily explicable on the assumption that such meetings were all along informal. Our author was rather inclined to uphold the royal prerogative—a new word in Scots law, by the way²—and he would naturally omit all reference to evidences of parliamentary independence. Calderwood, on the other hand, would be quick to define as a well-established right what was only a matter of practice, and to denounce its suppression as an act of tyranny.

In conclusion, there is no reason why our document should not be dated soon after the Union of 1603, and it is tempting to

¹ In the hope of dating our manuscript more certainly, a copy of the watermark was taken. This was submitted to Mr. R. L. Poole, who identified it with No. 1347 of the marks pictured by Briquet in *Les Filigranes*.

This mark is found at Basle in 1585, and again at Geneva in 1605-6. The whole device can be definitely traced to Basle.

At present we can make no deduction from the Basle origin of the paper; but the recorded dates of the appearance of the watermark fit in with the view that our document was written about 1604, though, of course, a later date is possible.

² Sir George Mackenzie in his *Observations* (p. 319) points out that the word 'prerogative' is first used in a statute in the first Act of the parliament of 1606, and that in consequence that Act is careful to employ also the old Scottish synonym 'privilege of the Crown.'

suppose that it was one of the very documents which formed the basis of negotiations between the commissioners appointed by England and Scotland. Both sets of commissioners were explicitly warned against making concessions derogatory to the privileges of their respective countries, and a clear statement of the 'judicatures' of Scotland would be necessary. Our memorandum, which was plainly written with a view to a comparison between the institutions of England and Scotland, would be just the kind of document required.

Who was the writer? Was it the learned 'Tam'?

Certainly the account of parliament here given tallies well with that supplied by Hamilton in his 'Ordour and Progres' in 1612. Sir John Skene, however, is another possibility, and occasionally the wording of our memorandum suggests some of Skene's definitions. Both these eminent lawyers were on the commission for the Union with England, and either may have prepared this clear description of the judicatures of Scotland for the use of some English statesman. The Lord Chancellor, Thomas Ellesmere, was first among the English commissioners, but Robert Cecil presented to the king the findings of the whole commission, and took an active part in the business. One of these two was probably the recipient of the memorandum, for though the English commission included several experts in law, none save the Chancellor would be addressed as 'My Lord.' On the whole, the legal—rather than constitutional—setting of our document suggests that it was prepared for the Lord Chancellor of England.¹

J. D. MACKIE.

W. C. DICKINSON.

Cottonian MSS. Caligula, B. v. No. 48. Folio 266 (old pagination),
272 (new pagination).

1. Parliament the Supreme Court.

In the Kingdome of Scotland the supream court of all others ys the court of Parliament; which we Judge extraordinarie because yt is the Princes appoyntment and hath nether an ordinarie tyme of sittinge nor hath yt any lymitted Jurisdiccio[n], but

¹ The entire transcription of this document was made by Mr. Dickinson, Carnegie Research Scholar. The writers of the article owe much to the generous assistance given by Professor R. S. Rait and Professor R. K. Hannay, whose suggestions have been invaluable. For any rash speculations here made these gentlemen are not responsible.—J. D. M.

hath most ample power to proceede in all thinges that that [*sic*] shall fallforth in deliberacion accordinge as the court of Parliament in this Kingdome hath. Only the differences in their conveaninge and proceedinge will appeare in this that followeth/

2. Summons, fencing, choice of the 'Articles' and procedure : on the first day of Parliament.

The Kinges Majestie of his prerogative Royall maye appoynt a parliament at such day and place as shall please him. It is first done by proclamacion at everye head shire Towne through the Kingdome. The proclamacion must be published at least fortie dayes before the affixt dyett of the parliament. There are directed fourth of the Channcery little writtes to all Byshopps, Abbotes and Pryors ; to all Earles and Lordes nominatim to will them to be present at the appoynted day. The like writtes or preceptes are directed forth to the Sherife of every shire to conveane the knightes, squiers, and landed gentlemen of the shire to make choise of commissioners to the parliament ; the number of everye shire must not excede two. The like is sent to everye Cyttie and free Brough royall that hath voice in parliament by their commissioner ; they must send but one at the most, Edinbrough ys permitted to have two. The day approaches of the parliament. The first day (by commission given by his Majestie to two of everye estate) the court of parliament ys begun and fenced ; the commissioners for shires and Broughes are called uppon and their commissions produced and the Court contynued to such a day as yt shall please his Majestie to appoynt for his owne presence in the parliament howse. That day cominge his Majestie beinge within the parliament howse, the sperituall estate beinge on the right hand and the Earles and Lordes upon the left, the commissioners of the Shires and Broughes belowe, the Kinges majestie first usuallye maketh some speach concerninge the cause of the conveaninge of the present Parliament which thereafter is seconded by the Chann-celour by a speach to that same purpose. Then the Chann-celour willeth the sperituall estate and the nobillitie to remove themselves to some inner roomes where they doe proceede to the election of the Lordes of Articles ; for clearinge whereof yt must be first understood that of old tymes except within these xxtie yeares we had noe commissioners of shires had any voice in parliament but our parliament was said to consist of three severall estates, Churchmen Nobillitie and Commissioners of Broughes,

the Commissioners of Shires beinge but lately adioyned by example and upon a particuler motion. While as there were three estates, the Churchmen—to witt all Bishopps Abbottes and Priors present,—passinge into a severall Roome aparte, did make choise of so many of the nobillitye to be upon the Articles. The number of everye estate must be eight, The nobillitie in like manner aparte by themselves to make choise of the number of Churchmen, eyther of their elections beinge putt in writt. The Churchmen and nobillitie conveanes together and makes choise of the like number, as well for the Commissioners of shires and Broughes: Soe that of old the number thus usually made choise of beinge onlie xxiiij by the accession of the Commissioners of Shires they make xxxij. They havinge condiscended upon the eleccion, retourne back to the parliament howse, and there names that are chosen are openly redd forth. And then the Channcellour appointes the place and hower of their meetinge within a day after, and soe for that day there ys noe more done/.

3. The Officers of State.

Nowe these Lordes of Articles doe conveane at the appoynted tyme where usually, besides the Channcellour whoe is as president of that assemblie, are present certeine of his Majesties Councell whose offices give them Warrant for their presence, such as Thesaurer, Privie seale, Secreatarie, Comptrowler, and some fewe others. Noe others present but the Clerkes/.

4. Sitting of the Lords of the Articles.

None of the Churchmen or nobillitie may be present at their meetinge but such as are of the number elected Before these of the Articles is everie matter debayted that shall happen to be proponed, and beinge refused noe further mention made of yt. If by them it be allowed, then yt is appoynted to be redd in open parliament before the whole estates. But that allowance of the Lordes of Articles of anye thinge workes noe more but that yt is thought convenyent by them to be graunted, which they leave for the consideracion of the whole estates. And there yt is eyther agreed unto, or refused. When as these Lordes of Articles doe sitt, which ordinarilye ys everie day for the space of a weeke or two, the rest of the Estates must stave in Towne and not departe, allwise they have nothinge to doe in these matters/

5. Ratification by Parliament.

Albeyt in open parliament anye thinge be accorded unto, yet the Kinge may staye the same unconcluded. When as all thinges done by the Lordes of Articles are putt in forme, then ordinarilye the Kinges Majestie repaires to the open parliament howse with his whole estates, and theis thinges that were done by the Lordes of Articles are redd and everye one thinge after the readinge debayted upon and putt to the votinge and eyther refused or allowed. When all is redd the Kinges Majestie doth approve the same and ordinarilie maketh some short speech givinge thanks to the estates conveyaned for their conveyinge. And then the Kinges Commanndement eyther ys the parliament deserted or then declared to be current. Wherein this ys the difference that beinge deserted yt must have a proclamacion of ffortye dayes preceedinge anye new parliament that can be holden, otherwise beinge declared current uppon xvene dayes they may proceede and conveyane of new/

6. The College of Justice : constitution.

The cheife ordinarie Court ys that of The Session or colledge of Justice which was first instituted in the yeare of God 1532 in the dayes of Kinge James the ffifte his majestes Grandfather to the example of the Courte of Parliament of Paris. The first institution appointeth one President and ffowerteene Senatours, seaven Churchmen and seaven Laye men in the whole number beinge xvteene. There are now adioyned unto them The Chancellour whoe ys the Cheifest of the whole assemblie, and five extraordinarye betwixt whome and the other Senatours there is noe difference except that in anye matter that ys to be debayted before them, there is required the presence of nyne at least of these ordinarie Senatours, and albeyt there be eight of them and all the five extraordinarye present yet they supplie not the absence of the nyynth. Neverthesse otherwise their voice is to the concludinge of any matter ys of as greate force as the voice of anie other in the howse/

7. Competence of the Court.

There is nothinge that may fall forth in suyte betwixte partie and partie (not beinge in the quallitie of Ryottes and oppressions the takinge order wherewith belongeth to the Secrett Counsell : neyther beinge of anie cryminall nature, whereunto the Justice is competent Judge) but they of the Session are Judges Competent

thereto, eyther anent recovery of Landes benifices or ether possessions, or payment of tyethes or sommes of monie. From which Judicatorie there is no appellacion, albeyt in in some matters of greate ymportance and difficultie (for which there was noe president for a warrant for them to proceede into), they have bene accustomed (but verie seldome) to remitt these matters to be iudged upon by parliament, that by statute of parliament they may have a warrant for their decision in such like cases thereafter. They mell not, neyther doth their Jurisdiccio[n] stretch soe farr, as to discide in matters Cryminall, albeyt the reduccion and retractacion of sentences given before the Justice hath bene deduced before them. And in that respect they are the more absolute and supream Judicatorie then the other, not in the first instance, for there they have a little authoritie and there may be noe appellacion from the one to the other ; but, as is afore-said, the reduccion of that which hath bene done by the Justice hath bene prosecuted before the Lordes of the Session as Judges Competent/.

8. Sessions of the Court.

They have two tearmes or severall tymes of sittinge in the yeare, to witt from the first of November to the xvth day of March, and from the xvth day of March to the first of August. The two interiected spaces are vacation tymes for ease of the subiectes, the one beinge the tyme of Harvest the other the tyme of sowinge. Duringe all the tyme appoynted for the sittinge they sitt weekly and daylie except upon the sondayes and mondayes which last ys given to them weekelie for a day of recreacion, but there is noe respect at all had, neyther is there anye intermission of sittinge upon whatsoever ffeestivall hollidaies, yf they happen not to be on the Sondayes or mondayes/

9. The House of the Court.

The howse wherein they sitt ys a greate large howse to receave aswell the Atturnyes as the Clyantes. Within the same there is a prettie large roome fower square, and within this Roome doe the Judges sitt, everye one close by an other upon the backe side of a longe table standinge before them and all lookinge directlie to the entrie of the dore. In the midst of the backside of the table sitt the Channcelour and President, and the rest of the Judges sitt the one halfe on the one hand and the other halfe on thother ; and on thother side of the table right

against the Channcellour and President, sitt the Clerkes. And through the verie midst of the howse, a little removed from the table, there is a barr from the one end of the howse to the other without which the Advocates and Attorneys with their clyantes at their backes at the tyme of the pleadinge doe stand/

10. Clearing the Court for debate.

When any matter ys debated and reasoned of at length in the Judges audience, and that the same be of greater difficultie then which the Chancelour or President will presentlie of themselves decide, then by one of them the Attornies and clyentes are commannded to remouv themselves ofout of that Roome; and none stave within but the Judges and the Clerkes where the matter debayted before them by the Attornies is reasoned of amongst themselves, and the Channcellour, or in his absence the President, doth inquier of everie one his opinion in order and accordingly as most voyces shall agree (by the usher of the howse the parties beinge called in againe) sentence or Judgement is pronounced/.

11. Inner and Outer House.

Nowe usuallie noe matter cometh to be debated before the publick assemblie of the whole number except matters of greate importance and difficultie. For in the other greate roome where the Attornies and Clyentes doe stand, there is a Judgment seatt and one or two of the Seanatours sittinge there, for discidinge and discussinge matters that are not of greate moment. Which howse is called the utter howse and the other (where the whole Judges sitt) the inner howse. If the Judge in the utter howse in anye matter that shall happen before him finde anye difficultie, he will take the same to be advised of with the whole number in the inner howse, causinge the Clerke presentlie make a noate of the scruple and doubte for his memories cause; and thereafter goeth forward to the hearinge of other causes. Soe that in one fore-noones sittinge he that sitteth in the utter howse may have some dozen or moe matters of difficultie to be reported in the inner howse/.

12. Referencee from Outer to Inner House.

The whole Senatours usuallie doe meete every day at viijte of the clock in the morninge: noe clyant or Attorneys repayres before nyne. In that space betwixt viijte and ixne he whoe did

sitt before in the utter howse in presence of the whole number maketh report of everie difficultie that did occur; first declaringe the quallitie of the plea and action, next the argumentes used pro et contra, and then the verie poynt of difficultie that he did conceave. Which beinge reasoned amonge the whole number there and thereafter putt to votinge, yt is determined accordinge as the most voyces agree; and the reporter havinge finished his taske goeth fourth to the utter howse and there pronounceth to the Attornies and Clyentes the Lordes determinacion in every thinge/.

13. No Common Law : Precedent admitted in practice.

There is noe common lawe in Scotland, but the Judge eyther proceedeth accordinge to warrant of the municipall lawe, which is the statutes of Parliament, and that faylinge they have recourse and doe decide accordinge to the ymperiall civill lawe. Albeyt there be many conclusions as verie Axioms never contraverted uppon, as particulerly in matters of discent and succession of Landes and such other thinges, whereuppon the Judges doe proceede havinge noe particuler warrant for the same but in all former ages havinge bene acknowledged as infallible and allowed customes and consuetudes/.

14. Execution of Decrees : Horning.

The ordinarie execution of our decrees and sentences ys by charginge the partie to obaye the same; which must be done by one of the Kinges officers at Armes. Yf the same be not obeyed within the tyme prefixt then is he denounced Rebell and declared outlawe by an usuall forme after the readinge and publicacion of the lettres and charge at the markett crosse of the head brough of the shire where he dwelleth; because of his disobeydience, the officer at armes doth in signe or token of his outlawinge blowe three severall tymes a little horne. And from thenceforth he is an outlawe ever and untill by obeyinge of the charge he purchase himself Relaxed/.

15. Personnel of the Court.

The ordinarie members of this court of the Session are the Senatours themselves, three princypall Clarkes, fower ushers, the advocattes or attornies soe manie as please the Lordes to admitt, the clerkes to the signett whoe have the writinge of all the libelles

summons and Charges, beinge of what number the Secretarie pleaseth whoe hath the guifte of their presentacion/.

16. Filling of vacancies.

When anye of the ordinarie places of the Session are voyde by decease of anye of the Senatours, the Kinges Majestie by one lettre of presentacion giveth unto the rest of the number their choise to elect anye of three whome his Majestie hath cawssed to insert into that presentacion. The Lordes after triall of all their quallificacions make choise of the worthiest and he is preferred/.

17. Privileges of the Court.

That they have many priviledges and ymunities and there are manie other things beside that may be sett downe concerninge that Jurisdiccion; only thus much shortlie for your Lo: present satisfaccion/.

18. Equitable Jurisdiction of the Court.

The Session and colledge of Justice doth not decide strictlie secundum rigorem iuris onlie: but also secundum aequum et bonum and in that representinge the Court of Channcery in this Kingdome. As for particuler instances;—whereas by daylie and usuall practick in an action of spoyle and wrongfull intro-mission with goodes, where, the fact beinge proved, the quantitie is referred to the parties oath, they use upon speciall considerations to tax and retrinch the same. As likewise where the double of a bonde is forfeited; yf they doe finde that there hath bene noe willinge fraude in the partie that was bounde, or that some particuler unlooked for accident had bene the cause of his oversight, then doe they ordinarilie appoynt a termelie and yearelie proffitt accordinge to the proporcion of tenn in the hundreth, for all tearmes and yeares since the daye of payment appoynted by the bond, and in manie other such like cases/.

19. Sheriff-Courts: rarity of appeals.

Wee have inferiour civill Judicatories in everie shire. The Sheriffe and his Deputie are Judges before whome anye partie within that shire may be conveyaned and pursued for removinge from landes, for spoylinge of goodes, for violent eieccion of an other and intrudinge himselve in possession, and for payment of sommes of monie, or anye other such like matters. There ys

noe appellacion from this Judicatorie to the Session ; but uppon the parties complant, and triall taken of the partiallitie of the Sheriffe and his Deputies, or otherwise upon Argument of affinitie and consanguinitie betweene the Sheriffe and the plaintiffe, the Defendant will procure lettres of advocacion whereby the Sheriffe and his Deputies are dischargd from proceedinge further in that matter and yt is advocated to the Lordes/.

20. Civil Jurisdiction of Regalities and Burghs.

There are also other civill Judicatories in everye Regallitie by the Baylife of him that hath the Regallitie ; and in every free brough and Cytie by the magistrates thereof/.

21. Commissary Courts.

Next there is a Judicatorie called the Judicatorie of Commissariat in which kinde that of Edinbrough is most supream ; and all the others in the Countrie are inferiour to yt, and they all inferior to the Session. Before this Judicatorie are usually deduced processe and pleas anent recoverie of Legacies and sommes of monie lefte by Testament and anent double rightes of benifices, anent payment of tythes ; alsoe in matters of divorce betwixt man and wife which is only for two causes Inabillitie and Adultrie/.

22. Competence of Commissary Courts.

Theis Commissaries have the Charge to take probabates and to confirme testaments and latter wills, and to discerne and appointe executours whereas there is none nominated by the defunct. Whereas before the lordes of the Session anye question happeneth to occurr anent double rightes to one benifice or anent the triall of the lawfullnes or unlawfullnes of anye mans byrth, they are accustomed to remitt the tryall of these matters to the Judicatorie of Commissariatt as beinge more ecclesiasticall. In that of Edinbrough the Judges are fower learned Lawyers. In the rest of the partes of the Countrie never but one and that almost in everie Shire/.

23. Criminal Courts : Justiciar and his Deputes.

In matters that are cryminall the cheife iudicatorie is the Kinges cheife Justice, which office hath bene in these last yeares begone in the person of the Earle of Argyle and his ffather (by noe other guyfte but duringe life), whoe did ever repute two or

three Lawyers to sitt in that Judgment seatt. They are properlie Judges to anye thinge that may inferr the losse of life, of any member, or of a mans whole goodes and moveables. Their ordinarie place of sittinge ys ever at Edinbrough. The forme of proceedinge before them ys that the partie accused beinge brought to the barr and beinge pursued eyther by anye plaintife or by the Kinges Attorney or by both together (his accusacion beinge redd) he is inquired what he can saie that yt should not goe to the tryall of a Jurie or assise/.

24. Conduct of Criminal Cases.

Nowe there is denyed to noe man in noe [matter?], yea even in matter of treason, to have his Attorney or Counsellor at lawe to assist and pleade for him at the barr. Whereas he hath eyther said nothings at all wherefore the matter should not be putt to assise or Jurie, or that which he hath said bene repelled by the Judge, then is the Jurie called upon, against whome he hath libertie to propone all lawfull obieccions to declyne them. Allwise there beinge a full number eyther of 13 or is founde out, and they beinge all sworne, the Judge causeth the accusacion to be redd over before them and then the Kinges Attorney and plaintife doe argue the veritie of the accusation and alledge all probabilitie and presumpcions for the truth thereof and addressinge his speach to the Jurie adviseth them to beware of periurie &ctr./ Whereas the Defendant doth stand upon his owne ynnocencie, denyinge the fact whereof he is accused, then his attornies pleades for him yf there be any proofes or wittnesses brought in, he hath his lawfull obieccions against them before they were admitted, but beinge admitted there is noe further but their oath taken before the Judge and the Jurie examyneth them aparte. After the debaytinge of eyther side the Jurie inclose themselves with a clerke quietly togethyer within a private howse and the verdict is accordinge to the voyces of the greater number/.

25. Inferior Criminal Courts: Commission, burghs, sheriffs, feudal tenants.

There are other inferior Judicatories in cryminall matters and these are such as are authorised by Commission from his Majestie and his Councill nominatim to hold Justice upon such and such particuler persons. Likewise there are sondrie Broughes within the Kingdome, and everye Sheriffe within the boundes of his owne shire may in matter of manslaughter havinge (in recente facto)

apprehended the malefactor within xxiiijer howers, putt him to a Jurie, and beinge convicted execute him. But yf that tyme expire he hath noe power to doe yt, but must eyther be bone by the Kinges Justice or by Commission allwayes he must make the man forthcominge. The like priviledge have many noble men and gentlemen by their enfeoffmentes; apprehendinge the theif with the fang (that is to say with any parte of goodes which he hath stolen).

26. Criminal Courts of Regality.

Ffurther there are Lordes of Regallities whoe have priviledge to constitute Justice within their owne boundes in cryminall matters. And these same, some fewe cases excepted, may repledge anye man dwellinge within their Regallities and pursued from the Kinges Justice; they allwayes findinge suertie to doe Justice.

St. Helena in 1817

THE following account of a short visit to St. Helena is extracted from a MS. diary which was purchased at the recent sale of the Ardpatrik Library. It bears the title 'Journal of a Homeward bound voyage in the *General Hewitt* (East Indiaman) from the mouth of the Pei-Ho (or White River) in the Gulf of Petch-e-lee Empire of China to England.' The first entry is dated 11th August, 1816, and the last 22nd March, 1817. It is possible from internal evidence to identify the writer as Admiral Colin Campbell of Ardpatrik, 1787-1851, son of Walter Campbell of Shawfield. Colin Campbell had served as a midshipman at Trafalgar, and at the date of the diary was an officer of some seniority.¹ He appears to have been attached in an unofficial capacity to Lord Amherst's abortive Embassy to China, but he had no command, and sailed on board the East Indiaman *General Hewitt*, commanded by his brother Walter, which carried the Royal gifts to the Emperor. He did not accompany the Embassy to the neighbourhood of Peking. He remained on board ship and sailed down the Chinese coast to Canton, where Lord Amherst and his suite took ship after a long journey by river and land.²

Colin Campbell's account of the sail down the Chinese coast and of the *General Hewitt's* adventures at Canton is lively and interesting. The pages of the diary reveal an attractive character, boyish even for his thirty years, humorous, intelligent and affectionate. He had an eye for a pretty girl and a keen sense of the ludicrous, as displayed by the Mandarins of China and his own countrymen. He had no responsibilities and no occupation, and when at sea passed the time in reading and writing his diary.³

¹ He refers to himself as 'Senior Captain in the Navy.'

² Colin Campbell is not mentioned in Ellis' *Journal of the Proceedings of the late Embassy to China* (second edition, London, 1818) or in Abel's *Narrative of a Journey in the Interior of China*, London, 1818.

³ He read La Perouse's *Voyages on the Coast of Korea*, Krusenstern's *Voyage round the World*, Burrow's *Account of Macartney's Embassy to China*, Thumberg's *Travels*,

Sometimes whist was played of an evening with his brother Walter, the purser and the doctor, 'alias Dominie Sampson as grave as a pump bolt and as dull as ditchwater.'

Walter Campbell does not appear to have been entirely sympathetic to his cadet. Colin was a bachelor, and only received two home letters, while Walter was apparently uxorious and spent days in gloating over packets of letters from his wife. 'I am *determined*,' writes Colin, 'I will get married, even if it be only for the pleasure of receiving letters from my wife when at sea !!' Colin as an officer in his Majesty's Navy betrays some contempt for his brother's speculations in birds' nests and other Chinese delicacies, and complains of the monotony of life on board a merchant ship, though a band played sometimes on the poop on a fine evening. 'There is,' he writes, 'a *pleasing variety* in a man's life in this ship ! *Lots of fun* !! It puts me in mind of the story of the midshipman's dinner !! Beef and pork one day, and pork and beef the other ! *Woeful soup* ! I wish I was in Inglaterrro !'

In the earlier part of the voyage the *General Hewitt* hugged the shore, and frequent landings were made in spite of protests from Mandarins. The visitors were followed by crowds of inquisitive Chinamen, but to Colin Campbell's disappointment the ladies always hobbled off at his approach and were shut up in their houses. On one occasion, when he was out with his gun on the hills, he met a pretty girl riding with an escort. Both of them looked back and their eyes met. He speculated about her for some days. His favourite dog 'Lion' strayed from him on one of his shooting 'cruises,' and departed to begin a new life, if it did not grace some Mandarin's table. Green rice fields, sandy bays, rocky islets and eastern moonlit nights with squadrons of junks slipping past under unfamiliar stars ! Perhaps he recalled them long after at Ardpatrik on the coast of Kintyre, with the scent of the seaweed carried by a south-wester and the winter sun setting behinds the Pap of Jura ! *Forsan et haec olim meminisse juvabit.*

Colin Campbell would not have been true to his type if he had not criticised his brother's merchant seamanship. 'I wish,' he

Sir John Carr's *Tour in Scotland*, *Waverley*, Turnbull's *Voyages in the Pacific*, *The Life of Buonaparte*, *The Misanthropist or a Picture of Society*, Watkins' *Lives of Illustrious Men*, St. Pierre's *The Story of Paul and Virginia*, Ashe's *The Spirit of the Book and Memoirs*, Southby's *Royal Wanderer*, *The Philosophy of Nature* and Sir Charles Grandison.

writes, 'Walter was not so fond of going so *close* to those Shoals and Rocks *in dark nights* ! It answers no one *good* purpose, and is certainly running a considerable risque ! This is not the *only* Reef we have *shaved* much too close in *my* opinion ; and I shall not feel at *ease*, until we have *passed Java Head* and are in the *open ocean*.'¹

The whole ship's company, however, found distraction at Java, where they took on board two strange passengers, a sick sea captain and 'a nice looking girl.' The couple had been leading a miserable beach-combing existence, and the man in his eagerness to get a passage displayed cruel indifference to the fate of his companion. Captain and 'Mrs.' Meriton, and particularly the latter, roused endless speculation. Smith, the purser, fell in love with the lady and irritated Colin Campbell with his sighs. When his malady permitted him to appear, Meriton cowed and subservient was made a butt, but the girl, artless and apprehensive and devoted to her unhappy comrade, excited sympathy. In a moment of weakness, Meriton told her story. She was a milliner's apprentice, convicted of a petty larceny and sent as a convict to Botany Bay, from which he had apparently removed her. The simple girl welcomed the betrayal of her story with relief, and was at her ease until the *General Hewitt* approached St. Helena. Her growing apprehensions for her companion and herself were realised, and they were cast adrift there by the virtuous Walter.

On the arrival of the *General Hewitt* at St. Helena on 12th March, 1817, Colin Campbell learned of the death of his father. This was a severe blow, for he regarded his father with the liveliest affection and his diary had been written for his eye. It was with a warm heart purged with generous emotion that he noted the following particulars.

DAVID BAIRD SMITH.

EXTRACTS FROM MANUSCRIPT DIARY

About three o'clock, Sir Thos Reade having lent me a Horse (which by the by was the same that Buonaparte rode for the three first months he was on the Island) and having procured a Pass from the Governor (without which no Person is allowed to enter the Grounds of *Longwood*) I set off in company with Colonel Hodson, Walter, and the Surgeon of the *Hewitt*. We

¹ His apprehensions were justified by the subsequent wreck on a coral reef of the ship which bore Lord Amherst.

took the road to Longwood meaning to see Buonaparte if it was *possible*, and at all events to call on Marshal and Madame Bertrand, who live within a few *yards* of Buonaparte's House and with whom Hodson told us he was on intimate terms.

Longwood which was *formerly* the Country House of the Lieutenant Governor, is about seven miles up the Country from James's Town ; and the Road to it, passes thro as *Barren, Burnt* up, and *miserable* looking a Country as it is possible to conceive. When you come within about a mile of the House, the Road is *much better*, and the Country looks *a little* better. Just about the House and a little in Front of Bertrand's House, there is a considerable space of Flattish Ground, on which is encamped an English Regiment the 53rd, and they are at present making a sort of *Race course* there. It is in fact the *only* level Ground on the Island.

There are two avenues of about half a mile long leading from the high road to the House, and within the Gates of those Avenues No Person is allowed to go without a Pass signed by the Governor. There is an Officers Guard stationed at the principal Gate.

Having shewed our Pass to the Officer on Guard, We were allowed to enter the Gates. We went in by the *Back* of the House, that Buonaparte might not perceive us from the Windows. As he often walks down to Bertrand's House and pays them a visit about five o'clock, we were in hopes we might either *find* him there, or that if he did not *see* us arrive, He might *call* while we were there. We stopped at Bertrand's door and he immediately came out and received us, and introduced us to his Wife. She received us according to the French *custom* in her *Bedroom*, which was very clean & tidy, and handsomely furnished. I do not think her a *pretty* Woman but there is something *very* sweet, and *interesting* in her appearance, and her manners are very pleasing and *perfectly* those of a well bred Lady. She speaks English fluently, with hardly anything of a *foreign* accent, and the Marshal also speaks a *little* English.

Madame Bertrand was a Miss Dillon, Daughter of Count Dillon who was a long time Governor of some of the French West India Islands. He was of *Irish* extraction : Madame Bertrand was born in the Island of Martinique when her Father was Governor of it. We staid nearly two Hours with them. I like her very much and felt quite sorry for her being shut up in that miserable Island for the rest of her life. However, I believe

no objection would be made by the English Government to *her* going to France. But if she does, she will not be allowed to *return* to her Husband again and I understand she has made up her mind to remain at St. Helena for ever.

Hodson told us they appeared in better spirits that day than he had ever seen them. The reason was, that Madame B. had received letters the day before from her Mother and other Relations in France, and these are the *first* she has had.

She laughed & talked a great deal, But I think it was *easy* to perceive, that her gaiety was in a great degree forced, and that she is unhappy. Her countenance struck me some times as having *much Melancholy*, and some thing particularly sweet and interesting in it. They have four very fine Children. Three Boys and a Girl. Two of the Boys and the Girl are from the Years of Nine to six I should *think* and the Youngest who was born at St. Helena is an Infant of only a few months. Their Names ar Napoleon, Hortense, Henri, and Arthur. All *very fine* Children, and *apparently* very well brought up. Their poor Father seems *extremely* fond of them, and pressed them to his Bosom, and kissed them at least *twenty* times during the time we remained there. He seems a Plain Good humoured man about 40, I should think. There is nothing *striking* in his appearance either one way or other. He was Dressed in Plain Cloaths with Military *long* Boots, and a Cocked Hat; But had not I think, much the *appearance* of a *Military* Man. He stoops very much, has high shoulders, and keeps his knees *bent* when he stands up. They gave us Sweet wine, & Claret, and some Cake made they said by the *Emperor's* Cook. All the French People of course still *call* him *Emperor*, but the English only General, at which I am told, he is *extremely indignant*. Sir George and Lady Bingham called on the Bertrands while we were there. Sir George is a General, and Second *in command* on the Island. Boney and he came out in the same ship together (the Northumberland) and are on *pretty good* terms. But Sir Hudson Lowe he *detests*, and cannot bear the sight of.

The Bingham's are lately married, and she is quite young, seems very good tempered, and is I think *rather* pretty.

We asked Bertrand whether it was possible to be *introduced* to Buonaparte. He said he was sorry it was not. That he had made a *positive* resolution to see No Person, and more especially *Strangers*, and that he feared we had not even a chance of seeing him out of doors walking in his Grounds, as he had not been out

for many weeks, and had not been on *Horseback* or in the *Carriage* for many months !! He said he feared his Health must very soon *materially* suffer from such a change in his way of life. Indeed that it had *already* suffered, and that he was by no means in so good health as he used to be formerly.

About five o'clock, We took leave of the Bertrands. Altho with little or indeed *no hopes* of seeing Buonaparte, yet we determined to ride *round* the House, and Grounds, and thought we *might* catch a *Glimpse* of him at one of the windows.

But to our great surprise & satisfaction upon turning a Corner of the plantation of Gum Wood Trees at the Back of the House, We *saw* him, The *Great Napoleon* himself !! General & Madame Monthelone and General Gourgod all walking together.

They were walking extremely slow, so that we had time to see them *perfectly*, and they stood still occasionally for some minutes, apparently in *earnest* conversation. We did not chuse to annoy him by riding quite *close* up to him, which we could easily have done. But contented ourselves by keeping within twenty or thirty yards of the party where we could distinctly see their Figures, Dress, &c. and in a great degree their *Features*. Monthelone and Gogo Gourgod were uncovered. Napoleon had on a Plain Cocked Hat with a Small Tri-Coloured Cockade in it. He had on also a Green Frock Coat, with a *Black* Collar and Cuffs, a White Waistcoat & Small Cloaths White Stockings, Shoes & *large* Gold Buckles.

He was walking with his Hands behind his back, and appeared to me to stoop very much. He looked extremely Fat and *Squat*, quite Pot bellied, and Round shouldered, and by no means so well built and good-looking a Man as I had always fancied him, and as the Prints one sees of him make him appear to be.

But every body says he is very much altered in his looks within these few years and that even since he came to St. Helena he is become much Fatter & Grosser in his person. We stood looking at him for some time concealed by some Gum wood Trees. He at last *I believe* saw us, for he looked towards the spot where we were, and then turned, and walked into his House.

Walter and I felt much gratified in having had even *this* sort of view of him. We were particularly *fortunate*, for many others have gone up and wandered round the House the whole day in hopes of seeing him *without success*, and many Officers who have been for many months *resident* on the Island, have not *yet* been able to see him. As to being introduced to him, that is *now*

out of the question as he will see Nobody, but the Governor and the Admiral, and them he is obliged to see. The latter (Sir Pultney Malcolm) he is very good Friends with, as the Admiral never interferes with him, and makes a *point* of talking to him *only* on Common Place Topics and laughs & jokes with him. Lady Malcolm has called on him several times, & been out airing with him in his Carriage. Had we remained a few days longer at St. Helena, I think through the means of the *Admiral* I should have been able to obtain an Interview, and have been introduced. But I cannot say I regret it *much*, and am very well satisfied with what I *did* see of him, & his Party.

After he retired into the house, we rode round the House & Grounds. The House appears to be very Spacious & comfortable, and the Grounds rather pretty, at least for such a *miserable* place as St. Helena.

There are a good many Trees round the House, and a considerable space of flat Ground. Within a quarter of a mile there is a Regiment encamped in Huts & Tents, which he must *see* from his Windows, and the Race Course they are now making at Dead Wood will also be *seen* from his House.

During the day, there are no Centinels within less than a quarter of a mile of the House, But at Sunset, they are drawn in *close* round the walls, and not a Soul is allowed to *move* after that.

I am told this annoys him *very much* and the moment it is Sunset He makes his Servants shut all the *Blinds*, and Curtains that he may not *see* the Soldiers.

Sir Hudson Lowe has not visited him for some months. The last time he was there He told Napoleon of some new Regulations and Orders that the British Government had *lately* sent out. These Regulations Nap. did not *at all* *admire*, and he flew into a *violent* Rage, and *abused* the English Government, and also Sir Hudson in the *Grossest* manner. Sir Thos. Reade (who was present) told me that he never *heard* more abusive language, and that he defied any Fish Woman in *Billings Gate* to beat it. Sir H. made him a low Bow, Said that he could hold no further Converse with a Man who treated him in that way, That he *pitied his ignorance*, Mounted his horse and left him. Since that, they have never met. When any Official Orders come out from England that the Governor thinks it proper he should know, He sends Sir Thos. Reade up to Long Wood, and he *reads* them to him.

He was up about five weeks ago with some Paper. Buonaparte did not relish the contents at all. He sat down opposite Sir Thos, *Bit his Lips*, Took *quantities* of Snuff, but did not utter a word.

Sir Thomas says he looked extremely *savage* and he was glad when he got out of the House, and was *fairly* on his horse again !!

We returned to James's Town about seven, and dined *quietly* at Solomon's Boarding House, where we had taken Rooms for the few days that Walter meant to remain. We were very much pressed to dine at Plantation House, the Country Seat of the Governor. Sir Hudson & Lady Lowe were most kind. Having heard of the melancholy News we had received, They desired Sir Thos. Reade to say that if we would come up and dine at Plantation House, they would invite Nobody else, that they would give us Beds, and that we should be as quiet as we pleased ! I begged to decline *dining* there, as when one's Spirits are low Dining with *perfect Strangers* is very unpleasant to *both* Parties, But as both Walter and I thought it would be improper to leave the Island without paying our Respects and thanking them for their kind attention, We agreed to go up and breakfast there, the following morning.

Sir Thomas Reade came into Solomon's in the evening and stay'd a couple of hours with us. He is a very good humoured pleasant Man, and told us many curious anecdotes of Buonaparte. On Saturday morning the 15th, We set off about Eight o'clock for Plantation House which is a little more than three miles from James's Town.

The Road winds up the side of a very Steep Mountain called Ladder Hill. For the Two first miles It resembles the one leading to Longwood, Barren and over a miserable looking Country. But when you get within a mile of the House, it is really very pretty. The Valleys Look Green & fertile, and the View *altogether* is Romantic and pretty. Plantation House is a sweet pretty place surrounded with Trees of all kinds, & Natives of all countries. The Grounds are laid out with much taste and it looks exactly like a Handsome Country Seat in England. I had no idea there was anything *half* so pretty on the Island, or that there were half so many Trees and so fine a Verdure !! Sir Thos. Reade accompanied us to Breakfast there. We were rather early, as Sir H. and Lady Lowe did not come down for some time. Sir Hudson appears reserved in his manners and

I think has rather a *Sulky* countenance. I believe however that he is not really so, and he was very civil and attentive to us. Lady Lowe I think a *Delightful* Woman. She is I think pretty, very *fashionable* looking and with manners extremely pleasing. She talks away at a great rate, and quite makes up for the taciturnity of her Husband. She is so Frank and open in her manner, that we were soon at our ease, and felt quite at home with her. Soon after Breakfast, Sir Hudson retired to his own Room having some business to attend to, and we sat in the Drawing room with her Ladyship for a long time. I have seldom met with a Woman who has more pleasing unaffected manners, or who makes herself more agreeable than she does. I felt quite sorry to leave her. We walked all over the Grounds afterwards which are very pretty; and Lady L. has I am told done much towards improving it since she came there. They have also a House in James's Town, But seldom or ever *live* there.

About One o'clock we took leave of Sir Hudson and Lady Lowe, Mounted our Horses and took a long ride towards the West and South west side of the Island where I had never been before. This part of the Country is pretty and Romantic enough and there are some neat little Cottages belonging to some of the Gentlemen of the Isld. situated in the neighbourhood of Sandy Bay, which is on this side. On our way Back to James's Town, We called at Mr. Bakomb's House which is called the Briars. It is a very pretty little spot, and is where Bonaparte took up his abode for some months when he came out first, and while the House at Longwood was preparing for him. We found Mr. & Mrs. B. at home and also the Two Young Ladies, Jane and Betsey. I was anxious to see the latter as so much has been said about her and Boneyte. in the English News-papers. She is certainly a pretty Girl, about Sixteen and is very lively and good tempered. But as to his paying her particular attention, I am told it is all nonsense. As she talks French *tolerably* well, and is lively and good humoured, He used to converse and joke a good deal with her while he lived in her Father's House, and that was all. The Mother appears to me to be Vulgar, Low bred Woman; at the same time affecting the airs of a *Fine Lady*, and Jane the Eldest looks Sulky and is not near so well looked as Betsey. She is I am told a compleat Romp, and says she fears Nobody in the World, but her Father and a *large* Dog, that is in the Garden.

She paid Boney a visit lately at Longwood. She had been unwell, and told him she had been near going into the other World ! He asked her where she expected to have gone, had she gone there. She answered, To Heaven of course. Boney laughed and said No, No, You are too Noisy. God would never admit you there. You would disturb too much his Kingdom !!¹

¹For particulars of the persons mentioned by Campbell *vide* Lord Rosebery's *Napoleon : The Last Phase*.

Roman Advance in Britain and the City of Perth

CAESAR'S campaign in Britain (B.C. 55) led to no occupation of any part of the Island. For nearly a hundred years more the Britons were left unmolested by Rome. But they could neither rule themselves nor defend themselves. Domestic dissensions again invited foreign intervention, and their hour was come. Caligula talked of conquering Britain, but Claudius, ambitious of military honours, embraced the scheme in earnest.

The organisation of the expedition was committed to a tried soldier, Aulus Plautius; among his subordinates was a man for whom fate had great things in store, Titus Flavius Vespasianus. The legions selected for the enterprise were the 2nd Augusta; the 9th Hispana; the 14th Gemina; and the 20th Valeria Victrix. With the auxiliaries Mommsen takes the army at 40,000 men. Hübner would raise the total to the immense sum of 60,000 fighting men.¹

A.D. 43. From Gesoariacum (Boulogne) as their base, the troops were transported to Kent. As leader of the native resistance we hear most of Caratocos, better known as Caractacus. Step by step, the Britons were driven to the line of the Thames. Plautius, judging that the time had come for Imperial intervention, sent word to Claudius, who joined the forces in camp at London. A general advance was then made to Camulodunon, by Colchester, the stockades were carried by storm, and the Catuvelauni and Trinobantes surrendered their independence. But Caractacos, scorning to submit, retired to keep up the hopeless struggle in the west.

After sixteen days in Britain Claudius returned to Rome 'to enjoy a triumph and the surname of Britannicus.'²

For four years under Plautius and Vespasian the conquest was vigorously pushed, Plautius holding office as *Legatus Augusti pro-petore*, being thus distinguished from the ordinary Legatus,

¹ *Foundations of England*, i. 51; and authorities there cited.

² See *Foundations of England*, i. 51, 53.

the commander of a legion.¹ The bulk of the fighting would doubtless be done by Vespasian. The existing Roman roads, with which the southern parts of the Island are intersected, reveal the lines of their advance. Thus we have Stone Street from London to Dorchester; the Port Way to Sarbiodunum (Old Sarum); the Watling Street striking north-westwards; and the great Ermine Street due north. In A.D. 47 Aulus Plautius was recalled. The subjugation of the Isle of Wight (*Vectis*), credited to him, implies that Winchester (*Venta Belgarum*), and in fact the whole South Coast, had been reduced. A pig of Roman lead found in the Mendip Hills, with the date for the year 49, warrants the belief that by that time the conquest had been pushed to the banks of the Bristol Channel, probably to the line of the Exe. The Romans were always ready to make terms with native princes willing to accept positions of friendly dependence. Such a treaty was entered into, among others, with the *Iceni* or *Icii* who held the later East Anglia.

Plautius was succeeded by Publius Ostorius Scapula, but he did not make his appearance till the year 50; and, the Province having been left without a head for three years, affairs had fallen into confusion. The independent natives were making war freely on the friendly allies and endeavouring to arrange for concerted action. Scapula showed extraordinary vigour, crushing all resistance, and further proceeding to fortify a frontier by establishing a chain of outposts from Antona (Nen), presumably along the line of the Warwickshire Avon, down to the Severn.² Next he proceeded to disarm the natives within those limits. But the *Iceni* refused to be disarmed. They claimed to have made terms as friendly allies, and their resources were unimpaired. Under their leadership a considerable confederacy was enlisted, and mustered on one of the usual strongholds, a hill fortified with earthworks. Scapula's force, we are told, consisted mainly if not wholly of auxiliaries, the legions presumably being quartered in defensive border outposts. But the Roman on-rush could not be stayed. Again the earthworks were stormed and the natives routed with heavy loss. Borough

¹ For two hundred years on the inscriptions *Leg. Aug. P.R.* remained the official designation of the Governor.

² Mr. H. Bradley (*Academy*, 28th April and 19th May, 1883, and again 2nd April, 1892) would take the line of the Trent, but this would not present a definite boundary, and it lacks the earthworks traceable along the other line. See *Foundations*, i. 54, 62.

Hill, near Daventry, has been suggested as the place; a well-marked Celtic fort can be traced there.¹

The Southern Midlands having been awed into 'sullen submission,' Scapula, pushing on, turned north-westwards, leading his men into the new territory of the Cangi. Pigs of Roman lead found with the mark De Ceangi connect the name with our Staffordshire and Cheshire. Of course, this line of advance would coincide with the celebrated Watling Street, carried on to Uriconium (Wroxeter). According to Tacitus the advance was pushed almost to the Irish Sea, say to the Dee.

As the next recorded move brought the Romans within the limits of our Yorkshire, we may further conjecture that Deva (Chester), as a Roman station, may date from this period. It became the quarters of the 20th legion. From the borders of Wales, or the later Welsh March, the Legate was recalled by reports of movements among the Brigantes, the most powerful of British nations, who, apparently, ruled all the country from the Mersey to the Cheviots; in fact, the later Bernicia is a name clearly connected with Brigantes.

But the Brigantes were not prepared for serious resistance, and were easily brought to terms. Having settled matters in the North, Scapula could now turn his attention to the Welsh March, the constant preoccupation, centuries later, of the Anglo-Norman Kings.

Scapula's hands had been strengthened by the establishment of a *colonia* of veterans—the first in Britain—at Colchester, near the native Camulodunon (*Colonia Victrix*). Thus the legion previously quartered there, presumably the 14th, would be available for service elsewhere. Advancing probably from Glevum (Gloucester), the legate attacked the Silures, the swarthy curly-haired men of Gwent and Glamorgan; and succeeded in establishing outposts, the details whereof are only given to us in connexion with accounts of their subsequent loss.

Having, however, to some extent curbed the men of South Wales, Scapula, turning northwards, moved into the country of the Ordovices (Middle and North Wales), where Caratocos still found men to follow him. Driven to bay, he took his position on a hill fortified with ramparts of earth and stone, and protected by a river. The legate hesitated, we are told, but the men refused to be kept back. A ford having been found, the defences were stormed. Step by step the Britons retired along the hill

¹ *Foundations*, i. 54.

tops, the Romans pressing them on all sides. The rout was complete.¹ The wife and daughter of Caratocos were taken. He himself escaped to the Brigantes, to be ultimately given up by their queen, Cartismandua (A.D. 51). Nine years of resistance had made his name great even at Rome. His manly bearing justified his reputation, and he was allowed to live in honourable custody with his wife and family. 'They were enrolled perhaps among the clients of the Claudian house; and indulgence may be claimed for the pleasing conjecture that Claudia the foreigner, Claudia the offspring of the painted Britons, whose charms are celebrated by Martial, was actually the child of the hero Caratocos.'²

Meanwhile the Silures rising behind the legate's back had overpowered his outposts. On one occasion a camp prefect and eight centurions were killed; on another two auxiliary cohorts were cut off. Worn out by the interminable struggle Ostorius died (A.D. 51 or 52).

A successor was promptly sent out in the person of Aulus Didius Gallus, an elderly man. No advance was made during the six years of his tenure of office, his attentions being divided between the stubborn Silures and the Brigantes. The latter, however, were divided; their Queen, Cartismandua, holding to the Roman Alliance, while Venutius, a distinguished warrior, whom she had taken as her husband, favoured a more independent policy; and the Romans had to do some fighting to keep her on her throne.

About the year 58 Gallus was succeeded by Veranius, who passed away during the twelvemonth.

In 59 the command was entrusted to Suetonius Paulinus, a general of the highest repute. Again, for two years, we are told that he was content to consolidate his province.

But the Roman government was very oppressive. Conscription, taxation and requisitions pressed hard upon men little used to government of any sort. Tyranny had been organised till it had become intolerable.³ Unconscious, however, of the ferment that was brewing behind him in the East, Suetonius in

¹ For the various places suggested, see Merivale, *Romans*, vi. 37. The most likely, perhaps, is Cefn Carnedd, west of the Severn, near Llanidloes, Hartshorne, *Salop. Antiq.* 63.

² Merivale, *Romans*, vi. 41; Martial, *Epig.*, v. 48, vi. 58.

³ See *Agricola*, xxx. xxxii., Church and Brodribb; *Foundations*, i. 58, and authors there cited.

the year 61 undertook the reduction of Mona (Anglesey), the stronghold of Druidism and Celtic nationality. For the crossing of the Menai Straits flat-bottomed barges were prepared for the infantry; for the cavalry, at low tide the waters opposite Beaumaris would offer little difficulty. A weird resistance was offered by the natives. Dishevelled women robed in black ran up and down the ranks with flaming torches, while the Druids filled the air with curses and incantations. For a moment the legionaries were over-awed, then charging home they scattered the natives. The Druids were sacrificed on their own altars, the sacred groves cut down, and Druidism trampled underfoot.

From Mona Suetonius was recalled by alarming tidings from headquarters. For some ten years the Iceni had been ruled under Roman protection by one Prasutagos. At his death, for attempting to assert arrangements made by him in favour of his daughters and his wife Boudicca, she was brutally scourged and her daughters outraged. With a Celtic outburst the Iceni once more flew to arms; the neighbouring Trinovantes joined them; Camulodunon, as yet insufficiently fortified, was stormed, and Boudicca, scattering the insufficient local garrisons, boldly marched to meet the 9th legion, the only one within reach, and fairly overwhelmed them in the fury of her rush.

On receiving the alarm Suetonius at once started for London with the 14th legion and Vexillarii—re-enlisted veterans of the 20th legion. Satisfied of the importance of checking the movement, he left London to its fate, and advanced to face the natives, taking up a strong position with a narrow front, backed by a wood. His men were kept on the defensive till the first wild rush, the dangerous point of a Celtic attack, was over; then the Romans formed a wedge, charged home, and all was over.¹ The escape of the vanquished was much impeded by their own waggons, and the presence of their wives and children. No mercy was shown to age or sex. Boudicca took poison and destroyed herself.

The Britons were crushed, but Suetonius showed no disposition to be merciful. The mischievous consequences of his severity being reported to Rome, led to his recall in 62.

Under a series of humane rulers the land began to recover from its wounds. The struggles of the years 68 and 69, following on the death of Nero, led to no disturbances in Britain, the several supporters of Galba, Otho and Vitellius leaving the

¹ Merivale, 57.

Island to fall in with their friends abroad. Thus for eight years, since the reduction of Mona, the Roman advance seemed to have been marking time. But their establishment at Lindum (Lincoln), with the prolongation of the Ermine Street to that point within this period, may be accepted as a fact, marking a third period in their advance, and bringing them to the line of the Trent. The existing Cathedral at Lincoln stands within the limits of the Roman camp.

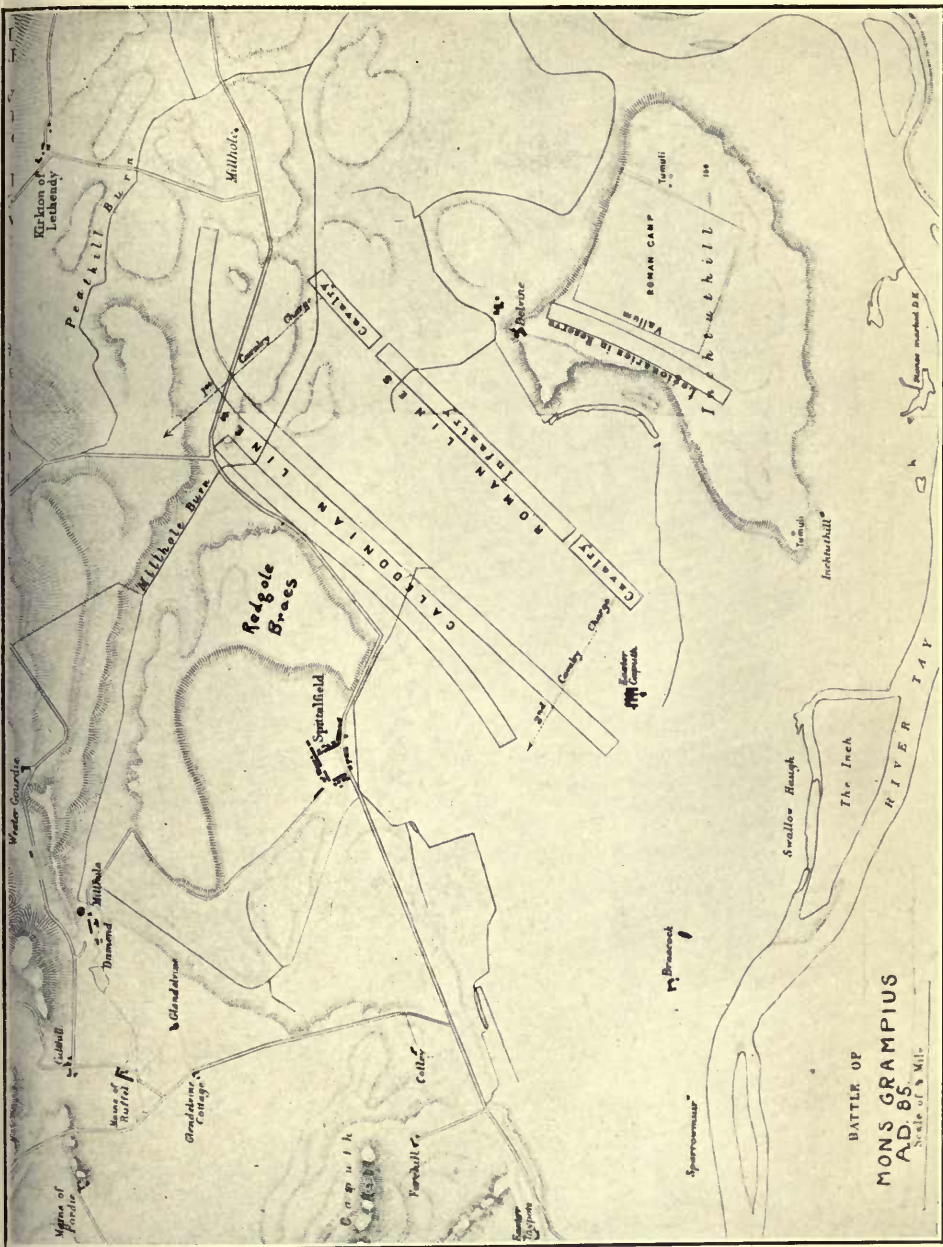
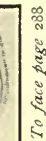
With the accession of Vespasian a fresh period of advance was inaugurated. In 70 Petilius Cerealis, a thorough-going supporter of the Flavian House, was appointed governor, and lost no time in declaring war on the Brigantes. In the course of three years, and after much fighting, great parts of their territory were wrested from them. To this period we may attribute the laying down of the two military roads, the one running from Lindum, the headquarters of the 9th¹ legion, through Danum (Doncaster) to Legeolium (Castleford), and the other leading from Deva (Chester), the headquarters of the 20th legion, to Mancunium (Manchester) and Castleford; the two roads uniting at Castleford for an advance on York. Thirteen miles further on we come to Tadcaster, a name that speaks for itself; and beyond that again at Street Houses, within six miles of the doomed capital of the Brigantes, we have a formidable entrenched camp of 50 acres.

In the year 75 Sextus Julius Frontinus assumed the command in Britain. By him the spirited Silures were at last subdued. But to retain the hold gained on them he had to keep the 2nd legion at Isca (Caerleon-upon-Usk).

In the year 78 Britain again changed hands, the command being assigned to Cnæus Julius Agricola.² He was no stranger to the Island, having served his novitiate in arms there under Suetonius. Losing no time in the autumn of his appearance, without indulging in the receptions and festivities usually consequent on the instalment of a new governor, the Pro Pretor attacked the Ordovices of North Wales, who had become not only independent but aggressive. Their land was wasted with fire and sword, and Mona (Anglesey) once more reduced to complete subjection.

¹ An inscription by a *veteranus* of the 14th legion found at Lincoln suggests that the legion had been at Lindum before it left Britain in 70. Hübner, *C.I.L.*, vii. 187; *Foundations*.

² *Agricola*, xviii., ed. Church and Brodribb.



With the summer of 79 Agricola was again in the field, proceeding, presumably, with the reduction of the Brigantes, or the northern part of modern England. Harassed by perpetual inroads, and over-awed by military outposts carefully chosen, we are told that whole districts (*civitates*) gave hostages and submitted. We are further told that the frontier was fortified as it had never been before. Among the outposts established may have been Coccium (Ribchester on the Ribble); Longovicum (Lancaster); Luguwallium (Carlisle). About this time also, the headquarters of the 9th legion must have been removed to York, its place at Lincoln being taken by the 2nd Adjutrix, a legion sent over to reinforce Agricola. The establishment of these outposts implied the formation of roads connecting them. From York a great northern road must have been pushed on through Isurium (Oldborough) to Cataractonum (Catterick-on-Swale). At that point the highway forked, one branch continuing northwards by Vinonia (Binchester), Corstorpitum (Corbridge) and Bremenium (Riechester) to Ad Fines (Chew Green) on the Cheviots. The other branch turned north-westwards, past Greta Bridge, supported by a chain of outposts leading to Luguwallium (Carlisle). The laying down of these extensions, with their concomitant parts, may fairly be ascribed to this summer.

In fact, we are told as much by Tacitus, our sole informant, as he says that in the following summer, namely that of the year 80, Agricola broke into fresh ground—*novas aperuit gentes*—obviously lands lying beyond the Cheviots. His meagre notes of the progress made in this year and the next (81), taken together, amount to this, that in the first year they reached the mouth of a river called the Tanaus (*æstuario nomen est*), which we shall identify with the North Tyne; and that by the second year they found themselves confronted by two estuaries, Clota and Bodotria, that running towards one another from seas far apart almost cut off the rest of the Island. Here, of course, we have the Forth and Clyde described in words that cannot be mistaken. We are further told that in fact the second summer was chiefly devoted to fortifying this line to secure the territory already over-run.¹ Tacitus explains that the frontier was established by the systematic building of forts and outposts at short intervals apart, the garrisons being kept on foot, and victualled through the winter. No serious resistance was

¹ *Agricola*, xxii. and xxiii.

encountered, but the troops suffered from the weather. The account further distinctly implies that the advance was pushed simultaneously along two independent lines.

For further details we must turn to archaeological research. Fortunately, in situation and plan, Roman forts and camps are so uniform, so different from the works of all other hands, as to render their identification by practised eyes a matter of ease.

For the march of the Eastern army to the Tanaus, or North Tyne, we may take it that advancing from Ad Fines (Chew Green) it followed the track known on the Border as the 'Roman Road,' and marked on the Ordnance Map (wrongly) as Watling Street.¹ In mediæval charters it appears as the 'Dere Street' (Deorestrata). Crossing the Cheviots at Street House, it descends to the Kail Water, which it crosses below Towford School, and a little further on passes a large camp, doubtless Roman. Gradually ascending it crosses Pennymuir, and leaving Cunzierton to the west, or the left hand, runs from Shibden Hill in a straight line to the Oxnam, which it crosses near the fort at Coppock. To the north of the Oxnam the road, now out of use, is lost in the grounds of Moun-teviot. It reappears a little to the north-west of Ancrum House, continuing the line held from Shibden to Jedfoot. Further on, it merges in the road from Jedburgh to St. Boswells, and there, at last, we find ourselves on *terra firma* at Newstead at the foot of the Eildon Hills, the Trimontium of Ptolemy,² with a camp of fifty acres that must mark the line of Agricola's advance³ and also a minor camp or fort of somewhat later date, and intended for permanent occupation.⁴ Crossing the Tweed and ascending Lauderdale, at Channel Kirk, some five miles beyond Lauder, the outlines of another camp of fifty acres were still traceable a century and a half ago. From Channel Kirk the later road continued by Fala and Path Head, from whence a natural descent would bring the army to the North Tyne, clearly our Tanaus. We may fairly assume a parallel advance to Inveresk, an undoubted Roman station.

To trace the advance of the Western army from Luguvallium (Carlisle) towards the Clyde, *prima facie*, Annandale and Clydes-

¹ The Watling Street proper did not go beyond Uriconium (Wroxeter).

² See F. G. Macdonald, *Proceedings Antiquaries of Scotland*, 1894-1895, p. 317; Curle, *A Roman Frontier Post*.

³ Roy, *Military Antiquities*, p. 61 and plate vi.

⁴ See Curle, *sup.* 22, etc.

dale would offer a natural line of advance, as found at the present day for road and rail. But Roman strategy avoided roads exposed to flank attacks, preferring elevated lines of communication. Crossing the Esk at Netherby we find an unmistakable starting-point in the well-known *Castra Exploratorum*, and at Birrens, fifteen miles on, we have the equally famous *Blatum Bulgium*, afterwards the frontier outpost of the Roman Empire. Further stages of seven miles and twelve miles respectively bring us to large camps of fifty acres each at Torwood Moor, near Lockerby, and at Tassies Holm, approaching Moffat. At Thankerton a road branches off towards Lanark, with a 'Chester hill' two miles on. To the south of Carstairs we have a small camp at Castledykes, and three miles to the west of that, a large one on the Mouse river, between Cleghorn and Stobbielee.¹ From Castledykes Roman roads struck westwards to Glasgow and Paisley, and northwards to Castle Cary and, doubtless, eastwards to Cramond and Inveresk.

Returning to the celebrated chain of forts established at the close of the campaign, later they were connected by a continuous earthen rampart, that ran from West Kilpatrick on the Clyde to Borrowstone Ness on the Forth. General Roy has preserved plans of the ten western forts, being half the original number, namely Duntocher, Castle Hill, East Kilpatrick, Bemulie, Kirkintilloch, Auchendavy, Bar Hill, Westerwood, Castle Cary and Rough Castle. They occupy excellent sites at intervals of from one and a half to five miles.²

As there seem to be no camps to be found in Lothian, we may suggest that the Eastern army pushed on at once, past the later Eadwine's Burgh, to Cramond and Bridgeness, to the point where the line of forts was made to begin.

For the operations of the fifth summer (A.D. 82), we are told that Agricola, now first 'taking ship' (*nave prima*), attacked the westernmost districts, facing Ireland. Camps found at Kirkcudbright suggest that he sailed down the Solway. But he did not confine himself to naval operations, as we hear of extensive subjugation of tribes, not without much fighting (*gentes crebris simul ac prosperis praeliis domuit*). If indeed he fought his way through Galloway into the districts of Carrick or Ayrshire, he

¹ See *Foundations of England*, i. 67, 68, citing Roy's *Military Antiquities*; Stuart, *Caledonia Romana* and the Ordnance Map.

² See Roy and Stuart, *sup.* On existing evidence Haverfield accepts Bar, Rough Castle, Camelton and Castle Cary. Lecture, Edinburgh, 13th May, 1918.

would find plenty of resistance from the men known in later ages as the ferocious Attecotti.

By the end of the year 82, the Pro Praetor had fairly executed his plan of extension. He had pushed the limits of the Roman Empire to the scientific frontier of the Forth and Clyde. But like other conquerors, he found it difficult to stop. His exploration of the West Coast must have apprised him of the fact that behind his chain of forts there lurked numerous tribes yet unsubdued; while reports of formidable combinations, and impending attacks from the north, kept pouring in. Agricola therefore resolved to push a further series of inroads to crush the enemy.¹

Answering questions in Parliament without information has been pronounced hard work. But writing military history without facts must also be recognised as very arduous. For the years 81 and 82 Tacitus was content to give us a summary account of what was achieved in the period. Again, for the years 83 and 84, that 'worst of military historians',² has the barest sketch to offer; and might be said to take us, at a stride, from the banks of the Forth in 83 to the speech-making in view of the great battle of Mons Grampius or Granpius³ in 85. These are almost the only chronological data supplied; nor is there any indication given as to how the army got to the Mons Grampius—an inland site—except that the naval arm was brought in, and made to play a much greater part than before. Thus we hear of the exploration of harbours,⁴ and that the two forces could act so well together that at times one common camp could serve for soldiers and sailors together. Stress is also laid on the terrifying influence exercised on the natives by the disclosure of 'the secrets of their seas.'⁵ All this clearly points to a circumnavigation of Fife, with its numerous harbours and landing-places, ending in an advance up the estuary of the Tay to the site occupied by the present city of Perth, the highest point reached by the tide. That this must have been Agricola's objective cannot be doubted. The fleet was bound to be sent there, probably in advance of the army. But we cannot suppose that the whole army was taken there by water; Agricola, in his speech to his army, dwells on

¹ *Agricola*, c. xxv.

² Mommsen.

³ For the name see below.

⁴ *Portus classe exploravit*; *Agricola*, xxv.; *Premissa classe*, xxix.

⁵ *Aperto maris sui secreto*. *Id.*

the hardships encountered in pushing roads over hills and through woods and swamps, making less mention of actual fighting.

An advance through Fife has been suggested.¹ No doubt a strong *castellum* is to be found at Lochore, two miles to the south of Loch Leven—but, on the other hand, not a mile of Roman road can be traced in the two counties of Fife and Kinross. At the same time we shall find in the plan of the city of Perth indications that it was approached from two several points, so that a force may have been pushed forward through Fife. But, if taking the map in hand, we look for the most natural way from the Upper Forth to the Tay at Perth, we shall find one clearly pointed out along the lines of Strathallan and Strathearn. That Agricola took that way, at any rate for his principal advance, may safely be conjectured.

Eleven miles from Stirling, on an unmistakably Roman road, we have at Lindum (Ardoch) another camp of 50 acres, besides other works of later date. From Lindum the road leads with minor posts past Stragaith and Gask to Dupplin. From that point it is no longer traceable, but it must have come round with a sweep to enter by the gate that leads to South Street of modern Perth. The road in places is still in use.

That Agricola for his main force took that way may safely be assumed, and by that way we shall find that he certainly returned. But by whatever way the Legate did reach the Inches of Perth, the course of events seems to show that the year 83, or at latest the year 84, must have witnessed the laying down of the lines to be seen to the present day in the planning of that city. For the whole east coast of Caledonia just two places, viz. Devana and Orrhea are shown by Ptolemy on his map. Orrhea seems a Greek rendering of the Latin Horrea, meaning 'Barns,' a suitable name for a base camp. Devana is clearly Aberdeen; and as to the claims of Perth to represent Orrhea, there can be little more doubt. Let another place on the east coast with a similar plan be first produced in competition.

As for the date of the foundation of Perth, we shall find Agricola established in linked camps at Coupar-Angus and Lintrose in the year 84. That clearly involves the prior occupation of Perth. But for the advance beyond Perth much had to be accomplished before the army could reach the field of battle, wherever we may place it.

¹ W. F. Skene, *Celtic Scotland*, i. 48.

For two years, namely since Agricola's advance beyond the Forth, the Highlanders (may we say the Albanach ?) had been making preparations. For a gathering of clans on a large scale, no more suitable spot than Dunkeld could be found, situate as it is at the foot of the natural highway that debouches from Atholl. That the tribes preparing to resist Agricola would be mustered at Dunkeld seems a natural suggestion.¹ But however prepared Agricola may have been to engage the enemy on a fair field, he was not inclined to attack them at the fords of the Tay at Dunkeld. Accordingly he refrained from a direct march on Dunkeld, and held eastwards up the valley of the Tay. It appears that formerly the road from Perth, now washed away by floods, followed the right bank or north side of the river as far as the ford at Bertha, at the junction of the Almond with the Tay. That the Romans crossed there is shown by the remains of the Roman road leading to the large camp near Scone Palace, marked on old maps as Grassy Walls, or less correctly as Gray's Wells. But Agricola could have no occasion for another camp within three miles of Perth ; and the works must be referred to a later period, say that of Septimius Severus.

The next advance would bring Agricola to the well-known linked camps at Muirtown near Lintrose, and Coupar-Angus, twelve and thirteen miles from Perth. But we are told that he now met with a more formidable resistance than any that he had yet encountered, and for fear of being out-flanked he thought it prudent to advance in three columns. Encouraged by this, perhaps, the natives gathered in force—very likely round the vitrified fort of Dunsinnan—and fell by night on the camp of the 9th, the weakest legion. They overpowered the sentries (*Vigiles*) and actually penetrated the camp, where desperate fighting ensued. Agricola hastening to the rescue took the assailants in the rear, and retrieved the situation. It is from his address to his soldiers, delivered the next year, that we learn that this happened in 84.²

¹ Tacitus speaks of the Northern tribes as *Caledoniam habitantes*, but he also simply calls them Britanni like the natives of the South. Caledonia and Britanni were Romanised forms of native words. The original from which Caledonia was formed may be supposed to have been Calido, genitive Calidinos, whence Cailden in Dunchailden or Dunkeld. In early British the Caledonian Forest was Coed Celyddon (Rhys, *Celtic Britain*, 270), but in later times, as with Froissart, the Caledonian Forest was the Forest of Ettrick and Selkirk.

² 'Octavus annus est . . . proximo anno,' *Agricola*, xxvi. xxxiii. xxxiv.

At Coupar-Angus Agricola found himself conveniently situated for crossing the Isla at the ford of Couttie, now spanned by a bridge. By crossing the Isla Agricola had turned the bend of the river at Cargill, and so had got round to the left, now the north bank of the river, where the enemy would be found. The battlefield must be placed at the farthest point to which his works seem to extend, namely the camp and tremendous earthworks at Inchtuthil. The site is a very remarkable one, a bluff or plateau rising on all sides to a height of forty feet to sixty feet above the surrounding plain. The Tay now flows along the south side of Inchtuthil, and at one time must have encircled it with an arm of which detached portions still remain.¹ 'Inch,' of course, means an island. Of the actual roadway that the Romans followed, no traces appear; the meanderings of the river have doubtless obliterated the track. But indications of the line of their advance from Couttie are not wanting. The camp near Meikleour suggested on the Ordnance maps cannot be accepted, but in the Cleaven Dykes, a little to the north of Meikleour, we have a remarkable earthwork, which must be ascribed to Agricola. It consists of an earthen bank, without ditch. On old maps it is shown as running in a straight line for two miles north-west and south-east, and resting on the Isla at the east end, where a fort is shown. With a front covered by the windings of the Lunan Burn, which joins the Tay there, for resistance to an attack from Blairgowrie and the North, no better position than that along the Cleaven Dykes could be found. But the great battle was not to be fought there. Protected by this flank-work, the army could safely push on towards the hills where the enemy were gathering. In connection with this advance Tacitus, rather oddly, says "*Praemissa classe*," 'the fleet having been sent on in advance.' Any vessels that could be utilised above the Linn of Campsie, or the junction with the Isla, would be of a very slender sort. But as the writer goes on to refer to the extensive depredations and terror caused by the fleet, he must be taken to refer to the previous operations round the coast of Fife.

According to our theory, the Highlanders advancing from Dunkeld to give battle would follow the banks of the Tay by Newtyle Hill, Stenton and Caputh, to Spittalfield, facing Inchtuthil. Looking at our plan, it will be seen that while the village of Spittalfield lies in a hollow, it is encircled by a belt of high

¹ See plan of the battle, p. 288.

ground, known as the Redgole Braes. These end abruptly on the present road facing the entrance to Delvine House, which stands on the brink of the Inchtuthil plateau. The centre of the clansmen's position should be placed at the jutting point of the braes, the ground falling away on either side, as clearly implied by the narrative of Tacitus.¹ To the hills occupied by the enemy he gives the name of *Mons Grampius*.²

Estimated at the large figure of 30,000 men, the enemy were arrayed along the slopes, ranged in imposing tiers one above another; the front ranks occupied the level ground at foot.³ With the latter were arranged bodies of horse and chariots, their rattle adding to the general din and confusion. Pressing to the front they were soon lost in the mêlée.

In honour of the great battle that ensued, Tacitus, now quite in his element, has composed speeches for the two commanders, Agricola and Galgacus, or more correctly Calgacus.⁴ These addresses have enriched the literature of the world with some immortal phrases; but it must be added that Tacitus also gives a very graphic and intelligible account of the action.

Marshalling his forces, Agricola placed his auxiliary infantry, evidently the larger part, and given as 8000 strong, in the front line, with 3000 horse on the wings. The legionaries he kept in reserve, in front of the entrenched camp (*legiones pro vallo stetere*), a fact which, again we may point out, limits us in our search for a battlefield to a site adjacent to a camp.

Dismounting, the Legate took post on foot, in front of the colours—the enemy coming on in strength, he soon found himself in danger of being outflanked, and was obliged to extend his front at the risk of weakening it.⁵

With the onslaught we hear of no wild Celtic rush, but, after the usual preliminary interchange of missiles, only of stubborn hand-to-hand fighting, in which the Highlanders with their small targets (*brevibus cetris*) and huge pointless broadswords (*enormes gladii sine mucronibus*), found themselves at a dis-

¹ See map, page 288.

² *'Ad montem Grampium pervenit quem jam hostis insederat,'* c. xxix. Here the 'jam' does not oblige us to suppose that the enemy were there before Agricola. For the name see below.

³ *'Britannorum acies in speciem simul ac terrorem editioribus locis constituerat; ita ut primum agmen aequo, ceteri per acclive jugum connexi velut insurgerent,'* lb. xxxv. See also the plan annexed.

⁴ See Rhys, *Celtic Britain*, p. 279.

⁵ *Agricola*, xxxv.



PERTH FROM STOBIE'S MAP OF 1785

advantage with the auxiliaries and their short Roman swords better fitted for stabbing. Accordingly Agricola ordered some cohorts of Batavi and Tungri to take the offensive and close with the enemy. Encouraged by their success, other cohorts joined in, and drove the central part of the enemy to the foot of the hill. But the men on the higher ground, who, so far, had been mere spectators, pouring down, began to flank the Romans on either side. But Agricola, prepared for this, sent out four wings of horse kept in hand for emergencies, to turn the enemy's flank—doubtless their left flank—up the hollow of the Millhole Burn. The enemy there, having been turned and put to flight, the cavalry were brought round, and the operation repeated on the other flank, which now in some measure had become the enemy's rear.¹ But why should the cavalry be brought by a circuitous round from one flank to the other, instead of being allowed to wheel round and take the enemy in his proper rear? The steepness of the banks facing the hollow of the burn made it impossible for cavalry to wheel round the rear of the enemy's position.

The rout became general; but an indiscriminate pursuit might have cost the victors dearly, as the enemy, used to hill fighting, rallied in bands in the woods and thickets that skirted the battlefield. The Legate, however, kept his men well in hand, scouring every thicket with horse and foot. Night put an end to the pursuit. When the morrow came silence reigned; while hill and dale reeked with the smoke of burning huts and villages.

With respect to the losses, the Romans admitted a loss of 360 men, with Aulus Atticus, Prefect of a cohort of horse. That of the enemy they were pleased to put at 10,000 men.² For the strength of the forces Tacitus tells us that the Romans had 8000 auxiliaries and 3000 horse. If we should add one full legion, or 5000 men, that would make a total of 16,000 effectives. The estimate of the native force as double that seems, after all, quite borne out by the facts of the action.

With respect to the name given to the battle, or rather to the hill occupied by the clansmen, it was always read as 'Mons Grampius,' whence the 'Grampian Hills where our fathers feed their flocks.' The name is unknown to native use or records.

¹ *Transvectæ precepti ducis a fronte pugnantium alæ aversam hostium aciem invasere,* c. xxxvii.

² *Ib.* xxxvii.

But in 1838 a new edition of the *Agricola* was published by C. Wex, who reads the name as Graupius. Mr. Skene, on grounds of Celtic philology, rejects Graupius, suggesting Granpius instead. The combination of the letters n and p being common in Gaelic, not so that of a u or a v with a labial. But, in fact, in many MSS. the letters u and n are undistinguishable.¹ In this conflict of authorities we may rest content with the old-established name. With regard to the sites to which Tacitus might be supposed to apply the name, if we take our stand on the vallum of the camp at Inchtuthil, from which point he may be supposed to have witnessed the action, we shall find our range of vision limited by the little line of hills running from Kirkton of Lethendy through Gourdie and Snaigow to Birnam Hill. For these the glory of being the 'original and only' (historical) 'Grampians' might fairly be claimed.²

To Mr. Skene is due the credit of having called attention to the claims of the neighbourhood of Blairgowrie to be recognised as the sphere within which the site of the battle should be sought, as, in fact, already suggested in the *Old Statistical Account*, 'Bendochy.' With Mr. Skene's account of the battle from Tacitus no fault can be found. But he places it as fought between the Cleaven Dykes and 'the Hill of Blair,' presumably the high ground at Blairgowrie. He accepts the earthworks, the 'Buzzard Dykes,' wrongly described on the Ordnance maps as 'Caledonian Camp,' and makes Calgacos muster there. In fact these earthworks are not a camp at all, but a deer-park, in a hollow, with the Lornty Water flowing through it. Local tradition claims it as the deer-park of Kenneth MacAlpine, say of Pictish kings. Lastly, with regard to the position at the Cleaven Dykes, a battle might well have been fought there, but not the battle described by Tacitus. From the Dykes an easy slope, without the semblance of a hill or prominence, leads up to Blairgowrie.

Satisfied of the futility of attempting to pursue an impalpable foe, *Agricola* turned southwards. The season was advanced, but there was still time to 'pacify'³ another district. We are told that the Legate led his forces into the land of the Boresti, or Horesti, exacting hostages. These men may safely be identified

¹ *Celtic Britain*, i. 52.

² To mark the site of the battle the late Sir Alexander Muir Mackenzie set up a stone in the approach to Delvine, but unfortunately without inscription.

³ 'Solitudinem faciunt, pacem appellant,' *Agric.* xxx.

with the Verturiones, or people of Fortrenn or Strathearn.¹ Agricola's incursion into that district is fully attested by the well-known linked camps of his usual style found at Dalginross and Comrie. As for his march thither, falling back through Perth along the road already laid down by himself, he would come to the camp at Lindum; and from that point, sure enough, on the maps we have a road of clearly Roman character, leading through Muthil straight to Crieff. The road from Crieff to Dalginross along the river Earn, like that from the ford at Couttie to Inchtuthill, has disappeared, presumably washed away by hill torrents and river floods.

To the good men of Crieff it may perhaps come as a surprise to hear their town had enjoyed the honour of a visit from Agricola.

From the account in Tacitus one would suppose that the camp at Inchtuthil was abandoned when Agricola turned southwards. Recent excavations have shown that such was not the case. A complete villa, with hypocausts and bath outside attached to the earthworks, has been brought to light. With the continuing occupation of Perth, which we assume, the discovery of a villa ought not to give surprise.

While Agricola held rule in Britain two emperors passed away, namely Vespasian and his elder son Titus. The 'timid, inhuman Domitian' now held sway. Agricola had done more than enough to excite his jealousy; but, in fact, he had held office beyond the usual term. Next year he was recalled. The 'triumphal ornaments' and a statue were decreed to him by the Senate; but he found it prudent to sink promptly into the obscurity of private life.²

We have ventured to assign a date to the foundation of the city of Perth. For its claim to be recognised as a Roman camp—whatever the date of its foundation—it must speak for itself.³

The normal camp of the time of the Empire, as given by Hyginus, the military writer, was an oblong with rounded angles, subdivided by streets and alleys, all at right angles to one another, with a gate through the walls on each side of the camp. It was subdivided laterally into three divisions by two principal streets, the *Via Principalis* and the *Via Quintana*. The *Via Principalis* marked off the *Praetorium* or quarter allotted to the headquarters' staff. This was placed at the forward end of the camp, that

¹ Rhys, *Celtic Britain*, 277, 308; *Chron. Picts and Scots*, 460.

² *Agricola*, xl.

³ See plan from Stobie's map of Perthshire, 1785, page 296.

facing the enemy. The *Via Quintana* divided the lower camp or soldiers' quarters in two; throughout this area the tents or huts were arranged in rows, abutting on lanes at right angles to the principal *Via*. Thirty feet of frontage were given to each single row, sixty feet to a double row, with six feet for passages between the rows.¹

All these features are traceable in the existing plan of the city of Perth, and still more clearly in the old map which we append. We have the rectangular camp, one of the rounded angles (Canal Crescent) still remaining. The other angles, presumably, were destroyed when the fortifications were dismantled in 1332. The line of the *Via Principalis* has been broken by the building of the Church of St. John. But Skinners' Street, Kirkgate and Princes Street show clearly how it ran. The Meal Vennel is just the *Via Quintana*; and the houses representing the old tents or huts are arranged along High Street and South Street running correctly at right angles to it. Most striking survival of all is the fact that in the streets of Perth to the present day the houses are to be seen blocked out with frontages of sixty and thirty feet, just the single and double rows of tents, and separated by little closes or lanes of six feet in width.

Of the different tribes, Pict, Gael or Scandinavian, that at one time or another may have occupied Perth, not one could ever have designed such a plan.

One point may be noticed in which Perth departs from the normal type, namely in having two gates on one side, instead of one gate on each side. But even the rules of Roman castrametation had to bend to circumstances. We can easily suppose that for the purposes of access to the place a second entrance was found desirable.

If further evidence were needed, either as to the Roman origin of Perth, or the date of its foundation, it would be found in Mr. Curle's detailed plans of the fort at Newstead², another monument of the same campaign.

J. H. RAMSAY.

¹ Smith, *Antiquities* (2nd ed.), 254; Ramsay, *Antiquities* (17th ed.), 448.

² *Roman Frontier Post*, p. 38.

Reviews of Books

A HISTORY OF THE GREAT WAR. By John Buchan. In Four Vols. Vols. I. and II. Pp. xv and ix, 552 and 578. With 18 and 20 maps respectively. 8vo. Edinburgh and London : Thomas Nelson & Sons. 1921. Each vol. 25s.

THE History of the Great War which Mr. John Buchan wrote and published in twenty-four small volumes between February 1915 and July 1919 was, in point of quantity at any rate, a monumental achievement, especially 'as the bulk of it was written in the scanty leisure which I could snatch from service abroad and at home.'

Unavoidably it contained, as the author says, many imperfections and errors, and he has now set himself to produce, in four volumes, a work aiming at a truer perspective and a juster scale. Judged by the first two volumes, this new work is well worth the labour and thought which have been bestowed upon it. It is, to begin with, eminently readable from cover to cover, whether it deals in a clear and graphic manner with the operations on land and sea or discusses the political, social and economic background in the countries of the different belligerents.

Mr. Buchan cites the august instance of Thucydides in advocacy of the advantages of a history of great events narrated and explained by a contemporary or, still better, by one who has played some part in them. He might have been content with the testimony of Bismarck, who for recent events preferred histories written by journalists as being the most vivid and readable. Mr. Buchan is more than readable ; he is, at times, extremely instructive.

Military specialists may find items of greater or less importance to correct in his accounts of particular battles. His great merit in this part of his narrative is that he selects his details wisely, gives a clear impression of the trend and objects of each operation and co-ordinates its significance with that of each separate campaign and of the whole War. And to each phase he imparts an interest as thrilling as that which it excited at the time—often, indeed, more thrilling, because of the fuller knowledge both of the facts and of their meaning which a competent writer now commands. An instance of this is his treatment of the Salonika expedition and of Balkan questions in Chaps. xxxix.-xli. ; and there are many other examples. No one could start upon one of his chapters without reading it to the end, and one chapter creates an appetite for the next.

Mr. Buchan's exposition of the policy of the belligerents and of the internal condition of their countries at different stages of the War is probably on the whole as sound as it well could be. Particularly able are the

chapters (xxxv. and xlvii.), 'The Straining of America's Patience' and 'America at the Cross-Roads.' The first of these describes the sentiments predominant in America and the considerations which delayed any clear expression of them and decisive action upon them. The folly of German diplomacy, with its alternate threats and cajoling, is exhibited as it was disclosed to the world by the American Government when America at last entered the War. The author rightly observes, 'The Allies had no need of an advocate : Germany herself was the chief pleader in their case.'

Mr. Buchan's analysis of German political thought and German aspirations before the war is in the main right, although there are some errors in detail. It is not correct to say with regard to the German 'social democracy' that 'the workers . . . controlling the administration . . . were prepared to set up any barrier that would secure the wealth which they sought to share from being pilfered by foreigners.' The reference is clearly to protection ; but the mass of the German Socialist working-classes and their representatives in Parliament—the strongest party in the Reichstag at the outbreak of war—were free-traders. The small group associated with Schippel did not at that time count in the party. It was hatred and fear of the Russian Autocracy which united the working-classes, Socialist and Catholic, in support of Germany's first Declaration of War ; nor could they understand the different attitude of Labour in Britain and in France. Once the world-war had begun, the *Kriegspsychose* and the control of all news by the Government did the rest. A long time elapsed before the leaders of the Majority Socialists could ascertain the truth and a further period before they had the courage to proclaim it. By that time the fear of defeat and invasion overcame popular scruples, which were only fully aroused when it was realised that Ludendorff was a military gambler and that the stakes were millions of lives of sons and brothers at the front, and starvation and suffering at home.

On the other hand, Mr. Buchan's characterisation of the policy of aggression and aggrandisement promoted by the great industrialists and financiers is eminently just. He does wrong, however, to include Dr. Rathenau among that party. Rathenau in his book or pamphlet, *Der Kaiser*, has demonstrated—none more convincingly—that it was the National Liberal Party, the party of the industrialists, the great financiers and the university professors, that was most to blame for the fatal toleration and encouragement of the régime of William II. in home and foreign affairs. And it is that party, under the new and specious name of *Volkspartei*, which is to-day the greatest danger to the internal tranquillity of defeated Germany and to the peace of Europe.

Mr. Buchan's first two volumes do not go beyond the end of April or beginning of May, 1916. The succeeding two volumes will be awaited with interest and, if they fulfil the promise of their precursors, should complete a most valuable instrument of instruction for the English-speaking peoples, who ought periodically to refresh their memories regarding those tremendous events, political and military, which have changed the whole outlook of history and the prospects of the development of mankind.

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THE LIFE AND PHILOSOPHY OF EDWARD CAIRD, LL.D., D.C.L., Professor of Moral Philosophy in the University of Glasgow and Master of Balliol College, Oxford. By Sir Henry Jones, LL.D., and John Henry Muirhead, LL.D. Pp. xl, 381. 8vo. With portraits. Glasgow : MacLehose, Jackson & Co. 1921.

THIS work was begun by Sir Henry Jones, Caird's successor in the Chair of Moral Philosophy, his devoted friend, and the continuer of his philosophical teaching ; but failing health compelled him to call in the assistance of Professor Muirhead, by whom the last chapter of the biography and the greater part of the discussion of Caird's philosophy have been written.

The letters of Edward Caird, to which a separate part of the book is assigned, are disappointingly scanty in number. He was a man of comparatively few intimacies, although many friendships, and his habitual reserve prevented the free utterance of his mind to a host of correspondents. It is much to be regretted that the letters which he sent to Mrs. Caird, at times when circumstances had separated them, were destroyed by an unfortunate mistake after her death ; but of his letters to Miss Talbot a number have been preserved, and several addressed to Sir Henry Jones himself have been added. His preserved correspondence, brief as it is, has the touch of a remarkable personality, a singular interest and charm, and is full of illuminating comments, happily and tersely expressed.

It has been said by Sir George Adam Smith that Edward Caird was one of the greatest citizens Glasgow ever had ; and it may be added that he was one of the greatest Scotsmen of his time. To write his life was not easy, for Caird had none of the smaller peculiarities that lend piquancy to such works, and it is characteristic of the man that very few anecdotes were ever related of him. He was great in a plain way, magnanimous in the true sense, and not much occupied with his own personality, nor eager to impress it on others. No man who was less histrionic ever lived. It was by his noble simplicity of mind and character, his transparent honesty, and the wide sweep and compass of his intellect that Caird became a great University teacher and influenced a whole generation. He was persuasive, not combative.

But he had also an unusual firmness and tenacity, could speak plainly, when plain speaking was required, and was loyal through and through to every cause he took up. Sir Henry Jones's narrative shows the width of his activities. He had no philosophic aloofness, never dreamed of separating the University of Glasgow from the city of Glasgow, and led the way in movements the object of which was, in his own words, 'to bridge the gulf that separates the well-to-do from the poor.'

Sir Henry Jones inherited Caird's philosophical system, but in his teachings it acquired a new tone, and was proclaimed with the intensity and fervour of his own temperament. The book before us is a record of two extraordinary men. For the younger of the two, who now becomes, like the first, only a memory, gratitude and affection will last as long as those who knew him.

JOHN S. SMART.

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THE LIFE OF HENRY, THIRD EARL OF SOUTHAMPTON. Shakespeare's Patron. By Charlotte Carmichael Stopes. Pp. xi, 544. With 8 Illustrations. 8vo. Cambridge : University Press. 1922. 42s.

CHARLOTTE CARMICHAEL STOPES is the distinguished authoress of many works relating to Shakespeare and his times. She is steeped in Shakespearian lore, and this, her last production, was undertaken, as she says in her preface, 'in the hope that I might find more about Shakespeare, which hope has not been satisfied.' The book, as she further explains, is 'a collection of materials towards a life,' which will be useful, if not necessary, to other writers who may feel constrained to delve in the same direction.

To Shakespearians, the book undoubtedly will be of great interest, dealing as it does with his time and bringing its readers into the atmosphere in which he lived. To the ordinary reader it may appear to be too full of details which do not deal directly on the subject. Mrs. Stopes is a 'picker up of learning's crumbs.' She neither spares herself nor her readers. Every detail which she can ferret out regarding the Earl of Southampton is brought to light. She searched for twenty years for some account of Southampton's method of escaping from matrimony. She finds that he wore his hair long, unlike the fashion at court; why, she cannot discover. Mrs. Stopes apparently believes with Mrs. Watt Dunton that nothing which concerns the home life of a poet can be dismissed as trivial. Nevertheless, anyone who cares to wade through this 'collection of materials' will feel that he has come not only to know the Earl of Southampton (and he was worth knowing), but also much that is interesting in the period when he lived, 1573-1604.

He was a statesman, a soldier, and a patron of literature, and through all the distractions of the troublous years which he spent, sometimes fighting, other times imprisoned in the Tower, at the whim of Queen Elizabeth, he 'had not given up the pursuit of literature.' Shakespeare claimed him as a friend, and dedicated to him first his 'Venus and Adonis' and afterwards his 'Rape of Lucrece.'

'The love I dedicate to your Lordship is without end . . . what I have done is yours; what I have to do is yours, being part in all I have, devoted yours.'

Other poets of lesser fame dedicated their works to him, even although, at the time of their publication, he was out of favour at Court. As long as Elizabeth was Queen, the Earl was obliged to lie low. These were the days of autocracy, and Elizabeth never forgave his 'daring to marry one of her Maids of Honour ('Elizabeth Vernon'), without receiving her royal permission.' In spite of the years of imprisonment in the Tower, the Earl appears to have maintained his loyalty towards Royalty, although he stood for constitutional rights against the abuse of the Royal Prerogative.

One is reminded of that great Hebrew statesman, who, after languishing in prison in Egypt for years, was raised to be Viceroy or Regent. Southampton's was a chequered career, but there is a list of honours to his credit which argues for him more than ordinary gifts and graces. He was chosen by the Earl of Essex to be General of the Horse to fight in Ireland, which in those days proved itself to be a puzzle to the Government, much after the

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same manner as it is now. He was appointed Councillor to the Queen. He had the office of Keeper of the New Forest for life. He was a Vice-Admiral. He was Governor of the Isle of Wight, and, says a contemporary, 'his just, affable and obliging deportment gave him the love of all ranks of the people and raised the Island to a most flourishing state.' He was a Privy Councillor in 1619, and in 1622 he was again imprisoned for encouraging the 'Palsgrave in his wars,' and committed to the charge of the Dean of Westminster. He was, after being released, leader of the Upper House in what was called the Country Party as opposed to the Court Party, and there occupied himself trying to preserve the privileges of the subject from the encroachments of the Royal Prerogative. HENRY G. COOPER.

THE WITCH-CULT IN WESTERN EUROPE. A study in Anthropology. By Margaret Alice Murray. Pp. 303. 8vo. Oxford: at the Clarendon Press. 1921. 16s.

A COMPREHENSIVE treatise drawing upon the best sources, especially the records of actual trials for witchcraft, this work of Miss Murray's calls for particularly hearty welcome. No such capable a compilation has ever before appeared. On the theoretic side, it sets up in slender outline the general witch creed in chapter after chapter dealing with almost every phase, dogma, practice, belief, fear or feature of a terrible institution which it is intensely difficult to account for on any convincing and single line of interpretation, and the mystery of which the authoress has had the good sense and restraint not to propose to solve. If a critic ventures a central doubt it is whether the reference to the cult as the fugitive scattered and broken relics of a religion can be made good. If so, what religion? Was it Mithraism? Or was it any other single specific cult? To the present critic it seems better in general terms to assign its origin not to a specific ancient worship, but to regard it as derived from a multiplicity of religions, tenets, superstitions and the folk-lore faith of which the Roman authors sufficiently attest the exuberance, with the multitude of elves and fauns and satyrs, the household spirits, the manes of the dead, the infinite conjurations and ceremonies, and the dark revolting use of recurrent sacrifice, especially human sacrifice, at the very basis of the system.

What are the particular doctrines of interpretation applied by the authoress and how far can they be accepted as probable explanations of the cult? Miscellaneous principles and hints may without pretending to logical order be instanced, and some apparent omissions pointed out. First of all the witch's sabbath receives illuminating exposition and the truthfulness and importance of *Tam o' Shanter*, in spite of its shortcomings at several points, are made clear by the repulsive and gruesome homage which is the implied centre of ceremony. Perhaps the element of perversion—partly from devotion to Christ, partly from feudal obeisance and acknowledgment, which are both of them parodied and reversed—is insufficiently examined on the question whether the whole affair is not a blasphemous burlesque of Christianity invented long after that religion had established itself in Europe. And not in the sabbaths only, for the critical problem is whether a deliber-

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ate presentment of the converse to Christ is or is not the radical concept of the witch system as practised in the West. One singular contrast to account for is that this mysterious but far from secret cult had not in its manifold perversions a Bible of its own. At least it does not appear from Miss Murray's diligent extracts from the records of trials that any such Bible existed to be discovered and produced to confound the wicked brood. The writer of this review owns a remarkable MS. of possibly Shropshire provenance which, with its array of magic formulae, signs, incantations and queer prescriptions (some of them apparently from Reginald Scot), represents the tradition of Christian countercharms against the witches turning oftentimes the names of God to master the demons and their deluded coterie of Satanic followers. Were there any such text books on the other side, containing the formulary of the witches?

The 'covine' of thirteen, as the typical company of the bands of witches, has never been so well demonstrated as by Miss Murray and is a most important article for use in tracing the pedigree of the necromantic creed. Among subjects not much discussed is the question why the cult roused such intense alarm and detestation. It would certainly seem that the malevolence which seems to have been an inspiring motive of their existence was the primary and obviously natural cause of the fear and hatred which expressed themselves in so many witch-prickings and tortures, ordeals and witch-burnings. There are in this book many new proofs of a persistent hostility to fertility whether of man or beast or vegetation, as an initial conception in the witch's 'villainous apery' of power, the destroying spirit which made them a curse to the world as well as to themselves.

In gathering the evidence for the horrible creed and ritual this work displays a singular and one must suppose a very self-denying abstinence from secondary proofs such as come from writers about witchcraft. By far the most significant 'proofs,' if one may call them so, of what the witches themselves believed, come from their own statements alleged—there is little doubt quite truly—to have been made by men and women at their own trials. Many vital annotations are added from the literature of belief and disbelief in the monstrous structure of delusion, but the suppression of reference for example to Lecky and H. C. Lea is a surprise even greater than the like ignoring of Cauzons' *La Magie* (see *S.H.R.* x. 309). The author's preference for first hand fact is in the main laudable, although to it is probably due her failure to utilise Lea's many illustrations of the cult from Inquisition processes, especially the discovery of the Spanish inquisitors that the phenomena of the 'sabbaths' were subjective. It may be worth while to point to a striking chapter in Alfonsus de Spina's *Fortalitium Fidei*, edition 1525, fo. ccclxv. for earlier examples of some of the tenets and phenomena, such as the *forme de bouc* and other animal shapes recorded in Miss Murray's deeply learned book as adopted by the presiding demon ('in shape o' beast') at the sabbath.

Sympathetic as a reviewer may be to researches so extensive, it is impossible for him to conclude without absolute refusal to listen to the doctrine that there was any belief, either English or French, that Joan of Arc was 'God Incarnate'! The appendices embrace extracts on fairies, an 'Arrest

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et procedure' at Orleans in 1615, a list of covines mainly in thirteens, a roll of sixteenth and seventeenth century named witches and warlocks and an important note on the problem of the Maid. Miss Murray has given us a great, sad, strange study.

GEO. NEILSON.

MARLBOROUGH AND THE RISE OF THE BRITISH ARMY. By C. T. Atkinson. Pp. xx, 544. With 8 Illustrations and 16 maps. 8vo. London: G. P. Putnam's Sons. 1921. 21s.

It is somewhat remarkable that two important lives of Marlborough should be published in the same year, but although Mr. Taylor's book has only been published recently, its author died in 1913 with his work incomplete. Thus he wrote under the shadow of impending disaster with the great war of the future weighing heavy upon his soul. Mr. Atkinson, on the other hand, writes in the hour of victory, with a wealth of allusion to the events of the last few years which add zest to his style and point to his story.

Writing largely from the same materials Mr. Atkinson approaches his task from a different angle, and sets out to show not only Marlborough the great soldier, but the beginnings of the British Regular Army: particularly valuable too is his able treatment of the earlier years of Marlborough's life, for here Mr. Taylor died before he could complete his work. Thus Mr. Atkinson's long expected biography is very welcome, and perhaps its delay is not altogether to be regretted: to many the war has given a broader outlook, certainly where military affairs are concerned, and the reader will discover a new zest in the story of Marlborough, and perchance a personal interest when he finds that great soldier campaigning in well known country in Flanders. It sounds strangely modern to find the colonel of the Cameronians writing, 'neither Mons nor Ypres opens France to us and either will be hard to take in so advanced a season, both being in great part defended by morass.'¹

Mr. Atkinson's able review of the state of military science in Marlborough's day is an essential preliminary to any careful study of his campaigns, and the discussion of the campaigning difficulties in the Low Countries is illuminating. For despite the vast increase in the size of modern armies the essential conditions of campaigning there have changed but little, while the importance of the Inland Water Transport was understood by Marlborough no less than by the generals in the wars of the French Revolution. In addition to the more well known sources, Mr. Atkinson has made excellent use of the volumes of the Historical MSS. Commission, and by this means has been able to throw much new light on many points, and among other things to clinch the story of the action of the British right at Ramillies. The numerous letters in the great collections published by the H.M.C. afford a new and pleasing touch to the story of Marlborough's campaign.

Though a sympathetic biographer, the writer is not blinded by enthusiasm for his hero, and the verdict on Marlborough's behaviour in 1688 implies a condemnation of his later treason. 'His conduct towards James only becomes hard to defend when coupled with his subsequent conduct towards

¹p. 389.

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William.’¹ But these unpleasing traits in Marlborough’s character soon pale before his greatness as a soldier. Fortunate in his early training, for in 1674 he was privileged to serve under Turenne and thus to gain an insight into French methods and also a knowledge of the Rhine valley itself, Marlborough soon showed his gifts as a strategist. From the first he had a firm grasp of the true meaning of sea-power, and it was he who suggested and carried out the successful attacks on Cork and Kinsale in 1690, thus isolating the hostile army in Ireland. The breadth and soundness of his strategical conceptions are well known : the bold movement to the Rhine is only one example ; in 1706 he proposed a yet more daring scheme, to transfer himself and a part of his army to Lombardy, and even, so it appears, to strike a decisive blow at Toulon with the help of Eugene ; but the plan was too bold for his allies. Again in 1708 after Oudenarde, he wished to leave the difficult Flanders country, and to strike boldly into France, possessing himself of a Channel port as a new base. This time it was Eugene who flinched, and thus Marlborough was not able to exploit his victory and make full use of his command of the sea, and the campaign dragged on in the Low Countries.

As a tactician Marlborough was no less a master : with a cool head and a rare eye for ground and for the weakness of his opponent’s position he would fight his battle with all his might, making full use of all his forces. Nothing dismayed him, for with prompt decision he would modify his plans as might be necessary ; thus both at Blenheim and Ramillies he obtained the necessary support for the decisive attack by withdrawing men from a flank after the battle had actually commenced. An infantry general, Marlborough knew how to use his cavalry, and relying firmly on shock action taught his men that the sword was ‘the only weapon British horse make use of when they charge the enemy.’² With the infantry, fire discipline was all important, and the Duke himself would exercise the whole army in fire control by signals with flag and drum. Still it was not till 1706 that the arming of the infantry became homogeneous, with disappearance of the pike and the substitution for it of the socket bayonet.

The high state of discipline in Marlborough’s army is shown by the frequency of his operations and marches by night, for nothing is more difficult to carry out with success. Indeed Marlborough knew well how to make good use of his men’s marching powers, but it was careful organisation that made his movements so successful. The staff work was excellent, and the famous march to the Danube is a good example of the way in which the men were spared unnecessary fatigue. The army was able to march on an average from 12 to 14 miles per marching day, and to cover 250 miles in less than six weeks.

Perhaps the greatest charm of the book is in the peeps we get of the early history of the regular army. The Scots Greys at Malplaquet when ‘Jemmy Campbell at the head of the grey dragoons behaved like an angel and broke through both lines,’³ or the Guards and line regiments at Blenheim marching right up to the village and reserving their fire until their Brigadier had thrust his sword into the palisade. Such glimpses and the stories of the

¹ p. 98.

² p. 503.

³ p. 405.

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soldier diarists show the British army in the making, and justify Marlborough's proud declaration that 'English men are better than what can be had anywhere else.'

C. S. S. HIGHAM.

TUDOR CONSTITUTIONAL DOCUMENTS, A.D. 1485-1603, with an historical commentary. By J. R. Tanner, Litt.D. Pp. xxii, 636. Large 8vo. Cambridge: University Press. 1922. 37s. 6d.

MANY students will welcome this new volume of constitutional documents. While some documents with which they are already familiar in Professor Pollard's *The Reign of Henry VII. from Contemporary Sources* and Sir George Prothero's *Select Statutes and Constitutional Documents* are naturally included here, for a large part of the period no selection has hitherto been available. The volume is divided into sections dealing with various aspects of constitutional history, such as the Church Settlement, the Privy Council, the Law of Treason, Parliament. The historical commentary adds much to the value and usefulness of the book. Constitutional problems of the time are discussed in the light of the most recent research, with numerous references to modern works. (One would have preferred the reference to the original authority rather than to W. Denton's *England in the Fifteenth Century*, on page 8.) Some note on the sources for the Parliamentary history of the period would have been useful, more particularly as cases illustrated in Prothero's volume by extracts from the Lords' or Commons' journals are here illustrated by extracts from the journals of D'Ewes. Extracts are also included from contemporary and seventeenth century political and ecclesiastical writers, and this leads one to suggest that a section illustrative of contemporary political theory would be a useful and not irrelevant addition to the book.

J. H. FLEMMING.

THE HISTORY OF CONSPIRACY AND ABUSE OF LEGAL PROCEDURE. By P. H. Winfield, LL.D. Pp. xxviii, 220. 8vo. Cambridge: the University Press. 1921. 20s.

THIS elaborate work on the History of the English Law of Conspiracy will be welcomed by students of the origins of law in England where a wealth of record in year books and reports of early decisions exists, quite unknown on this side of the Border. It is remarkable to the modern practitioner to learn that the law of conspiracy, now of wide scope, should have apparently arisen out of the abuse of legal forms of process used as engines of oppression, in connection with which its rules were certainly first formulated and developed. The work has evidently been in no mere perfunctory phrase a labour of love to Dr. Winfield, who has spent the better part of ten years upon his erudite researches among ancient briefs, year books and early texts and statutes.

The book is the first of a contemplated series of Cambridge Studies in English Legal History, which is designed, as explained in a general preface by Professor Hazeltine, to further scientific investigation in regard to the development of the laws of England and their historical connection with other legal systems. The series will include both monographs on special

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topics based on original research and editions of legal-historical texts hitherto unpublished or so far inadequately edited. This painstaking and learned book sets a standard for the Studies which may not be easily followed.

ROBERT LAMOND.

THE PRIVATE CHARACTER OF QUEEN ELIZABETH. By Frederick Chamberlin. Pp. xxiv, 334. With 8 Illustrations and numerous facsimiles. 8vo. London: John Lane. 1922. 18s.

MR. CHAMBERLIN has set himself to vindicate the character of Queen Elizabeth from reckless charges advanced by her adversaries. Basing his argument largely upon the testimonies of distinguished physicians, he has little difficulty in showing that the queen, far from possessing the magnificent physique often ascribed to her, was in fact more or less of a chronic invalid. From her father she inherited an impaired constitution, quite unable to stand the strain of the scandals and dangers which she had to face, as a mere girl, during the reigns of Edward and Mary.

To most readers Mr. Chamberlin's case will be convincing. The weakest part is the unsatisfactory treatment of the 'Hatton' letters (pp. 181-183). Who was 'my Lord of Ctm.,' and what is his significance in the story? Why should Hatton hate him? In view of all the circumstances, however, it is probable that the author is right in ascribing Hatton's odd language to Elizabeth's love of extravagant adulation, and in the main he disposes completely of the charges, direct and indirect, made against the queen.

The author is not an historian. He writes from an altitude which enables him to refer to the *Cambridge Modern History* as 'that remarkable publication' (p. 244) and to describe the *Political History of England*, edited by Mr. Poole and Dr. Hunt, as being 'as pretentious an historical work as Englishmen have produced during the last fifty years.' He blames most modern historians for not defending the queen's character, quite unconscious of the fact that most serious writers have acquitted Elizabeth of anything worse than the vulgarity and coarse freedom which were characteristic of the age. In his own pages occur several errors in chronology and some extraordinary examples of hyperbole. Statement is sometimes made to answer for proof, and in the development of his own theories the author sometimes contents himself with assertion instead of argument.

If Leicester did not owe his position to his being a queen's minion, he must, says Mr. Chamberlin, have been a man of great qualities. *Non sequitur*. But it is probable enough that Leicester's abilities have been seriously underrated by historians. He is a curiously vague figure on the historic page, and it is a pity that our author did not combat more fully the attacks made upon his character, and endeavour to prove, as well as to assert, that the earl was a politician of real merit. Perhaps he will do this in a subsequent volume.

In his present work he has rendered great service. He has collected much evidence, some of it quite new, and has presented it with scrupulous fairness and clarity. His exposure of Lingard's historical methods (pp. 190-192) is most striking. He has destroyed the myth of Elizabeth's superabundant health, and rendered it hard, if not impossible, to believe in her immorality.

J. D. MACKIE.

PROCEEDINGS OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND. Session MDCCCXX—MDCCCXXI. Vol. lv. Fifth Series. Vol. vii. Pp. xxxii, 324. With many illustrations. 4to. Edinburgh: Printed for the Society by Neill & Company Limited. 1921.

TRAPRAIN LAW is probably the most important 'draw' in the present instalment of the Antiquaries' Transactions, and Mr. A. O. Curle's bulletin of exploration, his guarded inferences on the trophies of his research, and, not least, his select exhibits on his sketches and comprehensive plates of finds clearly maintain Traprain as still the summit of archaeological attraction. He gives an orderly catalogue of the whole finds made in 1920, which, albeit less dramatic than the treasure-find from the early years of Christian art reported in the previous volume of *Proceedings*, yet confirm and enhance with a new wealth of relics in pottery, glass, iron and bronze, the extraordinary resources of this hillside as witness to the early history of Lothian. Urns, ornaments, jewels, and arms, coins, harness, and arrowheads, whorls, fibulae, rings and quernstones—the body of evidence gradually emerging intensifies the significance of the site. The coins are mostly of the fourth century. Another east-country stronghold, Fast Castle in Berwickshire, is described in a good general paper by Mr. William Douglas. Its chief interest arose from its connection with the Logans of Restalrig, notorious because of the Gowrie Conspiracy.

The record of Mr. A. O. Curle's fortunate activities is not confined to Traprain, but embraces the broch of Dun Troddan, Glenelg, Inverness-shire, an obviously well appointed example of the order. Its ground plan, structural distinctions, and meagre historicity are well set down. Relics found were few, but analogies of the three hearths at three levels warrant Mr. Curle's hint of a date possibly as remote as the fourth century.

Mr. Graham Callander has had many tasks, inclusive of a bronze age hoard from Glen Trool, cinerary urns from Kingskettle, and the broch of Dun Beag at Struan in Skye. The last, a fine specimen known to the eighteenth century antiquaries, has yielded quite a harvest of relics, a stone cup, a stone mould, buckles, a gold ring and a deer-horn pick. Pieces of pottery found are of early type. Mr. Callander is too wary a chronologer to hazard himself far, but he evidently inclines here to an early Christian date. Sir Herbert Maxwell describes the shaft of a large cross unearthed at Longcastle, Wigtownshire, in a search for a lintel-stone for a pig-sty! Sculptured on both sides with interlacing basketwork the shaft, 5 ft. long by 1 ft. 8 inches wide, notably enlarges the Galloway store of this type of Christian monument. Dr. George Macdonald's succinct analysis of a hoard of coins found at Perth in 1820 supplements his reprint from the *Numismatic Chronicle* (noticed *S.H.R.* xix. 155). Rev. John Stirton's 'Relics of the Family of Innes of Balnacraig,' Mr. Storer Clouston's 'Orkney Bailies and their Wattel,' Mr. Douglas Simpson's 'Notes on Five Donside Castles' and Mr. Eeles's compact description and transcription of the inscribed Methuen Cup can have only mere mention here, but would of themselves prove the unflagging spirit in which the Society faces the problems of the past.

GEO. NEILSON.

ANNALS OF THE CHURCH IN SCOTLAND. By Sir Thomas Raleigh, K.C.S.I. Together with his own autobiographical notes and some reminiscences by Sir Harry R. Reichel. Pp. li, 344. 8vo. London: Humphrey Milford. Oxford University Press. 1921. 21s.

THIS volume consists of two parts not really connected with each other. But while in the first we have the story of the author's life mainly written by himself, in the second we have admirable proof of his qualifications as an historian.

The story of Raleigh's life is one with which we are fairly familiar in Scotland. A clever lad, head of his school, trained first in a northern University, and then, armed with a scholarship, finding his way to either Oxford or Cambridge, there gaining first class honours and a Fellowship, and finally entering upon a more or less distinguished career, while Scotland, in the majority of cases, sees him no more.

Sir Thomas wrote not exactly an autobiography, but notes dealing with the leading events of his life up to his return from India, and these have been supplemented by a friend. The author may not have intended that the notes should have formed a preface to the *Annals*, which were left unpublished at the time of his death; but it is always desirable to know something about the author of a book, and the notes themselves will be found very interesting. Raleigh early showed signs of ability, and after being dux of the Edinburgh Academy attended Edinburgh University during three winters, where he had as a fellow student R. L. Stevenson, 'with whom,' he says, 'I have spent many idle hours.' Having obtained an exhibition at Balliol, he went to Oxford, gained a First in the Final Classical School, was called to the Bar and went to London. He confesses to a dislike of case-law. His connection with Oxford was renewed when he was elected to a Fellowship at All Souls, and also for a time he held the post of Reader in English Law at the University. He twice stood for Edinburgh seats in Parliament. He was Registrar of the Privy Council for several years and then went to India as a member of Lord Curzon's Council. He has left an interesting account of the busy years he spent there. Concerning the Viceroy he remarks 'though he adheres to the Conservative party, Curzon is a Radical by temperament.' The Indian climate and work affected his health and he died in 1920.

Turning now to these *Annals*, if we accept Sir Harry Reichel's estimate of his friend he had certainly one qualification for this work. He was, 'Reichel' says, 'preeminently fair-minded and incapable of anything like partisanship. A Scot to the core, he could give it against his native country, did the evidence incline that way.'

The author says 'Under the title of the Church in Scotland I include any society which honestly claims to connect itself with the society instituted by our Lord and organized by His Apostles. I have not consciously endeavoured to make out a case either for or against any particular society or school of opinion.' He suggests to us the position of one who has been rather surfeited with the ultra-Protestant views which still prevailed in Scotland in the days of his youth, and is anxious to find out what may be said on the other side. Thus, referring to the laws made by the

Council of the old Scottish Church, he remarks, 'They are often quoted to prove that what the Protestants said of the unreformed clergy was, in substance, true. It is difficult to obtain any light on the further question how many *good* clergymen there were; we know that there were bishops like Reid and priests like Winzet, and for every such man who put himself on record by managing a diocese or writing a book there must have been many who lived and died obscure.'

The character of Knox did not attract Raleigh. He repudiates the idea that Knox was 'the chief author of the liberties we now enjoy,' while he considers that Mary had the more modern ideas upon the subject of religious toleration and favoured compromise. It must be however remembered that it was in Mary's interest to compromise, she being the weaker party. She also was doubtless influenced by her French training. Upon Knox's side there could be no thought of compromise. Papists were idolaters to be rooted out of the land. Of one thing Knox had a certainty. He was always sure that he was right and that his adversaries were wrong. This was doubtless due not to any high estimate of his own judgment, but to the belief that he was always under divine guidance. It was a certainty shared by his successors in the seventeenth century. It made for strength, but also for intolerance. While Knox in his public life seems generally to have been inspired by the Old Testament, it is to be noted that when he came to die he found his comfort in the Gospel of St. John. He and his old enemy, Mary of Guise, seem at the end to have rested upon the same religious foundation.

The plan adopted in this book has been to devote a separate chapter to each century from the beginning of the Christian era. Some of these are necessarily very short. Those relating to the sixteenth and seventeenth are long and full.

The many incidents relating to the churches, some very characteristically Scottish, which occurred in the eighteenth century, are duly noted. Under the nineteenth the story of the Disruption is again told briefly, but in a clear and very fair manner. The latest events mentioned are the great Free Church case and the Royal Commission which followed upon it.

This book is the outcome of much and careful reading. The author does not claim to have thrown any new light upon the important matters dealt with, but he has certainly given us an admirable compendium of our national ecclesiastical history.

W. G. SCOTT MONCRIEFF.

PRICES AND WAGES IN THE UNITED KINGDOM, 1914-1920. By Arthur L. Bowley, Sc.D., Professor of Statistics, University of London. Oxford: at the Clarendon Press. 1921. Royal 8vo. Pp. xx, 228. Price 10s. 6d.

LE VICOMTE GEORGES D'AVENEL declares that the history of prices is 'la plus grosse part de l'histoire des hommes.' Prices according to him afford the key to great secular changes which would otherwise remain mysteries to the historian. To tabulate records of prices and reduce them to some common denominator is to prepare the way for important discoveries. Here there

is no need for hypotheses, nor can the human fallibility of the researcher lead to error. Figures cannot lie. This is an alluring prospect. But in spite of the enthusiasm of d'Avenel, and the assiduity with which he and his collaborators have collected prices, historians remain somewhat sceptical. Perhaps they find it easier to form hypotheses and more adventurous to be liable to fall into error. If, however, they are inclined to put d'Avenel's principles to the test, they would do well to consider the period treated in this volume.

The War concentrated into a few years changes which normally work themselves out very slowly. For these years there is a great abundance of material. In fact, the difficulty is to take into due consideration the wealth of available evidence. Professor Bowley's book is one of the series planned by the Division of Economics and History of the Carnegie Endowment of International Peace in order to lay the foundation for the *Economic and Social History of the World War*. It is confined to an account of the principal movements of prices and of rates of wages. To explain the causes of these movements is no part of the author's plan. He records the facts and endeavours to find a basis for their interpretation. His attempts to do this are peculiarly instructive. They at once expose the difficulty of establishing comparisons between one period and another. By taking the prices of a number of commodities—each of which will be affected by conditions peculiar to itself as well as by causes operating on all prices—it is possible to construct index-numbers which make comparisons between wholesale prices, retail prices, or rates of wages, in different years, feasible. Professor Bowley explains this method and subjects the Index-numbers of the *Statist*, the *Economist*, and the Board of Trade to close examination for the War period.

The important social question, however, is whether the pre-war standard of living was maintained. At normal times this question is fairly well answered by comparing the rise in prices with that in wages. If they keep pace with one another the standard is probably maintained, for the working class family's budget is pretty constant. But during the War this simple method was not applicable. The budget was affected by the change in the quality of certain commodities, by the appearance of substitutes, and by the strict rationing of such an article as sugar. A pre-war budget is therefore not comparable with a war budget. The Committee on the Cost of Living to the Working Classes adopted the method of comparing the nutritive value of the articles which figured in the average pre-war budget of 1914 with that of the average budget of 1918. This they expressed in 'calories.' They found an average fall of about three per cent. As to rates of wages, it seems established that they lagged behind prices—as it is generally supposed they will when prices are rising—but here again Professor Bowley shows that the conditions were abnormal. Rates of wages are misleading. In many cases earnings were much higher than the average rate of wages because of the adoption of piece-rates and the working of overtime. Earnings often outpaced prices. After the Armistice this would cease to be the case. Rates of wages then become comparable with those of 1914.

Particular attention has been drawn to these consequences of the abnormal conditions of War because they show that the standard of living is not

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such an easy conception to deal with as is sometimes supposed. This book is worthy of Professor Bowley's reputation as a statistician. He writes with intimate knowledge of the War conditions, for, although he does not tell us so, he was in constant touch with the Government departments during the period of strain which he here dispassionately describes.

J. F. REES.

NINETEENTH CENTURY EUROPE AND BRITAIN. By C. Raymond Beazley, D.Litt. Pp. 344. Cr. 8vo. Glasgow: William Collins, Sons & Co. 1922. 3s. 6d.

BRITAIN AS A EUROPEAN POWER. By Andrew Browning, M.A. Pp. 304. With 10 maps. Cr. 8vo. Glasgow: William Collins, Sons & Co. 1922. 3s. 6d.

THESE two volumes fully maintain the high standard of an excellent series. Professor Beazley, within the narrow limits set by space, has produced an admirable sketch of recent European history. His book is one which can be confidently recommended to the general reader as well as to the student, for it forms an introduction to the subject which is calculated to lure the reader on to further investigations amongst the volumes cited in the bibliography. A lively style preserves the sense of movement from start to finish, and as the period covered is 1812-1918 the narrative exhibits clearly the origin and growth of those forces which culminated in the catastrophe of 1914. Apart from his style, Professor Beazley achieves his success not so much by condensation—tabloid history is indigestible—as by a bold selection of topics, which leads to a ruthless elimination of some, and a scanty treatment of others, but which permits a full and illuminating account of those which the author deems of fundamental importance. A leading place is given to the German and Russian influences, and the dominating figure is that of Bismarck. The achievements of Bismarck and the failures of William II. are clearly and forcibly shown forth, and it is in delineating the Age of Bismarck that Professor Beazley gives us his best work. We gladly note the promise that his original research in this period will bear fruit in further publications.

Mr. Browning must also be congratulated upon a good and somewhat novel piece of work. The object of his volume is to bring out the connection between Britain and Europe. The subject is approached from the British rather than from the European standpoint, but the history of Britain is dealt with only in so far as it affected, or was affected by, the history of Europe. Mr. Browning's method is to take up a great movement such as the Crusades, or the Reformation; to show this movement first in its European aspect, and then to show with what modifications it affected Britain. The result is an attractive volume which should be of considerable service to the student.

FRANCIS C. HOOD.

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THE BOOK OF THE OLD EDINBURGH CLUB. Eleventh volume. Pp. xii, 176, 43. With 17 plates, 8 illustrations in the text and 1 map. 4to. Edinburgh: Printed by T. & A. Constable for the members of the Club. 1922.

THE Old Edinburgh Club, instead of trying to issue a small volume to its members every year, has just distributed its eleventh volume, which is for the two years 1919 and 1920. The Club is to be congratulated on its method of meeting the present difficulties of production, for the volume now in our hands is a substantial one, full of valuable papers and richly illustrated. Professor Hannay contributes a learned paper on 'The Antecedents of the College of Justice.' It is one of several papers which have recently been contributed by him on the development of Scottish Institutions. Mr. Peck writes an interesting article on Shelley in Edinburgh in the early part of last century, in which there is a drawing of a couple of houses in George Street, which reminds one of the beauty of that street before modern architects destroyed its simplicity and dignity. There is a composite paper on the Tailors' Hall, Cowgate, in which the records and buildings are dealt with by Mr. Thomas Ross and Professor Baldwin Brown, while Mr. Forbes Gray adds two chapters from its History. The paper is very richly illustrated with architectural drawings.

A valuable feature of this volume is a large scale map of Edinburgh in the mid-eighteenth century. Mr. Henry F. Kerr has contributed some letterpress to accompany the map, and has marked with very great detail the historic places of interest in the old city. He has also indicated on the map the lines of the streets as they are at present, so that the positions of the streets and buildings as they were two hundred years ago can be compared with the Edinburgh of to-day.

The historian of the future will find the volumes of this Club a veritable quarry. It is idle to lament the buildings which had disappeared before the Club began its activities; we ought to congratulate it upon the valuable work it has done in the last fifteen years.

THE NATIONAL LIBRARY OF WALES CATALOGUE OF MANUSCRIPTS.
Volume I. By John Humphreys Davies. Pp. xiv, 382. 8vo. Aberystwyth. 1921.

CONTAINING the additional MSS. in the collections given to the library by Sir John Williams, G.C.V.O., this catalogue, prepared (the preface tells) 'as a labour of love' by the Principal of the University College of Wales, is a register of progress already marked. The library made a magnificent start as regards Welsh manuscripts with two great collections each catalogued by Dr. J. G. Evans. Now we have a supplementary catalogue which with patriotic spirit does substantial justice to the importance of the library's contents. The collections abound in poetry, Welsh poetry, and pains have been taken in the cataloguing to quote the first lines. Besides its vast stock of song this catalogue covers numerous commonplace books, pedigree notes, letters, and a few Welsh deeds. Among them is correspondence between Welsh philologists and George Chalmers, author of *Caledonia*, who

received it is to be feared much unreliable place-name-lore from his Welsh friends. Principal Davies has had the advantage of help from Mr. A. J. Herbert of the British Museum in dealing with the Arthurian MSS., which include the *Birth of Arthur*, *Le Vieux Tristan* the *Roman de Gallehault* and *Yvain*.

A SHORT BIBLIOGRAPHY ON SCOTTISH HISTORY AND LITERATURE. Compiled by Arthur R. Anderson. Pp. 43. 8vo. Glasgow: Saint Andrew Society. 1922.

THIS is drawn up as a handy reference list of 300 books on Scotland. While the plane of selection perhaps scarcely does justice to the full intellectual stature of the society there are helpful and representative suggestions for readers who need such guidance as Mr. Anderson's recommendations afford.

JOURNAL OF INDIAN HISTORY. Published by the Department of Modern Indian History three times yearly. Editor Shafaat Ahmad Khan. Vol. I. Part I. Pp. 188. 8vo. Oxford: Humphrey Milford.

A NEW journal of Indian history issuing from Allahabad University and edited by an Indian professor whose reach of study is a wide radius should find response in this country where Macaulay and Hunter are standards, the one for his general narrative of conquest, the other for his detail of constitutional, civic and mercantile life under modern administration with its growing share of native authority in the task. Professor Ahmad Khan makes a good start with a readable and weighty sketch of the 'East India Trade in the Seventeenth Century,' which has its main direction towards tracing the central policy of the old East India Company. He interprets that policy very favourably, commending its aspirations after free trade, the peaceful expansion of commerce and the soundness of its economy. He is at issue with Hunter and others as to the political objective of the Company, believing that its enterprises did not originate in a design of empire-founding, but in a purpose to make India the 'mart of nations.' The editor himself writes four articles in the present number. Chief among them is one on the War with Aurangzeb, in which he reiterates the view, based on India Office documents, that the Company's aim was security, not territorial sovereignty. Evidently there are difficulties in Indian printing if we may judge from the number of vexatious misprints or misspellings. One word we never saw before is 'unoften': may it be smothered at its birth! The wish is without prejudice to the welcome and goodwill extended here to the new journal.

G. N.

Two more papers on mounds and remains steeped in tradition come to us from the *Proceedings of the Royal Irish Academy*, vol. xxxvi., section C, Nos. 4-5. The first is by Mr. John P. Dalton on 'Cromm Cruaich of Magh Sleacht,' and is an attempt to discover the site where stood the figure of Crom Cruaich, famous in the biographies of St. Patrick and regarded in that saint's time as the chief idol of Ireland. This study—a memory of the

pre-Christian creeds—gathers a remarkable series of legendary data on well-worship, the idolatries which Patrick found and the varieties of the story of his demolishing Crom's famous shrine. The human sacrifices associated with him make one wonder sadly whether in these fierce days of ours the Isle of Saints has not in spite of St. Patrick returned to the cult. No easy task however has to be faced in locating the site of the idol which has engaged previous enquirers, and Mr. Dalton adds an attempt to penetrate the mystery of Crom's personal identity in his place of supremacy in the old Irish pantheon. He inclines to reckon him a sun god or thunder god and to set up his vanished simulacrum at Magh Sleacht, Tullyhaw, Co. Cavan. His discussion of Crom is fascinating, and although the localities of legend are elusive he makes a strong case for Tullyhaw. Mr. T. J. Westropp conducts a cognate inquiry in his double paper 'The Mound of the Fiana and a note on Temair Luachra,' about the credentials of another god, Lug, the terrible and bloodthirsty, whose face was splendid as the sun. Here again there is a perplexing problem of location into which we may not enter beyond acknowledging the attraction of this dissertation parallel to Mr. Dalton's.

In the *Proceedings of the Royal Irish Academy* (xxxvi. C 16-22) Professor H. J. Lawlor makes a valuable contribution to the history of the Synod of Kells, 1152, based on a list of Irish sees in a MS. in the Library of the School of Medicine at Montpellier. He argues that this list is not related to that given in the *Liber Censuum* but to the *Provinciale* of Albinus, and that the Montpellier list and the *Provinciale* have a common origin in an exemplar written within fifteen years of the Synod. He traces the Montpellier MS. to Clairvaux and notes that St. Malachy of Armagh and Cardinal Paparo, both closely associated with the Synod, were friends of St. Bernard. He suggests that it was transcribed at Clairvaux from Paparo's manuscript of the Acts of the Synod. The Montpellier version offers Prof. Lawlor material for annotation. Mr. E. J. Gwynn is to be congratulated on his discovery of the version and Prof. Lawlor on his ingenious and illuminating treatment of it.

The April number of the *English Historical Review* opens with a firmly outlined statement by Mr. W. A. Morris on 'The Sheriffs and the Administrative System of Henry I.' Its remarkable feature was the high centralisation which after 1106 grouped several shires under one sheriff, a pluralism of sheriffs presumably of well tried loyalty. Under the Conqueror and Rufus the sheriffs had been mainly a hereditary and baronial class: under Henry there was considerable displacement. It is curious to hear of a sheriff of eight shires, or of eleven held by two courtiers. The definiteness of Mr. Morris will make easier the examination of assigned causes for these experiments in administrative devolution.

Mr. W. T. Waugh makes the 'Great Statute of Praemunire' his text and puts forward very guardedly and in tentative form an opinion contrary to the notion that the statute of 1393 'was intended and understood to be a measure of the first importance protecting against ecclesiastical intrusion the whole field of jurisdiction claimed by the Crown.' As interpreted in

later times it was a powerful instrument for the Crown when at variance with either pope or clergy. Mr. Waugh documents his scrutiny with a weighty body of footnote commentary and quotation.

Mr. George Unwin, finding the 'Transition to the Factory System' as his problem, exhibits the conditions during 1780-1790, illustrating, *e.g.* the effect of the muslin wheel or mule in the manufacture, and examining both external relations and internal economy of cotton as well as muslin weaving, with incidental notices of silk-throwing prior to the effectual introduction of the power loom. Mr. Ernest Barker has a great and charming theme in Lord Bryce, and his handling of it reveals many intimacies and records many personal and literary facts about him especially as political observer, ambassador and historical author. His titles to fame include his having been invited to be the editor of the *English Historical Review* on its foundation in 1885.

Notes and Documents in a list even fuller than ordinary range from the Conquest to the Crusades and from the 'Law Merchant in London in 1292' to one more re-examination of Macaulay's aspersions on the clergy in sixteenth-seventeenth century England. Rev. H. E. Salter edits a very odd Latin invective poem possibly dating towards 1331. Mr. F. M. Stenton, who has lately been writing on semi-servile tenures in East Anglia, has come upon a series of paragraphs in a record of encroachments in the Register of the abbey of St. Benet of Holme, in Norfolk, between 1101 and 1107. They contain primary contemporary memoranda of a time when Norfolk was directly under Danish influences, inclusive not only of Scandinavian names but of tenurial specialties, notably of the recurrent term *manreda* (Scotslaw knew it as 'manred') used, Mr. Stenton thinks, as meaning homage, a suggestion some readers may incline to doubt, as hardly quite covering the case. It is used as Mr. Stenton clearly shows 'to cover men who are described in Domesday as *bordarii*,' a cottar class which falls to be remembered whenever the 'bordland' (or boreland) is etymologically analysed. Mr. Stenton deserves congratulation for his *dossier* of tenurial data. Their range is probably not confined to East Anglia.

The Antiquaries Journal for April is a closely illustrated and very varied miscellany beginning with Roman spoons and ending with finely distinct and articulate plates of Lord Emly's shrine, a reliquary from Tervoe, county Limerick. Mr. Reginald A. Smith describes recent exhibits, notably two beautiful gold crescents from Cornwall and a cast from a remarkable shale mould for jewellery found by Mr. F. G. Simpson in an excavation of the Northumbrian Vallum at Halton Chesters. Mr. Hildburgh deals with some very skilful Catalan specimens of medieval stamped metal-work. Prof. Zammit shows Maltese sculptured heads. Note is taken of the progress of a controversy on the date of Stonehenge involved in a discussion of the late Sir N. Lockyer's astronomical theory. Conflicting computations point to about 1840 B.C. as against Lockyer's 1680 B.C. A report on the Hartlepool Saxon cemetery adds much fresh fact. An armorial pendant, bearing fleuretty a leopard rampant silver (believed to be for Holland) is an exhibit by Mr. C. H. Blair, found at Darlington. A sacred spring at Alesia has been under discussion by M. René Cagnat and other French antiquaries.

In *History* for April Dr. William Miller traces the somewhat side-tracked story of the Republic of San Marino with special bearing on modern politics but with frequent reversion to old historical episodes. Its survival of the war appears to have marked some advance of democracy in the government and Dr. Miller's closing sentence quotes its parliamentary motto *Animus in consulendo liber: in votis dirimendis aequanimitas* as requiring jealous maintenance. Mr. D. G. E. Hall works out the Anglo-French relations under Charles II., showing clearly the general unpopularity in Britain of the Francophile policy and its steady trend towards the revolution of 1688. Professor A. P. Newton adds to the list of this magazine's characteristic 'historical revisions' a restatement of the Columbus question, showing the tangle of misrepresentations to which the explorer in supporting his financial and aristocratic pretensions resorted for various of his interests, and which include a considerable vitiation of the real genesis and purpose of the enterprise.

This brisk, well-conceived quarterly made such obvious progress under the editorship of Professor Pollard, that the advance may confidently be expected to continue under his successor, Miss E. Jeffries Davis, to whom our good wishes are heartily tendered.

The *Juridical Review* for March opens with a resonant plea by Mr. William Roughead, repeating a former argument of his for a reversal of the verdict of condemnation of the memory of Lord Braxfield. There is great force in the defence, but it is hard to find justification for his bearing in the political trials. Lord Sands is humorous regarding the 'personal litigant,' of the stamp of Dundonnachie. Mr. A. R. G. McMillan has gathered solid data about the Scottish Admiralty Court. He has discovered a capital subject. His article suffers by condensation. The Rev. Thomas Miller writes once more polemically on parochial tithes: sometimes his blows at the adversary seem a trifle wide of the mark. Professor James Mackintosh cordially estimates the late Professor Henry Goudy as a civilian. Dr. D. P. Heatley has a wider field before him in his well-wrought appreciation of Viscount Bryce, especially bringing out the potency of Roman law study in Bryce's lifelong observation of democracy. One can well understand how Bryce's many-sided distinction should be regarded by a scholar not less drawn to the history of Roman institutions than Bryce himself. The paper though short is a fine tribute which will gratify the dead scholar's numberless admirers.

The *Juridical Review* for June begins with an English murder case, the poisoning of Sir Theodosius Boughton in 1780 by Captain John Donnellan. Mr. William Roughead handles the story (which ends with the execution) in his lively manner with comprehensive information. Lord Anderson writes on 'Edinburgh in the Latter Half of the Eighteenth Century,' and reconstructs the city with happy touches, some of which refer to the lawyers of the time. 'The Real Pleydell,' Mr. James Thomson's article, might perhaps have been more satisfying had Mr. Thomson known of Mr. Frank Miller's careful study of Andrew Crosbie in the recent *Transactions* of the Dumfries antiquaries.

The April number of the *American Historical Review* is perhaps its most noteworthy issue. Professor Franklin Jameson devotes sixteen pages to a clear, succinct and attractive account of the annual meeting of the Association at St. Louis. Subjects discussed which excite remark embrace Prof. Breasted's plea for intensified study on the new light upon the Origins of Civilization available under recent and new opportunities in Egypt, Babylonia, Assyria and Syria, particularly as regards the origins of science. The American Revolution had a sitting all to itself. Agriculture and its influence on American transport inclusive of the development of the Conestoga horse and wagon, the turnpike and the canal were exhibited as at once economic, historical and social factors. Increasingly the history of science is demanding its place in these yearly conferences.

The presidential address by the French ambassador, Dr. J. J. Jusserand, must have been a delight to hear. It is a brilliant performance, and its appearance in this issue of the *Review* will enable many readers to share the pleasure of the audience. Its theme is the School for Ambassadors, and it is a witty, weighty, well sustained and comprehensive statement of the development of the function of ambassador, from the crude beginnings and low moral of the older until the ultimate expectation rose to a refined ideal of truth and honour, against which the illustrious exponent a little maliciously exhibited Bismarck as a typically gross offender. The address had as its centre of gravity the demonstration that Pecquet of the French foreign office in 1737 had excelled all his competitors in defining the ethic of embassy, with an exacting austerity. M. Jusserand is to be congratulated on the obvious fact that time and the arduous demands of office have only served to heighten the literary quality and philosophic grasp of this great political essay. We who remember his earlier writings with admiration can see in this finished product a masterly example of a scholar's workmanship ripened by the experience and responsibilities of thirty years in a lofty ambassadorial chair.

Mr. John C. Fitzpatrick has returned to Prof. Firth's article in the *Scottish Historical Review*, xv. 185, on the term British Empire. He adds many citations to Prof. Firth's, drawing chiefly from maps and having a trend towards a comprehensive sense wider than merely Great Britain.

An unsigned contribution of equal magnitude and significance is a first instalment of Lord Sackville's Papers respecting Virginia, 1613-1631. Lionel Cranfield (Lord Sackville and afterwards Earl of Middlesex) had for several years been surveyor general of the customs and thus came to hold these papers of state invaluable for the mercantile and shipping, social, administrative and export and import development of the colony. Over forty pages go to this elaborate file of papers, which are a positive windfall to commercial and colonial history. In regard to Trade, of course Tobacco is the central concern, but there are large particulars also on furs and hides, fish, firearms, armour and bows and arrows, 'red cattell' and corn, with intimations about ships and forts and the already prevalent troubles with the Indians and hints on the 'Common weale' of Virginia and on 'plantation' policy. Captain John Bargrave's proposals in 1623 are astute and curious pieces of statecraft; for instance, his plan 'to sever and devide the faculties

of Sovereignty and the Commaund of the forces' among the colonists 'that they shall never meet united in power but to advaunce our polliticke end of houlding the plantacion to England.'

In the *Iowa Journal* for April the letters of a young minister, Stephen H. Hayes, in 1845 are edited. They are lively and descriptive, written on tour to Iowe by way of Boston, Washington, Pittsburgh and the Ohio and Mississippi rivers, returning by Chicago and the Great Lakes. The most impressive features of an uneventful journey concern the sections of the journey made by ship. The diarist was himself greatly struck on seeing the Mississippi. He learned that the man who had sown the first bushel of wheat in Ohio was still living. Already the issues were sharp between slavery and anti-slavery. Hayes himself was all against 'slaveocracy.' Already there was a vast export of cereals. Much corn was made into whisky for export. Roads were very bad: they were of 'corderoy' type. Altogether the letters attest the rapidity of the settlement of the western states.

In this number Mr. L. B. Schmidt concludes his account of the Internal Grain Trade. He largely bases his examination of the heavy statistics of rail and shipment on the struggle for traffic between the two. The columns of figures of east-bound flour steadily work out the heavy excess of rail over ship, while in wheat and corn there are enormous excesses by millions of bushels the other way.

Maryland Historical Magazine for December sketches the life of James A. Pearce (1805-1863), a Whig Senator, and continues its long notice of Thomas Johnson, politician, congressman, and brigadier, whose participation in the Independence discussions of 1776 made his influence of critical note in his time. Various letters and documents of 1707-1709 are printed, throwing light on a variety of matters, particularly the importation of slaves into Maryland between 1698 and 1709. Hearne's observations on the Calvert family are excerpted and reprinted from his *Collections*.

In the *Revue Historique* for Nov.-Dec. 1921, M. Louis Batiffol deals with *Richelieu et la question de l'Alsace*. The editors print his thesis with a reservation. M. Robere Vivier studies the *Ordonnance* of February, 1351, passed after the ravages of the Black Death. It relaxed the existing privileges of the trading corporations, but these bodies had regained their control by the end of a century. In the *Bulletin Historique* M. Halphen surveys recent publications on Medieval French history before the accession of the Valois. The number for January-February, 1922, contains a valuable economic paper by M. Terlinden on *La politique économique de Guillaume I^{er}, roi des Pays-Bas, en Belgique* (1814-1830). The *Bulletin Historique* is devoted to Byzantine history (Louis Bréhier).

The number of the *Revue d'Histoire Ecclésiastique* for January, 1922, contains the second and final instalment of Dom Villecourt's study of the Chrism in the Coptic Church, and the final instalment of M. Viller's account of the Movement for a Union between the Eastern and Western Churches in the period from 1274 to 1438. M. Watrigant contributes an account of André Deville, an enthusiastic disciple of Mme. Guyon. The study is

based upon a manuscript in the Bibliothèque Nationale containing an account of the arguments between Deville and his friend M. de la Vigne. The manuscript belongs to the first years of the eighteenth century. Dom Aubourg contributes a notice of Jackson and Lake's *The Beginnings of Christianity*, described with some reservations as 'une assez belle pièce d'apologétique catholique.' Among other recent publications noted are Père Allo's *St. Jean, L'Apocalypse*, volumes vi, vii and viii of Le Clerq's edition of Hefele, which bring the classical treatise down to the middle of the sixteenth century; M. Austin's *L'écho de la Réforme en France au XVI^e siècle*, and Father Pollen's *The English Catholics in the Reign of Queen Elizabeth*. The number contains the usual invaluable bibliography extending to 88 pages.

The *French Quarterly* for March, 1922, contains an interesting and suggestive article by Professor W. P. Ker on 'Molière and the Muse of Comedy.' M. Eggli deals at some length with the regionalist movement in contemporary French letters, a subject which is attracting increased attention from intelligent observers. Professor Ritchie, of Birmingham University, whose competence on the subject is well known, lays down a high standard on the question of translation from foreign languages. The number contains interesting surveys of the French theatre, recent novels and a useful bibliography.

Archivum Franciscanum Historicum (January-July, 1921) is largely devoted to articles and documents relating to the Third Order (*de Paenitentia*), instituted 1221, and therefore celebrating its seventh centenary. Father A. Van den Wingaert discusses the debated question of the identification of the first tertiary admitted by St. Francis. A manuscript of the first rule of this Order belonging to the xiii-xiv century has recently re-emerged from hiding, and is transcribed and annotated by Father B. Bughetti. The description of the Franciscan codices of the Riccardian Library at Florence is continued, and an index of matter in volumes 1 to 13 of the *Archivum* referring to the Third Order is given.

The issue for October last opens with an article upon the date of the Cardinalate of S. Bonaventure by Father A. Callebaut. The first Franciscan to receive the Cardinal's hat (S. Bonaventure) was in all likelihood promoted, by Pope Gregory X. at Orvieto, upon 28th May, 1273. Among the documents discussed is the early codex of Constitutions of the Franciscan Province of Provence (*Constitutiones generales Narbonenses*). These are given in their existing double form. By them the Order was governed until 1260.

In both issues an interesting record is resumed of Franciscan literature from 1914-15 onwards. One is struck with the number of works falling to be chronicled. Among the papers published during these years there occur several dealing with the philosophy of the Scottish Franciscan Duns Scotus.

J. E.

Notes and Communications

SIR WALTER RALEIGH was a sacrifice to the War. A born critic who made literature out of everything he touched, he should have had another score of years for his true avocation ; but the unfinished task fated to him instead was to write a history of aircraft in the war, and during his travels in connection with this work he caught typhus in Mesopotamia and died on May 13 at the age of 61. He had as a lecturer the ravishing gift of expressing his own love for his subject in terms that made the hearer love it too. When you heard him on Spenser or Milton you wanted to get hold of the *Faerie Queen* or *Paradise Lost* at once, determined this time to read it through, or—greater feat—to read it again. Although he did not write history he steered his essays and criticisms almost always parallel to that coast. His bright and happy work on *The English Novel* was a historical study of British fiction : his Milton was saturated with the political unity of the man and the poet : his Stevenson was an interpretation of biography in a case all its own. A Bohemian streak which he shared with Stevenson made him a lover of the picaresque, so that his essay on the English Voyagers and other pirates was a holiday revel. He wanted to write another on thieves and highwaymen. His Shakespeare was perhaps not the last word ; whose is ? But it adorns its place in the English Men of Letters.

Raleigh's charm in conversation as on the lecture floor was in part due to his extraordinary faculty of appreciation. He had a great gift of seeing first class things, a soul of sympathy for brilliant creation and verbal felicity. As he once put it to the writer of this paragraph, ' You know, I am literary to the finger tips.' This was an apology for his interest being so much deeper in the poetry itself than in the facts on which and out of which the poet lived and wrote. Yet the present writer gratefully remembers the splendid generosity with which Raleigh, then a new entrant into Glasgow University, encouraged the studies of a minor investigator of Scottish history in the darkenesses of the fourteenth century.

G. N.

BODLEIAN LIBRARY. The *Quarterly Record* for January, issued by the Bodleian, is one of unusual interest. It contains *inter alia* an account of the printing of a volume on the works issued by the Daniel press. This was produced within the walls of the Bodleian and on the hand press which Dr. Daniel used for many years, when preparing the series of privately printed volumes which will always be associated with his name. The *Record* also gives a sheet of poems by King James VI., printed on this press

in the Bodleian Library. They are accompanied by an introduction by Mr. Craster. Two of these poems have not been printed before, and belong to a much later period than King James's published works. The following are the opening stanza of 'A Poëme made by Kinge James, upon the voyage of his sonne Charles & Marquesse Buckingham, into Spayne.' March : 1623.

What suddayne change hath dark't of late
The glory of th' Arcadian state ?
The fleecy flockes refuse to feede,
The lambes to play, the ewes to breede.
The Altars smoake, the offringes burne,
Till Jack & Tom doe safe returne.

The spring neglects his course to keepe ;
The ayre with mightie stormes doth weepe ;
The pretty birdes disdaine to singe,
The meades to smell, the woodes to springe ;
The mountaynes droppe, the fountaynes mourne,
Till Jack and Tom doe safe returne.

THE ABSOLUTION OF ROBERT BRUCE. The following document is preserved in a Trinity College Manuscript (E. 2, 28, p. 396), of which Dr. Skene made use for his edition of the *Scotichronicon* of Fordun. He seems to have overlooked it, as he did also the fragment of the Life of Servanus, which immediately follows it in the same volume.¹

LITTERA PRO ABSOLUTIONE REGIS ROBERTI DE BRUYSS. [B]eringarius miseracione divina titulo Sanctorum nereii et achillei presbiter cardinalis religioso viro abbati Monasterii de paslecho ordinis Sancti Benedicti glasguensis dyocesis Salutem in Domino. Ex parte roberti de Bruyss laici de Karryk dicte dyocesis nobis oblata petitio continebat quod ipse olim suadente diabolo cum quibusdam complicitibus suis Johannem et Robertum cumyn milites ut plurimum sibi aduersantes in ecclesia fratrum minorum de Dumfreys occidit verum cum ipse cum dictis complicitibus suis propter capitales inimicitias et guerra et cetera discrimina sedem apostolicam ac etiam suum diocesanum uel eius vicarium adire non possit supplicando fecit humiliter sibi et dictis suis complicitibus per sedem eandem misericorditer prouideri Nos igitur qui libenter Christi fidelibus subuenimus autoritate domini pape cuius penitentiarii curam gerimus discretionem tue committimus quod si est ita postquam dictus Robertus et dicti sui complices ecclesie supradicte satisfecerint competenter ipsum et suos dictos complices ab excommunicatione quam eos propter contigit incurrisse et ab huiusmodi laicalis homicidii reatu absoluas hac vice iuxta formam ecclesie consutam† et ipsorum confessione deligenter audita et culpa considerata iniungas eis autoritate predicta penitentiam salutarem et alia que de iure fuerint

¹ The text of this Life which Dr. Skene printed in his *Chronicles of the Picts and Scots*, p. 412 ff., from the Marsh MS. Z, 4.5.5, seems to be almost identical with that of the T.C.D. fragment.

iniungeda†. Datum piceni xº kl' augusti pontificatus domini clementis iii anno quinto

The date of this letter is obviously incorrect; for Pope Clement III. died in 1191. But if we regard *Clementis iii* as a *lapsus calami*, and substitute for it *Clementis v*, we get the date 23rd July, 1310, which is consistent with other indications in the letter. The writer is Berengarius Fredoli senior, who, according to Eubel (*Hierarchia Catholica*, vol. i, ed. 2, p. 45), was Cardinal priest of SS. Nereus and Achilleus from 15th December, 1305, to his translation to the bishopric of Tusculum. It is true that Eubel states that the translation was made in (*ib.* p. 45) or about (*ib.* p. 39) 1309. But apparently this is an inference from the recorded facts that Joannes Buccamatius, Bishop of Tusculum, died on 10th August, 1309, and that Berengarius Fredoli junior succeeded to the title of SS. Nereus and Achilleus on 23rd December, 1312. The elder Berengarius may well have been still a cardinal priest in July 1310.

John and Robert Comyn were murdered on 10th February, 1306; and it is well known that Bruce was absolved a few days later—apparently on Saturday, 12th February (*Registra Joh. Whethamstede, etc.*, ed. H. T. Riley (R.S.) ii. 352; cf. *Eng. Hist. Rev.*, xxxiii, 1918, p. 366). But the absolver was Robert Wischard, Bishop of Glasgow, Bruce's whole-hearted admirer. It is quite probable that a few years later he thought it well to secure an absolution that would carry more weight. It was literally true that in 1310 'he could not approach his diocesan,' for at that time Wischard was a prisoner in England (Dowden, *Bishops of Scotland*, p. 307).

H. J. LAWLOR.

Trinity College, Dublin.

AESCULAPIUS IN FIFE (S.H.R. xix. 184). Sir Bruce Seton prints the account, rendered for medical attendance, by Robert Scott of Coats to the lady of Raith. He was, according to a family tradition, a cadet of the Scotts of Balwearie. During the Covenanting troubles he had to take refuge in Holland, but returned to Scotland at the Revolution. He purchased the small estate of Coats from Sir William Hope in 1704.

Whatever his qualifications may have been, his son John was certainly fully qualified, studying under the celebrated Boerhaave at Leyden, and taking his degree of M.D. in 1712, his thesis being dedicated to Scott of Scotstarvit. Dr. John Scott married the daughter and heiress of David Moncrieff of Rhynd, clerk to the Privy Council in the reign of William III. Their son Robert assumed the name of Scott Moncrieff, which has been borne by his descendants ever since.

W. G. SCOTT MONCRIEFF.

THE STUART PAPERS AT THE SCOTS COLLEGE AT PARIS. The following account of the literary remains of James II. of England and VII. of Scotland is preserved in the British Museum (Add. MS. 35,839, fo. 292) among the papers which originally belonged to Philip

Yorke, second earl of Hardwicke. This description may be compared with those furnished by :

1. Thomas Carte in his *Proposals* (1746) for printing his *History of England*, the relevant portions of which are contained in Nichols' *Literary Anecdotes*, ii. 492, 505.

2. David Hume in his *History of England* (ed. 1797), viii. 4. Cf. J. Hill Burton's *Life and Correspondence of David Hume* (ed. 1846), ii. 179, 200 ; G. Birkbeck Hill's *Letters of David Hume*, p. 264 ; and Lord Fitzmaurice's *Life of William, Earl of Shelburne* (ed. 1875), i. 394-6, where Lady Shelburne gives an account of a dinner party in 1766 at which Hume described James's Memoirs.

3. James Macpherson in his *Original Papers*, i. 6-7.

4. Charles James Fox in his introduction to his *History of the Reign of James II.*

These seem to be the only accounts of any value of the papers of James when they were still all at the Scots College at Paris. During the French Revolution some of the papers were destroyed : the remainder after various adventures (*vide Hist. MSS. Comm. Stuart Papers*, vol. i. ; *ante*, xviii, 171) found a permanent home at Windsor Castle.

G. DAVIES.

'SOME ACCOUNT OF KING JAMES' MEMOIRS GIVEN ME
BY LORD SHELburne.'

Paris, Nov. 23rd, 1771.

Father Gordon the Superior of the Scotch College shewed us into a small closet wherein have been deposited, since the death of James the 2nd. several letters and papers relative to that family. We saw opposite to the door three large boxes sealed with the family seal, one of which he told us contained the Duke of Ormond's correspondence, another Bishop Atterbury's, and a third very large one contained the letters of the whole family down to the year 1701. There was a fourth box, now empty, which, as Father Gordon says, was the very box sent by James II thro' the hands of the Sardinian minister to Paris before he himself left London, and this box contained several MS[S]. in his own handwriting, particularly several volumes of the Journals of his Life. These volumes are now placed under a double key on the left hand of the closet. We read some of the first pages of the first volume of the Journal which professes to give an account of his Life from his birth & appears written in an easy natural stile with a sufficient compass and in a very legible hand, expressing himself sometimes in the 1st sometimes in the 3rd person.

We saw likewise 5 very thick folio volumes which appear to be an history of his life compiled, as Father Gordon told us, about 60 years ago, not only from his Journal, but likewise from the large box of letters which were opened about 30 years ago but never since. We found in the 5th volume very particular accounts of the correspondence of most of the whig lords with James 2 to the time of his death. It appears that the Duke of

Marlborough continued a constant correspondence with him. There are extracts from several of his letters sometimes assuring him of his fidelity & acknowledging his conduct to be criminal in various respects and in the very meanest Terms, at others proposing different projects for a Revolution, in which he always supposes 20 or 25 thousand French Troops to be absolutely necessary. In other of his Letters he gives intelligence of King William's designs & of the preparations from time to time both of the Fleet & Army, in one particular of the expedition against Brest a month before it sailed. It appears likewise that My Lord Godolphin, My Lord Shrewsbury, My lord Dartmouth, Admiral Russell and Mr. Penn were in almost a constant communication with James 2nd. if not by Letter, yet thro' the medium of Mr. Berkeley & Colonel Sackville. Mention is likewise made of the Lords Devon[shi]re and Brandon being in the same disposition.

Admiral Russell appears to have been the only man who thought of stipulating any thing in behalf of the Kingdom, and mentioned something to that purpose in all his conferences, which, however, were confined to generals, referring to a particular Letter which should contain the whole of his sentiments with regard to the stipulations he deemed necessary to be insisted on in behalf of the subject. The conditions of the Duke of Marlborough and others appears to have been always personal, the principal of them, Indemnity for their past conduct. The duke at first only desired a Letter under the King's hand signifying his free pardon, but finding him easy and compliable, he increased in his demands and required a letter for Lord Godolphin with two lines added from the Queen signifying her particular forgiveness. Lord Godolphin's conduct seems to have been full of treachery, meanness and deceit towards both sides; the duke of Marlborough as bad, My lord Halifax capricious and violent, Lord Shrewsbury's seems to have had more of sentiment in it.

James the 2^d gives us his reasons for leaving Ireland so soon viz. a project which he had of making a descent upon England assisted by a great body of French. This project was afterwards dropt and Lewis 14th was displeased with James's want of *opiniâtreté* in Ireland.

James the 2^d absolutely denies having had anything to do in the assassination plot.

We read likewise a MS. containing advice to his son. After a short preface James cautions his son 1st against women, 2^{ndly} against youthfull ambition of Empire. . . .¹

The original of these instructions is at Rome. This copy has at the end of it an attestation written & signed by the Queen.

¹ Here follows a summary of 'The Advice which James the Second bequeathed to his son James,' which is omitted because 'The Advice' is printed in full in the *Life of James II.*, edited by J. S. Clarke in 1816, vol. ii. 617-47.

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