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## Tour of Mary, Queen of Scots, through South-western Scotland

ON page 155 of the Rev. C. H. Dick's *Highways and Byways of Galloway and Carrick*<sup>1</sup> there is a masterly pencil sketch by the late Mr. Hugh Thomson of the quaint bridge which, abutting on the old woollen mill of Cumloden, flings itself across the rocky gorge through which the Penkill Burn hurries towards its junction with the Cree.<sup>2</sup> Both mill and bridge are of unknown antiquity, certainly far older than the pretty and prosperous town of Newton Stewart, which until far on in the eighteenth century was no more than a humble 'clachan,' taking the name of Fordhouse from the Black Ford of Cree. The said ford was superseded by a bridge built in 1745, which, having been washed away by a flood in 1810, was replaced in 1813 by the handsome granite bridge of five arches now linking the County of Wigtown with the Stewartry of Kirkcudbright. The ford, now disused, impressed itself vividly on the memory of Daniel Defoe, who has the following in his description of Whithorn:

'Proceeding from *Lower Galloway* hither we had like to have been driven down the Stream of a River, though a Countryman went before for our Guide; for the Water swelled upon us as

<sup>1</sup> Macmillan & Co., Ltd., 1916.

<sup>2</sup> Penkill, formerly Polkill (Poolkill B. in Pont's map of early seventeenth century), being the Gaelic *pol cille*, chapel stream, flowing under the hill whereon stands Minigaff parish church.

we passed, and the Stream was very strong, so that we were obliged to turn our Horses Heads to the Current, and sloping over, edged near the Shore by degrees ; whereas, if our Horses had stood directly across the Stream, they could not have kept their Feet.' <sup>1</sup>

In his description of Newton Stewart and the village of Minigaff, occupying opposite banks of the Cree, Mr. Dick makes no reference to the name by which the old bridge at Cumloden Mill is popularly known, viz. Queen Mary's Bridge, a title which has received the official sanction of the Ordnance Survey. It may well be that he felt sceptical about Mary Queen of Scots ever having ridden over that narrow arch and declined to commit himself either for or against the tradition, especially as it had become associated with the Queen's flight from the stricken field of Langside in 1568, whereas it is well known that she entered Galloway on that unhappy occasion by way of Dumfries, six-and-thirty miles as the crow flies to the east of Cumloden. I myself, though I have known and spoken of Queen Mary's Bridge since my boyhood, long ago came to regard the name as the mythical offspring of that fond credulity which ever inclines to link ancient and conspicuous objects with historical persons.<sup>2</sup> I owe it to my friends, Lieut. A. M'Cormick, Town Clerk of Newton Stewart, and Mr. William Macmath of Edinburgh, that my attention has been called to the Roll of Expenses drawn up by Queen Mary's equerry during her progress in 1563, giving a complete itinerary of the tour through Galloway. The document is in excellent preservation ; but, owing to numerous contractions, transcription was more difficult than is usually the case even in dealing with manuscript of the sixteenth century, the hand-writing of that period being more crabbed than that of any other. Moreover, the French scribe made wild shots

<sup>1</sup> *A Tour through the Whole Island of Great Britain*, 3 vols., 1724-5-6. Defoe was in Scotland from 1706 to 1708. It is doubtful whether he actually visited all the places described in this work ; but his description of Galloway bears all the character of personal observation.

<sup>2</sup> A quaint example of this tendency occurs in connection with Tibbers Castle, a ruined keep standing in the park surrounding Drumlanrig. It is stated in the *Ordnance Gazetteer of Scotland* that the tower 'is supposed to have been built by the Romans and named in honour of Tiberius Cæsar !' Not until I visited the place many years ago did the true origin of the name occur to me. Within the tower is a well so deep and of such steady temperature that the gardener at Drumlanrig uses it, I was informed, for testing and regulating his thermometers. 'Tibbers' is the form which the Gaelic *tiobar*, a well, has acquired among an English-speaking people.

at the names of places in attempting to render them phonetically, and in some cases it has required acquaintance with the topography of the district to identify them. I have to thank Mr. William Angus of the General Register House and Miss Norman for elucidating the sense of many words which had baffled the transcriber of whose services I had availed myself.

Examination of the Queen's itinerary in 1563 strengthens the tradition connecting her name with the old bridge at Cumloden. She was travelling, not as a fugitive as when she escaped to Galloway from Langside five years later, but in considerable state. The passage of herself and suite, with eighteen horses and six baggage mules, would in itself have sufficed to command admiration from the populace; but when, as was doubtless the case, her personal retinue was swelled by the escort of the barons and lairds through whose lands she passed, each with his armed following, the spectacle was one to create a lasting impression, greatly enhanced in effect by the beauty and grace of the young Sovereign.

On Friday, 13th August, the Queen left Clary, three miles south of Newton Stewart, on her way to Kenmure. If, as is probable, she forded the Cree just above the confluence of the Penkill, she and her train must have ridden over the bridge at Cumloden and taken the direct road (at that time only a pack-horse track) through the pass of Talnotry, across the Dee at Clatterinshaws and so down by the Knocknarling glen to New Galloway. As the glittering cavalcade filed over the narrow arch at Cumloden Mill, the spectacle may well have impressed the spectators in such manner as to cause them to associate the Queen's name with the bridge, and to pass the name down to their children.

So much for the authenticity of Queen Mary's Bridge. Of much greater interest to historians of the district is the entry recording how on Tuesday, 10th August, the Queen, after dining at Glenluce (probably about midday), supped and slept at a place which the French equerry has written 'Coustorne.' It may seem at first sight a strained interpretation to read this as 'Whithorn'; but for the following reasons I have no doubt whatever that the reference is to that town.

(1) Whithorn lies twenty miles south-east of Glenluce an easy ride for a good horsewoman like Queen Mary.

(2) There is no other place within a day's journey of Glenluce of which the name bears the slightest resemblance to Coustorne.

(3) In the sixteenth century the name was usually written Quhiterne, with the usual Scottish use of *quh* for *wh*; in the local dialect it is pronounced at this day Hwuttren.

The following entry in the Lord Treasurer's Accounts for the very year in which Queen Mary visited Galloway shows how the name was written officially:

'Item, the xvi day of Februar [1562-3] to Thomas Macmabrine, messinger, passand of Edinbrught with lettres of proclamatioun to the mercat croces of Kirkcubrycht, Wigtoun and Quhithorne, charging all and sindrie our Souerane Ladeis liegis that nane of thame eit flesche in Lentrene, and witth ane command in the samin to all ostlairs, cuikis, flescheouris, tabernais or any uther personis, that thai sell nor prepair na maner of flesche to be sauld, under the pane of confiscatioun of all thair movable gudis . . . . . xii s.'

The French equerry may very easily have misread the first syllable of 'Quhithorne' in settling a tavern or other bill.

Residents in Whithorn and its neighbourhood, myself included, have assumed (if they ever gave a thought to the matter) that the last monarch to visit Whithorn was James IV. in 1512, the year before his death at Flodden. That monarch, in his frequent pilgrimages to ease his burdened conscience at the shrine of S. Ninian at Whithorn, usually travelled by the route followed by Queen Mary on the occasion under notice, namely, by Ayr, Girvan and Glenluce. It would have been strange if his grand-daughter, a devout Roman Catholic, when traveling by this route had refrained from visiting a place of such extraordinary sanctity, when within a few miles of it. The circumstances of the time, the old religion having been proscribed, would surely tend to render her specially scrupulous in devotion. It may be noted that pilgrimages to the shrines of saints were not prohibited by law till 1568. Probably no town in Scotland suffered so much as Whithorn in consequence of this legislation, seeing that the little burgh had theretofore attracted more pilgrims than any other place in the country.

Subjoined is given the Roll of Expenses during the month of August, with such notes on persons and places as may serve to illustrate the state of the country and society. The only liberties taken with the text consist of the extension of contractions, occasional insertion of punctuation for the sake of clearness, and changing *u* in the MS. to *v*, as in "avene" for "auene."

ROOLE ET DESPENSE de lescurie de la Royne tant de l'ordinaire gaiges d'officiers<sup>1</sup> que aultre despence extraordinairement faicte in icelle escurie durant le mois d'aoust mil cinq cent soixante trois.

## PREMIEREMENT.

*Dimanche* premier jour dudict mois d'aoust endit an mil v<sup>e</sup> lxiiij la Royne tout le jour chez le conte deglinton.

Avene pour les hacquenees et mulletz estans lescurie .	Neant
Paille et foin pour lesdits hacquenees et mulletz .	Neant
S[omme] de ce jour . . . . .	Neant

The Queen's host on this day was Hugh, 3rd Earl of Eglinton [c. 1530-1585]. He was one of the nobles sent in 1561 to escort Queen Mary from France to Leith. The vessel in which he was a passenger was captured by the English on the return voyage, but, the Queen having escaped the squadron sent out to intercept her, Eglinton and those taken prisoners with him was released soon afterwards. He was one of Queen Mary's foremost adherents.

*Lundy* ii<sup>me</sup> jour dudict mois la Royne disner a Eglinton, soupper et coucher a St Jehan d'era [Ayr]

Pour quatorze pecques et demye davene pour la soupee de xviiij hacquenees et vi mulletz a Raison de vj s viij d la pecque . . . . .	iiij l xvi s viij d
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Pour paille pour lesdicts hacquenees et vi mulletz araison de xiiij d pour demye journee pour chacun . . . . .	xxviij s
S[omme] davene en argent . . . . .	iiij l xvi s viij d
S[omme] de paille . . . . .	xxviij s.

The Church and Monastery of St. John the Baptist at Ayr was the meeting place of Robert the Bruce's Parliament on 25th April, 1315, when the succession to the throne was settled on his brother Edward. The buildings were enclosed in the fortification erected by Cromwell in 1652, when the ancient church was converted into an armoury and guard room. I do not know whether a lay commendator had been appointed before Queen Mary's visit; but at all events the equerry had to pay for the corn and straw for horses and mules, whereas at Glenluce Abbey a few days later no charge was made.

*Mardi* iij jour dudict mois, la Royne a St Jehan d'era, pour une bolle trois frelletz<sup>2</sup> deux pecques avene pour xviiij

<sup>1</sup> The list of officers and their salaries, not being relevant to the expenses of the tour, has not been reproduced here.

<sup>2</sup> Firlots. A firlot is the fourth part of a boll.

hacquenees et vi mullettz au pris de vis viij <i>d</i> la pecque . . . . .	x <i>l</i> z
Pour paille pour xvij hacquenees et vj mullettz a ii s iiij <i>d</i> par jour . . . . .	lvj <i>s</i>
S[omme] davene en argent . . . . .	x <i>l</i> z
S[omme] de paille . . . . .	lvi <i>s</i>

*Mercredy* iiij<sup>me</sup> jour dudict mois, la Royne disner a St Jehan d'era, coucher et soupper a Duneura [Dunure] chez le Conte de Casel.

Pour une bolle ung frellet demye pecque avoine pour la disnee de xvij hacquenees estans a la paile, autres hacquenees estans a l'herbe et vj mullettz araison de vis viij *d* la pecque . . . . .

cvj <i>s</i> viij <i>d</i>	
Pour paille pour lesdits xvij hacquenees et vj mullettz araison de xiiij <i>d</i> pour ladic demye journee . . . . .	xxviij <i>s</i>
S[omme] davene en argent . . . . .	cvj <i>s</i> viij <i>d</i>
S[omme] de paille . . . . .	xxviij <i>s</i>

Gilbert, 4th Earl of Cassillis, who received the Queen at his principal house at Dunure, cannot have been more than three-or-four-and-twenty at this time. He was a staunch adherent of Queen Mary, fought for her at Langside, and died in 1576 from injuries caused by his horse falling with him.

*Jedy* v<sup>me</sup> jour dudict mois, La Royne tout le jour a Duneura chez le conte de Casel

Avene despencee cedit jour pour les hacquenees et mullettz . . . . .	Neant
Paille pour lesdits hacquenees et mullettz . . . . .	Neant
S[omme] de ce jour.	

*Vendredi* vj<sup>me</sup> jour dudict mois, la Royne chez Mons. le Conte de Casel a Duneura

Avene . . . . .	Neant
Paille . . . . .	Neant
S[omme] de ce jour . . . . .	Neant

*Samedy* vij<sup>me</sup> jour dudit mois, La Royne disner a Duneure, soupper et coucher a Ermelan. [Ardmillan.]

Avene et paille . . . . .	Neant
S[omme] de ce jour . . . . .	Neant

Ardmillan was in possession of Thomas Kennedy, a cadet of the Earl of Cassillis's powerful clan.

*Dymanche viij<sup>me</sup> jour dudit mois, La Royne disner a Ermelan et soupper a Arstinchel. [Ardstinchar.]*

Avene pour les hacquenees et mulletz . . . . .	Neant
Paille pour les hacquenees et mulletz . . . . .	Neant
S[omme] de ce jour . . . . .	Neant

Ardstinchar whereof the picturesque ruins stand on a steep bluff on the right bank of the Stinchar at Ballantrae was a stronghold of Kennedy of Bargany. The acquisition of the land by Sir Hugh Kennedy in the fifteenth century and the building of the castle is told so quaintly by the anonymous author of *The Historie of the Kennedys* that I am tempted to quote it here :

‘The Hous of Balgany cam to thair preferment be the valour of ane secund broder, quha wes first putt to haue bein ane Freir ; bot his curage [being] not agreabill to sa base an office, [he] lost the same and passitt with the Laird of Blaquhane [Blairquhan] to France to Chairllis the VII., in the yeir of our Lord 1431. He was callit Freir Hew, and was for his valour so beluiffit of the King of France that he remaynit with him mony yeiris thairefter, and went with him to the Holy Land. And at his returning he resavitt word that his broder the Laird of Bargany was deid. Quhairupone he tuik leiff of the King of France, and gott, in recompense of his seruice mony gritt rewairdis of gold and mony ; and abuiiff all, he gaiff him leiff to weir airmiss [arms] quarterly in his airmis, to wit, flour-de-lyse, quhilk that hous weiris to this day.

‘He com to Scotland and bocht the ten pund land of Arstensar, and buildit the hous thairof, and conqueist mony ma landis be the benefeitt off the stipend of the King of France. This Freir Hewis oy [grandson] wes callit ‘Com with the penny,’ quha conquesit [acquired] the grittest pairt off all the lewing, quhilk now is ane gritt rent.’

*Lundy ix<sup>me</sup> jour dudit mois dudit an La Royne disner a Arstinchel, soupper et coucher a Glainleux. [Glenluce.]*

Avene despencee cedit jour pour les hacquenees et mulletz . . . . .	Neant
Paille pour les dits hacquenees et mullettz . . . . .	Neant
S[omme] de ce jour . . . . .	Neant

Queen Mary lay at the Abbey and Monastery of Glenluce, not in the village of that name. Thomas Hay of the family of Park had been appointed Abbot by Pope Pius IV., but was refused entry by John Gordon, Lord of Lochinvar, who occupied the buildings by force, after expelling the monks. Gordon was acting in virtue of a charter of feu-farm granted him by a former abbot on 31st January, 1557-8. The dispute was submitted by agreement of parties to the arbitration of Lord James Stewart (afterwards Regent Moray), who decided in favour of Abbot Thomas, reserving to Gordon the old by-run duties

of the Abbey. In the following year, however, 1561, Gilbert, 4th Earl of Cassillis, was appointed Heritable Baillie of the Abbey, and no doubt he was Queen Mary's host and discharged the equerry's expenses, although Abbot Thomas and ten monks were still in residence.

*Mardy* x<sup>me</sup> jour dudict mois, la Royne disner a Glainleux, soupper et coucher a Coustorne. [Whithorn.]

Avene despencee comme dessus . . . . .	Neant
Paille . . . . .	Neant
S[omme] dece jour . . . . .	Neant

The Rev. John Anderson, formerly curator of the Historical Department of the General Register House, Edinburgh, Mr. William Angus, now in that Department, Dr. Hay Fleming and myself, all concur in the conclusion that 'Coustorne' is the equerry's attempt at Whithorn or Quhithorn; that indeed no other place can have been intended. The Prior of Whithorn at this time was Malcolm Fleming, second son of the 2nd Earl of Wigtown. He would naturally have been the Queen's host on the occasion of her visit; but it is doubtful whether he was present, because on 19th May preceding he had been tried, together with forty-six other clergy and laymen, before the High Court of Justiciary in Edinburgh, and, having been convicted on his own confession of celebrating mass at Congleton in the month of April, was sentenced to ward in Dunbarton Castle (Pitcairn's *Criminal Trials*, vol. i. part i. p. 428). He was afterwards removed from the priorate, and died in 1569.

*Mercresdy* xi<sup>me</sup> jour dudit mois, la Royne disner a Coustorne, soupper et coucher a Clery chez mons. de Garliz.

Avene despence cedit jour pour les hacquenees et mullettz . . . . .	Neant
Paille despencee comme dessus . . . . .	Neant
S[omme] de ce jour . . . . .	Neant

Clery, now written Clary, was the residence attached to the see of Candida Casa—the Bishop of Whithorn's palace, in short—whence the name, from the Gaelic *clerech*, clergy. There was at this time no Bishop of Galloway. Alexander Gordon, a younger son of John, Master of Huntly, by Jane Drummond, natural daughter of James IV., had been appointed titular Archbishop of Athens in 1551, Bishop of the Isles in 1553, and Bishop of Galloway in 1558. But in 1560 he renounced the Church of Rome, and joined the Reformed Church, being hailed by Knox as the only consecrated prelate who did so. Gordon hoped, no doubt, that he would continue to administer the diocese of Galloway; but on 30th June, 1562, the General Assembly refused to recognise him as superintendent of that see until "the Kirks of Galloway craved him." Thereafter he was recognised only as the Assembly's Commissioner for Galloway. In 1568 the Assembly inhibited him from "any function in the Kirk." He died at Clary in 1575.

Alexander Stewart, younger of Garlies, who received Queen Mary at Clery, direct ancestor of the Earls of Galloway, was a leading adherent of the Reformation. Nevertheless, he seems to have won Queen Mary's favour, for on the occasion of her marriage to Darnley in 1565, Stewart received knighthood from the royal bridegroom, who presented him with a silver comfit box (still in possession of the present Earl of Galloway) engraved with the words—'The Gift of Henry, Lord Darnley, to his cousin Sir Alexander Stewart of Garleis.'

*Jeudi* xii<sup>me</sup> jour dudit mois, la Royne tout le jour a Clery chez mons. de Garliz.

Avene despencee cedit jour pour lesdits hacquenees	
et mulletz	Neant
Paille pour lesdits hacquenees et mulletz	Neant
S[omme] de ce jour	Neant

*Vendredi* xiii<sup>me</sup> jour dudit mois, la Royne disner a Clery, soupper et coucher a Quinemur chez Mons. de Locquenar.

Avene despencee cedit jour pour les hacquenees et	
mullettz estans en lescurier	Neant
Paille pour lesdits hacquenees et mulletz	Neant
S[omme] de ce jour	Neant

In the original MS. the name Quinemur presents a puzzling appearance owing to the first syllable being written at the end of one line and the second at the beginning of the next. It represents Kenmure, the residence of Sir John Gordon of Lochinvar, Justiciar of Eastern Galloway and grandfather of the 1st Viscount Kenmure.

*Samedy* xiiii<sup>me</sup> jour dudit mois, la Royne tout le jour a Quineur chez Mons. de Locquenar.

Avene despencee cedit jour pour les mulletz et	
hacquenees	Neant
Paille pour les hacquenees et mulletz	Neant
S[omme] de ce jour	Neant

*Dimanche* xv<sup>me</sup> jour dudit mois, la Royne disner a Quinemur, soupper et coucher a S<sup>te</sup> Mere esle chez le tresorier.

The Prior of St. Mary's Isle was Robert Richardson, his appointment being dated 31st March, 1559. As Prior he was entitled to sit as a lord of Parliament, and in March 1560-1 he was appointed Lord High Treasurer of Scotland. He acquired great wealth, to which his two natural sons succeeded. A few months after he had the honour of entertaining his Sovereign at St. Mary's Isle, Randolph, writing to Cecil on 31st December, has the following :

'For newes yt maye please your Honor to knowe that the Lord Treasurer of Scotlande, for gettinge of a woman with chylde, muste, upon Sondaye next, do open penance before the whole Congregation, and M<sup>r</sup> Knox mayke the sermonde. Thys my Lorde of Murraye

## Sir Herbert Maxwell, Bart.

wylled me to wryte unto your Honour for a note of our griate severitie in punyshinge of offenders.'

*Lundy* xvi<sup>me</sup> jour dudit mois, La Royne disner chez levesque de Galloua, soupper et coucher a S<sup>te</sup> Mere esle chez le tresorier.

Avene pour les hacquenees et mulletz	.	.	.	Neant
Paille pour les hacquenees et mulletz	.	.	.	Neant
S[omme] de ce jour	.	.	.	Neant

*Mardy* xvij<sup>me</sup> jour dudit mois, La Royne tout le jour a S<sup>te</sup> Mery esle chez le tresorier.

Avene pour les hacquenees et mulletz	.	.	.	Neant
Paille pour les hacquenees et mulletz	.	.	.	Neant
S[omme] de ce jour	.	.	.	Neant

*Mercredy* xvij<sup>me</sup> jour dudit mois, La Royne disner a S<sup>te</sup> Mere esle, soupper et coucher a Domfric chez Maistre Mazouel.

Avene pour les hacquenees et mulletz	.	.	.	Neant
Paille pour les dites hacquenees	.	.	.	Neant
S[omme] de ce jour	.	.	.	Neant

The person here referred to as 'Maistre Mazouel' was Sir John Maxwell of Terregles, second son of Robert, 5th Lord Maxwell, and afterwards 4th Lord Herries. 'He was tutor to two of his nephews who, as minors, successively inherited the estates and titles of the house of Maxwell, and being to them, and also for a time to his own brother, presumptive heir, he was often designated Master of Maxwell' (Fraser's *Book of Carlawerock*, i. 497). At the time of Queen Mary's visit he was Warden of the West Marches. Five years later, as Lord Herries, he commanded the royal cavalry at the battle of Langside, and with the Lords Fleming and Livingstone, escorted the Queen from the field. They rode all night, arriving at Sanquhar in the early morning, whence they went on to Lord Herries's house of Terregles.

*Jeudy* xix<sup>me</sup> jour dudit mois, La Royne tout le jour a Domfric chez Maistre Mazouel.

Avene pour les mulletz et hacquenees despence ce jour	Neant
Paille pour les dites hacquenees	Neant
S[omme] de ce jour	Neant

*Vendredy* xx<sup>me</sup> jour dudit mois, La Royne tout le jour a Domfric chez Maistre Mazouel.

Avene pour les hacquenees et mulletz	.	.	.	Neant
Paille pour les dites hacquenees et mulletz	.	.	.	Neant
S[omme] de ce jour	.	.	.	Neant

*Samedy* xxi<sup>me</sup> jour dudit mois, La Royne disner a Domfric et soupper a Domblanric [Drumlanrig]. Cedit jour

Maistre Mazouel a faict present dune hacquenee a la Royne.

Avene despencee cedit jour pour les hacquenees et mulletz . . . . .	Neant
Paille pour lesdites hacquenees et mulletz . . . . .	Neant
S[omme] de ce jour . . . . .	Neant

Sir James Douglas of Drumlanrig was a prominent figure in the politics and polemics of the sixteenth century. Born in 1498, he survived till 1578. He was a supporter of the Reformation and was warded in 1566 as an accomplice in the murder of Riccio. He was the great-grandfather of the 1st Earl of Queensberry.

*Dymanche* xxij<sup>me</sup> jour dudit mois, La Royne tout le jour a Domblanric.

Avene despencee cedit jour pour les hacquenees et mulletz . . . . .	Neant
Paille pour les dits hacquenees et mulletz . . . . .	Neant
S[omme] de ce jour . . . . .	Neant

*Lundy* xxij<sup>me</sup> jour dudit mois, la Royne disner a Domblanric, soupper et coucher a Crafurjeon [Crawfordjohn].

Une bolle, ung frelllet, une pecque avene pour la soupee de xix hacquenees vj mulletz et xii hacquenees estans a lherbe au pris de vj s viij d . . . . . cij s iiij d

Pour paille pour xix hacquenees et vi mulletz a raison de ij s iiij d par jour . . . . . xxix s ij d

The barony of Crawfordjohn was acquired in 1530 by Sir James Hamilton of Finnart—the ‘Bastard of Arran ; but it reverted to the Crown on his arraignment and execution for alleged treason in 1540. It is believed that the old castle of Crawfordjohn was no longer in existence at the time of Queen Mary’s visit, having been used as a quarry to supply material for building Boghouse, a mansion erected by James V. for one of his many mistresses, a daughter of the Captain of Crawford (*Origines Parochiales*, i. 163). As this lady afterwards married the laird of Cambusnethan, Boghouse probably stood ready to receive Queen Mary on her travels. At all events she did not have the expenses of her horses and mules defrayed at Crawfordjohn, as it was the privilege of those of her subjects whom she honoured by a visit.

*Mardy* xxiiij<sup>me</sup> jour dudit mois, La Royne disner a Crafurjeon, soupper et coucher a Coldily.

Pour une bolle ung frelllet une pecque pour xix hacquenees, vi mulletz et xii autres hacquenees estans a lherbe au pris de vj s viij d . . . . . cij s iiij d

Pour paille pour les dits xix hacquenees et  
 vj mulletz a Raison de ij s iiij d pour  
 demye journee de chacun . . . . . xxix s ii d

*Mercredy* xxv<sup>me</sup> jour du dit mois, La Royne a Codily [Cowthally]  
 chez monsieur Semeruel.

Avene despencee ce jour pour les mulletz et hacquenees } Neant  
 Paille pour lesdits mulletz et hacquenees . . . . . Neant  
 S[omme] de ce jour . . . . . Neant

Cowthally, now a sheer ruin standing near a dreary moss about a mile and a half north-west of Carnwath village, was the chief residence of the powerful house of Somerville. The owner thereof in 1563 was James, 5th Lord Somerville, who afterwards led 300 of his men to join Queen Mary's forces at Langside. It is said that so princely was the establishment maintained at Cowthally that when James VI. was on a visit there he suggested that the name should be changed to 'Cow-daily,' forasmuch as a cow and ten sheep were slaughtered daily to supply the household.

*Jeudy* xxvj<sup>me</sup> jour dudit mois, La Royne disner a Codily, soupper  
 et coucher chez monsieur Descrelin [Skirling]

Avene despencee ce jour . . . . . Neant  
 Paille aussi despencee cedit jour . . . . . Neant  
 S[omme] de ce jour . . . . . Neant

Sir William Cockburn of Skirling was a staunch adherent of Queen Mary, who appointed him keeper of Edinburgh Castle in 1567. Skirling Castle, about 2½ miles east north-east of Biggar, was demolished in 1568 by order of the Regent Moray.

*Vendredy* xxvij jour du dit mois, la Royne disner a Escrelin,  
 soupper et coucher a Pibles.

Pour une bolle, ung frellet, deux pecques  
 avene pour la soupee de xxxi hacque-  
 nees, tant a la paille q'a l' herbe,<sup>1</sup> vj  
 mulletz au pris de vj s viij d la pecque . . . . . ciij s iiij d

Pour paille pour les dits mulletz [et] xix  
 hacquenees, a raison de ij s iiij d par  
 jour pour chacun . . . . . xxix s ij d  
 S[omme] d'avenne . . . . . ciij s iiij d  
 S[omme] de paille . . . . . xxix s ij d

The Queen probably lodged at her own charges in the royal castle of Peebles, the last crowned head that was to lie there being Henry Darnley, whom, according to Buchanan, she sent there in 1565 in order to keep him out of the way (*History*, xvij, cap. li.)

<sup>1</sup> 'Both those in stalls and those at grass.' The Queen's train had been increased; the number of horses, originally 16, had risen to 31.

*Samedy* xxviii<sup>me</sup> jour dudit mois, la Royne disner a Pibles, soupper et coucher a Bortic [Borthwick].

Pour trois frelletz trois pecques et demye  
avene pour la disnee de xix hacquenees  
et vi mulletz au pris de vj s viij d . . . . . ciiij s iiij d

Pour paille pour lesdits xix hacquenees  
et vj mulletz a raison de compte en la  
journee preceddante . . . . . xxix s ij d

S[omme] davene en argent . . . . . ciiij s iiij d

S[omme] de paille . . . . . xxix s ij d

This was not the first, nor yet the last, visit which Queen Mary paid to Borthwick Castle. She was there as the guest of John, 6th Lord Borthwick, on 12th January, 1662, and five years later, in June 1667, she and Bothwell were beleaguered there by the Lords Morton, Mar, Home and Lindsay, escaping in disguise by night with Bothwell to Dunbar.

*Dymanche* xxix<sup>me</sup> jour dudict mois, la Royne tout le jour chez monsieur de Bortic.

Avene despencee cedit jour pour les mulletz et  
hacquenees . . . . . Neant

Paille pour lesdicts mulletz et hacquenees despencee  
cedit jour . . . . . Neant

S[omme] de ce jour . . . . . Neant

*Lundy* xxx<sup>me</sup> et penultime jour du dict mois, la Royne disner a Bortic, soupper et coucher chez monsieur d'aousy [Dalhousie].

Avene despence ce jour . . . . . Neant

Pour paille . . . . . Neant

S[omme] de ce jour . . . . . Neant

George Ramsay, grand uncle of the 1st Lord Ramsay of Dalhousie (whose eldest son was created Earl of Dalhousie in 1633), received his Sovereign in the fine castle of Dalhousie, *aliter* Dalwolsy, which stands on a wooded bluff about two miles and a half south-west of Dalkeith.

*Mardy* xxxi<sup>me</sup> et dernier jour dudict mois daoust, La Royne disner a daousy, soupper et coucher a Roscelin.

Avene despence cedit jour . . . . . Neant

Paille despence pour lesdicts hacquenees et mulletz . . . . . Neant

The Sinclairs of Rosslyn were great builders, and Queen Mary's host on this occasion, Sir William Sinclair, made important additions to the castle which he had inherited (see M'Gibbon and Ross, *Castellated and Domestic Architecture of Scotland*, iii. 366-376).

## The Economic Position of Scotland in 1760

OUTSTANDING dates, marking the happening in time of great events, play but a small part in economic history. Change and movement in economic life are almost invariably the cumulative result of causes deeply rooted in the past, the effects of which, however, stretch far into the future. There is an essential continuity in economic development which makes it impossible to write down certain changes as commencing in certain years, or to confine the extent of the operation of these changes within definite historic periods. In the history of the material development of Scotland, however, there is a sense in which the year 1760 is of peculiar importance, as indicating a real turning point in the economic fortunes of the country.

The economic position of Scotland in 1760 may be viewed from two distinct standpoints. According as we adopt the one or the other, the resulting picture is entirely different.

Thus from one point of view, it is possible to represent Scotland as enjoying in 1760 a period of almost unexampled economic prosperity. Contemporary writers make much of 'a capital era which has given new life to industry and enterprise of every sort.'<sup>1</sup> 'A spirit of industry and activity has been raised and now pervades every order of men,' while 'schemes of trade and improvement are adopted, and put in practice, the undertakers of which would in former times have been denominated madmen.' 'Every person is employed, not a beggar is to be seen in the streets, the very children are busy.'<sup>2</sup> In point of results, it was possible to show as general indications of economic progress, a fivefold increase in the linen industry of the country within a period of little over thirty years,<sup>3</sup> and since

<sup>1</sup> J. Ramsay, *Scotland and Scotsmen in the 18th Century*, ii. p. 213.

<sup>2</sup> J. Gibson, *History of Glasgow*, pp. 120, 115.

<sup>3</sup> A. J. Warden, *Linen Trade Ancient and Modern*, p. 480.

the Union, a like expansion in shipping<sup>1</sup> the concomitant of a trebled export trade.<sup>2</sup>

By way of explanation we must turn to the gradual removal in the course of the eighteenth century of causes which had for long hampered economic development. In this connection the Union of 1707 occupies a position of first importance, as marking the end of that dissension with England, which for centuries had made wars the chief trade of the country,<sup>3</sup> but which after the political union of 1603, and especially towards the end of the seventeenth century, had appeared in the guise of an acute form of economic friction no less disturbing. In 1707 Scotland became linked up with her natural economic ally in a real economic, as distinct from a merely political union. At one stroke great markets in England as well as in the West were opened to her. To these she quickly responded, first with a growing trade and commerce, later with an expanding manufacture.

But Scotland still lacked any real unity within herself. Little progress was possible under conditions where the grace of Highland chieftains was 'Lord! Turn the world upside down that Christians may make bread out of it.'<sup>4</sup> The failure of the 'Fifteen, however, and subsequently of the 'Forty-Five, while in large measure due to a growing recognition of material interests, in turn gave a new stimulus to economic life. The legislative acts following on those risings, and the road building which enabled the rapid movement of troops to keep order, destroyed the last relics of feudalism, established the authority of law, and so created security at home, in the absence of which sustained economic effort was impossible.

There was also the removal of certain retarding influences of religion. While the disturbing economic effects of religious controversy accompanied by physical conflict had ceased in the course of the seventeenth century, tendencies of a similar if less obvious kind continued to operate in the eighteenth. A later writer, perhaps not altogether understanding, professed amazement at a species of wildness inducing a people to prefer field preaching to beneficial industry.<sup>5</sup> If a day was to come when in place of religion as the commerce of chief cities, commerce was

<sup>1</sup> G. Chalmers, *Caledonia*, ii. p. 883; iii. p. 53.

<sup>2</sup> G. Chalmers, *Domestic Economy of Great Britain and Ireland*, pp. 390, 392.

<sup>3</sup> P. Lindsay, *Interest of Scotland Considered*, p. 82.

<sup>4</sup> T. Pennant, *Tours*, 1772, i. p. 400.

<sup>5</sup> G. Chalmers, *Caledonia*, vi. p. 605.

to be the chief religion,<sup>1</sup> in the early part of the century that time was not yet. A prepossession with affairs religious, with the general merits or demerits of which on other grounds we are not immediately concerned, did tend to check economic development by giving birth to sectional disputes, and by representing treasures on earth as matters of none account. The material progress, however, which followed on the Union, to be greatly accelerated after the 'Forty-Five, went far to tone down the bitternesses of religious controversy, and to produce broader conceptions and outlook in general. There was a striving to darn and patch the rags and rents of ecclesiastical dispute.<sup>2</sup> The mid-eighteenth century saw the rise of the 'Moderates' to a position of predominance in the Church—a party aiming of set purpose at taking an active part in the promotion of every scheme of practical improvement, and accepting as a Christian duty the advancement of the material wealth of the nation.<sup>3</sup>

In all these ways historic influences which had erected obstacles in the path of economic progress tended to disappear. The economic prosperity of Scotland in 1760 was the natural outcome of the creation of conditions making a vigorous economic life possible.

After all, however, this 'happy state of North Britain' had little meaning except when viewed against the somewhat sombre background of the past. Historically the economic poverty of Scotland had become in large part a byword, almost a tradition, 'Mice, were they a commodity, Scotland might boast on't!'<sup>4</sup> In this respect the early eighteenth century had seen no breaking with the past. Here was a land 'the most barren of manufactures of any nation in these parts of Europe.'<sup>5</sup> 'Money was not the growth of the country.'<sup>6</sup> No one in the light of past achievement could fail to appreciate the relative economic prosperity of 1760. But from another point of view Scotland was still poor. Even later years were to find her still in 'languishing'<sup>7</sup> condition, her 'abject poverty and mean obscurity'

<sup>1</sup> T. Pennant, *Tours*, 1772, i. p. 152.

<sup>2</sup> *Ibid.* p. 117.

<sup>3</sup> H. Craik, *A Century of Scottish History*, ii. p. 386.

<sup>4</sup> P. Hume Brown, *Early Travellers in Scotland*, p. 201.

<sup>5</sup> *A short view of some probable effects of laying a duty on Scotch linen imported*, 816 m. (53) Brit. Mus.

<sup>6</sup> *Ibid.*

<sup>7</sup> D. Loch, *Essays on the trade, commerce, manufactures, and fisheries of Scotland*, i. p. iv.

comparing ill with 'the opulence and dignity of her sister kingdom,'<sup>1</sup> her revenue, according to one writer, burdensome to the people, yet comparatively so very inconsiderable to that of England, that had it been ruled out altogether the deficiency would scarce have been observable.<sup>2</sup> These were no doubt the statements of individuals who had each his peculiar axe to grind, still figures establish the general soundness of the conclusions. It is difficult, of course, to compare the relative economic position of England and Scotland at this time, on account of differences in size and population, while comparisons with subsequent expansion tend to be misleading, in view of the fact that the whole content of economic life was later to be changed; still taking figures of shipping and exports<sup>3</sup> as at least rough general indications of economic prosperity, and making all necessary allowances, the poverty of Scotland in 1760 compared either with the England of the day or with her own future development stands out quite unmistakably.

It is of first importance to observe that the economic development of Scotland from 1707 to 1760 took place in the main along existing lines. What expansion there was, being essentially the result of the creation of conditions making a smooth working of the existing economic organization possible, no violent upheaval was necessarily involved in the nature of that organization as such. There may have been at times indications that an expanding economic life would devise new forms for itself, but on the whole it is true to say that the striking contrast between 1707 and 1760 lay in the extent of the structure which had been reared on the foundation, rather than in any change in the nature of that foundation itself. This fact is of peculiar significance. To interpret the nature of the economic organization of 1760 is to explain the causes of the relative economic poverty of Scotland at that date.

In the scheme of economic life, as it then was, not only did agriculture figure as the main industry, but it was in large part

<sup>1</sup> *Ibid.* p. ix.

<sup>2</sup> J. Knox, *View of the British Empire, more especially Scotland*, i. p. 107.

<sup>3</sup> Tonnage of Scotland, 1760, 53,913 tons, G. Chalmers, *Caledonia*, v. p. 16; Tonnage of England, 1760, 573,978 tons, G. Chalmers, *Estimate of the Comparative Strength of Great Britain*, p. 234; Tonnage of Scotland, 1820, 288,770 tons, G. Chalmers, *Caledonia*, v. p. 16; Value of Scottish Exports, 1760, £1,086,205; Value of English Exports, 1760, £14,694,970, G. Chalmers, *Domestic Economy of Great Britain and Ireland*, pp. 166-7; Value of Scottish Exports, 1820, £5,894,778, G. Chalmers, *Caledonia*, v. p. 14.

upon an agricultural basis that the whole economic organization of the time might be said to turn. How far this was so may be appreciated in different ways.

Thus in the case of the textile industries a close and intimate relation existed in several ways between the operations of manufacture and those of agriculture.

First of all there was the dependence of these industries on agriculture for their raw materials. At this period woollen and linen were the chief textile manufactures.<sup>1</sup> The latter was far and away the more important, being in fact to Scotland in 1760 what wool was to England at the same date. The point of importance, however, is that the raw material of both was produced at home in the ordinary course of agriculture. Small spots of flax were to be seen on every farm, while most of the inhabitants reared sheep for their wool.<sup>2</sup> Flax was indeed imported to some extent, chiefly from Holland and the Baltic.<sup>3</sup> The Board of Manufactures, however, had always been at pains to promote through the granting of premiums, the production within the country of the raw material of the linen industry. The reduction of the consumption of foreign flax was represented as a desirable object.<sup>4</sup> If the end aimed at was not altogether achieved, the contrast with the state of affairs which was subsequently to exist in the case of the cotton industry, was nevertheless in almost all respects complete.

But there was a closer connection still. The labour employed in manufacture was to a very large extent the same as that engaged in agriculture. This state of affairs was rendered possible by the nature of the existing organization of the textile industries. With the various forms in which that organization manifested itself, we are not immediately concerned. No matter what basis of classification we adopt, let it be the degree of dependence or independence of the capitalist producer, or the extent to which production was carried on for sale or for household consumption, in almost all manufacture is found to take place within the home and to be in fact 'domestic.' This, of course, could be only where the spinning-wheel and the hand-loom were the typical

<sup>1</sup> *Some Notices of the Principal Manufactures of the West of Scotland*, p. 183.

<sup>2</sup> *Statistical Account*, vii. p. 252.

<sup>3</sup> R. Pococke, *Tours*, p. 214; C. Cordiner, *Antiquities and Scenery of the North of Scotland*, p. 50; *Statistical Account*, x. p. 190; D. Bremner, *Industries of Scotland*, p. 226.

<sup>4</sup> Lord Kames, *Progress of Flax Husbandry*, pp. 13-14.

instruments of production. Instances of factory organization in the form of loom-shops, established with a view to the more effective supervision of work, could be dated from the seventeenth century<sup>1</sup> and were moderately frequent throughout the eighteenth,<sup>2</sup> but where manufacturing operations were carried on without the aid of power, the chief incentive to that form of organization was lacking, and the household continued the typical unit of production. It was under these conditions that the textile industries were to be found as scattered as the source of the raw material,<sup>3</sup> while the raisers of that raw material played an important part in the subsequent processes of manufacture.

Thus the preparation of flax and wool for manufactures was a recognised part of farmwork.<sup>4</sup> Lint fibre was pulled, rippled, steeped, beetled, scutched and heckled on the farm.<sup>5</sup> But not only so. Once prepared it was later worked up by hands obtained from the ranks of agricultural labour, or from those who, if not strictly agricultural workers, yet relied for part at least of their livelihood upon the products of the soil. Thus spinning was carried on concurrently with agricultural pursuits. Farmers engaged female servants who could spin,<sup>6</sup> and who were aided in their work by the farmers' families themselves.<sup>7</sup> Men were employed not only to assist in the harvest, but also to work up the yarn spun by the family.<sup>8</sup> Farmers had weaving shops in which they employed weavers, and they often wove themselves.<sup>9</sup> Weavers were frequently crofters, every householder having a workshop attached to his dwelling, while he rented a large garden and a considerable croft and kept a cow.<sup>10</sup> A district divided into crofts and small possessions was considered specially favourable for the establishment and growth of manufactures.<sup>11</sup> Spinning and weaving came to be regarded as a useful means of

<sup>1</sup> A. M'Lean, *Local Industries of Glasgow*, p. 136.

<sup>2</sup> D. Bremner, *Industries of Scotland*, pp. 193-4, 199, 227.

<sup>3</sup> Of the thirty-two counties of Scotland, in 1758 only three showed no production of linen. A. J. Warden, *Linen Trade Ancient and Modern*, p. 478.

<sup>4</sup> A. Wight, *Present State of Husbandry in Scotland*, i. pp. 91-2; Lord Kames, *Progress of Flax Husbandry*, pp. 17-18.

<sup>5</sup> A. M'Lean, *Local Industries of Glasgow*, p. 137.

<sup>6</sup> W. Jolly, *James Duncan, Weaver and Botanist*, p. 28.

<sup>7</sup> *Statistical Account*, xi. p. 604.

<sup>8</sup> W. Jolly, *op. cit.* p. 69.

<sup>9</sup> *Ibid.* pp. 82, 116.

<sup>10</sup> *Ibid.* p. 26.

<sup>11</sup> *Statistical Account*, xii. p. 112.

eeking out the miserable returns from agriculture<sup>1</sup> and of paying the rent of small possessions.<sup>2</sup> Time was divided between the two employments,<sup>3</sup> manufacture, however, as a rule claiming only such hours as were left over from the labours of the field.<sup>4</sup> Even where manufacture might appear the main interest, there was no clear separation or differentiation. Tradesmen were essentially husbandmen also, at certain seasons throwing over their trade and taking to agriculture, so as to make it difficult if not impossible to determine to which profession they belonged.<sup>5</sup> On the whole it would appear that in this collateral relation of agriculture and manufacture the former played the chief part, the latter being relegated to the secondary position of a useful bye-employment.

We see then the manner in which that independence of power, which was one of the chief features of the organization of the textile industries in 1760, made possible not only a domestic system of production, but also, as a direct result, the formation of a close alliance between agriculture and manufacture. This independence of power, however, meant something more. It meant in turn an independence of coal and iron. It is here that we have emphasised from a negative stand-point, as it were, the relative importance of agriculture. Economically, as we shall see, it was of as much if not more importance to Scotland that the textile industries showed an independence of coal and iron, as that they revealed a direct dependence on agriculture in other respects.

The history of the early iron industry of Scotland to the beginning of the seventeenth century is largely a matter of conjecture. Slag remains are still to be found in many counties,<sup>6</sup> indicating apparently an ancient manufacture of iron. Ore of local origin in the form of bog-ore—ore appearing on the surface of the earth in a concreted state<sup>7</sup>—would seem to have been used.<sup>8</sup> The first really historic iron-work dates from the beginning of the seventeenth century.<sup>9</sup> In the course of the eighteenth

<sup>1</sup> Agriculture of Dumbartonshire Reports, ii. p. 14.

<sup>2</sup> *Statistical Account*, xi. p. 182 ; xii. p. 581.

<sup>3</sup> *Ibid.* vi. p. 360 ; xi. p. 263 ; xx. p. 476.

<sup>4</sup> *Ibid.* vii. p. 208 ; xi. pp. 271-2.

<sup>5</sup> *Ibid.* vii. p. 180 ; xii. p. 115 ; xi. p. 564.

<sup>6</sup> I. Macadam, *Notes on the Ancient Iron Industry of Scotland*, pp. 96-103.

<sup>7</sup> J. Williams, *Natural History of the Mineral Kingdom*, i. p. 375.

<sup>8</sup> I. Macadam, *op. cit.* p. 94.

<sup>9</sup> *Ibid.* p. 109.

century several works sprang up in the wooded highlands of the north and west.<sup>1</sup> The presence of wood as fuel, and not the existence of native ores was the determining factor in the localization of these works. One of their main features, in fact, was the employment in smelting, of ores mainly imported from England.<sup>2</sup> It is not to be imagined, however, on that account that, apart from bog-ores Scotland had no ordinary iron ores of her own. Historic mention is made of abundance of iron ore in Sutherlandshire, 'of which the inhabitants make good iron.'<sup>3</sup> In 1613 the export of iron ore from Scotland was prohibited.<sup>4</sup> These, of course, may merely be references to bog-ore. At Edderton, Ross-shire, however, a deep hole is supposed to indicate the position of a quarry from which iron was extracted.<sup>5</sup> The first historic iron-work in the country had a mine at hand wrought by English miners.<sup>6</sup> Ore for an iron-work at Abernethy was got from a mine at Tomintoul.<sup>7</sup> At Invergarry native haematite was said to have been used.<sup>8</sup>

It would appear nevertheless that there were very few instances of iron-mines known to have been worked in Scotland.<sup>9</sup> Long before 1760 the works where local ores had been employed were extinct.<sup>10</sup> In that year iron-smelting was carried on at two centres<sup>11</sup> only, and at both these with ores imported from England.<sup>12</sup> Under these circumstances it is not surprising to find that the Bishop of Meath travelling in Scotland in 1760 has little to say of iron, except that it is 'supposed to be found,' or 'probably abounds,' in certain out-of-the-way places which have had no subsequent iron history.<sup>13</sup> No mention is made of iron-mining though notice is taken of an attempt to make use of local ore which, however, had not answered in the smelting.<sup>14</sup> Thus in 1760 the local ores of Scotland were virtually unknown,

<sup>1</sup> *Ibid.* Invergarry, 1730, p. 124; Bunawe, 1730, p. 124; Abernethy, 1730, pp. 126-7; Goatfield, 1754, pp. 129-10.

<sup>2</sup> *Ibid.* pp. 113, 124, 129-30.

<sup>3</sup> D. W. Kemp, *Notes on Early Iron Smelting in Sutherland*, p. 15.

<sup>4</sup> I. Macadam, *op. cit.* p. 112.

<sup>5</sup> *Ibid.* p. 102.

<sup>6</sup> *Ibid.* p. 105.

<sup>7</sup> *Ibid.* pp. 127-8.

<sup>8</sup> *Ibid.* p. 124.

<sup>9</sup> *Ibid.* p. 94.

<sup>10</sup> *Ibid.* pp. 112-3, 128.

<sup>11</sup> *Ibid.* First historic works at Letterewe probably extinct before 1660, p. 112; Invergarry soon ceased to work, p. 90; Abernethy ceased working 1739, p. 128; Goatfield and Bunawe in 1886 only a few years blown out, p. 90.

<sup>12</sup> *Ibid.* pp. 129, 130.

<sup>13</sup> R. Pococke, *Tours*, pp. 93, 137.

<sup>14</sup> *Ibid.* p. 25.

and certainly unused in the production of iron. What iron smelting there was, was conducted on a most insignificant scale with ores imported from England.

If in 1760 Scotland depended almost wholly on English ores for her iron smelting works, it would appear also that till well on in the eighteenth century, she relied mainly on the same source for a large part of her supply of hardware.<sup>1</sup> At this date Scotland did indeed possess some trade of her own in manufactured iron. The raw materials, however, in the form of bar-iron were furnished on this occasion by importation, chiefly from Sweden and Russia.<sup>2</sup> Holland in one instance provided a nail manufactory of one of the Eastern Counties with the old iron requisite for the pursuance of that trade.<sup>3</sup> Iron was a common import at the most insignificant ports.<sup>4</sup> The extent of the trade could be judged from its position in Glasgow, the subsequent economic fortunes of which were to be so intimately bound up with the production and manufacture of iron. The trade there dated from 1732, having arisen largely in response to a demand for agricultural implements from the new markets of the American Plantations.<sup>5</sup> The paltry nature of the industry was its most striking feature. In 1750 the iron consumed by Glasgow was no more than 400 tons.<sup>6</sup> In 1777, 500 tons was considered a large figure by a historian of the city at that date.<sup>7</sup> It was a humble trade indeed which could hail a project for the production of iron toys as a promising outlet for expansion.<sup>8</sup> The two branches of the iron trade at this period reveal alike in their insignificance and dependence on outside sources for their supply of raw materials, a very close degree of correspondence. The condition of both bespeaks a time where the whole framework of economic life was different from what it was later to become, and where more especially, there was no demand for iron as the raw material of machines.

With the coal trade of 1760 the position was somewhat different. Lack of development was here by no means so

<sup>1</sup> *Case of the Linen Manufacture of Scotland*, p. 1, 1887, b. 60 (38) Brit. Mus.; *Present State of Scotland Considered*, p. 49, 8227 aa. 44 (3) Brit. Mus.

<sup>2</sup> J. Rae, *Life of Adam Smith*, p. 93.

<sup>3</sup> *Statistical Account*, xii. p. 514.

<sup>4</sup> R. Pococke, *Tours*, passim.

<sup>5</sup> J. Gibson, *History of Glasgow*, p. 242; G. Stewart, *Progress of Glasgow*, pp. 70-1.

<sup>6</sup> J. Rae, *op. cit.* p. 93.

<sup>7</sup> J. Gibson, *op. cit.* p. 242.

<sup>8</sup> *Ibid.* p. 249.

complete. Thus if Pococke travelling in that year found little to say of iron, he makes frequent reference to coal. Certain country near Glasgow he mentions as 'full of coals'; at Leven he passed 'some great coal pits and the wagon roads from these to the sea'; Alloa was 'a very disagreeable coal town'; Dysart had 'great collieries.'<sup>1</sup> Considerable activity then would appear to have been shown in the production of coal. The picture, however, is in some measure misleading, as may be seen from considering the nature and extent of the coal-working of the time. The successive stages through which methods of coal-getting pass, from the digging of superficial supplies or outcroppings to the sinking of shafts measure in some degree, response to growth of demand and indicate also, progressive steps in the development of mining. The fact that even subsequent to 1760 outcroppings were still being worked, throws an interesting light on the existing state of coal production.<sup>2</sup> No less so does the shallow nature of the shafts then in use. The 'great collieries' of Dysart were at this period worked only to a depth of 25 fathoms.<sup>3</sup> Even thirty years later a pit of sixty fathoms was considered beyond a moderate depth,<sup>4</sup> while some were as shallow as three.<sup>5</sup> The flooding of mines, for long the bugbear of mine-masters, proved the chief obstacle to deeper workings.<sup>6</sup> The small extent to which mechanical devices were employed to overcome this difficulty is suggestive. Rude machines worked by hand, horse, wind or water power had early been tried.<sup>7</sup> The success of these efforts, however, was limited.

Steam was first employed in Scotland 'to raise water by fire' probably some little time previous to 1719, at which date it is recorded the second steam engine used for that purpose was erected.<sup>8</sup> These engines, however, were not generally adopted. The first steam engine in the Glasgow district was not built till 1763.<sup>9</sup> The Statistical Account has many references to steam engines as having been constructed for the first time in various mines for the purpose of raising water, at dates subsequent to

<sup>1</sup> R. Pococke, *Tours*, pp. 60, 276, 290, 281.

<sup>2</sup> *Statistical Account*, v. p. 346; vii. pp. 9, 13, 403.

<sup>3</sup> R. Pococke, *op. cit.* p. 281.

<sup>4</sup> *Statistical Account*, v. pp. 532-3.

<sup>5</sup> *Ibid.* xii. p. 102.

<sup>6</sup> *Ibid.* i. p. 373.

<sup>7</sup> A. S. Cunningham, *Mining in the Kingdom of Fife*, pp. 5-9; R. Bald, *General View of the Coal Trade of Scotland*, pp. 4-11.

<sup>8</sup> *Statistical Account*, vii. p. 11.

<sup>9</sup> R. Bald, *op. cit.* p. 23.

1760.<sup>1</sup> Many pits remained without engines at all.<sup>2</sup> Thus though steam engines had been employed in mines over forty years previously, in 1760 they were still comparatively rare. Under these circumstances mines were only partially worked, as much coal being taken out as could be procured without the aid of 'fire engines.'<sup>3</sup> Thereafter they were abandoned. The Statistical Account makes frequent mention of mines which have been 'given up,' 'formerly worked,' 'not wrought these many years.'<sup>4</sup> In one place four years represented the length of period during which coal could be wrought dry.<sup>5</sup> Working was discontinued when free level coal had been worked out,<sup>6</sup> or when human effort was overpowered by water.<sup>7</sup> Rich seams lay at great depths unworked,<sup>8</sup> mines incommoded with water lay open to the enterprise of future adventurers.<sup>9</sup> Not only were many coal seams partially worked and some abandoned, others had never been tapped on account of their depth.<sup>10</sup>

It would appear then, that the economic circumstances of the time, did not justify expenditure on those mechanical devices which were at hand to prevent the return to nature of gifts which were free to be won. The most significant fact of all, however, is that even where there were no apparent obstacles in the way of mining operations, seams of coal remained unworked. This was to be true even at a later date. In a parish where coals were to be found on almost every farm no coal work was carried on; large beds of excellent coal remained unexploited; in certain lands unwrought coal abounded; in other places valuable seams remained untouched.<sup>11</sup> Those were the days when farmers in the course of agriculture ran across the mineral, digging it out for their own use.<sup>12</sup>

The explanation of this meagre exploitation of the coal resources of Scotland is to be found in the nature of the then demand. Much coal had formerly been used in the manufacture of salt, but with the decay of that trade in the course of the

<sup>1</sup> *Statistical Account*, iv. p. 371; v. p. 257; ix. pp. 8, 299; xi. p. 492; xiv. p. 543.

<sup>2</sup> *Ibid.* ix. p. 299.

<sup>3</sup> *Ibid.* iv. p. 371.

<sup>4</sup> *Ibid.* ii. p. 432; iii. p. 488; ii. p. 244.

<sup>5</sup> *Ibid.* v. p. 257.

<sup>6</sup> *Ibid.* xii. p. 539.

<sup>7</sup> *Ibid.* xii. p. 539.

<sup>8</sup> *Ibid.* x. pp. 144-5.

<sup>9</sup> *Ibid.* vii. p. 13.

<sup>10</sup> *Ibid.* xi. p. 492; xx. p. 154.

<sup>11</sup> *Ibid.* ii. p. 368; iii. p. 464; iv. p. 329 ix. p. 337.

<sup>12</sup> *Ibid.* xii. p. 102.

eighteenth century, many salt-pans had gone out of use<sup>1</sup> and with them certain coal workings.<sup>2</sup> The demand for household uses could not be great, where peat by itself, or along with coal provided, and continued to provide, a ready source of fuel.<sup>3</sup> Even in a district abounding in coal many farmers and cottagers were found to burn peat in part.<sup>4</sup> What demand there was, was not necessarily effective. The wretched state of communications, which found even in the shortest distances insuperable obstacles, prevented the general use of coal as fuel<sup>5</sup> and hindered its export.<sup>6</sup> More important still, however, were certain elements in demand then lacking altogether but subsequently of immense importance. Thus coal had no economic value in the production of power. This was virtually true when steam engines were employed in mines only, and that but rarely. But further, for all intents and purposes there was no demand for coal in the production of iron. Smiths may have used it in their forges,<sup>7</sup> but not so with smelting. As we saw, it was to the woods of the Highlands that the iron works of the time migrated. The first requisite of the iron-master was an adequate wood supply.<sup>8</sup> Attempts had, indeed, been made to smelt iron with coal. A sixteenth century writer makes mention of certain black stones which 'resolve and meltes irne.'<sup>9</sup> In 1661 a monopoly is said to have been granted for the manufacture of iron with coal.<sup>10</sup> We have no real evidence, however, that coal was ever used in Scotland for iron manufacture before 1760.<sup>11</sup> The furnaces of the day made use of charcoal.<sup>12</sup> In view of the demand, the finding of crop coal in 1760, and the generally shallow nature of the pits becomes understandable. It is not surprising, taking all the circumstances into account, that mines should usually be partially wrought and very often abandoned, while many remained untapped altogether.

<sup>1</sup> R. Bald, *General View of Coal Trade of Scotland*, p. 84; Sir J. Dalrymple, *Address and Proposals on the subject of the Coal, Tar, and Iron Branches of Trade*, p. 7.

<sup>2</sup> *Statistical Account*, xi. p. 549.

<sup>3</sup> *Ibid.* i. pp. 157, 319-420; ii. pp. 42, 389.

<sup>4</sup> *Ibid.* i. p. 349.

<sup>5</sup> *Ibid.* i. p. 339; ii. p. 147; vi. p. 99.

<sup>6</sup> *Ibid.* vi. p. 407; xii. p. 539.

<sup>7</sup> *Ibid.* v. p. 346; xii. p. 541.

<sup>8</sup> I. Macadam, *Notes on the Early Iron Industry of Scotland*, pp. 105-6, 126-7.

<sup>9</sup> Quoted A. S. Cunningham, *op. cit.* p. 4.

<sup>10</sup> D. W. Kemp, *Notes on Early Iron Smelting in Sutherland*, p. 23.

<sup>11</sup> I. Macadam, *Notes on the Early Iron Industry of Scotland*, p. 95.

<sup>12</sup> *Ibid.* pp. 124, 129-30.

Under such conditions, common to both the coal and the iron trades, it was only natural that 'the article of mines in Scotland' should seem indeed to be 'greatly neglected.'<sup>1</sup>

Thus viewed from two distinct stand-points, whether in the dependence of the textile manufactures on agriculture, or in the relative insignificance and undeveloped state of the coal and iron trades, agriculture stands out clearly as the predominant industry of the time, and as the basis on which to a very large extent the whole economic organization of the day turns. Agriculture in 1760 might be represented as it had been earlier in the century, 'the main source from whence all the rivulets run and water the body, the main and first spring that must give motion and life to all the parts and branches of improving the nation.'<sup>2</sup>

But what of the nature of this agricultural basis in 1760? It was nothing if not poor. General improvement was the need of the time.<sup>3</sup> Some improving, indeed, had taken place prior to this date, but it was only after 1760 that great changes commenced.<sup>4</sup> At that time and even at much later dates estates still remained in a state of nature.<sup>5</sup> The husbandmen of the time were 'unskilful and inanimated,'<sup>6</sup> 'tenacious of old practices,'<sup>7</sup> 'muleish' in their attitude to change,<sup>8</sup> 'creeping in the beaten track of miserable husbandry.'<sup>9</sup> 'Nothing,' it was reported, 'could be more wretched than the agricultural state of North Britain.'<sup>10</sup> The extent to which feudal services continued to be exacted,<sup>11</sup> and rents to be paid in kind,<sup>12</sup> gives some indication of the undeveloped state of cultivation. The husbandry of the day was conducted on the outfield and infield system.<sup>13</sup> The infield was sown always with the same crop, never fallowed, and

<sup>1</sup> M. Postlethwayt, *Universal Dictionary of Trade*.

<sup>2</sup> W. Macintosh, *An Essay on ways and means for inclosing, fallowing and planting in Scotland*, p. 257.

<sup>3</sup> A. Grant, *Practical Farmers' Pocket Companion*, p. 4.

<sup>4</sup> J. Ramsay, *Scotland and Scotsmen in the Eighteenth Century*, ii. p. 243; *Analysis of Statistical Account*. p. 234.

<sup>5</sup> J. Ramsay, *op. cit.* p. 217; G. Chalmers, *Caledonia*, v. p. 7; *Statistical Account*, xx. p. 63.

<sup>6</sup> G. Chalmers, *Caledonia*, v. p. 7. <sup>7</sup> A. Grant, *op. cit.* pp. 3-4.

<sup>8</sup> A. Grant, *Farmers' New Year's Gift*, p. 2.

<sup>9</sup> A. Wight, *Present State of Husbandry in Scotland*, i. p. vii.

<sup>10</sup> G. Chalmers, *Caledonia*, v. p. 5. <sup>11</sup> *Statistical Account*, i. pp. 432-3.

<sup>12</sup> J. Colville, *By-ways of History*, pp. 12-13.

<sup>13</sup> A. Grant, *Practical Farmers' Pocket Companion*, p. 3.

dunged only once in three years, while the outfield, the remaining part of the farm, consisting of a piece of land taken from 'lee' every year, was never manured, but three or more crops having been taken from it successively, it was left in 'lee' again for four, five or six years. In both cases the soil was ruined and impoverished,<sup>1</sup> sometimes in fact lying worse than nature had left it 'for being abused with bad tillage and ill-directed rigs.'<sup>2</sup>

Actual methods of culture and agricultural instruments were as bad as could be devised.<sup>3</sup> It was not uncommon to see four horses and four oxen dragging and staggering before a large heavy plough at a rate of one mile per hour.<sup>4</sup> Bad ploughing and cultivation generally, resulted in a soil full of noxious roots and weeds,<sup>5</sup> seeds sometimes being liberally bestowed so as to keep them in check.<sup>6</sup> The returns to agriculture were naturally meagre, seldom yielding more than four or fivefold on the infield, while the hungry crops of the outfield seldom produced a return of two to one.<sup>7</sup> It must have been the exceptional nature of the scene which made Pennant at a later date paint a somewhat glowing picture of 'streams of corn darting from the hills to the centre of the valley, and others again radiating from the coast.'<sup>8</sup> A truer representation of the state of agriculture was to be found in the famine of 1783, or in the statement that the inhabitants of a certain district were distressed at one period of each year for want of meal.<sup>9</sup>

The miserable state of Scottish agriculture in 1760 was by no means due entirely to the backward methods of husbandry then in practice. The spread of a more enlightened cultivation was subsequently to work wonders, but later experience was to prove also that very definite limitations had been placed on the power of agricultural improvement. The best-laid schemes of improving were set at nought by an unpropitious soil and climate; soils proved completely ungrateful in their response to manure;

<sup>1</sup> *Ibid.* pp. 3-4.

<sup>2</sup> A. Wight, *op. cit.* i. pp. 29-30.

<sup>3</sup> *Ibid.* i. pp. 3, 5, 34.

<sup>4</sup> *Statistical Account*, xx. p. 6.

<sup>5</sup> A. Grant, *Practical Farmers' Pocket Companion*, pp. 3-4.

<sup>6</sup> *Statistical Account*, xx. p. 195.

<sup>7</sup> A. Grant, *Practical Farmers' Pocket Companion*, pp. 3-4; A. Wight, *op. cit.* i. p. 5; *Analysis of Statistical Account*, p. 235.

<sup>8</sup> T. Pennant, *Tours*, 1772, ii. p. 148.

<sup>9</sup> A. Wight, *op. cit.* i. p. 93.

to plough was not necessarily to plough to advantage.<sup>1</sup> Certain lands laboured under disadvantages, which no effort of genius or of industry could surmount,<sup>2</sup> while others even under the most cautious and prudent management, speedily returned to their native barren soil.<sup>3</sup> Various factors contributed to produce this result. Sir John Sinclair, basing his opinion on evidence supplied from every parish in the country, designated the soil of Scotland as in general sterile.<sup>4</sup> Now it was poor, hungry, rugged and of the meanest description ;<sup>5</sup> now bleak and wettish, encumbered with stones, abounding in waste corners, unfriendly to vegetation, in places scarcely being able to bear the expense of erecting stone walls for its enclosure, at times worth scarcely sixpence an acre.<sup>6</sup> The very configuration of the land imposed obstacles in the way of husbandry, irregularity of surface rendering cultivation not only difficult and expensive,<sup>7</sup> but often impossible.<sup>8</sup> And further, a climate precarious and capricious proved an invincible bar to agricultural improvement, by retarding vegetation,<sup>9</sup> and in some cases regularly preventing good crops from being safely garnered.<sup>10</sup>

Here then, apart altogether from the backward state of agriculture generally common at the time, was an obstacle of a more permanent kind precluding the possibility of development beyond a certain point. Most certain it was to one writer, after having considered the 'distresses' under which Scotland laboured from soil and climate, that nature had 'put a negative against productive revenue and extensive agriculture in that kingdom.'<sup>11</sup>

The point of view from which it was possible to stress the economic poverty, rather than the economic prosperity of Scotland in 1760, now becomes clear. That year did, as we saw, witness a marked degree of economic progress, the result in large part of the removal of many of those conditions which for long had

<sup>1</sup> *Statistical Account*, x. p. 82 ; xi. p. 3 ; xii. p. 31.

<sup>2</sup> *Ibid.* vii. p. 231.

<sup>3</sup> *Ibid.* xii. p. 72.

<sup>4</sup> Sir J. Sinclair, *Analysis of Statistical Account*, p. 72.

<sup>5</sup> A. Wight, *op. cit.* i. pp. 17, 97,

<sup>6</sup> *Statistical Account*, i. p. 348 ; ii. p. 58 ; xx. p. 62 ; i. pp. 264, 340 ; ii. p. 239.

<sup>7</sup> *Ibid.* ii. p. 44.

<sup>8</sup> A. Wight, *op. cit.* i. p. 24.

<sup>9</sup> Sir J. Sinclair, *Analysis of Statistical Account*, p. 104.

<sup>10</sup> *Statistical Account*, xx. p. 27

<sup>11</sup> J. Knox, *View of the British Empire, more especially Scotland*, i. p. 109.

impeded material development, but peculiar natural limitations of soil, climate, physical configuration, still remained. Thus though there might be more incentive to the exercise of sustained economic effort, the field for the play of that effort was at once poor and stubborn. Such a position of affairs was of peculiar moment to a country when the whole economic organization of the day centred mainly round the position of agriculture. A real barrier was raised in the path of advance to material wealth. It is on these grounds mainly, due allowance always being made for the continued effects of causes which in themselves had long ceased to operate, that the relative economic poverty of Scotland in 1760 is to be explained. The impossibility of surmounting this obstacle by direct assault had been seen in the definite limitations set by nature to the success of the efforts of agricultural improvers. In point of fact the difficulty was to be overcome, not by elimination, but through a process of circumvention accomplished in the course of changes in economic life involving at the same time an entirely new form of economic organization. As a result there was to be a moving away from the importance of agriculture as the basis of industry, and a revelation of the essential relativity of all former conceptions of wealth or poverty of natural resources.

It is in this way that the year 1760 is of peculiar importance in the economic history of Scotland. In the latter part of that year great buildings were making at Carron for iron-smelting houses.<sup>1</sup> These works in a special sense typify the commencement of a new industrial order, and indicate a new phase in economic development. The land round Carron might be a mere moor<sup>2</sup> or an uncultivated stretch of peat and heath,<sup>3</sup> but the coal and iron-stone dug therefrom, and linked together in the production of iron<sup>4</sup> were to form the basis of a trade, comparable in its returns to none under the sun save that of plundering Bengal.<sup>5</sup>

It is interesting to trace in the Statistical Account, the growing appreciation of the nature and extent of the change beginning to be thus effected in economic life. Under new conditions,

<sup>1</sup> R. Pococke, *Tours*, p. 296.

<sup>2</sup> T. Pennant, *Tours*, 1769, p. 263.

<sup>3</sup> G. Jars, *Voyages Métallurgiques*, pp. 270-1.

<sup>4</sup> *Ibid.* pp. 265-70.

<sup>5</sup> Sir J. Dalrymple, *Address and Proposals on the subject of the Coal, Tar and Iron Branches of Trade*, p. 13.

the natural resources of the country come to appear in quite a different guise. Scotland contained many lands, where a poverty of soil seemed almost to accompany the presence of minerals. A heath-covered soil of poor clay ; lands not worth half-a-crown per acre ; fields which for years had not yielded a crop sufficient to refund the farmer for seed and labour, yet contained abundance of coal and iron.<sup>1</sup> Hitherto stress had been laid on the infertility of the soil.<sup>2</sup> Now there is a transference of emphasis from the agricultural poverty of the land to the worth of its minerals, and a conscious recognition of the extent to which one may compensate for the other. A certain parish with all its disadvantages of soil and climate, claims to find ample compensation in its buried wealth.<sup>3</sup> Minerals are recognised as destined to become objects of importance,<sup>4</sup> and as presenting profitable fields for future investment,<sup>5</sup> as a result of which the whole face of the country will be transformed.<sup>6</sup> Agriculture begins to lose its position of relative importance. How long certain districts at present almost entirely agricultural are likely, in view of their possessing minerals, to remain so, it is now difficult to determine.<sup>7</sup> Already in certain instances agriculture, the basis and support of all other arts, shows signs of being outrivalled,<sup>8</sup> not, however, without a corresponding gain in material wealth, a greater estate indeed being found to arise in this way than could ever have been reaped from the surface of the soil.<sup>9</sup> It might well be in fact, as one writer expressed it, in somewhat more picturesque language perhaps than the circumstances of the case demanded, that 'in this instance, and in many others which have not yet been sufficiently explored, the bleak moors of Caledonia, and her hills covered with blue mists will be found to contain some of her most valuable treasures.'<sup>10</sup> The prophecy was to be more than fulfilled. In the end it was to be a very far cry from the early days of coal mining in the thirteenth century, when a mine charter granted the right to dig coal only from land which was not arable.<sup>11</sup>

In the process of movement away from an economic organization turning mainly on agriculture, the founding of the Carron

<sup>1</sup> *Statistical Account*, xi. pp. 430-1 ; x. pp. 213, 340.

<sup>2</sup> *Ibid.* vii. p. 603.

<sup>3</sup> *Ibid.* xx. pp. 2, 152.

<sup>4</sup> *Ibid.* ii. p. 215.

<sup>5</sup> *Ibid.* ii. p. 78.

<sup>6</sup> *Ibid.* v. pp. 324-5.

<sup>7</sup> *Ibid.* v. p. 340.

<sup>8</sup> *Ibid.* ii. p. 162.

<sup>9</sup> *Ibid.* vi. p. 94.

<sup>10</sup> *Ibid.* xx. p. 153.

<sup>11</sup> A. S. Cunningham, *Mining in the Kingdom of Fife*, p. 3.

iron-works was no more than an episode, though a peculiarly significant one as indicating the first stirrings of still more comprehensive changes destined to take place in every department of economic life. These changes as they ran their course were to constitute what has come to be known, not altogether correctly, as 'the Industrial Revolution.' The whole tendency of that movement was to deprive agriculture of its relative importance as the touchstone of economic prosperity. It is just on that account that this 'revolution in industry' comes to occupy a position of the utmost significance in the history of the material development of Scotland.

JOHN M. DICKIE.

## The Dalkeith Portrait of Mary, Queen of Scots

THE little known Dalkeith portrait of the Queen is not commented on by Sir George Scharf (who, indeed, saw it not very long before his death), and I do not notice it in Mr. Foster's great work on the portraits of Queen Mary. The late Mr. Andrew Lang, who opened out a new field by identifying the 'Leven and Melville portrait' of Queen Mary by comparing the jewels on it with those in the Queen's Inventories, probably never saw it; but his article in the *Scottish Historical Review* (vol. iii. p. 129) and the method derived from it has made the writer attempt a similar line of work in this note.

This is the description of the portrait which is on panel: 'Half-length  $\frac{3}{4}$  to the right, eyes to front. The hair is waved and auburn. She wears a dark dress which is turned back with a high collar, lined with white opening over a stiff front of cloth of silver on which strings of pearls are arranged. The décolletage is filled in with a soft chemisette of lawn finished with a small ruff. The cap is of lace, and on it are jewels and a spray of flowers above the ear at the left side, a veil falling at the back of the head. A jewelled necklace and cross round the neck. Over the shoulders and down the dress is a garniture of narrow gold chains or passementerie, filled in with silvery material, toning with that of the front, caught at intervals with jewels of table-cut diamonds. The sleeves of the dress are striped with narrow lines of golden passementerie, something like that on the garniture of the bodice.'

The portrait is obviously one of Mary in her youth, and must either have been painted before she left France in 1561 or copied from a picture of that date, for the reasons following.

The first thing to be noticed is the great likeness (though the head and figure are turned in the opposite direction) between the features in this portrait and those in the undoubted chalk sketch<sup>1</sup> in the *Bibliothèque Nationale* in Paris of Mary as

<sup>1</sup> Reproduced in *The Portraits and Jewels of Mary Stuart*, by Andrew Lang. See also *Scott. Hist. Review*, vol. iii. p. 137.



MARY, QUEEN OF SCOTS, QUEEN CONSORT OF FRANCE.

The Dalkeith Portrait.

In the possession of His Grace the Duke of Buccleuch and Queensberry, K.T.

Dauphine of France about 1559, attributed to either François Clouet or Jehan de Court.

The long rope of pearls on the front of the dress is arranged in the same way in both pictures, looped across the bust to the centre and then falling in two long strings to the waist or below.

Mary's ropes of pearls were famous,<sup>1</sup> and in one or two of the portraits they can be seen arranged in different ways; here we have them exactly as in the chalk sketch, but with the addition of a row worn across the bust just at the top of the stiff front of the dress and below the lawn chemisette. The *carcan* or necklace in the chalk sketch is not the same; it is entirely composed of large pearls. Yet the *carcan* in the Dalkeith portrait has a very important claim to notice. This *carcan*, with its pendant cross, is formed of diamonds, alternating with *entre-deux* of large pearls, set in groups of five. Now in the Inventories of Mary's jewels among all the *carcans*, *colliers*, *cotoires*, *ceintures*, etc., one can find many with *entre-deux* or '*couppletz*' of pearls set in clusters of two, three, four, or even six, but only three instances of groups of five pearls.

In the Inventory<sup>2</sup> of the jewels given back to the Crown of France, when Mary became the widow of François II., before she returned to Scotland in 1561, we find the following articles:

A *Bordure de touret*, a *grand collier d'or* and a *carcan*, all three composed of diamonds with *entre-deux* or *couppletz* of pearls set in clusters of five. In the *Bordure* the Inventory mentions '*huict coupplets de perles*,' and does not mention the groups of five; but as there were forty pearls in the valuation, it is obvious that it matched the *collier* and *carcan*. In the *collier* the '*cinq grosses perles rondes*' are noted. This is the description of the *carcan*. 'Un *carquant* de pareille façon auquel y a cinq dyamans deux en grosse point, un grande table taillé à face et deux petites tables dont y en a une rompue par la moitié et six coupplets de perles *entre-deux* où y a à chacune cinq perles.'

This being so, it becomes even more evident, when considered in connection with the *cordon* of pearls on the front of the dress (arranged as in the chalk sketch of 1559) that the

<sup>1</sup> Queen Elizabeth bought six of the ropes in 1568.

<sup>2</sup> Robertson's *Inventaires de la Roynie d'Écosse*, pp. 192, 193, 194.

portrait represents Mary in her youth as Queen of France.<sup>1</sup> While dealing with the *couplets* of pearls, set in groups of five, it may be noted that in a portrait of Elizabeth of Austria, wife of Charles IX. (the succeeding Queen to Mary), she also wears a *carcan* and *grand collier* of table jewels with *entre-deux* of pearls in fives; but the stones between are not diamonds, but alternate tables of rubies and emeralds. It can be seen from the Inventories that parts of sets of jewels were taken off and used with other pieces of jewellery. It is possible that Mary's successor may however have had the design copied with slight alterations.

The cross I have not been able to identify exactly. A large cross of *nine* diamonds was given back with the other jewels to the Crown of France,<sup>2</sup> but the cross in the Dalkeith portrait has only seven stones in it. Mary had several crosses, but the only one with seven diamonds<sup>3</sup> I can find is mentioned as having two cabochon rubies and, in addition, a pendant pearl. The pearl is noted as being added to the cross<sup>4</sup> from some loose pearls. 'Il a este prins des perles cydessus à pendre pour mettre à une croix de diamans et rubiz nue grosse perle,' but as we have seen previously jewels were constantly being altered, so the *rubiz* may, like the pearl, have been added to the original cross as an afterthought.

The jewels on the cap and on the ornamentation of the dress resemble the table stones of the necklace. They might be parts of the *Bordure de touret* and *collier*, mentioned before, detached from their clusters of pearls. There were nine table diamonds 'de plusieurs grandeurs' in the *Bordure* and eleven in the *collier*. There were also four extra table diamonds to lengthen the *collier*. Allowing for, say, five on the cap, this would give fifteen for the dress, which would accord with the distribution, so far as one can see, in this picture. In any case, Mary had many other jewelled *boutons*,<sup>5</sup> as can be seen in the Inventories.

<sup>1</sup> Bapst, *Histoire des joyaux de la Couronne de France*, pp. 55, 58.

'A l'époque de Marie Stuart . . . les entre deux ne sont plus de nœuds, mais des pompons de quates ou cinq perles ou des barettes de deux perles.'

So the beautiful Scottish queen's fashion might be copied often.

<sup>2</sup> Robertson's *Inventaires*, p. 197.

<sup>3</sup> *Ibid.* p. 76.

<sup>4</sup> *Ibid.* p. 82.

<sup>5</sup> 'Neuf tables de diamants faictes à boutons,' *Ibid.* p. 5, and others.

Taking, therefore, into consideration the pearl *cordon* on the dress, the jewels on it and the cap, the *carcan* with its diamonds and *entre-deux* of pearls set in groups of five, one may conclude that this picture is a portrait and a correct portrait of Mary, either painted before she left France or an early copy of such an original.

It is not easy to say where the picture came from originally, but it has been at Dalkeith for more than two centuries. There is a tradition that it was once at Smeaton ; but that helps little, for Smeaton was bought in 1707 by Anna, Duchess of Buccleuch, the widow of Monmouth,<sup>1</sup> and after that it was used as a residence by the Buccleuch family, with frequent changes of 'plenishings' between it and Dalkeith Palace.

John Loveday of Caversham mentions it in the account of his visit to Dalkeith in 1732 as 'a picture of Mary, Q. of Scots,' and it was doubtless included in the pictures Defoe and his co-editors saw at Dalkeith before 1769 and chronicled as 'some Royal Originals.'

It was reserved for Pennant to give a full and true description of this portrait. He says, in writing of his visit to Dalkeith Palace in July 1769 and of the pictures there :

A beautiful head of Mary Stuart : her face sharp, thin and young, yet has a likeness to some others of her pictures done before misfortune altered her : her dress, a strait gown, open at the top reaching to her ears, a small cap and a small ruff, with a red rose in her hand.'

MARIA STEUART.

<sup>1</sup> The Duchess' father, Francis Earl of Buccleuch, purchased the estate of Dalkeith in 1642, from William Douglas, 6th Earl of Morton. Queen Mary had visited James 4th Earl of Morton (afterwards Regent) at Dalkeith in 1565.

## ‘Teste Meipso’ and the Parochial Law of Tithes

IN the number of the *Scottish Historical Review* of April, 1918 (xv. 265), I drew attention to a passage in a treatise by Edward Henryson on the tenth Title of the Second Book of Justinian’s *Institutes* and to the *Decretals* of Innocent III. which he cites in support of the form *teste meipso*. The general question involved was further discussed by Mr. R. L. Poole (*ibid.* 359), and in the *English Historical Review* of April, 1920, by Miss Hilda Prescott (xxxv. 214). Neither of these writers is concerned with the specific case to which Henryson refers, but the Rev. Thomas Miller deals with it in an article on ‘The Parochial Law of Tithes’ in the March number of the *Juridical Review* (xxxii. 54). Mr. Miller has taken the enquiry a step further by identifying the *instrumentum* which was referred to in the Papal letter of 1206 as the *Concordia* of the time of David I. which appears in the Dunfermline and Cambuskenneth Registers and in Thomson’s edition of the *Acts of the Parliaments of Scotland* (i. 359), and by explaining the meaning of the phrase *testibus sublati de medio*.<sup>1</sup>

The additional light which Mr. Miller has provided enables the third point, with which the Papal letter deals, to be precisely stated. The four points dealt with are as follows :

(1) The legal doctrine *reconventio* does not apply in an arbitration. In other words, the arbiters are limited to the original terms of the reference. The decision of Innocent on this point appears in the *Corpus Juris Canonici*, in the Title *De arbitris* (*Decretal. Greg. IX. Lib. I, Tit. 43, cap. 6*).

(2) Documents can be produced in process up to the date on which judgment is given. The decision appears in the title *De fide instrumentorum* (*Ibid. Lib. II. Tit. 22, cap. 9*).

<sup>1</sup> It must be noted that Innocent does not call the *instrumentum* a *concordia*, but an *instrumentum super compositione inita*. The canonists, however, gave such a wide meaning to the term *instrumentum* that on re-consideration I am prepared to accept Mr. Miller’s view.

(3) Local custom to that effect may give to an instrument the character of an *instrumentum authenticum*. This decision also appears in the title *De fide instrumentorum*.

(4) An action containing possessory and petitory conclusions may be terminated by a single decree. This decision appears in the title *De causa possessionis et proprietatis* (*Ibid.* Lib. II. Tit. 12, cap. 6).

The question with which we are concerned is the third, and Innocent states it as follows :

‘Ex quo autem scrupulus tertiæ dubitationis emersit, quod monachi supradicti excipientes contra canonicos supradictos asseruerunt controversiam super præfatis decimis tempore inclytæ recordationis regis David fuisse per concordiam terminatam, super compositione inita instrumentum in medium producentes præfati regi sigillo munitum. Super quod nostrum postulastis responsum, *utrum instrumentum illud, testibus sublatis de medio, per se sufficere valeat ad probandum propositum, cum hinc inde fuerit allegatum.*’ The words printed in italics concisely present the point at issue. Innocent’s answer was as follows : ‘Super tertio vero capitulo taliter respondemus, quod inquiratis diligentius veritatem. Et si consuetudo illius patriæ obtinet approbata ut instrumentis illius regis fides adhibeatur in talibus, vos secure poteritis præfatum admittere instrumentum ; præsertim cum sæpeditus rex tantæ fuerit honestatis quod ipsius instrumenta maximæ auctoritatis sint in partibus Scoticanis.’<sup>1</sup> It is clear that the question concerned the validity of the instrument and not its subject matter, that the point involved was the competence of certain evidence and not, as Mr. Miller claims, a question of tithes. This is borne out by the position assigned to the passage in the Decretals of Gregory IX., which were compiled by Raymond of Pennaforte within twenty years of the death of Innocent III., and sent by Gregory to the Universities of Bologna and Paris in 1234. Gregory and Raymond treated the question as being one of probation, and the decision of Innocent III. was soon recognised as the *locus classicus* for the rule that for the purpose of proof local custom may give ‘authenticity’ to instruments which are not admissible by the strict letter of the Canon Law.<sup>2</sup>

<sup>1</sup> Migne, *P.L.* ccxv. 1127.

<sup>2</sup> A reference may be permitted to the Treatise of Lanfrancus de Oriano, *De instrumentorum fide et productione* (Zilettus, iv. 29 et sqq.) : ‘Instrumentum publicum secundum Innoc. in c. j. de fi. instr. dicitur scriptura, quæ plenam facit fidem

What were *instrumenta authentica*? They have been defined by a modern canonist of great authority as 'ea quae ex se fidem faciunt: sive ex oppositione sigilli autentici, puta episcopi vel principis saecularis cui creditur de consuetudine; sive alio modo, ita ut ad sui valitudinem non requiratur aliud adminiculum.'<sup>1</sup> It will be observed that the main requirement for an instrument of this class was an authentic seal, and that the definition reproduces the decision of Innocent III. with which we are concerned. The document obtained 'authenticity' by the presence of King David's seal.

Before the time of Innocent III., Pope Alexander III. (1159-1181) had decided in an English appeal that an instrument lost its force through the death of the witnesses unless it was executed 'per manum publicam' or bore an 'authenticum sigillum.'<sup>2</sup> Again, before the date of Innocent's decision, Richardus Anglicus (†1237) wrote in his *Ordo judiciarius* (circa 1190): 'Si instrumenta munita fuerint sigillo autentico, valent etiam testibus mortuis.'<sup>3</sup> The doctrine thus laid down was an extension of that of the Roman Law of the later Empire and of the Canon Law.<sup>4</sup> It probably marked a recognition by the Church of feudal claims and of the provisions of the Customary Law. The claims of national jurists are indicated by Bracton's note of 1224: 'Testificatio Domini Regis per cartam vel viva voce omnem aliam

producta coram iudice sine alterius adminiculo, unde tali instrumento publico producto in iudicio non est opus, quod testes in eo descripti producantur et deponant, nec est opus, quod tabellio deponat dictum suum, immo mortuis testibus et tabellione instrumentum facit plenam fidem... Caeterae scripturae censentur privatae secundum eum (Innocent), nisi consuetudo foret, quod certis instrumentis adhibeatur fides, nam si de consuetudine fides plena adhibeatur aliquibus scripturis, talis plenam facit fidem licet non sit per notarium confecta. Casus est in c. cum dilectus de fide instr.' It will be observed that Lanfrancus cites the letter of Innocent with which we are dealing as his authority for the proposition that local custom may have the effect of giving a public character to an instrument which is technically a private one. Had Innocent not granted to the *Concordia* of David this semi-public character, it would have had no effect, for, to quote Lanfrancus, 'quod licit scriptura privata habeat suscriptionem plurium testium, annum, mensem, diem et similes solemnitates: tamen si testes non recognoverint suscriptiones suas, vel mortui sint, et nulla sit facta comparatio, et pars negat, non probat' (*ibid.* § 55).

<sup>1</sup> Reiffenstuel, *Jus Canonicum*, iii. 82; cf. *Reg. Morav.* 126.

<sup>2</sup> *Decret. Greg. IX.* lib. ii. tit. 22, cap. 2; cf. *ibid.* tit. 20 cap. 50.

<sup>3</sup> Pertile, *Storia del Diritto Italiano*, vi. (1) 418, n. 53.

<sup>4</sup> D. xxii. tit. 4; C. iv. tit. 20, cap. 15; Nov. lxxiii. c. 7.

probationem excedit’;<sup>1</sup> and by the compilations of the French jurists of the thirteenth century.<sup>2</sup> Even Innocent III., writing in 1207 to the Bishop of Ely and other Papal delegates, admonished them to have regard not so much to the number as to the quality of witnesses; ‘ad multitudinem tantum respici non oportet, sed ad testium qualitatem.’<sup>3</sup>

It is, therefore, somewhat remarkable that Innocent when he came to deal with the *Concordia*, with which we are concerned, should have based its ‘authenticity’ on local custom. Henryson notes his disapproval by citing provisions from the *Corpus Juris Civilis* as to the plenitude of Imperial power, and Boehmer of Halle (†1749), another regalist, writes with reference to this decision of Innocent: ‘Instrumenta regum principumque nunquam carent sigillo authentico, atque inde fidem connatam habent, non ex consuetudine: alioquin sigillorum authenticorum nulla vel lubrica esset fides, si consuetudo de fide antea probanda esset: quod tamen ex decisione pontificis colligendum.’<sup>4</sup> This difficulty makes it necessary to consider the *authority* of King David’s instrument in the eyes of the Pope.

Innocent recognised the instrument as having in virtue of local custom the quality of an *instrumentum authenticum*. Now, in the Canon Law, this class of instrument was not an *instrumentum publicum*, but a private instrument which by an additional formality had been raised to the grade of an instrument approaching, but not identical with, a public instrument. As time passed, the terms ‘public’ and ‘authentic’ came to be treated as synonyms, but in the time of Innocent the distinction was a clear one.<sup>5</sup> The recognition of David’s *instrumentum* by the Pope represented the final phase of the long conflict between the old Papal and Imperial notarial system and the growing local and feudal independence which discarded the elaborate formalities of the old European regime. We may assume that a great Canonist like Innocent was not prepared to act contrary to the legal system which he did so

<sup>1</sup> Pollock and Maitland, *History of English Law*, ii. 669, n. 2.

<sup>2</sup> e.g. *Etablissements de St. Louis* (Ed. Viollet, 1886), ii. 348 and iv. 225, where the editor quotes a text of the fourteenth century: ‘sigilla baronum et maxime habentium altam jurisdictionem sunt autentica et faciunt plenam fidem sine inscriptione testium et maxime in ducatu Normanic.’

<sup>3</sup> Migne, *P.C.* ccxv. 745; cf. *Decret. Grat. II.* c. iv. q. 2 and 3, cap. 3, *Si testes omnes*.

<sup>4</sup> *Corpus Juris Canonici* (Halle, 1747), ii. 324.

<sup>5</sup> Reiffenstuel, *op. cit.* iii. 80 et sqq.

much to preserve. All that he did was to recognise that the piety of the King and the custom of the country added to the instrument in question a kind of inferior public character. It was a grave and from a legal point of view an epoch-making decision, marking as it did an important relaxation of the Canon Law of evidence.

The instrument, then, with which we are concerned was an 'authentic' instrument embodying the terms of a *concordia*. The *concordia* or *compositio* was frequently resorted to by ecclesiastics, and the Letters of Innocent III. and the Registers of the Scottish Monastic Houses contain numerous specimens. Pope Alexander III. (1159-1181) had decided that 'super decimis pacifica fieri possit concordia' and that 'si super decimis inter vos et aliquam personam ecclesiasticam de assensu episcopi vel archiepiscopi sui compositio facta fuerit, rata perpetuis temporibus et inconcussa persistat.'<sup>1</sup> In the Lateran Council of 1215 Innocent III. ordained that a layman could not act as arbiter in spiritual matters, and in the eyes of the Pope tithes fell within that category.<sup>2</sup> In passing this decree the Council was simply reaffirming the canonical practice, and it introduced no novelty. It was designed to check secular encroachments.<sup>3</sup>

Mr. Miller has attempted to confer on the *instrumentum* of King David the character of an Act of Parliament or at least of a decision of a Court of Appeal. He has disregarded the warning which Cosmo Innes inserted in his Introduction to the *Register of Dunfermline* against the practice of applying to the institutions of a primitive society the forms of a later age.<sup>4</sup> All that one is justified in saying is that the *instrumentum* is the record of the settlement of a dispute between ecclesiastics effected, so far as the resources of Scotland afforded, in a canonical way and authenticated by the magnates of the country in the most solemn manner at their disposal. In the course of time the *compositio* gained its developed and canonical form in Scotland, and was authenticated as an *instrumentum publicum* by a notary.<sup>5</sup> So long as the form can be traced it maintained itself

<sup>1</sup> *Decret. Alex. III.* 35, 5; *Decret. Greg. IX.* bk. i. tit. 36, c. 2; cf. *Decret. Greg. IX.* bk. i. tit. 36, *De Transactionibus* generally.

<sup>2</sup> *Decret. Greg. IX.* bk. i. tit. 34, c. 8.

<sup>3</sup> Migne, *P.L.* ccxv. 849, 1048, 1083, 1097, 1189; ccxvi. 95, 96, 255, 310, 1323, etc.

<sup>4</sup> *Reg. Dunf.* p. xxii.

<sup>5</sup> *Vide e.g. Reg. Pr. St. Andr.* 410, and *Reg. Ep. Glasg.* i. 265, 268.

clearly distinct from that of a legislative act or of the decree of a Court.<sup>1</sup>

Mr. Miller's main argument for the legislative character of David's *concordia* is based on the reference which it contains to the lands in the parish which did not belong to the royal demesne ('*terrae aliorum hominum parochialium*'). He argues that the King by dealing with tithes which were payable from the lands of his subjects was in effect making a law of general application. This argument 'begs the question,' in respect that it assumes that the *concordia* is an expression of the King's will as a lawgiver. If we treat the *concordia* as an arrangement between the parties representing the Parish Church and the Royal Chapel, it is clear that no other body had any claim to payment of tithes within the parish, and that they were not exercising any legislative function in apportioning between themselves the whole of the tithe.

Mr. Miller identifies the *Concordia* of King David with the *assisa Regis David* referred to in a *precept* of William the Lion. This identification was considered by Connell as possible, but he was not prepared to accept it (1) because the point in dispute occurred only between the Bishop of St. Andrews and the Monastery of Dunfermline; (2) because the title of the writing was against the supposition.<sup>2</sup>

Mr. Miller states, further, that Henryson 'claims that the *Concordia* is a statute of the realm.' This is not the case. Henryson's treatise in which the reference to the decretal of Innocent III. occurs is devoted to a question of probation, to the execution of Wills. He was not concerned with the authority or character of a document but simply with the formalities of execution, and his claim was that an instrument authenticated with a royal seal must be treated as an *instrumentum publicum*, irrespective of local custom. It does not follow that such an instrument must be a legislative act of general import. Henryson does not refer to the *Concordia*, and it is very improbable that, writing as he did in France, he made any attempt to identify it.

Mr. Miller contends, further, that Innocent III. was so much

<sup>1</sup> In an instrument of 1235 the Bishop of Dunblane writes of 'Ea que judicia vel concordia terminata sunt' (*Chartulary of Lindores*, ed. 1903, 54), and the same distinction between a *judicium* and a *concordia* was made by Pope Honorius III. in 1226-7 (*ibid.* 114); cf. *Summa de Legibus Normannie*, cap. 100 (ed. Tardif. Paris, 1896), p. 245.

<sup>2</sup> *Law of Tithes* (Edinburgh, 1815), p. 11 n.

impressed with the substance of the *Concordia* with which we are concerned, that he derived from it 'the parochial law of tithes,' and that his decretal of 1210 and the subsequent canon of the Lateran Council of 1215 were inspired by the arrangement made before the Scottish King. This remarkable theory will not bear examination. In the first place, Innocent was not concerned with the merits of the Eccles case, but only with certain specific points of Procedure and the Competence of Evidence, and the contents of the *Concordia* were not before him. In the second place, Innocent's decretal of 1210 and the Canon of 1215 did not introduce a novelty. They simply reaffirmed a principle which had often been disregarded in practice. In the year 1199, seven years before his letter regarding David's *instrumentum*, Innocent wrote to the Archbishop of Canterbury: 'Pervenit ad audientiam nostram quod multi in dioecesi tua decimas suas integras vel duas partes ipsarum non illis ecclesiis, in quarum parochiis habitant, vel ubi praedia habent, et a quibus ecclesiastica percipiunt sacramenta, persolvent, sed eas aliis pro sua distribuunt voluntate. Cum igitur inconveniens esse videatur et a ratione dissimile, ut Ecclesiae, quae spiritualia seminant, metere non debeant a suis parochianis temporalia et habere, fraternitati tuae auctoritate praesentium indulgemus ut liceat tibi super hoc, non obst. contradictione vel appellatione cujuslibet seu consuetudine hactenus observata, quod canonicum fuerit ordinare et facere quod statueris per censuram ecclesiasticam firmiter observari' (Migne, *P.L.* ccxiv. 672, cf. Selden, *Historie of Tithes* (London, 1618), pp. 229-231). Innocent's predecessor Pope Alexander III. clearly indicated 'the parochial law of tithes' in letters to the Archbishop of Canterbury and to the Bishops of Worcester and Exeter (*Decret. Alex. III.* Tit. 34, c. 1 and 3).<sup>1</sup>

Turning to Scotland, we find in the Register of Kelso a Charter by Robert, Bishop of St. Andrews, of a date between

<sup>1</sup> Reference may also be made to Concil. Ticinense, c. 2 (a. 855), in Galante, *Fontes Juris Canonici* (1906), 615; *Decret. Greg. IX.* bk. i. tit. 36, cap. 8, and *ibid.* bk. iii. tit. 30, c. 4, 5, 7, 8, 13; Thomassinus, *Vetus et nova ecclesiae disciplina*, p. iii. lib. i. cap. 9; Selden, *op. cit.* p. 283; Van Espen, *Jus ecclesiasticum Universum*, pars ii. tit. 33, cap. 3; and Suarez, *De virtute et statu religionis*, lib. i. cap. 21. Canon Law was to a great extent customary, and the Parochial Law of Tithes followed the delimitation of parishes. In France the boundaries of all the parishes were clearly defined by the end of the tenth century (Luchaire *Institutions Françaises*, Paris, 1892, p. 4); *Decret. Grat.* pars ii. causa xiii. q. i.; *ibid.* causa xvi. q. i. cap. 42 and 43 and cap. 55; *ibid.* causa 25.

1147 and 1150, in which he confirms the grant by the Abbey to the Church of St. Laurence at Berwick of certain tithes *in jus parochiae*. The Charter concludes: ‘Volo itaque ut praedicta ecclesia decimas et rectitudines praefatas habeat et teneat *jure parochiali* sicut aliqua elemosina liberius et quietius ab aliqua possidetur ecclesia.’<sup>1</sup> Again, in 1161, Pope Alexander III. issued a mandate to the people of the diocese of Glasgow that ‘ecclesiis in quarum parochiis habitatis juxta commonicionem venerabilis fratris nostri Glasguensis episcopi decimas quae de canonico jure debentur sine contradictione cum integritate solvatis.’<sup>2</sup> Reference may also be made to a number of twelfth-century *conventiones* regarding the respective rights of a Parish Church and a Chapel, in which the rights of the former are carefully guarded,<sup>3</sup> and to a *compositio* regarding tithes between William, parson of Hunsdun, and Melrose Abbey of 1185.<sup>4</sup>

To sum up the foregoing observations :

(1) Mr. Miller has misapprehended the import of Innocent’s letter and of Edward Henryson’s comments on it.

(2) He has given to the Eccles *concordia* a legislative or judicial character to which it has no claim.

(3) He has propounded a theory on the Law of Parochial Tithes which will stir the heart of every patriotic Scotsman and make Innocent and Raymond, Thomassinus and van Espen, and many other canonists turn in their graves.

DAVID BAIRD SMITH.

<sup>1</sup> *Liber de Calchou*, No. 445.

<sup>2</sup> *Reg. Ep. Glas.* No. 17 ; cf. *Reg. de Cambuskenneth*, No. 24, for analogous case of burial dues.

<sup>3</sup> *Reg. Pr. St. And.* 321, 322.

<sup>4</sup> *Liber de Melros*, ii. No. 129 ; cf. *Liber de Calchou*, i. No. 441. In this case the rector’s claim to the tithes was not supported, but the ground of the judgment of the Papal delegates is not given.

## The Arbuthnots of Kincardineshire and Aberdeenshire<sup>1</sup>

MRS. ARBUTHNOT'S book is a sound piece of genealogical work and a valuable contribution to Scottish family history. The author has been most painstaking and has told her story in a perfectly plain, straightforward way if occasionally at some considerable length. She has wisely eschewed all attempts at fine writing and 'gush,' which are too often the bane of lady genealogists. She has indeed an interesting story to tell, for few families have produced in their course so many distinguished men.

The Kincardineshire Arbuthnots (with two t's), now represented by the peerage family of that name, trace their descent from a certain Hugo de Swinton who got the lands of Aberbothenoth (from which he assumed his ultimate name) as early as the twelfth century. Who this Hugo was has not been definitely ascertained, though there is little doubt that he was closely connected with the ancient Berwickshire family of that name. Mrs. Arbuthnot gives the pedigree from him down to the present holder of the title, but she does not enlarge on them, as her proper subject is really the Aberdeenshire branches of the family, whose ancestor is supposed to have been Hugh Arbuthnot the second son of Robert Arbuthnot of that ilk, who died in 1450, by his wife Giles, daughter of Sir Walter Ogilvy of Lintrathen, Lord High Treasurer of Scotland. For about a hundred and twenty years the descent is somewhat nebulous, and we are faced with a goodly number of 'probabilities.'

But when we come to James Arbuthnot of Lentusche towards the end of the sixteenth century we begin to be on firmer ground. Mrs. Arbuthnot thinks there is good reason to believe that he was the great-grandson of the above-mentioned Hugh, and

<sup>1</sup> *Memories of the Arbuthnots of Kincardineshire and Aberdeenshire.* By Mrs. P. S.-M. Arbuthnot. Pp. 530. With 33 Illustrations and 3 Genealogical Charts. London: George Allen & Unwin. 1920. 63s. net.

brother of that Alexander Arbuthnot who was the joint printer along with Thomas Bassendyne of the Bassendyne Bible in 1579. His line, which in the person of his son John became that of Cairngall, is now extinct, and the present day Kincardineshire families are supposed to descend from the father of the laird of Lentusche, John of Legasland. And what an array of distinguished people sprang from him! There was the Rev. Alexander Arbuthnot, minister of the parish of that name, an ardent Jacobite, who was deposed from his living in 1689, not exactly by the third Viscount as stated in the text, but by the Privy Council, for his adherence to the Stuart cause. He it was who wrote a continuation of a history of the family originally written in Latin by another Alexander Arbuthnot, who was Principal of the University of Aberdeen in 1567. Both these annalists, however, confined themselves to the senior line of the family and did not touch the cadet branches, which are our present author's principal care. But perhaps the minister of Arbuthnot's chief claim to remembrance is not his family history but the fact that he was the father of a still more eminent man in the person of Dr. John Arbuthnot, the physician of Queen Anne, the friend of Mrs. Masham, and a participator in most of the political and Court intrigues of his day.

Little more than thirty years after his death another member of the family was born who was destined to play even a greater part in the public life of his country. This was Charles Arbuthnot, a grandnephew of the physician. To his career more than fifty pages of this volume is devoted, and there is much interesting matter in it, though some of it would have been more appropriate to a substantive biography. But our author is naturally anxious to vindicate his name from aspersions which have been cast on it in connection with his conduct of affairs when he was Ambassador to the Sublime Porte. In 1807 we had one of our periodic difficulties with Turkey, and the British Fleet successfully forced the passage of the Dardanelles, but having got through had the utmost difficulty in getting out again. This is not a story into which we can enter in detail, but the result was that Arbuthnot was recalled, and he then abandoned diplomacy for good and devoted himself to home politics, becoming in 1807 one of the joint Secretaries of the Treasury in the Duke of Portland's administration. In 1814 he married as his second wife Harriet Fane, a granddaughter of the Earl of Westmoreland. It was she, as is well known to

the student of the history of the period, who was the intimate friend and confidante of the Duke of Wellington, and after her death in 1834 Arbuthnot was perhaps the one man who was really intimate with the Duke, and continued his cherished and devoted friend till the close of his own life, which took place two years before the death of the great commander. Some curious glimpses are given in these pages of the Duke's domestic life. His wife was not suited to him, though she loved him immensely. She had neither the tact nor the ability to make the best of her distinguished position. The Duke was a hard man with no sentiment about him, but if his wife had managed affairs with discretion there would have been more tenderness in the establishment than there was.

The Arbuthnot family gave many eminent men to all the professions ; but it is curious to find that in the Church one of its most distinguished members was a dignitary of Rome. Charles Arbuthnot of the West Rora family was, we are told, 'brought up in the Roman Catholic faith' (though it is not clear why, as it is not said that his immediate family were Catholics), and was sent abroad for his education at an early age. He entered the Benedictine Order and became famous as a scientist, mathematician and chemist rather than as an ecclesiastic. He was, however, in 1776 appointed Abbot of St. James's Monastery, Ratisbon. He was perhaps rather a mundane Abbot ; besides his scientific eminence he distinguished himself by 'his remarkable skill at all games of cards, principally at Ombre, at which he is very fortunate.' We are also told by one of his relatives who visited him that he went every evening to the Assemblies or to the Opera, and that if St. Benedict were to come alive he would be rather surprised to see so gay an Abbot. He was a very handsome man, of charming manners, and Thomas Campbell the poet, who visited him on one occasion, described him as the most commanding human figure he had ever seen.

Not the most distinguished but one of the pleasantest figures which meet us in this gallery is that of Robert Arbuthnot of Haddo Rattray, who began life as a merchant in Peterhead, but came to Edinburgh, where he established a banking business, which was, however, not successful. He then obtained the post of Secretary to the Board of Trustees, an office which he held till his death in 1803. He was a man of strong literary tastes, and on that account was thought worthy by Boswell of an introduction to Dr. Johnson ; he was, too, an intimate friend

of the poet Beattie. Being socially inclined he was very popular in Edinburgh society. One of his sons, William, became in time Lord Provost of that city, and had the honour of being created a Baronet by George IV. on the occasion of the great banquet to that monarch in the Parliament House during the royal visit in 1822. And it was the great-grandson of the Lord Provost who nobly crowned a brilliant naval career, meeting, as Admiral Sir Robert Keith Arbuthnot, his death in the defence of his country at the battle of Jutland in 1916.

We have seen that one member of the family failed to succeed in the business of banking. It was given to another to show his outstanding ability in this line. George Arbuthnot, a younger brother of the Lord Provost, began his career as Deputy Secretary to the Government of Ceylon in 1801, but he resigned this appointment the following year and entered the house of Lautour & Co., bankers in Madras. He ultimately became the head of the firm, realising a large fortune, and altering its name to that of Arbuthnot & Co., the beginning of that great and long honoured banking house which for a century exercised a powerful influence in the mercantile community of the East till its disastrous end in 1906, long after the control of the business had passed from the hands of his direct descendants. He retired from business in 1823, came home and purchased the estate of Elderslie in Surrey, where he lived to the close of a long and honoured life, dying in 1843.

To the strange adventures of one of his daughters, Eleanor, Mrs. Arbuthnot devoted much space, and certainly tells an extraordinarily out-of-the-way and interesting story. She met in Ireland when a girl of eighteen a Mr. John Carden of Barnane Castle, Tipperary, a man of means and an eligible enough *parti* for her except in the matter of age, as he was forty-three. He became madly infatuated about her, and though she gave him no encouragement whatever he persisted in paying her attention and was never happy out of her presence. The story is a long one and cannot be related here. Suffice it to say that it ultimately ended in his attempting to abduct her, for which proceeding he was tried and sentenced to two years' imprisonment. After his release on the expiration of the term of his sentence he continued for years to follow her about the country, much to her distress and alarm, for there is little doubt that the poor man's mind had become unhinged. In the long run, however, she managed to get rid of him for good. He died, the

victim of unrequited love, in 1866, and his adored Eleanor survived him for nearly thirty years, dying unmarried in Ireland in 1894. She was for some years before that well known in Edinburgh, where she spent part of her later life.

It will be seen that besides mere genealogical facts there is a great deal of interesting matter in this book, and Mrs. Arbuthnot has executed her task of authorship modestly and well. It is a pleasure in these days to see a volume printed in such large and legible type, and with so many excellent illustrations. There are some useful pedigree charts which might have been fuller if they had been distributed throughout the book in detachments. There is an admirable index.

J. BALFOUR PAUL.