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The Author of 'Lancelot of the Laik'

IN 1865 I edited, for the Early English Text Society, a Scottish Metrical Romance, entitled *Lancelot of the Laik*, supposed to be written about 1490-1500. Nothing is known as to the authorship of the poem. Recent researches enable me to suggest that it was certainly written by the author of the *Quair of Jelousy*, edited by D. Laing, in vol ii. of the *Bannatyne Miscellany*, printed by the Bannatyne Club in 1836. The editor (rightly, as I think) attributed that poem to James Auchinleck, who graduated at Glasgow in 1471, and died in 1497. No doubt he was the James Affleck mentioned as 'a makar' by Dunbar. I think it probable that *Lancelot*, as being a much more ambitious and longer poem, was the later of the two; and I shall assume this result for convenience, though it will not at all affect the arguments. If we date the *Quair* about 1490 and the *Lancelot* about 1495, these are mere guesses; but they are in accordance with probability. It must be remembered that of the latter poem we possess a mere fragment of 3486 lines. If it was ever completed, it must have consisted of more than 10,000 lines at least, quite enough to justify Dunbar's particular reference.

I shall denote the *Quair of Jelousy* by J., and *Lancelot of the Laik* by L., for brevity. I find in both poems most minute resemblances in style, prosody, vocabulary, grammar, and phonology. I could exhibit these at such a length and in such minute detail as to render their common authorship almost a matter of certainty. But such details are tedious and wearisome; and I

think it may suffice to exhibit, side by side, some of the passages in which the poems resemble one another. I will, however, give one of the grammatical details by way of specimen.

In the *Kingis Quair* we find the pp. of the verb 'to take' in the monosyllabic form *tak* or *take*, or in the dissyllabic form *takin* (st. 24); and in no other form. But in J. and L. the infinitive is both *tak* and *ta*. *Tak* occurs in rime; J. 154, L. 473. *Ta* occurs in rime, J. 73; in L. we can infer it from *tais*, 'takes,' riming with *gais*, 'goes, *fais*, 'foes'; 1095, 1141, 3005. But the pp. is not only *tak* (in rime), J. 452, L. 296; it is also *tane* or *tone*, J. 575, L. 1054, 1060, etc. The riming of words ending in *-on* (from A.S. *-ān*) with the French *dispone* (J. 266, L. 154) is noticeable. As to word-forms, I will merely cite *destitude* (in rime), J. 523, L. 96, 193; used instead of *destitute*.

Both poems afford rather frequent reminiscences of Chaucer. Note, for example, Chaucer's line in the *Knightes Tale*, A 1500:—
'And, for to doon his observaunce to May.'

The *thirteenth* line of the *Quair* is:—

'And unto Maij to done their observaunce.'

The author of L. has not forgotten it; see lines 12-16:—

—'to schew the kalendis of May, . . .
The old wsage of lowis [love's] obseruans.'

But, of course, the fact that both poems copy Chaucer is of no great significance. The only curious circumstance here is that both poems make a similar reference just at the very same point, at the same distance from the beginning.

I here notice the fact which gave one the first hint, viz. the extraordinary prolixity in the style. J. begins with a portentous sentence thirty-two lines in length. L. begins with a succession of long sentences, of which the first extends to sixteen lines at least, followed by *And* and ten lines more. Clause follows clause, quite loosely joined together, as though the object were to avoid coming to a full stop. This should be particularly observed, as well as the monotonously excessive use, in both poems, of a cæsura at the end of the fourth syllable.

J. begins with an Introduction, in ten-syllable couplets, of 190 lines. L., which is mainly a translation from the French, begins with a general introduction of 195 lines, with a more particular introduction having reference to the subject. It is *here* that we should look for the parallel passages; and they are not difficult to find. I now quote them, keeping to the order in J.

1. The felde oureclad hath with the tender grene,
   Quhich all depaynt with diverss hewis bene; J. 3, 4.
   Of quhiche the feild was al depaynt with gren; L. 46.
2. His courss, ascending in the orient
   From his first gree, and forth his bemis sent; J. 9. 10.
   His hot[e] courss in-to the orient,
   And from his spere his goldine stremis sent; L. 5, 6.
3. Tho was the ayer sobir and amene; J. 18.
   —in the lusty aire,
   The morow makith soft, ameyne, and faire; L. 63, 64.
4. And namely on the suffraunce and the peyne
   Quhich most hath do my carefull hert constreyne; J. 25, 26.
   The sharp assay and ek the inwart peine
   Of dowblit wo me neulyngis can constrein; L. 35, 36.
5. The quhich as now me nedith not report; J. 27.
   Quhich to report I tak not in my cwre; L. 266.
6. And to no wicht I will compleyne nor mene; J. 30.
   And in myself I can nocht fynde the mene
   In-to quhat wyss I sal my wo compleine; L. 41, 42.
7. —that was rycht wele besene; J. 36. —that wess weil besen; L. 45.
8. The cristall teris, etc.; J. 50. As cristoll teris; L. 62.
9. The scharp[e] deth mote perce me throuch the hert,
   So that on fute from hens I nevir astert; J. 67, 68.
   And throuch and throuch persit to the hart,
   That all his tyme he couth it not astart; L. 227, 228.
10. With that she sichit with a rycht pitouss chere; J. 95.
    He wepith and he sorowith in his chere . . .
    Gret peite was the sorow that he maad; L. 695, 697.
11. And to myself I thocht in this manere,
    Quhat may this mene? Quhat may this signifye? J. 120, 121.
    . . . and to myself thocht I,
    Quhat may this meyne? Quhat may this signify? L. 159, 160.
12. For sche, for fairhede and for suete-having; J. 133.
    that sche In fairhed and in wertew doith excede; L. 576, 577.
13. How evir it stonde, yit for this ladies sake
    Sa mekle occupacioun schall I tak; J. 153, 154.
    Som trety schall thoue for thi lady sak,
    That wnkouth is, als tak on hand and mak; L. 145, 146.
    Among al vtheris I schal one honde tak
    This litil occupatioune for hire sak; L. 167, 168.
14. And gif I do, it is of negligence,
    And lak of connyng and of eloquence; J. 161, 162.
    Quhen that thai here my febil negligens,
    That empit is, and bare of eloquens; L. 179, 180.

Observe particularly that these are not instances of copying, but examples in which the same author, whilst using again his old rimes, takes the opportunity of slightly varying his phrases. This is why the similarities are so convincing.

Neither have I exhibited all the parallelisms. Further on, in J. 245, 246, we find *for to endite*, riming with *to write*; whilst in L. 205, 206, *for to write* rimes with *endite*. J. 573 ends with *thou thee dispone*; so does L. 154. J. 549 ends with *walking to and fro*; L. 43 ends with *walkith to and fro*. Many more such similarities may easily be found, and the reader may persuade himself as to the identity of the authorship of the two poems much more effectually than I can do it for him, by simply examining the question for himself.

I will just mention one curiosity of rime which is found in both poems. We find that, in the *Canterbury Tales*, Chaucer five times uses the tag *atte laste* (at the last), as furnishing a convenient rime to *caste*; see A 2429, B 508, B 904, E 1954, G 1314; but in none of these examples is the verb used with reference to the eyes or face. But in the *Quair of Jelousye* we find these two examples:

—till, at the last,
Myne eye estward agayne the sonne I cast; 33
—till, at the last,
With that hir voce and eyne to hevin sche cast; 57

Lancelot of the Laik has two similar examples:

—at the last,
Efterward[1] one syd he gan his Ey to cast; 1005
—atte last;
And in the knychtis wentail haith it cast; 1055

Perhaps it is worth saying that there is no example of this rime in the *Kingis Quair*, which (as I believe I can prove) exhibits the phonology of an earlier date. Anyone who wishes to examine this question will find much assistance from the essay by Dr. F. J. Curtis on the *Rimes and Phonology of the Middle-Scotch Romance Clariodus*, reprinted at Halle in 1894 from volumes 4 and 5 of *Anglia*. He shows clearly the artificiality of the form *tōn* in the sense of 'taken.'

WALTER W. SKEAT.

[1] The word 'Eft*er*ward' is so written in the MS. that the '*er*' is only denoted by a little curl. Considering that the long *s* (ſ) and *f* are constantly confused, I suspect that the scribe should have written 'Estward,' *as in the other poem*. Surely it is remarkable that this correction will mend the scansion of the line and give a clearer sense.

The First Historian of Cumberland

THE family of Denton, from which the subject of this notice was sprung, is not unknown in the annals of English exploits in the southern counties of Scotland during those tumultuous years when Balliols and Bruces struggled for the crown of the northern kingdom. The name is territorial, dating back, perhaps, to the twelfth century, and was adopted from the manor or parish of Denton in Gillesland, which remained in possession of the family till the opening years of the sixteenth century. Offshoots which settled at Newcastle-upon-Tyne served English interests on the eastern border with as much success as the parent stem in the west.

The proverb recorded by Camden that 'opportunity makes the theef' has a wider range: it brings out the mettle in a man or a family, and nowhere is it seen better exemplified than in the political unsettlement of Scotland, when individual families achieved undying fame. The international estrangement gave scope for special service on both sides of the Border, and the Dentons of Denton, like many of their contemporaries, rapidly rose to places of honour and influence in their country's story. The feudal service due from the tenement of Denton in the fourteenth century appears to have been one knight, for in 1304 John of Denton was summoned to render that quota for a foray into Scotland.[1] A few years later the same person was commissioned with others by King Edward, while he was sojourning at Lanercost, to raise 140 men in Eskdale and Gillesland for the pursuit of Robert Bruce and his accomplices,[2] and in 1335 a representative of the family in Newcastle had the privilege of keeping the Earl of Moray at Bamburgh and delivering him to the sheriff at York.[3]

In course of time branches of the family were distributed in several places in Cumberland, often serving as sheriffs of the county, knights of the shire, and burgesses of the city of Carlisle in many

[1] Bain, *Cal. Scot. Doc.* ii. 1437. [2] *Cal. of Pat. Rolls* (1301-1307), p. 498.
[3] Bain, *op. cit.* iii. 1173.

Parliaments. Sir Richard of Denton, one of the most conspicuous men in Cumberland of his time, assisted at the arrest and execution of Andrew de Hartcla, the unfortunate Earl of Carlisle, in 1323, for his supposed treacherous dealings with Bruce.[1] But the most distinguished military personage of this lineage was a direct ancestor and namesake of the subject of this notice who won renown in Scotland. It may be permissible to allow John Denton, the father of Cumbrian history, to recount his deeds of prowess.

It may be stated summarily that, according to his descendant,[2] John of Denton had a grant of 'the forest of Garnerie and Kirkpatrick and Agingrey in Scotland' from Edward Balliol, King of Scots. His letters patent thereof were sealed in the Isle of Eastholm.[3] He was also steward of Annandale under Humfrey de Bohun, Earl of Hereford, to whom the whole seigniory, which was anciently the Bruces' lands, was given by Edward Balliol or John Balliol his father. Denton deserved so well in these wars between Balliols and Bruces, competitors for the crown of Scotland, that Balliol, then king, preferred him to that forest, late the lands of the Bishops of Glasgow, and to Kirkpatrick, late the lands of Sir James Frissold, adherents to the Bruces' faction. The Earl of Hereford gave him the stewardship of Annandale,[4] the principal office in that seigniory, because he had first entered the same and held it for the Earl in spite of the Bruces. When Balliol was banished from Scotland, Denton still held the principal house of the seigniory till it was fired under him, beaten and undermined till it was ready to fall, whereupon his heirs, in remembrance of this exploit, adopted for their crest a castle or tower sable, flames issuing out of the top thereof, and a demi-lion rampant with a sword in his right paw issuing out of the flames.[5]

[1] *Chron. de Lanercost* (Maitland Club), pp. 250, 251.

[2] John Denton, *Accompt of Estates and Families in Cumberland*, p. 94.

[3] The date of these letters patent was apparently in 1348, for on 20th and 21st September in the sixteenth year of his reign, King Edward Balliol issued from Eastholm similar letters patent respecting lands in Galloway, which were afterwards inspected and confirmed by Edward III. (*Cal. of Pat.* 1354-1358, pp. 142-3). Denton, the historian, must have been quoting from family documents when he made the statement in the text.

[4] On the death of the Earl of Hereford, Edward III. placed the castle of Lochmaban and the lordship of Annandale in the custody of John of Denton in 1362, which he was to hold till the heir came of age (*Rot. Scocie*, i. 861b).

[5] When this heraldic crest was exhibited to Dugdale at his visitation in Carlisle in 1665, he noted that there was 'no proofe made of these armes.' Colonel George Denton, who attended, was not an antiquary, but had his grandfather been present, who told the story, Norroy King of Arms might have been satisfied.

Cradled in these family traditions, young John Denton, the future historian, grew up at Cardew Hall, the residential seat of a considerable estate in the manor of Dalston, acquired by his ancestors in the fourteenth century, and within a short distance of Rose Castle, the *caput* of the manor and historic residence of the Bishops of Carlisle. Unfortunately the exact date of his birth has not been ascertained, but as his father was seven years of age in 1540,[1] it may be assumed that the eldest son saw the light soon after the middle of the sixteenth century. While a youth he became a page in the household of Bishop Barnes of Carlisle (1570-1577), his father's neighbour and feudal superior. Early associations with Rose Castle and its archives probably inoculated him with the virus for records and record-searching which afterwards proved the passion as well as the bane of his life. After a course of training in the law, most likely at Gray's Inn, under his kinsman George Lamplugh, to whom he was obliged in after years, owing to his litigious propensities, to mortgage his property, he succeeded his father, Henry Denton, in the Cardew estate in 1584. As a country gentleman he was placed in the commission of the peace, and living so near Carlisle and Rose Castle he became on friendly terms with the bishops and prebendaries, as well as the diocesan and capitular officials.

After the death in 1595 of his wife, who was the daughter of a family of distinction in that neighbourhood, Denton's antiquarian and legal tastes were quickened by his appointment as an agent in Cumberland for the discovery of concealed lands on behalf of Queen Elizabeth which necessitated frequent journeys to London on that business. About the same time (1598) his kinsman Dr. Henry Robinson was promoted to the see of Carlisle, who gave him free access to the diocesan archives. His social connexions brought him into contact with the principal families of the county and afforded him opportunity of making himself acquainted with the contents of their muniment rooms.

But the field on which he reaped the richest harvest and from which he drew the bulk of his historical materials was the Tower of London, where the national records were then stored, and where he spent much of his time in 1600 and 1601 in prosecution of the duties of his office. From the public records in the Tower he acquired a wealth of historical knowledge relating to the descent of manors and families in his native county, which he subsequently digested in formal shape and left behind him in

[1] *Chancery, Inq. p.m.*, 34 Hen. VIII., file 65, Nos. 18, 19.

manuscript. In 1887 a copy of the manuscript was printed[1] under the title of *An Accompt of the most considerable Estates and Families in the County of Cumberland, from the Conquest unto the beginning of the reign of K. James [the First]*, by John Denton of Cardew. The print covers 159 octavo pages. Though there were seven copies of the manuscript before the editor, no attempt was made to collate them with a view of ascertaining the best text. In some of the copies it is stated that the account was brought up to 1610, seven years before the author's death. This brief sketch of environment may be taken as the general background for a picture of the first historian of Cumberland.

Denton's legal training and special knowledge of the territorial history of Cumberland gave him pre-eminence among his neighbours as an authority on disputes about land and tithes. In course of time he was embroiled with successive Bishops of Carlisle on matters connected with the manor of Dalston, of which he was one of the largest landowners. His official work as an agent for concealed lands disturbed the social amenities of several families in the county. It may be truly said that before his death in 1617 John Denton was a mischievous influence in Cumberland.

There is a legend that Denton wrote his history during the time of his imprisonment in the Tower upon a contest between him and Bishop Robinson of Carlisle. The supposition is very unlikely. Refusal to do suit at the bishop's manor-court, or to grind corn at the bishop's mills was scarcely an offence to merit such high punishment. His visits to the Tower appear to have been for another purpose; he went there as one of the Queen's agents to study the public records. We have 'a note of suche recordes as Mr. Denton hath seene and had notes of by warrant of Mr. Attorney Generall, bearinge date the xxxth of January, 1600.' The document[2] is endorsed 'serches *pro Regina* by Mr. Aturnye Geinralls warrant to Mr. Denton, 1600, 1601.' Those who take the trouble to glance at the list of evidences consulted by him will come away with unfeigned respect for his patience and industry. All the chief classes of rolls and records from the reign of King John to that of Edward IV., useful for his business, were supplied to him. If the custody of the national records then and now be compared, students, accustomed to

[1] As one of its Tract Series by the Cumberland and Westmorland Archaeological Society under the care of Mr. R. S. Ferguson, F.S.A., Chancellor of Carlisle.

[2] *S. P. Dom.* Elizabeth, vol. cclxxix. folio 70.

work from original materials, can well imagine the difficulties under which he carried on his labours.

Evidence of the unpleasantness caused by Denton's work on behalf of the Crown may be gathered from a letter of one of his confederates in 1608 to the Earl of Salisbury. As the communication throws a much-needed light upon the methods then in fashion, it would be a pity to abridge it.

R^t honorable, my duety in all humble manner remembred. May it please yo^r lo[rdship]. I understand y^t S^r Willfryd Lawson haithe used slanderous and hard speaches against one Mr. Denton, a justice of peace in Comberland, and my selfe, onely because we offred by the meanes of the Bushop of Bristoll, who therwithe acquainted his Majesty to advaunce his highnes revynews in landes yearly 3000^li w^ch is intayled and belonging to y^e Crowne, deteyned and wrongfullye possessed by y^e said Lawson and soundrye others as shalbe proved by auncyent recordes, intayles and attaynders.

Now to hinder the Kinges title frome tryall, he plottes to disgrace us behind our backes by odyous enformacions to yo^r lo[rdship] and other honorable persons wherein he can reape no credet. Yt is not fit the Kinges revynews shold be concealed and still wrongfullye possessed upon his untrue suggestions, who threatnes by impresonment and other unlawfull proceadinges to hinder Mr. Denton and me in y^e sayd service.

My humble sewt to yo^r lo[rdship] is y^t his Majesty may have an honorable, open and lawfull tryall, where the best in the countrye may be commissioners and jurors, wherbye yt shall appere y^t the Kinges Majesty seekes nothing but his auncyent Crowne landes, w^ch we have ben willed by comaundm^t to mayke knowne and prosecute on his Majesty behaulfe.

In the meantyme I humble pray yo^r l[ordship] to geve no credett too malycious reportes, pryuet lettres nor backbyting wordes, and y^t yow will suspend yo^r honorable iudgment upon us untill the truth be tryed, and yo^r l[ordship] therwith better acquainted, and I shall ever, according to my duety, pray for yo^r lo[rdship's] healthe in honorable estate long to contynew, xvjth May, 1608.

Yo^r l[ordship's] humble to comaund
in all dewtyfull s^rvice

ANT: ATKINSON.

Post scriptum. Ther be S^r John Dalston and gentlemen of good sort in Comberland now in London y^t will maike knowne unto his Majesty and yo^r lo[rdship] y^t the Kinges title is lawfull and ho[nora]ble and y^t Mr. Denton and myselfe are much abused by skandelous reporte of S^r Wilfryd Lawson our aidverserye.[1]

[Addressed]

To the R^t honorable Robert Thearle of Salesburye, Lord Highe Treasorer of England at Court, eleswhere give theise.

[Endorsed]

Anthony Atkinson to my Lord, 1608.

[1] *S. P. Dom.* James I. vol. xxxii. fol. 50.

At a later stage of Denton's career, it was given in charge against him that in the time of Queen Elizabeth he claimed to entitle her to the lands of Sir Wilfrid Lawson, under which pretence he obtained leave to search all the records of the Crown, and that thereby he was stored to fill his country full of broils, without any benefit to the Queen.

We have little to do here with the merits of our antiquary's disputes with successive Bishops of Carlisle respecting the feudal status of his property. Denton maintained that Cardew was a manor of itself, independent of the lordship of Dalston, which was an appurtenant of the see of Carlisle. Throughout this controversy he appears to have manifested a churlish distemper and a lack of intelligence not to be expected of him. In an unguarded moment he alluded to Bishop May (1577-1598) in the hearing of two of the bishop's friends as 'little John May.' When reminded of this irreverent treatment of ecclesiastical dignities, he pleaded that his reference was not meant to be contemptuous: it was only a pleasantry on the bishop's shortness of stature.

Denton's repudiation of the services due to his feudal superior was at last grappled with in earnest by Bishop Henry Robinson (1598-1616), his kinsman. The depositions on commission, taken at Raughtonhead[1] on 5 Oct., 1612, and at Dalston church[2] on 14 April, 1613, afford exhaustive evidence on the tenurial problem. But with this aspect of the litigation we are not concerned. The legal proceedings which followed are much more to our purpose. John Denton in the witness box, examined on his dealings with local and historical evidences, is an interesting figure. The Elizabethan archivist was at bay, and he had to face the music.

When the bishop's legal advisers were preparing the case for the prosecution, it was found that many charters and other evidences of the see of Carlisle were missing, and suspicion of malfaisance, having regard to his former associations with Rose Castle, fell on Denton. Descriptive particulars of the lost deeds, as entered on counsel's brief, are as follows:

Charters lost or embezelled from the Bishops of Carlile wherof mencon is made in both ancient and nue repertories.

Carta H. 3 super concess[ione] 14 ac[rarum] in Haithuaite et Fornscale Hailme.[3]

[1] *Excheq. Depositions by Commission*, 10 James I., Michaelmas, No. 17.

[2] *Ibid.* 11 James I., Easter, No. 1. [3] *Chart. Roll*, 36 Hen. III. m. 7.

Quieta Clamacio Michaelis de Hartcla de manerio de Dalston.[1]
Quieta Clamacio Th. Dermun de terris infra baroniam de Dalston.
Carta de tofto in suburbio Carlile.
Carta de terra in Milholme.
Carta Lovell de fornella in Dalston.
Carta R[egis] E[dwardi i] de fonte de Welton.[2]
Carta R. 2 de bruerio concesso tenentibus Episcopi infra forestam de Ingl[ewood].[3]
Carta Regis H. de dimidia carucata terre in suburbio Car[lioli] in feodo de Dalston.
Carta Regis super testamento Walteri episcopi.[4]
Carta Regis de una acra contigua et nunc inclusa in parco suo de Rosa.[5]
Carta Regis super diversis in maneriis dimitentis post mortem Episcopi.[6]
Carta de tenementis in Foxle haineing.
Carta Nicol Sissons de terris in Raughton.
Carta H. filii H. Thranghole pro terris in Raughton.
Carta Roberti Bacon militis pro terris in Raughton.
Quieta Clamacio Dermun [pro] terris in Raughton
Carta Symonis de Raughton.
Carta Rayneri de Raughton.
Carta Regis E[dwardi iii] de largitione parci de Rosa.[7]
Perambulacio manerii de Dalston—[8]lent to Denton by my lord and restored as he thinketh, but by some indirect course conveyed before this sute begun.
Carta Johannis de Bormeton [*sic*], vicker de Denton in Gilsland, super terris et tenementis in villa de Cardew. This was to be had in Bishop Barnes his time, whose servant this Denton was, but it is supposed gotten *in tempore Episcopi nunc.*
Carta Willelmi filii Walteri de terra in Raughton (*cancelled*).
Q[uieta] Clam[acio] Henrici de Thrangh[olme] de terris in Brackenthuaite (*cancelled*).[9]

From the descriptive enumeration here given, it will be seen that copies of the royal grants, as Denton could have told them had he been so minded, might have been obtained from the duplicates enrolled in the King's archives.[10] What answers he

[1] This quit-claim would be of immense interest in view of the pleas in Bench, of which it was the settlement.

[2] *Pat. Roll*, 20 Edw. I. m. 21.

[3] *Pat. Roll*, 20 Ric. II. pt. i. m. 32.

[4] *Pat. Roll*, 29 Hen. III. m. 4.

[5] *Pat. Roll*, 23 Edw. I. m. 7.

[6] *Chart. Roll*, 20 Edw. I. m. 14.

[7] *Pat. Roll*, 31 Edw. III. pt. 3, m. 8.

[8] In the margin this record is noted as being in 'Libro l. 49.' A copy is still in existence in Carl. Epis. Reg. Kirkby, MS. fol. 289.

[9] Document in the diocesan registry of Carlisle.

[10] In the preceding notes attempt has been made to trace some of them, despite the imperfect descriptions. With a little care the rest could be identified. The loss of private grants is of course irreparable.

made to the interrogatories respecting these deeds and kindred matters will be noticed presently. One important point is made clear by this table of missing evidences. The lost registers of the bishopric were not in question.

It is satisfactory to have a picture of the Cumberland historian though it is drawn by the hand of an adversary. As a contemporary estimate of his character it is probably unique. The following notes are entered on the brief for the prosecution, in his dispute with Bishop Robinson, as a guide to counsel in cross-examination.

Mr. Denton was servant to Bishop Barnes, in whose time the charter of Jo[hn] Burden, vicare of Denton in Gilsland, who gave the lande in Cardewe to Jo[hn] of Halghton, Bishop of Carlile, and his heires, was amongst other the Bishop's evidence as appeareth *in repertorio* Barnes.

Denton being the nowe Bishop's kinsman was permitted to peruse all the evidences belongeing to the Bishoprick, before himself went to take possession of his Bishoprick. So soone as the nowe Bishop came to his place, Denton had the veweing and marshalling of all his evidences and was trusted to have access unto them att his pleasure.

The nowe Bishop lent unto Denton one ancient survey or perambulation of the time of H[enry] 3, which he confesseth Denton restored againe, but the same is since embezelled, so that it can not nowe be found. Denton went about to corrupt and persuade John Blackett, the nowe Bishop's secretarie, to bring unto him the most ancient Leger booke,[1] which the Bishop hath, wherin the services of the tenants of the manor of Dalston and Denton's ancestors of Cardewe are expressed.

About 41 Elizabeth [1598-9] Sir Edward Dymock being about to take a lease of the soake of Horncastle in Lincolnshire from the nowe Bishop,[2] nether of them cold conceave howe to make a good lease for want of a particular. Denton being present as a principall assistant or counsellor to my lord desired that he might go to his owne house and he wold satisfie them howe that lease might be made, w^ch^ he then did and brought them a particular, and a lease was made accordingly. In the time of Queen Elizabeth, he intitled her to the lands of Sir Wilfride Lawson, Kt., under which pretence he obtained warrant to search all the Records of the Crowne, by which meanes he is stored to fill his countrie full of broiles, and yett did not benifete the Queene anything.

He hath had the secrett fingering of all the evidences of the church of Carlile.

He hath insinueated himself into as many of the gentlemen's evidence in his countrie as wold give him any creditt.

He hath whole loads of old evidences gotten heere and there.[3]

[1] By this book is meant the first of the series of Episcopal Registers now in the diocesan registry of Carlisle.

[2] A draft copy of this lease still exists in the diocesan registry of Carlisle.

[3] Document in the diocesan registry of Carlisle.

There is nothing very definite in this catalogue of suggested misdemeanours, though it looks as if there was a touch of malice in the penultimate clauses. The charge of having had 'the secret fingering of all the evidences' of the capitular body seems somewhat vague. Was it relevant to the suit that defendant was acquainted with the muniments of the local squires? We can forgive, however, all this forensic embroidery in view of the last charge levelled at the unfortunate antiquary. Admirers of Denton's contribution to the history of Cumberland will thank his persecutors for telling that Cardew Hall had been stored with whole loads of old evidences gotten here and there.

As Denton's depositions, in answer to the charges of embezzling the evidences in the episcopal and capitular repositories, have been printed in the appendix, little need be said here by way of elucidation. He repudiated the charges of having had, at any time of his life, private access to ecclesiastical records; they were so strictly kept that nobody was allowed to consult them except under official supervision. To repeated questions how he had got such and such information, his triumphant answer was that he had recourse to 'the records about London,' as any subject for his money might have had at his pleasure. The allegations about the misappropriation of the evidences, which he rejected with vigour and straightforwardness, completely broke down, and no blame was attached to him in that respect. Denton had pursued his studies in the Tower to some purpose. Though he was mulcted in damages on the tenurial question, his integrity as a student of records was left without stain.

When we come to estimate the value of Denton's contribution to local historical knowledge, there is a hazard of raking up the hot ashes of controversy. It should never be forgotten that he had no predecessors. John Denton may be rightly called the father of Cumberland history. Like an illustrious pioneer in the same field, it was his fate to travail a lonely and untrodden path. By the authors of the early county histories of Cumberland he was accepted as an unquestioned authority. His manuscript 'Accompt' was embodied without acknowledgment by his distant kinsman, Thomas Denton of Warnel, who compiled a historical survey of Cumberland in 1687 at the instance of Sir John Lowther, a work which still remains in manuscript. The history of Nicolson and Burn, published in 1777, is indebted to the labours of John Denton for nearly all their historical data on the

early territorial descent of the county. The researches of Denton were simply transferred without criticism or cavil.

The other county historians follow Nicolson and Burn like sheep through a gap, with the notable exception of Messrs. Lysons in 1816, who made some use of the 'Perambulation' of Thomas Denton in that department in which his information was first hand, viz. when he discoursed on contemporary events. Throughout the series of county histories, definite historical statements on the early medieval period may be traced in the main to the fountainhead at Cardew Hall. It is readily admitted that each of the county histories has a value of its own, especially those of Nicolson and Burn and the Messrs. Lysons, but on a general view of the series it may be assumed that the work of John Denton, so far as the idea of a county history came within his purview, lies beneath the surface as the bed-rock of them all.

When the Archaeological Institute met at Carlisle in 1859, a paper was read by John Hodgson Hinde, vice-president of the Society of Antiquaries of Newcastle-upon-Tyne, on the early history of Cumberland,[1] which came like a bolt from a cloudless sky. Mr. Hinde was a scholar of considerable repute who had done much original work for the history of the northern counties of England. The right of a student, who had edited with skill and learning the Pipe Rolls of Cumberland and Westmorland, to 'lay down the law' on the subject of his dissertation, few will deny. In pointing out 'the inaccuracy, not to use a harsher term, of the authorities which have hitherto been relied on, in tracing the general history of Cumberland,' he indicated that many of the misstatements 'originate with the Chronicon Cumbriæ, but these are amplified and augmented by succeeding compilers, especially by two persons of the name of Denton, whose manuscript collections have been the main source from whence modern historians of the county have derived their information as to the early descent of property, and the genealogy of its possessors.'[2] This appears a heavy indictment to be grounded on the few instances of inaccuracy that Mr. Hinde thought fit to give, but it has been enough to raise up a whole crop of servile imitators, whose only title to consideration is their temerity in depreciating the elder Denton's authority.[3]

[1] Printed in the *Archaeological Journal*, xvi. 217-235.

[2] *Ibid.* pp. 234-5.

[3] It is only fair to make two notable exceptions. When Chancellor Prescott, in his edition of the *Register of Wetherhal*, disagrees with Denton, he shows cause for his dissent. Mr. F. H. M. Parker, in his edition of the *Pipe Rolls of Cumberland*,

It should be premised that John Denton made no claim to be a political or ecclesiastical historian. The title prefixed to his work shows that his aim was to trace the descent 'of the most considerable estates and families in the county of Cumberland.' His manuscript is without doubt fragmentary and unfinished: a good text is still a desideratum: there is no evidence that it was intended for the public eye. So far as can be judged the 'Accompt' was drawn up as a guide for himself in his investigations on behalf of the Crown. Every reader, acquainted with original sources, must acknowledge that Denton worked from the best evidences he could find in the limited sphere of his undertaking: he was not a second-hand expositor of other men's collections: he had no opportunity, like Mr. Hinde and his imitators, to establish his infallibility by criticising the labours of his predecessors.

When original evidences were not available for his purpose, he had recourse, and that very sparingly, to second-rate documents, the chief of which was that much maligned tract known as the *Chronicon Cumbrie*.[1] It is rather singular that the statements of Denton, which have called forth the loudest lamentation, were taken from that document. In estimating the sources of his admitted errors, the *Chronicon* may be accepted as a specimen of the authorities by which he was led astray.

It is well to remember the nature and character of this compilation. Some of Denton's detractors describe it as a monkish legend. It is nothing of the kind, though we are indebted for its preservation to the literary instincts of the medieval churchmen of Cumberland. Speaking in a general way, the greater part of it, except the few preliminary flourishes of the exordium, is of the utmost historical value. This is not the place to test its statements, but it may be briefly said that the tract must be judged in the light of the environment from whence it emanated. This source of some of Denton's errors is a legal document of the early part of the fourteenth century, compiled, like other documents of that period, for submission to the King's Courts in proof of the territorial descent of the Honor of Cockermouth from the fount of tenure to the date of the great dispute.[2] In the absence of direct

has pronounced Denton's work as 'a wonderful record of wide and painstaking research.' It is significant that both writers are students of original sources.

[1] A trustworthy text of this short document is very much needed. It has been too often printed from corrupt sources.

[2] See my arguments in *Vict. Hist. of Cumb.* i. 297-8, which have been accepted by such an authority as Dr. William Greenwell in *Hist. of Northumberland*, vii. 29.

evidence for the earlier devolution of manorial history, Denton accepted the authority of the compilation. Does his credulity merit the indignation of his quasi-faultless successors?

Denton, following his fourteenth century authority, introduced William the Conqueror as the original source of Cumberland tenure—an error which has brought simpering blushes to the cheeks of so many of our local antiquaries. The bulk of them have held this statement so near their eyes that they can see little good in its author. As there is no direct proof for the presence of William I. in Carlisle, it might well be maintained that there is none against it. But it has been generally accepted, thanks to the elaborate and consummate arguments of Professor Freeman, that the Conqueror had no connexion with the district now known as Cumberland. The tradition mentioned in the *Chronicon*, however, has a very respectable lineage and, in the judgment of the writer, appears, like the tract itself, to be of legal origin. In the records of the early medieval courts of England the Conqueror occupies a prominent position as a source of tenure. It is well known that when the early justices itinerant came on circuit to Carlisle, they would have nothing to do with local frontier customs, but insisted on their interpretation by the legal standards of the rest of the kingdom. This obstinacy of the judges has so confused and obfuscated the great service of cornage that scholars have been at loggerheads about its true nature for the past three centuries. It was probably in this way that William the Conqueror was imported into Cumbrian legal phraseology and stuck fast in the Cumbrian mind.

It will be sufficient if only two instances be given of the occurrence of this legal fiction outside of its adoption in the *Chronicon Cumbrie* which Denton regarded as genuine history. So early as 1227 a Cumbrian magnate pleaded in court that he claimed no more for his manor than his ancestors died seised of, from father to son, from the first conquest[1] (*a primo Conquestu*). The latter phrase must have been regarded in judicial circles as the origin of tenure. The popular conception is illustrated in the parley between William Wallace and the citizens of Carlisle half a century later. 'My master William the Conqueror,' said Wallace's messenger, 'demands the surrender of the town.' 'Who is this Conqueror?' replied the citizens. 'William whom ye name Wallace,' was the rejoinder. 'Tell him,' said the citizens, 'that if he wishes to come after the manner of the good

[1] *Coram Rege Roll*, 11 Hen. III., No. 27, m. 4.

Conqueror and besiege the place, he can have, if he is able to take them, the city and castle and all their belongings.'[1] In view of the prevailing tradition and of the source from which it appears to have originated, the error of Denton cannot be regarded as a serious blunder. If the whole compilation be examined from the viewpoint of sources, it will be discovered that the author had some authority for his statements,[2] not the best perhaps, but at least authorities on which he relied. Imagination plays a wonderfully insignificant part in his dry record.

In taking a general view of Denton's place in Cumbrian history, no writer that has yet arisen can approach in completeness his contribution to its earlier periods within the limits he had set himself. It would be absurd to say that he made no mistakes. Errors there are in his work, of identification, of genealogy, of manorial descent. The marvel is, when his surroundings and opportunities are considered, that there are not many more. The chief charm about him is that he was a record scholar, marshalling 'his whole loads of old evidences gotten here and there' into order and telling his story with the triteness and circumspection of a lawyer. He stands alone among the Cumbrian students of the past as having worked through the chief classes of the national records. It is a welcome refreshment to turn to his pages and read in English the very words of 'the records about London' which he procured at his own expense. Justice has not been done to John Denton either by his editor or by his critics. The whole tendency of recent depreciation makes a demand on the Cumberland and Westmorland Archaeological Society, which is responsible for printing a copy of his manuscript, that some competent student should undertake a new edition with the double purpose of producing a trustworthy text and of substantiating or disproving from original sources its historical statements. In view of the indebtedness of Cumberland to the labours of one of its sons, this reparation is the least that is due to his memory. The county has produced so few native-born students of its history, that it can scarcely afford to allow the most imposing figure amongst them to occupy an uncertain place in its annals.

[1] Walter of Hemingburgh, *Chronicon* (Engl. Hist. Soc.), ii. 42.

[2] Another example may be cited. When Denton states that the priory of Lanercost was founded in 1116, he was evidently following an early list of dated foundations given in the chartulary of that house. On the other hand, it may well happen that a copyist of Denton's autograph had in error mistaken 1161 for 1116.

APPENDIX

Depositions of John Denton Esq^re^ to Articles &c., 24 of Nov. 1615.

1. *Serving of Bushope Barnes.* To the first inter[rogatory] he saith that he was servant to Bushope Barnes as his page, and to his remembranc the evidences then belonginge to the Bushopbrick of Carlile were then in the custodye of John Barnes his brother & very strictlye loked unto, so as neyther this examynate nor any other to his knowledg had nor could have private accesse to his evidences but in the presents of the said Bushope him self & the said John Barnes or thone of them.

Bushope Maye. And he verylye thinketh the said Bushope left them to the next successor, John May, late Bushope of Carlyle. And this examynate further saith that he never had any such interest or allowanc with the said John May that he ever had or could have accesse to any parte of the said evidences, saving such certayne leases of tythes & other things mayd to this examinate & to his use by the said Bushope Maye as he now remembreth.

2. *Tomlynson & the Rowle spoken of.* To the [second] inter[rogatory] he saith that he remembreth that he had certayne Rowles of Accompts & Rentalls of lands in Dalston in his possession, some on paper, some on parchment, at such tyme as the said Nycholas Tomlynson of Haukesdayle in Cumberland came to this examynate's house, w^ch^ this examynate then had by delyvery of the plaintiff, all w^ch^ this examynate did delyver or cause to be delyvered agayne to the plaintiff, wherof he veryly thinketh one of the said Rowles was sythenc reddye to be produced agaynst him this examynate at the hearyng of the cause in thexchequer between the plaintiff & this examynate.

What Rowle ment of Tomlynson speches. But what Rowle or accompt Tomlynson meaneth of, this examynate knoweth nott. And what speches the said Tomlynson then had this examynate doth not remember.

3. *Curwen & Sandes.* To the [third] interr[ogatory] he saith that the said Christoffer Curwen & Henry Sandes came to this examynate's house, wher they had some speches consernyng John May, late Bushope of Carlile, w^ch^ was a man of lowe stature, and, therfore, this examynate did name him to them by the name of lytle John Maye, without any such splentick or scornefull thought as they pretend, of w^ch^ they have sythenc mayd a more hard construction then was ever ment or intended by this examynate. And thinketh that they sythenc so misinterpreted his words & meanyng out of their owne distemper after the words ware spoken, because this examynate stood agaynst them in defenc of the tytle & wardshipe of John Lamplughe, his kynsman,

being an infant, comytted in truste to this examynate & others by his unkell, whose heir he was. And to aggrevate the plaintiff's displeasure the moer agaynst this examynate, w^ch^ said Sandes did also in his said displeasure comytt a servant of this examynates to close prison, for geving warnyng at Dalstoun Church of a Court to be holden by this examynate, pretending some unlawfull behavior w^ch^ he could nott prove or make good before the Justices of Assisses before whom the same was called to examynation. And for the booke mencond in this inter- *Booke ment* rogatory, this examynate knoweth nott what book is ment, butt *unknowne.* saith that he had & hath sene in the hands of John Smythe of Carlyle and Mr. Walkwood, prebendary, dyvers bookes and peces of bookes, some in parchment & some in paper, w^ch^, as he thinketh, belonged some to the Priory of Carlyle and some to the Deane & Chapter of Carlyle, w^ch^ came to this examynates handes, parte by delyvery of them selfs and parte therof sent unto him, this examynate, by their then servants or such whome they used, whose names he now remembreth nott. All w^ch^ this examynate delyvered & sent to be delyvered to them agayne. And veryly thinketh that one of those bookes is the booke ment and menconed in this inter- *Book ment.* rogatory and contayned as this examynate now remembreth leases mayd by the Pryor and Convent and by the Deane & Chapter of their owne proper landes, with some fewe confyrmations of Bushopes leases, and nott any other matter consernyng the Sea to this examynates now remembranc.

To the [fourth] interr[ogatory] he saith that Rowland Toppin 4. & John Stoddart of Carlyle, this examynates tenants, holding a lease of certayn tythes from the Deane & Chapter of Carlile ware impleaded by the now plaintiff in his eccleaseasticall court for the same tythe or some parte therof as they reported, who, repayring to this examynate to knowe what he could say unto *For* the matter, did delyver unto them such of his owne evidences *contributions.* as conserned the soyle of some parte of the same and told them that yf they could procure of the Deane & Chapter their distributions yt wold make the matter playne to whome yt belonged. After w^ch^ the said Toppin, as this examynate now remembreth, brought to this examynate certayne distributions of the Deane & Chapters under seale, w^ch^ compared together mayd apparant the same tythe in question to belong to the Deane & Chapter, and nott to the Bushope, and so is by them enioyed to this daye as he thinketh. From w^ch^ distributions certayne notes were taken for the good of the sayd Toppin & Stoddart w^ch^ were the same mencond in this *Notes from* interrogatory that Bleckett did see at this examynates house. *distributions* And further saith that, after such notes taken, this examynate *for Bleckett.* was called before thre of the prebendaries, and their did agayne see the said distributions w^ch^ were then by them as owners

taken into their possession agayne, where he thinketh the same
A perfect bounder. are as yett remayninge. And further saith, that emongst w^ch^ sealed writyngs a perfect bounder betwene the Kinges majestyes landes and the plaintiffes mannor of Dalston appeared playne, and how much is encroched their upon the Kinge.
The mill. And that the myll now claymed as Dalston myll standeth upon the Kinges land and nott upon any parte of the mannor of Dalston. And saith that he, this examynate, hath nott any of the evidences, notes or writynges in his custodye, nor knoweth who hath the same.

5. To the [fifth] interr[ogatory] he saith that the John Bleckett, in the interrogatory named, came to this examynate to
John Bleckett. Cardewe, to entreat him to derect the s^d^ Bleckett what thing was fyttyng for him to begg in lease of his lord the Bushope of Carlyle. And this examinate moved him to gett a tythe in lease about Carlyle. And did aske him withall whether he did knowe such a booke as is menconed in this interrogatorye. And moved him to entreat a sight of that book, because that this examynate did think that yt did conserne his estate, in this, viz., whether the mannor of Cardewe, in the parishe of Dalstoun, was reported in the coppie of the Kinges grant menconed in that book mayd to the said sea of Carlele, to be parcell of the mannor of Dalstoune, yea or no. And the
Bleckett. said Bleckett told this examynate that those bookes were in his maysters custodye. Wherupon this examynate resorted to the records about London, and fyndyng their the said charter upon record, their appeared nott in the same any report of the mannor of Cardewe nor of any landes within the same did belong to the sea of Carlyle. And that from the Kinges records this examynate hath his information and that the landes in question is held of the Kinge & nott of the plaintiff nor of the sea of Carlyle.

6. To the [sixth] interr[ogatory] he saith that he doth nott remember that the said Warrick did shewe to this examynate any evidences that this examynate knoweth to belong to the
For Warrwick. sea of Carlyll. Butt this examynate did advise the said p[ar]son Warrwick & afterward the said plaintiff him selfe, and was a meane that the plaintiff attayned dyvers evidences w^ch^ belonged to the said sea from the handes of John May, sonn to the late
Rowle menconed in the interrogatory. John Maye, Bushope of Carlile, amongst w^ch^ was that Rowle in parchment in the said interrogatory menscond, w^ch^ never came to this examynates handes sythenc the same was delivered to the said plaintiff. And that the copies w^ch^ he tooke was notes to lead him, this examynate, to the records them selfs about London, which when he had found to be agreable to his evydenc, this examynate no further estemed of the said notes, butt disposed them to other uses as he thinketh was lawfull for him to do. And some copies he hath from the said records remaynyng in

or nere London as any subiect for their money may have at there pleasures, w^ch^ copies were taken sync his answere putt in to the plaintiffs bill of complaint. And for the evidences of the said John Burden, this examynate saith that he receyved them from his father, in whose handes he had sene them fortye yeares ago, and came to this examynate as of right, after the descease of his father, whose heire he is, w^ch^ evidences he showed both to the plaintiff and also to John Dudley at a court holden at Dalstoun. Which John Burden is reported by the said evidences to be lord of the mannor of Cardewe with the appurtenances, and lykewise of the landes in Cardewe w^ch^ were John Pantryes, who had them of the gifte of John Hawton, Bushope of Carlile, w^ch^ held the same of the King as appeareth by recordes about London, and to hold in capitie in fee and nott as parcell of his sea of Carlile. To w^ch^ John Burden this examynate is heire *de facto et de sanguine* of all his landes in Cardewe & the mannor of Cardewe.[1] *John Burden.*

[1] Document in the diocesan registry of Carlisle. It is a pleasure as well as a duty to thank the Lord Bishop of Carlisle and Mr. A. N. Bowman, his courteous registrar, for permission and facilities to consult the diocesan archives.

Chronicle of Lanercost[1]

ON the feast of S. Barnabas the Apostle[2] there happened a memorable instance of the untrustworthiness of the Welsh. A.D. 1296. While my lord King Edward was besieging with a great army the lofty castle of Edinburgh, huge machines for casting stones having been set all round it, and after he had violently battered the castle buildings for the space of three days and nights with the discharge of seven score and eighteen stones, on the eve of the festival named, he chose a certain Welshman, his swiftest runner, whom he reckoned most trustworthy, committed to him many letters and, having provided him with money, ordered him to make his way to London with the utmost dispatch. This man was named Lewyn (as befitted his fate[3]), which in English is pronounced Lefwyn. Now, going straight to the tavern, he spent in gluttony all that he had received for travelling expenses. Early on the morning of the vigil, being Sunday,[4] he made himself a laughing-stock to the English by ordering his comrade to carry his shield before him, declaring that he was not going to leave the place before he had made an assault upon the garrison of the castle. Presenting himself, therefore, with a balista before the gates, he cried upon the wall guard to let down a rope to him, so that, having been admitted in that manner, he might reveal to them all the secrets of their enemy. The constable of the castle, as he informed me, was taking the air when this rascal intruder was brought before him, holding out in his hand the case with the royal letters.

'Behold, my lord,' said he, 'the secrets of the King of England; examine them and see. Give me also part of the

[1] See *Scottish Historical Review*, vi. 13, 174, 281, 383; vii. 56, 160, 271, 377.

[2] 11th June.

[3] There is here some play on the name which is not apparent to modern wits.

[4] *Mane diei festi*—literally 'early on the feast day,' but as S. Barnabas's day fell on a Monday in that year, we must read 'Early on the morning of the vigil.'

wall to defend, and see whether I know how to shoot with a balista.'

But when the others would have opened the letters, their commander forbade them to do so, and straightway, standing on a high place, called loudly to men passing that they were to make known in the king's court that one of their deserters had proposed to those within [the castle] that they should perpetrate a deceit, to which he [the constable] absolutely declined to consent for honour's sake.

Sir John le Despenser attended at once to this announcement, and to him the traitor was lowered[1] on a rope, with the letters intact, and the manner of his [Lewyn's] capture was explained to the king when he got out of bed. Now that prince greatly delighted in honesty. 'I gratefully declare to God,' quoth he, 'that the fidelity of that honourable man has overcome me. Give orders that henceforth no man attempt to inflict injury upon the besieged, and that no machine cast a stone against them.'

Thus the king's wrath was soothed, for he had previously vowed that they should all be put to death. So sleep came to the eyelids of those who had watched for three days, many of them having vowed that, for security, they would so continue while alive. On the morrow, by the royal indulgence, the besieged sent messengers to King John [Balliol] who was staying at Forfar, explaining their condition and demanding assistance. But he [John] being unable to relieve them, gave leave to each man to provide for his own safety.

But let me not be silent about the punishment of the aforesaid traitor, Lewyn. He was taken, tried, drawn and hanged on a regular gibbet constructed for his crime. This tale I have inserted here in order that wise men may avoid the friendship of deceivers.

Pending the report of the messengers, King Edward raised the siege and marched with a small force to Stirling, where he found the castle evacuated for fear of him, the keys hanging above the open doors, and the prisoners imploring his mercy, whom he immediately ordered to be set at liberty. And so, in the king's absence, after fifteen days' siege, the Maidens' Castle[2] was surrendered into the hands of Sir John le Despenser, a place whereof it is nowhere recorded in the most ancient annals that it

[1] *Demittimur* in Stevenson's edition, probably a clerical error for *demittitur*.

[2] *Castrum Puellarum*, one of the names for Edinburgh.

had ever been captured before, owing to its height and strength. It was called Edwynesburgh of old after its founder, King Edwyn, who, it is said, placed his seven daughters therein for safety.

Now when it had been laid down by the Scots to their king [John] that he was neither to offer battle nor accept peace, but that he should keep in hiding by constant flight, King Edward, on the other hand, strengthened his resolve that neither the ocean should bear him [John] away, nor the hills and woods hide him. Rather than that, having him surrounded by land and sea at Kincardine, he compelled him to come to Montrose, subject to King Edward's will and judgment. There he renounced his kingly right, and, having experience of dishonest counsellors, submitted to the perpetual loss both of his royal honour in Scotland and of his paternal estates in England. For, having been sent to London with his only son, he led an honourable, but retired life, satisfied with the funds allotted to him from the king's exchequer. By divine ordinance these things were accomplished on the morrow of the translation of S. Thomas the Martyr,[1] in retribution for the crime of Hugh de Morville, from whom that witless creature[2] [John] was descended; for just as he [Morville] put S. Thomas to death, so thereafter there was not one of his posterity who was not deprived either of his personal dignity or of his landed property.

Also on the same day[3] fell the anniversary of my lord, Alexander,[4] formerly King of Scotland, who descended from the other daughter of the illustrious Earl David, besides whom there proceeded from that sister no legitimate progeny of the royal seed to her King Edward,[5] who alone after William the Bastard became monarch of the whole island. It is clear that this succession to Scotland [came] not so much by right of conquest or forfeiture as by nearness of blood to S. Margaret whose daughter, Matilda, Henry the elder, King of England, married [and became] heir, as is shown by what is written above.

[1] 8th July. [2] *Acephalus.* [3] 8th July.

[4] *i.e.* Alexander II., who died 8th July, 1249.

[5] *Qui ex altera germana filia descendit David illustris comitis, ultra quem non processit ex illa sorore legitima soboles regalis seminis regi suo Edwardo.* It seems impossible to make sense from this passage. Probably something has dropped out or become garbled. 'The illustrious Earl David' might either be King David I., who was Earl of Northumberland, and reigned in Cumbria and Strathclyde till he succeeded his brother, Alexander I., or King David's third son, who was Earl of Huntingdon.

On the same day as the abdication King Edward gave a splendid banquet to the nobles and commons; but inasmuch as in this life sorrow is mingled with rejoicing, the king received on that day news of the death in Gascony of his brother, my lord Edmund, a valiant knight and noble, who was genial and merry, generous and pious. It is said that his death was brought about by want of means, because he had with him a large body of mercenaries and but little ready money. He left two surviving youths, Thomas and Henry, his sons by the Queen of Navarre; of whom the elder took in marriage with her entire inheritance the only daughter of my lord Henry, Earl of Lincoln, who then possessed the earldoms of Lancaster and Ferrers in right of his father, and those of Lincoln and Salisbury in right of his wife.

About the same time there came an astonishing and unprecedented flood in the Seine at Paris, probably a presage of things to come, such as is described above as having happened in the Tweed.[1] For of a sudden, while men were not expecting it, and were taking their ease in bed, the floods came and the winds blew and threw down both the bridges of the city in deep water with all upon them, which consisted of the choicer houses, superior merchandise and brothels of the costlier class; and, just as in the Apocalypse, all this wealth was ruined in a single hour, together with its pleasures and luxury, so that the saying of Jeremiah may be most aptly applied to them, that the iniquity of the people of Paris was greater than the sin of the people of Sodom, which was overwhelmed in a moment, nor could they avail to protect it.[2]

It is quite certain that this people had given such offence to the Lord that they suffered punishment, not only for their own transgression, but because of the corruption of their nation, the consequence of whose pride is to undermine obedient faith throughout the world. Having the appearance of piety, they deny the power thereof; they make a mockery of the sacraments; they blaspheme with sneers the Word of Life made flesh by a virgin mother; they boast of their iniquity more openly than did Sodom; and, as said by the Apostle Jude, they defile the flesh, they spurn authority, and they blaspheme majesty.[3] These things did the

[1] Pp. 273, 274 *ante*.

[2] History repeated itself in the inundation of Paris during the winter 1909-10.

[3] The severity of the chronicler's censure may be traced to its source in the friendly relations between France and Scotland.

Virgin of virgins, as I consider, intend to avenge terribly—she who, dwelling between the river banks of that city, has wrought so many signs of salvation for that people, especially in quenching the fires of hell, wherein no one worthy of her protection remains abandoned beyond the ninth day.

In honour of the Glorious Virgin I will relate what took place at an earlier time, in the tenth year of King Edward's reign ; at least it was then made manifest, but not yet completed by the actual events. Now, that turbulent and distracted nation, I mean the Welsh, thinking to wreak their long-standing spite upon the English, ever incur severer penalty for their wickedness. Thus when led by a certain David, they were endeavouring to kindle mischief in the realm of King Edward, and to turn his friendliness into hostility, that energetic prince [Edward] mustered a force and, marching against the enemy at Worcester, commended himself and his troops, with many oblations and consecrations, to the keeping of the Glorious Virgin. Immediately the Queen of Virtues granted the petition of the suppliant, and, appearing one night to a cleric named John, of the Church of S. Mary of Shrewsbury, as he was sleeping, with her own hand laid upon his bosom a closed letter fastened with a seal. Also she commanded him—'Rise early, and carry for me the letter I have given thee to King Edward who is quartered at Worcester. Thou mayst be sure he will not withhold from thee a suitable reward.'

On awaking he actually found the letter exactly according to the vision. He remembered the mission commanded to him, but bethought him of his own humble degree and hesitated to take the journey.

The command was repeated to him and a reward was added. He had a beloved comrade (a certain cleric J——, named de Houton, who, being still alive in the Minorite Order, constantly describes the course of this incident) to whom he said :—

'I beg that you will bear me company as far as Worcester, for I have some business to attend to at the king's court.'

But, whereas he never mentioned the sacred declaration of the Blessed Virgin, his friend refused his request, not being aware what reason there was for it. The Virgin, footstool of the Holy Trinity, appeared for the third time to her sluggish servant, reproached him for disobedience, and as a punishment for his neglect foretold that his death would be soon and sudden. Terrified at this, he made his will, appointed executors, charging them to

forward the heavenly letter with the utmost haste, and then expired suddenly.

Nobody could be found who would dare to present himself to the king's notice except an insignificant tailor; who, however, was graciously received by the king, and did not retire with empty hands. But when the king, by the hearth in his chamber, had mastered the contents of the letter, he knelt thrice, kissing the ground and returning thanks to the Glorious Virgin. 'And where,' cried he, 'is that cleric who brought this dispatch, and whom the Virgin's word commends to me?'

The substitute having informed him that the messenger was dead, the king was much grieved. As to what the Queen of Glory promised to him, he was not fully informed, except this, that then and ever after he should successfully prevail over his enemies; and from that day to this he has observed a solemn fast on bread and water every Saturday, through love of his protectress. Moreover, he began to build in London a costly and sumptuous church in praise of the same Mother of God, which is not yet finished.

But let me return to my theme. After the abdication of John de Balliol, as has been described, King Edward caused it to be announced that, throughout his progress, no man should plunder or burn, and further, that a fair price should be paid for all necessary supplies. He marched forward into Mar to the merchant town of Aberdeen, where some cunning messengers of the King of the French, detained in some port, were taken and brought into the king's presence, having many duplicate letters addressed to the King of Scots as well as to his nobles. Although he [King Edward] would have paid them out for their guile, he restrained those who would do violence to these men, and, having restored to them the letters which had been discovered, he sent them by rapid stages to the neighbourhood of London, that they might see and converse with the king of whom they were in search, and telling him what they had found, might return by another way to the country whence they came.

With kingly courage, he [King Edward] pressed forward into the region of the unstable inhabitants of Moray, whither you will not find in the ancient records that any one had penetrated since Arthur. His purpose was to explore with scattered troops the hills and woods and steep crags which the natives are accustomed to count on as strongholds. With what piety and frugality he performed all these things, let his pardons, condescensions,

bounties and festivals testify. Having brought all that land into subjection he returned to Berwick on the octave of the Assumption[1] where the homage of the people of Alban[2] was repeated to my lord the King of England and his son and successor ; also it was renewed again by a charter with all the seals of the nobles, which remains confirmed by a solemn oath made in touching two pieces of the Lord's cross. But that ceremony of swearing, not being imbued by the faith of those who performed it, was worthless to them, as their open acts made manifest in the following year.

Now something very pleasing to our people took place through the aid of the Glorious Virgin on the day after the Assumption.[3] After the men of the Cinque Ports had conveyed some knights and foot-soldiers bound for Gascony, they encountered on the high sea three hundred vessels bound from Spain to France with much valuable cargo. Our people, who had but four score vessels, attacked them and put them all to flight, capturing out of that fleet eight and twenty ships and three galleys. In one of the galleys they found sixty score hogsheads of wine. In celebration, therefore, of that victory accorded them by God, they forwarded part of the wine to the knights campaigning in Gascony, bringing the rest to London for consecration, whereof my informant drank some, a man of truthful conversation and learned in religion. Events of this kind ought to be plainly described to those who delight in vanities, and, having no experience of heavenly matters, lightly esteem intercourse with the higher powers. For few may be found in our age who deserve to share the sweetness of divine revelation, not because of God's parsimony, but because of the sluggishness of the spiritual sense.

Now in this year there happened to a certain holy virgin, long consecrated to the life of an anchorite, a revelation which ought not to be passed over in silence. In the district of Shrewsbury, about six miles from the town, there dwelleth that holy woman, Emma by name, who is accustomed to receive visits from holy men ; and at the festival of S. Francis[4] (which is observed rather on account of the merit of the saint than of the Order itself, whose dress she weareth), on the vigil of the saint she admitted two friars of that order to hospitality. At midnight, the hour when the friars are accustomed to sing praises to God, the holy

[1] 22nd August.
[2] *i.e.* Scotland.
[3] 16th August.
[4] 16th July.

woman rose from her bed, remembering in her pious heart that on such a feast day a similar obligation lay upon her who had become a recluse, and how much honour was shown to the saint throughout the divers regions of the world. Kindled in spirit by these [thoughts], she called her handmaid and told her to bring a lamp for the morning praise. The lamp having been brought and placed twice upon the altar of the oratory, a sudden gust extinguished it, so that not a spark of light remained. Now the patron of that church is the Herald of Christ and more than a prophet,[1] to whom the recluse was bound by more than common love, and, as will be shown presently, had experienced much intimacy with the friend of Christ. Therefore, while she was wondering why her lamp should be extinguished, she beheld a ray of heavenly light coming through the window of his oratory, which was next the church, which, surpassing the radiance of the sun, beautified with a heavenly lustre the features of her maidens, who lay in a distant part of the house, notwithstanding that the maidens themselves were weeping because of the abundance of the celestial illumination. The Prior[1] came in that he might bear witness about the light, so that all men might believe through him. The lamp was burning, shedding light and reassuring the astonished woman. 'Behold,' said he, 'thou wilt presently have a mass.' That saint, as often as he appeared to this handmaid of Christ, held in his hand a roll as a token and badge of his office, wherein was contained in order the holy gospel of God—'In the beginning was the Word.'

After the declaration of the Baptist there followed immediately such a transcendent radiance as would rather have stunned than stimulated human senses, had they not been sustained by grace; in which [radiance] appeared, with a wonderful fragrance, the Mother of Eternal Light, environed by a brilliant tabernacle, in token, as I suppose, that He who created her would find rest in her tabernacle; and four of the Minorite Order bore her company in her propitious advent, of whom the chief was S. Antony, an illustrious preacher of the Word, and with him were three others, natives of England, famed either by their lives or by their wisdom.

The Queen of the World took her place, as was proper, over the holy altar of the choir; the others prepared themselves to perform the mass. Then S. Antony led off in vestments of indescribable [richness], and the others sang with such marvellous sweetness and thrilling melody, that many blameless persons in

[1] S. John the Baptist.

a distant part of the town wondered at the harmony, not knowing whence it came.

Now the introitus of the mass was this, pronounced in a loud voice—'Thou art the King of Glory, O Christ!' and what follows, as far as—*Te ergo quis famulis* and *subveni quos pretioso*, et cætera. The woman remembered that this was thrice repeated, but the collect and epistle and the other parts of the mass she could not so well recollect. And when she asked what were the names of these persons, and inquired of the holy Baptist why S. Francis was not present, she received this answer—'Upon this his festival he himself has to intercede with God for numerous persons who are invoking him as a new saint, therefore he was unable to come on this occasion.'

At the time of preparing the sacred mystery in the aforesaid mass, S. Antony elevated the Host with great dignity and honour, whereat the holy Virgin[1] prostrated herself with the others devoutly and low. At the close of the office, the Queen of Mercy descended gently to the sister,[2] and comforted her with heavenly converse and confidences, besides touching her beads[3] with her blessed hand. But whereas those who die in the sweet odour of Christ may be reckoned unhappy above all others, while some ignorant persons may cavil at the divine revelations accorded to this humble woman, to show what a slander this is against the Lord, the forerunner of Christ said as he departed: 'Inquire of those who sneer at divine benefactions whether the Evil Spirit can perform such sacred mysteries, and rouse the friars who are slumbering here, to whose senses thou mayest exhibit the light wherewith we have purified this dwelling.'

The holy woman immediately performed his bidding, and and from the third cockcrow almost until the morning light they [the friars] beheld with their eyes the whole interior of the church illumined with celestial radiance. One of them, desiring to know the source of this light, looked through the window of the church, and saw what seemed to be a burning torch before the image of the blessed Baptist, who was the herald of Eternal Light.

I will relate something else that happened to this holy soul, worth listening to, in manner as I heard it from those to whom

[1] It is not clear whether the reference is to the Mother of God or to Emma herself.

[2] *Ad sponsam.* [3] *Numeralia devotionis.*

she related it. While she was yet very young and a novice in the discipline of Christ, she still sometimes experienced carnal impulses, and was deluded by tricks of the devil; yet she could not be overcome, because she always had the Forerunner of the Lord as a guardian against the wiles of the Deceiver. Accordingly when she lay sick with a pain in her side, it happened that John the Saint of God foretold that the serpent would appear to her in disguise, and he placed in her mouth an exorcism which should dispel the illusion. No sooner had the saint departed, than Satan appeared without delay in the guise of a certain physician, announced his profession and promised a speedy cure. 'But how,' said he, 'can I be certain about the nature of your ailment? Allow me to lay my hand on the seat of your pain.'

The maiden persisted in declining these and other persuasions, and exclaimed: 'Thou dost not deceive me, oh Lord of Iniquity! wherefore I adjure thee by that sacred saying of the gospel—'the Word became flesh'—that thou inform me who are the men who hinder thee most.'—'The Minorites,' said he. When she asked him the reason he replied—'Because when we strive to fix arrows in the breasts of mortals they either frustrate us entirely by their opposition, or else we hardly hit our mark.' Then said she—'You have darts?'—'Undoubtedly,' quoth he, '[darts] of ignorance, and concupiscence and malice, which we employ against men, so that they may either fail in their actions, or go wholly to the bad, or conceive envy of the righteous.' Then she said—'In virtue of the Word referred to, tell me how much the said proclamation of the gospel hindereth your work.' Then the Enemy, groaning heavily, replied—'Woe is me that I came here to-day! The Word about which thou inquirest is so puissant that all of us must bow the knee when we hear it, nor are we able afterwards to apply our poison in that place.'

Since mention has been made here of the protection of S. Francis being faithfully invoked, I will allude here to two incidents which took place in Berwick, about three years before the destruction of that town. That same city was formerly so populous and busy that it might well be called a second Alexandria, its wealth being the sea and the waters its defence. In those days the citizens, having become very powerful and devoted to God, used to spend liberally in charity; among other [objects] out of love and reverence they were willing to provide for the Order of S. Francis, and alloted a certain yearly sum of money from the common chest for the honourable celebration of every

festival of the blessed Francis, and further for the provision of clothing for the poor friars dwelling in their city, whereby they fulfilled the double object of charity, and of performing devout service to the saint who began life as a trader,[1] expecting that even in the present [life] greater profits from trading would be the result of their costly piety. Nor did their conjecture play them false nor their hope deceive them, seeing how they increased in riches; until, as [the hour of] their expulsion drew nigh, they were persuaded by the suggestion of certain persons of corrupt mind (who became the source of calamity, not only to these citizens, but indeed to their whole country) first to diminish their accustomed charity and then to reduce it by one half. But whereas Sir John Gray, knight as well as burgess, who had departed this life many years before, was the promoter of this charity, God warned the populace of their imminent danger in manner following.

In the year preceding the Scottish war there appeared unto Thomas Hugtoun, a younger son of the said knight, the vision of his father, lately deceased, among the bands of holy friars in a certain abode of delight, and similar in carriage and dress to the rest of the Minorites. And, while he recognised the figure of his father but marvelled because of the change in his condition, the following reply was made to his perplexed meditations. 'Thou marvellest, my son, because thou never didst hitherto behold me attired in the dress of the Minorites; yet thou must learn hereby that I am numbered by God among those in whose society I have taken most delight. Go thou, therefore, instead of me to our neighbours in Berwick, and summon them publicly on behalf of God to revive and restore that charitable fund which I had begun to expend in honour of the blessed Father Francis; otherwise, they shall speedily experience, not only the decay of their worldly possessions, but also the dishonour of their bodies.'

Roused from his sleep, Thomas immediately described to his townspeople the revelation made to him, urging them to mend their ways. As they paid no heed to him, events followed in order confirming the vision; for first their trade declined, and then the sword raged among them.

Something else happened testifying to cause and effect and to the honour of the saint. One of these burgesses, deploring the disrespect paid to the saint, offered to provide at his own expense,

[1] *Ex mercatore converso.* S. Francis was the son of an Italian merchant trading with France, whence the son's name, Francesco.

the things necessary for the saint's festival; which thing he had no sooner undertaken than he was struck with a grievous malady affecting his whole body, pronounced by all the physicians to be incurable. Then the friars having persuaded him to put his trust in the saint and to hope for recovery, he directed that he should immediately have all the limbs of his body measured in honour of the saint, and in less time than it takes to tell it, he sat up healed, complaining of nothing except a headache. 'And no wonder!' exclaimed his wife, smiling, 'for his head is the only part of him we left unmeasured.' The line having been applied again, immediately he was freed from all pain. The same individual, being delivered a second time, is in good health at the present time, while his fellow-citizens were cut in pieces by the sword; and all this through the merits of S. Francis.[1]

On the morrow of the Epiphany[2] the clergy assembled in London to hold council upon the answer to be returned to my lord the king, who had imposed a tax of seven pence upon the personality of laymen, while from the clergy he demanded twelve pence in the form of a subsidy; which was agreed to reluctantly, the clergy declaring that, while they would freely submit to the royal will, they dared not transgress the papal instruction.[3] And thus all the private property and granaries of the Archbishop of Canterbury were confiscated by the king's authority, even to the palfreys reserved for the primate's riding; to all of which this virtuous man patiently submitted. Also, all ecclesiastics were deprived of the king's protection, and all their movables given over to the hands of laymen. Yet was this inconsiderate action speedily checked by the hand of God; for there occurred two calamities on the vigil of the Purification,[4] [namely] a defeat of our people in Gascony, where Sir John de Saint-John[5] and very many others of our countrymen were captured; also stores provided for them, and shipped, were sunk in mid-ocean. When

[1] See under the year 1285 for another instance of the cure by measuring for S. Francis.

[2] 7th January.

[3] *i.e.* the Bull of 29th Feb., 1295-6—*Clericos laicos.* The papal sanction was required for any tax upon the clergy.

[4] 1st February.

[5] The King's Lieutenant of Aquitaine. The actual date of his capture was 28th January. He was released after the treaty of l'Aumône in 1299.

this news was published, bringing much matter of grief to king and country, a certain just, grey haired man, drawing conclusion from a similar event, told me what I repeat here.

'In the time,' said he, 'of Henry the father of Edward, when something similar had been executed in ecclesiastical affairs throughout the province, on pretext of aid to those who, resisting the affection of beloved wives and children, had long before set out to rescue the Holy Land from the Saracens, it happened that Bishop Robert Grosstête of Lincoln, [a man] beloved of God, was to perform solemn ordinations at Huntingdon during Lent. One of the Minorite Order, who still survives greatly aged at Doncaster, was present there, received ordination, witnessed the course of events, and describes what took place in the following manner.

'After mass was begun,' said he, 'and the bishop was seated on his throne, he who had to read out the names of those who were to be ordained and presented to the bishop, came forward with the roll; and whereas he was very slow in reading out the list, the bishop leaned his head upon the side of the seat, and fell asleep. Those, however, who were near him, bearing in mind his fasting and vigils, interpreted the prelate's repose as an omen; and it was manifest when he awoke how wakeful had been his mind during sleep. For after the clergy had waited wondering for some time longer, he was gently awakened by a certain secretary, and, as he opened his eyes—'Eh, God!' he exclaimed, 'what great evils has this extortion from the Church of God entailed upon the Christians fighting with the Saracens for the rights of God. For in my sleep I beheld the overthrow of the Christian host at Damietta and the plunder of treasure unjustly collected.'

The confirmation of this oracle followed in a few months, when the sad news arrived of the slaughter of my lord J. Longspee and others, whereof thou mayst read above.[1]

Thus spake my informant: it is to be feared what may happen to funds collected by such pillaging. Nevertheless, the king did not abate the tax; yea, he commanded that inquisition be made, so that in whatsoever place, whether occupied by monks or other persons, should be found hoards of gold or silver, brass,

[1] See the Chronicle of the year 1249, where the defeat and capture of S. Louis is recorded. In that passage Longespee is called *illustris comes de Longa Spata*. Excuse for somnolence might have been found in the bishop's advanced age, he being then in his 75th year.

wool, cups, spoons, or other utensils, they should be rendered into royal possession by marks and inventory; all which was afterwards carried out on the morrow of S. Mark's day.[1]

Holy Writ saith that 'vain are all men in whom is not the wisdom of God'; whereof verily the present times afford proof. For we know that in these days there hath been found a certain member of that ancient and accursed sect the Ambigenses, named Galfrid, who led astray many from the faith and hope of salvation, as he had learnt from others. For he entered houses and clandestinely taught about destiny and the constellations, disclosing thefts and mischances, so that in the estimation of weak-minded persons he was reputed to be something great, whereas in reality, he was a most nefarious necromancer. Also he took care to dwell and spend his nights apart, and to lie where he could often be heard as it were, giving questions and answers to divers persons. He used to make light of the doctrine of God and to ridicule the sacraments of the church; for it was ascertained that during sixteen years he would neither partake of the Holy Communion nor witness it, nor afterwards when he was mortally sick did he even deign to be confessed. This wretched man's errors having frequently been exposed by Holy Church, he was forced to flee through divers countries and districts, all men driving him forth, even John of Peckham himself, Archbishop of Canterbury, interdicting him from remaining within the bounds of his diocese, until at length he stopped at the monastery of Stone in Staffordshire, being received into hiding rather than to hospitality. After he had spent his execrable life there for a long time, he fell at length into a last illness, and not even then would he cease to cling to the devil who appeared to him, or to say—'Now thinkest thou to have me? or that I will come with thee? nay verily, for I will by no means do so.' But on the day of the Purification of the Blessed Virgin[2] this infamous man was being constrained to leave the world in deadly torment, when two of the Order of Minorites turning aside thither stood beside his bed, urging him beseechingly and gently that he would confess, assuring him of the mercy and grace of God; but he persisted in turning a deaf ear to the counsels of salvation. And when they perceived by his breathing that he must speedily give up the ghost, they cried aloud in his ears, bidding him at least invoke the name of the Lord Jesus for the sake of mercy. They continued their clamour, persisting in shoutings, yet he never fully pronounced that sweet name, but

[1] 26th April. [2] 2nd February.

only with his last breath he twice said feebly, 'Miserere!' and so bade farewell to this life.

At the beginning of Lent so great was the scarcity in Rome, that the citizens, knowing that the stores of the church were laid up in the Capitol, broke into the same, and plundered the corn and salt which they found, forcing their way in with such violence that sixty of them were crushed to death, after the manner of the famine of Samaria.[1] And because the Pope appointed a certain senator against their will, with one accord they would have set fire to the papal palace and attacked the Father of the Church, had it not been for the exertions of a certain cardinal, who assuaged their madness and caused the Pope to alter his decision.

On the very day of the Annunciation[2] the council assembled again in London [to decide] what they would give freely to my lord the king. But certain of the prelates without the knowledge of the archbishop, had pledged themselves to submit to the secular authority, with whom the Abbot of Oseney was implicated. When he had presented himself and the archbishop had kissed him, he [the archbishop] was informed by the clergy that the abbot, contrary to the will of the church, had seceded from the unity of the clergy. The archbishop therefore called him back and rebuked him, revoking the kiss which he had given him in ignorance. He so terrified the transgressor by the words of just rebuke that, retiring to his lodging in the town, he suffered a failure of the heart; and, while his attendants were preparing a meal, he bade them recite to him the miracles of the Glorious Virgin, and departed this life before taking any food. There seems to be repeated in this man the story of Ananias, who was rebuked by Peter for fraud in respect of money.

A.D. 1297.

Hardly had a period of six months passed since the Scots[3] had bound themselves by the above-mentioned solemn oath of fidelity and subjection to the king of the English, when the reviving malice of that perfidious [race] excited their minds to fresh sedition. For the bishop of the church in Glasgow, whose personal name was Robert Wishart, ever foremost in treason, conspired with the Steward of the realm, named James,[4] for a new piece of insolence, yea, for a new chapter of ruin. Not daring openly to break their pledged faith to the king, they

[1] ii. Kings vii. 17. [2] 25th March. [3] Albanacti.

[4] Father of Walter Stewart who, by his marriage with Marjory, daughter of Robert I, became progenitor of the Stuart dynasty.

caused a certain bloody man, William Wallace, who had formerly been a chief of brigands in Scotland, to revolt against the king and assemble the people in his support. So about the Nativity of the Glorious Virgin[1] they began to show themselves in rebellion; and when a great army of England was to be assembled against them, the Steward treacherously said to them [the English]—'It is not expedient to set in motion so great a multitude on account of a single rascal; send with me a few picked men, and I will bring him to you dead or alive.'

When this had been done and the greater part of the army had been dismissed, the Steward brought them to the bridge of Stirling, where on the other side of the water the army of Scotland was posted. They [the Scots] allowed as many of the English to cross the bridge as they could hope to overcome, and then, having blocked the bridge,[2] they slaughtered all who had crossed over, among whom perished the Treasurer of England, Hugh de Cressingham, of whose skin William Wallace caused a broad strip to be taken from the head to the heel, to make therewith a baldrick for his sword.[3] The Earl of Warenne escaped with difficulty and with a small following, so hotly did the enemy pursue them. After this the Scots entered Berwick and put to death the few English that they found therein; for the town was then without walls, and might be taken as easily by English or Scots coming in force. The castle of the town, however, was not surrendered on this occasion.

After these events the Scots entered Northumberland in strength, wasting all the land, committing arson, pillage, and murder, and advancing almost as far as the town of Newcastle; from which, however, they turned aside and entered the county of Carlisle. There they did as they had done in Northumberland, destroying everything, then returned into Northumberland to lay waste more completely what they had left at first; and re-entered Scotland on the feast of S. Cecilia, Virgin and Martyr,[4] without, however, having been able as yet to capture any castle either in England or Scotland.

Now before Lent in that year[5] the earls and barons of England prepared themselves for war against the Scots, in the absence of the king, who was in Gascony, and came upon them

[1] 8th September. [2] *Ponte obturato.*

[3] Other writers say the skin was cut up into horse-girths.

[4] 22nd November. [5] 1297-8.

unawares at Roxburgh Castle, which they were then besieging with only a weak force. Being informed of the approach of the English, they took to flight at once ; but the earls remained some time at Roxburgh, but afterwards with one accord turned aside to Berwick and took that town. Howbeit, after the earls had left Roxburgh, the Scots came by night and burnt the town, and so they did to the town of Haddington, as well as to nearly all the chief towns on this side of the Scottish sea,[1] so that the English should find no place of refuge in Scotland. Thus the army of England was soon compelled to return to England through lack of provender, except a small force which was left to guard the town of Berwick.

[1] Firth of Forth.

(*To be continued.*)

The History of Divorce in Scotland

THE variety of divorce laws in the United States is a favourite subject for observation and animadversion. Newspaper and magazine writers are fond of pointing out that in the State of Washington the Court can grant divorce, if satisfied that, for any cause, the parties can no longer live together; that New York has divorce only for adultery; and that South Carolina has no divorce at all. We are apt to forget how great is the dissimilarity between the divorce laws of England, Ireland, and Scotland. The ignorance of well-educated people on the subject is astounding. An English squire, university bred, recently asked me why I had been made a member of the Royal Commission on Divorce in England. 'You know,' he gravely said, 'you can't have had any experience; and this Commission is confined to England. You have no divorce at all in Scotland. You are like Ireland!'[1]

Consider how important the differences are: *First*, in England and Scotland divorces are granted by courts of law; in Ireland the remedy can be obtained only by Act of Parliament. *Second*, in England divorce is given only for adultery; in Scotland desertion, wilful, without lawful excuse, and so long continued as to imply a permanent abandonment of the marital relation, is considered sufficient ground for divorce, being thought to come equally within the principle enunciated in Shakespeare's description of adultery,—'such a deed as, from the body of the contract, plucks the very soul.' In Scotland it is considered that not only does desertion, like adultery, involve a

[1] A book, elaborate and learned, like that by the late Dr. Luckock, Dean of Lichfield, entitled *The History of Marriage, Jewish and Christian, in relation to divorce and certain forbidden degrees*, may furnish one explanation. He discusses the laws of the United States and the British Colonies, of Austria, Belgium, Denmark, Germany and Switzerland; and he never alludes to the Scotch system, which has stood the test of 350 years' experience, under conditions similar to those in England.

breach of an essential condition of the contract, expressed or implied in marriage, but that it is a repudiation of all its obligations, both towards the deserted spouse and the deserted children. If the objects of marriage are companionship and the procreation of children, while adultery deteriorates or destroys the first, desertion frustrates both. *Third*, in Scotland the sexes are in a position of absolute equality; in England a wife cannot, like a husband, get divorce for adultery only, but must prove, in addition to adultery (1) incest, (2) bigamy, (3) rape, (4) unnatural crimes, (5) cruelty, or (6) desertion; a long list, which, yet, it is admitted, must be added to, if the principle of inequality is to remain. *Fourth*, in England, however clear the adultery of the defendant, the plaintiff, although in no way to blame for the defendant's fall, may, in the option of the judge, be deprived of his or her remedy, if he or she has been guilty of adultery, of unreasonable delay, of cruelty or of desertion, however unconnected with the subject of the action. This was also the rule in Scotland from the Reformation to the end of the seventeenth century; but, when the point came to be contested, it was held by the Commissary Court, apparently on grounds of public policy, that recrimination, or mutual guilt, however relevant as an answer in a question of separation, was no bar to divorce, although affecting patrimonial consequences. The intervention of the King's Proctor in England, an official unknown in Scotland, is almost always connected with this disqualification. If the English were assimilated to the Scots law, that office might be abolished, and cases of collusion could be left to the Attorney General, as they are dealt with in Scotland by the Lord Advocate. *Fifth*, in Scotland, through the operation of what is known as the Poor's Roll, the remedy of divorce is available to the poor; in England, contrary to the manifest intention of the 1857 Act, it is open only to those who may be called well-to-do.

There does not appear to be any movement in Ireland for conferring divorce jurisdiction on the Courts of that country. The Church of Rome, while it nullifies marriage for many causes which the Greek Church and all Protestant churches consider insufficient, holds that marriage, once validly constituted between baptized Christians, whether celebrated by the Church or not, is absolutely indissoluble, even by the Pope. The preponderance of Catholics in Ireland may be one reason for the acquiescence of the people of that country in the present system, which places

them in the same position as England occupied before the Divorce Act of 1857.

In Scotland, there is no widespread demand for any substantial change in the divorce laws, although there is much opinion in favour of certain minor alterations, and some opinion that the grounds of divorce should be extended, so as to include some or all of the following, namely, (1) habitual cruelty, (2) habitual drunkenness, (3) incurable lunacy, and (4) habitual crime, in addition to the grounds already existing, namely, adultery and desertion. It will be observed that in three of these additional cases, as in the cases of adultery and desertion, there is grave moral fault; lunacy often is, but may not be, due to personal wrong-doing.

In England, the Royal Commission, appointed in 1909, is now sitting, under the presidency of Lord Gorell, to consider the whole subject of the law and practice in matrimonial causes in England. While, however, the terms of the Commission are general, four main questions appear to be involved, *first*, as in Scotland, should men and women, in matrimonial causes, be put on a position of equality? *second*, as in Scotland, should the remedy of divorce be made available to the poor, and how can this be done? *third*, as in Scotland, should desertion be made a ground for divorce, in addition to adultery, and, besides adultery and desertion, should divorce be obtainable for all or any of the four other causes above mentioned? and *fourth*, should newspapers be allowed, as at present, to publish the prurient details of divorce cases, or should publication by them be limited to a statement of the names of the parties, the nature of the offence charged, and the judgment of the Court? Being a member of that Commission, I shall, of course, confine myself in this paper to admitted facts, and state no opinions as to what course ought to be recommended by the Commission, or adopted by the country, in regard to any of these debatable and much debated questions.

Manifestly the conditions of the life of the people in Scotland are nearer those in England than the conditions in any other country. Therefore it is natural that importance should be attached to evidence of the actual working in Scotland of laws, which are now proposed by some to be enacted for England. Have equality of the sexes, access of the poor to the Divorce Court, and an additional ground for divorce, namely, desertion, produced the rush to the Divorce Court, and the deteriorated

view of the sanctity of marriage which some predict would be the effect, if these practices, existing in Scotland for 350 years, were introduced into England? An enquiry into practice necessarily leads to an enquiry into the history of divorce law in Scotland, to see when it was introduced, by whom, and on what grounds, and whether its operation has been generally accepted as beneficial by persons of widely different points of view, or whether there has been, at one or more periods, serious dissatisfaction with it, and proposals for its alteration or abolition.

Divorce in Scotland is contemporaneous with the Reformation. Before 1560, the Ecclesiastical Courts granted permanent separations; and they declared marriages null, not only as now, because of nonage, insanity, impotency, prior marriage still subsisting, and propinquity of relationship, but on other grounds, such as pre-contract, sponsorship, and relationship to the fourth degree, to such an extent that it is declared, in Chapter xiii. of the *First Book of Discipline*, that 'the parties conjoined could never be assured in conscience, if the Bishops and Prelates list to dissolve the same.' But there is no proved case of any departure from the principle of marriage being indissoluble. In no known instance did they decree divorce, in the sense of dissolution of a marriage, once validly contracted, with liberty to remarry. The position is stated plainly in Archbishop Hamilton's Catechism, which was published shortly before the Reformation (I modernize the spelling):

'The bond of matrimony, once lawfully contracted, may not be dissolved and loosed again by any divorcement or partising, but only it is loosed by the death of the one of them; for truly the partising and divorcing, which Our Saviour says may be done by fornication, should be understood only of partising from bed and board, and not from the bond of matrimony; . . . and, in the meantime, whosoever marries her, he commits adultery.'

On the Reformation taking place in 1560, divorce jurisdiction for adultery was exercised by the Church Courts of the Reformed Church till 1563, and thereafter by the Commissary Court from its institution in that year down to 1830, when the jurisdiction was transferred to the Court of Session. Later statutes assumed the right of divorce for adultery, of which an Act, passed in 1563, is an illustration. It has this statement: 'Also declares that this Act shall in nowise prejudge any party to pursue for divorcement for the crimes of adultery before committed, according to the law.' But no statute authorising divorce for adultery was ever passed by the Scots Parliament, and the

right to divorce in Scotland on that ground is still a common law right. When, by the Scots Parliament of 1560, the jurisdiction of the Pope in Scotland was abolished, it was assumed that the prohibition of divorce for adultery went with it, as a Romish doctrine inconsistent with Scripture. In the *First Book of Discipline*, believed to have been chiefly written by John Knox, divorce for adultery is stated to be a remedy open to members of the Reformed Church (Laing's *Knox*, ii. 248). This is the way it is put: 'Marriage, once lawfully contracted, may not be dissolved at man's pleasure, as our Master Christ Jesus doth witness, unless adultery be committed; which being sufficiently proved in the presence of the Civil Magistrate, the innocent, if they so require, ought to be pronounced free, and the offender ought to suffer death, as God hath commanded.'[1]

The absence of a statute, introducing divorce for adultery in Scotland, has a bearing on an old controversy in England. Down to the general Divorce Act of 1857, the separate English Divorce Acts passed by Parliament were, in practice, only obtained in cases of adultery, although, of course, Parliament, if so minded, could have passed them for any cause. The parliamentary bills were not opposed on the ground that marriage was in its nature indissoluble; they were dealt with on their merits. And, if Parliament was satisfied that certain costly preliminaries had been gone through in the civil and ecclesiastical courts, and that the guilt alleged was established, the bills were passed into Acts. But, among jurists, the question has been discussed whether, by the law of England, there being no courts empowered to grant divorce, marriage must be considered to have been then indissoluble. Dr. Lushington, in his evidence before the Divorce Commission which led to the 1857 Act, said 'the law of England having provided no Courts which have the power to dissolve marriages, it necessarily follows that, by the law of England, it must be indissoluble.' Yet Archdeacon Paley, in Chapter vii. of his *Moral Philosophy*, treating of divorce, talks of the law of England confining the dissolution of the marriage contract to the single case of adultery in the wife. Those who maintained the affirmative strongly founded on the absence of

[1] The plain principle was that, if the law of God were carried out, the guilty person should be put to death, in which case there could, of course, be no question about the right of the innocent spouse to remarry; but, if God's law were not carried out, the innocent spouse ought not to suffer from the State's unfaithfulness to God's command.

any statute authorising divorce. But divorce for adultery has been granted in Scotland for 350 years, without any statute authorising the remedy.

Divorce for desertion is in a different position. If it does not stand on statute, there is a statute, passed in 1573, authorising it. John Knox died in November, 1572. Calvin, Beza, Melanchthon, and other Continental Reformers, whom Knox knew in France, Germany, and Switzerland, favoured divorce for desertion as well as for adultery, being of opinion that the liberty of divorce, conceded by St. Paul in the case of a Christian husband deserted by a heathen wife, must be equally, if not *a fortiori*, conceded when the deserter is a Christian. But, as already mentioned, Knox, in his *First Book of Discipline*, restricted the remedy to the case of adultery, which he, and the Reformers generally, both in Britain and the Continent, were agreed in considering allowed by Christ. It does not appear whether any decrees of divorce for desertion had been granted before the statute of 1573. But at least one process, namely, that of the Earl of Argyll, Chancellor of Scotland at the time, for divorce on the ground of desertion against his wife, Jean Stewart, the Countess of Argyll, half-sister of Mary, Queen of Scots (the lady who acted as sponsor for Queen Elizabeth at the Catholic baptism of James VI.), had been begun before the statute was passed. At an interview at Lochleven, Knox agreed, at the request of Queen Mary, to endeavour to reconcile her half-sister and the Earl. He succeeded for the time, but in the end an action was raised and the Earl got his divorce. It may be that the statute was thought desirable, because there was doubt as to whether divorce for desertion was competent by the then common law of Scotland, and also because it was desired, retrospectively, to confirm divorces for desertion which had been already granted, as well as to make Argyll certain of his freedom. This is suggested by the action of the General Assembly in 1566. They were asked whether a woman might marry again, whose husband had departed from her to other countries, and had been absent for nine or ten years; and they replied that she must first produce a sufficient certificate of his death (*Book of the Universal Kirk*, Bannatyne Club, i. 80).

The same conclusion seems to follow from the action of the General Assembly of March, 1573, in connection with the Earl of Argyll's proposed divorce. The Assembly arranged with the Earl that certain of the Reformed Churches should be consulted

'upon his lordship's own expenses,' the Assembly to decide in accordance with the opinion thus obtained (*Book of the Universal Kirk*, i. 262). This the Earl seems to have thought better of, and to have preferred the speedier and more certain course of getting the statute, which was passed in the following month of April. The course adopted had the curious result that, when the General Assembly met in August, James Paton, the titular Bishop of Dunkeld, one of the members of Assembly, was accused 'for voting in Parliament anent the Act of divorcement lately made, in prejudice of the Assembly, who had suspended their judgment in this matter till farther advisement' (*Book of the Universal Kirk*, i. 270). It had also the other curious result, that, in the very same month of August, the Earl married Jean Cunningham, daughter of the Earl of Glencairn.

The statute of 1573 runs as follows (modernizing the spelling): 'At Holyroodhouse, 30 April, 1573. Anent them that diverts from others, being joined of before in lawful marriage.

'It is found and declared by our Sovereign Lord's, his Regent's Grace, the three Estates, and whole body of this present Parliament, that, in all time bypast, since the true and christian religion was publicly preached, avowed and established within this Realm, namely, since the month of August, the year of God 1560, it has been, and in all time coming shall be, lawful that whatsoever person or persons, joined in lawful matrimony, husband or wife, diverts from other's company, without a reasonable cause alleged or deduced before a judge, and remains in their malicious obstinacy by the space of four years, and, in the meantime, refuses all privy admonition—the husband of the wife, or the wife of the husband —for due adherence [then follow operose provisions for civil and ecclesiastical procedure, now abolished by the Conjugal Rights Act of 1861] the malicious and obstinate defection of the party offender to be a sufficient cause of divorce, and the said party offender to tyne and lose their tocher et donationes propter nuptias.'

The statute professes to be declaratory of the law which had existed since 1560. The existing records do not enable us to know whether this was a correct statement, or whether the phrase was inserted to prevent the suspicion that the statute was procured by, and passed in the interest of the Earl of Argyll, on account of the exigencies of his divorce suit. The entries in the General Assembly records, already referred to, for which I am indebted to Dr. Hay Fleming, leave the impression that the question of divorce for desertion was looked at as difficult, on

Scriptural grounds, and that, while the statute of 1573 was not opposed by the Churchmen, it was sprung upon them between the meetings of the General Assembly, in breach of an agreement for delay. Lord Fraser, in his *Law of Husband and Wife*, volume ii. page 1208, calls the Earl of Argyll's action 'the proximate cause of the statute.'

Three suggestions have been made about the Scots law of divorce, which require consideration.

First, that the law originated in political considerations, and from motives of public policy, rather than out of regard to the teaching of Scripture. In view of the constant appeal to Scripture in Reformation days, in matters much less important than marriage and divorce, this view would seem difficult to maintain. Moreover, so far as divorce for adultery is concerned, it is inconsistent with the terms of Knox's *First Book of Discipline* above quoted, and so far as divorce for desertion goes, it cannot be reconciled with the absence of any protest by the Church against the passing of the statute of 1573, and any effort to seek its repeal. It was an age when the Church's power was at its height. The Church, sometimes asked and sometimes not asked, knew no line between ecclesiastical and civil in the active interest it took in legislation. Only once is there a possible indication of protest. This is to be found in an Act of the General Assembly of 1596, in which there are included, among the common corruptions of the Realm, 'adulteries, fornications, incest, unlawful marriages and divorcements allowed by public laws and judges' (*Book of the Universal Kirk*, iii. 874). Possibly, but not certainly, divorces for desertion were referred to by 'unlawful divorcements allowed by public laws and judges.'

Second, it has been suggested that the Scots Reformers and legislators did not act on their own independent judgment, but blindly accepted the views of the Continental Reformers. This is disproved by the remedy being limited in Knox's *First Book of Discipline* to cases of adultery, contrary to the views of most of the Continental Reformers, and to the later extension (if it was an extension) being restricted to cases of desertion, although many Continental Reformers maintained that other causes of grave moral fault should also be included.

Third, it is sometimes hinted, rather than asserted, that the result of the change made at the Reformation must have been to destroy, or at least to impair, the popular sense in Scotland of the permanency of the marriage tie. Surprise has even been

expressed how, under the Scots law, marriage can be regarded as a permanent contract. This view ignores the fact that divorce is a remedy for an abnormal state of matters, arising after marriage, which is never contemplated by the parties themselves at the time of marriage, and is never alluded to in the marriage service, any more than in the marriage contract, if there be one. It is a remedy for a position which cannot come into existence, except through the voluntary wrong-doing of one of the parties. Accordingly, from the Reformation, both Church and State in Scotland, in unison with the feeling of the people, have dealt with the relation as a permanent one. After the parties accept each other as spouses, both Presbyterian ministers and Episcopalian clergymen always pronounce the words, 'What (or whom) God hath joined together, let not man put asunder.' The permanency of the relation between married people is no more impaired by the existence of reasonable divorce laws than is the permanency of the tenure of ministers, professors, judges and town-clerks by the knowledge that, in their deeds of appointment, the words 'ad vitam' are followed by 'aut culpam.' In no country is there a stronger sense than in Scotland of the sacredness of the marriage tie. Divorce may, or may not, be a justifiable remedy for grave matrimonial wrong, making it reasonably impossible, in the interests of the innocent spouse and the children, that the marriage tie should continue. I express no opinion. But the case of Scotland proves that its existence and enforcement, for desertion as well as for adultery, does not in any way deteriorate the public view of the importance and obligations of the married relation. It may be added that the Scotch statistics of divorce for both causes (which include a certain number of cases where the defender, who cannot be found, is, in fact, dead), furnish no ground for alarm. In relation to the increase of population, they may be called stationary. The numbers of divorce cases brought in Scotland from 1898 to 1908 are as follows:

1898	-	-	153	1904	-	-	193
1899	-	-	175	1905	-	-	182
1900	-	-	151	1906	-	-	174
1901	-	-	171	1907	-	-	203
1902	-	-	223	1908	-	-	201
1903	-	-	201				

Lord Fraser's views in reference to Scotland, expressed at page 1141 of his second volume on *Husband and Wife*, are still

applicable: 'The conjugal relation has stood not less but infinitely more secure and sacred, since separations *a mensa et thoro* for adultery, which were extremely common under the Popish jurisdiction, fell into disuse; and the number of actions for divorce *a vinculo* has, in proportion to that of the population, remained nearly the same at all periods since the Commissaries were first appointed in 1563 down to the present time.'

Coming now to post-Reformation times, one observation must be made. Except during Cromwell's Protectorate, Scotland has had an Established Church ever since the Reformation, or, according to some, seven years after it. The Established Church was Presbyterian from 1560 (or 1567) to 1610, Episcopalian from 1610 to 1638, Presbyterian again from 1638 till Cromwell's 'usurpation,' Episcopalian again from the Restoration in 1660 till the Revolution in 1688, and since then Presbyterian. From the Established Church there have been secessions, which have themselves suffered internal division. In addition to the Presbyterian Establishment and Presbyterian dissent, there has been, since the Revolution, a non-established Episcopalian Church, and also representatives of those bodies, Independents, Methodists, Baptists, Quakers, whose chief strength is in England. Yet no attempt has ever been made either within or without the Established Church, whatever body was in power, to alter the Scots law, allowing divorce for adultery and for desertion. No complaint has ever been made of the law being contrary to Christian principle, or that it tended to weaken the sense of the permanence of the marriage tie, or that it prejudicially affected public morality in any other way. All sections of Protestants,—Presbyterians, Episcopalians, Independents,—have availed themselves of the remedies provided by the law, and in no case has this led to ecclesiastical discipline, or to denial of Church privileges, or to refusal, on the part of ministers or clergymen to re-marry the innocent party. In two respects, the Church, Presbyterian and Episcopalian, has co-operated with the State in the administration of the divorce laws. Every applicant for admission to the Roll of poor litigants after mentioned has to produce a certificate of character, etc., and these certificates can only be got from the minister and elders of the Established Church of the parish to which the applicant belongs. In addition, by an Act of 1609, the appointment of the judges, who exercised jurisdiction in divorce and other matrimonial causes, the judges of the Commissary Court, was vested in the bishops of the Church of

Scotland, at that time Episcopal, by whom the patronage was regularly dispensed, until the Revolution in 1688, with, of course, the exception of the Cromwellian period.

In the 17th century the whole matter was reconsidered. Fortunately or unfortunately, what is called 'John Knox's Confession of Faith' of 1560 was superseded by the Westminster Confession of Faith, which was adopted by the Scots Church in 1647, and ratified by Act of Parliament in 1690 as part of the 'Revolution Settlement.' In that Confession, framed by the Westminster Divines, numbering 106, of whom only 8 were Scotsmen, Divorce is thus treated : 'Chapter XXIV. of Marriage and Divorce, *Article* 5. Adultery or fornication, committed after a contract, being detected before marriage, giveth just occasion to the innocent party to dissolve that contract. In the case of adultery after marriage, it is lawful for the innocent party to sue out a divorce, and, after the divorce, to marry another, as if the offending party were dead. *Article* 6. Although the corruption of man be such as is apt to study arguments, unduly to put asunder those whom God hath joined together in marriage, yet nothing but adultery, or such wilful desertion as can no way be remedied by the Church or Chief Magistrate, is cause sufficient of dissolving the bond of marriage ; wherein a public and orderly course of proceeding is to be observed ; and the persons concerned in it not left to their own wills and discretion in their own case.'

Appended to these articles of the Westminster Confession are the proof-texts, from the 5th and 19th chapters of St. Matthew's Gospel, and from the Epistles to the Romans and Corinthians, usually founded on in support of these views. No reference is made to the corresponding passages in the Gospels of St. Mark and St. Luke, which, by omitting the exception 'save for fornication,' contained in St. Matthew's report of Christ's words, introduce the Biblical difficulty.

Reading between the lines, it looks as it Article 5, limiting divorce to adultery, had been originally meant to be exhaustive. Then seems to have come an amendment to include desertion ; and the cautiously expressed Article 6 is added, with this view. Article 5 may have been the work of one of the English members, and Article 6 an addition proposed by one of the Scotch representatives. In the 1560 Confession, divorce was competent, but only for adultery. Seventy-four years, favourable experience of divorce for desertion as well, had convinced the Scotch

Church that the new Confession should include desertion, in addition to adultery, as sufficient ground for divorce.

Among Scots writers on divorce the most learned was the great Patristic scholar Dr. John Forbes of Corse, born 1593, died 1648, son of Patrick Forbes, Bishop of Aberdeen. After a course of study at Aberdeen, Heidelberg, Sedan, and other Continental universities, he was Episcopally ordained, and acted as Professor of Divinity at Aberdeen during the Episcopal period. Deprived of his professorship through his refusal to sign the National Covenant, and exiled to Holland, because he would not sign the Solemn League and Covenant, his attachment to Episcopacy was shown by the sacrifices he made in its defence. His Latin writings gained Forbes a European reputation, and his *Irenicum amatoribus veritatis et pacis in Ecclesia Scoticana* was highly commended by Archbishop Ussher. In his *Theologiae Moralis libri decem, in quibus precepta Decalogi exponuntur, et casus Conscientiae explicantur*, which is contained in his collected Latin writings, published in two volumes at Amsterdam in 1703, he defends divorce for adultery and for desertion, on scriptural grounds, and discusses the teaching of Christ and St. Paul, and the views of the Fathers, and medieval divines and jurists, with ample citation of authority in Greek and Latin (Book VII. chap. xiii.). His whole argument is characterized by ability, learning, and a rare absence of the *odium theologicum*.

The historian, Dr. Gilbert Burnet, Bishop of Salisbury (nephew of Sir Archibald Johnston of Warriston, the leader of the so-called extreme party among the Presbyterians), was born at Edinburgh in 1643. He was minister of Salton for four years, and Professor of Divinity in Glasgow University for five years, in connection with the Episcopal establishment. Burnet's views in favour of divorce can scarcely fail to have been influenced by his Scotch training, and by his favourable experience of the working of the Scots system. He says in his *Exposition of the Thirty-nine Articles*: 'The law of nature or of nations seems very clear that adultery, at least on the wife's part, should dissolve it. Our Saviour, when he blamed the Jews for their frequent divorces, established this rule that whosoever puts away his wife, except it be for fornication, and shall marry another, committeth adultery, which seems to be a plain and full determination that, in the case of fornication, he may put her away and marry another. This doctrine of the indissolubleness of marriage, even for adultery, was never settled in any Council before that of Trent. The canonists and school-

men had, indeed generally gone into that opinion. But not only Erasmus, but both Cajetan and Catherinus declared themselvee for the lawfulness of it. Cajetan, indeed, used a salvo, "in cass the Church had otherwise defined," which did not then appear to him. So that this is a doctrine very lately settled in the Church of Rome. Our Reformers have had prepared a title in the new body of the Canon law, which they had digested, allowing marriage to the innocent party; and upon a great occasion there in debate, they declared it to be lawful by the law of God. If the opinion, that marriage is a sacrament, falls, the conceit of the absolute indissolubleness of marriage will fall with it.'

On certain minor details there was post-Reformation legislation. (I do not deal with recent changes in procedure, nor with the recent Sheriff Court Act, making actions of separation competent in the Sheriff Court.) On the 19th of March, 1600, the General Assembly, 'because the marriage of convicted adulterers is a great allurement to married persons to commit the said crime, thinking thereby to be separate from their own lawful half-marrows, to enjoy the persons with whom they have committed adultery,' deemed it expedient 'that a supplication be given in to the next Convention, craving an Act to be made, discharging all marriages of such persons as are convicted of adultery, and that the same be ratified in the next Parliament' (*Book of the Universal Kirk*, iii. 953). This supplication resulted in an Act, passed by Parliament on 15th November, 1600, which, it will be observed, is more limited in its application than the Assembly contemplated. The Assembly desired prohibition of all marriages between 'convicted adulterers'; the statute only prohibited such marriages when the name of the paramour appeared in the decree. In point of fact, the Act has proved a dead letter, for, rightly or wrongly, the name of the paramour is never, or almost never, inserted in the ultimate decree. The Act runs thus: '7th Parliament of James VI., 1600, chapter 20. Anent the marriage of adulterous persons. Our Sovereign Lord, with the advice of the Estates of this present Parliament, decerns all marriages, to be contracted hereafter by any persons divorced for their own crime and fact of adultery from their lawful spouses with the persons *with whom they are declared by sentence of the ordinary judge* to have committed the said crime and fact of adultery, to be, in all time coming, null and unlawful in themselves, and the succession to be gotten by such unlawful conjunctions to be unhabile to succeed as heirs to the said parents.'

I close with a reference to the Scots system under which, not merely in divorce cases, but in all civil suits, those who are unable to bring actions at their own charges, can obtain justice without expense, except the cost of witnesses, provided only they can present a *prima facie* case. Counsel and agents are provided for them, and no Court fees or reporters' fees are charged. This system has no real parallel in England, and largely owing to the want of it, or of some equivalent, the Divorce Act of 1857 (which was passed to enable all persons to obtain divorce who could not afford the large expense involved, even in an unopposed case, in obtaining an Act of Parliament) has proved a dead letter, so far as the poor, or even a class who could scarcely be called poor, are concerned.

Among the old Scots statutes, or, for that matter, the statutes of any country or period, there are none showing a stronger sense of justice than the Act of James the First of Scotland, passed in 1424, four hundred and eighty-six years ago, which originated the present system in favour of poor litigants. Modernizing the spelling, it runs thus : 'If there be any poor creature, for fault of cunning, or expenses, that cannot nor may not follow his cause, the King, for the love of God, shall ordain the Judge, before whom the cause shall be determined, to purvey and get a leal and wise advocate to follow such poor creature's causes ; and, if such causes be obtained, the wronger shall assythe both the party skaithed and the advocate's costs and travail.'

CHARLES J. GUTHRIE.

Letters from Francis Kennedy, Abbeyhill, to Baron Kennedy at Dalquharran, Mayboll

Relative to the seege of EDINBURGH 1745

THE following letters are the property of Mr. John C. Kennedy of Dunure, to whom the Editor is indebted for allowing them to be printed. They had been in the hands of Mr. Kennedy's family since they were written.

Mr. Andrew Lang, who has seen the proof, writes: "The author of the letters to Baron Kennedy was a friend of Pickle the Spy, who alludes to him in his epistles to English officials. As Mr. Francis Kennedy speaks of 'The Prince,' not 'The Pretender,' it appears that he and Baron Kennedy were not enthusiastically Whiggish; Mr. Kennedy reports favourably about the conduct of the Highlanders in and near Edinburgh; and of the military qualities of his Royal Highness. The 'french minister' mentioned in the letter of October 19 is M. Boyer d'Eguilles, who represented France in the Jacobite army. Prince Charles entered England, as he wrote to King James, with no belief, or very little, in the Earl Marischal's arrival 'with a very great army from France.'"

The Editor is indebted to Mr. A. Francis Steuart for the following note with regard to Mr. Francis Kennedy, the author of these letters.

"Francis Kennedy of Dunure (the writer of these letters) succeeded his two elder brothers, General James Kennedy of Dunure, and Thomas Kennedy of Dunure, advocate, a Baron of Exchequer in Scotland. The latter died 13th May, 1754 (leaving a widow, Dame Grizel Kynnymound, who died 3 Feb., 1758, aged 70), and his brother Francis was served heir special in Abbeyhill (whence the letters are dated), with the Manor place and Brewery in the Parish of South Leith, 29 Jan., 1762. He did not live long after this, as 'Thomas Kennedy of Dunure'

was served heir general 'to his father Francis Kennedy of Dunure' 2 October, 1765. The testament of 'Mrs. Isobel Edmonston, relict of Francis Kennedy of Dunure,' was recorded at Glasgow, 29 May, 1778."

I

To The Honorable Baron Kennedy.
at his house near Mayboll

When I wrote to my Dearest Brother on Saturday last, the toun of Edin: was in the utmost Consternation from the Castle firing down the toun & burning some houses, but as the blockade is removed people seem a little eased of their terror & enjoy some more quiet than they did last week, however the Castle still fyre about the West Port & Grass market & wherever they Spye any Highlanders, so that the Innocent Inhabitants very often Suffer in going to places within view of the Castle, where there may happen at the Same time to be Highlanders, which makes me think that it would not be very advisable for you to be at Foulbridge till the Highlanders are quite gone from this, & when that may be no body that I see can pretend to tell. most people of fashion that are not engaged with the Prince are out of town & every body within reach of the Castle have left their houses, tho since this last Proclamation its thought they will return to them when the Highland Army is gone——. Im still Confin'd to the house & know nothing of whats passing but from the newspapers which Mr A——s sends you & what else he can pick up worth writing, she & her family are still here not thinking it safe to return to her house as yet, All is safe & well hitherto at Foulbridge. I'm still in an undetermined way about my time of leaving this, for Mr Monro has ordered me some things to buye to make me easy, & save the trouble of undergoing another painfull operation which I doubt anything will do. I have sent twice to enquire after Miss Cathcart who is very well but out of toun with all her Companions in some place of safety in the Country. I beg when you see Sir John youl tell him this & make my excuse for keeping his house so long. all the family here are well & make their Complements to your Lady & you. I beg mine in the most affectionate manner & that youl believe me to be ever my Dearest Brother with the most dutifull Affection Entirely yours.

Abbey hill the 8 Sept 1745

(this letter is doqueted as from Francis Kennedy)

II

To The Honorable Baron Kennedy
at Dalquharran near Mayboll

Dear Brother

I got here on Tuesday afternoon very wet & fatigued, & found your friends here pretty well considering the Allarms & fears every body are in. this will come to you enclosed in a letter from Mr A——s who is to send you the newspapers by which youl see the situation we are in here better than it is possible for me to write. his Wife & family left their house on Tuesday night & has slept here ever since, & the people in the toun are removing their things very fast, the Castle having already thrown some bullets into the toun, one of which fell on Mrs Alvey's house which made her quit it. she sent back your things to foulbridge thinking them safer there than in the toun. I have been in the utmost torture ever since yesterday afternoon by a return of my old distemper which has kept me all night from any sleep, so that Im not in a Condition to write a longer letter. I hope if I was once free of my pain to set out again soon for Dalq: but at present Im not able to say any more but to beg my Complements & all of this family to your Lady & that youl believe me to be ever with the most Dutifull affection Entirely yours

FK

Abbey hill the 3d Oct 1745

III

I wrote to my Dearest Brother a short line on Thursday last in very great pain. it is at present not so violent tho Im apprehensive I shall be obliged to undergo such another terrible operation as I suffered two years ago, You are happy to be at Dalquharran enjoying peace & tranquillity while we are here in a state of War, for the Castle is in a manner besieged by the Highlanders who expect, as Im told, to oblige it to surrender by hindering any provisions to be carryed up to them—& the Castle for these 4 days past have been fyring all round them upon every place where they suspected or saw the Highlanders—— I dont hear that many are killed on either side, but the Castle has burnt & beat down houses about Livingstons yeards, the West port, & Grass market & the Castle hill towards the north Loch as far

down as James's Court & this siege is like to be carryd on till the Castle surrenders. so you may judge what kind of situation the Inhabitants both of town & Subburbs are in, & how inadviseable it is for you to think of coming to toun till things are upon a more peaceable footing. I dont hear but the greatest care is taken to hinder the Highlanders from committing any disorders, & the inhabitants of the toun seem to dread nothing so much as there leaving Edin: since they have no magistrates to keep the peace & order of the toun when they are gone. they say there are some dissentions amongst the officers of the Castle about the vigorous orders that came to destroy the toun, some for executing them & others preferring to quit their commissions rather than do so creul an action, of which last number is Genrl: Guest tho he persists as strongly as any to defend it to the last extremity. but you will have a more particular account of what is doing from A——s who is going about to hear what is doing which I cant do. he will send you the newspapers which dont come out so regularly as usual. Your Gardner was here today in great fears for your house because of an allarm he had got that the Highlanders had threatened to burn all the houses without the west port for assisting the soldiers that sallied from the Castle to take some of the people that were lodged in Livingstons yeard to prevent carrying up provisions to the Castle, but as I dont believe they will be allowed to do any such thing, I desired him to keep at home with the maid & keep the doors shut & if any Highlanders should come to offer any disorder to show them the P——s protection which your neice got & sent out there before I came here. Lord Kilkerran's house has also a protection which Mrs Murray got for it, & several other Government people have the same to preent the disorders that wrong headed people might be ready to committ, & which Im told the P—— is very desirous to prevent. I can hear nothing of Newton so that probably he has gone home again. all your old Hay is carryd away. there came a message here on Wednesday from Lord Elcho to Lady Wallace telling her that he must have your hay for the Prince's use which he would not take before acquainting her. Smith came afterwards to me to know what he must do. I told him if the person that came for the hay showed him orders from Lord Elcho, to deliver it but not otherwise & I doubt if they stay long here the other stack will go the same way. in these troublesome times we must be content to make the best composition we can. all the family here desire to make their Complements to your Lady & you. I beg the same &

that you'l believe me to be my Dearest Brother ever with a most dutifull affection Entirely yours FK.

Abbey hill the 5 Oct 1745

IV

Im told that the P—— is so hardy & Vigilant that he is like to kill the most robust Highlander. he lys every night in a tent no better than the poorest soldier, gos frequently thro his camp to see that the men have their necessarys rightly provided for them, in order to give an Example to his officers which they are not so ready to follow as their Interest, now they have gone so far, should oblige them to.

I have just now received My Dearest Brothers letter of the 6 Oct: by the Carryer & am sorry to see by it that none of the 3 letters I wrote was come to your hand. It is true I got to toun on Tuesday but so wet and fatigued with the journey that I was not able to put pen to paper to write to you that night. next day I was seized with a return of my old distemper & have been mostly Confined to the house ever since. I wrote you a short line on the Thursday, a longer one on Saturday & another on Tuesday thereafter, all which I sent to Mr A——s to enclose to you with the news papers & what other news he could pick up, which he told me he forwarded duly, so that I hope before now you have got them, I therein told you that your neice had got a protection for your house immediately upon the Highlan Armys coming here which was better than having any Highlanders to protect it while it was within reach of the Castle since they fired at all of them they saw, so that your house & everything in it is safe. no body could tell me anything about Newton so that I believe he went out of toun before I came to it. I told you in my former letters how improper & even dangerous it was for you to come to toun while the Castle was blockaded. they have retired the blockade & given over Im told any thought of taking the Castle since it endangered so much the inhabitants of the toun, & are come to a resolution on both sides not to fyre but at those that attack them, so that things are in a more peaceable way than they were last week & people think that the Army will remove from this as soon as all their body of highlanders & others are come here, but how peaceable and safe the toun & subburbs will be after they are gone is a question I dont yet hear is resolved, so that I believe it will be best to suspend your journey till you hear the

Army is gone & know what footing people are upon in this place as to preserving the peace & order of the toun. I was not able to write to you last night because I had the operation performed yesterday upon my posteriors, I hope in God it will free me of any more pain of that kind for the future. I have heard no manner of news but what we get from the papers which Mr A——s tells me he sends you duly as they come out, which is not so regular as usual. whenever Im able to ride I purpose to set out for Dalquharran. All your friends here are well & desire their Complements to your Lady & you. I beg to make mine to her in the most affectionate manner & that you'l believe me to be my Dearest Brother ever with a most dutifull affection Entirely yours FK

This letter, in the way Im in, has you may easily believe been no easy task.

Friday Oct the 11 1745

V

I received only this morning My Dearest Brothers letter of the 10″, & tho' I now put pen to paper to thank you for it, yet as Im still confined to the house I know no more nor so much of whats passing as you do at Dalquharran. the folks that are in the house with me go as seldom abroad as I do, so that whatever storys have been told you or wrote about a certain persons aggreaving frequently at a Certain place must be false, at least since I have been here so that you need be in no uneasiness upon that account. The protection that was got for your house has been very sufficient hitherto & I hear of no disorders committed on any gentlemans house that had them. there has been some hay ordered in from all the gentlemans houses near the toun I hear, but I hear of no pillaging any where not even at Newliston unless the taking of horses or arms be such, which they take every where & chuse to take their hay rather from the rich than the poor. however if it be true what is told this day that the Army is soon to leave this I believe there will be no fear of your new stock of hay. I shall send Sam tomorrow with the money you ordered for you maid, I hope in a few days to be able to venture abroad & as soon as I am able to bear riding endeavour to get to Dalq: by easy journeys. I have seen no

news papers this week for they dont come out as usual. Mrs Alves went back to her house yesterday. She will send you what news papers come out, which I shall send word to him to continue, all the family here are well & desire to offer their Complements to your Lady & you, I beg mine to her in the most affectionate manner & that you'l believe me to be ever with a most dutifull affection

Entirely yours FK

Abbey hill the 15 Oct 1745

Mrs Alves told me your plate was in the Castle & that all the other things that were removed out of your house to hers are carried back again.

VI

I wrote to my Dearest Brother on Tuesday last & sent it to Mr Alves to forward to you under cover of his frank, I have been seldom abroad since tho' I thank God I grow better of the ailment, but excessively low spirited, however I would fain hope that I shall be able to leave this on munday or Tuesday next, but whether to make the journey on horseback or to hyre a chaise I have not yet determined, tho' I believe I shall be obliged to do the last. Things here seem to be in great quietness & its now talked for certain that the Prince with his Army will march from this the beginning of next week, they say they are all in high spirits & very confident of success. There is another ship (besides the one that brought the french minister) come to a port near Monross with more money & arms & some officers, they expect to enter England with a body of men superior to any can be brought against them, & that Lord Marshall is to land in England with a very great army from France. this force togeither with the commotions in London & other parts of England makes some people think that the dispute will be decided without much bloodshed, the others dread the contrary. howevr vast numbers of people of all ranks every day flock to the Abbey & the number of the Princes friends have increased beyond most peoples imagination. I pray God Conduct all in the way that may be most for the good of our country. I have not yet heard how the toun of Edin: is to be governed after the Army leaves it, but as it is not to be expected that

they will leave any force behind sufficient to guard it against the attempts of the garrison of the Castle to regain it, it will probably be left to govern itself. I hope none of your new hay will be touched & before I leave this I shall desire David Smith to carry as much of it out as to fill the loft at Foulbridge. I must refer you to the news papers for any other thing, & beg to offer my most affectionate Complements to your Lady & that you'l believe me to be my Dearest Brother ever with a most dutifull affection

Entirely yours FK

All this family desire to make their Complements to your Lady & you.

Saturday the 19 Oct: 1745

Roderick Dhu: his Poetical Pedigree

ONE indirect result of the study of sources has been to widen the canons for legitimate imitation and borrowing, and to make critics less eager to shout 'Stop the thief' when identities of episode or phrase imply a necessity of relationship between some part of an author's work and some antecedent performance by some one else. There is and has always been a ceaseless re-use of poetical idea, method, and idiom. Without it poetry would be perilously near to an impossibility. Of course there are ways of taking which constitute the conveyance into a theft and deny to the plagiarist the license and excuse of an imitator, but such distinctions are not the present theme. What is proposed here is to illustrate by a fine example from Sir Walter Scott how that brave and genial romancer drew his quota of tribute from an Elizabethan translator of a sixteenth-century poet, who in his turn had made levy upon a Latin classic, who in like wise in his time had made Homer his creditor.

Probably it has occurred to but few, any more than it did to me, to turn the searchlight of criticism on the question how Sir Walter came by his Roderick Dhu and FitzJames, and their duel, always to me a well-remembered and favourite encounter. But some time ago, when reading Edward Fairfax's rendering of Tasso, my attention was strongly drawn to certain passages in that classic of translation, *Godfrey of Bulloigne, or The Recoverie of Jerusalem, Done into English Heroical Verse by Edward Fairefax, Gent.*, dedicated to Queen Elizabeth in 1600. The result is a conclusion indicated by the parallel columns below, showing that the English poet-translator, who gave models of harmony to Waller, who was ranked with Spenser by Dryden, and who was an educative force with the youthful Scott, has an additional claim upon poetical literature in respect of his part—no small one—in the framework of the combat between the Saxon and the Gael in the *Lady of the Lake.*

FAIRFAX'S TASSO.	*LADY OF THE LAKE.*
The Egyptian Argantes.	Canto V.
For he was stout of courage, strong of hand, Bold was his heart, and restless was his sprite, Fierce, stern, outrageous, keen as sharpened brand. ii. 59.	Like the Egyptian, Roderick Dhu, as his name implies, was dark. Mention is made of his 'sable brow' (stanza 9). His 'dark eye' is named in a variant MS. reading of stanza 14. The 'gloomy, vindictive, arrogant, undaunted' Roderick, to quote a reviewer's description approved by Lockhart (note to stanza 14), is one in character with Argantes.
[There is an altercation, in which Argantes taunts the crusader Tancred with reluctance to fight]: Yet shalt thou not escape, O conqueror strong Of ladies fair, sharp death to avenge that wrong. xix. 3.	In a like altercation with FitzJames Roderick holds the latter's valour light 'As that of some vain carpet knight.' (st. 14.) He had just told him, too, 'My clansman's blood demands revenge.' (st. 14.)
[Tancred answers]: The killer of weak women thee defies. xix. 5.	Compare Roderick's corresponding play on the taunt about the head of a rebellious clan, etc. (st. 12). It is the same retort.
[Tancred, in order to settle matters by single combat, conducts Argantes through the crusading host to the appointed place of duel]: And thus defending 'gainst his friends his foe Through thousand angry weapons safe they go. xix. 7.	While not claiming for Tasso or Fairfax the splendid picture of 'Benledi's living side'—one of the most gorgeous ever achieved by Walter Scott or any other poet—one may be permitted to say that the thousand angry weapons, stilled by request of Tancred, so that he and Argantes alone may try their quarrel hilt to hilt, have obvious possibilities of relation to the pageant of bonnets and spears, lances, axes, and brands, of Scott's plaided warriors in stanza 9.
[The journey to the place of duel]: They left the city, and they left behind Godfredo's camp, and far beyond it passed, And came where into creeks and bosoms blind A winding hill his corners turned and cast; A valley small and shady dale they find Amid the mountains steep, so laid and placed	Along a wide and level green (st. 11). . . The Chief in silence strode before (st. 12). . . For this is Coilantogle ford. (st. 11 and 12). Observe that in both duels there is a

FAIRFAX'S TASSO.	*LADY OF THE LAKE.*
The Egyptian Argantes.	Canto V.
As if some theatre or closed place Had been for men to fight or beasts to chase. xix. 8.	long march of both men, unaccompanied, to the fighting place.
[This was one of Tasso's numberless adaptations from Virgil] : Gramineum in campum, quem collibus undique curvis Cingebant sylvae ; mediaque in valle theatri Circus erat. *Aeneid*, v. 288.	
[The duellists arrive] : There stayed the champions both with rueful eyes, Argantes 'gan the fortress won to view ; Tancred his foe withouten shield espies, And far away his target therefore threw.[1] xix. 9.	Each look'd to sun and stream and plain As what they ne'er might see again. (st. 14.) Ill fared it then with Roderick Dhu That on the field his targe he threw. (st. 15.) Observe that Tancred's generosity is the clear suggestion of Roderick's.
[Description of the combat] : Tancred of body active was and light, Quick, nimble, ready both of hand and foot ; But higher by the head the Pagan knight Of limbs far greater was, of heart as stout. Tancred laid low and traversed in his fight, Now to his ward retiréd, now struck out, Oft with his sword his foe's fierce blows he broke, And rather chose to ward than bear his stroke. xix. 11.	Fitzjames's blade was sword and shield. He practised every pass and ward, To thrust, to strike, to feint, to guard, While less expert, though stronger far, The Gael maintained unequal war. (st. 15.) [Not Roderick thus, though stronger far, More tall and more inured to war. MS. variant, st. 15].
[Throughout this combat Tasso had in view Virgil's account of the fight	

[1] With Fairfax's xix. 9 compare the rendering in John Hoole's translation referred to *infra* :

> Here both the warriors stopped ; when pensive grown
> Argantes turned to view the suffering town ;
> Tancred, who saw his foe no buckler wield,
> Straight cast his own at distance on the field.

FAIRFAX'S TASSO.

The Egyptian Argantes.

between Dares and Entellus. The prototype of Tancred here is Dares, that of Argantes is Entellus.

Ille pedum melior motu fretusque juventa
Hic membris et mole valens.
Aeneid, v. ll. 430-1.]

With a tall ship, so doth a galley fight
When the still winds stir not the unstable main,
Where this in nimbleness, as that in might,
Excels; that stands, this comes and goes again,
And shifts from prow to poop with turnings light.
Meanwhile the other doth unmoved remain,
And on her nimble foe, approaching nigh,
Her weighty engines tumbleth down from high. xix. 13.

[Cf. *Aeneid*, v. 437. Stat gravis Entellus, nisuque immotus eodem.]

[Argantes and Tancred in grips]:
His sword at last he let hang by the chain,
And griped his hardy foe in both his hands.
In his strong arms Tancred caught him again,
And thus each other held, and wrapped in bands
With greater might Alcides did not strain
The giant Antheus on the Lybian sands. xix. 17.

Such was their wrestling, such their shocks and throws,
That down at once they tumbled both to ground. . .
But the good Prince, his hand more fit for blows,
With his huge weight the Pagan under bound. xix. 18.

LADY OF THE LAKE.

Canto V.

And as firm rock or castle-roof
Against the wintry shower is proof,
The foe, invulnerable still,
Foiled his wild rage by steady skill. (st. 15.)

Roderick, hardly fairly, when Fitz-James has offered quarter, springs at him.
And lock'd his arms his foeman round.
Now gallant Saxon hold thine own!
No maiden's hand is round thee thrown!
That desperate grasp thy frame might feel
Through bars of brass and triple steel! (st. 16.)

They tug, they strain, down, down they go,
The Gael above, FitzJames below. (st. 16.)

Observe that in both combats the combatants get into hand grips, and the tall dark man is uppermost when the wrestlers fall.

FAIRFAX'S TASSO.	*LADY OF THE LAKE.*
The Egyptian Argantes.	Canto V.
[Argantes grows desperate] : And with fierce change of blows renewed the fray, Where rage for skill, horror for art, bore sway. xix. 19.	Fierce Roderick felt the fatal drain, And shower'd his blows like wintry rain. (st. 15.) But hate and fury ill supplied The stream of life's exhausted tide. (st. 16.)
[Argantes sorely wounded] : The purple drops from Tancred's sides down railed, And from the Pagan ran whole streams of blood, Wherewith his force grew weak, his courage quailed. xix. 20.	No stinted draught, no scanty tide, The gushing flood the tartans dyed. (st. 15.) Cf. also 'fatal drain' and 'exhausted tide,' quotations *supra*.
[Tancred asks Argantes to yield] : Yield, hardy knight, and chance of war or me Confess to have subdued thee in this fight.[1] xix. 21.	Then yield to Fate, and not to me. (st. 13.)
[Argantes at this grew fiercely indignant] : And all awaked his fury, rage, and might, And said, 'Dar'st thou of 'vantage speak or think, Or move Argantes once to yield or shrink. Use, use thy 'vantage ; thee and fortune both I scorn, and punish will thy foolish pride. xix. 21, 22.	Dark lightning flash'd from Roderick's eye. Soars thy presumption then so high . . Homage to name to Roderick Dhu ? He yields not, he, to man nor Fate? (st. 14.)
[Argantes grasps his mighty weapon with both hands and strikes a heavy blow] : His fearful blow he doubled ; but he spent His force in waste, and all his strength in vain, For Tancred from the blow against him bent 'Scapéd aside, the stroke fell on the plain.	Down came the blow ; but in the heath The erring blade found bloodless sheath. (st. 16.) Observe that in this, the crisis of each combat, the deadliest blow of all falls 'on the plain' in the one case, and in the other buries itself 'in the heath.' It is a culminating point of many coincidences which are certificates of Scott's tenacity of recollection, perhaps even when he was least aware that his

[1] With Fairfax's xix. 21 compare Hoole :

Yield, dauntless chief, enough thy worth is shown,
Or me or fortune for thy victor own.

FAIRFAX'S TASSO.	*LADY OF THE LAKE.*
The Egyptian Argantes.	Canto V.
With thine own weight overthrown to earth thou went Argantes stout, nor could'st thyself sustain.[1] xix. 24.	imagination was running in the leash of memory. In Tasso and Scott, Argantes and Roderick respectively collapse, and fall exhausted with the abortive blow.
[Tasso was here partly following Virgil's account of the overthrow of Entellus. *Aeneid*, v. 444. But Tasso's phrase, *e si lanciò in disparte*, receives a more specific rendering in Fairfax's '*stroke fell on the plain*.' Scott's 'heath,' therefore, follows Fairfax's 'plain,' and does not connect with Tasso's *disparte*.]	
[A second offer by Tancred]: The courteous prince stepped back, and 'Yield thee' cried; No hurt he proffered him, no blow he strake. Meanwhile by stealth the Pagan false him gave A sudden wound, threatening with speeches brave. Herewith Tancred furious grew, and said, 'Villain, dost thou my mercy so despise?'[2] xix. 25, 26. This, it will be noted, was the second tender of mercy or quarter made by Tancred.	Roderick's sword is struck out of his hand in the fencing, and FitzJames a second time tenders him quarter. 'Now yield thee, or by him who made The world thy heart's blood dyes my blade!' 'Thy threats, thy mercy I defy, Let recreant yield who fears to die.' (st. 16.) Thereupon Roderick darts at Fitz-James, and the death-wrestle above quoted ensues. The whole episode varies considerably from that in Tasso, in whose work it follows the wrestle.
[Tancred, in a later battle, bears his shield]: . . his heavy, strong, and mighty targe That with seven hard bulls' hides was surely lined. xx. 86. [The shield of sevenfold hide belonged to Ajax, but it is needless to urge Tasso's debt to Homer or to the *Aeneid* v. 404-5.]	Not dissimilar from Tancred's was Roderick's discarded targe: Whose brazen studs and tough bullhide Had death so often dash'd aside. (st. 15.)

[1] With Fairfax's xix. 24 compare Hoole:

A second stroke the haughty pagan try'd;
The wary Christian now his purpose spy'd,
And slipt elusive from the steel aside.
Thou spent in empty air thy strength in vain,
Thou fall'st, Argantes! headlong on the plain.

[2] With Fairfax's xix. 25 compare Hoole:

Again his hand the courteous victor stay'd;
Submit, O chief! preserve thy life (he said).

As regards the use made of Tasso in what may be called the scaffolding of the great duel scene between Roderick and Fitz-James, it is right to note that Sir Walter has many learned annotations and not a few citations of romance in the appendix to the *Lady of the Lake*; but though in Note 3Y he mentions Ariosto, and hints plainly enough a poetical relationship of Fitz-James to Zerbino, 'the most interesting hero of the *Orlando Furioso*,' he tells no tales about Tasso or Fairfax, and throws out no sign of kinship on the part of his own heroes with Argantes and Tancred.[1]

In his unfinished autobiography Scott made repeated references to Tasso. On leaving school he threw himself into 'irregular and miscellaneous' studies. 'Among the valuable acquisitions I made about this time,' he says, 'was an acquaintance with Tasso's *Jerusalem Delivered*, through the flat medium of Mr. Hoole's translation.' Through the same translator he was introduced to Ariosto. Not long afterwards he wrote an Essay, in which he 'weighed Homer against Ariosto,' and gave Ariosto the preference. He set himself to Italian, and we know from many passages in his writings in after life that he made skilful use of his knowledge of Italian authors, particularly Ariosto. When he became acquainted with Fairfax's translation of Tasso does not appear exactly, but the folio edition of 1624 is in the library at Abbotsford. Fairfax himself is the subject of curious but appreciative mention in Scott's *Letters on Demonology and Witchcraft*, letter viii., in reference to his actively credulous attitude towards the occult. Under James VI. and I., that ardent enemy of witches and subtle critic of the powers of darkness generally, there were of course very many prosecutions. Among them was one, happily unsuccessful, which (as Sir Walter records) was instigated against six of his neighbours 'by a gentleman, a scholar of classical taste, and a beautiful poet, being no other than Edward Fairfax of Fuyistone in Knaresborough Forest, the translator of Tasso's *Jerusalem Delivered*.'

[1] Zerbino, son of the king of Scotland, plays a gallant and considerable part in the *Orlando Furioso* from Book XIII., where Isabella reveals her love of him, on to Book XXIV., where in twenty-two stanzas he dies by the magic blade, 'Durindana,' in the hand of the Tartar Mandricard. Scott's footnote (note 3Y), above cited, mentions that James V. 'is generally considered as the prototype of Zerbino,' and calls upon the readers of *Ariosto* to give credit 'accordingly for the amiable features of the prototype reflected in the poetic creation.' The call was justified, and Scott himself would have been the last to disclaim a converse obligation on the part of his own lovers to another Italian poet.

The blank verse translation by Hoole, with its formal, full-dress eighteenth-century periods, it is difficult to think of as stimulating such an imagination as Scott's. It is indeed, as he said, a flat medium, whereas not only is Fairfax's version a live poem, which Scott admired, but there are some turns in Scott where the suggestion of relationship extends to words. The 'rueful eyes' of Tasso's combatants (xix. 9) (neither equating Tasso's simple epithet *sospéso* applied to Argantes, nor Hoole's more literal 'pensive grown') seem to pass almost literally into Scott's well-known couplet. The second 'Yield thee' (xix. 25) of Tasso in Fairfax is lost in Hoole, but verbally present in Scott. And as it was neither in Tasso's own text nor in Hoole's translation, but only in Fairfax (xix. 24) that the blow 'fell on the plain,' it is most significant of all that at the like crisis Roderick's bloodless dagger dies 'in the heath.' This be it said, is a most uncommon, indeed almost unromantic, terminal blow in a chivalric combat.

The foregoing points, almost all consecutive, common to Tasso or Fairfax on the one hand and Scott on the other, may for clearness be here noted and numbered. 1. The complexion and build of Argantes and of Roderick. 2. The altercation and 'carpet-knight' taunt. 3. Safe conduct by the one to the other for the duel. 4. The march to the place. 5. The 'rueful' glance of the champions before they begin. 6. One combatant with a shield, the other without; the shield discarded: 'his target therefore threw'; 'his targe he threw.' 7. Tancred's lithe, active fencing, like FitzJames's. 8. The strength of Argantes and Roderick. 9. Argantes, like Roderick, heavily wounded and bleeding. 10. The wrestle; the grip of Argantes described, like the grip of Roderick; the fall; Tancred, like FitzJames, below. 11. A desperate culminating stroke by Argantes, as by Roderick. 12. The blow falling wide 'on the plain,' 'in the heath.' 13. Two separate offers of peace or mercy by Tancred ('Yield thee') as by FitzJames. 14. Resentment of Argantes, as of Roderick, at the suggestion. 15. The abortive blow leaving Argantes and Roderick both prostrate.

So in the page of Scott we can count some of the birthmarks of Roderick Dhu, rejoicing the more in our Fairfax and our Tasso, perhaps recognising more clearly than before the vivifying imagination and realising power of Scott, who indeed borrowed, but nobly bettered what he borrowed, at every turn of the well-told tale. He poured blood anew into the arteries of the some-

what pallid combatants of the Italian poet. So far does Scott's creative sense transcend Tasso's that in this duel Scott almost seems to absorb Tasso, and yet give no sign of the fact, so perfect is the assimilation, so living are the new figures of romance. The rod of the mightier magician has swallowed that of the less, but the incorporation remains a glory of Tasso, a proof of the eternal affinity of the poets, a beautiful type of imaginative tradition and the unity of literature.

GEO. NEILSON.