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A Roll of the Scottish Parliament, 1344

IN Scotland, as in England, the records of parliament, like those of the Great Seal, were anciently entered on rolls. The Great Seal Register continued to be so kept till James I.'s return from captivity in 1424; thereafter it is in book form, like the French *Trésor des Chartes*. Whether the form of the register of parliament was changed at the same time, we do not know; we can only say that the extant register, which begins in 1466, is in book form. Of the earlier proceedings of our parliament our knowledge comes almost entirely from non-official MSS.; at the beginning of Thomas Thomson's term of office as Depute Clerk Register, it was derived wholly from such sources. But his researches, and the interest in the national archives which his researches rekindled, brought to light many documents previously unknown, and among others, six rolls of parliament, the earliest of 1292, the latest of 1389. Some of these were found among the writs of the then Earl of Haddington, and by his generosity were restored to the nation; the others I have failed to trace back. They may have come from other private repositories, or they may have been lying hidden among unarranged papers at the Register House.

A few years ago Mr. J. G. Munro, of Messrs. Baxter & Burnett, Edinburgh, found among the papers of a client a number of ancient documents, and among them the roll of parliament, now for the first time made accessible in print. By his permission it was shown at the Scottish Historical Exhibition, held in Glasgow in 1911, and it is at present on deposit in the

Register House. It is much smaller than the other six, containing indeed only the record of one legal process, and two short memoranda relating to other matters. Moreover, while the other rolls are cut square at top and bottom, this roll is tapered to a point at the top as if for filing; a form familiar to students of the records of England, but not, I understand, the usual form of the rolls of the English parliament.

The proceedings recorded are part of those of the parliament which met at Scone on 7th June, 1344. The folio Acts include one act of this parliament, viz., a decret relative to the Bishop of Aberdeen's right to second teinds, pronounced on 8th June. That was presumably the second day of the parliament—here we have what was done on the third day, that is, 9th June, or some subsequent day.

Of Malise, eighth Earl of Strathearn, whose trial for treason occupies most of the roll, little is known. The English Close Rolls show that Edward Baliol, during his brief tenure of power in Scotland,¹ conferred the earldom of Strathearn on John de Warenne, Earl of Surrey, that early in 1334 Earl Malise was endeavouring to recover it, and that Edward III. exhorted his vassal to maintain Warenne in possession. The English king seems to have believed that the grant to Warenne followed on Malise's forfeiture; the present record shows, corroborating Robertson's Index, that it followed on Malise's resignation, which was the act of alleged treason for which he was indicted. The assize acquitted him of treason, but affirmed the validity of the resignation which he had so speedily repented. From other sources we know that the earldom had four months previous to his trial been conferred on one of David II.'s most important adherents, Sir Maurice Moray, who is styled Earl of Strathearn in this very roll; and this may suffice to explain why Malise could not recover possession. But the transaction is not easy to understand. Possibly a corrupt sentence from a late fifteenth century MS., printed in the folio Acts (i. 736), may afford the explanation. It runs as follows: 'Quia unusquisque duo habet custodire solerter puta linguam suam et sigillum suum et cavere cui sigilli sui custodiam deputabit prout accidit domino quondam Malisio Stratherin per quondam Robertum Broise regem Scocie primum de eodem nomine.' It is suggested that Robert Bruce

¹ Warenne styles himself Earl of Strathearn, 27th February, 1332-3 (*Cal. of Patent Rolls, 1330-1334*, p. 555). Edward Baliol was crowned 24th September, 1332, and fled to England 16th December following.

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is here put by mistake for David II. ; and that we are to understand that the resignation in favour of Warenne was made under Earl Malise's seal, though not with his knowledge or consent, and that for the act of the custodier of his seal he was held civilly, but not criminally, responsible.

Malise was Earl of Caithness and Orkney as well as of Strathearn ; the two former earldoms, which he inherited from his great-grandmother, he retained. Some ten days before his trial he had granted to William, Earl of Ross (who here appears as one of his procurators), the marriage of one of his daughters, whom he nominated to succeed him in the earldom of Caithness.

The assize who tried the issue consisted, it will be seen, of nineteen persons. As is well known, the number of the old Scots jury was not fixed ; it was seldom fewer than nine, or more than twenty-one. As a rule the number was odd, but there are exceptions, if we can trust the records. Trial by jury in parliament was quite usual, both in civil and criminal cases, both in Scotland and in England. In Scotland I have noticed no case later than the fifteenth century ; undefended cases of treason were sometimes decided by parliament on *ex parte* evidence in the sixteenth. But trial in the justiciary court had become the rule.

The remaining items are brief, and may be briefly dealt with. If the Earl of Moray could have made good a claim to a hereditary justiciarship, he would have anticipated a much later state of things. For though justiciars of fee are mentioned in a MS. of John Baliol's time, printed in Vol. ii. of the *Miscellany of the Scottish History Society*, there is no instance, so far as I know, of a justiciarship passing direct from father to son before the sixteenth century ; and it was and is quite possible to hold either an office or an estate in fee without holding it in heritage. The final paragraph relates to the blood feud which arose from the treacherous seizure and murder of Sir Alexander Ramsay by Sir William Douglas of Liddesdale. The new-found record in this case corroborates the old familiar legend, though not in all its harrowing details.

J. MAITLAND THOMSON.

TEXT.

Parliamento tento apud Sconam die Lune/septimo videlicet die Junii anno Domini millesimo trecentesimo quadra[gesimo] quarto cum con-

TRANSLATION.

Parliament held at Scone on Monday 7 June 1344 with continuation of days, the most excellent prince lord David by the grace of God king

tinuacione dierum/sedente in solio
sedis magestatis/excellentissimo prin-
cipe domino Dau[id Dei] gracia rege
Scottorum illustri.

Memorandum · quod tercio die eius-
dem parlamenti · coram domino rege
et vniuersis proceribus regni · calu[m]-
pniatus fuit Malisius nuper comes
de Straheryn per Robertum Mautal-
lent · loquelam dicti domini regis
proferentem de feloniam et prodicione ·
videlicet quod idem Malisius · non vi
aut metu ductus nec errore lapsus ·
set mera et spontanea voluntate sua ·
comitatum de Straheryn · per fustum
et baculum in manus Edwardi de
Balliolo · sursum reddidit racione cu-
iusdam contractus initi inter ipsum
Malisium et dominum Johannem
comitem de Warennia · dicti domini
regis mortalem inimicum · in dero-
gacionem regie maiestatis · omni iuris
clameo · dicti comitatus · pro se et
heredibus suis · in perpetuum renun-
ciando · et prosecutionem suam · de
dicto comitatu · decetero penitus de-
clamando. Comparens que idem
Malisius · per episcopum Rossensem ·
Willelmum comitem Rossie · et alios
plures · experte consultus · posuit lo-
quelam suam · super Willelmum de
Melgdrum · cum correctione persone
sue et consilii sui · petens identidem
a dicto domino rege · quod idem
Willelmus de Melgdrum admittetur
· ad loquelam suam proferendam ·
qua licencia petita · pariter et optenta ·
idem Willelmus exposuit/nomine
dicti Malisii · quod idem Malisius
de eodem crimine · coram domino
Roberto senescallo Scocie · tunc lo-
cum tenente dicti domini regis per
totum regnum · alias passus fuit
assisam · et quod per eandem assisam
idem Malisius · de eodem crimine
expers inuentus fuit/pariter et in-
munis. Qua allegacione audita · [et
diuersis] allegacionibus · ex parte
domini regis in contrarium opposi-

of Scots sitting on the throne of the
seat of majesty.

Be it remembered that on the third
day of the said parliament, in pre-
sence of our lord the king and all
the nobles of the realm, Malise late
earl of Strathearn was accused by
Robert Maitland pleading our said
lord the king's cause of felony and
treason, namely, to wit, that the
said Malise, not induced by force or
fear nor in error but of his own free
will, had resigned the earldom of
Strathearn by staff and baton into
the hands of Edward Baliol, by
reason of a contract between said
Malise and the lord John earl of
Warrenne our said lord the king's
mortal enemy, in prejudice of the
king's majesty, renouncing all claim
of law to said earldom for himself
and his heirs for ever, and utterly
disclaiming his pursuit of said earl-
dom thenceforth. And the said
Malise, compearing by the bishop
of Ross, William earl of Ross and
several others, ripely advised, en-
trusted his cause to William Mel-
drum under correction by himself
and his council, at the same time
praying our said lord the king that
the said William might be admitted
to plead his cause. Which leave
having been sought and obtained,
the said William declared in said
Malise's name, that said Malise had
already tholed an assise on the same
charge in presence of Sir Robert
stewart of Scotland, then lieutenant
of our said lord the king over the
whole realm, and that by said assise
the said Malise had been found not
guilty but innocent of said charge.
Which allegation heard, and divers
allegations on our lord the king's
part set against it, it was decreed
that the cause should be decided by

tis . decretum fuit . dictam causam determinari per assisam . Dominus vero rex . iussit [assisam] vocari . comites videlicet . barones . milites et liberetenentes . quorum nomina particulariter scripta sunt in dorso rotuli . in qua quidem assisa dictus Malisius de feloniam et prodicione . per recordacionem eiusdem assise inuentus est fidelis . set tamen veredictum eiusdem assise tale fuit . quod idem Malisius reddiderit dictum comitatum . in manus dicti Edwardi de Balliolo . racione contractus . antedicti . Vnde facto recordo in forma predicta . iudicatum fuit . et pro iudicio redditum . in parlamento ibidem tento . quod idem comitatus dicto domino regi remaneat . pro voluntate sua possidendus .

Memorandum . quod coram prelatibus et proceribus regni in pleno parlamento . tento ibidem . dominus Johannes Ranulfi comes Morauię dominus vallis Ana[ndie et] Mannie . confitebatur . se nullum ius habere in officio iusticiarie . ex parte boreali maris Scocie . per viam hereditariam / set pro dicto officio optinendo posu[it] in voluntate / domini regis .

(Verso)

Assisa vocata super prodicione domini Malisij qui se dicit comitem de Stratherne ad inquirendum si dictus Malisius resignauerit dictum comitatum domino Johanni comiti de Warennia . an non

In primis . dominus Duncanus comes de ffyf

Dominus Malcolmus comes de Wyghtone

Dominus Johannes de Graham comes de Menetethe

Dominus Johannes de Maxwelle

Dominus Thomas Boyde

Dominus Willelmus de Leuyngstoun

an assise . So our lord the king commanded an assise to be summoned, to wit the earls, barons, knights and freeholders whose names are particularly set down on the back of this roll . By which assise the said Malise was found by their verdict innocent of felony and treason ; but the testimony of said assise was, that said Malise had surrendered said earldom into the hands of Edward Baliol by reason of the foresaid contract . Which verdict having been thus given, in the form aforesaid, it was deemed, and given for doom, in parliament there held, that the said earldom should remain to our said lord the king, to be possessed at his will .

Be it remembered that in presence of the prelates and nobles of the realm in full parliament, held there, Sir John Randolph earl of Moray lord of Annandale and Man confessed that he had no right to the office of justiciar benorth the Firth of Forth by way of heritage, but for obtaining said office put himself in our lord the king's will .

(Reverse)

The assise summoned anent the treason of Sir Malise who calls himself earl of Strathearn, to inquire whether said Malise resigned said earldom to Sir John earl of Warrenne or no . In the first place Sir Duncan earl of Fife, etc .

Dominus Johannes de Crauforde
 Dominus Andreas de Duglas
 Dominus Willelmus de Ramesay
 Dominus Daudid de Wemys
 Dominus Hugo de Eglintoun
 Dominus Daudid de Berklay
 Dominus Alanus de Cathkert
 Dominus Robertus de Meygners
 Dominus Alexander de Cragy
 Dominus Michael Scot
 Michael de Muncur
 Willelmus Sympil
 Joachim de Kynbuk

Isti sunt plegij . pro totali parentela
 quondam Alexandri de Ramesay . et
 vniuersis sibi adherentibus . quod
 dominus Willelmus de Douglas
 dominus vallis de Lydel . tota que
 eius parentela . et omnes homines
 sui ac sibi adherentes vniuersi . in-
 dempnes erunt et sine quacumque
 offensa . pro eis . a die Saboti duode-
 cimo die Junii anni gracie etc. qua-
 dragesimi quarti vsque ad nonum
 diem proximum post festum Beati
 Laurencii martiris proximo futurum .
 ipso die incluso . scilicet dominus
 Duncanus comes de Fyf . dominus
 Mauricius comes de Straheryn . domi-
 nus Willelmus comes Suthyrlandie
*dominus Willelmus de Cunyngham.*¹
 Et isti sunt plegij . pro dicto domino
 Willelmo de Douglas . tota que eius
 parentela . omnibus que suis homini-
 bus ac sibi adherentibus vniuersis .
 quod totalis parentela predicti quon-
 dam Alexandri . omnes que homines
 sui ac sibi adherentes vniuersi . modo
 consimili pro ipsis omnibus vsque ad
 diem predictum . sine quacumque
 offensa indempnes pariter et in-
 munes . videlicet dominus Robertus
 senescallus Scocie . dominus Patricius
 comes Marchie . et dominus Mal-
 colmus de Wygtoun.

These are cautioners for the whole
 kindred of the deceased Alexander
 Ramsay and all their adherents, that
 Sir William Douglas lord of Liddes-
 dale and his whole kindred and all
 his men and adherents shall be scathe-
 less and offenceless for their parts
 from Saturday 12 June 1344 to the
 ninth day next after the feast of St.
 Laurence the martyr next to come,
 the said day included, to wit Sir
 Duncan earl of Fife, Sir Maurice
 earl of Strathearn, Sir William earl
 of Sutherland, Sir William Cuning-
 hame. And these are cautioners for
 the said Sir William Douglas and
 his whole kindred and all his men
 and adherents, that the whole kin-
 dred of the said deceased Alexander
 and all their men and adherents shall
 in like manner for all their parts
 [be] until the foresaid day offenceless,
 scatheless and immune, to wit Sir
 Robert Stewart of Scotland, Sir
 Patrick earl of March and Sir Mal-
 colm (earl) of Wigton.

¹ Added on margin.

The Monuments of Caithness

AS all knowledge, however special and novel once, empties at last in a curt paragraph into a dictionary, so the labour of generations of antiquaries tends to condense into a catalogue of national antiquities. Once an archaeological type is determined a descriptive word is enough to mark its characteristic: men call it a horned cairn or a broch, an earth-house or a hut-circle: the rest is merely to register the place where each of the type is found, the number of examples and the condition in which they exist. The summation comes to be matter of arithmetic, with new light therefrom in the evidence thus gained as to particular and distinctive indications in different districts. Enquiry rapidly passes from the dwelling or the article to the inhabitant or user. When the evidences of an archaeological area are assembled it is found that the whole is much more than the sum of the parts. It is no paradox to say that archaeologically two and two make a good deal more than four. A whole hinterland of helpful suggestion is at the back of the facts, and not infrequently the potentialities, the speculative possibilities, are more inspiring than the facts themselves. In great measure archaeological remains are in a double sense mere foundations. The surviving structure serves its greatest purpose as the base for that reconstruction of the past which some people call archaeology and others call history.

Two processes run parallel. One set of specialists dig and explore, describe and assort their finds, and tentatively register results. Another set collect and sum up the data and the arguments: the antiquities group themselves in classes; inventory is made possible; inventory is made. Mr. James Curle and his work on Newstead illustrate the first process: Mr. Alexander O. Curle, by his new volume for the Historical Monuments Commission, illustrates the second. Whoever sees their work—the more striking as the quite diverse achievements of two brothers—must see also their promise—an inspiring and cheerful pro-

spect of advance not only in the scientific knowledge of Scottish antiquities but also in the arts of archaeological interpretation.

Responsive to the modern spirit in its aim and method, the Historical Monuments Commission essays a great task of archaeological survey and synthesis, under the mature and sympathetic chairmanship of Sir Herbert Maxwell, whose variety of learning and antiquarian experience directly equipped him for a position demanding tact and judgment no less than knowledge. The corresponding but earlier Historical Manuscripts Commission had published and continues to publish stores of new material of surprising wealth and charm—'spoils of time,' which, but for the Commission, might long have remained secreted in musty charter-chests. That Commission revealed to the public an almost limitless treasury of document and memoir in family archives, which may be reckoned the private monuments of the provinces. National annals are thus superbly supplemented by local records.

It is part of the same movement as is at present reflected in the conspicuous cultivation of county histories for savants and county geographies for schools. A healthy decentralisation of research is the necessary condition and accompaniment of any successful central enterprise towards garnering for national and general knowledge the fruits of local studies. Topographical aspects of history have always stood well in the balance as against dynastic and political aspects: they present a larger field of episode and economic illustration: the sense of the nation is best canvassed in the detail of popular action in the county, the city, the burgh, or the parish, where history is seen in men's hearths and homes. Camden's *Britannia*, perhaps the greatest and certainly the most influential early work of topographical history achieved in Great Britain, was a series of glorified county gazetteers. Its only Scottish comrade worthy of the name, George Chalmers's *Caledonia* was the same. But the *Caledonia* would have been impossible had it not been for Sinclair's *Statistical Account*, wherein no small part was devoted to lists of parochial antiquities, in which we see manifest the idea, now carried to an infinitely higher pitch of precision in the reports and inventories of Sir Herbert Maxwell's Commission.

Perhaps some day too we shall know how far the influence of a great living antiquary, Dr. Joseph Anderson, has been operative through the example set (as the complement of his lifelong pursuit of the theme) by the Society of Antiquaries in the



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majestic tome, *The Early Christian Monuments of Scotland*, at once collective, descriptive, analytic, and pictorial, of one outstanding type of national relics. What that work sought to do for a class of remains is now being attempted for the whole early historical monuments of the country. The lines on which the Commission began with Berwickshire, under supposed restrictions from the Treasury, were happily found capable of considerable freedom of expansion when Sutherland was dealt with, and in the 'Third Report and Inventory,' treating of Caithness, the equipment of maps, plans, and illustrations is on a scale liberal enough to give the volume a pictorial attraction well suited to supplement the archaeology to the distinctness of which indeed the sketches and plates are indispensable aids.¹

Sutherland, with its vast area of 1880 square miles, sparsely populated, mountainous, and barren, yielded less, or at any rate less interesting, results of archaeological survey than Caithness, with its 712 square miles of area, which, although boggy and waste enough in the interior, carry even there a far larger proportion of remains of human life and habitation than are found in Sutherland. Still more signally is that superiority shown on the coast line. In Sutherland, west of Strathnaver, remains of any kind were excessively few, while the wild and deeply indented coast line from the Kyle of Tongue round to Loch Inver contributed scarce more than a dozen items to the inventory. In Caithness, on the other hand, the shore is prolific of ancient sites, and is, although not the exclusive by any means, yet the distinctive locality of the broch. In the interior, while the brochs are far fewer than they are on the coast, they are not relatively to other structures in any materially smaller proportion. Inland structures, whether in Caithness or Sutherland, almost universally follow the rivers. In both—Sutherland with 67 examples and Caithness with more than twice as many—the broch, with its seaward outlook, is a determinant problem both of archaeology and history.

Caithness, thus marked as the head-seat of a structural type, unfortunately offers in its records, whether inscriptions, charters, or chronicles, whether misty tradition or still mistier legend, no effectual help towards the history of the time of and before the brochs. The province certainly found its place pretty early in

¹ *Royal Commission on Ancient and Historical Monuments. Third Report and Inventory of Monuments and Constructions in the County of Caithness.* With 63 Plates and 60 Illustrations in text. Pp. liii, 204. London: H.M. Stationery Office. 1911. 7s. 6d. net.

authentic writings, such as the *Landnamabok*, but it looms, as usual, larger and vaguer in legendary and romantic sources of information, which, although utterly beyond trust, yet cannot be ignored; such as Geoffrey of Monmouth's *History of the Britons*, and the cycle of literature which had its imagination nourished by that most wonderful of early quasi-historical inspirations. Geoffrey¹ declares that the Pictish King Roderick, having landed in the north part of Britain, was defeated and slain by Marius, King of Britain (son of Arviragus), who gave to the defeated followers of Roderick that part of Albany to inhabit which is called Caithness, a province, it is added, which had long been deserted, uncultivated, and without inhabitants. Even before Geoffrey's time, Nennius had described Britain as extending from Totness to Caithness.² This contrast with Totness (in Devonshire) was carried into literature by Geoffrey, who assigns Totness as the landing place first of Brutus and afterwards of Vespasian. Totness stood for the southmost point of Britain, Caithness for the northmost.

'Ele commence en Cotenois,
E si fenist en Catenois,'

said Geoffrey's translator, Wace, according to his French editor, the well-known scholar, Le Roux de Lincy, who did not notice that Cotenois (Totenois) was an error for Totness. Henry of Huntingdon lent historical countenance to a connexion of the two places by a great road which began in Caithness and ended at Totness. The latter point was certainly near the terminus of the south-western line of the Roman road, which, traversing Southern Scotland from the Forth, passed through Catterick, in Yorkshire, to Lincoln, and there—as the Fosse-way—branched off to Exeter almost in a straight line, to reach the sea-way a few miles further on at Totness,³ if indeed it did not actually terminate there. But it requires some imaginative engineering to complete the line by a protraction from the Forth, at any rate beyond Ardoch, to Caithness, which an old Norse author fitly enough styled 'the promontory of Scotland.' In much the same way it became a sort of Ultima Thule in romance. Law, too, so recognised it. The limits of English and Scottish jurisdiction for the March laws⁴ were between 'Toteneys' and 'Catenes.'

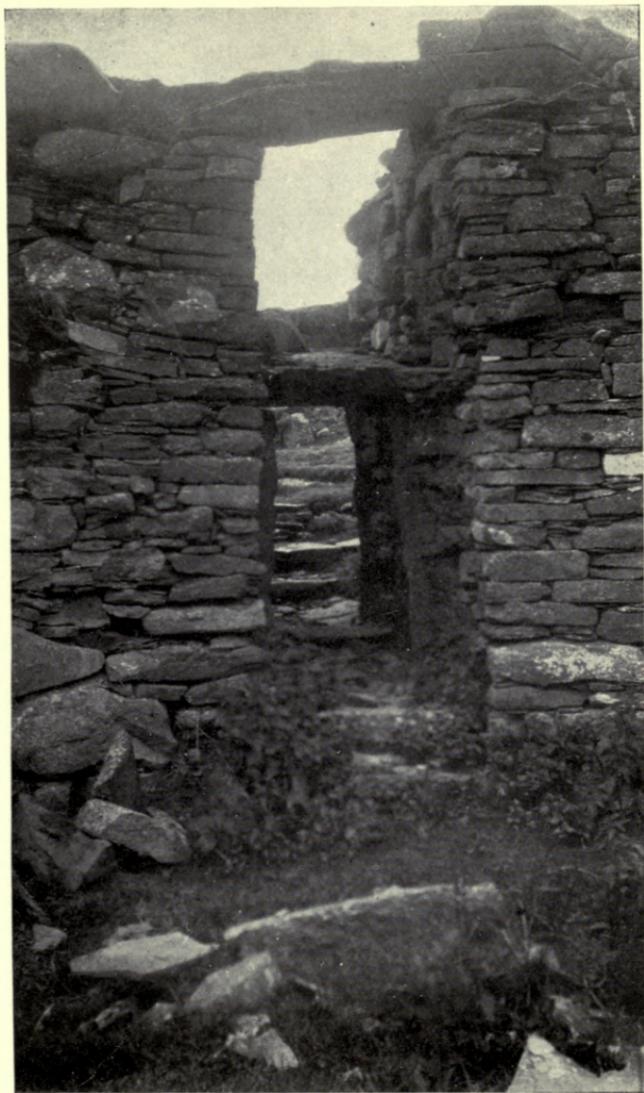
Great as is the contrast of northern Scotland and southern

¹ Lib. iv. cap. 17.

² *Monumenta Britannica*, 54.

³ *Monumenta Britannica*, see map of Britannia Romana there.

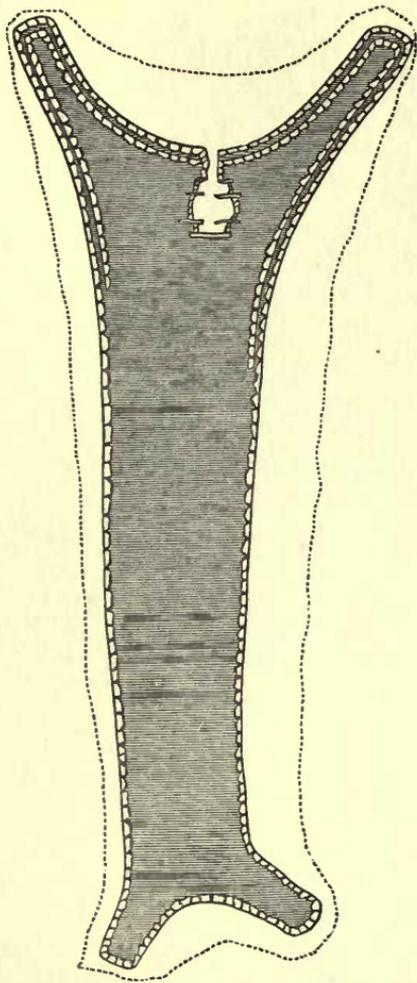
⁴ *Acts Parl. Scot.*, i. 414, red ink paging.



BROCH, OUSEDALE BURN, PARISH OF LATHERON

Seen from inside

England there is scarcely less within Scotland itself. Between the central border counties of Roxburgh, Dumfries and Kirkcudbright on the one hand, and the very north of Scotland

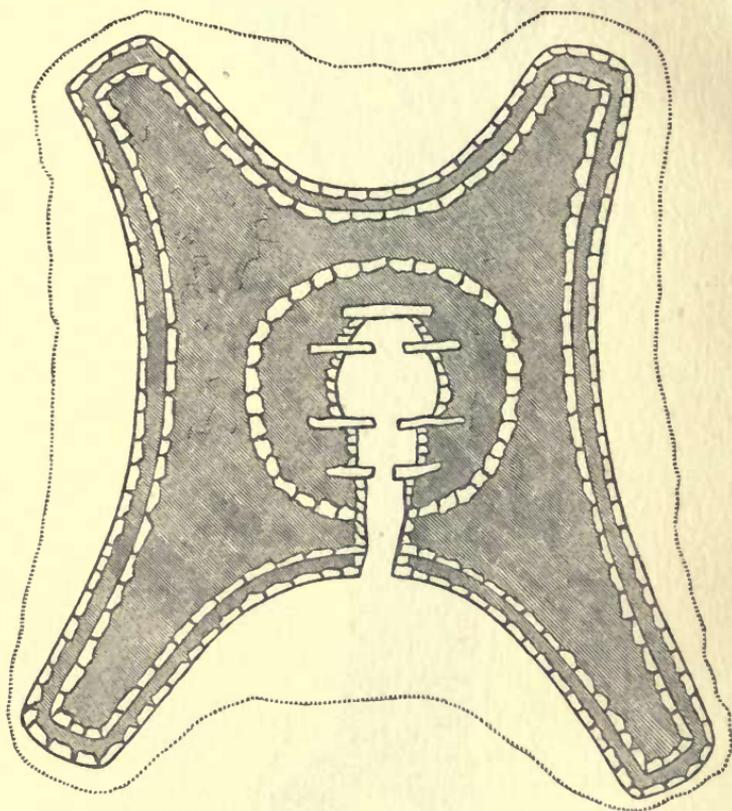


GROUND-PLAN OF HORNED, LONG CAIRN, YARROWS.

on the other, an extreme archaeological distinction holds. In the north while brochs abound there are no camps or entrenched forts, either rectangular or curvilinear. In the central border, while camps and forts are everywhere, the brochs do not exist.¹

¹ The archaeological ensemble, however, for the stone and bronze periods is the same for the whole West coast from Wigtown to Caithness, and suggests a division line not so much between South and North as between East and West of a line from Wigtown to Caithness.

Striking as the distinction is it is strangely disappointing to find that it has as yet given no help to history. It is lamentable to note how dense are shadow and mist over the past of the North, anterior to 1100. No ancient writing expands or even explains the fact of the broch. Archaeology for the most part has substantially to find its own interpretations. Sometimes the process begins with a catalogue. In Caithness the catalogue is



GROUND-PLAN OF HORNED, ROUND CAIRN, ORMIEGILL.

admirable. It is astonishing how greatly knowledge is increased by even a mere hand-list of cognate structures or objects. They reflect light upon each other, and their inter-relationships, as well as their external connections, offer a constant series of new opportunities to determine the period to which the particular examples belong. Dates are obtained only from the associations in which the specimens are found. Structural remains in Caithness lend themselves significantly to archaeological classification and to a sort of outline chronology. Mr. Curle's inventory aptly



GALLERIED DWELLING, WAGMORE RIGG, PARISH OF LATHERON

sums itself up in a clear and satisfactory introduction, tracing the evolution of these remains in the long passage of time and change from the sepulchres of neolithic man through the stone circles of the Bronze Age, the later brochs so decisively typical of the county, and the earth houses and galleried dwellings of the Iron Age, down to forts and castles which range from the eleventh to the seventeenth centuries. It is prehistoric Scotland in miniature. The neolithic cairn-graves, in which incineration appears to have preceded inhumation, are of three main types: (1) horned cairns, numbering 15; (2) unhorned long cairns, 7 in number; and (3) round cairns, numbering 38. The size and complexity of these chambered tombs are appealed to as evincing a power of combination and a subjection to discipline, as well as an engineering capacity of no mean order.

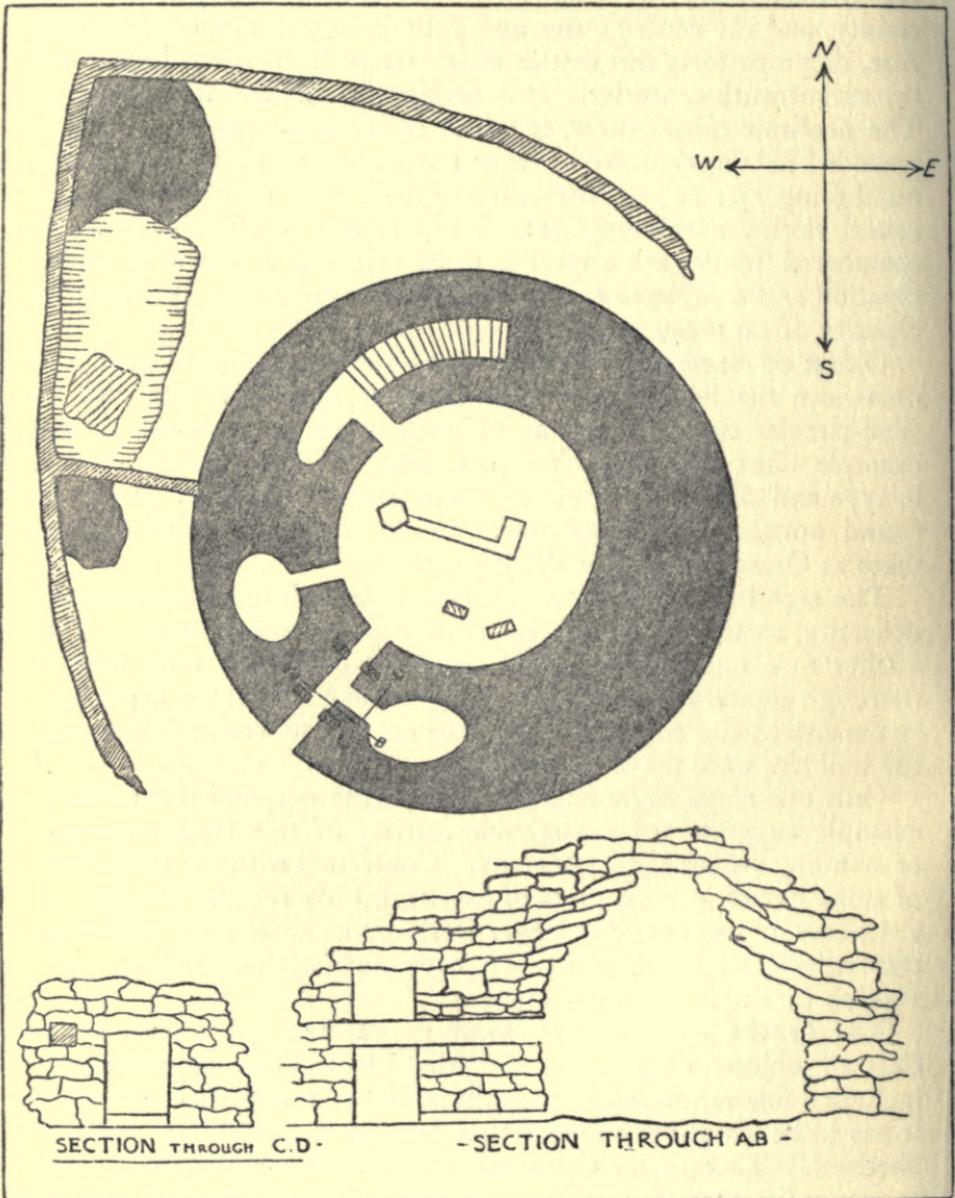
Oldest of monuments in Caithness—the sepulchres of neolithic man—are the long cairns terminating at each extremity with a semi-circular concavity, a sort of horn in plan, as shown in the example illustrated from Yarrows, near Wick. Closely similar in type and differing mainly in shape and size are the short or round horned cairns exemplified in the ground plan of one of them at Ormiegill, also in Wick parish.

The architectural sense in this type as in Caithness monuments generally, assuredly cannot be described as rudimentary. The fidelity to a uniform structural design is consistent only with a thorough mastery of the type; it is puzzling to find the execution so consistent and so perfect, as if the art had no crude period and the builders were never apprentices.

Only one stone circle appears in the inventory, and that solitary example suggests the remarkable scarcity of this type, although of standing stones there are many. Contrasted with the frequency of stone circles in most parts of Scotland, their relative absence in Caithness invites enquiry. Mr. Curle gives reason for believing that several which once existed have now disappeared, or only survive in single standing stones.

The brochs are both the most typical and most interesting class of objects dealt with, and the illustrations appropriately include a fine rendering of the noblest broch in existence, although it has to be sought outside of Caithness in the island of Mousa, Shetland. Though no Caithness broch rivals Mousa, there were so many in that county, and sometimes their remains are so considerable, that the great attention Mr. Curle devoted to them has been well repaid. His success in search for unrecorded

examples sufficiently appears in the fact that while in 1870 the known number was 79, the survey now raises the figure to 145. Valuable place-name hints appear in the observations that often



GROUND-PLAN, WITH SECTION, OF BROCH AT OUSEDALE BURN,
PARISH OF LATHERON.



CASTLE OF OLD WICK

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the grass-covered hillock under which a ruined broch lies is locally named 'tulloch,' and that the cave-like appearance of the galleried and chiefly underground dwellings earned for them the Gaelic title of 'uamh' or 'uamhag,' now Anglicized in several instances into 'wag.' The broch is thirled to Scotland, and though its range is from Orkney and Shetland to Berwickshire, examples are by far the most numerous in the northern shires. When first built and when last inhabited Mr. Curle reports to be alike unknown. A century of growing knowledge and increasingly critical research and discussion has not yet definitely solved the mystery of the broch. Mousa, mentioned in two sagas, is the only broch that has found a place in history. Archaeology, however, is steadily marshalling the data that some day will make the dark places plain. It is a high problem—Mr. Gilbert Goudie, who has himself contributed to its discussion, owns it a bewildering problem—but it cannot much longer baffle attack; the unity of structure is so marked as to be compatible only with a unity of time, and a distinctly advanced purpose and defensive design. One very good example figured in plan and section is that from Ousedale Burn, in the parish of Latheron. Its structural features are well brought out in the plate, showing the entrance through the thick circular wall as seen from the interior. No progress is registered as regards the evolution of the type: again as with the horned cairns we have an art without visible beginnings. The broch is in truth a perfected thing, and Mr. Curle as its latest appraiser makes no extravagant claim for it when he says that 'no more complete adaptation of the materials available to the end desired—the construction of an impregnable dwelling—could be devised.'

Of the relics discovered in the brochs, distinctive objects like weaving-combs are, we are told, clearly characteristic of the early Iron Age, a date of origin to which not a few other fingers, with hesitation, point. Dr. Joseph Anderson is the last man one would dare to accuse of chauvinism taking the form of assigning too early an epoch to archaeological remains, but as regards brochs one doubts whether even his ironclad soul is proof against temptation when the remoteness of northern antiquity is at stake. Mr. Goudie ought on the same ground to be regarded as still more suspect. If Mr. Curle has said an incautious word it is perhaps in his too open attitude towards a pre-Roman origin for these 'Pictish towers.'

No new general conclusion is advanced regarding forts or

earth-houses, but the galleried dwelling (circular or oblong in plan, and on a dug-out site, with walls of stone in courses without mortar), of which there are nine examples all from Latheron, is an addition to archaeological types of the earth-house class. An origin late in the Iron Age is suggested for it. The galleried dwelling at Wagmore Rigg, consisting of two conjoined circles with separate entrances, gives a good general idea of this slightly differentiated species of earth-houses in which perhaps the architects of some of the brochs, triumphant over difficulties, may have sketched their plans and elevations.

It will be apparent to every reader of the 'Third Report' that the element of archaeological discovery is inseparable from the process of making the inventory. It is in this way that fresh distinctions emerge, such as the contrast now set down between the prevailing type of cairn in Sutherland, with bipartite chambers, and the tripartite-chambered-cairn now registered in Caithness. Only three cupmarked stones have been found, so that we can hardly hope for light from Caithness on the problem of cupmarks.

As regards mediaeval buildings, while there are no new departures in architectural analysis, the plates and plans of the fortresses and strong-houses of Caithness give a capital idea of the situation and character of many of these sea-board memories of feudalism. No finer suggestion of their wild, eyrie-like rock-perches could be desired than is given by the plate of the Castle of Old Wick, known as the 'Old Man of Wick,' near the landward end of a narrow promontory flanked by deep inlets or geos. Assigned to the fourteenth century, it is described as one of the oldest castles in Caithness, and the property of successive Cheynes, Sutherlands, Oliphants, Sinclairs, and Dunbars. Occupying a still giddier site on a 'stack,' or self-standing perpendicular mass of rock, is Castle Mestag, in the island of Stroma, a small keep, now reduced to a few courses of masonry covering nearly the whole summit of the stack.

Among the miscellaneous antiques the Gröt Stone from Canisbay Church¹ is the sixteenth century memorial stone of the Gröt family, who gave the name to John o' Groat's House, the fame of which was no doubt due to the fact of its association with the landing place of the ferry from the Orkneys. Thus John o' Groat's was once a station of necessary mark for every traveller from or to the Orcades.

The Commission bids fair to enhance its credit by the work

¹ See also the *Scottish Antiquary*, viii., pp. 52, 162; ix., p. 35.



SITE OF CASTLE MESTAG, ISLAND OF STROMA

of its energetic secretary, for whose rising reputation as an archaeologist these reports are a secured foundation. They attest the adequacy of his equipment for a national survey which requires intimate knowledge of antecedent studies, as well as a trained aptitude to observe and describe all the types of antiquities for himself, and a capacity for judgment and reserve on manifold subjects of doubt and controversy. Mr. Curle is the wary master of all the qualifications. His working bibliography shows a close preliminary study of the considerable body of literature which concerns this truly interesting northern shire. At times we could have wished that he had done more to link up his observations with those of his predecessors. Sometimes the connection has value, as when we find Brand in his *Description of Caithness*, written in 1701, recording, 'the Tradition of some Picts houses which have been here of old, the rubbish whereof is yet to be seen in the Parish of Latheron, as a Gentleman well acquainted with the Countrey did inform me.' How well founded was the tradition Mr. Curle's inventory with no fewer than 132 Latheron items abundantly shows. But in the same paragraph Brand piques closer enquiry by mentioning how, 'in the Parish of Bower, as we passed we saw an Artificial Mount ditched about of a small circumference.' Mr. Curle's inventory of the antiquities of Bower gives no clue to the structure which Brand saw.

If the brochs are the prime archaeological problem of Caithness, the prime historical problem is the Norse impact upon the locality and its transmission. 'The Scandinavian influence,' writes Mr. Curle, 'on the topography and ethnology of the county has left its impress to a remarkable degree, though the absence of any peculiar system of tenure or of customs of Scandinavian origin such as are to be found in the neighbouring islands, tends to show that the Norwegian occupation did not imply the extirpation or eviction of the older inhabitants. The Celtic influence still remains predominant in the west and south-west, while an imaginary line drawn from the north of the Forss Water southwards to Latheron roughly divides the areas of the Celtic and Scandinavian place-names. There are in Caithness no remains of churches of distinctly Norse type, though the chapel and hospital dedicated to St. Magnus [in Halkirk parish] may originally have been of Norse construction.'

When these remarks are considered the antiquary may take heart: the last word has not yet reached the dictionary: the

inventory and report has still far to go. For on the face of the findings it is clear that archaeology has not yet effected the final junction with history, under which, while the brochs take their place in Pictish architectural chronology in some definite relation to the Roman occupation on the one hand, and to the religious monuments and symbolism on the other, the Norsemen's settlements will be distinguished from the native places they came to plunder and remained to colonize. Between Cait of the Pict and Caithness of the twelfth century, with its Norse suffix, the line is harder to draw than Henry of Huntingdon's from Totness to John o' Groat's, but there will be few points on the line which the archaeologist of the future will not find shrewdly hinted for him by Mr. Curle.

He is now at work in Galloway where the contrast with the North is acute, and provokes the spirit of speculation. Every new broch, ring-camp and mote recovered not only heightens the significance of the type and its geographical distribution, but also adds stimulus as well as material to the irrepressible quest after definite conclusions. The annals of fortification need skill to decipher. It will be curious and profoundly interesting to follow out Mr. Curle's great itinerary of antiquarian collation on which a start so auspicious has been made. Whither will it lead? Shall we after all, for instance, return to history for race-labels? declare the ring-camps generically one with the raths of Ireland, and, like them, the work of the 'Scot'? canonise the epithet 'Pictish' for the brochs? and confirm the Anglo-Norman feudalism of the motes? And shall we go yet further in accepting the witness of chronicle that each of these race movements was indeed an invasion—each still denoted and recognisable by its peculiar and imperishable mark?

GEO. NEILSON.



THE GROT STONE, CANISBAY CHURCH

The Post-Reformation Elder¹

THE Reformed Church sprang into being in Scotland with marvellous rapidity. Thanks to the statesmanlike and constructive genius of John Knox, which not even his most bitter detractors can deny, it was speedily furnished with a constitution. The details of that constitution we need not discuss here. It is sufficient to say that it was considerably different from that Presbyterian Church which was afterwards developed by Andrew Melville. Knox was no narrow-minded bigot : he was thoroughly cosmopolitan ; he kept up much of the practices of the old church ; his one care was to see the country freed from superstition and brought to habits of morality to which the people were strangers owing to the evil example of a generally careless clergy, though no doubt even in pre-Reformation days there were some quiet and unknown servants of God in her rural vicarages. But the great feature of Knox's policy was no doubt the recognition of the part the people were to play in the future government of the Church. This was quite a new departure in this country, though no doubt Knox borrowed it from Calvin, and Calvin took it from the Bohemian Church, where lay assessors to the presbyters or clergy had existed a century before his birth.

The great task to which Knox set himself was to provide spiritual instruction to a country which had renounced its allegiance to its former pastors. The extent to which he was compelled to rely on lay assistance may be gathered from the fact that the first General Assembly consisted of forty-two members, and of these forty-two only six were ministers. This was indeed a remarkable difference from the practice of the Roman Church. No doubt it was not altogether unusual in that Church for certain chosen laymen to be summoned to provincial synods, though only rarely were they accounted members, and certainly they had no votes, the *votum decisivum* being confined to bishops and abbots. Even so far back, however, as the fourth century we find laymen forming

¹ An address delivered to the Elders Union, Aberdeen, 2 November, 1911.

one part of the Church as opposed to the clergy and the general body of the people. Thus St. Augustine is found writing *dilectissimis fratribus, clero, senioribus, et universae plebi ecclesiae Hipponensis*, thus distinguishing between the cleric, the elders and the *universa plebs*. Again he mentions *Peregrinus, presbyter, et seniores Musticanæ regionis*, indicating something not unlike a minister and his kirk-session.

A theory grew up in the Church, and has been held down to quite recent times by many persons, that the word presbyters includes elders; or, in other words, that all presbyters are elders, and the office-bearers of the Church are divided into two classes, teaching elders and ruling elders. This, of course, would strike at the root of all ecclesiastical orders, but really there is no foundation for it.¹

The Westminster Assembly itself, in which the point was debated at length, never authorised the expression 'ruling elder,' which would imply that there were other classes of elders: all it says in its declaration on the form of Church government is that 'Christ who hath instituted government and governors ecclesiastical in the Church hath furnished some in his Church, besides the ministers of the Word, with gifts for government and with commission to execute the same, when called thereunto, who are to join with the minister in the government of the Church, which officers Reformed Churches commonly call elders.' The Confession of Faith too is equally guarded in its language: it knows nothing of the lay assessors as presbyters or elders; it merely says: 'As magistrates may lawfully call a synod of ministers and other fit persons to consult and advise with about matters of religion, so if magistrates be open enemies to the Church, the ministers of Christ of themselves by virtue of their office, or they *with other fit persons* upon delegation from their churches may meet together in such assemblies.' Here is a sharp delimitation drawn between ministers, that is persons ordained to preach the word, and the laymen who might be fit persons to consult.

Knox in his First Book of Discipline laid down the following rules for the election of elders:

'Men of best knowledge of God's Word, of cleanest lite, men

¹It is impossible here to go into any reasoned exposition of the subject: it is treated with most scholarly excellence by Principal Campbell, who has examined all that can be said on both sides of the question, and has come to the conclusion that the word presbyter never included those lay assessors whom we now call elders.

faithful and of most honest conversation that can be found in the Church must be nominated to be in election,¹ and the names of the same must be publicly read to the whole kirk by the minister giving them advertisement that from among these must be chosen elders and deacons. If any of the nominated be noted with public infamy he ought to be repelled, for it is not seemly that the servant of corruption should have authority to judge in the Church of God. If any man knows others of better qualities within the Church than those that be nominated let them be put in election that the Church may have the choice.'

Here then we have the beginning of the evolution of our elder. There is no qualification as to age, position or worldly estate : all that is required of him is that he be of clean life and honest conversation. Gentle or simple, if he comes up to these standards he is eligible for office or at least for nomination.

Knox goes on to detail the duties of the position.

'The elders being elected must be admonished of their office, which is to assist the minister in all public affairs of the Church, to sit in judging and deceiving causes, in giving of admonition to the licentious liver, in having of respect to the manners and conversation of all men within their charge, for by the gravity of the seniors ought the light and unbridled life of the licentious to be corrected and bridled, yea the seniors ought to take heed to the life, manners, diligence and study of their ministers.'

Such was the formidable task set to his elders by Knox. It was all they could do to overtake it, if indeed they did overtake it. The meetings of Session were held weekly, and the principal business of the Session seems to have been the consideration of somewhat squalid details of rustic amours or urban debauchery. The spectacle of a monotonous succession of morally frail creatures mounting the stool of repentance cannot have been edifying to anybody, and to sit in judgment on all the virulent language that may have been exchanged between quarrelsome neighbours must have been wearisome in the extreme.

Still we must not make the mistake of judging the proceedings of those days by the standard of our own time. Of course the Session was harsh in many cases, though no doubt they acted from the best of motives. We cannot forgive the St. Andrews Kirk Session for punishing John Downy, one of the roughest men in the town, who, meeting with a poor girl who had been betrayed

¹Knox does not use the word 'ordained' or 'ordination.' An ordination of elders is quite a wrong expression, as elders are not 'in orders.'

and could not get her child baptised, took water and baptised it, as in certain circumstances he had quite a right to do, and upon a bystander taking exception to it, bravely answered, 'I shall tak all the plicht and perrell on my awen head': which accordingly he did, but was promptly and severely dealt with by the Session.

But though the times were harsh and coarse, we must strive to get an historic sense of them. What we think disgusting and coarse were to the inhabitants in medieval times mere common-places of humanity, while if they were alive now they would be shocked at many things we take as matters of course. As Stevenson remarks, 'the old manners and the old customs go sinking from grade to grade, until if some mighty emperor revisited the glimpses of the moon, he would not find any one of his way of thinking, any one he could shake hands with and talk to freely and without offence, save perhaps the porter at the end of the street or that fellow with his elbows out who loafes all day before the public-house.' On the other hand, there are many things in our day which we consider harmless enough, or at least a matter of opinion, at which the Reformers would have lifted up their hands in horror. For instance, we may or we may not approve of suffragettes, but even their greatest opponents consider them, at the worst, I fancy, with good-natured contempt, while if John Knox had had to deal with them he would probably in the first place have delated them before his Session, and then have added a bitter chapter to his Blast against the monstrous regiment of women.

However evil, squalid, and coarse the times were, the elders evidently were not very keen on sitting on cases of moral delinquency, of whatever nature they may have been. They were after all very fallible human beings themselves, and did not always escape the pains and penalties they meted out to others. In St. Andrews, for instance, one deacon was struck off for non-attendance, disobedience to the magistrates, and for being 'an evil payer of his dettes': another was declared incapable of office for the ensuing year for speaking against the magistrates, and worst of all an aged elder had to be deposed for a very grave moral offence.

But these, of course, were very exceptional cases. On the whole we may feel sure that the great majority of the elders in the early days of the church were men full of enthusiasm, and showed a laudable example to the people among whom they were placed. It is not surprising that it was sometimes found difficult to get full meetings of Session. So early

as 1561 there was a system of fines for absentees instituted in the Session of St. Andrews. If he were wholly absent from a meeting of Session the delinquent elder had to pay a shilling, if so far late that he missed the opening prayer he was mulcted in threepence, which he had also to pay if he left before the business was done. Any one swearing an oath in the Session 'unrequeret and admittat to review' was fined twopence for each fault.

The St. Andrews Kirk Session was not far from a golf links, and some of them did play golf when they should have been attending meetings of Session. This was very grievous to the graver brethren, a minute of Session was adopted to the following effect: 'The brethren understanding perfectlie that divers persons of their number the tyme of Sessioun passes to the fields, to the goufe and other exercise, and has no regard for keeping of the Sessioun conforme to the acts maid thereanent, for remeid quhairof it is ordanit that quhatsumever person or persons of the Sessioun that hereafter beis found playand, or passes to play, at the goufe or uther pastimes the tyme of Sessioun sall pay 10s. for the first fault, for the second fault 20s., for the third fault public repentence, and for the fourt fault deprivation from their offices.'

Whether or not these stringent penalties were ever actually exacted they show that the business of the Kirk Session was distasteful to many of its members. The fact was that they were expected not merely to wait until some *fama clamosa* compelled them to take action but to act as spies on the private conduct of their neighbours, and generally to assume the functions of a modern police court. Here, for instance, is a list of some of the offences which came under the cognisance of Kirk Sessions in the early years of the Reformed Church. Defamation, flyting, ungodly speaking, filthy speeches, bannery and swearing, blasphemy, 'extraordinary drinking,' 'drinking contymouslie,' suspicious company keeping, haunting evil company, mis-spending gear, night walking, keeping open house in the silence of the night, playing at durris (playing about the doors), dancing and running through the town after supper, tulzeing and ungodly behaviour, wrestling and kissing on the causeway, being troublesome to neighbours, playing at tables (draughts or backgammon) over night, cards or dice, striking, forcible abduction, fighting, bloodshed, slaughter, witchcraft.

No doubt in some cases the Session did good, and one cannot

but recognise their earnest endeavour to raise the moral tone of the people, which seems to have been low enough. But many of the faults brought under notice would have been better dealt with in a less public and more lenient way. Young men and maidens had little chance of love-making, however innocently it might be carried on. Elspeth Anderson, for instance, had to confess one day that her young man had called on her one night in Mr. John Methven's house, and that her master found her 'in the said Robert his oxtar under his cloak' and reproved them. Robert denied any injuries done by him 'and na forder being verefeit he wes ordanit to crave God's mercie, and baith were admonest nocht to commit the lyk herefter : and if he be fund doand the contrar it sal be haldin as confest fornication againis them.'

All this to our minds is an unwarrantable interference with the liberty of the subject, but we must not on that account condemn the action of the Session too hastily. They found the country in a bad state and they were merely acting upon their convictions in endeavouring to set it right. They did not perhaps take the right way but they acted up to their lights. In the sixteenth century toleration and moral suasion were principles not only not understood but practically unknown.

The fact is that the principle on which Kirk Sessions in the earlier period of the Church acted was simply that of the Confessional, viewed from the other side of the screen. Instead of the penitent voluntarily confessing his sins to the Church, the Church made it its business to find out his transgressions by means of vigorous espionage. In both cases penance was inflicted : in the Roman Church it usually took the form of the repetition of so many extra prayers (which however well intentioned were apt to become mechanical), while in the Reformed Church it consisted of the mere material penalty of the stool of repentance, monetary fines, or in some instances imprisonment in the church steeple. To the tenderer spirits this publicity of penance must have been agonising ; indeed there is on record one instance of a poor fellow being driven out of his mind by the anticipation of it, while to the culprit of coarser frame it was more of a joke than otherwise.

Witchcraft was one of the offences which came under the cognisance of the elders of old time. Of course they thoroughly believed in witches, and the St. Andrews elders dealt severely with anyone consulting them, though in most cases the poor

creatures were persons who had some knowledge of simples and the use of herbs in curing disease. But of the dealings of Sessions with witches themselves we hear very little : when they suffered the extreme penalty of the law it was by the action of the civil magistrate and not by that of the Kirk Session. There does not seem to have been any demand for the services of either ministers or elders as exorcists ; but there is on record an instance, as recent as 1848, in which an unsuccessful application had been made to the minister and elders of Campbeltown to rid an unfortunate parishioner who was troubled with some very evil symptoms. As they had evidently declined to move in the matter the following letter was addressed to the Moderator of the General Assembly :

Ballochintie, 21 April 1848.

To the General Assembly Moderator of Scotland.

This is a sorrowful account of a poor orphan woman native of Kintyre which had been troubled these two years with frogs in her inside, of which one yellow do. had been cast out two years ago July coming by Duncan McNab, Dr., Campbeltoun, but still troubled with them yet and Mr. McNab would have put them all out if paid for it, but Campbeltoun minister and elders of my native parish would have nothing to do with me which was cruel and murderous. To prove that I am troubled with them the following names are for a telegraph—all the following can and are willing to give their oath to verify and ascertain the truth :

John Kerr, Auchencairn	} Arran.
William and John McDougall	
Ann and Mary Mackinnon	

They are ready whenever called to Edinburgh to verify the truth by an oath.

I hope you will take the matter to consideration and look to the poor object which will be a blessed affair. If you give word to Dr. McNab, Campbeltoun, you shall be ever in my prayers for a blessed stage in the world unknown. She took arsenic poison for a medicine which is of no effect and frightful of death. I am my lord, your most devoted humble servant Edward McCallum. Please send back word if you will do for her to Edward McCallum, Fisher, Ballochintie.

The subsequent history of this case is not known.

But we must leave such subjects and pass to other and brighter themes. There was, perhaps, no feature of such marked difference in the practices of the Ancient and the Reformed Churches as the administration of the Lord's Supper. It must have been a remarkable experience for the parishioner of old time, shortly after the Reformation, to receive communion in

both kinds, while only a few months before he had been debarred from the cup altogether. But even then it does not appear that the elders had nearly the same duties to perform in connection with the Communion as they have now. It is difficult to ascertain whether in the days of Knox and his immediate successors the people knelt while receiving the Sacrament and were given it by the hands of the minister alone, or whether they sat in their pews or at tables and had the elements brought them by the elders. Certainly in the Episcopalian times of later days the former was the practice, as Spalding expresses his surprise and horror when at Aberdeen in 1641 he saw the basin and bread lifted by an elder and ilk man take his Sacrament with his own hand. But in the early days of the Church I expect the elements were carried to the people by the elders much in the way it is now done, as on the St. Andrews Register there are lists of elders and deacons sent to collect the tiquots, or tokens, and others to serve the tables. Indeed it is difficult to see how it could be done otherwise, as in 1593 there were more than 3000 regular communicants in the Church there.

In many cases, however, the elders had little opportunity of exercising this part of their functions, as the Sacrament of the Lord's Supper was but infrequently celebrated in many parishes. After the first fervour of the Reformation had passed away a singular apathy took possession both of pastors and people as regards this matter. In the parish of Fodderty, for example, it was stated that there had been no celebration of Communion for twelve years, while Glen Urquhart was in the same position during the whole incumbency of Mr. Duncan MacCulloch, from 1647 to 1671, and these were not exceptional instances. How different from the earlier times, when Knox recommended that Communion should be celebrated four times a year, and when there was an early celebration at four in the morning, besides another in the forenoon. But in later times it is a curious fact that Scotland seems to have oscillated between the two extremes either of having no Communion at all, or else of making it the occasion of a gathering from far and near, and an outburst of emotional piety, which in some cases degenerated into licence.

The elders had, both in early and later days, not only a solemn but also a very arduous duty to perform. The very supplying of a sufficient quantity of bread and wine to the communicants must have taxed them severely. Probably an account of the admission to the reception of the cup which the Reformed Church

gave to its members, the amount of wine consumed at Communion services was, to our eyes, quite appalling. At one Communion in Edinburgh, in 1578, twenty-six gallons of wine were consumed, costing £41 12s.: eighty years after that date the Corporation of Glasgow spent £160 for a hogshead of wine for Communion, and many similar instances might be cited. The work of the elders on Communion Sundays in the early history of the Church, and, indeed, down to comparatively recent times, must have been much more arduous than it is at present. However uplifting and solemn the Communion services in olden times may have been, they were, or at least became, of inordinate length, and must have taxed the energies of the Session to the utmost. So much so that in some parishes at least the minister, elders, and other office-bearers in the congregation got a private allowance of wine, and that a liberal one, for their sustenance, though I cannot believe that it was consumed entirely on the day of Communion itself. Thus, in St. Cuthbert's, Edinburgh, in 1687, the minister got an allowance of nine pints of wine (four Scots pints were equal to a dozen bottles), the precentor two pints, the elders and deacons four pints (a comparatively modest allowance in comparison), the beadle two pints, and so on.

There were many other duties which the old-time elder had to perform that I could mention, but I must not detain you with them. The practice of Privy Censure, when all the members of Session, including the minister, had to go singly or in pairs out of the room while the rest of the brethren discussed their conduct and character, was one of the most extraordinary. It nominally gave much opportunity for plain speaking, wholesome correction, and home truths; but, on the other hand, as each member knew that if he dealt hardly with his absent neighbour, he in his turn would have the same measure meted out to him, probably little came of it. Occasionally, no doubt, there was some mild expostulation. St. Andrew's Kirk Session, for instance, evidently groaning under the infliction of portentously long and read sermons, caused one of their ministers to be 'admonisit, of multiplication of wordes in his doctrine, and that his nottes be in few wordes that the people may be mair edifit.' But in the great majority of cases nothing censurable was found against anybody. The Kirk Session of Melrose on one occasion thought it better to proceed to their Privy Censures on a certain day, the reason given being that the next Tuesday was Galashiels Fair.

These glimpses of the first beginning of the Scottish elder

show that his duties were very different from those of the present day. They were forced upon him by exigencies of his time : they were in many respects disagreeable duties, but were none the less necessary if the people of Scotland were to be raised out of that depth of moral and spiritual degradation into which they had undoubtedly sunk. But they faced them with indomitable resolution and strenuous endeavour. They were sometimes mistaken, their methods may have been crude, and they may have attempted to drive the people rather than lead them. But the times were difficult and dangerous, and they did their duty according to their lights.

JAMES BALFOUR PAUL.

Superstition in Scotland of To-day

PROBABLY few of those who year by year visit the northern counties of Scotland have any notion of the fairy lore and superstitions which, notwithstanding our modern wholesale education, are still cherished and believed in by the natives. The isolation of the crofter communities and the mystic temperament of the Celt are probably the chief contributory causes for these survivals elsewhere relegated to the limbo of forgotten things, and as every year, with the spread of education from one source or another, they will become less vigorous, it seems desirable to place on record the following instances which have come under observation within recent years.

Flint arrow-heads of prehistoric manufacture were long regarded with awe, as the product of elfin skill; and as mysterious as their manufacture was the sudden appearances they were credited with in unexpected places such as much traversed roadways and paths. With such a supernatural attribution they were readily regarded as possessed of peculiar virtues in warding off evil and disease. In the far west of Sutherlandshire a fine barbed arrow-head was shown to the writer in 1909 by a reliable man who had acquired it from a crofter. Its former possessor had been in the habit of dipping it in the water which he gave to his cattle to drink, thus rendering them, as he believed, immune from disease.

There were exhibited at a recent exhibition a set of pebbles, three in number, consisting of an oval disc of quartzite some two inches in length, and two rounded pebbles, the largest about the size of a pigeon's egg, and covered on one side with small black stains produced by a lichen; the oval stone shows a slight hollow produced by rubbing in the centre, suggesting that it has come from some prehistoric site, possibly a grave. These stones belonged to a reputed witch, whose death occurred as recently as 1900, and were employed by her in the practice of her art. That her skill was not confined to acts of a beneficent nature, such as warding off disease from cattle, the following narrative will show.

It appears that at one time, by fair means or foul, she had captivated the affections of a swain in the village, and to him had become betrothed. Her lover, however, proved fickle, and in her place led another bride to the altar. As the happy pair emerged from the church door the disappointed one thrust herself between them and cursed her rival. It was no impotent malediction, for in five days' time the bride lay dead. In this enlightened age no retribution overtook this malicious jade; on the other hand, her reputation was henceforth firmly established, and doubtless in a superstitious community she benefited accordingly.

On calling recently at a shepherd's cottage in a southern county of Scotland the conversation turned on witchcraft and witching-stones; whereat the shepherd's wife, an old woman, whose face beamed with intelligence and good humour, produced from the high mahogany chest of drawers—an essential piece of furniture in the 'ben' room of a Scottish cottage—a number of small rounded pebbles long retained in the shepherd's family with no surviving record to account for their preservation. In all probability they too had been charm stones. On the discussion of such a suggestion the good wife related the following story.

Her mother, also the wife of a shepherd, had lived among the hills, at the head of the valley of Ettrick. One summer afternoon there came to her door an aged crone who begged a bowl of milk. As churning was in prospect, lambs to be fed, and above all milk scarce, the shepherd's wife expressed her sorrow that she could not give the dole, 'Ye'll be sorrier or nicht,' came the reply, as the woman turned on her heel and shuffled away down the hillside. When the evening milking time came the true intent of the remark was apparent, for the cow, usually a good milker, was dry. Much perplexed the shepherd's wife sought counsel of her neighbour, whose experiences were fortunately more varied than her own. Had she any sweet milk in the house, queried the latter. 'A little in the bottom of a jug.' 'Good! Pour it into a pot, set the pot on the fire, then run and cut a fresh green turf, which place on the top of the pot. This done, stick pins into the turf, as many as it will hold, and when the milk boils the cow will be herself again.' The prescribed course was faithfully followed, and long ere all the available pins were in the sod the milk boiled and the cow recovered.

One can hardly imagine a more striking anachronism than the use of the black art to upset a school board election. Yet such an occurrence actually took place in a northern county a

very few years ago. In a parish, so far north that a labourer from Banff who had migrated thither actually designated himself to the writer as 'a south countryman,' there lives a dame who has no mean reputation as being possessed of the evil eye. Let her but look with evil intent into the face of a collie dog and henceforth no sheep by haugh or hillside will be chivied by him ; equally potent are the spells she can cast over the cows to stop their milk. This dame has a husband, a respectable elderly man, but stricken with years and no longer able to take an active part in local affairs. Now it happened that a school board election was imminent, at which a keen contest was expected, and it behoved the candidates to make sure of every possible vote. Accordingly this aged person was duly canvassed, and a promise of his vote received, the favoured candidate undertaking to convey him to the poll on the day of the election. The day arrived, and duly habited in his best clothes, as became such an important function, the old man awaited the promised conveyance. The morning passed without its advent, and as the hours fled onwards ominously angry grew the wife at this disregard of her husband, until, as the afternoon drew to its close, she could restrain herself no longer, and consigned the whole concern to the devil. The devil interferes in strange ways ! When the votes came to be counted three of the candidates had polled seventy-five votes, and a second election was necessary. 'Ye wad hear that there was a colleesion in the voting, but ye wad-na be hearing that Mistress A—— caused the colleesion,' remarked a native of the parish on the following day.

Sailors are of all people the most superstitious, and many a person who has suffered from a rough voyage has seen some hapless parson indicated as the cause of his discomfort ; but there are other creatures besides clerics who can raise the winds. On the extreme north coast a considerable amount of communication between the small crofter hamlets is carried on by a trading schooner. Now it happened that the doctor was fitting from one of these townships and had chartered the schooner for the conveyance of his household goods. Everything had been carefully stowed on board save a crate which lay on the pier containing live poultry, an important part of the establishment where supplies are not always readily procurable. But when the simple mariners learned of its contents they absolutely declined to take it on board, for why should they risk their lives by taking into their ship winged creatures that would undoubtedly raise the storm ; and

so the poultry had to be sold to any one at the pierhead who would make an offer for them.

The traveller who takes the coast road along the north side of the Kyle of Sutherland will recognise the hamlet of Spinningdale by the gaunt ruins of a cotton mill standing between the high road and the shore. About half a mile above the village at the edge of a wood lie the remains of a great cairn ; most of the stones that composed it have been removed to build dykes, but one or two upright slabs spared near the centre indicate the remains of a chamber suggesting that it probably covered the ashes of some neolithic hero. The legend repeated in the neighbourhood attributes to it a very different origin. Many years ago there visited the district a plague, which in its ravages took a heavy toll of life from the poor crofters who dwelt on the haughs beside the Rhivra burn ; so in despair the survivors betook themselves to the priest to consider the best means of averting the disaster that threatened the community. No insuperable difficulty presented itself to the priest ; the plague-stricken area was quite definite and within it consequently was the disease. So, following the good man's advice, the inhabitants formed themselves in a ring around it and walked inwards to a common centre, keeping of course the pestilence ever before them, till, just as they reached the final point of convergence, the pestilence in the form of a small animal vanished into the ground. Lest it should find its way to daylight once more its pursuers raised a mighty mass of stones over its retreat. One almost wishes the vandals who destroyed the cairn had let it loose again upon themselves !

Beside the banks of a noted salmon river, which meanders through brown moors and green meadows to the Northern Ocean, there lives a man who has seen the fairies. This man is aged now, but in his youth one Sunday morning, as in meditative mood he wandered by the banks of the stream, his vision was blessed by the sight of a band of little people habited in green, tripping along hand in hand in the tracks of a diminutive piper, who piped them gaily forward. Now the man who saw the little folk is no untutored rustic, whose world is contained within the bounds of his parish, but he has sojourned in the United States, where the strenuous life gives little opportunity for the cultivation of romantic fancies. Yet his faith in this vision remains as steadfast as the earth on which he stands, and should you in your ignorance of such mysteries endeavour to persuade him that his

fancy played on him a trick he will tell you that nothing to him is more sure than that he saw the fairies on that summer morning long ago.

Dotted over the richer part of the county of Caithness may be seen numerous grassy mounds, covering the remains of cairns or brochs, and known to the natives as 'tullochs' or 'Picts' houses.' Searching for the site of one of these the writer called one day at a farm to make enquiries. With that kindness and courtesy which one hardly ever fails to meet with in country places the farmer left his occupation to help in the search. As he described the object as a 'Picts' house,' the writer treated him rashly to a few facts of modern archaeology which, however, he politely but firmly declined to believe in. 'Na, na,' he said, 'there were lots of Picts up and down Caithness in my grandfather's time; wee unchancy folk they were, and if you spoke ill of them ye were sure to get a fall or nicht. They lived in the tullocks, and if ye paused in the darkening and listened ye could hear them away in the heart of the tulloch sharpening their knives. There was once a woman in this parish who fell in with a band of them as she was coming home at nicht, and they took her off; she wan away back to her ain folk, but she was never the same woman again.' Thinking that the farmer was not in earnest it was suggested that the school-board was responsible for the extinction of the Picts; but such a theory was received with no favour. 'Na, na,' he repeated, 'there were lots o' Picts up and down here in my grandfather's time.'

The fairies seem to have withdrawn themselves for ever from mortal gaze, though to a favoured few the fairy music is still audible; the Picts no longer wander up and down Caithness and haunt the tullocks; even the mermaid who paid a fleeting visit to the Pentland Firth in 1809, and whose appearance is accurately recorded with a wealth of detail by credible witnesses in Henderson's *General View of the Agriculture of Caithness* (App. p. 108), seems to have left our shores never to return. But, though education has slain all these wonder-folk with the hard logic of fact, there is still a harvest of legend and lore to be garnered in Scotland by those who have the opportunity and the will to use it.

A. O. CURLE.

Notes on Swedo-Scottish Families

[THE editor is indebted to Mr. John S. Samuel for these biographical and historical Notes of Scotsmen in Sweden. They were prepared by Herr Eric E. Etzel, D.Ph., Upsala, partly from information in *Anrep.: Svenska Adelns Aettartaflor*, and partly from researches in the private archives of members of the Swedish nobility, who trace their descent from Scotsmen who migrated to Sweden, for the most part during the Thirty Years' War. That prolonged struggle attracted a large number of Scottish soldiers of fortune, who at its close settled in Sweden, and afterwards made for themselves a name in its military and industrial annals. The notes—which relate to families still existing in Sweden—were primarily intended to illustrate and explain many of the relics and memorials in the Swedo-Scottish Section of the Scottish Historical Exhibition held in Glasgow, 1911; of this section Mr. Samuel was convener, and contributed largely to its success. Dr. Etzel has endeavoured to secure accuracy in these notes, but names of persons and places are inevitably liable to error, and pedigrees doubly difficult to trace, when the descendants of emigrant Scots try thus to recover the story of their ancestry.]

CLERCK. Robert Clerck lived in Scotland in the beginning of the sixteenth century, and was descended from the ancient family of Clerck of Coulli, in Forfar: he was lieutenant in Selkirk, and married to Helena Scrymgeor of the noble family of Scrymgeor of Dudhope.

His grandson, William Clerck, was born in Scotland, and in 1607 went, as captain of a regiment of Scots, to Sweden. He was married to a Scotchwoman, Malin Dunckham.

His son Hans Clerck, the elder, 1607-1679, was born in Orebro. He entered the navy, and became admiral, and adviser to the Admiralty. He was raised to the nobility in 1648. He died at Orebro, and was buried in that town, in the Church of St. Nicholas, where his coat of arms is hanging. His brother Thomas was also ennobled. He followed the profession of the law, and became *härads höfding*—an office between that of a barrister and of a judge.

One of his sons, Jacob, was a major in the marines, and was killed at the

siege of Stralsund. Thomas, born in 1680, was captured at Pultava, and was kept prisoner at Solikamsk. This branch of the Swedish line of the family died out long ago.

Richard Clerck the younger was born in Scotland in 1604, and was brought to Sweden a few years later. He entered the navy, and rose to be admiral. He was ennobled in 1648, and thus founded another branch of the Swedish line of Clercks, but as he had only one son, who died unmarried, the line died out only sixty-two years after its foundation.

The third branch of this family, like the two first, originated in Scotland, but has a different coat of arms, which is, however, identical in one particular. The first of this branch was Alexander Clerck, of noble Scottish extraction. He was a goldsmith during Queen Christina's reign.

His grandson Jacob, 1668-1735, distinguished himself in the law, and was made a nobleman in 1699. Christopher, a grandson of above, was in the army and rose to be major. In 1803 he advertised in the public papers for his wife, whom he had not heard of for fourteen years. This branch has also died out.

The fourth branch was founded by Hans, a grandson of the William Clerck, the founder of the family in Sweden. He was in the navy, and rose to be admiral. He became governor in Westerbotten and Lappland in 1680, and in Calmar and Oland in 1683. He was a valorous and skilful seaman, and was in several sea-battles, amongst others in the Mediterranean against the Turks, under the command of the English Admiral Tromp. He was made a baron in 1687, and died in Arboga in 1718. He lies buried with his wife in the Klingspor tomb in Wallentuna. His line began and ended with him, for though he had twelve children, seven of them were girls, and of his five sons, four died as children, and the fifth was killed by a shot at Pultava in 1709, at the age of 25.

Lorentz, 1653-1720, son of Hans the elder, gained the rank of lieutenant-general in the army, and was created a baron in 1707. He was buried in Höreda Church in Smaland, where his coat of arms may still be seen. He had four children, two of whom were boys. Hans the elder was shot dead at Pultava, and Carl the younger died unmarried, thus ending that line of the family.

There is a noble family of Klercker which is supposed to have sprung from the same source as the Clercks. Their coat of arms is something similar. One of the members of the family, Carl Frederik of Klercker, is at present Swedish Minister at Brussels and The Hague. The present head of the family is John Echard Frederik, born 1866, a Doctor of Philosophy and author.

HAIJ. (HAY.) This ancient noble family, which is famous in several European lands, is descended from a Scottish peasant. In the year 920, in King Kenneth III.'s time, when the Danes landed on the Scottish coast, and at first had the upper hand in the battle at Loncarty, this peasant, for lack of any other weapon, took the yoke of his plough, and with two of his sons who were very strong and brave, met his flying countrymen, and forced them to return to the struggle, the result being that the Danes suffered a complete defeat. It is said that the heroic peasant, who, after

the battle, was found worn out and wounded, cried out to encourage the soldiers 'Hie! Hie!' and this exclamation, or a variation of it, afterwards became his surname, and that of his descendants. He and his sons were at once ennobled by the king, who, at the same time, gave them as much land in Carse of Cawry (Gowrie) as a falcon could fly over without resting. In Scotland the race has spread into many different branches.

The first of the family to go to Sweden was Alexander Hay, who was born in Scotland, and went to Sweden in the beginning of the seventeenth century. He became a colonel, and married a Swedish lady, Dorothea Plessan. He had three sons, the eldest of whom, Henric, 1631-1698, became Commander of Kockenhusen, and was ennobled in 1689. This Henric Haij had two sons, Henric Magnus and Carl Henric, who also entered the army and rose to be lieutenant-colonels. In 1709 they were captured at the Dnieper and taken to Tobolsk. Henric Magnus' son, Wollrath Wilhelm, also followed a military career and during the war in Pomerania showed bravery and skill in battle. His son Eric was the first baron, which title he received in 1815. He was a distinguished officer, rising to the rank of major-general. The present head of the family is Baron Vollrath Wilhelm, and the family estates are Onsjö and Gäddebäck in Västergötland.

MAULE AND MAULL. The ancestors of these families came from the town of Maule, eight leagues from Paris, from which they got their name. From there they came to Scotland, where they were flourishing already in the thirteenth century. One of the family became the Baron of Panmure in the Scottish King Alexander's time, between 1214 and 1249, and one of his descendants became Lord of Brechin in the year 1437, through his mother, and finally the title became Earl of Panmure, Lord of Brechin and Navarr.

John Maule of Glittne in Scotland was the father of James, who was born in Scotland, and went to Sweden about the year 1732, becoming the ancestor of the family of Maule. He was a naval captain in the East Indian service. He married a Swede, Lona Busch, and had four children, who were all ennobled in 1782. One of them, Jacob Maule, entered the East-India service, and was, for ten years, chief of the office of the Company in Canton, from which he returned to Sweden in 1781, with a considerable fortune. One of his sons, James, became a chamberlain, and held at different times several other posts of honour.

The family of Maull can be traced to a Maule who was a councillor in Kongelf, and who is believed to have afterwards come to Sweden.

His son Jacob was born in Kongelf. He became 'Chief War-Commissary' for the army in Scania in 1716, and held a high office in Gothenburg. He was ennobled in 1716, and died two years later. He had eight children, but the branch died out with that generation as not one of the eight left a child.

The present representative of the Maules is James Pilegaard, born in 1855. Several members are at present living in Sweden, including John Maule, captain in the Crown Prince's Regiment of Hussars, who lent several pictures to the Scottish Historical Exhibition, 1911.

MESTERTON. According to tradition this family owes its origin to England, whence one of its members, who had an estate in Northumberland, and had stood on the king's side during the revolt against the Stuarts, had to fly. He went first to Holland, and later on it seems that he went to Sweden, while a younger brother, who had been on Cromwell's side, took possession of the family estate. According to the family tree of the Psilanderskölds at Riddarhuset (Swedish House of Nobles), the first member of the family known in Sweden, Jacob Mesterton, was son to Archibald Mesterton, governor of Edinburgh. The above-named Jacob, 1625-1689, who went to Sweden in the middle of the seventeenth century, is named in the Marriage Register of the Church of St. Nicholas for the year 1658, and is there called 'Jacob Mästerton,' and in 1660, at Arboga, where he owned a farm, his name is found written, Jacob 'Mesterthun.' He was a merchant in Stockholm, and owned some property in different parts of Sweden.

Carl Mesterton, born in 1715, became a Theological Professor in Abo, and was a prolific author. His great-grandson, Carl Benedict, born in 1826, had a distinguished career as a Physician and Professor of Chirurgery at Upsala University. He planned a hospital at Upsala which was so practical that it served as model to several of Sweden's hospitals. He died at Upsala in 1889.

MONTGOMERY. The family of Montgommorie, Montgomerie or Montgomery, originally had its earldom and estates in the Pays d'Auge, in Normandy. It spread to England and Scotland, and the first of the family to be ennobled in Sweden was descended from a younger son of the first Earl of Eglinton. Robert Montgomery, born in Scotland in 1647, lost all his property in that country through the revolution. He married three times. By his three wives he had twenty-one children, among whom there were eight sons, of whom one named John went to Sweden.

John was born in Scotland in 1701, and was sent to a relation in Stockholm in 1720. He became the owner of the Länna Factory in Roslagen, and of several others in Norrland and Finland, and was made a nobleman in 1736. He died in Stockholm in 1764, and was buried in the Church of St. Mary. His son Robert, 1737-1798, at first entered the Swedish service, but later on left it for the French army, in which he reached the rank of captain. He then re-entered the Swedish service, in which he rose to be commander. During the time he was in the French army, he was present at the battle of Bergen, under the command of Marshal Closel, and at several other battles. He received from France a pension of 600 livres annually, as long as such pensions were paid. For being a member of the Anjala-Society he was condemned to be executed, but the sentence was reduced to loss of rank and of his orders and to imprisonment in St. Barthelemy, from which he was set free in 1793. His first wife was Anna Sibylla von Stalbourg, whom he took by force from her first husband.

One of his sons, named Josias, 1785-1825, was the first to be called Montgomery-Cederhjelm. His maternal grandfather, Baron Josias

Cederhjelm, settled the estate of Segersjö, in Nerike, on him and his heirs, on the condition that the occupier of the property and his heir should always bear the name of Cederhjelm in addition to his own family name. Josias was in the army, and was adjutant to General Baron Vegesach in the Norwegian war, and had the gold medal for bravery in the field. He bore the rank of colonel when he died at the age of forty. He was buried in the Cederhjelm vault in the Church of St. Clara in Stockholm.

Another branch of the family Montgomery in Sweden began with Jacob David Montgomerie, who was at one time major-general in Hanover, and afterwards entered the Swedish service, and became lieutenant-colonel in a German regiment of the Swedish army in Pomerania. He died in 1653.

His son, David Cristoffer, was a Swedish officer, and died 1704. He married twice, and his son 'Carl Gustaf' also entered the army. Carl Gustaf, 1690-1763, was wounded at the battle of Helsingborg, in 1710, and when in 1713, on the way to Wismar, the vessel he was in went on the rocks at Bornholm, he, with several others, was declared a Danish prisoner of war, was plundered, and taken to Copenhagen, and was there until the following June, when he was exchanged. He had five sons, all of whom were ennobled.

One of his granddaughters, Märta Christina, was celebrated for her beauty. She married a Count Douglas, and was called 'The beautiful Countess.'

Carl Johan, 1730-1805, was in the Pomeranian war, during which he fought in the battles of Guströw, Grantzow, Süssow, Schatcow, Anclam, Passewalk, and Werbelow, and was badly wounded in 1759.

David Robert, 1771-1846, went through the whole of the Finnish war 1780-90, during which time he was in the battles of Kowalla, Uttismalm, Likala, Skogsby, Walkiala, Keltis, and Nappa. In 1789 he personally saved King Gustaf III. from being taken prisoner by three Kossacks, when he was reconnoitring an outpost. For the bravery he then displayed he was named a Knight of the Order of the Sword on the spot, although he did not receive the insignia of the Order till 1801. He was ordered with his regiment to Pomerania in 1806, and was taken prisoner by the French in Lübeck. He left the service in 1811, with the rank of lieutenant-colonel.

Otto Wilhelm, 1736-1775, was in the Pomeranian war, and was present at the battles of Svinemünde, Werbelow, Passewalk, Köpenack Grimm, Demmin, and Anclam. One of his sons, Carl Christoffer, 1765-1792, died of a wound which he received at the engagement at Wärelä.

Otto Wilhelm, 1768-1837, had the gold medal for bravery on the field of battle in 1810. He was in the war in Finland, and was wounded at Hörnefors.

Gustaf Leonhard, 1772-1845, was in the navy for some time, during which he was present at the retreat from Wiborgsviken, and the sea-battle at Svensksund in 1790, after which he received the Svensksunds medal in gold.

Carl George, 1779-1847, and Fabian Hugo, 1782-1832, were accepted by the Finnish *Riddarhuset* (House of Nobles) as nobles.

Gustaf Adolf, born in 1791, during his youth filled several different positions, such as assistant-clerk in an office, and to a judge. Later on he proved himself a brave soldier in the Finnish war, 1808-9, during which he marched over 1200 English miles, and took part in the encounters at Putkila Koiwiste (where he captured a prisoner, and received the medal for bravery), Kuopio, Kellenjemi, Iaipale, and Idensalmi. He took part in the campaign in Westerbotten, where he was in the contests at Hörnefors and Degernäs. He was on duty as outpost when the Russians marched over Qvarken, and got his feet frozen. He was wounded several times, and because he captured a mounted Cossack, he was given his commission as lieutenant. He was in the war in Norway in 1814, and was in the conflicts at Lierskans, Medskog, Skotterrud, and Malmerberget. Later on he was in Parliament, where he worked for the high taxation of schnapps, and the abolition of number-lotteries. From 1834 to 1841 he was manager of Carlbergs Copperworks in Jämtland, where he made roads, built a church and school for the employees of the factory, and with his own money and that of others interested founded a pension-institute which bears his name. Finally he worked for several newspapers, and himself published a military paper. He translated several works, and wrote and published a history of the Finnish war, 1808-9, in recognition of which he was elected member of several native and foreign learned and literary societies.

The heads of the two branches of the family of Montgomeries now in Sweden, are Robert, a Chamberlain to the Swedish Court, born in 1851, who lives on the family estate of Segersjö, and Knut Robert Gabriel, born in 1850. He is a captain on the reserve of the Life Dragon Regiment.

MURRAY. This Swedish family is descended from an old noble family in the county of Perth in Scotland of which a Malcolm Murray, who lived about the year 1250, was the founder. The Dukes of Athol, Earls of Dunmore, Barons Elibank, and several other noble families have this family name. In Cromwell's time one branch went to Prussia, and to this belongs the Swedish family.

Johan Murray, 1665-1721, a landowner in Prussia, had a son named Anders, 1695-1771, who was born at Memel in Prussia, and who in 1717 took a degree, answering to the English 'Master of Arts,' in Jena. He became a clergyman, and was rector in Schleisweg and Haddeby in 1725, and in 1735 went to the German church in Stockholm, where he became the priest in charge in 1738. Among other writings, he published a German homily. He died in 1771. One of his sons, Gustaf, 1747-1825, took academical degrees at Göttingen in 1768, and holy orders in 1770 at the German church in Stockholm. There he took duty, and after being ordinary Court-preacher to the king, and first Court-preacher to Duke Carl of Södermanland in 1773, and holding several other important appointments, became principal Court-preacher to the king in 1809. He

was a Commander of the Order of the North Star. He was ennobled in 1810, and became Bishop of Westeras in 1811.

The present head of the family is Carl Wilhelm Otto, born in 1836. He lives at Saltsjöbaden.

NISBETH. This Swedish family originated in Scotland, and takes its name from the property of Nisbet in Berwickshire.

William Nisbeth was born in Scotland in 1596. He went to Sweden, and became first a major and finally colonel in the Upland Foot Regiment. He died in 1660, and was buried in Old Upsala Church, where may still be seen his coat of arms. His son William entered the same regiment, and was ennobled in 1664, after proving that he was a member of the family of Nisbet in Scotland.

Carl Wilhelm, 1790-1860, became a major, and gained the gold medal for bravery and Carl XIV. Johan's medal.

Fredric Wilhelm, 1727-1798, was a prisoner during the Pomerian War for three years.

Mauritz Wilhelm, 1681-1767, was fighting at Clissow, where he was shot in the right leg; at Pultowsk, where he was shot twice; at Holofzin, where he was badly wounded; at Reschilenska, where he was shot, and at Pultava, where he was taken prisoner, and was kept at Wolodga for many years before he was released in 1722, when peace was declared.

The present head of the family in Sweden is Carl Gustaf Mathias, born in 1849. He is a civil engineer, the hereditary owner of Tissinge, and owns other property.

SETON. The Swedish noble line of this family has included, besides the still living Baron line, two others, namely those of Seton and Dundas.

The Seton line was one of the most ancient in Scotland, and began to distinguish itself in King Malcolm Canmore's reign in 1070. One member of the family married the sister of King Robert Bruce.

The Baron line of Setons had its origin in France, and spread to Scotland when Princess Mary of Lorraine was married to King James V.

The Dundas line originated with the Earls of Northumberland.

George Seton, born 1696, in Scotland, was a student at Ehrenburg, whence he travelled to Dantzic, where he studied commerce. He went to Sweden in 1718, and settled in Stockholm, where he became a merchant. He was ennobled in 1785 at the same time as his nephew, Alexander Baron, Doctor of Law. George Seton never married, and so his line began and ended in himself. He died in 1786, and was buried in the Church of St. Maria in Stockholm.

The Baron line of Setons in Sweden began with the above-named Alexander Baron, Doctor of Law, born in Scotland in 1738. He was ennobled in Sweden in 1785, taking the name of Seton, and bought the stately house Ekolsund at Husby-Sjutolfts, of King Gustaf III. He was married to Elisabeth Angus, of Edinburgh, and had three sons, one of whom was in the navy, and was drowned near the Cape of Good Hope. He was unmarried. Another son, who had no profession, and never

married, died in 1828. Patrik, 1766-1837, his eldest son, was a Doctor of Medicine, and married a Scotchwoman, Agnes Thomson. He died at Torquay in England, leaving several children. His son and heir, Alexander, born 1806, lived on his Scotch estates.

The Dundas line of Setons in Sweden began and finished in the person of Robert Dundas, who owned the estate of Akerberg in Scania. He was ennobled in 1807, taking the name of Seton, and died without heirs.

Patrick Baron, born in 1849, is the present head of the Swedish line. He owns Ekolsund and Segersta, both in Upland, Preston in Scotland, and other properties in both countries. His wife is Beate Louise Eleonore Rosencrantz.

SINCLAIR. This family can be traced back to Woldorus, Count of Sinclaire in France, whose son William came to England.

Frank Sinclaire, afterward Sinclair, was born in Scotland, went to Sweden, and joined the army, in which he worked himself up to the rank of colonel. He was raised to the nobility in 1649. The line of Sinclairs of which he was the founder died out long ago.

John and David Sinclair, cousins of the above-named Frank, came to Sweden in 1651. David became the colonel of a regiment of cavalry. He bought the country estate of Finnekumla, and, when he was raised to the Swedish nobility, was allowed to retain the ancient coat-of-arms of his family, with the addition of a white five-leaved rose in the middle of the cross. He was shot dead by a cannon ball at the battle of Warschau, in the sight of King Carl X. Gustaf, in 1656. His son William became a general, and was raised to the rank of baron shortly before his death in 1715. Malcolm, a son of this William, 1691-1739, was taken at Pultava in 1709, when only eighteen years of age, and kept prisoner until 1722, when the war concluded. In 1739 he was on his way home from Constantinople, where he had been sent on important affairs, when he was seized and massacred by Russians, who left his body in a wood. It was afterwards taken to Stralsund and buried in the Church of St. Nicolas, where his epitaph may still be seen. His cruel death raised great indignation in Sweden, and was the subject of a romance, well known under the name of 'Malcolm Sinclairs Visa.'

One of his brothers, Henrik Gideon, was a very clever soldier, and served sometimes in France, sometimes in Sweden. He was in the campaign in Norway, during which he was present at the siege of Fredrics-hall. Owing to his changing service so often, he never reached a higher rank than captain. With the French army he took part in the war of 1733, and in 1740 was in the Finnish war, after which he returned to France, and went through the whole of the Seven Years' War. His son, Carl Gideon, born in 1730 at Stralsund, after serving in the army in France and Germany with great distinction for some years, joined the Swedish army. He showed great courage and skill in the battle at Warbourg, and was chosen to instruct the young Prince Maximilian, afterwards Kur-Furste of Pfaltz-Bajern, in the art of war. Later on, when King Gustaf III. was travelling through Zweibrück, he saw and recognized Carl Gideon, and

gave him the rank of colonel. He afterwards reached the rank of general. He died in Westmanland in Sweden in 1803. He was married to Henrietta Eckbrecht von Dürckheim, but had no children, and with him died out not only his line in Sweden, but also the chief line of the Barons Sinclair of Ninbourg and Dysart in Scotland.

Anders Sinclair was born in Scotland in 1614. He came to Sweden and became a musketeer in Colonel Robert Stuart's regiment in the Swedish army in 1635, from which time he advanced in rank until he became commander in 1678. He was raised to the Swedish nobility in 1680. In the siege of Thorn, he defended the post confided to him so valiantly that the enemy was repulsed eight times, during which he was shot in both arms and his head. He died in 1689. His son, Frans David, was a prisoner in Russia for thirteen years. He had one daughter only, and his number in the table of nobility was given to a natural son of Court Fredric Carl Sinclair, named Carl Gustaf, a major in the army, who was raised to the nobility in 1804. It is supposed that his line began and ended with himself.

Fredric Carl, born in 1723, became an ensign at the age of eighteen, after serving for three years as a volunteer at the fortifications. He was in the campaign in Finland about the year 1740, and with the permission of the authorities went to France in 1745 where he was taken prisoner by the Austrian troops, but escaped shortly after; he then took part with the French army, in the campaign at Rehnströmmen, and in 1746 in the campaign in Belgium and the siege of Namur. In 1757 he was in the war in Pomerania, during which he conducted the siege on the landside at Penemünde fort. At Löckenitz he was wounded five times. He had very much to do with the revolution of 1772. He was created a baron in 1766 and count in 1771, and in the army was general and councillor of war. He died in 1776.

The present head of the family in Sweden is Carl Gustaf Wilhelm, born in 1849. He was a captain in the Second Life-Grenadiers.

SPENS. William Spens, who was a member of a noble family in Scotland, lived in the sixteenth century. He had a son named Jacob, who was born in Scotland and went to Sweden in King Carl IX.'s reign as colonel of a regiment of English and Scotsmen. He afterwards entered the Swedish service, and became Swedish Legate or Ambassador to England in 1612. Ten years later he was created a baron, and received the barony of Orreholm. He was Aulic Councillor and general over the English and Scottish warriors in the Swedish army. In 1632 he died of a fit, which seized him when he heard the news of King Gustaf II. Adolf's death, and was buried in Riddarholms Church in Stockholm. His wife was a Scotch-woman, Margaret Forath, who afterwards married Baron Hugo Hamilton.

His son Axel, who was a major in the army, and died in the Polish War in 1656, had a son named Jacob, who became a general, and in 1712 was created a count. In 1712 and 1714 he and his wife entailed the estates of Höja and Engelholm on their second son, Carl Gustaf, because their elder son, Axel, was then a prisoner in Russia, and was not

expected to return, and the two entailed estates were not to be in the possession of one Count Spens if there were two living. Axel had been taken after the battle at Pultava in 1709, and was taken to Moscow, where he was kept a prisoner until 1722, when peace was declared. On his return to Sweden he had the command of the Observation Army at Stockholm. He died unmarried in 1745.

The head of the family is now General Count Gustaf Harald Spens, born in 1827. He has the estate of Høja, while that of Engelholm is held by Count Gabriel Spens, born in 1878.

Chronicle of Lanercost¹

MY lord Robert de Brus, King of Scotland, died a leper; he had made for himself, however, a costly sepulchre. His son, David, a boy of six or seven years, succeeded him. He had married the sister of the King of England, as has
A.D. 1329. been explained above; but he was not crowned immediately, nor anointed, although his father had obtained [authority] from the [Papal] Court for such anointing of the Kings of Scotland in future.²

In the same year, on the 16th day of March, my lord Edmund of Woodstock, Earl of Kent, the king's uncle and son of the late illustrious King Edward the son of Henry, was taken at Winchester as a traitor to the king, and there before many nobles of the realm acknowledged that, both by command of my lord the Pope and at the instigation of certain bishops of England, whom he named expressly, and by advice of many great men of the land, whom he also named and proved by sure tokens, and especially at the instigation of a certain preaching friar of the convent of London, to wit, Friar Thomas of Dunheved, who had told the said earl that he had raised up the devil, who asserted that my lord King Edward, lately deposed, was still alive, and at the instigation of three other friars of the aforesaid Order (to wit, Edmund, John and Richard) he intended to act, and did act with all his power, so that the said Lord Edward, the deposed king, should be released from prison and restored to the kingdom, and that for such purpose my lord the Pope and the said lord bishops and nobles aforesaid had promised him plenty of money, besides advice and aid in carrying it out.

In consequence of this confession, the said Edmund, Earl of

¹ See *Scottish Historical Review*, vi. 13, 174, 281, 383; vii. 56, 160, 271, 377; viii. 22, 159, 276, 377; ix. 69, 159.

² The bull conveying this right is dated at Avignon on the Ides of June, 1329. The Bishops of Glasgow and S. Andrews were directed to exact from King Robert and his successors an oath that they would preserve the immunity of the ecclesiastical order and extirpate heretics.

Kent, was condemned to death and was cruelly beheaded. Moreover, it was said that his death was procured chiefly through the agency of Sir Roger de Mortimer, Earl of March, who at that time was more than king in the kingdom, forasmuch as the queen-mother and he ruled the whole realm. The bishops, also, and the other nobles who were the Earl of Kent's advisers and promoters of the aforesaid business were severely punished. And the aforesaid Preaching Friar was delivered to perpetual imprisonment, wherein he died, as has been described above. But the marvel is that the said friar, or any other very learned person, should trust the devil, seeing that it is said by God in the holy gospel according to John that he is a liar and the father, that is the inventor, of lies. My lord Thomas de Wake, a baron and faithful subject of England and loyal to the realm,¹ and sundry other Englishmen, fearing the cruelty and tyranny of the said Earl of March, crossed over to France until such time as they should see better conditions and more peace in the realm.

In the same year the Scottish friars obtained a certain Vicar of the Minister-General and were totally separated from the friars of England.

About the feast of S. Luke the Evangelist,² the king held a parliament at Nottingham, whereat the said Earl of March was privily arrested by order of the king and taken thence to London, and there on the vigil of S. Andrew A.D. 1330. the Apostle next following³ in parliament was condemned to death, and on the evening of the same day was drawn and hanged on the gallows, where he hung for three days, being afterwards taken down and buried at the Minorite Friars.⁴ The charge upon which he was condemned is said to have been manifold—that he seemed to aspire to the throne—that it was said that he himself had caused the king's father to be killed, or at least had been consenting to his death—that he had procured the death of the aforesaid Earl of Kent—that it was through him and the Queen-mother that the Scots, so far as in them lay, had gained the kingdom of Scotland, free and independent of the lordship of

¹ Ancestor of Sir Herewald Wake of Courteenhall, Northampton. The Wakes claim to be of Saxon descent, and this Thomas or his father was first summoned as a baron of Parliament in 1295.

² 18th October.

³ 29th November.

⁴ But the king's letter is extant, directing that the body should be delivered to the widowed Countess and her son Edmund for interment with his ancestors at Wigmore.

England for ever, without having to do homage to the Kings of England, thereby causing serious detriment to the heritage of the King and Crown of England—that there was a liaison suspected between him and the lady Queen-mother, as according to public report. There was hanged also on account of the aforesaid earl one Symon of Hereford, formerly the king's justiciary.

Now the lady Queen-mother, seeing the earl's death and hearing the charge upon which he was condemned, took alarm on her own account, as was said, assumed the habit of the Sisters of the Order of S. Clare and was deprived of the towns and castles and wide lands which she possessed in England. Howbeit she enjoyed a competent and honourable sufficiency, as was becoming for the king's mother.

Meanwhile the son and heir of the Earl of Arundel, my lord Thomas le Wake, Sir Henry de Beaumont,¹ Sir Thomas de Rosslyn, Sir Fulk Fitzwarren, Sir Griffin de la Pole, and many others, who had been exiles in France, returned to England, and their lands were restored to them, with all that the king had received from these lands during the time of their exile.²

In the same year the new Pope came to the old one and was received to favour, on condition that he should not leave the curia, and there he remained till the day of his death, when the Pope caused him to be buried with ceremony.

In the same year a son named Edward was born to my lord King Edward the Third.

About the feast of S. Andrew³ David, son of the late Robert de Brus, was anointed and crowned King of Scotland at Scone, and it was publicly proclaimed at his coronation that he
A.D. 1331. claimed right to the kingdom of Scotland by no hereditary succession, but in like manner as his father, by conquest alone.

In the same year died my lord Thomas Randolph, Earl of Moray, who had been appointed Guardian of Scotland until David should come of age; wherefore Donald, Earl of Mar,

¹ Ancestor of Sir George H. W. Beaumont of Coleorton Hall, Ashby-de-la-Zouch. This Henry was styled *consanguineus regis*, and was summoned as a baron of Parliament, 4th March, 1309.

² Some of these lands were in Scotland, over which Edward III. had resigned all claim by the Treaty of Northampton. But it was stipulated in that treaty that these lords should receive back their Scottish possessions, a condition that the Scottish Government was not in a position to fulfil. Hence all the subsequent trouble about the Disinherited Lords.

³ 30th November.

was elected to the guardianship of Scotland, notwithstanding that he had always hitherto encouraged my lord Edward de Balliol to come to Scotland in order to gain the kingdom by his aid ; but when he found himself elected to the guardianship of the realm, he deserted Edward and adhered to the party of David.

On the feast of the Holy Martyrs Sixtus, Felicissimus and Agapetus, to wit, the sixth day of the month of August, the aforesaid Sir Edward de Balliol, son of the late Sir John of that ilk, King of Scotland (having first taken counsel ^{A.D. 1332.} privately with the King of England, and bringing with him the English who had been disinherited of their lands in Scotland, and the Frenchman, Sir Henry de Beaumont, who had married the heiress of the earldom of Buchan, and who was in England ; bringing also with him my lord the Earl of Athol,¹ who had been expelled from Scotland,² and the Earl of Angus³ and the Baron of Stafford,⁴ and a small force of English mercenaries) took ship and invaded Scotland in the Earl of Fife's land near the town of Kinghorn, effecting a landing where no ship had ever yet been known to land. The whole force did not exceed fifteen hundred, all told ; or, according to others, two thousand and eighty. Oh what a small number of soldiers was that for the invasion of a realm then most confident in its strength ! No sooner had they disembarked than the Earl of Fife⁵ attacked them with 4000 men ; but he was quickly repulsed, many of his men being killed and the rest put to flight. So my lord Edward and his men remained there in peace without molestation that night and the following day, but on the third day they marched as far as the monastery of Dunfermline.

On the day following the feast of S. Lawrence the Martyr⁶ they marched to the Water of Earn, where the Scots from the other side of the river came against them with 30,000 fighting men. But on that day they would not cross the water to the

¹ David of Strathbogie, 11th earl in the Celtic line.

² He is noted in Fordun (cxlvii.) as one of the disinherited lords.

³ Gilbert de Umfraville, 4th earl in the English line.

⁴ Ralph, Lord de Stafford, created Earl of Stafford in 1351. He was one of Edward III.'s ablest officers.

⁵ Duncan, 10th Earl of Fife (1285-1353), who, although he often changed sides, is distinguished as having been the first to sign the famous letter to the Pope in 1320, declaring the independence of Scotland.

⁶ 11th August.

English, nor would the English cross over to them; but the English, having held council, crossed the water in the night and fell upon the Scottish infantry, of whom they killed 10,000, put to flight the others unarmed, and pursued them. And when they returned in the morning light, believing that the armed men had run away in the same manner, behold! they were confronted by the Earl of Mar, Guardian of Scotland, having in his following the Earls of Fife, of Moray,¹ of Menteith,² of Atholl (whom the Scots had created),³ and Sir Robert de Brus, Earl of Carrick, son of the late Sir Robert de Brus their king, but not born in wedlock.⁴ They were formed in two great divisions, with twelve banners displayed on the hard ground at Gledenmore,⁵ about two miles from S. John's town.⁶ They began to fight at sunrise and the action lasted till high noon; but my lord Edward was strengthened by God's protection and the justice of his cause, so that the Scots were defeated chiefly by the English archers, who so blinded and wounded the faces of the first division of the Scots by an incessant discharge of arrows, that they could not support each other; so that, according to report, of that whole army, scarcely a dozen men-at-arms escaped, but that all were killed or captured, and that the number of killed and prisoners was 16,000 men. Howbeit in the first onset, when English and Scots were fighting with their spears firmly fixed against each other, the Scots drove back the English some twenty or thirty feet, when the Baron of Stafford cried out: 'Ye English! turn your shoulders instead of your breasts to the pikes.' And when they did this they repulsed the Scots immediately.

There was also much advantage in what a certain English knight said that day, who, perceiving that the fighting was very

¹ Thomas, 2nd Earl of Moray, succeeded his father on 20th July and was killed on 12th August.

² Murdach, 8th Earl of Menteith in the Celtic line.

³ David of Strathbogie having been forfeited in 1314, King Robert bestowed the earldom on his brother-in-law, Sir Neil Campbell (d. c. 1316). The earl named in the text was Sir Neil's son John, who was killed next year at Halidon Hill.

⁴ There is confusion here. David (afterwards King of Scots), was created Earl of Carrick previous to his marriage in 1328 to Princess Joan of England. Afterwards, in 1332 or 1333, Alexander, natural son of Edward Bruce, Earl of Carrick (brother of King Robert I.), was created Earl of Carrick and was killed soon after at Halidon Hill.

⁵ Dupplin Moor.

⁶ Perth.

severe on both sides, cunningly cried out: 'Cheer up, Englishmen! and fight like men, for the Scots in rear have now begun to fly.' Hearing these words the English were encouraged and the Scots greatly dismayed. One most marvellous thing happened that day, such as was never seen or heard of in any previous battle, to wit, that the pile of dead was greater in height from the earth toward the sky than one whole spear length.

Thus, therefore, in this battle and in others that followed there fell vengeance upon the heads of the Scots through the Pope's excommunication for breach of the aforesaid truce, and through the excommunication by the cardinal and the Anglican Church because of the support and favour shown to Robert the Bruce after the murder of John Comyn.

My lord Edward caused all the slain aforesaid to be buried at his expense. Having, therefore obtained this truly marvellous victory aforesaid, they entered S. John's town and abode there to rest themselves.

Now on the feast of S. Francis the Confessor, to wit, the fourth day of the month of October, my lord Edward was created King of Scotland at the Abbey of Scone according to the custom of that kingdom, with much rejoicing and honour. In which solemn ceremony it is said that this miracle took place, namely, whereas there were in that place an immense multitude of men and but slight means of feeding them, God nevertheless looked down and multiplied the victuals there as he did of old in the desert, so that there was ample provision for all men.

Meanwhile the Bishop of Dunkeld came to the king's place, and undertook to bring over to the king all the bishops of Scotland, except the Bishop of S. Andrews. The Abbots of Dunfermline, of Cupar-in-Angus, of Inchaffray, of Arbroath and of Scone came to peace also; and likewise the Earl of Fife with thirteen knights, to wit, David de Graham,¹ Michael de Wemyss, David de Wemyss, Michael Scott,² John de Inchmartin, Alexander de Lamberton, John de Dunmore, John de Bonvile, William de Fraser, W. de Cambo, Roger de Morton, John de Laundel and Walter de Lundy. But the other chief men of Scotland who had been deserted, seeing the king in the unwalled town of S. John,³ as it were in the heart of the kingdom with such a small force,

¹ Sir David Graham of Kincardine and Old Montrose, afterwards one of the plenipotentiaries for the release and ransom of David II. in 1357; lineal ancestor of the Duke of Montrose.

² Of Balwearie, ancestor of the Scotts of Ancrum, etc.

³ Perth.

assembled in great numbers and besieged him. When the people of Galloway, whose special chieftain was the king,¹ heard this they invaded the lands of these Scots in their rear under their leader Sir Eustace de Maxwell, and thus very soon caused the siege to be raised. Upon this Earl Patrick, and the new Earl of Moray by the Scottish creation,² with Sir Andrew de Moray,³ and Sir Archibald Douglas,⁴ having collected an army, invaded and burnt Galloway, taking away spoil and cattle, but killing few people, because they found but few. And for this reason the Scots and the men of Galloway were long at war with each other.

Meanwhile the king strengthened and fortified S. John's town, appointing the Earl of Fife with his men as garrison there, while he with his army rode about and perambulated the country beyond the Firth of Forth, and then returned. But before he got back, the Scots, by stratagem and wiles, had captured the Earl of Fife and burnt S. John's town.

Now after the king's return and when he had arrived at Roxburgh on the feast of S. Calixtus, to wit, the fourteenth day of the month of October, he dismissed his army in the town and went himself, for the sake of greater quiet, with a small retinue, to be entertained in the Abbey of Kelso, which is on the other side of the town bridge. But when the said Sir Andrew de Moray heard this, with other knights and troops, he continually dogged the king and his people in order to harass them. They broke down the bridge between the king and his army by night, so that they might capture him with his small following in the abbey, or kill him if he would not surrender to them. But the king's army hearing of this repaired the bridge with utmost speed; and some of them, not waiting till this was done, plunged into the great river armed and mounted, swam across and pursued the flying Scots for eight miles, in which pursuit many were killed and others captured, among whom was the aforesaid Sir Andrew de Moray, Guardian of Scotland since the death of

¹ Edward Baliol inherited the lordship of Galloway through his father John and his grandmother Devorguila, daughter and co-heiress of Alan, last of the Celtic Lords of Galloway.

² John, 3rd and last Earl of Moray in this line, 2nd son of Thomas Randolph, 1st Earl, killed at Neville's Cross, 1346.

³ Son of the younger Andrew de Moray (killed at Stirling in 1297) and afterwards Regent of Scotland. See Bain's *Calendar*, ii. pp. xxx.-xxxi.

⁴ Regent of Scotland, youngest brother of the 'Good Sir James.' Killed at Halidon Hill, 1333.

the Earl of Mar, and a certain cruel and determined pirate called Crab, who for many years preceding had harassed the English by land and sea. Both of them were sent to the King of England that he might dispose of them according to his will.¹ Howbeit this Crab, having been granted his life by the King of England, became afterwards a most bitter persecutor of his people, because of the ingratitude of the Scots of Berwick, who, at the time of the siege of that town refused afterwards to ransom him and even killed his son. But Sir Andrew de Moray was ransomed afterwards for a large sum of money.

About the feast of S. Nicholas the Bishop,² the King of England held a parliament at York, to which the King of Scotland sent my lord Henry de Beaumont, Earl of Buchan, and the Earl of Atholl, and many others with them, to negotiate and establish good peace and firm concord between my lord the King of England and himself; and this business, by God's ordinance, was carried to a prosperous conclusion, as will be shown anon.

But meanwhile the new young Earl of Mar (by the Scottish creation),³ and the steward of Scotland, and Sir Archibald Douglas, having assembled a strong troop of men-at-arms on the 17th of the kalends of January, to wit, the ninth day before Christmas, came secretly early in the morning to the town of Annan, which is on the march between the two kingdoms, where the King of Scotland aforesaid was staying with the small force he kept together, intending to remain there over Christmas. They found the king and his people in bed, like those who were too confident in the safety secured through many different victories already won, and they rushed in upon them, naked and unarmed as they were and utterly unprepared for their coming, killing about one hundred of them, among whom were two noble and valiant Scots, to wit, Sir J. Moubray and Sir Walter Comyn, whose deaths were deeply lamented,⁴ but the king afterwards caused them all to be buried. Meanwhile the king and most of the others made their escape, scarcely saving their persons and a few possessions which they

¹ John Crab, a Flemish engineer, served Walter the Steward well in the defence of Berwick in 1319 (see Bain's *Catalogue*, iii. 126, Maxwell's *Robert the Bruce*, pp. 266-268, Barbour's *Brus*, c. xxx.).

² 6th December.

³ Thomas, 9th Earl of Mar, can have been but an infant at the time. The reference is to the Earl of Moray.

⁴ Sir Henry Balliol, Edward's brother, was also among the slain.

carried with them across the water into England. Of the Scots, as was reported, about thirty were killed in the brave defence offered by the naked men aforesaid.¹

The king therefore came to Carlisle, and there kept his Christmas in the house of the Minorite Friars, receiving money and gifts and presents which were sent to him both from the country and the town; for the community greatly loved him and his people because of the mighty confusion he caused among the Scots when he entered their land, although that confusion had now befallen himself.

At the feast of S. Stephen Protomartyr,² the king departed from Carlisle into Westmorland, where he was honourably received, and he stayed with my Lord de Clifford at his expense, to whom he granted Douglasdale in Scotland (which formerly had been granted to his grandfather in the time of the illustrious King Edward the son of Henry), provided that God should vouchsafe him prosperity and restoration to his kingdom. After that he stayed with his near relative the Lady de Gynes at Moorholm,³ from whom he received gifts of money and jewels and promised that, if he should prosper, he would give her wide lands and rents in Scotland to which he was hereditarily entitled of old.

After the aforesaid overthrow of the king and his expulsion from the realm, forasmuch as Sir Archibald Douglas had been the prime mover in planning and prosecuting the said overthrow of the king (albeit that expulsion may be attributed to the Earl of Moray as being of nobler rank and more powerful) they treacherously captured my lord the Earl of Fife when he was travelling beyond the Scottish sea, because he was true to the King of Scotland and put him in prison, making Archibald guardian of the realm of Scotland.⁴ In course of time, however, Archibald afterwards released the earl from prison and granted him lands beyond the Scottish sea, so that he should have the earldom.

¹ The chronicler does not here allude to an allegation made by both Hemingburgh and Walsingham, viz. that Douglas in this exploit broke a truce which he and March had made with Edward Balliol for the safety of their own lands.

² 26th December.

³ This lady died in 1334, leaving extensive estates to her son William.

⁴ This Archibald Douglas (there were many of that name) was the youngest brother of the good Sir James. He was known as 'The Tineman,' because he lost so many battles.

Now it is held by many people that the said overthrow and expulsion, inflicted upon the king at that time, were really to his advantage, enabling him to know what men of the realm would be faithful to him; but many of his former adherents utterly deserted him after his expulsion; whence he also learnt to be more careful in dealing with the Scots, and look better after his own safety.

On the tenth day of March following,¹ to wit, on the morrow of the Forty Holy Martyrs, being the season when, as Scripture testifieth, kings were wont to go forth to war, the King of Scotland,² supported by a strong armed force of English and some Scots, entered Scotland directing his march towards Berwick, and there applied himself and his army to the siege of that city, which was well fortified. My lord the Earl of Atholl, being young and warlike, raided the neighbouring country with his following and supplied the army with cattle; also the ships of England in great number brought plenty of victual, and closely maintained the blockade by sea. The Scots, seeing the king re-enter his realm with so great an army, dared not risk an engagement with him, but invaded Northumberland, slaying and burning, carrying off prey and booty, and then returned to Scotland.

Also on the twenty-second day of the aforesaid month of March, to wit, on the morrow of S. Benedict, they invaded Gillesland by way of Carlisle, slaying and burning in the same manner, carrying off cattle and booty, and on the following day they returned.

On the next day, to wit, on the vigil of the Annunciation of the Glorious Virgin, Sir Antony de Lucy, having collected a strong body of English Marchmen, entered Scotland and marched as far as twelve miles therein, burning many villages. But as he was returning on the following day with the booty he had taken, the Scottish garrison of Lochmaben attacked him near the village of Dornock at the Sand Wath, to wit, Sir Humphrey de Boys and Sir Humphrey de Jardine, knights, William Baird and William of Douglas, notorious malefactors, and about fifty others well armed, together with their followers from the whole neighbouring country. They charged with one intent and voice upon the person of Sir Antony, but, by God's help and the gallant aid of his young men, these two knights aforesaid were slain, together with four-and-twenty men-at-arms. William Baird and William

¹ 1332-3.

² Edward Balliol.

of Douglas were captured, and all the rest fled disgracefully. No Englishmen were killed, except two gallant esquires, to wit, Thomas of Plumland and John of Ormsby, who had ever before been a thorn in the eyes of the Scots. Their bodies were straightway taken to Carlisle on horses and honourably interred. Sir Antony, however, was wounded in the foot, the eye and the hand, but he afterwards recovered well from all these wounds.¹

On the same day of the Annunciation,² which was the first day of the year of our Lord mcccxxxiiij, the Scots were defeated in Northumberland, and likewise others near the town of A.D. 1333. Berwick. Now when the King of England heard that the Scots had thus invaded his land and done all the evils aforesaid, notwithstanding that he had not yet broken the peace and concord arranged between himself and David, son of Robert the Bruce, who had married his sister who was with him [David] in Scotland, he approached Berwick about the feast of the apostles Philip and James,³ to make war upon the Scots in aid of his kinsman, the King of Scotland.⁴ With him were his brother-german, my lord John of Eltham,⁵ and many other noble earls, barons, knights, esquires, and 30,000 picked men. The King of Scotland was still maintaining the siege of the said town; and on the octave of the Ascension of our Lord,⁶ both kings delivered a violent assault with their army upon the said city; but those within resisted so strongly, and defended themselves so manfully, by means of the strength and height of the wall (which the father of the King of England had caused to be built while the town was in his possession), that the English could not obtain entrance against them; nevertheless, they maintained the siege without interruption. After dinner, on the fourteenth of the Kalends of August, to wit, on the vigil of S. Margaret, virgin and martyr,⁷ the Scots came up in great strength (to their own destruction) in three columns towards the town of Berwick, against the two

¹ See a paper, by Mr. George Neilson, on *The Battle of Dornock*, in the *Transactions of the Dumfries and Galloway Antiquarian Society*, 1895-6, pp. 154-158.

² 25th March, which was New Year's Day according to the Calendar then in vogue.

³ 1st May.

⁴ The chronicler continues thus to designate Edward Balliol, although King David had never been deposed. Moreover, the kinship between the two Edwards was exceedingly remote.

⁵ Second son of Edward II. and Earl of Cornwall.

⁶ 20th May.

⁷ 19th July.

kings and their armies occupied in the siege, who, however, were forewarned and prepared against their coming. Now the Scots marching in the first division were so grievously wounded in the face and blinded by the host of English archery, just as they had been formerly at Gledenmore,¹ that they were helpless, and quickly began to turn away their faces from the arrow flights and to fall. And whereas the English, like the Scots, were arrayed in three divisions, and the King of Scotland² was in the rear division, so the Scots diverted their course in order that they might first meet and attack the division of him who, not without right, laid claim to the kingdom. But, as has been explained, their first division was soon thrown into confusion and routed by his [Balliol's] division before the others came into action at all. And like as the first division was routed by him [Edward Balliol], so the other two were shortly defeated in the encounter by the other English divisions. The Scots in the rear then took to flight, making use of their heels; but the English pursued them on horseback, felling the wretches as they fled in all directions with iron-shod maces. On that day it is said that among the Scots killed were seven earls, to wit, Ross,³ Lennox,⁴ Carrick,⁵ Sutherland,⁶ and three others:⁷ twenty-seven knights banneret and 36,320 foot soldiers—fewer, however, according to some, and according to others, many more. Among them also fell Sir Archibald de Douglas, who was chiefly responsible for leading them to such a fate; and, had not night come on many more would have been killed. But of the English there fell, it is said [. . . .]⁸

Before the Scottish army arrived at Berwick a certain monk who was in their company and had listened to their deliberations exclaimed in a loud voice—‘Go ye no further but let us all turn back, for I behold in the air the crucified Christ coming against you from Berwick brandishing a spear!’ But they, like proud and stubborn men, trusting in their numbers, which were double

¹ Dupplin.

² Edward Balliol.

³ Hugh, 4th Celtic Earl of Ross.

⁴ Malcolm, 5th Earl of Lennox in the Celtic line. He was one of the earliest to espouse the cause of Bruce in 1306.

⁵ Alexander de Brus, natural son of Edward, Earl of Carrick.

⁶ Kenneth, 3rd Earl of Sutherland.

⁷ The Earls of Menteith and Athol made up six: there is no record of a seventh.

⁸ Blank in original.

as many as the English, hardened their hearts and would not turn back. This story was told by one of the Scots who had been knighted before that battle, and who was taken prisoner in the same and ransomed. He added that whereas before the battle there were two hundred and three newly-made knights, none escaped death but himself and four others.

Now on the day after the battle the town of Berwick was surrendered to my lord the King of England on this condition—that all its inhabitants should be safe in life and limb with all their goods, movable and immovable, subject, however, to the rights of any petitioner. Also Earl Patrick surrendered the castle of the town to my lord the King of England, on condition that he should retain his earldom as formerly, and he made oath that for ever after he would remain faithful to the king's cause. Therefore the King of England entered the town and castle and took possession of them for himself and the crown of England for all future time, together with the county of Berwick and the other four counties of Scotland next the March (to be named presently), according to the convention formerly made between him and the King of Scotland,¹ when the King of Scotland had been expelled from his kingdom, and the King of England pledged himself and his people to restore the kingdom to him; and he promised and confirmed it by a charter that he would hold the kingdom of Scotland from him, as from a Lord Paramount, in like manner as his father had held it from his [Edward III.'s] grandfather.

The king appointed my lord Henry de Percy warden of the castle and town, and Sir Thomas Gray, knight,² under him. He made William de Burnton Mayor of the town, who had previously been Mayor of Newcastle. The king also commanded that three justiciaries should come there, to wit, Sir William de Denholm, knight, Richard de Embleton, Mayor of Newcastle, and Adam de Bowes, to make inquest as to what Englishmen had been disinherited in the town of Berwick, and at what time, and to restore their houses and lands to them.³

¹ Edward Balliol. See Bain's *Calendar*, iii. pp. 200, 201.

² Father of the author of *Scalacronica*.

³ All these appointments, except that of William de Burnton, may be seen in *Rotuli Scotiæ*, i. 256-7.

(To be continued.)

Helenore, or The Fortunate Shepherdess.¹

THIS manuscript volume is, so far as I know, the only copy in existence in Alexander Ross's autograph of one of the finest Pastorals in the Scottish vernacular—a poem which, in the counties of Forfar, Kincardine, Aberdeen, and so along to Inverness, easily holds in public estimation a place equal, if not superior, to that held by Allan Ramsay's *Gentle Shepherd* in the Lothians and other lowland counties of Scotland. In one respect it is undoubtedly superior—as a genuine and faithful record of the habits, customs and common speech of the locality and period the poet professes to describe.

My boyhood was spent in Lochlee, only sixty years subsequent to Ross's death, and ere increased facilities of intercommunication had begun to efface manners of speech and action which helped to make the remoter nooks of Scotland noteworthy and interesting. This enabled me to verify for myself many of the vernacular peculiarities of the poem ere they passed into oblivion, and thus to understand why Jamieson, in his *Scottish Dictionary*, so often refers to *The Fortunate Shepherdess* as the source of many of his quotations. Dr. Alex. Murray, too, the celebrated linguist, in the venerable *Scots Magazine*, about a hundred years ago, proposed setting agoing a society for the special study of Ross's poem as a foundation for the modern vernacular Scottish tongue. Dr. Murray's early death probably prevented the carrying out of this excellent suggestion.

There are four of our comparatively modern poets who are looked upon as faithful setters forth of our real modern Scottish vernacular: Allan Ramsay, 1686–1758; Alexander Ross, 1699–1784; Robert Fergusson, 1750–1774; and Robert Burns, 1759–1796. One of our recent critics, Dr. Longmuir, the editor of by far the best and most scholarly edition of *Helenore*, himself a poet and a keen student of our language, remarks on this point, and in his opinion I entirely concur: 'There is

¹See note by Dr. Hay Fleming on page 299.

such an elevation in the language of Ramsay as makes us feel that this is not the every-day dialect of Scottish shepherds. Fergusson, again, frequently runs into the opposite extreme, and makes his characters speak a sort of burlesque or antiquated Scotch that could not have been colloquial in the streets of Edinburgh in his day. Burns not unfrequently forgets his Scotch, and passes into unexceptionable English. We consider Ross's language as more idiomatic and characteristic than that of any of the poets we have named; we feel in reading his work that his language is neither elevated by education nor degraded by affected vulgarity or antiquity; it is, in short, the ordinary dialect of the people whom he has so successfully represented. It is remarkable that none of the authors mentioned above was an uneducated man, for Ramsay was sufficiently acquainted with Latin to imitate the Latin odes of Horace; Fergusson finished a college curriculum; Burns received a superior English education, and had acquired a smattering of French; and Ross obtained the honour of graduation as a Master of Arts.'

Thus far Dr. Longmuir. But it is not only as a dialect quarry that *Helenore* demands our attention. The poem is a true Scottish Pastoral which has commanded the favourable verdict of competent critics ever since its appearance in 1768. Blacklock, the blind poet—the foster-father of Burns—regarded it as the equal of Ramsay's *Gentle Shepherd*, and Burns not only writes of Ross as 'our true brother,' 'owre cannie,' a 'wild warlock,' acknowledging that his own beautiful vision of *Coila* had been suggested by Ross's *Scota*, in the invocation at the beginning of the poem, but says, in one of his letters: 'I will send you *The Fortunate Shepherdess* as soon as I return to Ayrshire, for there I keep it with other precious treasures. I shall send it by a careful hand, as I would not for anything it should be mislaid.' Beattie of *The Minstrel*, also a very competent critic, not only selected *Helenore* for publication, but wrote in its commendation the only known Scots poem he ever penned, in which, after much whole-hearted praise of Ross, he gathers up, in one stanza, the impression made by a perusal of the poem:

'Oh, bonny are our greensward hows,
Where through the birks the burny rows,
And the bee bums, and the ox lows,
And saft winds rustle,
And shepherd-lads on sunny knows,
Bla the blythe fusle!'

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Even the sour-tempered but able critic Pinkerton acknowledges as to *The Fortunate Shepherdess*: 'The language and thoughts are more truly pastoral than any I have yet found in any poet save Theocritus.'

This deservedly high opinion of Ross's achievement has continued down to our time, and is crystallized by a local Lochlee poet, Duncan Michie by name, in lines engraved on a public monument, erected to Ross's memory, in the old churchyard of Lochlee, where his dust reposes, within a hundred yards of the cottage in which he spent half a century of happy and blameless life. The monument was placed in its present position about 1854, and bears the following inscription:

'Erected to the memory of Alexander Ross, A.M., schoolmaster at Lochlee, author of *Lindy and Nory*; or, *The Fortunate Shepherdess*, and other poems in the Scottish Dialect. Born, April, 1699; died, May, 1784.

'How finely Nature aye he paintit,
O' sense in rhyme he ne'er was stintit,
An' to the heart he always sent it,
Wi' nicht an' main;
An' no ae line he e're inventit,
Need ane offen!'

Alexander Ross was born at Torphins, 13th April, 1699, in the parish of Kincardine O'Neil, Aberdeenshire. His father, a farmer, sent him to the parish school, then taught by Peter Reid, well-known for his assiduity and success as a teacher. Young Ross profited so much that after studying Latin for about four years he gained, in November, 1714, by public competition, a bursary in Marischal College, Aberdeen, which enabled him to be a student for four sessions, and in the end to be capped M.A. in 1718. After graduation he became family tutor at Fintray House, then occupied by Sir Wm. Forbes of Craigievar, who was so well satisfied with his conduct and abilities that he assured him that, should he decide to study for the ministry, his interest would not be wanting to promote his views. This promise from a gentleman with no less than fourteen benefices in his gift was an important one; nevertheless Ross, for reasons satisfactory to himself, resolved—contrary to the then usual practice—to follow parochial teaching as his life-aim, not as a stepping-stone to the ministry. Subsequently to his engagement in Fintray House, he taught in Aboyne and Laurencekirk—at the latter place enjoying much friendly intercourse with Mr. Beattie, the father of the minstrel poet and professor—and finally in 1732,

through the interest of Alexander Gordon of Troup, he was settled in Lochlee as parochial schoolmaster, the duties of which office he discharged faithfully and efficiently till his death in 1784—the long period of fifty-six years. To these duties were added almost *ex-officio* those of session clerk and precentor. In 1730, 23rd July, he is entered in the Register of Notaries Public as Alexander Ross, son to Andrew Ross, sub-tenant in Torphins. The duties of a Notary could not have occupied much of his time in such a sequestered nook of Scotland as Lochlee then was, but it must have been very convenient to have such an official within call when needed. I have seen and read one or two documents formally executed by Ross in his legal capacity.

His school responsibilities were comparatively light. The schoolroom was only some twenty feet by sixteen, and in winter, the busiest season of the school year, was accessible to the children of only some five or six families. The dwelling-house, of a like size with the schoolroom, formed the other end of the one-storied cottage, the site of which is in the centre of wild and magnificent scenery. It was while standing here, and probably fresh from a perusal of *Helenore*, that the author of *Attic Fragments* expressed his opinion, about 1830, that the poem ‘contains some of the most romantic descriptions that were ever written, and preserves traces of customs and traditions not to be found elsewhere.’

In 1726 Ross took to wife Jean, daughter of Charles Catanach, farmer in the parish of Logie Coldstone, and by her had a family of seven children—two sons, who died in childhood, and five daughters, one of whom died young, but the remaining four married and had families. Ross and his wife enjoyed fifty-three years of happy married life. Jean Catanach died in 1779, aged seventy-seven years, and five years before her husband, who manifested his abiding love for his life-long partner by erecting one of the handsomest monumental stones in the old churchyard, and engraving thereon, after the needful dates, the following lines of his own :

‘What’s mortal here Death in his right would have it,
The Spiritual part returns to God who gave it;
Which both at parting did their hopes retain,
That they in glory would unite again,
To reap the harvest of their Faith and Love,
And join the song of the Redeem’d above.’

Ross’s marriage, probably the result of an early attachment, and attended by a life-long happy outcome, might have resulted

very differently. Jean Catanach, a grand-daughter of James Duguid, was avowedly a Roman Catholic, and, though sometimes worshipping with her husband in the Presbyterian church, Lochlee, remained a Roman Catholic all her days. Yet there was no religious domestic bickering. She made no objection to their children being trained up in Protestantism—‘the result,’ says Dr. Longmuir, ‘perhaps of her distance from priestly interference; and partly from the pious and amiable character of her husband.’

Essentially Ross is a man of one book, in striking contrast to another Alexander Ross, but a century earlier than our Ross, though also an Aberdonian and a schoolmaster, and the author of some thirty works, *de omnibus rebus et quibusdam aliis*—the reading through of whose works was to Butler the unchallengeable proof of plodding scholarship, as in the oft-quoted lines :

‘There was an ancient sage Philosopher,
And he had read Alexander Ross over.’

Our Ross only published one volume. The following is the title of the first edition : ‘*The Fortunate Shepherdess, a Pastoral Tale; in Three Cantos, in the Scottish Dialect.* By Mr. Alexander Ross, Schoolmaster at Lochlee. To which is added a few songs by the same author. Aberdeen : Printed by and for Francis Douglas. MDCCLXVIII.’

The volume had prefixed to it a modest ‘advertisement’ or preface by the author, in which, after stating his object in composing the work—to set before the reading eyes in their plain and native colours a variety of incidents in country life, where one still meets sometimes with a degree of innocent simplicity and honest meaning among the lower ranks of people in remote parts, which he can hardly expect in large towns or among the higher ranks of life—he proceeds to say of the language that, though many of the phrases be broad, he has avoided gross indelicacies, and asks the reader to consider that he only represents the expressions and sentiments of plain country people, which, though they may not bear to be tried by the rules of grammar, will, he imagines, be understood by those who are conversant in the old Scottish language and our present provincial dialects. He concludes by saying that the work had lain by him for several years, that copies of the manuscript had got abroad, that one of these had fallen into the hands of a gentleman who desired it should be published; that,

being conscious that the tendency and design were moral, his objections were easily overcome, and that had he printed a list of the subscribers who had done him so much honour, he would have laid himself open to the imputation of the greatest vanity. What would we not give for that list of subscribers now?

Two years before the publication of the first edition of *Helenore* was issued Ross had to be in Aberdeen on pressing private business, and called on Beattie, who was by this time an author of a volume of poems and Professor of Moral Philosophy, and already meditating *The Minstrel or the Progress of Genius*. Beattie was delighted to meet Ross, whom he describes to Blacklock as a good humoured, social, happy old man, modest without clownishness, and lively without petulance; and who was able to speak from personal knowledge of Beattie's father in Laurencekirk, who had died while the minstrel was so young that he could hardly remember him.

The result of this intercourse was that Ross put the whole of his manuscripts into Beattie's hands for examination and selection. This eventuated in the appearance of *Helenore* and the *Songs* in 1768, and of Beattie's commendatory poem, in the *Aberdeen Journal* of June 1 in that year. Ross's preface only appears in the 1768 edition; Beattie's commendation is prefixed to all subsequent issues. The songs added to the first edition were popular in the Glen long before 1768, and being supposed on pretty good grounds to be descriptive of domestic happenings in the poet's own family retained their popularity for long; and one is not unfrequently sung even in the present day. I refer to *Woored an' married an' a'*, which has had rather a singular history. There are three songs with similar titles and sung to the same tune, and each of them popular. Ross's song in some collections has been ascribed to a lady who certainly did not write it, and one of the other two has been given for that of Ross in the Brechin edition of his *Helenore*, with which, of course, our poet could not have had anything to do.

The first edition was very inaccurately printed. The proof-reader, if such there was in Francis Douglas's printing office, did his work very carelessly; and no proof seems to have been seen by Beattie or Ross while the work was passing through the press.

The second edition appeared in 1778, ten years after the first, very neatly printed by J. Chalmers & Co., Aberdeen, and

revised and improved with minute carefulness by the author. *Helenore* is made the principal title; Beattie's commendatory verses are prefixed without his name; Ross's explanatory advertisement is omitted—the division into cantos is dropped; words are changed and one or two lines discarded, while Bydby's Dream of the Fairy feast is interwoven, a passage which undoubtedly indicates the flood mark of Ross's poetic inspiration. The volume is closed by a short glossary. This was the last edition that passed under the author's own eye.

A third edition appeared in 1789; a fourth in 1791; a fifth in 1796; and a sixth in Edinburgh, by John Turnbull, in 1804, typographically more incorrect than any of its predecessors.

Although there were numerous other editions, nothing further of notable importance in regard to Ross's works took place for fully half a century. In 1866 appeared an edition, with life and notes by John Longmuir, LL.D. This is a faithful text from the second edition, Ross's last revision of *Helenore*, and the songs and glossary with notes of readings from the first edition. No pains has been spared in verifying and marshalling every ascertainable fact bearing on the poet and the poem. Every effort has been made both by editor and publisher to render this the definite and authoritative edition of one of Scotland's sweetest pastorals. In this aim they have admirably succeeded. I say this with the less hesitation because familiarity with Glenesk from my boyhood, its scenery, people, language, and legends, as well as having enjoyed personal intercourse with an old man, who had been one of Ross's pupils and still remembered him with reverence and affection, supplemented by lifelong study and the gradual acquisition and comparison of a fairly complete series of the various editions of *Helenore*, enabled me to furnish gladly to my lifelong friend, Dr. Longmuir, a good deal of material. I mention this solely in justification for so largely drawing on Dr. Longmuir's labours for the facts stated in this paper.

Dr. Longmuir's account of Ross's unpublished manuscripts in the Advocates' Library is important and scholarly. In all his editorial labours, I have noticed only one error requiring correction; and that arising very much from the accident of my not seeing the statement till too late for correction. In speaking of the loss of music in the Glen, and of the annual visits of John Cameron, an itinerant violinist from Deeside, maintained for half a century, Dr. Longmuir says: 'Mr.

Ross appears to have enjoyed the company of Cameron, who was a man of unblemished character, and could speak of not a few of the customs of the Highlanders that were even then beginning to disappear; such as the practice of the nearest relations leading off a solemn dance, to a plaintive melody, immediately after the death of a member of the family. Although this practice had prevailed in a district not more than sixteen miles distant from Lochlee, yet no tradition records that it was ever known in this district.' Dr. Longmuir may be right as to the absence of tradition, but singularly enough I can testify to the fact of the somewhat eerie observance taking place not only within my knowledge, but with myself as a somewhat reluctant actor. When I was in my eleventh year, a woman, very aged, poor, and friendless, died in a one-roomed cottage, about half a mile from my home in the Glen at the time. The death took place in the early morning. In the evening a number of the neighbours, old and young, met at the cottage, and to the slow music of a violin, moved in rhythmical order round the floor in front of the bed on which the veiled body was lying. How long the dance lasted I cannot say, as at the end of half an hour I slipped out, and ran home too frightened to speak of what I had seen. Dr. Longmuir gives a faithful account of the appearance of 'those neatly written home made volumes' into which Ross transcribed the corrected copies of his poems, which he occasionally read to an intelligent friend, or lent among his neighbours for their benefit or amusement. Dr. Longmuir further says concerning the three volumes of Ross's manuscripts now preserved in our Advocates' Library: 'They have been all written in a neat, round legible hand; each piece had been stitched into a cover of stout paper; and their brown colour and worn corners give sufficient evidence of their having been extensively circulated and much read. These separate pieces have been bound together in their original state.'

The autograph manuscript of *Helene* in my possession, which I have already referred to, is a home bound quarto volume of 144 pages. It has this curious variation of the main title—'Helene alias Norie or the Fortunate Shepherdess, evincing that wooing is oftimes (*sic*) one thing and marriage another. Rendered in the Scots Dialect.'

On the brown paper cover is written 'Mr. Forbes of Brux.' Brux was a considerable Highland lairdship on the Don in Aberdeenshire, a mile or two from Kildrummy, which had been in the

possession of a cadet of the Forbes family for several generations. Jonathan Forbes, the Laird of Brux, had been 'out' in the '45, was present at the battle of Culloden, which caused him to go into hiding where he could, and occupy himself with menial work, so as to escape the severe search made for those who had borne arms against the Government. He is said to have occupied himself a good deal in building dry stone dykes and thus improving his estate at Brux. One morning a party of soldiers suddenly surrounded him while employed in this humble work at a little distance from the mansion house, and demanded of him if the Laird was at home. He at once coolly replied, 'Yes, he certainly was in the house when I was there at breakfast a short time ago.' The soldiers hurried off at once and the Laird betook himself to a safer quarter.

Where this was it is hard to say. It might be Lochlee, where the feeling of the people was so strongly Jacobite that the Duke of Cumberland on his way north to Culloden thought it needful to send a party to burn the Episcopal church and otherwise punish the adherents of Prince Charlie. Ross's early and lifelong connection with the Forbeses would also prepare matters. The distance of Lochlee from Donside, some thirty miles by crow-flight, made it easily accessible to a Highlander, while its remoteness, its wild mountainous character, and the absence of roads at that time, rendered it as safe a hiding-place as any corner of Scotland. It was used as a refuge by others compromised by Culloden, and why not by Forbes of Brux?

This manuscript volume may be the outcome and testimony of mutual beneficial intercourse, and may possibly be the identical copy referred to by Ross in his advertisement to the 1768 edition, as having been seen by a gentleman who desired that it should be published, and had written to him to that effect. This is all the more likely as there is also written, in a contemporary hand, on the brown paper cover—'A Pastoral in the Scots Dialect belonging to Brux, 1767.'

JOHN S. GIBB.

Note.

A special interest attaches to this paper. It is the last which was written by Mr. Gibb for the Edinburgh Bibliographical Society, of which he was one of the original members. Born at Lochlee, Glenesk, on the 10th of March, 1831, where Alexander

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Ross had been schoolmaster for more than half a century and where *Helenore* was written, he naturally took a deep interest both in the poet and the poem. That interest was whetted in his boyhood by his acquaintance with an old man, who had been one of Ross's pupils. As Ross was born in 1699 and Mr. Gibb lived till 1912, the three lives extended over a period of 213 years.

In many ways Mr. Gibb was a notable man. After teaching the private school at Aldbar Castle for ten years, he was appointed rector of Dalkeith Academy in 1862, and remained there until 1874, when he became treasurer of the Edinburgh and Leith Gas Co., and, after that company was taken over by the Corporation, he continued to be treasurer until August, 1910.

One of his most distinguished Dalkeith pupils has said: 'Mr. Gibb was a born teacher, and would have made an ideal headmaster of a public school, like Dr. Arnold of Rugby. He could make the dullest of lessons, even mathematics or arithmetic, interesting'; and, 'when giving a lesson on natural science or history, . . . let himself go, and his enthusiasm communicated itself to us.'

His amazing vigour, mental and physical, enabled him to discharge perfectly his onerous duties even in his eightieth year. He was long an ardent volunteer; and, to the very last, a keen golfer, an eager student, and an indefatigable book-collector. His knowledge of many classes of books was marvellous, and his library was probably the largest as well as the most varied private collection in Edinburgh. It contained many exceedingly rare items; and not a few practically unique. Some of these are well known, for no teacher, no official, no collector, ever had a more kindly nature, more unselfish disposition, or more courteous manner. The paper on *Helenore* was finished on the 5th of January; but, having been seized with a sudden illness, he was unable on the 11th to attend the meeting of the Bibliographical Society, for which it had been prepared; and he died on the following day.

D. HAY FLEMING.